

# Assessment, evaluation and improvement of university council performance

Higher education is the third-biggest export industry in Australia. Hence, the quality of the governance of educational institutions is of major concern to the Australian Government. Although evaluation of board performance is now used widely in both the private and public sectors, little attention has been given to its application in university contexts. This article addresses this gap. It describes a comparative analysis of various criteria used to conduct board assessments with a framework developed in Australia to guide evaluation of a university council's performance. In particular, it describes the components of the University Council Assessment Questionnaire. This article concludes by making some recommendations about how the use of assessment can contribute to improving a council's performance.

## Introduction

Evaluation of performance in the higher education (HE) sector (see for example, Stufflebeam & Shinkfield 2007) has traditionally focused on inputs (e.g. income, student demographics and numbers, staff numbers and qualifications, student/teacher ratios), outputs (such as student completions or satisfaction measured, for example by the course evaluation questionnaire, or numbers of research projects and publications) and outcomes (represented by graduate employment surveys). Major changes in the HE system have shifted the focus of evaluation to the systems and processes by which the governing bodies add value and contribute to their HE entities' performance. Assessment of the performance of the governing bodies is the subject of this article.

Although evaluation of board performance is now used widely in both the private and public sectors, little attention has been given to its application in university contexts. This article addresses this gap. The article describes the changes in government policy that have impacted on how higher education is delivered in Australia, notes in particular the changes to governance in universities, and reports the results of a comparative analysis of criteria used to conduct board assessments with a framework developed in Australia that is suitable for use in evaluation of a university council's performance. In particular, it describes the components of the University Council Assessment Questionnaire.

The Australian HE sector has grown dramatically in the past 20 years. It now comprises (DEEWR 2009):

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39 universities of which 37 are public institutions and 2 are private;

1 Australian branch of an overseas university;

4 other self-accrediting higher education institutions; and

non-self-accrediting higher education providers accredited by State and Territory authorities, numbering more than 150 as listed on State and Territory registers. These include several that are registered in more than one State and Territory.

The non-self-accrediting higher education providers are rapidly acquiring a major part of the HE market. They form a very diverse group of specialised, mainly private providers that range in size and include theological colleges, some TAFE colleges and other providers, offering courses in areas such as business, information technology, natural therapies, hospitality, health, law and accounting.

In 2009 international education is a \$14.2 billion industry, making it Australia's third-biggest export after coal and iron. Higher education brings in the lion's share of this revenue, accounting for 63 per cent of expenditure. The above description of the sector shows that HE today is no longer the exclusive precinct of universities (AEI 2008). Many private providers and TAFE are seeking registration and accreditation of HE courses in order to take advantage of the lucrative international education market. In Victoria alone, there are now 185 international education colleges offering training.

The growth in the sector was driven by a number of factors, including massification of education, competition from overseas and from private providers in Australia, the growing complexity of the institutions, the shift to managerialism and the business model and international student mobility (Storey & Armstrong 2004)

Universities rely on their fees from international students for an average of 15 per cent of their funding (Das 2008). The fees also cross-subsidise research in Australia. According to the Vice-Chancellor of the University of Melbourne, teaching funds close to \$200 million fill the gap between what the university receives in research grants and the actual cost of research (Davis 2008).

It is clear that the economic sustainability of higher education institutions is of major concern to both government and universities and that this will be influenced by the ability of the sector to continue to attract international students. A global survey of 80 000 students found that 'quality and reputation were extremely important' for students making decisions about studying overseas (Das 2008). Similar results were found in a survey of international students studying in Australia (Michael, Armstrong & King 2004).

The increased competition and the concerns with quality have stimulated major policy reforms designed to integrate Australia more competitively into the world economy.

