The role of General Councils in the Supervision of the Organizational Performance of Higher Education Institutions

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***Abstract* -** Higher Education Institutions (HEI), and other levels of Education, face important challenges. One of the most relevant one is the ability to adapt to a society that is changing over time, whilst guarantying levels of training that do not merely react to such changes. Thus, interacting with society, particularly with surrounding communities and key stakeholders, has become an essential requirement for the sustainability of these institutions. One of the formal mechanisms implemented in European educational institutions has been the design of organizational structures that include a top governance body sharing its constitution with both internal members, students and external members. Such frame holds the core mission of involving communities in the governance of educational institutions, assuming, both strategic decision-making functions, with the approval of the institutions' strategic plans, and a supervision function, approved by activity reports. It also plays an essential role in the life of institutions by holding the responsibility of electing its top executives. In Portugal, it has been almost a decade since the publication of RJIES, the legal framework of Higher Education, such bodies being designated by General Councils. Thus, one may highlight that there has been a better understanding of the operative process of these bodies, as well as their added value to the education system. It has also been possible to analyse the extent to which their core mission has been fulfilled and to understand its growing relevance, particularly regarding the autonomy of institutions. This article aims to contribute to this theme by presenting the results of a study on the role of these bodies in the governance of Public Portuguese HEI, with a special focus on the supervisory competence of organizational performance. Through questionnaires made to board members and interviews with chairpersons of the bodies and top managers of the institutions, it was possible to conclude that there is a high concern with the connections to the external environment. However, regarding organizational performance and the role of the Council as a supervisor of that performance, the activity of the bodies has fallen short of what would be expected. Several reasons may be identified. It is important to emphasize the importance of the profile of the external members and the relationship between the organ's standard functioning and the election of the head of the institution.

***Keywords*—**Governance, stakeholders, supervision, organizational performance

I. Introduction

The centrality of knowledge and innovation in today's societies has placed major challenges to higher education (HE) and its institutions (HEI), both in terms of their competitiveness and their level of sustainability. The recruitment of more and better students, new forms of teaching and learning, teachers with more and better qualifications, creation of highly relevant research structures, the innovative nature of the research developed, the capacity to transfer knowledge to society, improving the quality and performance of the institution and meeting the needs of stakeholders [1] are some of them. Challenges that have not been circumscribed at the national level, but are increasingly extended to the European and world context, where physical borders have ceased to be the limits of action and where mobility and internationalization have become essential pillars of development [2].

In this regard, specific recommendations have emerged with a view to HEI adopting mechanisms to better align their activities with the defined mission, through more adequate and more demanding resource management, greater orientation for performance and results, where quality management and continuous improvement systems are associated with effective decision-making processes at the scientific, pedagogical, administrative and financial level [3] [4]. These recommendations have valued not only transparency and accountability to the Society, but also encouraging new approaches to governance of institutions, with greater sharing of responsibilities between internal actors and external actors [5] and that, according to the Organisation de Coopération et de Développement Economiques (OCDE) [6], should be based on strengthening the autonomy and empowerment that enable the institutions to control their strategic destinies, particularly with regard to financial and personnel issues, from a long-term perspective, in that each institution can create its own distinctive project based on its mission and its strategic objectives, understood as the main factor of institutional development [4].

In Portugal, the reform process resulted in changes in a significant number of legal regimes, namely in the Legal Regime of HEIs (RJIES)[1]. Among the many changes introduced by this law, it is within the ambit of governance that the most important changes take place [7], requiring profound changes, especially in internal governance structures [8]. The General Council (GC), a radical innovation within Portuguese Public Higher Education Institutions (PPuHEI) [9], assumes competences in the definition of strategic destinations and in supervising the performance of the institution, in a shared composition between Teachers/Researchers, Students and External personalities of

[1] Lei nº 62, 10/9/2007, Legal Regime of Institutions of Higher Education

recognized merit, not belonging to the institution, with relevant knowledge and experience. The creation of this body in Portugal follows the European trend towards the creation of governance bodies that assume strategic responsibility and that link to the external environment of the HEI through the integration in their constitution external members. Associated with issues of autonomy, with a view to increasing transparency and accountability, in particular to the Society, in an essentially political discourse [10], the effective role of this body has been little studied. Not with regard normative issues, where studies such as those of the OECD [11] and Eurydice [12], among others, have presented a broad comparative picture between the different models adopted by European countries, but rather on the actual issues of functioning of these bodies and of fulfilling the mission for which they were created.

II. Governance in Higher Education

Governance issues in higher education have been particularly relevant in recent decades, and some authors consider them to be the most relevant, even when compared with other factors such as public funding [13]. Speaking of governance in HE comprises a complex web that includes the legislative framework, the characteristics of institutions and how they relate to the system, how financial resources are allocated and their accountability for their use, structures and less formal relationships which guide and influence behaviour [11]. Burton Clark [14], one of the most referenced authors in this area, characterizes HE coordination by comparing three different national systems of governance, the state system, the market system and the professional system, which results in triangulation between state authority, market and academic oligarchy. This model has been one of the main theoretical frameworks for the intense debate on the policies and reforms associated with HEI governance, particularly in the last two decades in Europe, as a result of a series of changes associated with the continuous expansion of the HE, differentiation, the effects of globalization, the concepts associated with and diversification of the requirements of the knowledge society [15]. Changes that have led to the redefinition and redistribution of roles and competencies that each actor takes, with evident changes in the relations between the State, Society and HEI [16].

