

## **REGULATION OF HIGHER EDUCATION**

*Workshop, 2025*

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### **i. Description and Objectives**

This is the first of two workshops describing public policy alternatives and legal tools available to regulate higher education. This first semester of the workshop aims to provide students with a broad understanding of how higher education is regulated in different countries and Chile, emphasizing what such regulation reflects, aims to achieve, and ultimately achieves. The analysis will be predominantly neo-institutional.

In the first part of the workshop, we will analyze the concept of the university and the history of higher education institutions. The aim is to understand the origins of different university models, how their original structures partly explain their present state, and how they invite strategic use by various internal and external actors. Three university models will be analyzed in general: the Napoleonic, the Humboldtian, and the Latin American university. From this first part, students should retain core ideas about the externally imposed objectives on higher education institutions in a globalized world and understand why these objectives are often multiple and contradictory. They should also grasp the basic evolution of higher education institutions, their political role, and the discourses that seek to legitimize and defend the university from societal demands.

In the second part, we will analyze stakeholders –actors exerting external and internal pressures on universities. First, emphasis will be placed on analyzing external pressures from various societal actors, including governments, businesspeople, civil society, and political groups, among other stakeholders. Subsequently, we will review internal pressures from professors, students, and staff. From this second part, students should learn how university structures and governance forms either invite or discourage intervention by different groups within the university and the benefits and risks of the predominance of certain groups over others.

In the third part of the workshop, we will analyze coordination issues within a higher education system from the policymaker's perspective (or the person tasked with technically designing the best possible system in line with their basic political beliefs). We will rely on Burton Clark's framework (as explained by Brunner) to

analyze the influence of the State, Markets, and institutions within the system. We will also use Hood and co-authors' framework (Hood et al., 2004) to analyze rivalry, mutuality, control and oversight, and contrived randomness as macro-guiding principles of public policy in higher education. From this third part, students should retain the various trade-offs involved in choosing who predominates over higher education, the state, the market, the institutions, and the strengths and weaknesses of each.

From the fourth part onwards, our focus will shift to applying the lessons learned in the previous three parts to analyze classic aspects of higher education regulation in Chile. It is impossible to effectively regulate higher education (i.e., achieving the declared purposes of regulation) without considering the external and internal interests at play, the history and structure of institutions, the current state of the market or mixed provision system being regulated, and the costs involved in transitioning from one regulatory framework to another. All these variables have influenced past reforms (LOCE, the so-called Brunner Laws, LGE, Accreditation, CAE, etc.). From this part, students should develop an educated intuition regarding what is involved in choosing different reform alternatives.

At the end of the workshop, we will broadly analyze, in separate sessions, each of the following topics currently impacting regulation in Chile: legal personality and governance mechanisms of universities, undergraduate and research funding policies, university autonomy, admission and mobility policies, academic and administrative staff policies and student rights, licensing and accreditation, and the relationship between higher education and the labor market (qualifications). In each of these final sessions, students should retain regulatory techniques, considering the interests these changes promote and the incentives and disincentives they might create in the market or mixed provision system. These sessions will be complemented by guest experts sharing their perspectives on the topics.

We will dedicate the final two sessions to analyzing how recently approved policies may affect the balance between public and private universities in Chile and the potential consequences of these reforms for higher education in general.

Please note that this program is tentative and may be modified as students progress with the readings and depending on the availability of our guest speakers.

## **ii. Evaluation**

This first workshop on regulation will strongly emphasize the readings, which will be assessed through mandatory responses to the required readings for each week.

These responses must be submitted on Tuesdays before 12:00 pm and should include one page for each assigned reading for that week. The final course grade will be calculated as an average of the grades for these responses, weighted at 70%, plus 30% for maximum marks awarded for attendance above 90%. This participation bonus is established in consideration of classmates who will benefit from their peers' contributions during class discussions.

### iii. Sessions

#### **Week of March, 17<sup>th</sup> – The idea of the University**

We will start this Wednesday with a conversation about the idea of the university and its goals.

