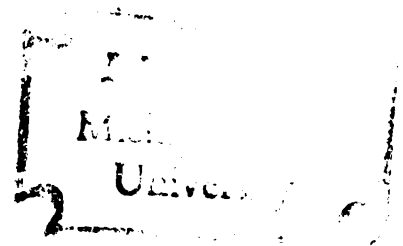


A COMPARATIVE STUDY OF THE RELATIVE
EFFICIENCIES OF IES-AUTARCHIES AND
IES-FOUNDATIONS IN BRAZILIAN HIGHER
EDUCATION

Dissertation for the Degree of Ph. D.
MICHIGAN STATE UNIVERSITY
RENATO MONTANDON

1981



This is to certify that the
thesis entitled
A COMPARATIVE STUDY OF THE RELATIVE
EFFICIENCIES OF IES-AUTARCHIES AND
IES-FOUNDATIONS IN BRAZILIAN HIGHER
EDUCATION
presented by

Renato Montandon

has been accepted towards fulfillment
of the requirements for

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ABSTRACT

A COMPARATIVE STUDY OF THE RELATIVE EFFICIENCIES OF IES-AUTARCHIES AND IES-FOUNDATIONS IN BRAZILIAN HIGHER EDUCATION

By

Renato Montandon

There exist two different juridical structures in the Brazilian university system. The Institutions of Higher Education (IES) are established as autarchies and foundations. An analysis of their institutional characteristics showed the existence of fewer administrative controls over the foundations. Consequently, the analysis of Ministry of Education census data demonstrated some propensity favoring the foundations, in finding solutions for academic and general administrative problems. It is suggested that because of that difference in administrative freedom, the foundations appear to have more access to different sources of funds and consequently their relative efficiency is increased. Also, the autarchies, historically dependent on legal instruments to resolve their everyday problems, appear to behave more like the public service sector, with relatively lower levels of academic achievement.

Relevant literature was discussed. This discussion included the need for administrative flexibility, decentralization of the decision-making process, and the bounds of decentralization. Historical documents and consultants' reports were also analyzed.

The procedures followed throughout the study were deductive in approach. They also brought the problem of concern into relation with the literature review's conceptual issues. Basic legislation was presented, which indicated the essential policies that direct the universities' organization and functioning.

In comparing IES-foundations and IES-autarchies, data were presented on the degree of professional academic training, work loads, academic rank held within the professorship group, sources of funding, and the placement of new faculty within the system.

In most countries, the need for large-scale financial support to the universities by the government is accepted. From this it follows that universities must present and explain their policies to the government. They are expected to give an account of the use they have made of the public's money. It is no longer possible, even within the very free environment of some universities in the United States and Europe, to maintain total freedom of action without some degree of external organization and control. The problem is to find the kind of control that is as desirable as possible to the traditional freedom of the university.

It is not an exaggeration to state that in Brazil the relationship between universities and the central government is becoming a most challenging one for the nation. Since the creation of the first institution of higher education, the flow of legislative interest has consistently demonstrated an abiding tendency to permeate internal policy areas traditionally regarded as the university's responsibility. As a result, the university became an organization recognized as the

"protector state," which represents the old Brazilian organizational concept since colonial times. Within this concept the state is both protective and financially supportive.

Nevertheless, the University Reform, in spite of considerable rationalization given to the university system as a whole, showed in its process of implementation its structural tendency to prescribe patterns of organization to standards of functioning. Therefore, at the macroeducational level, it may be very important to undertake persistent efforts of educational normative simplification, and at the same time to stimulate the exercise of institutional creativity.

According to the definitions provided by legislation, there are some deep differences between both juridical structures. The IES constituted as autarchies are supposed to perform typical activities of public administration, activities that are subjected to orders and regulations. Regarding the IES constituted as foundations, their juridical status allows them considerably greater flexibility in many areas. Therefore, even considering that the foundation regime may still be a far cry from an ideal response to the Brazilian university issue, the very fact that it allows more flexibility (autonomy may be an overstatement) appears to make it a more stable and effective system for university operation.

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By

Renato Montandon

A DISSERTATION

Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

Department of Administration and Higher Education

1981

To my father, Sancho Montandon Mourão,
my best friend (in memoriam).

ACKNOWLEDGMENTS

I would like to acknowledge gratefully the encouragement and support of the following people:

Dr. Richard Featherstone, for his generous counsel during my master's program and as chairperson of my doctoral guidance committee.

Drs. Walter Johnson, Ben Bohnhorst, and Stanley Stark, members of the guidance committee, for sharing their time, for their guidance, and for contributing many important suggestions.

Dr. David K. Heenan, for his friendship and consideration, which encouraged and greatly facilitated my completion of this study.

Teresa Halko, for her help in putting my writing into English.

Maria Cremilda Montandon, my wife, for her help in translating several technical documents into English and also for her strong support and encouragement throughout my doctoral program.

Susan Cooley, for her efforts spent on editing and typing this manuscript.

My mother, Geralda C. Montandon, for her expectation and anxiety during these four long years of separation.

My brother-in-law, Vicente Henrique Soares, who was my attorney during these years.

Drs. Henrique Bergamim Filho and Mario Barbosa, for their sensitive friendship.

My children, Juliano, Sancho, and Fernando, for their patience and understanding during the past several years.

The Brazilian people, who indirectly provided me the opportunity, through the scholarship from the Ministry of Education and Culture, to experience the fulfilling discipline of graduate study in the United States of America.

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CHAPTER I

PROBLEM AND PURPOSE

Introduction

Basil Fletcher (1968) said that "thought, including criticism, is one of the functions of a university and that independent thought and criticism are indispensable to the improvement or maybe even to the survival of a society." He went on to state that "universities should be a center of independent thought: but thought implies criticism and the difficulty is that criticism may extend to the social, economic and political system from which the university derives its support" (p. 99).

Moos and Rourke's (1959) comments on the relationship between public institutions of higher education and government complemented Fletcher's thoughts when they said that for most of this century, the relationship has been marked by increasing anxiety.

In Brazil, most universities are governmental institutions. This condition creates dependence upon resources that the state allocates to them each year. In addition to this budgetary dependency, the state legislates upon higher education and through these laws restricts university self-government (Texeira, 1967). Consequently, because of the nature of the university funding structures, complicated by legislative regulations, constraints on the university juridical status become evident. In spite of the reform that brought about a

a very important framework for the university system, the juridical regimental and doctrinal policies that came with it contributed to a consequent administrative weakness and disorganization. Added to that were the impact and great stress introduced into state and university relationships, caused by vast administrative control in Brazil over the management of federal institutions.

Statement of the Problem

The university administration in Brazil is regulated by federal legislation, which includes constitutional documents, laws, decrees, decree-laws, rules, and regulations that give legal procedures for the administrative process in the institutions of higher education (IES).¹ At the national level, this mass of legislation regulates the process of making decisions in the IES, and makes the process "suffer from weakness and disorganization" (Teixeira, 1967, p. 55). Teixeira suggested that such weakness and disorganization are demonstrated by the inability of local university administrators to make the most elementary daily administrative decisions. This mass of legislation regulates the university's administrative process in terms of the following categories: (1) the juridical structure of the institutions and consequently their relationship to the state and society, (2) the curriculum organization, (3) the designation of administrative personnel (rectors and department deans), (4) the academic personnel organization, (5) the general personnel salaries, (6) financial

¹Instituições de Ensino Superior (IES). Appendix A includes a complete listing of the many abbreviations and acronyms used in this dissertation.

support, (7) the accounting system, (8) patrimony, and (9) budget expenditures.

Comparisons and contrasts between IES-autarchies and IES-foundations with respect to these nine categories are examined in more detail in Chapter V. Chapter IV is devoted to a review of existing legislation specifically pertaining to IES administration, but in these introductory pages a summary background of the emergence of the IES foundation is presented.

All of the legislative regulations developed an immense bureaucracy, which created a more highly centralized administrative system for the institutions of higher education. Thus they were converted into the status of a public bureau (Albuquerque, 1978). The massive amount of legislation has created problems for institutional administrative decision making. That is to say, the level of administrative dependency within the university system in Brazil is in itself a structural limitation to the development of the institutions.

However, the university system created by the University Reform (Law n. 5.540) resulted in the systematization and organization of the IES. This innovative and important approach to organizational structure includes the possibility of IES being established as foundations, whereas before the reform, the legislation had regulated only autarchies. Based on Decree Law n. 200 (2/25/67), the Reform established in its Article 4 that the universities and isolated colleges that are federal institutions will be constituted autarchies or foundations. The former are defined as "the autonomous service, created by law, with juridical personality, self-patrimony and budget, in order to perform

typical activities of public administration, which demand, for its better operation, decentralized administrative and financial conduct" (Decree Law n. 200, Article 5, I). The latter are defined as "juridical institutions of public enterprise" (Civil Code, Article 16 and Decree Law 200, Article 4, paragraph 2), but, very significantly, they are explicitly excluded from "indirect administration"¹ (Decree Law 900, Article 3).

Thus, after the University Reform legislation's incorporation of the foundation regime, the organizational structure of the Ministry of Education and Culture (MEC) gained a new kind of juridical structure in its organizational chart. This organization was placed out of the so-called indirect administration, where the autarchies were located. Because the foundations were not considered to be indirectly administered, some legislation applicable to the IES system would not apply to them, which makes the foundations juridical institutions with different levels of self-government.

Actually, the differences between autarchies and foundations extend beyond the limits of the law's text. Particular circumstances prompted the central government to provide alternative options within the IES juridical structure, resulting in a significant reduction in

¹"Indirect administration" comprehends the following categories of institutions, which are endowed with self-juridical personality: autarchy and public enterprise. These institutions are considered linked to the Ministry in which the area of competency conforms with the institution's main activity (Decree Law 200, Article 4, II, and paragraph 1). But Decree Law 900, Article 3, specifically states that federal "foundations," although public enterprises, are excluded from indirect administration. (See Chapter IV, where Decree Law 900 is discussed in more detail.)

the federal budget for education. The foundations were seen as more flexible regimes, given the freedom of searching for additional funds from private sources. Meanwhile, the autarchies remained tied to the previous bureaucratic system.

Thus, the cutoff in the federal budget plus a pressure for expansion of the university system functioned as more than an invitation to the IES to move to the new regime.

The old institutions did not react positively to the new legislation, and there was no change from their autarchical status into foundations. The main argument presented by the autarchies' faculties in opposition to a new regime was not only the possibility of losing the institutions' economic support from the federal government, but also the possibility of losing their status as civil servants, which ties them permanently to the institution.

So besides the special political context from which the university reform arose, a dichotomy between autarchy and foundation emerged because of the faculties' apprehension in terms of the uncertain economic position of the IES and the threat of loss of the professional rights they had already obtained.

For these reasons, only a few IES-autarchies moved to foundation status. The traditional, large, and most highly regarded institutions did not even consider the possibility of the new option given by the law's text. Only new and small institutions accepted the idea of becoming foundations. Most of these arose from the association of isolated colleges. Their academic personnel were still young and relatively limited in professional experience. Consequently, the

autarchies and foundations tended also to develop different types of academic programs. The autarchies conducted most of the graduate programs of the federal system, whereas most of the foundations were just getting started as undergraduate institutions.

Both types of institutions also had different approaches in terms of their administration. Whereas the autarchies were always dependent on federal resources to develop their programs, the foundations, with more flexibility to search outside of the federal system for additional funds, could find more opportunities to develop and introduce ambitious objectives into their programs. On the other hand, the IES-autarchies had to go through a somewhat complicated system of program approval and had to conform to rigid procedures for accounting for the use of federal money.

Another distinctive difference between autarchies and foundations lies in the procedures of hiring and establishing salaries of academic personnel. The autarchies are governed by federal legislation, which establishes the number of personnel and their salary levels. The IES-foundations have autonomy to decide both the number and the salary of academic personnel.

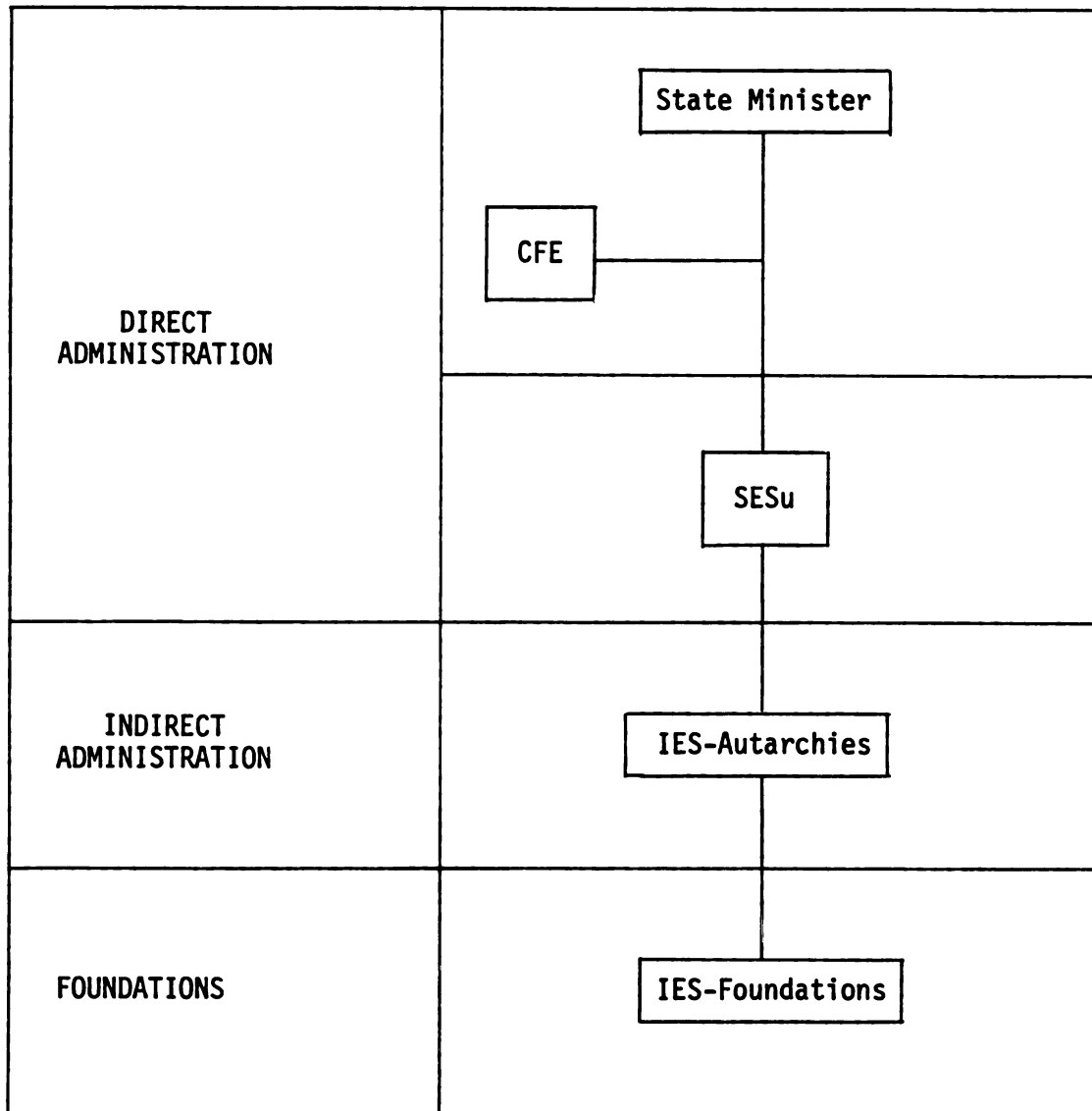
Thus, the administrative autonomy assured to the IES by Law n. 5.540, Article 3, in practice distinguishes between the regimes of autarchy and foundations suggested by Article 4. It might have seemed that the central government's intention was that the IES transform into foundations, but the established autarchies resisted transforming themselves and still continue to do so. It is worth observing

that since the reform of 1968, all new IES have been established as foundations and none of them as autarchies.

