SOLUTIONS FOR PROMOTING UNIVERSITY AUTONOMY IN VIETNAM

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РЕШЕНИЯ ДЛЯ ПРОДВИЖЕНИЯ АВТОНОМИИ УНИВЕРСИТЕТА ВО ВЬЕТНАМЕ

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Abstract. Currently, university autonomy is an inevitable trend. Many countries worldwide exercise university autonomy because they consider it the most effective method to meet the demands of modern education and training. However, choosing the autonomy model and formulating policies on university autonomy must be based on scientific and practical foundations to be appropriate for each nation. The article studies the process of implementing university autonomy in some countries around the world. From there, the author draws on the expertise and solutions to implement autonomy in universities in Vietnam.

Аннотация. В настоящее время автономия университетов - неизбежная тенденция. Многие страны мира пользуются университетской автономией, потому что считают ее наиболее эффективным методом удовлетворения требований современного образования и обучения. Однако выбор модели автономии и формулирование политики университетской автономии должны основываться на научных и практических основах, подходящих для каждой страны. В статье исследуется процесс реализации университетской автономии в некоторых странах мира. Исходя из этого, автор опирается на опыт и решения для реализации автономии в университетах Вьетнама.

Key words: University autonomy, Autonomous model, Autonomous experience, Autonomy mechanism, Higher education in Vietnam

Ключевые слова: университетская автономия, автономная модель, автономный опыт, механизм автономии, высшее образование во Вьетнаме.

In education development strategy, the Party and State put university autonomy in a high priority [2]. However, after building and piloting, we have not found the most suitable model yet [22]. In addition, the system of documents and policies is still inconsistent. Scientific studies on this issue have not been comprehensive enough to be a basis for exercising university autonomy at current higher education institutions [20, p. 13-17]. Although they have selected suitable models and built and collected legal documents on university autonomy, these things are ineffective and inconsistent. Besides, there are no specific regulations on conditions, general principles, and autonomy assigned to universities in implementing university autonomy. Also, there are no specific guidelines on the approach, nature of university autonomy, level, and conditions to implement it, which leads to differences in awareness and views on autonomy among higher education institutions and management agencies, making them difficult to organize and implement [20, p. 13-17]. Therefore, it is crucial to do adequate and comprehensive research to choose a model suitable for developing university autonomy from the experience of countries around the world. From there, it is possible to propose a model that is suitable for universities in Vietnam.

1. University autonomy in some countries in the world and experience for Vietnam

According to translator Vu Thi Phuong Anh [15, p. 21 - 31], the World Bank Annual Report 2008 on the trend of higher education governance in the world outlined four governance models in higher education with various level of autonomy, from state control in Malaysia to the semi-autonomous model in France and New Zealand, the semi-independent model in Singapore, and the independent model in the UK and Australia. Although the model and level of autonomy are different, goals of autonomy that are improving the initiative and creativity in managing financial resources, saving costs, and mobilizing financial resources in the community to enhance the quality of teaching and scientific research are things education systems around the world aim for.

1.1. University autonomy in some countries in the world

a) University autonomy in the United States

The United States' higher education system is diversified and regarded as one of the greatest in the world [17, p. 317]. There are public universities in every state, ranging in size.

Under the governance model in US higher education, the state, organizations, and individuals play an equally important role in protecting universities from government interference. This model is influenced by belief in market power, which means that people can reach variety and quality through competition rather than a centralized scheme [17, p. 317].

Because states, not the federal government, are responsible for policy on university governance, the level of state control or supervision over institutions will vary significantly from state to state [22]. However, school activities are regulated by the framework of general legislation and accountability through professional organizations and mechanisms of civil society.

Although schools' governance and organizational structure are different depending on their size and features, their principle is fundamentally built on three factors [22]: School Board, School Administrator, and Science Council.

