

**AN INVESTIGATION AND DEVELOPMENT OF POLICIES TO IMPROVE
INSTITUTIONAL AUTONOMY IN VIETNAMESE UNIVERSITIES**

By

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Abstract

University autonomy (UA) or institutional autonomy (IA) is a new issue in Vietnam. Legislation relating to university autonomy has been recently passed under Law No. 34 and Decree No. 99 and became valid in July 2019 and February 2020, respectively. Currently, Vietnam has many problems in the content of the laws on university autonomy, which are almost subjectively formulated without much research on university autonomy in its literature, its practice, and regulations of this issue from developed countries.

The present research applies knowledge of UA literature, Berdahl's viewpoint on UA, and the Memorial University Act (MUN Act) to review and improve current Vietnamese laws. The research question was: What can we learn from the MUN Act to amend and supplement UA regulations in Vietnam?

Based on research results, suggestions are made to improve the provisions of Law No. 34, Decree No. 99, and their relevant provisions. Then, recommendations are given on factors influencing the UA policy, the autonomy in the academic field, the organization and human resources, finance and property, and public universities' accountability. Limitations and implications for further research on UA are also confirmed.

General Summary

Institutional autonomy (IA) or university autonomy (UA) is defined to be "the freedom of an institution to run its own affairs without direction or influence from any level of government." In Vietnam, the official legalization of the UA is still brand-new. The legislations directly regulate this issue are Law No. 34 and Decree No. 99, which has become valid in the year 2019 and year 2020, respectively.

In this context, Vietnam has recently enforced those pieces of legislation, which are almost subjectively formulated without severe research. It is essential to review and evaluate its current UA regulations. Besides, there is a need to have a university model carrying out the UA to compare and learn to withdraw experiences to Vietnam. Then, there will be the direct recommendation of the amendment to improve Law No. 34 and Decree No. 99. These recommendations focus on the factors influencing the UA policy and the content of UA.

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Chapter 1: Introduction

1.1 Background

Vietnam is currently developing the Vietnam General Education Development Strategy for the 2021-2030 period, with a vision to 2045. It is implementing many reforms related to general education under the Education Law 2019, effective from July 1, 2020. In this process, at present, Vietnam focuses on two central educational policies as follows:

The first focus was to renew programs and curricula for general education. The plan is to start the application of new general education textbooks and programs, ensuring connection in each grade, no later than the 2020-2021 academic year for the first grade of primary level, from the academic year 2021-2022 for the first grade of secondary school and from the 2022-2023 academic year for the first grade of high school level" (National Assembly Resolution No. 51, §1(2), 2017, n.p.).

The second focus was to implement a policy on university autonomy (UA). This was stated in the Resolution No. 29-NQ/TW of the 11th of the Central Executive Committee, November 4, 2013 on the basic and comprehensive renewal of education and training. "Assigning autonomy and self-responsibility to educational, training institutions, promotes the role of the University Council and the Higher Education Law of 2012 stipulates the autonomy of higher education institutions" (Central Executive Committee Resolution No.29, §III(5), 2013, n.p.).

Marginson (2015) contends: "higher education has become an essential passport to full-time work and effective social status" (p. 11). Grenier (2013) wrote: "Highly educated people are an essential asset in today's global governance architecture" (p. 354). Vietnam planned to revise rules around UA since 2005 (Government Resolution No. 14, 2005). In the context of globalization, higher education in the world is in a period of substantial transformation. As

Nguyen, Hamid, and Moni (2016) stated: "Globalisation has presented several challenges for national education policymakers in Asian and other parts of the world" (p. 669). Any country, including Vietnam, which is late in reforming the higher education system, especially slowing down the perception and management mechanisms of higher education, will ultimately lose opportunities to integrate and develop the economy (Tra Vinh University, 2017).

Vietnam chose to address UA due to the weaknesses of its higher education management system and the effectiveness of globalization in the educational field. Vietnamese universities' educational management system, especially the public system, is still heavily bureaucratic and remotely lead and the asking-giving mechanism is all under the management of the Ministry of Education and Training (Dao, 2004, p.179). This situation has remained stagnant, causing barriers to the development of Vietnamese universities. This mechanism caused universities to lose their autonomy in planning content, expenses, scale, and training programs for a long time.

Graduates face challenges to find a job matching their professional training. A considerable gap exists between the universities' training and the requirements of Vietnamese enterprises when recruiting graduates because many universities educate using academic theories, far from reality (Doan, 2015; Oliver, Pham, Elsner, Nguyen, & Do, 2009; Dao, 2004). This situation in university training in Vietnam is also the one that Barnettson (2018) refers to as *overeducated but underqualified*, in university training in Canada, which means "there is a gap between formal education and the skills required by work." (p. 50).

The training methods, on one hand, focus on theory with too little practice. (Doan, 2015). On the other hand, Nguyen (2018) adds, out of date of training programs which must comply with the frame of training programs approved by the Ministry of Education and Training is also a cause for this work. (Minh, 2020).

Looking at the resolutions for the situation of *overeducated but underqualified* graduate students, Barnettson (2018) proposes to “include mandatory work-experience programs for all college and university students” (p. 50). Previously, with this same view, with graduate students after graduating from university, Hytonen, Palonen, Lehtine and Hakkarainen (2014) also suggest, “in new professions, professional pathways for developing expertise are not yet established, and professional development partially occurs at workplaces as part of one's own work assignments. (p. 960). Following this, if the post-secondary institutions want to omit unnecessary courses or add apprenticeship courses into their training program, they must have the academic autonomy to re-design their training program.

Vietnamese universities need to utilize their autonomy in academic fields to design their training programs to meet practical requirements of the labor market. From this, it will help reduce the current state of training which is too heavy in theory and lacking of practical knowledge. As a result, UA policy can promote effective university operations, can prepare institutions for globalization, and can address the weaknesses of post-secondary institutions mentioned above.

In 2014, according to the Government Res. 77 (2014), the Government piloted the UA revisions at some post-secondary institutions. Until 2018, there were 23 universities approved to be autonomous but so far the results have not really proved them to be autonomous as there are many obstacles (Nguyen, 2018; Ngoc, 2019; Truong, 2019). All of these universities are schools that have full autonomy in funding, from recurrent expenditure and investment. Current self-funded universities are mainly teaching economics, society, humanities, engineering, and technology which do not have to invest much in machinery and laboratories and there are many university majors with high social demand. (Truong, 2019).

Pilots in UA have had certain successes. Specifically, in 2019, the education sector has risen by 12 ranks and ranked 68/196 countries and territories. Vietnam has improved in world rankings, such as in QS World University Rankings, and QS Asian University Rankings (Educational Communication Center, 2020).

Although certain problems exist, the outstanding advantages of implementing UA are also confirmed. The Ministry of Education and Training has asked the Government to amend the law on Higher education 2012 in its National Assembly (Educational Communication Center, 2020).

The National Assembly passed the law on the Amendment and Supplement of the law on Higher education 2018 (hereafter referred to as Law No. 34), which has been valid since July 1, 2019. In this new law, UA's policy has been maintained, elaborated, and emphasized to promote its operation and effectiveness in practice. Specifically, it includes the four following components; the autonomy in academics, in professional activities, in the organization and human resources, finance and property, and the responsibility to report and accountability (Law No.34, §32(3)(4)(5), 2019, n.p.).

Decree No. 99/2019/ND-CP (hereafter referred to as Decree No.99), which came into effect in February 2020, gives details and guides the implementation of some articles of Law No. 34. UA's content, including four aspects stipulated in Law No. 34, have been elaborated in Article 13. People hope this decree will solve many problems for UA in Vietnam (Giang, 2020).

The efforts and determination of Vietnam in pursuing and building up the policy of UA can be seen clearly. A series of legal documents have been gradually passed, amended, and supplemented to overcome inevitable issues and enhance its implementation. The UA policy has been legislated and it has come into effect. It is an improvement in the Vietnamese system whereby the drawbacks such as the huge gap between training knowledge and practical

requirements, lack of a system of education-quality accreditation. and completing the training of high-quality human resources have been addressed.

Furthermore, the implementation of UA is also consistent with what is happening in the rest of the world, that is, “the autonomous status of higher education institutions, coupled with the absence of a national governing body with responsibility for higher education, creates an interesting context for pursuing a national response, even compared to other countries that lack such formalised national structures” (Viczo, 2013, p. 27).

1.2 Research Rationale

UA has been present for about two decades in Vietnam (Vu, Cao, & Luu, 2019). However, the official legalization of the UA is still brand-new. Legislation relating to UA has been issued recently: The Law on Education 2019, the Law on Higher Education 2012, Law No. 34, and Decree No. 99/2019. The two latter legal documents that have just become valid in 2019 and 2020 play a crucial role in providing regulations on the UA’s components.

Vietnam has recently enforced UA regulations, which are almost subjectively formulated without sound research to support proposed changes. It is essential that Vietnam review and evaluate current UA regulations. Besides, there is a need to have a university model that has acceptable autonomy practices to compare and use their successful experiences and to apply this knowledge more effectively to Vietnam. This will allow us to make direct suggestions for amendments to improve legal articles to effectively implement improved autonomy approaches in Vietnam.

Canada is a developed country that has had a long time to develop and implement UA strategies. As many researchers confirmed, “Canadian universities to be relatively highly autonomous from government.” (Eastman, Jones, Begin-Caouette, Li, & Noumi, 2018, p.446).

Additionally, Shen (2019) stated, “Canadian universities have historically enjoyed high levels of institutional autonomy compared to their counterparts in other countries...” Furthermore, according to Viczko (2013), “Canadian higher education institutions themselves claim a strong essence of autonomy in determining their own internationalisation agendas” (p. 27). It is an advantage for the author to gain an understanding of UA in a Canadian context. It is hoped that this increased understanding will provide an increased ability to develop recommendations for improved UA approaches in the Vietnamese university system.

Also, the opportunity to study at Memorial University (hereafter referred to as MUN) made the author realize that it is a public university of Newfoundland and Labrador, which was founded in 1925 and was officially “elevated to degree-granting status in 1949” (“Welcome,” n.d.). Its UA is stipulated by the MUN Act (“Welcome,” n.d.). This act, as its name, *An Act Respecting the Memorial University of Newfoundland*, states and regulates the scope of autonomy and accountability of MUN in various aspects such as academic instruction, organizational management, human resources, investment, and property. As the ad hoc Committee of the Board of Regents at Memorial University (2008) reports, “The importance of the balance of autonomy and accountability is as significant today as it was more than twenty years ago when Dr. Harris penned these words” (p. 3). It is planned to use the MUN Act's regulations to examine and improve directly newly issued Vietnam regulations on UA to facilitate the implementation in this regard for public universities in Vietnam.

With the desire to contribute and improve the regulations on UA in Vietnamese law, the author intends to complete a research investigation that can hopefully guide development of policies to improve institutional autonomy in Vietnamese universities.

1.3 Purpose of Research

This research aims to apply the understanding of UA and the MUN Act to review and improve the current Vietnamese laws. Studying UA will add theoretical knowledge about its components and application. Studying UA-related regulations in the MUN Act will provide a good model for Vietnam to learn and improve its relevant regulations on UA. As a result, this research will contribute to implementing this policy in practice in Vietnam.

Specifically, the results of this research could be applied to amend and supplement the main contents of UA in Vietnamese law. They include the right of autonomy in the academic field, organization and human resources, finance and property, and accountability. The author hopes these findings will contribute to conditions which augment the effective operation of the UA policy in Vietnam.

For the purposes of this study, I define UA as "the freedom of an institution to run its own affairs without direction or influence from any level of government" (Anderson & Johnson, 1998, p.8); or "as a tool for understanding the ways in which the authority of institutional governance structures is limited by the external environment." (Eastman et al., 2018, p. 67).

1.4 Research Questions

The research topic is intended to improve Vietnamese regulations on UA. Therefore, the author will use the current MUN Act as a model to improve UA in Vietnamese law. As a result, the author must determine which Vietnamese legal articles on UA need to be maintained, or improved. Following this, four research questions are used to investigate answers.

1. What are the present levels of UA in Vietnam and in MUN?
2. How does the MUN Act regulate UA?
3. What are the current regulations on UA in Vietnamese laws?
4. What can we learn from the MUN Act to amend and supplement UA regulations in Vietnam?

1.5 Scope of the Thesis

To achieve the purpose of the present study, the author uses the preceding four main research questions. They are providing a framework for a literature review about UA in terms of its components and application; studying MUN Act's and regulations which are directly related to autonomy rights and accountability; researching the current regulations on Vietnam's UA, which is mainly contained in Law No. 34 and Decree No. 99; and suggesting amendments to complete the regulations on UA in Vietnam. The author will only focus on studying four main components of UA of public universities, which consist of the rights of autonomy in the academic field, organization and human resources, finance and property, and university accountability.

1.6 Synopsis of the Research

The thesis is structured into six chapters, including the introduction, the literature review, the methodology, findings, discussion and recommendation, and conclusions. The introduction is chapter one, presenting six core sections, including background, research rationale, the purpose of research, the research questions, the scope of thesis, and the thesis's synopsis. Chapter 2 is the literature review where the author reviews the literature to "make clear the connection between the proposed study and research already completed" (Savin, Baden, & Major, 2012, p. 113). In chapter 3- the Methodologies, the author describes and indicates the methodologies used to

collect, review, analyze, and evaluate documents to serve the thesis's research purpose.

Chapter 4 presents the findings that consist of two main parts: the UA in Vietnamese legislation and the UA in the MUN Act. These parts correspond to two objectives: to understand and determine how UA's content is regulated in Vietnamese law and the MUN Act. Discussions and recommendations are the content of chapter 5, where I apply the findings obtained from chapter 4 to analyze and evaluate regulations on UA of the MUN Act and Vietnamese laws. Based on these findings combined with knowledge of UA, I use knowledge from the MUN Act's progressive points, which can fill gaps and recommend improving Vietnamese laws on UA. The conclusion is the final chapter which briefly re-confirms the recommendations to supplement, amend, and modify the legal regulations of UA in Vietnam. Also, limitations of the study and implications for further research are presented in this chapter.

Chapter 2: Literature Review

In this thesis, the author aims to study IA/UA, the current MUN Act, to propose improving legal regulations in Vietnamese law. To achieve this goal, the author will review the literature to "make clear the connection between the proposed study and research already completed" (Savin, Baden, & Major, 2012, p. 113). The four main components of the literature review are research on the UA of Vietnamese scholars, research on UA's current situation in Vietnam, UA's research from foreign scholars, and conclusions of the literature review.

2.1 Research on UA Written by Vietnamese Scholars

Very few research projects study UA in a systematic and adequate citation manner. These scarce works include Doctoral and Master's dissertations related to UA in Vietnam. However, the common point of these studies is that they only provide the most basic concepts and characteristics of UA, which authors gathered from foreign sources of information (Nguyen, 2018; Nguyen, Hamid & Mony, 2016; Doan, 2015; Hayden & Lam, 2007; & Dang, 2014). For instance, in his doctoral dissertation, Nguyen (2018) learns and conveys UA's concept by Anderson and Johnson. Following this, he mentions that UA's classifications are divided into substantive autonomy, procedural autonomy, and organic autonomy; however, there is no citation for these classifications.

Nguyen, Hamid, and Mony (2016) refer to multiple sources of foreign information in their work. However, they have not completed any analysis. For instance, Nguyen, Hamid, and Mony (2016) initially just provide the concept of UA or institutional autonomy "in its simplest sense" (p. 670). Those authors then mention some of UA's characteristics, that is, "IA presents both constraints and opportunities for higher education institutions."

In another research study on state management experience in higher education quality, Doan (2015) mentions UA implementation in China, Singapore, and Thailand. Unfortunately, all

information on this section from pages 75-79, like Nguyen (2018) and Doan (2015), did not have citations, so this content is not reliable. Additionally, this study's conclusion is mainly subjective and does not connect to the authors' experiences.

Dang (2014) has a small, related, partial study on UA. Along with the process of renewing higher education, and in line with the trend of international integration, in the management of higher education in Vietnam, Dang (2014) refers to two concepts used and introduces the system management terms "autonomy" and "accountability" (p. 63). However, there are still single serious mistakes that cause the information to be less convincing. Similarly with Nguyen (2018) and Doan (2015), Dang (2014) does not adequately cite any source for the information. If any, sometimes, she quotes direct sources without properly citing the work.

Hayden and Lam (2007) completed earlier research on IA than those of Nguyen (2018) and Dang (2015). These authors studied Berdahl's viewpoint on IA from two perspectives "substantively and procedurally" (p. 80). They also discussed Ashby's account of IA from the point of view of "the freedom to decide on curriculum content and standards, and the freedom to be able to exercise corporate financial control." (p. 80). Publishing their research before the works mentioned above, Hayden and Lam (2007) provide credibility when citing and incorporating UA's knowledge from foreign sources of information and use this information to suggest a plan for UA's in Vietnam. However, their IA content is still sketchy, not enough to provide a basic understanding of IA.

As can be seen, Vietnamese researchers have made great efforts to provide readers general knowledge. Doctoral and Masters theses have just brought knowledge about UA at the introductory level and are not convincing due to their inadequate authenticity. The reason is due

to limitations on access to a wide variety of sources and the inadequate or incomplete citation of most authors.

2.2 Research on the Current Situation of UA in Vietnam

2.2.1 Research from Dissertations and Journal Articles

The above studies did quite well in this context. The authors focused on presenting and analyzing the current context of university management in Vietnam; reasons and requirements for implementation of UA ; legal framework regulating UA; views of Vietnamese legal scholars towards applying the provisions of the law on UA; and the issue of conditions and limitations of the implement of UA from the perspective of the Vietnamese scholars.

Nguyen, Hamid, and Mony (2016) focus on English instruction and its application for UA in Vietnam. They initially introduce the regulations and the appearance of autonomy in Vietnam from 2003 up to 2016 with rich information sources. They then highlight some of the existing aspects of UA in Vietnam, such as ineffective and overlapping management of higher education institutions by the government, which leads to the reduction of institutions' capacities to exercise autonomy. They also indicate, “empirical evidence also points to the lack of institutional capacity and enthusiasm to exercise autonomy, results in governance efficiency .” (p. 672). Additionally, they indicate UA's inner elements, including "staff, students, curriculum and teaching, academic standards, research and publication, governance and administration and finance" (Nguyen, Hamid, & Mony, 2016, p. 672).

Having similar success to Nguyen, Hamid, and Mony (2016), Nguyen (2018) introduces and analyzes UA's legal regulations in great detail from 2013 to 2018. His presentation on the current situation of applying the laws on UA is also impressive; the author also synthesizes and

supports the causes of inadequacies in UA in Vietnam. In general, the author provides a comprehensive picture of UA in Vietnam currently.

Doan (2015) has shown the overall picture of higher education in Vietnam with both its advantages and disadvantages. For instance, the strength is that higher education institutions have covered the whole country; state investment in higher education has rapidly increased, and the financing of higher education has begun to be renewed. Whereas that weakness is the low quality of training, training and teaching are mostly teaching theory with too little practice. Commercial companies often complain that it is challenging to recruit essential human resources because degrees, the actual capacity of students trained by universities, are too low to meet their requirements.

Although this research aims to clarify the scientific grounds about private universities' development policy, Dang (2014) has content relating to UA in her dissertation. She states that people consider UA as a scientific background for developing private universities in Vietnam. This research does not bring much knowledge on UA; however, the author also helps to understand Vietnamese legal scholars' views on this issue, such as "UA is a fundamental principle in university governance" (Dang, 2014, p.62).

Hayden and Lam (2007) carried out relevant research many years ago. However, it is still worth thinking about today. Hayden and Lam (2007) state, "It is also fair to say that, within the large state bureaucracy, there are many who - strongly conditioned by a culture of centralized planning and cut off for so long from exposure to alternative forms of public management - have no proper understanding of what institutional autonomy for higher education genuinely means" (p. 80). The difficulty this research raises is still correct when Vietnam is confused about implementing UA under the current legal documents about to take effect.

As Hayden and Lam (2007) mention, "there is a natural reluctance on the part of legislators to give up direct bureaucratic control of a sector that is of significant national economic importance as a source of new knowledge and labor market expertise, and which is also a significant generator of new ideas" (p. 83). It is necessary to note that the authors carried out this research many years ago, so some information and recommendations are no longer appropriate when proposing documents to legalize UA.

Dao (2004) accurately analyzes the situation of higher education in Vietnam. He states several issues concerning university education. Firstly, the weakness of scale and quality of training, out-of-date training programs, and weaknesses in higher education state management are three issues that need to be addressed promptly. Secondly, Vietnamese universities' educational management system, especially the public system, still has a heavily bureaucratic leadership style; and the lack of a system of training-quality accreditation is beyond the Ministry of Education and Training's resolution and control. The innovation and improvement of the "student-centered" teaching method are greatly praised by the Ministry of Education and Training and post-secondary institutions, but its implementation seems to be left out.

Although the UA approach is reviewed differently in each dissertation and journal article's different aims differ, the Vietnamese scholars all agree on the same point of view: UA must be implemented for universities in Vietnam. For instance, Doan (2015) states that autonomy and self-responsibility are the primary attributes of universities in the current market-based economy development period. UA is an essential element in university governance; creating flexibility and dynamism of higher education institutions in creating knowledge the society needs to develop. Also, Ngoc (2019) asserts that UA is an inevitable trend in the process of transforming university governance model towards integration with the world, while Nguyen (2018) and Dao (2004) also suggest that: to have a good quality of higher education, one of the

author's recommendations is to implement the autonomy of higher education in Vietnam.

2.2.2 Research from Other Sources of Information

In addition to the literature mentioned as above on the topic, there is a series of research on websites relating to UA construction in Vietnam. These researchers are not insightful but bring urgent and problematic information that usually comes from practice. Therefore, it is undeniable that they are still valued references for studying UA in Vietnam.

