

Tatiana Fumasoli

Governance in Swiss Universities
A Comparative Analysis through
Cantonal and Federal Laws

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Abstract

The debate on how Higher Education systems are changing, put under pressure by new values and assumptions on their role and contribution to society, has been carried out for some decades. On one hand, it is argued that, with the introduction of New Public Management tools, traditional main players as the State and the academic oligarchy, are in retreat from university steering in favor of central administrators; on the other hand, it is observed that states still regulate Higher Education systems and constrain players' possibility of action, although setting an agenda of reforms pursuing institutional autonomy. Drawing from the Swiss case, where there is no common institutional framework and where different bodies, rules and funding systems supervise different institutions, we present the analysis of the structures of governance in universities comparing their establishing laws: ten cantonal laws, one for each cantonal university and one federal law concerning the two Federal Institutes of Technology. Our results confirm the decreasing contribute by the academic community to university steering and outline three models of institution-level governance: the Council-centered university, where the council acts as a steering body similar to a board of trustees; the President-centered university, where management main responsibilities are in charge of the President while the State intervenes on the strategy; and the Federal Institutes of Technology model, where a single council governs two schools and acts as an intermediary agency. Finally, we point out issues for further research, by discussing whether and how these results show a shift in assumptions on what Higher Education in Switzerland is and what role the State and other central actors should play and questioning what unexpected consequences these changes could produce on university functioning and cultures.

Key words

Higher education governance, institutional autonomy, New Public Management, Swiss Higher Education institutions

Authors Details

Tatiana Fumasoli, Institute for Intercultural Communication and Education (ICIEF), Faculty of Communication sciences, University of Lugano, Tatiana.fumasoli@lu.unisi.ch

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Acronyms and translations

Acronym	English	Deutsch	Français	Italiano
UC	University Council	Universitätsrat Senat	Conseil de l'Université Sénat	Consiglio dell'Università
FITC	Council of the FITs	ETHrat	Conseil des EPF	Consiglio dei politecnici
	Vice-president	Prorektor	Vice-président	
P	President	Rektor	Recteur, Président	Presidente
	Rectorate	Rektorat	Rectorat	Rettorato
	Administrative Director	Verwaltungsdirektor	Directeur administratif	Direttore amministrativo
UA	University Assembly	Regenz, Senat	Assemblée générale	Assemblea dell'università
D	Dean	Dekan	Doyen	Decano
F	Faculty	Fakultät	Faculté	Facoltà
FC	Federal Council	Bundesrat	Conseil federal	Consiglio federale
SC	State Council	Staatsrat	Conseil d'Etat	Consiglio di stato
CA	Cantonal Assembly	Grossrat	Grand Conseil	Gran consiglio
FA	Federal Assembly	Bundesversammlung	Assemblée fédérale	Assemblea federale
PED	Public Education Department	Erziehungsdirektion	Département de l'Instruction publique	Dipartimento dell'educazione, della cultura e dello sport
	Full legal entity / public enterprise	Öffentlich-rechtliche Anstalt mit eigener Rechtspersönlichkeit	Personnalité juridique de droit publique	Ente di diritto pubblico dotato di personalità giuridica
	Lump budget	Globalbudget	Enveloppe budgétaire	
	Contract of services	Leistungsauftrag	Contrat de prestation	Mandato di prestazioni

1 Introduction

This paper presents the results of the analysis of the structures of governance in Swiss universities through the lens of their founding laws: 10 cantonal laws, one for each cantonal university and one federal law concerning the two Federal Institutes of Technology. Hence our focus is on legal, formal, official documents reflecting governance arrangements in Swiss Higher Education system. In this perspective we outline how Swiss schools and their institutional features emerge within their establishing legal framework. The Swiss Higher Education institutions perimeter considered is limited to traditional universities and excludes the vocational sector of Universities of Applied Sciences.

The first part of the paper sketches the different theoretical aspects considered: how Higher Education governance has been changing in the last three decades, how the introduction of New Public Management has influenced universities institutional autonomy, more specifically how institutional steering and budget arrangements have been modified but these reforms. We have also devoted a special section on New Public Management specific dimensions, i.e. as a toolbox to improve management in public sector and as an ideology (*managerialism*) bringing specific change in values underline the role of Higher Education in society. It is actually crucial to make this distinction in order to understand thoroughly what happens to Swiss universities. The last part of the chapter relates specifically to the Swiss Higher Education system and to the changes and reforms undergone in the last 30 years. Our research question was to understand to what extent changes in system governance have had an impact at institutional and understructure level.

The third part presents our empirical analysis of Swiss university founding laws. After a brief description of these official documents, we compared university missions with the aim of investigating how the delegation by cantons and confederation is articulated regarding main goals and objectives to attain and how diversification is supported. The paper continues with a section on the governing bodies: President and University councils, in this respect we tried to describe and compare the balance of power between them in the context of their relationship with the political power. The understructure, i.e. the academic community carrying out teaching and research, was treated focusing on how laws outline their tasks and their participation at decision-making at institutional level. Budget spending deserved a separate chapter because of its substantial role in the new managerial landscape. We assumed that mapping out the reorganizing of competencies around this important issue was relevant for our research.

We then introduced our preliminary results, structured in three models of governance applicable to Swiss universities and pointed out some elements for a discussion, on one hand about limits of the present research, on the other hand in view of further inquiry on Swiss universities, how they function and how they change.

2 Analytical framework

The debate on how Higher Education systems are changing, put under pressure by new values and assumptions on their role and contribution to society, has been carried out for some decades now. To resume the general and shared hypothesis on ongoing transformation of the continental model, we should point out that traditional main players in the balance of power within a higher education system, the State and the academic oligarchy - are in retreat from university steering in favor of central administrators. Accordingly, universities should be modifying their intrinsic nature, depicted in classical literature as *organized anarchy* (Cohen and March 1974), *loosely coupled system* (Weick 1976), where central administration was traditionally weak and deprived of governing tasks. Moreover, universities have been conceived as unique organizations gathering in reality a patchwork of powerful and diversified groups, e.g. the understructure depicted by Clark (1983) that could govern the enterprise by collegiality and consensus-based decision-making. Yet the undergoing transformation is shifting the power to central governors in charge of running overall university affairs.

Shift in system governance patterns have been possible, according to Maassen and de Boer (2002) by making concrete changing expectations on Higher Education in several aspects: 1) a shift in government steering approach translated in new legal frameworks, whereby the state changes its role and determines the new landscape; 2) introduction of quality assessment mechanisms, which require enlarged and more influential institutional bureaucracy in order to carry out such tasks 3) new structures for teaching programs, e.g. the Bologna Process; and finally 4) an emerging landscape for vocational sector, where universities of applied sciences have been created to contribute better to providing professionals and technology transfer. This evolution has made Higher Education institutions more “managed” universities, phrasing by which researchers indicate strengthened institutional (or organizational) autonomy and consequent increased importance of central administration role.