This model is similar to the one Vietnam is aiming for. Accordingly, Vietnam has issued provisions in the Law amending and supplementing some articles of Law on Higher Education (2018), and Decree No. 99/2019/ND-CP dated December 30, 2019, on roles, standards, tasks, and powers of School Council, Chairman of the Council, School Administrator (Principal), Science Council, and the relationship of the School Council in the overall organizational structure of the university.

b) University autonomy in the UK

Higher education in the United Kingdom possesses a long history. The Further and Higher Education Act, adopted in 1992, was the primary legal framework for governing the UK higher education system [22]. National funding boards will determine state funding for schools based on governance requirements, quality assessment, financial soundness, and sustainability. These boards often hire a Quality Assurance Organization to examine how academic standards are implemented in schools to assure higher education's quality and reputation and make sure that the state budget is spent effectively.

The British governance model follows the form of system administration and has progressed throughout different stages. Governance standards are developed and guided by the School Council and the Rector based on self-regulatory and co-regulatory mechanisms and the implementation of accountability to ensure that standards for licensing and the use of public funds are met.

This model emphasizes accountability. When exercising autonomy, accountability of Vietnamese universities is stipulated in Clause 17, Article 1 of the revised Law on Higher Education (2018). Accordingly, higher education institutions' accountability to owners, learners, society, competent management agencies, and stakeholders is about training quality, financial transparency, and other contents.

c) University autonomy in China

In the early 20th century, Chinese history and higher education were heavily influenced by Western ideas. However, Chinese higher education has changed to a model of single-disciplinary institutions and has been centrally governed since the People's Republic of China was formally established in 1949 [16, p. 14-19]. China began discussing and granting autonomy to schools in 1983. By 1985, the growth and decentralization of authority had become further noticeable due to the publication of formal state documents [16, pp. 14-19].

Regarding the policy on decentralization of authority, currently, Chinese universities have more autonomy in designing training programs and building enrollment regulations. The school has decision-making right in main aspects, but its operations are still under the strict control of the Party. At the same time, this policy is also accompanied by a mechanism of accountability.

The leadership system combined between the Party and administrative management at all levels at a university is a distinctive feature of China. The Rector and the Party Committee Secretary hold the highest authority in the internal governance of a school [18, p. 12-21].

According to the amended and supplemented Law on Higher Education (2018), the relationship between the Party organization and School Administrator and School Council is specified in detail. It is imperative to strengthen the relationship between the Party Committee and the University, School Administrator, and School Council appropriately to promote the leadership role of the Party and demonstrate the responsibilities and powers of the School Council in higher education institutions.

d) University autonomy in Japan

Japan possesses one of the most sophisticated and developed educational systems in the region and the world. Japan's universities are rising in the international rankings [19]. Japan reaches these achievements is due to issuing policies on developing the education system in general and higher education in particular.

The higher education system in Japan has been radically and vehemently reformed since 2004. There are 86 national universities that have switched to the autonomous model and from the national university model to the national university consortium model [19]. Higher education institutions are recognized as corporations and groups to enhance training and research activities based on independence, autonomy, and creative freedom. National university corporations are governed by the system of Board of Directors, including a Chairman and a Trustee. In addition, they invite others to become members of the School Council and engage in management activities directly [19].

When exercising university autonomy, national university corporations are free to use funds for their activities, set up tuition, organize the staff and lecturers, create new faculties and new training programs, and establish or remove schools and institutes that are members of their organization. However, these institutions cannot decide on enrollment quotas and training sizes, which is the most significant difference compared to universities currently exercising autonomy in many countries.

In Vietnam, university autonomy is progressing toward some goals similar to contents in Japan's governance model that emphasizes the function and duty of the School Council and Chairman of Council. Schools exercising autonomy can decide on tuition to ensure training costs.

1.2. Some lessons and experiences in exercising university autonomy for Vietnam

Organizational structures and methods of university governance throughout the world possess their unique features and different legal regulations, which is the basis for Vietnam to refer to and promote university autonomy.

The expertise of countries where the autonomy index is high indicates that the less the state control is, the more opportunities they reach to develop their training capacity and enhance the competition.