In these sources, some problems and difficulties are usually indicated to call for scholars' contribution to the state of knowledge about UA. For instance, An (2017) raises an issue: at present, the legislative drafting mechanism of the ministries in general and the Ministry of Education and Training, in particular, are facing problems. Even though the drafting of UA provisions is a school-related legal task only experts from the Higher Education Department and Ministry were vested in its drafting. Then they sent it to universities for comments. However, universities indeed have almost no opinion and either always agree or have no idea at all. Nevertheless, when the legal document is approved for implementation, it appears to have many problems. Such drafted documents cannot cover adequate content to address the identified problems (An, 2017).

Quang (2019) reports, having a similar opinion, Professor Tran Duc Vien, a Chairman of the Academic Council, Vietnam National University of Agriculture, and many experts in the education sector, raised the issue as follows. The Ministry of Education and Training is drafting a decree that provides guidelines for implementing the law to apply to universities; it did not have enough time to get opinions from post-secondary institutions methodically. The recent draft also shows no accurate record of supportive comments from educational experts and university staff.

Research on websites also brings out essential factors that exist as an obstacle to UA

implementation in Vietnam. For instance, The State Budget Law, the Law on Public Investment, and the Law on Public Officials are considered to overlap and become a "barrier" to universities in building autonomy (Vu, Cao, & Luu, 2019; Thu, 2020; Hong, 2019). Some argue that the university is autonomous, but there is a failure to implement this autonomy. For example, linking universities' assets to develop science and technology training are still being funded from the state budget, which still has no settlement according to the current State Budget Law (Vu et al., 2019).

Furthermore, after the promulgation of Decree No. 99, which provides detailed guidelines to implement the Law No.34, having agreed that this Decree's presence unleashes UA's implementation (Hong, 2020; Giang, 2020). However, recent research expresses the concern for implementing UA in Vietnam (Thuy, 2020; Giang, 2020; Hong, 2020). Specifically, that is a conflict in each ministry's different regulations compared with Law No.34, so it is challenging to implement UA (N. Thuy, 2020). Sharing that concern, Giang (2020) assumes that there should be a consensus and thoroughness in how to apply legal policies to avoid inconsistencies among post-secondary institutions.

2.3 Research on University Autonomy Written by Foreign Scholars

Unlike the scarcity of research on UA from Vietnamese scholars, studies from foreign researchers are abundant. Previously, Cutt and Dobell (1992) state, "Canadian universities can best fulfill their role if they continue to enjoy substantial autonomy in decision making" (p. 1). Then, Billinton and Li (2000) continue to assert the UA's importance as "necessary to the maintenance of the university's unique position in society" (p. 52). It can be seen that the literature on UA/IA covers its terms, concept, components, and relation, its external governance, legislation, and the MUN Act.

2.3.1 The Terms of University autonomy/Institutional University and Its Concept

UA, in terms of its history, “is one of the longest-lasting traditions of higher learning and has been an underpinning idea of characterizing the university” (Billinton & Li, 2000, p. 52). The Adhoc Committee of the Board of Regents at Memorial University (2008) mentions that UA in Canada is based on “...understanding, discussion and debate for more than 700 years” (p. 2). In their study, Billinton and Li (2000) pointed out that UA/IA appeared first among “the medieval universities of Europe” (p.52). UA in “the great medieval universities emerged as independent institutions with power and prestige. The universities’ authority over who should teach and what students should be taught was firmly established and reinforced by corporate independence” (The Carnegie Foundation for the Advancement of Teaching, 1982, as cited in Billinton & Li, 2000). Previously, Berdahl (1990) emphasized, “in the nineteenth century, however, three developments were to occur which would lead to sharply increased tension between autonomy and accountability in the present” (p. 171).

In literature, the terms and concepts of "UA" and "institutional autonomy (IA)" are used interchangeably according to scholars' choices (Billinton & Li, 2000; Thorens, 2006; Anderson & Johnson, 1998; Berdahl, 1990; Eastman, Jones, Begin-Caouette, Li, Noumi, and Trottier, 2018). Additionally, many scholars have made efforts to give UA/IA's definition and categories (Billinton & Li, 2000). For instance, Thorens (2006) defines UA, "UA today is the degree of independence that colleges must enjoy as institutions to best fulfil their role in higher education, research and the other services they render society" (p. 104). Billinton and Li (2000) also use the 'UA' term in their research to confirm that its autonomy is "a key ingredient in the ideology of institutions of higher education" (p. 52). From another angle, Eastman et al. (2018) define the

UA, which "has been used as a tool for understanding the ways in which the authority of institutional governance structures is limited by the external environment" (p.67).

Eastman et al. (2018) and Berdahl (1990) choose to use the term IA. According to Eastman et al. (2018), IA "has been commonly used as a tool for understanding the ways in which the authority of institutional governance structures is limited by the external environment." (p. 67). While, Berdahl (1990) defines IA/UA based on two aspects, as follows: "Taken most simply, autonomy in its complete sense means that power to govern without external controls and accountability means the requirement to demonstrate responsible actions to some external constituencies" (p. 171).

Differing from the scholars mentioned above, Anderson and Johnson (1998) use both IA and UA in their work. The IA is defined to be "the freedom of an institution to run its own affairs without direction or influence from *any level of government*" (Anderson & Johnson, 1998, p.8). Moreover, they use the term 'UA' in their research to describe and classify countries with UA belonging to Anglo-American, European, or Asian groups.

2.3.2 The Components of University Autonomy/Institutional Autonomy

Scholars have come up with some components of UA/IA (Turcan, Reilly, & Bugarian, 2016; Billinton and Li, 2000; Berdahl, 1990). According to Ashby (1966), IA consists of "the freedom to select staff and students and to determine the conditions under which they remain in the university, and to set its own academic degree standard; the freedom to determine curriculum content; and the freedom to allocate funds (within the amounts available) across different categories of expenditure (p. 296) " (Ashby, 1966, as cited in Billinton & Li, 2000). Having the same thought with Ashby, Turcan et al. (2016) enumerate *four pillars* of UA, these are, "organizational autonomy, financial autonomy, human resource autonomy, and academic

autonomy, and studies, research models, and political statements on UA have focused on understanding and measuring autonomy under each of these headings" (p. 239).

Agreeing and influenced by Ashby's ideology, Berdahl did not directly point out the composition of the IA; he classifies academic freedom, substantive autonomy, and procedural autonomy, which describe the ingredients of IA. Specifically, *academic freedom* is "freedom of the individual scholar in his/her teaching and research to pursue truth wherever it seems to lead without fear of punishment to termination of employment for having offended some political, religious or social orthodoxy" (Berdahl, 1990, pp. 171-2); *substantive autonomy* is "the power of the university or college in its corporate form to determine its own goals and programmes--if you will, the what of academe" (Berdahl, 1990, p.172). And, *procedural autonomy* is "is the power of the university or college in its corporate form to determine how its goals and programmes will be pursued--the how of academe" (Berdahl, 1990, p.172).

Additionally, Berdahl (1990) expands the component of the IA that besides autonomy there is accountability, which "means the requirement to demonstrate responsible actions to some external constituencies" (p. 171). This thought is then followed by Groof (2018), who repeats and supplements public accountability as follows, "Autonomy is that degree of self-governance necessary for effective decision-making by universities concerning their academic profile, work, and standards. However, self-governance must be consistent with systems of public accountability" (p. 114).

The balance of autonomy and accountability is also discussed as an essential element (Berdahl, 1990; Small, 1995; The Adhoc Committee of the Board of Regents at Memorial Universities, 2008). Berdahl (1990), on the one hand, asserts the accountability of universities to their external bodies besides their autonomy, on the other hand, it emphasizes the need for a

balance between them. He indicates, "too much autonomy might lead to colleges unresponsive to society; too much accountability might destroy the necessary academic ethos" (Berdahl, 1990, p.171). Supporting the viewpoint of Berdahl, The Adhoc Committee of the Board of Regents at Memorial Universities (2008) states, "The importance of the balance of autonomy and accountability is as significant today as it was more than twenty years ago..." (p. 2). A long time ago, Small (1995) also remarked the accountability in the UA policy, that is, "Nearly everywhere, governments are asking their respective higher education systems to participate more effectively and efficiently in producing a better educated, culturally enriched, and more economically secure society" (p. 114)

2.3.3 The External Governance in University Autonomy

UA/IA's central significance is the universities' freedom from the influence and interference from the government. Besides, an indispensable feature of the UA, the government still has to provide universities funding to fulfill their tasks. Therefore, in literature, viewpoints mention this issue regarding the external governance and relation between provincial governments and their post-secondary institutions (Billinton & Li, 2000; Prasad, 2005; Eastman et al., 2018).

Generally, the external governance of universities in Canada is decentralized. Billinton and Li (2000) compare China and Canada; "China has a very centralized system in this respect, while Canada- Saskatchewan in this case- is at the opposite end of the centralization spectrum" (p. 51). Viczko (2013) supports, "Canadian universities resemble their American counterparts in both the extremely decentralized structure and the high incidence of innovation" (p. 26). Additionally, Prasad (2005) elaborates the autonomy of post-secondary institutions, which is freedom from "political and market forces, such as Governments (both central and state) and corporate and

commercial interests” (p. 45). In their research, Eastman et al. (2018) add a detail of the character of the external governance, “all five provincial governments appeared to be seeking to align universities’ activities or outcomes more closely with desired public policy goals” (p. 72). In this regard, Eastman et al. (2018) conclude the universities’ independence, that is, “as independent corporations, they traditionally had the capacity to enter into contracts, own assets, determine employment arrangements, allocate funds internally, and so on (p. 69). Viczko (2013) previously assumed, “The autonomous status of higher education institutions, coupled with the absence of a national governing body with responsibility for higher education, creates an interesting context for pursuing a national response, even compared to other countries that lack such formalised national structures.” (p. 27).

Viczko (2013) states, “unlike other federal systems, there is no formalised national governing body for higher education in Canada” (p. 27). Kirby (2011) asserts that the university governance “rests with each of the individual provinces and territories” (p. 267). Previously, Small (1995) clarifies, “Canada is politically divided into ten provinces and two federally administered territories each having jurisdiction over its own education. Each province, therefore, operates its own public university and college systems and regulates a relatively small private sector” (p. 115). Recently, Eastman et al. (2018) elaborate on the governance from the provincial government on universities as follows:

“Each of the provincial governments had a department or ministry responsible for policy and programs related to universities, as well as for colleges and other post-secondary institutions... Universities interacted at the provincial government level, not only with the department or ministry of higher education, but also with other departments of government” (p. 69).

In addition to the independence of universities in each province, provincial governments' funding obligations to their post-secondary institutions are also some of the main features in UA/IA. As Kirby (2011) states, "the 13 provincial and territorial governments are the primary sources for the funding of institutions..." (p. 267). Eastman et al. (2018) also give details for this fiscal task of the provincial governments, that is, "there are major differences between institutions in terms of size and program mix, and the sector is highly stratified" (p. 69).

In addition to receiving funding from provincial governments, post-secondary institutions "advocated with their respective provincial governments collectively as well as individually to varying degrees, through organizations like the Research Universities Council of BC or the Council of Ontario Universities. (Quebec was an exception at the time of our study)" (Eastman et al., 2018, p.70). Eastman et al. (2018) explain Quebec's exception: Quebec universities will directly consult their issues with the Quebec government. Surprisingly although, the Quebec universities have a lot in common in UA regulations compared to the other provinces. As Billinton and Li (2000) state, "there are certainly many commonalities with other universities in Canada" (p. 50). Also, according to Eastman et al. (2018), "Quebec was unique in that, although all universities in the province were subject to common policy and funding regimes, the province had both charter universities" (p. 76). To a certain extent, there are reasons for the differences in UA/IA and other fields between Quebec from other provinces. As Simeon and Turgeon (2013) point out, "Canada and Quebec are a puzzle for those seeking a deeper understanding of the implications of federal institutions for the management of conflict in divided or multinational societies" (p. 32).

Like other universities in Canada, MUN also receives funding from its provincial government. In return for this, MUN "is accountable to the government and the people of the province for the public funds it spends" ("Welcome", n.d.).

2.3.4 Legislation Adjudicating Universities' Operation and the MUN Act

As mentioned above, the provincial governments are responsible for governing the activities, ensuring universities' autonomy and accountability in their province. Post-secondary institutions' governance is carried out through legislation of provincial governments, which are *individual acts* or *collective acts*, or both "to maintain their autonomy" (Eastman et al., 2018, p.70).

It depends on each provincial government's choice, the promulgation of which legislation may be different. As Eastman et al. (2018), in their study, state: "There were differences between provinces in whether universities operated under a post-secondary sector act (Alberta), a university system act (BC), individual acts (Ontario, Nova Scotia), or both university system and individual acts (Quebec) (p. 70). Additionally, they also clarify the difference between *individual acts* and *collective acts*, which express:

The existence of an individual act appeared to create a different dynamic between the university and the government than existed where there were collective acts. Insofar as universities operating under collective acts tended to get swept up in legislative changes aimed at the sector at large—or intended to address situations at other institutions—universities with their own acts appeared to have somewhat more control over their governance (p. 70).

Whereas the University of Saskatchewan operates under legislation named the University of Saskatchewan Act (Billinton & Li, 2000); in Newfoundland and Labrador, the operation of MUN is conducted by the individual act named the MUN Act, *An Act Respecting the Memorial University of Newfoundland*. This act was one of the first pieces of legislation that the

Newfoundland government passed when it had become as the Province of Canada in 1949. As a result, the MUN Act "specifies the role, responsibilities, structure, and other governance and administrative aspects of the province's only university" ("Welcome", n.d.). The Adhoc Committee of the Board of Regents at Memorial University (2008) reports MUN's autonomy through the motions approved by the Senate on September 9, 2008 as follows:

Senate affirms the principles of autonomy for MUN as given below from "Statement of the Board of Regents regarding MUN's autonomy...MUN, like the great majority of Canadian universities, must be free to operate at arm's length from government, while adhering to provisions that allow for appropriate government oversight and accountability. Autonomy is vital if our university is to fulfill its commitments to the people of Newfoundland and Labrador and beyond. (pp. 2-3)

Moreover, also according to the Adhoc Committee of the Board of Regents at Memorial University (2008), "Senate strongly supports the Board of Regents' recommendation to government "that it amends the MUN Act to better reflect the autonomy of the university..." (p. 3)

2.4 Conclusion

2.4.1 University Autonomy and Current University Autonomy Literature in Vietnam

The research on UA of Vietnamese scholars has not yet adequately developed the basic concepts and content about UA and has not yet provided a basic understanding. So, this is the contribution that the author will make in this thesis.

There is not much insightful research in this field in terms of research on UA's current Vietnamese situation. Researchers have made great efforts to study specific achievements. Expressly, current research has confirmed the knowledge, points of view, and Vietnamese legal scholars' arguments about UA and its support in carrying out UA in Vietnam. The authors introduce and analyze Vietnam's legal provisions on UA before the year 2020. The performance

on the current application of Vietnamese law provisions on UA is also very effective.

Researchers indicate and analyze the causes of the inadequacies of UA in Vietnam. Vietnamese scholars successfully provide an overall picture of the current situation of UA in Vietnam. They have commented on the theoretical part related to UA, the role, the content of UA, and the issue of conditions and limits of UA under Vietnamese scholars' perspective.

Almost all studies were completed before 2020, before the Vietnamese government had promulgated Decree No.99 on detailing and guiding the implementation of some articles of Law No. 34. This Decree just came into effect on February 15, 2020, which mainly guides UA's implementation under Law No.34. There are no studies completed to fully evaluate the current Vietnamese legal regulations on implementing UA's contents. This task will be the author's goal to examine and offer proposals to improve Vietnam's current legal regulations on UA.

2.4.2 International Research on University Autonomy

The author has a significant advantage when doing this Master's thesis on UA. There are rich resources on UA available for the author to accomplish the thesis. Specifically, the author can study and understand UA profoundly and then take the MUN Act as an example to propose improving Vietnamese legal regulations on UA. Additionally, the author can understand the necessary and sufficient conditions for UA policy to work in reality.

The UA / IA concepts provided have one common platform, which provides the post-secondary institutions with the freedom in their mission performance without *any level of government interference or influence*. Berdahl (1990) conveys an additional aspect of UA that is, the accountability of universities *to some external constituency (ies)*. The author chooses to use Anderson's concept of IA because it is most apparent. Moreover, in the course of the

study, there will be a combined use of knowledge from other legal scholars' studies on the UA/IA composition, their relationships such as Berdahl (1990), (Billinton & Li, 2000).

Many studies have described the components of UA / IA. Although, in their studies, Eastman et al. (2018) found that boundaries between components become *blurred*, and there are specific changes when "the relationship between universities, government, business, and society has changed" (p. 67). It must be confirmed that the content of UA / IA is still correct and in return, has two essential components: the autonomy of post-secondary institutions in terms of academic, organization, finance; and their accountability to society, government, and stakeholders.

The balance of both components of UA must be noted to understand UA policy properly. It does not contain only autonomy but also the post-secondary institutions' accountability in carrying out their mission. An indispensable feature of the UA, the government still has to provide universities funding to fulfill their tasks. It does not mean that when universities have the autonomous right, they must take care of themselves financially or, in other words, to be self-funded.

In terms of the legislation on UA, depending on each university's dynamic feature, the provincial governments may issue collective or individual university acts. Even though they are collective or individual acts, they must recognize post-secondary institutions' autonomy and record their accountability to society, government, and stakeholders. Besides, these legislations ensure for the universities to be autonomous to complete their mission as "one of the most important institutions in society" (Eastman et al., 2018, p.66) and maintain "the university's unique position in society" (Billinton & Li, 2000, p.52).

Researching UA while studying in Canada, a country that has a long time to build up, carry out, and achieve significant development in this aspect, is also another advantage for the author. Additionally, the MUN Act is a statute which "sets forth the unique governance of the university designed to ensure its accountability and its autonomy" ("Welcome ", nd). Thus, there is a reasonable ground for the author to choose this act to be a model to learn about UA to suggest directly improving the UA policy's performance for Vietnamese public universities.

Chapter 3: Methodology

This chapter consists of six sections: 1. Qualitative approach/style, strategy, and rationale; 2. Site selection, population selection, and sampling techniques; 3. Researcher's role; 4. Data collection method and rationale; 5. Data analysis strategies; and 6. Research plan and timeline. I explain the choice of research genre and why I chose a qualitative approach to carry out my thesis and why I took a pragmatic philosophical approach to implement it. I also confirm the use of Berdahl's conceptual framework theory and I discuss my research approach and rationale.

I also clarify my thesis's particularity regarding site selection, population selection, and sampling technique. The MUN Act was selected as an example of a university act that provides an effective UA policy. My research consists primarily as a document review and analysis and it contains no other sampling techniques.

The researcher's role in my thesis becomes more critical than usual since the study is a document review. I will play a role as *a key instrument of research*. It is strongly related to the only data collection method I apply throughout my research, the method of document selection and review. This method fits with my thesis's nature and purpose, although it has both advantages and disadvantages from a research perspective. Furthermore, I define my data analysis strategy, that is, to apply the research process which Cohen et al.(2018) provide and I use an inductive analysis approach.

3.1 Qualitative Approach/Style, Strategy, and Rationale

This thesis aims to gain a systematic understanding of UA and the MUN Act to review and improve the current Vietnamese laws. My thesis addresses four questions. They are: What

are the present levels of UA in Vietnam and at MUN? How does the MUN Act regulate UA? What are the current regulations on UA in Vietnamese laws? What can we learn from the MUN Act to amend and supplement UA regulations in Vietnam?

To answer these questions, an understanding of UA, the MUN Act's UA regulations, and an investigation on the policies of Vietnam on UA need to be obtained. Based on the research's outcome, suggestions are offered to amend and supplement current regulations on UA in Vietnam.

Qualitative Approach/Style

I am going to work in a professional field, namely, educational leadership. My research topic is "An investigation and development of policies to improve Vietnamese universities' institutional autonomy." Like other researchers, to effectively study this topic, I need to position my study in an appropriate research approach. As Savin-Baden and Major (2013) emphasize:

These researchers face a range of increasingly complicated questions and issues and, therefore, strive to choose the best approaches for investigating these complexities. Such researchers tend to adopt research methods that are compatible with their ideas about the world and the nature of knowledge and social reality. (p. 3)

Creswell and Guetterman (2019) supplement:

Based on the nature of the research problem and the questions posed to address the problem (and accompanying review of the literature that establishes the importance of the problem), the researcher chooses either the quantitative or qualitative research track. (p.11)

In essence, the root difference between quantitative research and qualitative research is as follows:

Qualitative research has an 'emic' perspective (describing behavior or beliefs that are meaningful to the participant), which leads to choices in determining what might be meaningful for a participant. Quantitative research has an 'etic' perspective (describing the behavior or belief of an observer). (Savin-Baden & Major, 2013, p. 12)

Following this, it can be seen that each type of research approach possesses its own value. The strength of each genre of study is expressed under the corresponding purpose of the study of the researchers.

Savin-Baden and Major (2013) define “Qualitative research simply as a social research that is aimed at investigating the way which people make sense of their ideas and experiences” (p. 11). This concept makes clear the prominent feature of qualitative research. The authors will have an unlimited place to study whatever they assume to be meaningful views and be *the nature of knowledge*.

Regarding which studies are appropriate to the qualitative research, Drew, Hardman, and Hosp (2014) assert, “Qualitative methods are specifically suited to studies seeking to answer questions that do the following... Need exploration, explanation, description, and illustrati”n...” (p.185-6). Creswell and Guetterman (2019) state that “Qualitative research is best suited to address a research problem in which you do not know the variables and need to explore.”

