

Autonomy and Accountability

Who Controls Academe?

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If a college or university is effectively to define its purposes and select or invent the means of attaining them, it must have a high degree of autonomy. Bowen has observed that the "production process" in higher education is far more intricate and complicated than that in any industrial enterprise.¹ Turning resources into human values defies standardization. Students vary enormously in academic aptitude, interests, intellectual dispositions, social and cultural characteristics, educational and vocational objectives, and many other ways. Furthermore, the disciplines and professions with which institutions of higher learning are concerned require diverse methods of investigation, intellectual structures, means of relating methods of inquiry and ideas to personal and social values, and processes of relating knowledge to human experience. Learning, consequently, is a subtle process, the nature of which may vary from student to student, institution to institution, discipline to discipline, one scholar or teacher to another, and one level of student development to another. The intricacy and unpredictability of both learning and investigation require a high degree of freedom from intellectually limiting external intervention and control if an institution of higher education is to perform effectively.

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These characteristics of colleges and universities have led Etzioni to make a distinction between *administrative* and *professional* authority.² This distinction has important implications for understanding the tensions between the concepts of autonomy and accountability in higher education. The primary expertise in higher education is possessed by the faculty, the base of the organizational pyramid. A physics professor does not presume to tell a history or business professor what to teach and research. In a business firm, however, those in the central leadership typically possess the primary knowledge needed to instruct those making the product, or providing the service, about how it should be done. Unfortunately, this distinction commonly is not understood nor, perhaps, appreciated by public officials who are more familiar with the administrative concept of organizational coordination and control and who believe that direct bureaucratic intervention can, or should be able to, effectively alter academic practices in institutions. These distinctions have been best expressed by Etzioni, who contrasts decision-making authority in organizations where the workforce is primarily composed of professionals with those where the primary workforces possess less complex skills: "Administration assumes a power hierarchy. Without a clear ordering of higher and lower in rank, in which the higher in rank have more power than the lower ones and hence can control and coordinate the latter's activities, the basic principle of administration is violated; the organization ceases to be a coordinated tool. However, knowledge is largely an individual property; unlike other organization means, it cannot be transferred from one person to another by decree. Creativity is basically individual and can only to a very limited degree be ordered and coordinated by the superior in rank." He then concludes that, in organizations made up of professionals, "the surgeon has to decide whether or not to operate. Students of the professions have pointed out that the autonomy granted to professionals who are basically responsible to their consciences (though they may be censured by their peers and in extreme cases by the courts) is necessary for effective professional work. It is this highly individualized principle which is diametrically opposed to the very essence of the organizational principle of control and coordination by superiors—i.e., the principle of administrative authority."

Autonomy and Academic Freedom

On first thought, one might identify academic freedom with autonomy. Certainly a high degree of intellectual independence is necessary for faculty and students

in choosing their subjects of study and investigation, searching for the truth without unreasonable or arbitrary restrictions, and expressing scholarly conclusions without censorship. Some forms of external control—or even subtle efforts to influence teaching, learning, or research—may endanger intellectual freedom. However, academic freedom and university autonomy, though related, are not synonymous. Academic freedom as a concept is universal and absolute, whereas autonomy is, of necessity, parochial and relative.

Presumably, state boards of higher education designating the missions of sectors or particular institutions after appropriate studies and consultation would not be an unwarranted invasion of autonomy. But specifying the content of academic programs, academic organization, the curriculum, and methods of teaching in order to attain designated missions is likely to be considered unjustified intervention. A coordinating or governing board might phase out a doctoral program at a particular campus (after appropriate study and consultation) without an unwarranted invasion of institutional autonomy or a violation of academic freedom. The federal government might impose antidiscrimination procedures in admitting students or appointing and promoting faculty members without interfering unjustifiably in academic affairs, provided the means do not make unreasonable demands on the institutions or violate the necessary confidentiality of records. If appropriate safeguards are followed, no invasion of academic freedom need be suffered.