Most countries depend on the formulation and promulgation of the Law on Higher Education to outline the rights and obligations of higher education institutions in exercising university autonomy. For example, in the UK, the Further and Higher Education Act 1992 is the legal foundation for governing a system of universities [22]. Education Law of the People's Republic of China adopted in 1995 has confirmed universities' legal responsibility and accountability [16, p. 14-19]. Korea promulgates a special law on managing national universities to strengthen the autonomy of national universities [17, p. 317].

The rules also offer specific provisions on organizational structure, financial autonomy, and academic autonomy at the school level. It also specifies the scope of accountability and quality assurance standards in higher education. However, each country possesses different levels and regulations. For example, in the US and UK, the rule of law is open, giving greater authority to universities and colleges, and varies from state to state. On the other hand, in Asian countries such as Japan and China, university governance and autonomy are regulated and applied uniformly.

The general strategy for developing higher education in Vietnam is outlined in Resolutions of the Party and the Government and provisions of the law [1], [2], [3], [4]. The state management mechanism has steadily switched to constructing, supervising, and developing the autonomy and accountability mechanism for higher education institutions and renovating university governance toward the process of international integration. Therefore, it is necessary to pay attention to the following issues in the process of exercising university autonomy:

Firstly, it is orienting the governance model by allocating rights and duties to universities in building and operating based on scope and level of autonomy to satisfy development demands.

Secondly, it is investing state budget and giving financial autonomy to higher education institutions.

Thirdly, it is empowering to choose personnel and organizational structures for universities.

Lastly, it is building a quality inspection and evaluation mechanism using sets of criteria and promoting the accountability of higher education institutions.

2. University autonomy in Vietnam

2.1. University model in Vietnam under the level of autonomy

According to the Decisions of the Government promulgating regulations on the organization and operation of higher education institutions under the functions and tasks in the management decentralization, in Vietnam, there are two national universities, three regional universities, and many educational institutions under the Ministry of Education and Training. In terms of autonomy, Resolution No. 77/QĐ-CP dated October 24, 2014, has allowed the public universities to commit to self-financing all current operating expenses, self-investing, and being self-responsible [8]. Up to now, 23 public higher education institutions nationwide have piloted the autonomy mechanism under Resolution No. 77/NQ-CP. Most of the remaining schools, which have not yet followed this operating mechanism, are still operating according to Decree No. 43/2006/ND-CP of the Government dated April 25, 2006, providing for the right to autonomy and self-responsibility for task performance, organizational apparatus, payroll, and finance of public non-business units [7], [8].

Thus, In Vietnam, there are seven autonomy models, namely: autonomy model at national universities, autonomy model at international universities, autonomy model at regional universities, autonomy model being implemented under Decision No. 77/QĐ-CP, autonomy model which has not yet implemented Decision No. 77/QĐ-CP, autonomy model in public universities, and autonomy model in universities with 100% foreign-invested capital.

2.2. Viewpoints of the Party and Government on university autonomy

University autonomy is a significant policy of the Party and Government. To develop high-quality resources to meet the needs of the labor market and society, reduce the burden on the State budget, and increase the independence, initiative, dynamism, and creativity in higher education institutions, the Party, Government, Ministries, and governing agencies have issued many resolutions, decrees, and laws on reforming the education system in the country, including university autonomy. These policies have gradually removed barriers to the development of universities and promoted their autonomy.

Resolution No. 29-NQ/TW dated November 4, 2013, of the 11th Central Executive Committee, is about fundamental and comprehensive innovation in education and training, serving industrialization and modernization in a socialist-oriented market economy in the process of international integration [2]. Accordingly, the viewpoint on a fundamental and comprehensive renovation of education and training has shown the consistent spirit of the Vietnamese Party, which is identifying education and training as the top national policy and one of the prioritized strategies to create the premise and motivation for other fields. Resolution No. 89/2016/NQ-CP dated October 10, 2016, of the Government, is about promoting university autonomy in association with enhancing the quality of higher education [9]. Universities are given autonomy in expertise, organization, personnel, and finance and increased accountability. Resolution No. 19-NQ/TW dated October 25, 2017, has stated that autonomy and socialization mechanisms need to be promoted at higher education institutions [4]. Decision No. 153/2003/QĐ-TTg dated July 30, 2003, of the Prime Minister on university autonomy, has been officially mentioned by the Government in the university charter. Universities are entitled to autonomy and self-responsibility according to the provisions of the law on planning, development plans, training activities, science, technology, finance, international relations, organization, and personnel [5]. Resolution No. 14/2005/NQ-CP dated November 2, 2005, of the Government on a fundamental and comprehensive renovation of higher education in Vietnam between 2006 and 2020 has stated the importance of perfecting the policy for developing higher education towards ensuring the autonomy and social responsibility, the management of the State, and the role of social supervision and evaluation for higher education. Accordingly, to renovate the management mechanism, it is essential to transform public universities into operating under an autonomous mechanism, having decision-making power, and being responsible for training, research, organization, personnel, and finance [6].

