

Chapter 29

Governance Within the EHEA: Dynamic Trends, Common Challenges, and National Particularities

Robin Middlehurst and Pedro Nuno Teixeira

29.1 Introduction

It is popular to claim that higher education systems (and higher education governance specifically) have changed *significantly* in recent years – in large part in response to policy initiatives at national and regional levels. A recent analysis of governance reform in higher education points to broad reforms in Western and Eastern Europe in the 1980s and 1990s and an acceleration in the rate of change and reform since the late 1990s (CHEPS 2009). Major policy developments at the European level highlighted as part of the quickening pace of change in recent years include the Sorbonne and Bologna Declarations (1998, 1999) and the Lisbon Strategy (2000). These were two different policy processes, but have become increasingly intertwined and by 2005 (in the Bergen Communiqué) their separate goals intersected and actions linked to the Bologna Process were increasingly informed by the Lisbon targets. Underlying this convergence was recognition that higher education institutions and systems were central to the achievement of Europe's economic and social goals.

Policy developments at national or local levels, by themselves, however, do not give us the full picture. They are, as Fernand Braudel the French historian suggests, part of 'histoire evenementielle', responses on the surface to deeper structural changes (Braudel 1987). One must also pay attention to Braudel's 'longue durée',

R. Middlehurst (✉)

Kingston University, Vice-Chancellor's Office, River House, 53-57 High Street,
KT1 1LQ Kingston upon Thames, UK
e-mail: r.middlehurst@kingston.ac.uk

P.N. Teixeira

CIPES, Faculty of Economics, University of Porto, Rua 1º dezembro,
399 4450-227 Matosinhos, Portugal
e-mail: pedrotx@fep.up.pt

where more powerful forces are driving deeper structural shifts at system level.¹ From this latter perspective, at least three deeper driving forces must be part of the picture of change in higher education systems: economic, socio-demographic, and technological forces. Economic developments have brought increasing prosperity to Europe since 1945; and are also associated with the growth of a global knowledge economy. The economic outlook in Europe since 2008 is no longer so positive, with recession and sovereign debt in a number of European countries causing serious concerns. This difficult financial situation has added to the pre-existing troubles of higher education funding, especially as regards public sources, which have become increasingly stretched in recent years (Teixeira 2009). Secondly, socio-demographic changes in Europe are linked to an increasing demand for higher education. Despite sometimes adverse demographic trends, the demand for higher education has not receded and we have seen a movement across the EHEA towards mass participation systems with stronger expectations of lifelong learning. Thirdly, technological developments, particularly in Information and Communication Technologies (ICT) are transforming the ways in which the core functions of higher education – teaching, research and service to society – are conducted and delivered. Each of these deeper forces has direct and indirect implications for governance in higher education. They also, of course, provide a context that has been moulding political and policy responses at the European, national and local levels under the general rubric of ‘reforming’ or ‘modernising’ higher education systems and institutions.

Bearing in mind this context, this paper aims to provide a brief portrait of the main trends in European higher education governance and the major policy and institutional challenges derived from them. We begin with an examination of the terminology of ‘governance’ at institutional and system level. Then, we reflect on European developments in the context both of drivers for change and wider global developments in governance. The third section briefly discusses some emerging themes and issues in higher education governance in Europe, which are explored in depth in a series of related chapters. The last section highlights a range of challenges that exist for governments, agencies and higher education providers as they seek to ensure that governance systems are responsive and appropriate for changing environmental conditions in Europe and in a global context.

29.2 Governance and Higher Education – Some Conceptual Remarks

Governance in higher education has different meanings and applications, both broad and narrow in scope (Middlehurst 2004). In addition, in theory and practice, notions of governance and ideas of what counts as effective governance in higher education

¹Acknowledgement is also given here to Professor Sir Peter Scott who used Braudel’s dual perspectives in a discussion paper on leadership and governance for the Leadership Foundation: “A New Deal for Higher Education: All Change, Slow Change or No Change?” (LFHE 2011).

are contested (Schofield 2009). Governance is usually defined as the structure and process for decision making at the institutional or system level. Gallagher states that “*Governance* is the structure of relationships that bring about organisational coherence, authorise policies, plans and decisions, and account for their probity, responsiveness and cost-effectiveness. *Leadership* is seeing opportunities and setting strategic directions, and investing in and drawing on people’s capabilities to develop organisational purposes and values. *Management* is achieving intended outcomes through the allocation of responsibilities and resources, and monitoring their efficiency and effectiveness. *Administration* is the implementation of authorised procedures and the application of systems to achieve agreed results” (Gallagher 2001).

Like many authors studying the governance of higher education, Gallagher’s focus is at the institutional level where he points to the ‘structure of relationships’ as being at the heart of governance. In practice, Gallagher’s ‘structure’ involves relationships between people with specific positions and interests (executives and trustees), relationships between functions of different kinds (academic and professional services) as well as relationships between different roles, for example, representational, expert or *ex officio* roles. Gallagher’s description also points to the dynamics of decision-making as a key focus of governance, with the triple purposes of bringing about ‘organisational coherence’, ‘authorisation,’ and ‘accountability’ for the decisions taken. He does not refer specifically to the constitutional and formal documents where the authority to make policy and take decisions at institutional level is defined (charters, statutes and other legal or statutory instruments). These are important and necessary reference points for governance, particularly where different interests and values come together, where decision-making contexts are dynamic and resources finite, and where politics and conflict are an inevitable part of the process.

Nevertheless, other authors tend to adopt a slightly broader perspective about the meanings of governance in higher education. Marginson and Considine consider that: “Governance (...) is concerned with the determination of value inside universities, their systems of decision-making and resource allocation, their missions and purposes, the patterns of authority and hierarchy, and the relationship of universities as institutions to the different academic worlds within and the worlds of government, business and community without. It embraces ‘leadership’, ‘management’ and ‘strategy’” (Marginson and Considine 2000:7). For these authors, Gallagher’s ‘structure of relationships’ for governance extend in two directions, to the staff and student communities inside the institution and the stakeholders outside it.

