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Evaluation of the
Governance in
Higher education**

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By

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The Governance of Higher Education in Jordan:

Executive Summary

This report considers the governance of Jordan's higher education system both at national and institutional levels. It deals with an important topic: governance reform alone will not ensure the success of a higher education system, but unsatisfactory governance arrangements can undoubtedly hold back the development of a successful system.

Jordan's higher education system has developed rapidly in recent years, and in comparative regional terms it is successful: as is witnessed by the number of overseas students present at Jordanian universities - around 10 per cent of the total. However, that masks the fact that in terms of international comparisons Arab universities as a whole perform poorly, without a single university from the region in any of the rankings of the world's top 500 universities. Action is required on many fronts to address this weakness, and governance is a key underpinning issue.

Current arrangements

National bodies

The Ministry of Higher Education and Scientific Research is headed by a senior Minister who provides the overall political direction for the system. As a Ministry, however, it is largely concerned with implementing decisions made by the Higher Education Council which itself is chaired by the Minister, who indeed chairs other significant councils.

The Higher Education Council is the most powerful governance entity in Jordanian higher education, deciding on the allocation of funds between public universities, the entry standards that should be applied in any year and the number of students to be admitted to both public and private universities, and the senior appointments in public universities as well as the Presidents of the privates. However, being chaired by the Minister, and with a membership that includes the Presidents of all public

universities and four of the privates it cannot - whether fairly or not - be seen to be objective and independent, and it must suffer regularly from conflicts of interest.

The Higher Education Accreditation Council's function is currently limited to accrediting the creation of private universities and the programs that they offer. It does this by reference to input standards - facilities, and staff:student ratios, for example - and has no broader responsibility for assessing or enhancing quality. More importantly, it has no responsibility for public universities, either at institutional or a program level. So there is no national system for the quality assurance of public universities in Jordan at present (although individual universities have their own QA arrangements). This body too is chaired by the Minister.

There are at least three national bodies responsible for scientific research in Jordan: the Higher Council for Science and Technology, the National Council for Scientific Research and the Royal Scientific Society. However, there is little coordination between them, and the scientific output of Jordanian universities is nothing like as strong as it might be. The problem is not simply a lack of funds: there is no mechanism for encouraging and coordinating the development of scientific research in universities or of seeking and selecting proposals for funding. Nor is there any body that takes a strategic overview of the direction of scientific research and which has the funds and structures to implement such a strategic approach.

Institutional issues

At institutional level, although in principle Jordanian universities have a degree of autonomy, they in fact operate with severe constraints on their freedom of manoeuvre - for example how many students they may recruit, and in the case of private universities what programs they may offer. Nevertheless, within these constraints public universities enjoy more freedom of action than is the case in many other systems - freedom over the curriculum, for example and in the way they use their budgets. Universities in Jordan enjoy a form of constrained autonomy.

In terms of their governance, arrangements are not satisfactory. Although universities have Boards of Trustees, in public universities these barely function, and decisions are taken between the President of the university, the Council of Deans

and the Higher Education Council. This is unfortunate. In other systems it is the existence of a functioning Board of Trustees that enables universities to have increasing amounts of autonomy, since they provide one level of confidence that autonomy will not be abused. Where the system functions well, Trustees have responsibility for all aspects of the governance of a university, such as approving the budget and strategic plan, and appointing the President. That is far from the case in Jordan at present, where confidence in the trustee system appears very low. There are good historic reasons for this, but as a consequence universities lack a key mechanism for exercising autonomy.

The official attitude to private universities appears to be ambivalent. Private universities - with more than 20% of all students - are an important part of the Jordanian higher education system: they contribute substantially to higher education provision in Jordan without any cost to the state. However, they are subjected to numerous controls - accreditation, control over numbers¹ and also the programmes they may run - to which public universities are not subject. The historic reasons for this are understandable, but it needs to be recognised that strong, successful, private universities are very important to Jordan's future, and they should be encouraged to grow and succeed.

In the long-term, it seems right that private universities should be subject to largely the same controls as public universities - in terms of the granting of licenses for new universities and programmes, for example, and control over their student numbers. So long as they meet the criteria of the Accreditation Council, and if the quality of their provision is good, then there seems no reason why this should not be so. However, until the mechanisms are in place and have operated for sufficient time to give confidence that the present controls are not needed, the controls should be retained, and then lifted gradually.

The same applies to overseas universities. So long as they make provision that is of high-quality and which helps to raise the standing of Jordanian higher education, then this can only be a good thing. What is important is that they should be subject to the same criteria as local universities. If Jordan is successful in this respect, and

¹ Although numbers in state universities are also controlled, they may recruit "parallel" students, who pay full fees and whose numbers are not controlled at all. There is no equivalent for private universities.

can attract overseas universities of a high calibre that are recognised as making outstanding provision, then Jordan could easily become a hub for the provision of higher education in the region, with all the economic and other benefits that that would bring. It is well placed to do this, but competition from other countries is intense.

The community college system in Jordan has not functioned as was intended. A review undertaken on behalf of the Higher Education Development Project concluded that the current system had suffered from "deviation from the community college mandate in terms of high numbers of students transferring to university programmes, questionable programme quality, and no performance accountability mechanisms". In part, that is because of the governance arrangements, whereby the public community colleges all come under a single "applied" university which has led to a significant mission drift, with increasing numbers of community college students taking undergraduate degree programs. That is now being addressed and it is to be hoped that these problems will be overcome. It is notable that despite these shortcomings, community college graduates appear to have a much better employment record than university graduates.

Legislation

Finally, the legislation that governs the higher education sector is somewhat confusing. There are laws which are in place and have never been repealed, but which no longer apply, having been overturned by provisional legislation that has never been endorsed by Parliament. Even if the current arrangements are not strictly unconstitutional, it would be to everyone's benefit if the legislation governing higher education were rationalized.

Future governance arrangements

Principles

Future governance arrangements should be characterised by the following principles:

- As much autonomy as is consistent with the extent of accountability that is in place
- An increase in the capacity of universities to exercise accountability and govern themselves
- Decisions taken at an appropriate level (essentially at as low a level as is compatible with good administration)
- Market principles should apply as far as is appropriate, and market mechanisms - like good consumer information, quality assurance and performance indicators - should be freely and publicly available
- All the dealings of all the governance bodies should be characterised by transparency and equity. This is most particularly the case in respect of appointments: all appointments - administrative and academic - should be open and underpinned by transparent selection criteria, published job descriptions and person specifications.

It must be understood that higher education is part of the nation's infrastructure, and if there is system failure, then the Government must be able, exceptionally, to intervene. Subject to that, these principles imply a system that is in future - perhaps not immediately - largely self governing, with the role of the Government reducing to that of a market regulator, and the ultimate guardian of the national interest.

National structures

There should continue to be a national Ministry responsible for higher education, if for no other reason than to ensure that higher education has a voice - and a powerful one - at the top political table. However, in the light of the other bodies that are proposed, its executive role will be modest. Some functions will remain its responsibility, but its principal role will be to give a political and policy lead and direction to the higher education system. The three Councils proposed below will ultimately be answerable to the Ministry, but the Ministry should not intervene in their operations at a day-to-day level.

The Higher Education Council should be transformed into a "buffer body", such as exists in many other countries, to play a more independent role in the governance of the higher education system. Its membership should be transformed - for example it should not include serving university Presidents, and the Minister should not be the chairman. Its key function should be to fund and to regulate universities, and its regulation function should include that of a market regulator to ensure proper accountability on the part of higher education institutions, and good public information. It should still maintain a register of accredited universities and programs, but if an institution and program satisfies the Higher Education Accreditation and Quality Council proposed below, then licensing would be automatic. However, the registration of a university should be subject to certain conditions being met, including that it provides financial and other data to the Higher Education Commission.

There are a number of possible international models concerning the way the buffer body relates to the Government, and it is suggested that the arrangements in Thailand might provide a model for Jordan. In Thailand, the Ministry has little substance itself, but oversees a number of semi-independent "Commissions". These Commissions are answerable to the Ministry, but the Ministry may not interfere in their activities. That seems like a good model for Jordan, and that is what is proposed for the Higher Education Council, as well as the other bodies proposed in this report. This would secure the Council's independence from day-to-day political control, it would ensure that decisions are taken by experts, in the long-term interests of the sector, but it would also ensure ultimate political accountability.

The Higher Education Accreditation Council should be transformed into a semi-independent Higher Education Accreditation and Quality Council - again, with an independent chairman and expert membership. This would be concerned with accreditation and with minimum standards as at present, but it should extend its remit to include quality assurance and enhancement. Moreover, it should extend its remit to all universities - public and private. When it is fully functioning, this body will be a key to enabling institutions to exercise greater autonomy and to assuring the Government and society more widely that universities are providing education of high quality.

For research, the establishment of a research council structure is proposed, based on the CNRS in France, which itself has an organisation that is something of a hybrid between that of the NSF in the United States and the Research Council structure in the United Kingdom. This body - the Higher Education Research Council for Scientific Research - would have a number of discipline-specialist committees whose role would essentially be to identify areas in which to solicit proposals, and then to decide which proposals to support with funding. It would also provide funds to support research students. Because it would be the main provider of funding for university research, it would play a lead role in the coordination of activity between the various bodies concerned with scientific research in higher education, as well as with the private sector.

One additional function the Higher Education Research Council might perform is to carry out a periodic research assessment exercise, to assess the quality of all the research done in Jordanian universities, whose results could be used either by the Higher Education Research Council itself or by the Higher Education Council to inform the distribution of funds. If such an arrangement is introduced, then such funds would be for the university to spend as it sees fit, and universities could as at present allocate these research funds internally using their internal mechanisms.

Institutional governance

The report compares three approaches to institutional governance - in California, in England and in France. It concludes that each university should have a strong Board

of Trustees, representative of a wider group of stakeholders, who should govern the university in the general public interest, make the senior appointments and be ultimately answerable for the performance of the university - much as a Board of Directors has ultimate responsibility for the performance of a corporation. The problem will be how to appoint the Trustees in order to avoid undue political involvement, and to ensure that the best people for the job are selected.

Higher Education Appointments

To achieve best practice in governance it is essential that people are appointed who are not perceived as subject to political or other patronage. Moreover, they should be widely respected as being objective, evenhanded and distinguished. This applies both to the national bodies that have been proposed and to the Trustees of the individual universities. One of the core problems affecting Jordanian higher education is that people are often appointed to key positions without strict reference to merit.

The report therefore proposes the creation of a Higher Education Appointments Commission, appointed by the Prime Minister, whose function it would be to seek candidates for senior appointments in higher education at both national and institutional level and to make those appointments. If such a body could be created and populated with the right people, and if it could work effectively, it could transform one of the greatest problems currently affecting higher education in Jordan - how to ensure that the best people possible for the job occupy the most senior positions - whether on the National Councils, on Trustee bodies or in executive positions.

It is appreciated that this is an ambitious proposal, and that it may not be acceptable or realistic. If so, then an alternative would be for appointments to national bodies to continue to be made effectively by the Minister, but nevertheless for the composition of these bodies to be overhauled (for example the Presidents of the public universities should not sit on the Higher Education Council). In such a case the composition of Boards of Trustees of universities would need to be reformed to a representative structure (with so many places for representatives of industry, so many for local representatives, so many for university faculty staff, etc). That would

be second best, but it would be an improvement. What is certain is that the present arrangements need radical reform.

In all cases – whether a Higher Education Appointments Commission is put in place, or appointments are made by the Minister, and in the case of internal appointments within a university – good practice requires objective job and person descriptions to be published, and a search committee created for each post to nominate up to three candidates who meet the criteria. The appointing body - whether the Minister, the Trustees, Higher Education Appointments Commission proposed above, or others - would then be required to appoint one of the nominated candidates.

Part I: Introduction and Background

Education is key to the development of a country into a knowledge economy. That is as true of Jordan as it is of others, and it has been well recognised by Jordan's leaders. Accordingly, Jordan is undergoing a substantial process of reform in its higher education system. In this process, it is supported by the World Bank, which is sponsoring a number of programs in Jordan aimed at improving the nation's human resources. In particular, it is supporting the Higher Education Development Project (HEDP), which is intended to enhance the quality, relevance and efficiency of the higher education system and to improve its governance.

The HEDP has the following four components:

- Improvements in quality, relevance and efficiency
- Improvements in governance
- Reform of the community college system
- Improvements in project implementation capacity.

This report is in support of the second of these components

There have been a number of reforms already implemented that affect the governance of the higher education system in Jordan, and there have been a number of laws – both definitive and provisional – proposed and implemented – with this end in view. There are, moreover, a growing number of bodies implicated in the governance of higher education – the Ministry of Higher Education and Scientific Research (MoHESR), the Higher Education Council (HEC) and the Higher Education Accreditation Council (HEAC), to name some at national-level; together with the Councils of Trustees, University Councils and Councils of Deans in universities themselves.

The purpose of this review is to assess the current arrangements following the various changes that have taken place, and to make recommendations for further – definitive – reforms which will provide the structure and the institutional framework which will enable the higher education system in Jordan to achieve its maximum potential. Governance reform alone will not ensure the success of the higher

education system, but poor governance arrangements can undoubtedly hold back the development of a successful system: appropriate governance is a necessary but insufficient condition for a high quality and successful higher education system. This is recognised by the Minister for Higher Education and Scientific Research, His Excellency Dr Khaled Toukan, who at the inception meeting for the project expressed the view that governance of the higher education system should be reformed in such a way as to enable universities to be responsible for their own destiny,, benefiting from – and suffering – the consequences of their own decisions, with the Government exercising a light touch regulatory role, and in particular publishing comparative performance information. Such an approach would be in keeping with the development of Jordan as a social-market economy.

Many countries are reforming the governance of their higher education systems – and generally for similar reasons. This study has been able to benefit from the experience of other countries, and arrangements overseas have been drawn upon where appropriate. However, each country has its unique set of circumstances, and it is neither appropriate nor possible simply to transfer arrangements from one country to another. But it is important to learn from others where appropriate, and this study draws lessons from overseas where these seem relevant and right for Jordan.

Governance reform cannot take place in a vacuum. This study begins by assessing the current state of higher education in Jordan – both in quantitative terms but also in terms of the current structures and institutions as well as current legislation. Where appropriate – particularly where quantitative indicators are available – Jordan's situation is compared with those of a number of comparator countries. In the light of this analysis the study considers the strengths and weaknesses of the present arrangements in Jordan – strengths that should be reinforced and weaknesses that need to be addressed – and then proposes a vision for the Jordanian higher education system. It is this vision, combined with the analysis of the strengths and weaknesses, that then drives the recommendations for reform. As has been stated above, governance reform does not take place in a vacuum. It is a tool to help achieve the aim of a high quality and successful higher education system that contributes effectively to the development and success of Jordanian society.

Methodology

Professor Bahram Bekhradnia, Director of the Higher Education Policy Institute at Oxford in the UK, was appointed as the international consultant to this project, and he was assisted by Dr Salman D Al-Shobaki, formerly Departmental Chairman of the Department of Industrial Engineering at the Hashemite University, who was the local consultant to the project. He also benefited greatly from interactions with his counterparts in the HEDP, the Director, Eng. Zaidoun Rashdan, and Dr Mona Taji, who gave valuable guidance, particularly at the project's inception, and two other counterparts working on the same topic in the context of the Higher Education Forum convened for January 2007 –Dr Fayez E Khasawneh, the former President of Yarmouk University and Dr Nader Mryyan, Project Director at the National Center for Human Resource Development. Special mention should also be made of the informal advice and guidance given by His Excellency Dr Munthir Masri. Invaluable discussions were held with numerous others, who gave freely of their time and expertise, and this project is deeply indebted to them. A list of those with whom discussions were held is at Annex A.

This report has been developed following an iterative process, with drafts and conclusions passing between the international consultant and his Jordanian counterparts for discussion, and further discussion with other stakeholders. The international consultant paid an initial visit to Amman in July 2006, during which he met the Minister and the Secretary General for Higher Education, the Director of the HEDP, the Chairman of the NCHRD and key officials in Jordan from the various relevant bodies and other stakeholders, including the World Bank. This was followed by a visit at the beginning of September where he held further discussions with key individuals about his emerging conclusions, and conducted a workshop. Further discussions followed this, and the project concluded with a workshop during November 2006.

In conceptual terms, there are four distinct elements in this study:

- Description of the background to the current state of higher education in Jordan
- Description of the current governance arrangements of the higher education system in Jordan
- Description of the strengths and weaknesses of these governance arrangements, and the problems and challenges these give rise to, together with a statement of the vision for the higher education system in Jordan
- Analysis of the governance reforms needed to move from the current situation to implement this vision.

Definition and scope

Higher education broadly defined consists of formal university education (private and public) and post-secondary higher technical education, which generally takes place in Community Colleges. Unless the context makes it clear otherwise, the terms "higher education", "universities" and "tertiary education" are used interchangeably. Many countries are now embracing the concept of "tertiary" education, and even "life-long" education. It is assumed that Jordan should follow the definition of the United Nations Educational, Scientific and Cultural Organisation (UNESCO), which in its definition of "Tertiary Education" includes both

"programs that are largely theory-based and are intended to provide sufficient qualifications for gaining entry into advanced research programs and professions with high skill requirements" (ISCED 5A²) and

"programs that focus on practical, technical or occupational skills for direct entry into the labour market." (ISCED 5B)

So, on this definition, everything that takes place in both universities – public and private – and in community colleges constitutes tertiary education and is considered in this report.

² ISCED is an abbreviation for "International Standard Classification of Education" levels, and is a system designed by UNESCO so that statistics on education can be compiled and presented on an internationally comparable basis

Higher Education in Jordan – Background

Numbers - institutions

Higher education in Jordan consists of formal university education (4-6 years) and the community colleges (2 years). While formal university education focuses on traditional academic fields, the community colleges are intended to provide more practical skills that are needed in the labour market (though in this respect the theory and practice have been increasingly in conflict).

Formal public higher education in Jordan began in 1951 with a one-year post-secondary Teacher Training Institute: university education began with the establishment of the University of Jordan in 1962. The number of universities increased slowly thereafter, with 4 public universities created in the 1990s. Today there are 10 public universities. Faculty (academic staff) within public universities increased from 2600 in 1996-97 to over 4000 in 2005-06. In addition there are 52 community colleges (half public and half private). This is a figure that was supplied by the President of Al-Balqa' University, though the MoHESR official statistics list just 46. Almost all the colleges (private and public) were established in the decades prior to the 1990s.