2.3. Legal basis for university autonomy

The Law on Higher Education amended and supplemented in 2018 declared that university autonomy was one of its three main contents. Accordingly, universities have a right to autonomy in organization and personnel, finance and assets, training, science and technology, international cooperation, and quality assurance. Moreover, they can exercise a higher level of autonomy under their capacity, ranking results, and accreditation results on education quality [1].

Decree No. 43/2006/ND-CP dated April 25, 2006, of the Government has provided the right to autonomy and self-responsibility for universities in task performance, organizational apparatus, payroll, and finance of public non-business units [7]. Next, Resolution No. 77/NQ-CP dated October 24, 2014, of the Government on a pilot program to renovate the operating mechanism for public universities in the 2014-2017 period states that if public schools commit to self-financing the regular funding and investment expenditure, they will be autonomous in the structure of the apparatus, deciding the establishment, and defining the functions and tasks of their subordinate units. Besides, they can decide on the number of employees, opening more training sectors, enrollment quotas, and enrollment organization. Moreover, they can create their degrees, associate training at home and abroad, and decide on tuition, revenues, expenditures, and investment expenditures [8]. Decree No. 16/2015/ND-CP dated February 14, 2015, has stipulated the mechanism for exercising the autonomy of public administrative units. In addition, Resolution No. 05-NQ/TW dated November 1, 2016, of the Central Executive Committee continues to assign the right to autonomy in finance, organization, payroll, and operation for public non-business units. Moreover, Resolution No. 08/2018/NQ-CP dated January 24, 2018, of the Government has promoted the autonomy and socialization mechanism in universities, vocational schools, health facilities, and science and technology associations in localities that have a high possibility of socialization [3], [10], [11].

The Law amending and supplementing some articles on Law on Higher Education grants greater rights and decentralization of autonomy to educational institutions [1]. Decree No. 99/2019/ND-CP dated December 30, 2019, of the Government, elaborating and providing guidelines for some Articles of the Law on amendments to the Law on Higher Education and stipulating autonomy in professional activities, organization, personnel, finance, and assets continues to emphasize autonomy and accountability [12].

3. Some weakness in Vietnam's university autonomy

3.1. About mechanism and policy

The Law on Higher Education amended and supplemented (2018) has created favorable conditions for higher education institutions to promote autonomy [1]. However, there is no synchronization between it and other relevant laws. Therefore, provisions of the law on university autonomy are still limited in the following specific aspects:

a) The right to the apparatus and personnel: When exercising university autonomy, universities must reorganize their apparatus and streamline their staff, which will lead to the rotation and termination of labor contracts. It is not easy because it is related to the Labor Law and the Law on Officer. If universities would like to encourage workers and attract talents, they must have a reasonable remuneration regime. In addition, appointing positions and ranks must be based on other regulations because incorrectly implementing these tasks can lead to law violations during inspection and examination.

b) Financial and property rights: Besides the amended and supplemented Higher Education Law (2018), higher education institutions have to comply with the Law on Public Investment (2019) and the Law on Bidding (2013). Tuition rates for general programs are still based on Decree No. 86/ND-CP that is only valid until the 2020-2021 school year. However, a new Decree has not yet been issued, leading to difficulty in promulgating tuition for each major and affecting the school development plan in the 2021 - 2030 period because it is related to the school's legal revenue.