As George Keller states, governance is itself an ambiguous word (Keller 2001), referring to those who administer the affairs of an organization, as well as to those who manage higher education (at the system or institutional level) and also to the influence that constituents have in the decision-making processes of higher education. Thus, governance is concerned with institutional goals (strategy), purposes (mission), and also values, in other words determining what is important and what counts (Marginson and Considine 2000). This can relate to inputs to institutions (physical, human or financial), to processes (ways of operating and organising) and to outputs and outcomes (various aspects of institutional performance and contributions to wider social and economic goals). This definition reminds us that governance is

a process – but can also offer a formal framework – where different values can be highlighted, where conflicts of values can be played out, and indeed, where core European values (such as academic freedom, democracy, freedom of speech or respect for diversity) can (and need to be) upheld. Hence, any overview of governance issues should recognize the diverse and sometimes sharply divergent perspectives about the topic, for example, between the academy and institutional management or between governments and institutional leaders (Stensaker and Harvey 2011; Locke et al. 2011).

Descriptions and analyses of governance arrangements in higher education refer both to institutional and system levels. Clearly, these represent two distinct zones of operation. At the system level, the players are Ministries (national or provincial), state-level agencies and university bodies. There are also bodies with an influence on governance at European level (Eurydice 2008) and also international bodies such as UNESCO, OECD or the World Bank that also have a bearing on governance at national, state and local levels. Even where the levels appear quite distinct, there is either a narrow or wide interface between levels which represents a highly political space where power and influence are debated, contested and exchanged. Responsibility for higher education within a country (or state) typically lies with a department of government led by a Minister, although in several countries, responsibilities for higher education are spread across government departments or Ministries. There may also be ‘buffer or arm’s length bodies’ between the government and institutions. The Ministry typically oversees higher education compliance with national laws, sets national or provincial frameworks for higher education and determines national strategic priorities and policies for the system. Agencies may deal with funding, quality assurance and external policy guidance; they may also (as in the case of Rectors’ Conferences or the EUA) be formal consultative, liaison or lobbying bodies for HEIs and promote collaboration, co-operation and exchange of good practice on governance. Together, these system-level functions include decision-making, advisory, operational and regulatory responsibilities (Eurydice 2007, 2008).

Several authors tend to distinguish between external and internal governance (see Rosser 2002). External governance refers to the degree of supervision by government and public authorities, which reflect not only the frequent public ownership of many higher education institutions, but also the fact that even non-public universities are regarded as having, at least to a certain extent, a public mission. The external governance of higher education is inseparable from its social purposes (see Heller 2004), namely the expected contribution of higher education regarding the advancement of knowledge, the training of qualified labour, the promotion of greater social equality, and a series of external benefits usually associated with higher education (e.g. lower crime rates, healthier habits, stronger environmental commitment, etc.) (see Weisbrod et al. 2008).

As regards external governance models, the usual types presented include the command or control model, the market model, and the autonomous model (see Kogan 1992; Clarke 1983). The first model describes a situation in which HEIs are seen mainly as an arm of government required to pursue a set of objectives

mostly related to the political and social agenda. The influence of this model saw its heyday in the postwar decades of the twentieth century, but its sway significantly diminished in most European countries only in recent decades (Neave and Van Vught 1991; Neave 2009). The second model reflects a situation in which HEIs are regarded as autonomous institutions that perform certain tasks in response to a kind of contractual relationship with the government (which in turn financially compensates institutions for performing those tasks). This second model has attained increasing relevance over the last decades (for an analysis of the developments in the EHEA, see De Boer et al. 2009), following the general trend of marketization of higher education (Teixeira et al. 2004; Teixeira and Dill 2011; see also Chap. 30 by de Boer and Jongbloed in this volume). The third and final model reflects the view that HEIs are financially supported by society, namely through government funding, in order to pursue their mission (assuming that this will directly and indirectly contribute to the social good), but that in order to do this they should be autonomous from significant government (or other external) intervention. This model has been under scrutiny in recent years (Massy 2003) and presents significant tensions with either of the previous models. Whereas in most of the twentieth century the clash has mainly been with the command model, developments in recent decades have highlighted the tensions with the market model (Newman et al. 2004; Bok 2003).

As regards internal governance models, a few ideal-types are normally proposed through which universities' governance is analysed (Rosser 2002; Rhoades 1992). The first type is the bureaucratic model according to which the decision-making process of an organization is managed by a formal and complex hierarchical organization through a set of formal rules, policies, and channels of communication. A rather different mode of governance is the so-called collegial one, which emphasises the need for consensus and consultation and the role of academics and students in governance. A third type is denoted as 'political', and this highlights the primary role that power, conflict, and politics have in influencing universities' decisions and the extent to which decisions reflect the agendas of the various groups involved in governance and the potential coalitions among them. Finally, there is the so-called cybernetic type, according to which an institution is largely self-directed and where the role of leadership is mainly focused on monitoring the activity of the institution, providing feedback about its activity as well as any necessary corrections (Birnbaum 1988).

These very different views of internal or institutional governance in higher education reflect the organizational peculiarities of these institutions. Paraphrasing Weisbrod (1988), higher education institutions (like many nonprofit organizations) often combine the strengths and weaknesses of government and profit-oriented organizations. HEIs have a limited power to compel actions and are restricted in their power to use the surpluses they generate. On the other hand, they tend to be regarded as more trustworthy organizations because of their nonprofit nature. Moreover, they tend to be more flexible than many governmental organizations, due to their historical structure and the high degree of autonomy they tend to enjoy. The complex issue of institutional governance in higher education is built on the nuanced relationship between authority, influence, and power (Keller 2001).

The aforementioned complexity is also reflected in the fact that the decision-making process in many higher education institutions is based on formal and informal structures that involve (to variable degrees) each of the significant groups and interests in an attempt to build the largest compromise as possible for reaching decisions (Rosser 2002).

One of the central issues in universities' missions is their contribution to the public interest. However, serving the public interest is a complex issue and the diversity of institutions also reflects different ways of achieving this goal – potentially in different ways than how the government and policy-makers may have intended (see the background Chap. 42 by Reichert in this volume). Clearly, the financial aspect plays a major role in relation to 'mission' since public universities (and even many private ones) receive a major share of their revenues from public sources. This is particularly the case in continental European higher education (Estermann and Pruvot 2011). External governance through public or quasi-public authorities is increasingly being felt in many higher education systems through the rise of quality assessment and accreditation systems (in addition to funding arrangements) (see the background Chap. 14 by Sursock in Volume I). Other external forces influencing the governance of higher education institutions concern the role that political, social and business interests can exert in higher education, especially in those institutions that have a stronger local and regional orientation defined in their mission statement (for the potential influence of these interests, see Harclerod and Eaton 2005). Other relevant external constituents include alumni and donors (see Schmidlein and Berdahl 2005), both of which have been gaining more visibility in recent years in European HE due to the pressure for revenue diversification and their potential role in this respect (Teixeira and Koryakina 2011).

