



University autonomy: Studying public universities under the Ministry of Industry and Trade

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Abstract

University autonomy in Vietnam is autonomy in accordance with the law, associated with self-responsibility and partially institutionalized in each field of operation of university institutions. Implementing the autonomy mechanism at public universities under the Ministry of Industry and Trade has brought many positive results. However, the process of implementing the university autonomy mechanism still has limitations and inadequacies that require research and evaluation to help public universities under the Ministry of Industry and Trade continue to implement the mechanism more effectively university autonomy.

Keywords: universities, Industry, Vietnam, Trade

1. Introduction

Around the world, the concept of "University autonomy" refers to the changing relationships between the state and universities (N.V. Varghese, Michaela Martin, Thomas Estermann). The fundamental trend of change is to uphold the tradition of academic freedom and gradually reduce the direct control of the public authorities over the university. From this perspective, university autonomy is the freedom of the university institution to make decisions and enforce decisions on the internal activities of the university without the control or interference of the university. State and any influence, if any, of the state must be based on law. University autonomy is university institutional autonomy, which means university autonomy and this autonomy is institutionalized by the system of policies and laws of the state.

In Vietnam, a new concept of university autonomy appeared and developed in the process of reforming the state management of higher education institutions in the spirit of socialization, ensuring consistency and discipline of state management while decentralizing management, increasing the university's autonomy and self-responsibility, and attracting the participation of stakeholders. University autonomy in Vietnam is autonomy in accordance with the law, associated with self-responsibility and partially institutionalized in each field of operation of university institutions.

For public universities under the Ministry of Industry and Trade, the predecessors from the old workers' schools, intermediate schools and colleges in Vietnam were upgraded to university in the period 2004-2011. Therefore, the training foundation Undergraduate and postgraduate training, scientific research and university administration experience of many universities still have certain limitations in the development process. Implementing the university autonomy mechanism has created opportunities for public universities under the Ministry of Industry and Trade to be proactive in financial and asset management, using budget allocations thriftily and efficiently, and increasing external revenues state budget through diversification of non-business, production and business activities. However, with the requirement to develop scale; at the same time, constantly improve the quality and efficiency of training and scientific research activities to better meet the requirements of learners and society, posing more and more problems from management mechanisms, policy systems to create and effectively use financial resources. Therefore, it is necessary to assess the status of university autonomy at public universities under the Ministry of Industry and Trade.

2. The process of formation and development of the concept of university autonomy in Vietnam

2.1. University autonomy in education guidelines and policies from 1979 to 2005

The term university autonomy has not been officially used in education guidelines and policies in Vietnam for the period 1979 - 2005. Resolution No. 14/1979/NQ-TW on education reform has not been mentioned yet educational innovation", "self-reliance", "self-responsibility" in education. But this Resolution uses the word "education reform", which clearly states that the three objectives of education reform are: (i) care for and educate the young generation from childhood to adulthood, (ii) universalizing education for the whole population, (iii) training and fostering on a larger scale a new workforce.

Resolution No. 04/1993/NQ-TW on continuing to innovate the cause of education and training uses the word "education reform", but does not use the words "self-responsibility", "accountability" and "freedom" in education. The Education Law (2005), which took effect from January 1, 2006, uses the word "renovation" when stipulating that one of the tasks of teachers is "innovation in teaching methods" (Article 72, Clause 4).

Thus, up to 2005 the word "University autonomy" has not been used in the Education Law (2005), but universities, secondary schools, colleges are regulated as having "autonomy and self-responsibility". But this autonomy is always bound by the laws and regulations of the school that the university wants to implement, it must "ask" to be "give". In fact, it was not until 2012 that the Law on Higher Education was promulgated in which Article 32 stipulates "Autonomy of higher education institutions" and in 2014 the university's charter was promulgated.

2.2. University autonomy under the Law on Higher Education 2012

The Law on Higher Education (2012) uses the word "self-responsibility" and is associated with "self-control". Although the term "university autonomy" is not directly used, the Law on Higher Education (2012) has the following specific provisions related to it: Conceptually, autonomy is different from duties and powers: Similar to the Law on Education (2005), the Law on Higher Education (2012) distinguishes duties and powers from autonomy and therefore has different rules and regulations differentiate accordingly. Specifically, the Higher Education Law (2012) has Article 28 stipulating "Duties and powers of colleges, universities and institutes", Article 29 stipulating "Duties and powers of universities". And Article 32 stipulates "The autonomy of higher education institutions".

