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12. GOVERNANCE THROUGH TRANSPARENCY TOOLS

The Case of Romanian Higher Education Reforms

INTRODUCTION

In 2007, the Romanian government started an ambitious higher education reform. The reform was largely inspired by European policy narratives that emphasized the importance of higher education in a future knowledge economy and more precisely the significance of higher education diversification as means to achieve better overall performance quality (Miroiu & Vlasceanu, 2012). Consequently, Romania became one of the few Eastern European countries to introduce a diversification policy based primarily on the classification of universities and ranking of study programmes. Rather than merely providing comparable information about the performance of each individual institution and study programme the policy sought to utilize these transparency tools as instruments of governance and link them to the allocation of publicly funded study places and other financial incentives. In this respect, the Romanian reform represents a unique case since it was one of the first attempts in Europe to actually use a classification and ranking exercise for such broad purposes. While the implementation of this particular policy has eased following a change in the national government in 2012 the distinctive endeavour by Romanian policy makers to use transparency tools for steering higher education proves to be a noteworthy case to study.

As it will be argued in this paper, the reforms initiated in Romania sought to go beyond providing comparable information to relevant stakeholders about the performance of universities and represented an effort to change the existing governance of higher education. This argument is supported with qualitative data gathered from October 2013 to May 2014 by interviewing eleven policy makers in Romania and reviewing related policy documents. Among the interviewees were several members of the Presidential Commission for the Analysis and Elaboration of Education and Research Policies,¹ heads of various national agencies dealing with higher education matters, and a number of experts who were involved in the design of the methodology for institutional and programme assessment. In addition, five relevant policy documents have been analysed, which are listed in the table below.

Table 1. List of analysed policy documents

<i>Name of policy document</i>	<i>Type of document</i>	<i>Issuer</i>	<i>Year</i>
Research in Romania, Innovation in Romania	Report	Presidential Commission for the Analysis and Elaboration of Education and Research Policies	2007
National Pact for Education	Agreement	President of Romania	2008
Education and Research for a Knowledge Society	Strategy	Presidential Commission for the Analysis and Elaboration of Education and Research Policies	2008
Law of National Education	Law	Government of Romania	2011
OMECTS nr. 4174/13.05.2011	Ministerial order	Ministry of Education, Research, Youth and Sport	2011

The qualitative data served as the basis for analysing changes regarding the authority and autonomy of actors to steer higher education processes. Thus, the analysis was conducted by contrasting the evidence with the theoretical approaches to different models of governance in higher education.

HIGHER EDUCATION GOVERNANCE

Governance is a general concept that refers to the approaches governments use to control and influence specific public sectors such as higher education (Gornitzka & Maassen, 2000). It embodies both the rules that define how actors interact with each other, and the rules that regulate the context within which higher education institutions operate (Gornitzka, 1999). Therefore, every time we refer to governance change in higher education systems we imply that a new set of rules is overriding the previous ones to influence the behaviour of higher education institutions or its members (Maassen, 2003). The starting point of many governance changes is an agreement among stakeholders that the traditional arrangements are not sufficient to steer higher education institutions in such a way that specific political, social, or economic goals can be achieved (ibid.). Depending on how this agreement is reached and negotiated, we can speak of three different analytical approaches to governance.

1. Commonly, higher education literature distinguishes between two, mutually exclusive, models of governance. These are the *rational planning and control model* and the *self-regulation model* (van Vught, 1989). In the first case the government is confident that it knows how higher education institutions should behave and it imposes control mechanisms accordingly. In the second model

the government rarely controls institutions directly; instead it observes, and if necessary changes, the rules which govern institutional behaviour (Gornitzka & Maassen, 2000). These models are also known as the state-control and the state-supervision models (Neave & van Vught, 1991). In the past the dominant tendency has been to shift to the latter model. State supervision often involves the assumption that higher education institutions can operate on the same principles as other private entities in a market, which could help overcome inefficiencies in service provision. It embodies the withdrawal of the state from controlling and influencing higher education directly and instead stimulates competition among autonomous and flexible institutions. Thus, traditional public regulatory mechanisms are replaced with market-type mechanisms (Amaral & Magalhães, 2002).