Among experts in models of governance, universities are often referred to as "organized anarchies" or "loosely coupled systems" (see Clarke 1983; Rhoades 1992). This reflects the complexity and specificity of these organizations and the impact of these factors in internal decision-making processes. One of the major complexities refers to the multidimensionality of higher education's objectives. This is a source of tension since universities are supposed to fulfil multiple objectives and the relevance awarded to each of these objectives will necessarily vary across each constituency. The rising marketization of recent decades has given particular prominence to this matter (Slaughter and Leslie 1997) and has shaped the political debate about how we should approach governance in higher education, including fostering important policy changes.

29.3 Symbolic Representations of HE Governance Reflecting Multiple Constituencies

The governance of higher education is a disputed territory for various reasons. One of the factors is diversity in the ownership and sponsorship of higher education institutions (Keller 2001). These range from state organizations to regional and

local organizations. In the case of privately owned institutions, we find for-profit and non-profit institutions, with the latter group presenting a wide diversity of secular and religiously affiliated organizations. Another major factor is the role of multiple constituencies in HEIs' decision-making processes which results in multiple, diverse, and often conflicting views about the governance mechanisms of higher education. We can view this diversity through symbolic and historical 'lenses' as outlined below.

A classical way of looking at the governance of higher education is through an '*Academic-expert*' lens where different historical traditions coalesce. One derives from the medieval concept of a guild of masters who achieved corporate status as an *universitas* and were recognised by clerical authorities (the Pope) and by the king, as a *studium generale*. By the thirteenth century, in Paris first, followed by Oxford and Cambridge, these institutions were represented by a rector in dealing with external authorities (Shattock 2006). Clarke (1983) describes the notion of 'collegial authority' that arises from the guild arrangement where an individual master, based on his personal domain of knowledge, controlled the work of subordinates while the masters collectively exercised control over a larger territory of work. Such 'collegial authority' is also associated with 'self-governance'. The right to self-governance was claimed both on the grounds of expertise in specialist domains of knowledge (academic autonomy) and on the basis that a legitimate function of academic institutions was to act as centres of alternative opinions within a political system (Becher and Kogan 1992). University governance thus required a degree of separation from public authorities and independence from the state (institutional autonomy). Exercising collegial authority also involved a particular form of participative decision-making (see Chap. 35 by Amaral et al. in this volume). Collective decisions between the masters were to be reached through a process of discussion and consultation among peers of equal status, representing different domains of knowledge, until consensus was reached. This model of collegial (or 'professional') governance has many adherents within higher education and is part of the deliberative structures of internal governance (Senates, Courts and committees) that operate within many universities and colleges.

A quite different perspective on governance is the so-called '*Bureaucratic-civil society*' lens. A starting point for this view is a comment made by Bargh and her colleagues in their study of university governance in publicly-funded institutions, namely that "the pattern of university governance is shaped by the nature of the relationship between universities and their paymasters, generally, the state" (Bargh et al. 1996:161). Over time, universities' paymasters have extended and expanded from local communities and local benefactors to regional and national authorities, and today to a myriad of different paymasters representing public and private interests and sources of funding. In many parts of Europe in the nineteenth and twentieth centuries, concepts of university governance (at institutional level) had little meaning since universities were state institutions whose administrative (though not academic) arrangements were the same as in other parts of government (see Neave 2009). University staff, as civil servants, enjoyed security of employment but were governed by the same regulations as other civil servants. In many European countries,

the appointment of professors had to be confirmed by the ministry and Rectors were often chosen by government. University buildings were typically owned and maintained by the state while the internal structures of universities were also determined by the state. Faculties and professorial chairs were established by ministries and parliaments so that overall, “oversight of the management of universities remained the responsibility of the state” (Bargh et al. 1996:165). Current modernisation and reform agendas at national and European levels are seeking to change these bureaucratic systems (although they still exist in many countries), shifting them towards autonomy and self-governance. However, autonomy is no longer to be based solely on academic primacy in governance. Instead, the emphasis is on corporate values and managerial structures of governance (Eurydice 2008; see also Chap. 31 by Paradeise in this volume).

A third way of looking at higher education governance is through the “*Student-community*” lens, which contains both historical and modern strands of development. In historical terms, the earliest medieval universities offer various examples of students’ strong involvement in governance. Shades of this tradition remain enshrined to this day in arrangements for the election of Rectors in many European universities. A second historical strand refers to the idea that students are academic apprentices en route to joining ‘a guild of masters’ and is still expressed in degree ceremonies in a number of European universities. More recently, these ideas have become part of the notion of active ‘student engagement’ with their university and their own educational experience (see Chap. 34 by Klemencic in this volume). The modern strands of these ideas are strongly represented in the Bologna Process where student ‘representation’ is a key feature both at system-level policy discussions where the ESU is a key partner and within institutional governance where students are a formal part of both corporate and academic systems of governance at all levels of the institution. Still more recent developments bring a new strand into the frame: the student as consumer where ‘the student voice’ needs to be heard and to be present in institutional decision making within management and governance as well as academic arenas. This customer orientation corresponds to a view that the “only reason to create and maintain a formal organization like a business or university is to perform functions that someone – a customer – needs which cannot be done alone or in small groups” (Chaffee 1998:18).