Although the government has issued Decree No. 16/ND-CP to replace Decree No. 43/ND-CP to create more favorable conditions for financial autonomy in public non-business units, it cannot be applied because of its practical inadequacies [15].

3.2. About the preparation and implementation

a) *The governing agency*: University autonomy has been mentioned in the Law on Higher Education since 2012, but no specific decree guiding how to implement it is issued. Although the Law on Higher Education amended and supplemented (2018) and Decree No. 99/ND-CP have provided more apparent and more detailed regulations, the governing agencies have not had specific guidelines and plan to exercise university autonomy. Besides, they have not yet issued good policies and given more authority to higher education institutions like the nature of the Law on Higher Education, amending, supplementing, removing the governing agencies, etc. Moreover, many obstacles arise in transitioning to an autonomous mechanism, but there are no guidelines on order, procedures, and specific regulations to exercise university autonomy [21, p. 361 - 374].

b) *Higher education institutions*: The fact is that universities are not keen on exercising autonomy for the following reasons. Firstly, they think that university autonomy is “left” to them, and the State does not provide funds for recurrent and investment expenditures. Secondly, some overlapping regulations and difficulties in mechanisms and policies are factors affecting university autonomy. Thirdly, it is difficult to arrange and streamline the apparatus for effective operation due to the system of budget subsidies. Lastly, some universities with low quality are not interested in exercising autonomy because they have to verify the quality and publicize their quality of training, leading to disadvantages in enrollment, size reduction, and revenue reduction.

4. Some solutions for organizing and executing university autonomy in Vietnam

4.1. About mechanism and policy

Firstly, besides completing the system of legal documents guiding on amending and supplementing Law on Higher Education (2018), the National Assembly and State agencies shall review and ensure the uniformity of relevant specialized laws such as the Law on Public Investment, Law on Officer, and Law on Budget for universities to exercise autonomy.

Secondly, it is crucial to review legal documents on the autonomy and accountability of higher education institutions. In addition, we need to build and guide many models according to specific levels of autonomy.

Thirdly, the Law on Higher Education (2018) is amended and supplemented to create more favorable conditions for universities and in line with Vietnam’s situation in the process of international integration.

Lastly, it is necessary to quickly replace and supplement unsuitable sub-law documents and regulations such as Decree No. 16/ND-CP with new ones. Decree No. 86/ND-CP on tuition only takes effect until the 2020-2021 school year, so it is essential to issue new regulations on tuition for higher education institutions as a basis for formulating medium and long-term plans.

4.2. Organizing and executing

Firstly, we need to increase the autonomy of higher education institutions and assign them functions and powers to self-administer, manage and comply with the law. The role of the School Council should be promoted in replacing the governing agency for decision-making on activities, development strategies, organization, staff, and finance. We should let universities make their own decisions and let the governing agency focus on inspecting them under the law.

Secondly, it is vital to increase public investment and financial autonomy. Higher education institutions need to be invested from the state budget, and the State will monitor the use of funds. Besides, they must increase their autonomy in attracting financial revenue for investment and development. Moreover, they should be allowed to offer tuition to ensure training costs and to be competitive.

Thirdly, upgrading regional universities and implementing the financial mechanism of the unit directly receiving the state budget like National Universities are important tasks.

Lastly, switching to university autonomy does not mean that we must “take care of” everything. Many schools are afraid to change because they suppose that the State no longer supports operating expenses. Therefore, it is imperative to propagate to change attitudes and behaviors of managers, officials, and employees in higher education institutions, which will create consensus on the autonomy policy.

Conclusion

Currently, university autonomy is a trend that has been applied by developed countries worldwide for a long time. However, the practical lessons learned from these countries’ autonomy policies demonstrate that each nation’s university autonomy is unique. In particular, the autonomy models are influenced by the characteristics of the economy, politics, society, and culture, especially the policy on system management of each country. Thanks to those practical experiences, Vietnam could consider and follow the appropriate points to apply to the roadmap of university autonomy for all kinds of higher education and training institutions under Vietnamese law.

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