

UNIVERSITY GOVERNANCE

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Key Words Used in this Section

Governance – “This can generally be defined as the means by which activities are controlled and directed in order to deliver an acceptable range of outcomes” (Professor Paul Hirst).

The Instrument of Government is a legal document setting-out how an institution is to be governed; the composition of the governing body; and the role, responsibilities and powers formally accorded to governors.

The University Governing Council is the officially appointed *administrative* and *financial* body of a university. Its role is to provide strategic direction for the university. As such it has the ultimate responsibility for ensuring that the university operates in accordance with its official instruments relating to governance and identity.

The University Chancellor is chief executive of a university: usually a figurehead.

Pro-Chancellor – Usually acts on behalf of the University Chancellor, e.g. as chairperson of the University Governing Council

The University Vice Chancellor is the *actual* chief executive of a university, whose role and function is to lead and manage the university on a day-to-day basis.

Foundation Governors – Governors appointed by the founding body who - in addition to fulfilling their statutory role, function and responsibilities - are mandated to represent the interests of the foundation in all aspects of the life and work of the institution. To facilitate this responsibility, foundation governors usually form the majority on a governing body.

Introduction – The following section on governance will require consideration and appropriate application by the ECS in accordance with the chosen academic structure for the proposed university. Therefore, the *principles of good practice* which are identified, e.g. *the need to ensure that governance is carried-out by the best people for the job in terms of their experience, skills-set and ability to commit time to the institution*, can be applied to all existing ECS educational institutions irrespective of the chosen model: or even if there is no decision to establish a new university.

University Governance – According to Altbach’s 2005 research, university governance structures are highly differentiated globally since they (rightly) reflect national differences and traditions. Nevertheless they are shown to share comparable structural models. In general they are also shown to have a common commitment to the underpinning of

governance by democratic principles, values, transparency and accountability. However, because there is no international blue print for university governance, the following information regarding university governance is for overall guidance: and for consideration in the context of South Sudan's culture and the relevant legal requirements.

Accordingly, the ECS is advised to refer to the work of the Panafrican Institute of University Governance, launched during UNESCO's 2009 Conference on Higher Education. The Institute collaborates with a range of partners including the Agence universitaire de la Francophonie and the Association of Commonwealth Universities and in partnership with stakeholders and international institutions throughout Africa. It believes that African universities can only develop if they succeed in designing their *own policies and procedures whilst taking international standards into consideration*.

The institute's principal aim is the modernisation of all aspects of university governance centred on the following challenges:

- Improvement and development of all the practices contributing to the smooth running of higher education in Africa
- Implementation of efficiency and associated practices.
- Rationalisation and realisation of the mission of universities.
- Strategic pooling of resources and the exchange of good practice
- Realisation of an African community of higher education which transcends language barriers

Quality University Governance – The centrality of quality governance has been identified, through his research, by Jamil Salmi (Tertiary Education Coordinator of the World Bank) as one of the hallmarks of a high quality university. He defines excellent governance as being comprised of

- inspiring and persistent leaders
- a strong strategic vision of where the institution is going
- a philosophy of success and excellence
- a culture of constant reflection, organizational learning and change.

The University Governing Council – Should the ECS proceed to establish a university – as the sponsoring body – it will be formally required to draw-up an Instrument of Government and subsequently to appoint a University Governing Council in accordance with that Instrument. This Council is, therefore, the responsible body for all matters relating to the establishment and ongoing development of the university - including its vision and mission. Accordingly, decision-making is corporate and consensual, with no governor being empowered to act independently – except the chairperson in exceptional circumstances.

The Composition of a University Governing Council - Relative to the role and function of University Governing Council, Lapworth's 2004 research offers a model of university governance which combines *corporate* and *collegial* approaches in order to acknowledge the contribution of all major stakeholders and to facilitate partnership between them. This statement identified the fundamental need for a University Council to establish a vision for the governance of a university based on a *shared organisational and educational philosophy*.

The concept of *shared governance* is sometimes viewed as inefficient. However, the alternative corporate model i.e. “one-size-fits-all” is not widely regarded as addressing the organisational dynamics and complexities involved in university systems and their effective governance. Therefore, this report advises the implementation of a model of shared governance for the ECS University in order to engender mutuality and a spirit of democratic institutional governance.

