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10. OLD WINE IN NEW SKINS

The Long Evolution of Supervisory Boards in Dutch Higher Education

10.1 INTRODUCTION

Governance systems in higher education have been ‘modernised’ in many European countries. Far-reaching changes have been made to ‘the steering and coordination of interdependent actors based on institutionalised rule systems’ (Benz, 2004). We observe changing relationships between the State, society and universities and many reforms, mostly initiated by national governments, which aim at increasing the efficiency, effectiveness and responsiveness of internal university governance. The recalibration of governance in accordance with ‘modern’ standards has involved changes in the tasks, positions, roles and composition of many internal governing bodies and sometimes the creation of new governing bodies.

The resultant European higher education governance landscape has become exceptionally diverse. A recent European study (Eurydice, 2008) makes a distinction between university decision-making bodies that are responsible for long-term strategic decisions and advisory or supervisory bodies that oversee or monitor the university’s operational, educational and financial activities and are composed solely or largely of external stakeholders. The most common model is a collegiate academic body (senate or academic board) as the senior decision-making body. Some countries have limited external stakeholder representation on this academic body, whilst others have an advisory body which includes external stakeholders in order to strengthen relations with society or to bring in external expertise in financial and real estate matters. The next most common model is the decision-making body that includes substantial external stakeholder representation and no separate advisory board.

A study by EUA on university autonomy (Estermann & Nokkala, 2009) found that most European higher education systems now have dual governance structures. They comprise a board or council (rather limited in size), and a senate (although terminology varies considerably, it is often a wider and more representative body, including the academic community and to some extent other categories of university staff), with some kind of division of power between them, with the senate typically the senior decision making body on academic matters. 28 of the 34 countries studied have external stakeholder representation in internal university governance, 22 of them in dual governance structures. Despite this diversity and deep and nuanced differences between governance systems which, on paper, seem to be within the same general model, it is clear that external stakeholder involvement in internal university governance is on the rise and that this is perceived as an important element of the modernisation agenda for European universities.

In this chapter, we hope to shed more light on some of the challenges this entails, not by creating another categorisation of European internal university governance systems, but rather through a longitudinal Dutch case study. We find this case study interesting because it goes against the widely held view that external stakeholder representation is a ‘modern phenomenon’ and secondly because the Dutch university governance system has some unique elements that may provide an interesting mirror on governance dynamics in other European countries. The contemporary element in the governance structure that we have chosen to trace back in time is the ‘*raad van toezicht*’ (literally, board of supervision). We will tell the story of Dutch supervisors, allowing for a comparison of stability and change over time. Our focus is on public universities, i.e. we leave aside the governance structures of the private universities and of the universities of applied sciences. It will show that, with two exceptions (the Napoleonic period and the years between 1970 and 1997), supervisory bodies have been part of Dutch university governance since the foundation of the first university in Leiden in 1575. For most of this period, the role and position of supervisory boards have been a subject of debate.

As more countries introduce supervisory boards with external stakeholder representation, we hope that this case study will illustrate some of the potential tensions, such as who should serve on a supervisory board, what should be their main roles and what kind of relationships should exist between the supervisory board, the ministry, society and the university community, in particular its top management (De Boer, Huisman et al., 2010).¹ Should board members represent a particular constituency or should they be chosen for their expertise in the art of governing? Should the minister appoint the board members or should the academic community elect its own supervisors? Should these boards ‘steer or control from a distance’ or should they be proactively engaged in strategic thinking? Should supervisory boards monitor and control the performance of university management or should they support university management as sparring partners and (strategic) policy advisers? Are supervisors mainly the pawns of powerful university managers or ministers, are they highly effective watchdogs for the ministry or society, or are they highly effective advocates and guardians of university interests? These tensions are the leitmotif of our chapter.

