

Assessing Governance and Regulatory Reforms: A Public Policy Analysis of Universities in KPK

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Abstract

The study aimed to assess role of external policy changes on internal governance of universities in Khyber Pakhtunkhwa (KPK). Using an institutional theory lens, we examine strategic responses to plethora of overly coercive policy pressures as objectives of study. An inductive-qualitative research design in conjunction with 24 interviews is used to analyze data collect from faculty members through a three staged constructionist version of Grounded theory (GT). The study found out that private universities are more pre-emptive in terms of regulatory policy adoption and compliance. Public universities were slower in adoption of new policy reforms; hence measures of avoidance and defiance were more visible. The governance boards of private universities mostly comprise of old cronies in contrast to public sector where active participation of various stakeholders is involved, although to the exclusion of rank and file representation. A high level of government representation is present in governance bodies of universities, especially public universities although such universities are autonomous bodies. The study concludes that plethora of policy changes; inspired from New Public Management (NPM) doctrine under the pressure of International governing bodies coupled with electoral hopes is counterproductive, especially during a time of pandemic induced economic downturns. Plethora of prescriptive policy changes has overstressed the university level governance in both public and private sector universities. The study contributes to public policy discourse and debate to inform policy decisions for good governance in Universities.

Keywords: New Public Management, Good Governance, Institutional theory, Public Universities, Private Universities.

Introduction

In contemporary academic discourse, it goes without saying that the art of governance has always been there to steer organizations since antiquity (Abbas et al., 2015). Interest in university level governance can

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be traced back to year 1213, wherein the Magna charter for the University of Paris was subsequently confirmed in 1231 (Shattock, 2006). The Pope was obliged to seek approval of professors among other things, for recruitment of teachers of theology and Canon Law. In the sub-continent, the concept of governance in universities of Gandhara region can be traced back to the first millennium (Yousafzai et al.,2021). The Budhist Monastery of Takhtbhai and Taxila University were presumably, the leading seats of higher education in Gandhara region (Siddiqui, 2014).

In the Asian Sub continent, modern usage of governance first came to forefront with formation of “East India Company” as a Joint Stock Company (JSC). The JSC through the East India Company brand name was comprised of 1000 shareholders and a governing board of 24 Directors in the form of a monopoly (Tricker, 2012). However, there is evidence to suggest that modern most usage of the word governance mainly came from Sir Adrian Cadbury report of 1992, UK in the backdrop of a series of corporate debacles due to accounting frauds which resulted in development of corporate governance codes in UK. On the one hand, Corporate Governance (CG) in the Western nations received heightened attention due to a series of multiple corporate scandals in multinationals such as Volkswagon, Wells, Worldcom, UBS, Enron, Tyco, Rite Aid and Fargo (Awolowo et al., 2018). On the other hand, frauds relating to PTCL, Steel Mills, Taj Company and Crescent Bank brought much needed attention for rigorous corporate governance by Securities and Exchange Commission of Pakistan (SECP) (M. Ali, 2019). In the Higher Education Institutions (HEIs) of Pakistan, the recent decisions against many Heads of public universities in KPK signal prevalence of adverse selection issues as asserted in Agency theory of governance (Shapiro, 2005).

At the start of new millennium, a phenomenal surge in promulgation of university charters (private) and regulations (public sector) has been observed in Pakistan in general and KPK in particular which continues unabated (Yousafzai et al.,2021). This evident from the fact that we now have district level universities as several sub-campus of universities have been upgraded to universities without taking to consideration whether are not such rural areas are ready for a university level education. Access to higher education has risen and so does is the case with unemployment, Credentialism and educational inflation (Janger et al., 2013). As a consequence, HEC policies need to assess the governance (academic, financial & administrative) more rigorously to introduce reforms in working of universities to find avenues for good governance.

Increasingly, international world donors and international financial institutions desire for undertaking reform such as New public management (Lapsley, 2009) with the broader goals of sustainable development (Nawaz et al., 2021).

