

Assessing the Implications of University Model Act Reforms on Governance: A case of Public Universities in Pakistan

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Abstract

The aim of study was to assess implications of University Model Act on academic, administrative and financial governance of public universities. The objective of study was to decipher governance intricacies in the aftermath of UMA implementation through a grounded theory methodology. A total of 27 interviews were done from key members including both staff and faculty members from 7 universities across two phases of data collection. The findings entail that sudden translocation to single national curriculum had cascaded a significant distress among academic fraternity in KPK. A change saturation scenario prevails in ostensibly cash-strapped public universities which signal introduction of some aspects of NPM doctrine to improve sustainability. Finally, the UMA bodes well to improve university financial position through creation of university endowment funds policy and bootstrap austerity measures. The study concludes that in terms of financial governance the universities are hard pressed to become self-sustainable due to lower revenues from rising enrollments due to subsidized tuition fees and little innovation by way of commercialization of knowledge. As a result, universities look out for more entrepreneurial commercialization of knowledge beyond revenues generated from government funds and tuition fee. The study contributes by providing pre-policy insights to act as stepping stone to overcome paucity of understanding the possible implications of UMA on university governance in KPK.

Keywords: governance, UMA 2012, eighteenth amendment, NPM.

Introduction

The New Public Management (NPM) reform agenda has been popular among governments in public bureaucracies of Europe and USA (Cavalcante, P. 2018) with a growing popularity reported among oriental governments recently (Maes, J. 2015). NPM claims to modernize public sector which is often plagued with lower performance, inefficiencies, and wasteful excesses (Lapsley, I. 2009). Responding to pressures of change and under the burden of electoral hopes, Governments attempt translocation of NPM practices by way employing private sector criteria to transform public sector (Gerrish, E. 2016). This is no more evident than in Pakistan

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which experienced the massification of higher education at the outset of new millennium with unprecedented enrollments (Isani, U. A., & Latif, V. M., 2010). As many as 5 universities were promulgated in one day amidst issues in their charters which cascaded into positioning problems as well as overlap in regulations and charters (Yousafzai, M. T., Khan, M., & Khan, U. 2017). This later on necessitated the emergence of university model act (UMA) and associated three amendments to rectify earlier omissions and oversights. The emerging governance approaches, view universities as instruments of regional development for uplifting the catchment areas in a process termed as “*third mission*” apart from teaching and research (Tariq, M. 2018). Despite, the perceived advantages of NPM, the striking feature is that it ignores social spirit of public sector enterprises. Hence, NPM deployment at times is found counterproductive and results in disappointments for those responsible for its hasty implementations (Lapsley, I. 2009).

Governance in HEIs

Keping, Y. (2018) proclaims that although used interchangeably the governance is a broader concept than government. In the current context, governance reflects how HEIs are systematically established and managed for proper social order (Klein *et al.*, 2019). The UMA was preceded by Eighteenth amendment reform (EAR) which devolved higher education to provinces (Hussain & Kokab, 2012). The UMA, 2012 had hitherto undergone several amendments as an institutional cope up mechanisms for extending it to all universities in KPK. The concurrent onset of Covid-19 with the preceding two change stimuli had cascaded a sea change, although without any real preparation and capacity building. Prior scholars such as Khan, K. (2015) had studied the impact of external changes on governance of universities in Sindh leaving behind a research gap which this study strives to fulfill. This research is timely as the complex issues of academic and administrative governance are overlooked in university-based studies, despite the fact that academicians had studied a whole range of external issues (Mainardes, E. W., Alves, H., & Raposo, M. 2011). The literary analogy of a fish and water discovery fits well not only for governance of universities but other issues in contemporary times of Covid-19 emergencies. This is clearly evident from under researched area in the local context partly because of the many reversions of regulations in a short time to be untangled, signaling a potential for significant contributions by offering insights as pre-policy inputs.