## Australian Government policy reforms in the higher education sector

Following decisions by the High Court (Moodie 2007), the Commonwealth Government has the power to regulate all corporations, including universities, even if they are established under state government Acts. The Australian Government policy designed to make the HE sector more competitive started with the Dawkins Report in 1988 (Dawkins 1988). The Dawkins Report opened the door to growth in the sector and the establishment of new universities. Minister Brendan Nelson continued the reform agenda. His paper *Higher Education at the Crossroads* endorsed in the Ministerial statement *Our Universities: Backing Australian's Future* (Nelson 2003) were instrumental in introducing a broad range of education reforms directed toward funding, specialisation of universities, workplace relations, information communications technology, research priorities, commercialisation and quality control. In more recent policy documents, research was the focus of the Cutler Report on Innovation and the Ministerial Statement (Carr 2009) *Powering Ideas: an innovation Agenda for the 21st Century*. In 2008, the Bradley Report (Bradley et al. 2008) recommended the establishment of an independent national body to manage higher education accreditation, quality assurance and regulation, and in 2009 the May Budget confirmed the government's acceptance of these recommendations. Quality assurance was again an issue in these educational policy initiatives.

## University governance

Among the quality control measures issued during this period were National Protocols for the Approval of Higher Education Institutions, and National Governance Protocols for Public Higher Education Institutions (listed in the legislation applying to the grants under the Commonwealth Grant Scheme (Table A of the Commonwealth Grant Scheme Guidelines, DEST 2006). Both Protocols were addressed in papers (Armstrong 2003; Stokes 2004) presented at the University Governance Conference held in Melbourne at Victoria University. Of interest to this article are the Protocols on university governance.

Corporate governance is concerned with the structures and processes for decision-making, accountability, control and behaviour at the top of organisations (Armstrong & Francis 2004). It can be summed up (Figure 1) as the system or structure of rules and relationships, supervision and control of those who exercise the authority, accountability, stewardship, leadership, direction and control that aims to ensure accountability and efficient use of resources in balancing the achievement of goals of corporations, society and individuals.

**FIGURE 1: DEFINITION OF CORPORATE GOVERNANCE**

Corporate governance  
is the  
system or structure  
of  
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Governance is not about management but (according to the Commonwealth Government's funding guidelines, DEST 2006) about direction and control, that is, approving the mission and strategic direction, monitoring risk assessment and reviewing and approving management decisions.

Assessment of governance performance has been advocated for the private sector for some time (Armstrong 2003; Australian Institute of Company Directors 1994; Australian Securities Exchange 2003; Bosch 1995; PAEC 2005). In the public sector, governance has been a major concern of numerous reports and papers from Auditors-General across the country. A requirement for board performance assessment has now been introduced into the terms of reference of public entities and many of the internal committees under the jurisdiction of Victorian Government departments (PAEC 2005).

The current interest in corporate governance was stimulated to a great extent by the belief that the Asian financial crisis and the global financial crisis were in no small part due to lack of leadership, competence and accountability in corporations. Sarre (2003) cited a number of articles that showed that corporations fail for a multitude of reasons, among which are poor management (Bergman 2000), greed and deliberate fraud (Sykes 1996), conflicts of interest (Robinson 1996), inattentive auditing (Vinten 1992), poor ethical frameworks (UNDP 2000), inadequate legal and accounting rules (Baxt 2002) and misguided regulatory oversight (Davis 2003). To these can be added board incompetence (Owen 2002).

Universities have had their own governance problems, but their governance issues are different from those of the corporate sector. Gallagher (Gallagher 2001, cited in Considine 2004, p. 127) captured some of the differences:

University governance is a complex construct. It reflects the university's structure, delegation and decision-making, planning, organisational coherence and direction; it embeds organisational values and ethics, financial and administrative

responsibility, and more importantly, the relationship between all of these.

He went on to explain that universities are perceived as different from the private sector because of their respect as social institutions for learning and research. However, there are equally legitimate demands to get things done effectively, efficiently and profitably and to comply with requirements that do not remain with the private or public sectors but are located somewhere across the two.

Governance standards in the HE sector followed the developments in governance in the corporate and business environment, with particular notice of the generic principles enunciated for reform by the Australian Stock Exchange and the Australian Institute of Company Directors as well as in Australian Standard AS8000 (Australian Vice-Chancellors Committee 2003). These were stipulated in the National Governance Protocols for Public Higher Education Institutions published in *Our Universities: Backing Australian's Future*. Five protocols were designed to ensure consistent criteria and standards across Australia in such matters as the recognition of new universities, the operation of overseas institutions in Australia, and the accreditation of higher education courses to be offered by non-self-accrediting providers (Nelson 2003).

