

Shared Governance in the Modern University

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Abstract

A governance model is developed in which university governance is shared between the academic and governing bodies and is coordinated by the university executive. Viewing the university as a professional service organisation, and noting the importance of developing a flexible culture within a shifting, marketised external environment, it is argued that a degree of shared governance is necessary for the success of the modern university. Although the discussion is couched largely within the context and evolution of UK university governance over the past sixty years, it also draws on the US evidence and experience and the conclusions drawn are general.

Introduction

The object of this article is to develop a model of shared governance in the modern university. The article begins with an examination of the evolution of the balance of power between university governing and academic bodies in United Kingdom (UK) universities since the 1980s. Drawing on this, an argument is made that the fundamental nature of the university as a form of professional service organisation operating within a shifting, marketised external environment implies that a degree of shared governance is necessary for university success. A governance model is then developed in which governance is shared through joint council-senate committees and is coordinated by the executive. The discussion concludes that a decline in shared governance in the modern university is neither inevitable nor desirable but that a moderate degree of tension between the governing and academic bodies (and indeed between other elements of the governance structure, such as university committees) may be desirable in the long term. Although the discussion is couched largely within the context of the evolution of UK university governance, the discussion also draws on evidence and experience from the United States (US) and the conclusions drawn are general in nature.

Power in UK universities prior to the 1980s

Leaving aside the governance structures of the ancient UK universities and that of the new universities created by Act of Parliament in 1992, the standard model of governance of most UK universities during the twentieth and early twenty-first centuries has been a bicameral system consisting of an academic body, usually called the senate, comprised largely of academics, and a governing body, usually called the council and with a preponderance of non-academic lay members. The senate or academic body generally has supreme statutory authority in academic matters while the council or governing body has statutory authority for the general administrative and financial management of the university (Shattock, 2006). During the post-war period prior to the mid-1980s, academic power in most UK universities was *de jure* and *de facto* vested in the academic body, the senate. The Robbins Report, which was commissioned by the UK government in the early 1960s and that paved the way for the expansion of the UK university system in that period, was clear on this principle: 'At the apex of academic government is the senate' (Committee on Higher Education, 1963, para. 662). Indeed, Moodie and Eustace's classic text on university governance concludes that the supreme authority in universities must reside with the academic body, 'for no one else seems sufficiently qualified to regulate the public affairs of scholars' (Moodie and Eustace, 1974, p. 233). In part, the assumed supremacy of the senate was due to the easy relationship enjoyed between universities and the UK University Grants Committee during a period characterised primarily by expansion rather than retrenchment and in which the chief university funding authority (the University Grants Committee) was comprised primarily of academics who were more in tune with the interests and management style of academic bodies than lay-dominated governing bodies (Kogan and Hanney, 2000; Shattock, 2006). Moreover, given the dominance of state funding of universities, the role of lay governing bodies in fund raising, which had been important in the pre-war period, had become largely redundant (Moodie and Eustace, 1974; Shattock, 2002, 2006), thereby diminishing their power and influence.

The 1980s: Thatcher, massification and the new public management

The election of the Thatcher government in 1979 marked a watershed in this relationship. The 1980s saw dramatic cuts in government funding of higher education and the rise of the 'new public management' in Anglo-

Saxon countries in general (Parry, 2001; Deem *et al.*, 2007). The thrust of the new public management, at least in its early, Thatcherite, neo-liberalist, pro-market form, was towards a diminution of academic autonomy as universities were encouraged and financially coerced to adopt quasi-market principles in order to strengthen patterns of externally defined public accountability (Deem *et al.*, 2007). At the same time, there was a distinct move in the UK away from a system of élite higher education provision towards a system of mass provision (Trow, 1970, 1974; McNay, 2006), placing further burdens on already stretched resources. Universities therefore had to come to terms with a dramatic shift in government ideology, an equally dramatic shift in funding and a sharp rise in student numbers.