Many works confirm the popularity of using qualitative research due to its importance in education. Savin-Baden and Major (2013) assume, “...more and more social researchers are choosing to use qualitative research, pairing it with their choice of paradigm, and thus it has emerged from these debates as an increasingly important way in which social research carry out their work” (p. 3). Drew et al. (2014) support this view, “Qualitative investigations are being increasingly used to probe a wide variety of topics in education” (p. 188). Nassaji (2015) also state“, "Qualitative and descriptive research methods have been very common procedures for conducting research in many disciplines, including education, psychology, and social sciences” (p. 129).

Savin-Baden and Major (2013) emphasize the strength of qualitative research, which “Qualitative research embodies a unique approach that can help researchers answer wicked questions about human action and experience” (p. 16). From the understanding of qualitative research, its concepts, popularity, and strength, I feel that my topic is appropriate for qualitative research. In my thesis, I am aiming to apply the knowledge of UA and UA's regulation in the MUN Act to propose to improve this issue in Vietnam. With this purpose, I *explore* the UA, its contents, and its performance through a model act – the MUN Act and, based on the study's results, go further to evaluate and suggest modifications to improve UA regulations in Vietnam.

Philosophy

According to Cohen, Manion, and Morrison (2018), “Research is influenced by the choice of the paradigm that guides the investigation into the problem, and the choice of the substantive theory utilized to guide the collection and analysis of data and in the interpretation of findings” (p. 290). Savin-Baden and Major (2013) agree, “qualitative researchers often use philosophical paradigms to help locate themselves and their studies by adopting a given paradigm to guide their ontological, epistemological and research perspectives” (p. 59). These authors enumerate “several different philosophies that qualitative researchers work within: critical social theory, pragmatism, phenomenology, post-modernism/structuralism, social constructionism and constructivism” (p. 21). Of those, I choose to take the pragmatic philosophical approach to implement my qualitative research study. As Savin-Baden and Major (2013) state:

Pragmatism is a philosophical tradition that asserts that truth may be interpreted in terms of the practical effects of what is believed and, in particular, the usefulness of these effects. The underlying idea is that the truth of an idea is dependent upon its workability; ideas or principles are true in so far as they work. (p. 60)

Those authors provide a series of understandings of pragmatic philosophy, such as "The purpose of pragmatic qualitative research is to link theory and practice... The way pragmatists accomplish their purposes is to extract theory from practice and then to apply it back to practice" (Savin-Baden & Major, 2013, p.60); and "Pragmatism offers a practical and matter-of-fact approach to assessing a situation or solving problems, and some adopt this perspective when carrying out pragmatic qualitative research (Savin-Baden & Major, 2013, p. 61). Following this understanding, my research fits pragmatic philosophy. The study approach includes the content of theory and practice of UA in Vietnam and in the MUN Act; its current application in Vietnam, including merits and drawbacks; strengths of MUN Act in its UA-related regulations which Vietnam can learn and apply in the area of UA.

My topic is appropriate to a pragmatic philosophical inquiry, that is, "Quality researchers generally do not test for cause and effect but rather seek to learn because they believe that the social world is different from the natural world" (Savin-Baden & Major, 2013, p. 6). UA is a new policy in Vietnam (Tieu, 2019; Anh, 2019). To successfully carry it out in Vietnam, it is essential to learn about foreign experiences. My thesis attempts to solve a problem: to help evaluate and improve the implementation of the UA policy in Vietnam. It is precisely the purpose of research in my thesis to improve the newly-issued UA policy in Vietnam. As Creswell and Guetterman (2019) mention, "We study research problems so we can assist policymakers when they make decisions, help teachers and school officials solve practical problems, and provide researchers with a deeper understanding of educational issues" (p. 59).

Theory

According to Savin-Baden and Major (2013), "A theory, as we see it, is an effort to explain, predict and master a phenomenon, such as a relationship, event or behavior" (p. 132). In connection with the theory, the theoretical framework is described as "the use of theory in

qualitative research, and this term has been applied increasingly to the ways in which specific theories are applied in social science research” (Savin-Baden & Major, 2013, pp.133-4). A concept is understood as “a general idea generated from specific instances, which frequently is a part of theory or model” (Savin-Baden & Major, 2013, p.137). These authors define, “A conceptual framework is collection of general but related concepts from the literature that serve as partial background for the study and that support the need for investigating the research question” (Savin-Baden & Major, 2013, p.138).

Applying the knowledge mentioned above, I use Berdahl’s conceptual framework to evaluate UA literature. According to Berdahl (1990), the definition of autonomy and accountability is that “autonomy in its complete sense means that power to govern without outside controls and accountability means the requirement to demonstrate responsible actions to some external constituenc[y]ies” (Berdahl, 1990, p. 171). It is ideal to have a balance between them, that is, “too much autonomy might lead to universities unresponsive to society; too much accountability might destroy the necessary academic ethos” (Berdahl, 1990, p. 171). Berdahl distinguishes three “interrelated” terms which attach to university autonomy:

Academic freedom is the freedom of the individual scholar in his/her teaching and research to pursue truth whenever it seems to lead without fear of punishment to termination of employment for having offended some political, religious, or social orthodoxy. Substantive autonomy is the power of the university or college in its corporate form to determine its own goals and programs – t“e "w”at" of academe. Procedural autonomy is the power of the university or college in its corporate form to determine how its goals and programs will be pursued – t“e ""ow" of academe. (pp. 171-2)

Berdahl’s conceptualization is very convincing because it covers full aspects of university autonomy. As Billinton and Li (2000) summarize it, “Academic freedom involves individual scholars, while substantive and procedural autonomy involve the relationship between institutions of higher learning and the government control” (p. 54).

Keeping this understanding, I describe the scope of UA within four components, that is, UA includes the right of autonomy in the academic field, in the organization and human resources, finance and property, and the responsibility of explanation (Law No.34, §32(3)(4)(5), 2019, n.p.). This research analysis and findings concentrate on this understanding and scope to improve the Vietnamese legal system on university autonomy.

Research Approach and Rationale

According to Savin-Baden and Major (2013), “Just as different research paradigms drive the selection of research traditions, so too do research traditions drive the selection of research phenomena...” (p. 95). These authors also arrange the phenomenological structures or processes with several approaches such as pragmatic, action research, and collaboration.

My phenomenological study is about *organizational structure*. It is a project to improve Vietnam’s UA regulations via the research’s outcomes on UA and MUN Act. As Savin-Baden and Major (2013) state:

Many qualitative researchers have taken a ‘structure’ as a phenomenon of investigation. Some of these researchers have chosen to study an organizational structure. The organizational structure includes governments, corporations, social networks, universities, school hospitals, programs, and projects. A researcher might ask, for example, how an organizational structure is related to prestige. (p. 92)

I contend the qualitative research method and the pragmatic action approach are the best fits for my research. Its purpose is the same as Savin-Baden and Major’s (2013) definition, "Action research is a useful tool for researchers who want to solve a real-world problem. It should be taken up when they want to examine a practical situation, make a change, and explore the consequences of that change" (p. 245). Also, my research aligns with the viewpoint of Creswell and Guetterman (2019), “In some action research designs, you seek to address and solve local, practical problems, such as a classroom-discipline issue for a teacher” (p. 22).

Vietnam is currently implementing its university autonomy policy and is facing many challenges as it does. They include the lack of serious research on UA before its promulgation, the overlap and conflict among laws compared with the Law on Higher Education, the governing body's existence interfering with the university's autonomy, and the confusion to carry out each component of the right of autonomy. These issues may be common in Western countries such as the United States, England, and Canada (Anh, 2019), but they are generally very new and complicated for Vietnam.

To effectively implement the new UA policy, Vietnam needs to review its current UA policy. There is a need to get a university model – the MUN Act studied. As a result, there will be a direct recommendation of the amendment to improve UA's law. I plan to study UA and use the MUN Act's regulations to examine and improve newly issued Vietnam regulations on UA to facilitate public universities in Vietnam.

To implement university autonomy, a thorough understanding of UA and the MUN Act as a model is essential for Vietnam to learn and perfect its UA policy. The study's result will provide an approach to improve the Vietnamese regulations on UA. There must be a transformation from practical lessons to an increased UA understanding and an adoption of UA regulations in the MUN Act to facilitate its application in Vietnamese Universities. That is why the pragmatic action approach is the best fit for my research topic. As Savin-Baden and Major (2013) confirm: "...as some phenomena are more natural fits with different traditions than others" (p. 95).

3.2 Site Selection, population Selection, and Sampling Technique

Site selection

As Savin-Baden and Major (2013) state:

A research site is the space or place of the topic under study. However, the site is not simply where knowledge is uncovered; it is an integral part of the knowledge that is uncovered. Since the research site is indeed part of meaning, a critical element of what is under study, it should be the most logical choice for the research being undertaken. Research can select a single site, multiple sites, or virtual site. (p. 307)

I carry out two main parts in my research to reach the goal of investigating and improving UA's regulations in Vietnamese universities. I selectively appropriate the knowledge and updates from previous UA studies on Vietnamese universities to carry out this study. Specifically, with the research of Vietnam's UA policy, I approach theoretical issues and the practical matters, inadequacies, advantages, and solutions that scholars have researched and found out. As for research on university autonomy, I apply the conceptual framework of Berdahl, knowledge from UA literature, and the MUN Act as a model to evaluate the UA policy in Vietnam.

I will use research on the outdated, inappropriate knowledge that I need to replace to inform the more effective way forward. The suitability of UA's solutions and strengths learned from the MUN Act will be evaluated to improve Vietnamese laws in implementing the UA policy in Vietnam.

Based on the plan mentioned above, the research site must be universities, where the leaders have carried out effective UA policy. I decided to choose a single site, specifically MUN, to play a role as an exemplary example to illustrate the practice of Canadian university autonomy.

Following the conceptual framework of Berdahl and UA literature, four aspects of the UA include the right of autonomy in the academic field, organization and human resources, finance and property, and the responsibility of explanation. I will analyze the MUN Act to illustrate those criteria. Choosing a single site instead of multi-sites means that I will have to complete the study method as a document review, which requires literature review, review of legal documents, and any other materials that are deemed appropriate. The single setting is chosen as a matter of practicality and research convenience as the inclusion of other sites was not possible.

The choice of the MUN Act as a model act containing UA regulations offers several advantages. I can "gain deeper knowledge about a single institution" and "will be able to gain access" because I am a graduate student at this university to carry out research that is relevant to university. I can observe evidence of the autonomy of MUN through its daily operation. However, I am also aware of its disadvantage, which "will be essential to avoid unwarranted generalization" (Savin-Baden & Major, 2013, pp.307-9).

Population Selection

As Savin-Baden and Major (2013) define, "Part of data collection preparation requires identifying participants, based upon who might best provide an answer to the research question" (p. 312). After identifying the research site, it is time for selecting populations; in other words, choosing participants to join in the research. Savin-Baden and Major (2013) distinguish between participants with the phenomenon of the study, which may cause to confuse a new researcher:

Phenomena may be individuals, groups, structures, processes, concepts, or artefacts. It is the "thing" that the researcher wants to talk about when the study is complete. Participants in the study are different from the phenomenon of the study; participants are individuals from whom researchers collect data. (p. 312).

In my study, the phenomenon which I am talking about is a structure – an organizational structure, which is the policy of university autonomy. There will be no participants in my thesis. My research is based on the analysis and evaluation of documents to answer the research questions. It is because of specific characteristics of policy and my thesis's purpose, that is, to research UA, examine the UA policy in Vietnam, and learn from UA related regulations in the MUN Act to propose improving the UA policy in Vietnamese universities.

Policy can be understood as "A guide to action"; "A general guideline that shapes decisions or action"; "A general approach intended to guide behavior"; "whatever governments choose to do or not to do"; or "the authoritative allocation of values" (Rizvi & Lingard, 2010, p.4). In Vietnam, there are also various concepts of policy available. For example, Vu (2011) stated that policy is a social institution, consisting of institutions: written institutions, unwritten institutions, institutions of publication, and implicit institutions. It can be seen as "Policies are perspectives, development ideologies, general goals, solutions, and tools that management subjects use to affect management objects to accomplish certain goals of the system which is oriented to overall goals." (Vo, 2008, pp.17-8). However, it is defined, the policy should be understood in the broad sense as "... policy is much more than a specific policy document or text. The policy is both process and product. In such a conceptualization, policy involves the production of the text, the text itself, ongoing modifications to the text and processes of implementation into practice" (Rizvi & Lingard, 2010, p.5).

Sampling Technique

Before carrying out the sampling, the researcher must consider three factors. They are the time factor, the population factor, and the accessibility factor (Savin-Baden & Major, 2013). Respectively, the first one 'necessitate[s]' whether he/she has enough time to do

sampling, the latter alert the researcher that whether the population is too large to control; and the final one may “requires sampling, if sampling is even a possibility” (Savin-Baden & Major, 2013, pp. 312-3).

Savin-Baden & Major (2013) define:

Purposeful sampling then means careful selection of community members who are likely to provide the best information. It requires deep thought, planning, and reflection about all aspects of the question and then to be creative when making decision about who can provide the best information. (p. 314)

I intentionally choose the MUN Act as a model act to compare with and evaluate the UA policy in Vietnam. There are no participants in my research, but work is concentrated on documents. It leads to the situation that no purposeful sampling is required.

While there are no participants and sampling in the qualitative research I carry out, I still confirm that qualitative research best fits my thesis. It still meets the requirements and circumstance, as Savin-Baden & Major (2013) describe:

Qualitative research has more or less subjective and personal orientation. Qualitative researchers acknowledge that all research is inherently subjective. The decisions that a researcher makes, from what to study to what the research questions will be, from site selection to participants in selection, all necessarily bound the research in specific ways. (p. 12)

3.3 Researcher's Role

Cohen et al. (2018) synthesize from many sources of information about principles related to qualitative research. They state that “the researcher is part of the researched world” and “the researcher – rather than a research tool – is the key instrument of research” (p. 247). This statement is extremely accurate to my case to carry out this thesis.

As mentioned above, I carry out an investigation and development of policies to improve Vietnamese universities' institutional autonomy. I must play a central role in collecting, organizing documents, analyzing, and evaluating information sources to examine UA's current

Vietnam situation. Following this, I will carry out a series of research activities which lead to evaluate what level of UA policy is in Vietnamese law, how this policy operates, and suggestions to improve this policy via knowledge obtained from Berdahl's conceptual framework, UA literature, and UA regulations in the MUN Act, as a model law. The researcher's participation is essential from the beginning to the end of this research.

3.4 Data Collection Method and Rationale

Method of Documents

Document analysis is the main method that I intend to use to deal with data collected in my research. The author's use of this method for analyzing collected data is due to the nature and goal of this thesis's topic. As Cohen et al. (2018) emphasize:

Selecting the instrument(s) for data collection, like deciding on methodologies in Part 3, is not a matter of preference, arbitrary or automatic decision making, but, like other aspects of research, is a deliberative process in which the key is the application of the notion of fitness for purpose. (p. 469)

In the context that Vietnam has recently enforced UA regulations, which were formulated without appropriate or relevant research. Vietnam must review and evaluate the current UA regulations. Vietnam needs to have a university model to properly implement UA based on information from other jurisdictions' experiences. Recommendations of the amendment to improve the legislation to effectively implement UA in Vietnam must be based on successful approaches in other countries.

To examine and evaluate UA policy in Vietnam, understanding UA literature, Berdal's UA theory and the regulations of the MUN Act, documents are the most effective source of information to be synthesized, analyzed, and validated. Review and analysis of the MUN Act will allow the researcher to identify and extract those policy components that will improve UA

practices in Vietnamese universities. As Rizvi and Lingard (2019) state, the analysis of policy must meet the following requirements, that is, "the more academic exercise, conducted by academic researchers, seeking to understand why a particular policy was developed at a particular time, what its analytical assumptions are and what effects it might have" (p.45). This analysis will increase our understanding of how to improve UA policy practices and to suggest ways to further develop similar policies and to help put them into operation in Vietnam.

According to Savin-Baden and Major (2013), documents include "Written, printed, visual, or electronic matter that provides information or evidence or that serves as an official record" (p. 404). Drew et al. (2014) also enumerates the documents which are, "In all literate societies, written (and sometimes audio and visual) records exist in archival form" (p. 198). Savin-Baden and Major (2013) emphasize, "these documents can provide a researcher with a rich and often readily accessible source of information for understanding participants and the research context" (p. 404). According to these scholars, qualitative researchers can choose to use the method of documents independently to collect data or combine it with other methods (Savin-Baden & Major, 2013).

There are two main parts in my thesis, these are, obtaining an understanding of Berdahl's conceptual framework, UA literature, regulations on UA stated in the MUN Act, the UA policy in Vietnam, and then, using the obtained knowledge, learning and suggesting changes to improve the institutional autonomy in Vietnamese universities. I will use many documents, including print and electronic versions such as journal articles, books, and legislation to base my findings.

The UA policy is the phenomenon to be focused on; documents mainly appear in legislation and other written documents. As Rizvi and Lingard (2010) state: "Policy texts often take the form of a legal document, but not always. Other kinds of text, such as speeches and press

releases by a Government minister and papers by senior policymakers, can express policy intentions and have real effects" (p.5). In the context of Vietnam, a policy is only expressed in legal documents such as the Communist Party congress document, the National assembly's resolution, the Government's resolution, and law. I use a variety of legal documents in their broad sense to examine UA regulations in Vietnam and MUN Act.

Rationale

The method of document analysis is valued in qualitative research. As Savin-Baden and Major (2013) confirm, there are more advantages than disadvantages in using the method of document analysis to study. Its advantages include "provide further evidence," "tends to have a strong face validity," "tend to reveal what people do or did as well as what they value," and "are tangible examples of social meaning-making" (Savin-Baden & Major, 2013, p.410). Those authors also emphasize that "a focus on documents is fairly new in qualitative research, so there may be resistance from those who may perceive their research to be less scientific or empirical than other data form... tend to reveal what culture group wants others to know about it " (p. 410).

For using documents as a data collection method, researchers must prepare to meet the following requirements, including "whether they have the necessary skills, identify a specific purpose for the use of documents, determine systems for collecting and classifying them and examine their quality" (Savin-Baden & Major, 2013, p.406). As a researcher having specific experiences in doing research, I agree with Savin-Baden and Major about their view of researchers' requirements to use the document method to collect data. Those tips they provide for using documents are beneficial for me to carry out this research. Following their guidance, I collected data in three steps: Step 1. Collecting, organizing, and recording documents; step 2. Assessing the quality of documents, and step 3. Analyzing documents.

In step 1, based on my research questions, I must collect relevant documents to answer them. For achieving a neutral and objective outcome, a wide range of sources of information from books, journal articles, reports, legislation, and other sources will also be used throughout the thesis. The adequate volume of Berdahl's conceptual framework, UA literature, UA-regulations of the MUN Act, UA related documents, and Vietnamese laws must be collected. As Drew et al. (2014) state, "These sources provide different perspectives and cross-checks on forms of data gathered more directly. Materials prepared by and for others serve as an important resource for field research that complements data obtained directly" (p. 198).

In step 2, assessing the quality of documents is very important. Savin-Baden and Major (2013) emphasize criteria to assess the documents' quality via authenticity, credibility, representative function, and meaning. Drew et al. (2014) agree with Savin-Baden and Major about the document's authenticity and credibility:

When examining existing records, it is essential to remember that the individual or individuals who did the initial recording (whether it is written, audio, or video) had their perspective and biases. This makes it especially important to not only be aware of your own perspective and those of the person(s) of interest but also the perspective of this new, third party. The importance of triangulation and the other steps to defend against the threats to validity cannot be stressed enough. (p. 198)

Following this, I need to select documents carefully before using them for writing my thesis. I must select updated valid legal documents, UA-related documents of the Communist Party (if they are relevant), and other sources of accurate and neutral information to express the current UA policy in Vietnam. Regarding knowledge of Berdahl's conceptual framework, UA literature, and MUN Act, I should choose reliable and plentiful sources of information such as peer-reviewed journal articles, textbooks, and books.

In step 3, for analyzing documents, Savin-Baden and Major (2013) describe, "the researchers tend to focus on how and for whom the document was created and internal

meaning. Researchers should consider what was and was not included in the document” (p. 409). When carrying out the analysis of documents, I should accurately understand the main content of documents and their meaning and significance. For example, I must define whom a relevant journal article wrote for and the purpose of that journal article. With this understanding, I can evaluate and extrapolate knowledge to clarify, compare, and give answers to research questions objectively.

To answer the first research question, what are the present levels of UA in Vietnam and the MUN Act? I must analyze Berdalh’s, and other researchers' works on UA, research works on UA policy in Vietnam, regulations on UA of MUN Act. This analysis's result will be the ground to evaluate the low or high UA degree in Vietnamese law and the MUN Act. Overall, the methodology utilized in this research involved the review and systematic analysis of UA, UA regulations in the MUN Act, and UA policy in Vietnamese law.

3.5 Data Analysis Strategies

In my leading data analysis strategies, I have been following the research process precisely that Cohen et al.(2018) provide and I apply an inductive analysis approach.

The Research Process

Cohen et al.(2018) describe the research process as follows:

In preparing for data analysis, the researcher must immerse herself/himself in the data, read, re-read, reflect on the data, write about the data and what they mean (and what different meanings, explanation, and interpretations of the data there maybe), how the data are linked or related, how to organize the data and the key points arising from the data, how to analyze the data, how to organize and synthesize the analysis most fittingly and coherently (e.g., Wellington, 2015), and reflect on how the researchers’ own biography, values, knowledge, assumptions and experiences shape or inform the data analysis, i.e. reflexivity (Woods et al., 2016, p. 387) (p. 645).

