

A DISCUSSION OF UNSETTLED ISSUES RELATED TO HIGHER EDUCATION IN SLOVENIA:

The drafting of new University Law

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INTRODUCTION

This presentation is utilizing the collected critical opinions considering the HE governance and performance in Slovenia. It shall serve as a departure position to highlight possible approaches for improvements and to assist the drafting of the new University Law. It shall trigger and enable substantial improvements of the sector. Because of urgent needs for the R&D and HE reform our discussion will departure from basics.

Introducing the understanding of public institution PI, mission of HE, by particular attention given to the requests of responsibility and accountability. Financial issues will not be included, since the funding of HE in Slovenia should be covered in a separate special law, as prescribed by the constitution.

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UNSETTLED ISSUES: Survey of some opinions

- * HE politics and the restructuring of the HE is chaotic, without of deeper understanding of real issues, I.Leban, Delo, 6.11.2006
- * There is the false believing that the state can force universities to higher efficiency by stronger interference, by representatives in internal governance bodies. Instead, strong external independent professional-regulator and accountability body is needed, but also the ensuring of true autonomy of HE institutions. B.Bugarič, Delo, 15.06.2007

UNSETTLED ISSUES: Survey of some opinions

- The increased rector powers are lowering, dismantling academic freedom (of professors). A. Iglič, Delo, 10.01.2009
- Public institutions are functioning in chaos, with great losses, professional responsibility is neglected, the law is not requesting it. Public institutions should have large professional autonomy, but strong responsibility, efficient accountability supervision (public, administrative and financial). J. Šmidovnik, Delo, 13.12.2008

UNSETTLED ISSUES: Survey of some opinions

- The centralization of universities by law is frightening, and over regulated, instead a better organization should be the free choice of each institution. M. Omladič, Delo, 13.01.2009
- The current universities structure where the faculty is the employer and sort of law entity, are counterproductive for efficiency, mobility, quality assurance and governance. I. Rozman, Delo, 09.02.2009, page 10

UNSETTLED ISSUES: Survey of some opinions

- ◆ The public institutions in Slovenia are operating like in times of self-government. Reforms made were not systematic. Public institutions are mostly governed by the state; executed by nonprofessional staff. There is urgent need for a systematic restructuring of public institutions: To well defined state institutions and to independent PI (staffing, financial autonomy, choice of internal structure,). R. Bohinc, Delo, 17.10.2009

GLOBAL DRIVING FORCES FOR: Governance reform in PI, R&D and HE

- Increased global competition for economic, political dominance and control of large markets (NAFTA, EU, Asia tigers,)
- Science and technology progress is requesting, restructuring, accommodation, optimization, for enabling competitive performance,
- The accepted understanding, that survival is ensured, by shifting from high quality, to world class excellency, needs mentality and behavior changes.

GLOBAL DRIVING FORCES FOR: Governance reform in PI, R&D and HE

- * ESG are threshold, minimal requirement standards enabling public operation, do not display quality. Slovenia is working hard to introduce them.
- * EU ranking is coming as an addition to the ESG standards, EUA has established a ranking working group, and OECD is also looking for ranking on learning outcome performance, AHELO project.

UNSETTLED ISSUES IN SLOVENIA, REASONS FOR MESS

- Predominantly public institutions in Slovenia operate as state institutions and are responsible to the government and not to the public they are serving,
- In Slovenia the performance of public institutions is not benchmarked, all operate the “best way”. Internationally verified cost efficiency, justification of structure, output, contribution to society, economy is not validated. These issues need to be settled: When and who?

UNSETTLED ISSUES IN SLOVENIA, REASONS FOR MESS

- The public requests for PI democratization, transparency of operation and access to trust worthy performance, data, are essential issues,
- **Slovenia is very resistive to changes** (Bologna, Qualifications framework, assessment of learning outcome, ESG standards application, Agency for QA in HE) **most of them are after 10 years in discussion or the most in an introductory phase.**

UNSETTLED ISSUES MAY CRIPPLE THE

NEW UNIVERSITY LAW: The missing essentials

- Who could provide best assistance and advice for a good anticipated reform of PI and HE governance?
- Why the introductory displayed opinions are not underlining the problems of democratic governance, responsibility, accountability, benchmarking of competitiveness, efficiency, productivity, creativity and innovativeness?