The traditional relationship between the State and Higher Education has changed, not only in terms of the conditions under which institutions can provide the service, but also in traditional patterns of governance and funding [17]. The State is increasingly demanding a regulatory activity, in an action that privileges the evaluation and supervisory perspective, where autonomy and accountability have been at the center of HE policies in the last decades [18], with an increasing emphasis on implementation of formal systems of coordination and control, where governments assume a key role as regulators, promoting the improvement of institutional performance through strategic planning, performance monitoring and resource allocation and control [19] [20]. The perspective of the market based on the transition from a logic of supply of HE to a logic of demand for HE, leading the system to expose itself to market forces, has given rise to the perspective of the Society and its main agents in a much wider view [21]. According to Seixas [22], the major question of the market is the depoliticization of policies and the relocation of costs and responsibilities, in particular with regard to community participation, so as to transfer responsibility for educational outcomes to institutions and communities. To a certain extent, it is a partial withdrawal of the state as an exclusive funding entity and a growing focus on the economic and social utility of education and research [23], which has given rise to new governance models based on a greater concern with the interests of the society [24]. In the internal workings of HEIs, changes in power logics have been observed. Organizational management is increasingly focused on central executive leadership, selected not only for their academic performance but also for their leadership and management skills, to the detriment of the power of the Senates, Councils and Assemblies almost exclusively dominated by academics [26]. According to the Eurydice study [12], the balance of functions and competences is now shared between the Executive Bodies, the Academic Bodies, the Decision Bodies and the Supervisory Bodies. These are internal governance structures which aim, above all, to ensure a better strategic combination between the different academic authorities, in a more effective management system, in a Corporate Governance perspective, and by the formal representation of the interests of Society and the environment of the institutions [27].

The new approaches to HEI governance have implied new relationships of interdependence between the Regulatory Entities, Society and Internal Governance Structures.

Regulatory Entities *versus* Society

- **Sustainable Development** - HE has an important role in sustainable development, fundamentally as a disseminator of knowledge and as an entity responsible for the necessary change of mentalities and attitudes in the preparation of future leaders [28]. In the last decades, a significant number of national and international declarations related to sustainability in HE have been developed. According to Calder and Clugston [29], the deeper challenge of transforming education into integrated thinking for sustainability can only be achieved if the concern of the most influential stakeholders in the same transformation is taken into account. [30].
- **Knowledge society** - At the special meeting of the European Council held in Lisbon in 2000, a new strategic framework for the European Union (EU) was established with a view to a knowledge-based economy that would strengthen employment, economic reform and social cohesion [31]. The EU has defined as its strategic objective to become the most dynamic and competitive

knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion. HEIs are seen as essential for achieving the objectives of the Lisbon Strategy [32], but it will be necessary to create the conditions for them to improve their quality, attractiveness and governance, as well as to increase the diversification of funding.

- **Regional Development** - In addition to being central actors in the conduct of teaching and research, HEIs are also associated with the economic, social and cultural development of their regions, depending on the characteristics of the institutions, the characteristics of the regions and the political framework of each country [33]. There is currently a widespread consensus that HEIs have notable effects on the environment in the region where they are inserted, not only in terms of financial effects (per capita income growth) but also on social effects (reduction of long-term unemployment) [34]. The definition of the HEI network emerges as a decisive factor, combining the competitive issue between public and private sectors, the importance of HEIs in the development and economic growth of regions and spatial diversification, taking into account how institutions serve the regions where insert [35].

- **Competitiveness** - Is one of the most relevant political words in the early 2000s in Europe, with the ideology of competition guiding the formulation of HE policies in recent years, including trends towards autonomy and institutional responsibility, reinforced by comparative rankings [10]. The greater the diversity, the better the capacity of systems to meet the needs of the labor market, the better and greater the supply and the better the capacity to enable the specialization of institutions, increasing the effectiveness of the education system as a whole, particularly in the context of the development of the knowledge society [36). According to Bleiklie [37], it is not only a hierarchical differentiation, based on the different types and degrees of training taught. It is a much more complex differentiation, associated with the different ways in which the different typologies of institutions relate to the State, but also a differentiation associated with the importance of knowledge in the present Society, with the massification of education and increasingly wide use research in private companies and public administration, realities to which HEIs have to adapt through different strategies.

Regulatory Entities *versus* Internal Governance Structures

- **Autonomy** - In an increasingly complex environment, the OECD [11] argued that the direct management of the HE by governments is no longer appropriate, since they cannot guarantee their independence or dynamism, and new approaches are necessary, combining state authority and market power, in a sustainable balance. According to Pedrosa and Queiró [38], the autonomy of HEIs is a necessity, since in addition to the higher intellectual activities are by their nature autonomous, it happens with the relationship between universities and the State a little the same as if the separation of powers: the universities will function better, they will better fulfill their mission, namely the part of the mission that can be classified as strictly of public interest, if they practice to some degree the self-government, without the unnecessary dissipation of energies that forms of government by state bureaucracies.

- **Accountability** - Issues associated with higher education autonomy have usually been complemented with issues related to accountability, as a means of enabling harmonization and standardization a posteriori through assessment and accreditation mechanisms [39]. This is a relatively recent concept, closely associated with NPM, which intends to introduce new non-hierarchical means to control the activity of public entities [10]. Trow [40], looks at accountability as the obligation to report to others, explanations and justifications, as well as to answer questions, on how resources were used, distinguishing external accounts and internal accountability, as well as between financial and legal accounting and academic accounting. Accountability is seen as one of the most difficult challenges in the new approaches to HE governance, since in order to understand the different levels of performance it is necessary to develop standardized evaluation instruments that promote consensus between the institutions and their stakeholders [41].

- **Financing** - Financial sustainability is a particularly critical challenge for European HEIs, in a tension between equity and excellence [42]. The financing system is seen as the main factor influencing institutional strategies, so there has been an international trend towards the definition of financing policies based on cost sharing [43], namely through external financing, alternative to State funding [44], in a move from centralized financing to a decentralized framework involving various funding channels [45]. Organizational Performance (OP), closely linked to the financial autonomy of HEIs, has expanded its importance in the financing of HE, since the financing mechanisms that take into account this performance are understood as good instruments to focus institutions [46], playing an important role in the governance of HEIs, promoting institutional strategy, staff development, community relations, internationalization, and other variables [44].

- **Quality Assurance** - Since the last decades, governance policies in HE have been dominated by a discourse of quality assurance, assuming the Quality Assurance Agencies a central role in the assumption of being natural the existence of an external regulation of academic activity [47]. For this discourse, factors such as the

growing concern with the quality and efficiency standards of the entire public administration, one of the recurring concerns of governments [48], the massification of higher education transforming what was restricted in a broadly scale and multiple institutions, as well as the growing international mobility that entails questions of equivalence and credit [49].