Our working definition of university governance is rather general and functional. It refers to how a university steers itself, by means of specific processes and structures. Thus functioning, governance is dynamic concept with direct relationship with cultures, values, decision making and resource allocation, missions and purposes and the relationship of Higher Education Institutions to the internal and external stakeholders.

2.1 Institutional autonomy and New Public Management (NPM)

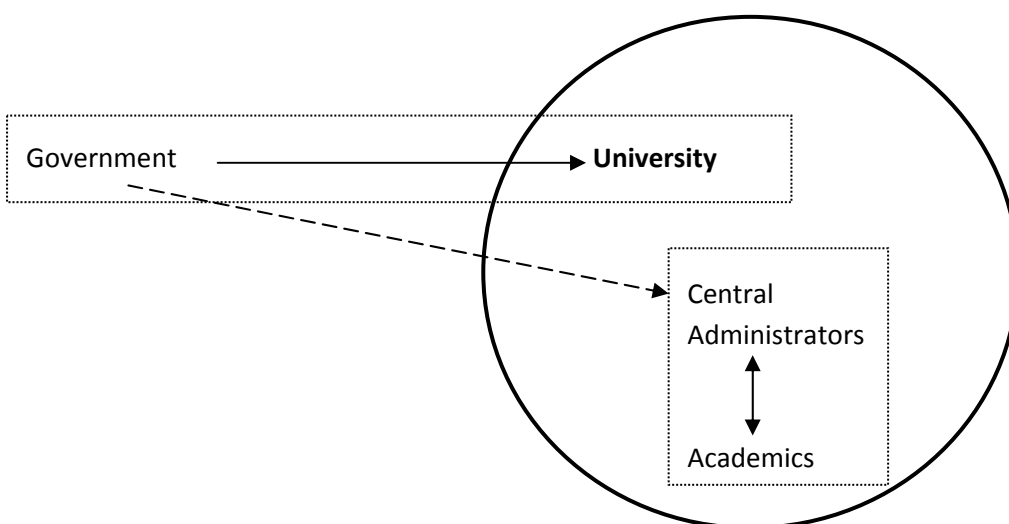
Changes in Higher Education obviously reflect more general changes in society. From the beginning of the 1980s, the general move towards bigger autonomy and flexibility of bodies offering public service has been observed and studied. In Higher Education this paradigmatic change has been described as a shift from a model of state control to a model of state supervision (Neave and Van Vught 1991) or as a transition from meticulous steering by States to the framing of global policies determining boundary conditions in which universities operate (Meek 2003). The so-called European/continental model of Higher Education shows that governments are stepping back in favor of a strengthening of institutional autonomy. As universities enlarge their size and complexity towards an organizational scope, they require extended skill and expertise to operate *as any major business enterprise* (Meek 2003), as *entrepreneurial university* (Clark 1998) or as a *strategic unit* (Bonaccorsi 2007). However, researcher such Amaral and Magalhaes (2001) contend this general understanding, particularly they claim that states have not been pushing this strategy too far, in fact they still regulate Higher Education systems and constrain players possibility of action to imposed boundaries. In fact, despite allowing for some autonomy using market efficiency as the basis for its

argumentation, the state has created a hybrid model of regulation (Maassen and Van Vught 1988; Amaral and Magalhaes 2001) whereby universities are compelled to more bureaucracy, strong orientation towards attracting resources and focus on gaining presidents with highly skilled in management. Nevertheless there is no homogeneity as of to how far countries have gone in this trend. The reforms resulting from the acceptance and application of concepts such as efficiency, effectiveness, responsiveness and competition and the relative assumptions and values at national level differ from country to country.

Ashby (1956) outlines institutional autonomy as 1) freedom to select staff and students, as well as the conditions under which they remain in the university, 2) freedom to determine curriculum content and degree standards, 3) freedom to allocate (available) funds across different categories of expenditures. A further analytical subdivision of the concept of autonomy has been introduced by Berdahl (1988): there is a substantive autonomy, which is the power of university in its organizational form, to determine its own goals and programs, in other words it refers to university capability of strategic planning. This autonomy is crucial to independent management of HEIs, indeed governmental action or intervention in this respect affects the very heart of university activities. On the other hand, procedural autonomy refers to the power of the school as an organization to determine the means by which goals and programs are pursued. In this case political and bureaucratic interfering, though heavy to deal with, does not affect substantially the overall achievement of goals.

Institutional autonomy is neither absolute nor permanent, but has to be considered as a relational and dynamic issue involving balance of power between institutions and political power on one side, between executive management and academic profession within individual institutions on the other side (Meek 2003). It is important to underline the important position of the *political power*, which can induce change by modifying the laws, while universities must adapt within a limited frame of action and reduced room for maneuver.

Table 1: External and internal balances of power of institutional autonomy



Political imperatives and political pressures have demanded that universities enhance central coordination and control through mechanisms and managerial practices directly pursuing flexibility, decentralization and enterprise functioning. In the perspective of the present research, this has been carried out by means of

new governance arrangements¹. Classical literature in Higher Education reflects this general move towards a leaner and more autonomous administration of universities. Clark (1983) considered that central administrators within universities and colleges were already on the rise, while 15 years later, he asserted that in order to attain the entrepreneurial university, the executive management should be strengthened (1998).

In conclusion, we can assume that the balance of power between government and universities is shifting in favor of the latter, although the state has defined the framework of such a change. As of the balance of power inside universities, the need for more institutional autonomy is strengthening central administrations.

In this section we have outlined in detail how Higher Education systems are changing and how they are having an impact on universities. The next two sections will present further details on two major institutional aspects influenced by system transformations: institutional governance and funding arrangements.

2.2 *Institutional governance arrangements*

Management structures derive from specific governance arrangements, thus being influenced by external actors such as governments. The latter introduce, implicitly or explicitly, the regulatory policy and funding frameworks within which universities are expected to introduce, adapt or strengthen their management structures (Maassen 2003). In this perspective the legal framework defines on one hand the system governance – i.e. relationship and dynamic interaction of bodies and groups operating at various levels of Higher Education system (Reed et al. 2002) and, on the other hand, the frameworks in which universities and colleges manage themselves and about the processes and structures used to achieve the intended outcomes, namely how universities operate and how to leadership, management and administration is defined and structured (Maassen 2003). These definitions of system governance help us to understand how changes in governance imply, among others, changes in the degree of institutional autonomy.