10.2 DUTCH SUPERVISORY BOARDS IN THE PERIOD 1813–1945²

In 1813, after Napoleon’s defeat, the Dutch developed a national higher education law that, in theory, marked a new era, but, in practice, restored the pre-Napoleonic era (De Ranitz 1938, p. 59). Public universities were part of the state bureaucracy. Internal university governance was formally regulated by the State (Donner, 1978). On the ground, from the point of view of the universities, the position was less clear-cut (De Ranitz, 1938, p. 213). The State’s authority over the public universities was exercised by a board of curators consisting of five members. Formally, the Crown appointed and dismissed these members but in practice curators were consulted in the case of a vacancy. Jensma & De Vries (1997) refer to this as a system of cooptation. These unsalaried curators had many tasks: ensuring the university’s

compliance with various laws; teaching quality; university buildings and property; and financial affairs. They were also involved in staff appointments and in directing non-academic staff. The board was expected to take any measure that, in their view, 'would increase the utility and reputation of the university' (Jensma & De Vries, 1997). The curators' responsibilities also extended into the academic sphere: for example, they had to approve the curriculum ('series lectionum'). The president-curator, assisted by a paid registrar, formed the board's executive.³ The board members were compensated financially (travel reimbursements and meeting attendance fees).

In those days, the Dutch universities had a dual governance structure, known as the 'duplex ordo'. Besides the board of curators, there was the academic senate, the university's general assembly made up of the university's professors. The senate, the expression of academic self-governance, dealt primarily with academic matters which were not regulated by the State.⁴ It was chaired by the *rector magnificus*: a university professor nominated by the senate and appointed by the Crown for a one-year term. The rector was assisted by a registrar and four 'assessors' (vice-rectors). These vice-rectors were appointed by the senate. They each represented one faculty, except the 'rector's faculty'. Hence, all the faculties were represented in university governance.⁵ The rector and the vice-rectors ('*college van rector and assessoren*') can be regarded as the executive committee of the senate.

In the 19th century, the board of curators had a strong local and regional character; its five members were drawn from citizens of the city or the province where the university was located and the city's mayor was an *ex officio* member. Curators were appointed for life and a significant number died in office—42% in the period between 1815 and 1940! (Jensma & De Vries, 1997, p. 87) After the introduction of a new national Act on higher education in 1876, some of these rules changed. The mayor was no longer by definition a member, local or regional residence was no longer a requirement and appointments were made for five years, although the fact that there was no limit on the number of terms meant that the curators remained in office for many years. The average term between 1876 and 1940 was around 12 years.

From a bird's eye view, it is clear that this 'honourable and prestigious job on the side' was filled by gentlemen of a certain standing and age⁶ with good networks in the capital. Many were university alumni and had an academic background in law. Their professional backgrounds were mainly in the judiciary, business and banking, and politics. 44 curators were previous ministers in the period between 1813 and 1940 (38 of them after 1876 – an indication of the shift from a regional to a national focus (see below)). During this period, there was not a single female curator. The first woman was appointed in 1946 (in Utrecht) (Jensma & De Vries, 1997, p. 83).

In the late 19th and early 20th century, the role of the board of curators gradually changed. From the beginning, they had acted primarily as university representatives at the ministry, advocating their university's interests. For example, in the 19th century, the three Dutch public universities faced declining student numbers and, more particularly, the University of Groningen feared for its existence. The government intended to reduce the number of universities from three to two and Groningen was seen as the prime candidate for closure. Its curators clearly took the university's

side and successfully pursued its interests at the national level through intensive lobbying (Smit, 1989, p. 106).⁷ In later years, growing government interference in higher education reduced the policy space available to university boards and curators increasingly started to act as the ministry's representatives at the university (Jensma & De Vries, 1997, p. 81). More and more, they found themselves implementing ministerial decisions, whilst at the same time, the government's grip on board member appointments increased. A situation where the local and regional elite as curators ran the university together with the academic senate shifted towards governance by a national elite that had rather strong ties with the ministry.

