

## **Defending Autonomy: The case of Boğaziçi University**

The current constitution of the Republic of Turkey defines universities as higher education institutions with full academic autonomy and also states that their administrative autonomy should be regulated by law. The Law on Higher Education of 1946 introduced the principle of academic and administrative autonomy as well as the election of university rectors and the deans by the faculty members. A Council of Higher Education was introduced through an amendment to the law, but in 1973 the constitutional court found this council in violation of university autonomy and shut it down.

In 1981, following the military coup of 1980, the current Law on Higher Education was introduced, alongside a change in the constitution that introduced the Council of Higher Education (CHE) as a coordinating body of the country's universities. The council and the law were very centralized by design, giving the president of the CHE and university rectors far-reaching power over administrative matters. The law eliminated elections of university rectors, and stipulated that rectors be appointed by the president of the Republic, upon the recommendation of the CHE, and deans by the CHE upon the recommendation of the university rectors. The military regime used the new law and the CHE to "tame" universities that they saw as the focal points of social dissent.

law was amended in 1992 when a relatively young Boğaziçi University insisted on electing its own rector following the end of the two terms served by a rector who had been appointed by the military regime from outside the university. The faculty members held an election and insisted that their elected candidate be appointed. The officials listened, the law was amended, and elections were introduced again (with faculty members electing six candidates and the CHE shortlisting three candidates for the president). The powerful founding president of the CHE resigned in protest. This system remained in force until 2016, when the elected rector of Boğaziçi University (by a whopping 86% of the faculty vote) was not appointed by the president. A decree law under the state of emergency (following the coup attempt in 2016) banned the election of rectors, and the president of the Republic appointed a candidate of his choosing. Another presidential decree in 2018 institutionalized this change, where the appointment of rectors is carried out as any other appointment of a high ranking official in the public sector, totally disregarding the autonomy of universities as stipulated in the constitution. This procedure is being challenged, pending a high court decision.

On January 1, 2021, a midnight decree by the president announced the appointment of a new rector for Boğaziçi University. No one in the university knew about his candidacy. There was an immediate backlash from the faculty and students. Faculty members started to hold vigils every day at noon, standing with their backs turned to the rectorate building for 15 minutes wearing their academic gowns. A [weekly bulletin](#) is read out every Friday. A [record of all the damage](#) caused to academic life is being kept. Student protests have also taken place, and have often faced violent crackdowns from the riot police. The CHE released a declaration defending the rector's appointment (the first such declaration from the CHE). No academic unit recognized the new rector and no faculty member accepted to serve as vice-rector or in other administrative positions. During this time, over just four consecutive days, the CHE and the president of the Republic established two new faculties at Boğaziçi University (a Faculty of Law and a Faculty of Communication) with no discussion or approval by the university Senate, which is a clear violation of academic autonomy and is currently the subject of a legal battle.

*Boğaziçi University in Istanbul, Turkey, has its roots in Robert College, which was founded in 1863 as the first American institution of higher education outside the United States. In 1971, the Board of Trustees of Robert College transferred the campus to the government of Turkey, and Boğaziçi University was thus established as a public university. Boğaziçi University's high standards in education and research are acknowledged throughout the world, and its excellent and well-deserved academic reputation attracts the best students in the country. Boğaziçi University has been influential in educating the intellectual and business elite of the country.*

*Illiberal policies of authoritarian regimes have targeted and criminalized LGBTQI+ community and activities. Turkey is no exception. During the beginning of the Boğaziçi University protests in 2021, the LGBTQI+ student club was shut down by the rector, even though the university bylaws require a board decision for such a move. Furthermore, students holding rainbow flags were detained by the police right outside the campus. When students wanted to hold a Pride parade at the university, riot police were called to the campus by the rector, arresting around 70 people, including international exchange students and one instructor, using unnecessary force and detaining them for the whole night. The annual contract of a faculty member who was the adviser to the LGBTQI+ club was terminated prematurely by the rector, and the faculty member was banned from entering the campus.*