According to Peters (2001) changes in governance may refer to forms and mechanisms, to location (vertical or horizontal), governing capabilities and style. Governance shifts have a general goal: realigning values, beliefs and behavior of academic staff to underlying (and transformed) goals of government. In this sense such shifts have an impact on the management structure of schools, because through modifications of university steering, it is possible to obtain changes in management. From this point of view, governments have transferred parts of their authority vertically towards HEIs since the end of the 1980s, thus making, governments and policymakers have focused more on management structures than on academic activities, teaching and research (Maassen 2003). In this perspective, it is argued, the *collegium* as a group of academics of equal decision-making power acting together to determine standards of entry/accreditation, share collective resources, determine divisions of labor, reward systems (Kogan 1999) where the collegial leader is expected to facilitate decision-making by consensus (Moore and Langknecht 1986) is fading away in favor of executive governance.

2.3 *Funding arrangements*

Funding arrangements are not neutral with respect to governance, on the contrary. The necessity to meet costs of mass Higher Education is another perspective by which changes in system governance in the last 30

¹ Reed et al. (2002) indicate further organizational forms and managerial practices.

to 40 years can be explained. This has meant in particular a change in the principles underpinning the relationship between state and higher education. Such political new values centered on financial issues have also implied changes in governance and management models.

OECD (2003) outlines eight functions pointing out the degree of autonomy experienced by universities, not surprisingly three of them concern budget: 1) spending budget to achieve institutional objectives, 2) borrowing funds, 3) owning their buildings and equipments². The trend towards assuming increased autonomy is visible also in budget matters: the state now approves a lump budget to be assigned to university administrators. The same happens to buildings, whereas they still remain property of the state but are entrusted to universities, which become responsible of their administration and maintenance.

What is more relevant with respect to autonomy and relations with the political authorities is budget spending. Indeed budget is a tool for steering university and its structure can be very relevant in this respect. There are two main streams: the fix budget and the so-called third-party funds – i.e. budget by project – to a very large extent in the form of public funds for research projects. The fixed budget covers the school financial necessities in general, the administrators can decide quite freely how to allocate resources, whether to research, teaching, to a specific faculty or institute, whereas a budget by project described specifically which activities have to be funded, thus orienting by strategic priorities decided by government, although usually previously negotiated with the school. These budget items present advantages as well as disadvantages: the fixed budget allows universities for autonomy, flexibility and independence in pursuing their strategy, but at the same time could leave the institution out of control. On the other side the budget by project can foster efficient strategic steering by the state, according to New Public Management rules and expectations (Jongbloed 2007), while making university long-term strategies rigid and too much determined by external non specialist players.

In the context of envelope budgeting, the lump budget accorded to universities have two main characteristics: it doesn't specify in detail what to do, but gives general provisions broadly applicable (Milgrom and Roberts 1992) thus giving operational freedom, particularly on what academics shall do according to circumstances. Accordingly, two fundamental questions are how much guidance political power maintains and how and by whom is monitoring on action and outputs carried out. The academic community, used to autonomous collegial steering in a weakly centralized organization finds new limits to its action, these limits correspond to the organizational perimeter, re-defined and consolidated by new system governance.

2.4 *The Swiss Higher Education system*

There are 19 HEIs in Switzerland: two Federal Institutes for Technology (FITs) in Zurich and Lausanne, 10 Cantonal Universities in Basle, Berne, Fribourg, Geneva, Lausanne, Luzern, St. Gallen, Neuchâtel, Zurich and Ticino. The Universities of Applied Sciences, created in 1995, have are regional and can be found in *Nordwestschweiz*, *Suisse Occidentale*; Berne; *Zentralschweiz*; *Ostschweiz*; Zurich and Ticino. The Swiss HE is extremely fragmented compared to other continental countries. In fact there is no common institutional framework: different bodies, rules and funding systems supervise different institutions. Lepori (2007), in its analysis of the institutional space of Swiss tertiary education, sees two main axes against which it is possible to compare the 19 existing HEIs: the division of competences between the Confederation and the Cantons, according to the federalist nature of the Swiss state and the division between general and professional

² The other functions of autonomy identified by OECD (2003) are Setting academic structure and course content; Employing and dismissing academic staff, Setting salaries; deciding the size of student enrolment; deciding the level of tuition fees.

education. Such a system of governance implies in fact a certain “limited” freedom of action of individual organizations and influences directly the articulation of their mission, their relevant supervising authority and funding system as well as the subject mix.

The Swiss Higher Education is extremely complex and can be described as follows: the Cantons have the right to create a university under cantonal laws; the Confederation subsidizes cantonal universities and cooperates with the Cantons in the university domain; it also manages the Federal Institutes of Technology (FITs) in Zurich and Lausanne and edicts general rules concerning tertiary professional education. Besides, there are coordination bodies of HEIs at different levels and with different tasks (Lepori 2007). The Swiss system is multi-level and multi-actor, even though one observes it from a national point of view. The different institutional levels are represented by individual institutions, internal subunits and subject domains and the whole system governance – while major actors are federal and cantonal authorities, other universities and HEIs (Lepori 2007). Drawing from the concept of *configuration universitaire* (Musselin 2001) we can observe how HEI behave in a complex framework of interdependencies where individual articulation of the institutions is allowed (Musselin 2001). Analyzing comparatively Swiss university laws, as presented here, consents limitation in scope: such official documents in fact offer relevant data in order to identify: a) the shift in institutional autonomy *from* the political power and b) the changes in the balance of power inside universities *between* academic administrators and academic community.

Switzerland is a case of diversity generated at the national level, due to the federalist nature of the country: in the context of the shift from a state control model to a state supervising model, the Swiss system has been characterized as a mix of bureaucratic control from the state concerning administrative and personnel rules and the budget: academic power on careers, teaching and research, while central administrations have been rather limited in their capacity of action (Perellon and Leresche 1999, Weber 1999). However, in the second half of the 1990s some changes were introduced fostering national coordination and strengthening university management. These changes were carried out by means of revision of federal and cantonal legal frameworks and by introducing performance contracts (Lepori 2007, Perellon 2001, 2006). Nevertheless, patterns of governance in Switzerland remain complex, as funding models, political objectives and policies are different and the small-scale environments in which universities operate are extremely reduced, actually to the point that each university has its own law.

Table 2: Actors affecting institutional autonomy in the Swiss Higher Education system

SYSTEM LEVEL	International context
	Confederation - State Secretariat for Education and Research
INSTITUTION LEVEL	Cantons - State Council - Public Education Department - Cantonal Assembly
	- President - <i>University Council</i>
UNDER- STRUCTURE LEVEL	Academics - Deans - Faculties

Traditionally in Switzerland at the political level the cantons have been very powerful, that have had major responsibility on university steering together with faculties, at the academic level. On the contrary the executive level, implying a coordinated and more uniform organizational management has been weak. As outlined in the previous section, the diversified introduction of New Public Management, as a concrete tool for behavioral change according to values such as accountability, decentralization and, in general, market model ways of running public service, has had as a consequence an increased political will to manage universities better, independently of their academic missions. Our hypothesis is therefore that the balance of power in decision-making within the Swiss governance system is shifting from the academic, collegial model to a professional management model³.