2. Rather than viewing governance as the continuum between direct and indirect state control, the ‘Triangle of Coordination’ offers a more complex explanation of the nature of relationships embedded in any governance structure (Clark, 1983). This analytical tool distinguishes between three centres of authority in higher education governance: the state, the academic oligarchy, and the market. In each case, different coordination mechanisms are at work. State authority relies on bureaucratic coordination exercised through a hierarchically arranged administrative structure. The academic oligarchy imposes professional coordination where authority is earned within a collegial environment. The market provides coordination through the interaction of different actors on different markets (labour market, student market, etc.) where supply and demand are negotiated. This model portrays three different forms of ‘logic of regulation’ (i.e. bureaucratically-based rules, professionally-based norms, and market based contracts) depending on where authority lies; it also allows for their mutual combination in a single governance structure (Amaral et al., 2002).
3. Another conceptualization is offered by Olsen (1988) who distinguishes four models of governance. These models are based on different perceptions of the role of the state, the university and the public but are not considered as being mutually exclusive (Olsen, 1988; Gornitzka, 1999):
 - Sovereign state
 - Institutional state
 - Corporate-pluralist state
 - Classical liberal state (state supermarket model).

The sovereign state model builds on an instrumentalist view of higher education institutions, whereby each institution is accountable for achieving a set of externally defined social or economic objectives. The model is characterized by limited institutional autonomy and tight governmental control over what universities should do and how they should do it.

Within the institutional state model universities are seen as autonomous institutions responsible for upholding their traditions and values without much interference from

the state or other stakeholders. Consequently, universities are the agents of their own change.

The corporate-pluralist state model highlights that there are several legitimate centres of authority, which have a right to influence the development of higher education. The model is characterised by segmented interest groups and dispersed authority among them.

The state supermarket model stresses the importance of the market in steering higher education institutions towards better performance. The role of the state (and of the academic community for that matter) is very limited, as change is attributed to the ability of individual institutions to compete and adapt to variations in market demand.

In sum, all three theoretical approaches to higher education governance – van Vught, Clark, Olsen – highlight the explanatory importance of the concepts of ‘authority’ and ‘autonomy’. When perceptions about the role and purpose of higher education change, the ability of different actors to enforce or discard external claims for change becomes crucial. Therefore, the analysis of the recent higher education reforms in Romania is going to be guided by looking at the changing power relationships between dominant actors and their ability to influence higher education. In particular, the governance models described by Olsen will be used. Since the reforms in Romania were short-lived and never fully implemented, due to a change in national legislation put forward by the new government, some of the findings in this paper are suppositional to their planned outcomes.

HIGHER EDUCATION REFORMS IN ROMANIA

Romanian higher education experienced a sudden growth in student enrolment rates after the political changes at the end of 1989. Between 1990 and 2010 student numbers (ISCED 5 and 6) rose by 608% (Dragoescu, 2013, p. 30). This increase was partially sustained by allowing public higher education institutions to charge tuition fees that did not exist before. However, since the number of students who wanted to enter higher education exceeded the available places at public institutions, several private universities were established. Many of these were private for-profit institutions that operated for several years in the absence of any legal regulation about private higher education (Andreescu et al., 2012; Mihailescu & Vlasceanu, 1994; Nicolescu, 2002). By 2010 the total number of higher education institutions increased from 56 to 107 and nearly 45% of all enrolled students were studying at private universities (Dragoescu, 2013, p. 32). The unrestrained growth of higher education in Romania (especially private institutions) questioned whether quality can be maintained under such conditions, which became the mantra of almost all policy reforms that followed.

Since 1998 the Romanian government addressed several policy concerns, among which were the regulation of private higher education, the re-establishment of institutional autonomy, the modernization of public funding and institutional

management, along with the introduction of the Bologna structure. However, the principles which had been established during the past twenty years gradually started to be perceived by many policy makers as outdated, as not being fit for the European reality of the Romanian higher education system. This concern led to a new wave of reforms after 2007.

Things even became contradictory and there was no vision for higher education. Therefore, it was absolutely necessary to come up with a new view on ways in which higher education needs to change. (Interviewee: M01)

Between 2004 and 2012 five different governments were formed and a surprisingly high number of ministers responsible for higher education appointed (12 in total). Despite the turbulent political environment the ideas that guided the reforms proved to be reasonably consistent – a fact that can likely be attributed to a coherent policy formulation process and to the key individuals who directed its development and implementation throughout the changing political landscape.

