

# **ASSESSMENT OF INSTITUTIONAL AUTONOMY AND ACADEMIC FREEDOM; IMPLICATION FOR NIGERIAN UNIVERSITIES.**

**BITRUS AUDU SULE**

Department of Educational Foundations, Philosophy of Education Unit

**BALA SANI ABDULLAHI**

Department of Educational Foundations, Psychology of Education Unit

**MOHAMMED AHMED JIBRIN**

Department of Educational Foundations, Psychology of Education Unit  
Nasarawa State University Keffi, Nasarawa State, Nigeria.

## **Abstract**

The mission of universities in Nigeria has long been understood to include service to the public good healthy academic environment and effective institutional autonomy. In order to achieve this significance role, Nigerian universities need to be granted full institutional autonomy and academic freedom to make decisions related to their institutional missions. The concept of institutional autonomy is found in 1999 Nigerian constitutional law and National Policy on Education which spelt out basic freedom to determine academic grounds in Nigerian education. The interpretation of areas enshrined in the country constitutional blueprint and section five of her National Policy on Education does not give any significant effects on real implementation of academic freedom of Nigerian universities in three basic areas of interest that include academic, financial and administration. The threats are fueled by increasing skepticism of the federal government about the role of universities in society and about the roles of expertise and institutions in general. Nigerian universities are grossly under/miss funded by the government, especially some states universities. In order to reclaim our mandate of quality and standards at the higher levels of education, this article recommend among others that Nigerian universities needs to be given full and uninterrupted academic, administrative and financial autonomy in order to sustain the system.

## **Introduction**

The key element that has been the recent focus of university education reform especially in third world nations is university governance. Third world nations with Nigeria inclusive recognized the importance of university education as means towards achieving all her developmental strategies. It is based on these views that Nigerian constitutional blueprint and National Policy on Education section (5) article (85) of 2013 reversed edition spelt out the relevance of academic autonomy and freedom of universities from undue interference<sup>1</sup>. Institutional autonomy is the process of how universities define their institutional goals and implement policies and programme, manage and monitoring their achievements. It is also believed that universities having defined their expected goals and objectives, all Faculties, Departments, Lecturers and students are to be granted full academic freedom to teach and learn in a free and fair environment without constraints. The prime factor of granting autonomy is to make interaction between

educational institutions and public authorities determine the nature of governance that will be suitable to all irrespective of gender. Autonomy is concerned with the relationship with institutional vice chancellors, lecturers, students, university board members and other non academic staff. Universities Vice Chancellors measure how freely universities can take decisions on the context of the rules and regulations that shape each university system. There is limited academic freedom among Lecturers and students of universities cut across. There are three basic dimensions of autonomy and academic freedom that mainly characterizes an institution to be known and called an autonomous university these include;

1. Academic autonomy, this explains the degree of freedom in decision making and action on academic issues that directly affects lecturers, students and non academic staff.
2. Financial autonomy, this implies the degree of freedom in decision making on financial issues and their implementation independently without any intervention
3. Human resources autonomy, this also explains the degree of freedom in decision making on human resources management which need to be enjoyed by all universities.

Institutional autonomy and how it is perceived by the university community are considered important drivers of change, how universities are managed is one of the most crowning factors towards meeting up with our developmental plans. In more sense, there is a global tendency to grant more autonomy to universities to be responsive to the changing needs of social, economic and also change the labour market environment. This has been coupled with developing regulatory framework to enable the government to provide quality assurance and to develop capacity to meet up with stated national goals of education at this stage.

Therefore, threats to academic freedom are highly contextual and depend on the specific context of each democratic nation. For instance, in Nigeria, concerns have been raised severally on university autonomy which up till now has not be successful due to government's efforts interference and regulatory powers on the academic affairs of some universities, especially the states universities.