The dates of compilation of the university laws in Switzerland reflect rather well the period of reform in the last two decades. Besides university laws, we can find the following milestones in Swiss Higher Education governance system: the University Act dating of 1999, the Universities of Applied Sciences Act in 1995, the revision in 2000 of the intercantonal Agreement on Financing of Cantonal Universities, the Cooperation Agreement between Confederation and Cantons on Higher Education in 2000. This long list shows how the landscape of HE is changing in many perspectives.

After the constitutional change in 2006, whereby the confederation and the cantons are entitled to steer mutually the whole sector of Swiss HEIs, a new University Act is due to entry into force by 2010. To date, the legal text is being discussed by relevant political entities in order to achieve a text that can represent unanimously the stances of all interested parties. The debate which has been generated is focusing on four

³ On the other hand a shift is to be seen from the cantonal level to the federal level, or at least in the direction of cantonal and federal coordination bodies (i.e. SUC, the Swiss University Conference)

key issues: the first and most relevant to this paper concerns HEI missions, the proposed convergence between cantonal universities and Universities of Applied Sciences has been criticized by the latter, which demand a clear differentiation between academic institutions carrying out basic research and professionalizing and technical university schools providing applied research and technology transfer. The establishment, by federal law, of a vocational sector has created several, mostly inter-cantonal universities of applied sciences (UAS) and introduced increased differentiation that is modifying the relations between actors in the whole system: the present revision of the federal law on Higher Education Institutions is characterized, in this respect, by lively discussion on the different missions to be attributed to universities and UAS and their respective competencies in research (UAS are not entitled to grant PhDs).

3 Empirical data

The comparative analysis on university laws is qualitative and was carried out focusing on relevant concepts drawn by international literature on Higher Education governance. We first described laws by their main characteristics, then identified institutional missions and their main issues. According to the conceptualization presented in the second chapter, we investigated two aspects both at the institutional level – i.e. Presidents and University councils – and at the understructure level – deans and faculties - first we compared their main features such as how they are conferred their authority, whether by appointment or by election, second their competences in decision-making according to relevant categories relative to institutional steering: strategy, organization, appointments, regulations.

We imposed ourselves two severe limits: *primo*, we restricted our analysis to universities and we excluded the vocational sector. This has been developing rapidly since its creation in 1995 and needs to be considered in further research. *Secundo*, we analyzed and compared laws, which are official, formal and normative documents articulating the legal framework of the Swiss Higher Education system. Laws significance is very high, and can give an insight on values, ideologies and cultures, but can't take into account practices, namely how universities really work, how power, authority and leadership is concretely assumed and shared by main actors.

3.1 A descriptive outline

Our analysis has focused on founding laws of Swiss universities: namely the ten laws relating to cantonal universities (Basel, Bern, Fribourg, Genève, Lausanne, Luzern, Neuchâtel, St. Gallen, Lugano, Zürich) and the federal law on Federal Institutes of Technology (Zürich and Lausanne). To this regard Switzerland presents a special situation in comparison with other countries: in fact the specific federalist structure has allowed for a national case within which each school has a different founding law, emanated by a different authority with State-like prerogatives (i.e. the State Council), along with the Federal Institutes of Technology (FITs), which depend upon the confederation. We also considered the distinguishing process of compiling such documents, where all key players participate to the drawing until agreement is achieved.

Swiss Universities have all the same legal status: they are full legal public entities belonging to a specific category defined in the framework of administrative law. They are created by a law *ad hoc*, which in Switzerland can be either cantonal or federal. Unlike public administration unities, integrated within State organization, they enjoy a certain degree of independence in management and governance. Almost all laws bear the same name, i.e. "University law" for the cantonal Universities and "Federal law on the Federal Institutes of Technology". There are two exceptions: Luzern has a cantonal law on Higher Education, within which the cantonal university is regulated together with the general field of tertiary education; Ticino has a law relative to both University (USI) and University of Applied Sciences (SUPSI). All laws but one, Geneva (1973), which is adopting a new law due to entry into function in 2008, have been adopted in the last 20 years, in line with the pace of reforms in Higher Education to be observed all over Europe. Zurich and St. Gallen (1988) are the two second oldest, while the FIT law dates back to 1991, although major changes have been approved by federal parliament in 2003. All other cantonal laws have been created or entirely revised since 1995, when Universities of Applied Sciences were born.

Table 3: Description of laws

	Name of the law	Year	Number of articles
Basel	<i>Gesetz über die Universität Basel</i>	1995	29
Bern	<i>Gesetz über die Universität</i>	1996	84
Fribourg	<i>Loi sur l'Université</i>	1997	52
Genève	<i>Loi sur l'Université</i>	1973 (a new act to be adopted in 2008)	103
Lausanne	<i>Loi sur l'Université de Lausanne</i>	2004	93
Luzern	<i>Gesetz über die universitäre Hochschulbildung</i>	2000	37
Neuchâtel	<i>Loi sur l'Université</i>	2002	84
St.Gallen	<i>Gesetz über die universität St.Gallen</i>	1988	55
USI	<i>Legge sull'Università della Svizzera italiana, sulla Scuola universitaria professionale della Svizzera italiana e sugli istituti di ricerca</i>	1995	27
Zürich	<i>Gesetz über die Universität Zürich</i>	1988	53
FITs	<i>Legge federale sui politecnici federali</i>	1991	41

Swiss university laws are divided in a series of chapters: a General Observation's section at the beginning of the law usually describes the university legal status and its mission. It can also mention general issues like freedom of teaching and research, ethical principles, equality between men and women, cooperation, compliance to quality control and evaluation processes. The "academic community" label describes categories, activities, rules of engagement, procedures of appointment, admission concerning faculty, assistants, researchers and students. Administrative and technical staff on the contrary is seldom mentioned, particularly when hiring and personnel status are illustrated. The "academic community" section appears to be very relevant, representing for many schools the longest part of the law (e.g. Bern, Genève, Lausanne, Neuchâtel, Zürich and the FITs). A second major section is devoted to organizational structures: it includes organizational subunits within the institution and the organs in charge of decision-making and their relative competencies. All laws outline a chapter on finances, which describes to a certain extent of detail planning, funding, budget spending. In this respect, the contract of services plays a role as a strategic tool between the university and the canton, accordingly detailed information is provided on how the relevant mechanisms and procedures (e.g. reporting) have to be performed. Finally, as of institutional governance, Swiss university laws depict competent main organs: each HEI has a University Council and a President (almost always inclusive of a Presidential team), a Dean and a Faculty Board. Most of the universities also have a university assembly where all faculty – or democratically elected representatives - participate in order to select candidates for Presidency (Luzern, Neuchâtel, St.Gallen, Zürich), for Professorship (Neuchâtel) or to supervise ethical issues (Neuchâtel). In all other universities (Fribourg, Genève, FITs) the general assembly main task is to elect representatives of the academic community in the University council.