Selecting, screening, and preparing documents carefully will help me get the correct knowledge to answer my research questions. These activities also help me detect relationships, similarities, differences, and even inconsistencies in UA content, UA policy, ideology, and implementation of this policy in Vietnam. Consequently, it serves the finding, discussion, and conclusion section.

Inductive Analysis Approach

According to Savin-Baden and Major (2013), the method of analysis influences themes or results. Nassaji (2015) assumes the nature of the analysis method in the qualitative study: "Qualitative research collects data qualitatively, and the method of analysis is also primarily qualitative" (p. 129). Drew et al. (2014) classify the analysis method "into two different types of approaches: inductive and deductive analysis" (p. 347). They define the inductive analysis that "refers to approaches that "follow the data" rather than comparing the data to an a priori construct" (p. 347); whereas Savin-Baden and Major (2013) add that it is used for examining similarities between events. Cohen et al. (2018) elaborate the content of the inductive approach in which "...the researcher develops interpretations of the data and derives themes, concepts, theories, explanations, understandings, summaries, models, etc... which fairly and comprehensively explain the data or phenomenon" (p. 645).

Following this, the inductive analysis is appropriate for my thesis's purpose. I am investigating and evaluating the newly-issued UA policy in Vietnam. To do it, I must analyze the level of UA in Vietnam compared with that of policy outlined in the MUN Act. This knowledge of UA is indispensable. Based on the information that has been screened, synthesized, organized, and analyzed, I must *interpret* the documents and derive concepts, content, and essential conditions of UA. From this, I withdraw the similarities, differences, and unavailability

of some necessary factors (if any) in terms of UA in literature and UA policy executed in Vietnam. Then, I propose to amend or/and supplement the current regulations of Vietnam in UA.

Various scholars' support for the application of inductive analysis more than the deductive approach also influences my choice to take the former over the latter. Nassaji (2015) confirms "This often involves an inductive exploration of the data to identify recurring themes, patterns, or concepts and then describing and interpreting those categories" (pp.129-130). According to Cohen et al. (2018), "data are analysed inductively rather than using a priori categories" (p. 247). Following the functions, merit, and popularity of different approaches, I mainly apply the inductive analysis.

With the knowledge and understanding of the literature view on UA, to achieve the purpose of the research, the author will study four research questions as follows:

1. What are the present levels of UA in Vietnam and in MUN?
2. How does the MUN Act regulate UA?
3. What are the current regulations on UA in Vietnamese laws?
4. What can we learn from the MUN Act to amend and supplement UA regulations in Vietnam?

Chapter 4: Findings

This chapter consists of two main parts: the UA in Vietnamese legislation and the UA in the MUN Act. In this chapter I provide information about how UA's content is regulated in Vietnamese law and the MUN Act.

The structure of this chapter is organized as follows. In part 1-The UA in Vietnamese legislation, I study the background of UA in Vietnam. I introduce the initial adoption of this policy in Vietnam, its issuance process, the legislative framework of the post-secondary educational system, and the organizational structure of public universities in Vietnam. Next, I present the UA content, which is regulated in Vietnamese law. UA's content includes three autonomy rights: autonomy in academic and professional operations; autonomy in the organization and in human resources; and autonomy in finance and property. The accountability of post-secondary institutions is then reviewed.

In part 2- I begin with a review of the background of UA in the MUN Act. Specifically, I present the legal status of the MUN Act in Newfoundland and the administrative structure of MUN. Following this, I describe the promulgation of the MUN Act and the governance and administrative management of MUN. Next, I research and express how the content of UA is stipulated in the MUN Act. I present the autonomy rights and MUN's accountability in the MUN Act.

The regulations of Vietnamese law and the MUN Act on UA's content and factors influencing UA, such as the administrative structure and public universities' governance in Vietnam and MUN, are essential information to complete – discussions and recommendation in chapter 5 of the study. Based on these findings, I then combine them with knowledge on UA

and Berdahl's viewpoint on UA to compare, discuss, and suggest the amendment to improve regulations on the content of UA in Vietnamese law.

4.1 University Autonomy in the Vietnamese Legislation

4.1.1 The Policy of University Autonomy in Vietnam.

4.1.1.1 Appearance of the University Autonomy in Vietnam.

Many countries have implemented UA because it is a direct measure to meet modern education and training needs (Anh, 2018). From its development, in reality, it can be seen that autonomy plays a vital role in helping universities maximize their internal resources, the ability to be creative, and adapt to the requirements set by social change.

During the globalization period, higher education in the world is in a period of substantial transformation. Any country, including Vietnam, that is late in reforming the higher education system will ultimately lose opportunities to integrate and develop its economy (Tra Vinh University, 2017, p.2). Higher education in Vietnam needs to integrate these approaches to benefit from this international trend.

Many factors influence the birth of UA policy in Vietnam. They consist of globalization in the educational field, the growth of information in the internet age, and the view of students returning home after studying in the U.S, Canada, and Australia. Their subsequent taking charge of positions in state agencies (Dao, 2004) and experiences with UA learned from successful Asian countries and their many achievements were also influential in this regard. The Government of Vietnam officially started to issue this policy in addition to other policies in the Government Resolution No. 14, 2005 about the primary and comprehensive reform of Vietnam's higher education in the 2006-2020 period.

The National Assembly decides the approval of specific projects in the educational field, which is based on the Government's proposal. In 2005, the Government presented the National Assembly its resolution No.14, mentioned above. This project was approved by the National Assembly. UA was integrated into the law in higher education and then into Law No. 34 in 2012.¹ It can be seen that in this resolution that the Government presented to the National Assembly was designed to strengthen the policy of UA in Vietnam. The National Assembly had responsibility for approval of this policy. Policies and resolutions of the Communist Party of Vietnam (CPV) have a direct influence on the development of the law. The law is usually the result of institutionalizing the policies of the CPV (Dinh, 2008; Tran, 2004).

With open and autonomous policies around the world, such high-quality learning environments that advanced education systems such as in the USA, Canada, UK, Australia, France, and Japan, are always attractive for many students. University autonomy does not only attract students, but many universities in the world also operate in companies and corporations, both creating revenues and contributing to reducing the budget burden. In Asia, Japan, Korea, Malaysia, and China implemented UA with many outstanding achievements. In Japan, in 2004, all 86 national universities changed to the autonomy model, from the National University model to the National University Corporation model. This element has supported Japan increasingly a study abroad destination for many international students. (Minh, 2018).

The UA policy originated from information via the internet, knowledge of students who graduated in developed countries, and the experiences of prosperous Asian countries, and globalization in the educational field. It is accurate and consistent with what Rizvi and Lingard (2019) explained, "...the reconfiguration of the state's authority structures, altered by new patterns

¹ See Government Resolution No. 40, Part 3(3)(a)(b), 2012, n.p.

of communication, competition, cooperation, and coercion across national boundaries. Not only has the authority of the state been transformed, so have the processes through which states now allocate their policies so that citizens regard them as legitimate” (p. 22).

4.1.1.2 Issuance Process of the University Autonomy Policy in Vietnam.

Following the trend of globalization in education, knowing the drawbacks in the management of higher education in Vietnam, referencing experiences from prosperous Asian countries, and getting UA are essential. Government Resolution No. 14, 2005, which is about the primary and comprehensive reformation of Vietnam's higher education in the 2006-2020 period, raised the importance of perfecting the policy of developing higher education.

Government Resolution No. 14 contained policies to ensure the autonomy and social responsibility of higher education institutions, State management, and social supervision and evaluation for a higher education institution. These new management approaches required public higher education institutions to operate under the new autonomy rules, to become full legal entities, to have the right to decide and take responsibility for training, research, organization and personnel, and finance; to abolish the Ministry's oversight, and to promote state ownership of public higher education institutions. In another way, this legal document set up regulations on UA to create a fundamental change in quality, efficiency, and scale, meeting the requirements of the industrialization and modernization of the country and international economic integration.

Researchers and university lecturers realized that it was time to have an independent set of Laws on Higher Education. On June 18, 2012, the National Assembly passed the Law on Higher Education 2012, and on January 1, 2013, this law was officially implemented. Under this law, the state has increased investment in higher education and created favorable conditions on policies and

procedures for organizations, individuals, and the whole society to participate in the development of higher education.

The Law on Higher Education 2012 stipulated, "The implementation of assignment, decentralization of education management, the enhancement of autonomy and self-responsibility of educational institutions" (The Law on Higher Education, §14, 2012, n.p.). Further detailing article 14, the Central Executive Committee Resolution No. 29 stated: "Assigning autonomy and self-responsibility to educational, training institutions, promotes the role of the University Council and the Higher Education Law of 2012 stipulates the autonomy of higher education institutions."

Immediately after the Law on Higher Education 2012 was put into effect, many issues were raised regarding its consistency, the relationship between the Law on Education, the Law on Higher education, and many legal documents (Vu, Cao, & Luu, 2019, n.p.). Vietnam's higher education is facing a considerable challenge. The state management processes for universities are slowly changing, are rigid, and do not meet the requirements to improve the quality of education of the whole system, and does not promote the creativity of teachers, administrators, and students. The number of teachers in many places is inadequate, especially in remote areas, and the quality of human resources is still low. Although people's economic life has changed for the better, it is still at a low level, economic difficulties are still severe, along with low awareness of people of the importance of education, so learning for children has not been a focus. The expansion of the Vietnamese universities' training program has not followed a standard orientation and has not been uniform among universities. Therefore, it is difficult to control the quality of education. This has resulted in low quality during the rapid expansion of many universities and minimum conditions for facilities, teachers, training programs, and finance have caused frustration (Nguyen, 2018, pp. 2-3).

Higher education in Vietnam needs a breakthrough in quality and efficiency. Compared with developed countries, with hundreds of years of experience implementing UA, Vietnam is at the start. The robust international integration process prevents higher education in Vietnam from benefitting from other countries' experiences and achievements to shorten its development gap.

Higher education is a development process requiring conditions and time to transform from awareness to a quality culture in the higher education system. Along with legalization, the thinking of universities is still a decisive factor. Creating more motivation for higher education institutions and more significant authorities' changes are essential for our country's higher education institutions to succeed.

It is the intention of the Communist Party and Government to renew multiple aspects of higher education. It is the most urgent and vital issue in higher education in Vietnam. Globalization in education is seen as one of the key elements to improve the domestic educational system, including post-secondary education (National Assembly Resolution No. 88, §2(1)(2), 2014, n.p.)

In the context presented above, the National Assembly has passed Law No. 34, which became valid from July 01, 2019, to amend and supplement the Law on Higher Education 2012. In this new law, UA policy has been re-regulated in terms of its content and its operation and effectiveness is promoted. Subordinate legislation, Decree No.99, which came into effect in February 2020, adds some details and guides the implementation of the UA stipulated in Law No. 34.

4.1.1.3 Legislative Framework and Administration of the Post-Secondary Educational System.

The post-secondary education of Vietnam is regulated and monitored under the hierarchy of legislation. This hierarchy is Constitution 2013, Resolutions of the National Assembly, the Civil

Code, Law on Education, Vocational education Law, Law on Higher education, Decrees and Circulars (if any), which give guidelines to implement the law and other relevant legislation. Examples include the Labour code, the State budget Law, the Law on Public investment, and the Law on Public officials.

The Government, Ministry of Education and Training, the Ministry of Labour, Invalids and Social Affairs, other Ministries and ministerial-level agencies, and People's Committees are state bodies that are charged with the administration of the educational and training systems (Law on Education, §105, 2019, n.p.).

The Government performs the unified state management of education. The Ministry of Education and Training is answerable to the Government for performing the state management of early childhood education, general education, higher education, intermediate pedagogical education, pedagogical colleges, and continuing education. Whereas the Ministry of Labor, War Invalids, and Social Affairs is answerable to the Government for performing the state management of vocational education, except pedagogical intermediate and pedagogical colleges. (Decree No. 69, §1, §2, 2017, n.p).

Ministries and ministerial-level agencies shall, within the scope of their tasks and powers, coordinate with the Ministry of Education and Training and the Ministry of Labor, War Invalids, and Social Affairs in performing the state management of education. Many public universities in Vietnam are under the management and administration of other Ministries instead of the Ministry of Education and Training. For example, the University of Transport Technology is managed by the Ministry of Transport; Ha Noi Industrial University is under the administration of the Ministry of Industry, and the Ministry of Construction takes charge of the Ha Noi University of Architecture University. Currently, many ministries and ministerial-level agencies are the governing bodies of

many post-secondary institutions. For instance, the Ministry of Agriculture and Rural Development is in charge of 32 institutions, whereas Ministry of Health is administering 11 institutions (Tran, 2020a).

The existence of this phenomenon has led to difficulties in implementing the UA policy: the post-secondary institutions which belong to the Ministry of Education and Training, implement the law on UA under the direction of this Ministry is very convenient. Whereas, other institutions that belong to other ministries must obey a lot of separate regulations, documents of each ministry which are sometimes different and even conflict with Law No. 34. This is especially so for the organization and staff work; work of unifying the staff structure of the school council (Thuy, 2020).

At the local level, People's Committees perform the state management of education according to the Government's decentralization policies, within the scope of their tasks and powers in the educational field. Briefly, the administration of education and training is undertaken at both central and local levels. At the central level, the highest executive body taking charge of state management on education is the Government; the Ministry of Education and Training is responsible before the Government for the overall national education system - except issues of vocational education, pedagogical intermediate, and pedagogical colleges which are under the responsibility of the Ministry of Labor, War Invalids and Social Affairs. Besides the Ministry of Education and Training's general management and responsibility, it is impossible not to mention the direct management of Ministries and department-level agencies to their affiliated public universities. It has considerably influenced UA in practice.

4.1.1.4 The Administrative Structure of Public Universities in Vietnam.

Before I analyze UA's content in Vietnamese law, it is necessary to understand the regulations on public universities' governance. This factor considerably influences the application of

UA. According to the law, the administrative structure of a university comprises as follows: the Council of the university; the Rector and vice-Rectors of the university; the science and training board; faculties, functional departments, library, science, and technology center, and other centers serving training activities; schools, branches, research institutes, service establishments, enterprises, business establishments, and other units (if any) according to requirements for the development of the university (Law No. 34, §1(8), 2018, n.p.). In this structure, the Council of the university, the chairperson of the Council of the university, the Rector of the university, and the Science and Training Board play essential roles to maintain the autonomy of the university.

The Council of the University. It is an administration body exercising the right to represent the owner and parties with related interests. Following this, the law vests ten rights for the Council of the university to manage and administer the University. To name but a few, they are deciding on development strategies and plans and annual plans of the university; the policy on development of the university into a general university or merger with another university; issuing the university's organization and operation regulation, financial regulation and grassroots democracy regulation in compliance with this law and other relevant laws; deciding on orientations for enrolment, discipline opening, training and joint training, science and technology activities, and international cooperation; policies on higher education quality assurance and cooperation between the university and enterprises and employers; deciding on the organizational structures, staff structures, establishment, merger, division, splitting and dissolution of units of the university; to issue the list of working positions and criteria on and working conditions of each position; to prescribe the recruitment, employment and management of cadres, lecturers, civil servants and employees in compliance with law... (Law No. 34, §1(10), 2018, n.p.)

The number of council members must be odd, at least 15, including internal and external members. The former shall include ex officio members and members elected by the university's general meeting or representative meeting. The ex officio members include the Party Committee secretary, Rector, and trade union chairperson of the university and a representative of the Committee of the Ho Chi Minh Communist Youth Union who is a student at the university. Elected members include representatives of lecturers, who must account for at least 25% of the total number of council members, representatives of civil servants, and employees. Whereas external members must account for at least 30% of the total number of council members, including representatives of competent management agencies; representatives of communities elected by the general meeting or representative meeting of the university from leaders, managers, educators, cultural activists, scientists, entrepreneurs, ex-students, and representatives of employers.

Members of the Council shall perform and be held responsible for tasks of the Council which are assigned to them by the council chairperson and other tasks by law and the university's organization and operation regulation. They attend all meetings of the Council and are held responsible for the performance of their tasks and exercise of their powers.

The term of office of the Council of a public university is five years. It works on the collegial principle and makes decisions by majority vote, except cases in which the university's organization and operation regulation provide a higher percentage of votes; decisions of the Council shall be displayed in the form of resolution (Law No. 34, §1(10), 2018, n.p.). It can be said that this body plays the most crucial role in managing all operations of public universities. Especially, it is the body that performs the UA in reality according to the law on UA.

The Chairperson of the Council of University. Criteria and election, responsibilities, and powers of the chairperson of the Council of a public university are prescribed (Law No. 34,

§1(10)(4), 2018, n.p.). The chairperson of the Council of a public university must possess political and moral qualities; be prestigious, have experiences in higher education administration, and be physically fit for performing his/her tasks; the current eligible ages, are more than 60 years-old and 3 months for men and 55 years-old and 4 months for women (Labour code, §169(2), 2019, n.p.), for holding the title of the chairperson of the Council of a public university to comply with the law.

The Chairperson of a public university's Council shall be elected by the Council among its members by a majority vote through secret ballots and recognized by a competent management agency. In case an external member is elected as council chairperson, he/she must become a permanent official of the university; the council chairperson must not concurrently hold any managerial position in the university.

The chairperson of the Council of a public university has the responsibilities and powers to direct and organize the performance of tasks and the exercise of powers by the Council; to direct the formulation of annual operation programs and plans; to direct the organization of, and preside over meetings of the Council; to sign documents issued by the Council; to use the organizational apparatus and seal of the university to operate within the scope of the Council's functions and tasks; to perform tasks of a council member and other tasks and exercise other powers under law and the university's organization and operation regulation (Law No. 34, §1(10), 2018, n.p.).

The Rector of the University. The Rector of a university is the person in charge of managing and administering the higher education institution's operation by the law and the higher education institution's organization and operation regulations. This position shall be decided by the Council of the university and recognized by competent management agencies. To be able to take this position, the candidate must possess good political and moral qualities; hold a doctoral degree, be physically fit for performing his/her tasks, have scientific prestige, have experiences in post-

secondary administration, and meet the eligible age for holding this position and other specific requirements prescribed in its organization and operation regulation. The Council of the university shall decide the term of office of the Rector to the term of office of the Council. (Law No. 34, §1(14)(3), 2018, n.p.)

According to section 1(14)(3) Law No. 34, the Rector has the following powers and functions: (i) To act as a legal representative and account owner of the university; (ii) To organize professional and academic activities, organization and personnel work, finances- and asset-related activities, domestic and international cooperation and other activities; (iii) To submit documents to be issued by the Council of the higher education institution after consulting related organizations, units and individuals within the university; to issue other regulations of the university according to its organization and operation regulation; (iv) To propose the Council of the university to consider the appointment, removal from office or relief from duty of holders of managerial titles under its management; to appoint, remove from office and relieve from duty other managers in the university, to decide on investment projects according to the organization and operation regulation of the university; (v) Annually, to report before the Council of the university on the results of task performance by the Rector and management Board of the university and on its finances and assets; to publicize and transparentize information; to comply with reporting regulations and submit to the inspection and examination by competent agencies; to implement accountability within the scope of his/her tasks and powers; (vi) To perform other tasks and exercise other powers in accordance with law; to be held responsible before law, the Council of the university and other stakeholders; to be subject to supervision by related individuals and organizations in the performance of tasks and exercise of powers as assigned.

The Science and Training Board. The Science and Training Board is responsible for advising the Rector on three aspects of the organizational operations. First, it provides advice on protocols and regulations on training, science and technology activities, recruitment standards for lecturers, researchers, librarians, and experiments; second, it consults the plan for the development of the lecturers and researchers of the university; and third, this Board provides advice on plans for opening training disciplines and majors, implementing and canceling training programs, science and technology development orientation, science and technology activity plan, assignment of training, science and technology tasks. The Rector has the right to establish the Science and Training Board to carry out its duties. Members of this Board include the Rector and vice-Rectors in charge of training and scientific research; heads of training and scientific research units; prestigious scientists represent specialized fields and disciplines (Law on Higher education, §19, 2012, n.p.).

4.1.2 The Content of University Autonomy

As presented above, Law No. 34, §1(17) amends UA's content, formerly regulated by section 32 Law on Higher education 2012. Section 13 Decree No. 99 gives some details to guide this regulation. UA's content consists of two main components: autonomy rights and accountability (the responsibility of explanation) of post-secondary institutions.

4.1.2.1 The Autonomy Rights of Post-Secondary Institutions.

According to the law, autonomy means a higher education institution's right to determine its objectives and select methods of achieving these objectives; to decide on and take accountability for its professional and academic activities, organization and personnel work, finances, assets, and other activities under the law and based on its capabilities (Law No. 34, §1(2)(11), 2018, n.p.).