Requirements for accountability may impose onerous procedures on an institution, but even these restraints may not endanger academic freedom. Whether restrictions on DNA research put an undesirable limit on the choice of problems for investigation remains a controversial issue. In this case, cultural norms and public protection are asserted to justify some interventions that seem to infringe on academic freedom. Less controversial are restrictions placed on researchers to protect human and animal subjects. The absence of external controls does not guarantee academic freedom, and certain elements of external control do not endanger intellectual independence, but an institution's right to mobilize its intellectual resources and, within reasonable limits, even its financial resources toward the attainment of its agreed-upon purposes is at least strongly fortified by a relatively high degree of autonomy.³

The Nature of Accountability

Zumeta, in an excellent review of accountability in higher education, notes that institutions historically were viewed "as necessarily freewheeling and unconstrained."⁴ He quotes Martin Trow, saying they "were treated with unusual deference by their state sponsors, who were often content to 'leave the money on the stump' with few questions asked." Today, however, Zumeta observes that colleges and universities face unprecedented external demands, and that "this shift in states' expectations and relations with colleges and universities is significant not only for academe's own interests but . . . for important societal values."

Growing external demands on institutions have produced conflicting concepts of how to maintain institutional accountability. Some states have reduced some substantive and procedural controls on institutions, usually to encourage market forces that are expected to promote consumer interests and innovation, while others have strengthened administrative controls. In some cases, states have reduced financial, personnel, procurement, and other direct procedural controls while imposing less-direct substantive and procedural controls by mandating accountability, quality assessment, and performance budgeting processes. There is a vigorous debate over what mix of market incentives and administrative controls are appropriate and effective to assure that institutions meet their public responsibilities. Both administrative controls and marketplace pressures can restrict institutions' autonomy, but they generally prefer accommodating the more diverse pressures of the marketplace over the centralized imposition of administrative controls. A delicate balance is required between an unregulated marketplace and expensive and stultifying government-imposed administrative controls.

Shulock observes that "the meaning of accountability has evolved as new models of public management have emerged in the last fifteen years. The older view emphasizes accountability for sound fiscal management and following rules. The newer view emphasizes outcomes and argues that public managers should be given flexibility to produce the desired outcomes with minimal oversight of how funds were allocated or what methods were used—a kind of oversight viewed as micromanagement."⁵ She also points out that accountability and assessment of student learning are not the same: "State-level accountability is about the effectiveness of our institutions and public policies, collectively, in meeting the educational needs of the citizens of the state; it is not about assessing the effectiveness

of each institution or providing consumer information to support the private choices of citizens" (emphasis in original).

Financial austerity causes legislatures, state coordinating boards, and even consolidated governing boards to look more critically at institutional roles, the availability and distribution of functions and programs, effectiveness, and educational and operational costs. As the federal government extends support for higher education, it prohibits discrimination in the admission of students and the appointment and promotion of faculty members. The public at large has become more conscious of its institutions of higher education. States and localities are more demanding in terms of education and service, more critical of what they perceive institutions to be doing, and more vocal in expressing their criticisms and desires. Public institutions, always answerable to the general interest, can no longer avoid defending what they do or do not do. They increasingly have to explain themselves, defend their essential character, and demonstrate that their service is worth the cost. They will become increasingly answerable (i.e., accountable) to numerous constituencies for the range of their services and the effectiveness of their performance.

Institutions are accountable to a variety of clients, in addition to government agencies. They serve the business community, students and their parents, and not-for-profit organizations. Nor is accountability confined to an institution's external relationships. Internally, a college or university is a complex of mutual responsibilities and reciprocal pressures for accountability, with a wide variety of ongoing and periodic performance assessments. As Etzioni points out, professionals have a primary accountability to their peers for the quality and integrity of their efforts.⁶ These include not only the peers at their institutions, but also those in their disciplines and professional fields nationally and, increasingly, internationally. External accountability to peers is accomplished largely through processes such as accreditation, peer review of manuscripts for publication, and peer review of research proposals. Important as these bases of accountability are, this chapter is nonetheless devoted to a discussion of accountability to external agencies.