NPM uses private sector key performance indicators to measure performance of public sector institutions often in a counterproductive manner. In the same vein, good governance of decisions is said to be place when the eight attributes such across the inclusiveness, broad based participation for consensus development and accountability as well transparency and adherence to rules of law among others are present (Ramzy et al., 2019). With the entry of NPM- inspired defunding, austerity measures and corona pandemic as well as a variety of external forces had triggered new legislations such as Uniform University Model Act for Public Universities in KPK. Likewise, a separate Uniform Act of regulations for private sector was under consideration of the cabinet (Education et al., 2021).

The academic career paths in Pakistan for faculty are diverse and a product of trans-located policies. The Tenure Track System (TTS), is a fixed term contract was introduced as part of new public management (NPM) reform agenda in light of Bologna declaration and Lisbon strategy (Khan & Jabeen, 2019). Other academic career paths include the “Basic pay scale” (BPS) system, “fixed pay Contract tenure”, visiting faculty and “Interim Placement of fresh PhDs” (IPFP), which leads to announcements of vacant posts for such faculty. However, recently the post announcement for IPFP scheme has been withdrawn due to lack of absorptive capacity of universities. The work load and remuneration packages of IPFP faculty have also been reduced due to a variety of reasons mainly economic in nature.

Internationally speaking, the “*Two-tier Promotion Model and Habilitation Model*” is used in Australia, Germany and Switzerland which requires post doctorate degree as a minimum qualification for a permanent academic position. This means permanent employment is offered at late academic career stage. The unique Centralistic Model with State Approbation is used in France which uses a combination of Habilitation and Probation models (Janger et al., 2013). There is growing popularity across the world as evident from widespread adoption of Tenure track system in universities. The main concept of TTS model is to provide security to academics serving a reasonable time containing apprenticeship with progression and appointment being dependent on performance

evaluation, but “no renewed advertising and application are required” (Schiewer & Jehle, 2014). However, negative evaluations can risk academic progress. In the light preceding discussion, it is safe to say TTS system in Pakistan is gaining a critical mass due to the fact that it lowers pension accumulation burden and hence more attention is paid to it.

Through the Institutional governance theory lens an empirical investigation of governance board’s level activity can be difficult as confidentiality is needed as part of official secret keeping (Wheelen et al., 2017; Carpenter et al., 2007). A notable, paper on HEIs by (Yousafzai et al., 2017) proclaim that private universities are functioning as trusts, charitable bodies, foundations in KPK. The study reported issues in the composition of boards, similar charters and interlocking within the boards of Governors. In the same vein, another study was conducted by (Yousafzai, 2019) using the New Public management as theoretical lens with an interpretive methodology to assess the governance changes brought by using NPM. This had created a research gap worthy of examining by way of comparison of public and private HEIs in KPK. Hence, this study strives to fill the research gap calling for a comparative public policy analysis of governance responses of public and private universities in KPK using intuitional theory as theoretical lens for examining external pressures and internal organizational adjustments (Parada et al., 2020). Against the backdrop of preceding review of literature, the current study articulates the central research questions, “*What is the impact of regulator-oriented policy changes on governance operations of universities in public and private universities of KPK*”.

Methodology

A research design hinges on three overarching assumptions of ontology (nature of reality), epistemology (how we know what we know) and methodology to decipher nature of reality (Al-Ababneh, 2020). This study used an inductive-qualitative stance by using subjective ontology (Constructionism) and subtle realist epistemology (as opposed to naïve realism) with appropriate tools and strategy of inquiry i.e., the methodology. The constructivist or interpretive approach argues that reality is socially constructed in perceptions and expressed in lived experiences of people to construct, deconstruct and reconstruct reality for meaning making.

According to Higher Education Commission, Islamabad as of (2022) in Pakistan there are more than 217 universities to date. In KPK out of total 40 universities 29 are public and 11 are privately chartered by provincial Government. For this study, the respondents are faculty members of 12 private and 12 public sector universities. The 12 interviews are determined for both categories as the sample frame or universe of private universities in KPK is only 12 universities, which allows for equal representation of participants comprising of lecturers, assistant professors and associate professors who had also performed additional administrative responsibilities in the past or still holding additional administrative responsibilities. A Constructionist version of Grounded theory (GT) is used in the form of strategy of inquiry due to context specific nature of study with small sample (Tariq, M. 2018). The point of theoretical saturation unfolded at 24th interview after which new insights gradually diminished to emerge from additional interviews which signals data adequacy.

