

Enhancing Institutional Governance beyond the Society's Act of 1860

(Steps to Improve Autonomous Institutes' Administration through Board of Governors)

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Abstract

Most of the autonomous institutes in India are governed by the Society's Act, 1860. It is usually assumed that the institutes are well run by the Chief Executive Officers (CEOs) who have to implement the approved policies of the government and the Board of Governors. A few CEOs determine the desired agenda, selectively implement the policies and omit many key decisions which will be conducive for the growth of the institute and faculty. Considering the excellence in administration and high academic performance, the research work centers on addressing the vulnerabilities in the institutional administration, building response capacity of the Board of Governors, managing leadership risks and confronting the degradation of the institute. From the analyses of the cases, it is proposed the following standing committees under the Board of Governors:

- Academic Affairs Committee
- Financial Control, Purchase, and Audit Committee
- Faculty Recruitment and Internal Governance Committee

- Institutional Development Committee, and
- Ad hoc Committee

By constituting these committees, the Board can lead appropriate governance and ensure high performance which would facilitate academic excellence by contributing to the knowledge and human capitals.

Keywords: Effective governance, Academic Affairs Committees, Internal Governance Committee.

Introduction

All most all Centrally Funded Autonomous Institutes and Autonomous Colleges were registered under the Society's Act of 1860 and monitored, ruled and controlled by a Board of Governors/Governing Council. The Society has registered Memorandum of Administration (MoA) which specifies the roles of various units, departments and their roles. Usually there will be an Academic Council which would be headed by the Chief Executive Officer [CEO-Principal/Dean/Director] as Chairman, all senior professors, one or two junior faculty and two or three nominated members constitute the Council. Usually the senior most professor would be nominated as the Secretary of the Council. The Academic Council has to meet three or four times a year to consider all new curricula, courses, and declaration of the results. All the academic issues are to be

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discussed by the Council and its decisions have to be placed before the Board of Governors (BOG) for their consideration. As per the MoA, there will be experts from the higher education, ex-officio members representing the industry, representatives of state governments, All India Council for Technical Education, State Technical University, one or two members of the institute's faculty. Besides these, in the case of centrally funded institutes, an official from the integrated finance of the Ministry of Human Resource Development (MHRD) and a nominee of the MHRD would be there to take decisions. Every Board would be preparing a detailed Service and Recruitment Rules. However, the All India Council for Technical Education (AICTE)'s prescription for the qualification for various posts would be adopted. However, the Board can fix more qualifications and specific experience for all the faculty members including that of CEO over and above the AICTE's prescription. It would call for the applications and select the faculty and the CEO. However, the MHRD started directly recruit the CEO and forward the selection to the chairman to issue the appointment order. Under this condition, the Service and Recruitment rules were modified.

The Indian Society's Registration Act of 1860

The act provides for the registration of literary, scientific and charitable societies. Under this Act societies could be formed by a way of MoA by seven or more people associated for any literacy, scientific or charitable purpose. The memorandum of association has to prepare the name of the society, its objects, and the names, addresses and occupations of the members of the governing body, duly signed for consent by all members forming the society. A copy of the rules and regulations of the society also has to be filed with memorandum of association. It is a democratic system and the decisions are to be made by voting. For amendments, both memorandum of association, rules and registration need to be changed.

It provides guidelines for conduct of the meetings of the Board, tenure of the Chairman, role of the members of the Board. The Board has to create policies like qualification of the faculty, recruitment process, and approve all academic activities and outcome of the institute. Normally the Board would meet three or four times a year. It has to monitor the implementation of various Boards' decisions by the Secretary who is the CEO of the institute. The annual report has to be submitted to the Registrar of the Society. The ACT does not provide guidelines for reaching excellence or strategies.