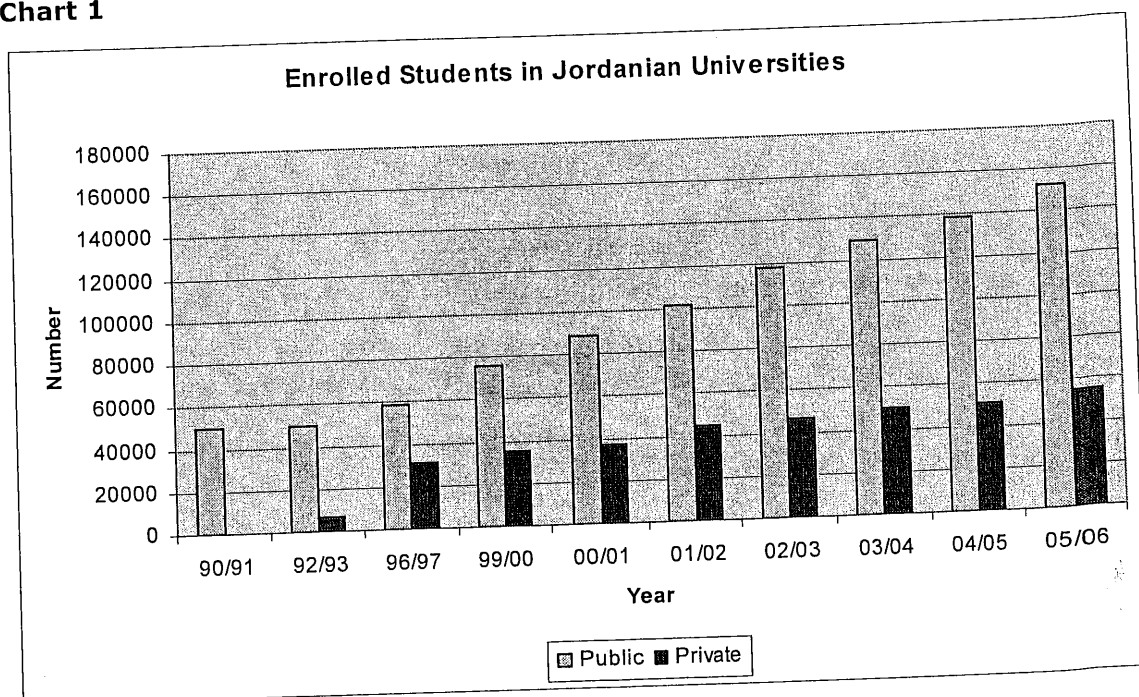
Private universities have also expanded rapidly, beginning in 1990-91 with the establishment of Al-Ahliyya Amman University. In 1991 alone, 4 new private universities were established, and by 1999, there were 12 private universities with about 1500 faculty. In 2004-05 there were 14.

To complete the picture, overseas universities have the right to operate in Jordan if they do so in partnership with a Jordanian university, and subject to agreement of the Higher Education Council. At present there are nine such programs, mainly at postgraduate level, involving nine different overseas universities and 5 Jordanian universities.

Numbers - students

As shown in Chart 1 below, the number of students enrolled in public universities nearly doubled in the 1990s from less than 50,000 in 1990-1991 to nearly 90,000 in 2000-01, and there were over 152,000 (Bachelors and postgraduate) in 2005-06. The number of students in private universities increased even more rapidly from 7000 in 1992-93 in to over 37,000 in 2000-01 and nearly 56,000 in 2005-06³. The increase in the number of private university students in part reflects the restrictions on the number of publicly funded places available at public universities. In addition, public universities are permitted to take unlimited numbers of students who pay full fees (parallel students) - over and above the students provided for with state subsidy. The number of such students currently stands at over 20 per cent of the student population, and these are included in the above figures.

Chart 1



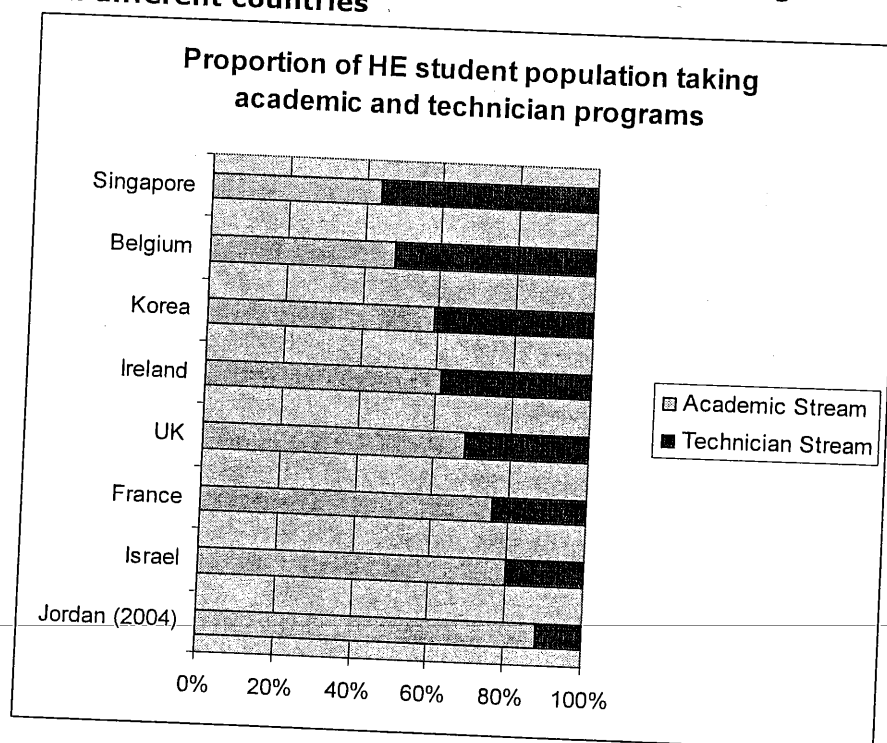
Source: 1990-91 – 2004-05 – Ministry of Higher Education and Scientific Research
Source: 2005-06 – "Human Resource Indicators in Jordan for the Year 2005-06" – National Center for Human Resources Development

³ Source: MoHESR for all years but 2005-06. 2005-06 figures from "Human Resource Indicators in Jordan for the Year 2005-06" – National Center For Human Resources Development

Female enrollments increased at an even faster pace, from over 23,000 bachelors students in public and private institutions in 1992-93 to over 97,000 in 2005,-06 increasing the share of women in total enrollment from 41.8 per cent in 1992-93 to over 50 per cent in 2005-6⁴.

The number of students enrolled in community colleges was nearly 25,700 in 2005-06, though this has shown a decline in recent years: in 2002 community colleges accounted for nearly 30 per cent of secondary school graduates and universities under 63 per cent. In 2005, the figures were 22 per cent and 70 per cent respectively⁵. It does indeed appear that Jordan has a relatively low proportion of its students attending community colleges, compared to other countries, as Chart 2 below shows.

Chart 2: Comparison of the proportion of students following technical level programs in different countries



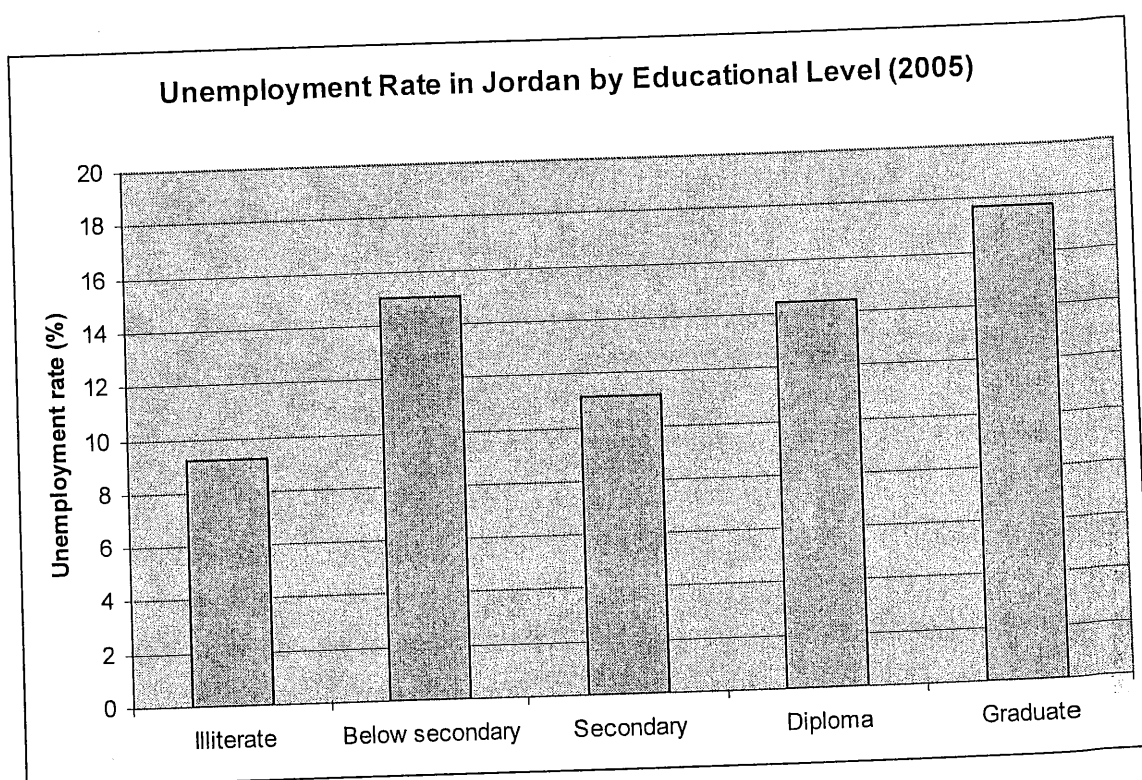
Sources: *Global Education Digest 2005*, UNESCO Institute of Statistics; Ministry of Higher Education Statistics 2005; Singapore Ministry of Education – derived from presentation by Natasha Shawarib of the Government Performance Directorate

⁴ Source: MoHESR for all years but 2005-06. 2005-06 figures from “Human Resource Indicators in Jordan for the Year 2005-06” – National Center For Human Resources Development

⁵ Figures from “Higher Education in Jordan : Facts and Prospects” – Ministry of Higher Education and Scientific Research

This is a trend that appears to represent a move away from practical and technical education towards a more academic orientation, which in turn has caused some concern since it coincides with an apparent decline in the employability of the outputs of Jordanian higher education. On the other hand, it has to be said that the data appear to show that unemployment is no greater among community college students than university graduates, and may actually be less, as Chart 3 shows. These are official statistics, but need to be treated with a little caution: the pattern shown here is surprising since, if the data are to be believed, graduates have the highest level of unemployment, which is the reverse of the normal pattern in other countries.

Chart 3: Unemployment rates of graduates compared with different levels of education



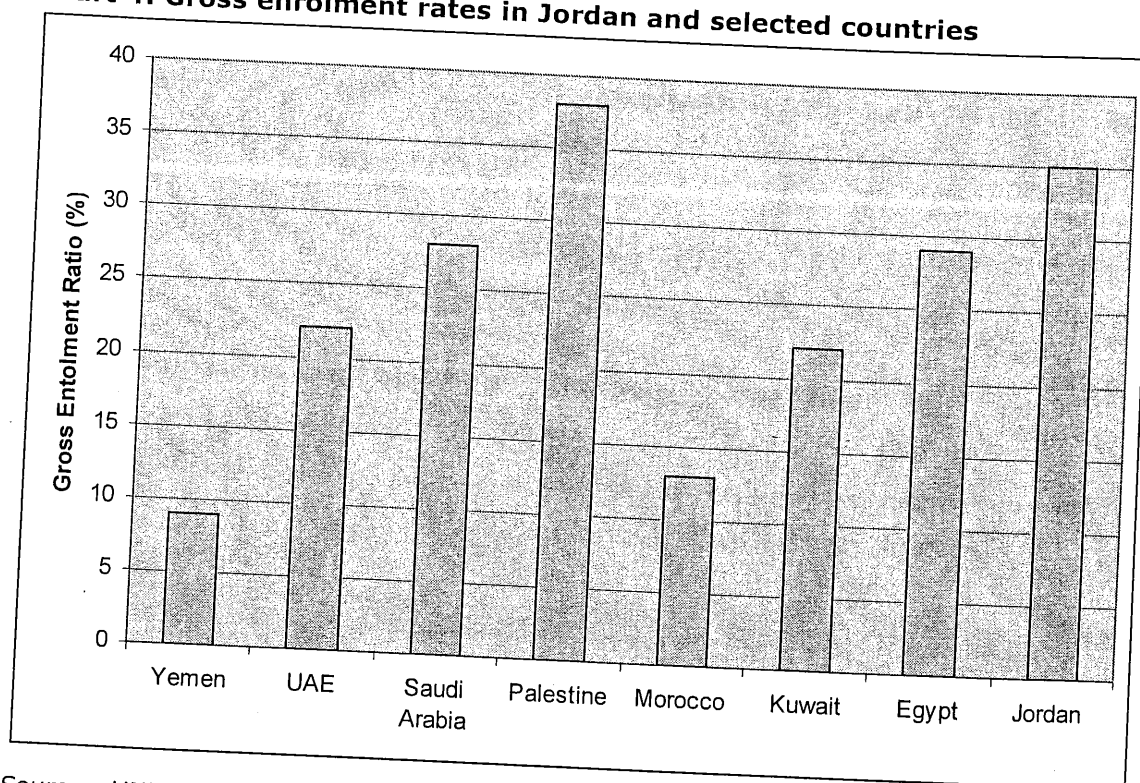
Source: Annual Report Of Employment and Unemployment Survey 2005

The Gross Enrollment Ratio (GER - the proportion of the 19-23 age group attending higher education) now stands at 35 per cent⁶. As Chart 4 shows, this is high in

⁶ UNESCO Global Education Digest 2006 – figure refers to 2004. Also '2006-2015 National Agenda – The Jordan we Strive for'

relation to other Arab countries, and is well ahead of those defined by UNESCO as 'Developing'.

Chart 4: Gross enrolment rates in Jordan and selected countries



Source: UNESCO Global Education Digest 2006

International students

One feature of Jordanian higher education not apparent in many other countries is the relatively large number of international students who attend Jordanian universities. In 2005-06 there were some 23,000 foreign nationals attending universities in Jordan (10,700 in state and 12,300 in private universities), representing more than 10 per cent of the total student population. This number has increased over the years, having stood at 11,000 in 1996-97.

The UNESCO Global Education Digest 2006 shows that this is considerably more than in any other country in the region. Indeed, in terms of the percentage of the total student population represented by international students, the 10 per cent in Jordan is very much higher than the figure in the United States - between 3 per cent and 4 per cent - and not far below the proportion in the United Kingdom and Australia

(between 12 per cent and 14 per cent). This achievement is indicative of the high regard in which Jordanian higher education is held, and brings a number of benefits, not least of which is the considerable income that overseas students generate for Jordanian universities and the economy more generally.

A study by the Higher Education Services Group and the Young Entrepreneurs Association for Jordan Vision 2020 estimated that international students spent something like \$13,000 per year in the country, including fees and living expenses. That report envisaged Jordan becoming a regional higher education 'hub', and estimated that at current growth rates there could be something like 100,000 international students studying in Jordan by 2020, contributing around JD 929 million at current prices. Moreover, each student generates something like 16 additional days of tourism per year from family and friends.

Clearly, higher education is potentially a very important factor in the Jordanian economy, and this has been recognised by the Government, which has expressed the determination to build on and extend Jordan's present success in this respect. In a recent interview with the Chronicle of Higher Education His Excellency Dr Khaled Toukan, Minister for Higher Education and Scientific Research was quoted as saying that he hoped to raise the number of foreign students in the Kingdom to 100,000 by 2020⁷.

Finance

Expenditure

The increasing public spending accounted on education (at all levels) reflects the Government's commitment to this. Table 5 below shows the very rapid recent increase in education expenditure, and within education expenditure, the share taken by higher education.

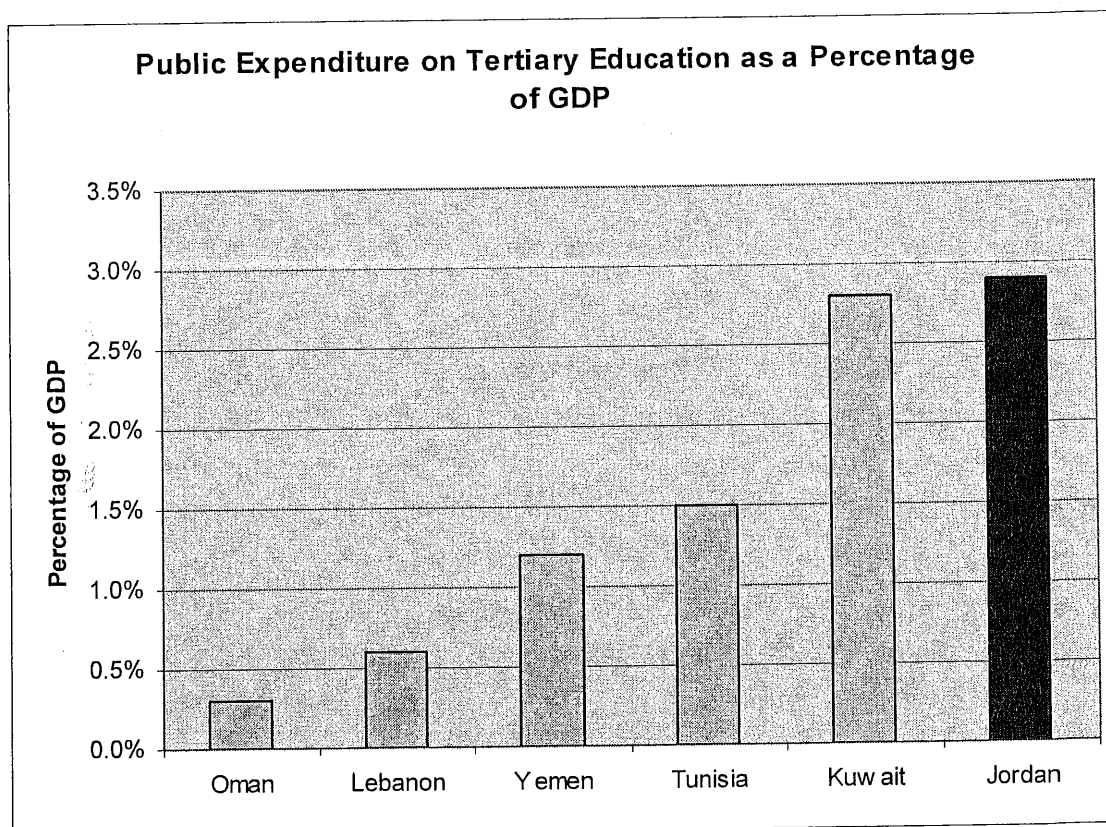
⁷ Chronicle of Higher Education October 6 2006.

