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What Kinds of University Councils Will Be Envisioned in Myanmar Public Universities?



Ngai Hung
 (Edited by Kyaw Moe Tun)



ပါရမီအင်စတီကျုသည် ကျောင်းသား၊ ကျောင်းသူများနှင့် သင်ယူသူများအား အနာဂတ် ခေါင်းဆောင်များ၊ အပြောင်းအလဲကို ဖော်ဆောင်သူများ၊ တာဝန်သိတတ်သော တစ်ကမ္ဘာ လုံး၏ နိုင်ငံသားများဖြစ်တည်မှုအတွက် လိုအပ်သော စွမ်းရည်နှင့် ကျွမ်းကျင်မှုများအား ထောက်ပံ့ပေးရန် ရည်ရွယ်ပါသည်။

မြန်မာနိုင်ငံရှိ လူတန်းစားအလွှာအသီးသီးမှ အပြောင်းအလဲကိုဖော်ဆောင်သူများအား မွေးထုတ်ခြင်း

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Introduction

For several decades (1964-2012), higher education in Myanmar has been under the direct control and management of the state. Since 2012, with the political transition to democracy, progressive reforms have been made in Myanmar's higher education. In 2012, a government-led comprehensive education sector review was conducted. Based on that analysis, the National Education Law was enacted in 2014 to lay a new foundation for education in Myanmar. The law was amended later in 2015. The government then drafted a National Education Strategic Plan (2016–2021) to guide Myanmar education reform, including higher education. A clear trend is emerging from these changes; the government is increasingly granting more and more autonomy to higher education institutions. This trend of the government withdrawing its direct control over higher education institutions is converging with higher governance changes occurring in many countries in the world. In this new relationship between higher education and government, the state will only act as a facilitator to control higher education outcomes at the system level. The University Council, which is presumably the governing body of the university, will be responsible for strategic planning, administration, and oversight of public universities and colleges. At this point, the question arises as to what kind of the University Council will be formed in Myanmar.

In this policy brief, we will look at experiences in transforming higher education governance from very centralized models to independent governance structures in some European countries, including former communist countries. The goal is to help develop practical frameworks for those in Myanmar public higher education institutions in their establishment of their own respective university councils. Towards that goal, we will first start with the general discussion on university governance. Second, we will attempt

to clarify different meanings regarding university council. Third, we will look at different models, compositions, and sizes of university councils as seen in several European universities, including those from former communist countries. Fourth, experiences of university governance in former communist European countries will be shared. Finally, we will look at the considerations in re-establishing university councils in Myanmar.

1. General Discussion on University Governance

Before going into the discussion of university councils, we would like to discuss the concepts of university governance and how it is changing across the world, especially in Europe. There are two reasons for this discussion. The first reason is that the university council is a part of the university governance and one cannot understand how it works without properly understanding the concept of governance itself. The second reason is that we are now living in the age of globalization in which countries are increasingly interconnected in terms of economy, politics, and cultures. That is, developments that are taking place in many countries in the world have an impact and influence on other countries. Therefore, one can have a better understanding of governance changes in higher education in Myanmar by taking into account international governance trends.

Firstly, governance is concerned with the structures and processes of organizations that are in place to enhance their performance and effectiveness. It also determines who is accountable to whom and who is responsible for what within the organization. In addition, it deals with the relationships between the organization and its core stakeholders. In higher education, the university governance is concerned with the determination of values within the universities, systems of decision-making and resource allocation, their mission and purposes, the patterns of authority and hierarchy, and the relationship between universities and their internal academic constituents as well as the

relationship between the universities and their external stakeholders such as the government, the businesses, and the community (Marginson & Considine, 2000, p. 7). Based on this definition, university governance can be divided into two parts: internal governance and external governance (de Boer & File, 2009, p. 10).

The first part, the internal governance of the university, is dealt with institutional arrangements within the university, which includes power hierarchy, decision-making processes, budget allocation, and personnel management, etc. The second part, out-of-university governance, deals with the relationships between the university and external stakeholders (especially the government). They include institutional arrangements such as laws, regulations, decrees, funding mechanisms, and quality assessment systems that apply to the whole higher education sector.