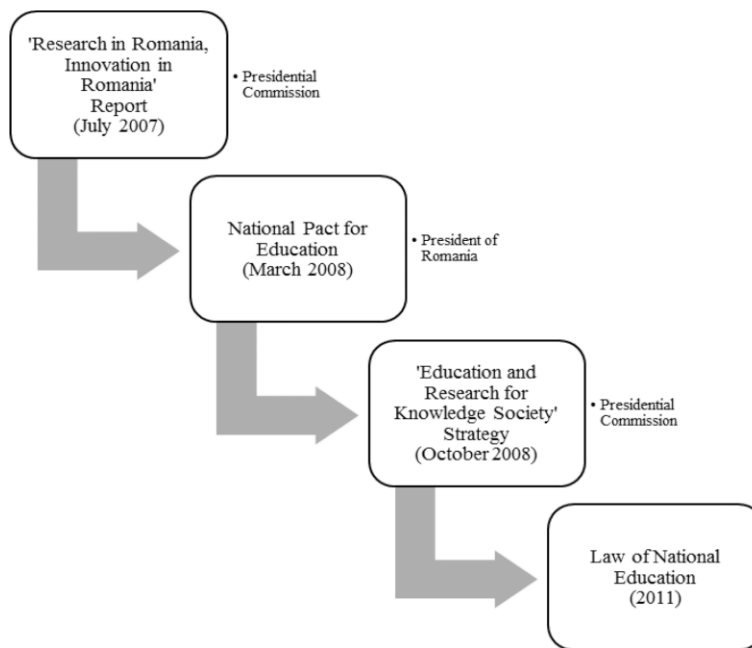


Figure 1. The process of policy formulation in Romania
Source: The author

The new Romanian higher education policy was formulated over several years and in several steps. In 2006, Mircea Miclea, the former Minister of Education, was appointed as the chairman of the Presidential Commission for the Analysis and

Elaboration of Education and Research Policies. The work of the Commission was crucial for establishing the up-and-coming higher education policy and managing all of its stages. As a result of the Commission's continuous work in 2011 the Romanian government adopted the Law of National Education. This law initiated some important measures with a clear objective of making Romanian higher education more competitive on a global scale. One of these measures was a classification and ranking exercise that was supposed to diversify the higher education system by providing incentives for institutions to recognize and develop their own distinctive missions.

From the beginning, this measure was confronted by criticism. One of the reasons for its unpopularity was the alleged intention of the Romanian government to link the results of the classification and ranking exercises to public financing. Before the new law was introduced, the relationship between universities and the government of Romania could be characterized as one which relied on negotiations between the two parties. A large part of the core financing for public universities was calculated through a per capita formula: that is, following the number of students eligible by law for state financing. Hence, institutional leadership was focusing on filling state defined quotas that would guarantee the flow of resources; thus institutional effectiveness and efficiency were determined by the institutions' ability to uphold the level of input. In the light of government's reform intentions this model became criticized for hampering the quality of teaching and research because it failed to provide sufficient impetus for institutions to perform better, especially in the area of research. Rankings and classifications were chosen as the main instruments to provide transparent information to the government and society at large about the performance of institutions. Accordingly, evaluations of institutional outputs and competition by comparison have been endorsed as the main elements of the new governance arrangement.

In 2008, the Presidential Commission for the Analysis and Elaboration of Education and Research Policies published a strategy for the development of education. Within it, the Commission stated that

the Romanian higher education system is not differentiated according to quality criteria, a fact that does not allow a concentration of human, material and financial resources in top universities: an essential condition for attaining an excellence level. (Presidential Commission, 2008, p. 28)

The document highlighted that the distribution of public funding should give greater priority to institutions, programmes and departments demonstrating high quality in performance while also stressing that "academic mediocrity can no longer be supported with public money" (ibid., p. 29). This explanation sees differentiation of universities as a pre-condition for the concentration of resources (financial, material, and human), which is to be achieved by the implementation of transparency tools. Three specific actions have been identified in this regard:

- Evaluation and classification of all public and private higher education institutions;
- Evaluation and ranking of study programmes;
- Evaluation and classification of departments/chairs.

