

Academic Board and the Academy: Seizing the Moment

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In the past decade, much has been written about the governance of universities from the point of view of the superior governing body, frequently called the 'Council'. Less has been written about the academic body, sub-committees to council, usually named, 'academic board'. The dearth of writing on academic boards relative to that on university councils, does not reflect the high level of interest in academic boards of Australian University Quality Agency (AUQA) auditors. The AUQA audit reports, their recommendations, affirmations and commendations, demonstrate the important and changing role of academic boards, driven by change in the style of management of universities and the quality framework of which AUQA is a part. They also demonstrate the need for universities to pay closer attention to their academic boards. Other circumstances surrounding higher education in Australia, including the commencement of the second cycle of AUQA audits, continued discussion of the National Governance Protocols and implementation of the revised National Protocols for Higher Education Approval Processes reinforce the author's view that universities must seize the moment and embark on more careful discussion of the role of academic boards, their interrelation with council and university management and their role as the voice of the academy.

1. Introduction

In the past decade, much has been written about the governance of universities here and overseas from the point of view of the superior governing body, frequently called the 'council'. Less has been written about the academic body that usually consists of a majority of academic staff, a few general or professional staff and students and *ex officio* members of the executive or senior University management. In Australia, these academic bodies, sub-committees to councils, are usually named, 'academic board'. The dearth of writing on academic boards relative to that on university councils does not reflect the high level of interest in academic boards of AUQA auditors. The AUQA audit reports, their recommendations, affirmations and commendations, are replete with references which demonstrate the important and changing role of academic boards, driven by change in the style of management of universities and the quality framework of which AUQA is a part. They also demonstrate the need for universities to pay closer attention to their academic boards. This paper will discuss changing approaches and attitudes to the academic board.

2. Origins of the academic board

Like the councils, academic boards have evolved over time. They have origins in professorial boards and sometimes retain this element in their contemporary form. They vary in size, from very large bodies with an unspecified number of members, determined according to the constituent parts of a particular university, to smaller ones that are less representative in their composition. They are often seen as slowing decision-making, a necessary outcome of their relation to the governing council and the layers of subordinate committees with which they share the work load. They are also seen as collegial and as a forum for debate.

3. Council reforms and academic boards

The Commonwealth Government's scrutiny and Minister Julie Bishop's continuing interest in university councils, their size, focus, role, corporate interest and expertise, is resulting in the council becoming more like a corporate board. As councils have been reduced in size and their membership transformed to be primarily external and to include more members with business expertise, academic boards remain as perhaps the most significant, formal, contemporary expression of the medieval heritage of modern universities and the characteristic collegiality associated with the academy that is often contrasted with the 'new' managerialism of universities (Meek and Wood (1997), Marginson (1999), Considine M. (2001), Coaldrake *et al.* (2003), National Institute for Governance (2003), Considine D. (2004), Thornton (2005), Edwards (n.d.)).

In Australia, most universities are established by legislation and the changes to councils have required amendments to university acts. Usually, the university act refers to the academic board as a sub-committee of council and the chair of the academic board is named as an *ex officio* member of the council. Of course, as the ultimate governing body, the council of the university has primary responsibility for the corporation. Academic boards usually recommend on matters academic, with some academic decisions made by the council, depending on how power has been delegated (Meek and Wood, 1997; Coaldrake *et al.*, 2003).

The result of the changes made to councils has led to a clearer divide between the role of council and the role of academic board. Though this has arisen largely from recent history, it is also a product of historical factors and legal principles, of the structure of the historical corporation of the university and the people who make up the membership of the university corporation. Members are usually described in the university act and consist of the academic and other staff, students and sometimes graduates, who may or may not have a place on council or some decision-making role as a convocation. One of the outcomes for most universities of drastically reducing the number of staff and students on council is to escalate 'a split' between custodianship of the organisation's purpose and custodianship of the assets (Corcoran *et al.*, 2000). This is an important distinction.

Corcoran says purpose resides with the members, the assets with the council or governing body. Considering the governance of universities and the membership, this would make the academic board the custodian of academic purpose of the university, while council is the custodian of assets. Academic purpose includes the academic voice and the guarantee of quality of academic programs. As a result of the changing role of councils there emerges a dichotomy between quality concerns of program approval and review and purely financial and commercial decisions. At the extreme, it could be argued that anything that is essentially commercial in nature - including research grants, and the commercial basis of international student and fee-paying postgraduate coursework load - could be removed from the province of the academic board. The council role which is delineated as having to do with finances, commercial interests and risk, effectively leaves the academic board with no substantive role other than as guardian of academic quality.