The board's role as a buffer between the central authorities and the university community was far from simple, given the dual nature of its mandate. On the one hand, it was expected to supervise the university on behalf of the minister and advise him and on the other, it should promote and protect the university's interests at the ministry (De Ranitz, 1938, p. 206). The result of this awkward position 'as an outpost of the government' was that curators did 'too much harm and too little good' (Huizinga, 1951, p. 22). This ambivalent position worsened from the beginning of the 20th century, as higher education became more complex (growth of the system in terms of institutions, staff, students and budgets).

10.3 DUTCH SUPERVISORY BOARDS IN THE PERIOD 1945–1970

Immediately after the Second World War, the Dutch government faced a dilemma. Should higher education be restored or reconstructed? In 1946, it installed a national committee named (after its chairman) the Reinink Committee. Its proposals included replacing the board of curators by a university board consisting of five persons: two members appointed by the academic senate; two members nominated by university graduates and appointed by the Crown; and one member appointed by the Crown and representing the government. This latter member should not be the chair of the board, but should have a veto on some matters. This composition would bring together three stakeholders: the academic community (senate), society (graduates) and the State. The university board should work in close cooperation with the senate, the board being responsible for non-academic affairs and the senate for academic affairs. (This is an early example of the dual governance structure which is now prevalent in Europe). As with similar earlier discussions, this proposal was severely criticised, particularly for having two captains on one ship: the board of curators and the senate. Such a dual system and a board including two senate members would be confusing and would potentially lead to conflicts in terms of loyalty.

Whether to separate responsibility for academic and non-academic affairs and, if so, how best to make the separation remained tricky issues.

The successor to the Reinink Committee, the Van der Pot Committee (1949) introduced the composition of the board of curators into the debate. The fact that board members were still 'eminent local citizens' who saw their lay membership mainly as a mark of esteem, created dissatisfaction. The gap between the governors and the governed was increasingly seen as a serious issue.

Despite rigorous debate for more than a decade, the new national act on higher education in 1960 made very few changes to the position of the board of curators: it

was expected to govern the academic affairs of the university together with the senate; it remained responsible for the university's non-academic affairs; and it continued to be accountable to the minister. Specific responsibilities included financial matters (approval of the annual budget, development of a 4-year 'strategic' plan and a 4-year financial plan) and personnel matters (hiring and firing of academic and non-academic staff, and proposing professorial appointments to the ministry after consulting the rector and the faculties). The board consisted of five to seven persons, appointed by the Crown for a 4-year term, with the rector and one or more members of the senate attending the meetings of the board. The president-curator was the legal representative of the university. The board was assisted by a university secretary, a powerful person responsible for the implementation of the board's decisions.

In the 1960s, like in many other countries, Dutch higher education changed dramatically. Its rapid expansion confronted the 'organisation' of higher education with major challenges. In this context, the effectiveness, decisiveness and efficiency of an internal university governance system in which lay curators and academic senates ruled together were questioned. Many held the opinion that the existing structure showed clear signs of wear and tear and the demand for reforms increased rapidly after the implementation of the 1960 national act on higher education. As the chair of the Academic Council,⁸ Jansen, said in 1967: 'the opinion that it is necessary, for several reasons, to strengthen the governance and management of the universities has nowadays become common sense (...) Opinions differ however about how to achieve this strengthening.' (Academische Raad, 1968, p. 5) He was to be proved right but had little idea of the nature of the changes that would happen after 1968!

Many reform proposals were discussed. All aimed to increase the university's decisiveness in policy-making and professionalise its management. The size and complexity of the higher education issues at stake could no longer be addressed by well-intentioned amateur governors at the top-level of the universities. The separation of responsibilities for academic and non-academic affairs in two governing bodies (senate and board of curators) was seen as a further hindrance to effective university policy-making. One of the most talked-about proposals came from the Academic Council (the Maris Committee, named after its chairman). Once again, the case was made for the abolition of the board of curators and the replacement of the dual structure of board and senate by one governing body—the presidium—consisting of three full-time governors, responsible for all university matters and accountable to the minister. This proposal, a good fit with present day new public management approaches, was blown to pieces from different quarters simply because it completely misread 'the signs of the times' (De Gaay-Fortman, 1968, p. 109). Academics argued that such an autocratic and hierarchical governance structure was, to say the least, at odds with the professional nature of a university. Students were even more outraged and, according to Arriëns (1970, p. 155), the Maris proposal fuelled further radicalisation of the student movement in the late 1960s which, in turn, led to a turning point in the endless discussions on internal university governance reform. 'All of a sudden' the reform demand was not (just) driven by an ambition to increase the effectiveness and decisiveness of university policy