Three faculty members from Boğaziçi University accepted to serve as vice-rectors. The protests continued. Recognizing the unwanted public attention, the president relieved the appointed rector of his duties by another midnight decree on July 15, 2022. No explanation for this decision was offered. A new call for the position of rector at Boğaziçi University was announced by the CHE with a 15-day application period. The university's two vice-rectors announced their candidacy, along with 17 other candidates from within the University. Full-time faculty members held a non-binding vote of no-confidence, and the two vice-rectors received more than 93% disapproval while the remaining 17 candidates received an approval rate of at least 66%, which had been determined as the threshold for acceptable candidates. Voter turnout among the

faculty was more than 86%. In spite of this, the president appointed as rector the serving vice-rector, the recipient of the highest no-confidence vote (94%). Following this, no elected official of the university has been appointed, neither by the CHE nor by the rector. The rector appointed a director to the Institute of Social Sciences from outside the university instead of the elected faculty member. He also started to appoint new faculty members to academic departments with no consultation with the departments. A flurry of disciplinary action has been taken against students by the rector. At the request of the rector, some students have been charged by the prosecutor with up to 30 years in prison. Although most students were acquitted in courts, some decisions are still pending.

In a landmark move, the CHE simultaneously sacked three elected deans and appointed new deans from outside the university at the request of the rector without consultation with the university. The clear mandate given to the new deans seems to be breaking the student and faculty resistance, and bringing new faculty members without consulting the academic departments. [International academic groups](#), [past administrators and senators](#) of the university, and [honorary doctorate holders](#) from Boğaziçi University issued statements condemning the situation.

Boğaziçi University faculty members have actively produced reports on the state of the higher education system in Turkey in which they emphasized the principles laid out in the Magna Charta Universitatum (MCU), a charter that has already been signed by 36 universities from Turkey, these reports were then shared with the President's Office, the CHE, rectors of other universities and the public. Faculty members visited the parliament and representatives of political parties to draw attention to the state of the higher education system in Turkey. Recently, in July 2022, a two-day workshop was held in Ankara about the need for a new higher education law with the participation of approximately 50 academics from 14 different universities. A call for the redesigning of the Turkish Higher Education System with a new Higher Education Law is issued as a result of the workshop.

Some relevant links about the situation are as follows: [L1](#) - [L2](#) - [L3](#) - [L4](#) - [L5](#) - [L6](#) - [L7](#) - [L8](#) - [L9](#) - [L10](#)

**Please join us to find out more about one of the longest standing uninterrupted civilian protests in the history of Turkey (and certainly the longest in the country's academia) and its implications for Turkey's higher education system and beyond.**

## **WORLD CAFÉ SESSION. 15 September 2022**

### **Table 4: Defending autonomy: the case of Boğaziçi University**

**Host: Taner Bilgiç, Professor, Bogazici University, Turkey**

**Rapporteur: Gulsun Saglamer**

*“Boğaziçi University in Istanbul, Turkey, has its roots in Robert College, which was founded in 1863 as the first American institution of higher education outside the United States. In 1971, the Board of Trustees of Robert College transferred the campus to the government of Turkey, and Boğaziçi University was thus established as a public university” (T. Bilgiç, 2022)*

Partly due to its origin, Boğaziçi University has always been very sensitive towards the basic university values and has historically acted as a role model institution when these values are challenged by bringing it to the public attention. As it is explained in the background paper (T. Bilgiç, 2022), since 2016 the university rector election process has been terminated and further changes took place after 2018 *“where the appointment of rectors is carried out as any other appointment of a high ranking official in the public sector, totally disregarding the autonomy of universities as stipulated in the constitution.”*

On January 1<sup>st</sup>, 2021, when the President of Turkey appointed a new rector for Boğaziçi University, there was reaction from the faculty members, students and public at large. Furthermore, two new schools (Law and Communication) are established by the Council of Higher Education (CHE) and the president with no consultation to the competent boards of the university. As a result of these brute force interventions, the resistance within Boğaziçi University community increased over time and attracted further support from the public as well. Protests have been ongoing for two years and this is the longest stretch of academic protests observed in Turkey’s history of higher education.

In this World Café Session, Boğaziçi University Case has been presented and questions posed by participants have been discussed in three consecutive sessions.

#### **First Session: 6 participants**

In the first session, 6 participants joined the discussions; 6 of them were former or active rectors/vice rectors from various European Universities -- bringing with them a deep knowledge of the history of the university as well as university administration policies and procedures. Some of the participants have extensive experience across EU’s higher education & research area as well.

