Good Governance as a Tool for Promoting Quality in Higher Education

Abstract

This paper discusses good governance as a tool for promoting quality in public higher education in South Africa. The scope of this paper is limited to the role of institutional governance structures (Councils, Senates, Institutional Forums, and Student Representative Councils), and the relationship between the public higher education institutions and the state. Good governance enables universities to manage relations among its stakeholders and ensures that they are sustainable. Rathod (2020) corroborates this by stating that sustainability starts and finishes with the quality of good governance, and that a university cannot flourish without adherence to the principles of good governance. Good governance informs and facilitates decision-making which, in turn, enables a university to develop and fulfil its mandate effectively and efficiently. Coupled with other principles like accountability and transparency, good governance (as an overarching framework) allows a university to be sustainable in the long-term.

Introduction

It has been observed that the guidelines for quality and the arrangements for good governance are important factors for building and maintaining effective higher education institutions (Zaman, 2016 p.1). Broadly, good governance is predicated on the existence of a collective or public good, and is also based on a particular combination of economic efficiency, social justice and individual freedom. Economic efficiency in this regard is not only about attaining the maximum individual freedom and satisfaction of personal needs, but also the distribution of wealth and goods in a socially equitable manner. Furthermore, good governance is about the creation and maintenance of spaces in which individual members of societies have personal freedom to pursue their desires while they produce wealth and goods to be redistributed (CHE, 2003. p.3).

Notwithstanding the traditional responsibilities of higher education institutions which are research, teaching and learning, and community service, stakeholders of higher education demand more social responsiveness (facilitation of social justice through enhanced access to higher education for previously disadvantaged and excluded constituencies) from higher education underpinned by principles of transformation and restructuring (Ibid).

Within the context of higher education, the term 'governance' has been used to refer to the means by which universities and other higher education institutions are organised and managed (ESMU,

2009). The Task Force on Higher Education and Society (2000) defined 'governance' as the formal and informal arrangements that allow higher education institutions to make decisions and to establish, implement and continuously monitor the proper implementation of higher education policies. The term therefore refers to all those structures, processes and activities that are involved in planning and directing higher education institutions (HEIs) and the people working in them towards the agreed purposes for of the institutions. Since governance is about interest articulation and goal realisation, it raises the questions about who decides when on what? In the case of higher education this introduces the two levels of governance, the internal (institutional) and external (system) levels or dimensions. Internal or institutional governance refers to the organisational arrangements within institutions that contribute to the smooth running of these organisations and constitute the lines of authority, decision-making processes and policies, staffing and financing mechanisms, among others. External governance on the other hand, refers to the macro system, stakeholder influence or state control of higher education, for example, through laws and decrees, funding arrangements and others. Higher education governance is thus understood as the external and internal coordination of higher education and research (ESMU,2009).

Trowler (in Hall, Symes & Louscher, 2002), illustrates governance of HEIs by means of an 'implementation staircase'. At a national level, the national government makes formal higher education policies, which, at the next step down, prompts interpretations and responses from Vice-Chancellors and Executives. At the level of the academic departments, heads of department balance competing pressures, employ, reject or ignore demands for compliance, employ, negotiate or reconstruct policies. Then, academic staff can either apply, ignore or adapt policy as they see fit. At the bottom of the implementation staircase, students respond in unpredicted ways, influencing

relationships and practices in teaching and learning situations. Trowler further warns that failing to recognise these essential characteristics of higher education governance can be expensive (Hall, Symes & Louscher 2002).

From 'governance' to 'good governance'

Good governance relates to the quality of the governance process, in particular the effectiveness of governance structure(s) (Santiso, 2001). Good governance represents the best possible process for making decisions that enable the achievement of the goals of public higher education. It is not about making 'correct' decisions but about the correct processes for making and implementing decisions which improve quality in higher education. According to the World Bank (1994), good governance is epitomized by predictable, open and enlightened policymaking and a bureaucracy imbued with professional ethos acting in furtherance of public good. This is consistent with the sentiments expressed by Healey and Robinson (1994) who opine that 'good governance' implies a high level of organisational effectiveness in relation to policy-formulation and the policies actually pursued, especially in the conduct of economic policy and its contribution to growth, stability and welfare. Thus, a system of good governance extends the process of decision-making and public policy formulation to include rules that create a legitimate, effective and efficient framework for the conduct of public policy (Santiso, 2001).

