Constitutional Issues and Governance Practices in Public Universities of Pakistan

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Abstract

The purpose of this study is to explore the university governance practices related to the roles and powers in public universities in Pakistan. University governance has remained a crucial subject to the set of rules and regulations. This makes it more daunting that each university provides a different set of governance circumstances in public universities in Pakistan. A qualitative case study approach was used. Interviews were taken from 16 participants of public sector universities in Pakistan. The study aims to examine the constitutional issues and challenges that public university stakeholders encounter in governance practices in public universities from top administration and deans' perspectives. Therefore, two key categories of stakeholders were chosen to participate in this research. They include top administrators (e.g., vice-chancellors, pro-vice chancellors, registrars) and deans. The study was limited to the roles and powers of university stakeholders in governance processes and identified ambiguities in this area. Data revealed that governance processes were centralized. The chancellor and vice-chancellor retained all authority, as well as the definition in the public university's constitution, was unclear. This hampered process being conducted smoothly.

Keywords: constitutional issues, governance, universities, public sector

Introduction

The university governance encounters several issues due to the imposition of certain internal and external changes. These changes have encompassed from the growth rate to the legal status and impact of new governmental policies, theories, and practices of various constituents (Ackroyd & Ackroyd, 1999; Bevir, 2012; Lane, Hendrickson, Harris, & Dorman, 2013). A considerable change has been noticed over the last three decades in the type of governance in many public sector universities (De Boer, Enders, & Schimank, 2007). It is generally believed that there should be worthwhile adjustment in governance structure to strengthen the sources, as well as guarantee the development procedures that need to be formulated (Ackroyd & Ackroyd, 1999; Gayle, Tewarie, & White, 2011). This would pave the way to promote the cause of a university without

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confusion, misunderstanding, misinterpretation, and disturbance. A distinction must be made between formal autonomy and real autonomy (Christensen, 2011).

The universities are required to establish rules and regulations in accordance with the allocation of power provided by the university constitution to function legally. The power and authority are invested in the individuals in pursuance of the stipulated rules and regulations, who exercise their power prudently. Rightfully, universities come into being as per relevant law (Ingram, 1993). This is done by distinguishing a point of departure between faculty and other stakeholders to discourage any embarrassment that might occur due to divergent interests on certain issues (Kaplan, 2004). To study governance, it is prudent to think about structures, rules, and hierarchies that make the decision-making process agreeable to abide (Kaplan, 2006). University governance is regarded as a set of rules concerning authority and power related to the performance of a university's activities, directed toward a set of common goals (De Boer, 2002). Therefore, the system of governance is of top-notch significance in a given university's performance.

This study provides an understanding of governance, given that universities work in a predictive faction. The discrimination of university structures needs to be examined, including the level of authority, status, procedures, and bodies that make decisions. This may keep overcoming divergent interests by laying stress on various aspects to explore the differences between centralization and decentralization, the impact of authority, hierarchical tradition, the bureaucratic attitude, the size, the output, and the rewards (Kezar & Eckel, 2004). The allocation of power and authority highlights the importance of governance (Peters& Pierre, 2000). The manipulation of university structures is required to get the right governance concerning rules and laws since university structures are designed to address the governance.

Correspondingly, this study seeks to examine the roles and powers associated with university stakeholders. It analyses university constitutions, with regards to their current governance laws and practices, in Pakistani public universities and whether university stakeholders play an important role in effective and efficient governance processes. The rationale of this study is to inform university authorities about constitutional laws, governance practices, and the impact of the clarity of roles in governance (Bowen & Tobin, 2017). They could, then, devise a system in public universities to bring reforms in the traditional authoritative system (Task Force Report, 2002). This study sought to answer the following question:

- How is the university constitution framed to describe the roles and powers in Pakistani public universities?

Literature Review

Every organization is established to realize certain objectives that contributed to its establishment. An organization's established rules and regulations determine the role of stakeholders, enabling them to work in the right direction. This ensures the progress, development, and stability of the organization.

Being a higher educational institution and a larger part of society requires universities to device out and declare rules, regulations, and procedures in an unambiguous language. As such, every individual in the capacity of officials performs duties and exercises their power and authority to promote the cause of university without perplexity, misunderstanding, and misapprehension. University governance has begun with the recognition that the last decade has witnessed a significant transformation in adapting to the demands of definite legislation (Shattock, 2014). In universities, governance is an exercise of authority to operate universities delegated by constitutional charter or statues to a person or group of agencies. Correspondingly, governance is actions to decide policy matters collectively (Kaplan, 2004). This view lays stress on the formulation of the processes and procedures before making decisions, given that it would set a criterion to make decisions as per policy and strategy.