On the similar lines, a study was conducted by (Yousafzai, 2019) using the NPM as theoretical lens with GT methodology to exclusively focus on the governance in public universities in KPK. Building upon this prior scholarly progression, this study strives for holistic insights by way of compare and contrast of policy level governance in both public and private universities of KPK. On one hand, all the twelve private sector universities were considered for interviews. On the other hand, relatively new universities of AWKUM (Mardan), UOM (Malakand), UOS (Swat), KUST (Kohat), BUC (Charsada), UoH (Haripur), FATA, IMSciences (Peshawar), UOS (Swabi) and University of Buner were considered for sampling purposes. The oldest universities such as Gomal DI Khan, Agriculture and University (Peshawar) were excluded due to their heterogeneity in terms of maturity, financial stability and other peculiar reasons dissimilar to rest of two sampled categories of universities. The interview guide was recursively refined through the first six interviews to induce further refinements in sync with central research question i.e., *“What is the impact of regulator-oriented policy changes on governance operations of universities in public and private universities of KPK”*.

Pseudonyms (*alias names*) were used as ethical instrument to maintain privacy of participants as ignorance from ethics in itself is unethical practice (Iqbal et al., 2018). The procedure for GT is structured around three consecutive levels of coding analysis (open, axial and selective) stages. The data collection and analysis occur in an iterative

manner (*constant comparison process*) to inform about substantive level theory (Creswell & Creswell, 2018). The substantive level theory comprises of a set of characteristics and properties and lays the foundation for subsequent scientific testing (Nawaz et al., 2021).

Analysis and Discussion

The ensuing GT based analysis has been undertaken in sequence of questions probed in interview guide. In regards to introduction of TTS pay-scale policies of HEC the first questions were asked. A recurrent theme which manifests itself in selective coding based on inputs from preceding axial and coding analysis reflects emergence of an unnecessary academic dichotomy of BPS vs TTS in public universities. The Tenure track salaries have recently been revised, although there was a period of salary stagnation for a considerable period of time, which brought salaries of TTS on parity with BPS. The empirical evidence suggests that preferred pay scale in academia remains to be BPS, although a forced surge has been experienced in TTS based appointments in public universities. Recent raise in salaries of TTS are amongst other factors mostly attributed to Ex Chairman HEC, Dr. Atta Ur Rehman (effect) at the helm of affairs, who pioneered the introduction of HEC and TTS systems in Pakistan. The selective coding entails, that some private universities are reluctant to offer TTS for fear of loss of control and intervention of outside stakeholders. The evidence suggests that private universities offer better pay scales amidst no pension to regular PhDs who should preferably be qualified from technologically advanced countries or retirees from public universities.

In the same continuation, another question probed was regarding impact of UMA 2012 on faculty and administration? A recurrent theme which manifests during the open coding suggests that in public universities, there is a tilt towards administrations in the wake of UMA 2012 promulgation, which is amended up to date. Administrative staff receives by file promotion after completion of certain years of service such as 5 years for promotion from BPS 17 to BPS 18 in public universities. The faculty on the other hand, has to publish as well as comply with Post PhD experience as well as face both internal and external competition as well as meet benchmarks of ever evolving HEC policies in case of BPS cadre faculty. On the other hand, in private universities the career progression is mostly based on fulfilling minimal promotion standards. In

private sector universities the administration is severely disadvantaged in terms of salary disparity, career progression possibilities and lack of evenhandedness extended to them. The selective coding analysis with inputs from axial coding suggests that private university employees ultimately end up working in public universities. These employees upon attaining superannuation are again re-inducted in the private sector universities as professors and members of governing bodies such as BOG and Academic Councils. This goes to show the reciprocal relationship between career paths of academicians while moving to and forth from one structure to another.