The Law No. 34, Decree No. 99 and the Law on Higher education (2012)² stipulate three autonomy rights: autonomy in academic and professional operations, autonomy in organization and personnel work, and autonomy in finances and assets. The regulations on those rights are as follows:

The Autonomy in Academic and Professional Operation. Autonomy in academic and professional activities includes promulgating and organizing the implementation of quality standards and policies, opening new academic fields, student recruitment, training, science and technology activities, domestic and international cooperation following the law (Law No. 34, §1(17)(3), 2019, n.p.). Section 13(1) Decree No. 99 elaborates these rights into seven groups: (i) Issue and implement internal regulations on professional activities; decide on how to organize and the enrollment quota; (ii) Determination of methods of organization and quota of student recruitment; (iii) Organize and manage levels and forms of training programs which include the right of determining and implementing all areas relating to teaching materials; evaluation of the quality of training programs; designing certificate template and administering diplomas and certificates in accordance with the law ; (iv) Determination on remote training, cooperation to carry out part-time training for post-secondary levels; (v) Decision on science and technology activities and international cooperation activities; (vi) being allowed to to open their new post-secondary training disciplines (Bachelor's, Master's and Doctor's degrees) and cooperating in training with foreign post-secondary institutions; (vii) Carrying out other autonomy on academics and professional activities. There are more details for these seven groups as follows:

² It is referred back to use by Decree No. 99

Group 1: Being entitled to promulgate and organize the implementation of internal regulations on enrollment, training, science, and technology, domestic and international cooperation by the law;

Group 2: Determining methods of organization and targets of student recruitment under the regulations of the Ministry of Education and Training, except for the areas of national defense and security following the direct management state body's regulations;

Group 3: Determining the method of organization and management for the levels and forms of training; formulating, evaluating, and promulgating training programs under the provisions of Vietnam's national qualifications framework, training program standards, ensuring that they do not cause harms to national defense and security or community interests, not distort history, adversely affect culture, morality, traditions and customs and solidarity of Vietnamese nationalities, world peace and security; selecting, appraising, approving and using of teaching materials, higher education curriculum (except compulsory subjects); organizing the implementation and evaluation of the quality of training programs of higher education; designing, printing certificate template, allocating and managing of diplomas and certificates by the provisions of law;

Group 4 and 5: Deciding on remote training, cooperation in post-secondary training in the form of working and studying simultaneously with domestic post-secondary institutions that satisfy the conditions as prescribed by law; Deciding on science and technology activities; deciding on international cooperation activities;

Group 6: Post-secondary institutions are allowed to open their new post-secondary training disciplines and to cooperate with foreign countries in this regard. Following this, when opening new training disciplines, the universities must satisfy requirements and demands of the society,

faculty, and training programs and teaching materials according to section 1(18) Law No.34 as follows:

The disciplines conform to human resource needs for socio-economic development of localities, regions, the country and of each sector, ensure international cooperation; the universities meet conditions on the number, quality, qualifications, and structure of permanent faculty and scientists; the higher education institutions have physical foundations, facilities, libraries and course books meeting teaching, learning, and research requirements.

The training program must meet requirements for each level (Law on Higher education, §36, 2012, n.p.). For a bachelor's degree, the training programs must ensure learners' objectives, knowledge, and skills standards after graduation; training content, evaluation methods for each subject and discipline, training level, and linkage between levels and other training programs. For master's or doctoral degrees, the training program should ensure objectives and knowledge standards and skills of graduate students after graduation; volume of knowledge, training program structure of theses, and dissertation of Master's and Doctor's degrees, respectively. Besides, the post-secondary institutions are allowed to use training programs of foreign post-secondary institutions that have been accredited and recognized for their quality to perform the higher education training tasks. The post-secondary institutions are responsible for formulating, evaluating, and promulgating training programs of colleges, bachelors, masters, and doctoral degrees; the part-time training program should have the same content as the full-time training program.

Textbooks/curriculum in higher education must satisfy following requirements: (i) The post-secondary curriculum concretizes the requirements for the content of knowledge and skills specified in the training program for each subject or discipline to ensure the objectives of the

training levels of higher education; (ii) The Ministry of Education and Training organizes the drafting and issuance of textbooks for common use of political theory, national defense - security subjects in post-secondary institution; (iii) The principals of the post-secondary institution shall organize to draft, issue or select, and approve the higher education textbooks for use their institutions on the basis of the assessment of the co-appraisal Council of textbooks established by the principal of the higher education institution; (iv) Higher education institutions must comply with the regulations on intellectual property and copyright in the use of textbooks and publication of scientific research works.

The administrative right still mainly belongs to the Ministry of Education and Training when the law states: the Minister of Education and Training stipulates the minimum amount of knowledge and competency requirements that learners gain after graduation for each training level of higher education; the process of formulating, evaluating, and issuing training programs at colleges, universities, masters and doctoral levels; regulating mandatory subjects in the training programs for foreign-invested higher education institutions' training levels; regulating the drafting, issuance, selection, evaluation, approval, and use of post-secondary textbooks. (Law on Higher education, §36, 2012, n.p.)

Group 7: Exercising other autonomy in terms of academic and professional activities under the provisions of law. This section is an open regulation that the Decree No. 99 affirms : post-secondary institutions enjoy other academic and professional autonomy under other laws.

Explaining this, Head of Higher education Section - Ministry of Education and Training, Thi Kim Phung Nguyen said: the Decree No. 99 cannot list the legal documents governing this matter because some relevant regulations are being amended and supplemented, so listing in this Decree will make it obsolete (Hong, 2020).

Autonomy in Organization and Human Resources. Autonomy in a university includes promulgating and organizing the implementation of internal regulations on the organizational structure, labor structure, list, standards, and regimes for each job position; to recruit, employ, and dismiss lecturers, public employees, and other employees, and decide on administrative and managerial personnel in higher education institutions under the provisions of law (Law No. 34, §17 (4), 2018, n.p.).

This autonomy is then elaborated as post-secondary institutions have the right to decide their organizational structure and numbers of staff and faculty according to current laws on higher education and the establishment, reorganization, and dissolution of public non-business units. They have autonomy in the organization, apparatus, and personnel to perform professional tasks but must not increase the number of people working with salaries, salary (including salary and allowances) from the salary fund set by the budget state. (Decree No.99, §13 (2)(a), 2019, n.p.).

The post-secondary institutions must issue and exercise their internal regulations on the organizational apparatus and personnel; carry out other autonomy on organizational apparatus and personnel according to the laws (Decree No.99, §13 (2)(c), 2019, n.p.). The establishment of branches, companies of public universities shall be implemented following the current law. (Decree No.99, §13 (2)(d), 2019, n.p.).

Post-secondary institutions can decide the number of people employed and positions in their universities; have autonomy in the organization, apparatus, and personnel to perform professional tasks but must not increase the number of people working with salaries, salary (including salary and allowances) from the salary fund set by the budget state. They can establish their branches and enterprises affiliated with higher education institutions that must comply with current law provisions. A content cannot be separated from this autonomy right; that is, the higher

education institutions must issue, organize, and implement internal regulations on the organizational structure and personnel.

Autonomy in Finance and Property. Autonomy in finances and property covers issuance and implementation of internal regulations on revenue sources, management, and use of financial sources and property; attraction of development investment capital; policies on tuition fees and scholarships for students, and other policies in compliance with the law (Law No. 34, §17 (5), 2018, n.p.).

Decree No. 99 gives the details for this autonomy as follows. It includes financial and property autonomy according to the law on higher education, Law No. 34, current laws on the autonomy of public universities. Like the autonomies mentioned above, this autonomy of post-secondary institutions always comes with the obligation to establish and implement their internal regulations on finance and property and other finance and property autonomy according to higher education law, Law No. 34, and other relevant law (Decree No. 99, §13 (3)(a)(c), 2019, n.p.).

4.1.2.2 The Accountability of Post-Secondary Institutions.

Accountability means a higher education institution's responsibility to report and make information transparent to learners, society, competent management agencies, its owners, and stakeholders about its observance of law and compliance with internal regulations and commitments (Law No. 34, §1(2)(11), 2018, n.p.). Accordingly, section 17(6) of Law No. 34 and section 13(4) of Decree No. 99 stipulate that post-secondary institutions are accountable before the owners, learners, the society, competent management agencies, and stakeholders following the law, their internal regulations, and commitments. Five aspects of the accountability of post-secondary institutions are elaborated as follows.

They shall give explanations about the implementation of quality standards and policies. In this aspect, the post-secondary institutions must explain their implementation of quality standards and policies, their creation and implementation of regulations as post-secondary institutions. They are responsible before law for failure to implement their regulations and commitments of quality assurance in operation (Law No. 34, §17 (6)(a), 2018, n.p.).

They shall publicize annual reports on operation result indicators on websites of post-secondary institutions. The post-secondary institutions must publicize the reports about their operation result indicators on their websites. They must report regularly or irregularly to owners and competent management agencies (Law No. 34, §17 (6)(b), 2018, n.p.).

In order to carry out their accountability in this regard, post-secondary institutions must post on their website a series of information as follows: the mission and vision of higher education institutions; internal rules and regulations; a list of lecturers by disciplines, qualifications, titles and other training quality assurance conditions; examination results of higher education institutions training programs; output standards of training programs, training forms, training organization plans; enrollment scheme and enrollment plan, annual enrollment and graduation list by academic fields, training levels, training scale and employment rate after 12 months of graduation; templates of diplomas and certificates, list of annual diplomas and certificates issued for learners; training costs, tuition fees, service fees of student recruitment and other revenues from students for each academic year and fee anticipation for each course; regulations and policies on tuition fee exemption and reduction, scholarships; other contents as prescribed by law (Decree No. 99, §13 (4)(c), 2019, n.p.).

The post-secondary institutions must publicize the announcement of enrollment quotas, the decision to open a branch, the decision to join training together with documents proving the

eligibility as prescribed on the website of post-secondary institutions at least 30 business days prior to its offering; send notices and decisions to the Ministry of Education and Training within 30 days from the date of notification or decision making (Decree No. 99, §13 (4)(d), 2019, n.p.).

Decree No. 99 also provides details to guide the post-secondary institution to submit the following documents to the Ministry of Education and Training within 30 days from the date of issuance. The documents include a variety of internal regulations, such as, regulations on organization and operation; financial regulations, grassroots democracy regulations; internal regulations on enrollment, training, science, and technology, domestic and international cooperation; decisions on remote training program, part-time training program cooperated with qualified domestic educational institutions; and decisions related to opening post-secondary institution's branches, training program cooperated with foreign countries (Decree No. 99, §13 (4)(a), 2019, n.p.).

They shall give explanations about income items of leaders in management positions of higher education institutions. In this accountability, post-secondary institutions must explain wages, bonuses, and other benefits for leaders and managers of post-secondary institutions at conferences of officials, civil servants, and employees; to perform an audit of financial statements, annual account finalization reports, investments, and procurements; to give explanations about the operation of higher education institutions before owners and competent management agencies (Law No. 34, §17 (6)(c), 2018, n.p.).

They shall publicize annual financial statements and other content on their websites. According to regulations of the Ministry of Education and Training (Law No. 34, §17 (6)(d), 2018, n.p.) and Decree No. 99 emphasizes and requires that post-secondary institutions comply with the regulations on financial reporting and publicize on the websites of higher

education institutions, except for information on the list of State secrets (Decree No. 99, § 13(4)(e), 2019, n.p.).

In terms of the accountability of publicizing information on the website, the post-secondary institution must regularly update the university's database on the national higher education database system according to the regulations of the Ministry of Education and Training and take responsibility before law for promulgated documents, decisions, and autonomous implementation activities (Decree No. 99, § 13(4)(dd), 2019, n.p.).

Carrying out other content and forms of explanation under the law. (Law No. 34, § 17 (6)(dd), 2018, n.p.) It is an open regulation that the Government anticipates for any matter which may occur in reality.

In Vietnamese law, Law No. 34 regulates the UA in a section named autonomy and accountability of higher education institutions, and Decree No. 99 gives details and guide to carry out this section. The UA's content consists of the rights of autonomy of post-secondary institutions and their accountability before the owners, learners, society, competent management agencies, and stakeholders. The former includes three autonomous rights: autonomy in academic and professional operation, organization and human resources, and finance and property. Whereas the latter consists of accountability with five aspects, that is, giving explanations about the implementation of quality standards and policies; publicizing annual reports on operation result indicators on websites of higher education institutions; giving explanations about wages, bonuses, and other benefits for leaders and managers; publicizing annual financial statements and other contents on their websites, and giving explanations about other matters stipulated by the law. Vietnam constructs the content of the UA regulations using a detailed listing of the autonomy rights and accountability of the post-secondary institutions.

4.2 The University Autonomy in the MUN Act

4.2.1 The Legal Status of the MUN Act and the Administration of MUN.

4.2.1.1 MUN Act: An Act Respecting the MUN of Newfoundland.

Newfoundland and Labrador, like other provinces, as Kirby (2011) states, under the Canadian Constitution has “authority over all levels of education, including higher education, rests with each of the individual provinces and territories.” (p. 267). Cutt and Dobell (1992) previously stated "In Canada, education is constitutionally a provincial responsibility, and it is therefore at the provincial level that the foundations of control framework, both in structure and information prescription and requirements, are to be found" (p. 14)

The assignment in administration between Federal Government and provincial Government on universities is arranged and organized in Canada as follows:

The Canadian Federal Government plays an essential role in providing financial support for higher education to provincial governments and influencing the provinces to address national goals. Provincial governments exercise considerable influence over the destiny of the institutions through the control of funds and by program coordination. (Small, 1995, p.115)

Young, Levin, and Wallin (2008) indicate specific educational administration in provinces that:

In each province, the Department or Ministry of Education, headed by the Minister of Education, is the central education authority. In some provinces, post-secondary education and training is assigned to a separate minister and department, while in others both portfolios are included within a single jurisdiction (p. 39).

Provincial governments are responsible for governing the activities, ensuring universities' autonomy, and accountability in their province. The governance for post-secondary institutions is

carried out through provincial governments' legislation, which are *individual acts* or *collective acts*, or both “to maintain their autonomy” (Eastman et al., 2018, p.70).

In Newfoundland and Labrador, MUN is a public university that operates mainly with the support of the Department of Education. This administration lies in its function in which this department "provides leadership and direction with respect to early childhood development and regulated childcare; the K-12 education system: public libraries; and post-secondary education” (“Education”, n.d.). It receives support from the Department of Advanced Education and Skills, which was established to supply highly educated graduates and skilled workers for a fast-growing economy (Newfoundland and Labrador, "Strategic", n.d.). MUN is accountable to the Government, learners, stakeholders, and society ("Welcome", n.d.).

The MUN Act (1949) is the first individual legislation *respecting MUN*. It was enacted by the Lieutenant-Governor and House of Assembly in the first Legislative Session following confederation with Canada. One year later, this Act was amended by the MUN Act (1950). Many sections of the MUN Act have been gradually amended. These amendments have occurred in 1991, 1993, 1994, 1995, 1996, 1997, 1998, 2004, 2006, and 2018 (MUN Act, RSNL1990, n.p.).

4.2.1.2 The Administrative Structure of MUN.

According to the law, “The Memorial University of Newfoundland, consisting of a Chancellor, Convocation, Board of Regents, Senate, faculty councils and the faculties, is continued as a corporation” (MUN Act, §3(1),1990, n.p.). Like other Canadian universities, MUN has a bicameral system of governance, a Board of Regents and a Senate.

The Board of Regents has general power over the management, administration, and control of the property, revenue, business, and affairs of the university (MUN Act, §33, 1990, n.p.). With

power in the above areas, it can be said that this is the most crucial agency, deciding all the essential issues of MUN. Its members consist of the Chancellor, the President, the vice-president (by their position); 6 members elected by the alumni association; 17 members appointed by the Lieutenant-Governor in Council; and 4 full-time student members elected by the Lieutenant-Governor in Council. In this Board, the chairperson of the Board shall be appointed by the Lieutenant-Governor, and the Board shall elect one of its members to be a vice-chairperson. (MUN Act, §22(1)(2)(3), 1990, n.p.).

The Senate is equally essential when it shall have general charge of all academic matters (MUN Act, §56, 1990, n.p.). This body is responsible for the approval of new programs and the granting of degrees and diplomas, setting academic regulations, and establishing the academic calendar (“Governance”, n.d.). It is noted that the Senate has no power to take an action that imposes financial obligation or liability on the university or fix or remit fees or charges payable to the university (MUN Act, §58, 1990, n.p.).

The members of the Senate comprise the chancellor of the university; By virtue of the position, members consist of the President, the vice-president (academic), the Deputy Minister of Education or a representative of the deputy minister, the vice-president (health sciences and professional schools) of the university, the principal of the Sir Wilfred Grenfell College, the deans of the faculties, the Dean of Graduate Studies, the university librarian, the university registrar, other persons holding office within the university or in the colleges or institutions affiliated with the university chosen in the number and manner that the Board may approve; members from the academic staff of the faculties and professional schools of the university which are elected in a number and manner that the Board may approve; and 13 members from the students in attendance at the university...(MUN Act, §54(a)(b)(c)(d), 1990, n.p.).

The convocation has the function to “consider all questions affecting the well-being and prosperity of the university and make representations on those questions to the senate, which shall consider them and return its conclusions to the convocation” (MUN Act, §21, 1990, n.p.). The composition of the convocation is very special to include all members from the Board, Senates, faculties, and staff. Its members consist of the chancellor, the president, the senate, the board, all persons who are graduates of the MUN College, all persons holding academic appointments within the university whose names are added to the roll of the convocation by the registrar of the university upon instructions from the president and all persons who are graduates of the university (MUN Act, §10, 1990, n.p.).

Regarding a Chancellor of the University, according to sections 48(1) and 49 MUN Act (1990), a chancellor will be appointed by the Lieutenant-Governor in Council and “be the chairperson of the convocation and all degrees shall be conferred by him or her.” The chancellor “represents the university to the province, the country, and the world” and “is also charged with promoting the university's well-being and that of the university community – students, faculty, staff and alumni” (“Governance”, n.d.).

In addition to the components of Memorial University's administrative structure, according to sections 48(2) MUN Act (1990), the President of MUN is also an essential leadership position. He/she shall be, by the position, vice-chancellor of the university. In case of the chancellor's absence or disability or a vacancy in the office of chancellor, the vice-chancellor shall possess the powers and perform the duties concerning the office of chancellor during the absence or disability of the chancellor or until a chancellor is appointed. In case the chancellor is absent from a meeting, the President of the university, for that meeting, shall have and exercise the powers of the chancellor

(MUN Act, §50,1990, n.p.). The Board shall appoint the President in consultation with the Senate and with the approval of the Lieutenant-Governor in Council (MUN Act, §51,1990, n.p.).

4.2.2 The content of University Autonomy in MUN Act

As the full name of this statute, that is, the MUN Act: an Act respecting the MUN of Newfoundland, is “set forth the unique governance of the university designed to ensure its accountability and its autonomy” (“Welcome”, n.d.). Studying the content of UA in the MUN Act, as the limitation of the scope of research, which is stated in chapter 1, I present the content of UA, including the right of autonomy in the academic field, organization and human resources, finance, and property, and university accountability.

The autonomy and accountability of the MUN Act are regulated throughout various sections. The autonomy is mostly focused on the sections of the MUN Act on power and authority of MUN, the power of the Board of Regents, and the Senate. The UA is also added sporadically in the specific sections about the property, academic instruction, and annual reports. I first present the autonomy rights of MUN through these sections, which are divided into the academic field, organization and human resources, and finance and property. Then, I analyze MUN's accountability, which is outlined in the MUN Act.

4.2.2.1 The Autonomy Rights of MUN

The MUN Act (1990) generally states the mission of training and research of MUN- as a public post-secondary institution and confirms its autonomy in academic matters in the organizations and operations, and in human resources to carry out this mission. According to Section 3, MUN shall have full power and authority to establish and maintain its faculties, colleges, schools, institutions, departments, chairs, and courses that may seem appropriate to the

Board and (i) to carry out instructions and training in all branches of knowledge and learning; (ii) to grant degrees, including honorary degrees, diplomas, and certificates of proficiency; (iii) to provide facilities for the prosecution of original research in every branch of knowledge and learning and to conduct and carry on that research work; and (iv) generally promoting and carrying on the work of a university in all its branches. (MUN Act, §3(3), 1990, n.p.).

In addition, the MUN Act also regulates financial autonomy which is demonstrated through a number of its provisions such as section 34 on specific power of the Board, Section 43 on exemption from taxation, and section 5 about investments. MUN's autonomy of property is expressed in Section 4 on Property and also sections 33 and 34 on general and specific power of the Board.

Briefly, it must be noted that, Section 3 of MUN Act is an affirmative provision about autonomy of MUN in implementing its missions. Autonomous rights cover many areas such as academic, organization and human resources, finance and property and these rights are detailed through the provisions of power of the Senates, the Board of Regents, sections on property and investments and other relevant sections. The Board of Regents takes charge of the management, administration and control duties, and all affairs of the University (autonomy in organization and human resources, and in finance and property; whereas, the Senate is responsible for the academic matters. I analyze three aspects of MUN's autonomy rights : the academic field, organization and human resources, and finance and property.

The Autonomy of MUN in the Academic Field.

The MUN Act generally gives absolute autonomy to MUN in many aspects of the academic field if its resources permit. The University can provide instruction in all branches of

liberal education that enable students to become proficient in and qualify for degrees, diplomas, and certificates in science, commerce, arts, literature, law, medicine, and all other knowledge branches. It provides instruction, whether theoretical, technical, artistic, or otherwise, special service to persons engaged or about to be engaged in the province's fisheries, manufacturing, mining, engineering, agricultural and industrial pursuits. It creates conditions for the prosecution of original research in science, literature, arts, medicine, law, and especially applying science to fisheries and forestry study. The University has the power to offer fellowships, scholarships, exhibitions, prizes and rewards, and monetary and other aids that facilitate or encourage proficiency in the subjects taught in the university and original research in every branch. It has the right to diverse teaching and lecturing forms, such as extra-collegiate and extra-university instruction and teaching and public lecturing, whether by radio or otherwise, that the Senate may recommend (MUN Act, §8 (1)(a)(b)(c)(d)(e), 1990, n.p.).