However, it is the policy-making process the micro-level of decision-making in universities that regards the power and authority formulated following the constitution. It should be executed prudently, ensuring the growth, development, and sustainability of the institution (Encyclopedia, 2006). As such, it is made up of both implicit and explicit procedures, which are allocated to different individuals in the decision-making authority, power, and responsibility (Kaplan, 2004; Lanning, 2006). The decentralization (transfer of decision-making authority), responsibility, and tasks from high to low need be adopted as a policy in university governance (Tran, 2014).

Governance requires delegating powers appropriately, as it is primitive to legitimate and ensure good governance. Indeed, the depending bodies (e.g., administration and faculty) need to depend and cooperate amongst themselves (Baker-Brown, 2011). Additionally, governance ascribes the instrument and action that enables decisions on strategy and policy matters in the collective entity.

The question of who does what must still be planned and executed professionally. Each governance team must find their niche as to what works best, as well as what responsibilities they should take on and what should be delegated. The theories of governance seldom tell the whole story, as it is played out in practice. In fact, governance cannot occur without decisions being made. The ability to act as per the policy outline intensifies collaboration and strengthens the governance. Instead of rivalry, the administration and faculty must work together; governance needs to be valued as an officially approved organ (Crellin, 2010). Therefore, the system of governance is of top-notch significance in the university's performance. The universities must establish rules and regulations following the allocation of power provided in the university constitution

to function legally. The power and authority are invested in the individuals in the pursuance of the stipulated rules and regulations. These individuals exercise such powers and authority practically. Rightfully, universities come into being as per relevant law (Ingram, 1993). As such, the image of universities is shaped by the procedures of performance that are followed and expedited within the legal framework of power and authority. Therefore, it sets the framework of universities and colleges, and processes and structures are expedited to achieve desired goals (Maassen, 2000). This is a unique system with special features, like the division of power between faculty and administration in all governance structures and processes, requiring organic structures, teamwork, participative, and decentralized decision-making (Bradshaw & Fredette, 2008; Krupar & Cook, 2010). However, university administrators must reshape governance structures and management systems. They can, then, develop an unambiguous understanding of the link between educational philosophy and administrative practice (Amaral, Jones & Karseth, 2013; Jensen, 2001).

Methodology

Research Design
A qualitative case study was used to collect and analyze data. This intensive study focused on specific instances or cases of a phenomenon rather than populations or numerical statistics (Babbie, 2002). This study examined a particular aspect of university governance exclusively to determine the role and power in the governance processes of two selected Pakistani public universities. Hence, a case study was the best technique to concentrate on one aspect of the problem under study (Yin, 2003). This research study conducted an intensive study of specific instances rather than generalizations. Based on uniqueness, the two oldest Pakistani public universities have been selected for this research.

Sampling
This study implied purposive sampling to select and interview 16 respondents from two selected public Pakistani universities. It would provide exhaustive information for cases for in depth analysis. As this research is to propose public university stakeholders in the process of decision making and implementation of those decisions collectively, it is necessary to bring all stakeholders in the line of hierarchy in university governance. Purposive sampling was suitable for inquiring a targeted group of university stakeholders to get the desired results (Neuman, 2010). Attention was focused on an intensive study of specific instances rather than an empirical generalization (Patton, 2002). A small sample was needed to get the desired results and illuminate the phenomenon being studied, given that this study aimed to describe the roles and powers of university stakeholders in selected public universities (Ishaq & Bakar, 2014; Merriam, 2009; Patton, 1990). Two categories of stakeholders were chosen to participate in this research study to gather authentic data: seven senior administrators (such as vice-