A fourth way of looking at higher education’s governance is through the “*Corporate-market*” lens. The genesis of this perspective is modern, arising from neo-liberalism and New Public Management ideologies (Pollitt 1990; Ferlie et al. 1996) and the rise of quasi-markets in higher education (see Teixeira et al. 2004).² One set of beliefs is that higher education institutions should be run more like

²The concept of quasi-markets was developed as a useful way of categorizing some of the more popular reforms for introducing market forces into existing publicly financed systems of education (Le Grand and Bartlett 1993). Government regulation and financing will still remain important mechanisms of coordination, but other aspects of the market, such as competition, user charges, individual responsibilities, and freedom of choice, are introduced into the system in an attempt to stimulate and simulate market behavior among (mostly) public institutions.

corporations so as to increase efficiency and productivity; a later strand is concerned with institutions operating as enterprising businesses in a global higher education marketplace. In governance terms, 'corporate' implies more executive management control within institutions, with less 'administration' and fewer committees, combined with a Board of trustees or governors with external lay (i.e. non-academic) representation that will hold the executive to account (see Chap. 35 by Amaral et al. in this volume). Where the emphasis within the corporate perspective is on efficiency and effectiveness, the market emphasis is on entrepreneurial behaviour – identifying new sources of revenue and seeking new opportunities to extend teaching and research, notably by increasing university-business links and partnerships. Both these strands are associated with more competition (within and between higher education systems) and with a much more fluid balance and set of relationships between publicly-funded institutions and private higher education providers, both non-profit and for-profit (Middlehurst and Fielden 2011; Teixeira 2009). The corporate-market perspective is visible in many parts of the world and is variously described as the 'corporatization' or 'privatization' of higher education.

These four lenses on governance highlight the range of interests and actors that are involved in institutional governance: academics, managers, students, external stakeholders including business and state representatives. The balance of power between these groups differs within institutions and countries and is generally in a state of flux. Were it to be in a state of equilibrium, one could say that 'shared governance' was operating. In an environment of scarce or constrained resources and increasing competition, there is more likely to be an unequal balance of power and more conflict between different sets of interests so that the practice of governance will be more or less politicised (Baldrige 1971; Kezar et al. 2006; Magalhaes and Amaral 2009).

29.4 European Developments in Governance in a Global Context of Change in Higher Education

European higher education has faced significant change over recent decades. One of the major features of this change has been the persistent expansion of higher education. This expansion has been increasingly linked to economic motivations and purposes. Governments have been convinced that advanced qualifications and high level skills are a key factor in promoting economic growth and development. An economic discourse has prioritised the creation of an institutional context favourable to the development of innovation and entrepreneurship and this in turn has strengthened the view that the accumulation of human capital can improve the economic prospects of different communities (Grubb and Lazerson 2004). Thus, changes in the individual and social motivations regarding higher education have had a major impact in the external and internal regulation of higher education institutions, notably by stressing the economic dimension of higher education and the potential of institutions to contribute to individual and socio-economic goals.

This shifting view about institutions and their primary purposes has led to a need to rethink and adapt the contextual framework in which these units operate. If we regard institutions as part of an industry, then the context in which they operate should promote a rational use of resources in order to maximize the social return relative to the resources allocated to the higher education sector. Hence, we have seen a reconfiguration of the sector along market rules, often through policy initiatives and government interventions that have affected funding mechanisms with a goal of promoting closer interaction between universities and industry (for examples of these policies see Chap. 30 by De Boer and Jongbloed in this volume). This has been particularly noticeable in countries with a mature HE sector. Government policies have stimulated institutions to view students as consumers and have nurtured commercial links between universities and private companies.

Changes in governance in the EHEA are therefore part of a longer-term process of modernisation of higher education in Europe that can be traced back at least as far as the 1980s in its present forms (see Chap. 31 by Paradeise and Chap. 32 by Moscati in this volume). The rationale for this ‘modernisation agenda’ is described in detail by the European Commission (EC, MEMO/06/190, Brussels 2006). The particular problems highlighted by the Commission include fragmentation of the European higher education system; insufficient diversity within HE systems; over-detailed and constraining national regulations; under-use of knowledge produced by universities through separation between universities and businesses’ innovation systems; a lack of preparedness for competition arising from globalisation; insufficient funding for universities; and lower access rates to universities than in other leading world regions. The most recent communication from the European Commission (EC, COM (2011) 567.final) sharpens the focus on higher education’s economic role, i.e. to support ‘growth and jobs’.

As higher education has continued to expand, governments’ responses have been to seek structural changes at system level, establishing new higher education sectors or developing private sectors still further and the promotion of new universities of applied science (see Chap. 42 by Reichert in volume 1). The boundaries between public and private sectors and vocational and professional education and levels of education are also blurring (Bjarnason et al. 2000; Middlehurst 2001). In some countries binary divides between sectors have been abolished, in others they have been maintained, but are reportedly under pressure. In several countries re-structuring has included mergers of institutions within and across higher education sectors. There are also a variety of initiatives to encourage research collaboration between higher education institutions as well as between public universities and private companies through networks, alliances and clusters. As a result of these shifts and changes, the dominant situation in European higher education seems to be that of different forms of institutional differentiation, with a large number of countries with a binary or dual system (Taylor et al. 2008) – and others with even greater levels of diversity and differentiation. Such differentiation and diversity is often a motivator for introducing changes in system and institutional governance arrangements (for an analysis of institutional responses see Chap. 31 by Paradeise in this volume).

The trend towards expansion has raised significant economic challenges both for institutions and governments alike. The fact that the number of students enrolled in higher education has multiplied several times in a few decades has called for a huge investment in hiring more academic and non-academic staff, investment in new and better equipped lecture-rooms, libraries, etc. The financial cost of the higher education system has become a significant issue in almost every country and governments have been struggling to find additional funds to sustain (and often pursue further) the process of expansion. Moreover, the financial challenges faced by higher education have been enhanced by an adverse financial situation within the wider public sector during much of the last two decades. The so-called crisis of the welfare state has challenged the sustainability of the traditional reliance of higher education on public funding (Barr 2004).

Arguably, higher education has now moved from an expanding sector to a mature industry (Levine 2001). In its expansion phase, growth was seen as a sign of improvement and HE managed to keep public and social actors satisfied by accommodating larger numbers of students. In its mature phase, external stakeholders have become more demanding and are no longer satisfied by the addition of more activities or expansion of existing ones. The rising costs of higher education cause concern among policy-makers and public opinion has encouraged increased political and social scrutiny of HE (Birnbaum and Shushok 2001). Hence, the political environment has focused increasing attention on the external and internal efficiency of the higher education system. Many governments have tried to strengthen the external efficiency of the system and have sought more responsive institutions. This has had important consequences for prescribed modes of external and internal governance, notably through a much more explicit participation of external stakeholders in formal and informal mechanisms of governance.