Financial Rules

In the case of Central Institutes, they have to follow the General Financial Rules (GFR) of the Government of India. There would be a finance committee headed by the Chairman, an officer of the integrated finance of the Ministry of Human Resource Development and the CEO would be other members of the finance committee. The Institute has to prepare the annual financial requirements and submit to the Finance committee which would approve the same and this would be placed before the Board for its consideration. Based on the approval of the Board, the MHRD would sanction the funds and release them periodically. The expenditure has to follow the approval of the Board. In the case of World Bank assisted projects, or any externally funded projects, the Institute has to follow the rules of the fund giver also. The CEO cannot alter the financial rules or the standards in any case.

Building Committee

In the case of centrally funded institutes, the building committee would be consisted of the CEO, Chairman and a superintendent engineer from the Central Public Works department. All civil workshave to follow the rules and norms of the Government of India (GOI), even if the CEO gets approval to enhance the limit for taking decisions to implement using the staff of the Institute.

Conduct Rules

Over and above the Service and Recruitment Rules, the faculty members and the staff have to obey all the conduct rules of the government.

AICTE Guidelines

The programs have to follow the AICTE Rules wherever needed. The years of duration, title, and the minimum entry qualification for the participants have to follow the AICTE norms. Many autonomous institutes are not approved to award degrees, but they can affiliate to the state universities and implement degree, postgraduate and doctoral programs. In addition, there should be a nominee of the AICTE in the Board of Governors.

University GrantCommission's (UGC) Guidelines

If the Institute affiliates its programs to a state university, then the guidelines of the state university and UGC have also to be followed. Also, for recruitments of the faculty members and CEO, the UGC rules have to be followed in

addition to the Service and Recruitment Rules of the Institute. For all recruitments, there should be a nominee of the affiliated university.

Academic Autonomy

Institutes can offer diploma, postgraduate diploma and fellowships under autonomy. All degree and postgraduate degree programs which are affiliated to a state arts and science university or technical university, the programs have to follow the rules and regulations of the university, UGC or AICTE. All other non-degree programs could follow the institute's norms.

Hence, the institute has only partial academic autonomy with respect to affiliated programs. However, it can apply for autonomy to plan and conduct degree and postgraduate degree programs under autonomy as per the UGC norms.

Financial Autonomy

Only in the case externally funded projects, the institute has to follow the norms of the funding agency. For all other institute's expenditures, it has to follow the norms of the Government of India. Neither the CEO nor any other official can violate the norms or standards or regulations.

Misinterpretations of Administrative Autonomy

The CEO or any other official has to follow the MoA, Service and Recruitment Rules (S.R Rules), General Finance Rules (GFR) of Government of India (GOI), Conduct Rules (CR), AICTE norms, UGC norms or any other prescribed norms. If any CEO or any other official misinterprets the autonomy, and takes any deviation, they would be held responsible.

Objective of the research

1. To collect well known deviations which are challenged in the courts for the inappropriate decisions made by the CEOs in many centrally funded institutes which deliberately violated the prescribed rules of the Government.
2. To analyze the eligibility or correctness of these deviations under various GOI rules.
3. To suggest suitable interventions by the Board of Governors which would control many deviations and which could assist to develop excellence in engineering education and facilitate human and knowledge capitals.

Impact of Non-adherence to Board's Decisions

The institute would lose momentum of growth and yield low knowledge return on investment. The country would be deprived of rapid growth in economy. The learners would lose the opportunities for career growth. The government has to take tough initiatives. Many outstanding Board members may not attend the planned Board meetings.

Non-adherence to Government's Acts, Rules and Regulations on the Faculty

There would be more problems for faculty recruitment. The vacancy would increase and the effectiveness of the educational programs would decrease. Outstanding faculty members may not apply.

Problems Faced Faculty

Many faculty members would be burnt out and excellence would be decreased. Key performing faculty may plan for voluntary retirement or look for some other institute. Rebuilding the institute would be very difficult. Innovative programs would not be sustained. The industry may not get better services. Internal revenue or funds would not be generated.