One of the recommendations in AUQA audit reports alludes to this division in responsibilities:

Council develop strategies to ensure it is able to inform and balance its fiduciary governance responsibilities with its academic governance responsibilities.

University acts generally prescribe the function and powers of councils without distinguishing how these are shared or delegated to academic boards. Neither do they usually define the powers of the chief executive or management. In some cases, statutes help, setting out particular powers or functions of the vice chancellor and the relationship of the council and the vice-chancellor and other executives. Outside legislation, the terms of reference of academic boards describe their role. Within the tripartite divide (council, academic board, management) usually the council would decide on resources, finance, commercial interests and the corporate plan, and management would make industrial relations and other decisions. Academic board would determine CGS load, approve programs, admissions and academic review and a host of other things for which academic board, composed largely of academic staff, has expertise. One can test this proposition

drawing upon the work of the many teams of AUQA auditors who have examined nearly every university in Australia in the first cycle of audits. What have the audits revealed about academic boards, their role and function in Australian universities?

4. Academic boards through the eyes of AUQA auditors

In a recent paper for *Higher Education Research and Development*, Jeanette Baird (2007) analysed commendations, recommendations and affirmations on councils and academic boards in AUQA reports. For the reasons articulated by Baird, this article has drawn from AUQA reports without identifying particular universities. She found that recommendations and affirmations on academic boards fell into three main subject areas: roles; leadership; and quality assurance (Baird, 2007).

Some of the auditors' recommendations are particularly relevant within the context of governance reform outlined above. They include statements that refer to roles of academic boards and the relation with councils, in some instances pointing to a need to clarify their respective roles and responsibilities:

- academic board should 'strengthen its ability to maintain oversight of the academic activities of the University, and, in particular, assure the quality of teaching and learning activities';
- academic senate's relationship to council 'with respect to governing and assuring the quality of the University's academic activities also needs to be clarified';
- 'consider clarifying the relationship between the Academic Board and the Academic Council in terms of their respective responsibilities and purpose';
- 'ensure its governance and management processes enable academic representatives to play a substantive role in the academic affairs of the University, and in recommending to Council on significant academic initiatives'
- 'review outcomes from the review of Academic Board to ensure that it is effectively fulfilling its functions as the principal academic authority within the University'.

AUQA recommended that one university 'reconsider the roles and functions of the various committees related to teaching and learning with a view to clarifying their roles in relation to quality management of the University as a whole'.

Several recommendations deal with the need to clarify the roles in relation to academic matters not only of academic board, but also of other components the governance system. Examples include suggestions that the university:

- 'Senior Executive Group provide clarity to the University about the respective roles of the Academic Senate and the Portfolio Committees';
- 'commission a review of the recently established Programs Committee to ensure that it is operating effectively and that its delegated responsibilities for overseeing the quality assurance of teaching activities are being appropriately fulfilled';
- 'identify the role that it wishes the Research and Development Board to play in the academic governance and management of the University; and ensure that this role is communicated and acted upon in a clear and open manner';
- 'review the role, membership and terms of reference of the Academic Board, and in the light of the increased devolution of responsibility of academic quality assurance to other bodies ... consider strategies for involving the Board earlier, and more formally' in the University's 'systematic, planned and structured approach to the review of organisational performance'

In some instances, discussion of the academic board has not led to a recommendation, but the audit report has contained similar views to those above. For example, one report refers to the need for the academic board 'to reaffirm its role in regard to its main responsibility for the supervision of the academic direction of the University and maintaining high standards of excellence in teaching and research'. The report continues: 'This will involve a clarification of its role in regard to the Education Committee and its two sub-committees and the Senior Management Committee and the deans'.

These extracts from audit reports indicate the existence of a surprising lack of clarity in governance and suggest that there is room for closer study of academic boards and clearer definition of their role within governance structures, a conclusion also reached by Baird (2007).

The AUQA audit recommendations itemise some of the academic activities which form the agenda of academic boards. They include:

- entry criteria
- articulation arrangements
- program approval/accreditation, monitoring and review
- academic review, for example. 5-yearly unit, program or faculty reviews
- academic quality and standards
- academic policy and policy implementation
- quality of teaching and learning
- attrition rates
- graduate attributes across curriculum
- off-shore programs.