Since the 1980s, the following trends have been observed as emerging in higher education systems across the world, particularly in Europe in both internal governance and external governance (de Boer & File, 2009, p. 9). In internal governance, there has been a shift from a collegial model in which higher education is largely governed and managed by university faculty to a corporate model in which external stakeholders are increasingly involved (Edwards, 2000; OECD, 2003). When it comes to external governance, there has been a reduction in the government's direct control in the affairs of universities and an increase in institutional autonomy of the universities. This trend has been, on the other hand, accompanied by new mechanisms for monitoring and controlling performance, quality, and funding (OECD, 2003, p. 75), and thus, can be seen as the substitution of an extreme form of government influence by a relaxed one (OECD, 2003, p. 64).

There are four underlying factors causing these changes (de Boer & File, 2009, p. 11). The first is the massification of higher education that

demands high levels of government funds. As a consequence, governments are increasingly expecting universities to spend these funds efficiently and effectively. Second, under the influence of the New Public Management (NPM) organizational approach, public universities are increasingly seen as corporate enterprises (de Boer & File, 2009, p. 14; Hénard & Mitterle, n.d., p. 20). This approach advocates that public universities can improve their efficiency if they are given more autonomy in combination with more accountability (Pollitt & Bouckaert, 2011). The third is the ideological belief that university governance should be coordinated through market mechanisms in which the government serves in a guiding role (Teixeira et al., 2004). Finally, globalization, internationalization, and regionalization have challenged national boundaries of higher education systems and posed new questions to governments and higher education institutions.

In internal governance, there has been a shift from a collegial model in which higher education is largely governed and managed by university faculty to a corporate model in which external stakeholders are increasingly involved (Edwards, 2000; OECD, 2003). When it comes to external governance, there has been a reduction in the government's direct control in the affairs of universities and an increase in institutional autonomy of the universities.

2. Three Different Meanings of University Council

The term "university council" has three different meanings, depending on the institutions of higher education in different countries. The university council can be a governing body, or a management body, or an advisory body. It is

important to know which type of body represents the university council in Myanmar for it will significantly define the roles and responsibilities, size, and the composition of the university council.

If the university council is designated as the university governing body, it has the ultimate decision-making authority over all matters relating to the university, including administration and strategic planning. The University Council, if serving as the governing body, has a small size and many of its members are usually external members. The university council has the right to appoint and dismiss senior staff, including the Rector. In addition, it determines the mission of the university, develops strategic and financial plans, and monitors the quality and performance of management processes and academic programs. Since the university council appoints the rector, the rector usually has no right to chair the council and no right to vote. The rectors are normally ex-officio members of the council. The duties and responsibilities of the university council and the rector are clearly defined. The university council discusses and decides on the university's strategic issues and plans whereas rectors implement them. For example, at the Australian National University and the University of Hong Kong, the university council is the governing body (*Council (ANU)*, n.d.; *The Council (Membership) of University of Hongkong*, n.d.). In these university councils, the chair is an external member and most of the members are from outside the university.

university governing body. It usually does not have the authority to appoint or dismiss senior leadership, including rectors. The university council, as a management body, is usually large, with most members being university staff. External members are rarely involved, and if they are involved, their number is relatively small. It is chaired by the rector who has the right to vote and decide. For example, the university council at Northern Illinois University in the United States is the management body (*University Council - NIU*, n.d.). It has 57 members, all from within the university. The president, who is the same level as the Rector, serves as the chairperson. She or he must report to the governing body of the university, known as the Board of Trustees.

The University Council, if designated as a university advisory board, advises and submits its suggestions to the management body or the governing body of the university. In the university council as an advisory board, the rector has the right to chair and to vote. Its size and the involvement of external members vary depending on institutions. For example, the university council at the University of Maastricht in the Netherlands serves mostly as an advisory board. It has 18 members, all of whom are internal members of the University (6 academic staff, 3 administrative staff, and 9 students) (*University Council - Maastricht University*, n.d.). A senior faculty from the university acts as the chairman. It reports to the Executive Board (supreme management body), which in turn reports to the Supervisory Board (governing body) (*Supervisory Board - About UM - Maastricht University*, n.d.). The Supervisory Board is accountable to the Minister of Education. The so-called University Council at the Seoul National University, more widely known within the University as the Seoul National University Senate, is essentially an academic advisory board (*Organization - Organization Chart - Overview - About SNU*, n.d.). It has 50 members, all from within the university. It is chaired by senior academic staff. However, the similarity between the two universities above is that the university council is formed as one of

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the advisory bodies to advise the management body which is accountable to the university governing body (known within SNU as the Board of Trustees) (*Deliberative Bodies - Organization Chart - Overview - About SNU*, n.d.).