Basically, the differences between the foundations and autarchies are related to (1) acquisition and use of funds, (2) hiring of academic personnel, (3) establishment of personnel salary, (4) flexibility of administrative functions, (5) planning and control, and (6) the accounting system. The foundation's Council of Directives (Conselho Direcor), which functions somewhat like a board of trustees in American universities, has the duty of approving agreements and covenants with private enterprise, which bring funds to the institutions. These agreements and covenants also can be made with different federal entities like the Financier of Studies and Projects (FINEP), the National Council of Scientific and Technological Research (CNPQ), the Sub-Secretariat of International Cooperation (SUBIN), the Brazilian Enterprise of Agricultural and Cattle Research (EMBRAPA), and other sources. These agreements enlarge the IES budget and keep them outside of the MEC accounting system.

However, the autarchies' Councils of Directives have no power to decide about some levels of decisions, as follows: They need approval of the MEC to encourage agreements and covenants with private agencies. The sources that come from federal origins have to be applied to the national priorities already established by law or in official programs. So, in practice, the autarchies must conform.

The appointment of academic personnel is a critical issue in analyzing the differences between autarchies and foundations. Whereas the former have to receive approval for their academic panel, the latter



CFE = National Council of Education
 SESu = Department of Higher Education

Figure 1.--Organizational structure of the Brazilian Ministry of Education and Culture, approved by Decree n. 81.454. (This organizational chart includes only the agencies related to this study.)

can hire their personnel independently of the federal government's approval. The salaries are also regulated by law in the IES-autarchies, whereas the foundations are free to establish their own salaries, in the same way that benefits and other compensations for academic productivity are allowed.

The administrative organization of the IES-foundations is more flexible, once the enlargement of their academic panel is devised according to their own needs. The IES-autarchies have to delimit their academic panel according to the Plan of Academic Function's classification (Law n. 5.645, 1970), which is not applied to the IES-foundations.

Hence the differences in the foundations in terms of administrative self-control--the possibility of getting funds from different sources (federal agencies and private financiers), freedom to establish the personnel salary, freedom to enlarge their academic panel--which might appear to create greater amounts of self-control in terms of self-government and self-planning, are examined in this study.

Significance of the Study

The significance of the study is related to the following points: (1) it addresses a recognized research need as identified in the literature associated with the universities' relationship with the government; (2) it will provide specific information to policy makers concerning operational issues on which they are in agreement and on those issues on which disagreement exists; (3) the information generated in this study will permit policy makers to appraise their own position with regard to issues of university autonomy and to understand more completely the views of the other major interests in the

field of study, and (4) it will assist policy makers by providing a more sensitive understanding of the issues examined in the study.

Focus of the Problem

This study was intended to focus on and analyze how the institutions of higher education in Brazil implement their autonomy, which is assured by law. The researcher examined the level of administrative mobility in terms of existing bureaucracies and also examined the relative efficiencies of IES-foundations and IES-autarchies regarding specific, pragmatic fiscal laws.

Purposes of the Study

The purposes of the study were as follows: (1) to collect information on the existing difficulties in implementing the universities' institutional autonomy; (2) to collect information on the existing strength of institutional, federal, and state agencies over the administrative process within the universities; (3) to provide information for policy makers to consider in their respective policy decisions concerning the administration of higher education in Brazil; and (4) to identify theoretical and practical reasoning that might justify the diminution of regulations to increase local creativity and efficiency.

Definitions of Terms

The following terms are used throughout the study and are defined here to insure clarity and continuity for the reader.

Decentralization: Pushing down authority for decision making to the lowest possible level (Argyris, 1962).

Centralization: An administrative process in which final authority and responsibility for all educational and managerial functions are under one control officer, who is responsible to one central board (Featherstone, 1968).

Autarchy: The autonomous service, created by law, with juridical personality, self-patrimony, and budget, in order to perform typical public administration activities, which demands, for its better operation, decentralized administrative and financial conduct (Decree-Law 200, Article 5, I).

Foundation: An institution of private law (Brazilian Civil Code, Article 16, I). It does not constitute entities of indirect administration even where established by federal law, exerting upon them in the meantime, when they receive governmental subventions, ministerial supervision (Brazilian Civil Code, Article 16, I; Decree-Law 900, Article 3).

Juridical institution: The organization established according to the principle of the law (Aulete, 1958, p. 2868). Establishment of this institution is in conformity with the laws of the country and the practice that is there observed (Black's Law Dictionary, 1968, p. 990).

Efficiency: The quality of being capable of dealing with the day-to-day administrative activities in the institutions of higher education. The ratio of useful, prompt output in the IES system in terms of hours, personnel, and funds.

Effective: The degree to which the IES achieve their intended and/or planned academic objectives.

Overview of Subsequent Chapters

In seeking criteria considered appropriate to comparing the relative efficiencies of IES-autarchies and IES-foundations in Brazilian higher education, five segments evolved and constituted this study. Each of them is organized as a chapter, numbered from II to VI.

Chapter II is divided into two parts: Part 1 is a review of selected literature, focused on the theory of administration. Part 2 is a review of relevant documents concerning the functioning of and reaction to existing legal administrative processes within the IES. The concepts that came from administrative theory and from the documentary analysis of the functioning of the university system are employed in the interpretation of the MEC census data in Chapter V.

The procedures used to examine the legislation, the MEC census data, and official documents with regard to the nine categories cited on pages 2-3 are described in Chapter III.

Chapter IV contains a short overview of Brazilian university history and the basic legislation regulating higher education institutions in Brazil.

Chapter V is an analytical critique of the present administrative and academic operations in the Brazilian higher education system, based on MEC census data. This analysis shows the legislative cutting-down of the local administration's possibilities to resolve problems related to the categories examined in this study.

Finally, Chapter VI contains an assessment of values attributed to selected criteria and some comments concerning the findings and observations about the functioning of higher education administration in Brazil. Further lines for theoretical and practical research are also recommended in Chapter VI.

CHAPTER II

REVIEW OF THE LITERATURE

The day-to-day controls imposed upon spending by colleges and universities from the beginning to the end of each fiscal year easily represent the most controversial area in the range of contact between the state and higher education (Moos & Rourke, 1959, p. 103).

Introduction

The issues and ideas expressed in the materials selected for review in this chapter were gathered as background references in support of the study's purposes. These sources represent useful references that were selected from a very large body of literature on administrative theory. It is not the aim of Part I of this chapter to exhaust that literature, but only to select pertinent and representative items for discussion.

After the review of the literature on the theory of administration (Part I) follows a discussion of relevant documents concerning the functioning and reaction to existing legal administrative processes within the institutions of higher education in Brazil (Part 2). These documents are (1) consultants' reports, (2) reports of special commissions, and (3) professional organizations' reports.

PART I

Relationships Between the State and
University Administration

According to Moos and Rourke (1959), everywhere in state government there has been a gradual movement toward administrative centralization. Consequently, university and college administrators have been increasingly frustrated over the steady infiltration of state administrative power into the internal affairs of public institutions. To survive, they need to make adjustments to manage these societal conflicts, pressures, and solutions effectively.

Meanwhile, university administrators also face the criticism of contemporary writers, who have charged that universities may have difficulty in fulfilling their traditional roles, such as providing an independent critique of society's evolution; questioning the ways in which moral, material, and technological problems are handled; and maintaining the spirit of free inquiry, which is an essential part of human freedom (Walsh & Williams, 1977). In addition to external pressures, college and university administrators also face their staffs' organizational efforts. During the last two years in Brazil, the professional higher education associations' influence and power have risen meteorically. These organizations have promised

1. To provide gratuitous education at all levels.
2. To democratize the university.
3. To improve salaries and working conditions.
4. To oppose ideological control of the university
(Boletim Nacional das Associações de Docentes, 1979).

These promises came from the Brazilian University Professors' Association meeting in September 1979. The objective of the meeting

was to discuss a governmental preliminary draft that regulated federal institutions of higher education constituted under the autarchy regime. Their final conclusion shows an increasing opposition to the governmental centralized decision-making process.

So, with university administration becoming more bureaucratic and teachers becoming more professional, one can surmise from the aforementioned University Professors' Association document that the need to resolve the conflict between hierarchical and local control is likely to intensify in the years ahead.

Conjointly, the changing professional climate illustrates the complex challenges the university administration system is encountering. If this system is to be effective, an understanding of administrative decentralization theory may be useful.

Criticism of Centralization

Studenski and Mort (1940) observed that excessive centralization of government promotes the rules of an irresponsible national bureaucracy and destroys democracy. The national legislature, they said, generally has so many measures of national importance to consider that it has no time to consider measures of mere local importance. Therefore, it must delegate local matters to the heads of the administrative departments, even though those matters involve questions of public policy. Thus, in contravention of democratic principles, policy making is delegated to administrative officers.

This feature is even more apparent in developing countries, where the habit of decision making at intermediate levels may not have

been encouraged in the past, and where the system of recruiting highly skilled personnel often has not been based on ability. Local questions are left to be decided by civil servants, who have no opportunity to acquire the expert knowledge needed to make decisions on matters presented to them.

Civil servants gain importance, even dominance, in this involvement because they must stamp every document. Studenski and Mort stated,

They are bound together by common tradition and self-interest; by a common distrust of the intelligence of the common citizens; and by common contempt for popular government. They become, in time, an entrenched and independent power in the country, in fact, its real government (p. 33).

In recent decades, administrative centralization has been the prevailing trend, stressing the advantages of concentrating authority at the summit. Centralization also has been used as a cure for many of the difficulties that flow from administrative corruption due to a lack of coordination and rational allocation of the government's limited funds. In the name of efficiency, a halt is called to the trend toward administrative centralization. At the moment there is little evidence that the Brazilian political system generates more rational decisions concerning education at the state or federal level than at the regional or local level.

Campbell (1933) asserted that if the effects of appropriate governmental decisions are pervasive, it is also true that the repercussions of inappropriate state decisions are far-reaching. He concluded by saying that decisions at all levels of government depend on the capacities, values, and interests of the decision makers involved.

Much emphasis has been placed on the fact that overcentralization destroys civic interest, individual initiative, and the moral fiber of the nation. The citizens' freedom is restricted by the rules promulgated by national administrative officers, and they are not allowed to exercise their initiative, making them become subservient subjects of a national bureaucracy (Studenski & Mort, 1940). At the beginning of the century, Brun (1911) wrote that an exaggerated centralization not only fails to provide proper training of its citizens in handling public affairs, but it also virtually kills their interest.

Campbell's (1933) comments on the centralization process complemented Brun's thoughts; he said that when centralization is pursued much further, the local government will lose its attraction for men who like to do responsible work for nothing but its own sake. In fact, governmental efficiency and educational freedom are commonly viewed as competitive claims.

Moos and Rourke (1959) observed that "higher education very largely owes its autonomous position in state government to the belief that freedom promotes rather than limits its efficiency" (p. 313). They concluded by saying that freedom is viewed as enhancing efficiency in higher education because it best enables colleges and universities to achieve their basic purposes as social institutions: the gathering, disseminating, and creating of knowledge.

Decentralization and Effectiveness

The optimum operation of the organization as a whole depends on two factors: effectiveness and efficiency (Getzels, Lipham, &

Campbell, 1968). Effectiveness in school decentralization refers to the degree to which schools meet the purposes for which they are organized and financed. To accomplish the expected outcome from decentralization, two important types of decentralization must be distinguished:

1. Academic freedom--that is, "the right of faculty and students to pursue truth, reveal their findings, and engage in the teaching-learning process (Glenny, 1973, p. 154). Academic freedom is directly related to political decentralization of the national plan. When speaking to this subject, Morphet (1967) indicated:

While wisely and carefully developed national plans are essential for sound rational progress, state and community studies and development programs need not and should not be neglected or delayed because of the lack or inadequacy of such plans. In fact, meaningful state and community development programs may stimulate and facilitate the national planning process (p. 26).

2. Administrative independence--"To accomplish more manageable operating units into the university institution, and to have the educational program better adapted to the needs of a rapidly changing civilization, the school administrative system should be decentralized and carried out at the local level" (Morphet, 1967, p. 27). This requires decisions that relate particularly to local needs and that, if done centrally, would prevent a limited desirable initiative and handicap to the development of effective local leadership and responsibility.

Dysfunctional Bureaucracy

According to the writings of Robert Merton (1968), goal displacement, resistance to change, and impersonal treatment of clients

vary with the number of bureaucratic rules and constraints existing within organizations. He also said that rules have a tendency to direct attention away from the primary goals of the organization, to become internalized, and thus to be applied indiscriminately to situations that call for fresh responses.

Merton further suggested that bureaucratic constraints ultimately affect the organization. The university's administrative staff in charge of controlling at the university level and rendering account at the state level will rely heavily on categories and legalistic interpretations of established procedures and as a result will be insensible and inept at adapting new demands and situations. This inevitably "results in uncertainty, loss of initiative on the part of institutional authorities, where freedom of initiative is indispensable to good government, loss of time, and friction, or at least a measure of mutual distrust" (Moos & Rourke, 1959, p. 46).

Another source of dysfunction is what Thompson (1964) called "the interaction between the systems of authority status and professional skills" (p. 51). The state's interference in the nomination of the college's administrators brings dysfunctional consequences to the university institution. Not only does it inhibit a complete articulation between the local leadership and the central groups, but it also constitutes a source of potential administrative displacement between programs, central offices' guidance, and concrete activities counsummated at the department level. This lack of articulation brings about an artificial hierarchical structure, which consequently creates conflict between what Anderson (1968) called "the growing functional

authority of specialization" and the "formal authority of hierarchy." The nonhierarchical nature of the authority vested in specialized professional competence conflicts with the authority of the hierarchical position appointed by the government. This conflict, as Thompson observed, is a result of the interaction between the systems of authority, status, and professional skills. The professional person is oriented toward protecting his client's interests, whereas the bureaucrat is responsible to the organization and must uphold its interests.

To understand better this conceptual conflict, we must turn to what Anderson called the "source of authority." The bureaucrat's authority, he explained, is inherent in his position and is delineated through rules and procedures; professionals rely on their training and expertise as a basis for their authority. He concluded by saying that the bureaucrat is governed by directives laid down by his superiors; the professional is disciplined by adherence to professional standards and a code of ethics.