The shift from the notion of governance to good governance accentuates many dimensions of addressing the quality of governance. A good governance puts further requirements on the process of decision-making and public policy formulation, extending beyond the capacity of the public sector to the rules that create a legitimate, effective and efficient framework for public policy. It implies managing public affairs in a transparent, accountable, participatory and equitable manner. It furthermore entails effective participation in

public policymaking, the promotion of the rule of law, institutional checks and balances through horizontal and vertical separation of powers, and effective oversight agencies (Ibid, p.5).

The global literature on 'good governance' revals that there are many ways of defining quality in higher education, and that there are noteworthy challenges to defining quality. The first challenge in defining quality depends on the views of the different stakeholders in higher education, as each group views quality from its own perspective. The four significant groups of stakeholders that must be considered are providers (the funding bodies, the community and the taxpayers); users of higher education products (students); users of higher education outputs (employers); and employees of the sector (academics and administrators) (Schindler, 2015). Students associate quality with the institution they attend, and the programme they enrol in, while employers are concerned with the quality of the final product (the graduate) which can be demonstrated through a pool of qualified employees and potential employees. Providers on one hand are interested in accountability for the optimal use of resources and the accurate delivery of the educational product.

The second challenge pertains to the fact that quality is multidimensional, and definitions of quality are either single-dimensional, two-dimensional or multidimensional. As such, the meaning of quality in higher education depends on the dimension from which it is being defined (Eagle & Brennan, 2007). The National Commission on Higher Education (1996) provides a clear example of a two-dimensional approach to defining quality as it acknowledges that quality in the higher education system is an important lever for ensuring that the higher education system is able to produce graduates who are able to play important roles in the socio-economic development of the country, participate meaningfully in a robust civil society, further scientific and technological innovations, become highly skilled professionals, and contribute to

developing solutions to the many challenges that face South Africa as a nation. Some definitions of quality are standards-driven and focus on meeting and exceeding a predefined set of standards in pursuit of excellence, while others are stakeholder driven, and focus on accountability to the public or providing a transformative learning experience to benefit students and employers (Quality Assurance Agency for Higher Education, 2012).

The third challenge is that quality is not static but dynamic and continuously changing in pursuit of excellence. UNESCO (2005) shares the same sentiments that providing quality in higher education is a complex undertaking because the concept is continuously evolving. UNESCO further avers that quality in higher education is a dynamic concept that changes and evolves with time and is modified according to the socio-economic and environmental contexts. More importantly for UNESCO, quality in higher education must be locally relevant and culturally appropriate.

Authors have attempted to synthesis the different orientations of definitions of quality. The result of their efforts is a system of categorising definition of quality in terms of indicators. Some of these conceptualisations are that quality must be purposeful, exceptional, transformative and accountable, while quality indicators touch on administrative, student support, instructional and student performance indicators (Schindler, 2015). In order for quality to be purposeful, it must conform to a stated mission or vision or a set of specifications, requirements or standards including standards defined by accrediting and/or regulatory bodies. By being exceptional, institutional products and services achieve distinction and exclusivity through the attainment of high standards. Being transformative entails students experiencing a positive change in learning, personal and professional realms and that institutions are accountable to stakeholders for the optimal use of resources.

The importance of good governance in higher education

Among many other reasons, good governance in HEIs is important because it enables them to realise their goals by regulating their internal affairs accordingly (Salter & Tapper, 2002). Bargh et al. (1996) attribute the importance of good governance to rising activism that has questioned the legitimacy of university councils and governing bodies, and to the pressures of massification and marketisation, which have tilted the balance of university business away from 'internal' - essentially academic issues- to 'external' issues concerning institutional positioning, mission and even survival. Higher education has been facing dramatic changes over recent decades, including the expansion and diversification of provision of higher education, resulting in the emergence of new institutional types, growth in private provisions, and increase of the educational offerings within institutions. There is also an advent of new modes of delivery whereby more flexible ways of provision (such as distance learning and e-learning) have been developed. Similarly, student bodies have become more heterogenous. For instance, mature students have increased their share in the total population of students enrolled in higher education. There is more diversity in terms of socio-economic background, ethnicity and schooling backgrounds of students (OECD,2009).