In their book “Reforma de la Educación Superior”, Brunner y Peña state the following:

*Hay pocas instituciones sociales a las que se les atribuyan mayores virtudes que a las de educación superior y, en especial, a las universidades. Se las considera entre las instituciones más antiguas de la cultura occidental (por cierto, más viejas que el estado moderno) y suele verse en ellas el lugar donde cada época atesora y divulga el saber de su tiempo (el lugar por excelencia de la alta cultura profana). Esos rasgos -antigüedad y sabiduría- justifican las múltiples funciones sociales que se les atribuyen hasta hoy: formar el capital humano avanzado, desarrollar el conocimiento y la erudición, hacer más vigorosa la cultura deliberativa que es propia de la democracia, contribuir a la cohesión social, servir de canal meritocrático para los grupos ascendentes, formar a las élites profesionales y políticas.*

*Por supuesto, si juzgáramos a las instituciones de educación superior por la medida en que satisfacen esas aspiraciones, pocas quedarían en pie. Para la mayor parte, esas imágenes no son descripciones fidedignas de su quehacer, sino recursos de legitimación de su existencia o simples expectativas.*

*Esas ideas que forman parte de la cultura de las instituciones de educación superior -la autoconciencia de una parte de sus miembros como mandarines de la cultura nacional- son las que hacen tan difícil discutir las políticas públicas en esta área. Cuando se las quiere reformar, las universidades erigen ese ideal como si fuera un retrato de lo que ellas son. ¿Y quién querría*

*modificar o cambiar tan excelsas instituciones? ... cuando los grupos que las integran abogan por mayores recursos, esgrimen esos ideales como proyectos aspiracionales. ¿Acaso la sociedad no desea contar con instituciones de tamañas virtudes?...*

*Mandatory Reading:*

Derek Bok, Higher Education in America, Ch2: Purposes, Goals and Limits to Growth, (Princeton U. Press, 2013)

Carlos Peña, ¿Obsolescencia de la universidad moderna?, en Reforma a la Educación (Ed. Diego Portales, 2008) \*

*Suggested Reading:*

Joaquín Brunner, La educación superior latinoamericana a la luz de Bolonia (extracto), en Reforma a la Educación (Ed. Diego Portales, 2008). \*\*

**Week of March 24<sup>th</sup> - The idea of university 2**

*Mandatory reading:*

Clark Kerr, The Uses of the University, Cap. 1, Harvard University Press (1963).

Simon Marginson, The Dream is Over: The Crisis of Clark Kerr's California Idea of Higher Education, p. 126-131, p. 152-177 (2016)

*Suggested Reading:*

J.J. Brunner, La idea de universidad en tiempos de masificación, en Revista Iberoamericana de educación superior, vol 3. N. 7 (2012)

**Week of March 31<sup>st</sup> – University and society**

*Mandatory reading:*

\* Martin Trow - Reflections on the Transition from Elite to Mass to Universal Access: Form and Phases of Higher Education in Modern Societies since WWII (2007)

*Suggested Reading:*

Philip G. Altbach, Ch. 21 - The Challenges of Building a World-Class University: Lessons from Slovenia, p. 94-99 en The International Imperative in Higher Education (Boston, 2012).

**Week of April 7<sup>th</sup> – Modes of Higher Education regulation**

*Mandatory reading:*

Martin Lodge, Regulating higher education: a comparative perspective, en The Regulation of Higher Education (Martin Lodge Ed.), Discussion Paper 77, LSE (2015), p. 1-9.

Collin Scott and Christopher Hood, Higher education and university research: harnessing competition and mutuality to oversight?, Overview in Controlling Modern Government , Hood et al. eds., EE, London (2004), p. 75-85

*Suggested Reading:*

J.J. Brunner, Visión histórica de la evolución del sistema de educación Superior Chilena: hitos desde 1967 a la fecha en Un Recorrido por la Historia Reciente de la Educación Superior Chilena 1967-2011, De la Jara y Duran Eds., Ed. Universidad Santo Tomás para AEqualis (2011).

**Week of April 14<sup>th</sup> – Higher education and politics (free speech)**

*Mandatory reading:*

Mario Savio, Sit-in address in the Steps of Sprout Hall, (1964) (video or transcription)

Carlos Tunermann, La reforma universitaria de Córdoba, en Educación Superior y Sociedad, Vol 9 N°1, (solo p. 103-114).

*Suggested Reading:*

Mauricio Bravo Rojas, Camila Vallejo – Diputada Comunista en La Caja de Pandora: Hacia un Nuevo Mapa de la Educación Superior, Mauricio Bravo Compilador, Ediciones UDD (2016) (extracto), p. 46-51. \*

Carlos Hunneus, La Reforma en la Universidad de Chile, (extracto),  
Corporación de Promoción Universitaria (1973) (p.12-33).

**Week of April 21<sup>st</sup> – University Governance**

**Week of May 5<sup>th</sup> – Access to Higher Education**

**Week of May 12<sup>th</sup> – Higher Education Financing**

**Week of May 26<sup>th</sup> – The accreditation of Higher Education**

**Week of June 2<sup>nd</sup> – Higher education markets**