Academic freedom and institutional autonomy are key features of democratic societies<sup>1</sup>. The fundamental principles of the Nigerian universities underlie the need for institutions to be independent of political authority and fair control of economic power that intervened in most strategic functions in the areas of appointment of board members and other governing councils. The questions of how and when should it be drawn to protect universities from undue interference with regard to decisions about educational mission? What are the logically necessary conditions that would help in the implementation of institutional autonomy and academic freedom in Nigeria?

### **The Concept of University Autonomy**

The concept of autonomy is defined as the process of authoring one's own world or activities without being subjected to the will of other external forces. It is the struggles to become the author of one's own decision making and action creatively to oneself in pursuing the set out goals independently. From the above, Kant defined autonomy as the ability to know what moral values requires of us and function not as freedom of pursuing our ends, but the power of the agent to act on objectives and universally valid rules of conduct certified by reasons alone<sup>2</sup>

Autonomy from the above implies that an autonomous being is the one who is equipped with all the moral values and skills that enable him to establish himself without undue constraints. It is an age-long debate across the globe especially in the area of human education. The degree of autonomy in education need to be enjoy especially in Nigerian universities. Universities need to enjoy full academic, financial and human resources autonomy and freedom that relate to full control all areas of teaching, academic, staffing learning and their welfare and most importantly in the area of research that would help in implementing our entire national development plan.

Therefore, it is noteworthy that in a policy document for education at the upper level of education in Nigeria, the terms institution autonomy and academic freedom cannot be loosely divorced from each other. As Nigeria returns to full democratic system of governance, it is expected that all the dividends will be collectively enjoyed. The 1999 constitution as amended in her chapter two section (18) (1) of the blueprint highlighted government efforts on education at all levels as follow;

- Government shall promote science and technology
- Government shall strive to eradicate illiteracy to this end government shall as when practicable provide;
  - a. Free, compulsory and universal basic education
  - b. Free university education
  - c. Free adult literacy program<sup>3</sup>

The federal government in her constitutional blueprint committed herself to institutional autonomy and academic freedom which was highly spelt out in National Policy on Education 2013 reversed edition, highlighted specific functions of government towards achieving higher education goals. The National Policy on Education (NPE) further stated that education is an important tool for developing the full capacities and potentials of human resources and an investment for economic, social and political development<sup>4</sup>. Nigeria approach to education is rooted in the view that higher education can be considered as the best option to every type of development that will be achievable

The National Policy on Education (2013) stated as follow;

- Education is an instrument for national development and social change
- Education is vital for the promotion of a progressive and united Nigeria
- Education maximizes the creative potentials and skills of the individual for self fulfillment and general development of the society
- Education is compulsory and a right of every Nigerian irrespective of gender, social status, religion, colour, ethnic background and any peculiar and individual challenges
- Education is to be qualitative, comprehensive, functional and relevant to the needs of society<sup>5</sup>

From the above provisions, Nigeria cannot achieve these goals and some other objectives of higher education without being granted full autonomy and freedom for free academic and financial freedom.

Institutional autonomy is necessary because it would help to create situations in which the managers of universities are answerable to the constituent's parts of system (the academic community). Granting autonomy and freedom to especially Nigerian universities would help to strengthening democratic processes within educational institutions and ensuring that each university gives free rein to the creativity of its staff and students

It is based on the above that Ross defined autonomy as the freedom of the institution to function without undue control or influence by external forces or agencies<sup>6</sup>. In view of this analysis, it is important to note that Nigerian government over the years has initiated some new policies for universities autonomy. These policies provide for the freedom of universities over themselves, appoint their key officers, determine the condition of services of the staff, control their student admission and academic curricula, control their finance and generally regulate themselves as independent legal entities without undue interference from any political agent.

In more sense, Erguder pointed out that academic freedom is the personal privileged of an academic staff of universities, while university autonomy is an institutional privilege<sup>7</sup>. This implies that lecturers are enjoy academic freedom in relation to institutional autonomy.

