

The management of higher education establishments from Romania and the academic autonomy

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Abstract: *In time, management proved to be determinant for progress, including for the higher education institutions from Romania.*

The management in higher education institutions is grounded by the principles that govern education, among which the academic autonomy, a principle newly introduced in post-1989 Romanian legislation that gives to the academic institutions the right to manage their own human and material resources, to establish their mission and their own institutional strategy.

The manager of the academic institution is the chancellor, his responsibilities being specified both in the Law of National Education no. 1/2011 and the internal juridical documents of the higher education institutions, such as the Academic Charta.

Therefore, the chancellor carries out the management of the institution, apart from the didactic and scientific research activity, in accordance with the prerogatives conferred by the law, using his abilities of a leader in the process of academic managing.

Key words: management, higher education institutions, academic autonomy, Romania, leadership, legislation.

Introduction

The current article is meant to emphasize the central role that the management of higher education establishments has not only at an institutional level, but at a national level as well.

Every educational degree from Romania was subservient to the politics preached by the sole party¹ before December 1989, but after this date the reforms experienced by the Romanian society left their mark on the educational system.

The first private universities appeared after this date and the academic autonomy was asserted as an objective necessity because the public higher education establishments were in coordination with the Department of Education, Research and Youth and not in subordination with it. In this way were created proper circumstances for quality management in honor of the students, meaning in honor of the didactic, educational and scientific research activity.

Brief aspects related to the concepts of "management" and "manager"

John C. Maxwell said that "the management is the process in which the implementation of the program and the aims of the organization in cause are insured."²

Certainly, the management implies a complex and lengthy in time process that imperatively needs to be carried out by a whole team of professionals.

Needless to say that the management is provided by a manager, meaning the person who has the role of the leader in a

company³ or organization.

The leadership of the higher academic establishments is regulated through structural law.

The educational activity in Romania was regularized through two regulatory documents after 1989: the Law of Instruction no. 84/1995 and the Law of National Education no. 1/2011.

The leading of the higher education establishments according to the first post-revolutionary law dedicated to the Romanian educational system

The first post-revolutionary law intended for regulating and operating the Romanian educational system in every degree stipulated that "Academic institutions are governed by senates and faculties and departments are governed by boards. The senates are presided over by chancellors, the boards of faculties by deans and the boards of departments by directors."⁴

The operative authority is assigned to the Senate Bureau through the same regulatory document. The position of president of the University was introduced at the same time.

One of the major progresses was the institution of democracy, supported by the introduction of the vote, in the educational system of the university education. Therefore, as from 1995, the decisions of the senates and the boards of faculties and departments can be adopted through the majority of votes of the present members and only if this number

³ <https://dexonline.ro>, accessed 19 September 2015.

⁴ Law no. 84/1995 of education, republished in the Official Gazette of Romania, Part I, no. 606/10.12.1999, Article 146 (1). Law no. 84/1995 was abrogated, replaced by Law no. 1/2011.

¹ Romanian Communist Party

² John C. Maxwell. *Developing the leader within you*. București: Editura Amaltea, 2003.

represents at least two thirds of the total.

In these circumstances, the leadership of the universities registered a decentralization through the replacement of the "sole leader", a vassal of the political regime, with a true collective leadership.

Moreover, the Law of Instruction vigorously stated that "The education does not submit to the aims and dogmata promoted by the parties or other political formations" and the fact that "The creation and functioning of the parties or other political formations, as well as the undergoing of organizational activities and political propaganda, are strictly forbidden in the units and spaces designed for education."⁵

The introduction of the majority vote did not represent a decrease of the input that the leadership of a higher education institution, represented first and foremost by the chancellor, has. By means of the responsibilities that are assigned to this position, the chancellor is, among others, employer and credit (tertiary) sequencer.

In other words, by means of the prerogatives that he has, the chancellor provides the management of the higher education establishment.

But is the notion of "manager" synonymous with the notion of "leadership"?

The answer is easy: the same way it was decided in the specialty doctrine, it is well known that the notion of "manager" is not synonymous with the notion of "leadership".

Therefore, every chancellor is the manager of the institution but not every

chancellor is a true leader.