chancellors, pro-vice chancellors, registrars and directors of quality enhancement), and nine deans. The respondents were asked to express their views comfortably and freely and share their experiences (Gall, Gall, & Borg, 2003; Merriam, 1998).
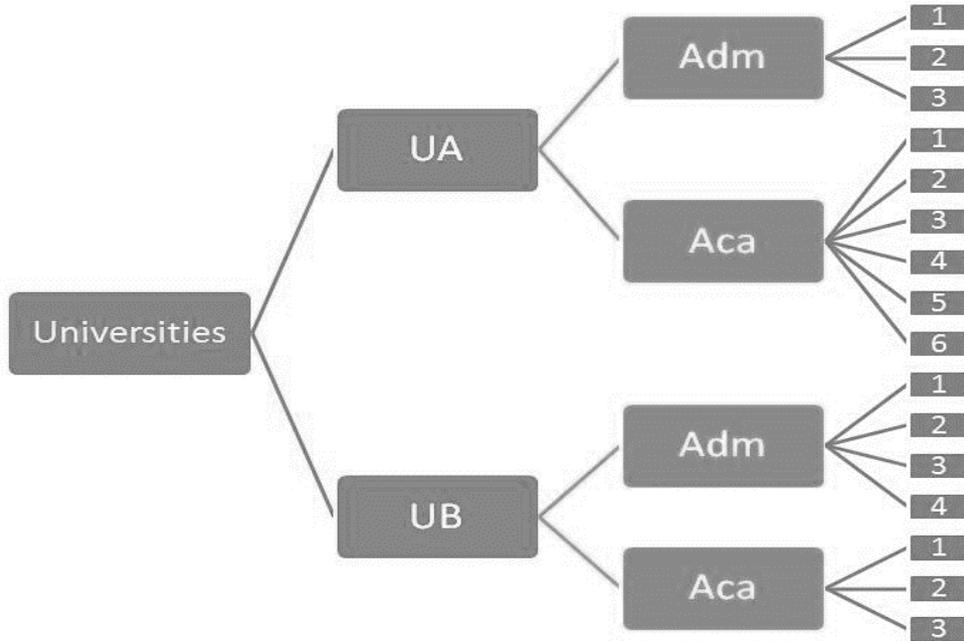

Figure 1. Sample selection for conducting interviews from sixteen participants of two universities.

Data Collection

Data sources included official documents from the Pakistani public universities, as well as interviews with university staff to gain insights into the roles and powers set out in the constitutional laws. These forms of data collections also aimed to understand and analyze the current situations and identify problems that may hinder the personnel in performing their duties.

Instrument

Official documents were obtained to assist the researcher in revealing meanings, developing understandings, and exploring insights that were appropriate to the research problem by using multiple sources of evidence (Merriam, 2009; Yin, 2003). The documents included:

- Higher Education Medium Term Framework II, Pakistan, 2011-2015
- Higher Education Mid Term Report, 2005-2010
- National Educational Policy, 2009
- National Education Policy Draft, 2008
- National Education Policy, 1998-2010
- National Education Policy, 1979
- Pakistan: An Assessment of the Medium-Term Development Framework, 2006
- Public University constitutions, 1962, 1972, 1977, 1999, & 2014
- Sharif Commission Report, 195
- Steering Committee Report on Higher Education, Pakistan, 2002
- Task Force Report on Higher Education, Pakistan, 2002

Interviews were conducted to gather detailed information from deans and senior administrators. The respondents expressed their thoughts and experiences about their roles. This helped the researchers to gain insights into their position and stance on the phenomenon under study. The semi-structured interview method was used so that the interviewers were free to probe and explore within the predetermined inquiry areas (Merriam, 1998). An interview guide guaranteed to use the researcher's limited interview timeframe better. Thus, multiple interviewing subjects were interviewed in an orderly, organized, and comprehensive manner (Hoepfl, 1997). A question guide was prepared to list the questions. The protocols were given to an expert panel to two senior professors of public sector universities to ensure the content validity of the questions. It helped the researcher in their data collection process. The researcher collected data via interviews and felt more confident with a structured format and shared this with experts during the data collection process.

Data Analysis

In qualitative research, data collection and analysis is a stimulus process (Merriam, 2009). The simultaneous activity of conducting a data analysis during data collection gives more sophisticated and subtle analysis of the data (Douglas, 2002). The data analysis was done during the data collection process, as it was ongoing and involved a continuous reflection of the data (Creswell, 2009; Maxwell, 2012).

Documents, including the university constitution report and higher education commission report, were gathered and analyzed. The interviews were recorded on an audiotape. Consent was sought from the interviewees, and approval was given prior to recording. A digital recorder (MP4) recorded the interviews, which were, then, transcribed, translated, and re-read. Data were coded from the beginning of the data collection process. Themes were identified during the coding process.

