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# The History of University Autonomy in Malaysia

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Chang-Da Wan





# Introduction

During his New Year's speech in 2012, then Minister of Higher Education, Mohamed Khaled Nordin announced that Malaysia's five public universities, the oldest in the country, would be given an autonomous status.

Autonomy in this sense meant that the universities were given the freedom to self-govern, manage its own finances and generate its own source of income. They could manage their own resources including hiring and firing their own staff and had full control over the academic management of the institution including student intakes - all of this provided that the universities succeeded in meeting the mark after an audit by the Code of University Good Governance and University Good Governance Index (Ministry of Higher Education, 2011).

The Minister also explained that the Vice Chancellor and Board of Governors would assume the ministry's roles in governing the university, and importantly that "[these universities] would not be tied down by Government rules or processes" (Priya, 2012). Since then the Ministry of Higher Education (MOHE) has awarded 17 of the 20 public universities in Malaysia autonomy.

But are Malaysian universities truly autonomous? And if so, how did they lack independence from the government in the past? Has there ever been a point in our history where higher education institutions were fully autonomous?

This study attempts to answer these questions by exploring the historical development of university autonomy in Malaysia. It analyses the current state of university autonomy in Malaysia and suggest ways in which Malaysian universities can better embrace the notion of autonomy.



**Chang-Da Wan** (C.D.Wan) is with the National Higher Education Research Institute (IPPTN), Universiti Sains Malaysia. He holds a DPhil. in the field of higher education. Chang Da has been involved in a number of research and consultancy projects with UNESCO-Bangkok, OECD, Commonwealth Tertiary Education Facility (CTEF), Asia Pacific Higher Education Research Partnership (APHERP) Research Cluster, the Head Foundation, Bait al-Amanah, and the Ministry of Higher Education Malaysia. He was a team member of the Higher Education Strategic Plan Review Committee to review the Malaysian National Higher Education Strategic Plan. Currently, he is an Affiliate Member of the Young Scientists Network-Academy of Sciences Malaysia, and Secretary of the Malaysian Society for Higher Education Policy and Research Development (PenDaPaT).

# The Golden Era of University Autonomy

The first university in Malaysia was established in 1962.

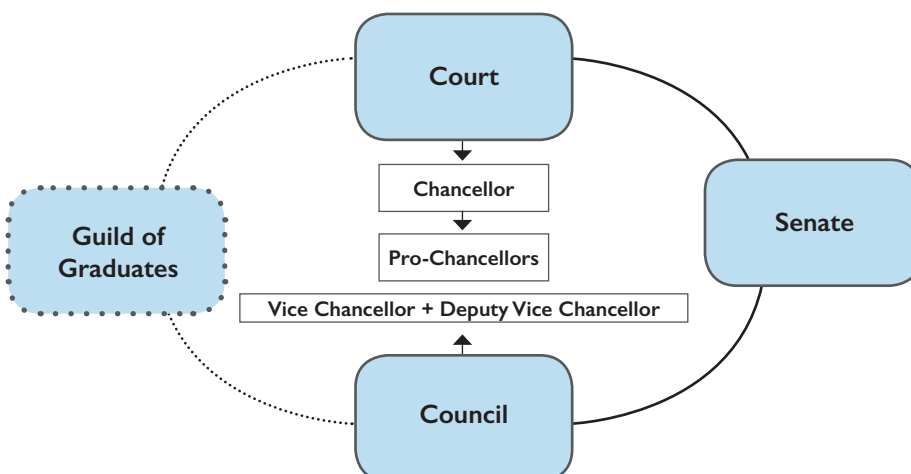
In 1947 the Carr-Saunders Commission had recommended that the King Edward VII College of Medicine be merged with Raffles College which resulted in the establishment of the University of Malaya in Singapore in 1949. A second campus was set up later on in Kuala Lumpur. These two campuses eventually separated in 1962 into the University of Singapore in Singapore and the University of Malaya in Kuala Lumpur respectively.

When it was first established in Singapore the University of Malaya (UM) was self-governed and had its own Constitution. First with the University of Malaya Ordinance 1949 and subsequently the University of Malaya Act 1961. UM's constitution outlined a governing structure consisting of three principal bodies (see Figure 1).

The Chancellor was appointed by the University Court whereas the Vice Chancellor was appointed by the Council. The Council served as the executive body responsible for policy and non-academic matters, and the Senate decided on academic matters.

