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Autonomy of Universities and Relevant Vietnamese Legal Policies

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Abstract

Nowadays, university autonomy is a global trend in higher education management. University autonomy is expected to bring about a comprehensive revolution in higher education, as recognized by the Education Law 2005, the Higher Education Law 2012, and many other legal documents that grant autonomy and responsibility to universities. To ensure the successful implementation of autonomy in educational institutions according to the party-state's direction and policies and to promote the development of higher education and improve service quality, the government has issued various mechanisms and policies for financial autonomy. Mechanisms for autonomy and responsibility in fulfilling tasks, organizing machinery, staffing, and finance for public

higher education institutions are also continuously issued, amended, and supplemented to meet practical requirements and create a legal basis for the process and important outcomes of transitioning from a hierarchical management model to an autonomous model in Vietnam. This research article explores the concept of university autonomy and the various aspects of university autonomy in Vietnam. It examines the impact of legal policies on university autonomy and identifies the existing challenges in implementing university autonomy. Additionally, it proposes solutions to enhance autonomy rights in Vietnamese universities.

Keywords: Autonomy, University, Legal Policies

1. Introduction

The higher education system in Vietnam consists of a network of universities and research institutions that offer post-secondary and advanced degree programs. Over the past 75 years, since the establishment of the Democratic Republic of Vietnam in 1945, the quality of higher education has improved in certain fields and institutions, gradually meeting the demands of economic and social development. The highly educated faculty has played a crucial role in the country's innovation and development. However, there are still challenges to be addressed in terms of establishing a solid and comprehensive higher education system that meets the requirements of industrialization, modernization, the learning needs of the people, and international integration in this new phase. Weaknesses and shortcomings in management mechanisms, institutional structures, program offerings, educational facilities, teaching and learning methods, faculty and educational administrators, resource utilization efficiency, negative aspects of examinations, degree granting, and other educational activities need to be promptly addressed. In order to quickly meet the country's demands in this new phase, our higher education system must undergo a strong, fundamental, and comprehensive transformation. The focus is on modernizing education and enhancing the quality of training to meet the development requirements in the context of the Fourth Industrial Revolution and deep international integration. Establishing university autonomy is an important and breakthrough issue for the development of higher education at a new level.

2. Theoretical Basis

▪ University Autonomy

University autonomy is the freedom of the university to decide its own tasks, demonstrating proactive ability in building and implementing the institution's strategies without being constrained by macro-level regulations and management. It is the comprehensive ability of the university to operate in a chosen manner to achieve its mission and goals. Autonomy also brings advantages to universities because a fundamental principle behind autonomy is that higher education institutions will function better. In foreign countries, the concept of university autonomy is understood based on the educational philosophy of each country. The level of control by the state over higher education institutions varies greatly among nations. The extent of state control also depends on the influence of political systems, historical conditions, and socio-economic factors. Depending on the role of the state in higher education, university autonomy is perceived differently. In general, university autonomy can be

broadly defined as the ability of a university to operate in a manner of its own choosing in order to achieve its mission and goals.

The autonomy of universities can be divided into two forms: (1) Substantive autonomy: the ability of universities to declare their mission and goals and determine how to achieve them without any interference from the government or governing bodies. This is the full authority of the university to make decisions regarding programs, objectives, and operations. (2) Procedural autonomy: the right of the university to determine the measures to implement the established goals and programs. It is the authority of the university to carry out existing decisions on how to teach, but not the authority to make new decisions. The core of autonomy lies in a culture of decentralized management, delegation of responsibilities in academic work, and accountability in carrying out managerial functions.

▪ Aspects of university autonomy

1. Autonomy in University Management

In many Western countries, there are up to four levels of management: departments, faculties, rectorates, and university councils. The University Council is usually a non-academic management level and tends not to interfere with academic matters. Outside the university, the central government is the regulatory body that sets the framework for decision-making in universities.

In Vietnam, the school level is responsible for the overall management and operation of the school, under the guidance of the Party Committee and the Principal's Office, along with advisory support from functional units including departments, faculties, and centers. The departmental level manages the training and scientific research activities of the affiliated branches. The subject level directly implements academic matters in training, science, and technology activities. The centers are tasked with implementing scientific and technological applications, technology transfer activities, and providing training. In the past, some schools only applied a two-tier model (school, department, or faculty), but after a period of time, due to the increasing scale of schools, the two-tier model in some departments within schools revealed some difficulties in management, especially in professional work. Therefore, schools have organized into a three-tier model, and reality has shown that the three-tier management model operates well and is more suitable.