Internal Governance Structures *versus* Society

- **Provision of the educational service to society** - Public higher education, as a state system whose main purpose is the development of people and the consolidation of a modern state, has a relatively recent activity [50]. At the same time, in the last decades, witnessed the end of the HE seen as an undisputed public good that the State must ensure, by becoming a good that, being public, does not have to be exclusively guaranteed by the State [51]. Being the HE centred on knowledge, its production (research), distribution (teaching) and diffusion (relation with Society), its mission being defined according to the way each institution deals with this knowledge [52] and in a Society, where this knowledge has played a crucial role, it is expected that HEIs and their governance will be the guarantor of the public interest and that they will use the resources efficiently for the benefit of the Society.

- **Adapt to change** - The models of professional bureaucracy that have traditionally characterized HEIs, supported by a knowledge-based system where academics are at the top and administrative structures are at the bottom, also considered as *"collegial organizations"* [53], have become obsolete and unsuitable for rapidly changing environments, creating pressures for more flexible governance models in line with private sector principles [54]. Pressures have also led the HEIs to call themselves new elements of action, such as the relevance of the training offer, employability and the valorization of knowledge, with a focus on guided research, consultancy and specialized scientific and technical support [55]. The ability to adapt to change is mirrored in the OECD's 26 challenges to HE [52], a total of 44 policy proposals, in a challenging agenda, which sought to reconcile the institutions priorities with the economic and social objectives of each country, in a strategy of diversification and flexibility, where the mission and the profile of each institution would have clearly defined and in accordance with that strategy.

- **Institutional strategy** - The significant set of changes in HE and the inability of European HEIs to keep up with growing international competition in attracting more talented academics and students, led the European Commission to point out twelve changes needed [56]. One of these changes is related to the need to ensure a true autonomy and accountability of universities, allowing them to accept full institutional responsibility for their results in the broad sense of society, suggesting the implementation of new internal governance systems based on strategic priorities and the professional management of human resources, investment and administrative processes. According to Hunt el all [57], the implementation of strategic planning processes in HEIs is an important contribution to improving institutional capacity, not only in fulfilling the mission, but also in creating academic stability, increasing efficiency levels, clarifying the future path and optimizing cooperation among members of the academic community, as well as being an important contribution in meeting the requirements of accreditation entities.

- **Sharing responsibilities** - The last decades of the institutional governance of HEIs have also been marked by democratic participation [53]. Questions such as the choice of the Rector, the degree of participation of external stakeholders, institutional leadership, the size and composition of boards of directors, effectiveness and transparency of decision-making processes, the balance between the responsibility of the institutions and the responsibilities of governments and autonomy in financial and academic matters, are some of the most frequently mentioned issues. De Boer, Huismanb and Meister-Scheyttc [16] called it supervisory in the modern governance of HEIs which is marked by concerns about improving internal governance following the growing expectations of HEIs and recognition of their importance for the Knowledge Society.

III. Organizational Performance in Higher Education

The genesis of Organizational Performance (OP) is based on an internal view of organizations, representing the process that helps managers monitor the effectiveness of what has been planned [58], by controlling the confrontation between objectives and outcomes [59]. Very marked by the financial perspective of organizations, the increase in complexity, the competitiveness of the markets and the increasing demand by consumers [60], led to the need for a broader view of their meaning. From the 1980s, a view of OP emerges as ambiguous and difficult to define [61], which depends first and foremost on the scope of each organization and the meaning each one attributes to it [62], but depends also on evaluation models and systems, which should reflect not only the internal objectives but also the external context in each of the organizations [59] and use the indicators most appropriate to these objectives and in that context [63]. The OP combines an internal perspective, an essential mechanism to improve the management of organizations, with an external perspective, an essential mechanism to improve the responses to the needs of the different stakeholders [64].

In the field of HE, one of the essential problems associated with the evaluation of the OP is related to the fact that the HEIs are organizations with very different characteristics and that also have different social and economic benefits, some of them

intangible and difficult to measure, which depend on the different missions that each HEI assumes in the Society [65]. Although the Bologna process has generalized the discussion on the evaluation of HEIs, there are several obstacles to this evaluation, namely the difficulty of setting objectives and measuring them, the high level of scepticism of the academic community regarding the evaluation of OP and the fact that HEIs are more concerned with efficiency than with efficacy [66]. However, the evaluation of the OP of the HEIs exists, even if unintentional, has legitimacy, and is a reality once stakeholders express an interest in this OP [67], as such it will be necessary to define evaluation models that take into account not only issues related to government, society, companies and competitors, but also associated with the capacity of HEIs to ensure good working conditions and respond to the needs of stakeholders [68]. For Miller [69], performance evaluation should be performed on the basis of two types of groups, external and internal, that require different types of information and use evaluation for different purposes. From interns, who use evaluation to hold the inmates accountable, to manage the strategy and organizational culture, to allocate resources, to control quality, to better trainings and services, to support personal decisions and to defend causes, leaders, managers, faculties and faculty and non-teaching staff. From external sources, which use evaluation to make institutions accountable, to support resource allocation policies and decisions, to impose sanctions for non-compliance, to support choice decisions, to certify and accredit, and to validate the quality of Coordination Councils at local or state level, Government Agencies, potential students (or their parents), potential employers, potential lenders, Regulatory Entities and academic peers.

External Perspective

UNESCO has played a relevant role in the external perspective on the measurement of OP of HEIs. Following the World Conference on Higher Education, with a view to highlighting the need for renewal and reorientation of HE, was published a study on accountability and international cooperation in the renewal of the HE, where were identified ways for States to measure the progress of the HE and a set of indicators. Most recently, in 2011, it published a practical guide to the development of a system of indicators for the HE which includes a set of general guidelines and tools for the development and presentation of indicators, the framework necessary for the creation and the objectives and methodology for the creation of such systems [70]. The OECD has also been increasingly concerned with the issue of OP, not only in HE but in the public sector as a whole, with the publication in 1997 the comparative study of public sector performance management practices in nine countries [71]. In the field of education, it has been publishing since 1998 the annual report "Education at a Glance", which includes analyses of the different levels of education, including HE, namely the level of education of adults, the number of students that per country is likely to finish HE, the level of influence that parents education has on the participation of children in HE and the implications of schooling for participation in the labour market [72]. The State of Higher Education report, integrated into the OECD HE program, which carries out the monitoring and analysis of HE policies, data collection and the sharing of new ideas, as well as the reflection on past experiences, in a set of comparative data that aims to stimulate thought, reflection and the signalling of trends and potential sources of tension [73]. Currently rankings have been playing an important role in the measurement of OP of HEIs and are seen as one of the consequences of increased competition between HEIs and between states to attract better students and better teachers, but can serve as an important source of indicators for national systems, as well as a comparison mechanism that helps to explain aspects of regional and international HE systems [70].