In an ECS setting, implementation of a *shared model of university governance* would include the following:

- ***Appointment of Foundation Governors*** - Private universities such as the proposed ECS University are accountable to their founding/sponsoring body. The mechanism for this should be set-out in the university’s Instrument of Government and stipulate that the *majority* of the University Governing Council’s membership should be comprised of foundation governors appointed by the ECS. Whilst *all* members would be formally required to agree to do nothing to undermine the university’s Christian foundation, foundation governors – as the *formal Christian presence* on the Council, have a further responsibility for oversight of the university’s Christian foundation. This involves ensuring that the strategies and decisions made by the University Governing Council consistently accord with, and are an expression of, the university’s Christian foundation.
- ***Ex Officio Governors*** – Based on the practice of many Anglican Universities, the Archbishop – or his delegated representative – would be an Ex Officio Governor of an ECS University’s Governing Council.
- ***Faculty Representation*** - As early as 1920 the Association of American University Professors published its "Statement on Government of Colleges and Universities", emphasising the importance of faculty involvement in university governance in areas such as the selection of administrators, preparation of the budget, and determination of educational policies. Subsequently, it has become customary, and is widely regarded as essential and advantageous, that faculty should be represented on University Governing Councils.
- ***Student Representation*** – Increasingly University Governing Councils facilitate student membership/representation so that the *authentic student voice* can be heard and contribute to the decision-making process; and also to ensure the monitoring of student well-being. It is customary for a university’s Student Union to elect a representative(s) to sit on the University Governing Council. The Instrument of Government should clearly indicate whether they are full voting members or representative participant observers.
- ***External Representation*** - Whilst, as an autonomous institution, there would be no formal obligation for the ECS to incorporate representation by external bodies into the membership of the University’s Governing Council, it is commonly considered good practice and advantageous – relative to the creation of greater objectivity – to make provision for some membership of relevant *external* bodies such as the GoSS and representatives of civil society, e.g. neighbouring universities, significant funding bodies, secondary schools, etc.
- ***Faculty Representation*** – Because the preferred model for an ECS University is a geographically dispersed model, the Instrument of Government should facilitate the formal representation of each of the university’s faculties on the University Governing Council. The basis for such representation should be set-out in the Instrument of Government. Whilst faculty representation is logistically complicated by South Sudan’s transport issues, etc., such representation is fundamental relative to the University Governing Council’s obligations as the over-arching body responsible for the university’s

quality assurance and homogeneity. Accordingly, it is essential that the ways in which modern technology could be of assistance in facilitating faculty representation on the University Governing Body should be fully explored.

Table of Typical Responsibilities

<p><i>Governors' Responsibilities –The Pro-Chancellor</i></p> <ul style="list-style-type: none"> • Leads the Board • Performance manages the Vice Chancellor through arrangements for appraisal and salary reviews • Acts under delegated authority • Encourages and supports the Vice Chancellor. • Acts as a <i>professional friend</i> to the Vice Chancellor 	<p><i>Overlapping Responsibilities</i></p> <ul style="list-style-type: none"> • Setting the universities strategic direction • Formally Representing the University • Accepting responsibility for effectiveness • Accepting responsibility for the budget • Relationships with Stakeholders 	<p><i>Executive responsibilities - The Pro Chancellor</i></p> <ul style="list-style-type: none"> • Leads the organisation • Answers to the Chancellor and the Governors • Acts according to explicit delegation • Maintains communication with governors - individually and collectively • Works with the Vice Chancellor and Senior Management Team
<p><i>The Governors</i></p> <ul style="list-style-type: none"> • Systematically and consistently review the life and work of the university at meeting of the University Governing Council. • Receive and examine committees reports • Contribute their personal, relevant expertise • Contribute independent viewpoints • Conduct professional appeals in conjunction with the university's 		<p><i>The Senior Management Team</i></p> <ul style="list-style-type: none"> • Ensures delivery of the university's stated mission • With the Vice Chancellor develops the strategic approach of the university • Individual team members carry out delegated responsibilities determined by the Vice Chancellor.