2. Financial Autonomy

Financial autonomy depends heavily on the financial resources provided and the attitude of the sponsor towards the use of those financial resources. In most countries, the largest source of funding for university activities comes directly or indirectly from the government. These financial resources are used for campus construction, equipment procurement, operating expenses, and scientific research. Additionally, tuition fees, service contracts, loans, and other fees are also major sources of revenue for universities.

According to Article 1, Clause 3 of Decree 60/2021/ND-CP, it states that "the financial autonomy mechanism of public sector units includes regulations on the right to autonomy, responsibility for implementing regulations on the list of public sector activities, prices, fees, and the pricing roadmap for public sector services, classification of financial autonomy levels, autonomy in the use of financial resources,

autonomy in joint ventures, partnerships, management, and use of public assets, and other related regulations."

For public universities, financial autonomy means that they have the autonomy to carry out their professional activities (the right to decide on training and scientific research activities, develop strategic plans in a modern direction, and have the ability to compete to fulfill the functions of the university), autonomy in organizing the staffing system (the right to independently arrange staff, recruit, or dismiss employees), and financial autonomy (the right to decide on the financial activities of the university). Financial autonomy is related to autonomy in managing revenue, expenditure, and distribution of financial results, managing funds, managing assets, etc. Among them, managing revenue and managing financial expenses are the most important.

3. Autonomy in personnel

The autonomy of universities in managing their workforce is demonstrated through their freedom to select and arrange faculty and staff in necessary positions. Universities also have the authority to determine conditions for staff, particularly faculty, to work conveniently. Faculty members have the right to engage in other activities within and outside the institution to generate additional income. The state has the power to regulate the minimum salary for the national workforce. Many countries currently employ a performance-based salary system to incentivize high job performance. Autonomy in managing the workforce is a prerequisite for universities to effectively fulfill their functions and responsibilities.

The development of an organization can be seen in two aspects: the establishment of strong infrastructure and the growth of its team. In a knowledge-based economy, having just a solid infrastructure is not enough to build the reputation of an institution, especially a university. Alongside that, there must be a strong team, both in terms of quantity and quality. Only with such a team can a university truly become autonomous. The guiding principle for universities in building their faculty is to maximize the expertise of highly qualified professors currently working at other institutions while also quickly recruiting and developing a young, permanent faculty.

4. Autonomy in training and recruitment activities

The training activities include various contents, such as enrollment, training fields, training programs and curricula, teaching methods, etc. Enrollment is an important step in the training process. The number of enrollments must be based on the educational needs and the workforce demands of society, depending on the facilities, teaching staff, finances, and teaching management capabilities of each school. These figures can change and fluctuate. The Ministry of Education and Training may not have complete and accurate information about these issues. However, currently, in our country, the Ministry is deciding on enrollment targets for each school. Perhaps the Ministry is giving the power to decide enrollment targets to the schools themselves. The schools decide on their own training targets, report them to the Ministry, and publicly announce them on various media channels for society to monitor the quality of education.

Regarding the field of education, the process for a university to open a new training program is time-consuming, complex, and difficult. And it's also really hard to find a reason to explain why a specialist from the Ministry has the

decision-making power over which program the university can open instead of the university's own scientific council. Let's consider the university as a business, and the decision to open any training program is like a business deciding to invest in producing a new product.

As for the training program, the Ministry develops a framework program for different fields. Currently, the framework program accounts for a significant proportion, up to 60% of the total program duration.

5. Autonomy in determining standards and evaluation methods

Evaluation is fundamentally a deep issue in the autonomy of the school and primarily lies in the hands of experts. The evaluation must meet the requirements according to general standards and quality. The evaluation method mainly used is based on traditional school practices and is less influenced by external factors. External intervention mainly focuses on determining mechanisms and processes not only for evaluation but also for the education and training process. To ensure autonomy, it is the responsibility of the school to determine these processes and implement them, while evaluation and monitoring of these processes are the responsibility of external management agencies. Thus, at the school, department, and subject levels, autonomy lies in the hands of experts. The state, the public, and learners all have their own ways of evaluating, so universities must also choose an evaluation process that meets external requirements.