Role of HEC Post UMA and EAR Implementation

HEC Pakistan regulates strategic level academic, administrative and financial, governance of universities (Khawaja, A. A., 2020). In the interim constitution of 1947 for the Pakistan dominion and then 1956, 1962 and in 1972 constitutions, the education portfolio was placed under provinces (Khan, K. 2015). In the 1973 constitution, the Higher education was put into concurrent legislative list with University Grants Commission made to oversee governance affairs of HEIs. In 2002, the UGC was superseded with Federal ordinance promulgated for creation of HEC which has also been amended through a presidential ordinance in 2021 most recently. In context of Eighteenth amendment reforms (EAR), there has been considerable dilution in powers of central HEC (Khwaja, A. A., 2020). The most significant feature of the EAR, is exclusion of higher education from concurrent legislative list (CLL) and its associated 47 subjects. In the past, the CLL allowed the federal government leeway to have legislative control of higher education (Khan, K. 2015). The Sindh and Punjab provinces had established their own provincial higher education commissions *i.e.*, SHECs and PHECs. The KPK province has established a separated Higher Education Department (HED) under which Higher Education Regulatory Authority (HERA) functions to regulate private sector HEIs with governor of KPK as patron in chief of all provincial universities.

Governance Models of Universities

Universities are complex organizations which are traditionally governed on basis of bureaucracies, collegiums and political models. The massification of higher education is a well-established fact but its financing is another attention seeking aspect in developing countries (Osipian, A. 2008). Moreover, recent evidence suggests that corporate governance concepts have also been extended to public sector institutions especially in terms of financial management, although it had its origins grounded in private sector (Matei, A., & Drumasu, C. 2015). The change emerging as a result of the UMA is noteworthy for its role in upcoming days, albeit it was found that it does not apply directly to all the private universities. Public universities are autonomous bodies and completely different from private universities which receive little or no funding from Government. The governance rationality systems in public sector involves adherence to Acts, statutes, regulations, and rules. There is democratic representation of faculty, staff and ex-officio members in Senate, Syndicate and Academic councils with the objective to satisfy stakeholder's needs in a sustainable manner (Matei, A., & Drumasu, C. 2015).

Theoretical Lens and Objectives of the Study

The context of the study is best grounded in works of De Boer *et al.*, (2007) “*Governance Equalizer Model*” as a theoretical lens to see the governance issues in public universities. This is particularly relevant for examining the state regulation, external guidance and academic and managerial governance systems (Maes, J. 2015). There has been a shift of power from Federation to provinces in Pakistan after EAR. In 2010 with the passing of EAR the higher education has been made a provincial subject requiring considerable change to attain provincial autonomy. There has been considerable confusion as the funding from federation has been reduced. There seems to be an unwavering tug of war between intellectual elites for top slot in HEC as most recently an ordinance was promulgated which reduced autonomy of HEC and brought it under the Ministry of Education (DAWN, 2021). The research focuses in terms of academics, which include teaching, research and academic career progression. While the statutes development, decision-making and Policy making are part of administrative activities. Finally, financial activities such as accountability, financial stability and government regulations are examined post UMA implementations as objectives of study. In the light of preceding discussion on change saturation experienced by higher education such as UMA amendments, EAR and Uniform signal curriculum. This study aimed to explore the impact of UMA) on governance of universities in KPK. The specific objectives of the study are to assess implications of UMA, 2012 and its amendments on academic, financial and managerial governance of provincial universities in KPK, Pakistan.