The Jarratt report, commissioned by the Committee of Vice-Chancellors and Principals (CVCP) (now Universities UK) in the mid-1980s (CVCP, 1985), was an inquiry into efficiency in higher education in the wake of the funding cuts of the early 1980s and was highly influential in reshaping the practice of governance in UK universities. A central tenet of the Jarratt Report was that some degree of tension between senate and council was desirable, with the balance of power held by council. The report argued that such a tension was expedient, although it cannot be denied that much of the underlying argument was in fact ideological.

With respect to expediency, it was the presumption of the Jarratt Report that the academic bodies of UK universities, given the history of higher education over the previous thirty years or so, as discussed above, would be naturally resistant to change and, given this and given their size, that they would be less flexible and capable of making fast strategic decisions than the governing body. It is perhaps worth noting, however, that the evidence in support of this presumption is at best mixed. On the one hand there are, indeed, reported instances of bloated and ineffectual academic bodies being unable to respond adequately to the early 1980s cuts, as characterised, for example, by the colourful account given of Manchester University Senate by Austin (1982). On the other hand, as Shattock (2006, p. 61) noted:

not five miles away [from Manchester]. . . . Salford University was coping with budget cuts of over 40 per cent (far greater than Manchester's 16 per cent) and survived as a viable and effective institution in great part because its vice-chancellor drew on the strong organizational culture of the University to press home painful decisions which were fully agreed by a senate which could nevertheless see its membership being decimated by the results of its decisions.

Meanwhile, at Cardiff University, an ineffectual governing body failed to react adequately to the budget cuts and external intervention was required to avoid bankruptcy (Shattock, 1994). In general, as Sizer (1987) made clear, UK universities as a whole, regardless of their governance structures, coped well with the early 1980s cuts, comparing favourably with other public sector bodies that experienced budget reductions during this period.

An implicit ideological tenet of the Thatcherite form of new public management was a belief in the optimality of market solutions and, by extension, the supremacy of private sector forms of governance (Clarke *et al.*, 2000; Deem *et al.*, 2007). Thus, the shift towards vesting power in the university governing body was seen as closer to the board structure of a private company, with the chair of council mirroring the chairman of the board of a private corporation and the vice-chancellor as the chief executive officer, even though there are fundamental differences between a company board and a university governing body (Shattock, 2003, pp. 47–48).

More generally, some commentators have seen the primary thrust of the new public management in its various guises as a fundamental ‘withdrawal of trust by government from the universities’ (Trow, 1994, p. 13); insofar as this is true, it was natural for government to shy away from the academic body towards the governing body with its wider lay membership.

From Jarratt to Dearing to Lambert

From the mid-1980s, therefore, UK legislation on universities tended to lay corporate responsibility on the council rather than senate, so that the role of senate was weakened by exclusion. The introduction of the Financial Memorandum in 1988, for example, which effectively formed a fiduciary contract between the funding council and higher education institutions, specifically located responsibility for delivery with the governing body (Shattock, 2003, p. 14). Nevertheless, in the pre-1992 universities, the charter and statutes continued to describe senate as the supreme academic body even if, *de facto*, this position had been weakened. The promotion of the governing body in the higher education sector achieved further impetus, however, with the erasure of the binary line between polytechnics and universities and the passing of legislation on new forms of higher education governance: the 1988 Education Reform Act and the 1992 Higher Education Act established an effectively unicameral system in the post-1992 universities with power vested in a small governing body rather than the academic body. The proximate

driving factors here were, presumably, the perception that the post-1992 universities typically had an academic body with much less of a tradition in academic research than their counterparts in the pre-1992 universities, with whom they were now supposed to compete on an even footing, and the observation that many of them were in a poor financial state. In post-1992 universities, moreover, the vice-chancellor was officially given the role of chief executive officer, which had been unofficially conferred on the vice-chancellors of pre-1992 universities by the Jarratt Report.

The thrust of the new public management towards promoting the governing body continued beyond Jarratt and the erasure of the binary line. The 'National Committee of Inquiry into Higher Education' (NCIHE), informally known as the Dearing Report (NCIHE, 1997), was commissioned by the UK government in the mid-1990s and clearly foresaw further dramatic changes in the higher education sector: 'a degree of change . . . more profound even than that experienced during the recent expansion', bringing with it the need for greater cost effectiveness coincident with increased quality provision for a larger student body. Dearing viewed the governing body as responsible for an institution's strategic direction and its performance and recommended a strengthened and streamlined governing body as the best way of coping with the changes ahead.