Findings and Discussion

Governmental Role in Governance Policy

The data from the document analysis and interviews indicated that the government of Pakistan had been concerned about the governance of public universities since 2002. A task force was established to review how universities function, including the effectiveness of governance structures and practices, their autonomy, and the adequacy of their unified framework. The taskforce also investigated how universities could carry out their fundamental mission of teaching and undertaking research, while still sustaining their autonomy and academic sovereignty (Ahmed, 2008; Taskforce Report, Pakistan, 2002; Usman, 2014).

In this connection, at the core of a university's governance are deans, faculties, administrators, and governing bodies, who implement the university's vision and mission and protect its autonomy. Universities operate under a multifaceted structure, where power remains an issue (Rosovsky, 1991). However, managing universities equally is an increasingly complex task concerning the alignment of roles, authorities, and functions. All of which are necessary for effective governance implementation but continue to be unclear in Pakistan's public universities (Akhtar & Kalsoom, 2012; Aurangzeb, 2012; National Education Policy, 2009). In this regard:

> *The government has a legal role in taking care of the public interest in universities. Thus, it has to design and regularly adopt the regulatory frameworks of universities and has for a long time been the main, if not the sole, founder of universities for a long time (National Education Policy and Implementation Plan, 1979).*

The government of Pakistan plays a dominant role in the governance of its public universities, such as through direct funding, the appointment of university governing bodies, the implementation of legislative regulations, and the intervention in university procedures and routine matters. However, the governance reforms are fragmented across different ministries, and it recognizes the centrality of the federating units in its implementation as well as the Higher Education Commission (HEC). It will continue to strive towards formulating policies and guiding principles (Medium Term Development Framework, 2005–10; National Education Policy, 2008, 2009).

The government of Pakistan has made progress on several reform indicators to improve the governance structure of the universities, as well as recognize the ideals of democratic governance. Notwithstanding this progress, the university governance practices still suffer from poor governance and the lack of a supervisory model.

Moreover, HEC has failed to cultivate improvements in public-sector universities, which, due to poor strategies, continue to stagnate and frustrate faculty

members (Leaping Forward Report, 2006; Mid-Term Report, 2005–10; 2011–15; National Education Policy, 2009; Task Force Report, 2002).

Understanding System Deficiencies

Governance is a set of structures, regulations, and processes that act as a roadmap of how the university system should run. Governance should examine the lines of authority, roles, procedures, and decision-making entities (Kezar & Eckel, 2004). The main sensitive areas that cause "ineffective governance structures and practices" are the "longstanding maladies afflicting university systems in Pakistan," as highlighted in the HEC report (HEC, 2000). These discrepancies damage the overall system in the university and, consequently, decrease the standard of higher education in Pakistan.

Thus, accomplishing quality governance across the board is almost unimaginable. The task force on the improvement of higher education, after a year-long deliberation, submitted its recommendations to the Ministry of Education in 2002. This resulted in a significant restructuring of higher education in Pakistan, including rearranging the management and governance structures of the universities (Ali & Tahir, 2009). Therefore, it is necessary to revisit the governance structures so that the obstacles that weaken the system can be removed. This should be a top priority for the policy transformation of public universities in Pakistan (Mid Term Report, 2006).

The findings of this study indicate that the government of Pakistan is trying to protect the autonomy and adequate unified framework for public universities in Pakistan. It carries fundamental components of university governance like administration, governing bodies, deans, and faculty with a clear charge of assignments. The governance framework refers to the structure of how a system functions. It is in line with Kezar and Eckel's (2004) assertion, who insist that to achieve an ideal function, there must be discrimination between centralization and decentralization, the extent of power, authority, hierarchy, bureaucracy, size, efficiency and reward. Whereas, the researchers have given little importance to exercise test-based evidence to determine the extent of the roles, power, and involvement of stakeholders in the governance process of the university.

This study has identified the basic flaws in the university constitution with respect to its roles and powers. It does not clearly define the extent of roles and powers of the position, which makes the governance system counterproductive, as well as centralized out of the ambiguity of role definition. These result in many drawbacks.

Major Deficiencies

Inadequate Constitutional Framework

As noted in the National Education Policy (1998-2010), public universities in Pakistan are governed according to their relevant rules and regulations. These stipulate the laws, providing their establishment and control, their governance administration, and other associated purposes.