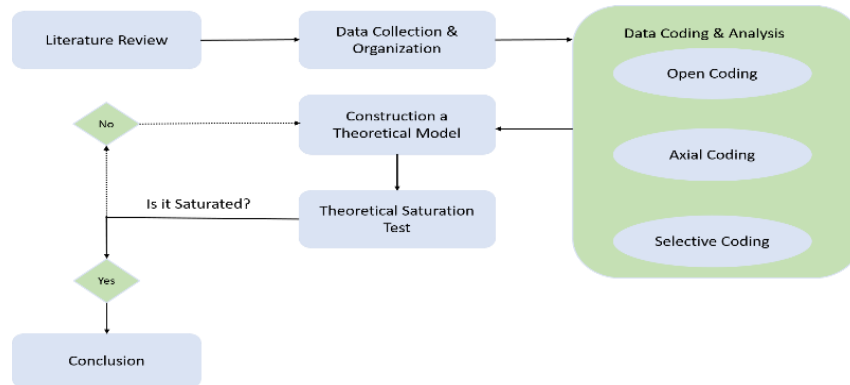
Methodology

The data for this study is obtained as part of research project submitted under Covid-19 Small university grants in 2020-2021. wherein the study assesses the governance issues in public and private. Instead of a comparative stance due to conspicuous disparities in governance of private and public universities, the study only examines public universities. The research uses a constructivist research stance like Yousafzai *et al.*, (2020) to examine selected governance issues to offer better understanding of UMA and its related implications. In pilot phase, 6 interviews were done with participants from private universities. The evidence generated directed the research to public sector as UMA applies only to them wherein 21 more interviews were done. In total there are 217 Universities in Pakistan. Out of the total, there are 39 universities in KPK (HEC, 2020). These universities are further sub classified into 28 Public and 11 Private universities. In KPK four universities are oldest i.e., University of Peshawar established in 1950, Gomal University in 1974 and University of Engineering and Technology 1980 and Agriculture University Peshawar established in 1981. The

sampled universities comprise of participants from GU, DI Khan, AWKUM Mardan, UoS Swat, UoM Malakand, UoH Haripur, AU Peshawar, and KUST Kohat.

In inductive studies it is unrealistic to determine sample size at the inception of study (Yousafzai *et al.*, 2020) as the point of saturation determines data adequacy which was identified after 21st interview in this study. Using non-probability purposive sampling experts such as those holding dual teaching and administrative responsibilities from 7 universities were selected with at least 2 participants from a university. Charters and regulations of universities were retrieved from relevant official databases such as KPK Code, Punjab Code, and Pakistan Code as well as Gazette of Pakistan. Together, in both phases, a total of 27 interviews were done. The empirical evidence was analyzed through GT which involves three types of coding process as depicted in figure (I).

Figure I: Procedure of GT based Open, Axial & Selective Coding Analysis



Source: (Adopted from Yousafzai, M.T., et al., 2021)

Academic experience of working in KPK allowed us leeway to approach participants during three sampling procedures of GT. These were assigned a pseudonym to maintain confidentiality as per standard conventions trustworthiness which we strive to attain as ignorance from ethical dimensions is itself unethical (Iqbal *et al.*, 2018). First, the study collected prior consent and member checks to receive participant approval and continued support (Thomas, D. R. 2016). Second, due to GT based inquiry, multiple peer debriefer were used for credibility (Barber, J. P., & Walczak, K. K. 2009). Finally, non-verbal clues of participants were noted in a diary to induce greater rigor through reflexivity.

Data Analysis

To better understand core phenomena, the analysis unfolds in order of academic, followed by administrative and financial governance. The first question in regards to academic governance is, “*What is effect of university model act on teaching and research activities of the University?*”. A recurrent theme which manifests itself during open coding is a move towards digitization of teaching, especially in the context of Covid-19 waves. In the public sector, faculty faces lack of equipment, and training for online classes. The axial coding reveals that the process of digitization is more pronounced in private universities. The importance of distance education has been renewed, despite prior closure of such degree programs. The selective coding entails that due to formation of new bodies under UMA, the selection processes of faculty and staff had been further prolonged. That’s why an enormous rise in part time faculty is reported. On the other hand, a rise in publications had also been witnessed by way of work-from-home policy.

Then we focus on *how the changes impact the academic governance structure of universities?*” A recurrent theme which emerged during open coding refers to reconstitution of new bodies such as Academic council and Board of faculty in the light of UMA. This realignment is cumbersome process for new universities. Mostly, the best practice of UoP is followed. The axial coding entails that all public universities now are governed through UMA 2012 and the associated model statutes, regulations and rules. Face to face to meetings are held in boards of public sector universities amidst the Covid-19 emergency. There was duplication in regulations and charters of universities as asserted in Yousafzai, M. T., *et al.*, (2017) which has been covered through adoption of uniform UMA, statutes. The selective coding reflects a sea change to happen from fall, 2021 with introduction of new Undergraduate Policy. This policy entails that universities shall start offering uniform courses for all undergraduate programs for the first two years with students deciding on degree programs of their choice afterwards. This had made curriculum development and compliance to guidelines difficult for public universities who mostly outsource or adopt curriculum designed from a Fortune 500 perspective.