Another important implication of the pervasive managerial and economic dimensions of institutions has been the rising influence of academic management (Meek et al. 2010; Gumpert 2001). This has challenged the traditional sovereignty of intellectual and professional expertise as the key legitimate foundation for academic management decisions (as discussed in Chap. 33 by Pechar and Chap. 35 by Amaral et al. in this volume). The internal allocation of resources within HEIs has increasingly prioritized financial and economic criteria versus intellectual, epistemological, historical or organizational ones. Furthermore, the contribution of a subject, a programme or a staff member to the ability to generate resources is increasingly used as an indirect measure to assess the social and economic relevance of that unit or individual and their effectiveness in responding to social and economic needs.

29.4.1 European Developments at the System-Level of Governance

With respect to governance reforms, the main agenda has been concerned with seeking to create real autonomy and accountability for universities (EC Memo 2006:3).

From a system perspective, the aim has been to move from a 'state control model' to a 'state supervising model' (Neave and Van Vught 1991) in which the state designs a framework of rules and policy objectives for the system as a whole and institutions have the freedom and responsibility to set their own missions, priorities and programmes, decide on their own organisation and internal management, manage their own estate and physical assets, and recruit, train and incentivise their own staff. In return, universities are to be held accountable to society for their results, including the cost-efficiency and effectiveness by which the desired outcomes are achieved. The state's role becomes 'evaluative' rather than directive (Neave 1988). At institutional level, traditional modes of academic self-governance need to shift toward new models of managerial self-governance (Eurydice 2008) that are intended to be more efficient and more responsive to society's needs and customer demands. To support greater institutional self-management, Member States should also build up and reward management and leadership capacities within universities, perhaps through national bodies dedicated to university management and leadership training (EC Memo 2006:4).

Major trends in governance reforms in the European Higher Education Area have included legislative changes (new higher education acts) and in some countries changing the legal status of institutions. As part of the shifting authority between the state and universities, new steering mechanisms have been developed. Partly inspired by the Bologna Process (but also by wider government agendas and agency action), quality assurance and accreditation systems have been established and good practice shared across networks within the EHEA (Sursock 2011; Amaral and Rosa 2011).

De Boer and File (2009) point out that shifts in system governance have become more complex and dynamic with authority and power distributed at different policy levels and with more actors involved. This is described as 'multi-level, multi-actor, or multi-vocal governance' (p10) where co-ordination increasingly takes place at inter-connected levels. Researchers illustrate that state power is moving (or being delegated) in three directions: upwards to the supra-national level (of the EU, for example), downwards towards provinces, local governments and higher education institutions themselves and outward, as some of the traditional tasks of the state are moved to the periphery (to NGOs) or are being privatized (Pierre and Peters 2000). The state's role is different across countries. In some cases, it is more 'facilitative' and 'co-operative', creating an environment aimed at delivering stronger performance outcomes rather than seeking these through detailed intervention; in other cases, the state is acting more as 'market engineer' by using mechanisms of supply and demand in governance processes (see Chap. 30 by de Boer and Jongbloed in this volume).

Research on European-wide changes in governance has also identified the drivers underlying notions of 'less government but more governance', and this seems to be largely driven by the financial implications of larger and more costly higher education systems and institutions (de Boer and File 2009). Nonetheless, the change is also ideological, linked to pervading beliefs in the market as a co-ordinating mechanism for higher education and in 'New Public Management' as an organizational approach for modernising public services (see Chap. 32 by Moscati and Chap. 35 by Amaral et al.

in this volume). Associated with both of these ideologies is an increased emphasis on competition as a means to enhance the efficiency and quality of higher education. It is important to note, however, that although these trends were discernable across countries, they vary in extent, pace, timing and style based on very different histories, cultures and operating conditions. There are early adopters and late reformers. In some parts of Europe radical political changes were enacted in the early 1990s, in other countries, aspects of the modernisation agenda had already been a reality for many years while in others, the modernisation agenda has hardly started. So governance arrangements at system level are, in their detail, as heterogeneous as the EHEA itself – and this is also the case at institutional level. Research at the level of individual countries highlights emerging themes and issues that are highly contextual. A simple linear relationship between policy directions set at European level and governance reforms at Member State level rarely exists and socio-economic, political and historical factors are likely to be more dominant for individual countries or, indeed institutions (for an analysis of different national responses, see Chap. 31 by Paradeise and Chap. 30 by De Boer and Jongbloed in this volume).

29.4.2 European Developments in Institution-Level Governance

At the internal level, the overarching theme in governance over the last 20 years has been institutional autonomy (de Boer and File 2009). However, autonomy has different meanings in higher education and this issue has fuelled substantial debate in higher education policy and research. Researchers describe various dimensions of autonomy, for example, ‘substantive’ (meaning control over academic and research policy, the award of degrees, curriculum design, student selection and portfolio of programmes) and ‘procedural’ (meaning authority over financial management, human resource management, the deployment of physical and other assets) (Berdahl 1990). In a recent multi-country survey, it was noted that the degree of autonomy granted in recent governance reforms in different countries differed along two dimensions: ‘structural freedom’ (meaning the freedom to determine internal structures and organisation) and ‘stakeholder involvement’ (meaning the degree of internal and external stakeholder involvement in governance arrangements) (quoted in CHEPS 2009). Another major European study has also distinguished between ‘organisational autonomy’ (deciding on internal governance structures, internal authority arrangements, responsibility and accountability structures and ability to select the institutional leadership); ‘policy autonomy’ (the ability of universities to constitute themselves as academic communities – the equivalent of Berdahl’s substantive autonomy); and ‘financial autonomy’ (the ability to decide on the internal allocation of public and private funds, to diversify sources of income, to build up reserves and to borrow funds on the capital market) (see CHEPS 2009). In the context of autonomy linked to accountability requirements, also discussed is the issue of ‘interventional autonomy’ and the extent to which institutions are free from accountability requirements.

