ON UNIVERSITY GOVERNANCE AND ACADEMIC FREEDOM

By

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The nature of higher education governance is quite unique. Although the ways of higher education governance vary with the country, there are some basic similarities among them. First of all, in contrast to primary and secondary education, which tend to be controlled by governmental regulations in general, higher education generally enjoys much greater autonomy. Further, in comparison with other organizations, the distribution of authority in institutions of higher education tends to be “bottom-dominated.” The reasons for this common pattern in governance, autonomy, and authority seem to be drawn from the origin of university itself, and the functions of higher education.

Historically, when the medieval universities emerged in Italy between the twelfth and fifteenth centuries, the universities were places where clusters of scholars gathering together autonomously for mutual studies. Burton R. Clark writes, “The early universities were themselves guilds and guild federation, collective efforts by students and faculty to sustain self-regulation among clusters of people with shared interest to control a small domain of activity and defend against other groups.” (1978, p. 37) Since then, the tradition of being “self-regulating” of Italian universities has been spread to universities around the world and it lasts to this date. Hence, the concept of autonomy has become an important idea about the university governance of today.

Another manifest phenomenon of university governance is so called “bottom-dominated” authority, by which Clark (1983, p. 133) means that the distribution of academic authority is heavily located in the hands of academic personages — professors. The faculty enjoy the freedoms of teaching and research. It is they who own the right to decide how to teach and what to teach on the one hand, and what to study and how to study on the other hand. Since the work of teaching and research in institutions of higher education require a depth of knowledge and may be highly technically oriented, it is too hard for
someone else to supervise it. In other words, the intricacy and unpredictability of both learning and investigation are factors that require a high degree of freedom from intellectually limiting external intervention and control if the work of professors is to be done effectively.

Although the ideas of academic freedom as well as professional autonomy of higher education are well recognized in most advanced countries in the world, it is evident that the degree of autonomy afforded by governments differs from nation to nation. In order to look at how much freedom and autonomy higher education has had, it is useful to break down the problem into two levels, i.e. the relationship between institutions of higher education and government as one, and internal governance as another. In terms of the former, two types of relationships could be identified from a comparative perspective: centralized vs. decentralized. In countries such as the United States, Germany, and the United Kingdom, the central government does not regulate higher education directly. Higher education in these countries might be characterized as decentralized. In contrast, countries like France, Italy, Japan, and Sweden place all or nearly all universities and colleges under one or more ministries of the central government. Higher education in the latter countries could be classified as centralized. (Clark, 1983, Burn, 1971). As usual, in countries with decentralized higher education, universities enjoy higher degree of autonomy than their counterparts in centralized countries, and vice versa.

In terms of internal governance, the distribution of authority within the institutions of higher education also varies among nations. Basically, there are three national modes of authority distribution. First, in most of the academic systems of the European continent (e.g. Italy, France, Sweden, and Germany), guildlike authority has predominated within the universities, with much personal authority at the operating level and with groups of professors exercising strong collegial rule over the higher levels of faculty and universities. In these countries, senior professors, usually the chair holders, have not only the extreme authority in decisions of teaching and research affairs but also in the selection of junior personnel and allocation of funds. Deans and rectors are simply elected by professors as amateur or nominal administrators on short appointments and easy recall. In other words, the traditional continental distribution of authority has placed authority at the bottom, in guild forms: and has only weakly provided for authority at the institutional level of the system (Clark, 1983, pp. 125–127).

The traditional British style of authority distribution serves as a second mode which has combined faculty guilds with a modest amount of influence from institutional trustees
and administrators. In the United Kingdom, the lowest level of university structures is almost universally the department, which embraces a teaching subject or discipline in a manner analogous to the U.S. case. Within the department the professorial head retains formal supremacy, but the hierarchy of authority has been less strict than in Italy or Germany, and formal provisions for some democratization of decision making are now common (Van de Graaff and others, 1978, p. 89). Further, it is the individual colleges and universities that have been chartered as corporations responsible for self-management, each to admit its own students, arrange its own courses, and hire its own faculty. Thus, in vertical hierarchy, the British mode has placed strong authority at the bottom, in guild forms, but has emphasized the collegial over the personal approach common to the continental systems (Clark, 1983, p. 129).

Still another type of authority distribution is the American mode. In the United States, the distribution of authority in universities, like the British, has combined faculty guilds with institutional trusteeship and administration. In contrast with the British, faculty rule has been weaker while the influence of trustees and administrators stronger. Within the context of the established powers of trustees and administrators, the faculty forms of personal and collegial authority do not achieve the influence they have in the European and British modes. Thus, in vertical hierarchy, the American academic structure affords institutional administrators and trustees relatively stronger authority than is the case in the European and British systems (Clark, 1983, p. 130).