Next the *impact of recent changes on the career progression of professors and administrators in university was probed?* Open coding indicates that faculty promotion involves both internal and external competition. In the administration, the promotion is by time-scale but chances of reaching highest ranks are little beyond BPS 20. The administrators prefer faculty positions and vice versa. The axial coding categories reveal that under UMA no faculty is allowed to serve on administrative positions, although many still continue to hold administrative positions. The status-quo prevails, especially in new

universities. Under the influence of foreign lenders and due to austerity measures as well Covid-19 concurrence salaries had been raised during 2019-2020 although there have been vibes emanating for a 25 percent raise on basic pay.

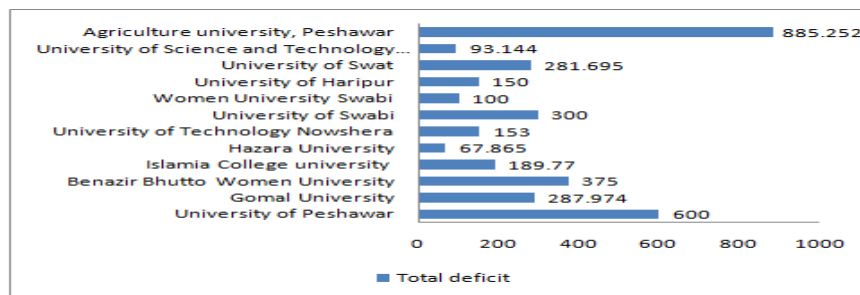
Moving ahead, we delve into administrative governance *of a university*? The UMA allows universities to develop their own statutes in light of “model statutes” but this is not possible in immature setups, which lack experience to develop such statutes. The VCs change after three years, hence there is too much to do in short time. In lieu of designing own statutes, the UoP statutes are currently adopted as per provision available in UMA 2012 legislation in some HEIs. There has been a rise in transparency and accountability as inspection and audits of academic and administrative as well as financial nature are done. The axial coding entails that still the faculty are holding key administrative positions in many universities, despite rules to the contrary in UMA. This situation creates a paradoxical role conflict as TTS faculty assessments are not endorsed by HEC due to involvement in administration affairs. The selective coding indicates subtle implicit hostility among faculty and administration in the form of a tug of war for power and privileges as faculty is keen on joining administration while administrators favoring faculty positions.

Then we examine *the decision making in universities in the aftermath of recent UMA induced changes*? Universities are complex organizations which function like bureaucracies and decision-making style is rationalistic with strict compliance to rules. Open coding reveals that many pressures are exerted by different types of interest groups. There is conflict of interest in almost all universities as one interest group tries to prevail over others in democratic governance processes of Senate and Syndicate. Mainardes, E. W., Alves, H., & Raposo, M. (2011) asserts that in Collegiums and Bureaucratic University governance conflict prevalence is abnormal, unlike in the political governance style which considers it normal. The axial coding shows that due to bureaucratic procedures and existence of vacuum internally; it generally takes longer to formulate policies for emerging issues such as Covid-19 and compliance to changes in curriculum or admission procedures recently announced by HEC. The selective coding entails that there is external pressure of electorates. Moreover, the award of charters or regulations during a political regime also influences the positioning and tilts of universities, especially towards incumbent ruling parties which can be termed as political collegiality. There are other pressures and power groups such as unions, syndicate, senate and academic councils which impacts decision making styles in public universities.

In ensuing lines, we analyze financial governance which pertains to *financial accountability in aftermath of UMA*. A recurrent pattern which emanates in open coding suggests changes in respect of procurement processes in line with KPRA rules. Majority of the time, strict auditory objections arises, which requires strong documentation of tendering and award processes of contracts. The axial coding shows a surge in number of probes, inspections and compliance reports as part of austerity measures mostly in NPM inspired manner. Some of the universities struggle in compliance to Government financial rules. The selective coding indicates that the Chief accounting role has also been added to VCs post in addition to other academic and administrative roles. Demonstrated fiscal responsibility is given importance for positions of Deans and Director’s under UMA statutes.

In regards to *financial stability of universities* the open coding, confirms that public universities charge subsidized tuition fees which has caused financial distress as evident from their dismal performance shown in figure (II). The oldest seats of higher learning in KPK are under the burden of pay and pension funds. The new universities hitherto have no or very little pensioners. This phenomenon makes corporate governance codes and doctrine of NPM approaches more relevant than ever realized before which stresses contract-oriented jobs, more productivity and no pensions.