This author considers 1962 and 1971 the “golden era” of university autonomy in Malaysia. UM was a truly autonomous institution in that it was self-governed under its own constitution, and yet received tremendous financial support from the Government. Up till 1969 since its establishment, the Government had provided RM 61.2 million of the total RM 65.6 million in capital development expenditure.

**Figure 1: Self-Governing Structure of University of Malaya, 1962-1975**



## Glossary

**Court** – the larger body containing representatives of every interest and every territory in Malaysia.

**Council** – the executive body of the University

**Senate** – the academic body of the University

**Board of Studies** – a committee appointed by the Senate to deal with academic matters

**Board of Selection** – a committee for filling vacant Chair positions

**Board of Student Welfare** – a committee looking into the welfare of the students

**Guild of Graduates** – an independent body comprising graduates of the University

**The Chancellor** – a ceremonial head of the University

**Pro-Chancellor** – a person appointed to assist The Chancellor

**Vice Chancellor** – the principal executive and academic officer of the University

## In 1969



# 82.3%

of the university's annual recurrent expenditure

# RM 21.3 million



at the time was borne by the Government (Khoo, 2005).

The remainder was covered by tuition fees

# 13.7%



and rent from staff quarters

# 4.0%



Interestingly, while UM received significant financial support from the Government, the principal authority of the university was led by individuals who were politically and ideologically opposed to the Government of the day. Then Chairman of the Council Tan Chee Khoo was a leading opposition figure in Parliament and was given the nickname "Mr. Opposition". As an alumnus of the university, he was elected by the Guild of Graduates to serve on the University Council and after a year and a half, was elected Chairman by his peers. Another member of the Council at the time was M. K. Rajakumar, a leftist intellectual who led the now defunct Labour Party and Socialist Front. Rajakumar also represented the Guild of Graduates and was the founding member of the infamous UM Socialist Club. He was editor of *Fajar*, a 'radical' student newsletter produced by the club that was deemed seditious by colonial authorities in Singapore. Their appointments underlined the extent to which the university was autonomous, despite receiving almost full financial support from the Government.

At the tail-end of this golden era, the second university in Malaysia was established. Initially named University of Penang, this was subsequently changed to Universiti Sains Malaysia. The Cabinet on June 1968 commissioned a committee led by Mohamed Suffian, who was involved with drafting the Constitution of Malaysia and later became the Lord President of the Federal Court, to prepare a draft Constitution for the new university. The committee's report clearly indicated the importance of university autonomy and academic freedom. It recommended that "the University should be an autonomous body separate and apart from the Government" (Suffian, 1969). The committee also eloquently supported academic freedom specifically in relation to society and the Government:

"When an autonomous institution is mainly dependent for its income not on the fees of pupils, nor on private endowments, but on subventions from the State, how far should it have independent powers of initiative and final decision? Such a position of material dependence is in fact

today the position of the University of Malaya. So far in the history of this country the activities of the University of Malaya have been remarkably immune from interference or control by the Government. Even though the growing financial needs of that University have increasingly resulted in the Government providing both recurrent and capital grants, exceptional care has been taken by Government to see that these subventions are made in a way that involves the minimum of interference with the policy of the University. ... It must, however, be said that in the determination of the aggregate amount to be spent from public funds, the Government necessarily has the last word and a wise university naturally want to take into account the Government's responsibility for national development and for a fair and equitable distribution of the country's wealth among all sections of the community. Subject to this, we believe that academic freedom is a necessary condition of the highest efficiency and the proper progress of academic institutions, and that encroachments upon their liberty, in the supposed interest of greater efficiency, would in fact diminish their efficiency and stultify their development". (Suffian, 1969, p.2)

*[This paragraph was also quoted verbatim by Hussein Onn, the then Minister of Education in his closing remark while tabling the Universities and University Colleges Act in Dewan Rakyat on March 18, 1971]*

Most importantly, the committee specified the four components of academic freedom and university autonomy: appointments; curricula and standards and admission of students; the balance between teaching and research as well as salaries and staffing ratios. While the proposed Constitution of the University of Penang was largely similar to UM's constitution, its guiding principles established university autonomy and academic freedom as intrinsic components of self-governance.