Reasons for Decentralization

Within the realm of public administration, the prevailing trend in recent decades has been to stress the advantages of centralized authority at the summit of administrative hierarchies. However, many organizations have found advantages to decentralizing authority. According to Johnson and Stinson (1978), decentralization delegates authority to those managers who are most knowledgeable about the specific details and circumstances of problems that arise in their

departments. As a result, managers often make better decisions than top officers, who are not in touch with the specifics of the situation. Add to this the fact that by having more opportunity to participate in decision making, administrators are likely to feel more motivated and satisfied in their jobs. Decentralization can also create smaller and more autonomous organizational units, resulting in administrators and academic staff who better understand and identify with such units.

As an organization multiplies, it becomes more difficult for top managers to be knowledgeable about all activities in the organization. It takes longer for them to get the information necessary to make decisions. Thus, "delegating more authority to lower-level managers can unclog the decision-making machinery and improve the organization's efficiency" (Johnson & Stinson, 1978, p. 102).

Simon (1961) gave two principal reasons for decentralizing the decision-making process:

The first harks to the distinction between efficiency and adequacy. It is not enough to take into consideration the accuracy of the decision; its cost must be weighed as well. The superior is presumably a higher paid individual than the subordinate. His time must be conserved for the more important aspects of the work of the organization. If it is necessary, in order that he may make a particular decision, that he sacrifice time which should be devoted to more important decisions, the greater accuracy secured for the former may be bought at too high price. The second reason why decentralization is often preferable to centralization is that the referral of a decision upward in the hierarchy introduces new money and time costs into the decision-making process (p. 236).

Definition of Decentralization

Decentralization is described in administrative theory as "pushing down authority and responsibility to the lowest possible

level" (Argyris, 1962, p. 3). The extent to which the delegation of authority is given to organizational units is a measure of the degree of decentralization within that organization.

In his attempt to define decentralization, Sisk (1974) said that the degree of decentralization depends on the following three characteristics of decisions made at lower levels of the organization: (1) frequency of the decisions, (2) breadth of the decisions, and (3) the extent of control exercised over lower-level decisions. One can infer from Sisk's definition that the decentralization process includes the delegation of authority itself and its three consequent serial phases: the assignment of responsibility--"duties to be performed"; the delegation of authority--"empowers a person to act for the delegator"; and the creation of accountability--"a duty to perform the assigned work and to properly utilize the delegated authority" (Sisk, 1974, p. 246).

In his famous The Social Contract, Rousseau (1962) explained that "a great multitude of men who are brought together by the concentration of a central government, can make talents lie buried, virtues ignored, and vices unpunished." He concluded by saying that "the rulers, overburdened with work, have first-hand knowledge of nothing: and that the real governor of the State, in such cases, is the Civil Servant" (p. 212).

Bounds of Decentralization

Although local institutions have more authority in a decentralized organization, they do not have complete freedom. Certainly the

primary reason for this, in the case of institutions of higher education, is their financial commitment. In Brazil, a second reason arises from the outbreaks of student disruptions and a disenchantment with the country's socioeconomic and political situations, which resulted in a mantle of increasing legislation initiated by the federal government. Hence, there was an increase of restrictive legislation in the second half of the 1960s.

Ketter (1975) observed that "the extreme of arrogance and unreality would be to maintain that no institution should be accountable in any manner to the source, or an agent of the source, from which it derives its funding" (p. 80). He also said that the fact of being accountable is not the issue because institutions of higher education have always been accountable to a plethora of government and private agencies and various constituents. Financing, Ketter said, implies coordination, which appears reasonable in view of the enormous amount of public monies invested in higher education. The difficulty is to establish criteria that determine the limits of state coordinating agencies that reflect a respect for institutional autonomy. Ketter suggested that criteria could be specified and numerical measurements obtained. The diminution of bureaucracy, he added, might be measured in terms of the annual costs of paper and postage, and the overlapping state agency functions might be gauged through a comparison of the number of meetings attended yearly in state capitals and elsewhere by unit administrators.

In summary, administrative theoreticians appear to agree that decentralization tends to promote efficiency and effectiveness

in educational administration, while recognizing that institutions of higher education nevertheless do need to remain accountable to their sources of funding.

PART 2

Historical Review and Comments on Other Sources Related to Universities' Administrative Problems

Other sources that have discussed the tangle of laws embracing Brazilian university administration are discussed in this part. Since 1964, various interchange programs have been established between Brazil and the United States of America, with the aim of facilitating an improved university system that would function better and be more effective than the existing one.

Atcon Plan: In 1965, the Director of Higher of Education at MEC invited Professor Rudolf Atcon from Houston University to study the structural reform of the Brazilian universities. After visiting 12 universities, Atcon suggested legislative reform that would return to the universities the "unrestricted power" of elaborating their administration's policies, which were under the Federal Council of Education's (CFE) supervision (Atcon, 1965).

Atcon found the presumed characteristics of the 1961 Law of Directives and Bases of Education (LDB--see Chapter IV) concerning the "Decentralization of Educational Administration" to be ineffective. The CFE, created by the LCB and supposedly a normative advisory body whose purpose was to interpret educational policy, became instead a

more powerfully centralized bureaucracy. Atcon, an outside consultant, pointed directly to tangled laws as one source of problems.

Meira Mattos Report: In December 1967, Decree n. 62.021 was mandated by the President of the Republic, creating a special commission (1) to provide relevant suggestions concerning students' demands and (2) to plan and suggest instruments that would favor a better application of the governmental policies for this sector. Colonel Meira Mattos of the permanent body of the Higher Army School¹ directed the commission, and the final report carried his name. The following are main points stressed in the report:

1. The structural unsuitability of the MEC. The Ministry structures were considered jammed, creating an awkward and inefficient administration.

2. The educational system's crisis of authority.

The Mattos Report concluded that the amount of centralization in the CFE, mandated by the LDB, was so great as to be unresponsive to the Brazilian university situation. Indeed, this centralization created a crisis in the authority system of the university because the university was forced to consult the CFE for its merest need. This report concurred with Atcon's concerning the need for LDB reform, especially as it concerns CFE's functions and the university's autonomy (Relatório Meira Matos, 1968).

¹Escola Superior de Guerra (ESG).

The MSU/MEC/Brazil Project: The MSU/MEC/Brazil Project¹

sprang from a USAID loan to the Brazilian government to develop an experimental educational project through a specific academic area (agriculture). One of the main purposes of this project was to improve administration and planning across 12 institutions of the federal system. The MEC gave impetus to planning and administration to accomplish the benefits of university reform and the expected improvement of its efficiency. Various American university professors went to Brazil as consultants for the development of academic activities. Six of them had duties specifically related to administrative issues. Two of these reports contained specific comments on the university's administration circumstances.

1. David Armstrong, former Dean of the College of Agriculture at Michigan State University, indicated that

In Brazil, the organization and the legislative system must be thoroughly studied and evaluated. Unless some modifications are made, program development necessary to maintain the reputation of ESALQ will be short-run in duration.

If no changes are made in the administrative structure, certain outcomes, in my opinion, are inevitable. One conclusion is certain: things can not and will not stay the same, regardless of how hard one tries to protect the status quo.

Armstrong reported that in addition to improved legislation, the selection of administrators and the implementation of new ideas and programs must be addressed.

The filling of all administrative posts should be through a process shared by faculty and administration.

Faculty must have input. A procedure which works best for us in Michigan [and which] I believe would work well for

¹The project's official name was Program of Higher Agricultural Education (Programa de Educação Agrícola Superior (PEAS)).

ESALQ¹ is for the council to recommend more than one candidate to the director. The director would then select from this list or confer with the council if there are special difficulties.

In other words, I subscribe to a procedure similar to that used to select the Director of ESALQ. It is the faculty's responsibility to take nominations seriously and an administration prerogative to have some choice in final selection.

I have been warned on several occasions that implementation of new administrative ideas is impossible. If that be the case, this section is unnecessary. Perhaps I view plans, reports of this type quite differently. Every plan, good or bad, has its critics and its natural or contrived impediments. But, a report that is true to the situation, even if rejected, can not escape the conscience.

My conversations with a large number of ESALQ faculty have convinced me that I have accurately, or nearly so, perceived the current situation. If in reading this report, discussion by faculty members and administrators alike does nothing more than verify the current situation over and over again, the report has been implemented.

Any plan of action belongs to ESALQ, its faculty and its administrators. My concern is that the situation is sufficiently serious to warrant the painful discussion and resultant decisions. Delay could stall ESALQ into a timeless plateau with no appreciable change or growth.

2. In summarizing the project's program operation, Clarence Minkel, principal representative on the MSU/MCE/Brazil Project, and then professor of geography at MSU, pointed out the necessity of exempting such projects "from the strict control over staff positions and salaries which characterize regular civil service Brazilian employment" (Minkel, 1977). Again, an outside consultant was able to pinpoint accurately the need for an internal shift toward a decentralization of authority for programs to be efficient and effective.

Premises of the University Professors' Association

After the revolution of 1964, Law AI.5 was created, prohibiting the creation of various associations. When this law was revoked in 1978,

¹ESLQ is an isolated college named Escola Superior de Agricultura Luiz de Queiroz.

the professors in Brazil began to form associations. After the National Professors' Conference in the Northeast held in September 1979, the number of associations throughout Brazil increased. The increase resulted directly from the convocation, which had as its primary objective the discussion of a governmental preliminary draft that regulated federal institutions of higher education constituted under the autarchy regime. Their final conclusion showed an increasing opposition to the government centralized decision-making process. The association decided:

- a. To disapprove the authoritarian feature of government agencies in dealing with regulations in the scope of universities, without any participation of the country's academic community, and
- b. To declare the project unacceptable, considering that:
 1. The preliminary draft deals with the advantage of a university autonomy, which is already assured by Law 5.540/1968, but never executed.

However, such autonomy is entirely empty of content once all matters of consequence depend upon the approval of a power external to the university, like the Ministry of Education and Culture (MEC), or the Federal Educational Council (CFE), as well, who would be within their jurisdiction. Thus, for the administrative autonomy, the present antidemocratic selection of university administrators will not make a difference. The prerogative of defining the characteristics and functions of academic staff as well as their wage, depends upon MEC authorization. The financial autonomy only means that the universities have the right to beg for available monies among the budgetarian official entities. The MEC only assumes an obligation to complement the university budget which has to be approved by the Minister. The academic autonomy has to conform with the CFE curriculum disposition, and the research and extension activities depend upon availability of funds judged by the universities' outside agencies.

2. In pursuance of the implementation of this project we can anticipate the creation or aggravation of an academic salary unevenly distributed between professors of the same institution and other institutions, according to the availability of funds based upon false definitions of selected priorities, with clear prejudice for the less developed places. . . .

3. The project's regulations will bring up as an inevitable consequence the fact that the federal universities will appeal to have the students charged fees as a source of funds.

The reform of Federal Universities has to incorporate the democratization of its power structure, so that its administrators in all levels could be elected with wide participation of the academic community in each institution. The reform also has to eliminate the existing bureaucracy, allowing the universities more administrative finances and academic autonomy in face of the state's various departments.

Summary

This review of literature was designed to provide a framework for the analysis and description of the Brazilian university administration situation, which is assessed in Chapter V.

The materials reviewed indicated a need for administrative flexibility in the university system to cope with shifting societal development and expectations.

University self-government is one strategy to provide decision making by people who have the necessary knowledge and skills, and by those who get the necessary information to make more effective decisions to meet the purposes for which universities are organized and financed. If controlling policies are limited to foster decentralization, they may result in a higher degree of organizational flexibility, supportive of organizational survival and effectiveness.

The criticism of centralization emphasizes the fact that in recent decades administrative centralization has been the prevailing trend to stress the advantages of concentrating authority at the summit. It also has been justified as a cure for many of the difficulties that flow from administrative corruption because of a lack of coordination and rational allocation of governmental funds.

From a review of the literature, certain conclusions can be drawn, even though they may be somewhat subjective. These include: (1) that overcentralization tends to destroy civic interest (Studenski & Mort, 1940), (2) that local government loses its attraction for people who like to be involved in responsive work (Brun, 1911), and (3) that freedom promotes rather than limits efficiency (Moos & Rourke, 1959).

In the section entitled "Decentralization and Effectiveness," it was indicated that two types of decentralization may be important to accomplish desired outcomes: (1) academic freedom and (2) administrative independence. The former is related to political decentralization, and the latter is related to the inclusion of more manageable operating units in the university institution.

The section on "Dysfunctional Bureaucracy" revealed some areas in which bureaucratic constraints may affect the organization: (1) administration that relies on categories and legalistic interpretation of established procedures may result in insensibility and non-adaptability to new demands and situations; (2) administrators' uncertainty tends to engender a loss of initiative; and (3) conflict between the authority of administrators appointed by the state and the authority of those who have academic or professional specialization tends to produce confusion and inefficiency. As a result of the interaction between the systems of authority, status, and professional skill, a conflict may be generated by different objectives: the professional is oriented toward protecting his client's interests, whereas the

bureaucrat is responsible to the organization and must uphold its legal status and interests.

Some reasons for decentralization are: (1) having administrative authority placed with those managers who are most knowledgeable about the specific details and circumstances of problems that arise in their department and (2) "the referral of a decision upward in the hierarchy introduces new money and time costs into the decision-making process" (Simon, 1961).

The definition of decentralization brought up some concepts that suggest three levels of decisions to be made at lower levels: (1) frequency, (2) breadth, and (3) the extent of control exercised over lower-level decisions.

The section on "Bounds to Decentralization" indicated that the fact of being accountable may not be the primary issue. The difficulty in an overcentralized system appears to be the extension of the state coordination of agencies' intervention into the limits of the institutional autonomy of colleges and universities.

Part 2 of this chapter included references to historical documents and American consultants' reports on the Brazilian universities' administrative problems. The objective was to give a perspective of conclusions of research that has been conducted in this area. The Atcon Plan's conclusion suggested legislative reform that would give back to IES the "unrestricted power" of elaborating their administration's policies, which were under the Federal Council of Education's supervision. The Meira Mattos Report concurred with Atcon's conclusion

concerning the amount of centralization the CFE structure brings to the IES' system.

The MSU/MEC/Brazil Project reports by Armstrong and Minkel agreed that the organization and legislative system must be thoroughly studied and evaluated. They revealed that the mass of bureaucracy will cause program development within the institutions to be of short duration. Armstrong also mentioned the problem of selecting administrators, which should be a process shared by faculty and administrators, not an official appointment by the MEC or any other office.

The University Professors' Association's report of September 1979 urged decentralization. The document pointed out (1) the university faculty members' purposes for disapproving "the authoritarian feature of government agencies" in dealing with regulations in the scope of universities, (2) the lack of self-government of the IES, and (3) the uneven distribution of academic salaries.

CHAPTER III

METHODOLOGY OF THE STUDY

Introduction

The objective of this chapter is to describe the procedures used in the study. After reviewing selected literature and consultants' reports for concepts relating to the study's purposes, existing legislation was analyzed along with current MEC data on university operation. The procedures followed were descriptive and deductive. The procedures also were theoretical, in that the researcher attempted to relate detected problems to conceptual issues reported in the literature on administrative theory.

As reported earlier, the university administration in Brazil is regulated by federal legislation, which governs the national administrative process in the institutions of higher education. The bulk of legislation has created a bureaucracy that has rendered local university administrators incapable of making elementary, daily administrative decisions.

The purpose of this study was to collect information descriptive of the functioning outcomes of the institutional, federal, and state agencies and those of decision makers within the university administration. The researcher also identified difficulties in the implementation of local university self-government.