The evaluation carried out by the State and its Regulatory Entities, materialized in the regular and repeated scrutiny of the OP of the HEI, through formal criteria and performance indicators that the respective agencies and commissions defined and, therefore, are understood as a process of implementation of formal, regular and standardized procedures to verify the performance and productivity of the outputs of each HEI [74]. At the same time, other entities have developed external evaluation processes at the request of the institutions themselves, which seeks to play an independent but important role in the Bologna process and in the influence of EU policies in the field of HE and innovation [75]. Quality certification processes, in particular those related with the standard on the certification of quality management systems, have also been shown to be important instruments for external evaluation [49].

Internal perspective

Despite the numerous studies, there has been a great difficulty in defining global indicators [76], leading authors and politicians to argue that OP in HEI should be in accordance with the objectives defined by the institutions themselves, in an internal logic aligned with their mission [77] [78]. The internal perspective has been reinforced, taking into account the diversity of stakeholders and the diversity of their interests, some more concerned with financial issues and service quality levels, others with student preparation for the job market and others with the assurance that the HEI is leading to achieve its results in accordance with its public interest objectives [79]. An approach that cannot be dissociated from the issues associated with the teacher performance evaluation process, which, in addition to being integrated into a more comprehensive process of assessing the OP of the HEI and the HE system itself, can be seen as part of the plans improvement and to be a pillar in the definition of new goals and new strategies, linked to the mission and strategy of the institution, in articulation with the evaluation of the students and with the evaluation of the institution (internal or external) and based on a definition by the HEI of their meaning of quality Teaching/Learning, in order to

support the professional development of teachers and to understand the impact that the evaluation process of their performance has on the quality of learning [80].

However, the internal approach of the OP cannot be said to be a common practice in HEIs. The UK study of institutional performance management practices in six HEIs [81] concludes that institutions use a combination of performance assessment mechanisms at different levels of the institution, but although this does not represent an integrated whole, particularly in individual performance appraisals. The United States survey of 138 university presidents of public universities on the use of OP data in strategic management [82] concludes that institutions use such data and that there is a relatively strong commitment on the part of these presidents to the management performance. However, the author found that the use of data is more common in situations where regulators have a strong influence. In Brazil, the study that sought to identify the main methods and indicators for OP evaluation used by HEI in a region [83], concludes that of the 51 HEI institutions, participated in the study 14, of which only 50% had at least one evaluation model based on performance indicators. In Portugal, the study carried out in four HEIs aims to understand how these institutions collect, analyse, use and publish qualitative and quantitative information for performance management [84], concludes that there is collection, analysis and use of information, but in some situations there are no standardized mechanisms, nor does this happen in a systematic way, and that in those where information is monitored, it is performed in an informal way, with the feeling that the concern with this monitoring is the need to be prepared for external evaluations.

IV. The Stakeholder approach in Higher Education

Historically, universities have always emerged as center of elites, responsible for the evolution of humanistic knowledge, critical thinking and philosophical construction [51]. Nowadays, it is generally accepted that HEIs share their mission between teaching and research, relatively constant over time, and the third mission, which evolves from an essentially cultural matrix, to a definition associated with the provision of services, to a more current definition associated to extension, representing the connection of HEIs to the Society, through the transfer of knowledge and its role as a stakeholder [85]. It is, however, in the training of people that the Societies create higher expectations for HEIs [86]. And it is in the training of people that there have been significant changes. First of all, the strong global growth that the HE has had in recent decades, from less than 30 million students in 1970 to 100 million in 2000 and around 200 million today, raising questions about the quality of teaching, management resources and on the capacity to respond to the effective needs of the Society [87]. At the same time, in Europe, the number of foreign students enrolled in HE in mobility programs increased from 796,983 in the year 2000 to 1,333,873 in 2012, an increase of 167% in just over a decade [88]. Finally, the MOOCs (Massive Online Open Courses), where classes are free, content divided into modules, and evaluation done either by task or through multiple choice tests, have seen an exponential increase since 2008, with a total of 2,400 courses being offered in the USA by 440 institutions, including 22 of the 25 universities that make up the US News World Report [89]. A set of changes that has enabled the relevance of training to be more important for students than obtaining a diploma, as well as for HEIs, employability and skills development have become recurrent themes [87]. It is a process of social and economic devaluation of academic qualifications and valorisation of aspects that bring added value to the graduates (prestige of the institution, acquired competences, existing partnerships, etc.), that has altered the processes of student choice and demanding new approaches, such as student management, preparation for the labour market, the development of institutional brands and the evaluation of OP [90].

As regards scientific production, in the EU-15 in just over two decades it increased from 6,808 scientific publications per million registered in 1990 to 23,411 in 2012 [91]. The amount of scientific production has been associated with a tendency to change the origin of the research and development activity. In Portugal, for example, most of which came from HE and the State until the end of the XX century, responsible for 67% of total expenditure in 1999, there has been a significant expansion of business activity in this area, surpassing the State in 2001 and dethroned in 2005 HE as the largest investor of financial resources. At the same time, there is a growing internationalization of scientific production and a growing number of international partnerships that have allowed the creation of inter and multidisciplinary knowledge networks, integrating different scientific, cultural, economic and social perspectives [92]. In Portugal, the growth in the number of publications in co-authoring with HEIs in other countries is more pronounced than the growth of scientific production as a whole [93]. This new framework of scientific production comes to form what Gibbons et al [94] [95] had identified as the new form of knowledge production, which they called Mode 2, characterized by organizational diversity, based on sharing between HEI and research institutes, government agencies, industrial laboratories, among others, and by increasing the number of people involved in this production, a complex network of actors and a balance between economic, political, ethical, environmental, social, cultural, etc. A reality which is related to the crisis of university legitimacy identified by Boaventura de Sousa Santos [51], according to which universities are no longer seen as the only institution that holds specialized knowledge and credentialing professional skills, reducing the space for scientific production directed only for academic consumption, disconnected from reality, innovation and education, responsible in many cases for creating gaps between what is investigated, what is taught and what is the business and social reality.