Table 5: Indicators of growth of higher education funding from 2002-2004

Description	2001	2002	2003	2004
The allocation of finance for education sector (JD millions)	622.6	697.9	741.4	865.9
For higher education (JD millions)	155.3	189.3	177.1	233.1
<i>Higher education as % of education budget(%)</i>	24.9	27.1	23.9	26.9
<i>Higher education as % of state budget (%)</i>	6.4	7.8	7.0	8.7

A useful statistic for comparing higher education expenditure between countries is the proportion of GDP represented by public expenditure on higher education. However, the UNESCO Global Digest for 2006 which provides comparative statistics for different countries, does not give figure for Jordan, and there is no officially published statistic. Nevertheless, it is possible to do a rough calculation which produces such a figure. The 2005 Annual report of the Central Bank of Jordan gives a figure for total Jordanian GDP of 8.16 billion Jordanian Dinars in 2004. Table 5 above shows public expenditure on higher education as 233 million Jordanian Dinars in 2004. A simple division of the two suggests that public investment in higher education represents 2.86 per cent of GDP. That is very high - higher than the average for lower income countries, and higher also than that of most Arab countries. Chart 6 below illustrates this in relation to four comparator countries. However, care needs to be taken over this, since it is a derived figure and whereas UNESCO take great care to ensure that figures are comparable between countries and that they are calculated on a similar basis, that has not been possible here.

Chart 6: Jordan's Public Expenditure on higher education as a proportion of GDP



Unit costs.

No official estimates are available of Jordan's unit cost per student in higher education. The UNESCO publication "Global Education Digest 2006", which contains comparative data about "public expenditure per student as a percentage of GDP per capita" does not show a figure for Jordan in respect of higher education (though it does contain figures for primary and secondary). Nor does the Ministry publish such a figure.

However, an attempt can be made to calculate some figures for unit costs from the data that are available. In 2004 a committee chaired by Professor Yasser Al-Odwan established the income, expenditure and student numbers of the public universities, and on the basis of that work it is possible to calculate the unit cost per student of public universities as 1828 Jordanian Dinars, or \$2584. This figure is only for public universities. Looking more widely, it is known from the above that public expenditure on higher education in both community colleges and universities in 2004

amounted to 233.1 million Jordanian Dinars, and it is also known that the total number of tertiary students of all types in all institutions (public and private, universities and community colleges) was 214,921. A simple calculation, therefore, suggests that public expenditure per capita for all students in higher education amounted to 1084 Jordanian Dinars, or \$1532. So, depending on the definition of unit cost used, the figure for Jordan could be as much as \$2584 or as low as \$1532. And comparing that with a GDP per capita in 2004 of \$2168⁸, this results in a figure for public expenditure per student as a percentage of GDP per capita of between 71 per cent and 119 per cent.

Once again, care must be taken with this figure, since it is not an official UNESCO statistic and may not have been calculated on the same basis and using the same conditions. The fact that UNESCO does not provide a figure for Jordan suggests that it has not been able to calculate a figure on a basis comparable to the others it has provided. However, if it is broadly comparable, it suggests that Jordan's ratio is fairly high. Countries like Kuwait and Morocco have rather higher ratios as does Malaysia. But the majority of countries reported in the UNESCO publication have lower ratios. International comparisons show that low-income countries are likely to have a higher unit cost in relation to GDP per capita than middle-income countries, and broadly the ratio for Jordan is about what would be expected – if anything a little higher than the average for the Middle East⁹.

Other income

Jordanian public universities earn significant amounts of their own income – beyond what they receive as grant from the State. In part this arises from the fees they charge their students, and the even higher fees charged to parallel students (students whom they admit beyond the state-provided quota, for whom they charge higher fees, and whose recruitment is not controlled by the state); in part it arises from the fees they charge overseas students; and in part (though in small part) this arises from income they generate from their own entrepreneurial activities. Private universities of course earn almost all their own income from charging student fees,

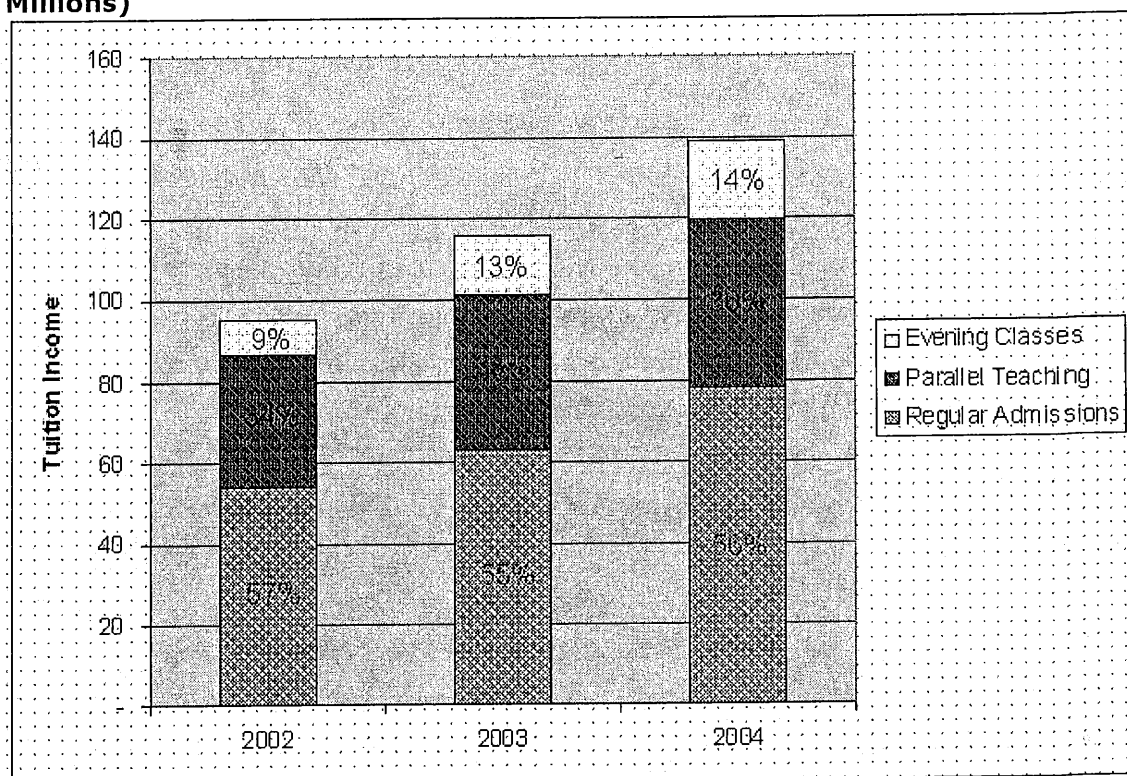
⁸ GDP divided by a 2004 population of 5.323 million, derived from 2004 census.

⁹ World Bank World Development Indicators, 2005. This shows that the average per capita spend on tertiary education as a proportion of GDP was 169 per cent in low income countries and 50 per cent in the Middle East and North Africa region.

and since more than a quarter of all students attend private universities, this represents a significant private investment in Jordanian higher education.

Chart 7 below shows how 'regular admissions' are responsible for only a bare majority of the tuition income that universities receive from Jordanian students, and the extent to which they rely for their income on parallel and evening students (evening students representing the fastest growing stream of income).

Chart 7: Sources of tuition income for Public universities (2002-03, in JD Millions)



Source: Chapter 10 of 'National Agenda 2006'

Quality

Little objective information is available about the quality of the Jordanian higher education system, and even less about comparative quality - compared with other higher education systems in the region. In particular, although individual universities have their own internal quality assurance processes, there is no systematic national quality assurance process yet in place that would enable such judgment to be confidently made. However, the fact that Jordan appears so

attractive to students from other Arab countries does suggest that in comparative terms it is regarded as of relatively high quality.

On the other hand, the relatively high levels of unemployment that appear to prevail among university graduates suggests that the outputs of higher education are not universally valued in the job market (though this may of course be a reflection of the state of the job market and the economy more generally than a reflection of higher education quality). Moreover, no Jordanian (or indeed Middle Eastern) universities appear in either the Shanghai Jao Tong or the Times Higher Education Supplement list of the top 500 and top 200 world universities respectively.

The contrast is striking with other countries that not many years ago might have been considered to be at a similar stage of development as many Arab countries. For example, Singapore and Hong Kong each have two universities in the THES top 50, and India and China have one each. Not only do these countries have high performing universities, but high performing economies too. This is probably no coincidence. But it also indicates that there is potentially a long way to go to establish a truly high-quality university system in Jordan.

As far as measures to assure quality are concerned, three major approaches are currently in place:

- The proficiency exit exam. The academic year 2005/2006 was the first year the exam was enforced, in a selection of the major disciplines: mechanical, civil, electrical, computer engineering, IT, and accounting. The plan is to extend the exam to all departments. This is a compulsory exam that must be taken by every student (public and private) before graduating. There is no pass/fail mark, and the final score is recorded on the student's transcript.
- Accreditation, which at present is a process limited to private universities. This controls inputs to the education process, like the student to lecturer ratio, student to lab technician ratio, and the student to general university space ratio. Though it, MoHESR controls the minimum standards of private universities. These controls do not apply to public universities.
- The new program that started this year to get all the engineering faculties in public universities accredited by the ABET organization. MoHESR is paying for

this project that is just starting and might last for 3-4 years before accreditation is fully achieved.

Scientific research

One of the concerns that is expressed about Jordanian higher education relates to the research activity of the academic staff employed in universities. Although promotion routinely pays regard to research productivity, this tends to encourage individualistic research efforts, and much research is said to be published in low impact journals - often journals published by universities in Jordan and overseas.

One of the main factors, though, that makes it particularly difficult for staff to undertake scientific research is the sheer volume of teaching that they have to undertake. Student numbers have increased greatly in recent years, putting additional pressure on staff and reducing the time available to them to undertake research. Finally, with only about 0.4 per cent of GDP devoted to research and development in 2003 (of which universities contributed less than one third), there is no well established source of funding for research activity (and in terms of private contributions, very little indeed), nor is there any coordination of the national research effort.

Consequently, the output of Jordanian universities in terms of research publications is low, and is estimated to be no higher than an average of 0.57 papers per PhD holder. Nevertheless, activity is increasing, and is estimated to have more than doubled in the engineering, agricultural and economic sciences in 20 years, and to have increased significantly, though by less, in the pure and medical sciences.

Part II: Present governance arrangements

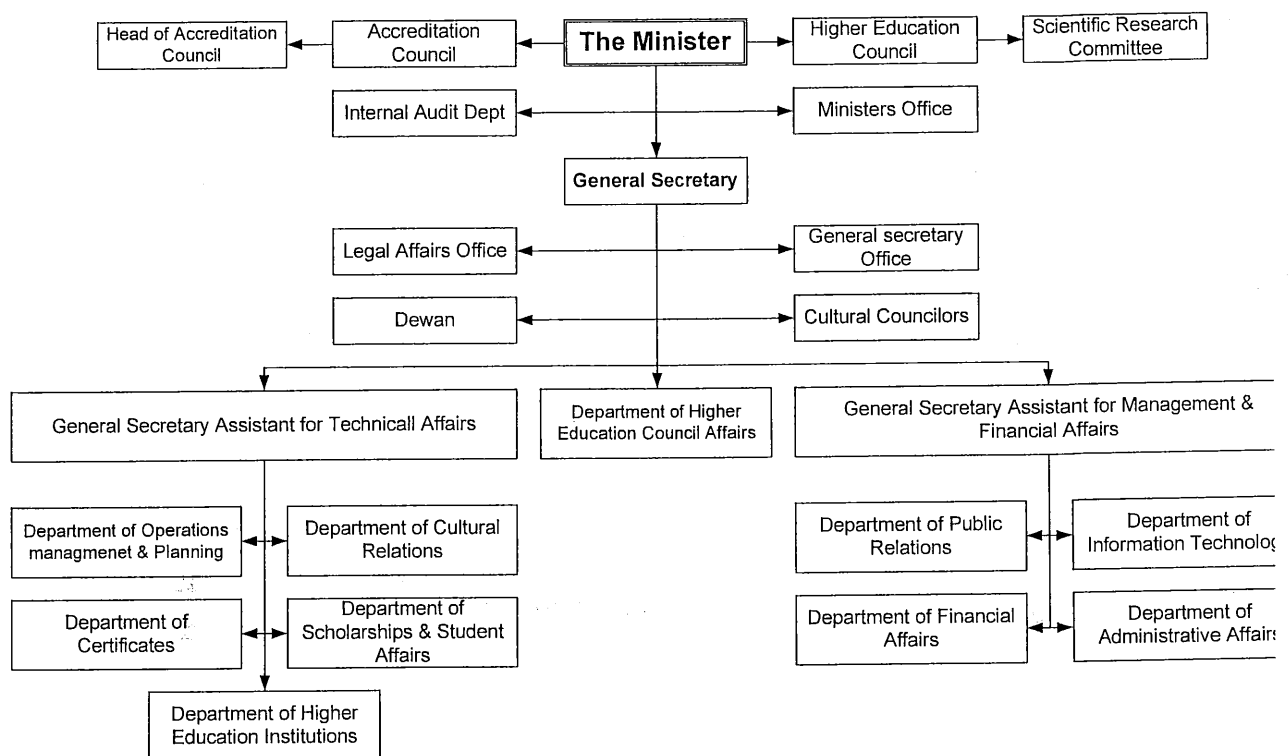
It will be apparent from the above that there have been substantial changes in higher education in Jordan in recent years. This section looks at the current governance arrangements and considers their suitability in the future.

National governance

Ministry of Higher Education and Scientific Research

The creation of the Ministry of Higher Education and Scientific Research is a relatively recent development, the Ministry having been created in 2001. However, the Ministry was originally created in 1985, but then subsequently dismantled in 1998. The reason for this instability is undoubtedly in part that other government agencies exist which carry out some of the functions that might be carried out by a Ministry of Higher Education and Scientific Research. In particular, the Higher Education Council and the Higher Education Accreditation Council are high-level bodies and are discussed below.

The Ministry of Higher Education and Scientific Research is headed by a Minister who is a senior member of the Government and who provides political leadership to the higher education sector and the various agencies that regulate and control it. The Ministry has a staff of about 200, organised as follows:



Higher Education Council

The Higher Education Council is a longstanding body, having been created in 1982 - it has existed for longer than the Ministry of Higher Education and Scientific Research - and is effectively an executive body responsible for making decisions in respect of matters to do with universities, community colleges and their development. It is to the Higher Education Council, for example, that applications have to be made to create new private universities or new programs within private universities, and it is the Council that establishes the criteria for decisions about such matters. It is also the Council that decides on the allocation of funds between public universities, and for all universities (public and private) the entry standards that should be applied in any year and the number of students to be admitted. Having taken these decisions, the decisions are passed down to the Ministry of Higher Education and Scientific Research for implementation. More surprisingly, all senior appointments in public universities have to be approved by the Higher Education Council, as well as the Presidents of private universities.

One of the functions of the Council could be to coordinate the provision of higher education in Jordan, to avoid duplication and to ensure that the national interest is

served. It has such considerations in mind when considering applications for new universities and programs, but there is no indication that plays a proactive role in relation to existing provision.

There has been some comment in the past about the apparently anomalous arrangement whereby a semi-independent Council takes decisions which it then falls to the Ministry to implement. However, as the Council is chaired by the Minister of Higher Education, this arrangement is less anomalous than it might appear. On the other hand, the fact that the Council is chaired by the Minister means that it cannot have one of the main advantages that such councils have in other systems - namely independence from the Government and from the political process more generally. In addition, the Secretary-General of the Ministry is a member of the Council, and the Council is staffed by civil servants from the Ministry. Moreover, the Council's membership, which includes all the Presidents of the public universities and four Presidents of private universities, means - whether fairly or unfairly - that it cannot be seen to be objective and independent, and it is certainly true that conflicts of interest must regularly arise.

Higher Education Accreditation Council

Whereas the Higher Education Council has the power to grant licenses for the establishment of new universities as well as licenses for the establishment of new programs in existing private universities, it is the role of the Higher Education Accreditation Council to satisfy itself that the criteria for the licenses have been met by the universities concerned, and having done so to accredit the universities and programs. The role of the Higher Education Accreditation Council is limited to checking compliance with minimum input standards - things like facilities, space and staff:student ratios. It has no broader responsibility for assessing the quality of what is provided or for enhancing quality more generally. However, quality assurance is not unknown to Jordanian higher education. Many universities have in place internal quality assurance systems, and Jordanian universities participated in the highly successful UNDP-sponsored region-wide Higher Education pilot project to explore the development of common processes and structures for quality assurance in the Arab region.

More importantly, the Higher Education Accreditation Council does not have any responsibility for public universities - either at institutional or at program level. So there is, at present, no quality assurance of public universities in Jordan. The Higher Education Accreditation Council is effectively a department of the Ministry of Higher Education and Scientific Research, and is chaired by the Minister, drawing its staff from the staff of the Ministry. Other than the Secretary General of the Ministry and the Ministry's Director-General for Accreditation, its members are drawn from the academic community.

Higher Council for Human Resource Development

A recent, and welcome, development is the intention to create a Higher Council for Human Resource Development, which will provide an overarching body to coordinate and oversee the activities and development of the various bodies responsible for education and training at all levels in Jordan. So, it will provide an umbrella, for the Labour Council, the Education Council and the Higher Education Council. It remains to be seen how this development works out in practice, but in principle, if it can really oversee the development of human resources for Jordan as a whole, and if it can coordinate the activities of bodies that have previously been concerned with education and training at different levels without much regard to others working in sectors outside their own, then this will be a most welcome innovation.

Scientific research

There are a number of bodies responsible for scientific research in Jordan, but there is little coordination between them, nor any mechanism for encouraging and coordinating the development of scientific research in universities or of seeking and selecting proposals for funding. Nor is there any body that takes a strategic overview of the direction of scientific research which has the funds and structures to implement its strategic vision. As a result the scientific output of Jordanian universities is not anything like as strong as it might be. The main bodies responsible for the governance of scientific research in higher education are as follows:

- The National Council for Scientific Research
- The Royal Scientific Society
- The Higher Council for Science and Technology.

The Higher Council for Science and Technology was created in 1987 with a remit to foster the development of science and technology in Jordan. It is a high level body – consisting of, among others, eight ministers and the Commander in Chief of the Jordanian Armed Forces, and is chaired by His Royal Highness Prince Hassan. Although it does have a budget and a remit to fund research projects, it is not an expert body, and does not have the sub-structure needed to issue calls for proposals and select between competing bids for funding.

The National Council is a body created by the Ministry, the key function of which is to establish, monitor and develop new national journals in given and specific fields that will replace the current system whereby every deanship of scientific research in a given university publishes a journal in which topics in all fields are published. This is regarded as a most important function that will need to continue to be carried out in the future, whatever the structures that replace the present.

The Royal Scientific Society is essentially a learned body that itself undertakes research, and cannot really be considered part of the governance structure for funding and regulating research in Jordan.

Institutional governance

Although in principle universities in Jordan have a degree of autonomy, they in fact operate with fairly severe constraints on their freedom of manoeuvre. Among other things, the Higher Education Council tells them how many students they may admit and the minimum grades (in the school leaving examinations) that are required for admission. These requirements - which are different for state and private universities - can be subject to significant fluctuation from year-to-year, and this can make forward planning extremely difficult for the universities concerned - especially in the private universities which do not have the public university equivalent of parallel students. For private universities the Higher Education Council and the Higher Education Accreditation Council between them also impose certain

requirements concerning the inputs into their provision (space per student, staff:student ratios, etc) . It is also the Higher Education Council that nominates the President of public universities to the Prime Minister, and confirms nominations of the Presidents of private universities and the senior posts of the public universities. For example, deans of public universities are in effect appointed by the Higher Education Council, which seems an extraordinarily detailed level of involvement in the affairs of universities.