Hypothesis

By examining the issues of this study, the researcher attempted to explore whether the lack of university self-government, reinforced by a centralized bureaucracy, restrains the on-going process of decision making, ultimately resulting in disorganization and inefficiency. It was hypothesized that to the extent the IES-foundations have more administrative freedom than the IES-autarchies, so will the amount of their efficiency also increase.

This hypothesis was explored by examining the current MEC census data to determine whether different levels of efficiency have resulted in the cases of the IES-foundations and IES-autarchies. The concept of efficiency employed in this study was rooted in administrative theory, as presented in Chapter II.

Design

The design of the study took into consideration the need to determine what kinds of outcomes and what information would facilitate arriving at appropriate judgments. Then, taking into consideration the existing differences within the IES' administrative regimes (autarchies and foundations), a need to analyze their achievements was also considered important. Certain variables regarding the IES academic achievements were investigated in terms of their institutional behavior.

A documentary analysis was also implemented as a consistent source of information, to follow Rommel's (1964) recommendation that researchers use existing records to collect data.

To assess the degree of administrative immobility of universities due to institutional bureaucracy, two principal methodologies were used in this study. The first was a historical narrative of the governmental actions expressed by laws, decrees, and general legislation related to the university administrative process. The second was a descriptive analysis of the MEC census data related to the IES academic achievement.

The mass of legislation regulates the university's administrative process in terms of the nine categories of administrative operations specified in Chapter I: (1) the juridical structure of the institutions and consequently their relationship to the state and society, (2) the curriculum organization, (3) the designation of administrative personnel (rectors and department deans), (4) the academic personnel organization, (5) the general personnel salary, (6) financial support, (7) the accounting system, (8) the facilities and buildings, and (9) budget expenditure. These nine categories are regulated by the following legislation:

1. The Constitution of 1946, which established the need for directives and bases for national education, and which ended with Law 4.424.

2. Law n. 4.424 (12/20/61)--Law of Directives and Bases of Education (LDB). The LDB established a need for decentralization of educational administration and created the National Council of Education (CFE).

3. In 1967, a new Constitution was promulgated, which maintained the LDB but changed the organizational system of the university through Law n. 5.540, termed the University Reform.

4. Decree-Law n. 200 came after the 1967 Constitution as a complementary device to define "direct" and "indirect" administration of the federal system, as well as where the autarchies and foundations had to be placed in an administrative hierarchy.

5. Law n. 5.540--Higher Education Organization and Functioning--brought an important rationalization to the system. It indicates that universities and isolated colleges that are federal institutions will be constituted as autarchies and/or foundations. It defines the university's place in society, as well as its relationship with the state, by setting forth the criteria for expansion of higher learning and its financial backing.

6. Law n. 5.539 modifies the disposition of Law. n. 4.881-A, which regulates the Professorship Statute; this statute defines and directs the functions of the professor's tenure track. Law n. 5.539 introduces the norm that the Civil Servant Statute will apply to the faculty members and all personnel of the institutions constituted as autarchies, in terms of employer/employee relationships.

7. Decree-Law n. 900 modifies dispositions of Decree-Law n. 200 to adapt the latter to the new dispositions of Law n. 5.540.

To describe further the reality of the Brazilian university system, additional information was used: sources from the bibliography on the history of higher education and complementary Brazilian legislation applicable to higher education.

Analysis of the Information

The second method used to assess the comparative study of the relative efficiencies of IES-autarchies and IES-foundations was an analysis of the MEC census data related to university achievement. A descriptive analysis compared the performance of the IES instituted as autarchies to the IES-foundations, using the variables: (1) faculty (faculty official panel, appointment accomplishment, weekly work hours, distribution by title, rate of growth); (2) students (number, proportion between autarchies and foundations, undergraduates and graduates); and (3) funds (proportion between autarchies and foundations). The analysis indicated some differences in institutional behavior among IES-autarchies and IES-foundations, while noting that the former are governed by complex legislation and the latter have less administrative control.

The analysis of the data tended to support the hypothesis that the legislative bureaucracy hinders the university's administrative process. Figure 2 more clearly indicates the areas covered by legislation, which contain the nine categories specified in this study. The chart shows that within the foundations six of the nine areas are afforded almost total self-government and flexibility in the absence of specific legislative restrictions.

Documentary Analysis

The various documents already discussed in Part 2 of Chapter II, concerning the functioning and reaction to existing legal administrative processes within the institutions of higher education in Brazil, also supported the hypothesis of this study:

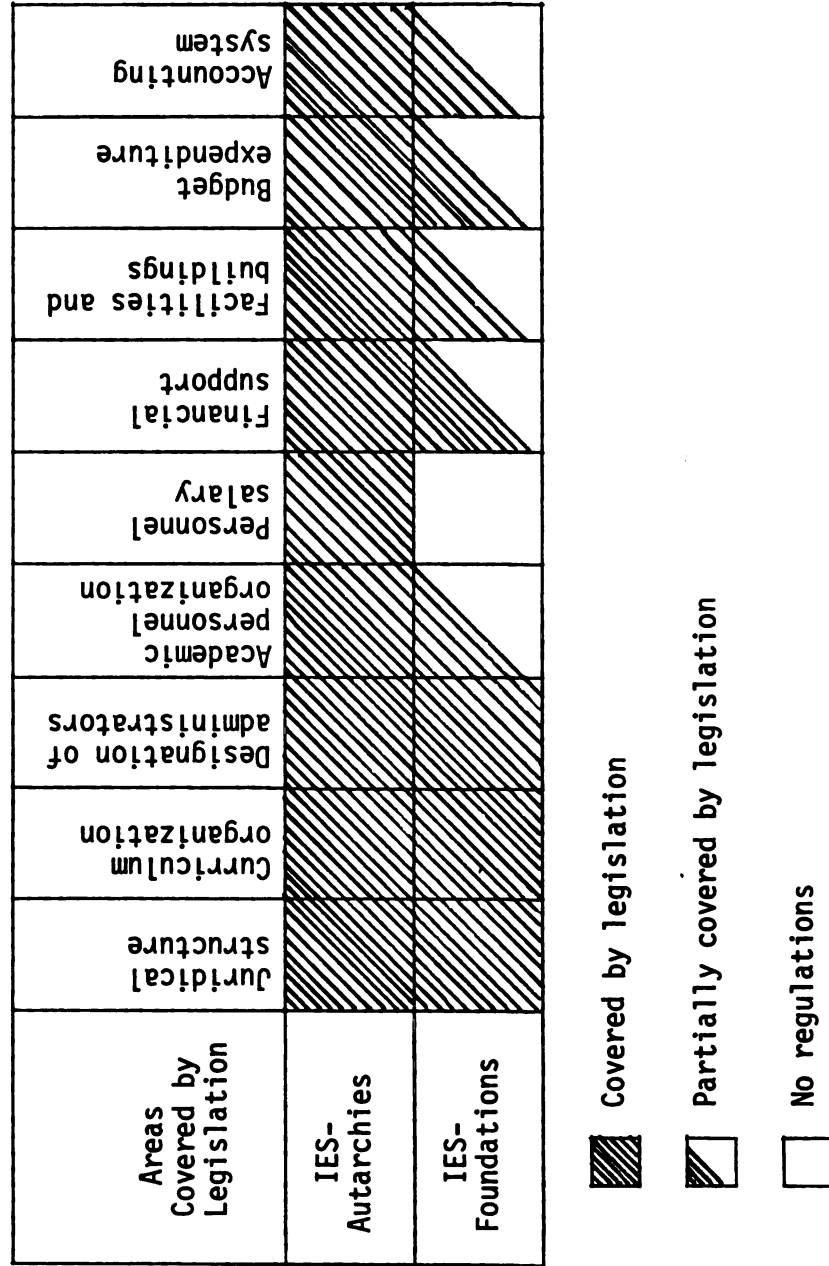


Figure 2.--IES administrative categories covered by legislation.

1. Final reports of special commissions appointed by the Brazilian government were used to analyze the university's administrative system and to suggest alternative solutions.

2. MSU/MEC/Brazil Project consultants' reports provided specific comments on the universities' administration circumstances.

3. The official report of the Brazilian University Professors' Association showed opposition to the existing centralized administrative decision-making process.

The quantitative interpretation of MEC data for the purpose of determining whether any disparities exist between IES-autarchies and IES-foundations represents a unique contribution of the present study.

Summary

The purpose of this chapter was to describe the procedures used in analyzing the data found in Chapter V. The data were examined in reference to the applicability of Brazilian legislation as it pertains to the IES-autarchies and IES-foundations. Administrative theory and historical documents are examined in Chapters II and IV in further support of the hypothesis.

The survey design took into consideration not only the reality of the present Brazilian university situation, but also the historical and legislative perspectives that are the underpinnings for the analysis of data in Chapter IV. Included were the nine tasks that fall within the university's administrative process. The amount of self-government and flexibility experienced by the IES-autarchies and foundations is directly proportional to the amount of pertinent Brazilian legislation.

This was represented in a graphic format in Figure 2. Chapter IV, which follows, contains a review of the pertinent current legislation in Brazil. Chapter V presents an analysis of MEC survey data. Recommendations, implications, and conclusions are presented in the last chapter, Chapter VI.

CHAPTER IV

LEGISLATION PERTINENT TO UNIVERSITY ADMINISTRATION

Despite certain notable exceptions, and the recent and current work that is beginning to fill the void, political scientists in general have paid very little attention to the over-all character of the education-polity nexus, and few empirical studies have been made which focus explicitly upon specific ways in which educational systems affect the functioning of political systems (Coleman, 1965, p. 8).

Introduction

Legal provisions governing the relationship between the state and federal colleges and universities in Brazil bear eloquent witness to the fact that the state is as capable of diversity in the field of higher education as it is in any other area of social and economic life.

Such state diversity has its roots in the beginning of Brazilian independence in 1822, when the first conceptions of a university were given by Rui Barbosa, an eminent Brazilian politician and intellectual, who wrote the exposition of reasons in the reports of the Imperial Ministry. The exposition clearly demonstrated the centralized conception:

The university is one of the state's features. It is the state educating and promoting education; inspecting it, for the benefit of the prosperity and the greatness of the Empire. This occurs in much the same way that tribunals were where law was organized, and in the same way that army constitutes the public

force; these are some other forms, other manifestations of the state that do not exclude the liberty, neither when it deals with public education (Barros, 1959, p. 569).

Although many efforts were made to create the first university institution in Brazil, only in 1915 did a legal document mention it:

The federal government, when it considers it an opportune time, shall congregate in a university, the Polytechnic and Medicine schools of Rio de Janeiro, incorporating them into one Law School, excluding it from the federal tax and giving it gratuitous facilities (Decree n. 11.530/1915).

The decree established as a federal competency the initiative to create the first university.

According to Chagas (1967), when several attempts to create universities failed, the movement tended momentarily to be disjointed with the central government's plan. Then, under the influence of the liberal principles of decentralization, the University of Manaus and the University of Paraná arose in 1909 and 1912, respectively, both as free institutions. Only in 1920, with Decree n. 14.343, did the government create the first federal university: the University of Rio de Janeiro.¹ The decree asserted to the new component colleges that their didactics and administrations would be autonomous. In fact, these universities had just a nominal existence. The name "university" did not make them less self-ruling colleges because they were loosely linked to a rectorate, making it a far-fetched title of courtesy (Azevedo, 1960).

¹The creation of the University of Rio de Janeiro occurred because of the King of Belgium's visit to Brazil. As a part of the homage to be rendered to the King, the title of Doctor Honoris Causa was bestowed on him, a title granted only by a university institution (Gonçalves, 1974).

In 1930, Brazilian education was shaken by the ideas of a libertarian revolution, and a deep reform was implemented by Francisco Campos, then Minister of Education. The reform took the minister's name and his own philosophy: "To sanitize and educate Brazil constitutes the first duty of a revolution which is started to give liberty to all Brazilians" (Campos, 1940, p. 119).

The Francisco Campos Reform movement of the 1930s was the first official philosophical movement that clearly specified autonomy for the universities, but with restrictions. Among the directives for higher education introduced by these libertarians was the concession of a proportional administrative and didactic autonomy granted to the universities as the gradual preparation for full autonomy.

In the beginning of the Brazilian "second Republic," higher education had another critical moment. Some institutions of higher education were transformed into university institutions. The creation of the University of São Paulo in 1935 and the University of Brasília in 1960 approached most closely the concept of what should be included in Brazilian university structural philosophy, such as the integration of colleges and the organization of their internal structure, which will foster increased university creativity.

In 1937, the University of Rio de Janeiro went through various transformations, even to the point of receiving a new name, University of Brazil, which remained until November 1965, when, by Decree n. 4.831, it received the name Federal University of Rio de Janeiro. This began the system of federal universities, structured as autarchies.

The struggle to create the first university, taking into account the circumstances of the times, can also be studied through the documents of the Brazilian Association of Education (ABE) (Associação Brasileira de Educação, 1929). Among the main ideas and suggestions included in these documents were the results of interviews with the most prominent educators of the country. University autonomy as an academic necessity was strongly demanded (Fernandes, 1966).

The University Reform in 1968 appeared as a consequence of the industrialization process and the all-out development effort that was waged during the 1950s. The social changes that resulted from the anachronism of the Brazilian university system were fast becoming evident. By the late 1960s, the universities' diverse problems were gaining national recognition (Fernandes, 1966).

Initially limited to the university environment, the debates and the claims for autonomy ceased to be those of only intellectuals and students, but also resulted in the public voicing its opinion, embodying a new voice in the systematic critical analysis of the Brazilian university (Fernandes, 1966).

Basic Legislation Affecting Higher Education

Higher education in Brazil is controlled on the administrative level by the federal government in accordance with the Constitution and legislative stipulations. Brazil also has some state universities that are controlled by state legislation. Once all state legislation is based on federal legislation, most of the administrative problems at the state level become similar.

The following legislative documents were selected on the basis of their bearing on the day-to-day administration of the IES. The constitutional texts were selected to provide an understanding of the foundations upon which the legislation has been built. All the legislation presented came from governments that followed the Revolution of 1964 (except for the Constitution of 1946 and the Law of Directives and Bases). Hence this legislation has the characteristic of justifying itself as the country's defender of the political radicalism of the 1960s.

The Constitution of 1946

The Constitution that was adopted in 1946 contained only a few articles applicable to higher education, but their implications are far reaching. These articles incorporate the right to free education for the needy at all levels:

Article 166: All persons shall be entitled to an education, which shall be given in the home and in schools and shall be based upon the principles of freedom and the ideals of the brotherhood of man.

Article 167: The various branches of education shall be provided by the public authorities and may be provided by private persons in accordance with law.

Article 168: Statutes relating to education shall be based on the following principles: . . . (6) teaching posts in official secondary education and in official or private higher education shall be filled competitively according to the formal qualification of

candidates and the results of an examination. Teachers so engaged shall be entitled to security of tenure. (7) Academic freedom is hereby guaranteed.

Article 173: No restriction may be placed on the teaching of any branch of learning, of letters, or the arts.

Article 174: The protection of culture shall be a duty of the state. The foundation of research institutes, preferably in conjunction with establishments of higher education, shall be governed by statute.