Finally, for Nóvoa [96], the most important challenge facing HEIs is the link between universities and society in the way that education and science, training and knowledge can contribute

to the development of 21st Century Societies. Jongbloed, Enders and Salerno [97], in their article on the interconnections and interdependencies between the HE and its communities (local, regional, national or international), consider that is not only expected from HE to have excellent education and excellent research. It is also expected to have mechanisms that allow this excellence to be relevant to the productive process and to the construction of the knowledge society, as the legitimacy, reputation and prestige of the HE will increasingly be determined by the nature, quality and evolution of the bonds with external stakeholders and not only according to internal rules and academic results. Since 1973 there has been an intense debate on the necessary changes in the relationship between HEIs and Society, and it is possible to find institutional declarations at European level that expressly refer to the social dimension of the HE and its institutions, such as the Graz Declaration (2003) and the Bergen Declaration (2005) [98].

According to Magalhães and Amaral [99], the current perspective of HEI governance, more flexible and autonomous institutions in response to changes in the surrounding environment, has led to the progressive adaptation of governance models, with the increase of external stakeholders in governance structures seen as the decisive step. A perspective based on collaborative learning with stakeholders, on the commitment of all members, on the existence of a representative, professionally managed board supported by public and private funds [100].

The stakeholder approach is closely associated with Freeman's strategic work *A Stakeholder Approach* [101]-[103], where the author defined stakeholder as being an organization or individual that either affects or is affected by the achievement of the goals of another organization, the holder of an organization's stake, in a sense that it is an interested part in existence functioning of the organization [104]. Taking into account the profound changes that were taking place in the business environment of the 1980s, particularly with the emergence of the so-called Modern Corporation, companies understood to be modern because they have a greater dispersion of capital ownership, Freeman suggests the need for a new approach the traditional relationship with external groups. An approach that encompasses [58) the internal stakeholders, understood as groups or individuals that are not strictly part of an organization's environment, but for which an individual manager is responsible (employees, shareholders and boards of directors), and external stakeholders, understood as external groups or individuals in an organization that affect their activities (consumers, suppliers, government, special interest groups, media, trade unions, financial institutions, competitors, etc.).

The HEIs interact with a very diverse set of entities and with logics also very differentiated. From the analysis of seven publications that have studied the stakeholders of HEIs in several countries [92] [97] [98] [105]-[107] and a strategic plan that identified their own stakeholders [108] it is possible to identify more than 107, of which stand out those that appear in two or more of said publications (Table I).

TABLE I
HEI STAKEHOLDERS

Accreditation Agencies	Potential Students
Financial Agencies	Providers
Old Students	HEI Top Management
Business Associations	Local Government
Professional Associations	National Government
Scientific community	Groups of Special Interest
General Community	Institutions of Charity
Local Community	Social Communication
Boar of Trustees	Other HEI
Research Councils	Student Families
Directors of Organic Units	Teacher/Researcher
Local Employers	Non-teaching staff
National Employers	Unions
Financial Institutions	Local Education System
Partner and Consortium Entities	European Union
Current Students	Research and Development Units
International students	

The little consensus on Freeman's question about who or what really matters, led Mitchell, Agle and Wood [103] to propose a stakeholder approach based on a dynamic model of identification of the different types of stakeholders that would make it possible to recognize the special situation of each one and to base the decision to give priority to the relations with some. The Stakeholder Identification Theory categorizes them based on three previous attributes, power (the relationship between social actors in which one can obtain something from the other that it could not otherwise achieve), legitimacy (generalized perception or assumption that the actions of an entity are desirable, appropriate or appropriate within a social system constructed of norms, values, beliefs and definitions), and urgency (the degree to which the requirements of an entity require immediate attention). Each of HE stakeholders can take on the classification proposed by Mitchell, Agle, & Wood, of which some examples are summarized in Table II.

TABLE II
HEI STAKEHOLDERS BY CATEGORIES OF MITCHELL, AGLE AND WOOD

Groups	Categories	Characteristics	Examples
Definitive		Combine power, legitimacy and urgency	Teachers and Researchers
Expectants	Dominant	Combine power and legitimacy, but with little urgency	Accreditation Agencies
	Dependents	Combine legitimacy and urgency, but with little power	Potential Students
	Dangerous	Combine urgency and power, but with little legitimacy.	Social Communication
Latent	Dormant	Have the power, but have little legitimacy and little urgency.	General Community
	Discretionary	Have legitimacy, but have little power and little urgency	Professional Associations
	Demanding	Have urgency, but have little power and little legitimacy	Student Families

With regard to the two groups of stakeholders that Freeman and Stoner identified [58], the internal and the external, HEI have particular situations:

- **Internal Stakeholders** - One of the peculiarities of HEIs is the fact that internal stakeholders are divided into two: Non-Teachers/Researchers and Teachers/Researchers. The firsts have an effective link between the institution with which they have employment ties and the professional activities they carry out, but with relatively low power in the implementation of HEI missions. The seconds have a much higher power in the accomplishment of these missions, but they have more distributed links between the Institution with which they have an employment relationship and the other sources of professional activity (scientific areas, faculties/schools, research groups, partner entities, financing entities, other HEIs, etc.). Other features are Top Management, which does not represent a clear hierarchical line, since in HEI the hierarchies are also determined by the status of the teaching career, through professional categories.
- **External Stakeholders** - Also with regard to external stakeholders, there are particularities. First of all, the fact that they can be divided into two groups: a) direct, inasmuch as HEIs interact directly with a very diverse and complex set of actors, in pursuit of their objectives and with which there is a relationship of mutual influence; b) indirect, inasmuch as HEI indirectly influence a set of stakeholders belonging to the communities, with whom they do not interact directly, but with which there is also a relation of mutual influence, such as Students Families, Local Community and Potentials Students. Another peculiarity is associated to the fact that this typology of stakeholders is regional, national and international.

Current Students arise in a particular situation. On the one hand, they are clients/consumers of HEIs and as such external stakeholders, not only because they consume the teaching activity, but also because they spend the financial resources to acquire the same activity [109] [110]. On the other hand, they are an active part of the HEI activities and as such internal stakeholders, since in addition to their level of involvement is decisive in the implementation of one of the main outputs of the HE, the diploma student, have a reinforced role in the scope of the decision-making processes, with a representation in different top-management body.