Ncayiyana and Hayward (1999) are of the view that academic institutions are fragile and are vulnerable to external criticism and attack, therefore they need strong governance structures to protect them. They maintain that institutions will flourish or flounder as a consequence of how well they are governed and that if academic institutions are to succeed as repositories of knowledge, and leaders in the search for solutions to problems confronting nations, their governance must be anchored on conditions of academic freedom, (institutional) autonomy, responsibility, and

adequate resources as these drive quality in higher education.

The state has special interests in the quality of governance of higher education institutions as it is the main funder of higher education. Hence, institutions need to account on how the public funds are spent. However, the involvement and role of the state should be based on the commitment and adherence to the principles of institutional autonomy and academic freedom as necessary conditions for optimising the contribution of higher education to economic and social development, notwithstanding the associated need for public accountability (CHE, 2004).

Also profound is that as knowledge becomes more important to the global economy, so does higher education. The quality of governance advances the quality of knowledge generated within higher education institutions, and its accessibility to the wider economy, is increasingly critical to national competitiveness (The World Bank and UNESCO, 2001). Developing countries fall behind on this and their higher education systems are chronically under-funded, and poorly governed. Therefore, there is a need for developing countries to raise the standard of the quality of governance and develop the research capacity that will help them connect to the knowledge economy (Ibid).

Quality in higher education governance has also come under scrutiny for its contribution to economic growth. The rise of the new economy in the 1990s has made research and innovation key to countries' competitive edge in the global economy. This has been central to the Lisbon Strategy, which stresses the importance of excellence in research and development in order to turn the European Union into the most competitive and dynamic knowledge-driven economy by 2010 (ESMU, 2009). Given the unique position of higher education in training knowledge workers, the provision of quality higher education has a role to play in identifying

excellence and this puts more pressure on the governance of HEIs. Students now compete for places at elite institutions and employers compete for such graduates, given the status and quality attached to the degrees awarded (Ibid).

In the same vein, information on the quality of HEI governance is pertinent to investors' decision-making as well as stakeholders' interests (Ponnu & Ramthandin, 2008). Skaerbaek (2005) believes that annual reports lend legitimacy to an organisation, mainly for investors and other external readers and audiences, while Doost (1998) maintains that for HEIs, such information should be disseminated to the general public and affected constituents who make judgements in terms of cost and service delivery. International rankings have also added to the pressure on university governance. Salmi (2009) links high-ranking universities to three connected factors: concentration of talent, abundant funding and good governance.

Good governance of higher education institutions in South Africa

Governance of higher education institutions in South Africa received a fair share of attention during the higher education reform in the mid-1990s when the transformation agenda of the country necessitated a new relationship between higher education institutions, the state and civil society on the one hand, and between higher education constituencies and internal governance structures on the other. Thus, the reform of the governance of higher education institutions constituted an important aspect of the transformation of the higher education system to serve the goals of a newly established democracy that had to respond to the social and economic deficit inherited from decades of apartheid (CHE, 2003). Higher education policy has been an area of debate in the liberation movement in the late 1980s, in the period between 1990 and the first democratic elections in 1994, and in the initial years of national reconstruction after 1994. A central issue in the restructuring of higher education in South Africa was equality of access for all citizens. This prompted government to launch an investigation into higher education policy, whose outcome was the report of the NCHE (1996) which was strongly influenced by principles of social justice and democratic participation, promoting organisational concepts such as "co-operative governance".

The point of departure for governance in higher education institutions is the legislative and regulatory framework (De la Rey, 2015). In the context of South Africa, the Constitution (1996) and the Higher Education Act (1997) provide a sound and clear framework for the governance and management of public higher education institutions. After the Constitution, the primary legislation to which universities are subject is the Higher Education Act (HEA) (Act 101 of 1997) which is superior to any other law dealing with higher education other than the Constitution.