making but by the desire to democratise the internal university governance structure. It also heralded the ‘fall of the curators’ who had survived for centuries despite all the criticisms. As we have shown, policy makers had looked for alternatives several times, but none of the proposals were successful. So, for want of anything better, the board of curators was not abolished until 1970 (Hermans 1986, p. 6).

To cut a long story short, in December 1970, a new national act was passed by Parliament with respect to internal university governance (the WUB act) – an act with ‘revolutionary substance’ (Arriëns, 1970, p. 4). A completely new, but again dual, governance structure came into existence. The university council (*‘universiteitsraad’*) with academic, non-academic, student and external representation (in total a maximum of 40 members) became the university’s supreme decision-making body. Its decisions were implemented by a second top-level university governing body, the executive board (*‘college van bestuur’*) which took over some of the responsibilities of the abolished board of curators.⁹ In the 1970s, the executive board consisted of three to five persons, one of them being the rector. The rector, nominated by the deans, was appointed by the Crown after consultation with the university council. Two other members of the executive board were appointed by the Crown and one or two board members were appointed by the university council. The main responsibilities of the executive board concerned the university’s management, finances, human resources and property. Moreover, it was supposed to execute the council’s decisions, which implies that the university council was the prime decision making body. In the 25 years after the introduction of the 1970 WUB act, the distribution of powers gradually shifted from the university council to the executive board. Also, the composition of the executive board changed: it was reduced to three members, among them the rector, all appointed by the Crown.

In this period (1970-1997), Dutch universities did not have a supervisory board. Therefore, the next episode of our story starts in the early 1990s (despite the 1970s and 1980s being highly interesting times with respect to other aspects of internal university governance).

10.4 DUTCH SUPERVISORY BOARDS AFTER 1997¹⁰

In the early 1990s, it became clear that the 1970 university governance structure was on its last legs. There was a widely held belief that the participatory mode of university governance had become obsolete (De Boer & Stensaker, 2007). In a series of reforms arising from the new government steering philosophy introduced in 1985 and known as ‘steering from a distance’, internal university governance was also critically examined. In 1995, the minister outlined his proposals for a new university governance structure, which formed the basis of a fundamental change to the existing law in 1997. The objectives of the ‘Modernising the University Governance Structure’ Act (the MUB act) were to increase the quality of teaching and research; the decisiveness of university management; and institutional autonomy. It was intended as an answer to perceived shortcomings, such as the lack of transparency, the dispersal of authority, co-determination in decision making, and the inadequacy and incoherence of internal communication.

One of the novelties concerned the introduction of the board of supervisors (*'raad van toezicht'*), or, arguably, the re-establishment of such a board (the return of the curators?). The rationale was that universities should be protected from direct ministerial interference in university affairs through the establishment of supervisory boards which were not part of government bureaucracy but 'belonged' to the university. Universities should increasingly be able to act as 'public entrepreneurs'. Supervisory boards should supervise *for* the minister, not *on his/her behalf*. The minister cannot instruct the supervisory boards, but they are responsible for informing him/her about the functioning of their universities.