Figure II. Financial deficits in millions for public universities 2019-20



Source: (Adapted from TNS Bureau report, 2019)

The axial coding suggests presence of bureaucrats from HED in Senate, Syndicate and in F&PC committees. There have been talks of inclusion of bureaucrats and AG office personnel to manage financial governance ostensibly as a new career path for entry of outsiders into academia in the guise of demonstrated financial skills. Selective coding analysis suggests that initiation of university endowment funds to strengthen the financial

position although there has been resistance from some quarters over interest-based investments as interest is prohibited in Islam.

The final sub question pertains to state *regulations in terms of financial governance of universities*. Open coding entails a greater emphasis on diversified investments of unutilized funds. There has been a bar on national saving certificates Term deposit receipts which yielded 11-13 percent interest. As per directives, it is suggested to invest at least 10-20 % of funds in state owned banks. The axial coding entails that funding from HEC has been reduced significantly in the past three years amidst rising enrollments as a recurring short fall of 26.9 billion is faced in 2019-2020. This inwardly requires universities to generate 20 % revenue from sources other than government and tuition fees (HEC, 2020). The selective coding entails that government financial rules are in practice due to lack of own university level rules.

Discussion

The study has unveiled important academic, administrative and financial governance issues in public universities. A conflict-of-interest scenario prevails in regards to academic and administrative dichotomies created naturally in universities. Interestingly, faculty wants additional administrative positions contrary to UMA 2012 rules. While administration is keen on joining faculty positions to reach higher pay scales. This goes in agreement with (Mainardes, *et al.*, 2011) who positions universities as complex social structures that generates conflict due to a number of interest groups. Universities in the wake of EAR have been granted provincial autonomy in letter only. To actualize the spirit of EAR, the UMA was necessitated. However, there is considerable external interference in governance of HEIs. This goes in contrast to the spirit of NPM practices (Habib, M. N. 2019). Political collegiality has been observed in universities as incumbent Governments tend to infuse their supporters across lower cadres. This idea goes in agreement with Yasmin, N., (2018) who concluded that in Bangladesh based HEIs political collegiality exists.

In respect of academic governance, the UMA promulgation and its subsequent amendments had cascaded a sea change in universities. Provinces have become more autonomous and powerful with federal dilution experienced (Malik, J. A. 2017). The universities are having hard times during Covid-19 to reconstitute their academic bodies. This phenomenon is more pronounced in new universities. The traditional public administration as pioneered in the works of Max Weber and much criticized inhumane tight control of workers under Taylorism is followed by NPM reforms deemed as cruelest inventions especially when applied to public sector (Lapsley, I. 2009). The TTS model, which is mostly used in North

America as a fixed term contract was introduced with NPM inspired mentality (Khan & Jabeen, 2019).

In regards to financial governance, the public universities in KPK are under pressure in the aftermath of attaining provincial autonomy (Khan K, 2015). In particular, financial accountability and transparency has been enhanced. Emphasis has been on greater productivity and performance improvements in line with third mission of universities in regards to financial sustainability through commercialization of knowledge, products and processes. This goes in agreement with third mission of universities as asserted in Tariq M, (2018). Pakistan is amongst the very few countries which spend less than 4 percent of GDP on education (HEC, 2020) although the phenomena of NPM adoption` unlike continental cultures is more suitable for OECD countries (Maes, J. 2015). Moreover, the creation of endowment funds of universities has been made to avoid hoarding of public funds by universities to safeguard against foreseeable budgetary problems of universities in KPK.

Conclusions

The public universities in KPK are experiencing a higher magnitude of change saturation after UMA. The unintended consequence of such a change manifests itself in whole sale adoption and translocation of curriculum, Western academic career models and NPM inspired approaches for governance as well as political collegiality. The UMA has been devised to comply with future demands of changes triggered due to grant of financial autonomy to provinces after EAR. The oldest universities in KPK are having hard times to make swift transition under external pressures from provincial governments by virtue of their powers under devolution of education. A variety of factors such adoption of uniform model statutes does augur well with newly established universities as one size seldom fits all. Moreover, the adoption of best practices of oldest university *i.e.*, UoP is subject to much debate in the context of its own dismal financial performance. Existence of a vacuum between academic and managerial aspects of university governance prevails due to excessive use of bureaucratic approaches. The qualifications of administrative and faculty cadre's show greater variations as the former require less qualification and more experience as well as no external competition.

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