In the exercise of his mandate, the chancellor must relate to the legal norms that govern his activity and also to the ethic ones that should guide each and every one of us, regardless of the field of activity. Surely, we can claim that the ones that occupy leadership positions at some point must be more receptive to the unwritten norms, the moral ones.

Without the possibility of denial, a combination of the legal and moral issues is required. What happens if there are incongruities between the two? How should a good manager act in this kind of situation? The choice is tough but this makes all the difference between a manager and a true leadership.

In this context, regarding the academic institutions, an important role is played by the academic autonomy.

The leading of the Romanian higher education establishments in the current system

The regulatory document makes a strong delimitation between the leadership structures and the leadership positions. Thus, the leadership structures are:⁶

- at the university level – the academic senate and the managing board
- at the faculty level – the board of faculty
- at the department level – the board of department

⁵ Law no. 84/1995 of education, republished in the Official Gazette of Romania, Part I, no. 606/10.12.1999, Article 11 (1), (2). Law no. 84/1995 was abrogated, replaced by Law no. 1 /2011.

⁶ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/10.01.2011, Article 207 (1).

The leadership positions are the following:⁷

- at the university level – the chancellor, the vice-chancellor, the managing director
- at the faculty level – the dean, the vice-deans
- at the department level – the department director

These leadership positions represent positions in the didactic field and their course does not involve public power prerogatives. In other words, these positions are not public positions of authority, but activities in the specific didactic field.

One of the major changes put forth by the new law of national education consists in the fact that the academic senate could no longer be presided by the chancellor. The chancellor is the manager of the higher education institution, exercising the employer and the credit (tertiary)⁸ sequencer prerogatives, the president of the Managing Board, respecting the norms imposed by the law and the Academic Charta etc.

The University Senate is governed by a president and there cannot be identity between him and the chancellor.

The president of the University Senate leads the senate's meetings and stands for the university senate in the relationship with the chancellor.

Furthermore, it is retainable the fact that the president of the University Senate does

⁷ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/10.01.2011, Article 207 (2).

⁸ Law no. 500/2002 regarding public finance, published in the Official Gazette of Romania, Part I, no. 597/13.08.2002, Article 20 (3).

not represent a leadership position and consequently the person that exercises this function does not receive compensation. In other words, we can state that the position of president of the University Senate is an honorary office.

Certainly, the regulatory document firmly delimits the duties of the Managing Board and the University Senate.

The Managing Board of the university represents the operative leadership and it is governed by the chancellor or other person appointed by the Academic Charta in case of private and private confessional universities and retains the following responsibilities:⁹

- establishes the institutional budget in operative terms
- approves the execution of the budget and the annual balance sheet
- approves the calls for the competition for the didactic and research positions
- approves the proposals for new studying programs and expresses propositions to the university senate with regard to the ending of those programs that no longer satisfy the goals of the university or that are academically and financially inefficient
- approves the financial operations that exceed the limits set up by the university senate in public universities and by the founders in private universities
- proposes to the university senate new strategies of the university on long and medium terms and new politics related to the university's fields of interest

Concurrently, by virtue of the mandate that it has and that is invested with by the law, the Managing Board is required to

⁹ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/10.01.2011, Article 213 (13).

apply the strategic decisions of the university senate.

The responsibilities of the University Senate are the following:¹⁰

- insures the academic freedom and the academic autonomy
- develops and adopts after debating with the academic community the Academic Charta
- approves the strategic plan of institutional development and the operational plans proposed by the chancellor
- approves the structure, the organization and the functioning of the university proposed by the chancellor and in accordance with the laws in force
- approves the project of the budget and the budget execution
- develops and approves the Code of quality insurance and the Code of academic ethics and professional deontology
- adopts the academic Code of the student's rights and obligations in accordance with the Code of the student's rights and obligations
- approves the methodologies and the regulations concerning the organization and the functioning of the university
- makes a management contract with the chancellor
- controls the chancellor's activity as well as the managing board's through professional committees
- validates the public competitions for the positions in the managing board
- approves the competition's methodology and results for employing didactic and research personnel and evaluates

periodically the human resource

- approves the penalties proposed by the chancellor with regard to the low professional performances of the personnel in accordance with the specific methodology and the laws in force
- carries out other responsibilities comprised in the Academic Charta

Last but not least "The University Senate represents the academic community and it is the highest forum of decision and deliberation at the university level."¹¹

From analysing the responsibilities given by the legislator emerges the fact that the Senate represents the academic leadership while the Managing Board represents the operative leadership of the academic institution.