Similarly, the 'Lambert Review of Business-University Collaboration', commissioned by the UK Treasury in the early 2000s and popularly known as the Lambert Report (HM Treasury, 2003), stressed the importance of the governing body in fostering business-university collaboration. Significantly, Lambert sees the committee structure of many universities' internal governance as detrimental to good governance, by associating governance by committee with 'a sector that can be slow-moving, bureaucratic and risk-averse' (HM Treasury, 2003, para. 7.2). As noted for example by Buckland (2004) and Shattock (2004), however, Lambert probably did not give enough weight to the crucial role played by committees (and in particular joint council-senate committees) for resolving agency problems within the university by diffusing governance into the academic body: in other words as a means of sharing governance.

A further way in which the authority of council in pre-1992 universities may have been informally strengthened is through the Committee of University Chairs (CUC), the representative body of the heads of UK universities, which has tended to blur the distinction in governance between the pre- and post-1992 universities in, for example, its published guides for governing body members. Thus, the 2004 version of the

CUC's guide, in its very first paragraph, makes the unqualified statement that, 'The governing body. . . shall take *all* final decisions on matters of fundamental concern to the institution' (CUC, 2004, p. 5, emphasis added). The later version of the guide, published in 2009, mitigates this tendency, but only slightly, with the corresponding sentence explicitly recognising the statutes, ordinances and provisions regulating the institution and qualifying the corresponding statement accordingly: '. . . *subject to these*, it shall take all final decisions on matters of fundamental concern to the institution (CUC, 2009, p. 13, emphasis added).

The professional service organisation and the need for shared governance

Another way of viewing this issue is from the perspective of the management literature on professional service organisations, of which the university, with its highly specialised knowledge workers, is often viewed as the archetype (Raelin, 1986; Mintzberg *et al.*, 1988; Maister, 1993; Mintzberg, 1994, 1998), given that academic freedom is an integral part of generating academic success that cannot be commanded from the top down but must be nurtured from the bottom up. As Shattock (2002, 2006) noted, there is in fact little evidence that the new public management ideal of top-down management from a strong chief executive and a small and powerful governing body has been successful in the higher education context. If anything, quite the converse is true, given that failures in university governance have generally occurred on the governing body or executive rather than in the academic body (Shattock, 2002, 2006, 2012). Indeed, lay members of council, while distinguished in their own fields, are usually at a severe informational disadvantage given their background, limited time commitment, lack of in-depth training for council duties, dependence on the executive for information and the infrequency of council meetings (Knight, 2002; Lapworth, 2004; Shattock, 2004).

Moreover (and perhaps somewhat paradoxically) while, as discussed above, the new public management has been a driving force towards increasing the power and status of the governing body, it has also, in its performance measurement and quasi-market funding mechanisms, made the cooperation of the academics essential to a university's success within its matrices of performance measurement. While a governing body may lay greater stress on league tables and on earning outside income than with which many academics may feel naturally comfortable, success in research assessment, quality assurance and business-university collaboration depends crucially on the active participation of the aca-

demics, which cannot be commanded from the governing body but must be gained in a spirit of mutual trust.

It is for reasons such as these that several writers, notably Ehrenberg (2002), Shattock (2002, 2012), Dearlove (2002) and Lapworth (2004), argued for a shift towards a balanced system of 'shared governance' where the *de jure* supremacy of either the governing body or the academic body is seldom exercised and instead a sense of common purpose is nurtured, perhaps through a number of key joint committees and an executive that is accountable to the academic body but is legitimised to report directly to the governing body.