Their aim was to protect the standing of Australian universities nationally and internationally.

### **The National Governance Protocols and universities**

The initial issue of the National Governance Protocols stimulated interest in the performance of university councils. The first five Protocols were revised as a consequence of the Guthrie Report in 2004 (Guthrie, Johnston & King 2004) and again in 2006 when Minister Jacinta Allen introduced the Commonwealth Grant Scheme Guidelines to implement the *Higher Education Support Act*, which included details of 11 Protocols (DEST 2006).

The first of the 11 Protocols required that the HE provider have its objectives and/or functions stated in its enabling legislation. In respect to the performance of the governing body, the Protocols referred to the responsibilities of the 'governing body' (Protocol 2), procedures for appointment and selection, and the duties of members (Protocols 3, 5 and 6), induction and training (Protocol 4), size (less than 22 members of the body, Protocol 5), risk management in regard to controlled entities and reporting (Protocols 8, 9 and 10). Many of these requirements reflect governance 'best practice' as it is described in codes and standards of best-practice governance (Armstrong 2004a).

In regard to university council performance, Protocol 4 required that: 'At regular intervals the governing body must assess both its performance

and its conformance with these Protocols and identify needed skills and expertise for the future’.

When the protocols were introduced, the federal government made increases in funding conditional on their implementation. Institutions that complied with both the National Governance Protocols and the Higher Education Workplace Relations requirements received an increase to their base funding, rising to 7.5 per cent from 2007. The Labor Government abolished these requirements when it assumed office in 2007.

One of the benefits of the introduction of the Protocols is that they gave some certainty to the legal obligations of university governing bodies and clarified the roles of council members and management.

This in some way meets the criticism of Corcoran (2004, p. 31)—that the institutionalisation of management that has occurred in all corporations:

has not been accommodated in university statutes. This has led to a great deal of confusion regarding the proper place of executive management within University decision-making structures. Indeed the proliferation of Deputy Vice-Chancellors, pro Vice-Chancellors and heads of mega-faculties or so-called ‘Divisions’ have clear management functions but generally speaking, no defined role in university Acts. What is worse, their positions often conflict with the roles and responsibilities of other bodies established by university Acts, such as academic boards and faculties.

Although the federal government ensured compliance with the Protocols by tying implementation to incentives linked to increases in funding, compliance is not necessarily an appropriate criterion to use to evaluate performance. In many cases, companies, which would have met their obligations of compliance with corporations Acts or stock exchange regulations, were among the biggest collapses (Clarke, Dean & Oliver 2003). An example is Enron, the US energy company, which, prior to its collapse, was touted as a shining example of the success of the Harvard/McKinsey management model.

The requirement for compliance with the Protocols is not in question. However, for evaluation purposes what is required is to determine appropriate criteria with which to assess a council’s performance, and to develop an instrument to measure that performance. This article addresses this issue.

### **The criteria against which board performance is evaluated**

Despite the diversity of universities in Australia and the difficulty of applying common standards (Baird 2005), there are a number of frameworks that specify criteria against which boards can

assess their performance. Among the most well known that apply directly to board performance are the National Association of Corporate Directors’ *Report of the NACD Blue Ribbon Commission on Director Professionalism* (NACD 2001), Carver’s (Carver 1997) Policy Governance Model, the Standards Australia Governance Standards (Armstrong 2004a), Kiel, Kiel-Chisholm & Nicholson’s compliance toolkit for assessing compliance with the ASX Corporate Governance Council’s Principles (Keil & Nicholson 2003; Kiel, Kiel-Chisholm & Nicholson 2004), and, specifically relevant to universities, the National Governance Protocols for Higher Education Providers.

Most of these frameworks address similar aspects of best-practice governance. Those directed at the private sector are cognisant of the need for boards to ‘add value’ to their companies. Different additional issues are addressed in the various models. For example, Carver’s model has an emphasis on board–management relationships, and Kiel and Nicholson include ‘director protection’ which, together with continuous improvement, is achieved through appropriate access to information and board papers, and insurance.

Standards Australia (SAI 2003) is the body responsible for the establishment and maintenance of ISO quality standards, and its emphasis on quality and continuous improvement influenced the development of their corporate governance standards, which were to apply to organisations in the private and public sectors, and also not-for-profit organisations.