Articles 5 and 6 of this Constitution dealt with the power of the states and of the union. They stipulated that the union should be concerned with legislating "directives and bases of national education," whereas the states should provide "supplementary and complementary legislation." According to Havighurst and Moreira's (1965) interpretation, there has been controversy about what is meant by "directives and bases of national education." The general consensus, they concluded, is that the Constitution should be interpreted to support the following administrative philosophy, which may be applicable to higher education:

- a. Regardless of economic, political, or religious affiliation, everyone has the right to all grades or levels of instruction, and it is incumbent upon the state to see to it that this right is in fact assured.
- b. Only primary, public education is free. In the other levels or grades the state is to assure free tuition only to those who prove they are lacking in resources to pay for their studies.
- c. Logically, if the public secondary levels and advanced schools should prove incapable of extending free tuition to those in need thereof, the state may pay the tuition of such students in private schools.

- d. It is also evident that free schooling cannot be provided for all those in need thereof, but only for those who reveal a genuine capacity for secondary and advanced studies. Free tuition must be subordinated to scholastic capacity.
- e. The constitution envisions the existence of a federal system of education, but this should be supplementary, serving mainly to supply the lacks or deficiencies of the states. Thus the system of public instruction falls primarily within the power of the states, duly aided or supplemented by the Federal Union.
- f. The principle cited in (e) demonstrates that the authority delegated by the constitution to legislate concerning educational bases and standards is not to be confused with the authority to regulate instruction. The latter is free, even though it must conform to certain bases and directives, that is to say, to a general orientation fixed by law, as determined by the representatives of the people in the Chamber of Deputies and in the Senate of the Republic.
- g. The one great ideological premise of the constitution supports liberty and human brotherhood. Brotherhood implies tolerance and consequently, any educational limitation or discrimination is unconstitutional which encourages, explicitly or implicitly, the struggle of classes or political ideologies. Freedom is limited by the goal of social solidarity among Brazilians. Furthermore, there must be no discrimination between public and private instruction. The two complement each other and are united in a single objective, namely, that of providing intellectual, moral, and practical education for Brazilians (p. 139).

The Law of Directives and Bases of Education (LDB)

The Constitution of 1946 called for the formulation by the National Congress of a Law of Directives and Bases of Education, which would provide the legal base for the use of public resources in the field of education. In December 1961, Law n. 4.024 was approved by the Congress. Some of its presumed features were:

- a. Decentralization of Educational Administration: State and local governments are encouraged to take greater responsibility for the conduct and financing of education. State councils of education are to be appointed by governors to assume responsibility in the states.

b. **Flexible Curriculum:** In primary and secondary education, the state councils are expected to provide a variety of methods of instruction and forms of school activity related to the geographical region and the social group being served.

c. **Priority of Public Education:** In the law, provision is made for federal government funds to be used preferentially for the system of public-supported education, although a way is left open for assistance to private institutions. Of the federal government's educational funds, 90 percent are to be divided into three equal parts for support of primary, secondary, and higher education. The law also pays considerable attention to technical or vocational education at the secondary level, seeking to guarantee that technical courses will have a component of liberal education and that graduates of technical courses will be eligible for entrance to appropriate university colleges and technological institutes.

In fact, LDB is an extension of the 1946 Constitution because it is an implementation device and because it creates a national educational system. More precisely, it creates a dual state and federal system, thus establishing an educational policy in the federalist model. LDB was supposed to transform and develop the former highly centralized system according to its own needs, peculiarities, and limitations.

The Constitution of 1967

In January 1967, a new Constitution was promulgated. It contained the following articles concerning higher education:

Article 8: It is the Union's jurisdiction: . . . XVII--to legislate concerning: . . . (q) directives and bases of national education: general norms upon sports. (r) conditions of capabilities for the exercise of liberal and technical/scientific professions.

Article 153: The Constitution assures to all Brazilians and aliens living in the country the inviolability of the prerogative concerning the life, liberty, security, and property, in the following terms:

Paragraph 8: The manifestation of thinking and of political and philosophic conviction is free. . . . The publication of books, newspapers, and periodicals does not depend upon authority license.

Article 176: Education, inspired in the principle of national unity and the ideals of freedom and human solidarity, is the right of all and is the state's duty, and shall be disseminated at home and in school.

Paragraph 3: The various branches of education shall adopt the following principles and norms:

III--Public education shall be equally gratuitous for all who, at the secondary and at the university level, show effective improvement and prove insufficiency of resources.

IV--The government will gradually substitute the regime of gratuitousness in the secondary and university level for a system of concession in scholarship through scholastic restitution.

VII--The freedom of the communication of knowledge in the exercise of teachership made exception to the determinations of Article 154.

The Constitution of 1946 incorporated the right to free education for the needy at all levels, whereas the Constitution of 1967 suggested free education for the needy at the upper two educational levels, depending upon performance, while adding: "Whenever possible, the state will replace the no-cost system with that of scholarships which require subsequent reimbursement in the case of higher education" (Article 176, Paragraph 3, IV).

Law 5.540: Higher Education
Organization and Functioning

The University Reform that resulted from Law n. 5.540 (11/28/68), further supplemented by several decrees, was not confined to the structural and inner organizational problems of university administration. It sought to define higher education's place in society as well as its relationship with the state by setting forth the criteria for expansion of higher learning and its financial backing.

The following articles of Law n. 5.540 are closely concerned with the problems of autonomy:

Article 3: The universities have didactic, scientific, disciplinary, administrative, and financial autonomy, which will be exercised within the limits of the law and their own statutes.

Article 4: The universities and isolated colleges that are federal institutions will be constituted autarchies of a special regime or as foundations of public law.¹

¹ Foundations are institutions of private law (Civil Code, Article 16, I). They do not constitute entities of indirect administration, even when established by federal law, exerting to them in the meantime, when they receive governmental subventions, the ministerial supervision.

Paragraph Unique: The special regime shall obey the enumerated peculiarities of this law, including concerns about teaching staff in higher education.

Article 5: The organization and functioning of universities will be instructed by statutes and by the guidelines of the constituted units, which must be submitted to a competent educational council.

Article 15: In each university or isolated college of higher education constituted under the special autarchic regime maintained for the union, there will be a council of curators that will be invested with economic/financial supervision.

Paragraph Unique: The composition of the council of curators, which has to be regulated by statutes and guidelines, will include members of the institutions, representatives of the community, and members of the Ministry of Education and Culture, in numbers correspondent to a third part of the total.

Article 16: Nomination of rectors and vice-rectors and deans and vice-deans of universities and isolated colleges will be established in observance of the following principles:

I--An official university's rector and vice-rector will be appointed by the respective government and chosen from a list of names indicated by the university council or collegiate equivalent.

II--The dean of an official college will be appointed in accordance with its own system except in the cases due to paragraph 1 of this article.

Paragraph 1: The appointment of rectors, vice-rectors, deans, and vice-deans will be handled by the President of the Republic aided

by a list of six names submitted to him by a collegiate representative group of each federal institution.

Paragraph 4: The rectors' and deans' duty is to watch over the maintenance of order and discipline within their domain, being held responsible for abuse or omissions.

Article 26: The Federal Council of Education (CFE) will determine a minimum curriculum and a minimum duration for the courses in higher education that correspond to the professions regulated by law and other occupations necessary to national development.

Decree-Law 200

Decree-Law n. 200 (2/25/67) is the inspirational charter for the Brazilian public administration in its five main aspects: planning, coordination, decentralization, delegation of authority, and control (Article 6). It was designed to free administration from the constant appeal to law and thus to create an internal administrative dynamism.

Article 4: The federal administration comprehends:

I--Federal administration, which consists of integrated services in the republic presidency and ministries' administrative structure;

II--Indirect administration comprehends the following categories, endowed with self-juridical personality: (a) autarchy, (b) public enterprise.

Paragraph 1: The entities included in the indirect administration will be considered linked to the ministry in which the area of competency conforms with its main activity.

Paragraph 2: Foundations created by law, and with union funds, will be elevated to the level of public enterprise for the purpose of this decree-law, regardless of its ultimate objective.

Article 5: For the purpose of this decree-law, it is considered:

I--Autarchy--the autonomous service, created by law, with juridical personality, self-patrimony, and budget, in order to perform typical activities of public administration, which demand for its better operation, decentralized administrative and financial conduct.

Article 19: Any and all federal administrative institutions are liable to the proper state minister.

Article 26: The ministerial supervision of the indirect administration shall aim to assure:

I--The realization of stated objectives in the constitution of the institution.

II--Harmony with the governmental policy and programming in the actual sector of the institution.

III--Administrative efficiency.

IV--The administrative, operational, and financial autonomy of the institution.

Paragraph unique: Supervision will be carried out through the following procedures:

a. Indication and nomination by the minister . . . of the institution's director.

b. Automatic reception of reports, bulletins, trials, balances, and information that can permit the minister to follow the

institution's activities as well as the execution of the program-budget and the already approved financial programming.

c. Annual approval of the institution's proposed program-budget and finance programming in the case of autarchy.

d. Accounts, reports, and trial approval, through ministerial representatives.

e. Settlement of personnel fees at levels compatible with the criterion of economic operations.

f. Settlement of the criterion for expenditures for publicity, publishing, and public relations.

g. Realization of judgeships and valuations.

h. Intervention for public-interest motives.

Decree-Law 900

Decree-Law n. 900 (9/29/69) was created to modify Decree-Law n. 200 and some of its dispositions. Article 1 of Decree-Law n. 900 modified Articles 155 and 172 and its first paragraph.

Article 155: The decisions and measures that provide the intensification of activities of science and technology are subject to coordination for the purpose of implementation of national development for scientific progress.

Article 172: The executive power assures administrative and financial autonomy, in appropriate levels, to the institutions responsible for the accomplishment of research projects, teaching projects, or projects with industrial, commercial, or rural characteristics. This decision is supported by the assumption that the particular

organization and function of these institutions demand a diverse treatment from the regular treatment applied to the remaining institutions under the direct administration, which observes ministerial supervision.

First Paragraph: The institutions to which this refers will be named self-governing institutions.

Article 3: The institutions established by federal law are excluded from indirect administration. However, the ministerial supervision referred to in the 19th and 26th articles is applied to them when they receive governmental subventions.

Article 4: The approval of university panels' recommendations for the hiring of academic faculty of federal autarchies and the establishment of salaries are responsibilities of the President of the Republic. Any panel disposition that oversteps their juridical bounds will be declared null and void.

Law 5.539

Law n. 5.539 modifies dispositions of Law n. 4.881-A, which regulates the Professorship Statute. This statute was so transformed that today it essentially includes the elements of Law n. 5.539. Only the articles pertinent to this study follow.

Article 2: The higher academic staff includes the regular professors and the instructors.

Paragraph unique: The professors are admitted according to the juridical regime of the Higher Professorship Group Statute or according to labor legislation.

Article 3: The jobs and functions of the professor's career embrace the following categories:

- I--full professor,
- II--associate professor,
- III--assistant professor.

Article 11: The statute of the Civil Servants of the Union will be applied to the university professors when appropriate.

Article 12: The functions of higher education professors within each university or isolated college integrate the academic personnel panel, which has to be approved by decree.

Paragraph unique: The functional distribution of higher education professors is made according to the rectors' solicitation. This solicitation is planned around the real needs and demands of the teaching and research centers.

Paragraph 1: The academic staff under the labor code has the same rights and duties as the other regular professors at the didactic, scientific, and administrative levels.

In addition to the basic legislation presented above, a huge number of laws, decrees, decree-laws, rules, and regulations intervene in the federal colleges' and universities' activities. Following are some examples.

Law n. 4.881-A (12/6/1965): Institutes the juridical regime for higher education teacher staff linked to the federal administration.

Law n. 5.539 (11/27/68): Modifies some of the devices in Law n. 4.881-A, in which the hiring of academic staff was limited to the

juridical regime of the Higher Professorship Statute (Estatuto do Magistério Superior), adding to it the possibility of having academic personnel be admitted in conformity with the worker legislation. (In fact, as a general rule, the positions of the academic staff in each college or university shall integrate a single personnel panel, which has to be approved by an executive-power decree. Article 12.) Both Law n. 4.881-A and Law n. 5.539 brought evident limitations and interesting aspects to the system of higher education administration. Comments on these aspects follow in the next chapter.

Decree-Law n. 1.086 (2/25/70): Establishes the basic salary of the academic staff in higher education.

Decree n. 66.258 (2/25/70): Regulates the work regime of higher education academic staff.

Decree-Law n. 11.121 (8/31/70): Regulates the salaries of those in directive positions in official colleges and universities.

Decree n. 64.610 (10/23/69): Regulates the work regime and salaries of the academic staff.

Decree n. 65.610 (10/23/69): Regulates the permanent commission of the full-time regime and its exclusive dedication (Comissão Permanente de Regime de Tempo Integral e Dedicação Exclusiva), created by Article 19 of Law n. 5.539.

Decree n. 67.349 (10/6/70): Regulates the progressive implementation of full-time academic work.

Decree-Law n. 81 (12/21/66): Regulates the Civil Service's Professorship Group (Grupo-Magistério do Serviço Civil).

Decree-Law n. 477 (2/26/69): Defines disciplinary infringement performed by teachers, students, and staff members of any public or private educational institution. (Decree-Law n. 477 was revoked in 1979.)

Summary

The 1946 Constitution has received particular emphasis in this study because its implementation created the legal conditions for the establishment of LBD, CFE, and a whole range of decrees and policies that directly affected university administration. Although this Constitution was revoked in 1967, nevertheless with the advent of the new Constitution, its basic assumptions remained, characterizing the functions of both LBD and CFE. Indeed, the basic philosophy of education in Brazil had its foundations in the 1946 Constitution, excluding the modifications brought by the new Constitution in 1967.

The Law of Directives and Bases (LDB) was an extension of the Constitution of 1946. The consequence of its implementation was the creation of a national educational system. LDB represented the first step toward decentralization of education by the government. As a consequence, a dichotomy was created within the state and federal educational systems. However, the state system had always been too weak economically and politically, in contrast with the strength of the federal system. The result was contrary to what had been expected: the LDB, created to provide for the decentralization of the system, ironically turned into an instrument that promoted extreme bureaucratic centralization within the educational system.

The creation of CFE represented another important step toward the LDB's accomplishment of decentralization. Since CFE established the need of a minimum curriculum for all teaching levels and provided policies for control of this curriculum, it influenced the university's academic autonomy as well.

The 1967 Constitution sprang from a political revolutionary movement characterized by the concentration of power at central levels. The changes were motivated by concern for the right to free education at all levels for the needy, assured in 1946, whereas the new Constitution of 1967 suggested that free education for the needy, at the upper two educational levels, depends upon students' performance.

It may be recalled that Law n. 5.540 also called for university reform and its significant implications. This reform brought a necessary systematization to the system, yet it did not confine itself to the structural and inner organizational problems of the administration itself. It sought to define its place in society, as well as its relationship with the state, by setting forth the criteria for the expansion of higher learning and its financial backing.

Decree-Law n. 200 was created to free administration from the constant appeal to law and thus to create an internal administrative dynamism. This decree-law was modified two years later by Decree-Law 900, for the purpose of regulating some of its devices concerning ministerial supervision of the "indirect-administrative" institutions: (1) when they are receiving governmental subventions, (2) when they are hiring academic personnel, (3) when they are establishing salaries, and (4) when they are making appointments of directive positions.