Six operational areas enjoy varying degrees of autonomy: According to Article 32, Clause 1, higher education institutions are autonomous, without being accompanied by "self-responsibility", in main activities, but not all activities in six areas are: (i) organization and personnel, (ii) finance and assets, (iii) training, (iv) science and technology, (v) international cooperation economy, (vi) ensuring the quality of higher education". Since higher education institutions are all autonomous in terms of organization and personnel, the provisions in Article 14, Clause 4, may be superfluous when it comes to only foreign-invested higher education institutions that are financially autonomous organizational structure. What is special here is that to what extent the exercise of university autonomy is regulated in connection

with capacity, ranking results, accreditation results, and if the higher education institution is no longer capable of doing so rights are also handled in accordance with the law (Article 32, Clause 2). It is necessary to carefully consider the following regulations on each area of autonomy:

1. Autonomy in organization and personnel: The Law on Higher Education (2012) has no specific regulations on autonomy in this area. However, Article 14, Clause 4 stipulates that "Foreign-invested higher education institutions are autonomous in terms of organizational structure", while other educational institutions are not clear how autonomous in terms of organization and personnel.
2. Financial and property autonomy: Regarding financial autonomy, Article 20, Clause 4 clearly stipulates that the head is the principal of a public higher education institution, the chairman of the governing board of the educational institution. The private university is the account holder... exercising the right to autonomy and self-responsibility for financial disclosure and transparency in accordance with the law. Regarding property autonomy, Article 67, Clause 1 stipulates: "Higher education institutions manage and use assets formed from the state budget in accordance with the law on management and use of assets government; autonomy and self-responsibility for the management and use of assets formed from sources outside the state budget". This regulation clearly shows that "autonomy" is different from "unself-control" in terms of both methods and objects of management and use: university autonomy only regulates assets formed from sources other than the state budget water.
3. Training autonomy: The Law on Higher Education (2012) has four articles 33, 34, 36 and 37 stipulating university autonomy on four main activities of the training field. Specifically, on autonomy to open majors and majors Article 33, Clause 2 stipulates: National universities, higher education institutions meeting national standards, but not all higher education institutions are allowed to freely open their own majors. Owner, self-responsibility for opening training majors at college, university, major or major for master's and doctoral level training in the approved list of training disciplines and majors in the field of training created by the school when having the capacity to meet the prescribed conditions. Regarding autonomy, which is different from responsibility in enrollment Article 34, Clause 1, Section b stipulates that higher education institutions are autonomous in determining enrollment quotas and are responsible for publicly announcing enrollment quotas and quality training and conditions for ensuring the training quality of higher education institutions. Article 34, Clause 2, Section b stipulates: Higher education institutions decide on their own the methods of enrollment, in fact choose the methods of entrance examination, admission examination or a combination of entrance examination and admission examination and bear responsibility for them responsible for recruitment. Regarding autonomy in developing, appraising and promulgating training programs Article 36, Clause 1, Section d stipulate: higher education institutions are autonomous and self-responsible for the formulation, appraisal and promulgation. did not see "implementation") of training programs at college,

university, master, and doctoral levels; Clause dd clearly stipulates: foreign-invested higher education institutions are autonomous and self-responsible for developing training programs and implementing training programs that have been accredited by quality accreditation organizations. The quality of education in Vietnam is guaranteed according to the provisions of this Clause. Regarding autonomy in training organization and management Article 37, Clause 2 stipulate that higher education institutions are autonomous and take responsibility for organizing and managing training by course, academic year and semester. However, Clause 1 of this article stipulates that the organization and management of training shall be carried out according to an annual or credit-based system.

4. Science and technology autonomy: Article 41 has 9 clauses specifying the tasks and powers of higher education institutions, of which only Clause 4 stipulates "Autonomy and self-responsibility in signing science and technology contracts; carry out scientific and technological tasks; register to participate in the selection to perform scientific and technological tasks". Under this regulation, higher education institutions are only allowed to operate autonomously in science and technology with three tasks and powers: (i) signing contracts, (ii) performing tasks and (iii) registering sign up to participate in the selection and implementation of science and technology tasks. It may be necessary to note in this regulation a fundamental difference between Vietnam's university autonomy and world university autonomy. That is academic freedom, freedom of science and technology is the mission and mission of the university. Therefore, the main problem is to create a legal basis to support the university to best complete scientific and technological activities; rather than having different regulations on the tasks, powers and autonomy of universities in scientific and technological activities.
5. International cooperation autonomy: The Higher Education Law (2012) uses the word "international cooperation" 17 times, of which only once refers to international cooperation autonomy. That is, according to the provisions of Article 32, higher education institutions are autonomous in activities mainly in six areas including "international cooperation". This Law dedicates Chapter 6, including six articles from Article 43 to Article 48, stipulating "international cooperation activities", but there is no specific provision specifying the autonomy to operate in the field of international cooperation.
6. Autonomy to ensure the quality of higher education: This is the sixth area of autonomy specified in Article 32. As to concretize the relationship between autonomy and quality accreditation of higher education mentioned in Articles 32 and 53 stipulating the use of higher education quality accreditation results as a basis for exercising the right to autonomy and self-responsibility. However, it can be seen that this regulation is still unclear on how the quality accreditation results are the basis for the implementation of university autonomy. It is very likely that it is necessary to refer to the regulations on accrediting and technical means of transport to come up with clearer, more specific and feasible regulations in the direction of which higher education institution is accredited. To ensure the quality of higher education, the

university is entitled to autonomy.