The five AS 8000 Corporate Governance Standards issued by the SAI Committee on *Business Governance consist of a set of principles and four specific standards* (SAI 2003):

- AS 8000: *Corporate Governance—Good Governance Principles*
- AS 8001: *Corporate Governance—Fraud and Corruption Control*
- AS 8002: *Corporate Governance—Organizational Codes of Conduct*
- AS 8003: *Corporate Governance—Corporate Social Responsibility*
- AS 8004: *Corporate Governance—Whistleblower Protection Programs for Entities.*

The standards identified the indicators of effective performance by boards. Measures of the effectiveness items (Armstrong 2004b) addressed were: developing the governance system for achieving good governance, the roles of the chairman, individual members and chief executive officer, company secretary and the board; disclosure and transparency obligations, and systems to protect the rights and responsibilities of shareholders.

Among the strengths of the standards are the emphasis on building and maintaining a supportive governance system, and the recognition of the responsibility of a board to build an ethical culture within a board as well as a corporation. It is one

of the few frameworks to specify the values and ethical principles underlying the standards. Perhaps, a weakness is the tendency for some of the items in the roles of the members to intrude into the management of an entity rather than being confined to approval of policies and 'monitoring' the performance of management.

An alternative approach to board assessment is Richard Leblanc's Board Effectiveness Profile. In their book, Leblanc and Gilles (2005) argued that board effectiveness depended on director effectiveness, which was comprised of director competence and director behaviour. They classified the board members and boards and/or committees of 21 enterprises by behavioural characteristics and analysed the interaction of groups with differing sets of characteristics. From this they drew some conclusions about what attitudinal and personal characteristics produce highly productive boards. Using two dimensions: (1) collective-individual and (2) dissent-consensus, and different director competencies, they identified five profiles each of which describes an effective and ineffective board member type. The two types of chairpersons were: Conductor-chairs who 'possess remarkable leadership skills' (Leblanc & Gilles 2005, p. 208), relate well to management, have a keen interest in good governance and serve as the hub of all important board activity. In contrast, 'Caretaker-chairs are ineffective Cheerleaders, Critics Conformists or Controllers whose defining characteristic is lack of leadership' (p. 212). Each type of director and their competencies are contrasted with a type lacking the skills. The Change agent (exhibiting competencies of operating, strategic, public sector, marketing/consumer) was contrasted with the Controller; the Consensus builder (legal, human resources competencies) with the Conformist; the Challenger (policymaking, financial literacy, consumer/marketing, international) and Critic.

The authors concluded that "best practices" are a necessary, although not sufficient condition for effective governance' but that assessment of an effective board must take into account (Leblanc & Gilles 2005, p. 139):

- the leadership qualities of the chair of the board,
- the nature of the relationship between the board and management;
- the operation of the board and its decision-making process,
- the 'human factors' in board decision-making, and
- the 'fit' among individual directors and how they relate to one another as a team.

Leblanc's Board Effectiveness survey of 120 items measured board structures and composition, board processes including measures of committee leadership and board behaviours, and, how a board functions in dealing with a board's strategic direction. Better boards have directors with

appropriate competencies, exhibit behavioural characteristics that lead to effective decision-making, develop strategies to manage change, and recruit new directors as needed to meet a board's requirements.

Another departure from the more traditional emphasis on performance in terms of structures and functions was an original approach to evaluation of boards in higher education institutions in the US taken by Chait, Holland and Taylor (1996). Their board self-assessment questionnaire measured six dimensions that represent the competencies of effective governing boards: contextual, educational, interpersonal, analytical, political and strategic dimensions. The dimensions focus on the processes that guide board decision-making and performance. The educational dimension refers to the training and associated steps to ensure that the members of a board are knowledgeable about their roles, responsibilities and performance. The contextual dimensions take into account the culture and norms of the institution, and how the board acts to reinforce the organisation's values. Board leadership, cohesiveness and collective welfare represent the interpersonal dimension. The analytical dimension measures the extent to which a board accepts ambiguity and uncertainty in its discussions. The political dimension is about managing relationships and conflict. The final dimension, strategic, measures the extent to which the board envisions the direction and shapes strategies that anticipate and resolve problems before they become urgent or a crisis. From the combination of these variables a 73-item questionnaire was constructed using an Agree-Disagree Likert scale measured across all six dimensions.