Shared governance between the governing body and chief executive and the academic community is in evidence in many US higher education institutions, including the leading American universities (Shattock, 2006, pp. 17–18) as well as more humble institutions such as liberal arts colleges and community colleges (Tierney, 2008). Furthermore, the concept of shared university governance is an integral component of the influential 1996 Statement on Government of Colleges and Universities issued by the American Association of University Professors (AAUP) (AAUP, 2006). Although US higher education institutions generally vest power in a unicameral board of trustees to which the university president reports, beneath it there will be a complex committee structure that diffuses governance into the academic community (Rosovsky, 1990; Ehrenberg, 2002; AAUP, 2006).

Shared governance does not, however, preclude the occasional presence of tension between senate and council. It is tempting to draw an analogy here between academic bicameralism and national government bicameralism. With the latter, it is a standard argument in political science that the system of checks and balances that a well functioning bicameral system provides is necessary in order to prevent the passage of ill-considered, partisan or otherwise flawed legislation. Thus, while it is true that a situation where the governing and academic bodies are constantly at loggerheads is likely to lead to ineffectiveness and under-performance, the opposite extreme of too cosy a relationship may be symptomatic of apathy or institutional capture on the part of one of them.

More generally, as generators and disseminators of ideas, one would expect a variety of views and ideas to be forthcoming from within a university, not all of which will be compatible and not all of which can be pursued within university constraints. A senate that wishes to pursue an aggressive capital programme, for example, may find itself arguing against a cautious council that is concerned with financial stringency: it

may be both beneficial and creative for the arguments to be played out before a decision is made, rather than one or the other body simply acting in a docile fashion. This argument extends to other elements of the governance structure, moreover: a buildings committee will naturally find itself in friction with a finance committee, causing the case for funding (or, indeed, for not funding) capital projects to be properly made and considered. In other words, a degree of tension within the governance structure may indeed be both creative and beneficial provided that there is a means of resolving that tension and provided that the tension does not amount to a clash of opposing views.

Creative tension should not, however, translate into destructive clash within the governance structure so long as there is adequate leadership of the university. Taylor (2012) argued that a key role of the university leader, the vice-chancellor, is to develop a critical mass of support for his or her institutional strategy and, where necessary, to mediate and resolve conflict within the university. Insofar as the vice-chancellor can enthuse the academic body to engage with the university strategy, perhaps through a careful process of consultation and strategy development, this will tend to encourage the senate to engage with council rather than simply defend the *status quo*. Conversely, as a key member of council, the vice-chancellor can encourage regular consultation with the academic body, in the interests of fostering a spirit of inclusion and cooperation. In general, the leadership role of the vice-chancellor and the top management team (the executive as a whole) as a persuader and resolver of conflict is important in this context.

A simple model of shared governance, drawing on the present discussion, may be proposed (Figure 1). The senate and council are conjoined by a committee structure, some of which are joint, and are coordinated by the executive. The shared governance structure is set within the context of the academic community, emphasising the need for a degree of academic engagement in order for the model to work effectively. While such a model seems straightforward on paper, making it work in practice requires constant vigilance and a high degree of transparency in the working of the system.

It might perhaps be argued that the precise duties of each body within such a system of shared governance are vague. However, to write down a precise list of duties to be allocated to each body would be to some extent to defeat the object of the shared nature of the governance model being proposed. The central feature of shared governance is more an issue of tone and mutual respect between the academic and governing bodies than a strict demarcation of duties. Clearly, the council would

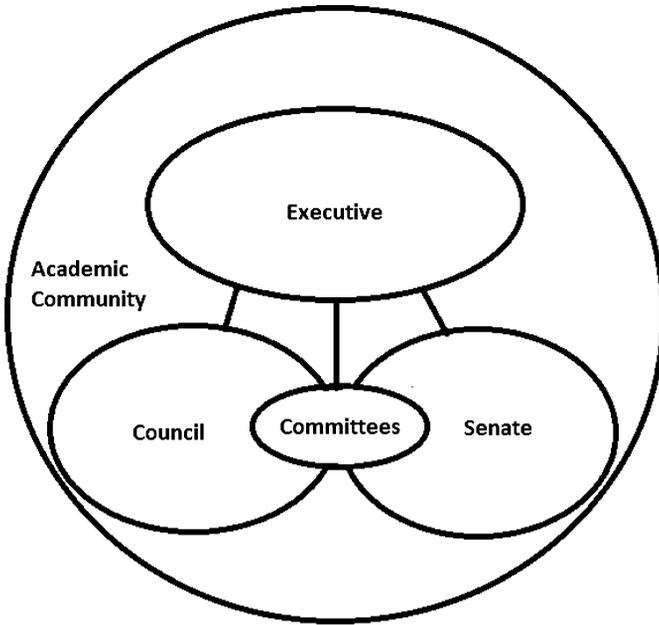


Figure 1 A model of shared governance.