Literature Survey

Parliamentary Committees

The work done by many Parliaments in modern times are not only varied in nature, but considerable in economic development. A good deal of its business is, therefore transacted by what are called the Parliamentary Committees which are of two kinds: Ad hoc Committees and Standing Committees. Ad hoc Committees are appointed for a specific purpose and they cease to exist when they finish task assigned to them but Standing Committees continue to full term of the parliament. Similar to Parliamentary Committees, the Board of Governors should have appropriate Standing Committees and Ad hoc Committees to watch the progress, evaluate the performance, develop strategic planning, implement long-term programs, utilize finance, and conduct sponsored research and development projects.

Global Practices

Neave and Van Vught (1994) brought out a model termed as "autonomy with accountability" for institutional governance

and management in higher education. It seeks freedom and flexibility necessary for their growth. It also strives to ensure them to be good stewards of public funds. They would provide quality education, produce graduates, research and services in return for public support. The degree of autonomy and accountability varies largely.

In their research report on “Excellence at Scale- What is required of Public Leadership and Governance in Higher Education?” by Paul Lingenfelter, Richard Novak, and Richard Legon suggest that:

- Implementation of regulatory laws to improve the performance of public institutions.
- Allocation of funds for specific or broad institutional funds
- Use of citizen governing boards established by statute, or constitution, rather than direct governmental oversight of colleges and universities
- Direct election or appointment and/or confirmation of board members for public institutions by governors and legislators, to typically to be staggered terms of office
- Statewide governing boards and public university systems to govern groups of individual institutions
- Statewide coordinating boards given responsibility for promoting public priorities by advising the

governor and legislature and coordinating separately governed institutions through certain regulatory powers.

Phyllis Palmiero, Director, Institute for Effective Governance (2006) suggested that the Boards of University Governance should assess how well they have met their responsibilities. According to him the assessment would include how well they:

- Engage in strategic planning;
- Meet their strategic planning and objectives and remain true to their stated mission;
- Monitor the effectiveness of various programs;
- Provide fiscal oversight and ensure fiscal integrity;
- Recruit and orient new trustees and develop existing trustees;
- Prepare for succession in board leadership;
- Assess the president;
- Ensure academic integrity and student learning; and
- Enhance the university’s public image and standing.

He further suggested the following committees are to be established:

Committee	Responsibility
Academic Affairs Committee	Ensuring the academic integrity of the university including the assessment of student learning, program approval, student and faculty productivity, and development and implementation of pre-and post -tenure review policies.
Finance Committee	Ensuring adequate financial controls and monitoring all financial aspects of the university including building construction (unless another committee is established for that purpose)
Audit Committee	Assessing university risk, developing an audit plan, and monitoring university activities vs. broad policies
Governance Committee	Assessing the board’s needs in terms of trustees, identifying and recruiting trustees, the orientation of new trustees. This committee is also responsible for the regular assessment of the board.
Executive Committee	Developing meeting agendas with input from all members of the board, acting on emergency issues when the board cannot convene a meeting (there should be explicit limitations on authority with regard to the executive committee, nor any other committee of the board, represent a quorum of the board.)
Ad hoc committees	Presidential selection and assessment committees, other needed committees

Such committees are very much required for the Board of Governors engineering institutes in India. If they are established, the performance of the institutions would be excellent.

The Australian Government has provided funding to setup a University Governance Professional Development Program which assists universities to develop “best practices” in their governance arrangements through:

- Induction for new governing body members
- Professional development training

- A website for sharing of better practices
- An annual conference, and
- Studies and investigations

The Australian Government has recognized the importance of effective university governance. The reform package is based on the four key principles:

- Quality
- Equity
- Diversity
- Sustainability

The Australian Government also introduced the “Higher Education Workplace Relations Requirements (HEWRR)” as part of the backing Australia’s future reforms. To meet the general standards set by the HEWRRs, universities must provide choice and flexibility in agreement by offering Australian Workplace Agreements (AWA) to all employees.