Aiming at providing a comparative analysis on how Swiss universities represent themselves by means of official and legal documents such as their founding laws, we decided to concentrate on specific issues which are relevant to recent developments of Higher Education at international level (as depicted previously in the sections on autonomy and NPM) and to the specific changes in the last 15 years in the Swiss HE system. The sections following hereafter will treat on missions, university presidents and councils, faculties and budget.

3.2 Uniform missions

All laws include a paragraph or an article on university missions. All items appear under a section or a single article whose title is “Mission” (*Ziele und (Kern-) Aufgaben, Zweck, Auftrag, Scopo*) of the institution. Table 4 shows the main issues contained under this item, however we must observe that not all contents have been provided hereafter as cantonal laws mention several topics which usually do not belong to mission statements. We were therefore constrained to focus on significant aspects.⁴

It is manifest that all missions provide extremely general statements and that the main topics listed inside are also generic, simply indicating university essential activities: teaching, research⁵, which are mentioned by each law. Teaching is divided in sub-missions such as teaching to prepare students for professions requiring academic education and (adult) continuous education. Preparation of next generations of academicians is also indicated by many laws as a duty of academic staff. Interestingly research and services are not characterized but only mentioned, whereby a claim for respect and consideration of ethical issues is made only by 4 HEIs. The declaration on the university role with respect to society, humanity and environment sounds very abstract without any further insight. This is in relation with the traditional role of higher Education in society and can be regarded as a central feature of a key social institution. Particularly this role is being under pressure: HEIs are adapting to new functions (particularly economic) requested the society and therefore changing their governance and structure to this intent (Maassen 2002).

	Teaching	Teaching with aim at professions	Continuous education	Breeding next academic generations	Research	Services	Ethics	Contribution to society, humanity and nature
Basel	x				x			x
Ben	x	x	x	x	x			
Fribourg	x	x	x	x	x	x	x	x
Genève	x		x		x			x
Lausanne	x	x	x	x	X	x		x
Luzern	x	x	x	x	X	x		x
Neuchâtel	x	x	x		X	x	x	x
St.Gallen	x		x		X		x	x
USI	x				X			
Zürich	x	x		x	X	x		x
FITs	x	x	x	x	X	x	x	x

Table 4: main items in missions as stated by university laws

A first attempt to look into what universities really are and how they represent themselves through the missions the political level grants them is indeed disappointing: are cantonal and federal governments to steer HEIs activities, e.g., their strategies, positioning, differentiating among themselves, competing internationally, missions do not really reflect it in their articulation which remain generic, superficial and very similar. A first comment on the delegation relation between State and universities points out that, referring to definition of mission, the delegation system is ambiguous, as the objectives are not clearly stated by means of institutional missions.

⁴ In fact university laws mention several topics which cannot really be classified as “articulation of missions”, e.g. gender issues, valorization, quality control, etc. In our opinion these topics relate more to strategy and management.

⁵ The mandatory unity of teaching and research in Swiss universities is defined in the University Act (1999), Art. 2, par. 2

3.3 Institution level governance: a task shared between Presidents and University Councils

All laws present two bodies in charge of running Swiss schools: the President and the University Council. In fact both entities detain major competencies that are balanced between them and between the political power. We have divided these assignments according to three to five categories, which are consistent with the subdivisions found in the legal texts analyzed, i.e. strategy, organization, chairs, appointments and regulations.

3.3.1 Presidents as central actors in Swiss universities

The President comes in general from the academic community, within or outside the university, has a political appointment in almost all Universities but Basel (*Regenz*), USI and Zürich (University Council). Where detailed, Presidents can have a renewable 4-year-term of office and can profit from a team, where, close to academic vice-Presidents, an administrative director usually works can work.

Table 5: Description of Presidents and their teams

	President name	President office name	Composition	Term of office	President designation	President provenance ⁶
Basel	<i>Rektor</i>	<i>Rektorat</i>	President 2-3 Vice-presidents Administrative Director	4 years renewable	UC	int./ext. / non academician
Bern	<i>Rektor</i>	<i>Leitung</i>	President 2 Vice-presidents Administrative Director	4 years renewable	SC	
Fribourg	<i>Recteur</i>	<i>Rektorat</i>	President 2-4 Vice-presidents	4 years renewable	SC	Int.
Genève	<i>Recteur</i>	<i>Rektorat</i>	President Vice-presidents	4 years immediately renewable twice	SC	
Lausanne	<i>Recteur</i>	<i>Direction</i>	President Up to 6 Vice-presidents	5 years renewable	SC	Int./ext.
Luzern	<i>Rektor</i>	<i>Leitung</i>	President Administrative Director	4 years renewable	UA	
Neuchâtel	<i>Recteur</i>	<i>Rektorat</i>	President 2-3 Vice-president	4 years renewable twice	SC	Int./ext
St. Gallen	<i>Rektor</i>		President Vice-Presidents		SC	Int.
USI	<i>Presidente</i>		President	4 years renewable	UC	Ext.
Zürich	<i>Rektor</i>	<i>Universitätsleitung</i>	President Vice-presidents Administrative Director	4 years renewable	UC	Int.
FITs	Präsident	Leitung	President Delegate to academic affairs Vice-presidents	4 years renewable	FC	

⁶ External/internal refer to whether the President comes from within the school or from another HEI. If the position can be covered by a non Academic, it is written explicitly.

Table 5 shows that in seven cases (Bern, Fribourg, Genève, Lausanne, Neuchâtel, St. Gallen and the FITs) the political power (State Council or Federal Council) designates the President, upon proposal by the academic community or, like in Geneva, by the University Council; whereas in Basel, Luzern, USI and Zürich the University Council appoints the President.

The following table resumes main tasks and responsibilities of the President. Huge differences are not visible and the description of tasks tend to be similar in each university as of strategy: most laws depicts president's main activities as "running university affairs", which was detailed in legal texts by being in charge of general coordination, external coordination and acting as the institutional counterpart in relations with political power. With respect to organization, laws seem to indicate, to different degrees according to each university, the assumption of some responsibilities relating to the understructure (faculties and institutes) and the structure of the courses of studies. The category of "chairs" illustrates clearly that Presidents do play a role in appointing professors and enjoy, at least on paper, of the possibility to intervene in appointing procedures. To be noted further that in Lausanne the President appoints deans, usually elected by their own faculties; while in Zürich the President is responsible for appointing professors, this is the only exceptions, although Presidents do participate to the appointing procedures relating to Full Professors.⁷

The description of President tasks presented in university laws remain general, see for example the case of USI, where no details except generic "supervisory competences" are provided. This allows us to repeat an important caveat of the present research: we considered only formal norms and rules that do not include practices in university governance but although representing some specific significant aspects, are reduced in their content and only reflect one facet of reality.