In this environment of increasing demands for accountability, intellectual freedom in colleges and universities generally has maintained widespread public and governmental support, although occasionally governmental officials attempt to sanction academics who express unpopular views or criticize government policies. Also, some institutions have abolished tenure, thus potentially inhibiting faculty expression of unpopular views.

Accountability to the Public

Ultimately, public institutions of higher education are broadly answerable to the people who support them. After California voters previously failed to approve a state bond issue providing large sums for the construction of medical school facilities and gave other evidences of disaffection, the then president of the University of California recognized the ultimate public accountability of the university. "Make no mistake," he said to the Assembly of the Academic Senate, "the university is a public institution, supported by the people through the actions of their elected representatives and executives. They will not allow it to be operated in ways which are excessively at variance with the general public will. By various pressures and devices, the university will be forced to yield and to conform if it gets too far away from what the public expects and wants."⁷

At one time, people were relatively remote from their public institutions, but citizens now find their future economic, social, and cultural lives increasingly influenced, and in some cases virtually determined, by their colleges and universities. Consequently, public institutions have had to become responsive to a wider range of economic interests and a more diverse pattern of ethnic and cultural backgrounds and aspirations. Minority groups are pressing for financial assistance, remedial programs when necessary for admission or the attainment of academic standards, and academic programs that will meet their interests and perceived needs. Just as interest groups have pressed the university to provide the services they believe they need, students have organized to promote their interests. Over the years, many colleges and universities have responded to that student market by establishing new vocational and professional programs of study, and most institutions are struggling to redistribute faculty, equipment, and resources as students shift from liberal arts courses to vocational and professional curricula.

Serving the public interest is a complicated process; institutions have diverse missions and serve a variety of student and public interests. Accountability is further complicated by a question of which interests should be served and which ones should be put aside by institutions with differing missions. The interests to be served by an institution are determined through both external and internal political processes, resulting in complex compromises and the accommodation of many, often conflicting, objectives. As a consequence, accountability, which implies agreed-upon purposes and objectives, has significant political as well as

technical dimensions. Many attempts to institute accountability processes have failed, because they were based on an inaccurate assumption that substantial agreement was possible on a stable set of measurable institutional goals and objectives. The directions institutions take result from a constantly evolving, complex set of compromises among a variety of contending internal and external interests and from the accommodation of resource and time constraints.

Conflicts over the appropriate locations for making various kinds of decisions have occurred since tribal times. They typically involve balancing collective and private interests. Schmidlein describes a number of factors that influence where decisions are located.⁸ He notes that persons at various locations in governance structures have ready access to differing kinds of information. Those in state government are in a better position to observe the relationships among colleges and universities and typically have a more holistic sense of public sentiment. Consequently, they are likely to be more sensitive than institutions to the appropriateness of the entire pattern of institutions and their missions, the relationships among institutions, and priorities across the entire state system of higher education.

In contrast, those located in colleges and universities possess more information about local circumstances and the tradeoffs involved in making decisions affecting local issues. When decisions involve internal institutional issues, central officials are likely to have oversimplified views of the factors involved and make inappropriate decisions. Many highly relevant kinds of information are hard to quantify and communicate effectively to those in government and difficult for them to evaluate. Consequently, they are likely to delay decisions by requesting increasing numbers of costly reports and data to assure themselves that their decisions are correct, because often they are aware of their relative ignorance of local complexities. Lacking an intimate knowledge of these complexities, they also are more susceptible to simplistic solutions to issues, more likely to embrace management fads, and tend to focus more on information collection and decision-making processes than on the substance of the decisions. However, governments can appropriately seek to assure that institutions maintain effective internal accountability systems.