# The Beginning of State Intervention

May 13, 1969<sup>1</sup> was not only a fateful day that changed the history of Malaysia. It was also a watershed moment in Malaysian higher education. Following the racial riot, universities fell under the Emergency (Essential Powers) Ordinance No. 74 in 1971. The Ordinance was subsequently replaced by the Universities and University Colleges Act 1971 (Act 30) (UUCA).

In tabling the UUCA, Hussein Onn who was Minister of Education at the time, explained the Government's position on universities:

"Universities anywhere in the world do not exist in a vacuum. Our universities, in particular, certainly do not. While the Government is in agreement with the concept of academic freedom, it is necessary however to always remember that like other freedoms it is not absolute. It is subject to qualifications imposed by national, financial and other practical considerations. In order to maintain its academic standards and thus ensure its repute in the international academic world a university will require vast amounts of public funds and in that process it will have to bear constantly in mind the national aspirations and needs as interpreted by the Government" (*Hansard, 17 March 1971, pp. 1401-1402*).

The Minister of Education further explained to Parliament that the Cabinet had also used reports by the constitutional drafting committees of the University of Penang and the National University's (Universiti Kebangsaan Malaysia) as a basis for the Schedule in the UUCA act. He reiterated that the act was meant to provide and facilitate the establishment, maintenance and administration of universities and university colleges. In other words, universities and university colleges no longer needed to be established by Parliament. Instead, the Yang di-Pertuan Agong was given this power under Section 6 of the UUCA.

While the UUCA provided the legal framework for the establishment of universities in Malaysia, the UUCA also gave the Government the right to intervene in the maintenance and administration of universities.

Hussein Onn acknowledged the objections and petitions against certain sections of the act, especially those from the Council and student bodies in UM. In particular, sections 15 and 16 of the first draft of the UUCA, which were intended to control student activities by explicitly forbidding student groups from affiliating, supporting or even sympathising with political parties, trade unions and unlawful groups of individuals.

<sup>1</sup> May 13 incident is the racial riot between Malay and Chinese leading the death of more than 200 people, which was instigated by the racial issues in the run-up to the election, as well as the provocative celebration of some political parties. Following the riot, national emergency was declared and Parliament was suspended until 1971. This incident also led to the resignation of the then Prime Minister and eventually resulted in the implementation of the New Economic Policy to achieve national unity through socio-economic restructuring of the Malaysian society.

The reasons behind the prohibition on student activities have to be put into the socio-political context at the time. Firstly, the nation had just begun to recover from the 13 May racial riot incident and Parliament had only been restored a couple of weeks ago when the UUCA was tabled. Secondly, university student movements had gained momentum in the years leading up to 1969, with Hassan (1984) arguing that 1967 was the distinguishing year for student activism.

Student movements in the 1940s and 1950s were more nationalistic in nature, aligned to anti-colonial movements struggling for independence. The Teluk Gong Struggle in 1967 was a major turning point in which student movements shifted their focus to local problems. The Teluk Gong incident was a struggle for land between the landless villagers of Teluk Gong and the Government. The villagers had built houses and planted crops on cleared forest land, which were then demolished by the Government due to its illegality. This led to various student bodies in UM led by the infamous Socialist Club denouncing the Government's actions. Teluk Gong highlighted the problem of rural poverty, landlessness and land hunger. These became important struggles for student movements for over a decade, including the subsequent Tasek Utara and Baling incidents (see Hassan, 1984; Musa, 2016). The UUCA was first tabled within this context.

University Constitutions remained the same as those first proposed by Mohamed Suffian's cabinet committee, which in turn was modelled after the Constitution of UM. Yet, the UUCA extended beyond prohibitions on student activities and organisations. It also included penalties such as suspensions, fines and imprisonment and gave the Minister the power to appoint a person or body to investigate into university activities and administration. Importantly, the Yang di-Pertuan Agong was given the power to make changes including removing and adding provisions to the Schedule under the UUCA.



## State Control at Full Force

The UUCA marked the beginning of state intervention into university matters. But the erosion of autonomy in Malaysian universities occurred with subsequent amendments to the UUCA. The 1975 amendment to the UUCA in particular gave the State full control over universities marking the demise of autonomy in Malaysian universities.

Under the New Economic Policy, education was identified as a tool for economic and social mobility to help address the imbalance between ethnic groups in Malaysia. The amendment to the act was meant to solve the issue of socio-economic disparities across ethnic groups as well as to curb the influence of Communism which had been a problem since British administration.