⁷ We restricted our analysis to designation of chairs. In fact the legislation on appointment authorities for the other categories of academics (associate professor, assistant professor, assistants, researches) it highly diversified and would deserve a separate paper.

Table 6: competencies and main tasks of Presidents

	Strategy	Organization	Chairs
Basel	Strategic priorities Leitbild Runs general affairs Teaching/Research strategy	Classification of disciplines and institutes Approves departments composition and regulation Creation/cancellation of courses of study	Conducts negotiations with faculties for professor appointment
Bern	Planning Yearly reporting Evaluation Executes board's decision Administrative and legal supervisory authority	Creation/cancellation of subunits Proposes creation/cancellation of chairs Approves courses of study	Appoints all except professors Conducts negotiations with faculties for professor appointment
Fribourg	Reporting Ratifies faculty Quality control regulations	Teaching and research coordination	Proposes professors
Genève	Yearly reporting Evaluation	University and study regulations Creation/cancellation of courses of study (SC)	Approves professors (SC)
Lausanne	Planning Evaluation Runs administrative affairs	Proposes university organization in faculties Creation/cancellation of subunits Awards titles	Appoints deans
Luzern	Runs general and administrative affairs Planning		
Neuchâtel		Faculties structure Courses of study Evaluation	Appointment regulations
St. Gallen	Manages university		
USI	Supervisory competences		
Zürich	Reporting	Creation/cancellation of institutes, professorships Faculties regulations	Appoints professors
FITs	Runs general affairs		

3.3.2 Two types of university councils: board of trustees or *collegium*

The university laws analyzed present a rather large flexibility of meaning under the label of University council. The first column of Table 7 hereafter already shows that, except Bern and Fribourg, which have left the traditional name of senate, all other universities do possess a council. Nevertheless, under this label we identified two different types of bodies: the first kind of council refers generally to the traditional *collegium*, or a group of people (in this case academicians) that discuss on a basis of mutual understanding and equal positions given by their common profession of how to run university affairs. The second type of council is much nearer to the board of trustees, to be found in particular in American universities, where

members' role is to guard the long-run viability of the university by protecting its reputation and revenue sources. The nature of such a council generally entails a limitation of the presence of representatives of the academic community (faculty and students) in order to pursue effectively its purposes (Milgrom and Roberts 1992). The two following tables present the two angles under which one can consider the nature of Swiss university councils: how they are composed and their members appointed and what they really do in the framework of university strategy and affairs. The results will rather clearly divide the two different types of councils and confirm our theoretical stance.

One can observe rather immediately that the proportion of academic members elected by the academic community or by its organs can vary greatly. On a continuum from no academic member to all academic members we have Basel, Luzern, St. Gallen, Zürich and FITs (all members designated by political power) to Lausanne, where 44 out of 45 council members are elected among the academic community.

Table 7: University councils composition

	Name	Members	Political appointments	Ex officio appointments	Elected by academic community
Basel	<i>Universitätsrat</i>	12	9 by SC 1 by DEP	President Administrative Director	
Bern	<i>Senat</i>	22		President Deans	13
Fribourg	<i>Sénat</i>	16	4 by SC 4 by CA		8
Genève	<i>Conseil de l'Université</i>	21	4 by SC 3 by CA		14
Lausanne	<i>Conseil de l'Université</i>	44+1		Head of PED	44
Luzern	<i>Universitätsrat</i>	5-9	4-8 by SC		
Neuchâtel	<i>Conseil de l'Université</i>	19	10 by SC	Deans	4
St. Gallen	<i>Universitätsrat</i>	11	1 by SC 10 by CA		
USI	<i>Consiglio dell'USI</i>	12	Up to 11 by SC	Deans (elected by faculty council)	
Zürich	<i>Universitätsrat</i>	7-9	6-8 by SC	Head of PED	
FITs	<i>Consiglio dei politecnici</i>	11	9 FC	FIT Presidents	

As of the duties of the councils in Swiss universities, we can also distinguish the following two patterns (s. table 8), where members are mainly appointed by political power, councils carry out relevant tasks such as providing university strategy (planning, organizational and staff affairs etc.), goals and objectives, and foster relationships with political entities. On the contrary, university councils composed by a high number of elected academic members correspond more to a supervisory body accepting and ratifying decisions taken somewhere else, i.e. at political or presidential level.

Table 8 : University councils competencies and main tasks

	Strategy	Organization	Chairs	Other appointments	Regulations
Basel	Planning Reporting Evaluation	Creation/cancellation of courses of study	Awarding/withdrawal of professorship Confirms professors	Confirms President Administrative director	Appointing procedures Title awarding Student fees
Bern	Leitbild Planning Reporting			Proposes President	
Fribourg	Adopts strategy Guarantees academic freedom Approves reporting	Ratifies faculty statutes		President	
Genève	Approves contract of services Approves reporting	Approves creation/cancellation of courses of study			Approves university regulations Ratifies university and faculties regulations
Lausanne	Evaluates planning	Approves university organization in faculties		Proposes president	
Luzern	Planning Contract of services Approves Leitbild, Evaluation	Creation/cancellation of courses of study, organizational units	Appoints professors		Approves faculties regulations
Neuchâtel	Planning Evaluation Evaluates rectorate			Proposes president	
St. Gallen	Approves strategic planning Evaluation General human resources policy		Appoints professors	Appoints president, administrative director	
USI	Contract of services Planning Reporting Evaluation	creation/cancellation of chairs	Appoints professors	Appoints President	faculty Evaluation Appointing procedures Salary levels Study regulations
Zürich	Reporting Approves Leitbild Adopts Evaluation report	Approves institute Creation / cancellation of faculties and institutes	creation/cancellation of chairs	Appoints president	General regulations on exams, study-
FITs	Reporting Regulations on strategy				

Task sharing is structured differently among Swiss universities. This depends upon the political power, accordingly upon the university laws we have analyzed in the cantons and at the federal level. Looking at the two types of councils, it emerges that when it has only advisory role performed by representatives elected among academicians, the political power detains large competencies in steering the school, delegating part of these responsibilities to the University President; while where councils act as governing

boards, the political power delegates to the latter its competencies, and appoints most of the members from outside.

3.4 Faculties between academia and middle management

Faculties are the main organizational units at understructure level. They are featured according to several dimensions: organizationally they represent the biggest subunits according to human and financial resources; from a governance point of view they traditionally have the largest competence in decision-making on academic affairs, namely on content of courses of study, professors appointment.