The report of the National Commission on Higher Education (NCHE) (1996) laid the foundation for the governance structures of the post-apartheid public higher education system and proposed the model of 'co-operative governance' as a special category within the state supervision model. This model rests on three key assumptions: a) accepting differentiation between key stakeholders, and sharing of powers; b) policy formulation, decision making, implementation and monitoring being separate yet connected functions; and c) distinguishing between multiple levels and facets of policy making, decision making, implementation and monitoring. Co-operative governance therefore offers a strong steering model with a planning role and a strong co-ordinating role. It also provides for increased and stronger government and stakeholder participation as well as input from the higher education sector (NCHE, 1996: p 180). The framework for cooperative governance presumes a shared understanding of the distinct, equally important and functionally interdependent roles

and responsibilities of each of the university governance and management structures (De la Rey, 2015).

The current system of governance for the South African public higher education institutions is founded on the Higher Education Act (Act 101 of 1997), as amended. The Higher Education Act (HEA) prescribes that, the main institutional governance structures are the Council; the Senate; the Institutional Forum and the Student Representative Council (SRC). The governance relationship between the councils and senates; between Councils and SRCs; and between Councils and institutional forums is set out in the relevant provisions in this Act. Accordingly, the Council can only act after having consulted these three structures and in which cases such consultation takes the form of non-binding 'after consultation with' or binding 'in consultation with'. It is required that councils must follow these prescriptions as part of good governance practices in their institutions.

The Higher Education White Paper 3: A Programme for Higher Education Transformation (1997), clearly articulates the government's role with regard to the higher education system and institutional governance. It endorses the system of co-operative governance as espoused by the NCHE. The White Paper is unequivocal that co-operative governance assumes a proactive, guiding and constructive role for government, and assumes a co-operative relationship between the state and higher education institutions, reinforcing that institutional autonomy is to be exercised in tandem with public accountability, and that the Ministry's oversight role does not involve micro-managing the institutions. However, the implementation of co-operative governance did not yield the desired outcomes (CHE, 2004) so much that there had to be an investigation commissioned by the Minister of Education which concluded that the vision and principles underpinning co-operative governance needed to be reconceptualised in order to better align with

practice and that at institutional level consistent good governance had to be promoted through specific revisions of policy and legislative framework and capacity building.

Further forms of co-operative governance are articulated in institutional statutes which are intended to contextualise the prescriptions of the Higher Education Act, within an institution's specific context. In this regard an institutional statute represents an explication of the Act but within an institutional context and without contravening any provisions of the Act. Institutional statutes have to be approved by the Minister who would publish them in the Government Gazette as constituting binding secondary legislation (De la Rey, 2015). Again, De la Rey expounds that within institutions there are Governance and institutional 'Reporting Regulations' aimed at improved institutional accountability and promoting good governance in HEIs.

Governance encompasses the form of a country's political regime, the process by which authority is exercised in the management of a country's economic and social resources for development; and the capacity of governments to design, formulate and implement policies and discharge functions (World Bank, 1999; World Bank, 2000). Thus, governance during the reform period was an eminent political process on which the realisation of substantive democracy depended. During the same period, governance was a mechanism to achieve democratic consensus about the objectives, processes and timeframes for institutional and systemic transformation, and in that sense, it implied a high degree of co-operation between government and higher education institutions (CHE,2003). The quality of governance is ultimately attributable to the country's democratic content. To substantially improve good governance, countries need to reinvent themselves, they need to address issues of power, politics and democracy. Neither democracy nor

good governance is sustainable without the other; the two should converge (Santiso, 2001 p.5).

The discussion renders credence to the view that the governance of higher education institutions is not immune to history and the political regime of a particular country, as it has been impacted upon by every stage in the relationship between state and civil society, and by every struggle in the process of democratisation of government and society around the world. The last few decades of higher education reform have revised the governance of institutions and therefore their relationship with state and civil society, with enormous consequences for the processes and structures of governance inside higher education institutions (CHE,2003).