The Japanese system provides a unique mixture of the continental and American modes. In the old public "imperial" sector, the chair holder has had a high degree of personal control over subordinates. In turn, as in the German model, the chair holder exercises strong collegial control within faculties and universities; and the superstructure, as in France, has centered in the bureaucratic staff of a national ministry. Institutional trustees are absent and institutional administration has been relatively weak. But, on the other hand, the large private sector, unlike anything in Europe, has great similarities to the American private sector: e.g. trustees, relatively strong campus administrators, and departmental organization (Clark, 1983, p. 131).

Comparing the different modes of internal governance, we find that it is evident the European continental mode and the Japanese public sector are more collegial in nature than the American, British, and the Japanese private sector.

While the relationship between universities and civil government as well as types of internal governance vary among different nations, academic freedom is recognized as the
college faculty’s sovereignty in most countries. Since scholarship cannot flourish in an atmosphere of suspicion and distrust, academic freedom is necessary for scholarship development (Olswang, eds., 1984, p. 10).

The scope of academic freedom is not unlimited, however. The essence of academic freedom in medieval times was mainly limited to the primacy of the faculty in determining the mission, curriculum, and academic standards of the institution and their autonomy in selecting the institution’s leadership. Then the idea has evolved to mean freedom in research and publication, freedom in the classroom, and freedom in extramural activities at present days (Olswang, and Lee., 1984, pp. 5–9).

By either of these explanations, some important limitations to these freedoms have surfaced. For example, the professor is expected to maintain “adequate performance” of academic duties, to refrain from including in his or her teaching “controversial matter which has no relation to his subject”, and to “exercise appropriate restraint [and] . . . show respect for the opinions of others” in extramural utterances (AAUP, 1977, p. 3). In other words, “Academic freedom is not a license for activity at variance with job-related procedures and requirement, nor does it encompass activities which are internally destructive to the proper function of the university or disruptive to the education process” (Olswang and Lee, 1984, p. 12). Therefore, behavior characterized as incompetence, insubordination, and moral turpitude should be excluded from the scope of academic freedom.

It follows that the protection of academic freedom for higher education does not mean that the public will tolerate complete laissez-faire within institutions. On the contrary, there are many factors which require the institutions to be more responsive to external and internal calls for accountability. For example, turmoil and disruption on the campus; political action by student and faculty members; severe shrinkages in governmental, corporate, and individual incomes, coupled with rising taxes; and mounting distrust of higher education by the public all seem to give rise to increasing demand on colleges and universities to justify what they are doing and to disclose the effectiveness and efficiency of their operations. Perhaps, as never before, institutions, administrators, faculty members, and even students find themselves accountable to a wide range of both internal and external agencies. Institutions and faculties, much to their concern and distress, have discovered that their autonomy is by no means absolute, and that, in fact, it is often highly vulnerable (McConnell, 1971, p. 446).

As a rule, an individual loses autonomy to the extent to which he is answerable to an external agent. Therefore, a university faculty can not be completely autonomous if it is
accountable to administrator or trustees; the corporate university is not completely independent if it is answerable to donors, the legislature, or the electorate.

In recent years the most irritating problem faced by institutions of higher education in the United States perhaps is growing federal government intrusion. Constitutionally, higher education in the United States has been reserved as a state and local responsibility. But, due to declines in enrollment and scarcity of resources, universities are more and more dependent on federal support. In order to get funds from the federal government, many universities are subject to lots of federal regulations. For example, those regulations dealing with equal employment opportunity, affirmative action, social security taxes, unemployment compensation, occupational health and safety, and environmental protection all affect universities’ operations indeed (Tuckman, 1980, p. 143).

While intrusion has grown, so, too, has the extent of state government control over the fiscal administration of public institutions. Among the factors which may strengthen the hand of state finance departments are a steady increase in the governor’s power to supervise and control all state programs; a tendency to tighten controls over spending and program duplication because of the increasing costs and complexity of higher education; and the development of complex management information systems, cost analyses, and program budgeting, all of which provide instruments of review and control for state finance officers, and thus diminish the autonomy of public institutions (McConnell, 1971, p. 449).

In order to show that the institution is accountable, colleges and universities are more inclined to establish rules on faculty time, effort, duties, and behavior, for example, institutions are now under substantial pressure to increase faculty workload—to do more with less: faculty are required to work in full-time effort; outside consulting work is restricted and must obtain prior approval in advance; institutions are entitled to assert rights over patentable inventions and faculty are obligated to disclose to the university all inventions that may be patented (Olswang and Lee, 1984, pp. 26–47). Meanwhile, institutions tend to employ periodic review of faculty performance as a means to maintain public faith in the quality of the institution.