Despite the different terms, many of the measures of each dimension addressed similar constructs to those of the earlier theorists. Where they differ most appears to be in the emphasis given by Chait, Holland & Taylor (1996) to decision-making processes, managing interpersonal relationships and, associated with this, the analytical dimension of tolerance of critical thinking, dialogue and uncertainty in board discussion. The authors also distinguish between the performance of the board and their organisation by advocating that the board sets objectives and priorities for the board itself and evaluates its performance.

With the exception of Chait, Holland & Taylor (1996), all of the above typologies are directed towards the private sector. Within Australia, only the Australian Government's National Governance Protocols for Higher Education Providers are directed at Australian universities.

Most of the debate about what should constitute university governance has focused on compliance or conformance with constitutions, legislation and regulation. The above research suggests that these are necessary but not sufficient to capture the complexity of board performance, especially in relation to university councils.

## Current research: University Council Assessment Questionnaire

This article has reviewed the results of research into three models of governance that identified the major criteria for assessment of board performance. The University Council Assessment Questionnaire (UCAQ) (Armstrong & Unger 2007) drew on the above research to develop an online questionnaire of 93 items taken by each Council member, followed by a facilitated results session.

Items measure basic elements of board relations as well as positive aspects of council performance that are within the control of and contribute to the performance of the members of councils. The questionnaire incorporates measures of governance covered by earlier designers of questionnaires, and most importantly, is designed specifically for the Australian university environment.

The constructs that are measured were grouped under the headings:

- Leadership
- Structures and relationships
- Accountability
- Compliance
- Performance
- Meetings.

The elements in each are measured on a five-point Likert scale. The range of items measured by the UCAQ and how they compare with the alternative approaches are shown in Table 1.

## A comparative analysis of assessment criteria

The above comparative analysis shows that the UCAQ includes measures of most of the items found in the other guides but has moved beyond items that have already been adopted by all university councils, and includes aspects of council performance, such as those identified by Chait, Holland & Taylor (1996), which are instrumental to achieving continuous improvement.

The UCAQ suffers from limitations found in all self-assessment questionnaires of this kind. The first is that it must be relatively 'short' to make it easy for busy people to complete. The reductionist nature of the instrument means that it lacks depth in many instances. For example, the question on monitoring of entities does not capture that, in reality, universities engage in a range of financial arrangements appropriate for different entities and their different functions. Apart from the core business, they are engaged in direct ownership, joint ventures with other institutions especially overseas, management of private trusts, etc. A questionnaire such as this does not probe the in-depth information that a council should have about each major transaction. However, it does raise the issues that can be the basis for further discussion within a board.

## Conclusion

Although the University Council Assessment Questionnaire identifies the key elements that are required for measuring effective performance, different university councils operate in different contexts, have different priorities and must meet different expectations. A small regional university has closer relationships with its local community than a big city-based institution. While most operate under state legislation, some are private profit-making corporations. This category of universities can be expected to grow as more self-accrediting private providers enter the higher education market. The pressures on universities to source ever more of their funding from the private rather than the government sector also encourages an expansion of commercial activities and a need for ethical and transparent approaches to commercial dealings.

Because expectations of a university council, and management, will differ depending on these circumstances, comparisons of benchmarks for performance are not always appropriate. However, the results of the above review suggest that there is a fair amount of consensus about what makes for an effective council. The research suggests that the criteria for assessment of effective council performance are common to all, and that conducting an assessment is a protection for council members should difficult circumstances arise, and should provide a guide for a desirable performance road map for continuous improvement. The assessment tool also should assist members of councils and senior managers to develop, implement and maintain a robust system of governance that fits the particular circumstances of the entity; should provide the mechanisms for an entity to establish and maintain an ethical culture through a committed, self-regulatory approach; and finally, assessment is expected to enhance the public reputation of a university and assist in the prevention and detection of fraudulent behaviour. Through enhanced transparency and accountability, such mechanisms should provide external stakeholders with confidence in the performance of their university. Further research is required to confirm these expectations.