Human Resources Department.		

University Governing Council Committee Structure – The ways in which University Governing Councils structure themselves in order to deal efficiently and systematically with their wide ranging role, responsibilities and powers, vary considerably. However, it is typical for councils to delegate discrete areas of responsibility to appointed committees with delegated powers, whilst holding them directly accountable to the University Governing Council. A typical University Governing Council committee structure would include:

- **Advisory Committee** - with delegated responsibility for planning, development, overseeing strategic planning and raising funds for the university
- **The Academic Board**, run by the Vice Chancellor, and having its own committees
- **Finance Committee** - with a delegated responsibility to oversee the financial administration of the university, oversight of preparation of the annual budget and its presentation, the university's assets, finances and financial strategies
- **The Employment//Staff Welfare Committee** with a delegated responsibility to oversee the creation of posts, appointments, staff welfare and personnel policies.
- **Marketing Committee** with a delegated responsibility to promote the university and recruit new students
- **The Audit Committee** with the responsibility of ensuring appropriate financial controls are in place, i.e., that value for money is consistently obtained, and monitoring of the risk strategy
- **The Estates Committee** responsible for oversight of the university's real estate and the acquisition and disposal of real estate
- **The Student Experience Committee** responsible for monitoring the well-being of the student body.

It is usual for members of a University Governing Council to be members of at least one of the Council's committees in order to capitalise on their particular specialisms. Often Council members are committee chairpersons, thus potentially providing a strong link between committees and the Council.

University Chancellor - Some universities appoint a Chancellor. This is a high profile ceremonial role and usually conferred upon a high profile figure who, for example, presides at Graduations.

University Court - Some universities also have a Court, comprising stake-holders and those who may be helpful in providing support, helping in fundraising, etc. Some Courts have the statutory right to elect a member onto the University's Governing Council. Characteristically, Courts vary from one hundred to two hundred people and usually meet once a year to receive a report on, and information about, the life and work of the university.

Setting-up A Shadow University Governing Council - Should the ECS decide to proceed to establish a university, it will need to set-up a Shadow University Governing Council

comprising a chairman and members – all of whom should be appointed by interview. Members appointed to *both* shadow and *substantive* Councils should be people who have the time, knowledge, understanding, experience, skills and commitment to bring the university to fruition; and who have the ability to work consensually.

Whilst there might ultimately be an overlap between the membership of the *shadow* University Governing Council and that of the *substantive* University Governing Council, the likelihood is that the membership would be substantially different. This is because, in order successfully to lead the university into the future, a substantive ECS University Governing Council would require different skill-sets to those required to set-up the university.

The Role and Function of a Shadow University Governing Council – If the ECS decides to progress the project, it should establish a Shadow University Council to develop the overall strategic plan. The Shadow Council's decisions would then need formally to be agreed by the substantive Council, once established. Accordingly, the ECS would need to delegate to a Shadow University Governing Council the authority to:

- appoint a Vice Chancellor
- appoint staff and set terms and conditions of employment
- determine the academic offering to be made by the ECS University in develop the governance arrangements and the identity of the university. (This may involve registering the ECS University academically and as a business/charity, i.e., the legal vehicle)
- be responsible for fund raising and appropriate management of funds
- consultation and collaboration with the Vice Chancellor.

RECOMMENDATIONS ARISING FROM THIS SECTION

It is recommended the ECS should

- make contact with the Panafrican Institute of University Governance, based in Yaoundé – Cameroon. (See [Web site : www.ipagu.org](http://www.ipagu.org).)
- determine the extent to which ECS has the capacity to ensure quality governance of the proposed university by drawing upon both *internal* and appropriate *external sources*
- give consideration to the adoption of a *shared governance model* and produce the policies which will ensure its effective implementation and continuance
- identify the processes and procedures necessary for setting-up a Shadow University Governing Council
- identify possible members of the Shadow University Governing Council - based on their relevant knowledge, experience and skills - relative to establishing an ECS University
- research ways in which the university's geographically dispersed faculties can be facilitated in their representation on, and active participation in, the University Governing Council.