Owing to our foregoing analysis of autonomy and academic freedom, the following are the basic components or statement of institutional autonomy and academic freedom of universities.

- Respective universities must exercise legal right of ownership of university assets including land, building, plants and all the infrastructural facilities of the institution
- Freedom to set out expected goals or plan and also provide means of pursuing them independently
- The right to budget running of the university and freedom to run salary structures that would motivate the entire staff of the institution
- Freedom to design academic programs, right to recruit and sack any academic and non academic staff without further interference from both inside and outside the institution
- The right to review tuition fees and other related levies for students to pay
- The right to determine and run suitable academic calendar
- The right to select/appoint Head of Departments and others
- The right to determine admission policy
- The right to conduct examination and degree awarding institution
- The right to enjoy full financial autonomy including the right to run institution bank account, operating internal auditing and right to generate income
- The right to enjoy absolute administrative autonomy without undue constraints from government, political actors and beurocratic interference

### **International Legal Concept of Institutional Autonomy**

Beside our introductory sentence, there are multiples interconnection and internationally recognizes human rights together to constitute an international legal framework supporting academic freedom. Academic freedom encompasses a wide range of human rights. In both developed and developing nations, their constitutional laws emphasize on freedom of opinion, expression, association and assembly. It is based on the above that the Committee on Economic, Social and Cultural Rights (CESCR) as noted, emphasizes on University autonomy as a

prerequisite for the exercise of professors and student, individual rights<sup>8</sup>. This implies that academic freedom extends not only to members of the academic community, but also to educational institutions with particular reference to universities. These rights are enshrined in the Universal Declaration of Human Rights as well as in other international treaties, including the International Covenant on Civil and Political Rights (ICCPR)<sup>9</sup>

Apart from the above mentioned rights, is the freedom of thought and opinion, expression, privacy among other rights. The freedom of opinion or thought is among the most significance right to safeguards academic freedom, protecting the process of intellectual curiosity, reflection and exploration. Article (19) of the Universal Declaration of Human Rights (UDHR) guarantees the freedom of opinions without interference and to seek, receive and impact information and ideas through any media regardless and frontiers<sup>10</sup>.

Similarly, on the above rights, right to freedom of association and freedom of assembly. Article 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) provides for the right of freedom of association and freedom of assembly<sup>11</sup>. These provide for the association of student union and clubs, teachers union and right to organise and participate in campus activities.

The right to education, Committee on Economic, Social and Cultural Rights (CESCR) guarantees the right to education (Article 13) and the right to scientific progress and its applications (article 15). These rights speak to the essence of academic freedom and impose on states a positive obligation to guarantees these rights. A recent report by the special Reporter on the promotion and protection of freedom of opinion and expression suggests that states have a positive obligation to implement institutional protections, promote autonomy and create an environment conducive for seeking, receiving and imparting information and ideas.

Also, the African Charter on Human and People's Rights referred to as the Bajul Charter is an African-based position outlining the rights and obligations of nations in Africa entirely. A total of 54 nations with Nigerian inclusive are to enjoy these rights. Article 9 of the African Charter guarantee the freedom of information, expression and opinion emphasized as follow;

- Every individual shall have right to receive information
- Every individual shall have the rights to express and disseminates his opinion within the law<sup>12</sup>.

The African Charter by the efforts of civil society culminate in the adoption of the Kampala Declaration on Intellectual Freedom and Social Responsibility, 1990, as well as the current Juba Declaration on Academic Freedom and University Autonomy, 2007<sup>13</sup>. Beside, all the international legal backups including that of African nations all point at academic freedom and institutions autonomy in the following areas, academic, financial and human resource autonomy among others. These aspects of institutional freedom have been questionable especially in third world nations of higher education system. The focus of this assessment is to assess the application of these rights spelt out internationally with reference to Nigerian education.