Eurydice European Unit (2008) conducted a research study on Higher Education Governance in Europe (Policies, structures, funding and academic staff). According to this study, the following are some of the significant outcomes:

- The majority of the countries in European Union are in the process of introducing specific policy documents that outline national strategic priorities for ensuring financial sustainability of higher education sector;
- Increasing public funding for higher education;
- Granting more autonomy to institutions for managing financial resources;
- Establishing direct links between results and the amount of funding allocated;
- Encouraging the diversification of funding sources as well as creation of partnerships with research institutions and regional authorities;
- More autonomy for managing academic staff;
- The introduction of performance criteria
- The institutional decision making body is the governance body responsible for long-term institutional planning and strategic development. The academic body serves as the decision –making body in about half of the European Countries
- Higher Education Institutes (HEIs) in most of the European Countries have introduced mainly or solely of external stake holders.

- In terms of institutional autonomy, this bodies general purpose is to safeguard the interests of accountability, to ensure that the institution complies with the national laws and regulations.

Merrill Schwartz, Richard Skinner, Zeddi Bowen (2009) identified the barriers to successful board-faculty interaction such as insufficient time, lack of mutual understanding and respect, governance policies and practices that are unclear or out- of- date, the complexities of higher education and a general lack of interest. Their recommendation are: better orientation and continuing education of trustees and faculty; opportunities for faculty and service on key committees and working groups; frequent communications, especially by the president; greater transparency in decision making and clarity about respective responsibilities of faculty administrators and the governing board; current and accessible governance policies; and presidential leadership in facilitating shared institutional governance.

They further state that any changes to the Faculty Handbook, which governs all aspects of the structure and conduct of the faculty (and is, in essence of the detailed contact between the institution and the faculty) must be approved by both the faculty as a whole and the board of trustees. This leads on policies and practices. They concluded to ensure meaningful participation of faculty in important decisions regarding budgeting, personnel, and mission; structure such work to include board members where appropriate.

William Saint (2009) who has been commissioned by Human Development Network of the World Bank prepared a report on the Guiding Universities: “Governance and Management Arrangement around the Globe”. According to William saint (2009) the dominant model of the university governance and management was characterized as a “republic of scholars” in which academic freedom and pursuit of knowledge were the overriding values. Institutional decision making was collegian, consensus based, and decentralized within a multitude of departmental, faculty, and institutional committees.

Suggestions of National Project Implementation Unit (NPIU)

National Project Implementation Unit (2012) [NPIU] {Andreas Blom and Digrasker} has bought out “the Good Practice Guide for Governing Bodies of Indian Technical Education Institutions participating in Technical Quality

Improvement II (TEQIP-II) project assisted by World Bank. The following are guidelines for Governing Bodies:

- 1) Primary accountabilities
- 2) Key attributes of governing bodies
- 3) Effectiveness and performance review of governing bodies
- 4) Regulatory compliance

The following are the benefits of good governance:

- Integrity in appointments at all levels, both external and internal
- Strong leadership and management skills in all of the places where they are needed
- Process in place for monitoring for monitoring the quality of teaching and learning, and within institutions for improvements in research quality.
- Lean and competent administration
- Robust and transparent functional systems not least on procurement, and strong internal and external audit
- Effective and transparent mechanisms to determine remuneration at all levels
- Strong human resource process, for example on appraisal, development and dealing with poor performance
- Effective student support arrangement
- Student participation in management and governance at levels.

These are the best guidelines that can be brought not only for the project institutions but also for all other higher education institutes in India.

The guide document states that strong governing bodies promote transparency and support high ethical standards expected to ensure public trust and institutional integrity. The following are some of the suggested practices:

- Publish annual reports on institutional performance, including the identification of key individuals and a broad summary of the responsibilities and accountabilities that the governing body delegates to the management or those that are derived from the instruments of governance.
- Provide as much information as possible to students, faculty, the general public and potential employers on all aspects of institutional activity related to academic, finance and management.