3. Different Models, Compositions, and Sizes of Governing Bodies

As explained above, many different universities across the world use the word 'University Council' to mean different things, thereby constituting different levels of authority resulting in potentially requiring more than one governance body. This can potentially result in quite a great deal of confusion. To avoid any further confusion, we will use the word 'Governing Body' in this policy brief to refer to ultimate decision-making bodies, for it is these independent governing bodies that will fulfil the promise of university autonomy. In this section, we will be using the data from the comprehensive study conducted in 2017 by the European University Association (Pruvot & Estermann, 2017) to demonstrate the different models, compositions, and sizes of governing bodies.

Models

Two-thirds of the 22 European higher education systems surveyed, practiced the dual governance model. The rest one-third adopted a unitary governance model in which the senate or board/council has absolute authority on governance issues and academic matters.

In the dual governance model, the senate, the university's academic body, and the university board/council share decision-making powers and authority. The university senate is mainly responsible for academic matters, and the university board/ council primarily deals with non-academic matters such as strategic planning and budget allocation. However, both the senate and the board/council may decide on the same issues. This model of governance is called the dual traditional model and can be found in Italy, UK, Serbia, Slovakia, Slovenia, North Rhine-

Westphalia. As higher education institutions in Europe gain more autonomy, many accountability pressures and expectations have been imposed on them. As a result, the form of governance in many higher education systems has shifted from a traditional dual governance model to a dual asymmetric model where the university board/council typically has more decision-making power and authority. Countries that practice this form of governance include the Czech Republic, Croatia, Finland, Hungary, Netherlands, and Luxembourg.

In the unitary governance model, there is only one decision-making body. This body is responsible for all major decisions and may be known as senate, or board/council or by other names. In Estonia (for four universities out of six universities), Latvia, Poland, Brandenburg, and Belgium, the academic senate is the only governing body. On the other hand, in Ireland, Denmark, Iceland, Norway, Portugal, and Sweden, only the board/council make decisions regarding all the affairs of the universities.

Composition

The university board or council in Europe is composed of academic staff, non-academic staff, student representatives, and external members of different groups. Typically, the size of the board/council is smaller than the senate. However, it has broader representation and is usually dominated by external members. External members are important stakeholders who can link the university with the community and business. The governments in Europe typically stipulate exactly how many external members can be represented in university councils. For example, in North Rhine-Westphalia, the laws specify that the representation of external members in university boards must be 50% at the minimum and 100% at the maximum. In Austria, the Czech Republic, the Netherlands, and Slovakia, the university board is made up of only external members. In Serbia, one-fourth or 25 percent of the university board members must be external members. On average, the percentage of

external members on university boards/council is 50%.

The types of external members vary. They include representatives from business and industry, representatives from NGOs, local and regional government authorities, alumni, and experts from other universities. The most common external members of these groups are representatives from business and industry. They are present in all university boards/councils in 17 out of 19 higher education systems involved in the survey. National and local government officials are the second most common group on university boards. The least frequent group is alumni. In countries where the laws specify the percentage of external membership on the university board, the requirements and qualifications of external members are also specified.

Size

The size of governing bodies in European countries differs depending on three regulatory circumstances: (i) lack of regulation; (ii) moderate regulation and (iii) full regulation. In the United Kingdom, there is no regulation concerning the size of university boards/council. In Flanders, universities can decide on the size of the university board with one caveat that one-third of its members must be external members. But in most countries, the university board size is moderately or fully regulated.

In comparing the sizes of governing bodies, the Netherlands has the lowest number of university board members, with only 3 to 5 members. On the other hand, Portugal has the largest number of university boards at 35. However, the average number of members of university boards /councils in European countries surveyed is only 10.

Some Case Examples

In Italy, the supreme governing board is the board of governors. According to the 2010 law, the maximum number of the board of governors is 11 members of which 3 members must be external. The Chair can be either the rector or one of the external members elected by the board. In the Netherlands, the university board is made up of all external members. The number of members is 5. The chairperson of the board is appointed by the Minister. In Lithuania, the University Council can have 9 or 11 members according to the 2016 amendment to the Law on Higher Education and Research. Depending on the size of the University Council, 4 or 5 of its members must be external and must be appointed by the academic senate. The council elects its chair who must be an external member. (For the Netherlands, see at (Iwinska, 2014, p. 43); for Italy, see at (L 240/2010, 2010); and for Lithuania, see at (XI-242 Republic of Lithuania Law on Higher Education and Research, 2016)).