The Minister also claimed that there were pockets of students who were not supportive of these initiatives and who were instead disrupting 'education' in universities through protests and by instigating other students in their speeches. He further claimed that university orientation programmes for new students were being misused to instil a need to fight for a perceived injustices in society.

The Minister added:

Nowhere in the country have there been such goings-on as found in the universities. Students take over the campus and expel university authorities. Massive quantities of libellous documents and papers are produced in the universities and disseminated throughout the country. Day in and day out public money is wasted as students demonstrate and make speeches while lecture halls are deserted. Plans are made to disrupt life in the campuses and outside them and are carried out persistently with impunity (*Hansard, 8 April 1975, p. 4399*).

These 'disruptive' student activities were blamed for their detrimental effect on the student's education. The Minister specifically quoted its more serious impact on Bumiputera students who were the weakest in academics and how these activities hindered them from making full use of the opportunity to improve their lives through education. The Minister equated this 'distraction' as an act of sabotage and treachery to the nation and even associated it with Communism as the main enemy of the State and Islam. Thus, the Government considered it its duty to protect society's interests by amending the UUCA.

An important note, is that the UUCA amendment in 1975 was also motivated by a number of key developments in student movements which the Minister had only implied in the Dewan Rakyat. Among them include, a student demonstration on September 21, 1974 to support the struggle of Tasek Utara squatters that saw students and police clashing on the streets where more than 10 students were arrested (Hassan, 1984). The arrests led to the UM Students Union calling an emergency meeting which took over the administration of the university. The second incident relates to two student-led demonstrations of more than 30,000 in Baling on December 1, 1974, and 5,000 in Kuala Lumpur two days after, where they made demands to the Government concerning the villagers in Baling. The demonstration in Kuala Lumpur led to

the arrest of 1,128 students. Police also went into the university campuses (of not only UM, but also Universiti Sains Malaysia and Universiti Kebangsaan Malaysia) in early December 1974 to apprehend student leaders and university lecturers who supported the villagers in Baling. These incidents were also significant motivations behind the Government's amendments to the UUCA in 1975.

The 1975 amendments which effectively put universities directly under the control of the Government were as follows:

- Sections 15 and 16 were extended to allow expulsion and suspension of individual students.
- New Sections 16A and 16C included disciplinary action and imposed punishment on university staff
- Student representatives were to be elected through secret ballot
- The Vice Chancellor would be appointed by the Yang di-Pertuan Agong acting on the advice of the Minister. This power was previously vested in the University Council
- The Minister would appoint the Deputy Vice Chancellors; the Vice Chancellor on the other hand appointed Deans, Deputy Deans and Heads of Institutes or Schools - this replaced democratic elections among academics
- Chairman of the University Council would be appointed by the Minister, as opposed to an internal election within the Council. The University Council comprised of five high ranking Government officials and other representatives appointed by the Minister, instead of representation by the Guild of Graduates and Senates.

Without a shadow of doubt, these amendments effectively removed autonomy in universities by abolishing the major democratic instruments that allowed universities self-govern, and by granting the Government legal authority to have full control over universities.

It is also interesting to note that the entire amendment process, including debates and additional motions to counter-amend by the opposition, **only lasted five hours** in the Dewan Rakyat. In hindsight, one wonders how these amendments could have curbed the spread of communism or address the issue of ethnic imbalance.

State control over higher education was further demonstrated in the case of the Merdeka University and the subsequent decision by the Federal Court. In 1968, the alliance of the United Chinese School Committees' Association of Malaysia (dong zong) and the United Chinese School Teachers' Association of Malaysia (jiao zong) proposed the establishment of a Chinese-language university, the Merdeka University. They submitted a petition in 1978 requesting the Yang di-Pertuan Agong's approval of the university. The petition was rejected which was later challenged in the Federal Court, whereby a verdict of 4 to 1 against the petition was made based on points related to the language of instruction and importantly, the status of a university as a public authority (*Merdeka University v. Government*, 1982). The decision of the highest court in Malaysia on this particular case amplifies the extent of control the State has on higher education.

