

A Note on University Autonomy and the New Law on Higher Education in Serbia

At the invitation of Prof. *Fuada Stankovic*, Rector of the University of Novi Sad, recent signatory of the Magna Charta Universitatum, the Observatory of the University Fundamental Values and Rights, in Bologna, delegated two of its members, Prof. *Michael Daxner*, former President of the University of Oldenburg and former International Administrator for Education in Kosovo, and Dr. *Kenneth Edwards*, former Vice-Chancellor of the University of Leicester and former President of the Association of European Universities, to discuss with representatives of all universities in Serbia the conditions of academic development - as envisaged by the new law on higher education. They were accompanied by Dr. *Andris Barblan*, Secretary General of the Magna Charta Observatory. From a full day of intense discussions, the following paragraphs represent a summary of their understanding of the situation in Serbian higher education at present:

A. Context and Challenges

Among the countries of South East Europe, Serbia has chosen as guiding principle for its development the compatibility of its structural rules with those defining the transformation of Europe into a community which Serbia would like to join in the future. To reach **European compatibility**, it can count on its central position in the continent as well as on a high intellectual capacity shaping a system of comprehensive universities that spreads in various parts of the country. It can also present a remarkable set of legal and structural reforms that were discussed and adopted in a short period of time, often with a clear sense of the linkages between various sectors of activity, for instance primary and secondary education.

However, impediments exist like, in higher education, the ageing faculty and the growing obsolescence of equipment, a result of the scarcity of resources in a country impoverished by war and dictatorship. Reduced investment – compared to needs – does not help a new generation of researchers and teachers to prepare and commit to the long term success of academic work in Serbia. To move forward despite present difficulties, priorities will need to be made, some institutions focusing on specific areas, and the use of funds being streamlined so that duplication of activities are kept to a minimum, also inside each institution.

B. Efficiency and Effectiveness: the Integrated University

A majority of European institutions of higher education, to ensure not only efficiency in terms of learning and innovation (by obtaining best possible results) but also effectiveness (the optimal use of resources to reach such results), have opted to reinforce their institutional profiles, focussing on what they can do best and at a favourable cost, thus requiring agility in leadership and transparency in decision-making processes. The aim is to create **a responsible and responsive university**, not only able to move resources on *interdisciplinary or multidisciplinary* lines of teaching and research (as new ideas and new projects are often being born from the cross-fertilisation of disciplinary views, methods and activities), but also to *regroup people and equipment* in order to ensure better value for expenditure (for instance by setting up a single library). A university with a strong sense of identity becomes a visible partner for other members of the European academic family, thus making *interuniversity collaboration* easier for the benefit of students and staff. A clear understanding of institutional capacity leads also to reliable linkages with the European Union, opening possibilities for *full participation in the EU programmes* centred on teaching and research.

To act responsibly and responsively, to a student population suffering a 60% drop out rate, the institution needs a sense of mission, a sense of belonging and a sense of continuity. Such are the keys to an integrated university. These are also the characteristics of the autonomy requested by the Magna Charta Universitatum, and subscribed to by some 500 universities around the world.

C. An Integrated University, for Whom ?

The concept of an academic institution, free and responsible, requires changes in the accepted routines of both the government and the university members. It calls for the government to abandon *a priori* controls and detailed management of the academic offer – or of the students supply -, a contract of trust being developed with the institution which is given the means and responsibility for its development and strategies. This induces the institution to set up **strong governance** arrangements, as it is not only to answer the demands from society, for instance through engaging *non-academics in the management* of the institution, but also to *account to its paymasters* for its evolution and for its use of taxpayers' funds. As a result, staff and students need to *accept rules common to the institution as a whole* so that the university becomes more than the sum of its parts, in other words, so that there is value added to one's own activities by the sheer fact of belonging to a specific institution, with a name, a reputation and a credibility that goes beyond work in a specialised field – although building on it. Such an institution can more easily select priorities, develop joint operations with other universities in order to reach a critical mass in teaching and research, thus enlarging its intellectual offer, while adopting leaner structures.

D. The New Law

A law balances between the areas it has to cover - the key tools of change -, the details it needs to go into, and its expected impact on society. Indeed, it does not need to be long, especially if it offers a clear system framework for further regulation at institutional level. The present law – itself a revision of an older law – points to the areas that require refinement: who owns, governs and finances the system and how ? The “who” refers to the sharing of responsibilities among the actors of the system of higher education in Serbia, the “how” to the rules determining their accountability.