Where institutions have received more autonomy and authority, the first level has been concerned with institutional strategy development, typically within a broad mission determined by national authorities. Internal governance structures may also be determined through national legislation, but institutional leadership, academics and students and to an extent, external stakeholders, are also involved. In most countries, study programmes are designed at institutional level although accreditation procedures and criteria restrict degrees of freedom. Institutions also have substantial freedom to design internal quality assurance procedures within overall national and European guidelines. Financial autonomy has increased in terms of internal budgeting and resource allocation, but does not always include extensive income diversification as yet; determining tuition fee-levels, for example, only happens in a few countries. Human resource management, staff selection and recruitment have also been devolved to institutions, typically within framework conditions set by governments. However, with regard to student selection and admissions and access policies, while there is a trend towards more autonomy, centralised national procedures and regulations are still in play. Finally, in pursuing their own priorities and in responding to a more globalised and competitive environment, institutions have engaged in a variety of partnerships at several levels.³

In relation to organisational autonomy, a recent EUA study found that while most countries had external regulations relating to the form and structure of decision-making bodies in universities, there was still a degree of independence available to institutions (Estermann and Nokkala 2009). There was a trend towards inclusion of external members in university decision-making processes, especially where dual governance structures existed (such as a Board/Council and Senate) – and such structures were on the rise (see Chap. 35 by Amaral et al. in this volume). In some countries there was also a clear shift towards ‘CEO-type rectors’ associated with greater autonomy in design of management structures; however this was not universal with a significant number of more traditional modes existing where the rector is an academic ‘*primus inter pares*’, selected by the academic community from among the professors of the university.

Trends towards greater autonomy are accompanied by various forms of accountability so that institutions are required to report on, to be audited or inspected in relation to their funding and financial management, their quality and academic management, their overall performance and their responsiveness to students and wider stakeholders. In a detailed study of accountability in different countries around the world and in trans-national contexts (including across Europe), several common trends are identified (Stensaker and Harvey 2011). Firstly, there is increasing government interest in accountability and government is a key player in new initiatives in the field; external and upward forms of accountability dominate.

³International arrangements have proliferated (associations, networks, alliances, consortia) based on historical, geographical and disciplinary ties; there are similar groupings at national and regional levels (Beerkens 2004) and public-private partnerships are also a feature of this landscape (Fielden et al. 2010).

Secondly, in many countries, special agencies set up by government are emerging charged with producing information used for accountability purposes for government itself but also for prospective students, their parents and future employers. These agencies may also have other purposes, for example dealing with aspects of the Bologna Process, internationalisation issues or providing some control over private providers of higher education. A third trend is that accountability in most countries is associated with quality assurance procedures. While there are a number of other accountability measures including funding instruments, developmental contracts, research indicators and legal obligations, the core accountability instrument is quality assurance, mainly through accreditation schemes (see Chap. 14 by Surssock in volume I).

29.4.3 Developments in Governance Beyond Europe

Despite some specificities, many of the aforementioned trends in the EHEA follow global developments in higher education's governance. In a recent survey on global trends in university governance, the main pressures on higher education systems appeared to be driving governance changes (Fielden 2008). These pressures included increasing demand for higher education and expanding participation rates, growing complexity and diversity of higher education systems and national expectations of higher education's role in economic development. Given these pressures, the old model of central control of higher education by governments is being replaced by other models based more on strategic oversight accompanied by increasingly sophisticated forms of monitoring and performance review. As in Europe, the direction of travel is from control to autonomy with accountability, and the comparison also shows a similar trajectory to Europe in terms of governments' reform agendas. Whereas reforms in the 1990s and early 2000s were concerned with legal and constitutional changes between the system and institution levels, recent reforms have been concerned with developing more complex supervisory and reporting regimes including performance against strategic objectives, performance against an agreed contract with the state and performance related to national policy objectives and targets. Accompanying these developments, governments are seeking useful performance indicators to measure the success of their own policies and also to assess comparative institutional efficiency and effectiveness. Once again, these are similar to European developments mentioned earlier (Brown 2010; Hazelkorn 2011).

At the institutional level, legislation often defines not only the relationship of the institution with the state, but also the relationship and powers of internal governance structures vis-à-vis the state. A common approach is for a higher education act to define the powers of a university board as the supreme governing body of the institution, accountable to a minister (or buffer agency), with the detailed powers of the board set out in university-level statutes and regulations. Legislation also typically defines the status of the president (rector) with accountability to the board, although processes and powers relating to the selection and appointment of the President vary

quite substantially across countries (Middlehurst et al. 2010). A comparison of the characteristics of governing boards across 15 countries, including a selection from Europe, East Asia, Africa, North America and Australasia points out striking parallels (Fielden 2008). Public institutions in Europe (e.g. Denmark, Norway, Sweden, and the Netherlands) share common features of internal governance with Japan, Indonesia, Tanzania, Australia and the US. There are nevertheless differences in terms of Board composition with some countries having strong external, lay membership (Denmark, Tanzania, UK, Australia) and some retaining a majority of internal and academic membership (Hungary, Pakistan, Norway).

More theoretical studies (Huisman 2009) show parallels too in governance developments between Europe and other higher education systems globally and also highlight differences in the pace of change, cultural differences in the intent and consequences of policy as well as differences between rhetoric and reality. The comment by Paradeise et al. (2009) concerning governance reforms in Europe applies more strongly if the analysis is global, namely that “‘the convergence’ thesis in higher education public management reform is still at the very least partial and premature” (p93).

History matters, particularly for developments in governance, since the latter depends significantly on the timing of the creation of each higher education institution and the very particular development of each higher education system (see Chap. 31 by Paradeise and Chap. 33 by Pechar in this volume). Thus, older universities will tend to present modes of governance reflecting their medieval origins. Likewise, universities created through state initiatives and systems that were largely shaped by state intervention throughout the nineteenth and early twentieth centuries will reflect this state intervention in their modes of governance. Moreover, the same institutions will evolve in their modes of governance reflecting fashions and trends in higher education policy, which quite often leave traces even after being displaced by subsequent modes of governance. Currently, therefore, there is a certain degree of eclecticism in university governance, with many institutions combining historical modes of collegial and bureaucratic governance with more recent corporate-like and market-oriented ones. The symbolic representations of university governance described above illustrate the combination of historical and modern influences, interpretations and inter-connections within higher education governance arrangements and practices.