The first action argues that the purpose of the evaluation should be to differentiate and classify universities according to the quality of their outputs and processes. It also asserts that the results of the evaluations should be made public and should inform future government decisions. While the strategy does not specify what kind of decisions these would be, it does mention some consequences for universities that do not satisfy the minimum evaluation criteria. Hence, public universities that fail to do so should no longer receive state funding and should either file for bankruptcy or merge with a more competitive institution. Private universities that do not perform at the minimum level should lose the state's recognition of their diplomas. On the other hand, the best performing universities (either public or private) ought to have access to a special institutional development fund to boost their performance. Similarly, the result of ranking study programmes would allow the best placed programmes to receive priority in allocating publicly financed study places. In contrast, low ranked programmes could receive less or no public support. The third action relates to the evaluation and classification of departments or Chairs. As stated in the strategy, universities would be responsible for carrying out the evaluation according to the methodology established by the Ministry of Education, Research, Youth, and Sports. In addition, Rectors would be accountable for allocating institutional resources to the most competitive departments and Chairs. Those which are considered low performers will be subject to a rigorous monitoring for two years, following which they will either improve their performance or be dismantled.

These three actions provided the basis for the classification and ranking exercise that followed after the adoption of the Law of National Education (2011). As described by the strategy the exercise was intended to measure performance at three levels, namely at institutional level (action 1), at the level of study programmes (action 2), and at the level of departments/Chairs (action 3). Considering the first level of assessment, Romanian universities were classified into three classes following an extensive data collection process (Law of National Education, 2011, article 193, §4):

- Education oriented universities (A class);
- Education and research/art universities (B class);
- Universities with advanced research and educational programs (C class).

Institutions in each class were expected to develop distinctive institutional missions focusing their resources on specific levels of education. That is, institutions classified as 'Education oriented universities' were envisaged as delivering mainly undergraduate study programmes, institutions in the second class as conducting both undergraduate and Master's level study programmes, while 'universities with advanced research and educational programmes' could focus primarily on strengthening their PhD level education and research activities.

In addition to the classes, the 2011 law paved the way for establishing a ranking of study programmes within disciplinary fields. It was developed in such a way as to provide information to potential beneficiaries about the level of academic quality in the areas of teaching and research. The exact methodology of this ranking was defined by the Ministry of Education and involved five levels ranging from A (excellent) to E (poor).

*Table 2. Criteria for university evaluation in Romania**

<i>CRITERIA I. Teaching and learning</i>	<i>CRITERIA II. Research</i>	<i>CRITERIA III. University relations with external environment</i>
Standard 1.1. Human resources	Standard 2.1. Results of academic research/artistic creation	Standard 3.1. Social-economic relations
Standard 1.2. Curriculum and qualifications	Standard 2.2. Availability of adequate resources for academic research/artistic creation	Standard 3.2. Internationalization
		Standard 3.3. Social and cultural involvement of the university
<i>CRITERIA IV. Institutional capacity</i>		
Standard 4.1. The universities' capacity to support teaching and learning	Standard 4.2. The universities' capacity to support research	Standard 4.3. The universities' capacity to support services to society
Standard 4.4. The management of the university		

** The author's own translation based on the criteria described in the Ministerial order OMECTS nr. 4174/13.05.2011*

Internal classification of departments was also a mandatory requirement to be carried out by each university every five years (Law of National Education, 2011, article 195). This classification was supposed to rank departments on five levels based on their research performance and the results would allow institutions to close or reorganize any poorly performing departments. Despite the fact that departmental classification was explicitly mentioned in the law, higher education institutions never applied it in practice.

From a policy perspective the categories of the classification were considered as nominal cases, without any hierarchy between them. It essentially meant that the quality of the institution was not supposed to be reflected by the class to which it belonged, although performance was a main criterion to allocate institutions into classes. In theory, each institution could have excelled in its own class, but would be denied public funding for activities that are not considered as the priority of the class to which it belonged (such as research for institutions classified as education oriented). Rather, quality was supposed to be reflected by the programme ranking

that compared and hierarchically arranged study programmes based on their performance. Moreover, the results of the classification and ranking exercise were not supposed to be fixed. Institutions, departments and study programmes could seek to improve their positions or change classes. In this regard, an interviewee stated the following:

... within the disciplines you can move up in the ranking if you improve your outputs, but also within classes, provided that several of your disciplines prove to be very good. So the classification was considered mainly as an orientation for institutions. You may be part of one class, but that doesn't mean that all your disciplines are at the top level (...) We were particularly keen on saying these were not frozen categories. (Interviewee: M09)

To identify which university belongs to which class, as well to rank educational programmes, the law required a nation-wide assessment to be conducted and periodically repeated (Law of National Education, 2011, article 193, §1 & §3). The exercise was carried out between May and July 2011 according to the methodology proposed by the Ministry of Education, Research, Youth, and Sports and approved by a government decision. The results of the first assessment were published in October 2011 but never repeated thereafter, as a result of a change of government.