3. Some limitations and inadequacies of the Education Law on university autonomy

First, the existence of a governing body is in conflict with the concept of autonomy. The concept of university autonomy is evident in two aspects: Breaking out of the direct intervention of the management agencies; The right to make decisions about how the school is organized and its mission goals. But because of the different characteristics of economic and political institutions in different countries, the degree of autonomy is mostly reflected in the level of state control over higher education institutions.

In Vietnam, the concept of "university autonomy" has only appeared for nearly two decades. University autonomy in our country is understood as universities that are autonomous in accordance with the law, associated with self-responsibility and partially institutionalized in each field of operation of higher education institutions learn. With such an understanding, it can be seen that university autonomy for higher education institutions must always acknowledge the extremely important leadership role of state management agencies and Party organizations, because if they leave if this happens, higher education institutions will fall into a state of "anarchy". But the issue of the governing body is another aspect. As pointed out for many years in Resolutions 14 and 89 of the Government, if the governing body is maintained, in fact the university will not have real autonomy, but autonomy is only nominal. This means that because the most important issue here is deciding on people, management staff, and leaders, higher education institutions do not have the right to make real and direct decisions. Real autonomy requires the governing body to voluntarily relinquish its power, direct command over the university. However, this is not an easy task. In fact, up to now, many governing bodies of public schools still have fear of "losing their schools", so they put intense pressure on the promulgation of legal documents under the law when implementing this policy. The most obvious example is when drafting Decree 99 guiding the implementation of the Law on Higher Education No. 34/2018/QH14, until the last minute, the concept of "ambiguous" "directly competent management agency" appeared. authority" instead of the concept of "competent state management agency" and has given this agency great powers (articles amending and supplementing Article 16, Section 2, Clause dd of the Law on Higher Education). No. 34/2018/QH14). An intermediate solution can be proposed that on the way to abolishing the governing body so that universities have real autonomy, it is necessary to first remove the governing body mechanism. Removing the governing body mechanism means that the governing body can still influence the school's activities by appointing its representative to participate in the School Council, rather than directly interfering in the operation of the institution that higher education. This can be seen as a "semi-autonomous" mechanism. And if we can't do this, we can't talk about giving autonomy to the university.

Second, university autonomy and the role of the School Council. In essence, university autonomy is not given to an individual but to a collective leadership and that collective must really be the highest authority in the university, as Resolution 19-NQ/TW has stated confirm. As such, it must be clearly stated that university autonomy must be vested in the School Board directly. Therefore, the establishment of the

School Council is a breakthrough in the process of giving autonomy to universities. However, the membership structure of the School Council and its power depends a lot on the form of ownership and the owner of the type of university, on the degree of voluntary transfer of power of the representative of the university ownership (when the school is not autonomous) to the School Board itself (when the school is self-governing). According to the Law amending and supplementing a number of articles of the Law on Higher Education (No. 34/2018/QH14), it is clearly stated that: The School Board is the governing organization, exercising the rights of representatives of the owner and other parties have related interests. All public higher education institutions are owned by the entire people, i.e. the social community is the owner; private schools, people-founded schools... will have owners who may not be. Therefore, not all School Councils of all types of higher education institutions have the same composition, but depending on the ownership of each type of institution, there are different representatives. One problem is the members attending the School Council. This must be a collection of typical people and real representatives for owners and stakeholders rather than simply being structured into a full-fledged component. That is the leading principle when establishing the School Council. Even if the governing body has been abolished or the governing body mechanism has been removed, but the establishment of the School Council and the functions of the University Council do not follow the above principles, the granting of autonomy to the university will not success.

Third, the consistency and synchronization of legal documents related to university autonomy. Once there is a School Council, it is necessary to have a consistent system of legal documents in line with the trend of giving autonomy to schools. But in fact, at present, only the revised Law on Higher Education (Law No. 34/2018/QH14) says that, while other laws are still built under a centralized institution (accepting the existence of a central authority management). While the School Council must operate according to the system of legal documents, if the documents are not synchronized, how can there be true university autonomy. However, it is very difficult to get the synchronization of legal documents immediately. Therefore, in order to facilitate the granting of autonomy to universities, the State should soon issue a separate Decree to apply to autonomous universities. At that time, autonomous schools will rest assured to apply this Decree to get rid of the provisions of other laws and legal documents that have not been built on the basis of giving autonomy to schools. This issue has been mentioned in Decree 16 as well as in Resolutions 89 and 35 of the Government but so far it has not been found.

Fourth, to give autonomy, the governance structure and management of the university must also change, it cannot remain under the same centralized institution. It is necessary to change the organizational structure and operation charter of the university to be consistent with the autonomy mechanism. Legal documents on higher education management should soon be adjusted in this direction.

4. Conclusion

In the past time, the implementation of the autonomy mechanism at public universities under the Ministry of Industry and Trade has brought some positive results, many universities have improved their position and gradually asserted their role as training institutions multi-disciplinary,

multi-field, providing high-quality human resources for society. However, the process of implementing the university autonomy mechanism still has difficulties and obstacles that require the attention of the Party, State and Government so that public universities under the Ministry of Industry and Trade continue to implement more effective than university autonomy.

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