V. Internal structures of Governance in Higher Education

According to Pedrosa, Santos, Mano and Gaspar [24], the major change that has taken place in the internal governance structures of HEIs at European level has been the increasing participation of external elements in their governance, in some situations in the majority, with the consequent reduction of internal representativeness. A reality that, according to the authors, brings to the management of the institutions a high demand and responsibility in the performance of their duties, bearing in mind that they must be able to combine academic interests with the contributions of external elements and an efficient management of resources . The aforementioned Eurydice study [12], which compared 30 European countries, concluded that there are four types of bodies: a) the Executive Director, that is, as a general rule, a broad body, composed of the Rector/President and Deputy Presidents or Vice-Presidents, being the main responsible for development, organization, management and monitoring of the institution's strategic planning; b) the Academic Body, that takes responsibility for teaching and research matters, and is essentially composed of academics, although, in a general way, it includes representatives of students and, in some cases, non-teaching staffs; c) the Supervisory Body, composed essentially or exclusively of elements external to the institution, where the responsibilities are associated with safeguarding the institution's interests and ensuring compliance with the laws and regulations of the country; and d) the Decision-making Body, that takes special responsibility for strategic planning, overall education, research and development policies of the institution, generally having the power to approve and amend the statutes and to approve a broad set decisions that the Executive Director needs to make.

In Portugal, the publication of RJIES in 2007, brought a common internal regulation and governance structure for universities and polytechnics, consubstantiating an integrated view of the HE in Portugal [111]. In the field of autonomy of HEIs, there has been a significant deepening in relation to previous laws, with the emergence of new autonomy in the definition of the mission, academic autonomy, cultural autonomy and autonomy of organizational diversity. With regard to the last one, RJIES, in addition to the mandatory bodies, General Council, Rector/President and Management Board, states that higher education institutions organize themselves freely and in whatever way they deem most appropriate for the fulfilment of their mission. RJIES introduces also profound changes in the competencies of the bodies, in a passage of a collegial model, with multiple domains of governance, to a model in which the GC assumes the highest responsibilities for the governance of HEIs. With the great majority of the competences coming from similar bodies, is from the University Senate that provides the greatest number of responsibility of the GC. With its field of activity substantially extended, from the 3 competencies of the old University Assemblies to the current 16 competencies, there are three truly new - the election of its President, the approval of its regiment and the appreciation of the acts of the Rector/President, which have a very relevant meaning. The election of its President and the approval of its regiment represent the independence of the body with respect to the Rector/President, since in the previous models it was the one that, by inheritance of the position, presides over the other governing bodies of the HEI. The appreciation of the actions of the Rector/President represents the supervision role of the GC in the field of HEI governance. On the basis of the already mentioned Eurydice study [12], it can be said that GC is a decision-making body, responsible for strategic planning, general education and research policy and

the overall development of the institution, with the authority to approve or amend the statutes and, at the same time, a supervisory body responsible for approving all the information to be submitted to the Ministry (annual reports, performance reports, financial reports) and oversight of the financial audit of the institution, and is generally the entity appointing and dismissing the institution's Executive Director.

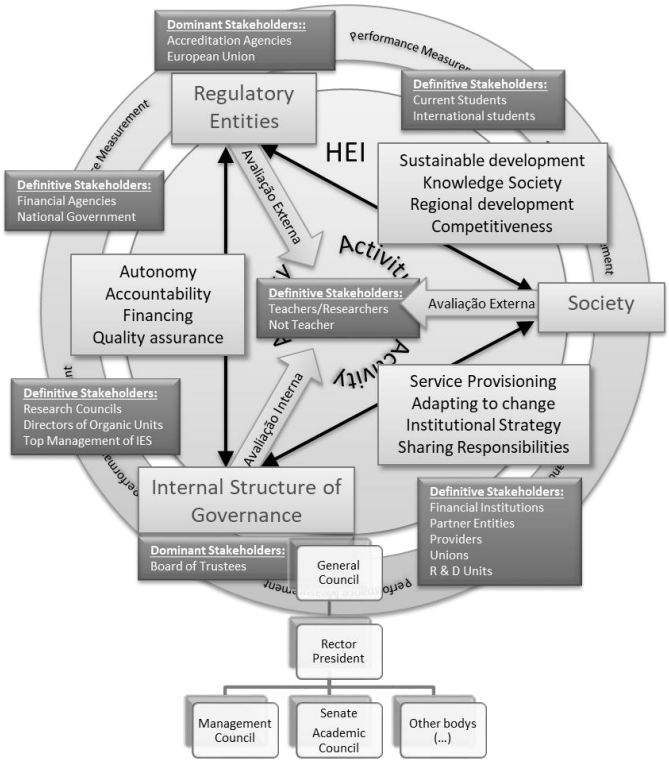
One of the most relevant issues with regard to the GC is its composition, with three types of members, representatives of teachers and researchers, students' representatives and external personalities, in a total of members that, should be between 15 and 35. Student representatives must represent at least 15% of the total and external personalities must represent at least 30% of the total. The combination of this participation with the competences of the body, makes this solution one of the most relevant changes in the current governance model of the HEI in Portugal, which comes from a set of new approaches highlighting the increasing pressure for the provision of accounts by public institutions in general and the European tendency for the existence of a body with similar characteristics [112]. The solutions found by the PPuHEIs for the constitution of GC were diverse, of which the following aspects stand out: (a) an average size of 26.3 members, higher in the case of polytechnics (27.7), compared to universities (24.9); (b) only one institution opted for the smallest size (15 members), while four institutions chose the maximum size (35 members); (c) Teachers/Researchers have a majority of members in all the General Councils; (d) External members, on average, have a weight lower than the minimum limit established in the RJIES; (e) Student members, in average, have a weight equal to the minimum limit established in the RJIES; and (f) of the 30 institutions studied, 27 chose to include Non-Teachers/Non-Researchers as a body of the General Council.