Law n. 5.539 modified Law n. 4.881-A, which regulated the Professorship Statute. Essentially, the new law embraced most of the necessary elements for the aforementioned statute.

An impressive number of laws, complementary decrees, and policies originated because solid jurisdiction took place in the process of systematizing the Brazilian universities. However, exhaustive comments on these laws are not pertinent to the purposes of this study.

All laws, decrees, and decree-laws presented and discussed in this study were taken from a careful edition of a Brazilian compendium of higher education legislation termed Higher Education Legislation and Jurisprudence (Ensino Superior Legislação e Jurisprudencia, Carvalho, 1975); and from a publication of the MEC entitled Legislative Publications Project (Projeto de Publicação Legislativa--PROLEX, MEC, Departamento de Assuntos Universitários).

CHAPTER V

AUTARCHIES AND FOUNDATIONS' INSTITUTIONAL BEHAVIORAL DIFFERENCES

The problem is not that our school revenues are too low; the problem is the high cost of state laws, regulations, and mandates. I am proposing more money for our local boards of education and less interference from state government (Governor James E. Rhodes, Ohio, 1977).

Introduction

The hypothesis examined in this study was related to the differences in institutional behavior among IES-autarchies and IES-foundations. The data may show a difference in performance between the two types of institutions. A comparative study will provide some basic characteristics of the federal university system as a whole.

The following descriptive analysis is an attempt to assess the performance of IES-autarchies and IES-foundations through the MEC census data related to the variables of faculty, students, graduate and undergraduate programs, and funds.

In Brazil, there are 42 federal institutions of higher education, distributed as shown in Table 1. Twenty-seven universities and 8 isolated colleges are instituted as autarchies, and 15 universities are instituted as foundations.

Table 1.--Institutions of higher education in Brazil, by institutional group.

Institutional Group	Universities	Isolated Colleges
IES-autarchies	27	8
IES-foundations	15	-
Total	42	8

Source: CODEMOR/CODEAC/SESu/MEC.

The IES Academic Personnel Issues

The academic staff of the federal university system comprises 41,449 professors, distributed within the following categories prescribed by Law n. 5.539, Article 3:

I--Full professor (professor titular)

II--Associate professor (professor adjunto)

III--Assistant professor (professor assistente)

These categories constitute what is called "The Professorship Group," which embodies the juridical regime of the civil servants. Law n. 5.539 added to this group the category of instructor (auxiliar de ensino). The personnel to be hired as instructors have a contract based on the workers' legislation, which gives them no permanent link with the institution; this differs from the permanent right obtained by professors in other categories.

To resolve the problem of hiring new academic personnel within the IES-autarchies, the MEC created Regulation n. 108-BSB (2/16/78) concerning a new category of professor, designated "collaborator."

This category does not belong to the professorship group, whose collection of legal rights does not apply to the collaborators. Indeed, the new group is considered a problem to be resolved, because of the impact created among professionals trying to find out the extent of their own rights within legislation that is considered discretionary (Professors' Association Report).

Table 2 shows that the academic body of the federal system has 41,449 members: 29,345 belong to the professorship group, 10,248 to the collaborative group, and 954 are visiting professors. Table 2 also shows that the IES-autarchies had to depend on the legal device that allows the hiring of academic personnel as collaborators more than did the IES-foundations: the autarchies have 10,248 collaborators, whereas the foundations have just 902.

Table 2.--Academic staff distribution within the universities in the federal system (second half of 1979).

Institutional Group	Professorship Group	Collaborative Group	Visiting Professors	Total	%
Autarchies	21,893	10,248	879	33,020	79.7
Foundations	7,452	902	75	8,429	20.3
Total of the system	29,345	11,150	954	41,449	100
Percent	70.8	26.9	2.3	100	-

Source: CODEMOR/CODEAC/SESu/MEC.

This situation has occurred because the professorship group within the autarchies is limited by ministerial boundaries, which have to conform to the amount of existing funds. Finding themselves in the situation of having to increase the numbers of courses and students prescribed by legislation after the University Reform, the autarchies had to hire a large number of collaborators.

The IES-foundations did not have their professorship group limited by ministerial boundaries. This kind of delimitation affects just the institutions with the so-called indirect administration. So, these norms do not apply to the IES-foundations. To cope with the new academic programs after the reform, they enlarged the professorship group in compliance with their own needs. This prerogative is assured to the foundations because their budgets are not limited to MEC or federal sources. They can establish agreements and covenants with private sources of funds and consequently increase their academic programs. Thus, the number of collaborators hired by foundations is very low compared to those hired by autarchies (Table 2).

It is important to make clear that the category of collaborator is considered a juridical contradiction within the higher education legislation. It creates a discretionary parallelism between institutional rights of professionals (university faculties) working in the same institutions with the same kinds of duties. So, it has been a problem that has to be eliminated. The tendency is sooner or later to include the collaborative group into the professorship panel. And since the number of collaborators (902) in the IES-foundations is

integration does not threaten to modify the institutions' regular distribution.

From this point, it is possible to visualize some difference between IES-autarchies and IES-foundations in handling administrative challenges. Table 3 shows that the IES-autarchies have 12.5 percent of their faculty members in the full professors group, in comparison to 16.5 percent found within the foundations; the autarchies also show 31.2 percent assistant professors, 36.1 percent assistants, and 20.2 percent instructors. The foundations have 18.5 percent assistant professors, 24.9 percent assistants, and 40 percent instructors. The import of the numbers and percentages indicates a contrast between the two types of institutions.

Table 3.--Professorship group distribution.

Institutional Group	Professorship Group							
	Full Professor		Assistant Professor		Assistant		Instructor	
	N	%	N	%	N	%	N	%
Autarchies	2,731	12.5	6,832	31.2	7,907	36.1	4,423	20.2
Foundations	1,233	16.5	1,376	18.5	1,858	24.9	2,985	40.1
Total of the system	3,964	13.5	8,208	28.0	9,765	33.3	7,408	25.2

Source: CODEMOR/CODEAC/SESu/MEC.

Tables 4 and 5 contain information related to the academic staff distribution by title. Table 4 shows the staff's position in the second half of 1978, and Table 5 presents a picture for 1979.

In 1976, the government created a National Graduate Program--Plano Nacional de pos-Graduação (PNPG)--to provide rational training support for the IES' academic body. Even though the foundations are small institutions, they did present sensitive positive outcomes after the implementation of the PNPG, showing improvement in their academic bodies.

In 1970, Law n. 5.645 established the creation of a Plan of Academic Functions Classification--Plano de Classificação de Cargos (PCC)--which does not apply to the IES-foundations. This plan brought strength to the autarchies, provoking growth in the number of their professorship group. However, further legislation also created limitations on the number of academic personnel after the implementation of the PCC within each institution. In other words, the PCC initially increased the number of faculty in the IES-autarchies. Following the PCC, prohibition of hiring new academic personnel was instituted once the approved panel was completed.

As a result of the PCC, the number of working hours per week also increased in the autarchies. Created by another law (Law n. 6.182, 12/4/74), which determined that the regular number of working hours be changed from 12 to 20 hours per week, the PCC implementation resulted in an increase in working hours.

Table 6 exhibits the IES academic staff's weekly work hours, within the regimes of part and full time. If one remembers that the

Table 4.--Academic staff distribution by title (second half of 1978).

Institutional Group	Doctor		MS		A/E ^a		Grad.		Total
	N	%	N	%	N	%	N	%	
Autarchies	3,518	15.6	3,754	16.7	6,056	26.9	9,183	40.8	22,511
Foundations	722	11.5	732	11.7	1,541	24.7	3,253	52.1	6,248
Total	4,240	14.7	4,486	15.6	7,597	26.4	12,436	43.3	28,759

Source: Diagnosis of the academic system by the IES/MEC.

^aSpecialization and Improvement (Aperfeiçoamento e Especialização).

Table 5.--Academic staff distribution by title (second half of 1979).

Institutional Group	Doctor		MS		A/E ^a		Grad.		Total
	N	%	N	%	N	%	N	%	
Autarchies	4,397	20.0	4,507	20.6	5,799	26.5	7,190	32.9	21,893
Foundations	959	12.9	1,312	17.6	2,197	29.5	2,984	40.0	7,452
Total	5,356	18.3	4,819	19.8	7,996	27.2	10,174	34.7	29,345

Source: CODEMOR/CODEAC/SESu/MEC.

^aSpecialization and Improvement (Aperfeiçoamento e Especialização).

PCC does not apply to IES-foundations, the numbers in Table 6 show that the lack of federal programs has not placed the foundations in a position of inferiority: the autarchies incorporate 79.7 percent of the academic body of the federal system, with 1,014,808 work hours per week. The foundations account for 269,632 hours. The conclusion is that the autarchies have an average of 30.7 academic hours per week, whereas the foundations have an average of 32 hours.

Table 6.--Academic staff weekly work hours.

Institutional Group	Work Regime				Hours
	12 h.	20 h.	40 h.	Full time	
Autarchies	2,914	11,220	10,170	8,716	1,014,808
Foundations	501	2,675	2,813	2,440	269,632
Total of the system	3,415	13,895	12,983	11,156	1,284,440
Percent	8.3	33.5	31.3	26.9	--

Source: CODEMOR/CODEAC/SESu/MEC.

Weekly work-hour averages are presented in Table 7, which combines the information from Tables 2 and 6. The former showed that the autarchies have 33,020 faculty members in the federal system, and the foundations have 8,429. Table 6 showed that the autarchies have 1,014,808 weekly hours of work, and the foundations 269,632. The analysis leads to the conclusion that the autarchies have an average of weekly work hours equalling 30.7, and the foundations have 32.

Table 7.--Weekly work-hour averages.

Institutional Group	Academic Staff	Weekly Work Hours	Weekly Work Hours Average %
Autarchies	33,020	1,014,808	30.7
Foundations	8,429	269,632	32.0

Source: Tables 2 and 6.

In 1977, Decree n. 78.120 regulated the size of the professorship group panel of the IES-autarchies. Consequently, the decree disallowed the appointment of new academic personnel, because by that time all institutions had their PCC already implemented and consolidated. Constrained by these dispositions, the IES-autarchies, working within the bounds of Law n. 6.182, initiated the process of hiring collaborators to meet their needs in the area of academic personnel.

Table 8 presents a sequence in the rate of personnel growth. The sequence indicates the position of the professorship group and the collaborative group within the autarchies and foundations. It should be noted that the autarchies increased their number of collaborators and decreased the number of personnel within the professorship group. Unlike the autarchies, the foundations experienced an increase in the number of personnel within the professorship group and a decrease in the number of collaborators.

The IES-foundations were not involved with the plan of functions classification, since it was not applicable to them. Enlargements of their academic panels were devised according to their own needs.

Table 8.--Rate of personnel growth.

Period	Autarchies			Foundations			Total of the System
	Profes- sorship Group	Collabo- rative Group	Visitors Total	Profes- sorship Group	Collabo- rative Group	Visitors Total	
1974	23,678	--	--	4,920	--	--	28,598
1978	22,503	7,483	858	6,248	1,097	105	38,294
1979	21,893	10,248	879	7,452	902	75	41,449
Rate of growth	-1.6%	--	--	8.7%	--	--	7.7%

Source: CODEMOR/CODEAC/SESu/MEC.

As a consequence, the IES-autarchies expanded their number of collaborators. Collaborators were hired solely to meet university needs, and although the professors wished to incorporate them permanently into the professorship structure, no legal solution has been found for such an integration.

IES' Students Issues

Because of the hiring ceilings established by the PCC, it is important to emphasize the fact that the IES need for additional academic personnel was caused by a vast amount of legislation controlling increments of new students' registration (Decree-Law n. 405, 12/31/68; Decree-Law n. 575, 5/8/69). It is impressive to add to this information the fact that beyond the increase of courses and students permitted by law, a waiting list of surplus approved students (excedentes)¹ who took the entrance examination but were not included in the limited vacancy were also allowed to go to registration. Because of a national increase in the number of students, the federal institutions had to have their academic staffs enlarged.

Table 9 shows the student body evolution from 1972 to 1979 within the IES undergraduate and graduate programs. The information shows an augmentation in number of students within the autarchies' graduate programs. The student body grew from 187,959 in 1972 to 326,996 in 1979. This enlargement represents an increase of 74

¹The surplus student (excedente) is one who was approved by the university entrance examiners but was not classified into the limits of pre-established vacancy.

Table 9.--Student body evolution--1972 to 1979.

Institutional Group	1972		1973		1974		1975	
	Under- grad.	Grad.	Under- grad.	Grad.	Under- grad.	Grad.	Under- grad.	Grad.
Autarchies	150,426	4,743	164,601	5,728	174,862	7,094	191,257	9,003
Foundations	32,370	421	37,953	469	40,833	555	45,781	766
	1976		1977		1978		1979	
	Under- grad.	Grad.	Under- grad.	Grad.	Under- grad.	Grad.	Under- grad.	Grad.
Autarchies	205,526	9,992	213,223	13,171	224,442	16,502	240,691	14,602
Foundations	51,062	1,319	57,905	1,281	61,112	1,321	69,845	1,858

Source: CODEMOR/CODEAC/SESu/MEC.

percent, which was to be maintained while the budget ceiling was held at the pre-student-increase level.

In 1972 the IES-autarchies had 155,168 students, which increased to 255,293 in 1979; the IES-foundations had 32,791 students in 1972, more than doubling this number to 71,703 in 1979. This means that the IES-autarchies had 4.7 times more students than the IES-foundations in 1972; the difference decreased to 3.6 times in 1979.

IES' Graduate and Undergraduate Programs

Table 10 presents the IES student body evolution, indicating the diversity of situation between autarchies and foundations. The percentages of growth within graduate and undergraduate programs are included in the table.

During the period from 1972 through 1979, the IES-autarchies presented a relatively steady increase within their graduate programs, steadier than the IES-foundations. Nevertheless, the foundations achieved a proportionally greater overall increase in numbers of graduate students.

IES Achievement Related to Funds

Table 11 contains the distribution of federal funds between the two IES classifications. The endowment of funds is another important factor within the dichotomy of autarchy versus foundation. Because the IES-autarchies possess greater academic effort, a larger academic work load, a larger number of students, and a diversity of courses superior to the IES-foundations, one would expect that they would have greater access to funds. As a comparison of Table 10 and Table 11

Table 10.--Student body evolution: graduates and undergraduates.

Period	AUTARCHIES						FOUNDATIONS					
	Under-graduate			Graduate			Under-graduate			Graduate		
	N		% Growth	N		% Growth	N		% Growth	N		% Growth
	Total			Total			Total			Total		
1972	150,425	4,743		155,168			32,370	421		32,791		
1973	164,601	9.4		170,329	9.7		37,953	17.2		38,422	17.1	
1974	174,862	6.2		181,956	6.8		40,833	7.5		41,388	7.7	
1975	191,257	9.4		200,260	10.1		45,781	12.1		46,547	12.4	
1976	205,526	7.5		215,518	7.6		51,062	11.5		52,381	12.5	
1977	213,223	3.7		226,394	5.1		54,905	7.5		56,186	7.2	
1978	224,442	5.2		240,944	6.4		61,112	11.3		62,433	11.1	
1979	240,691	7.2		255,293	5.9		69,845	14.3		71,703	14.8	

Source: CODEMOR/CODEAC/SESu/MEC.

demonstrates, the IES-foundations' disposal of funds is proportionally larger, considering that this type of institution has an academic effort proportionally smaller than the IES-autarchies (Table 11).