Higher education reform has recently been influenced by student movements which have challenged issues of governance of higher education institutions. Protests at South Africa's universities is not a new phenomenon and it predate 2015. Students at previously disadvantaged institutions have been routinely protesting against rising fees and costs of higher education since 1994 and were mostly ignored (Davids & Waghid, 2016). However, the #FeesMustFall (#FMF) protests of 2015/16 reached unprecedented magnitude. The #FMF movement became a rallying cry against financial exclusion and debt traps for economically disadvantaged students. Davids and Waghid (2016) further observed that these protests which attracted international media coverage and sparked solidarity protests abroad also highlighted the inequalities of the apartheid era that had not been addressed, which challenge the principles of good governance in higher education institutions.

Relationship between good governance and quality higher education

Hénard and Mitterle (2009) believe that governance matters and quality guidelines address similar aspects, and governance and quality matters are therefore intertwined. Good governance plays a critical role in nurturing a quality culture, and governance arrangements clarify on the fundamentals of teaching and learning, research and engaged scholarship or community engagement. The success of a public higher education institution rests, to a large extent, on accountable and effective governance (DHET,2017). For good governance to thrive it requires quality leadership that is capable of giving it direction by promoting collaboration and shared understanding amongst all stakeholders (Brookes 2006; Craig 2005; Lownsborough and O'Leary 2005); promoting clarity of roles and responsibilities between actors; and growing collaboration and team-work (Brookes 2006; Craig 2005). Strong leadership also contributes to good governance by ensuring that people's and institutional needs remain at the forefront of the institution's agenda, focusing on the clear issues and outcomes and, by encouraging commitment at all levels (Department for Education and Skills 2006; Robinson 2008). In turn, good governance supports leadership through institutional arrangements and frameworks.

Furthermore, the existence of good governance arrangements and frameworks, such as partnership agreements and 'outcome-based' accountability frameworks, support effective leadership by providing strategic direction for leaders; fostering agreed and shared objectives and vision, and helping leaders to foster commitment and shared aims (Brookes 2006; Thompson and Uyeda 2004). Governance frameworks also help leaders to promote accountability. Accountability is central to the purpose and function of good governance and important for effective leadership. The National College for School Leadership (2008b) found that effective leaders think creatively about governance arrangements so as to guarantee shared participation, shared responsibility and accountability and sustainable partnerships.

Governance arrangements cannot be complete without student governance which forms an

integral part of a democratic university governance (Badat 1999; Klemenčič 2014; Luescher-Mamashela 2005). Student governance structures are the most recognisable and widespread platforms from which students' involvement in university governance occurs. The practice of democratic governance by higher education institutions and the resultant moulding of effective leaders entails participation of all students in student representation through elective selection of their leaders, active participation of regular students in student organisations and societies which promote dialogue among their members, and democratic internal procedures and diversity within their structures (May, 2009).

Principles of good governance in higher education

Task Force on The Status of Student Involvement in University Governance in Kenya (2015) identified some of the key principles of good governance in higher education to include academic freedom, shared governance, clear rights and responsibilities, meritocratic selection, financial stability and accountability. It is evident that the principles of good governance are closely related and that institutions need to take heed and not exercise some while ignoring others, for example, the Education White Paper 3 states that institutional autonomy is to be exercised in tandem with public accountability, while accountability is closely linked to transparency.

The Higher Education Code of Governance (HECG) (2018) perceives autonomy as the most important principle of good governance that guarantees quality and international reputation for a HEI. Universities, according to UNESCO, are communities of scholars preserving, disseminating and expressing freely their opinions on knowledge and culture, and pursuing new knowledge without constriction by any prescribed doctrines. Institutional autonomy has always been qualified by the principle of public accountability, which requires that institutions which receive public funds should be able to report on how the funds are being spent towards the realisation of national developmental goals and priorities (Department of Education, 1997). To effectively undertake its diverse educational and social purposes, a university must have a commitment to 'the spirit of truth' and must possess the necessary academic freedom and institutional autonomy (Graham, 2005:163).