Even in these circumstances of firm delimitation between the responsibilities of the two leadership structures and implicitly between the prerogatives of the two presidents, a question continues to be: is it useful for the higher education institution to have two different persons exercising the role of chancellor (who is also the president of the Managing Board) and the role of president of the University Senate?

On the one hand, we consider that, through this measure, the legislator aimed to decentralize the universities. On the surface, this proceeding is meant to ground the institutions and to create the bases for a better transparency in making the decisions. On the other hand however, there is a chance to encounter disaccord or even contradiction between the institutional politics promoted by the two leadership structures.

¹⁰ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/ 10.01.2011, Article 213 (2).

¹¹ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/ 10.01.2011, Article 213 (1).

Undoubtedly, the operative strategy, which is administrative in nature, must be in full accordance with the academic politics, in the context in which the chancellor is the credit sequencer.

Moreover, we consider uncharacteristic and totally inefficient the fact that the university senate, as a leadership structure, is overseen by a president, position that is not one of leading, according to the same law.

Therefore, it is possible that the leadership structures fail to have a unitary vision and, as a result, there can be disruptions with a powerful negative effect upon the whole institution that can also befall upon the didactic and scientific research process. Obviously, this is a pessimistic scenario but also fairly realistic.

We consider that only through a unitary institutional politics that promotes an efficient management can the universities provide the background for an increasing number of students and as many well prepared graduates, for unfolding multiple nationally and internationally valuable research projects, for having multiple scientifically rated publications.

For at least these reasons should the university manager administer both the operative leadership and the academic leadership of the higher education institution, without affecting the institutional democracy through this. The system of voting that governs the adoption of the decisions made within the Managing Board or within the University Senate is the guarantee for the objectivity of the decisions.

But, as we pointed out earlier, the manager of the higher education establishment is the chancellor, the only one that has the power to employ and to (tertiary) sequence the credits.

Surely, a good manager should produce benefic effects through his decisions upon the entity¹² that he administers.

It is well known that the manager's decisions can positively or negatively befall upon the institution that he coordinates.

Within a totalitarian government, the manager is kept on his position irrespective of his institutional performance. Obviously, there are completely other priorities within such a regime, such as the ones that are political in nature.

Within a democratic government, the quality of the performance is fundamental and the majority of vote makes the decision.

Furthermore, according to the law, the chancellor's has a 4 years long mandate.

The chancellor can serve no more than two successive mandates.

The manager of a higher education institution, that is also a teacher, must coordinate and supervise the managing activities, apart from the didactic and scientific research activity that has to be one of high standards.

According to the current legislation, the chancellor is not bound to be an academic teacher.

However, we consider that a chancellor cannot be a true manager if he lacks the didactic experience of teaching.

There is an inherent relationship between the managing activity and the academic activity, irrespective of the educational or scientific nature of it.

If the managing of the administrative and organizational activities is not satisfactory then the didactic and scientific research activities can be severely affected.

It is well known that the managing activity implies, among others, the administration

¹² Institution

of funds, of patrimonial or not patrimonial assets, movables and immovables. It is necessary that the manager of the institution have the practical experience of teaching, apart from the specific administrative and organizational qualities and attributes, in order to develop and properly allocate these funds so that the proper background is created for an elite activity of teaching and researching, in accordance with the highest European standards and much more. The lack of teaching experience will most likely affect the managing of the funds and the management provided will not exceed mediocrity.

The legislator univocally regulates the chancellor's responsibilities, therefore:¹³

- accomplishes the management and the operative leadership of the university based on the management contract
- negotiates and signs the institutional contract with the Department of Education, Research, Youth and Sport
- makes the management contract with the university senate
- proposes the university senate the structure and the functioning regulation of the university
- proposes the university senate the budget project and the report for the budgetary execution
- presents the report of the chancellor to the university senate every April. The university senate validates the report based on the accounts given by professional committees. These documents are public information
 - leads the managing board
 - fulfills other responsibilities determined by the university senate, according

¹³ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/10.01.2011, Article 213 (6).

to the management contract, the Academic Charta and the laws in force.