In regards to good governance of universities, other questions asked was about board level governance and participations? A recurrent theme which manifests itself in the form of categories during open and axial coding suggest that most of the private universities are having strong Board of governors amidst the fact that most of their members are retired professors and head of institutions of public universities. The selective coding concurs with (Wheelen, T. L., & Hunger, J. D. 2011) in a sense that majority of boards in private sector are phantom boards which seldom disagree. This is similar to Yes-Men boards of old cronies' boards which cascades serious issues when taken to consideration from a good governance perspective. In public universities, there is more diversified representation of board members as dictated by their respective charter and UMA regulations. But still they are autonomous bodies and excessive presence of bureaucracy is sometimes questioned. Although the representation of faculty and staff is present in governance bodies, the presentation of rank and file below BPS 17 is absent in many public universities.

In the same vein, another question probes impact of policy changes on functioning of competent authority in universities. A recurrent theme which manifests itself during analysis (open, axial & Selective) indicate that corporate governance wrongs have also been resurfacing in public institutions. Many of the incumbent competent authority holders were sent on forced leave by Patron-in-Chief of universities in KPK due to alleged negligence, irregularities and in appropriacies as well as excesses created due to misuse of discretionary powers. This goes in agreement with notion of moral hazard (lack of effort or negligence) and adverse selection such as misrepresentation of skills during recruitment process (Shapiro, 2005). The pre-mature departure and compulsive leave of many Vice chancellors of public universities in KPK entail the presence

of governance issues confronted in the recruitment of VCs search committee. This goes in sync with idea whereof the corporate sector says there is no talent, while job seekers lament the fact that there are no jobs. As a consequence, a number of matters involve litigation which slows down the pace of development in universities resulting in further delays. On contrast, in private universities, there is greater stability of VCs tenure ranging from three to seventeen years amidst lack of discretionary powers available to Vice chancellors in terms of monetary decisions in particular. The above analysis goes in good agreement with (Anjum, S. 2020) who asserts that in Pakistan we need to control use of discretion for building strong institutions to avoid lost opportunities in recursive process of changing rules.

The next question pertained to the introduction of Uniform university model act for private universities which is awaiting cabinet approval? The UMA (2012) and its amendments applies only to public universities in KPK, Pakistan. The evidence generated from axial and selective coding suggests that a new UMA for private sector universities is in pipeline which will surely cascade considerable changes in private sector HEIs. Inspired from New Public Management (NPM) in academia the differences between public and private sector are diminishing (Yousafzai et al., 2021). However, with the preparation of Uniform private Model act seems to be a U-turn of NPM stance, as it now strives to govern private sector universities with a single yard stick (HERA, 2021; Education et al., 2021). However, the empirical evidence goes in favor of uniform model act in private universities as interlocking in board's composition, overlap in jurisdiction of universities and similar nomenclature caused governance issues in the past. The new regulations will impact newly incorporated four more universities by the name of Rehman University, North West University of Health Sciences, Prime University, and University of veterinary and animal sciences and NUMS (HERA, 2020; Education et al., 2021). The preceding discussion in regards to UMA for private universities goes in concurrence with (Hsu & Lamb, 2020) who asserts that most of today's problems emerge due to solutions of yesterday. The case of churning out regulations and charters for universities in undue haste necessitated for regulations such as UMA 2012 and still further amendments in Public universities. On the other hand, the private universities charters had issues which the cabinet strives to correct through a similar UMA for private universities.

A penultimate question pertains to plethora of policy changes during the COVID 19 pandemic? The empirical evidence generated in open coding, suggests that during the past two years a number of policy changes have been imposed on both public and private universities. The axial coding analysis entails that churning of policies coincided with Covid-19 pandemic which cascaded several other problems in implementation of these policies which includes Undergraduate Policy (2021), PhD policy (2021), HJRS Policy (2021), UMA, (2021), Plagiarism Policy (2021) and TTS updated Policy (2021). Such higher degree of reform requires adequate resources and commitment which in the wake of HEC defunding due to devolution and NPM inspired funding cuts have become increasingly difficult for public sector universities to comply in true letter and spirit. On the other hand, the private universities are able to circumvent HEC requirements on paper in an entrepreneurial manner due to lack of bureaucratic procedures these policies are swiftly applied although in letter but in its true spirit. As a result of overly prescriptive nature of recurrent policy changes, there is widespread unrest, dissatisfaction and confusion among faculty members of both public and private universities in KPK. The selective coding analysis based on preceding input from open and axial coding suggests that too much of a good policy is counterproductive as anything which becomes excessive is generally insignificant. This goes in agreement with (Yousafzai et al., 2021) assertion that second order changes of overly prescriptive nature during the NPM inspired measures couple with Covid-19 related economic downturns have put universities in imbroglio.