4. Experiences of University Governance in Former Communist European Countries

The collegial university governance model is most prominent in Central and Eastern European countries which were former communist countries like Myanmar. For example, in the Czech Republic, since the very early stage of reforms in 1989, the academic senate is the governing body which decides on strategic plans, budget, financial management, annual reports on university activities (Roskovec & Šebková, 2018). It nominates a rector who is approved by the President of the Czech Republic. Although universities establish a Board of Trustees composed of all external members, its role is limited to ensuring the proper management of university property and to expressing its views on important activities of the university (Roskovec & Šebková, 2018). The same pattern of collegial governance can be found in other Central and Eastern European countries such as Poland, Slovakia, and Romania (Kováts et al., 2017; Lachká et al., 2018; Miroiu & Vlăsceanu, 2017).

The notable exceptions are Estonia and Lithuania in which the model of governance has shifted from faculty-led model to the board-type governance. In Estonia, two out of six universities are regulated by different laws: University of Tartu Act (1995) for University of Tartu, Tallinn University of Technology Act (2014) for Tallinn University of Technology. These two universities have adopted a board-type governing body as the highest decision-making body. Their governing boards consist of eleven members of which five members are external members, appointed by the Minister of Education and Research. In Lithuania, where university governance has been dominated by the academic senate as early as 1989, universities have begun to include external members in universities boards as well as in senates according to the 2016 amendments to the 2009 higher education law. Lithuanian universities can decide on the number of external members. The University Council at Vilnius University is composed of 11 members: 5 internal members, 4 external members – outstanding political and business personalities, and 2 student representatives (*Vilnius University Council Elected!*, n.d.). The University Council elects the rector, approves the strategic plan, budget, and financial statements among many others.

The dominance of academic staff in governing bodies in Central and Eastern European countries can be partly explained by the historical institutional legacies they inherited in the pre-communist era. For most of these countries, the Humboldtian model of academic self-rule was the dominant model before 1939. The post-communist changes in university governance structures led by academics in these countries can be understood as the return to this model of academic self-rule (Dobbins, 2017).

5. Considerations in University Council Formation in Myanmar

One of the basic principles of the National Education Law enacted in 2014 is that universities and colleges will be autonomous given the

improvement of performance in university staff including senior leaders. In other words, the government tends to emphasize the balance of autonomy and accountability. To date, there has been a partial increase in academic autonomy, but in other areas of autonomy such as finance, organization, and staffing, the government still centrally manages universities. The government has recently announced that it would grant autonomy to sixteen universities participating in the autonomy pilot scheme (The Zin Soe, 2020). These sixteen universities will draft their university charter to be approved by the National Education Policy Commission or the Ministry of Education. Once the charters are ratified, the government will no longer have direct control over the administration and management of these sixteen universities. Therefore, in Myanmar, as in other countries, the higher education reform is heading in a direction where government direct intervention in micro-management will be reduced.

We will now look at what kind of body – governing body or management body or advisory body – the university council in Myanmar is close to. According to section 2 (d) The Law Amending the National Education Law (2015), the university council is a council formed under the relevant university charter and is composed of rector, pro-rectors, and persons of the same rank, heads of faculty, heads of departments, management and finance officials, teachers' representatives, student representatives, well-respected individuals and experts from outside university. In this definition, it can be seen that the university council has a large number of internal members from the university.

To make it more obvious, we would like to quote the Yangon University Charter (Draft), as it is available on its website (University of Yangon's Charter (Draft) , n.d.). According to the charter, the university council is the highest decision-making body of the University and has the legal authority to deal with any matter of the

university. According to the charter, there are approximately 45 members in the Yangon University Council, with the rector presiding, and most of the members are academic staff. The number of external members is very small. There are only four in total, and their representation is less than ten percent. This is understandable because the participation of external stakeholders might be regarded as the intrusion of outsiders in university affairs and hence many university academics see this as a threat to university autonomy, as worried by many university academics in former communist European countries. However, accepting the collegial or academic self-rule governance model as the only legitimate form of governance may potentially result in complete disregard towards the needs and expectations of other stakeholders such as the government, the businesses, and the community, as evidenced by these negative consequences that have occurred in former communist countries in Europe (Kretek et al., 2013; Kwiek & Szadkowski, 2018; World Bank, 2012).