Only five commendations have been made in relation to academic boards. Four congratulated specific universities on the strong role of their academic boards in program accreditation and review, school review, faculty review and the quality management framework used to consider overall academic performance. Two of the commendations singled boards out for achieving continuing improvement through reviews.

The fifth commendation, in a recent report, may be taken as a good example of 'best practice' in relation to the division of responsibility between council and academic board. It is worth quoting not just the commendation, but also the text because it illustrates the division in responsibilities of the two bodies in terms similar to Corcoran et al. (2000). This university's act:

provides for the Academic Senate to be the primary custodian of academic values and standards for the University and so the Senate provides advice to the Board of Trustees on a range of academic issues. It is responsible for accrediting and approving courses, programs and units, and promoting the quality and development of research. The Audit Panel found that the Academic Senate is functioning effectively and exercising commendable oversight and leadership of (the university's) academic activities.

AUQA commends [the university] for its strong corporate and academic governance under the leadership of the Board of Trustees and Academic Senate.

The recommendations by AUQA auditors over the first cycle of audits also address the function of academic boards in relation to the academy. For example, one suggests that the university should 'reinforce University academic board's' strategic role' in relation to the objectives of the University's long-term strategic plan,

with the purpose of ensuring that University Academic Board provides strategic leadership on academic issues'.

Another recommendation states that the University should:

clarify for all staff the intended role to be played by Academic Senate in fostering collegial discussion and debate and in leading academic policy development and monitoring.

This recommendation appears to indicate that the auditors share the traditional view of the academic board as the appropriate forum for collegial debate. Alternatively, they might simply be commenting on a failure of the academic body to live up to its terms of reference. However, from the text of this audit report, it appears that the recommendation does reflect a view held by the auditors on the role of the academic board as a leader for the university community on academic issues:

As it currently operates, Academic Senate functions as the final arbiter on academic regulations and related decisions brought forward by its sub-committees. In this technical role it appears to be performing satisfactorily, although it is heavily reliant on the effective performance of its sub-committees. On the other hand, it is not taking an active role in fostering discussion of, and leading the University's response to high level matters of current and emerging academic policy. It appeared to the Panel that the mechanistic nature of much of Academic Senate's activity had led senior academic staff to disengage from active involvement. Discussion and debate of strategic issues occurs within some of the sub-committees of the Academic Senate, particularly the Learning and Teaching Committee and as noted earlier (see section 1.2.1), cross-University fora such as the Professorial Forum are also providing opportunities for collegial discussion. Senior management needs to facilitate a discussion within the University of the desired role of Academic Senate and clarify this for all staff.

Some reports focus on the role of academic board in relation to strategic planning. For example, where one academic board, in this case referred to as 'Senate', seems to the auditors 'to play a minimal role in establishing strategic directions', they suggest:

Dedicated strategic planning forums to enable members to provide greater strategic input into the development of the University's strategic directions, targets and performance measures could more effectively harness the wider expertise within the Senate.

Similarly, at another university:

The Audit Panel did not find evidence that the Board is systematically involved in development of strategic and functional plans. The University is urged to ensure that, in further developing its planning framework, the Board plays an integral role in developing, monitoring and reviewing planned objectives'.

It is clear that AUQA auditors see the academic board as a key custodian of academic values and standards. Some audit reports appear to have moved beyond that to suggest that academic board should play a role in the strategic direction of the academic enterprise. It is this role in academic leadership which lies at the intersection between academic board, management and council.

5. Seize the moment

Auditors appear to see the academic board as the voice of the academy and to say that they should have a strategic leadership role to focus on academic issues. This support for academic boards may be a reaction to some of the assessments of academic boards in the literature where they have been described as 'little better than imitations' (Marginson and Considine, 2000) of collegial forms, or

as unambiguously collegial bodies, everywhere Academic Boards are becoming more marginal, principally due to their exclusion from resource allocation decisions.
(Marginson)

Marginson and Considine also refer to the boards as 'shadow-form collegiality' that university executives allow to survive. The latter remark does not seem to take into account the powerful force of university legislation.

Nearly a decade has passed since publication of *The Enterprise University* (Considine, 2001). Shortly, the second cycle of AUQA quality audits will commence. These two circumstances suggest that the time is opportune for more careful scrutiny of university academic boards.