Pakistan's National Education Policy states that the system of governance is dictated by its rules, regulations, and statutes that are stipulated in the university constitution. A university's procedures and practices, which are based on constitutional forms and processes, dictate how they govern their affairs and define the responsibilities of different bodies within the university. Lines of demarcation enable the university to run smoothly and staff members to perform their duties within their sphere of work and responsibility. However, to date, there are no clearly defined parameters to guide the officials in their work. This, consequently, makes the work situation unmanageable.

The analysis of the official documents showed that, despite the passage being of more than six decades, no relevant legislation has yet been passed. The universities have to analyze their work situation, sort out its shortfalls, and address issues realistically. Although the national assembly has passed the university code (constitution), established statutes, rules, and regulations have yet to be formulated to serve as a guide to the concerned personnel (Task Force Report, 2002).

The existing laws have many flaws, resulting in the ambiguity and controversy of roles, lack of coordination between governing bodies and academics, and unclear definitions that have hindered the smooth functioning of governance processes (Mid Term Report, 2011-2015). As such, the present structure of universities has many weaknesses, including its inadequate policy of separation from the functions and responsibilities of management (Steering Committee Report, 2002; Task Force Report, 2002).

It was identified from the document analysis that the major problems that public universities face result from a system that is not working smoothly and has deficits in coordination. This is due to ineffective governance and a lack of adequate or effective structures and laws. In this regard, no steps have been taken to implement changes or a statutory framework to enhance the effectiveness of university governance (HEC, 2016, p. 15). Subsequently, Pakistan's public universities suffer from an overall lack of quality and work to the lowest common denominator performance level (World Bank Report, 1992).

No defined legislation

Despite that there are three categories of laws relevant to universities, all of which overlook the relevant issues for the management of universities. The universities dwell on three sentences of the constitution that fail to cover all the issues. Thus, there remains ambiguity about the roles and powers (Steering Committee Report, 2002). Furthermore, the statutes, rules and, regulations are untouched and remain ad hoc.

On the one hand, the constitution is silent on the roles and powers. Nonetheless, responsible forums, such as the senate and syndicate, are inefficient and ineffective (Lakha, 2002) in bringing about changes. There is a complete deadlock and issues continue to be ignored; they are repeatedly overlooked. The question becomes, why isn't an improved law promulgated? The required bodies exist. However, the executives of these bodies need consistent and logical procedures to follow.

Universities are complex entities and need every component to be responsible and promote the general cause. Each university must have a strong and independent governing or policy-making body to ensure effective performance (Task Force Report, 2002). Regardless of the top-down nature of the governance approach, there is an opportunity to fine-tune the frameworks, and this is mostly at the mercy of the implementers. They must utilize their craft to tailor these packages for adoption and acceptance so that they are effective:

> *But till to date we don't have legislation properly therefore nothing can be implemented like there is demand that professor who is in service should be vice chancellor but that is not in rules, anyone can demand but till it is not in rules you cannot implement it. I think the conflicts in the public universities could be divided into three categories: the law, the rules and regulations (UA, Adm: 3).*

The laws are obsolete and have remained as they are since the universities were established. As such, they negatively affect the proper processes of governance structures. Consequently, the stakeholders are limited in the performance of their roles and duties. If they were defined more clearly, the stakeholders would have legal support in the effective delivery of all services. The HEC was established in 2000 to review all the issues regarding policy, plans, program standards, and oversight of universities. They took responsibility for the formulation of policies, guiding principles, and indicating priorities (National Education Policy, 2008, 2009, p. 55). The HEC's mid-term reports of 2005–2010, 2006, and 2011–2015 highlight the poor performance of universities in the area of governance. This is evident in policy consistencies, role ambiguities, defective planning, and overly relaxed management.

> *...because nobody has played role for legislation to propose if we don't have anything then it should be proposed and then approved by syndicate and senate*

but until now such things are missing in our system it means legislation is ignored from every angle. I don't find mechanism there is huge vacuum in constitution and in laws till we make we are in problems so this is what present scenario (UB, Aca: 3).