This eclecticism also reflects a contemporary tension in university governance between an institutional leadership willing to assert its power and authority and a significant resistance from traditional academic governance (see Chap. 32 by Moscati, Chap. 35 by Amaral et al., and Chap. 33 by Pechar in this volume). This tension is often solved through degrees of compromise with joint-committees and what some would call dual-governance (Keller 2001). This shared governance consists of sharing the authority among the various constituent groups and interested parties (Rosser 2002). The ensuing balance has often been regarded as a major strength of university institutions, even in periods of change, since various stakeholders are involved in processes of transformation. Nevertheless, this balance seems to be shifting as a consequence of the renewed strength of institutional

leadership and increasing external pressures towards greater market orientation for institutions. Despite criticisms about the ineffectiveness of more collegial modes of governance and oft-expressed fears about its crisis and replacement, a recent study (Kaplan 2004) has shown that the actual situation is far more favourable. Faculty continue to have a significant role in governance in many institutions and their participation continues to be valued. Nonetheless, the same study also confirmed that the balance of power has been changing over time, with visible advances in the power of management in decision-making. These advances have been more prominent in some institutions, especially in those with lower research intensity, where the prestige and symbolic power of faculty tends to be lower.

29.5 Concluding Remarks – Emerging Themes and Challenges in European Governance

There are, of course, a range of challenges arising for governance within and across countries in the EHEA related to the economic context within Europe and the wider global economy. Pressures on public funding of higher education exist in many countries with a range of implications, including opening up the higher education system to private providers and encouraging publicly-funded institutions to diversify their sources of income and become more ‘commercial’. The consequences for governance may over the medium term be profound both at system level in terms of new regulatory frameworks and potential challenges to existing quality assurance or accountability arrangements, and at institutional level in terms of the potential for conflict between academic and commercial interests. Even were conflict not to be the key issue, increasing complexity in university operations will challenge the exercise of governance as well as the selection of governors (academics, students and lay people) capable of giving the necessary time and expertise to the role. The combination of universities becoming more permeable to external influences and the internal need to negotiate between different interests has increased tensions and the real challenge for governance will be to make this a creative tension rather than a destructive force.

Socio-demographic changes linked to increasing demand for higher education, mass participation systems and life-long learning, particularly when combined with resource and funding pressures, are likely to mean that movement towards greater institutional differentiation and system diversity will intensify (see Chap. 42 by Reichert and Chaps. 19 and 43 by Hazelkorn in this volume). Institutional efforts to build networks and consortia, including public-private partnerships, will form part of the picture, alongside mergers and acquisitions that are either orchestrated at state and system levels or form part of private sector market opportunities. If ICT developments are factored into these developments, including more distance and on-line learning provision and the emergence of new providers offering higher education in new forms, perhaps more flexibly and at lower cost, then the predictions of ‘disruptive innovation’ at system and institutional level will become pertinent

(Christensen 2011). ICT developments also have implications for governance operations: it is much easier to argue for transparency and accountability if data can be easily collected and reported through performance indicators and other management information processes. Trends towards system steering through performance monitoring are likely to increase with concomitant requirements for management competence within institutions and associated governance expertise to understand and interpret the data appropriately.

Amongst many other possible governance challenges, four further issues are highlighted, some of which are beginning to be explored, but where more attention is warranted both in theoretical and practical terms. The first issue concerns networks, and may be understood in different ways. Firstly, new configurations in the landscape of higher education mean that existing boundaries are being blurred (e.g. between public and private sectors of higher education), dissolved (e.g. boundaries of time and space in the case of asymmetrical learning opportunities), traversed or re-formed (e.g. in trans-national or cross-institutional organisations). These structural developments have implications for governance in terms of challenging the forms of governance that currently operate and apply to individual sectors, individual institutions or individual, national jurisdictions. However, the concept may also be applied to people in particular roles (actors) where public policies are debated, designed and implemented through horizontally-constituted networks in a non-hierarchical, dynamic and cybernetic form (what Paradeise et al. 2009, describe as 'Networked Governance'). A third and somewhat similar interpretation involves the development and implementation of higher education policy through policy networks, for example at European level, but other international organisations could be included as well as numerous other agencies at national, regional and local levels. In this case, policy networks involve informal relationships that are needed for policy-making (and implementation) to be effective and that are created in the grey area between state and civil society (Padure and Jones 2009:108). The same authors argue that policy network analysis can be used as a theoretical framework for research to examine the effects of multi-level governance on higher education policy and practice. These different interpretations of networks – in terms of structures, processes and governance relationships – are useful areas for future exploration as they pose both conceptual and practical challenges for higher education governance.

A second challenge is associated with 'relationships,' again in both structural and process terms. In much of the policy literature (particularly at EU level) the focus is on the formal structure of relationships between actors or organisations and systems. What is needed to supplement these analyses is discussion of the dynamics of relationships at the micro-level, for example between the Rector and the Board, or the changing dynamics of power relationships between institutions (of different kinds) and governments, what de Boer and colleagues have called 'the doing of governance' (de Boer et al. 2007:6). Stensaker and Harvey's (2011) analysis of accountability regimes and relationships does explicitly focus on power and trust, while recent analyses of 'good' governance in an Australian context (Goedegebure et al. 2009) and of 'governing body effectiveness' (Schofield 2009) in a UK context get closer to the dynamics of governance. In addition, a recent Higher Education

Policy Institute report (HEPI 2011) offers an interesting personal reflection on the dynamics of power in institutional governance based on the experiences of an institutional leader. Governance is likely to become yet more challenging for those involved as tensions between competing values, ethical dilemmas, the need to prioritise interests and scarce resources dominate governance agendas.

A third area of challenge is linked to the issue of relationships, values and interests and the ‘effectiveness’ of governance. Once again, there are different dimensions to the issue. Goedegebure et al. (op cit.) touch on one aspect and that is the extent to which governance systems in higher education can be exercised with integrity in terms of espoused standards of public life or more particularly with reference to the Good Governance Standard for Public Services developed in the UK (CIPFA & OPM 2004). The evidence, they suggest is equivocal. Given the challenges ahead, for example, in relation to growing commercialisation of some university activities or potential ethical dilemmas arising in respect of the governance of transnational education or international research collaborations, or challenges to academic freedom in different European countries, the question of what counts as ‘effective’ governance with respect to particular values will grow in significance. A further dimension of ‘effectiveness’ arises in relation to the focus of institutional performance; what impact do particular governance arrangements have on academic performance in terms of international research and teaching excellence? In the UK, it is a point of observation that those institutions that achieve the highest levels of academic performance (Oxford and Cambridge) do not have the governance characteristics that are currently espoused in the ‘corporate-hierarchical’ framework for institutional governance (and nor do other highly-rated institutions such as Harvard). A recent study of governance based on the perceptions of academics of changing working practices and internal governance arrangements sheds some light on this issue (Locke et al. 2011), but more in-depth studies of the effectiveness of governance in relation to academic performance (as well as responsiveness to students or society) are needed to assess the reality as well as the rhetoric underpinning reviews of governance in European higher education.