### **Federal Government statement on Academic Freedom and Institutional Autonomy.**

In Nigerian constitutional law, which was amended in 1999, what has now become known as the essential freedom of academic institutions of higher education was fairly spelt out, although academic freedom in Nigeria indirectly provides for at the level by an expansive jurisprudential interpretation of the Nigerian constitution's provision on freedom of expression and through Nigeria obligations as signatories to the regional and international instruments.

Nigeria is also a signatory to the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political rights (ICCPR) and the International Covenant on Economic, Social and Cultural rights (ICESCR). Apart from the above, as the giant of African nations, Nigeria is among the frontier of the African Charter who collectively guarantees academic freedom to be effective.

Although, Nigeria as a nation since 1960 of political independence has witnessed a lot of political instability, threatening academic freedom until the result of Ashby Commission recommended greatly on expansion of education to all irrespective of geographical location. The expansion of higher education was made a priority in the national development plan and federal government gave power to National University Commission (NUC) In 1962<sup>13</sup>. At the point of NUC pronouncement and because of political instabilities that has rocked the nation including her educational system, several decrees were propounded but with less adequate implementation in favour of the few universities available. Until 1974, Decree No. 1, spelt the power given to NUC to plan and execute its vision of a centrally coordinated tertiary system<sup>15</sup>.

### **Assessment of federal government efforts on Institutional Autonomy and Academic Freedom**

In fact, under military government in Nigeria, the concept of university autonomy was just on paper without practical meaning to the running of universities. The nation seemed to have lost her glory, enthroned mediocrity, to have not only banished excellence but also re-predicted knowledge and experience even in the act of governance.

Okigbo stated that the nation desecrated the temple of universities and turned them from intellectual citadels to a purely political market place. He further stated that the nation's academic has sunk to depths from which it seems difficult to rescue<sup>16</sup>. The Nigerian academic has exposed her models and percepts as only skin deep and demonstrated that some professors in government could be competent but majority of them are political street liars contributing negatively to academic freedom of universities. This is because they have lost their independence, self esteem and intellectual integrity to the dictates of their leaders unaware of the generality of the nation.

Academic freedom and university autonomy did not land on a soft ground during the military government but the general focus, autonomy of university is a framework of self governing of all her stated missions. As Nigeria returns to purely democratic system of governance, university autonomy bill was signed into law by President Olusegun Obasanjo on July 10<sup>th</sup> 2002. With his signing, it became an Act. One of the things is that, governing council of a university shall be free in the discharge of its functions and exercise its responsibilities for good management, growth and development of the university<sup>17</sup>. Again there shall be no sole administrator in any Nigerian university.

Therefore, from the above terms, autonomy of university is a framework of action in which the university is at liberty to

1. Select and appoint its teaching staff and administrators and to determine their conditions of service
2. Appoint, promote and discipline their staff
3. Teach and select areas of research
4. Determine and decide the allocation of available financial resources among competing demands.
5. Decide the criteria for admission of students

In view of the above, the federal government re-committed herself that government shall continue to respect this freedom of universities which in section five (5) of the Nigerian educational policy gave maximum support to the idea that higher education across the states should enjoy being free from political and any governmental interference. This calls for critical assessment of the provision stated clearly in the National Policy on Education. The questions are, when will Nigerian universities will be granted full autonomy as stated in the nation constitution and re-emphasized in her educational blueprint? What are the basic features strengthening institutional autonomy in the current democratic system of governance in Nigeria? The points itemised above are the comprehensive and pragmatic set of criteria for defining university autonomy when we consider them under the following sub-headings

1. **Academic autonomy/academic freedom.** Academic freedom is the absolute rights of institutions, absolute right to effective management, absolute freedom of Faculties and Departments. All these Faculties and Departments are strong agencies that help the administrative process of higher education institutions. They assist in the areas of appointments and promotion of staff, they are relevant in determining course contents, selecting related instructional facilities, select and conduct researches, set and conduct institutional examinations. Teachers/lecturers autonomy must also be granted as they are directly involves in all academic processes, therefore, they are entitled to enjoy good salary and allowances, freedom to assess students performances and also freedom to pass/ repeat based on merits without any interference by the institutional management and others, freedom to enjoy being sponsors among other rights. Therefore, based on the above, the problem is not that of provision, but implementation of what is contained in the blueprint into action are the major problems of Nigerian government. There is too much interference on academic issues. For instance.