In any case, the Yangon University Council, according to its charter, is the 'governing body' of the university. However, in practice, it is close to the supreme management body in terms of its size and membership. This begs the question of whether there will eventually be another 'governing' body which oversees the university council, thereby potentially resulting in reduced authority in the council.

Historically, higher education institutions in Myanmar were independent of state control before 1964 when the socialist regime

consolidated its power (Findlay et al., 2000). For instance, the University of Yangon, the only univ-

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ersity in Myanmar before 1958, was modeled after Anglo-Saxon governance model which placed great emphasis on liberal education (Scott, 2002). The university was governed by the University Council which included not only academics, but also many external members from public interest groups (Findlay et al., 2000). The Council appointed university staff including the rector, decided on the annual report and financial statements, managed the university properties and funds (*The University of Rangoon Act, 1924*). Public higher education institutions in Myanmar should revive this tradition of university governance and take it into a more modernized form. With this context, we would like to highlight several considerations to make in forming university councils as governing bodies:

- 1 Regarding the Law on Higher Education – A law on higher education should be urgently legislated to legitimize university charters. Only then will universities be able to formally form university councils. The size, composition, role and responsibilities of University Council as well as the requirements/qualifications of external members may be stipulated in the Law on Higher Education. The Law on Higher Education may stipulate how the members would be appointed and which various bodies may be authorized to elect such members. The regulation that at least 50% of the Council must be external members, however, needs to be prescribed in the Law on Higher

Education and charters. The Law on Higher Education should stipulate the relationship of university management leadership to the university governing body. For example, rector should not chair the University Council as it can cause conflict of interests. He/she should be an *ex-officio* member. The members of the University Council should elect the chair.

- 2 Regarding the Role of the Ministry of Education (MOE) – As it is the major funding provider, some external members should be appointed by or approved by the MOE. The MOE must demand accountability from the University Councils on all the funding support that is coming from the MoE.
- 3 Regarding the Role of the Rectors’ Committee and the National Education Policy Commission – They should issue further guidelines to incorporate international best practices related to the establishment of the University Council. These guidelines should include the size, composition, and responsibilities of university councils. If the Law on Higher Education has stated some general considerations, the Rectors’ Committee and the National Education Policy Commission should issue specific guidelines. They may specify which bodies must be authorized to elect a certain number of University Council members. They may prescribe the manner in which external members, other than those appointed by the MoE, may be selected from government agencies, business/industry, alumni, and education experts. These two bodies must work along with the Ministry of Education to endorse or approve the external members or their requirements to serve on the University Councils.
- 4 Regarding the role of University Councils – The University Council will be responsible for setting the mission and objectives of the University as well as approving strategic plans, budget allocation, and financial management. It will also appoint senior university leadership (rector, pro-rectors, and deans) in accordance with university charters and provisions of the Law on Higher Education.
- 5 Regarding the Role of Academic Senate – The Academic Senate may be allowed to elect a few academic staff to be internal members of the University Council. The Academic Senate is accountable to the University Council.
- 6 Regarding the Role of Administrative Board – The Administrative Board may be allowed to elect a few administrative staff to participate in University Council as internal members. The Administrative Board is accountable to the University Council.
- 7 Regarding the Role of Student Union – The Student Union may be allowed to elect some certain student representatives to be internal members of the University Council.

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Parami Institute provides a broad-based education in multiple disciplines, such as the natural sciences, social sciences, humanities and arts. Through discussion and writing-based classes, we encourage meaningful participation, reflection and critical thinking among our students.

Center for Education Policy Research is the research arm of Parami Institute. The Center is dedicated to conducting research on the education sector in Myanmar. We focus on policy and advocacy to promote high quality educational outcomes for all citizens.

*With the vision to create **change agents** from all walks of life, Parami Institute aims to transform Myanmar youth into lifelong **learners**, effective **leaders**, and responsible **citizens** through liberal education.*



3rd Floor, Shwe Gone Plaza
Intersection of Kabar Aye Pagoda and Shwe Gone Daing Roads
Bahan, Yangon
Myanmar
(+95) 9 699 977 272; (+95) 9 791 905 793
research@parami.edu.mm; www.parami.edu.mm/
<https://www.facebook.com/Parami.Institute/>
www.facebook.com/ParamiInstituteCEPR/