#### **Second Session: 3 participants**

In the second session, there were 3 participants; a Pro Vice Chancellor and two students. While the students intensely focused on the academic freedoms rather than institutional autonomy, the pro vice chancellor focused on institutional autonomy.

### **Third Session: 2 participants**

In the third session, we had 2 women rectors; one from Europe, the other one from Africa. They both focused on the conditions in the Turkish Higher Education area in terms of institutional autonomy.

### **Format of the Sessions**

Taner Bilgiç gave a short presentation on the Turkish Higher Education system since 1980s and summarized the different periods where drastic changes occurred towards losing “institutional autonomy” and “academic freedom” in Turkish universities.

The current higher education law and the Council of Higher Education (CHE) were established under the military regime of 1980s. The law is very centralized in nature and it eliminated the election of rectors that the Turkish academia enjoyed since 1946. In 1992, Boğaziçi University insisted on electing its own rector and the law was amended to partially allow for election of six candidates to be shortlisted by the CHE and the appointment of the president. This system was used in Turkey until 2016 when the election of rectors were eliminated.

The first time this established system was disrupted was when the President of Turkey did not appoint the elected candidate in 2016 at Boğaziçi University and appointed another name of his choosing as the rector.

In 2018, a new presidential decree gave full authority of appointing rectors for Turkish Universities back to the President of Turkey.

Taner Bilgiç also presented information on the existing problems in Turkish Higher Education system. At the moment Turkish Higher Education system serves to 8 500 000 students in 209 universities. Among this large group of students, 2,5 million students are attending higher education institutions in person on university campuses to get a bachelor’s degree. Remaining students are either in open online education or in vocational schools.

Turkish Government consistently increased the number of universities in the country. Since 2006, 166 new universities are established all over the country. This is the result of a populist policy to “open at least one university in every city” purportedly to revive the local economy in rural areas by bringing students to these regions. This fast expansion created serious quality problems in teaching & learning together with academic research due to the shortage of qualified academic staff in these newly established so called “universities”.

After this introduction, Taner Bilgiç shortly explained the Boğaziçi University’s case and summed up the problem in a short list of main problem areas around academic freedom and institutional autonomy. Participants showed great interest and tried to grasp the main arguments of this rather peculiar progression of events. The discussion revolved around questions and the participants’ sharing common practices and experiences in higher education in their own countries. Following questions were discussed at depth.

Questions and Discussions have been noted in the three sessions are as follows;

- What is the situation in other Turkish universities? What is unique about Boğaziçi University that makes it behave differently and react strongly to the breach of institutional autonomy (cancellation of the rector election process and opening new academic units without consulting the university by the president)? (participant from Slovenia)

In Turkey, there are two types of universities: Public Universities and Foundation Universities. Foundation Universities had the right to determine and appoint their own rectors chosen by their Board of Directors according to their own policies and procedures. However since 2018, the president appoints the determined rector for foundation universities as well.

Since 2018, in all public universities the president appoints a rector of his choosing. This was made possible by a presidential decree rather than a law as the constitution stipulates. There are lawsuits against this procedure pending high court decision. As for establishing new academic units like new schools, there is a mismatch between the HE Law and the current practice. The law stipulates that universities have the right to define their academic priorities and requirements and whether they have the potential to establish new departments or schools after completing their internal processes. Then the university applies to the CHE which has to consult the Ministry of Education in the process before a new academic unit is established. Even under the existing laws and regulations, the Boğaziçi case is an extreme case in the Turkish HE Area. The procedure is challenged and awaits high court decision.

Taner Bilgiç explained that Boğaziçi University has a somewhat distinct institutional culture possibly due to its background where democratic values are cherished and the university is viewed as a community of scholars. Academic freedom and institutional autonomy are an integral part of this culture along with democratic, bottom-up academic governance. Therefore, Boğaziçi community's reaction to the breach of this environment has been strong. Boğaziçi community viewed the recent events as an intervention on basic university values.

Participants of the session shared their accounts of the different systems across Europe. For example, In the Swiss HE system, rectors report to the ministers. Local governments have been convinced to give right to professors to elect the rector. Universities are free to design their rector and all academic appointments.