In practice, higher education systems need to achieve a balance between the benefits and costs of central and local decision making. Government oversight and steering are needed to assure, for example, that a set of institutions exist whose missions serve the diverse needs of the public, and to counter occasional

attempts of two-year colleges to become four-year institutions and four-year teaching institutions to become graduate/research universities. Changes in institutional missions should serve the public interest and not be based primarily on institutional ambitions to move up the prestige ladder. Government oversight also is needed to assure that a diverse set of academic programs exists that meets the legitimate needs of the public while avoiding unnecessary duplication. Institutions, however, should have the freedom to design the content of their academic programs and courses and their research initiatives. They also should have the procedural freedom needed to pursue their programs in an efficient manner. As Berdahl notes, governments need to retain authority over substantive issues related to the character of higher education systems, while institutions should be given a very large measure of freedom over procedural aspects of their programs.⁹ Unstructured competition reduces diversity and increases costs through program duplication, while excessive regulation restricts the ability of competent institutional leaders to take expeditious advantage of new opportunities and adjust to new circumstances. Government controls seldom remedy the errors of those lacking competence. Thus accountability is both general (responding to definitions of the broad public interest) and particular (responding to institutional constituencies).

Later chapters in this book will elaborate on the tensions between autonomy and accountability in higher education with respect to state governments, the federal government, and the courts. Here, we merely provide brief overviews.

Governmental Oversight

State Government

Accountability to the public is mediated by the operation of several governance layers between it and the institutions in question. Colleges and universities are answerable most immediately to their governing boards. Most public boards have statutory status: they were created by legislatures and are, in nearly all respects, under legislative control. Twelve states have given some of their public universities some form of constitutional autonomy; however, that autonomy is severely limited in at least two of these states.¹⁰ Giving institutions constitutional status sought to remove questions of management, control, and supervision of the universities from politicians in state legislatures and governors' offices.¹¹ However, several state courts have rejected the interpretation that autonomy creates boards as a separate branch of state government. Consequently, this legal status may only make them "a distinctive part of state government."¹²

The purpose for creating universities' constitutional status was to give them a much greater degree of autonomy and self-direction than statutory status would provide. Their autonomy, however, has been materially eroded over the years. A study of statutory and constitutional boards in 1973 showed that the supposedly constitutionally autonomous university "is losing a good deal of its ability to exercise final judgment on the use not only of its state funds but also of those derived from other sources. It now undergoes intensive reviews of budgets and programs by several different state agencies, by special commissions, and by legislative committees, all of which look for ways to control [it]."¹³

The evidence is mixed regarding further increases in government intrusions. Whether an institution has statutory or constitutional status, or even whether it is public or private, it is moving into the governmental orbit.

Most students of university governance believe that government officials should not serve on governing boards, since this identifies the institution too closely with political and governmental agencies. However, in California the governor, the lieutenant governor, the superintendent of public instruction, the president of the state board of agriculture, and the speaker of the legislative assembly are among the ex officio voting members of the board of regents of the University of California. Governors may also use their appointive power to attempt to influence governing boards, although most boards have staggered terms that prevent governors from appointing a majority of members until they have served several years in office.

However, sometimes governors can accomplish through other means what they lack the power to do through the direct appointment of trustees or regents. For example, when Ronald Reagan was governor of California, he heartily disapproved of the way President Clark Kerr was handling the mid-1960s student uprisings. A minority of university regents agreed with Governor Reagan; to them he added a few appointments to seats that had fallen vacant. He still lacked a majority who agreed with him, however, until he emphatically noted that the university's budget did not have constitutional autonomy and that he would not look kindly at continued resistance to his point of view. Consequently, Clark Kerr, as he later commented, left the university as he had come to it, "fired with enthusiasm!" Enough additional regents had been intimidated by the governor's statements to swing opinions over to his side.