While review of faculty performance is regarded as a reasonable way to insure faculty members’ performance, those regulations mentioned above could potentially threaten autonomy and academic freedom. Thus, the overall situation of increasing regulation makes higher education a less desirable environment in which to work. Accordingly, faculty morale and job satisfaction has been negatively affected (Olswang and Lee, 1984, p. 56).

Ideally, academic freedom and autonomy need not be sacrificed in the name of
accountability. We should be able to figure out a better way of internal governance which would satisfy the need of achieving faculty accountability and without infringing the academic freedom at the same time. One way to implement the ideal is to involve faculty directly in the study and promulgation of regulations for professional conduct (Olswang and Lee, 1984, p.iv). In other words, faculty should be actively involved in the creation or modification of institutional policies or structures designed to address requirement for accountability. The more that faculty participate in the decisions, the more likely they will accept them and to develop policies which are effective.

In short, though the background wherein universities develop is different, the emphasis on autonomy and academic freedom in governance is the same. Recently, there are many factors, especially the scarcity of resources, which have given rise the general concern about accountability in university governance. Nevertheless, the emphasis on demanding for accountability should not infringe autonomy and academic freedom. Since knowledge can be better flourished under a free-atmosphere; therefore, institution autonomy and academic freedom should not be interfered in the name of accountability. And, by the same token, those laissez-faire attitudes, incompetence and misconduct should not be tolerated under the name of protection of autonomy and academic freedom, either. Thus, the problem of how to balance the two desiderata has become a critical issue. In other words, the challenge is to develop ways to ensure accountability without seriously dampening creativity or the attractiveness of the academic work. The problem is certainly not easy to solve, but the suggestion of joint faculty/administrative model in university governance is worth trying.
REFERENCES


論大學管理與學術自由

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本文研究之主旨有三：一在於從各國政府的教育行政制度及大學內部結構與權力分配兩方面探討先進國家大學管理之模式，藉以說明各國大學所享學術自由之情形；二在探討適來大眾對學校績效的要求不斷提高的情形下，對於大學自主權及學術自由所產生的影響如何？三在尋求如何有效管理大學而不致影響學術自由之可行途徑。

就各國政府對於大學的外部管理方式而言，由於各國政府教育行政制度互異，因而管理方式亦有不同，不過，一般說來可概括為中央集權制與地方分權制兩種類型。前者可以法、日、義、瑞典等國為代表；後者則以美、英、西德等國屬之。比較而言，凡教育行政制度屬地方分權制之國家，其大學所享之學術自由常較中央集權制為高，反之亦然。

就大學之內部結構與權力分配而言通常可分為三種類型：第一種類型可以歐洲大陸國家如義、法、瑞典、西德等國為代表，這類國家之大學內部的權力如人事、經費、教學等權多半操在資深教授，特別是講座教授手中，故此類國家之大學似可稱之為「教授治校」型；第二類可以英國為代表，英國大學之管理雖然擷取了部份教授治校的精神，但是其董事會與學校行政主管如校、院長又具有相當的影響力，且其大學的基本結構單位是學系，頗似美國而自成一類；第三種類型可以美國為代表，其大學之管理揉合了教授治校與校董事會治校兩種方式，但與英國相較則教授治校之權較弱，而董事會與學校行政人員之權則較大，也就是說美國大學行政部門及董事會之權力較歐洲及英國大學為大。日本之情形則兼具歐洲大陸型及美國型兩種特色，其國立的帝國大學的管理頗似歐洲大陸型，而私立大學則與美國管理方式極為相似。

近年來美國各大學由於經費困難，因而對於聯邦政府的經費仰賴程度日益加深，聯邦政府在補助各校經費的同時，為使經費的使用具有績效起見，往往附帶有若干條件與限制，因此，無形中加深了對各校的約束，影響所及，學術自由亦受到了相當程度的衝擊。

理想的大學教育不應該在要求績效的情形下而犧牲了學術自由，吾人應該尋求出兩全之策，其中一個較有效的辦法即是讓教授們有充份參與校政之機會。換言之，可以採取一種教授（教學人員）與行政人員共管的方式來管理大學，使行政工作的推動與學術自由的保障能夠同時兼顧。
保障學術自由，促進學術發達是各國管理大學的最高指導原則，我國對於學術發展一向重視，今後大學管理應如何改進以增進學術自由，而利學術發展確實值得研究，本文之作即在藉對各國大學管理方式之探討，擷取他國之經驗，以供我國之參考。