Nevertheless, within these constraints public universities in Jordan enjoy more freedom of action than is the case for universities in many other systems. For example, they can set their own curriculum, they are not required to spend their budgets in predefined ways, and they may transfer their income between budget years. Universities in Jordan enjoy a form of constrained autonomy.

Trustees

All universities have Boards of Trustees, which until recently were responsible for and had ultimate responsibility for the governance and strategic direction of the university. However, this arrangement was found to be unsatisfactory for a variety of reasons - it was found that many of the people appointed to the Boards of Trustees of universities abused that position: in some cases trustees were unable or unwilling to take an objective view of the interests of the institution or to think strategically about its interests, sometimes confusing their own interests with those of the university; and in other cases the Trustees simply did not meet sufficiently often to carry out their functions effectively. For these and other reasons, the 2001 Higher Education Law reduced the role of the Trustees, and their functions are now effectively carried out by the University President and the Council of Deans, together with the HEC. For example, it is now the President of the university that proposes appointments for senior positions to the Higher Education Council.

The diminution of the role of trustees is unfortunate, since in many countries the existence of Boards of Trustees has been the vehicle by which universities have been able to exercise increasing amounts of autonomy and have enabled governments to have confidence that universities will be governed well and in the public interest.

University Councils and Council of Deans

University Councils exist in one form or another in almost all university systems around the world, and Councils of Deans are relatively common as well. In Jordan they have a particular significance in the absence of effective Boards of Trustees, and potentially can play an important role in the governance of the university if the trustees are not playing this role. However, by their nature Councils of Deans comprise only academic members of staff. University Councils too tend to be dominated by academic members of staff, and although they usually include members of the local community, students and some others, it is not good practice to give a decisive governance role to a body dominated by the employees of the institution. In actual fact University Councils do not have the 'decisive governance role' that they might, but if that were contemplated, their composition would make that unwise. Similarly, while it is quite proper that the Council of Deans should make decisions about academic matters as they affect the institution, and such decisions are properly reserved to a group of senior academic members of staff, their role ought not to extend further.

Staff appointments

The appointment of senior staff the university - the President, vice Presidents, deans, etc are now in the hands of the Higher Education Council - and, in the case of the Presidents of public universities, these are appointed by Royal Decree on the advice of the Higher Education Council. That is unfortunate, although - in the absence of effective Boards of Trustees - understandable: it is essential that universities - which are complex bodies - have in leadership roles the most able and suitable people for the job, appointed following a rigorous process of selection. In principle, it would be far better if appointments were made by people who know the local circumstances and local needs.

Community colleges

The governance of community colleges has evolved in an unusual, but pragmatic, way, with the result that all public community colleges are in effect colleges of a single "applied" university - AL-Balqa' Applied University. Although each college has

its own Dean, the colleges do not have trustees or other governance boards of their own, and whether as a result of this relationship with a single university or for other reasons, one recent development that is to be regretted is the growing number of community colleges students who have undertaken a bachelors qualification either at the college or subsequently on leaving, when they have transferred to the university for a "top up" bachelors degree course instead of entering the job market.

AL-Balqa' Applied University was established in 1998 as a body to coordinate the community colleges, but has over the years developed its own facilities and now offers its own degrees, undermining what was intended to be its unique function. Under these circumstances, it is not surprising that craft and technical education has suffered, and that there are declining numbers taking this level of higher education. The review of the community colleges undertaken in 2005 by Dr Roger Pearson on behalf of the HEDP concluded that the community college system had suffered from "deviation from the community college mandate in terms of high numbers of students transferring to university programs, questionable program quality, and no performance accountability mechanisms". This criticism was noted by the Ministry, the HEC and the university authorities, and measures are now in place to counteract it.

These measures comprise two streams. The first is to renew and update the content of programs, courses and specialities to reflect current theoretical and applied knowledge, and to give students practical know-how and experience, in order to achieve a real match with labour market requirements. In addition, the university will open new programs, and close others on the basis of labour market signals. The second stream is to decentralise management of the colleges, putting more responsibility on the deans, while enriching their experience. The intention is to enable colleges to reflect local market needs and the needs of the community. It is also the intention of the university to create good links with local industry, including the creation of contract training centres and standing consultative committees comprising appropriate people from the industrial and business sectors.

Private universities

As might be expected, private universities are private entities, whose ownership is in private hands, and may be for profit. On the other hand, private universities are subject to a large amount of state control. Before a private university can be established the Higher Education Council has to grant a license, and in granting a license it has regard to national and local needs for further provision of the kind that is being proposed. However, the criteria and the application of decisions concerning the creation of new universities are not objective and consistent, and there have been cases where a change in minister has overnight led to a change in decision. Other controls on private universities preclude most of them from offering postgraduate programs (although some have been granted licenses to give MSc degrees and there are two that are licensed to offer only postgraduate programs) and - more difficult to understand - all academic agreements with overseas universities have to be vetted by the Ministry.

There is strong feeling among private universities that official attitudes towards them are at best ambivalent, and in some respects actually negative. Certainly, it seems to be the case that private universities are subject to many more controls than public universities. These controls undoubtedly had their origin at a time when private universities were unknown quantities, and there may have been concern that the profit motive would weigh more heavily than educational considerations. Such concern still exists, although it should also be noted that some of the best private universities have existed for longer than some public universities, and have demonstrated over the years that they can make high-quality provision, which moreover is cost-free to the state.

While it is true that private universities have intakes that are of lower quality than those of public universities (in that their attainment in the school leaving exams is lower), the data are not available to be able to judge if their outputs (in terms of the university exit examinations) are lower or higher than would be expected, given their intakes. It is of note that students would appear to prefer to pay to be parallel students at public universities than to be fee-paying students at private universities, which indicates that their reputations are not high. However, these reputations have

been formed in the absence of objective information, and some of the proposals in this report are intended to correct that.

Other weaknesses of the private universities – for example the instability of staffing – may be due to instabilities caused by government action. Again, some of the recommendations in this report are intended to address that as well, in particular the suggestion that in due course public and private universities should be treated the same unless for good reason. It cannot be emphasized too strongly that it is in the interests of Jordan to allow the private sector to flourish – private universities, like public, are part of the national infrastructure, and the State relies on them to do a good job in producing highly qualified manpower.

Legislation

The current state of the legislation that governs the higher education sector in Jordan is somewhat confusing, and there are numerous laws, provisional laws and draft laws that are in place. Each public and private university is governed by its own legal regulations, which is not unusual practice in other countries. However, there are other laws which are in place and have never been repealed, but which no longer apply, having been overturned by provisional legislation that has never been endorsed by Parliament. The application of provisional legislation is permitted under the Jordanian constitution which allows the Cabinet, if Parliament is not in session, to put in place provisional legislation that is urgently required.

The present arrangements are unsatisfactory and create a state of uncertainty, even if they are not strictly unconstitutional, and it would be to everyone's benefit if the legislation governing higher education were brought together and codified into a single piece of current legislation which repeals all previous laws, both definitive and temporary.

The main law that governs higher education in Jordan is Law No 41 enacted in 2001, which established the MoHESR and took control of the entire higher educational sector. The law also covers the Higher Education Council, the Higher Committee for Scientific Research and the Higher Education Accreditation Council.

Part III: Strengths, weaknesses and vision

This brief analysis of the current arrangements in Jordan suggests the existence of the following strengths and weaknesses. Other studies have produced analyses of the strengths and weaknesses of the Jordanian higher education system more generally, and what follows draws on some of those, but concentrates specifically on the strengths and weaknesses that relate to the governance arrangements.

Strengths

- Jordanian universities enjoy a relatively high degree of autonomy (although constrained)
 - The reputation of the Jordanian higher education system is high
 - Many if not most universities have established quality assurance infrastructures within their institution
 - Jordanian universities have embraced electronic media, and open and distance learning, as a means of instruction
 - The quality of staff who teach in Jordanian universities is extremely impressive - 77 per cent of academic staff hold PhD's, far more than in many other comparable systems. Although this is here described as a strength, in some ways it is a weakness too, since, with such a high proportion of highly qualified staff, there is a relative absence of teaching and research assistants, who could play a valuable role.
 - With 10 per cent of students coming from overseas, Jordan is well-placed to become a higher education hub for the region, if it so chooses
 - With the existence of the Higher Education Council and the Higher Education Accreditation Council, Jordan already has in place two of the most important pillars for the good governance of a university system, albeit that they may need to be developed further to achieve their full potential.
-

Weaknesses

- The Higher Education Council exercises inappropriately detailed control over aspects of what universities may and may not do

- The legislative arrangements that underpin higher education in Jordan - with a number of provisional laws that have not been ratified by Parliament - have developed in a piecemeal way
- The short life of ministers (on average no more than about one year), combined with the powerful position that they enjoy, is a recipe for instability
- The dominant position of the Minister - who chairs the Accreditation, Higher Education and National Scientific Research Councils as well as leading his own ministry - puts excessive power in the hands of the political leadership
- The membership of the Higher Education Council, with the domination of public University Presidents, is unsatisfactory. Apart from anything else, it means that conflicts of interest are bound to arise from time to time
- The absence of any accreditation or quality control over public universities is a serious gap
- Although there are a number of bodies with responsibility for scientific research, there is no coordinating body and scientific research is underdeveloped
- The Ministry of Higher Education and Scientific Research has essentially an executive role, and no policy development capability
- The absence of effectively functioning university trustees is an unfortunate gap which reduces the prospect of universities achieving greater autonomy
- The community college system - in part because of its weak governance arrangements - has not delivered the country's needs for highly trained technical manpower, though there have been recent changes that may improve this
- Too many community college students continue to obtain a university degree, often taking far longer to do so than the average, at no obvious benefit to themselves or the country. Again, recent changes may improve this
- The apparently ambivalent attitude towards private universities reduces the potential of that sector to contribute to the development of the Jordanian higher education system
- The process for appointments at all levels (national and institutional) lacks transparency and owes too much to patronage and personal contacts.
- There is a lack of transparency in the appointments processes and no confidence that the best people get the jobs that are filled (that is not to say that good people are not appointed, but the processes are flawed).

The changes to the governance of the university system in Jordan proposed in this report are intended to build on the strengths and to address the weaknesses in such a way as to ensure that the governance arrangements contribute to the development and maintenance of a higher education system that meets the aspirations of Jordanian society

Vision

The vision that was stated for the Jordanian education system in the September 2002 "Vision Forum for The Future Of Education" was

"The Hashemite Kingdom of Jordan has the quality competitive human resource development systems that provide all people with lifelong learning experiences relevant to their current and future needs in order to respond to and stimulate sustained economic development through an educated population and a skilled workforce".

More recently, the draft "Strategy for higher education and scientific research 2005-10" contains the following proposed vision for higher education in Jordan, as a basis for discussion:

"To achieve a high quality higher education system that is capable of producing highly cultivated human resources with an integrated personality and a strong commitment to the nation and to Arab values, who are capable of following developments in all fields of knowledge in a way that can respond to the needs of the community and nation, and who will help achieve economic, social and national development and the ability to compete at regional and international levels."...

That draft vision provides an excellent basis for a vision of the higher education system in the future. In the light of the present review, it might benefit from a reference to the ambition for Jordan to be a higher education hub in the region and for its institutions to be self-governing and autonomous. The vision might, accordingly, be amended as follows:

"To achieve a higher education system whose reputation for high quality results in its acknowledgement as the higher education hub of the region, that is capable of producing highly cultivated human resources with an integrated personality and a strong commitment to the nation and to Arab values, who are capable of following developments in all fields of knowledge in a way that can respond to the needs of the community and nation, and who will help achieve economic, social and national development and the ability to compete at regional and international levels; and to do so in diverse, self-governing and accountable institutions."...

What follows is based on such a vision, while taking account of the strengths and weaknesses of the present system.

Part IV: Future governance arrangements

This section of the report begins by considering the characteristics that would be desirable in a future system of governance, and then goes on to consider the institutional arrangements that will be needed to give effect to these characteristics. All of the characteristics described here are present in one form or another in the best governed and regulated university systems around the world, and for the most part they are universal principles. There is no reason why they should not apply equally in Jordan as in other countries. The guiding principle is that the Government should reduce its involvement in the running of the higher education system to the minimum needed to ensure good governance, and to maintain its role as the ultimate guardian of the public interest

Characteristics

Autonomy and accountability

The trend – in Jordan as in many other countries in the world – is towards greater autonomy, and in principle that is a very positive development. There are three main dimensions to autonomy in higher education institutions:

- Managerial autonomy – for example, in fully autonomous systems the appointment of senior staff, including the President, is in the hands of the university itself (the Trustees, or whatever other body is the supreme authority of the university), and university managers can take decisions about the management of university – for example the appointment of staff, which students to recruit and how many.
- Academic autonomy – decisions about what programs to run, which departments to open and close, etc, together with the curriculum to offer for each subject and whom to appoint to the position of Professor.
- Financial autonomy – in an autonomous system universities do not receive line item budgets from the State. They do not, for example, receive so much for libraries, so much for academic salaries, etc. They receive a single block grant and it is entirely up to the university how it spends the money. Autonomous universities can build up balances, go into deficit, run a bank

overdraft, borrow money, and so on. Where there is complete autonomy, there is not even any control over the level of fees that universities may charge (although that would be rare: there are not many cases in the world where the Government does not control the fees that public universities may charge).

Against these measures, it is clear that universities in Jordan have some degree of autonomy in all three respects, but that this is limited. Indeed, it could be argued that they have the worst of all worlds. They cannot raise fees for regular students without government approval which currently is not forthcoming. Nor is the Government able to provide more resources. Yet, they are under pressure (understandably and rightly) to maintain their standards (although they are not subject to the Higher Education Accreditation Council). On the other hand, the one ready source of additional income that is available to them in - to recruit more parallel students - is frowned upon because it is regarded as lowering standards. An example of this pressure is provided by the University of Jordan which has facilities and staffing for something like 24,000 students yet currently has nearer 36,000 students enrolled.

In principle, it is a good thing to have autonomous universities, since by and large those close to the ground are able to make better decisions about the running of their institutions than those at the centre. Moreover universities should serve the nation outside the political context and ought not to be subject to political control. However, in order for autonomy to be effective and to work in favour of the nation, the right conditions are needed within which to exercise that autonomy, and those conditions include appropriate internal governance arrangements. Other conditions that need to be satisfied include:

- Appropriate arrangements for accountability
- The capacity of universities to exercise autonomy.

The other side of the autonomy coin is accountability. If universities are to be given increased autonomy, then the price of this must be a high degree of accountability. This is not only because universities receive a large amount of public funding. More generally, universities are a precious resource and are a part of the infrastructure of

a country, and stakeholders more widely need to be satisfied that universities are doing the job that they are entrusted to do as well as is possible. One of the most important functions of the national governance bodies that are proposed below will be to ensure appropriate accountability among public and private universities.

Dimensions of accountability include accountability for:

- Finance (for which audit is needed)
- The employment of staff (appointments need to be made in a transparent way, and criteria for selection and contracts of employment are needed and need to be enforced). Laws and by-laws need to be reviewed and revised to ensure that organizations hire and fire staff based on qualifications and needs
- Stakeholder information (auditable data need to be published about important aspects of the university)
- Quality (society needs to be satisfied about the quality of what universities do).

As far as the capacity of universities to exercise autonomy is concerned, this will need to be strengthened before they can be entrusted with all the functions that an autonomous institutions will need to perform. They will need to have the finance, human resources and other capabilities that many may already possess, but they also need to possess a strategic planning capacity that may not have been necessary in the past.

To extend the autonomy of universities would in principle be to the benefit of all concerned, but before autonomy can be extended, conditions need to be right in these respects. How far along the autonomy road it is appropriate for Jordan to travel is to be debated, but there should be no doubt about the ultimate vision and aspiration: of a situation where universities take their own decisions, and are subsequently judged according to the wisdom of those decisions, which in turn will be reflected in their performance.

Greater autonomy for universities should not be confused with the Government absolving itself of responsibility for the development of the university system. Universities are an increasingly important part of the national infrastructure, and it is the duty of the Government to ensure that the national infrastructure is continually

strengthened. Even though public universities may reduce their reliance on the state - but also in the case of private universities - the Government has a duty to ensure that they are serving the national interest. That overrides all other considerations, and although autonomous universities in principle ought to serve the country best, it will be for the Government to step in if that proves not to be the case.

Decisions taken at appropriate level

It follows from the above discussion of autonomy that decisions should be taken at the lowest reasonable level, consistent with good management and proper accountability. Some decisions that are at present taken at the level of the Higher Education Council should in future be taken at the level of the institution, and the Ministry and the various councils that are proposed here as intermediary bodies should review their respective responsibilities in the light of this principle.

The suggestions that are made in this report about the location of different responsibilities and functions are guided by this: where appropriate, expert decisions should be left to experts and political decisions to the Government; and some decisions can safely be left to short-term considerations while others require a longer-term perspective.

Market principles

In general, although it is a somewhat controversial topic, market principles can be as effective in higher education as elsewhere. But perhaps more than in other areas, there is a national interest that the Government has a duty to secure, which the market alone may not deliver.

If the market is working effectively, then universities will succeed or suffer according to how well they perform and poor performance will stimulate improvement. To function effectively in this way the market has to be well informed, and in fact, regardless of how extensively market principles are applied to higher education, the publication of information which enables potential students, their parents, employers and others to make judgements between institutions is something that is to be encouraged.

The various types of information that are required - about quality and standards, employment prospects for graduates, the facilities that are available and so on - need to be in place and functioning effectively for the State to feel sufficiently confident to reduce some of the direct controls it might otherwise exercise. That is why some of the proposals below - for extensive quality assurance and the collection and publication of data and performance indicators - are important for this aspect of governance.

But even where the market mechanisms are comprehensively in place, the State will still have some responsibility for oversight of the higher education system and will need to reserve some powers to intervene exceptionally. In general, it is not unreasonable to think that the operation of autonomous universities within the discipline of the market will serve the national interest, but it is possible that some of the individual decisions taken by institutions pursuing their own interests may not necessarily equate to a national interest. In such circumstances it may be necessary for the State to intervene, particularly to coordinate and avoid duplication.

But in general market disciplines should be allowed to operate; and to enable this the accountability (for quality as well as finance and administration), information and other essential ingredients for a market system to work should be put in place. That will be the responsibility of the national governance structures discussed below.

Transparency and equity

It should go without saying that the operation of universities and of all the institutions concerned with higher education should be governed by the highest moral principles and in particular that there should be complete transparency and equity in what they do.

As far as equity is concerned, one important dimension of this is that all types of institution - whether public or private - should be treated in a similar way, and that where there are differences there should be good reason for that.

