

Countries and Regions

stitution is about the concentrated study of skills and knowledge with immediate useful application.

Pedagogy and Profit

Finally, classroom activities themselves can be described in terms of both pedagogy and profit. The actual instruction—and the training that supports it—focuses on helping students learn. At the same time, the profit motive dominates the design of the curriculum and the decision to offer a particular program of study. Phoenix is unapologetically an institution for which making money is the bottom line. But within the constraints of a centrally designed curriculum, the faculty are encouraged to adapt evaluation procedures, assignments, and discussions to fit their notion of what is important for students to know. Rather than rote performance of a standardized syllabus, the individual faculty member is directly and personally involved in shaping the course. The decisions and actions made by the faculty in conducting their instructional responsibilities reflect a concern for the student that, for Phoenix, is compatible with the institution's concern for the shareholders.

Implications

The UOP selects its faculty and uses them in the classroom in ways that support the goals of the institution. A fairly rigorous selection process is designed to ensure that faculty are competent, capable, and willing to teach using Phoenix-specified techniques. Part-time faculty members are expected to contribute their full-time pro-

fessional experience to classroom instruction. Limited participation by the faculty in the design of the curriculum is combined with faculty involvement in structuring the classroom delivery of the material. Emerging institutions looking to duplicate the Phoenix approach should understand how these various aspects interrelate to form a coherent academic model. They should also be aware of how the extremely short semester and limited faculty-student contact could continue to raise questions about the ability of the Phoenix model to foster in-depth learning.

The for-profit sector holds great interest not only for its economic implications for the development of private higher education, but also for how it may affect academic culture and faculty identity. Cases such as the UOP can be used to explore the range of practice among for-profit institutions of higher education to identify the ways in which faculty roles differ. How common is it for private institutions to adopt structured, centralized curricula? To what extent are faculty screened for their commitment to teaching or for their practical expertise? Has there been a strategic decision to employ a part-time faculty? Answers to questions such as these will help us map the range of options available to private higher education in a time of global expansion.

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A New Framework for Higher Education in Spain

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At the end of 2001, the government promulgated a new act on higher education (LOU, Ley de Ordenación Universitaria). This act is the last in a series of profound changes in the structure of Spanish higher education that started in the early 1980s. At that time, the Spanish higher education system was a perfect example of the Napoleonic model of the university. Universities were part of the state, professors were civil servants, and they were ruled through typical bureaucratic methods.

Recovering Autonomy

The "big change" occurred in 1983, when the university reform act was instituted after the end of the Franco dictatorship. This act introduced major changes in the legal framework of Spanish universities. Universities, which had been completely controlled by the central government, became autonomous, moving from dependence on the central government to dependence on the regional governments. The decision-making power was transferred from the state bureaucracy to collegial bodies with significant representation of nonacademic staff and students. Boards with many members make the decisions concerning the university and departments and elect the rector, deans, and department heads.

The 1983 reform shook up the traditional university system and produced many positive effects. In addition, the financial resources for universities increased enormously in the last two decades. The main result has been the tremendous expansion of the higher education

system in terms of the number of universities, in physical and human resources, and in student numbers. Consequently, access to higher education is quite open, research activities have greatly increased, and the quality of the higher education system has generally improved in all aspects.

Some Perverse Effects

Nevertheless, the new legal framework produced some perverse effects mostly due to the excessive internal power of academics and the lack of accountability. As depicted in Burton Clark's model, universities moved from the strong influence of the state to a situation in which the academic oligarchy is the main force ruling the system. Professors, who kept their civil servant status, together with nonacademic staff and student unions (which, by the way, are not very representative) control institutions with a clear tendency to protect the "ivory tower."

A greater responsiveness to market forces in higher education and a more entrepreneurial university structure were considered necessary to confront the new challenges facing universities: decreasing demand (for demographic reasons), increasing competition, new external demands, globalization, and so on. The need to reform the legal framework of universities was recognized by both major political parties, which included proposals in their platforms for the last general elections.

The LOU

In 2001, the government presented a draft of the act that was considered by most experts to be too timid. The draft proposed a governing board for universities, one-third of which would be composed of people from outside the university and the rest of university staff and students. Nevertheless, rectors reacted angrily to the draft, considering it to be a frontal attack on university autonomy. For several months there was a confrontation between the conservative government and rectors, most of whom were on the left. The debate was not very productive and was basically conducted via the media. It was not a debate about the future of universities but rather a political confrontation that can only be explained in internal political terms. Eventually, the government reduced the external representation to only three people on the governing board (which may reach as many as 50 members), and the LOU was finally approved by Congress. In spite of this modest representation of the nonuniversity community, there are several claims in the Constitutional Court charging that the LOU is unconstitutional. It should be pointed out that in Spain university autonomy (which is guaranteed by the Constitution) and self-government by the academic staff are consid-

ered by most university people as equivalent.

The consequence of this confrontation is a new act with inadequate tools for coping with the challenges that Spanish universities have to face in the new global context. The central problem—the internal power structure of universities—remains untouched. Nevertheless, the LOU introduced some elements of flexibility that could be taken by universities or autonomous regions as a means of moving forward. For instance: non-civil-service positions at all levels of the academic staff ladder can be created; wage increments to compensate staff productivity will be introduced by regional governments and, universities will have more freedom to establish their own internal statutes. On the other hand, a clear positive aspect of the LOU has been the creation of the Agency for University Quality and Accreditation, which will be in charge of promoting quality and informing citizens about university performance. Quality assurance has been a regular activity during the 1990s in the Spanish higher education system, but the LOU has institutionalized these activities and introduced accreditation of academic programs.

In summary, while the LOU might bring create some opportunities for more dynamic universities, most analysts are skeptical about the real capacity of the LOU to transform the Spanish higher education system. The fear is that a good opportunity has been lost for making serious improvements and that events of last year in Spanish higher education can be summarized as too much ado about nothing.

A Research University in the Periphery: A Japanese Mistake

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The Japanese government has announced plans for a new research university to be built from scratch in Okinawa, in the Ryukyus, the island chain located two and half hours flying time southwest of Tokyo and known mainly for its tropical weather and American military bases. One could hardly think of a more isolated location for such a university. It will focus on biotechnology and will require an investment of \$600 million by the Japanese government to get it started. Japanese authorities say that it will cost \$160 million per year to operate—a figure that seems unrealistically low to operate a science-based research university. The aim is to recruit half the researchers from outside Japan; the language of instruction is to be English. Except perhaps