Table 11.--Distribution of federal funds between IES.

Funds From Federal Sources	Autarchies %	Foundations %
1979--Global budget allocation	74	26
1980--Global budget allocation	76	24
1980--Global budget (personnel)	73	27
1981--Planned solicitation	74	26

Source: CODEMOR/CODEAC/SESu/MEC.

Table 12 presents the IES proportional academic effort. The following academic indicators are included: academic body, academic work load, undergraduate students, and graduate students.

Table 12.--IES proportional academic effort.

Academic Indicators	Autarchies %	Foundations %
Academic body	80	20
Academic work load	79	21
Undergraduate students	78	22
Graduate students	89	11

Source: CODEMOR/CODEAC/SESu/MEC.

At this point, an analysis derived from the last three tables may suggest that there are differences in the institutional behavior of autarchies and foundations. It may be observed that the indicators characterized by work load, students, their number, and the diversity of courses are much greater in the autarchies than in the foundations. We find that indicators characterized by disposal of funds are relatively greater in the foundations.

Tables 13 and 14 show the distribution of program areas at the undergraduate and graduate levels. The tables demonstrate that autarchies have an almost perfect monopoly on graduate programs. It is not difficult to ascertain that graduate programs are much more expensive than undergraduate programs because of research involvement. So it would be expected that the autarchies' budget, in relation to the foundations', would be greater.

Summary

Analysis of the data has shown that the foundations had the freedom to hire academic personnel to meet their needs. They had available different avenues of economic resources, and they had no limitations on hiring new personnel or in establishing their salaries. Then, when they were forced to increase student registration, they were able to solve resultant administrative problems with little trouble.

On the other hand, after the implementation of the PCC, the autarchies had to resort to the use of collaborators, instead of professors, to meet their increased personnel needs. Because they were limited to federal funding sources and federal approval for internal

Table 13.--Distribution of program by areas--undergraduate.

Institutional Group	Areas					Total of Courses	
	Technolog. Science	Biologic & Health Science	Agricult. Science	Human Science	Letters	Arts	N %
Autarchies	216	124	48	231	21	31	671 69.2
Foundations	82	58	28	103	12	15	298 30.8
Total	298	182	76	334	33	46	969 100.0
Percent	30.7	18.8	7.8	34.5	3.4	4.8	100.0

Source: CODEMOR/CODEAC/SESu/MEC.

Table 14.--Distribution of program by areas--graduate.

Institutional Group	Courses by Area											
	Education		Sciences		Biological Science		Social Science		Technical Profession		Health Profession	
	N	%	N	%	N	%	N	%	N	%	N	%
Autarchies	12	80	44	88	38	86	36	86	42	98	90	99
Foundations	3	20	6	12	6	14	6	14	1	2	1	1
Total	15	100	50	100	44	100	42	100	43	100	91	100
	Courses by Area											
	Social Profession		Agric.-Indust. Profession		Letters and Linguistics		Arts		All Areas			
	N	%	N	%	N	%	N	%	N	%		
Autarchies	19	83	43	68	14	68	-	-	338	87		
Foundations	4	17	20	32	2	12	-	-	49	13		
Total	23	100	63	100	16	100	-	-	387	100		

Source: CODEMOR/CODEAC/SESu/MEC.

and external programs, the autarchies seemed to be involved in a struggle to solve their problems.

The analysis of the budget differential, even considering the proportional differences in number of institutions (27 autarchies and 15 foundations) and their sizes, makes it possible to arrive at the following conclusions:

1. The analysis indicated that there are documentary bases for discerning differences in institutional efficiencies between autarchies and foundations.

2. Foundations had access to more financial resources than the autarchies, even though the foundations' academic effort was proportionally smaller. This assertion was supported by differences in the academic indicators and the federal resources (Table 9).

CHAPTER VI

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Introduction

This final chapter contains three sections. The first reviews the purposes of the study and the procedures used to realize these purposes. Section two discusses the major conclusions about the efficiency of IES-autarchies and IES-foundations. In the third section, implications resulting from the study are suggested.

Summary

The major purpose of this study was to assess the relative efficiencies of IES-autarchies and IES-foundations by identifying specific issues in operational areas of everyday administration. The assessment was limited to the available sources of data, which were:

- Statistical data gathered from publications of the Ministry of Education and Culture, which permitted an analysis of the academic performance of the institutions of higher education in Brazil.
- Illuminating concepts drawn from the theory of administration to shed light on the analysis of the hypothesis.
- Special commissions' and American consultants' reports, which referred to Brazilian university administration.
- The Brazilian University Professors' Association's report on the issues of university administration.

The data were assessed by using a descriptive analysis to compare differences between the IES-autarchies and IES-foundations.

It was pointed out in Chapter I that there exist two different juridical structures in the Brazilian university system. The institutions of higher education are established as autarchies and foundations. An analysis of their institutional characteristics showed the existence of fewer administrative controls over the foundations than over the autarchies. Consequently, the analysis of Ministry of Education census data demonstrated some propensities favoring the foundations, in finding solutions for academic and general administrative problems. It is suggested that because of differences in administrative freedom, the relative efficiency of IES-foundations appears to have been increased. Also, the IES-autarchies, historically dependent on legal instruments to resolve their everyday problems, appear to behave more like the public service sector, with relatively lower levels of academic achievement.

Relevant literature was discussed in Chapter II. This discussion included the need for administrative flexibility in the university system to cope with shifting societal developments and expectations. Decentralization of the decision-making process was emphasized, to ensure that the concept of institutional university autonomy could be preserved. The bounds of decentralization proposed by Ketter involved the diminution of the bureaucracy to provide for autonomy across organizational units.

Although Chapter II focused primarily on a criticism of centralized bureaucracy, a condition prevalent in Brazilian universities,

it must be noted that optimum organizational operations depend solely on efficiency and effectiveness. These two factors are not readily visible in centralized organizations, which tend to concentrate authority at the summit of the organization.

After surveying literature relevant to centralized organizational structures, the review turned to literature that supports the premise that decentralization allows those who have knowledge and information to use it more efficiently. Because total decentralization was not advocated, parameters to be used as guidelines in decentralizing the Brazilian university system were also discussed.

Chapter III was a description of methodological procedures used in the study. Pertinent legislation, literature, and historical documents were reviewed. Consultants' reports and legislation were also analyzed, along with the MEC data. The procedures followed throughout the study were descriptive and deductive in nature. The procedures also brought the problem of concern into relation with the conceptual issues presented in the literature review.

Chapter IV offered a short overview of Brazilian university history in an attempt to facilitate a better understanding of the basic legislation that regulates the organization and functioning of Brazilian higher education institutions. Historically descriptive accounts were developed, which provided the contexts for legislative demands.

The basic legislation presented indicated the essential policies that direct the universities' organization and functioning.

Commentary on the legislation provided some perspectives on the law in terms of university autonomy.

A survey of the 1946 Constitutional decrees was necessary despite the fact that it was replaced by a new Constitution in 1967, because much of today's centralization, the result of which has caused great consternation among faculty and administrators, had its beginning within this document. The 1946 Constitution gave birth to both the LDB and the CFE, which are still constitutionally relevant.

As a result of the 1967 Constitution, there was a new spate of legislative decrees pertaining to the university, a concept born as a result of this newer Constitution, which gave conditions for a rational organization of the university system through the addition of Law n. 5.540, the University Reform law.

Within the legislative mandates contained in Decree-Law n. 200 and Decree-Law n. 900, the dichotomy between IES-autarchies and IES-foundations was conceived. The dichotomies and professors' reactions to the inequities inherent in the dual university system were analyzed more fully in Chapter V.

Chapter V was a comparative analysis of the IES-autarchies and the IES-foundations, using data generated by the Ministry of Education and Culture. The investigator considered four variables: faculty, students, graduate and undergraduate programs, and funds, being compared on various levels.

In comparing IES-foundations and IES-autarchies, data were presented on the degree of professional academic training, work load, academic rank held within the professorship group, and the placement

of collaborators within the system. Tables were presented comparing the percentage of student growth for both undergraduate and graduate programs for foundations and autarchies. Resources available in the area of funding concentrated on two characteristics: the amount of funding and the sources of that funding.

Analysis of pertinent data from the MEC indicated that the IES-foundations are in a situation to be more creative, to have more access to different resources, and, as a consequence, to become more efficient and organized than the IES-autarchies. The consultants' reports also supported the need for decentralization to eliminate excessive bureaucracy. All spoke to the need for strong leadership, which could be promoted through faculty appointment of their own administrators. This move toward decentralization, all of the experts agreed, must be effected through legislative reform.

Besides the external consultants' recommendations for increased university autonomy, the organization of university professors opposes the government centralized decision-making process.

Specific Conclusions

The body of information provided in this study tends to support the following conclusions:

1. The indications suggest that there is considerable evidence in support of the statement that the Brazilian university is under a centralized bureaucracy, which limits its autonomy. The existing legislation controls and restrains the on-going process of decision making within each administrative entity. The number of

policies and rules resulting from this legislation would appear to lead to a confusing process of bureaucratization, thus causing the university to deviate from its immediate and local needs, interests, and purposes. Ready-made legal solutions to conflicts are placed at universities' disposal by the central federal administration, but these solutions may not fully take into account the specific differences among local situations. Some examples may be cited in which the bureaucracy can block local initiative in locating desirable answers to local problems:

When the local university is allocated funds, the MEC structure is such that expenditures are strictly governed from above. As a consequence, the local university is blocked from any creative use of funds that are left from MEC allocated projects. In the same vein, the MEC frequently uses returned funds from local university projects to arbitrarily initiate new programs that quite often are not local or state priorities. In addition, for a local university to develop and implement curricular changes, it must slowly wend its way through various bureaucratic mazes.

The analysis concerning academic performance and university administration through the dichotomy of autarchies versus foundations showed that the latter have more freedom of action and financial support than the former. That situation exists in spite of the autarchies having the highest number of work hours per week and a larger number and diversity of courses. In addition, the IES-foundations have no legal problems should they wish to enlarge their academic personnel, because no constraining legislation applies to them.

2. A second conclusion that may be suggested from the comparison of autarchy and foundation systems is that as the level of freedom increases, the degree of efficiency and creativity within higher education institutions may also increase. This is suggested by the indications in the legislation that severely limits the autarchies in their ability to appoint or hire new personnel, to establish salaries, and to implement local programs, and may also include the accounting system.

The lack of local flexibility in dealing with day-to-day problems such as programming, hiring, and firing would appear to perpetuate lower levels of achievement throughout the university.

The review of the literature emphasized that "academic freedom and administrative independence" are important in accomplishing the expected outcomes of decentralization. As was seen in Figure 2, six of the nine categories covered by legislative control apply only partially or not at all to the IES-foundations. These categories were (1) academic personnel organization, (2) personnel salary, (3) financial support, (4) facilities and buildings, (5) budget expenditure, and (6) accounting systems. The possibility of having these areas partially or completely autonomous would seem to result in the institutions achieving a more significant level of political decentralization. To follow Morphet's idea, "to accomplish more manageable operating units into the university institution, and to have the educational program better adapted to the needs of a rapidly changing civilization, the school administrative system should be decentralized and implemented at the local level."

3. A third inference might be attempted regarding the extent to which the level of bureaucratic centralization hinders the university in the performance of its role. Indeed, this administrative control might be a major reason for any shortcomings in academic achievement on the part of the universities. This same bureaucracy might also contribute to crises of authority within the institutions.

These inferences were based on the following assumptions:

a. A large amount of the academic body's time is spent attending to ministerial demands associated with rendering accounts.

b. The legislation that makes the academic personnel equivalent to a federal civil servant, added to the slow process of salary readjustment, results in instability, tension, and inadequate levels of academic achievement within the federal institutions.

c. The bureaucratic process allows no initiative or natural creativity within the units' daily decision-making process.

d. The fact that deans and rectors are appointed by the President of the Republic and by the Ministry of Education creates a crisis of authority within the universities' departments. Because the personnel hired are not professionally representative of the faculty, they lack leadership; this causes dispersion of necessary systematic coordination, which results in disorganization, dissipation of efforts, and waste.

e. The lack of sufficient funds has created a growing indifference toward research and the production of written material.

4. A final indication suggests that the foundations have proportionally greater access to resources than do the autarchies, even though their academic effort is proportionally smaller. The autarchies with advanced programs, which are strongly involved in research efforts, do not have access to the financial resources one would expect, based on their size, student enrollment, and professional work loads.

Implications

One basic concern of this study was how the universities, as traditionally defined, can provide for independent critics of the society while maintaining free inquiry, which is an essential part of human freedom.

The sources cited in Chapter II indicated that the performance of the university requires the nurturing of institutional independence from external control, though not from external influence. The self-conscious internal government tends to be a crude mirroring of prevalent external political and social development. This condition implies that if the university is to be effective, new organizational strategies are needed, especially where decision making is related to curriculum planning, academic personnel hiring, designation of administrators (rectors and college deans), and budget planning.

This concept was defended by Professor Rudolph Atcon, Colonel Meira Mattos, Dr. David Armstrong, and Dr. Lawrence Minkel. Their suggestions surfaced after they had lived and worked in Brazil and after they had studied the university system's issues. The Brazilian

Professors' Association also emphasized the need for the university to assume its autonomy without making this fact an act of governmental rejection.

Major suggestions that may be extracted from their analyses are the following:

1. The organization and the legislative system in Brazil must be thoroughly studied and evaluated. Unless some modifications are made, the program development necessary to maintain the purpose of the institutions of higher education will be short lived.
2. Elimination of the bureaucracy within the decision-making process must be effected to ensure local autonomy.
3. An effort toward diminishing central office interference in decisions concerning local priorities and the hiring of faculty must be stressed. However, the diminution of interference cannot become so great as to allow local universities total autonomy.
4. The autonomy allowed on the local level must include the ability to develop curricular program offerings that reflect local and regional needs and priorities.
5. All administrative posts should be filled through a process shared by faculty and administrators.
6. Through the legislative system, a plan of salary incentives should be implemented to foster more productive faculty and administrators.
7. Administrative authority and budget procedures should be emphasized through the implementation of the institutions' self-government. The institutions must be able to prepare and adjust their

budgets, as much as possible, to cover all expenditures for the complete duration of all programs, activities, or administrative periods. They must be able to establish special funds for each activity to take care of seasonal and unforeseen eventualities.

Actually, granting of funds by the Ministry of Education and Culture is a slow-moving process that sometimes makes the use of resources untenable, resulting in the devolution of funds back to MEC for future redistribution.

Recommendations for Further Research

The following ideas for further research are recommended:

1. Further study comparing students' achievement within the IES-foundations and IES-autarchies, including the relationship of more administrative elasticity to other variables within each type of institution, such as the number of students, facilities, and the ratio between professors and students.
2. A study of the possible extension of administrative freedom within the higher education institutions, through comparisons with other decentralized governmental institutions.
3. A study that replicates the assumptions raised in this study, using a questionnaire answered by faculty members and administrators, instead of using official data and documents.
4. A study analyzing the extent to which the foundation regime is able to provide the desired autonomy for the Brazilian universities.