Most importantly, there should be complete transparency with regard to all the appointments that are made from the highest to the very lowest, academic and administrative. It is absolutely essential that the best possible people for the job are appointed in all cases. Running a university is a very major management undertaking, and should be entrusted only to the most able managers and leaders. Transparent selection criteria, with published job descriptions and person specifications, should in all cases be employed to ensure this.

In order to achieve this, the process for the appointment of university leaders should be overhauled. At present, senior staff are appointed by the Minister of Higher Education and Scientific Research and the Prime Minister. Increasingly good practice around the world requires that the Trustees of the university should have responsibility for appointing senior officers, including the President, following open competition. Given the unsatisfactory experience with trustees in Jordan in the recent past, this cannot be achieved immediately, but proposals are made below for reform of the way trustees are appointed, and their role, and this should be the aim in the near future.

Governance bodies in the future

National structures

Ministry of Higher Education and Scientific Research

It is taken as a given that there should be a National Ministry responsible for higher education. If for no other reason, it is important that higher education has a voice - and a powerful one - at the top political table, not least when budgets are being negotiated. The precise role of the Ministry and the way it functions will depend on what other bodies exist and on their roles and the constitutional arrangements that they enjoy. The question of the nature, role and functions of the Ministry is something that is returned to later in this report after these other bodies have been considered.

Higher Education Council

The existence of the Higher Education Council as a body that effectively governs higher education and has the role and remit that in most other countries is played by the Ministry is not particularly unusual. There are other countries that have more or less independent bodies that carry out such functions. What is unusual in Jordan is the composition of the Council, its relations with the Ministry and some of the functions that it fulfils.

Turkey and England provide advanced examples of countries where most of the executive functions of Government with regard to higher education have been devolved to semi-independent bodies - bodies that are legally separate from and which take decisions independently of the Government. These "buffer bodies" are part of the machinery of government, but are not part of the Government. Under such arrangements governments set the total budget of the higher education system, and then pass this total to the buffer body to distribute between universities. They also set the general political and policy direction of the system, and leave it to the buffer body to regulate the system and deal with individual universities. Other countries with similar arrangements include:

Thailand

Ireland

India

Pakistan

Sri Lanka

The Philippines

New Zealand

One of the most commonly stated reasons for the creation of a buffer body system is to protect the academic freedom of universities and to reduce the possibility of Government interference which might compromise academic freedom.

A second consideration is that buffer bodies can enable decisions to be taken about the development of universities and university systems outside the normal political cycle. Universities are bodies that can take a long time to implement change, and

need a long time for developments to mature and become embedded. It does not make sense for short-term decisions to be taken as political fashions change. Ministers - knowing that their term of office is unlikely to be long - often find it difficult to take long-term decisions regardless of their immediate political impact, and the existence of buffer bodies enables this.

Related to this, buffer bodies can take difficult political decisions which Ministries are often unable to take. It can often be helpful to a Ministry faced with controversial decisions affecting individual universities or the system as a whole, to be able to point out that the decision was not theirs, but was taken by an independent body which the law or even the constitution forbids them to control.

Where buffer bodies operate, they have undoubtedly led to stability of policy and practice - the development of the higher education system in many important respects has continued independent of changes of Minister, and independent of day to day political considerations. On the other hand, the structure has allowed top level political decisions - such as the shape and size of the system as a whole - to be taken by the Minister of the day. A buffer body can actually liberate Ministers from day to day matters and leave them to concentrate on legitimate political issues. What is important is that there should be transparency and clarity over where the responsibilities of the buffer body start and end.

So it makes sense in Jordan to retain the Higher Education Council as a body outside the Ministry responsible for the governance of the higher education system and related matters, including the funding of public universities. However, it needs to become more independent - both of the Ministry and of universities. Quite how independent of the Ministry it should be is something that is open to question - one possibility would be for it to be a completely independent commission, established by legislation, with accountability to Parliament, rather than to the Ministry. That is the approach in Turkey, and in the United Kingdom, where the Higher Education Funding Council for England receives its money from the Education Ministry but is an independent legal entity established by Parliament and responsible to Parliament.

The problem with this approach is that while it gives a greater degree of independence to the buffer body, many feel that it gives it too much independence

and divorces it from political reality. A preferable alternative would be that adopted in Thailand, where The Education Ministry has established a number of semi-independent commissions beneath it, each of which has a Chief Executive, and one of which broadly has the functions proposed here for the Higher Education Council. The Minister remains the Minister responsible - and the funding for the university system comes via the Ministry - but each commission has its responsibilities in which the Ministry does not interfere, and the Minister's responsibility is to give the broad political direction that is proposed below, and is precluded from engaging in the day-to-day activities of the Commission.

That is what is proposed here: the Higher Education Council - and the Higher Education Accreditation and Quality Council and the Higher Education Research Council, proposed below - should be established as semi-independent councils, but reporting to the Minister, who is nevertheless precluded from interfering in their decisions and their day-to-day work

Whatever the approach, the Higher Education Council certainly needs to be more independent of the Ministry than it is at the moment.

With this in mind it is proposed that its membership be completely overhauled. In future it should not be chaired by the Minister, but by a senior public figure independent of current political activity. Its membership should be more representative of the stakeholders in Jordanian society as a whole, and should not in any circumstances include current serving university staff. It should be a relatively small body - no more than 12 to 15 people - and it is suggested that the balance of membership should be roughly one third senior figures from the education world not currently involved in higher education institutions, one third senior business leaders with an interest in higher education, and one third NGOs and senior figures from the professions (the Bar and engineering professions for example). However, members should not be appointed as representatives of other constituencies -- they should be appointed as individuals -- and in principle it would be best not to include as members people who hold an elected posts elsewhere. Nor should anyone be a member of the Higher Education Council whose decisions might benefit their own university. The Government should not be represented on the Council as a voting

member, but the Ministry should have the right to be represented with an observer who would have the right to speak.

It will be extremely important to get the membership of the Higher Education Council right - as is the case with all the appointments that are made under these proposals. To work effectively and to be credible it will need senior people who have - or at least who quickly obtain - a reputation for equity and wisdom in their decisions. It will seriously undermine the workings of the Higher Education Council if there is any suspicion of bias or favour. It is therefore suggested that members of the Council - as with other higher education bodies - should be appointed by the Higher Education Appointments Commission - or the alternative appointments arrangements - that is proposed below.

These recommendations for the composition of the Higher Education Council would preclude serving university presidents from being members. However, it is extremely important that those who run universities should have their voices heard and should influence the way that decisions are taken. There would be considerable merit in the creation in Jordan of a body that parallels the groupings of university heads that exist in other countries -- Rectors Conferences, for example or The Committee of University Presidents. That would enable an interest or pressure group properly to reflect the interests of universities without itself being able to take the decisions in the interests of its members.

In terms of functions, the Higher Education Council should be responsible for the governance of the system as a whole and should be evenhanded between public and private universities. If Jordan is to move to a more autonomous university system, with the market playing a greater role, then there seems no good reason for the Higher Education Council to carry out a number of the functions that it does at present. For example, in principle there seems no reason why it should tell universities how many students they can enroll, nor the entry standards that they should apply. If the concern is that universities will enroll more students than they can provide a high quality education for, then this will be offset by the proposals for quality assurance and the publication of information that are made below.

If the Higher Education Council plays the essential regulatory role that it properly should, then it will ensure that good information is provided to potential students and society more generally about the quality and performance of different universities, and those universities which allow quality to suffer will themselves suffer in terms of their reputation and ultimately their position in the market. And, if the funding reforms that are currently under consideration come to fruition, and in particular if a performance-based funding system is implemented¹⁰, then for the public universities at any rate, there will be financial penalties to be paid if performance suffers.

It will be seen from the foregoing that many reforms are interrelated. Greater autonomy for universities - and therefore a diminished role in terms of detailed regulation for the Higher Education Council - depends on the existence of a good quality assurance system, the publication of comparative performance data, and the introduction of performance-based funding for public universities. It also depends on the existence of satisfactory governance arrangements within universities, which are discussed below.

One function that the HEC should continue to perform is to maintain a register of higher education institutions - public, private and overseas - which are authorized to operate in Jordan. The Council should develop criteria and conditions for registration, and similar criteria should be applied to all institutions. These criteria should include the requirement that all institutions should provide whatever financial, statistical and other information that the Council may require.

As has already been mentioned, the Government proposes to create a Higher Council for Human Resource Development (HCHRD), as a body to coordinate and oversee the activities and development of the various bodies responsible for education and training at all levels in Jordan. This Higher Council will have a coordinating responsibility for the work of the HEC, alongside that of the Councils responsible for other levels and phases of education and training. This could be a most important development, and one that could transform the coherence of human resource development in Jordan. It is too early to say how exactly the HEC will relate to the

¹⁰ There is a study under way at present looking at the financing of higher education institutions, and this will include consideration of a performance element in the funding mechanism.

HCHRD and the other Councils that will fall under its umbrella. What can be said is that it is essential to give this development the best possible chance of success.

So the future Terms of Reference proposed for the Higher Education Council can be summarized under the following broad headings:

- To fund institutions and support them to improve their capacity. The way universities are funded is at present under review, and it is possible that government grant will reduce. Nevertheless, the other side of this coin is that the Council will need to be satisfied that universities behave and perform in a satisfactory way. To do this it will need to ensure that rigorous audits are carried out. It should also attach conditions of grant to the funding that it provides to public institutions, and to the licenses that it grants to all universities -- for example, conditions of grant might include that an institution should submit itself to accreditation and quality assessment by the Higher Education Accreditation and Quality Council, and that it should supply timely and accurate data in response to data requests from the Council
- To monitor the financial affairs of public institutions, and to step in and demand that action is taken if a university or college begins to face difficulties or perform poorly
- To publish comparative information about the performance of universities and community colleges
- To grant licenses to universities, colleges and programs. The Council should establish the criteria and conditions of licenses, which should, among other things, be contingent upon institutions satisfying the Higher Education Accreditation Council that they meet the minimum standards and provide higher education of a good quality. Conversely, the Higher Education Council should withdraw a license from a program deemed by the Higher Education Accreditation and Quality Council to be unsatisfactory, or if after appropriate warning an institution fails to meet its conditions of grant
- As far as private universities are concerned, it will in the short term continue to regulate the number of places provided, but it should be the aim to phase out this function when conditions permit
- To ensure that the public interest is secured, and national priorities served, in a situation where institutions are autonomous and act in their own interests.

This might include playing a proactive role in encouraging the rationalization and co-ordination of provision. Its powers in this respect will be limited, and it will have to use persuasion and perhaps financial incentives for this purpose. The important thing is that it should have a planning and oversight role

- Related to the above, to make policy for and strategically plan the development of the higher education sector (though in this matter its relationship with the Ministry of Higher Education and Scientific Research will need to be carefully considered)
- To work with the new Higher Council for Human Resource Development to coordinate the activities of the various agencies responsible for education and training at all levels.

Many of these functions are, of course, the responsibility of the present HEC, and all concern the relationship between the Government and institutions. In particular, they do not touch upon issues related to students nor to the staff that work in universities and colleges. There are two reasons why this should be so. First, it will provide a far clearer focus for the Higher Education Council and its work - the knowledge and expertise required for dealing with student matters and human resources are quite different from those that relate to institutions. Second, it is essential that the Higher Education Council is - and is seen to be - a non-political body. Yet matters concerning students and staff - the pay and conditions of staff, for example - are often highly politicized, and it would damage the Higher Education Council's standing if it became involved in political disputes.

That is not to say that some aspects of relations with students and/or staff (student grants or loans, for example) are not essential matters of concern to a Government, but it is suggested that any such matters should not be part of the terms of reference of the Higher Education Council, but should be retained in the Ministry of Higher Education and Scientific Research. The Higher Education Council would be concerned exclusively with higher education institutions.

Higher Education Accreditation and Quality Council

The Higher Education Accreditation Council at present does a good job in controlling the development of private higher education and ensuring that minimum standards are maintained. However, it suffers from a number of shortcomings - not of its own making. Most particularly, with its remit limited to controlling the development of private universities and their programs, it has no oversight of the majority of higher education provision in the country. And even as regards private universities, it is only concerned with ensuring minimum standards - which it does generally by setting input standards (things like space per student and staff to student ratios). There is, therefore, no quality assurance of higher education provision more generally in Jordan.

Nevertheless, the existence and experience of the Higher Education Accreditation Council is invaluable, and can be built upon. It is proposed to supersede the Higher Education Accreditation Council with a Higher Education Accreditation and Quality Council whose terms of reference will include the accreditation and assurance of the quality of higher education provision in all higher education institutions in Jordan - whether public or private. It would be concerned with ensuring that minimum standards are met, as it does at present for private universities, but it would also be responsible for assessing and comparing the quality of what is provided, both as regards the process of education and the outcomes. Its responsibility for quality, however, should not only be to assess and to judge, but also to enhance and improve. It should regard its responsibility positively as a developmental one as well as a judgmental one.

For this purpose, it would need to be led by professionals, and this is the second weakness that the present Higher Education Accreditation Council suffers from. There seems no good reason for the Minister or the Secretary General of the Ministry to be members of the Council, and the Director-General for Accreditation should have observer status, if indeed it is thought appropriate that he should attend meetings of the Council at all. The Chairman and members of the proposed Higher Education Accreditation and Quality Council should be appointed by the Higher Education Appointments Commission proposed below, and the main criterion for membership should be distinction in higher education or a related field - the majority

being academics, but with a small number from other walks of life, such as the professions. With this body, as with all others, the criteria for membership should be clearly articulated and demonstrably implemented in the selections that are made.

In terms of its functions, the accreditation of new provision is something that will continue to be required, and it is logical that the only judgements that can be made before a program comes into existence are judgements about inputs. In that respect, things will not change, other than that the same processes will in future be applied to public as to private universities. It should be noted that accreditation and quality assurance should be applied at all levels - not just at undergraduate but at postgraduate and community college diploma levels as well. In future as well, if an overseas university wishes to open a campus in Jordan then it should be subject to the same accreditation and quality assurance processes as Jordanian public and private universities - this is discussed further below.

Although accreditation and quality assurance may seem an imposition on universities, it is notable that in the USA where accreditation is voluntary, institutions nevertheless willingly submit themselves to the process. This is in part because in a market environment any institution that does not have accreditation will stand out and will suffer in the marketplace. Conversely, any institution that does particularly well in quality assurance will benefit by having its qualities publicly and objectively recorded. It is not suggested that accreditation should be a voluntary process in Jordan - on the contrary, it should be compulsory. However, experience elsewhere does suggest that in due course universities will regard such processes with a degree of equanimity if not enthusiasm.

The novel - and much more important - function that the new Council will perform is to assess and compare the quality of programs. One approach to this will be to set standards (which will need to be identified separately in different subjects by professionals in those subjects - though there is developing international experience in this area which can be drawn upon) and then to assess how each program in each institution performs against those standards. Part of this could also be to make judgements about the teaching process and how staff in universities perform as teachers. Experience in England is that this would be a controversial and unpopular development, as it would involve professionals making judgements about the

performance in the classroom of their fellow professionals. However, experience in England is also that this provides a galvanizing if rather traumatic incentive to academic staff to improve their performance in the classroom.

A different approach (though it could be complementary and does not have to replace the other) would be simply to base the judgements of comparative quality on how students perform in their terminal examinations. With the existence in Jordan already of a national graduate examination, this would be a relatively straightforward matter (that is not to say that setting the examination itself is straightforward, but it exists and provides an opportunity to make comparisons between the performance of graduates of different universities). However, the comparisons should be sophisticated and not simply take raw performance as the comparator.

Different universities have different profiles of students that they admit in terms of their ability. All else being equal, it should be expected that a university with a high-quality intake will perform better in the national graduate examination than one with a less able intake. It will not be at all difficult to adjust the raw outcome scores to reflect the differing abilities of the intakes and, if this is done, then some really valuable comparative performance indicators can be produced. These will add to the quality profiles that the Council is able to produce, and will in addition provide useful information to stakeholders, not least future students and their parents.

Although performance in public examinations provides a ready mechanism for comparing the quality of graduates and therefore to some extent the performance of universities, some care is needed in traveling too far down this road. What is examined to a very large extent defines what is taught. There is no problem with that so long as the consequence is recognised that universities will therefore teach to a common curriculum with little divergence between them; and so long also as the examinations, and therefore the curricula, are regularly reviewed to ensure that they keep up with changes in the knowledge base and in the requirements of the employment market. This suggests that such an approach may be more appropriate for technical and factual subjects than subjects which are not attempting to impart a corpus of knowledge.

Having done its job, and having made judgements about the performance of institution with respect to their varying programs, the Council should publish its findings - indeed, this transparency and openness should be a feature of the higher education system more generally. The question that arises is what should be done in the case of programs that do not meet the accreditation standards or in the case of those which are judged as not being of sufficient quality? It will be normal in such cases to allow the institution a period of grace before a further assessment.

If, however, on reassessment the program is still found to be deficient, then it would not be for the Higher Education Accreditation and Quality Council to apply a sanction - that would not be their role. They would pass this information to the Higher Education Council, and it would be for the Higher Education Council to withdraw the license for that program. It should be emphasized that this applies as much to public as to private institutions. It should also be emphasized that such an occurrence should be very rare indeed - the mere threat of sanction should be sufficient to concentrate the minds of the institutions concerned and to ensure that they do what is needed to improve their provision.

As far as the relationship of the HEAQC with the Ministry is concerned, it is proposed that this should be similar to that proposed above for the Higher Education Council. It should be a semi-independent entity, but answerable to the Minister and taking a general steer from him. But the Minister would be precluded from involving himself in the day-to-day operations of the Council.

The proposed Terms of Reference of the Higher Education Accreditation and Quality Council should be along the following lines:

- To accredit the institutions of higher education (public and private) and their programs
- To assess and compare the quality of the programs provided in public and private higher education institutions against standards that the Council has previously established
- To publish the results of the accreditation and quality assessment judgements and the reasons for these
- To undertake activity aimed at improving the quality of teaching in higher education institutions.

Higher Education Research Council

As has been discussed above, there are already a number of bodies which have some responsibility for research - and one of them, the National Council for Scientific Research - falls within the responsibilities of the Ministry of Higher Education and Scientific Research. The two other main ones are the Higher Council for Science and Technology and the Royal Scientific Society. However, despite the existence of these bodies with responsibility for research the research output of Jordan's universities is not especially good. This is only partly a question of resources. Certainly, resources for research are not great, with just 0.4 per cent of GDP devoted to research and development. However, the problem is a deeper one. There is no structure for inviting and reviewing proposals for research, nor for coordinating and maximizing the country's research effort.

The draft law currently before Parliament, which proposes that 1 per cent of the profits of corporations should be put into a fund for research and development, represents a tremendous opportunity, if an appropriate structure can be put in place to ensure that the money is well spent. It is therefore proposed that a national research council structure should be created, analogous to those that exist in many other countries - the National Science Foundation in the United States, the Centre National de la Recherche Scientifique (CNRS) in France and the Research Councils in the United Kingdom, for example. Each of those bodies takes a slightly different approach, but all provide grants in support of research projects, and all recruit experts to identify those topics in their respective subjects that are the most

promising areas for support and also to make judgements between competing proposals to conduct research in those topics.