The MUN Act also grants autonomy to the Senate to implement academic items within the Senate's powers. The senate shall have general charge of all matters of an academic character. Its powers include the provision for the regulation and conduct of its meetings and proceedings, including the fixing of the quorum necessary for the transaction of business; the right of determination of degrees, including honorary degrees, diplomas, and certificates of proficiency to be granted by the university and the persons to whom they shall be granted; the right of the decision of the conditions of matriculation and entrance, the standing to be allowed students entering the university and all related matters; the right of receiving, considering and determining proposals or recommendations of a faculty council or other body as to courses of study and all related matters. The Senate also has the autonomy right to consider and decide its motions without recommendation, as to all courses of study and all matters relating to courses of study. It has the

power to make a new regulation providing for a new course of study or change in an existing course of study after consulting with the appropriate faculty council and with the appropriate faculty of the affiliated colleges or institutions. The Senate is vested in regulating instruction and determining the methods and limits of instruction; to determine the conditions on which candidates shall be received for examination, to appoint examiners, and to determine the conduct of all examinations to provide for courses of study at a place in the province and to encourage and develop extension and correspondence courses; and to prepare the calendar of the university for publication (MUN Act, §56 (a)(b)(c)(d)(e) (f)(g)(h)(i), 1990, n.p.).

In addition to the aforementioned autonomy that the MUN Act preserves for the Senate, it also stipulates duties of the Senate in providing recommendations to the Board of Regents. The Act providing these Senate duties also indirectly represents MUN's empowerment through the Senate's coordination and the Board of Regents in management and leading the university. The Senate has duties to make recommendation to the Board, including: (i) the establishment of, or the abolition of, or changes in faculties, departments, chairs, lectureships, exhibitions, bursaries, scholarships, fellowships and prizes; (ii) the affiliation with the university of a college or institution established in the province for the promotion of arts or science, or for instruction in education, law, medicine, nursing, engineering, agriculture, fisheries and the dissolution of that affiliation or an existing affiliation; (iii) agreements with an incorporated society or association in the province for the establishment and maintenance of a joint system of instruction; (iv) agreements with an incorporated society or association in the province which has power to prescribe examinations for admission to or registration upon the roll of, the society or association for the purpose of conducting the examinations, reporting the results of the examinations and providing for courses in connection with examinations; and (v) to make recommendations that may

be considered appropriate for promoting the interests of the university and for carrying out the objects and provisions of this Act. (MUN Act, §56 (j)(k)(l)(m)(o),1990, n.p.).

Other duties of the Senate regarding academic character are to consider all matters that are brought before it and to take action within the powers conferred upon the Senate; to appoint committees that it considers necessary, and to confer upon the committees' power and authority to act for the Senate in and concerning matters which the Senate considers expedient and to appoint other committees that the Senate considers expedient to act in an advisory capacity; to exercise disciplinary jurisdiction for students in attendance at the university, by way of appeal from a decision of the faculty council; to make rules and regulations for the management and conduct of the library; to make or alter a rule or regulation touching a matter regarding the university and consistent with this Act or with a law in force in the province (MUN Act, §56 (n)(p)(q)(r)(s),1990, n.p.).

The Autonomy of MUN in Organization and Human Resources.

Section 3(3) of the MUN Act states “The university shall have full power and authority to establish and maintain those faculties, colleges, schools, institutions, departments, chairs and courses that may seem appropriate to the board.” It is confirmed that the autonomy of MUN in organization and human resources is having full power and authority to determine its organization, structure, and staff.

Regarding the autonomy of MUN in organizational matters, the MUN Act regulates and emphasizes autonomy rights of MUN through the Board of Regents' specific power in management, administration, and control in all aspects (except the academic matters, which

belongs to the Senate's power). MUN has autonomy rights via the Board of Regents's specific power within the organization.

The Board of Regents has powers (i) to make rules and regulations concerning the meetings of the board and its transactions; (ii) to have full and exclusive power and authority to exercise, in the name and for the benefit of the university and as the act and deed of the university, any or all of the powers, authorities and privileges conferred upon the university as a corporation; (iii) to establish faculty councils and other bodies within the university, to prescribe how they shall be constituted, and to confer upon them powers and to assign to them duties in relation to discipline, conduct of libraries or other matters that the board may consider expedient; to exercise disciplinary jurisdiction over the students of the university; (iv) to appoint committees that it considers necessary and to confer upon the committees power and authority to act for the board in and in relation to matters that the board considers expedient; (v) on behalf of the university to print and publish books, pamphlets, brochures, magazines, journals, newspapers and other literary works, to carry on the business of printers, publishers, booksellers, stationers in all its branches and to purchase literary productions of all kinds and rights of copyright in them; to select a seal and arms for the university and to have the sole custody and use of the seal; (vi) to determine the number of students that may in the opinion of the board, having regard to the resources available, be accommodated with safety and efficiency in the university or in the faculties of the university; and to make rules and regulations that are considered advisable for limiting the admission or accommodation of students to the number determined and for selecting from applicants possessing the required academic and other qualifications those who are to be admitted as students in the university or in a faculty of the university; (vii) to hear appeals from the decision of an officer, body or organization of or in the university, by a person affected by a decision and to decide

finally upon all matters of university policy; (viii) to provide for representation of a faculty or school established in the university, on the senate, and to fix the number of representatives; (ix) to provide for the establishment of faculties, departments, chairs, lectureships, exhibitions, bursaries, scholarships, fellowships and prizes and to change or abolish them; (x) to make regulations with respect to the academic and other qualifications that students shall meet and maintain in order to be eligible to be appointed to the board and to continue to serve as a member of the board when appointed; and (xi) to do and perform all other matters and things which may seem appropriate and useful for the well ordering and advancement of the university, the doing of things not repugnant to this Act or to a law in force in the province (MUN Act, §34(1)(a)(b)(g)(i)(j)(k)(l)(m)(o)(p)(q)(r)(s),1990, n.p.).

In terms of the autonomy of MUN in human resources, the autonomy rights of MUN are regulated by the MUN Act to confer some bodies such as the alumni association of the university and the Board of Regents, the power to decide some members on the Board and the power to appoint essential leaders and staff in the University. In the Board of Regents, besides ex-officio members are the chancellor, the President, and the vice-president, there are 6 members elected by the alumni association of the university (MUN Act, §22(2)(b),1990, n.p.). The Board of Regents has the right to elect the vice-chairperson of the Board. (MUN Act, §22(3),1990, n.p.). This autonomy is expressed through the vice-chairperson's considerable power; in case of the absence or disability of the chairperson, or in the case of there being a vacancy in the office of the chairperson, the vice-chairperson shall possess the powers and perform the duties concerning the office of the chairperson (MUN Act, §22(5),1990, n.p.). The Board of Regents also has the power to approve some members of the Senate by section 54(c)(d) MUN Act (1990). They are members

from the academic staff of the faculties and professional schools of the university, and 13 members from the students in attendance at the university.

It can be said that the management and administration of MUN are always under its control via the powers of its bodies, especially the Board of Regents. The Board of Regents has autonomy in the appointments of a critical series of MUN personnel. It has the power to appoint the deans of all the faculties, the librarian, the registrar, the bursar, the professors, associate professors, assistant professors, lecturers, instructors, demonstrators, and other teachers in the university and all officers and employees that the Board considers necessary for the university and to fix their salaries or remuneration and to define their duties and their tenure of office or employment which, unless otherwise provided, shall be during the pleasure of the Board and to comply with the Act's sections. (MUN Act, §34(1)(f),1990, n.p.). The Board of Regents also has the right, on the recommendation of the President, to appoint a vice-president of the university who shall, by the position, be the pro vice-chancellor of the university; and to appoint vice-presidents of the university and designate one of them to be pro vice-chancellor of the university. (MUN Act, §52(a)(b),1990, n.p.).

To carry out the University's mission and manage the Board's duties effectively, the Board of Regents has the full power to appoint its advisory boards. These advisory boards consist of persons unconnected with the university, upon terms and for purposes that the Board may consider advisable and may refer to them for advice and report a subject or matter in the Board's opinion requiring to be dealt with. That advice and report shall be considered and weighed by a body in the university to which the Board directs advice to be given or report to be made (MUN Act, §48,1990, n.p.).

The Autonomy in Finance and Property.

Generally, section 38.1(2) of MUN Act confirms the University's autonomy preserved. Accordingly, notwithstanding the Auditor General Act, MUN is not an agency of the Crown for the purpose of that Act or any other purpose.

Regarding the autonomy rights in finance, the MUN Act provides the university full powers in collecting a variety of fees, spending money, exemption from taxation, borrowing power, and investments. In terms of the University's autonomy rights in property, the MUN Act stipulates and confirms specific ownership and disposition rights to carry out its mission and purpose.

According to the law, MUN has the powers to fix, determine and collect all fees and charges to be paid to the university (MUN Act, §34(1)(h)(n),1990, n.p.). The MUN Act offers the University exemption from taxation, which also helps to support its autonomy in finance. According to section 43 MUN Act (1990), The property, real and personal, vested in the university shall not be liable to taxation for provincial, municipal, or school purposes but shall be exempt from taxation until disposed of by sale, lease, or otherwise; and real property so vested which is disposed of by lease to a college or other institution affiliated with the university shall, so long as it is held for college or institutional purposes, continue to be entitled to the exemption from taxation provided in this section. Moreover, the MUN Act gives MUN the borrowing power to meet current expenditure (section 40) and to meet capital expenditure (section 41). However it is noted that, borrowing power must receive the approval of the Lieutenant-governor in Council.

In terms of investments, the MUN Act regulates that, subject to the terms of a trust relating to a donation and to the express terms of a donor donating, the university may convert trust

property held by the university and may invest or reinvest the proceeds of that conversion, other trust money, money belonging to the university and available for investment and other property and rights of the university in bonds or debentures of a municipality in Canada or a public school corporation or other corporation, which are guaranteed by the Government of Canada or a province (MUN Act, §5(1)(a),1990, n.p.).

Regarding the autonomy in property, the MUN Act also vests the power to MUN, however, with a limitation – an approval of the Lieutenant-Governor in Council. By gift, purchase, or another manner, the university may acquire, hold, for the university, all property, real and personal, of every kind; and, subject to the approval of the Lieutenant-Governor in Council. It also has power relating to the real property, that is, subject to the approval of the Lieutenant-Governor in Council; the university may erect and construct all buildings that the Board considers necessary or convenient for the university, to layout grounds for university purposes (MUN Act, §4(1)(2),1990, n.p.). The Board of Regents has the power to maintain and keep in proper order and condition real property which it may consider necessary for the use of the university and to erect and maintain those buildings and structures on the property of the university that in its opinion are proper and necessary (MUN Act, §34(1)(c),1990, n.p.).

4.2.2.2 The Accountability of MUN.

In practice, like other universities in Canada, MUN receives operating funding from the provincial Government and "is accountable to the Government and the people of the province for the public funds it spends. It provides detailed financial and activity reports to government and other stakeholders" ("Governance," n.d.). MUN has successfully implemented its accountability effectively; as Lewis (2017) evaluates, "as the province's only university, it has created and sustained a fierce loyalty from its alumni, its employees, and its community" (p. 4). This

accountability of MUN is required in section 39 (1) the MUN Act, that is, the Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set out in detail the receipts and expenditures for the year ending on the preceding March 31, and other particulars that the Lieutenant-Governor in Council may require. I am surprised when MUN's accountability is shown briefly and in just one section of the MUN Act. It is different from the provisions of Vietnamese law when a list of accountability binds public post-secondary institutions.

The MUN Act confirms the autonomy of the university to carry out its mission, including giving instructions and training, degrees, providing facilities for the prosecution of original research, conducting and carrying on research work, and carrying on a university in all its branches. These autonomy rights are set mainly in the Board of Regents' regulations and the Senate's powers. The MUN Act also requires accountability from MUN via the Board of Regents' annual reports. This report must enumerate transactions to the Lieutenant-Governor in Council and detailed declaration and provide receipts on its expenditures during the year. Following this, MUN must make its revenue and expenditure sources transparent annually, or report specific items requested by the Lieutenant-Governor in Council. Additionally, it is noted that, as a corporation, MUN is still audited according to section 38 of MUN Act.

Unlike Vietnamese law in constructing regulations on UA, there is a specific section in Law No. 34 and Decree No. 99 to express the UA's content; the MUN Act does not use this way to regulate MUN's autonomy. Its autonomy rights and accountability are incorporated in many different sections. The autonomy of the university is contained in the section on MUN's missions, in the sections on the Board of Regents' powers, the Senate, and other sections such as the section on the property and academic instruction. Additionally, the administrative structure and the

governance of MUN under the MUN Act are much different from those expressed under the Vietnamese system. So what is the current level of UA in the MUN Act and Vietnamese law? What strong points should Vietnam learn from the MUN Act to amend and supplement UA regulations in Vietnam to improve its post-secondary institutions' autonomy? Findings in this chapter will be the essential information and the knowledge on UA, Berdahl's viewpoint on UA, to discuss and answer the questions mentioned above. This is discussed in the next chapter, chapter 5- Discussion and recommendations.

Chapter 5: Discussion and Recommendation

To be able to learn and improve regulations on the autonomy of public universities in Vietnam, analyzing and evaluating regulations on university autonomy from the Memorial University of Newfoundland (MUN) Act and in Vietnamese laws are necessary. It is the basis for selecting the strengths from the MUN Act, which can fill gaps and be appropriate to amend and improve UA regulations in Vietnam.

Although my thesis limits the study's scope in the UA policy's content, it is still essential to analyze some factors that influence the UA policy. There are explanations and evaluations for similarities and differences in university autonomy in the MUN Act and Vietnamese laws. In this chapter, I analyze and evaluate UA policy in two main parts: some factors influencing UA policy in MUN and public universities in Vietnam and UA content in the MUN Act and Vietnamese laws. Following this, I step by step analyze, evaluate, and select the points Vietnam should learn from the MUN Act in the aspects of legal sources, the government body, and the UA component.

Recommendations to improve Vietnamese laws on UA will immediately follow the analysis and evaluation. Based on the knowledge of UA literature, Berdahl's view on UA, and findings in understanding Vietnamese law regulations and the MUN Act on the UA's content and factors influencing the UA, I carefully provide those suggestions. If they are applied, public universities will promote and implement their policies with greater autonomy and in a more effective and practical manner.

5.1 Evaluation and Recommendation on Some Factors Influencing University

Autonomy Policy Regulated by MUN Act and Vietnamese Legislation

5.1.1 Legal Forms Regulating the Policy of UA and the Government Body

Taking Charge of MUN and Public Universities in Vietnam

All MUN activities are implemented transparently under the individual act named the Memorial University of Newfoundland Act: An act respecting the MUN to maintain its autonomy ("Welcome", n.d.). It means that this Act is the only legislation regulating the autonomy of MUN.

In the MUN Act, university autonomy is mainly stipulated in the sections on power and authority of MUN, the power of the Board of Regents, and the Senate. Aspects of university autonomy can be found sporadically at specific sections dealing with property, academic instruction, and in annual reports. As such, MUN's autonomy is regulated in a single statute, and the only governing body with oversight is the Department of Education.

The MUN Act differs from Vietnam in the laws governing university autonomy and in the agencies that govern public universities in Vietnam. Even though MUN exercises autonomy in its operations, it does not affect its right to receive funding from the Newfoundland government. Funding for the university is still the responsibility of the Government.

Differing from the MUN Act where an individual statute stipulates all activities and autonomy of MUN, three pieces of legislation regulate Vietnamese public universities' autonomy. They are the Law on Higher education 2012, Law No. 34, which amends and supplements some sections of the Law on Higher education 2012, and the Decree No. 99, which provides detailed provisions and guidance on the implementation of Law No. 34 mainly contain regulations on university autonomy in Vietnam. It is noted that when exercising autonomy rights according to the

legislation, relating to some aspects such as finance, investment, property, and human resources, post-secondary institutions must also comply with other laws such as the State budget Law, the Law on Public investment, the Law on Public officials, the Law on Land, and the Law on Construction... (Vu, Cao, & Luu, 2019; Thu, 2020). These statutes are generally applied to regulate post-secondary institutions and state-owned entities (Hong, 2019).

Many legal documents are inconsistent, sometimes contradictory, and reduce the effectiveness of regulations or the autonomy of post-secondary institutions in practice (Thu, 2020). In enforcing UA law provisions, new laws with current validity, such as Law No. 34, are valid in July 2019, and Decree No. 99 have been valid since February 2020. Simultaneously, many relevant laws have not yet been amended to catch up with UA's new regulations (Tran, 2020b). This causes a barrier to UA in practice (Thu, 2020).

Recommendation:

The preceding analysis of the MUN Act model and Vietnamese laws about UA, provide evidence that it is essential to make Law No. 34 become a collective act that governs all activities, mission, rights and obligations, establishment, dissolution, autonomy, and accountability of post-secondary institutions. Government should supplement Law No. 34 regulations relating to organization, human resources, investments ... which are designed specifically for universities.

This recommendation, if implemented, is entirely consistent with the theory of UA regarding whether an individual act or a collective act is used to protect the autonomy of universities (Eastman et al., 2018, p.70). The choice of which legal form to use is subject to, as Eastman et al. (2018, p. 72 state, “a different dynamic between the university and the

government.” It is necessary to confirm that legislation on UA guarantees that post-secondary institutions carry out their missions as *one of the most important institutions in society* and maintain *the university's unique position in society* (Eastman et al., 2018, p.66; Billinton & Li, 2000, p.52). The position and missions of universities are different from other types of corporations. In Vietnam, universities are bound by other statutes which are not uniform and not modified when they exercise their autonomy. This situation has been the "barrier" to universities' autonomy in Vietnam (Vu, Cao, & Luu, 2019; Thu, 2020). Thus, the issuance of individual acts or collective acts on post-secondary institutions is dynamic and makes their autonomy possible.

The Newfoundland government is responsible for governing the activities, ensuring universities' autonomy and accountability in their province. In this relation, Newfoundland has the responsibility to provide MUN funding to carry out its mission. All these governmental provisions are consistent with the Canadian constitution.

According to the MUN Act, MUN is a public university operating *as a corporation* (MUN Act, §3(1),1990, n.p.). The Department of Education provides leadership and funding but ensures the university autonomy. The Department does not focus on controlling all MUN activities.

The Vietnamese state governing body that takes charge of the post-secondary institutions is mainly the Ministry of Education and Training (Law on Education, §105, 2019, n.p.). It is responsible before the Government for the national education system, including post-secondary institutions' activities (except vocational education and others belonging to the duties of Ministry of Labour, War Invalids, and Social Affairs). It is noted that apart from the general agency, Ministry of Education and Training, many universities are affiliated with specialized ministries (Doan, 2015). Even though many ministries and ministerial-level agencies are administering many post-secondary

institutions, it leads to a contradiction among ministries' different regulations compared with Law No. 34, so it is challenging to carry out the UA policy (Thuy, 2020).

Vietnamese universities' educational management system, especially the public system, is still heavily bureaucratic and leading remotely: the asking-giving mechanism and under the Ministry of Education and Training (Dao, 2004, p.179). This issue also obstructs implementing the UA policy (Dao, 2004, p.179; Hoang, 2020).

Recommendation

Learning from MUN Act, there is only one governing body in the province that can only interfere where the Act allows. Applying this to Vietnam, I suggest arranging and organize universities under one governing body model. I advocate bringing all universities under the governance of the Ministry of Education and Training. It will resolve the overlap of legislation and the inadequacy that caused obstacles for universities to be autonomous in practice.

Another solution can be derived from UA literature, depending on the importance of a specific university; Vietnam can also be flexible to allow universities under the governance of a specific ministry other than the Ministry of Education and Training. This option depends on each specific case; the Government may pass individual acts for each university or a group of universities. And indeed, universities are regulated differently in different provinces in Canada as demonstrated by Eastman et al. (2018) when they wrote, "There were differences between provinces in whether universities operated under a post-secondary sector act (Alberta), a university system act (BC), individual acts (Ontario, Nova Scotia), or both university system and individual acts (Quebec) (p. 70).

5.1.2 The Administrative Structure of MUN and Public universities in

Vietnam

In this part, I compare administrative and legal structures governing Memorial University and public universities in Vietnam. In each jurisdiction, the state body taking charge of post-secondary study influences how much autonomy each system has in view of the effect of policies that regulate the institutions. Discussion and evaluation will be the basis on which I will suggest changes to the regulatory system of Vietnamese universities to allow them increased levels of autonomy in their operations.

As stated in chapter 4, according to the law, “The Memorial University of Newfoundland, consisting of a Chancellor, Convocation, Board of Regents, Senate, faculty councils and the faculties, is continued as a corporation” (MUN Act, §3(1), 1990, n.p.). However, as the factors most influencing universities' autonomy, I emphasize the functions of the Board of Regents and the Senates – two key leadership bodies in MUN.

The MUN Act delineates these two bodies. The Board of Regents has general powers with the management, administration, and control of the property, revenue, business, and affairs of the university (MUN Act, §33, 1990, n.p.); while the Senate takes charge of all academic matters (MUN Act, §56, 1990, n.p.). The Board of Regents can decide all-important affairs of MUN, except the academic issues that fall under the Senate's purview. With such a clear functional delineation, without fully concentrating power on one part, the autonomy prescribed by law for the two levels of leadership is clearly described in the University Act. All questions affecting the well-being and prosperity of the university are handled by the Senate. The Senate also oversees the academic matters such as recommending those candidates who will receive degrees and diplomas during convocations.

The advantage of this structure is to transparently divide duties and powers to perform the responsibilities from the MUN Act between the Board of Regents and the Senate. The former is responsible for managing all MUN policy activities, while the latter takes charge of all academic issues. This strength of this division is very appropriate to recommend improvements to the administrative structure in the public universities in Vietnam.

According to Vietnamese laws, the administrative structure of a public university comprises the Council of the university; the Rector and vice-rectors of the university; the science and training board; faculties, functional departments, library, science, and technology center, and other centers serving training activities; schools, branches, research institutes, service establishments, enterprises, business establishments, and other units (if any) according to requirements for the development of the university (Law No. 34, §1(8), 2018, n.p.). For the purposes of the present study, I focus on analyzing the three key leadership bodies in public universities: The Council of the university, the Science and training board, and the Rector.