A fourth and final challenge refers to the balance between universities’ economic and non-economic dimensions and the associated implications for institutional governance. The tendency to perceive institutions as a quasi-economic organization has overshadowed the view that these are a peculiar type of economic organization (Winston 1999). Furthermore, we should not forget the fact that higher education is more than an organization. Universities are institutions, with a mission, and not merely organizations, although these terms are often used interchangeably and the latter has tended to predominate in recent times (Gumport 2001). A focus on the organization tends to (over)simplify the nature and the social role of HE and it devalues the role of history, tradition, norms, path-dependency; it also contributes to a narrower view of the scope and legitimacy of higher education as a social institution. Higher education institutions cannot escape the fact that they need resources to develop their activities. However, they can do this in very different ways. One approach may be to extinguish the institutional dimension, to become – essentially – an organization that provides academic services. Alternatively, a balance can be struck between

the need to accommodate market signals and respond to short-term economic and social demands with a long-term commitment to the university's (long-term) institutional mission. HE's responsiveness to social and economic needs may not only entail benefits, but also costs and problems. Following Weisbrod (1988), we may argue that HEIs, like nonprofit organizations in general, may diverge from for-profit organizations not only because of their legal constraints (notably regarding profit-making and more specifically, the deployment of 'surpluses'), but also because the motivations and goals of their managers and directors differ. Being quite different types of organizations, HEIs tend to attract leaders and managers that have different goals and styles of leadership. However, the more the governance structure of higher education is aligned with corporate modes, the more it will attract a certain profile of leaders and managers that will reinforce that bias. Thus, more attention is needed to the analysis of the types of leadership that need to be developed in order to help in developing effective forms of governance in an increasingly diverse higher education landscape.

In looking across the EHEA, there are some common governance issues emerging, albeit they will have different implications and solutions in different countries. The research contributions prepared for this theme aim to combine attention to issues that have wide relevance across several members of the EHEA with an attention to national and regional specificities. The chapters included in this thematic track highlight some comparable trends, although they also signal important national and institutional specificities. The first two contributions address the current trends in governance in Europe. These two contributions provide a scenario in which to explore and bring into sharper focus the debates, policy changes and specific arrangements at system and institutional level. They offer insights into what is currently happening within the EHEA, providing an update on developments as well as a critical perspective on the rhetoric versus the reality of changes in governance. In the first one, Harry de Boer and Jongbloed give particular attention to the increasing role played by market forces in higher education and the changes at the system level. They highlight the fact that the government's role has changed in several ways, though it has not by any means disappeared. In the following Chap. 31, Catherine Paradeise portrays the changing landscape of governance in Europe and reflects about national and institutional differences in the response to those changes. Although the prevailing view is that much change has taken place, she points out important nuances and the need for more research to substantiate actual changes on the ground.

The following two contributions by Roberto Moscati and Hans Pechar take a more focused look into national developments regarding two very important developments in university governance in Europe, placing them within the wider European context. On the one hand, we see the growing role of middle management in higher education, and, on the other hand, the actual or perceived decline of academic power associated with shifts from an academic-collegial form of governance to a corporate-managerial mode. In the case of middle managers such as Deans and heads of department (but also those in professional support roles such as finance, marketing, human resource, enterprise management or management of student services)

there has undoubtedly been an increase in workload and administrative as well as managerial responsibilities. These changes come about as much from the widening roles of universities, the expectations of accountability to a variety of external bodies and changes to working patterns associated with ICT developments as they do from changes to internal governance arrangements (although causes and effects are interrelated and difficult to disentangle). The two remaining contributions address the issue of the changing internal balances of power with the development of new structures of university governance. The decline of the academic oligarchy has been discussed by a number of authors over decades (e.g. Halsey 1992) but it needs to be nuanced according to national and institutional circumstances.

In Chap. 35 by Alberto Amaral and his colleagues, they review this wider trend and place it vis-à-vis the growing involvement of external stakeholders in university governance with examples from several European countries. They also reflect about the underpinning rationales for those changes and the way these are transforming universities' secular ethos. In the contribution by Manja Klemencic, the author addresses the theme of student participation in governance. In her chapter, she reflects on the different types of engagement that we can identify regarding higher education students, namely with the State, the University, with academics, and with Student' organizations. Klemencic reflects on important questions such as to what extent does student involvement bring with it a greater focus on high quality teaching and learning and responsiveness to students' needs or what role do students play and how different is this depending on who they are, for example, undergraduate or postgraduate, international or domestic students, part-time or full-time?

In summary, this overview has sought to capture the nature of governance changes at system and institutional levels over recent decades with reference to a wide range of studies. While governance is changing across the EHEA, the changes in train are not uniform in pace, style or impact. They are also part of much larger changes in the operating environments of higher education that will continue to have an impact on both the theory and practice of governance. Critical perspectives and different lenses will continue to be needed to keep higher education governance under the spotlight. Despite some resistance, notably by academics and students, Bologna reforms have been accepted (often – but not universally – rather passively) in many countries. This apparent passivity has created a challenge to engage internal constituencies in the implementation of substantive change and it is likely that more conflict will emerge as we move towards deeper implementation. Thus, policy-makers, institutional managers, and higher education researchers need to dialogue more to help European HEIs to develop forms of leadership and governance that promote greater degrees of engagement with internal and external stakeholders. We are confident that the breadth and depth of the contributions assembled here will be an important step in this respect by helping us to understand better the current developments in governance in the EHEA. They will also provide important insights regarding the challenges and limitations of current trends and in so doing, may help to devise modes of governance that will enable European universities to perform their missions more effectively.

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