The formal regulations concerning the supervisory board are laid down in the national higher education act and the 'code of good governance for universities' further defines and elaborates on these formal rules (Association of Dutch Universities, 2007).¹¹ The supervisory board of each university consists of a minimum of three and a maximum of five external members. They are appointed, and if necessary dismissed, by the Minister of Education, Culture and Science for a four-year (maximum) term. When appointing the board members, the minister must consult the university council or its equivalent consisting of staff and student representatives. In practice, the universities propose their candidates to the minister who decides on a case-by-case basis. Specific criteria include: gender balance should be taken into account; one of the board members should serve as the liaison with the university council; at least one of the board members should have a background in finance; and a supervisory board member cannot serve simultaneously as a member of some specified organisations such as Parliament to avoid an incompatibility of functions. The members of a supervisory board are not paid a salary but do receive financial compensation. This annual honorarium is determined by the minister and is the same for all public universities: €11,345 for the chair and €9,075 for the other members (2007).

In addition to overseeing the work of the executive board (*'college van bestuur'*), the duties of the supervisory board include approving the university's strategic plan, budget, long-term financial plan, annual accounts and annual report, executive and management regulations, and decision-making structure. The supervisory board is expected to advise the executive board, but cannot give detailed instructions. This implies that both in theory and in practice, the executive board runs the university, overseen by the supervisory board. Finally, the supervisory board appoints the three members of the executive board.

Supervisory boards meet about four to six times a year. These meetings are not public. The chairs of the supervisory boards hold a meeting twice a year, sometimes inviting the minister. With some exceptions, members of the executive board normally attend the supervisory board meetings. They participate in discussions, express their views when asked, but do not have a vote. A national evaluation study (De Boer, Goedegebuure et al., 2005) and a report from the Dutch Inspectorate (2005) on the role of university supervisory boards inform us that:

Supervisory board members mainly communicate with the executive board. Interactions with deans and the university council are limited or non-existent. Contacts with external organisations—while wearing the 'supervisory board hat'—are

also limited. Most of the board members never talk to MPs or people from the ministry.

The supervisory boards are accountable to the minister via a formal annual report which, however, does not lead to interaction and feedback, to the surprise of the board members. The research also points out that opinions are divided on the clarity of the accountability relationship with the minister—this appears to be rather ‘soft’ with there being no clear guidelines for the relationship or for the content of the annual reports.

Most supervisors have a positive view of the performance of the university governance system. In their eyes, university management is effective, decisive, and capable of developing and implementing coherent strategic plans and successfully leading major reforms.

The time members spend on board duties varies: almost one-fifth invest less than five hours per month, nearly half invest five to ten hours per month, and a quarter invest 11–20 hours per month.

More than ten years after its introduction, a number of issues can be raised about the transparency of the governance structure, particularly the supervisory board’s role in this; the composition of the board; the board’s independence; and the accountability relationships of the supervisory board.

Transparency refers to open communication and the clear understanding of what governing bodies do. In 2005, a large number of the members of university governing bodies, with the exception of the executive board, reported that they did not have a clue about what the supervisory board did (see [Table 1](#)). For ‘ordinary’ academic

Table 1. Clarity of the supervisory board’s functioning by university governing body (in %)

To what extent is it clear what in practice the supervisory board does for the university?	<i>EB</i>	<i>UC</i>	<i>dean</i>	<i>FC</i>	<i>EC</i>	<i>HS</i>	<i>SD</i>
Absolutely not	0	20	17	34	37	29	30
Hardly	0	26	0	28	36	26	30
Somewhat	9	27	33	29	20	26	30
Considerably	44	18	33	7	4	9	9
Completely	48	10	17	2	4	11	0
N (=100%)	21	143	12	134	163	35	23

Legend:

EB = Executive board

UC = University council: representative body at the central level (50% staff and 50% students)

FC = Faculty council: representative body at the faculty level (50% staff and 50% students)

EC = Educational Committee: advisory committee at the faculty level with staff and student members

HS = Head of School, appointed by the dean

SD = Scientific Director, leader of research institute at university or faculty level

From: De Boer, Goedegebuure & Huisman, 2005, p. 26.

staff and students – those not directly involved in university governance – this understanding was even less. This is a result of board meetings not being public and the outcomes of meetings, and more general information about board activities not being disseminated. Supervisors move in mysterious ways.