2. **Administration autonomy.** This is another area that needs to be free from undue constraints. The first problem of Nigerian universities is institutional governance system. Both public and private universities in Nigeria, the council, for instance in public universities, a collegial body elected by the visitor, congregation, senate and convocation are the highest authority in the institutions. In private universities, the proprietors appoints the external members of the councils. However, the general administration is under the control of the Vice-Chancellor. But the process of election of the Vice-Chancellor is subject to approval of the visitors (president and state governors). For instance in 1972, General Gowon appointed Vice Chancellor for the

university of Lagos without reference to Governing council of the university. The type of appointment also featured under the leadership of General Murtala regime in 1975 where he appointed a Vice Chancellor to University of Maiduguri. There are lots of similar interventions on Nigerian universities even as the nation returns to democratic system of government.

For instance, some major issues on academic freedom as of period to which Nigeria returns to democratic system governance is that of 53 academic staff who were unilaterally dismissed at the University of Ilorin in 1999. Similarly five professors at the Lagos state university who opposed the process the government adopted for the appointment of the Vice Chancellor contrary with provision of the law were dismissed by the state governor. In fact, academic staff union of universities has been banned and unbanned on several points in the era of democratic system of governance. 120 academic staff of Kogi state university were also dismissed by the order of the governor. Federal Government through the minister of labour and productivity registered a sub-union (CONUA) to frustrate and reduce the strength of ASUU. In fact from 1999 to date academic freedom of Nigerian universities in several points offers to be in the hands of any successive government, which most of them are unaware of the role her university education.

3. **Financial autonomy-** The economic crisis resulting to financial problems over the years led to reduced public funding support to education. As the nation is being governed by democratically elected people, it is believed that, the current effort would help to resolve the imbalances inherited from the military system of the past. This explains how tertiary institutions under the principles of Decrees contributed to the falling standards of education in the country. Consequently, what we experienced in the past find their huge ground in the present system of democratic governance. In most Nigerian universities there is progressive decline in tertiary institution in funding. The consequences are reflected in the environment of the system, poor infrastructural and physical facilities, poor quality of laboratory equipments, poor library, congested lecture halls, large population of students with few classes and accommodation, teachers are poorly motivated, teacher-student ratio among others, there is no enough offices for lecturers in most Nigerian universities among other. Therefore, the situation calls for industrial actions by various unions (ASUU), struggles for the rights of her members and revitalisation of universities to some extent. In most cases, between ASUU and the federal government on matters involving her members and the entire university community, government use their power against the union for reasons best known to them. The challenges of Nigerian universities is financial autonomy, it is the fuel engine of every administrative process therefore our universities need to enjoy such benefits.

### **Challenges to Institutional Autonomy and Academic Freedom**

Challenges to academic freedom of universities vary by context of the nation's political system on matters concerning university education. In Nigeria, during the post colonial context, attention shifted to the nature of political and economic problems will not only pressures on the education system as a whole but also contributes to a generally violent climate in which people do not necessarily feel free to pursuing their academic interest.

In view of the above, there are many types of erosion on institutional autonomy and academic freedom being practiced in Nigeria. Pursuant to human rights norms, academic freedom involves



an institutional element of protection; government must facilitate and protect the autonomy and self governance of educational institutions in order to create an enabling environment for seeking, receiving and imparting information and ideas.

For instance, the Juba Declaration of 2007 specifically demands that governments avoid interfering with the autonomy of higher education institution<sup>18</sup> However, with the nature of democratic principles, over many years of Nigerian political freedom from colonial system, education system entirely are controlled by the government. This type of influence is not only contrary to human rights norms but lack of institutional autonomy and academic freedom has demonstrated negative impact on the attitudes and moral of academic staff and students.