Although governors may thus influence institutions via their governing boards, they make their greatest impact through the executive budget process.¹⁴ The state finance or budget officer, who is ordinarily responsible to the governor, may also

exercise an important element of authority by controlling shifts or changes in line-item budgets. Some state finance departments conduct preaudits of expenditures that not only pass on the legality of the use of itemized funds, but also give the state officer the opportunity to rule on the substance or purpose of the expenditures.

As important as the executive officers of state government may be to public colleges and universities, state legislatures are even more so. These institutions are dependent on the legislature's understanding of their broad missions and programs, its financial support, and its judgment of the institutions' educational effectiveness. Even a constitutionally autonomous public university is ultimately accountable to the legislature for the ways in which it uses its state-appropriated funds and for the effectiveness of its educational services. Legislators often become restless in the face of what some regard as the continuing neglect of undergraduate teaching and an overemphasis on research at graduate/research universities. Studies of faculty workloads are common, with some legislatures considering mandated faculty teaching loads. At times the long arms of state finance officers have reached into academic affairs by conducting program audits or even program evaluations.

Issues raised in program evaluation include the consistency of the program with the assigned institutional role and function; the adequacy of planning with regard to the objectives, program structure, processes, implementation, and evaluation of outcomes; either the adherence of the program's operation to the objectives, structural features, processes, sequence, and outcome appraisal originally specified or the presentation of a sound rationale for any deviations from the original prescription; an evaluation of planning and operations and the use of feedback for alterations and improvements; and provision for cost-benefit analyses.

State governments determine eligibility for state aid to both public and private postsecondary institutions. Most states charter and license degree-granting institutions, but some observers believe that in most instances the standards specified are insufficient to ensure quality. The Education Commission of the States has urged that the states establish minimum quality standards for all postsecondary institutions.

As reported in chapter 6, states are seeking to hold institutions answerable for the attainment of their professed goals in the form of demonstrable changes in students. Historically, there appeared to be an implicit assumption that responsi-

bility for learning outcomes should be placed primarily on students. However, over the past three or four decades, institutions increasingly have been viewed as having a major portion of this responsibility. Today, institutional demonstrations of student learning outcomes are commonly viewed as part of their responsibility for public accountability, and states are seeking evidence that they are meeting this challenge. However, as noted earlier, Shulock asserts that a demonstration of learning outcomes is assessment and thus is an internal institutional responsibility. Complex learning outcomes are extremely difficult to identify, to agree on and then assign priorities, and to communicate to government officials and the public. This view may be simple in conception, but it is extremely difficult in implementation. First, it is essential to translate goals into relevant and agreed-upon outcomes. An even more complicated task is to devise means of determining the extent to which students have attained these outcomes. The first question to be asked is, how has the student changed at a given point in relation to this characteristic at entrance? This requires information on how students vary at the starting point, not only in previous academic achievement but also in general and special academic aptitude; information on students' intellectual dispositions, such as a theoretical or pragmatic orientation; and information on students' interests, attitudes, values, and motivations, to mention only some of the dimensions relevant to the educational process. These attributes establish baselines for estimating the amount of change over stated periods, and some are indicative of students' educability.

Studies of the influence of institutions on student development also require means of measuring or describing college characteristics, "the prevailing atmosphere, the social and intellectual climate, the style of a campus," as well as "educational treatments."¹⁵ One of the complications involved in describing college environments is that student characteristics and institutional qualities are by no means unrelated. Furthermore, most institutions are not all of a piece, and the total environment may have less influence on particular students than the suborganizations or subcultures of which they are members.