A second concern about the supervisory boards relates to their composition. The supervisory board of Dutch universities is supposed to represent society as a whole. This expectation is easily questioned if we look at the composition of the boards. Gender balance is a problem: in 2010, 21 or 30% of the 70 supervisors are women; no university has a female majority on its board; six universities have two women in a board of five; and only Wageningen University has a female board chair. In terms of age, quite a few supervisors are close to or above the age of retirement. As an illustration, the age of the chairs of the boards is presented in Table 2. In 2010, the youngest was 57.

Looking at the professional background of the supervisors, members are ‘heavy weights’ from either the public or private sectors, with many coming from multinationals and large firms¹². They constitute a dense network of Dutch captains of industry, including the public spheres. Former politicians are also popular: in 2007, 9 of the 68 supervisors were former ministers.

Very few supervisors have a background in the arts or related fields. In this respect, cultural-historical values are underrepresented. Thus, they represent only a very small proportion of society. Many do not just have a seat in the supervisory

*Table 2. Composition of Dutch supervisory boards and the age of the chairs in summer 2010**

<i>University</i>	<i>male</i>	<i>female</i>	<i>total</i>	<i>age of the chair</i>
Rotterdam	4	1	5	65
Groningen	3	2	5	69
Leiden	3	2	5	67
Nijmegen	4	3	7	59
TU Delft	3	2	5	68
TU Eindhoven	4	1	5	57
Maastricht	3	1	4	
Utrecht	4	0	4	67
Amsterdam - UvA	3	1	4	
Twente	3	2	5	64
Tilburg	5	2	7	71
Amsterdam - VU*	7	2	9	69
Wageningen	3	2	5	71
Total	49 (70%)	21 (30%)	70 (100%)	

* The three universities established under private law in the Netherlands (Nijmegen, VU Amsterdam and Tilburg) have a slightly different governing structure including the supervisory board (more members). The VU in Amsterdam has a common board for the VU, VU medical centre and Windesheim (a University of Applied Sciences).

board of 'their' university, but also in the boards of several other public or private organisations (some have more than ten of these memberships). A potential benefit of being a 'multiple board member' is a rich experience and expertise in the 'art of governing' and universities may benefit from the board members' political and business networks. The downside is that this can lead to (undemocratic) power concentrations, or at least to the suspicion that these exist. This is particularly important in the context of the high levels of autonomy of

Dutch universities (as public agencies) and the need for mechanisms of democratic accountability in a public higher education system.

In conclusion, the composition of supervisory boards in the Dutch university sector in terms of age, gender and professional background is something of an 'old boys' network'.

The third concern relates to the expertise and independence of the supervisory boards. The experience and expertise of the individual board members may be 'undisputed', but what kind of expertise are we talking about? Given the composition of the supervisory boards, members are particularly experienced in finance and management. Other areas of expertise from which university supervision could benefit seem absent. This implies that in interaction with institutional leadership an information asymmetry regarding academic affairs easily arises. The role of the supervisors may well become restricted to financial supervision, which is an important but limited perspective.

The independence of the boards can be questioned in two respects. First, supervisors are not supposed to have a 'business-related' interest in the university. However, many of the members of the boards work in organisations with business links to the university. Joint research projects and the supply of infrastructure or financial resources (banks) are examples of potential conflicts of interests, or even unfair competition. Entanglement of interests can be a reason for the minister to refuse to (re)appoint a board member, but this rarely happens (only one case is known).

On the other hand, it is argued that entrepreneurial universities are expected and encouraged to have close links with society and industry, and board membership seems to be an effective way of creating opportunities for societal embeddedness. In this view, it is not the independence of the supervisors that counts, but their ability to build bridges between the university and its environment.