Interviewees UA, Aca:1 and UB, Aca: 3 lamented that the current practices in public universities hamper smooth governance. Indeed, the gaps in the laws and rules mean that the processes are ineffective, given that individuals work to their preferences, rather than uniform guidelines. Furthermore, until these things are confirmed in writing and approved by statutory bodies, the vacuum in the system will remain:

… as exemplified by the way vice chancellors of public universities are appointed (e.g. lack of clear criteria and absence of merit-based factors in selection). Since ... the wishes or opinions of syndicate, the senate, and the other university institutions are often ignored. Furthermore, such practices hinder meaningful participation of other members in their governance (An Assessment of the medium-term development framework, 2006, p. 13–14).

Indeed, there are flaws in the laws and reluctance to review the existing laws and systems to implement change. The law-making bodies also ignored every aspect and generally failed to adhere to their constitutional obligations. Nevertheless, the constitution remains the only document that guides the roles and powers in any detail. If constitutional laws are not embedded in an organized framework, then anyone can violate the laws and hold power. This is central to the problems faced by Pakistani public universities, including them becoming more politicized and centralized.

Correspondingly, the Sharif Commission Report in 1959 stated that "the vice-chancellor should be accountable to the chancellor for the just and proper p3erformance of his functions. The vice-chancellor will be the chief academic and administrative office of the intuition."

Governance problems in public universities were centered primarily on the power of the vice chancellor and the weaknesses of the senate. The vice chancellors are appointed by the chancellors (the Governor of province or President of country in case of federal universities) at their sole directions without effective requirements for consultation of stakeholders. As a result, the vice chancellors are accountable only to the chancellor and are free to ignore the wishes of syndicate, the senate, and other university institutions and often govern using emergency powers over which they had total discretion (Mid Term Report, 2006, p. 77).

The data of this study revealed that a key problem in Pakistan's public universities is that there is a one-person rule; the vice-chancellor holds the decision-making authority (Anwar, Yousuf, & Sarwar, 2011). By taking advantage of the

emergency powers, the vice-chancellor can go to any extent to carry out decisions. The decisions are never challenged, even in the court of law, in the respect that major decisions lie within the jurisdiction of this position.

However, the system is centralized absolutely, given that the vice-chancellor is the fundamental and decisive authority. He or she can opt to adopt any working style, whether it is a top-to-bottom approach, a bottom-to-top approach, or one that involves all concerned stakeholders (Aurangzeb & Asif, 2012).

Though HEC (Pakistan) is preparing standard operating procedures to ensure that the main responsibilities of all departments are functioning appropriately. People are more likely to fulfil their duties once duties are clearly defined, and they know that they will be checked according to standard operating procedures.

At present, the governance structure and practices are flawed. There are gaps that hamper the smooth functioning of public universities. Likewise, the Ex-chairman of HEC, Pakistan Dr Mukhtar Ahmed, said on April 24, 2015:

> *… the most crucial issues that today universities are facing is quality of governance in universities, along with management systems, functions and operations of the statutory bodies of the universities and improvement mechanism that deserve attention of the university leaders today.*

Conclusions and Recommendations

This qualitative study attempted to provide a deeper understanding of the structures, hierarchies, and rules on the roles and powers of the university stakeholders in the university constitution and governance practices in two selected Pakistani public universities. Findings reveal that there is a vacuum in the policies and constitutional laws pertaining to university governance in Pakistan. Authorities are too centralized. The fundamental and decisive authority lies on the vice-chancellor. It is vice-chancellor job to make decisions and take action in public universities.

The university governance is working in isolation as a result of the dynamism of governance is affected. We must revisit the working practices to achieve the target and earn a sizeable accord. It needs to sort out the shortfalls and organise the mechanism to steer universities successfully. There is a need for the university constitution to follow clearly-defined statues, rules, and regulations. They should be provided with a clear job description so that the system may not work on adhocism or personal choice. Respectively, there is a need to revisit and analyze governance practices that deserve the attention of the university leaders. The recommendations are given below:

a) Governance refers to the powers and authority invested in individuals with clearly-defined roles. Its purpose is to run the institution as per procedure, following the rules and regulations defined in the constitution. All of the

stakeholders are supposed to share the responsibility to device out such a framework that guarantees a harmonious and profitable function of all the governance aspects.

b) The statutes, rules, and regulations remained untouched. As a result, there prevails ad hocism. There is an urgent need for effective policy-making to formulate an organized mechanism of the governance process.

c) The university constitution fails to cover everything. As such, there is ambiguity in regard to roles and power. The university constitution should follow clearly-defined statues, rules, and regulations.

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