Under Vietnamese law, the university's Council is an administrative body exercising the right to represent the university and parties with related interests. Ten critical rights are enumerated in the law: such as deciding on development strategies and plans and annual plans of the university; development policies of the university; issuance of the university's organizational and operational regulations; decisions on enrolment levels, disciplinary matters, opening dates, and training; science and technology activities... (Law No. 34, §1(10), 2018, n.p.)

The Science and Training Board is responsible for advising the Rector on three aspects of the organizational operations. Consistent with the name, this Board's main activity is academic, training, and technology development. It provides advice on protocols and regulations on training, science and technology activities, recruitment standards for lecturers, researchers, librarians, and

experiments; constructs the plan for the professional development of the lecturers and researchers of the university; and provides advice on plans for opening new training disciplines and majors; implementing and canceling training programs; science, and technology development; orientation, science and technology activity plan; assignment of training, science, and technology tasks. (Law on Higher education, §19, 2012, n.p.)

According to Vietnamese law, the Rector is in charge of managing and administering the higher education institution's operation and the higher education institution's organization and operation regulations in a manner consistent with the law. The Rector has great powers to carry out his/her duties such as to act as a legal representative who is accountable for the university; to organize and implement professional and academic activities, organization and personnel work, finances- and asset-related activities, and other matters; to submit documents to be issued by the Council of the higher education institution after consulting related organizations, units and individuals within the university; to issue other regulations of the university according to its organization and operation regulation... (Law No. 34, §1(14)(3), 2018, n.p.).

With such a structure, in Vietnamese law, the university's Council, like the Board of Regents of MUN, plays the role of an administrative and management body in the public university. However, this role is still mixed with the functionality related to academic matters. For instance, this Council has the power to have academic character, that is, “to decide on orientations for student recruitment, discipline opening, training, and joint training, science and technology activities, and international cooperation; policies on higher education quality assurance and cooperation between the university and enterprises, employers” (Law No. 34, §1(10)(2)(c), 2018, n.p.).

In this administrative structure, there is no academically functional body similar to that of the MUN Senate. Instead, it is a body related to this sector: the Science and Training Board. However,

this Board has no powers to manage and decide an academic issue; it only has a function to advise the Rector the academic matters and technology development (Law on Higher Education, §19, 2012, n.p.)

The Rector has an important leadership position with the powers of legal representation and general administration to exercise his/her universities' missions (Law No. 34, §1(14), 2018, n.p.). To a certain extent, the Rector has powers included within the powers of the Board of Regents of MUN, such as overseeing the organization and implementation of finance, property, and other activities stipulated by the law and its internal regulation. Additionally, he/she also has the right to organize to carry out academic activities.

The power in academic matters, management, and administration are vested to both the Council of the university and the Rector. This is a weakness in the administrative structure of public universities. Law No. 34 and Decree No. 99 have not clearly delineated between the role of the university Council and the role of the Rector. Therefore, there are some questions to be raised (Nguyen, 2021; Dinh, 2020). For instance, who is the head of a public university the Rector or the Chairperson of the university's Council? (Nguyen, 2021); and who has the power to decide investment projects, to recruit human resources, and to promote staff. No answer for these questions can be found in Law No. 34 and Decree No. 99. Therefore, in a written response to the Ministry of Education and Training regarding the question of who is the head of a public university, the Ministry of Internal Affairs states the answer must be based on the law on duties, responsibilities, and powers of the head of an agency, organization or unit following provisions of relevant specialized law. Accordingly, in this Ministry's viewpoint, the Rector is the head of public universities because he/she is the legal representative and financial director of his/her public university and responsible for management and organization university's legal activities.

Regarding the issue of decentralizing decisions of investment projects, recruiting human resources, and promoting staff at the Education Conference 2020 named "Autonomy in higher education - From policy to practice", Deputy Prime Minister Duc Dam Vo confirms the law does not prohibit the university Council and the Rector can decide these items based on discussions, agreement, and a collective decision can then be made (Dinh, 2020).

Recommendation

Vietnamese laws about public universities' administrative structure are ambiguous; the Council of the university and the Rector both have a function in managing university affairs, administering important public universities, and deciding academic issues. These issues might be solved if Vietnam public universities apply the bicameral system of governance from MUN Act. Following this, Vietnam can confer the university's Council the general power with the management, administration, and control of the university's property, revenue, business, and affairs (like the Board of Regents). The Rector should become the Head of the Council of the university. Additionally, Vietnam should vest the Board of science and training, like the Senate, the power of determination of academic matters, and concurrently having the right of recommendations to the Council of the university about on-campus and off-campus development in the academic field the same as at MUN (MUN Act, §56 (j)(k)(l)(m)(o), 1990, n.p.). If this solution is applied, public universities' administrative structure will be more precise and transparent and will be the foundation for effectively enforcing the policy on university autonomy.

5.2. Evaluation and Recommendation on the Components of the Autonomy in MUN Act and Vietnamese law

As Anderson and Johnson (1998) define, “UA is the freedom of an institution to run its affairs without direction or influence from any level of government” (p.8). It is exactly expressed in the MUN Act. In the regulatory design of the autonomy in the MUN Act, there is a section to affirm that MUN has autonomy in all fields, including academic, organization and human resources, finance, and property, to carry out its mission. According to Section 3, MUN shall have full power and authority to establish and maintain its faculties, colleges, schools, institutions, departments, chairs, and courses that may seem appropriate to the Board and (i) to carry out instructions and training in all branches of knowledge and learning; (ii) to grant degrees, including honorary degrees, diplomas, and certificates of proficiency; (iii) to provide facilities for the prosecution of original research in every branch of knowledge and learning and to conduct and carry on that research work; and (iv) generally promoting and carrying on the work of a university in all its branches. (MUN Act, §3(3), 1990, n.p.).

To perform those missions, the MUN Act vests MUN full power and authority in four main activities: construction and maintenance of facilities and all elements of one university including faculties, colleges, schools, institutions, departments, chairs, and courses; teaching activities including giving instructions and training; activity granting all post-secondary degrees, certificates; and research activities and activities of promotion and management of all affairs of MUN (MUN Act, §3,1990, n.p.).

The MUN Act assigned two key bodies, the Senate and the Board of Regents, to carry out MUN's autonomy via its sections regulating their functions, sections 56 and 34 respectively; and other relevant sections such as section 43 on the exemption from taxation, and section 5 about

investments ... The list of powers that the Senates and the Board of Regents possess consists of three parts of the autonomy, as Berdahl and various scholars define including the autonomy in human resources (selecting staff), academic autonomy (selecting students, setting academic degree standard, determining curriculum content) and financial autonomy (freedom in allocating funds) (Berdahl, 1990, Ashby, 1966; Turcan et al., 2016). Accordingly, MUN's autonomy is expressed through three aspects: the academic field, organization, and human resources, and finance and property.

5.2.1 The Academic Field

According to Berdahl (1990), one of the UA's three ingredients is substantive autonomy, which is “the power of the university or college in its corporate form to determine its own goals and programmes--if you will, the *what* of academe.” The MUN Act has conferred substantive autonomy to MUN in one of its initial sections by stipulating that MUN has full powers in the academic field if its resources permit (MUN Act, §8(1), 1990, n.p.) Autonomy in the academic field in the MUN Act has one group focusing on academic issues – profession; and the other focusing on the promotion of faculty and facilities to develop academy. MUN has autonomy in all activities to improve students' quality of teaching, knowledge, and qualifications, from instructional to research activities. At MUN, the Senate controls promotions, can offer benefits and rewards to individual professors, and enhanced facilities for academic operations. With such a content of the academic autonomy, there is an application of the procedure autonomy in MUN Act, which Berdahl (1990) defines “ the power of the university or college in its corporate form to determine the means by which its goals and programmes will be pursued - the *how* of academe” (p. 172).

According to the MUN Act, the Senate shall have general charge of all academic matters. (MUN Act, §56, 1990, n.p.). We can see that the Senate is vested with two categories of autonomy with academic character. The first category is the Seanates' autonomy of deciding, leading, and supervising all academic activities such as making regulations and conducting its Senate meetings, fixing the quorum necessary for the transaction of business; deciding student-related issues from the conditions of matriculation and university entrance to the step of awarding certificates and degrees; deciding courses of study and all related matters including receiving, considering and determining proposals and recommendations from faculty council or other bodies about courses of study, changing existing courses, and creating new regulations providing for a new course of study after it consults with the appropriate faculty council and with the appropriate faculty (MUN Act, §56 (a)(b)(c)(d)(e) (f)(g)(h)(i), 1990, n.p.).

The second category of autonomy still relates to academic character; however, under another form of autonomy: the Senates plays a role as the advisory body for the Board of Regents. The right to make recommendations relating to on-campus and off-campus development in the academic field of MUN. On-campus development includes the establishment of, or the abolition of, or changes in faculties, departments, chairs, lectureships, exhibitions, bursaries, scholarships, fellowships, and prizes. While off-campus development consists of the Senate's recommendations relating to the affiliation with the university of a college or institution established in the province; cooperation with an incorporated society or association in the province; making agreements with an incorporated society or association in the province. Last but not least, the Senate has the right to recommend any issue which is appropriate for the interest of MUN and its mission regulated by the MUN Act (MUN Act, §56 (j)(k)(l)(m)(o),1990, n.p.).

Comparing the autonomy provisions in the academic field in the MUN Act with Vietnamese law, there are similarities and differences. The first similarity is that both MUN Act and Vietnamese laws recognize that universities have autonomy in the academic field. The MUN Act affirms the full powers of MUN in the academic field if its resources permit (MUN Act, §8 (1), 1990, n.p.). Similarly, in Vietnamese laws, the autonomy in academic and professional activities includes promulgating, organizing the implementation of quality standards and policies, opening academic fields, student recruitment, training, science and technology activities, domestic and international cooperation following the law (Law No.34, §1(17)(3), 2019, n.p.).

Another similarity in academic autonomy is both the MUN Act and the current Vietnamese laws focus on conferring public universities academic autonomy. Autonomy in this area is concentrated on activities to improve the quality of teaching, knowledge, and qualifications of students in instructional and research activities.

However, there are some differences in the structure and content of academic autonomy between the MUN Act and Vietnamese law. First, the MUN Act exclusively designates five subsections to precisely define MUN's autonomy in academic matters (MUN Act, §8,1990, n.p.); this autonomy is contained in eighteen statutes empowering the Senate (MUN Act, §56,1990, n.p.). Thus, MUN is vested with many academic powers. Whereas, the Vietnamese Law No.34 and Decree No.99 provide autonomy only in one section of these laws governing the academic and professional operation of universities and colleges (Law No.34, §1(17)(3), 2019, n.p.; Decree No.99, §13 (1), 2019, n.p.).

Second, academic autonomy related to the MUN Act is much greater than that of Vietnamese laws. Especially in the academic field, autonomy in Vietnam law does not include

recommendations for academic issues like the MUN Act. The MUN Act confers this power, the academic autonomy in staff promotion, facilities upgrade, and professional development to the Senate.

Recommendation

Vietnam should incorporate powers from the MUN Act into its laws on academic autonomy for its public universities. This power extends the scope of autonomy in the academic field. It includes the freedom of public universities in teaching and learning and promotes public universities' improvement in the academic field. Additionally, I think Vietnam's current laws should do the same as the MUN Act, increasing the powers of the Board of Science and Training to take charge of academic matters, like the Senate in MUN. The specialized agency for academic matters in the university will know more than others about the requirements and needs required to operate public universities' missions.

The Science and Training Board lacks operational autonomy even though it is an essential leadership body in Vietnamese public universities. This body is almost identical to the Senate of MUN, but not empowered for academic decisions, but only as an advisory service to the Rector. There are three areas that the Science and Training Board provides its consultation to its university Rector. These are: the development of regulations on training, scientific, and technological activities, and eligibility conditions for recruiting faculties, librarian, and lab staff; the planning of professional development of faculties and researchers; the opening of new disciplines, majors, and direction in the development of science and technology; and its plan of operation and assignments in the implementation of training duties in science and technology (Law on Higher education, §19, 2012, n.p.).

Recommendation

Although the terminology is different, the three areas mentioned above are essentially the issues that the Senate can decide according to the MUN Act. I suggest Vietnam should adapt this section of the MUN Act because the academic issues are significant, as one central part of universities' missions. Hence, it needs to be discussed and determined by the majority's opinion. It would be better than giving the Rector the power to make decisions on these matters. Of course, in his competence, as the Rector is the legal representative who signs and approves the decisions but this should not be done arbitrarily. Moreover, it is better than restricting this Board's autonomy to be a body just giving recommendations.

The MUN Act stipulates and gives MUN academic autonomy in terms of any academic aspect such as the content of subjects, methods of giving instructions, and qualification of students. In Vietnam, the Ministry of Education still interferes with this autonomy. For instance, Law No. 34 and Decree No. 99 laws have delegated academic autonomy to post-secondary universities; however, they still retain some provisions of Law on Higher Education 2012. This law assigns the administrative right to the Ministry of Education and Training to determine compulsory subjects, to organize and write their textbooks for compulsory general subjects such as National Security and Political theory (Law on Higher Education, §36(2)(b), 2012, n.p.).

The interference of the Ministry of Education and Training in the university's academic autonomy also shows up in the regulations. The Minister of Education and Training stipulates the minimum level of knowledge and the competency requirements that students must gain after graduation for each training level of higher education: The process of formulating, evaluating, and issuing training programs at colleges, universities, master and doctoral levels; regulating mandatory subjects in the training programs for foreign-invested higher education institutions'

training levels; regulating the drafting, issuance, selection, evaluation, approval, and use of post-secondary textbooks. (Law on Higher education, §36(3), 2012, n.p.)

As a result of the Ministry of Education and Training's interference, public universities are not fully autonomous in academic matters. It is, as stated above, different from the MUN Act. Moreover, it is contrary to Berdahl's (1990) view on autonomy, that is, "autonomy in its complete sense means that power to govern without outside controls..." (p 171). Furthermore, the current Vietnamese laws are not aligned with the view of Ashby (1966), which is, that UA consists of the freedom to select staff and students, set its academic degree standard, the freedom to determine curriculum content; and the freedom to allocate funds. As analyzed above, the Ministry of Education and Training interferes in determining some compulsory subjects, curriculum content, and set standards for academic degrees.

Although the Ministry of Education and Training only administratively intervenes, it regulates the above issues, but it dramatically affects public universities' academic autonomy. Because it is the law, the universities cannot disobey. Otherwise, they will be held accountable by the law. As such, the so-called "academic autonomy" is not guaranteed. As Berdahl (1990) states, academic freedom is "freedom of the individual scholar in his/her teaching and research to pursue truth whenever it seems to lead without fear of punishment to termination of employment for having offended some political, religious or social orthodoxy" (p. 172).

Recommendation

In order to effectively implement the academic autonomy Law No. 34 and Decree No.99 regulate, I suggest adopting the provisions about the academic autonomy from the MUN Act and using its sections 8 and 56 to amend sections 36(2)(b) and 36(3) of Law on Higher Education 2012.

Accordingly, Vietnamese public universities would have the right to determine compulsory subjects; the minimum amount of knowledge and competency requirements that students gain after graduation for each training level of higher education; the process of formulating, evaluating, and issuing training programs at colleges, universities master and doctoral levels. Each university will set its mission and goals to decide these issues most effectively and feasibly.

5.2.2 Organizational Autonomy and Human Resources

The regulations on organizational autonomy and human resources in the MUN Act are very different from Vietnamese law. The MUN Act provides very detailed autonomy in these areas with its principles defined in section 3 (3) and it provides additional details in section 34 on the specific power of the Board of Regents. The general rule is MUN shall have full power and authority to establish and maintain its faculties, colleges, schools, institutions, departments, chairs, and courses that may seem appropriate to the Board. The principal section confirms the autonomy of MUN with total power and authority to determine its organization, structure, and staff. The Board of Regents is the leadership body with total power on the management, administration, and control of the university's property, revenue, and business affairs.

According to the MUN Act, the Board of Regents plays a vital role in terms of autonomy in human resources. All MUN personnel belong to the Board of Regents' decision-making authority from top to bottom, without government interference. They include the vice-chairperson (MUN Act, §22(3),1990, n.p.), members of the Senate (MUN Act, §54 (c)(d),1990, n.p.), vice-president of the university (MUN Act, §52(a)(b),1990, n.p.), the deans of all the faculties, the librarian, the registrar, the bursar, the professors, associate professors, assistant professors, lecturers, instructors, demonstrators, and other teachers in the university and all officers and employees (MUN Act, §34(1)(f),1990, n.p.). The Board of Regents has the power to fix salaries or

remuneration and to define duties and tenure of office or employment (MUN Act, §34(1)(f),1990, n.p.). Also, the Board of Regents has the full power to appoint its advisory boards. It is free to choose members of the advisory boards who are unconnected with the university, under the terms that the Board may consider advisable (MUN Act, §48,1990, n.p.).

We can see that the regulations on autonomy in MUN Act are very detailed and cover all decision-making rights in organizational and human resources activities. It simultaneously expresses the meaning of autonomy and Anderson and Johnson (1998) say, “UA is the freedom of an institution to run its own affairs without direction or influence from any level of government” (p.8); and Berdah's view on procedural autonomy “to determine the means by which its goals and programs will be pursued” (Beardahl, 1990, p.172).

Recommendation

Vietnam should adopt section 34(1)(b) from the MUN Act into Law No. 34 to confer autonomy in organizational and human resources matters to public universities so that they have “full and exclusive power and authority to exercise, in the name and for the benefit of the university and as the act and deed of the university, any or all of the powers, authorities, and privileges conferred upon the university as a corporation.” This is a broad and general provision that allows universities to invoke and take action in cases where the law does not stipulate or mention as long as they are servicing *the benefit of the university*. I find that Vietnam needs to learn this because, in this regard, Law No. 34 only stipulates the principles and has no similar open terms.

Furthermore, I suggest transplanting section 34(1)(s) of the MUN Act, which stipulates universities have the right to do and perform all other matters and things that may seem appropriate

and useful for the well-being and advancement of the university, the doing of things not repugnant to current laws. I recommend that we incorporate this content into section 13(2)(c) of Decree No. 99 because it can help to maximize the autonomy of universities in Vietnam on organizational and human resources matters. The university can carry out any action in terms of organization and personnel provided *appropriate and useful for the good ordering and advancement of the university*. Following this, section 13(2)(c) of Decree No. 99 would become as follows:

The post-secondary institutions shall issue and exercise their internal regulation on the organizational apparatus and personnel; have *the right to do and perform all other matters and things which may seem appropriate and useful for the well ordering and advancement of the university, the doing of things not repugnant to current law*.

The difference between the MUN Act and Vietnamese laws is how to execute this autonomy. Sections on autonomy on organization and human resources in MUN Act are very detailed, as mentioned above. Meanwhile, in principle, Vietnamese laws only stipulate that universities must issue internal regulations to implement these autonomy provisions.

The principle in Vietnamese laws is that post-secondary institutions must build their internal regulation to implement all items, including the organizational structure, labour structure, list, standards, and regimes for each job position; to recruit, use and dismiss lecturers, public servants, and other employees, and decide on administrative and managerial personnel in public universities under the law (Law No. 34, §17 (4), 2018, n.p.). Thus, what the contents of these internal regulations are, Law No. 34 does not mention. However, section 13(2)(a) Decree No. 99 emphasizes they must be consistent with the Law on Higher education 2012, Law No. 34, and current laws on the establishment, reorganization, and dissolution of public non-business units.

The internal regulations, in essence, are legally valid, even are considered to be *the university code* to exercise autonomy on organizational and personnel (Dinh, 2020). Many public universities in Vietnam are confused about building internal regulations (Dinh, 2020).

Recommendation

To resolve the confusion of public universities' in building their internal regulation, I suggest learning how to regulate autonomy following the MUN Act and knowledge on UA. It is advisable to add some items from the regulations on autonomy on organization and human resources of the MUN Act to Decree No.99 to guide the unification of public universities' internal regulation. In addition to this solution, Vietnam could use *the collective act* to stipulate its public universities' autonomy. In case it is necessary, Vietnam can flexibly issue an *individual act* for some specific public universities if they are needed. As Eastman et al. (2018) state:

The existence of an individual act appeared to create a different dynamic between the university and the Government than existed where there were collective acts. Insofar as universities operating under collective acts tended to get swept up in legislative changes aimed at the sector at large—or intended to address situations at other institutions—universities with their acts appeared to have somewhat more control over their governance (p. 70).

Regarding the supplement of items learned from the MUN Act to guide public universities in Vietnam to create their internal regulation, I suggest adopting the following things:

(1) Under section 34(1)(g) of the MUN Act, the university has the right to establish faculty councils and other bodies within the university, to prescribe how they shall be constituted, and to confer upon them powers and to assign to them duties concerning discipline, the conduct of libraries or other matters that the Board may consider expedient; to exercise disciplinary jurisdiction over the students of the university. If they follow this, universities in Vietnam can

create internal regulations on the procedure to establish faculty councils and other bodies, assign their duties and powers, and procedure of punishment over students.

(2) Undersection 34(1)(j) of the MUN Act, MUN has the power to appoint committees that it considers necessary and to confer upon the committees power and authority to act for the Board in and about matters that the Board considers expedient. This item should be added to the internal regulation of universities. Section 13 (2) (a) of Decree No. 99 regulates the UA for recruitment and staff use in Vietnamese, but there is no independent clause about appointing committees when necessary. For a long time working for a Vietnamese University, I evidenced that the university needed to create committees to carry out some necessary activities. For instance, a committee on the case-law study was created to serve the curriculum development on case law in civil and criminal matters.