The board assessment tool described in this article drew on these previous models of assessment to develop the University Council Assessment Questionnaire. This is a board self-assessment process designed for use by university council members to evaluate their own performance. The value of self-assessment is first, that given the confidentiality requirements of councils, only council members really know how a council is functioning or the processes that are in place. Second, the objective of self-assessment is continuous improvement and only the council members themselves can improve their performance.

**TABLE 1: MEASURES OF UNIVERSITY COUNCIL PERFORMANCE**

| Measures                                                         | UCAQ 2007 | Protocols | Kiel, Kiel-Chisholm & Nicholson 2004 | SAI 2003 | NACD 2001 | Chait, Holland & Taylor 1996 |
|------------------------------------------------------------------|-----------|-----------|--------------------------------------|----------|-----------|------------------------------|
| Governance policy in place                                       |           | ■         |                                      | ■        |           |                              |
| Approves strategic direction, business plan, targets, milestones |           | ■         |                                      | ■        |           |                              |
| Sets board priorities                                            |           |           |                                      |          |           | ■                            |
| Statutory accountability                                         |           | ■         |                                      |          |           |                              |
| Selection, appointments, removal                                 |           | ■         |                                      | ■        | ■         |                              |
| Independence of board                                            | ■         | ■         |                                      | ■        | ■         |                              |
| Independence of committees                                       |           |           |                                      |          | ■         |                              |
| Structure of committees                                          | ■         | ■         |                                      |          |           | ■                            |
| Leadership                                                       | ■         |           |                                      |          | ■         | ■                            |
| Competencies                                                     | ■         | ■         | ■                                    | ■        |           |                              |
| Duties                                                           | ■         | ■         |                                      |          |           |                              |
| Size and composition                                             | ■         | ■         |                                      |          | ■         |                              |
| Roles and responsibilities                                       | ■         | ■         | ■                                    | ■        |           | ■                            |
| Functions                                                        |           |           | ■                                    |          |           |                              |
| Control of entities                                              | ■         | ■         |                                      |          |           |                              |
| Contacts/networking                                              |           |           | ■                                    |          |           |                              |
| Environmental scanning                                           |           |           |                                      |          |           | ■                            |
| CEO succession                                                   | ■         |           |                                      | ■        |           |                              |
| Performance/action                                               | ■         |           |                                      |          |           |                              |
| Decision-making processes (analytical)                           |           |           |                                      |          |           | ■                            |
| Relationships/teamwork                                           | ■         |           |                                      |          |           | ■                            |
| Accountability                                                   | ■         |           |                                      | ■        |           |                              |
| Internal controls                                                | ■         |           |                                      |          |           |                              |
| Reporting systems                                                |           | ■         |                                      | ■        |           |                              |
| Report (separate) on board's activities                          |           |           |                                      |          |           | ■                            |
| Compliance                                                       | ■         |           |                                      | ■        |           |                              |
| Risk management                                                  |           | ■         |                                      | ■        |           |                              |
| Communication with stakeholders/constituencies                   | ■         |           |                                      | ■        | ■         | ■                            |
| Governance practices publicised                                  |           |           |                                      | ■        |           |                              |
| Monitoring governance                                            | ■         |           |                                      |          |           | ■                            |
| Grievance/whistleblowing                                         | ■         | ■         |                                      | ■        |           |                              |
| VC/CEO evaluation                                                | ■         |           |                                      | ■        |           |                              |
| Board evaluates own performance                                  |           |           |                                      | ■        |           | ■                            |
| Relationships with senior management                             |           |           | ■                                    |          | ■         |                              |
| Teamwork                                                         | ■         |           |                                      |          | ■         |                              |
| Ethics/standards of conduct/disclosure of conflicts/transparency | ■         |           |                                      | ■        | ■         |                              |
| Contextual dimension: culture, values                            |           |           |                                      | ■        |           | ■                            |
| Development and training                                         |           |           | ■                                    | ■        | ■         | ■                            |
| Record-keeping                                                   |           |           |                                      | ■        |           |                              |
| Board meeting procedures, papers, preparation, information       | ■         |           | ■                                    |          | ■         |                              |

Source: Armstrong 2007

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