# Transition from State Control to Corporatisation and Marketisation

Before examining the current state of autonomy in Malaysian universities, developments in higher education in the mid-1990s has to be put into context. Two major yet interrelated developments took place during this period. The first was the corporatisation of public universities, beginning with UM on 1 January 1998 followed by the other four oldest universities on 1 March 1998. The corporatisation exercise brought about drastic changes to the governance of these universities and had further implications on their autonomy. The second development was the introduction of the Private Higher Education Institutions Act 1996 (Act 555), which officially recognised private universities and colleges in Malaysia.

The corporatisation of public universities, intended to de-centralise and transform public universities to become more effective and competitive, turned out to be a mere corporatisation-in-governance exercise due to the economic situation at that point in time (Lee, 2004; Wan and Morshidi, in press). The term 'corporatisation-in-governance' meant that the only change was the governance structure of public universities.

The proposal to amend the UUCA in December 1995 to provide the legal framework for corporatisation includes:

- The University Council became the Board of Directors; its sixteen representatives reduced to eight comprising of representatives of the Government and individuals appointed by the Minister
- The University Senate was reduced from 200-300 members to only institutional leaders and not more than 20 professors appointed by the Vice Chancellor; a significant loss of academic voice in the governing structure of a university
- The Vice Chancellor would be appointed by the Minister directly instead of the Yang di-Pertuan Agong

Corporatisation also involved amendments to the UUCA which allowed universities to engage in partnerships, invest in equities, as well as to set up holding companies. However, it was clearly stated this provision was subjected to the approval of the Ministry of Finance. As more power and responsibilities were given to universities, accountability was introduced into the vocabulary of university governance. Accountability measures came as no surprise, as the corporatisation exercise reflected the Government's philosophy on New Public Management<sup>2</sup>, a concept that has a neoliberal foundation strongly advocating principles such as accountability, delivery and efficiency (Besosa, 2007; Morshidi, 2010; Sporn, 2005).

There were other aspects of corporatisation which did not materialise, for instance, an increase in staff salaries. Yet, what was clear was the fact that the corporatisation and the amendment to the UUCA in 1995 had further stifled the voice of academics in universities. The drastic reduction of academics in the Senate and the non-representation of academics in the Board of Directors, clearly underlined the loss of academic voices in the governance and management of the universities. Furthermore, the 1995 amendments tightened Government control on universities through its appointee, the Vice Chancellor.

While Government control over universities began since the 70s and 80s through budgetary and financial regulations and student intakes, the intervention into core academic and institutional autonomy arguably took place in the 1990s (Morshidi, 2010). The loss of academic voice in universities and direct Government intervention into academic matters had further reduced the likelihood of reviving university autonomy in Malaysia.

At the same time, the Private Higher Education Institutions Act 1996 (Act 555) legalised private higher education institutions in Malaysia. Prior to Act 555, private institutions were either providing training that was not considered tertiary education such as secretarial courses, or organising higher education programmes through joint or twinning arrangements with foreign universities. The Act had not only legalised their right to issue degrees of their own, but also paved the way for foreign universities to establish campuses in Malaysia.

However, due to the nature of Act 555, which required private institutions to be first registered as a company under the Companies Act 1965, private higher education institutions took on the characteristics of a for-profit institution. The powers and jurisdictions of the Board of Directors and shareholders of the private institution are prescribed by the Companies Act. The act also required that these institutions have a constitution of their own according to the template provided. The governing authorities of private institutions consist of the Board of Governors and Senate. This mimicked the arrangement in

<sup>2</sup> "New Public Management (NPM) is the ideological bedfellow of neoclassical liberalism. Its central goal is the application of private-sector principles to the public sector. The buzz words of NPM are efficiency, effectiveness, delivery, flexibility, measurement, and outputs" (Besosa, 2007, p.44).

public universities under the UUCA 1995 amendment. In addition, private institutions under their constitution had to set up an executive management committee of the university. The Chief Executive who is the equivalent of a Vice Chancellor had to be appointed by the Board of Governors according to the criteria prescribed by the Registrar General (an appointee of the Minister amongst officers in the Education Service).

The Registrar General's jurisdiction over private institutions includes:

- The power to establish, register, revoke and close down the institutions
- The power to issue teaching permits, approval for use of language, inspect, enforce and investigate that includes the ability to search and seize without warrant, seal premises and compound these private institutions.

Suffice to conclude that while private higher education institutions are not owned and supported financially by the Government, these institutions are also subject to extensive control and monitoring through the Registrar General and the Ministry, including the ability for institutions to decide on tuition fees.