Taner Bilgiç explained that three elected deans of Boğaziçi University are dismissed simultaneously by the CHE and the CHE also supported the current administration in appointing academic staff without informing the related academic units in the university.

- Can you say anything about “what will happen when you go back?” (by Swedish participant)

We explained that there is no more a proper decision making body that cares about academic “merit” and plans for improving the HE institutions. The main concern of political authorities is still “How to control the HE system of Turkey”.

That was one of the most interesting questions asked, as the participants were mentioning recent developments occurring in the Swedish HE system under the new political climate. Another participant from Sweden argued that “we take academic freedom and institutional autonomy for granted and do not protect them sufficiently enough until they are significantly threatened”.

One of the participants mentioned that the Spanish Parliament is working on extending academic freedom by taking into account the proposals coming from different communities. On the other hand, it was also mentioned that when the students are not involved in academic governance and elections, this makes them lose interest in academic life.

Yet another participant, a young student, mentioned their experience with the Italian system and she said that the “Student Council” is an elected body but also confessed that students are not really very influential in the election of rectors and other critical academic decisions. The discussion continued on as many of the participants, young researchers and students coming from different countries shared their observations and opinions about different systems in their countries.

In the UK, students usually do not care about the rectors (Vice Chancellors) of the universities as they have no way to participate in their election process. The same is also true to a large extent for the faculty members. Students have only a minor ability to impact the election of Board of Governors (BoG).

Another question was raised: “If you think that the Vice Chancellor is not performing up to the requirements of the job what would you do?”

The participant from the UK explained that in the UK, BoG does not usually have a direct link with the members of the university; BoG has to make an official inquiry if any complaints about the Vice Chancellor are raised. Recently established Office for Students can hold the BoGs accountable if they do not take action on such complaints. Although the students and/or the faculty have limited involvement in influencing top academic administration, everyone has the opportunity / platform to criticize everything openly.

It was also mentioned that the balance between female and male candidates for all the promotion processes have been taken into account by the related authorities in Ireland ???

The participant from the Catholic University of Angola explained how they determine their rectors. When the university was established, it was endowed with statutory, scientific, pedagogical, administrative, financial and disciplinary autonomy. The university is affiliated with the Vatican via a hierarchical web of catholic education organizations worldwide. The Bishop consults a committee of 24 members. They evaluate several candidates and decide on one candidate as the new rector of the university. The committee also proposes a general secretary, and two vice rectors. The administration team is appointed as a team of four. For public universities in Angola, the government decides on everything. Angola has 90 universities.

In Lithuania, there are many developments in terms of research and sustainability. Professors receive a salary that is comparable to the middle class income in the country.

They are very keen on EC projects calls. Council of the university elects the rector. Council has 9 members; 1/3 business & public sector + 2/3 academic staff and 1 student representative. They advertise the position for a 5-year period and require academic administration experience. The appointment is renewable for another term (a total of 10 years).

The participant from Lithuania also described an interesting case. The government proposed to merge some universities in the country to achieve efficiency and reduce costs of higher education. However, the universities opposed to this decision on academic grounds claiming that no such saving is possible without compromising teaching and learning environment and went to court. Eventually, the Constitutional Court in Lithuania turned down the merger decision citing that the constitution defines university as an autonomous institution.

**As to conclude,**

Academic freedom and institutional autonomy in Turkey suffers from interference of the authoritarian central political power. Although there are 36 universities from Turkey that signed the Magna Charta Universitatum, the lack of a critical evaluation and a sustained resistance culture in the Turkish HE system suppresses the dissent among academics about violations of academic principles and values. The society was mostly indifferent towards basic university values until the recent events at Boğaziçi University. There have been several periods in which universities enjoyed institutional autonomy and academic freedom at certain levels since the Turkish Republic was established in 1923. However, currently the academic freedom index shows that the Turkish universities plunged back to levels of autonomy of the 1980 military coup era. If this trend continues, Turkey is likely to lose yet another generation of its academic talent (faculty and students) as many of them will seek opportunities elsewhere around the globe. A way forward seems to be redesigning the Turkish HE system by a new law based on academic freedom and institutional autonomy.