Secondly, looking at 'independence' in a different way, we suspect that tensions arise between the two roles of giving advice to the executive board and of overseeing its functioning. Can a supervisory board critically oversee the executive board's decisions if these are based on its own advice? Or does a supervisory board limit its advisory role to avoid such a tension? Unfortunately, there are no empirical data on such potential role conflicts.

A final concern related to the size and composition of the boards is interest representation and accountability. How should, and how does a supervisory board balance common interests and the (conflicting) interests of various stakeholders? To whom are the supervisors accountable? Tensions may arise between vertical and horizontal accountability. In The Netherlands, supervisory boards account for

the university's activities, including their own, to the minister through annual reports (vertical accountability). Accountability to other stakeholders is far less developed. As has already been indicated, the small size and skewed composition of the boards mean that important external stakeholder groups are not engaged in, or well-informed about, university policies. One option to overcome this problem would be to increase the number of board members (say to 25) and change its composition (functional or stakeholder representation). The disadvantage of such 'external representative boards' is that specific interests instead of the university's overall interests may become too dominant; the board may become politicised and internally divided with negative effects on the board's decisiveness and its position vis-à-vis university management. Moreover, functional representation does not get around the problem that stakeholder groups are rarely homogeneous—who is being represented and how to handle different opinions within constituencies remain a challenge. On the other hand, a system of supervisors appointed for their expertise, as the Dutch have opted for, may be less democratic and rather closed. Given that the powers of the university council—the staff and student representative body—have diminished since 1997, the participation of different constituencies in university-wide policy making has become a real issue.

More than a decade after the implementation of a significant reform of the internal governance structure of Dutch universities, the current supervisory boards, lay member bodies of captains of industry and public spheres, have an important role to play in the university governance system. Nevertheless, this section has identified a number of current issues and tensions with respect to their functioning. Many of these are perennial governance problems which have taxed the minds and ingenuity of university legislators since the Middle Ages (cf. Cobban, 1975, p. 35).

10.5 CONCLUDING REMARKS

As a result of changed expectations of the State, society and universities and of changing relationships between them, 'modern' governance structures have been implemented in many European countries. In this chapter we focused on the university supervisory board, a governing body redesigned or newly established in many European higher education systems which recalibrates internal university governance and more particularly the role of external stakeholders in this. The current supervisory boards in Dutch universities, established in 1997, are one example of such a 'modern' board although they have a 400-year history. In presenting the story of these Dutch boards over time, we have identified a number of abiding issues concerning the role and composition of the boards.

The minister has always appointed the supervisors, although it has always been the case that consultation with the universities took place before such appointments were made. Supervisory boards have always been small, in general consisting of five lay members drawn from local and later national elites. In terms of members' age, gender and background, they have always been something of an 'old boys'

network'. Their position as a buffer between the ministry and the university has continually been a matter of controversy. In the early days, the curators, typically local or regional dignitaries, advocated university interests at the ministry. In the late 19th century this changed as they became more of an outpost of government who implemented ministerial decisions. Today, the board is clearly once again part of the university, although many within the university are not aware of what it actually does or of its areas of competence.

Within the university, the position of the board vis-à-vis other governing bodies has changed. Until 1970, the board of curators governed together with the academic senate. There was a structural link between the supervisors and the supervised (the academic community), a situation that changed after 1997. Board members now interact primarily with the executive board and seldom communicate with other members of the university community. Another long-standing concern, particularly in the last century, relates to the expertise of the supervisors. Are these well-intentioned amateur governors at the top level of the university capable of overseeing and advising on highly complex matters? How can they effectively supervise an executive board that has much more information at its disposal and a much greater affinity with higher education and its core business of teaching and learning, research and community engagement?