# University Autonomy is Revived?

The Ministry of Higher Education was established in 2003 which represents the Government's emphasis on higher education. The then Minister of Higher Education, Shafie Salleh, appointed a committee lead by Wan Zahid to study, review and make recommendations towards the development of higher education in Malaysia. The committee, also known as the Wan Zahid Committee, tabled 138 recommendations to the Minister, as well as the *Dewan Rakyat*, and one of the fundamental areas of recommendations concerned the autonomy of universities.

In deliberating the issues surrounding autonomy and governance, the committee pointed out among others the bureaucratization in universities, where various university offices have enacted their own rules. They also pointed out the grey area in terms of the power and hierarchy of the Board of Directors and Senate.

More specifically, the committee outlined several characteristics of an autonomous university, such as having the freedom to choose its students, determine its own curriculum, and appointing academic staff without having to refer to the Government. Autonomous universities should have the discretion to disburse funds received from the Government, and at the same time, obtain funds from other sources.

In emphasizing the autonomy of universities, the committee proposed that the Government continue to play a role in higher education, by maintaining control over macro strategies to meet the nation's socio-economic and socio-political needs whereas operations should be left to the university with some guidance from the Government through its representation in the Board of Directors. To conclude, the committee concurred that demands for more autonomy from the academic community have merit and will help spur these institutions to achieve excellence. There should be reduced government control but this should be accompanied by accountability and flexibility in the governance and management of public universities. Specific to the subject of autonomy and governance, the committee recommended:

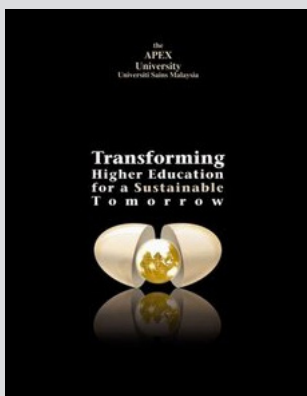
- The University Constitution be amended so that professors can elect twenty members from among themselves to represent the University Senate.
- The Minister of Higher Education delegate his power to the Board of Directors so that the latter can play its role as the guardian of autonomy, academic excellence and accountability
- All policies and the governance of universities be the responsibility of the Board of Directors
- Widen the Board of Directors scope of powers to enable it to play its role as the guardian of university autonomy
- Together with the Vice Chancellor, two other members should be appointed to the Board of Directors, one to represent the academic staff and the other to represent the Senate
- The appointment of Vice Chancellors should be carried through open advertisements in order to gain the best candidates. Vice Chancellors should be appointed on two-year terms and be given competitive salaries, with the proviso that their services can be renewed, extended or terminated at any time

It is interesting to point out that the committee's recommendations were made on the backdrop of Barisan Nasional, the ruling coalition's best ever performance in the elections. The strong mandate to some extent had given the Government greater confidence in deciding to relinquish control over universities. Nevertheless, despite the recommendations being tabled in the *Dewan Rakyat*, the Wan Zahid report was not adopted, and only partially informed the drafting of the National Higher Education Strategic Plan (2007-2020) (PSPTN) (see MOHE, 2007a; 2007b).

The Government did acknowledge in the PSPTN the need for a greater level

of autonomy and accountability for local universities to compete with top-notch institutions abroad. Autonomy was needed to attract and retain talents towards the advancement of research and in order to develop competitive university graduates. At the same time, university governance needed to be revamped in order to enhance efficiency and reduce a dependence on Government support to finance its operations. Hence, measures such as the Code of University Good Governance (CUGG), the University Good Governance Index (UGGI) and the Guide for Preparing and Conducting an Audit to Determine the Readiness for Autonomy were developed to assess the system of governance in public universities and gauge its readiness for autonomy. As a result five of the oldest universities in Malaysia were granted autonomy in 2012.

When the Malaysia Education Blueprint (Higher Education) 2015-2025 (MEBHE), considered the continuation of the PSPTN, was launched, 12 additional public universities were given autonomy. As at the time of writing, 17 out of 20 public universities are now autonomous, and autonomy has been operationalized in terms of academics, institutional governance, finance and human resources.



Another programme worth mentioning is the Accelerated Programme for Excellence (APEX) initiative under the PSPTN where universities were invited to submit a transformational plan towards becoming an 'APEX' accredited university. Universiti Sains Malaysia was accorded APEX status in 2008 based on its plan titled, Transforming Higher Education for a Sustainable Tomorrow, which underlined 3A's — autonomy, audit and accountability.