remain the body ultimately accountable for the administration, financial solvency and viability of the university and the senate would remain the supreme authority on academic matters but the important feature of such a system is that each body would interact with the other in a spirit of mutual cooperation in which the official supremacy of either body would seldom be exercised.

While it has been argued that the executive and, in particular, the vice-chancellor may act as a mediator between the academic and governing bodies, the governing body (to whom the vice-chancellor is formally accountable) needs to act as a check on the power of the executive. Although there are important differences between a company board and a university governing body, the role of the lay members of the governing body does, arguably, have some important features in common with that of corporate non-executive directors. In this context, insofar as lessons for the governance of universities may be drawn from the corporate governance failures of the recent banking crisis, it is worth quoting from the review of banking corporate governance commissioned by the UK government in the wake of the financial crisis, namely the Walker Review

(HM Treasury, 2009): 'The most critical need is for an environment in which effective challenge of the executive is expected and achieved in the boardroom before decisions are taken on major risk and strategic issues'. While lay members of council are, as discussed earlier, in many ways at a considerable informational and operational disadvantage concerning university affairs, their technical skills, extra-university experience and detachment from the day-to-day running and pressures of the university should be important in impartially assessing major strategic issues and they should be unafraid of expressing their views even if (or perhaps especially if) this brings them into conflict with the executive.

It is also worth commenting again on the importance of academic engagement in a shared governance structure. This is notoriously difficult to achieve but the professional service organisation that is the university is unlikely to succeed without the cooperation and active engagement of its key knowledge workers; its academics. Centralisation of decision-making to the exclusion of academics is likely to reinforce academics' natural tendency towards a stronger allegiance to their discipline than to their institution and to foster academic alienation from institutional strategy and objectives (Moses, 1990; Becher and Trowler, 2001). While one should perhaps be realistic about the degree of engagement one might expect from academics, it nevertheless seems reasonable to expect that the degree of shared governance at an institution and the degree of academic engagement are likely to be mutually reinforcing, given that the more the academic voice is taken into account in university governance, the more likely it will be that that voice is exercised. Taylor (2012) argued that the role of the executive and in particular the university leader in fostering academic engagement (perhaps through a careful process of consultation and strategy development) is crucial.

It is tempting to refer to the various higher education league tables to see if there is a correlation between a greater degree of shared governance at an institution and its place in the various teaching and research league tables, on the basis that the core activities of a university are research and teaching. While such an approach may at first sight seem appealing, however, it would in practice be fraught with difficulties. First, there is the difficulty of measuring the degree of shared governance in an institution, since a bicameral governance structure that in theory represents a system of shared governance may in practice amount to a supine academic body and an autocratic executive or governing body. Conversely, as noted previously, in the United States the standard university governance model is a unicameral governing body structure that in theory looks as if there is little scope for academic staff input but that

in practice, can operate well as a form of shared governance through its various committee structures. Further, in the UK, because of the formal governance structures of post-1992 universities, a system of shared governance is more likely to be found in pre-1992 UK universities but the dominance of the pre-1992 universities at the top of the various UK teaching and research league tables cannot straightforwardly be exhibited as evidence of the superiority of shared governance because there are other conflating factors. Yorke (1997), in a quantitative analysis of UK university league tables published by *The Times* newspaper, for example, showed that four variables on which pre-1992 universities are likely to score well relative to post-1992 universities (namely undergraduate entry grades, research performance, student accommodation and the proportion of first-class honours degrees awarded) were sufficient to determine the overall score with almost complete accuracy. The remaining six variables, including two that relatively favoured the post-1992 universities (graduate employment and value added) added very little. More generally, methodological flaws in the construction of such league tables are well documented (see for example, Harvey, 2008).