Our story shows that, in the Dutch context, the supervisory board is not a new phenomenon. The oldest Dutch university, Leiden, founded in 1575, had a supervisory board from the outset. Higher education has changed enormously since then and many of these changes have had a direct or indirect impact on university governance, including on the role and functioning of supervisory boards. The relationship between the State and the university is one example—the shift from 'being part of the state bureaucracy' to autonomous public entrepreneurs. The growth in the size and complexity of higher education is another. The demands on, and expectations of, university governing bodies in elite systems are different from those in mass or universal systems (Trow, 1973). As a result, the tasks and responsibilities of rectors, senates and supervisory boards have changed. The rapid expansion of higher education after the Second World War combined with strong social forces that challenged 'traditional authorities' paved the way for the 'democratic university'—an organisational revolution in 1970 that resulted in the (temporary) end of the senate and the supervisory board in Dutch universities. The senate was not rediscovered, but the supervisory bodies were.

Without downplaying the importance of the changes in the board's role and composition over time, the repositioning of other university governing bodies and the changed position of the university in society, our story indicates that there are strong elements of continuity. This brings us to the conclusion that the introduction of supervisory boards in 1997 was not the new governance mechanism it was presented to be. It was more a case of 'reinventing the wheel' than of 'modernising governance'. As the Biblical saying goes 'what has been will be again, what has been done will be done again; there is nothing new under the sun' (Ecclesiastes 1, p. 9–14 NIV). Despite controversies, tensions and critiques, the persistence of the supervisory board suggests a lack of alternatives if one is not in favour of

strong forms of academic self-governance or state-regulation (Hermans, 1986, p. 6). Applying Churchill's famous 1947 quote on democracy in a different context, it appears that, in university governance, supervisory boards are 'the worst form of governance except for all those other forms that have been tried from time to time'.

NOTES

- ¹ See also Cornforth, C. (2003). *The governance of public and non-profit organizations. What do boards do?* London, Routledge.
- ² This section and the next are mainly derived from de Boer, H. F. (2003). *Institutionele analyse en professionele autonomie. Een empirisch-verklarende studie naar de doorwerking van de wet 'Modernisering Universitaire Bestuursorganisatie' (MUB) (Dissertation)*. Enschede CHEPS.
- ³ The importance of the registrar's role grew over the years, particularly as a result of the expansion of higher education which increased management workloads. The registrar came to be regarded as the head of the university's administration.
- ⁴ The senate determined the curriculum, but this still needed the approval of the board of curators. The government was required to ask the senate for advice if it wanted to change the 'Academic Statute'; this statute set out the rules for teaching courses, exams and promotions.
- ⁵ In those days the law stipulated that public universities had five faculties: theology, medicine, natural sciences, law and arts.
- ⁶ In the period 1815–1940 the average age was 54. The youngest curator was appointed at the age of 33; the oldest at the age of 76.
- ⁷ To what extent Groningen's 'salvation' was the result of the efforts of the curators (and others) is hard to assess. Smit (1989:106) argues that Groningen survived as the result of a political compromise. Some Members of Parliament wanted to establish another university (in Amsterdam) which was only possible if the number of universities was not reduced. Therefore, Groningen was saved and there were four Dutch universities instead of the intended two! The point here is that the curators clearly took sides.
- ⁸ The Academic Council was introduced in 1960 (National Act on Higher Education) and consisted of representatives (professors) of the universities. This national body advised the minister on various issues, for which it frequently established committees. It was abolished in 1986.
- ⁹ A third governing body, the board of deans, is not discussed in this chapter.
- ¹⁰ This section is partly based on de Boer, H., J. Huisman and C. Meister-Scheytt (2010). 'Supervision in 'modern' university governance: Boards under scrutiny.' *Studies in Higher Education* 35(3): 317–333.
- ¹¹ Of the 13 Dutch universities, three are legally private (VU Amsterdam, Nijmegen and Tilburg). For these universities, slightly different rules for the supervisory board apply, such as the procedures for appointing board members, but most of the regulations are the same as for public universities.
- ¹² They include, for example, (former) presidents and CEOs of multinationals and large national firms such as Fortis Bank, Gasunie, Reed Elsevier, SNS Reaal group, De Nederlandsche Bank, Havenbedrijf Rotterdam, Shell and Philips.

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