An efficient management must be based on some firm and clear principles, meant to positively guide the activity of any manager.

The legislator established for this purpose the prime criteria that must govern the Romanian education, irrespective of the public or private nature of the system.

The principles of higher education

The most significant principles that govern higher education are:¹⁴

- the principle of equity – on the basis of which the access to learning is indiscriminating
- the principle of quality – on the basis of which the educational activities are related to the reference standards and to the right national and international practices
- the principle of relevance – on the basis of which the education answers the needs of personal and social-economical development
- the principle of efficiency – on the basis of which are pursued the maximal educational results through managing the existent resources
- the principle of decentralization – on the basis of which the prime decisions are made by the actors implied directly in the process
- the principle of public accountability – on the basis of which the educational units and institutions are publicly accountable for their performances
- the principle of guaranteeing for the cultural identity of every Romanian citizen and for the intercultural dialogue

¹⁴ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/10.01.2011, Article 3.

- the principle of assuming, promoting and preserving the national identity and the cultural values of the Romanian people
- the principle of recognition and guaranteeing the rights of the national minorities, the right of preserving, developing and expressing their ethnic, cultural, linguistic and confessional identity
- the principle of academic autonomy
- the principle of insuring the equality of chances
- the principle of academic freedom
- the principle of transparency – materialized through the insurance of complete visibility of decision and of results, through periodical and adequate account for these aspects
- the principle of freedom of thought and of independence towards ideologies, religious dogmata and political doctrines
- the principle of social inclusion
- the principle of centering the education on the beneficiaries of it
- the principle of participating and liability of the parents
- the principle of promoting the education for health, including through physical education and through practicing sport
- the principle of organization the confessional education according to the specific requirements of every recognized cult
- the principle of foundation of the decision on dialogue and consultation
- the principle of respecting the right of opinion that the student has as a direct beneficiary of the educational system

One of the most important principles instituted by the legislator is the academic autonomy.

This principle is intended for creating

the proper background for establishing and stimulating the academic management meant to protect and develop the interests of the academic community and, therefore, of the higher education establishments.

The academic autonomy

The academic autonomy constitutes a central factor in the academic management.

As we briefly pointed out earlier, after December 1989, the higher education establishments were no longer submitted to the political power and to the sole leader.

“The academic autonomy resides in the right of the academic community to lead itself, to exercise its academic freedoms without interfering with ideologies, politics and confessions, to assume a set of capacities and obligations in accordance with the national strategic options and directions of developing the higher education, according to the law.”¹⁵

The academic autonomy must be exercised in conformation to the opposable legal background. If not, by means of a flawed understanding of the academic autonomy manifested in the trespass of the regulation documents, there would be anarchy.

In this situation, the effects may be devastating and the results may befall upon the academic institution, compromising the very didactic-educative and scientific research activity. As a matter of fact, the legislator established from the very instauration of this noble principle¹⁶ that “The academic autonomy is

¹⁵ Law no. 84/1995 of education, republished in the Official Gazette of Romania, Part I, no. 606/10.12.1999, Article 89 (1). Law no. 84/1995 was abrogated, replaced by Law no. 1 /2011.

¹⁶Academic autonomy

correlated with the principle of personal and public accountability for the quality of the whole didactic and scientific research activity that is unfolded by the respective higher education establishment.”¹⁷

This means that every higher education institution, irrespective of the private or public nature of it, must be led with the strict application of the following criteria:¹⁸

- to abide by the laws in force, the specific charta and the European and national politics related to the academic field
- to apply and submit to the regulations in force related to the insurance and evaluation of the quality of the higher education
- to honor the politics of equity and academic ethics comprised in the Code of ethics and professional deontology approved by the university senate
- to insure the managerial efficiency and the efficient use of the resources, in cases of public universities, and the spending of the funds from public sources, in conformity with the institutional contract
- to insure the transparency of all the decisions and activities, according to the legislation in force
- to respect the academic freedom of the didactic, auxiliary and research personnel, in addition to the rights and freedoms of the students

For that purpose, for preaching and respecting the principle of the academic

¹⁷Law no. 84/1995 of education, republished in the Official Gazette of Romania, Part I, no. 606/10.12.1999, article 99 (2). Law no. 84/1995 was abrogated, replaced by Law no. 1 /2011.