3. The Policies and Laws have an Impact on the Autonomy of Universities in Vietnam

Resolution 14/2005/NQ-CP dated November 2, 2005, by the government on the fundamental and comprehensive renovation of higher education in Vietnam 2006–2020: Implementing accounting for revenue and expenditure for public higher education institutions, creating conditions for these institutions to have high autonomy in revenue and expenditure based on the principle of generating sufficient revenue to cover reasonable expenses, and accumulating necessary funds for the development of infrastructure for training and research Transforming public higher education institutions into autonomous entities with full legal personality, decision-making authority, and responsibility for training, research, organization, personnel, and finance Abolishing the centralized management mechanism and establishing a mechanism of state ownership representation over public higher education institutions. Ensuring the role of community inspection and supervision; promoting the role of associations and organizations, especially professional associations, in monitoring the quality of higher education.

Decree No. 43/2006/ND-CP, dated April 25, 2006, by the government regulates the autonomy and responsibility for the implementation of tasks, organizational structure, staffing, and finance of public sector units. This decree is issued to create conditions for public sector units in general and public universities in particular to overcome challenges in implementing the autonomy mechanism, promote the development of higher education institutions, improve service quality, allow public training units to seek measures to expand service activities, increase revenue, and save expenses to fulfill their assigned tasks. Based on allowing the mobilization of contributions and active participation of

the community in the development of higher education institutions, increasing career revenue and income for civil servants and officials, and enhancing transparency and democracy in the decision-making and activities of the university, this decree contributes to enhancing the proactive and creative nature of public universities.

The Law on Higher Education No. 08/2012/QH13 dated June 18, 2012 of the XIII National Assembly stipulates the autonomy of higher education. (1) Autonomous higher education institutions have the main authority in organizing and personnel, finance and assets, training, science and technology, international cooperation, and ensuring the quality of higher education. Higher education institutions exercise autonomy to a greater extent in accordance with their capacity, ranking results, and quality assurance results; (2) higher education institutions that no longer have the capacity to exercise autonomy or violate the law during the exercise of autonomy will be handled according to legal regulations.

Resolution No. 77/NQ-CP, issued by the government on October 24, 2014, regarding "piloting the innovation of operational mechanisms for public universities in the period of 2014–2017," clearly stipulates the autonomy rights: (i) autonomy in training and scientific research; (ii) autonomy in organizational structure and personnel; (iii) autonomy in finance. Public universities, when committing to self-assure their entire regular and investment expenditure, are responsible for comprehensive autonomy in various aspects: fulfilling the tasks of training and scientific research; organizing the machinery and personnel; finance; scholarship policies; tuition fees for policy beneficiaries; investment; procurement; and other autonomy matters as prescribed by law.

Law No. 34/2018/QH14, Law amending and supplementing certain provisions of the Law on Education The university education institution exercises the right to autonomy and the responsibility to account for its actions according to the law. Conditions for exercising the autonomy of the university education institution include academic autonomy, professional activity autonomy, organizational and personnel autonomy, financial autonomy, and asset autonomy. The university education institution is responsible for accounting for the owner, students, society, competent management authorities, and relevant parties. The government provides detailed regulations on the right to autonomy and the responsibility to account for the actions of the university education institution.

Decree No. 60/2021/ND-CP, dated June 21, 2021, regulates the financial autonomy mechanism of public sector entities. In this Decree, the financial autonomy mechanism of public sector entities is defined in terms of the right to autonomy and responsibility in implementing regulations on the list of public sector activities; pricing, fees, and pricing schedule for public sector services; classification of financial autonomy levels; autonomous use of financial resources; autonomy in joint ventures and partnerships; management and use of public assets; and other related provisions.

Decree No. 81/2021/ND-CP, issued by the government on August 27, 2021, regulates the mechanism for collecting and managing tuition fees for educational institutions under the national education system, as well as policies on tuition fee exemptions, reductions, and support for study expenses and service prices in the field of education and training. This aims to promptly address difficulties faced by educational

institutions, especially by granting local authorities the autonomy to consider and decide not to collect tuition fees in the event of natural disasters, epidemics, or other unforeseen circumstances.

4. Limitations and Solutions

Alongside the encouraging results of implementing university autonomy, there have been various issues arising during the process, with the delegation of autonomy not yet becoming an inherent need of higher education institutions.

The awareness of society, as well as educational institutions, towards university autonomy and the understanding of the role and function of the school council in general are still limited. This has led to the issuance of overlapping and conflicting regulations that are difficult to implement, with confusion between the concept of university autonomy and autonomy within public career units.