While the audit and accountability measures were carried out to the hilt, autonomy was negotiated with little progress (Dzulkifli, 2011; Wan and Abdul Razak, 2015). The twenty-six items outlined in the APEX transformation plan concerning autonomy did not materialise, and Universiti Sains Malaysia instead received the autonomous status in 2012.



# The Current State of Autonomy

The MEBHE emphasises a balance between autonomy and accountability, which is further embedded into the larger discussion on governance of universities. This balance meant reviewing performance contracts between the Government and public universities, strengthening quality assurance frameworks and developing best practice frameworks for institutional governance. To aid in the implementation of the MEBHE, the Government developed playbooks on the University Transformation Programme, where the first of many specifically deals with the enhancement of the Board of Directors in public universities.

However, the larger ecosystem on autonomy has not been taken into account. While autonomy has been eroded over the past two decades through legislative changes, university autonomy has mainly been rhetorical in nature. The autonomous status awarded to universities has not been accompanied by significant and essential amendments to the structure and legislative frameworks of higher education (see Fauziah and Ng, 2015; Shoib and Sufean, 2012; Siti Naishah, Shah Saleem Faruqi and Nazura, 2009; Wan and Abdul Razak, 2015).

For instance, although autonomous public universities are recognised as Federal Statutory Bodies (FSBs), they are still required to adhere to the same framework of governance as the civil service in terms of salary scale, promotion criteria and procedures. Furthermore, despite universities being pushed to generate its own income and the Board of Directors tasked with overseeing university finances and fundraising, there remain significant constraints on the types of income generating activities universities can initiate. Universities cannot even decide how to allocate funds and research grants and need to strictly adhere to the procurement and financial procedures laid out by the Ministry of Finance and Treasury. A circular from the Ministry of Finance dated 11 May 2016 also stated that the Vice Chancellor would have to seek permission from the Board of Directors, Chief Secretary of the Ministry of Higher Education and the Chief Secretary of Malaysia to travel abroad for official duties. All other university staff would have to seek the permission of the Vice Chancellor, Board of Directors and the Chief Secretary of the Ministry to travel. Foreign visits on the other hand have been limited to 'strategic purposes' and not more than four times a year. Wherein lies the autonomy in universities?

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*A circular from the Ministry of Finance dated 11 May 2016 also stated that the Vice Chancellor would have to seek permission from the Board of Directors, Chief Secretary of the Ministry of Higher Education and the Chief Secretary of Malaysia to travel abroad for official duties. All other university staff would have to seek the permission of the Vice Chancellor, Board of Directors and the Chief Secretary of the Ministry to travel.*

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Most importantly, the legislative changes to the UUCA in 1975 and 1995 prove to be significant hurdles that continue to hinder autonomy in Malaysian public universities. Although the UUCA was again amended in 2009 to establish a committee that would advise the Minister's appointment of the Vice Chancellors and Deputy Vice Chancellors, the power to appoint remains the sole prerogative of the Minister. This concentration of power, at times, has resulted in the appointment of unqualified Vice Chancellors, which contributed to a leadership crisis in public universities (Morshidi, Abdul Razak and Azman, 2012).

Furthermore, the Minister directly appoints all members of the Board of Directors, with the exception of one or two representatives of the Senate. A few ministers and deputy ministers have also been appointed as mentors to public universities with an autonomous status. However, the responsibilities and manner in which these appointments were made remain unclear. This further raises questions about university autonomy from Government control.

It may be understandable that while public universities continue to receive financial support from the Government that they may not enjoy autonomy. However, private universities, which do not receive Government support also lack autonomy. This perceived lack of autonomy comes from the extensive rules and regulations that the Government has used to monitor and regulate private institutions.

The bureaucratisation of higher education, such as the imposition of 'extralegal' administrative circulars, directives, schemes and instructions, have extended beyond public universities to include private universities. Private universities along with newer public universities are also subject to more extensive regulations of accreditation and quality assurance from external bodies like the Malaysian Qualifications Agency (MQA) and professional bodies. At times, these external bodies have more power to influence university curricula even superseding the Senate, which is supposed to be the highest governing body on academic matters. The dominance of these external bodies further undermines autonomy in both public and private universities in Malaysia.