Table 9: competencies and main tasks of faculties

	Strategy	organization	Chairs	Academic Competencies	Statute and regulations
Basel	Planning		Proposes professors	Proposes granting/withdrawal of professorship Takes position on creation/cancellation of courses of study	
Bern	Reporting to rectorate		Proposes professorships	Awards academic degrees and titles	Adopts faculty, study regulations
Fribourg	Strategic and financial reporting	Creates departments and institutes	Proposes professors	Decides courses of study	Adopts faculty statute and regulations
Genève	Contributes to strategic planning			Approves courses of study	Adopts study regulations
Lausanne					
Luzern	Faculty Leitbild				
Neuchâtel	Contributes to strategic planning		Writes calls for professors	Fosters interdisciplinarity	Adopts faculty regulations, courses of study
St. Gallen					
USI					Adopts statute and regulation (to be ratified by board)
Zürich⁸					
FITs					

As we can see from the above listing of tasks of faculties as outlined in the university laws, at the level of understructure are reflected the patterns already observed at the section dedicated to councils: the academic community, represented in the principal understructure feature, the faculty, acts as an advisory body in relation with governing tasks. One major aspect, decision making on content of courses of study present different patterns: in some universities, like Fribourg, Genève and USI, faculties do have the last word. In others, like Basel for ex., the faculty can take position on the matter, but it rests on the council to decide finally. On the other hand, faculty statute and regulations, are adopted, in general by the faculty, which is generally organized in a faculty council and is coordinated by a dean. The latter is usually elected

⁸ Faculties tasks in Zürich and the FITs are not mentioned.

by professors within the faculty. As in the case of Presidents tasks, laws are rather incomplete in depicting faculties role. In general, we can conclude provisionally that the political power, by abstaining from details, leaves to HEIs how to arrange internal governance at this level.

Last but not least, a trend is detectable: if laws do not contain so much detail on academic affairs, they do list management: in this respect faculties are assuming a certain number of strategic and coordinating tasks like strategic and financial reporting and planning. How far this formalization of managerial activities has gone in reality, should be object of further research.

3.5 Budget

Budget is conveyed to universities in the form of lump budget decided by the cantons or the confederation. Thus, the political power, according to international broad adoption of New Public Management arrangements delegates the single institutions to budget spending and resource allocation. The features and boundaries of this delegation to HEIs can be seen from university laws, too.⁹

Table 10: competencies on budget among university bodies and political power

	President	University council	Faculty	Political power
Basel	Financial strategy Budget spending Student fees	General supervisory competences	Approves its own budget	
Bern	Financial strategy Budget approbation and spending property management		Distributes faculty resources	Financial strategy Possibility of delegation to university
Fribourg	Budget spending Property management	Position-taking on global budget	Global budget/contract of service, budget	budget
Genève	Financial reporting Proposes yearly budget Donations > 500'000 Budget spending	Approves yearly budget		Donations < 500'000
Lausanne	Proposes yearly budget Financial strategy Budget spending, Financial regulations	Ratifies budget		Regulations Approves accounting
Luzern	Proposes budget spending Approves financial strategy, yearly budget and accounting	Approves yearly budget		Student fees
Neuchâtel	fundraising	Approves resources distribution	Proposes yearly faculty budget	
St. Gallen		Proposes student fees Draft budget		Approves student fees Financial regulations
USI	Donations	Conditional donations Allocates resources within faculties		

⁹ The principal instrument of this delegation being the contract of services.

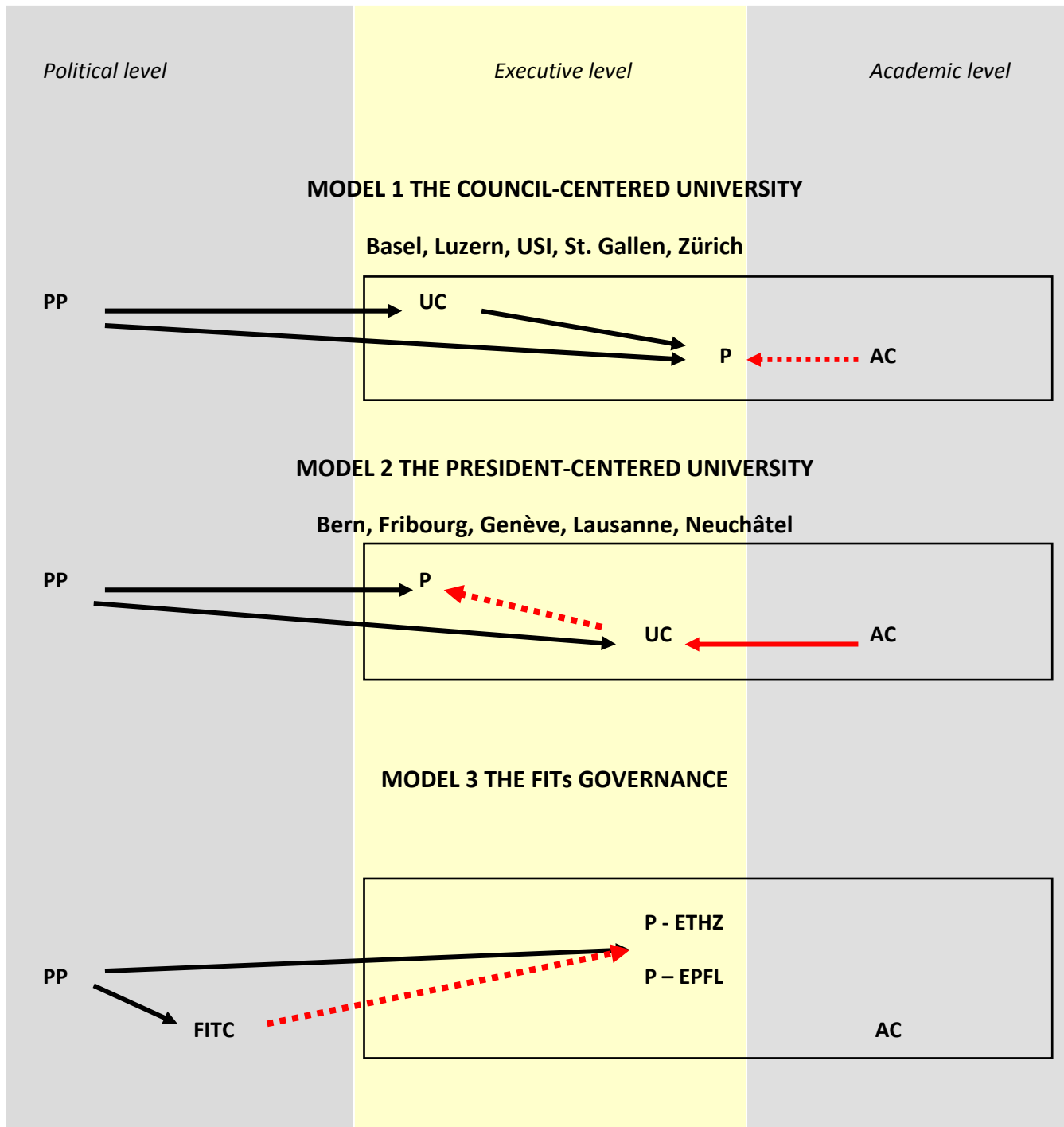
		Approves budget		
Zürich	Decides budget Budget spending	Global budget Financial strategy Financial regulations Approves yearly accounting Student fees	Participates to budget definition	
FITs		Accounting report		Financial regulations Student fees