¹⁸Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/10.01.2011, Article 124 (1).

autonomy, there is also the Academic Charta of the higher education institution.

The Academic Charta is adopted by the senate of every higher education institution and contains the set of rights and obligations of the academic community, standardizing the demeanor of it in the academic space.

The Academic Charta does not subrogate the law and it is adopted in the very conditions and according to the legislation in force.

Through this authentic juridical document, the academic communities can create the proper background in order to unfold their activity at best.

The principle of academic autonomy is preserved and preached by the new law of education as well, the Law of National Education no. 1/2011 that establishes, as we have seen before, many other principles meant to stimulate a desirable institutional management in order to contribute to the development of higher education.

In contrast with the previous regulations, it is explicitly stated in the current Law of National Education that “The academic freedom is guaranteed by the law ...” and that “The academic autonomy gives the academic community the right to establish its own mission, institutional strategy, structure, activities, organization and functioning, its own managing of the human and material resources in accordance with the legislation in force.” Also, “The fundamental aspects of the academic autonomy are expressed in the Academic Charta, approved by the senate in accordance with the legislation in force.”¹⁹

In this way are created the premises for a management adequate to the developing of

¹⁹ Law no. 1 /2011 of national education, published in the Official Gazette of Romania, Part I, no. 18/10.01.2011, article 123 (1), (2), (3).

an academic climate meant to contribute to the evolution of young scholars in every field of activity.

For this purpose as well, there are also improvements of the law with regard to the leadership of the higher education institution.

Last but not least, it is retainable that the academic autonomy is guaranteed by the Constitution of the nation itself.²⁰

Conclusion

As we previously pointed out, the concept of manager is not synonymous with the leadership one.

Every manager exercises his prerogatives as the leader of the institution²¹, prerogatives that are conferred by the law, the statutes and the regulations.²²

Nevertheless, not every manager is a true leadership.

Through leadership we understand "the capacity of the project manager to determine the project team's members to follow him in his aims on the basis of a powerful emotional and operational involvement."²³

In other words, to be the leadership implies the presence of certain qualities that are inherited and developed in time and other qualities that are acquired and developed together with the professional evolution and, why not, personal.

Whereas a manager is more or less listened to, based on institutional hierarchy

reasons only, on relationships of subordination, a leadership is followed out of loyalty, team spirit, trust, through the power of his own example etc., as a result of the abilities that he proves and that he manages to assert, not on the basis of some laws or written regulations, but in honor of his qualities that are perceived and appreciated by the other employees.

Furthermore, to be the leadership involves the acknowledgement of the needs of every category of employees and, within the possibility, of every single employee.

This means that the chancellor, owe to his abilities, goes beyond the limits of a manager, acknowledges and understands at least the problems that different categories of employees encounter, no matter whether it is about the didactic, research, auxiliary or not didactic personnel.

In other words, "Leadership is art based on science. We cannot be effective leaders in the absence of knowledge but, no matter how many studies or books we have read, if we do not consider leadership an art, then we will not be able to adjust our behavior in order to be the best in "the art of leading". Similar to all arts, the leadership evolves and changes as our personality changes.

To operate the managing process in such a way that the results have beneficent effects and positively influence the didactic and scientific research activity is meant to create the premises for an efficient institutional development both economically and academically. Only in this way do the higher education establishments become genuine formative nuclei of prestigious intellectuals that can successfully assert themselves on national and international scientific, cultural and artistic grounds.

Certainly, only a leadership can attain those performances because the position of a manager would not suffice.

²⁰ Romanian Constitution, published in the Official Gazette of Romania, Part I, no. 767/31.10.200332, Article 32 (6)

²¹ A juridical person, whatever is the organization's form.

²² Normative and judicial intern acts.

²³ <https://dexonline.ro>, accessed 19 September 2015.

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