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## Concluding Remarks

Looking into the historical development of autonomy in universities, specifically public universities, the autonomous status awarded to certain public universities only represents a fraction of the autonomy that public universities used to have. Further analysis has also clearly indicated that both public and private universities in Malaysia are not autonomous, despite attempts to restore autonomy in universities. Even private universities that do not receive financial support from the Government are directly controlled by the Government through extensive regulations supported by legislation.

# Recommendations

Six recommendations for Malaysian universities to consider concerning their autonomy:



## 1. Introduce Legislative Amendments

Given how university autonomy has been eroded through amendments to the UUCA, its revival requires legislative changes. In this respect, the UUCA may need to be abolished, or at least amended as a legal basis for universities to be self-governed. In addition, autonomous universities may have to be re-incorporated with their own legislation separate from the UUCA. A good starting point would be to revisit the Report of the Cabinet Committee led by Suffian (1969).



## 2. Cease bureaucratisation

The bureaucratisation of higher education, first mentioned by the Wan Zahid report, must stop. Public and private universities have been dictated by government circulars, regulations or even ministerial instructions, which can be deemed 'extralegal'. It is crucial to point out that while there is room for accountability and quality assurance, they should not result in the homogenisation of the university system neither should they act as barriers for self-governance. Rather they should exist to support and facilitate the development of public universities.

Specific to public universities, the ways in which public monies are channelled will need to be revised and made transparent. Instead of a lump sum allocation for operations and development, public universities should be paid for the services they provide. For instance, subsidies based on the number of students enrolled or competitive research grants according to the needs of the nation.

Public universities must also be given the full authority to hire and fire their own staff as well as to develop remuneration and promotion schemes for recruiting and retaining talent. Leadership in both public and private universities including strategic decisions for institutional development, must ultimately be left in the hands of the universities.



## 3. Return decision-making power on university appointments

One of the most important criteria of self-governance is the ability to independently decide on university appointments. More specifically, the decision to appoint the Vice Chancellor and Deputies should be given to the Board of Directors.

At the same time, the Board of Directors should be restructured to broaden representation of all stakeholders. The Government can continue to be represented in the Board of Directors but the selection of the Chairman should be left to the board itself.

Finally, the Senate will have to be restructured to ensure the voices of academics of all levels (including junior lecturers) are represented in the university's decision-making process.



## 4. Give Universities the Right to Determine Curricula and Standards as well as Admission of Students

Although external bodies like the Malaysian Qualifications Agency exist for quality assurance, it is important to recognise that the quality assurance framework and mechanism should only apply as a minimum requirement for a programme. Hence, the Senate's authority as the highest governing body in academic matters needs to be respected. Universities should have the freedom to develop its own unique programme above and beyond the minimum requirement with the approval of the Senate. In addition, every university should have the absolute right to decide on the admission of students.



## 5. Develop a Transparent Funding Formula

A more transparent funding formula of public monies would mean better accountability and can be done in accordance with the services that the university provides to the State. A simple solution would be to allocate funding according to an agreed subsidy for each student enrolled into the university<sup>3</sup>. For example, 10% of the total cost would be borne by the students directly through university fees whereas 90% of the cost would be subsidised by the Government. The Government would therefore pay the university for each student it enrolls as opposed to providing a lump sum in operational costs.

Although the formula itself can be discussed further, it is important that the formula be made transparent and that the allocations are made based on the agreed formula. Through this method the Government can influence the number of enrolments in higher education depending on the nation's needs, and yet, universities can have the autonomy to decide on the types of programmes they wish to offer so long as there are students who enrol into these programmes. Likewise, the decision to provide developmental funds and research grants to universities should also be carried out by the Government, or an independent commission, based on national priorities.



## 6. University Staffing Mechanism

A more transparent funding formula of public monies would mean better accountability and can be done in accordance with the services that the university provides to the State. A simple solution would be to allocate funding according to an agreed subsidy for each student enrolled into the university<sup>3</sup>. For example, 10% of the total cost would be borne by the students directly through university fees whereas 90% of the cost would be subsidised by the Government. The Government would therefore pay the university for each student it enrolls as opposed to providing a lump sum in operational costs.

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<sup>3</sup> For further reading see "Will Our Public Universities Have Financial Autonomy?" by Wan Saiful Wan Jan

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