The final sub question in light of institutional theory pertained responses to external policy pressures on a spectrum of compliance, commitment and manipulations in universities. The evidence generated during open coding indicates that performance of private universities is better in regards to swift policy implementation of online education as majority of private universities are located in urban areas as against majority of public sector universities operating in rural localities. The axial coding goes in agreement with (Isani, U. A., & Latif, V. M. 2010) which stresses the fact that private universities only offer in demand degree programs only to leave the rest of universe (university actually studies universe through its departments) to public sector which is often economically not viable especially when seen from a NPM perspective. On the other hand, the adoption of online education in wake of COVID-19 has been slow in public universities due to their bureaucratic nature and

rural locations which lack desired connectivity needed for dispense of online education. In contrast to this, the introduction of the hybrid mode of teaching for learning model in Germany has already started before advent of pandemic and the COVID-19 only speeded up this process. This goes to show that university governance in developed world is well-planned and oriented to the sustainability (Ahrens & Zascerinska, 2021).

Conclusions

A Plethora of overly prescriptive policies inspired from NPM mentality have been experienced by both private and public sector universities in KPK. The policy changes have triggered internal adjustments with private universities securing priority compliance in comparison to public universities amidst the fact abrupt changes seldom allow for adoption of policies with true spirit. Policy changes have triggered changes for related university level promotion requirements in a manner reflecting “Before” and “After” labels much like commodities. New schemes of PhD absorption were halted before modification due to lower allocation to funding to HEC in the aftermath of devolution of education to provinces. Unnecessary dichotomy of BPS vs. TTS appointments has been created due to pressure from international governance bodies. However, despite the majority of new TTS appointments still BPS is the most secured tenure path although there have been slower promotion opportunities as many faculties retired before reaching professorship positions.

Over regulation and tight monitoring is experienced at governance levels amidst lack of adequate policy, foresight and oversight due to lack of long-term academic approach. Change has also occurred within the universities, especially in public sector universities where there is double tier competition for vacant faculty positions, unlike in private sector universities. Private universities are performing better, especially in the aftermath of changes induced by COVID-19 due to their locations in urban and semi urban areas. Show me the face, I’ll show you the rule phenomena are evident in both public and private universities. Private universities are able to circumvent HEC requirements on paper in an entrepreneurial manner to comply with regulatory requirements of HERA and HEC. The administration is at disadvantage in private universities, while the faculty is at disadvantage in public universities. Finally, it is concluded that both public and private universities are facing governance issues with the former termed inefficient in a sense that it gets too little mileage from the

funds and the later ineffective in a sense to accomplish in true spirit their social mission. The study contributes by offering a comparative stance on public-private responses to tsunami of change and reform to improve comprehension of contemporary unfolding in HEIs.

The issues preceding the current change was devolution of education to provinces resulting in federal dilution and defunding from HEC. The planned changes have been executed amidst the untimely advent of COVID-19 which has further rendered intricately complex governance issues. The study recommends use of regulatory discretion with caution. In terms of policy prescription as all that becomes excessive renders itself insignificant. Undue haste for results without striking a right balance between aspirations and resources render policy manipulations as a compliance strategy increasingly more legitimate. Finally, no research is without limitation and delimitations. The primal limitations beyond the locus of control herewith pertains to fact that governance related (board level) activities and mostly confidential. Moreover, most of the faculty members have little interest in governance related issues due to lack of need understanding. The researchers leave the issue of selection of VC, Deans, and members of BoG, Syndicate and Senate Members to future researchers interested in this area to undertake studies with even greater sample size.

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