TRANSPARENCY TOOLS AS INSTRUMENTS OF GOVERNANCE

Based on the design of the classification and ranking exercise it is evident that the purpose of these policy instruments went beyond simple measurement and assessment of higher education institutions, and constituted a tool through which the government sought to influence and control the behaviour of higher education institutions.

Why should you evaluate if you don't use the [results of such evaluations]. I mean assessment is not a purpose in itself. We made assessments in order to improve things. Otherwise, what for? (Interviewee: M04, explanation added)

So that was the idea in our exercise, to have some policy consequences related to [the results of the evaluation exercise], not just as a transparency tool. (Interviewee: M05, explanation added)

And then, there were the consequences, especially for the public universities. For the private, in fact there were no other consequences, except that people knew about this. But for the public universities there were consequences. (Interviewee: M01)

The new policy was geared towards incentivizing universities to perform better, but at the same time it tried to prevent some universities from performing in certain areas. Universities that were classified as teaching-only institutions lost public funding for their PhD programmes and the possibility of obtaining national grants

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for research projects. In this sense, transparency tools were utilized to make the existing differences between higher education institutions more visible and thereby justify different levels of funding, favouring especially those universities that could be more competitive on a global scale (i.e. universities classified as research-intensive institutions).

But the policy makers, those who devised the law, they were aware that in fact there were huge differences between well-established universities – traditional universities, like the University of Bucharest – and new-born universities that lacked financial means, human resources or capacity but wanted to call themselves universities and had big research ambitions. And in fact, they wanted to segregate them and say okay, there are well placed universities who focus on research and its development and there are other universities that don't have the means to compete with the first lot on research, but they should set themselves other objectives, like doing more education, doing programmes with the local or regional employers, or developing study programmes that are necessary for the labour market and so on. (Interviewee: M05)

The late massification of Romanian higher education created unfavourable incentives for institutional isomorphism and at the same time contributed to an overall decrease of quality in terms of education and research. Newly established universities sought to imitate the traditional model of universities in order to attract more students. Moreover, increased student demand failed to reward the best universities since many students preferred to study at less demanding institutions. Thus, institutions which were very similar in terms of their mission started lowering their educational quality to remain competitive.

So this institutional isomorphism was coupled with a lot of diversification on the axis of quality and by the fact that those who lowered quality were the most competitive [could attract more students] while the others were confronted with a lot of difficulties in coping with the financial burden or pressure of increasing staff salaries. (Interviewee: M09, explanation added)

The above quote highlights that the higher education market failed to encourage institutions to recognise and build upon distinctive missions and also wasn't capable of addressing the problem of low quality. Neither did the existing system of public financing of higher education institutions acknowledge such qualitative differences. This model was described by one of the interviewees in the following way:

... the more programmes you have the more money you get, the more students you have the more money you get, the more research you do the more money and prestige you get. (Interviewee: M05)

Since all the institutions followed similar incentives they were more likely to adopt similar missions, despite the fact that there were large differences in their competitive positions. This led to the emergence of so called 'fake research universities' that

didn't have the capacity to engage in serious research but still defined themselves as universities (Interviewee: M05). Therefore, one of the expectations from the new policy was to annihilate some of the weak performing universities and/or study programmes (Interviewee: M04).

Another intention of the policy was to use transparency tools in order to promote competition among higher education institutions. Competition was to be ensured by the fact that universities and their study programmes would be periodically re-evaluated. The best universities would try to maintain their position, while the weaker institutions would try to improve.

[I]f you are re-evaluated then you can lose your position and lose money. If you improve, then you receive more money. So that was the idea. The better you become, the more money you receive. (Interviewee: M04)

In traditional markets, smaller organisations try to differentiate their products in order to gain a competitive advantage. In the Romanian case the classification and ranking exercise rewarded those institutions that could demonstrate high quality research. Trying alternative routes, like excellence in teaching, was not nearly as rewarding as improving research output, at least in terms of public funding. Universities classified as research intensive were supposed to receive additional public support, enabling them to maintain or improve their position, while institutions classified differently would be denied a portion of their public income, making it harder for them to improve research activities. These rules would have acted as barriers to competition in Romanian higher education.