According to Pedrosa, Santos, Mano and Gaspar [24], in a global perspective, the internal governance structure envisaged in the RJIES was evaluated positively by the Presidents of GC, in particular the functioning of the body. According to the authors, existing issues and problems are capable of being resolved through appropriate changes to the statutes, in the internal regulations and in the practices of the institutions, exploiting unused potentialities and fully assuming the competences of the body. Some of them go through: (1) lack of effective power in addition to the election of the Rector; (2) inadequacy of the competencies defined for the President of the GC, based on administrative activities; (3) dependence on the actions of the GC of its members, the conduct of its President and its internal and external relations; (4) non-uniformity in the composition of the GC, with criticisms of the weight of each body, the way of choosing the external ones and the profile of the Presidents; and (5) lack of joint reflection among the various GC regarding the model envisaged in the RJIES.

VI. Methodology of Research

Due to the partial analysis developed in the literature review, the global analysis model (Figure 1) gives the conceptual framework to the research problem. It is possible to verify that the GC assumes an important role in the complex network associated with the HEI governance, assuming a significant position in the transposition to the internal life of the HEI of the relations of interdependence with the different external entities.

Figure I
GLOBAL ANALYSIS MODEL



Based on the global analysis model, the research is carried out with the objective of contributing to a better understanding of the governance of the Portuguese Public HEI, especially with regard to the contribution that the General Councils have had in supervising the organizational performance of the institutions. It also seeks to contribute to the understanding of the possible gap between the role that the General Councils should play and the one that they have effectively played, so that the problematic and the global analysis model is associated with the following research question: *What is the role that the General Councils, a body of the internal governance structure of the PPuHEI, have had in the supervision of Organizational Performance, taking into account their competences and considering their composition?*

The research question was divided into three specific research questions guided the development of research:

1. *How the composition of General Council are's characterized, in particular the external members and to what extent do they reflect the different types of stakeholders of HEIs?*
2. *What is the significance of the Organizational Performance of an HEI for the General Councils and to what extent is it shared by their different bodies?*
3. *To what extent is Organizational Performance supervision a function that is present in your regular GC activity?*

Taking into account the characteristics of the research, it was adopted a logic of complementarity and triangulation of perspectives, which consists of collecting and analysing the data from different points of view and using different instruments to interpret them gradually in a study [113], in a constructivist approach [114], conferring greater levels of robustness to the obtained results, minimizing biases [115] [116]. The answer to the research question was based on the individual perceptions of the members of the General Councils, in a descriptive research, based in a online questionnaire, built on the basis of the dimensions of analysis defined within the framework of the conceptual research model, to obtaining a transversal view of perceptions and collecting information that objected to the differences between the characteristics of members and between HEI [117]. Given the diversity of institutional realities and the fact that human behaviour is essential to understanding these realities [118], to complement the reading of the questionnaire data, were used interviews.

Were registered 160 valid questionnaires corresponded to a response rate of 30.1% in relation to the population and 20.3% in relation to the universe. It is understood that the rates obtained are quite satisfactory, allowing generalization of the results, taking into account that: (a) the rates of responses obtained in an online questionnaire are on average about 30 pp below those made on paper [119]; (b) the most normal in this type of questionnaire are rates between 5% and 10% [120]; (c) in recent years there has been a drop in response rates to questionnaires, both online and offline [121]. The fact that the power calculation for sample size associated with a 6.6% margin of error, a 95% confidence level and a power of 0.8 [122], quite satisfactory parameters, reinforces this understanding. Even with respect to the margin of error, which would be desirable to exceed 5%, in social science investigations by means of questionnaires, where there is little control over the actual conditions of application, a margin of error of up to 10% is reasonable [117].

Given the impossibility of interviewing all General Council´s members, both in terms of cost and time in the collection and processing of information, it was decided to interview the GC Presidents and HEI Rector/Presidents. The reasons for this choice lie in the fact that, in the case of the Presidents of the General Council, they themselves were part of the universe of the questionnaire, were external members and had a broad perspective on the functioning of the body. In the case of the Rector /Presidents, they are based on the fact that, although they were not part of the universe of the questionnaire, they have a seat in the GC and a decisive role in defining the body's agenda, are internal members and have a different perspective on the functioning of the body. Such a solution allowed to obtain a contrasting view, in a specialized interview perspective, where the interviewee is seen as an expert in a given field of activity [123]. The option was a contrast/deepening sample, usually applied in situations where the comparisons between extreme situations are based on a determinant variable of the research objectives [124], having selected six HEIs (three Universities and three Polytechnics) one for each General Councils size typology (highest possible, intermediate and lowest possible), which resulted in 12 interviews.

VII. Mains Results

The data collected regarding the composition of the GC indicate that:

1. The main types of external stakeholders that had been identified in the review of the bibliography have a seat in the General Council, and the corporate profile is most represented. In the perspective of the Higher Education system, there is a diversity of external stakeholders in the General Councils, which does not mean that this diversity is identical in each HEI.
2. The profile of external stakeholders of the two types of institutions is not necessarily identical, with polytechnics being more relevant to the local and professional aspects, and universities, more oriented towards the national and business profile. In fact, the External Members of the universities have external characteristics more pronounced than in the polytechnics, derived from the existence in the latter a significant group of External Members that are not external related to the Higher Education system and part of them already have integrated governing bodies of HEIs.
3. The choice of external members is seen as a process that has an impact on the final result and is not exempt from criticism. For the majority of interviewed, particularly for Rectors/Presidents, there is a need to define the profiles of external members before selecting individualities. Personal, strategic, diversity and social characteristics, in order of importance, are those that have proved to be the most important characteristics for the profile definition.
4. Most organizations in which the external members perform professional functions have had protocols, partnerships or collaboration with the HEI in which they are members of the Council. For the majority of the Presidents of the General Councils, the external members, besides representing themselves, represent the institution where they carry out professional activities.
5. The majority of respondents believe that the size of GC should be reduced and should not exceed 25 elements. The Rectors/Presidents have divergent views of the Presidents of the General Councils on the percentage of external. For the former the current percentage is adequate, for the latter it should increase.