The National Science Foundation in the United States is a single national body, which invites proposals - both in areas that it has identified itself for support, but also on topics where scientists wish to make unsolicited proposals. It then creates expert ad hoc committees from lists of experts in particular subjects to make judgements about those proposals that are worth supporting. This is a particularly fluid structure and is very largely bottom-up, responding to good ideas from the academic community.

The approach adopted in the United Kingdom is of a separate Research Council for each broad disciplinary area. There are seven such councils, as follows:

- Arts and humanities
- Economic and social
- Engineering and physical
- Biology and biotechnology
- Medical
- Natural environment
- Particle physics and astronomy

Each Council has a budget set by the Government, and each is responsible for identifying areas for support, inviting proposals and deciding between competing proposals. The effect of this arrangement is to make coordination between the separate Research Councils - and the support of interdisciplinary research - marginally more problematic. It also probably has higher overheads, since each Research Council has its own Chief Executive and senior staff.

The CNRS in France operates as a sort of hybrid between these two bodies. It is a single national organization, but beneath the national organization it is organised into a number of specialist committees, each with its own expert membership comprising academics in those fields. The specialist committees of the CNRS are as follows:

- Mathematics and physics
- Nuclear and particle physics
- Space and astronomy
- Chemistry
- Life sciences
- Humanities and social sciences
- Environment and sustainable development
- Engineering.

It is these committees that invite and judge between proposals from the academic community, but all within one organization and one coordinating national committee.

Either an NSF or a CNRS structure would meet the need in Jordan for a top-level body to direct and fund scientific research. The NSF approach has advantages, in that it is less rigid and more flexible. However, that itself might be a disadvantage in a system that does not yet have well-developed structures. On balance, therefore, and given the desirability of avoiding the proliferation of bureaucratic structures - but also in order to provide more of a systematic approach - the CNRS structure seems preferable for Jordan, and the creation of a single Higher Education Research Council (HERC), with subcommittees, is what is proposed here. As with the Higher Education Council and the Higher Education Accreditation and Quality Council it would be a semi-independent body, and would be free to make decisions within its terms of reference independently of the Ministry, but would ultimately be answerable to the Minister, who would nevertheless be precluded from becoming involved in the decisions and day-to-day activities of the Council.

Also as with the Higher Education Council and the Higher Education Accreditation and Quality Council - indeed even more so in the case of the proposed Higher Education Research Council - the membership of the Council needs to consist of professionals respected for their research, and without political involvement, with some representation from private companies is well, and almost certainly some overseas members. The appointment of its members may need to be handled differently from that of the other two councils, since knowledge will be needed about the subject specialisms of the candidates and the subject balance that is required. In this case, the Higher Education Appointments Commission, discussed below - or the Minister, if

the Minister retains responsibility for appointments - will need to discuss membership of the Higher Education Research Council with bodies like the Royal Scientific Society; and the National Council, when appointed, will need to do the same with regard to the appointment of the discipline committees.

The principal source of funds for the Higher Education Research Council will be the Ministry of Higher Education and Scientific Research, though it may receive funds from other government departments, and other sources as well. Despite the general requirement that these Councils should be protected from political interference, it will be legitimate for the Ministry to give some political direction regarding the Government's priorities concerning the broad subject areas that should be supported. It would then be for the Higher Education Research Council to provide a budget for each committee. Its role would be not to allocate funds to specific research projects, but to allocate budgets to the different committees, to receive reports from its committees about the projects that have been supported, to give direction and steers to those committees, and to set in place and monitor grant allocation mechanisms, to review the outcomes of projects supported, and so on.

The details of the number of committees and their coverage is a secondary matter, which will need to be decided in the light of the particular circumstances of Jordan. What is important is that each committee would have a budget provided by the main Council, and would-be responsible for identifying the broad topics in which to invite proposals and then to assess those proposals for support. It will be essential for the committees to put in place rigorous and objective criteria against which proposals would be assessed. Some of these criteria will be generic - and could therefore be set by the National Council - but others would be specific to the discipline, and even to the program area where projects are being sought. Transparency, rigour of assessment and an emphasis on high-quality should guide the work of the Higher Education Research Council.

With such a structure and with such funds at its disposal, the Higher Education Research Council would become the premier body in Jordan concerned with scientific research in universities, and it could be well placed to cooperate with the Higher Council for Science and Technology in coordinating and taking an overview of the development of Jordan's research base more generally. It would build up links with

other bodies with an interest in research, including with the private sector, and should be responsible for developing a strategic approach to developing and funding research in universities, including the identification of the priority areas for the development of research capacity.

An important element in any nation's research effort is the development of research personnel. Having identified priority areas for development, the Higher Education Research Council should provide funds to selected universities to offer positions to appropriately qualified postgraduate students. It should also offer studentships to the best qualified students to take up such positions. In selecting both universities in which to provide places and the students to take up those places it goes without saying that the process of selection should be rigorous and objective, with the criteria spelled out beforehand and an open competition for the selection of the successful candidates.

There is one further function that the Higher Education Research Council could carry out. In most university systems funding for universities is calculated following a formula that is fundamentally based on the number of students recorded in different disciplines. In a small number of countries - England and Australia are two - part of the funding that institutions receive is based on research criteria, which in turn is based on the quality of the research carried out. The better the research that the university carries out, compared to other universities, the more money it receives. This provides a substantial incentive to carry out good research - indeed, in England it is thought by some to provide too much of an incentive to do research as distinct from teaching or other activities - but the extent to which this is so depends in part on the size of the reward and in part on how selectively the funds are allocated.

If it were desired to provide a significant boost to the incentive to carry out research in Jordan, then one possibility would be for the Higher Education Research Council to conduct a research assessment exercise of the kind that is conducted in the United Kingdom (and New Zealand and Hong Kong among other countries) and which it is now intended to conduct in Australia. The results could be used to inform the funding that universities receive - either from the Higher Education Council or directly from the Higher Education Research Council. If such an arrangement is introduced, then such funds would be for the university to spend as it sees fit, and

universities could allocate these research funds internally through research committees that should be established in each university.

If it were decided to go down this road, however, the effort required should not be underestimated. Conducting a research assessment exercise that is sufficiently rigorous to inform the allocation of funds would be a major undertaking; but nor should the efficacy of such an approach in stimulating research activity be underestimated either.

If these proposals are accepted, then that would suggest the following terms of reference for the Higher Education Research Council:

- Consulting with other bodies with an interest in scientific research, and on the basis of broad advice from the Ministry of Higher Education and Scientific Research, to develop national policies and strategies for the improvement of scientific research in Jordan's universities
- To decide on the allocation of funds between its specialist subcommittees and to give them appropriate advice about processes and scientific areas in which to provide support
- Through its specialist committees to invite proposals for research projects from the academic community and to identify and support the strongest proposals
- To play a coordinating role among the various bodies in Jordan concerned with scientific research, and also with the private sector
- To take a broad overview of the quality and development of scientific research in Jordanian universities
- To support postgraduate education by the provision of funds to institutions to provide places and to students to meet their costs
- To maintain a register of scientific publications (a function inherited from the National Council for Scientific Research)
- (Possibly,) to undertake periodical comprehensive assessments that compare the quality of research in Jordanian universities in all disciplines.

Ministry of Higher Education and Scientific Research (continued)

If the preceding recommendations are accepted, and in particular if there is greater autonomy for universities, and if the three Councils that have been proposed - the Higher Education Council, the Higher Education Accreditation and Quality Council and the Higher Education Research Council - are created with the remits and constitutions that have been proposed, then many of the functions that otherwise might be carried out by the Ministry will fall to other bodies.

The most important role that will remain for the Ministry of Higher Education and Scientific Research will be to give a political and policy lead and direction to the higher education system. This will be at a high level - for example, national policy on whether and how much students should pay and the balance between student fees and state provision; the attitude that should be adopted towards overseas universities; and how much if any growth there should be in student numbers. These are high-level policy decisions, and in taking them the Ministry will take advice from a number of sources, but principally from the Councils described above. It will then be for those Councils to receive these high-level decisions from the Ministry and develop detailed policies to put them into effect. In order to do this the Ministry will need to develop a policy analysis and policy development capacity that it does not possess currently. It is essential though that once taken these decisions should be stable: it is impossible to have a well managed higher education system if top level decisions keep being changed.

There are a number of other functions that will fall to the Ministry. It will need to have an overview of the three Councils, to ensure that they are fulfilling their functions. In particular, it will need to ensure that good market information and statistical indicators are produced - although it will not be for the Ministry itself necessarily to produce them. And for this purpose, there will need to be a dedicated data collection and analysis capacity either within the Ministry or within the Higher Education Council, or as an enhanced function of the Department of Statistics. An alternative, as is the case in the United Kingdom and the United States, would be to create a freestanding entity to collect and analyse higher education statistics - a Higher Education Statistics Agency. This may seem like a minor detail, but if the system is to move towards greater autonomy with a greater reliance on market

mechanisms and features like performance-based funding, then timely and accurate data will be required, collected on a consistent basis with consistent definitions.

International relations at government level will clearly continue to be a function of the Ministry, and although it should not concern itself with academic relations between universities in Jordan and overseas, government to government relations will be its responsibility. It will also be responsible for establishing the equivalence of overseas qualifications for the purpose of overseas students wishing to study in Jordan.

It was suggested above that the Higher Education Council should not be responsible for questions relating to students. It follows, therefore, that issues like student scholarships, student tuition fees and also student testing should be the responsibility of the Ministry, which will therefore need a Directorate of Student Affairs.

The terms of reference of the Ministry might be along the following lines (and the structure would then be influenced by the terms of reference):

- To set a high-level strategic and policy direction for the higher education system in Jordan (coordinating this activity with the HEC and the other national governance bodies)
- To negotiate within government and agree the national budget to be devoted to higher education, and to allocate this between major functional areas (e.g. student support and institutional expenditure)
- To set the strategic directions and provide the budgets for the HEC, HEAQC and HERC (but not to get involved in their day-to-day operations)
- To engage in national level international relations (but not institutional level relations)
- (Possibly,) to establish and monitor the operations of a higher education statistics agency
- To undertake any functions needed with respect to student affairs – for example grants and scholarships, loans, common examinations, etc.
- To decide on the equivalence of overseas qualifications

Trustees

In the past, as has been discussed above, trustees have not been a successful feature of University governance, and they have recently lost many of their functions and their *raison d'être*. Nevertheless, as has also been discussed above, trustees remain an essential feature if universities are to exercise a high degree of autonomy independent of the Government.

At present, since the diminution of the role of trustees, decisions affecting universities are taken by bodies dominated by faculty staff, which means that -- particularly if autonomy increases -- there is a risk that universities will be run by staff for their own benefit. That is unsatisfactory, and increasingly around the world good practice requires that universities should have as their ultimate source of authority a Board of Trustees or equivalent.

Boards of Trustees may include members of the academic community, but it is good practice that these should not represent a majority. Members should also be drawn from local business, local authorities and other stakeholders. It is possible to be strictly proportional in terms of the types of people who go to making up a Trustee Board, but not necessary (for example, one third from business, one third from local industry, one sixth academic staff and one sixth others with knowledge and experience of higher education). The essential requirement for all members of a Board of Trustees is that they should be objective and fair, should have an interest in -- and preferably some experience of -- higher education, and should in all cases make their decisions only having regard to the interests of the university.

However, the problem that has been encountered in the past remains: how to identify and appoint trustees who have credibility and who will devote themselves selflessly to the interests of their university and not be deflected by personal and other extraneous considerations.

Among the many approaches to the governance of universities around the world three are discussed below, which provide examples of three typical and quite distinct approaches.

California

California has two university systems: the University of California system and the California State University system. There are 10 campuses in the University of California system, each of which is effectively a university in its own right, and there are 23 campuses (universities) in the California State University system. Each of these two systems has a single governing body - effectively the Trustees - and a single President, which means that each separate university in the system does not have its own governing body or its own President. On the face of it, that does not seem particularly satisfactory in governance terms, though that has not prevented the development of some of the best universities in the world.

The other distinguishing feature about the governance of Californian universities is that the governing bodies of the two systems - the Regents - are nominated entirely by the State Governor, other than a small number of ex-officio members (for example the Governor himself).

England

In England the highest authority in any university is the Board of Trustees. Lower-level entities, like the academic senate, exist, but their role is limited - the academic senate, for example, deals strictly with academic matters.

A typical Board of Trustees of a university would be between 15 and 30 strong, and would comprise a mixture of academics at the University, distinguished figures from the local region, business people with some relationship to the University, staff and students. Each university is governed by its own rules, and each will have a different mix of trustees; but in no case will academic staff comprise more than a small proportion. One curiosity about the arrangements in England is that the Trustees are appointed for a

fixed term, but the Board of Trustees appoints new members to replace those who are departing. This is not considered to be good practice generally in terms of governance, but it is an arrangement that is generally thought to have worked well.

France

The approach in France is almost diametrically opposed to that adopted in England. In France the governance of universities is almost wholly in the hands of the academic staff and others who work within universities, together with some representation by students. They make up the University Council, and there is no authority within the University higher than that Council. Perhaps as a consequence of this - though it could be that cause and effect are reversed - the Government exercises close control over universities in France - for example the curriculum that they offer and the qualifications they award, together with many aspects of their admissions policies.

The French Government has tried several times to reform the governance of universities, but French universities are highly politicized and staff and students are politically influential, and reform attempts have failed. As a result, the Government understandably does not feel sufficient confidence in the universities to grant them more autonomy. So France is an example of a country where the staff of universities have a great deal of say in the running of the institutions, but where higher levels of autonomy are denied to universities.

In terms of good governance arrangements for universities in Jordan, an approach similar to that in England would appear to have much to commend it. It avoids direct political involvement in the appointment of trustees and the running of universities, while enabling a strong Board of Trustees, representative of a wider group of stakeholders, to run the University in the general public interest. The role of trustees should be to take strategic decisions about the governance of the university - about the strategic plan and budget for example - and they should ideally be responsible for the appointment of the President and other senior officers,

though it is recognised that it may be some time before there is sufficient confidence in the Trustee system to allow this.

However, there is one aspect of the arrangements in England that would not yet be appropriate in Jordan: the arrangements for the appointment of trustees. That works in England because the trustee system is much older and well established, and with a small number leaving each year the Board of Trustees can be relied upon to make reasonable decisions about new members. Until we have reached that point in Jordan different arrangements will be needed for the appointment of trustees, and the next section considers appointments in higher education more generally.

At Annex B is an example of the law relating to the composition of Boards of Trustees in English universities. It will be seen that "independent" members must in all cases constitute a majority. At Annex C is a typical statement from an English University of the functions of the Board of Trustees and the Academic Board (senate) which is the governance entity beneath the Trustees. It is certainly not suggested that this can be taken and transposed into a Jordanian environment, but it provides a good idea of good governance that has evolved over a long period.

Governance bodies beneath the Trustees

Whether Jordanian universities continue to have a Council of Deans as the most influential governance body beneath the Trustees, as well as a wider University Council is something to be debated. There is certainly something to be said for a wider board of senior academics to have a forum in which to express their opinions. But the existence of the Council of Deans as a group of the most senior academics in the University enables it to make academic decisions with more authority than the wider group. It is therefore recommended that the Council of Deans continued to be the senior body in the university responsible for making academic decisions, and that the University Council should become a consultative body whom the Trustees should consult before coming to significant decisions about the future of the university.

Higher Education Appointments

To achieve best practice in governance in the Jordanian higher education system it is essential that people are appointed to positions of authority who are not perceived as being subject to political patronage. They should also be people who are widely perceived as being objective, evenhanded and distinguished, and in all respects worthy of the positions that they hold. There is a real problem in this respect, because however fair and objective the Minister of the day, appointments that he makes will always be likely to be regarded as personally or politically motivated; and the people he appoints will be perceived - whether fairly or unfairly - as making decisions influenced by their debt to him. Moreover, at present the Trustees of a University are not playing the part that trustees ought to and could play, in part because there is a widespread feeling that they are often not the right people for the job, and there is a reluctance to entrust them with the governance role that they ought to play.

How to improve the processes for making appointments in higher education is an extremely difficult question but one that it is essential to address. One quite novel approach would be to create a Higher Education Appointments Commission, appointed by the Prime Minister. Its members should hold office for a limited period - five years would be reasonable - with a remit to make senior appointments in higher education. Members of the Higher Education Council and the Higher Education Accreditation Council would be appointed by this body together with members of the Higher Education Research Council. This body would also have responsibility for appointing trustees of public universities. As it is proposed that the University President and other senior internal appointments should be made by the Trustees of a university, this body would not have responsibility for making such appointments. However, if it were decided that trustees could not be relied upon to make such appointments - at least in the interim - then the Higher Education Appointments Commission would have responsibility for these appointments as well.

The creation of such a Higher Education Appointments Commission could be a precursor to the more general development of a Public Appointments Commission that would have responsibility for making appointments to all senior public positions in Jordan. If such a body already existed, then its remit would include making

appointments to the higher education bodies discussed. If the Higher Education Appointments Commission proposed here is created, and if it is a success, then that might provide a model for others to follow.

It is appreciated that this is an ambitious proposal, and that it may not be acceptable or realistic. Indeed, it has been suggested that this might make matters worse, because it would give so much power to a small number of people. If so, then an alternative would be for appointments to national bodies to continue to be made effectively by the Minister, but nevertheless for the composition of these bodies to be overhauled (for example the Presidents of the public universities should not sit on the Higher Education Council). In such a case the composition of Boards of Trustees of universities would need to be reformed to a representative structure (with so many places for representatives of industry, so many for local representatives, so many for university faculty staff, etc). That would be second best, but it would be an improvement. What is certain is that the present arrangements need radical reform.

In all cases – whether a Higher Education Appointments Commission is put in place, or appointments are made by the Minister, and in the case of internal appointments within a university – good practice requires objective job and person descriptions to be published, and a search committee created for each post to nominate up to three candidates who meet the criteria. The appointing body - whether the Minister, the Trustees, Higher Education Appointments Commission proposed above, or others - would then be required to appoint one of the nominated candidates.

Private and overseas universities

Private universities

As has been said several times previously, it is in the nation's interests that high quality and successful private universities should exist in Jordan, alongside public universities, and in due course there seems no good reason why private universities should not be subject to precisely the same regulations and controls as public universities. If good quality assurance and accreditation measures are in place, and if these are accompanied by extensive information about performance, then students

and their families should be able to make rational decisions about whether to go to higher education and which institution to attend.

However, it is sometimes said that decisions in Jordan are distorted because of the prevalence of a culture of "credentialism", whereby the possession of a diploma or certificate is more important than almost anything else. This is a reason for the control of numbers - the argument being that left to its own devices student demand would be far higher than the economy can sustain and that universities will lower standards and take students who would be better off not going to university. The argument is, in part anyway, that the state needs to exercise controls over the intakes of private universities in order to protect students from themselves.