- Ensure that all reported information, including campaigns, is truthful.
- Conduct proceedings of governing bodies in as much as open a manner as much as possible, including the review of the governing body and any reports on the outcomes of such reviews.
- Ensure that vacancies are widely published both within and outside the institution.

Under procurement, the report suggests the following:

- Adopt adequate internal procurement policies and procedures
- Apply policies and procedures consistently
- Carry out the procurement in open and transparent manner without any barriers and allow all eligible suppliers, manufacturers and consultants.

Anna Krenkel and Nalika Vasudhevan (2012) have brought out the following overview of faculty performance evaluation process:

- 1) Department chairs attend faculty evaluation training
- 2) Faculty complete evaluation portfolio and submit it to department chair
- 3) Department chairs complete evaluation based on portfolio
- 4) Department chairs and faculty meet to discuss progress and set goals
- 5) Department chairs review faculty evaluations and recommend merit based pay
- 6) Deans and provosts meet to review merit-based pay recommendations

Such evaluation process could be implemented in all technical institutes such as autonomous engineering colleges, deemed universities and state technical universities.

Institute of Business Ethics brought a report on “Managing Ethical Issues in Higher Education” which states that “the aim of higher education should be to sustain a learning society”. It also identifies the following seven principles: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership. Higher Education Institutions need to ensure that these aims are put into practice in day today running of the institution. Ethical institutes arise in a wide range of situations, including those relating to how an institution treats its faculty, students and staff. All these are applicable to engineering institutions.

Research Methodology

Considering various development issues, there is a great need for the deep focus on the growth of the engineering institutes which are autonomous and high potential for contribution to Indian economy. The current mode of governing the autonomous institutes through the Society's Act of 1860 may not yield better results. Hence, by comparing the global practices, the researcher arrived at a set of committees to improve the performance of the CEO.

Based on the synthesis of the international practices for this knowledge based twenty first century, it is proposed to create five committees for the Board of Governors as follows:

- Academic Affairs Committee
- Financial Control, Purchase and Audit Committee
- Faculty Recruitment and Internal Governance
- Institutional Development Committee
- Ad hoc Committee

The Use of these Committees is presented below:

Use of the proposed modes to bring excellence, a set of 20 cases is identified. These were selected which occurred over a period of 35 years in many autonomous colleges in the southern region and taken to the courts or GOI referred to the investigators. If the Boards constitutes various committees to evaluate the performance of the CEOs, role of the Board of Governors, cause for deviation, they would have prevented the deviations and loss of reputation.

Identified deficiencies and suggested remedial measures

Case No.	Summary of Cases	Deficiency	Remedial Measure through the suggested committees
1.	Improper evaluation of the applicant who did not possess expertise as prescribed in the S & R Rules and the CVs of the competitors were altered.	Integrity	Faculty Recruitment and Internal Governance Committee needs to focus on the state of affairs.
2.	Not permitting the outstanding faculty to undergo the foreign training program even though his application was routed through the proper channel.	Accountability	The Academic Affairs Committee and The Faculty Recruitment and Internal Governance Committee have to focus, and review the decisions made by the CEO.
3.	Not recruiting the deans as per the approval and not following the S&R Rules in recruitment.	Integrity, ethics	The Academic Affairs Committee and The Faculty Recruitment & Internal Governance Committee have to evaluate the decisions.
4.	Ad hoc CEO constituted the selection committee for his selection by not following the S&R rules.	Integrity	The Academic Affairs Committee and the Faculty Recruitment & Internal Governance Committee have evaluate the process.
5.	Improper selection of the Chairman.	Integrity	There is no prescribed qualification or experience for the Chairman. The Standing Committee on Education could review the decisions and prescribe the minimum qualification and experience.
6.	Not conducting the Board meetings as per the M.O.A	Integrity	The Government has to continuously monitor the conduct of the board meetings and nominate qualified and experienced members..
7.	Not following the prescribed rules for the selection of CEO and suppressing the qualification of the outstanding faculty members.	Integrity and accountability.	The Faculty Recruitment and Internal Governance Committee has to investigate and take corrective measures.
8.	Substandard faculty member who was not recommended by selection committee gets the	Integrity and accountability	The Faculty Recruitment and Internal Governance Committee have to evaluate the status and take preventive measures.