However, although it is difficult precisely to quantify the relative success of institutions that practise shared governance, the US experience does appear to provide strong evidence that shared governance is at least conducive to good performance in the core university activities of research and teaching. Ehrenberg (2002) and Rosovsky (1990), for example, described in some detail how shared governance is an integral feature of Cornell and Harvard Universities, respectively, both of whom are undisputedly world-class universities. Conversely, in the case study of the University of Minnesota, Burgan (2006) described how an attempt to impose top-down, non-consultative management in a proposed re-engineering of the university led to unrest among academic staff that ultimately brought about the resignation of a number of members of the governing body and the executive and a reaffirmation of the shared governance principle. More generally, Burgan also provided a set of case studies of largely smaller US colleges where the engagement of academic staff in shared governance appears to have been a key factor in their success and, conversely, where departure from shared governance has led to failure (Burgan, 2006); in a similar vein, see also Tierney's (2008) discussion of successful shared governance in teaching-orientated US institutions. A system of shared governance is equally applicable to higher education institutions that concentrate on teaching; the key point being that all universities, whether teaching- or research-orientated, are

professional service organisations in which the professionals (the academics) need to be sufficiently engaged in order to coordinate on a mutually beneficial set of priorities.

Evidence on the effect of shared governance on the performance of higher education institutions may also be adduced from an examination of smaller, teaching-oriented institutions in the UK. In particular, McNay (2002), in a study of governance in smaller UK colleges notes that although the legislation incorporating colleges gives support to the executive model in decision making, contrary to the spirit of the report on colleges of education commissioned by the UK Department of Education and Science (DES) in the mid-1960s (the Weaver Report; DES, 1966), most of the small colleges McNay studied appeared in practice to thrive under the governance values of Weaver in seeing the college 'as depending for its health and vitality not on a chain of command in which impulses move only downwards but on a cooperative effort to achieve a joint purpose' (DES, 1966, p. 25; cited in McNay, 2002, p. 310). In other words, these small colleges appeared to work well with a form of shared governance.

Conclusion

Nearly four decades ago, Moodie and Eustace (1974) could have concluded their extensive study of university governance with the view that none but a scholar knows how to govern scholars. In a sense, given the nature of academic work and creativity, this has not changed. What has changed is that universities now more than ever need to operate flexibly in a dynamic and often hostile external environment. The easy situation of a steadily expanding higher education sector funded by a government committee composed largely of sympathetic academics, which characterised the first three and a half decades of the post-war period, has gone. It has been replaced by a highly marketised and shifting environment where universities constantly need to hone their competitiveness in teaching, research and third-stream activity. In this environment, self-governance *of* scholars, *by* scholars, *for* scholars is no longer enough, primarily because of the need to develop and maintain flexibility and dynamism in governance and to be alert to shifts in the external environment. However, imposed governance without academic participation is equally undesirable. A university is unlikely to succeed without the cooperation and active engagement of its academics; and centralisation of decision making to the exclusion of academics is likely to reinforce academics' natural tendency towards a stronger allegiance to their dis-

cipline than to their institution and to foster academic alienation from institutional strategy and objectives.

In this article, a model of shared governance has been developed in which governance is shared through joint council-senate committees and is coordinated by the executive. A decline in academic participation in governance is therefore neither inevitable nor desirable; indeed, it is vitally important that academics share governance without abdicating it and that they invest in a culture that makes shared governance possible.

It was also argued that harnessing the creativity of the university in a system of shared governance between senate and council while allowing for the presence of creative tension between them is arguably what allows a culture of flexibility and proactivity to flourish and this highlights the role of the executive in mediating and alleviating conflict between the two bodies.

The central, concluding message, however, is that the fundamental nature of higher education institutions as a form of professional service organisation operating within a modern market-oriented, shifting external environment implies that a degree of shared governance is necessary for the success of the modern university.

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