Owing to our analysis of institutional autonomy and academic freedom, below are the highlight of challenges encountered in Nigeria universities.

1. Government control over affairs of universities through her existing agencies regulatory bodies hold much of the power to make decisions as to the basis which students are admitted, curriculum design and teaching qualifications
2. Underfunding of higher education programs
3. Acute infrastructural decay and absent in most lecture theatres
4. Lack of functional laboratory equipment for practical and completely absent in some centers
5. Higher number of admitted students without cognizance of the existing facilities
6. The introduction of single treasuring policy in most university system has affected academic activities in most Faculties and Departments which they find it difficult to executes most programmes of their departments
7. Lecturers are poorly motivated
8. Lecturers are being in offices and so on.

### **Conclusion.**

Academic freedom and institutional autonomy is paramount to the educational sector. This is enshrined in the 1999 constitution amended and the National Policy on Education, giving the power to establishing most of institutions of higher learning in Nigeria. Higher education institutions by our understanding even at the present system of governance in the country are tied on the apron of the government who control and give order. The interpretation of the position of the national constitution amended in line with global legal concept on institutional autonomy and academic freedom was narrowly explained due to polity in power. Therefore, the struggles to rebuild institutional autonomy and academic freedom as a mean of re-engineering institutions of higher teaching and learning especially universities are a mere demand for monastic separation from entire societies. It is a right step to impart bodies of knowledge in materially tolerable conditions without being frustrated by any political influences. It also helps to protect allocations to Universities from being diverted by politics and power plays which is the sure way of implementing the autonomy.

### **The way forward**

Federal Government should grant full and uninterrupted autonomy to higher education institutions in the basic areas that is, academic, administrative and financial autonomy for quality delivery.

1. Higher institution should be given the authority to generate fund internally in addition to the grants given by the government and the power to disburse the funds.
2. The issue of single treasuring account system introduced by some universities should be urgently revised for free and fair academic activities of Faculties and Departments
3. Universities should be given powers to determine remuneration packages are review terms and conditions of service of service staff by themselves
4. It is also suggested that the governing council be given the power to appoint or remove vice-chancellors without any interference of influence by the government
5. Government should re-visit the current nature of funding universities education in the country.

### End Notes

1. Jonathan R. A. *21<sup>st</sup> Century Challenges to Institutional Autonomy and the Public Good*. An America Perspective. 2011. P. 170
2. Ibid. P. 172
3. Marcello S & Silvia M. *Academic Freedom and Institutional Autonomy' Examples and Challenges*. 2012. P. 183
4. Ibid. P. 185
5. Federal Republic of Nigeria. *National Policy on Education*. NRDC press. 2013. P. 70
6. Ibid. P. 72
7. Arikewuyo M O. *Challenges of Academic Freedom in the Nigerian University System*. Makerere Journal of Higher Education. 2012. P. 249
8. Ibid. P. 253
9. Goolam M. *Higher Education in Africa Facing the Challenges in the 21<sup>st</sup> Century*. *International Journal of Higher Education*. No. 63. 2011. P. 20
10. Ibid. P. 21
11. Akinwumi F S & Olanyan D. A. *Analysis of University Autonomy in Nigeria*. Journal of Educational Management. P. 120
12. Ibid. P. 121
13. Ibid. P. 122
14. UNESCO. *United Nations Decade of Education for Sustainable Development*. International Implementation Scheme. 2005-2012. P. 99
15. Gbari U S. *Philosophical Evaluation of Education Reform in Nigeria*. Ph. D. thesis. 2014. P. 144
16. Ibid. 145
17. Arikewuyo M O. *Challenges of Academic Freedom in the Nigerian University System*. Makerere Journal of Higher Education. 2012. P. 249
18. Ibid. p. 256