It is even more difficult to determine the impact of the institution's environment on students. First, environmental variables probably do not act singly, but in combination. Second, changes that occur in students may not be attributable to the effect of the college environment itself. Developmental processes established early in an individual's experience may continue through his or her college years; some of these processes take place normally within a wide range of

environmental conditions, and in order to alter the course and extent of development, it would be necessary to introduce fairly great changes in environmental stimulation. Third, changes that occur during the college years may be less the effect of the college experience as such than of the general social environment in which the college exists and the students live.¹⁶

For these and many other reasons, it is extremely difficult to relate changes in behavior to specific characteristics of the college or to particular patterns of educational activity. Studies of change in students' characteristics reveal wide differences from person to person and detectable differences from institution to institution. Bowen summarizes the evidence on change in students in both cognitive and non-cognitive outcomes, and also the differences in the effects of various institutions: "On the whole, the evidence supports the hypothesis that the differences in impact are relatively small—when impact is defined as value added in the form of change in students during the college years."¹⁷ Given these complexities, the assessment of student learning outcomes and their implications for academic programs appear best accomplished within institutions, by faculty, who are the ones with detailed knowledge of the students and their academic progress and accomplishments. The appropriate role of state government and accrediting agencies should be to ensure that institutions have appropriate policies and procedures for assessing student learning outcomes and to review the effectiveness of their academic programs.

Notwithstanding the complexity of the processes described above, a number of states have established policies seeking to assess student learning. But in most states, policy makers were persuaded to place the responsibility for developing the assessment program on the individual public institutions, allowing each one to develop a program appropriate to its particular role and mission. Only by allowing for such diversity is it likely that any institution will gain a sense of ownership of the process and be encouraged to use the results for self-improvement.

The Federal Government

Autonomy and accountability issues of American higher education vis-à-vis the federal government primarily involve three major relevant federal policy areas: federal support for research, federal support for student aid, and federal interventions to support social justice. While later chapters in this volume will discuss both the federal policies and the role of the courts in much greater detail, here we present a brief overview of our perspectives on those key issues relating

to autonomy and accountability. Issues in the research domain include the following:

- Are internal research priorities among major research universities unnaturally distorted by federal priorities?
- Does the peer review process for awarding federal research grants allow enough recognition to women and minority scientists at so-called second-level research institutions?
- Has the right balance been struck between the need for federal accounting requirements and the setting of indirect research costs, and the need for research institutions to have both flexibility and sufficient research funds to cover their internal related costs?
- Are the costs and limitations of federal requirements for the protection of human subjects and the avoidance of fraud excessive?

Federal policies have obviously tilted research universities' priorities in ways that they might not have chosen, absent the federal funds, but the bottom line has been to aid a small but very important set of public and private research institutions to become world class, as noted by their international achievements. Thus, on balance, the results of this federal role appear to be somewhat mixed but, overall, to have had a very positive influence.

Similarly, regarding the criticisms of peer review as being too elite oriented, the broadening of most peer review panels to reflect a greater diversity of institutions has benefits, but the basic principle of concentrating most of the federal research funds at a limited number of institutions and on a limited number of scientists widely recognized as constituting "the best" appears to have served the nation well. Obviously, the persons judging "the best" must be drawn from a fair cross-section of qualified scientists.

The federal government's accounting requirements whereby institutions justify their overhead costs are expensive, but they are designed to ensure that cost calculations are accurate and comparable across institutions. The federal government needs to work closely with institutions to minimize this burden and avoid the impression of being driven by overzealous attempts primarily aimed at reducing federal costs, and to recognize and support the infrastructure costs associated with the research projects or programs.

The federal government has instituted extensive requirements to help ensure that researchers at colleges and universities do not engage in practices that harm

research subjects, and to reduce incidences of academic fraud. The principal issue is whether these requirements have become overly restrictive and so rigidly applied that they hamper legitimate research and add to its costs. There appears to be a tendency for the federal government to react strongly to individual cases of misconduct by imposing burdensome requirements on all those receiving federal support. Reaching an appropriate balance between reducing misconduct through regulation, on the one hand, and hampering legitimate research practices and increasing the costs of research, on the other, is a difficult task that merits further attention.