Another principle of good governance is participation (Santiso, 2001; World Bank 1994, 2000a). Good governance requires that all stakeholders should have a voice in decision-making, either directly or through legitimate intermediate institutions that represent their interests. Anyone affected by or interested in a decision should have the opportunity to participate in the process for making that decision. Members' participation could be direct or delegated through an entity created to represent them in the decision-making process. The delegation model is especially applicable where the group is too large to efficiently make all necessary decisions by involving everyone, as is the case with universities where the student body delegates the responsibility for involvement in university decision-making to elected (or appointed) student representatives. The imperative for universities is the participation of students in governance, which is considered to have important benefits for the quality of the educational 'product' offered by universities (Lee, 1987 in Santiso, 2001). Students' input can facilitate the evaluation of curricula and teaching practices, through the identification of deficiencies in higher education programmes and instruction (Ibid). Moreover, students' participation in decision-making plays a role in the creation of an atmosphere of openness and trust, leading to a positive organizational climate (Wood, 1993 in Santiso, 2001). Such a climate can be expected to reduce the likelihood of conflict between institutional stakeholders including management and students or between management and staff in universities.

Accountability is another important principle of good governance (Santiso 2001; World Bank 1994, 2000a). Evidently where good governance is the norm, decision-makers are accountable to the public and to institutional stakeholders. Accountability means that administrators or managers have an obligation to report, explain and be answerable for the consequences of the decisions they make on behalf of the stakeholders they represent. The Higher Education Code of Governance (2018) recognises that accountability for state funding requires HEIs to be clear that they are in a contract with stakeholders who pay for their service and expect clarity about what is received, therefore full and transparent accountability for public funding should be provided. Closely linked to accountability is the principle of transparency. Transparency involves publication of accurate and transparent information that is publicly accessible (HECG, 2018). Premised on free flow of information, transparency represents the extent to which stakeholders follow and understand the decision-making process of a HEI. Transparency exists where stakeholders are able to clearly see how and why a decision was made; what information, advice and consultation decision makers considered, and on the governance of higher education which legislative requirements were followed (Santiso, 2001). Where transparency exists, processes, institutions and information are directly accessible to those concerned with them, and enough information is provided to understand and monitor them (Ibid).

Furthermore, good governance is responsive. It ensures that the needs of the entire community or stakeholders are served while balancing competing interests in a timely, appropriate and responsive manner (Santiso,2001; World Bank 1994, 2000a). Institutional processes are designed to serve all stakeholders. Furthermore, good governance is effective and efficient. This means that processes and institutions produce results that meet the needs while making the best use of available resources. Equity and inclusivity are other distinguishing features of good governance. The achievement of equality of opportunity and inclusivity throughout the institution, means that higher education should be accessible to all those who are able to benefit from it (HECG, 2018). All community members and stakeholders should be satisfied that their interests have been considered by decision-makers during the decision-making process. This means that all groups should have equal opportunities to participate and also benefit in the processes of decision-making in HEIs. The last characteristic of good governance discussed in this paper is adherence to the rule of law. Where there is good governance legal frameworks should be fair and enforced impartially, particularly the laws on human rights (Santiso,2001; World Bank 1994, 2000a).

Conclusion

Governance of higher education institutions has been an important aspect of the transformation of the higher education system to serve the goals of a newly established democracy that has had to respond to the social and economic deficit inherited from decades of apartheid (CHE, 2003). Central to the restructuring of higher education in South Africa was equality of access for all citizens in support of the principles of social justice and democratic participation and promoting organisational concepts such as 'co-operative governance'. Higher education has become important over the years, resulting in HEIs currently facing many challenges which require them to regulate their internal affairs accordingly. The quality of governance advances the quality of knowledge generated within higher education institutions, and its accessibility to the wider economy is increasingly critical to national competitiveness. This, in turn, has given rise to the need for good governance of higher education institutions and adherence to good governance practices. Predicated on the existence of a collective or public good, good governance is also based on a particular combination of economic efficiency, social justice and individual freedom in

which economic efficiency is not only about attaining the maximum individual freedom and satisfaction of personal needs, but also about the distribution of wealth and goods in a social manner. Founded on legislative and regulatory frameworks, good governance is the cornerstone for the promotion of quality in higher education. These frameworks need to be the blueprint for institutional arrangements for good governance and guidelines for quality in order to build and maintain effective higher education institutions.

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