The existence of the governing body contradicts the concept of autonomy. Autonomy in our country's universities is understood as universities being able to govern themselves according to the law, taking responsibility, and institutionalizing their activities in each field of higher education. With this understanding, it can be seen that university autonomy must always recognize the extremely important leadership role of state management agencies and party organizations, because without this, higher education institutions would fall into a state of "ungoverned". However, the issue of the governing body is another aspect. If the governing body is maintained, in reality, universities will not have true autonomy but only nominal autonomy because the most important issue here is the decision about people, the management team. Therefore, higher education institutions do not have the right to make real and direct decisions. To achieve true autonomy, the governing body must voluntarily relinquish its power and direct command over universities. However, this is not an easy task. In fact, many governing bodies of public universities still have a fear of "losing control" and exert intense pressure when issuing legal documents to implement this policy.

The roles and responsibilities of the party committee, school council, and board of directors in higher education institutions are not fully defined, leading to a vague position of the school council and its chairman in an autonomous university without fully exercising the rights specified in Decree No. 99/NĐ-CP. The school council is granted many powers but without corresponding responsibilities and benefits. The supervision and management functions for the board of directors and the principal, as determined by the school council's resolution, have not been fully implemented. The support system for the school council has not been established, and there is no operational mechanism. The role of supervising the implementation of resolutions regarding development strategies, plans, projects, organizational structure, personnel, training activities, scientific research, and international cooperation has not been truly effective, only being limited to reviewing reports from the board of directors with little evaluation or questioning. The awareness of many officials, lecturers, and members of the school council themselves is still limited. Many members of the school council do not fully understand the functions and operating procedures of the school council, as well as their own responsibilities and powers.

The autonomy policy of universities regarding organization,

training partnerships, finances, and scientific research has not provided motivation for the development of public universities. The policy of utilizing resources (human, financial, etc.) to maximize the effectiveness of resources from the budget, investors, and businesses in innovating management models has not been efficient. The policy tools for implementing autonomy are still limited, for example, in terms of autonomous personnel selection, appointment, and dismissal in many higher education institutions. The conditions for implementing autonomy mainly focus on organizational personnel, finances, and assets, with little consideration for professional and academic autonomy. Furthermore, financial autonomy is an important aspect of implementing autonomy, but in reality, many higher education institutions are struggling to achieve it, especially public universities.

Enhancing Autonomy at Public Universities in Vietnam

A possible intermediary solution could be to remove the governing body on the way to granting true autonomy to universities. Removing the governing body means that it can still influence the university's activities through its representatives participating in the university council, rather than directly intervening in the operations of the higher education institution. This can be seen as a "semi-autonomous" mechanism. If this cannot be achieved, then granting autonomy to universities cannot be discussed.

Continue to amend and supplement certain provisions of the Education Law and the Higher Education Law to be in line with practical conditions and most effective, ensuring that policies and laws on autonomy are consistent and specific. Currently, the legal framework on autonomy is not only confined to regulating activities in the Higher Education Law but also directly regulated in other related laws such as the Civil Servant and Public Employee Law, Public Investment Law, Bidding Law, Budget Law, Science and Technology Law, Public Asset Management Law, etc., leading to overlapping obstacles for universities to implement autonomy. For example, the Public Asset Management Law is not consistent with the Higher Education Law, allowing educational institutions to use legally generated revenue outside the budget. The budget law is not consistent with the approval of plans and settlements by the school council. Therefore, it is necessary to study and increase the level of state budget spending for higher education, innovate the mechanism for allocating budgets towards ordering universities in scientific research, technology transfer, and direct funding for learners. Autonomy is not simply about focusing on autonomy factors and increasing power for school leaders; it also needs to grant more autonomy to scientists and lecturers to better exploit their capabilities and create a creative knowledge environment for this team. Therefore, developing a faculty towards increasing autonomy and social responsibility; implementing standards for managers, lecturers, and researchers; quickly establishing recruitment regulations, work regulations, and promotion of managers, lecturers, and researchers to improve the quality of the faculty in management, teaching, and scientific research; creating conditions for effective management and operation of universities by mobilizing resources to serve training activities and scientific research in accordance with the practical needs of society

The key factor in creating breakthroughs in training and

improving the quality of higher education is not primarily approached from the perspective of organizational personnel, finances, and assets but rather focuses deeply on autonomy in expertise and academia. Therefore, a prerequisite for successfully implementing autonomy is that higher education institutions must regularly innovate training programs towards integrating research, enhancing practical skills for both teachers and students, innovating teaching and learning methods with a learner-centered approach, strengthening connections with businesses, establishing collaborative training between fields and schools within and outside the country, opening new fields of study based on practical needs, and diversifying training professions.