UNSETTLED ISSUES MAY CRIPPLE THE NEW UNIVERSITY LAW: The missing essentials

- The main trends of university development are neglected like the shift from QA to world-class excellence
- **Why autonomy is miss understood?
Autonomy is the mirror image of
accountability and responsibility!**
The here presented issues are hard to overcome. Why not to consider good practice of others: **To start the reform in Slovenia with a systems evaluation of R&D and HE sector?**

4. VIDNEJŠE EVALVACIJE V EVROPI IN POSLEDICE

- IRSKA, 1970, OECD policy review,
- IRSKA, 2004, OECD evalvacija s poudarki,
- IRSKA, 2005, EUA evalvacija vseh univerz in sistema,
- FINSKA, 2001, OECD, evalvacija vseh politehnik,
- PORTUGALSKA, SISTEMSKA, 2006, OECD, s poudarki,
- PORTUGALSKA, SISTEMSKA, 2006, ENQA,
- PORTUGALSKA, 2007, EUA evalvacija vseh univerz in sistema, v teku,
- SLOVAŠKA, 2007, EUA vse univerze in sistem, poudarek na raziskovalni uspešnosti; končana marca 2008,
- Druge države npr. DANSKA, univerze, ŠVICA, visokošolsko izobraževanje itd.

PARADOKS

Najbolj uspešne države Evrope pogosto uporabljajo sistemske evalvacije in ekspertno svetovanje, **tiste, ki bi to najbolj potrebovale nikoli.**

The most advanced EU states are frequently conducting systems evaluations to acquire expert advice. Countries which are badly in need for good advice NEVER!

UNDERSTANDING THE TERM PUBLIC INSTITUTION

- PI are established by the public/society to operate in public interest, good and privilege of people.
- Therefore public institutions are funded by public means (tax payers money), distributed by the government.

UNDERSTANDING THE TERM PUBLIC INSTITUTION

- **Therefore public institutions are responsible/accountable to the public** “downwards”, this has to be ensured by the government. They are not responsible directly “upwards” to the ministry/government, but to an intermittent body for avoiding the conflicts of interests.
- **Intermittent institutions/agencies are independent from government/ministers** and from public institutions they evaluate, to avoid conflicts of interests.

UNDERSTANDING THE TERM PUBLIC INSTITUTION

- Intermittent bodies/agencies have to be autonomous and independent, **all other solutions are close to ignorance.**
- **PI is by the rule, civil society institution.** Therefore government appointed persons are not permitted in their governing bodies.
- There are also state public institutions operating in public interest (police, national bank,). State institutions are directly responsible to ministers/government.

UNDERSTANDING THE TERM PUBLIC INSTITUTION

- ◆ Government is obliged to ensure external validation of independent agencies, by means of independent evaluators/assessors, **in Slovenia best by international peers like OECD, EUA, ENQA, WEF...**

UNSETTLED ACCOUNTABILITY ISSUES

- **Some components of university accountability:** documented excellency in performance, transparency, equity, quality, efficiency, cost efficiency, creativity and innovativeness, passing and graduation rates, graduates employability, students, clients, stakeholders satisfaction, R&D performance, cultural contributions to society and progress, development of region and local community.

UNSETTLED ACCOUNTABILITY ISSUES

- **For ensuring proper functioning of PI, accountability to the public, is essential that Agencies supervise professionally the performance of PI, report to the public and government.**
- **Sanctions shall apply** by repeated malfunctioning of a PI. The government steps in, **reforming, dismantling** and/or creating of a new PI.

UNSETTLED ACCOUNTABILITY ISSUES

- Shall funding follow good performance and delivery?
- **Slovenia spent nearly 10 years, to establish the “independent” Agency for QA in HE.**

QUESTION: Why did it take so long, who capitalized, who suffered, who knows how much have we lost? What have we learned?

UNSETTLED ACCOUNTABILITY ISSUES

- **Change in Slovenia is most initiated by External pressure:** ESG standards are setting the tune for the HE accountability, ENQA and EQAR rules for the agency and trust worthy institutions with diplomas.
- The HE reform cannot be justified and successful **without functional and structural changes in the R&D sector.**

QUESTION: Is our agency set well for ENQA verification?

SUMMARY: Unsettled issues and the new University Law

- **The public is not asking, nor does care for internal structure, but for efficiency and cost efficiency.** Institutions shall adopt structures for being able to provide and ensure Excellency and outstanding performance.
- **Underperformance must be sanctioned, Excellency in performance rewarded.**

SUMMARY: Unsettled issues and the new University Law

- ◆ **Beware the new University Law needs to be supported by essential changes in other legislation: R&D Law, Employment Law, HE Law, the financing law...**

SUMMARY: Unsettled issues and the new University Law

- **One would expect wisdom! The New University Law would encompass answers, regulations, at least to the main issues, displayed in this presentation. Are we expecting to much?**

**SUMMARY: Unsettled issues and the
new University Law**

**THANK YOU FOR YOUR
ATTENTION !**