Issues in the area of student aid policies relate to federal efforts to tighten up on student loan defaults. More recent proposals from a few individuals in Congress and in the U.S. Department of Education consider linking eligibility for federal funds to student attrition and graduation rates and even, possibly, to student grades and quality dimensions. Here we recognize that loan default rates have declined markedly in the face of reform efforts, although recessions may compromise this progress. Proposed federal moves to link student aid to assessments of student quality outcomes may be no more successful than the outcomes suggested by our earlier analysis of the shortcomings of state efforts along the same dimensions.

Issues concerning the federal government's role in promoting social justice pertain to the effects of executive orders and court rulings on such institutional policies as student admissions, faculty hiring and promotion, and the composition of governing boards. Federal activities in these areas have obviously lessened the former autonomy of most public and private institutions, but are justified in the name of broader social values. Some aspects of this set of issues are still controversial, and people of good will can disagree. A later chapter will examine the role of the courts in this area in greater detail.

Financing student access through tax policies has a somewhat indirect effect on institutions' autonomy and accountability. Scholars concerned with higher education finance point out that tax deductions for enrolling in a postsecondary institution benefit only those who have sufficient income to qualify for that reduction in their taxes. Thus it does not contribute to equalizing access for students regardless of their financial status. In addition, financing programs through tax policy, rather than through appropriations included in annual budgets, tends to obscure the full costs of federal programs.

Judicial Intervention

The increasingly intimate relationship between government and higher education means that colleges and universities are in and of the world, not removed and protected from it. Toward the end of the earlier period of student disruption on college campuses, it was observed that "judicial decisions and the presence on campus of the community police, the highway patrol, and the National Guard symbolize the fact that colleges and universities have increasingly lost the privilege of self-regulation to the external authority of the police and the courts . . . It is apparent that colleges and universities have become increasingly accountable to the judicial system of the community, the state, and the national government."¹⁸

Kaplin's book on higher education and the law summarizes legal conditions bearing on higher education institutions and gives numerous examples of court decisions involving trustees, administrators, faculty members, and students, as well as cases involving relationships between institutions and both state and federal governments.¹⁹ Recourse to the courts to settle disputes has increased greatly during the past four decades. Faculty members may sue over dismissal, appointment, tenure, and accessibility to personnel records. Students may sue to secure access to their records, over discrimination in admissions, and over failure by an institution to deliver what it promised from classroom and other academic resources. Institutions may take governments to court in protection of their constitutional status and, as illustrated above, in contention over the enforcement of federal regulations.

The historic aloofness of the campus has been shattered. Kaplin points out that "higher education was often viewed as a unique enterprise, which could regulate itself through reliance on tradition and consensual agreement. It operated best by operating autonomously, and it thrived on the privacy which autonomy afforded."²⁰ The idea of a college or university as a sanctuary was once considered necessary to protect the institution and its constituencies from repressive external control and invasions on their intellectual freedom. Now, other means must be devised to safeguard an institution's essential spirit while it bows to the world of law and the tribunal.

Accrediting Agencies

Accreditation is a process for holding postsecondary institutions accountable to voluntary nongovernmental agencies for meeting certain minimum educational

standards. Institutional reviews are conducted by representatives from institutions, according to standards derived by member institutions.

Institutional and program accreditation are the two types usually noted. Six regional agencies are responsible for accrediting entire institutions' schools, departments, academic programs, and related activities. Program accreditation, by professional societies or other groups of specialists or vocational associations, is extended to a specific school, department, or academic program in such fields as medicine, law, social work, chemistry, engineering, and business administration. A variation is an agency for accrediting single-purpose institutions, such as trade and technical schools.

If the institution or program being accredited fails to meet minimum standards, the obvious sanction is withdrawal of approval (or rejection for a first-time candidate). Since accreditation is, in theory, voluntary and nongovernmental, an institution or program judged inadequate will suffer a loss of prestige but could presumably survive without it. However, in practice, since the federal government requires accreditation by some federally recognized accrediting association for the institution to be eligible for federal research and student aid funds, the process has in effect become much less "voluntary."