In fact, this may be no more than a rationalization of the fact that decisions are often taken by students in ignorance of the consequences of those decisions. If potential students knew that one course of action was more likely than not to result in unemployment - or at best low-level clerical employment - following substantial cost, whereas a different course of action - for example attending a community college and a doing vocational, technician level course - was likely to lead to relatively better-paid employment, then it is quite possible that they would take the more rational course of action.

In the long-term, therefore, it should be the aim to subject private universities to largely the same controls as public universities. The Higher Education Council should grant licenses for the creation of new private universities and programs, on the same basis and applying the same criteria as public universities and so long as the universities concerned meet the requirements of the Higher Education Accreditation and Quality Council, and so long as good market information is in place to enable students to make their choices, then that should be the end of it: if the provision is of high-quality and graduates are seen to do well in the employment market, then those programs and universities that do well will thrive and grow, and those that do not will have to improve their game if they are to survive. But the competition must be fair, and not loaded against the success of private universities. The rules and requirements must be stable, and their position must not be regularly undercut by the public universities.

However, at present the conditions are not right for this, and in particular there is no confidence that private universities will behave in the national interest in their decisions on programs and admissions. Moreover, such a development would rely on two things principally: the availability of good information, including information about quality and outcomes; and economically rational behaviour on the part of students. The first will be in the hands of the Ministry and the Higher Education Council, together with the Higher Education Accreditation and Quality Council. The second is an unknown in Jordan, although in other countries behaviour is more or less rational, given the information that is available.

For the time being, therefore, the present controls should be maintained, but, as quality assurance and other information become available, they should be relaxed gradually. However, the situation should be watched carefully, and if there are signs that unsustainable demand is created, then some form of controls may need to be re-imposed.

Overseas universities

Many of the same considerations apply to overseas universities as to private universities. However, there are some additional issues that arise simply by virtue of their not being Jordanian.

Around the world, there has been a considerable increase recently of 'transnational' education – whereby a university in one country sets up a campus or a branch in another. The responses of the recipient countries have been dramatically different. Some countries such as Malaysia, Singapore and Hong Kong, which are the largest recipients of transnational education globally, have embraced these trends, as in the Arab world have the UAE and Qatar among others. These countries are competing to become regional hubs for higher education and regard higher education as an industry which can attract income from overseas students, much as a country might build up its computer industry. The philosophy of these is that if they have good universities – whether indigenous or from overseas – then that will attract students from other countries. Other countries such as South Africa, Israel, and more recently China and India also experienced a large influx of interest from foreign institutions in the 1990s but have responded with a tightened regulatory framework,

expressing concern about the quality of the provision made by overseas universities, and the impact of increased competition on their own universities.

Jordan has benefited to substantial extent from the trade in Higher Education, being a recipient of more than 20,000 overseas students, who pay substantial fees and contribute to the higher education system and to society more generally. If Jordan wishes to build on this and be recognised as a Higher Education hub for the region, then opening its doors to overseas universities - of the appropriate type - seems a logical development. There are risks in such a development. The presence of overseas universities will create more capacity, and therefore competition, and whereas competition can lead to improvement, it can also make life difficult for local universities. Nevertheless, given Jordan's existing reputation - and given the Government's ambitions as articulated by the Minister of Higher Education and Scientific Research, referred to above¹¹ - the advantages seem greater than the disadvantages, and, with appropriate safeguards, overseas universities should be encouraged. Indeed, the risk in taking a restrictive attitude is that other countries in the region which are actively encouraging overseas universities - the UAE and Qatar, for example - will succeed in taking market share from Jordan.

However, it is important to put safeguards in place. The motivation of overseas universities - even more than those of private domestic universities - is likely to be commercial, and they should be subject to strict controls - not intended to keep overseas universities out but to ensure that only those establish themselves in Jordan that will provide benefits to the country because of their high-quality and reputation, and therefore their ability to attract overseas students. Accordingly, the Higher Education Council should establish criteria for the selection of overseas universities to establish themselves in Jordan. Such institutions should meet the requirements for the registration of Jordanian private universities, and among the additional criteria might be:

¹¹ Chronicle of Higher Education October 6 2006.

- Experience in establishing overseas campuses
- A reputation for high-quality
- Financial stability and an appropriate financial plan
- Guarantees about the nature of provision
- Guarantees that the programs and qualifications they award will be equivalent to those offered in the parent institution.

Community Colleges

The review of the community colleges undertaken in 2005 by Dr Roger Pearson on behalf of the HEDP, referred to above, concluded that responsibility for the community college system should remain as one dimension of the AL-Balqa' Applied University (BAU) mandate. The BAU Law should however be amended to establish two independent education streams with independent governance, management, financing, and accountability mechanisms. This was recommended as the most viable approach, while also providing the opportunity to address deficiencies associated with the current status of community colleges in the country. The details of this proposal are at Annex D.

In March 2005, the Minister of Higher Education and Scientific Research convened a Workshop that included representatives from the MoHESR, Ministry of Planning, National Council for Human Resource Development, BAU, SETVET, HEDP, and the World Bank. This workshop reviewed the findings and recommendations of the discussion paper and there was a measure of support for this recommendation, while recognizing the need for further analysis of the implications arising and the formulation of an action plan.

Implementation of these conclusions is now in the hands of a task force that has been established to prepare and formulate specific recommendations relating to these issues, composed of representatives from public and private community colleges, local community and productive sectors, together with the concerned ministries.

ANNEX A

List of Meetings held (in date order)

Name	Position
HE Dr Khaled Toukan	Minister of Higher Education and Scientific Research
HE Dr. Munthir Masri	President., NCHRD
HE Dr.Abdulsalam Majali	Senator
Dr Mona Taji	Higher Education Development Project.
Eng Zaidoun Rashdan	Director, Higher Education Development Project
Dr. Fayez Khasawneh	Former Minister; Prof. at JUST
Dr. Nader Mryyan	Project Dir., al-Manar
Dr. Yasser al-Adwan	Yarmouk Univ.
HE Mohamad Abu Qudais	Secretary General,, MoHESR
Ms Ohud Habashneh	Assist. Secretary General, MoHESR
Eng. Sara al-Youssef	Acting Director, Accreditation Directorate, MoHESR
Dr. Maher Salim	President., Al-Ahliya Amman Univ.
Dr. Abdel-Rahim Huneity	President, Univ. of Jordan
Ms Adriana Jaramillo	Senior Education. Specialist, World Bank
Dr. Abdel-Barri al-Durra	Chair, Executive Board, International Federation of Training and Development Organisations
Dr. Usama al-Khalidi	The National Centre for Technology
Dr. Omar Rimawi	President, Al-Balqua' Applied University
Professor Munib M Saket	Vice-President, Al-Balqua' Applied University
Professor Omar Shdeifat	President, The Hashemite University
Dr.Saad Hejazi	President, Royal Scientific Society
Dr.Sulaiman Arabiat	President Mou'tah University
Dr.Abdel Salam Abbadi	President, Al Albayt University
Dr.Mohammed Sabbarini	President Yarmouk University

Dr.Zuhair Kayed	Secretary General, National Council for Population
Dr.Taleb Abu-Sharar	Accreditation Council
Dr.Hani Taba'a.	Vice-President, Hashemite University
Dr.Ruwaida Maitah	Senator

SAMPLE ARTICLES OF GOVERNMENT OF AN ENGLISH UNIVERSITY

In exercise of the powers conferred upon it by Section 125 of the Education Reform Act 1988, the higher education corporation University of the West of England, Bristol makes the following Articles of Government in accordance with which the University of the West of England, Bristol shall be conducted.

1 INTERPRETATION

(1) In these Articles words and expressions shall have the meanings ascribed to them in paragraph 1 of the Instrument of Government made by the Privy Council on 16 February 1993, and

"holders of senior posts" means the Principal, the Clerk and the holders of such other senior posts as the Board of Governors may determine and "holder of a senior post" shall be construed accordingly;

"the staff" includes both teaching and other staff of the University;

"staff governor" means a member of the Board of Governors appointed on the nomination of the Academic Board, or as a co-opted staff nominee;

"student governor" means a member of the Board of Governors appointed as a student nominee or a co-opted student nominee; and

"a students' union" means any association of the generality of students formed to further the educational purposes of the University and the interests of students as students.

2 CONDUCT OF THE UNIVERSITY

(1) The University shall be conducted in accordance with the provisions of the Education Acts 1944 to 1993, any subsequent Education Acts, any relevant regulations, orders or directions made by the Secretary of State, or by the Privy Council, and subject thereto, in accordance with the provisions of the Instrument, these Articles and any rules or bye-laws made under these Articles.

Equal Opportunities

(2) No religious, racial or political discrimination shall be exercised by the University as regards any person seeking to be admitted as a student or to hold any appointment or to obtain any academic award or to hold any other advantage or privilege. Men and women shall be equally eligible for any office or appointment in the University and for membership of any of its constituent bodies.

3 RESPONSIBILITIES OF BOARD OF GOVERNORS, PRINCIPAL AND ACADEMIC BOARD

The Board of Governors

(1) The Board of Governors shall be responsible for:

- (a) the determination of the educational character and mission of the University and for oversight of its activities;
- (b) the effective and efficient use of resources, the solvency of the University and the Corporation and for safeguarding their assets;
- (c) approving annual estimates of income and expenditure;
- (d) the appointment, assignment, grading, appraisal, suspension, dismissal and determination of the pay and conditions of service of the holders of senior posts;
- (e) setting a framework for the pay and conditions of service of all other staff.

The Principal

(2) Subject to the responsibilities of the Board of Governors, the Principal shall be the chief executive of the University, and shall be responsible for:

- (a) making proposals to the Board of Governors about the educational character and mission of the University, and for implementing the decisions of the Board of Governors;
- (b) the organisation, direction and management of the University and leadership of the staff;
- (c) the appointment, assignment, grading, appraisal, suspension, dismissal, and determination - within the framework set by the Board of Governors - of the pay and conditions of service of staff other than the holders of senior posts;
- (d) the determination, after consultation with the Academic Board, of the University's academic activities, and for the determination of its other activities;
- (e) preparing annual estimates of income and expenditure, for consideration by the Board of Governors, and for the management of budget and resources, within the estimates approved by the Board of Governors; and
- (f) the maintenance of student discipline and, within the rules and procedures provided for within these Articles, for the suspension or expulsion of students on disciplinary grounds and for implementing decisions to expel students for academic reasons.

Academic Board

(3) Subject to the provisions of these Articles, to the overall responsibility of the Board of Governors, to the responsibilities of the Principal, and to any requirements of bodies which the University has invited to validate or accredit any part of its work, the Academic Board shall be responsible for:

- (a) general issues relating to the research, scholarship, teaching and courses at the University, including criteria for the admission of students; the appointment and removal of internal and external examiners; policies and procedures for assessment and examination of the academic performance of students; the content of the

curriculum; academic standards and the validation and review of courses; the procedures for the award of qualifications and honorary academic titles; and the procedures for the expulsion of students for academic reasons;

(b) considering the development of the academic activities of the University and the resources needed to support them and for advising the Principal and the Board of Governors thereon; and

(c) advising on such other matters as the Board of Governors or the Principal may refer to the Academic Board.

(4) The Academic Board may establish such committees as it considers necessary to enable it to carry out its responsibilities provided that each establishment is first approved by the Principal and the Board of Governors. The number of members of any such committee and the terms on which they are to hold and vacate office shall be determined by the Academic Board.

4 ACADEMIC BOARD

(1) There shall be an Academic Board of no more than 40 members, comprising the Principal (who shall be Chairman) and such other numbers of staff and students as may from time to time be approved by the Board of Governors. The Principal may nominate a Deputy Chairman from among the members of the Academic Board to take the chair in his or her place. The period of appointment of members and the selection or election arrangements shall be subject to the approval of the Board of Governors.

(2) The Board of Governors shall approve a scheme regulating the appointment, election and co-option of various categories of staff and students to the Academic Board. The scheme shall comply with the following requirements:

(a) half of the total membership of the Board shall be appointed from amongst the following categories of individuals with primarily executive and managerial responsibilities: the Principal; Deputy and Assistant Principals; Heads of academic and related planning and budgetary units; and the holders of any equivalent and primarily academic executive posts;

(b) the remaining members shall comprise any non-executive Chairs of Faculty Boards together with other staff or students;

(c) staff or students in category (b) shall be elected in accordance with the provisions of the scheme or shall be co-opted by the other members of the Academic Board from such categories of staff or student as may be laid down in the scheme;

(d) the period of appointment shall be determinable by reference to the scheme.

5 DELEGATION OF FUNCTIONS AND COMMITTEES

(1) Subject to the following provisions of this Article, the Board of Governors may establish committees for any purpose or function, other than those assigned elsewhere in these Articles to the Principal or to the Academic Board, and may delegate powers to such committees or to the Chairman of the Board of Governors or to the Principal.

(2) The Board of Governors shall establish a committee or committees to determine or advise on such matters relating to employment policy or finance as the Board of Governors may remit to them. The members of the committee or committees shall be drawn from the Board of Governors other than staff or student governors.

(3) The Board of Governors shall not, however, delegate the following:

- the determination of the educational character and mission of the University;
- the approval of the annual estimates of income and expenditure;
- ensuring the solvency of the University and the Corporation and the safeguarding of their assets;
- the appointment or dismissal of the Principal; or
- the varying or revoking of these Articles.

(4) The Board of Governors may establish a body to be known as the Court, and appoint a Chancellor to preside over the Court. The terms of reference and membership of the Court shall be determined from time to time by the Board of Governors.

6 APPOINTMENT OF CLERK TO THE BOARD OF GOVERNORS

(1) The Board of Governors shall appoint a Clerk to act as secretary to the Board of Governors.

7 APPOINTMENT OF MEMBERS OF THE CORPORATION

(1) Subject to the provisions of the Instrument of Government, all appointments as members of the Corporation shall be determined at an ordinary or special meeting of the Corporation by a vote representing an absolute majority of all the members of the relevant appointing authority, except that no appointment of an independent member of the Corporation by the Corporation shall be made unless the appointment has been approved by the current independent members of the Corporation. Votes may be cast by post or in person provided that the notice convening the meeting at which any appointment is proposed gave notice of the ballot and of the candidates. Voting shall in all cases be by secret ballot which shall be conducted by the Clerk in accordance with arrangements approved by the Board of Governors. Members entitled to vote may appoint proxies from among the other members of the Corporation so entitled, if they are unable to attend a meeting at which a ballot is to take place.

(2) Subject to the provisions of the Instrument of Government, the Board of Governors may make bye-laws or rules governing period of office, eligibility for appointment as a governor, determination of office and resignation of office as a governor.

(3) Every vacancy shall as soon as possible after it occurs be notified by the Clerk to the appointing authority, which shall thereupon be entitled to appoint a governor to fill the vacancy. A governor appointed to fill a casual vacancy shall hold office only for the unexpired term of office of the governor in whose place he or she is appointed.

8 PROCEDURES FOR MEETINGS

(1) The Board of Governors shall at its first meeting, and thereafter at the first ordinary meeting following the expiry of each academic year, elect or confirm in office a Chairman and a Deputy Chairman, each of whom shall normally hold office for a period of three years and shall be eligible for re-election. In the absence of the Chairman and Deputy Chairman the Board of Governors shall elect one of their number to preside as Chairman for the duration of the meeting.

(2) If a vacancy shall occur in the office of Chairman or Deputy Chairman, the Board of Governors shall elect a new Chairman or Deputy Chairman as the case may be to serve for the unexpired term of the period of office for which the previous holder of that office was appointed. Nothing in this Article shall preclude the Board of Governors from appointing one of their number as acting Chairman for a period pending an appointment of Chairman for the unexpired term of the period of office.

(3) Any power, duty or other responsibility which is expressed in these Articles to be exercisable by the Chairman may, in the absence or incapacity through illness of the Chairman, be exercised by the Deputy Chairman or by an Acting Chairman if one is appointed.

(4) The quorum for meetings of the Board of Governors shall for so long as its total membership is determined to be 24 or 25 members be 10 members of whom 6 shall be independent members. If a meeting is quorate, but less than half the members present are independent members, a majority of the independent members present shall be able to require that a decision be deferred to the next meeting. No decision shall be deferred more than once under this provision. The quorum shall be re-considered if the total membership is re-determined and reduced.

(5) Members of the Board of Governors shall not be bound in their speaking and voting by mandates given to them by other bodies or persons, except where acting as a proxy for another member.

(6) Any governor having any pecuniary, family or other personal interest, whether direct or indirect, in any contract or other matter to be discussed at a meeting at which he or she is present, shall as soon as practicable disclose the fact of his or her interest to the meeting. Such a governor shall not take part in the discussion of or vote on any question with respect to that contract or other matter and shall withdraw from the meeting for that item of business unless invited to remain by a resolution carried by a majority of the other governors present. A governor shall not be treated as having a pecuniary interest in a matter by reason only of his or her being a member of the staff or a student at the University if his or her interest is no greater than that of any other member of staff or student.

(7) If a majority of the other governors present at the meeting so resolve (or in the case of a committee of the Board of Governors if a majority of the governors present at the meeting so resolve), any or all staff or student governors (or staff or student members of the committee), as may be specified, shall withdraw from that part of any meeting of the Board of Governors, or of any committee of the Board, at which there is consideration of the conditions of service, the appointment or promotion, suspension or dismissal of any named or identifiable present or prospective member of the staff or a student. The Principal, staff and student governors shall withdraw from any meeting or part thereof where matters relating specifically to the Principal's

own employment are under discussion unless specifically invited by a majority of the other governors present to remain.

(8) Ordinary meetings of the Board of Governors shall be held at such times as may from time to time be thought fit by the Board provided that in each year not less than three ordinary meetings shall be held, one in each academic term.

(9) A special meeting may at any time be summoned by direction of the Board of Governors or the Chairman or at the request in writing of such governors as would constitute a quorum at that meeting. No business shall be transacted at any special meeting other than business specified in the notice summoning the meeting and any business incidental thereto. Any such meeting shall be convened by the Clerk within 15 clear days of receiving the direction or the request.

(10) Every meeting, whether ordinary or special or adjourned, shall be summoned by notice in writing delivered or addressed and posted to each governor stating the place, day and hour of the meeting and the business to be transacted. In each case such notice shall be served five clear days before the date of the meeting. In the case of a notice having been posted, notice shall be deemed to have been served at the expiry of two clear days after the posting thereof and in proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and sent by first class post to the address in the UK last advised to the Clerk by each governor.

(11) The convening of and proceedings of the Board of Governors shall not be invalidated by any vacancy in the number of the governors or by any defect then unknown in the election, appointment or qualification of any governor or by any accidental want of service of a notice of the meeting on or the non-receipt of a notice of a meeting by any governor.