	appointment order by unfair practice.		
9.	Intolerance behavior towards high performing faculty by the CEO	Integrity	The Academic Affairs Committee has to continuously evaluate the development.
10.	Not following the Job specification for recruitment.	Integrity	The Academic Affairs Committee has to focus on the issue and the Faculty Recruitment and Internal Governance Committee have to review the situation.
11.	Total deviation from the M.O.A	Integrity	The Academic Affairs Committee has to evaluate the status once in a quarter through a questionnaire and take remedial measures.
12.	Total deviation from the signed agreement with World Bank which was agreed and recorded in the Program Appraisal Document.	Integrity and Accountability	The Ministry of HRD has to oversee the compliance of the agreement made with the World Bank.
13.	Not conducting the Board meetings as per the signed agreements.	Integrity and Accountability	Joint Review Committee of the IDA could have corrected the situation. Also the Ministry could have established the project specific posts.
14.	Not recruiting the additional professors as per the agreement with the IDA	Accountability	The Ministry has to implement the agreement completely.
15.	Secrecy in the agenda of the Board meeting and its outcome	Transparency	The Right to Information Act, 2005 is applicable to all autonomous institutes.
16.	Irregular interpretation of the revised MoA by the Ministry and appointing the chairman for five year instead of three years	Lack of knowledge of the revised MoA	The Ministry has to scrutinize the draft proposal letters and check against the current MoA. The use of expired preforms should be discouraged.
17.	Disregard for rules and regulations; institutionalizing the corruption.	Integrity	The Finance Control, Purchase and Audit Committee has to check the use of the funds every quarter so that corruption could have been eliminated in the beginning itself.
18.	Stopping the participation of the faculty in the development planning meetings and total absence of commitment for growth	Lack of accountability.	The Institutional Development Committee has to evaluate the needs of the industry in collaboration with the Academic Affairs Committee and develop needed strategic planning.
19.	The CEO took all authorities which were not delegated him as per MoA.	Lack of accountability	Academic Affairs Committee has to investigate the issues and take corrective measures.
20.	No proper evaluation of the achievements of the applicants and not preparing the list of outstanding candidates	Lack of guidelines to measure the achievements and the needs of the institute	Faculty Recruitment and Internal Governance Committee has to take active part.

Discussion

In many autonomous institutes, there are no efforts to properly oversee the implementation of government directions or the decisions of the Board. Even in the parliament, there are many sanding committees which go

deep in to the budget proposal. Many universities in the advanced countries have such committees which are very active and correct the low performance. From the analysis of 20 cases, it is suggested to constitute five as stated Committees so that the losses could be prevented to the Institute. Also the low performance could be corrected. Even though only 20 cases were considered, they are only the samples but there could be large number of cases.

Conclusions

Autonomous institutes are registered under the Society's Act of 1860. However, there are many deviations, court cases and loss to the government due to lack of proper scrutiny of the activities of the institutes. The autonomous institutes need appropriate trained members of Board of Governors, various focused committees for overseeing, evaluating, and guiding the institutes. It is suggested to constitute the following committees:

- Academic Affairs Committee
- Financial Control, Purchase and Audit Committee
- Faculty Recruitment and Internal Governance
- Institutional Development Committee
- Ad Hoc Committee

They could be constituted through the existing Board and have to be incorporated in the Memorandum of Association. This would enhance the desired performance of autonomous institutes and they would effectively contribute to the knowledge capital. Hence, the vulnerabilities in the institutional administration would be eliminated, the response capacity of the Board of Governors would be increased, the institute could manage the leadership risks and the institutional degradation would be confronted.

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