(3) Under section 34(1)(k) of the MUN Act, MUN is vested in printing and publishing books, pamphlets, brochures, magazines, journals, newspapers, and other literary works, to carry on the business of printers, publishers, booksellers, stationers in all its branches and to purchase literary productions of all kinds and rights of copyright in them. The addition of this item to the internal regulation of universities in Vietnam will improve the autonomy of universities because it is attached to giving instructions and training, the important mission of post-secondary institutions in general.

(4) Under section 34(1)(m) of the MUN Act, MUN has the autonomy on determining the number of students which is appropriate with the resources available, and can be accommodated with safety and efficiency in the university or in the faculties of the university, and to make rules and regulations that are considered advisable for limiting the admission or accommodation of students to the number determined and for selecting from applicants possessing the required

academic and other qualifications those who are to be admitted as students in the university or in a faculty of the university. This item should be adopted to replace current Vietnamese law in this area. It is a very progressive and reasonable section compared to the current regulations of Vietnamese law on the numbers of students for recruitment. The autonomy on numbers of students for recruitment in MUN Act depends on school conditions, such as resources, safety, and efficiency; While, this autonomy contained in Vietnamese law is restricted by regulations Ministry of Education and Training (Decree No.99, § 13 (2)(a), 2019, n.p.). Specifically, university law is restricted by a recruitment target, which does not exceed 30% of the prescribed training capacity to a new discipline, and 120% of the preceding year's recruitment target. These targets must be publicly announced in enrollment schemes and accountable to society and competent authorities. (Circular No.01, § 1 (5), 2019, n.p.).

(5) Under section 34(1)(o) of the MUN Act, the university confers the right to hear appeals to the Board of Regents to the decision of an officer, body or organization of or in the university, by a person affected by a decision and to decide finally upon all matters of university policy. This item is not seen in current Vietnamese law. Thus, it is a good point for universities to add it into their internal regulations to express their autonomy on organizational and human resource matters.

Besides, section 13(2)(a) of Decree No.99 restricts universities' autonomy on human resources. Complying with this section, universities have the autonomy to perform professional tasks. However, they must not increase the number of people working with salaries (including salary and allowances) from the budget state's salary fund. It is a "half-hearted" autonomy provision that prevents the attraction of talented people to work for public universities (Thu, 2020). Public universities are not allowed to increase the number of staff beyond the salary fund

from the state budget. This section contradicts Berdahl's view on procedural autonomy, which "is the power of the university or college in its corporate form to determine the means by which its goals and programs will be pursued - the *how* of academe" (Berdahl, 1990, p .172).

Recommendation

I recommend to amend section 13(2)(a) of Decree No.99 and adopt the content of section 34(1)(f) of the MUN Act, in which MUN has the right to appoint deans, professors, associate professor, lecturer, staff... and to fix their salaries or remuneration and to define their duties and their tenure of office or employment. Adopting this item into Law No. 34 and Decree No. 99 appropriately will help public universities carry out autonomously on human resources effectively.

5.2.3 The Autonomy in Finance and Property

The MUN Act regulations on MUN's autonomy in finance and property are very detailed and facilitate MUN's ability to implement its missions. The MUN Act provides the university with full powers in collecting a variety of fees, spending money, enjoying exemption from taxation, borrowing power, and investments (MUN Act, §34(1)(h)(n), §40, §41, §43, §5(1)(a), 1990, n.p.).

The MUN Act confers to the university the option to accept all kinds of property which it may obtain via gift, purchase, or different manner with the approval of the Lieutenant-Governor in Council (MUN Act, §4(1)(2),1990, n.p.). Similarly, with this approval, MUN has the power to erect, maintain, construct buildings and real property...which it considers necessary, convenient, or proper. (MUN Act, §34(1)(c),1990, n.p.).

Meanwhile, Vietnamese regulations on autonomy in finance and property are too general to clearly express public universities' autonomy in this regard. Like the autonomy on organizational and human resources, Law No. 34 requires public universities to issue their internal regulations to carry out finance and property autonomy. The internal regulations of universities must focus on the following: (1) on revenue sources, management, and use of financial sources and property; (2) attraction of development investment capital; and (3) policies on tuition fees and scholarships for students, and other policies in compliance with the law (Law No. 34, §17 (5), 2018, n.p.). Additionally, public universities must carry out this autonomy under current law and establish and implement their internal regulation on finance and property and other finance and property autonomy according to higher education law, Law No. 34, and other relevant law (Decree No. 99, §13(3)(a)(c), 2019, n.p.).

Again, difficulties occur from ambiguous regulations about the autonomy of finance and property. Current practice shows that universities are confused, inconsistent, results are limited, or even contrary to the law, leading to many inconsistent activities when there is no basis to resolve difficulties (Education Communication Center, 2020). Besides, in the context of Law No. 34 and Decree No.99, two primary pieces of legislation guiding university autonomy are very new, many legal documents have not been issued or amended to keep up with the regulations on this UA policy. Some of the new regulations are even overlapped and conflicted (Vu, Cao, & Luu, 2019; Thu, 2020; Hong, 2019; Le, Thanh, & Ngan, 2020). Moreover, the university's Councils have no experience, and the capacity of the legal sections in universities is limited (Education Communication Center, 2020). Therefore, Law No. 34 and Decree No. 99 should supplement details and instruct the content of universities' internal regulations to carry out their autonomy in this field.

Recommendation

It is essential for Vietnam to adopt many items regarding finance and property from the MUN Act into Decree No. 99. If they are adopted, the following items will guide and help universities build up their internal regulations. With such regulations, universities will have the opportunity to operate autonomously.

(1) Following section 34(1)(h)(n) of MUN Act, Decree No. 99 should stipulate the empowerment of public universities to fix, determine, and collect all fees to be paid to the university. Based on this item, universities can build up their internal regulations.

(2) By adapting the ideas of sections 41 and 42 of the MUN Act, the Vietnamese Decree No. 99 could regulate borrowing power to meet current expenditures (section 40) and to meet capital expenditures (section 41). Besides, it should indicate the relevant legislation which universities must follow to ensure their autonomy in this regard.

(3) By adapting the ideas on investment of section 5(1)(a) of the MUN Act, Decree No. 99 should regulate the extent of autonomy to confer universities terms for using their money, the trust property and trust money, investing and reinvesting them. It is a complicated issue, so Decree No. 99 should indicate clearly which relevant law will be applied or provide specific regulations in this regard.

(4) By adapting section 4(1)(2) on the property of the MUN Act, Decree No. 99 should confer to public universities the power over their property including gifts, purchases, another manner, all property, real and personal, of every kind which they can hold with approval from the Ministry of Education and Training; and give universities the right to erect and construct all buildings that the Council of university considers necessary or convenient for the university, to

layout grounds for university purposes. Following this, universities will issue how to carry out and report this power in their internal regulations.

The above recommendations are entirely reasonable, while public universities are very confused in building their internal regulations on finance and property autonomy. Law No. 34 and Decree No. 99 on UA, without any guidance, generally stipulate that public universities have autonomy in finance and property and must create and carry out their internal regulations in this area in compliance with the current law. These legal requirements are hard to implement when Law No. 34 and Decree No. 99 are still brand new, and other relevant laws have not been updated and even unavailable. (Tran, 2020a; Thu, 2020).

Furthermore, it is noted that in section 17 of Law No. 34, which specializes in the UA, there is no content stating the state funding or financial assistance for public universities. Then, Decree No. 99 also does not mention this item. It is an issue that needs to be supplemented. According to the UA literature, the governments must carry out their funding obligations to post-secondary institutions (“Governance,” n.d.; Eastman. et al., 2018). It does not mean that the state funding will be stopped with the UA policy.

Although, section 7(2) of Law No. 34 states, allocating budget and resources for higher education on the principle of competition, equality, and efficiency through spending on investment, spending on research and development, ordering research and training, scholarships, credit students and other forms. Following this, universities must meet the condition mentioned above to receive support from the state budget. It must be noted that Law No. 34 does not mention state funding for universities. So in practice, it is understood the UA means the state no longer supports or funds public universities. Therefore, many universities understand UA in this way (Hoang, 2020).

Recommendation

Vietnam must supplement a section on offering regular funding for public universities to carry out their autonomy in Law No. 34. This section is appropriate with the knowledge of UA and relevant regulation contained in the MUN Act. In literature, many authors consider this item to be an indispensable feature of the UA (Billinton & Li, 2000; Prasad, 2005; Eastman et al., 2018). In practice, like other universities in Canada, MUN receives operating funding from the provincial Government annually.” (“Governance,” n.d.).

5.2.4 The Accountability in the MUN Act and Vietnamese Law and the balance between Autonomy and Accountability

In the MUN Act and in Vietnamese law, the similarity about the accountability of MUN and public universities in Vietnam is they are all accountable to the Government, people, society, students, owners, and stakeholders (“Governance,” n.d.; Law No. 34, §1(2)(11), 2018, n.p.). It can be said that the regulation on accountability in UA in the MUN Act is far different from that of Vietnamese law. The MUN Act only provides single accountability for MUN. Meanwhile, Law No. 34 and Decree No. 99 require its public universities to be accountable in at least five aspects of their operations.

The only accountability in the MUN Act states that “the Board shall make an annual report of its transactions to the Lieutenant-Governor in Council, in which shall be set out in detail the receipts and expenditures for the year ending on the preceding March 3, and other particulars that the Lieutenant-Governor in Council may require.” (MUN Act, §39(1), 1990, n.p.).

Whereas, in Vietnam, section 17(6) of Law No. 34 and section 13(4) of Decree No. 99 stipulate that there are five accountability (obligations of explanation) that public universities must

carry out and be accountable for. They must (1) explain about their implementation of quality standards and policies; (2) publicize annual reports on operation result indicators on websites of post-secondary institutions; (3) explain income items of leaders in management positions of higher education institutions; (4) publicize annual financial statements and other content on their websites; and (5) carry out other content and forms of explanation under the law.

Thus, in addition to the explanatory content similar to MUN, which is the disclosure of annual revenue and expenditure sources, public universities in Vietnam also have to implement a series of other accountability such as explaining quality standards and policies, publicizing annual reports on their operation. result indicators, explaining the income of university leaders; publicizing annual financial statements and other content. Comparing the MUN Act and Vietnamese laws on university accountability, there is much more accountability for public universities in Vietnam. It is clear to see that, in Vietnamese law, there is too much accountability imposed on public universities. As Berdahl asserts, "too much autonomy might lead to colleges unresponsive to society; too much accountability might destroy the necessary academic ethos" (Berdahl, 1990, p.171). It may affect the UA policy's effectiveness that Vietnam has been implementing, namely restraining its mission's effectiveness in providing instructions to the academy.

MUN is held accountable through the filing of its annual report. Lewis (2017) confirms, "as the province's only university, it has created and sustained a fierce loyalty from its alumni, its employees, and its community" (p. 4). The MUN Act has regulations in harmony with the rule that Groof (2018) provides, "self-governance must be consistent with systems of public accountability" (p. 114).

Recommendation

Using the MUN Act regulations as a guide, accountability of public universities of Vietnam should be decreased. I suggest keeping the annual report's accountability in which public universities report and explain their revenue and expenditures transparently. Moreover, it is necessary to keep the accountability of reporting the results of implementing public university missions annually. It is because the laws on UA of Vietnam are very new. Law No. 34 has just been valid since July 2019, and Decree No. 99, which gives details and guide to fulfill Law No. 34, has just been valid in Feb 2020. The implementation of these suggestions will help Vietnam improve its legislation on UA policy shortly.

Chapter 6: Conclusion

The purpose of this thesis is to apply knowledge of UA, Berdahl's viewpoint on UA, and the MUN Act to review and improve the current Vietnamese laws on UA, specifically Law No. 34, Decree No. 99, and their relevant laws. To achieve the purpose of contributing to improving Vietnamese laws on UA, I have studied and acquired knowledge of UA in terms of its characteristics, components; about regulations of the MUN Act and Vietnamese laws in terms of their legal form, their government body governing universities, the administrative structure of MUN and Vietnamese public universities and regulations on UA expressed in MUN Act and current Vietnamese law. The knowledge mentioned above is the basis for me to give recommendations to improve Vietnam's law on UA policy in the current period. The thesis has completed and answered all research questions.

The first three research questions are What are the present levels of UA in Vietnam and in MUN? How does the MUN Act regulate UA? Moreover, What are the current regulations on UA in Vietnamese laws? These findings can be stated briefly as follows. The study results show that Vietnamese laws, specifically Law No. 34 and Decree No. 99, which mainly stipulate the UA policy, use specific sections to express this content. The content regulating the components of the UA is very general and principled. Therefore, it is challenging for public universities to execute their autonomy. This weakness in Vietnamese law is a strong point in the provisions of the MUN Act, which stipulates MUN's UA's content in detail and clarity in all aspects. Therefore, the level of UA in MUN is much higher and more effective than that of Vietnam.

This effectiveness comes from the construction method and detailed provisions on UA of the MUN Act, far different from Vietnamese law. The MUN Act does not specify a section for UA like the method expressed in Law No. 34 and Decree No. 99 but addressed throughout

various sections. The autonomy is mostly focused on the MUN Act's sections on power and authority of MUN, the power of the Board of Regents, and the Senate. Regarding accountability, one part of the UA policy, whereas Vietnamese laws require its public universities to explain and report four areas, the MUN Act only requires MUN to submit an annual report of its transaction to the Lieutenant-Governor in Council. Furthermore, the MUN Act reflects the balance of autonomy and accountability following the theory of UA and Berdahl's view. In contrast, Law No. 34 and Decree No. 99 regulate heavy accountability on public universities in Vietnam.

Furthermore, in addressing research questions, I discovered that to improve the UA regulations in Vietnam and learn from progressive and appropriate regulations on UA of the MUN Act, I also had to learn about the factors that affect this policy's effectiveness. They consist of a choice of an appropriate legal form (individual act, collective act, or both), the issue of the government body taking charge of universities, and the administrative structure of public universities.

These findings in combination with the knowledge on UA literature are the basis for me to answer the last research question: What can we learn from the MUN Act to amend and supplement UA regulations in Vietnam? Based on analyzing and evaluating factors influencing the UA, regulations on UA of MUN Act, and Vietnamese laws on UA, I selectively recommend supplementing and amending Law No. 34 and Decree No. 99.

My suggestions to improve Vietnam's current laws are given in the following groups: factors influencing the UA policy and the content of UA. In the factors influencing the UA, I suggest revision of Law No. 34 to make it become a collective act supplemented to govern specifically all aspects of post-secondary institutions. It can help address the problem of too many regulations that overlap and conflict with other existing laws besides Law No. 34 and

Decree No.99. This issue adversely affects the autonomy of Vietnamese public universities. Then, I recommend merging all public universities to be under the Ministry of Education and Training administration or under a particular Ministry only if it is essential.

Additionally, I suggest the Vietnamese Government maintain and express in the law its obligation of funding. In terms of public universities' administrative structure in Vietnam, I suggest applying the bicameral system of governance. Following this, Vietnam should confer on the university's Council the general power of the management, administration, and control of the university's property, revenue, business, and affairs (like the Board of Regents). The Rector should become the Head of the Council of the university, and the Board of science and training would be given the function like the Senate of MUN.

Regarding UA's components, I suggest supplementing, amending, modifying each component of the UA contained in Law No. 34 and Decree No. 99. Recommendations are given in autonomy in the academic field, organization, human resources, finance, and property; and accountability to improve Vietnamese laws on UA.

For autonomy in the academic field, I have recommended supplementing three things in public universities. Vietnam must incorporate the power of recommendation and the right of determination in academic matters to the Board of science and training. Additionally, I suggest conferring to the Board of science and training the right of determination of compulsory subjects, the minimum amount of knowledge and competency requirements that students gain after graduation for each training level of higher education, and the process of formulating, evaluating, and issuing training programs at universities, masters and doctoral levels.

There are three main recommendations I provide for this regard in the autonomy in the organization and human resources. First, to maximize universities' autonomy, I suggest adopting two sections from the MUN Act into Law No. 34 and Decree No. 99. One section is added into Law No. 34, that is, the public universities have the full and exclusive power and authority to exercise, in the name and for the benefit of the university and as the act and deed of the university, any or all of the powers, authorities, and privileges conferred upon the university as a corporation. Another section is an amendment of section 13(2)(c) of Decree No. 99 as follows: The public universities shall issue and exercise their internal regulations on the organizational apparatus and personnel; have the right to do and perform all other matters and things which may seem appropriate and useful for the well-ordering and advancement of the university, the doing of things not repugnant to current law.

Second, based on the MUN Act, knowledge of UA literature, and Berdahl's viewpoint on UA, I provide five recommendations supplementing Law No. 34 and Decree No.99 to assist public universities to issue their internal regulations as required by law. Third, I recommend to amend section 13(2)(a) of Decree No. 99 and use the content of section 34(1)(f) of the MUN Act into this section, in which MUN has the right to appoint deans, professors, associate professors, lecturers, staff... and to fix their salaries or remuneration and to define their duties and their tenure of office or employment.

In the autonomy in finance and property, there are two groups of recommendations given. First, a series of four recommendations I suggest to supplement into Decree No. 99 include the empowerment of public universities to fix, determine, and collect all fees to be paid to the university; the borrowing powers to meet current expenditure and capital expenditure; the investments of public university's money, trust property, and trust money with the content

indicating clearly which relevant law will be applied or provide specific regulations in this regard; and the power on their property and on erecting, constructing all buildings that Council of university considers necessary, to layout grounds for university purposes. Second, I strongly suggest supplementing a section on offering regular funding for public universities to carry out their missions autonomously in Law No. 34.

Regarding accountability and the balance between autonomy and accountability, I suggest reducing the number of public universities' accountabilities in Vietnam. However, I recommend keeping the annual report's accountability in which public universities report and explain their revenue and expenditures transparently and their accountability of reporting the results of implementing public university' missions annually.

To a certain extent, Vietnamese laws on UA are an expression of progress, initially catching up with UA's world trend. However, Law No. 34 and Decree No. 99 are new and have recently taken effect. So they still need to be revised and improved based on knowledge of UA policy and UA laws of developed countries.

The law and political, social, and economic situation of Vietnam are still far different from that of Canada, so I cannot learn and apply all the MUN Act's progressive points. However, I can only select and recommend the suggestions mentioned earlier to improve Law No. 34 and Decree No. 99 in the current period. After completing the masters thesis, as a background for improving the UA policy further in Vietnam, there are still some limitations in study and implications for further research.

Limitations of the Study

My recommendations in this thesis are the refinement of and learning from the knowledge of UA and UA sections of the MUN Act to contribute and supplement the progressive regulations and detailed guidance for public universities in Vietnam to carry out their autonomy. Also, I suggest modifying or omitting some of the irrational sections in Law No. 34 and Decree No. 99 to create the feasibility of implementing the autonomy of universities.

At the current time, I am fine with my thesis's study and recommendations. Shortly, my wish is to have a project to re-build Law No. 34 to be legislation stipulating public university operations in which the UA policy is more clearly defined. Accordingly, the legal provisions related to the autonomy rights of universities are transparent. On that basis, public universities would confidently issue their internal regulations. At present, universities must promulgate internal regulations which must meet requirements to comply with current laws.

This requirement seems to be simple, but it is a considerable challenge for all public universities. UA-related laws in Vietnam's legal system are complex. They include much legislation and subordinate legislation, to name but a few, the State budget law, the law on Public Investment, and the Law on Public officials, Labour Code... These laws usually accompany by subordinate legislation such as Decrees, Circulars, or Decisions to provide them detailed regulations and guidance to implement. There is still overlapping and contradictory legislation (Vu et al., 2019; Hong, 2019). Therefore, currently, universities lack confidence and are confused in issuing these internal regulations. (Dinh, 2020).

Implications for Further Research

I find that achieving an improved legal document on UA in Vietnam is a complicated undertaking. However, it is undeniable that Vietnam has had great success in legislating a policy of UA. The work on university autonomy is no more an extended pilot but it was officially implemented in July 2019. However, through this research, I note that it is necessary to study more to improve UA's Vietnamese laws in the next period.

The regulations on UA need a lot of consideration to revise from its present legal form, such as whether the Government should issue individual acts or collective acts or both to administer the autonomy of universities, to perfect the existing Vietnamese laws so that universities can enact their internal regulations on autonomy on the academic field, autonomy on organizational and human resources, and autonomy on finance and property which comply with the law and to be effective. Besides, the autonomy and the accountability of public universities are guaranteed. Therefore further research needs to be done as follows:

First, Vietnamese scholars need to review all legal documents related to the UA policy regarding autonomy in the academic field, autonomy on organizational and human resources, autonomy on finance and property, and public universities' accountability. From this review, the Government may remove outdated legal documents, supplement, and issue new missing legal documents, and rearrange the legal documents system related to UA's operations. This study's result will help universities facilitate the issuance of their internal regulations to implement their autonomy. These internal regulations will be effective when public universities are free from the fear of violating the laws. However, it must be noted that this review will be time-consuming.

Second, to be flexible and promote dynamic public universities' strengths, the Government should consider issuing individual acts to encourage and enable those universities to develop autonomously. The continuing research and reference relating to the UA laws, including individual and collective Acts that other provinces in Canada administer and apply for their public universities' autonomy, are also essential. Referencing that study will help the Government of Vietnam decide this issue effectively and adequately.

Overall, if research activities are done correctly and comprehensively, as suggested above, I fully believe that public universities in Vietnam will function more effectively and adequately in terms of their autonomy. Following this, the weaknesses in Vietnamese higher education management system will be solved to pave the way for the development of higher education. Moreover, accountability is guaranteed and reforms will be beneficial to students, stakeholders, and society.

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