(12) Agenda, draft minutes approved by the Chairman, signed minutes, and reports and papers considered by the Board of Governors and its committees shall be available for inspection by students and staff as soon as practicable immediately following the relevant meeting, except where such material relates to named or identifiable present or prospective members of staff or students, or to matters which the Board of Governors or any committee thereof, as appropriate, are satisfied should be dealt with on a confidential basis. Arrangements for such inspection shall be the responsibility of the Clerk.

(13) The members present at an otherwise validly called and quorate meeting of the Board of Governors may by a majority vote waive the other provisions of these Articles as to notice of that meeting provided they are reasonably satisfied that all governors have received the summons (in the case of an adjourned meeting, the summons to the original meeting) and have had the opportunity of attending the meeting (in the case of an adjourned meeting, the opportunity of attending the original meeting).

9 APPOINTMENT AND PROMOTION OF STAFF

(1) Each member of staff shall serve under a contract of employment with the Corporation.

(2) Upon the occurrence of a vacancy or expected vacancy for the post of Principal, the post shall be advertised nationally.

(3) A framework shall be established and approved by the Board of Governors for determining procedures relating to the appointment and promotion of various categories of staff.

10 CONDUCT OF STAFF

(1) After consultation with the staff, the Board of Governors shall make rules relating to the conduct of the staff.
Academic Freedom

(2) In making rules under Article 10 (1), the Board of Governors shall have regard to the need to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy or losing their jobs or any privileges they may have at the University.

11 SUSPENSION AND DISMISSAL OF STAFF

Suspension

(1) The Chairman of the Board of Governors or, in the absence of the Chairman, the Deputy Chairman, may suspend from duty, with pay, the holder of a senior post for misconduct or other good and urgent cause. The Chairman or Deputy Chairman shall report such suspension in writing to the Board of Governors within two working days or as soon thereafter as practicable.

(2) The Principal may suspend from duty, with pay, any member of the staff other than the holder of a senior post for misconduct or other good and urgent cause.

(3) Anyone who is suspended from duty under Articles 11 (1) or 11 (2) shall be entitled to receive from the Principal, or in the case of the holders of senior posts from the Chairman or Deputy Chairman of the Board of Governors, written notification of the suspension, setting out the grounds on which the decision to suspend has been taken.

(4) Procedures for the suspension of staff under Articles 11 (1) or 11 (2) shall be specified in rules made by the Board of Governors after consultation with the staff. The rules shall include provision that:

(a) any person who has been under suspension for three weeks or more may appeal in writing to the Board of Governors against the suspension, save that no such right of appeal shall lie if the person is the subject of a reference to a Special Committee under Article 11 (5) or of a notification from the Principal under Article 11 (12);

(b) any appeal made under 11 (4) (a) shall be considered as soon as practicable; and

(c) a suspension against which an appeal is made shall continue to operate pending the determination of the appeal.

Dismissal

(i) Holders of senior posts including the Principal and the Clerk

(5) If the Chairman of the Board of Governors, or in his absence the Deputy Chairman, or a majority of the members of the Board of Governors consider that it may be appropriate for the Board of Governors to dismiss the holder of a senior post, the Chairman, Deputy Chairman or the Board of Governors as appropriate shall refer the matter to a Special Committee of the Board of Governors, which shall be convened as soon as possible to examine the facts, otherwise investigate the ground for dismissal and to make a report to the Board of Governors.

(6) The person whose dismissal is to be considered by the Special Committee shall have the right to make representations to the Committee, including oral representations, for which purpose he or she may be accompanied and represented by a friend.

(7) The Special Committee shall prepare a written report for consideration by the Board of Governors, a copy of which shall be sent to the person to whom it relates. The report shall set out the facts relating to the case and any considerations which the committee considers should be taken into account in the Board of Governors' consideration of the matter. The report should not contain recommendations as to the decision to be taken by the Board of Governors.

(8) The Board of Governors shall consider the report of the Special Committee and take such action as it considers appropriate, which may include the dismissal of the person concerned. The person concerned shall have the right to make representations to the Board of Governors, including oral representations, for which purpose he or she may be accompanied and represented by a friend.

(9) The Special Committee shall consist of not less than five members of the Board of Governors. The Chairman of the Board of Governors, the Deputy Chairman and the Principal shall not be eligible for membership of the Special Committee.

(10) The Board of Governors shall make rules specifying procedures for the conduct of the Special Committee and other aspects of the procedure set out in Articles 11 (5) to 11 (9).

(ii) Other Members of Staff

(11) The Principal may dismiss any member of the staff other than the holder of a senior post and if the circumstances are such that he is entitled to do so by virtue of the conduct of that member of staff, that dismissal may take immediate effect without any need for prior notice.

(12) Where the Principal proposes to dismiss such a member of staff and the circumstances described in Article 11(11) do not prevail he or she shall notify the member of staff concerned of that proposal. That staff member shall be given an opportunity to make representations to the Principal (including oral representations, for which purpose the staff member may be accompanied and represented by a friend) before any decision to dismiss is taken by the Principal.

(13) Where a staff member has been dismissed pursuant to Article 11(11) or a decision to dismiss has been taken pursuant to Article 11(12) that staff member may appeal against the dismissal or decision, as the case may be, to the Board of Governors. In the case of an appeal against a decision to dismiss, the dismissal shall not take effect until the appeal has been determined.

(14) Procedures for the dismissal of staff by the Principal and for the consideration of appeals against dismissals shall be specified in rules made by the Board of Governors after consultation with staff. The rules should include rights of representation.

12 GRIEVANCE PROCEDURES

(1) After consultation with the staff the Board of Governors shall make rules specifying procedures according to which staff may seek redress of any grievances relating to their employment.

13 STUDENTS

(1) A students' union shall conduct and manage its own affairs and funds in accordance with a constitution approved by the Board of Governors and shall present audited accounts annually to the Board of Governors. No amendment to or rescission of that constitution, in part or in whole, shall be valid unless and until approved by the Board of Governors. The union shall not be deemed to be part of the University, or to act for or on behalf of or otherwise as agent for, or in partnership with the University, except in so far as the University may from time to time agree. Such agreement may be general or confined to particular circumstances, occasions or purposes, and may be evidenced only by writing under the hand of a person duly authorised for that purpose by the University.

(2) The Board of Governors shall ensure that students have appropriate opportunities to raise matters of proper concern to them at all levels in the University and shall publish and may from time to time revise procedures to be followed to that end.

(3) The Board of Governors, after consultation with the Academic Board and representatives of the students, shall make rules with respect to the conduct of students, including procedures for suspension and expulsion.

(4) In exercise of their responsibilities under Article 3 (3) (a), the Academic Board, after consultation with the Board of Governors and representatives of the students, shall determine procedures for the expulsion of a student for an unsatisfactory standard of work or other academic reason.

14 FINANCIAL MATTERS

Fees

(1) The Board of Governors shall determine the tuition and other fees payable to the Corporation (subject to any terms and conditions attached to grants, loans or other payments paid or made by the appropriate Higher Education Funding Council).

Accounts Estimates and Audit

(2) The Board of Governors shall keep accounts and records, and appoint auditors in accordance with the provisions of the Act.

(3) Annual estimates of income and expenditure shall be prepared by the Principal for the consideration and approval of the Board of Governors.

15 RULES AND BYE-LAWS

(1) The Board of Governors shall have power to make rules and bye-laws concerning such matters with regard to the Government and conduct of the University as it shall think fit. Such rules and bye-laws shall be subject to the provisions of these Articles.

16 COPIES OF ARTICLES, RULES AND BYE-LAWS

(1) A copy of these Articles, and any rules or bye-laws, shall be given to every governor and shall be available for inspection upon request to every member of staff and every student.

17 AMENDMENT OF ARTICLES

(1) These Articles may be amended or replaced by a resolution of the Corporation either with the approval of the Privy Council or as required by the Privy Council, after consultation with the Corporation, in accordance with Section 125 of the Act.

18 DATE OF ARTICLES

(1) These Articles shall come into operation on 14 July 1997.

SAMPLE INSTUMENT OF GOVERNMENT OF ENGLISH UNIVERSITIES

At the Council Chamber, Whitehall

THE 16th DAY OF FEBRUARY 1993

**BY THE LORDS OF HER MAJESTY'S MOST HONOURABLE
PRIVY COUNCIL**

WHEREAS section 124A(3) and (4) of the Education Reform Act 1988(a) (hereinafter referred to as "the Act") provide that the Privy Council may by Order make an instrument of government of any higher education corporation with respect to which Schedule 7 to the Act has effect, and that the said instrument of government shall comply with the requirements of Schedule 7A to the Act and may make any provision authorised to be made by the said Schedule 7A and such other provision as may be necessary or desirable:

AND WHEREAS the University of the West of England, Bristol Higher Education Corporation is a higher education corporation with respect to which the said Schedule 7 has effect:

NOW, THEREFORE, Their Lordships, in exercise of the powers conferred on Them by the said section 124A(3) are pleased to, and do hereby, make an instrument of government for the University of the West of England, Bristol Higher Education Corporation as set out in the Schedule to this order, which shall come into force forthwith.

N H Nicholls

SCHEDULE

INSTRUMENT OF GOVERNMENT REFERRED TO IN THE FOREGOING ORDER

1 INTERPRETATION

(1) In this Instrument, the following words and expressions shall have the meanings indicated in this paragraph -

-
- "the Act" means the Education Reform Act 1988 as amended from time to time;
 - "the Corporation" means the University of the West of England, Bristol Higher Education Corporation;
 - "the Board of Governors" means the members of the Corporation;
 - "the University" means the University of the West of England, Bristol conducted by the Corporation;
 - "the Principal" means the Vice-Chancellor of the University;
 - "the Academic Board" means the Academic Board of the University constituted in accordance with the Articles;
 - "the Instrument" means the Instrument of Government of the Corporation;

- "the Articles" means the Articles of Government in accordance with which the University is conducted;
- "the Clerk" means the person appointed to the office of the Clerk to the Board of Governors under the Articles;
- "the Secretary of State" means the Secretary of State for Education; and
- "the appointing authority" means the Corporation unless otherwise specified.

(2) References in this Instrument, in relation to the Board of Governors, to a variable category of members are references to any category of members in relation to which the number applicable in accordance with paragraph 3 below is subject to variation.

2 NAME OF THE CORPORATION

- (1) The Board of Governors may, by resolution, change the name of the Corporation, with the consent of the Privy Council.

3 MEMBERSHIP OF THE BOARD OF GOVERNORS

- (1) The Board of Governors shall consist of:

(a) not less than twelve and not more than twenty-four members appointed in accordance with the following provisions; and

(b) the Principal, unless he chooses not to be a member.

- (2) Of the appointed members:

(a) up to thirteen shall be independent members;

(b) up to two may be teachers at the University nominated by the Academic Board and up to two may be students of the University nominated by the students thereof; and

(c) at least one and not more than nine shall be co-opted members nominated by the members of the Board of Governors who are not co-opted members.

- (3) Independent members shall be persons appearing to the appointing authority to have experience of, and to have shown capacity in, industrial, commercial or employment matters or the practice of any profession.

- (4) The co-opted member required by sub-paragraph 3(2)(c) above shall be a person who has experience in the provision of education.

- (5) A person (other than a person appointed in pursuance of sub-paragraph 3(2)(b) above) who is -

(a) employed at the University (whether or not as a teacher);

(b) a full-time student at the University; or

(c) an elected member of any local authority,

is not eligible for appointment as a member of the Board of Governors otherwise than as a co-opted member.

- (6) For the purposes of this paragraph, a person who is not for the time being enrolled as a student at the University shall be treated as such a student during any period when he has been granted leave of absence from the University for the purposes of study or travel or for carrying out the duties of any office held by him in the students' union at the University.
- (7) It shall be for the appointing authority to determine any question as to whether any person is qualified in accordance with the preceding provisions of this paragraph for appointment as a member of the Board of Governors of any description or category.

4 DETERMINATION OF MEMBERSHIP NUMBERS

- (1) The Board of Governors shall make a determination with respect to their membership numbers.
- (2) Such a determination shall fix the number of members of each variable category of which the Board of Governors are to consist, subject to the limits applicable in relation to that category in accordance with paragraph 3(2) above.
- (3) In making such a determination, the Board of Governors shall secure that at least half of all the members of the Board of Governors, when constituted in accordance with the determination, will be independent members.
- (4) Such a determination shall not have effect so as to terminate the appointment of any person who is a member of the Board of Governors at the time when it takes effect.
- (5) Such a determination may be varied by a subsequent determination.

5 APPOINTMENT OF MEMBERS OF THE BOARD OF GOVERNORS

- (1) Subject to the provisions of section 124C of the Act, no appointment of members of the Board of Governors may be made before the first determination of the membership in accordance with paragraph 4(1) above takes effect.
- (2) The Board of Governors are the appointing authority in relation to the ~~appointment of any member of the Board of Governors other than an independent member.~~
- (3) Where an appointment of an additional independent member of the Board of Governors falls to be made in consequence of a determination in accordance with paragraph 4 above, the appointing authority in relation to the appointment -
 - (a) shall be the Board of Governors if the appointment is made within the period of three months beginning with the date of the determination; or
 - (b) if the appointment is not made within that period, shall be the current independent members of the Board of Governors.

- (4) Where a vacancy in the office of an independent member of the Board of Governors arises on any existing independent member ceasing to hold office on the expiry of his term of office -
- (a) his successor shall not be appointed more than six months before the expiry of that term; and
 - (b) the appointing authority in relation to the appointment of his successor-
 - (i) shall be the Board of Governors if the appointment is made not less than three months before the expiry of that term; or
 - (ii) if the appointment is not so made, shall be the current independent members of the Board of Governors.
- (5) Where a vacancy in the office of an independent member of the Board of Governors arises on the death of any such member or on any such member ceasing to hold office in accordance with the Instrument, the appointing authority in relation to the appointment of his successor -
- (a) shall be the Board of Governors if the appointment is made within the period of three months beginning with the date of death or the date on which the office becomes vacant (as the case may be); or
 - (b) if the appointment is not made within that period, shall be the current independent members of the Board of Governors.
- (6) No appointment of an independent member of the Board of Governors by the Board of Governors in accordance with sub-paragraph 5(3)(a), 5(4)(b)(i), and 5(5)(a) above shall be made unless the appointment has been approved by the current independent members of the Board of Governors.
- (7) If the number of independent members of the Board of Governors falls below the number needed in accordance with the Articles of Government for a quorum, the Secretary of State is the appointing authority in relation to the appointment of such number of independent members as is required for a quorum.

6 TENURE OF OFFICE OF MEMBERS OF THE BOARD OF GOVERNORS

- (1) The Board of Governors shall determine the period of office of members in each of the variable categories set out in paragraph 3(2) above. Such members shall hold and vacate office in accordance with the terms of their appointment and shall, on ceasing to be a member on completion of their period of office, be eligible for reappointment.
- (2) A member of the Board of Governors may at any time by notice in writing to the Clerk resign his office, which will thereupon become vacant from the date of receipt of the notice or date of resignation specified therein whichever shall be the later.
- (3) If at any time the Board of Governors are satisfied that any member of the Board of Governors -

- (a) has been absent from meetings of the Board of Governors for a period of twelve months without the permission of the Board of Governors; or
 - (b) is unable or unfit to discharge the functions of a member, the Board of Governors may by notice in writing to that member remove him from office; and thereupon the office shall become vacant.
- (4) Where a member of the Board of Governors appointed as an Academic Board nominee or a student nominee, or a member of staff or student appointed as a co-opted member of the Board of Governors, ceases before the end of his period of office to be a member of staff or a student of the University, as the case may be, his office shall thereupon become vacant.

7 OFFICERS OF THE CORPORATION

- (1) The Board of Governors shall appoint from among their members a Chairman and any other officers which the Board may determine.

8 COMMITTEES

- (1) The Board of Governors may establish committees and permit such committees to include persons who are not members of the Board of Governors.

9 ALLOWANCES

- (1) The Board of Governors shall determine any allowances to be paid to members of the Board of Governors.

10 SEAL OF CORPORATION

- (1) The application of the seal of the Corporation shall be authenticated by the signature of the Chairman of the Board of Governors or some other member authorised generally or specially by the Board of Governors to act for that purpose together with that of any other member of the Board of Governors.
- (2) The Corporation Seal shall be held under secure arrangements by the Clerk.

11 COPIES OF INSTRUMENT OF GOVERNMENT

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- (1) Copies of the Instrument of Government shall be provided to each member of the Board of Governors.

**Extract from a "White Paper Relating to Further Development of the
Community College System in Jordan "**

Recommended option on Governance

Responsibility for the community college system would remain as one dimension of the BAU mandate. The BAU Law would however be amended to establish two independent education streams with independent governance, management, financing, and accountability mechanisms. This latter option is recommended as the most viable, while also providing the opportunity to address deficiencies associated with the current status of community colleges in the country.

Implementation of this model would be achieved through implementation of the following steps:

1. MHESR and the TEVET Council would establish a policy agenda for the Community College system identifying specific outcomes to be achieved within a five-year period.
2. A core policy goal would require colleges to adopt an exclusive focus on the delivery of employer linked diploma level programs, contract training, and continuing education during the five-year period.
3. BAU would continue to be responsible for the community college system but the BAU Law would be amended to establish independent university and community college governance and management systems, linked at those points necessary to maintain coordination
4. The BAU Board of Trustees would remain, and be constituted in a manner that best served the interests of the university stream of programs.
5. The amended BAU law would include provision for the establishment of an independent Community College Board of Directors. The Chair of the CC Board of Directors would also sit as an ex-officio member of the BAU Board of Trustees. CC Board members would include an appropriate balance of representation from the academic and productive sector communities. The BAU President would sit as a member of this Board. The Community College Board of Directors would be given a mandate to ensure the achievement of policy goals established by MHESR and the TEVET Council. The CC Board would also ensure fiduciary responsibility in the use of public funds and the appointment of an executive management team.
6. The CC Board of Directors would appoint an Executive Director, Deputy Director and Director of Finance and Administration for the Community College system, ensuring an appropriate balance of academic and productive sector experience. Terms of reference for these appointees would reflect the responsibilities and accountabilities relative to achievement of the assigned policy goals.
7. Government would assign an independent budget for operation of the community college system and introduce performance based budgeting practices.

8. The Executive management team would establish a Community College Deans Council with a mandate to undertake national level planning and coordination of activities designed to achieve established policy goals. In the interests of coordination, the BAU President would sit as a member of the Community College Deans Council, and the CC Executive Director would sit as a member of the BAU Deans Council
9. The regulatory regime surrounding the organization and management practices of the community college system would be reviewed and amended to enable a level of decentralization that would ensure coordination at the national level while promoting responsiveness and relevance at the individual college level.
10. Other characteristics of the community college system and the associated operational practices would be amended to conform with those outlined earlier in this document.

While it is recognized that the foregoing recommendation would incur legal, regulatory, and administrative challenges during the adjustment period, it is perceived that the resultant structure would be better aligned with current government objectives relating to human capital development, together with efficiency and accountability in the use of public funds.