Establishing an open, fair, equal, quality, efficient, and lifelong education system; meeting the demand for high-quality human resources; enhancing the application and transfer of scientific and technological knowledge to serve local and national socio-economic development; ensuring fair, objective, scientific, transparent, and effective public investment as a basis for mobilizing social resources to develop the network of higher education institutions. Therefore, it is necessary to quickly and urgently implement the planning of the network of higher education institutions to clearly and specifically define the basic functions, specific tasks, and core missions of local public universities according to appropriate frameworks, practical tasks, and trends in higher education development that address the needs of stakeholders. Local public universities should provide training packages and transfer scientific and technological knowledge based on the specific needs of stakeholders on the basis of their actual potential and existing conditions. This is one of the most important advantages of local public universities. Nowadays, businesses also prioritize signing training contracts and supplying high-quality labor according to specific job requirements and positions. By doing this well, local public universities not only solve their own output problems but also build trust and enhance the attractiveness of their fields of study for learners. Local public universities must strengthen cooperation with advanced educational systems and modern scientific and technological organizations to train high-quality human resources in fields where there is a high demand in the labor market and establish a university autonomy management model towards international integration to affirm the quality of training while also enhancing the international integration capacity of local universities.

Quality assurance in education is seen as a method to balance autonomy and accountability. When there is a genuine need to effectively utilize public funds (in the case of public schools) and tuition fees invested by society in their children's education, it becomes a concept related to evaluating and measuring performance, monitoring all activities of a university. This is accreditation and recognition of quality by an independent organization that becomes an option to carry out management and control functions, while also promoting universities to establish an effective internal quality assurance system that covers all activities of the university instead of issuing regulations.

5. Conclusion

In summary, the autonomy mechanism of universities opens up many opportunities for higher education institutions but

also presents certain difficulties, challenges, and obstacles. To effectively apply and leverage this mechanism, schools need to focus on building a management model based on the principles of the school council playing a guiding role and developing strategies and policies; the administration should manage and operate activities to achieve sustainable development goals with a mechanism of power control on-site, public information, transparency, and serious accountability. Additionally, since humans are the most important and crucial factor in the success of any organization, educational institutions must promote autonomy in organization and personnel, actively build and implement streamlined policies for efficient operations, implement an effective job evaluation system as a basis for salary and benefits policies, attract and retain talent to enhance the quality of education and training, scientific research capacity, and community service quality, thereby affirming the position and brand of the institution.

6. References

1. Law No. 88/2015/QH13 issued by the National Assembly on November 20, 2015, regulating the autonomy of higher education institutions.
2. Law No. 34/2018/QH14 issued by the National Assembly on November 19, 2018, amending and supplementing certain provisions of the Law on Higher Education.
3. Government of Vietnam. Decree No. 43/2006/NĐ-CP dated April 25, 2006, regulating the autonomy, responsibility for task implementation, organizational structure, staffing, and finance of public sector units, 2006.
4. Government of Vietnam. Resolution No. 14/2005/NQ-CP dated November 2, 2005, on renovating the curriculum and comprehensive development of higher education in Vietnam from 2006 to 2020, 2005.
5. The Government of Vietnam. Resolution No. 77/NQ-CP dated October 24, 2014 on the pilot implementation of innovative mechanisms for the operation of public universities from 2014 to 2017, 2014.
6. The Government of Vietnam. Decree No. 99/2019/NĐ-CP issued on December 30, 2019, consisting of 20 articles detailing and guiding the implementation of certain provisions of the Law amending and supplementing certain provisions of the Law on Higher Education, 2019.
7. The Government of Vietnam. Decree No. 60/2021/NĐ-CP dated June 21, 2021, stipulating the mechanism for financial autonomy of public career units, 2021.
8. The Government of Vietnam issued Decree No. 81/2021/ND-CP on August 27, 2021, regulating the mechanism for collecting and managing tuition fees for educational institutions under the national education system, as well as policies on tuition fee exemptions, reductions, and support for study expenses; service prices in the field of education and training, 2021.