The issue then shifts to the federal government's decision to approve a given accrediting association for inclusion on the Department of Education's list. For these decisions, the department is presumably influenced by the recognition status accorded to the association in question by the Council for Higher Education Accreditation (CHEA), formed in 1996. CHEA functions as an umbrella national group for accreditation activities and works actively with the federal government on matters of quality assurance, student outcomes, and internationalizing higher education. Accreditation issues and the particular role of CHEA are discussed at greater length in chapter 8.

Conclusion

Although autonomy cannot be absolute, only a high degree of independence will permit colleges and universities to devise and choose effective academic means for realizing their professed goals. First of all, institutions must ensure academic freedom for faculty and students. Autonomy does not guarantee intellectual independence, but some forms of external intervention, whether overt or covert, may undermine such freedom.

While intellectual fetters must be opposed, institutions may legitimately be expected to be held accountable to their constituencies for the integrity of their operations and, as far as possible, for the efficiency of these operations. Colleges and universities are answerable to the general public, which supports them and needs their services. In response to this public interest, federal and state governments intervene in institutional affairs. At times government pressure may induce an institution to offer appropriate services; at other times, government agencies may attempt to turn an institution, or even a system, in inappropriate directions. Only constructive consultation and requirements for accountability that recognize the fundamental characteristics of academe will effectively serve the public interest and give vitality to the educational enterprise.

Most institutions, including those supported by legislatures, are not immediately controlled by the general public. Rather, public accountability is mediated by several layers of representation. Institutions are directly answerable to their governing boards. Here they may be responsible to a consolidated governing board, or they may first be responsible to institutional or systemwide governing boards, and these in turn may be under the surveillance of statewide coordinating boards. They also must respond to the requirements of accrediting agencies. Institutions thus may be controlled by a hierarchy of agencies, an arrangement that may complicate their procedures for accountability, but that may also provide a measure of protection from unwise or unnecessary external intervention.

Colleges and universities are now in a period when they are being asked to provide not only data on the attainment of defined outcomes—including changes in students during undergraduate, graduate, and professional education—but also evidence that results have been gained at a "reasonable" cost. They are confronted with the difficult challenge of resisting inappropriate government accountability processes, with their added costs and damages to the academic enterprise, while recognizing legitimate state interests and avoiding the appearance of both self-interest and a resistance to sincere efforts to improve their performance. Institutions need to communicate clearly the accountability and assessment practices they currently employ, as well as take the lead in designing processes that are compatible not only with the character of colleges and universities, but also with the complex political and professional judgments faculty and institutional administrators must make to maintain and achieve a quality academic program.

NOTES

This chapter is a revision of a previously published chapter by T. R. McConnell, now deceased. It is dedicated to his memory.

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3. Eric Ashby discusses the relationship between academic freedom and autonomy in *Universities: British, Indian, African* (Cambridge, MA: Harvard University Press, 1976), ch. 10.
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11. Lyman A. Glenny and Thomas K. Dalglish, *Public Universities, State Agencies, and the Law: Constitutional Autonomy in Decline* (Berkeley: University of California, Center for Research and Development in Higher Education, 1973), 42.
12. Hutchens, "Preserving the Independence."
13. Glenny and Dalglish, *Public Universities*, 43.
14. John W. Ledertle, "Governors and Higher Education," in *State Politics and Higher Education*, ed. Leonard E. Goodall (Dearborn: University of Michigan Press, 1976), 43-50.
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16. T. R. McConnell, "Accountability and Autonomy," *Journal of Higher Education* 42 (1971): 446-63.

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18. McConnell, "Accountability and Autonomy."

19. William A. Kaplin, *The Law of Higher Education* (San Francisco: Jossey-Bass, 1983).

20. *Ibid.*, 4.