CONCLUSION

When the underlying idea changes about what higher education institutions are, or should be, the likelihood of governance change increases. More than ever, higher education is seen today as an economic asset whose proper functioning is necessary to achieve excellent economic performance. No country can afford to have mediocre higher education, or to finance mediocrity. These ideas guided Romanian policy makers who felt an obligation to increase the efficiency of their national higher education system. They found a source of inspiration in European narratives that stress the importance of higher education diversification and advocate the use of transparency tools. Consequently, in 2011 Romania introduced a national classification and ranking exercise. While the policy was rather short-lived, due to a sudden change of government, it presented an effort to align public funding to institutional performance and ensure higher education institutions deliver high quality. Although such motifs resemble governance shifts observed in other parts of the world, the form of governance advocated by the Romanian government was a rather unique one, especially considering its extensive reliance on transparency tools. Therefore, it is reasonable to ask how these changes in Romania supplement our understanding of traditional models of governance.

It follows from van Vught's (1989) distinction between the two models of governance that we should look at how the role of the state as a controlling body changed. The higher education reform in Romania indeed planned to strengthen the influence of the state over higher education matters. The emerging governance model would have relied on a sophisticated system of transparency tools that could direct institutional behaviour according to centrally set performance criteria. It reaffirms an instrumentalist view of higher education where tight control mechanisms are replaced by precise rules for reward and punishment. Academic decision-making is demoted because the criteria for quality and efficiency are externally defined and assessed through a national comparison. This represents a shift from substantive institutional autonomy towards procedural autonomy. Hence, contrary to some perceptions, transparency tools sought to strengthen the steering power of the Romanian government while at the same time narrowing down the autonomy of academics. Since state control was to be exercised indirectly and only over certain aspects of higher education, it would be problematic to interpret these changes purely as a form of a rational planning model, although a shift in this direction is rather apparent.

Based on Clark's 'Triangle of Coordination' we can explore how regulation and coordination of the sector was supposed to change. As the previous governance model failed to deliver the expected qualitative improvements in Romanian higher education, the government introduced specific rules to incentivise institutions to perform better. That is, control over performance would have been exercised through a bureaucratic instrument containing rigid indicators (transparency tools) undermining the role of academic norms or market demand in shaping the activities of higher education institutions. For instance, student demand for a specific study programme or the academic tradition of a specific field of science were side-tracked by the evaluation exercise that favoured centrally defined and more-or-less universal performance criteria instead.

The increasing power of the state to exercise control over the appropriate mission of higher education institutions and the way this control was to be exercised reassemble the characteristics of the 'sovereign state model' described by Olsen (1988). While it is still possible to interpret the current reforms as a move towards a minimalist state involvement, it would be a misleading view. As many of the interviewees outlined, the current shift actually represented a more intense state control. This occurred in two ways: first, institutions' performance would be assessed more frequently and in a more transparent manner, enabling the government to take immediate action against low performing institutions, but also justifying resource concentration in a few institutions. Secondly, it sought to evaluate institutional performance against indicators that were set by the government, and not necessarily by academics or other stakeholders such as students or regional authorities. These indicators were developed within a national context, but they also reflected international developments. The definition of indicators followed global examples of such instruments, and universities had to

conform to global expectations concerning the quality of research and teaching. Thus, performance was assessed nationally, but according to rules and criteria that originate from outside (but are legitimized by the national government). In this regard, the adoption of transparency tools as instruments of governance not only just strengthens the influence of the state, but also places the definition of performance in an international context.

In sum, the introduction of transparency tools would have enabled the Romanian government to reassert its role as a governing body. As such, it could have further harnessed universities for national political goals where research and education are increasingly seen as factors of production within a globalized higher education market. Instead of controlling the activities of higher education institutions in a top-down fashion, transparency tools offer control through comparative performance measurement. Hence, each institution is a direct competitor to the other. Looking at this model as a purely market driven one would be an overstatement. Again, the power of the government is restored by its ability to draw the lines between success and failure. The government can also define the set of parameters within which competition is expected to take place, reducing the freedom of institutions to excel in other areas or in alternative forms. This form of competition is more rigid than what we can expect in open markets since institutions are locked into a national grid of classes and ranks.

The argument in this paper affirms that transparency tools can be utilized by policy makers not just as instruments that provide comparable information about the performance of universities, but also as instruments that legitimize governance change in higher education. In the case of Romania the introduction of transparency tools facilitated a move towards a sovereign state governance model that sought to strengthen the role of the state as a governing body.

NOTE

- ¹ The Presidential Commission for the Analysis and Elaboration of Education and Research Policies was established in 2007 by the President of Romania at that time.

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