What are the transversal arrangements making possible the co-ownership, the co-governance or the co-financing of the system or of the institutions themselves – in terms of national councils for research or for higher education, of quality assessment agencies or of buffer organisations open to representatives of civil society (at system level), in terms of committees, commissions, forums (at institutional level) ? Are they simple links of *co ordination*, reference being then made to the lower echelons, the system as such resulting from a bottom up process of accretion of good will or unhappy rivalries ? Rather, are they efforts made to ensure the *compatibility* of the initiatives taken by the various actors, a compatibility that evokes areas of common activity governed along similar lines ? Or do they refer to common *commitments*, engaging the actors to meet shared objectives ? Depending on the answer, the system – or the institutions – can develop stronger or weaker common strategies, or envisage shared *solidarity* rules, allowing for the redistribution of responsibilities and of monies, for instance between institutions. This also applies to the various faculties inside the institution – e.g. as to the *overheads* to be paid for teaching or research done outside, however with the support of the university's name, equipment or personnel.

Vis-à-vis society, stakeholders and students – also in order to reach European compatibility -, the university is the key institutional level. It must be able to commit itself. This should be reflected in the law by making the **university the only legal entity**, thus making possible a system both efficient and effective in terms of the optimal use of its resources for best possible results. On the basis of a coherent and cohesive institution, the rules of cooperation inside the system and inside the institution can be defined in more details, setting the stage for a devolution to strong faculties as full part of the institutional system, faculties whose strategies and development plans support and dovetail with that of the university as a whole. Thanks to the interim statutes adopted last year in Serbian universities, some institutions have already experienced new forms of management leading to stronger university autonomy – i.e., a better capacity to initiate, innovate and respond, all the more so as the Ministry has been leaning towards *a posteriori* controls that encourage institutional responsiveness and responsibility. The law should now give the system a reference to a common

institutional set up – the university as such – thus helping later to revise the statutes of individual universities by taking full advantage of past experience.

E. Leadership

Capacity for choice, efficiency and sustainability– the consequences of a vibrant institutional autonomy – imply an ability to *take risks*. If additional income can be obtained from entrepreneurial activities, a balance will need to be kept so that the institution retains its original mission of public interest as a learning and creative institution. An accountable university also needs a responsible Stategovernment to report to and with whom to discuss those priorities that are going to shape the social contribution of the academic world to society, in Serbia and in Europe, in terms of means (level of funding, lump sum budgeting, fee policy) or in terms of ends (investment in teacher education or in linguistic diversity, for instance). To choose, prioritise or negotiate, and to maintain course – while assuming the risks taken and explaining the strategies adopted – universities need clear leadership. This is the *sine qua non* of a real sense of institutional continuity. It does not necessarily mean one person embodying the university but it implies at least a group of similarly minded individuals in charge of the *strategic management and governance of the institution*. They are the ones who can “integrate” the university, define its autonomy by asserting its identity and building up its specificity.

This is no easy task: that is why the law could point to the role and function of institutional leaders and help develop them for the benefit of the system as a whole – also through some kind of training and staff development procedures, encouraging the European dimension of their tasks as *benchmarks of good practice* should be looked for all around. If Euro compatibility remains central to Serbian development policies, such benchmarks, for higher education, could indicate what gives a library, the language policy, or international relations, for instance, their European quality.

The day of discussions with Serbian university leaders proved lively because all participants were directly involved in the reflection launched around the project of a new law. The various options had been debated, positions had been taken and many details given a pro or a con. The presence of outsiders on 19 May in Novi Sad offered the possibility, in the midst of this important maturation process, to take some distance from the urgency of the debate and to reflect on the process as compared with developments in other parts of Europe.

Three weeks earlier, indeed, the Magna Charta had been invited in Lisbon to assess how the principles of autonomy and the university fundamental values and rights should be taken into account in a new law for Portuguese higher education. The Collegium of the Observatory then stated in particular that: “Legislation ... should bet on the institutions’ capacity to act and propose, thus allowing for flexibility and timely answers to very diverse social needs, public or private. Clearly defined roles for government and institutions, making them partners in the evolution of society, should give vigour to institutional autonomy not only as a tool of management but also as a vital element of universities as powerhouses of knowledge”.

That such reflection can be relevant at the same time both in Portugal and Serbia clearly indicate that there are common trends in the changing higher education landscape in Europe and that, beyond many differences in local arrangements in Portugal, the universities and public authorities in Serbia are using the same European concepts to determine the best conditions for the development of higher education and research in their country - at the heart of the continent, which also happens to be the geographical heart of the future European Higher Education Area, the completion of which by 2010 will be discussed in Berlin in September by the 35 Ministers of Education involved in the Bologna process.