Data collected on Organizational Performance indicate that:

1. The connection with the Society and teaching are the OP variables highlighted in both typologies of institutions. universities reinforce research, its most important variable, add concern to internal efficiency and differentiate themselves by internationalization, with particular emphasis on attracting foreign students. The polytechnics adding Employability, the second most important variable.
2. Rectors/Presidents and Presidents of the General Councils have divergent opinions on the existence of sharing in the meaning of HEI Organizational Performance. The former understand that there is sharing, while the latter understand that it does not exist. The General Councils of the universities have a more diversified view of the OP, whereas in the Polytechnics this perspective is more concentrated, being able to indicate that the sharing of the meaning of OP of the HEI is greater in polytechnics.
3. The frequency with which the General Councils analyse OP has proved to be an important factor influencing not only the characterization of the OP, but also the members' valorisation of the OP of the HEI in which they perform their functions.
4. Most of the interviewees understand that the debate about the OP of the Institution is not enough, with a greater level of agreement of opinions between Rectors/Presidents and Presidents of the GC.
5. For most of the interviewees, the involvement of the GC in the elaboration of the Strategic Plan is medium/low. No relationship is identified between the level of participation in the elaboration of the Strategic Plan and the sharing on the meaning of OP and the level of internal debate on OP.
6. The levels of global consistency in the approach to OP in both typologies of institutions are not high. More than 50% of the times a member identifies an OP variable does not identify an indicator to measure it.

Data collected regarding Organizational Performance Supervision indicate that:

1. The GC is seen as the most important body in the supervision function of OP. It is, however, the internal governance body that has the greatest difference between its role and the role it should play. For the majority of the interviewees, with special focus on the Presidents of the General Councils, the body has not exercised the supervisory function. Most respondents' opinions are that the OP analysis does not exist, does not know whether it exists or does not respond. The activities related to the internal evaluation of the OP are little referenced.
2. Even in situations where respondents say that specific points are frequent in GC meetings about OP, only 50% stated that there is a definition of OP Indicators, and that the legal competences (approval of the Budget and the Strategic Plan) do not reach the 100%.
3. The monitoring of OP Indicators has also been shown to be an important variable, in particular in the evaluation that the members make of the OP of the HEIs where they perform functions. The vast majority of members say that there is no OP Indicators Systematic Monitoring, which does not know whether or not it answers the question, and where it exists, it is essentially annual.
4. The process associated with the election of the Rector/President is one of the main reasons for not exercising the supervisory function.
5. Most respondents feel that External members play an important role in the exercise of this supervisory.

In addition to the opinions expressed in the context of the interview script, the interviewees highlighted other relevant aspects regarding the main contributions that the existence of the GC has brought to the governance of the HEI:

- Improving the internal functioning of the HEI - Positive pressure and control over the performance of the Rector/President requires greater rigor and a better system of accountability, making it easier to state the reasons for and to adopt certain internal procedures.
- Connection to the exterior - The external elements are seen as a strong contribution in the connection to the exterior, enhancing the competences of HEIs in the Society, concerns about resource efficiency and the provision of a quality public service.
- The Strategic Vision - The approval of the strategic plan is understood as an essential contribution to a deeper strategic vision in the HEI.

A number of difficulties are also mentioned, of which the following stand out:

- The lack of time - The body meets very few times and in a very wide way Impossible the deepening of the debates and the members usually have little time to devote itself to the subjects, in particular the External members.
- External Profile - The notion that the quality and motivation of the External members plays an important role in the functioning of the body, and there are difficulties in choosing them.

VIII. Conclusions

There is a high concern of the Portuguese Public HEI with the Society and the external environment, which is manifested in the fact that the Connection with the Society appear as one of the most relevant organizational performance variables, as well as in the fact that there is widespread acceptance of the participation of external members in the General Council. The Society clearly assumes itself as an essential vector in the governance of HEI and its sustainability, not only because it is understood as relevant the connection between HEI and Society in a perspective of greater ability of the former to respond to their requests of the second, but also because the participation in the strategic decisions of HEIs is accepted and recognized as an important added value. The participation of external members in the General Councils should therefore be understood as the representation of a broad set of stakeholders, so that the choice of those who sit on the General Councils is of particular importance. In this type of body, as in other types of

organizations, the chosen individuals are one of the key factors of their functioning. The more detailed knowledge of the HEI of its different stakeholders, which have different characteristics from other organizations, with a view to defining strategies that are increasingly assertive in meeting their needs, either in the development of mechanisms that enhance interconnections and in accountability, can prove to be an important asset in their institutional development.

Organizational Performance is a concept with non-consensual interpretations in Portuguese Public HEI, which differs according to the type of institution and the typology of bodies with seat in the General Councils. It differs equally from the perception that the Rectors/Presidents and Presidents of the General Councils have on the existence of sharing of their meaning on the part of the members of the General Councils, the first ones with a positive vision, the second with a negative vision. In addition, there are relatively insufficient levels of internal debate and relatively low levels of consistency, and there is a recurrent lack of relationship between variables and organizational performance indicators. HEIs have looked at organizational performance in an embryonic way, essentially fulfilling activities that are established in the law and without an internal deepening that allows them to develop institutions more oriented to own and differentiating projects. The definition of the role that each HEI wants and should play in the Society requires from the Internal Governance Structures more in-depth management mechanisms that allow not only the definition of more enlightened strategic objectives but also the measurement and evaluation of the results obtained, with a view to the continuous improvement of its organizational performance and a positioning that allows it to better meet the expectations placed on it. It is therefore of particular importance for HEIs, and in particular the General Council, to deepen the concepts associated with organizational performance by translating them into effective practices in both defining mission and strategies, monitoring their implementation and processes of continuous improvement.

General Council has clearly been seen as one of the principal oversight bodies of the PPuHEI organizational performance, but it has been far from fully exercising that function. In some cases, it is only the body that elects the Rector/President, in others, with very different views on the meaning of OP and on the key variables of this performance, and presents a high differential between those who consider that it is a supervision body and those who understand that this function is being exercised. The General Council emerges as an body of supervision of the organizational performance of the HEI, assuming the top of the hierarchical structure of HEIs, in a composition of representation of its internal and external stakeholders, which must simultaneously assume responsibility for the accountability requirement, both by the Rector/President and by the HEI as a whole, and the responsibility of its own accountability to the remaining stakeholders without a seat in the CG, coming from the Regulating Entities and the Company. It is therefore of great importance to clarify the supervisory function both within the General Councils themselves and within the scope of Higher Education as a whole, allowing it to be exercised naturally without formal constraints. The development of supervision activity of the OP in a more intense way by the General Councils, using formal mechanisms of mediation and evaluation of this performance, with a view to a more active contribution to transparency and accountability, and therefore to the autonomy of HEIs can also prove to be an important contribution to the institutional development of HEIs.

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