First, concerning institutional administrators, we can see from the data presented in the following table that responsibilities on budget inside universities are clearly defined: the council has supervisory competences, while the President defines budget spending. The only exception is USI, where the University Council decides on the allocation of resources. Second, at the understructure level faculties contribute to budget decision-making concerning their subunit. Only in Bern it is specified that faculties allocates resources. Third, the political power, besides deciding the amount of the general budget, generally emanates general financial and accounting regulations. Institutional autonomy can be achieved also by budget but, of the three functions outlined in the second chapter (OECD 2003) only one – i.e. spending budget to achieve institutional objectives, can be said to be performed. Although the political discourse around universities demands more autonomy and funding differentiation, we can see that the legal framework still poses important limits of action (see for example donations and student fees).




4 Preliminary results and discussion

Through the description and analysis of data collected in university laws a clear range of patterns in institutional governance has emerged. We can identify three models: a council-centered model has emerged in Basel, Luzern, University of Lugano (USI), St. Gallen and Zürich. The main governing body of these universities is the council, that acts as a governing board and strengthens the central administrative capacity of the institution. Such council members are appointed by the political power, i.e. the cantonal governments. The second is a president-centered model and is applicable to Bern, Fribourg, Genève, Lausanne and Neuchâtel: here the President acts almost as a CEO and is appointed by the political power. On the other side, the councils in these universities have members elected among the academic community and act as supervisory bodies. The third model, relating exclusively to the FITs, is very peculiar: first, the two Presidents report to a unique council, which has its members appointed politically and has governing prerogatives. However, the council has an unusual position, outside the schools perimeters and closer to the political power, i.e. Federal Council. We could define it an intermediary agency, like the National Science Foundation, coordinating and allocating huge resources among the two FITs. On the other hand the FIT model confirms the features of the previous ones: the political power delegates governance and administration tasks to the council and the presidents and the academic community remain (formally) on the background.

Table 11: Three models of institutional governance



Legend: PP= Political Power P= President UC= University Council
 AC= Academic Community FITC = Federal Institutes of Technology

 Designation power
  Election power
 Proposal power

The 10 Swiss cantonal laws as well as the federal law show that HEIs present different levels of centralization of institutional governance and democratic participation to decision making by the academic community. Swiss universities also attribute different roles to councils: where they represent mainly the academic community by election, they are advisory bodies, where councils have external appointed members, they are governing bodies of the single institution.

There are two significant patterns emerging from these two models: not only they reflect different roles of Presidents and Councils in sharing their competences and tasks at institutional level, they also reveal two different assumptions on how universities should be run and on how the external and internal balance of power of institutional autonomy (s. table 1) should be articulated. The Council-centered model strengthens concretely the *strategic autonomy* by delegating a council to take relevant decisions on planning, finances and budget. On the other side, the President-centered model reinforces the *management autonomy*, by delegating presidents to take care of overall university affairs, while the strategic orientations remain in the hands of the political power, i.e. the cantons. These models reveal that, on one side, the school positioning is at national level, on the other side, the HEI scope remains cantonal and the university is actually conceived as belonging to the canton as other public administration units. This depends of course on the characteristics of Switzerland and on its federal structure, which can influence significantly the governance model.

The reason why Swiss HEIs present such differences in their governance structure, is to be found in the federal structure of the country. Each canton has its own history, politics and policy-making traditions. The president-centered model is to be found in French speaking cantons, whereas the council-centered model pertains to German-speaking cantons and in the Italian speaking canton. This may add further evidence to particular character of Switzerland where three different communities speaking three different languages co-exist.

The FIT model relates directly on the Confederation. In 1855 the latter created the FIT in Zurich and it was only in 1969 that the *Ecole Polytechnique Universitaire de Lausanne* was transferred from cantonal to federal competence. Historical factors are reflected in the characteristic model emerged from analysis and described above. However, this peculiar governance model also echoes the special relationship among cantons and the confederation in Switzerland: FIT were established in order to replicate at federal level what already existed at cantonal level, after the creation of a federal state in 1848. In this perspective ETHZ was conceived by the same standards of the existing cantonal universities. Accordingly, the creation of the FIT in Lausanne wasn't really conceived as the establishment of a new school, but more as the absorption of a second element to be naturally integrated to the original one. For this reason the FIT model presents only one council for two schools, each one with its own president and central administration. The FIT council is actually a unique governing body of two different institutions and is in charge of allocating huge resources between the two schools, that, at national and international level, are competing among each other. This particular feature caused and will continue to cause conflicting dynamics.

At the understructure level it is difficult to affirm definitely whether greater centralization of decision making of councils and presidents has reduced the authority of subunit collegial governance arrangements. Though, our results present evidence that faculties are undergoing some changes, at least because of additional tasks relating more to middle management patterns. In this perspective further investigation on university practices is necessary, in order to see how faculties in practice are responding to these new demands.

The empirical data have confirmed, at different level among Swiss universities, that the new supervisory role of the state and the delegation of power in governing and managing budget to the single institutions have implied, on one side, the decreasing importance of the so-called academic oligarchy, on the other side, a new strengthened role for Presidents. Last but not least, the fading out by governments has entailed a delegation to a new group of external stakeholders, i.e. the “trustees”, acting as council members in charge of institutional long term strategy. In other words, the new trend observable in the Swiss Higher education system presents all elements, even if with differences among the individual universities that must be investigated further, of the new continental model: the State (Cantons and Confederation) continue to determine the overall structure of the system, outlining a strict legal framework and, accordingly, deciding its own role. The institutions are reinforced by strengthened role of Presidents and councils; finally, the understructure presents two contrasting trends: on one hand the academic oligarchy, traditionally in charge of the organizational governance through collegial and consensus-based participatory decision-making, is withdrawing, on the other hand they are demanded to carry out additional managerial tasks. Whether this is a signal of identification of the academic profession with traditional organizational and corporate professions is still to be verified in future research.

Changes in Higher Education system governance are immediately visible in formal structures, as our analysis of empirical data has shown clearly. What is now critical in order to understand the unplanned consequences at institution and understructure level is to investigate possible variations of informal management processes and practices. Only by observing and identifying these practices it will be possible to look at organizational cultures. The key question now is: how do institutional governing bodies behave against the complex reality of universities? As Fulton (2002) pointed it out: do they act and take decision considering existing academic values and implicit norms? How academic values evolve in this new context? Are they still functional to institutional existence or do they persist as a tribute to fading away collegial values? We believe that research on university cultures in relation with organizational behavior is fundamental to understand how such complex institutions are reacting to pressure to change.

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