There are other circumstances which suggest the time is ripe for a re-assessment of academic boards. The Minister continues to talk about university governance reform and continues the focus on university councils when referring to the National Governance Protocols. Significantly, the Minister has spoken of the 'minimalist approach to good governance' of some universities versus those that have 'embraced a culture of good governance' (Bishop, 2006). The Protocols require university councils to adopt a statement of their primary responsibilities, which must include:

- a) appointing the vice-chancellor as the chief executive officer of the higher education provider, and monitoring his/her performance;
- b) approving the mission and strategic direction of the higher education provider, as well as the annual budget and business plan;
- c) overseeing and reviewing the management of the higher education provider and its performance;
- d) establishing policy and procedural principles, consistent with legal requirements and community expectations;
- e) approving and monitoring systems of control and accountability, including general overview of any controlled entities;
- f) overseeing and monitoring the assessment and management of risk across the higher education provider, including commercial undertakings;
- g) overseeing and monitoring the academic activities of the higher education provider;
- h) approving significant commercial activities of the higher education provider.

In addition, they state that an institution's governing body, 'while retaining its ultimate governance responsibilities, may have an appropriate system of delegations to ensure the effective discharge of these responsibilities'. I argue here that it is appropriate for university councils to delegate the responsibilities listed above under (g) as the 'academic activities' to the academic board, which has the academic expertise which constitutes the purpose of the university.

The Minister has amplified her own interpretation of the National Governance Protocols. In her speech to the National Conference on University Governance in October 2006, the Minister said:

it would be a valuable enhancement of the National Governance Protocols to require the governing body to take the distinctive role of the institution into account in approving the mission and strategic direction, annual budget and business plan. What is distinctive about my university's course offerings, mode of delivery, mission, what do we do best? What will make my university competitive?

This statement, made in the context of requiring differentiation within the university sector, contains an interesting twist. It seems to invite the governing body, now populated with a required number of financial and commercial experts and having a majority of external members, as set down in the Protocols, to make decisions on matters that are essentially academic - course offerings and delivery modes. My argument is that a council requires the voice of the academy on these matters.

The *National Protocols for Higher Education Approval Processes* (DEST, 2003) revised and ready for implementation from December this year, provide further evidence that it is time to devote more attention to academic boards. These protocols govern the establishment of new universities and accreditation of other higher education providers. This year Guidelines will be issued for the protocols; the draft documents (circulated for comment in February 2007) include references to the academic board of applicants:

- The institution has a properly constituted academic board or equivalent whose membership provides the institution with the expertise to ensure that standards are maintained at the level of Australian universities.
- The academic board plays an active role in the approval and review of the institution's courses.
- The academic board considers and acts on relevant data such as teaching evaluations, student feedback, student attrition, progress rates, grade distributions, course completions, graduate satisfaction and employer satisfaction.
- The academic board plays a key role in the development, dissemination and monitoring of academic policies related to academic standards.

While the Guidelines (to date only in draft) may establish minimal requirements for the academic board, the fact that they refer to academic boards and that the guidelines will be relevant to existing as well as new universities, suggests that the time really has come for discussion of governance to shift from council and to focus in a more rigorous way on the role of the academic board within the overall governance system.

This discussion would include many of the points dealt with in relation to councils, including:

- Clarification of the role of academic board
- The powers that council should delegate to the board
- The most useful size for such the academic board
- The membership, including the balance between management, academics, professional/general staff and students
- The independence of the chair from management.

More important, it would deal with the interrelation of the two bodies - council and the academic board - and also between the academic board and university management. In insisting on including the voice of the academy in the governance equation, I differ slightly from Baird who concluded:

The time is now ripe for a broadly-based conversation about the continuing rationale for academic boards and ways of improving their operations for good institutional governance (Baird, 2007).

I argue that the rationale for academic boards is clearly as custodian of academic values and standards, and in so doing they provide the expert voice on the academic purpose of the higher education enterprise. It is now time to apply mechanisms of good governance to this clearly defined purpose.

6. Conclusion

The need for analysis and scrutiny of university governance must move beyond considerations of council to encompass the academic purpose of the higher education enterprise. As councils have become smaller and more corporate, the number of academic staff has been reduced and those who remain are not and cannot be representatives of the academic voice. The academic purpose of the enterprise should therefore be delegated from council to the academic board, which would provide a legislatively-based rationale for their operation and scope. In this new environment, the role of the academic board is clearly as the custodian of academic quality. It is now timely to apply the principles of good governance, so touted at the council level, to the custodians of our academic enterprise and to clarify its role in academic quality which has proved so problematic for AUQA auditors in the first cycle of the Australian Universities Quality Agency.

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