General Conclusion

In most countries, the need for large-scale governmental financial support of universities is accepted. From this it follows that universities must present and explain their policies to the government. They are expected to give an account of how they have used the public's money. It is no longer possible, even within the very free environment of some universities in the United States and Europe, to maintain total freedom of action without some degree of external organization and control. The problem is to find the kind of control that is as desirable as possible to the traditional freedom of the university.

It is not an exaggeration to state that in Brazil the relationship among universities and the central government is becoming most challenging for the nation. Since the creation of the first institution of higher education, the flow of legislative interest has consistently demonstrated an abiding tendency to permeate internal policy areas traditionally regarded as the university's responsibility. As a result, the university has become an organization recognized as the "protector state," which represents the old Brazilian organizational concept since colonial times. Within this concept, the state is both protective and financially supportive.

According to current opinion, the strongest cause, among others within the Brazilian social structure, for the nonexistence of university autonomy resides in the passive position of the university, which assumes that action will come from the state (Coutinho, 1977).

Nevertheless, the University Reform, in spite of considerable rationalization given to the university system as a whole, showed in its process of implementation the structural tendency of prescribing patterns of organization to standards of functioning. Therefore, at the macroeducational level, it may be very important to undertake persistent efforts of educational normative simplification, and at the same time to stimulate the exercise of institutional creativity.

To overcome the uniform characteristics of the Brazilian university profile in structural and functional terms, it is necessary to release the state and local systems' innovative potential. This release may be on a par with stressing administrative experience in diversification at the institutional level. Preference for flexibility as a criterion of the educational policies may be given, as well.

According to the definitions provided by current legislation (Law n. 5.540, Article 4; Civil Code, Article 16, I; and Decree-Law n. 200, Article 4, II), there are some deep differences between both juridical structures. The IES constituted as autarchies are supposed to perform typical activities of public administration, activities that are subjected to orders and regulations. Regarding the IES constituted as foundations, their juridical status allows them considerably greater flexibility in many areas. Therefore, even considering that the foundation regime may still be a far cry from an ideal response to the Brazilian university issue, the fact that it allows more flexibility (autonomy may be an overstatement) appears to make it a more stable and effective system for university operation.

APPENDICES

APPENDIX A

ACRONYMS AND/OR ABBREVIATIONS USED IN THE STUDY

APPENDIX A

ACRONYMS AND/OR ABBREVIATIONS USED IN THE STUDY

<u>Acronym/Abbreviation (Brazilian Name)</u>	<u>Approximate Translation</u>
CODEAC (Coordenação de Avaliação e Controle)	Coordination of Evaluation and Control
CODEMOR (Coordenação de Modernização e Aperfeiçoamento)	Coordination of Modernization and Improvement
SESu (Secretaria de Ensino Superior)	Secretariat of Higher Education
MEC (Ministério da Educação e Cultura)	Ministry of Education and Culture
CFE (Conselho Federal de Educação)	Federal Council of Education
IES (Instituições de Ensino Superior)	Institutions of Higher Education
LDB (Lei de Diretrizes e Bases da Educação Nacional)	Law of Directives and Bases of National Education
PCC (Plano de Classificação de Cargos)	Plan of Academic Function's Classification
FINEP (Financiadora de Estudos e Projetos)	Financier of Studies and Projects
CNPQ (Conselho Nacional de Pesquisa Científica e Tecnológica)	National Council of Scientific and Technological Research

<u>Acronym/Abbreviation</u> <u>(Brazilian Name)</u>	<u>Approximate Translation</u>
SUBIN (Sub-Secretaria de Cooperação Técnica Internacional)	Sub-secretariat of International Cooperation
EMBRAPA (Empresa Brasileira de Pesquisa Agro-Pecuária)	Brazilian Enterprise of Agricul- ture and Cattle Research

APPENDIX B

**LIST OF THE BRAZILIAN FEDERAL INSTITUTIONS
OF HIGHER EDUCATION**

APPENDIX B

LIST OF THE BRAZILIAN FEDERAL INSTITUTIONS OF HIGHER EDUCATION

<u>IES-Autarchies</u> <u>Brazilian Name</u>	<u>Approximate Translation</u>
Universidade Federal de Alagoas	Federal University of Alagoas
Universidade Federal da Bahia	Federal University of Bahia
Universidade Federal do Ceará	Federal University of Ceará
Universidade Federal do Esp. Santo	Federal University of Espirito Santo
Universidade Federal Fluminense	Federal University of Fluminense
Universidade Federal de Goiás	Federal University of Goiás
Universidade Federal de Juiz de Fora	Federal University of Juiz de Fora
Universidade Federal de Minas Gerais	Federal University of Minas Gerais
Universidade Federal do Pará	Federal University of Pará
Universidade Federal da Paraíba	Federal University of Paraíba
Universidade Federal do Paraná	Federal University of Paraná
Universidade Federal de Pernambuco	Federal University of Pernambuco
Universidade Fed. Rio Grande do Norte	Federal University of Rio Grande do Norte
Universidade Fed. Rio Grande do Sul	Federal University of Rio Grande do Sul
Universidade Fed. Rio de Janeiro	Federal University of Rio de Janeiro
Universidade Fed. Rural de Pernambuco	Federal Rural University of Pernam- Pernambuco
Universidade Fed. Rural do R. Janeiro	Federal Rural University of Rio de Janeiro
Universidade Fed. Santa Catarina	Federal University of Santa Catarina
Universidade Fed. Santa Maria	Federal University of Santa Maria
Faculdade de C. Agrárias do Pará	College of Agriculture of Pará

<u>IES-Autarchies</u> <u>Brazilian Name</u>	<u>Approximate Translation</u>
Escola Sup. Agricultura de Mossoró	College of Agriculture of Mossoró
Escola de Farm. Odont. de Alfenas	College of Agriculture of Alfenas
Escola Fed. Engenharia de Itajubá	College of Agriculture of Itajubá
Escola Paulista de Medicina	Medical College of São Paulo
Escola Sup. Agricultura de Lavras	College of Agriculture of Lavras
Faculdade de Med. Triâng. Mineiro	Medical College of Triângulo Mineiro
Faculdade de Odontol. Diamantina	College of Dentistry of Diamantina

<u>IES-Foundations</u> <u>Brazilian Name</u>	<u>Approximate Translation</u>
Fund. Univ. Federal do Acre	Foundation Federal University of Acre
Fund. Univ. do Amazonas	Foundation University of Amazonas
Fund. Univ. de Brasília	Foundation University of Brasília
Fund. Univ. do Maranhão	Foundation University of Maranhão
Fund. Univ. de Mato Grosso	Foundation University of Mato Grosso
Fund. Univ. Federal de Mato Grosso do Sul	Foundation Federal University of Mato Grosso do Sul
Fund. Univ. de Ouro Preto	Foundation University of Ouro Preto
Fund. Univ. Federal de Pelotas	Foundation Federal University of Pelotas
Fund. Univ. Federal do Piauí	Foundation Federal University of Piauí
Fund. Univ. Federal do Rio Grande	Foundation Federal University of Rio Grande
Universidade do Rio de Janeiro	University of Rio de Janeiro
Fund. Universidade de São Carlos	Foundation University of S. Carlos
Fund. Univ. Federal de Sergipe	Foundation Federal University of Sergipe

<u>IES-Foundations Brazilian Name</u>	<u>Approximate Translation</u>
Fund. Univ. Federal de Uberlândia	Foundation Federal University of Uberlândia
Fund. Universidade de Viçosa	Foundation University of Viçosa

BIBLIOGRAPHY

BIBLIOGRAPHY

- Albuquerque, Lynaldo C. "Ainserção da Universidade na Realidade Brasileira." Edições do Cinquentenário da Universidade Federal de Minas Gerais. UFMG, 1978.
- Anderson, James G. Bureaucracy in Education. Baltimore: The Johns Hopkins Press, 1968.
- Argyris, Chris. Interpersonal Competence and Organizational Effectiveness. Homewood, Ill.: The Dorsey Press, Inc., 1962.
- Armstrong, David. Report #51. MSU-MEC Brazil Project, September 1977.
- Associação Brasileira de Educação. Inquérito Sobre o Problema Universitário Brasileiro. Rio de Janeiro: ABE, 1929.
- Atcon, Rudolph. The Latin American University: La Universidad Latino Americana. Reproduced by Permission of the author. Bogotá, Colombia: Eco Revista da la Cultura de Occidente, May 13, 1972.
- _____. Plano Atcon. Brasilia: Ministry of Education and Culture, 1965.
- Aulete, Caldas. Dicionário. Rio de Janeiro: Editora Delta S.A., 1958.
- Azevedo, Fernando de. A Educação na Encruzilhada. Sao Paulo: Melhoramentos, 1960.
- Barros, Roque S. M. A Ilustração Brasileira e a Ideia de Universidade. São Paulo: USP/FFCL, 1959.
- Becker, Selwyn, and Gordon, Gerald. "An Entrepreneurial Theory of Formal Organization." Administrative Science Quarterly, December 1966.
- Black's Law Dictionary. St. Paul, Minn.: West Publishing Co., 1968.
- Boletim National das Associações de Docentes. Rio de Janeiro: Editora Mory Ltda., 1979.
- Brun, T. Charles. Le Regionalisme. Paris: Blound & Cie, 1911.
- Campbell, Roald F., et al. The Organization and Control of American Schools. Columbus, Ohio: Charles E. Merrill Books, Inc., 1970.

- Campos, Francisco. Educação na Encruzilhada. São Paulo: Melhoramentos, 1960.
- Carvalho, Guido Ivan. Ensino Superior, Legislação e Jurisprudência. 4 vol. São Paulo: Editora Revista dos Tribunais, 1975.
- Chagas, Valmir. "Aluta pela Universidade no Brasil." Revista Brasileira de Estudos Pedagógicos, July/Sept. 1967, p. 45.
- Coladarci, Arthur P., and Getzels, Jacob W. Use of Theory in Educational Administration. Stanford: Stanford University Press, 1955.
- Coleman, James S. Education and Political Development. Princeton: Princeton University Press, 1965.
- Coutinho, Afranio. "Universidade Burocratica ou Empresarial." Jornal do Brasil, February 1977, p. 11.
- Dale, Ernest. "A Study of the Problems of Centralization and Decentralization in Relation to Private Enterprise." The Balance Between Centralization and Decentralization in Managerial Controls. New York: McGraw-Hill, 1978.
- Etzioni, Amitai. "Authority Structure and Organizational Effectiveness." Administrative Science Quarterly, June 1959.
- Featherstone, Richard L., and Hill, Frederick W. "School Decentralization. Part II: Centralization vs. Decentralization--Pros and Cons." American School and University, March 1968.
- Fernandes, Florestan. Educação e Sociedade no Brasil. São Paulo: Dominus Editora, 1966.
- _____. Universidade Brasileira: Reforma ou Revolução? São Paulo: Editora Alfa-Omega, 1968.
- Fletcher, Basil. Universities in the Modern World. London: Pergamon Press, 1968.
- Flexner, Abraham. Universities: American, English, German. New York: Oxford University Press, 1930.
- Getzels, Jacob W.; Lipham, James M.; and Campbell, Roald R. Educational Administration as a Social Process Theory, Research, Practice. New York: Harper & Row, Publishers, 1968.
- Glenny, Lyman A. "Institutional Autonomy for Whom?" In The Troubled Campus: Current Issues in Higher Education. Edited by Harry Smith. 1970.

- Gonçalves, Helario C. Universidade de São Paulo, Fundação e Reforma. São Paulo: MEC/INEP/CBPE, 1974.
- Haar, Jerry. The Politics of Higher Education in Brazil. New York: Praeger, 1977.
- Halpin, Andrew W. Administrative Theory in Education. New York: Macmillan, 1958.
- Hanson, E. Mark. Educational Administration and Organizational Behavior. Boston: Allyn and Bacon, 1979.
- Hausman, Fay, and Haar, Jerry. Education in Brazil. Hamden: Archon Books, 1978.
- Havighurst, Robert J., and Moreira, Roberto J. Society and Education in Brazil. Pittsburgh: University of Pittsburgh Press, 1965.
- Herzfeld, Ana.; Waggoner, Barbara A.; and Waggoner, George R. Autonomía, Planificación, Coordinación, Innovaciones: Perspectivas Latino-Americanas. Informe del Duodécimo Seminario de Educación Superior en Las Américas. Patrocinado por la Universidad "Simón Bolívar" and La Universidad de Kansas, 1972.
- Ianni, Octávio. Estado e Capitalismo. Rio de Janeiro: Civilização Brasileira, 1965.
- Jaques, Elliot. A General Theory of Bureaucracy. Londres: Heinemann, 1976.
- Johnson, Thomas W., and Stinson, Jone E. Managing Today and Tomorrow. Reading, Mass.: Addison-Wesley Publishing Co., 1978.
- Kerr, Clark. The Uses of the University. Cambridge: Harvard University Press, 1964.
- Ketter, Robert L. "How Much Centralization Is Enough?" New Directions for Institutional Research. San Francisco: Jossey-Bass Publishers, Inc., 1975.
- Kimbrough, Ralph B., and Nunnery, Michael Y. Educational Administration. New York: Macmillan, 1976.
- Kirst, Michael W. The Politics of Education at the Local and Federal Level. Berkeley: McCutchan Publishing Corp., 1970.
- Laski, Henry L. Management and Organizations. Cincinnati, Ohio: South-Western Publishing Co., 1974.
- Lawrence, Paul R. Organization and Environment. Homewood, Ill.: Richard D. Irwin, Inc., 1967.

- Likert, Rensis. The Human Organization. New York: McGraw-Hill Book Co., 1967.
- MacMahon, Arthur W. Delegation and Autonomy. New Delhi: Asia Publishing House.
- Maddick, Henry. Democracy, Decentralization and Development. Bombay: Asia Publishing House, 1963.
- March, James G., and Simon, Herbert A. Organizations. New York: John Wiley and Sons, Inc., 1958.
- Mendes, Durmeval Trigueiro. Toward a Theory of Educational Planning: The Brazilian Case. Monograph 7. East Lansing: Latin-American Studies Center, Michigan State University, 1972.
- Merton, Robert. Social Theory and Social Structure. Glencoe: The Free Press, 1968.
- Minkel, Clarence. Report #69. MSU-MEC Brazil Project, August 1977.
- Moacir, Primitivo. A Instrução e o Império. São Paulo: Companhia Editora Nacional, n.d.
- Moos, Malcolm, and Rourke, Francis E. The Campus and the State. Baltimore: The Johns Hopkins Press, 1959.
- Morphet, Edgar L.; Johns, Roe L.; and Reller, Theodore L. Educational Organization and Administration. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1967.
- _____. Education Administration, Concepts, Practices and Issues. Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1967.
- Mort, Paul R., and Roos, Donald H. Principles of School Administration. New York: McGraw-Hill Book Co., 1957.
- Newman, John Henry. The Idea of a University. London: Oxford University Press Ely House, 1976.
- Ortega y Gasset, Jose. The Mission of the University. London: Trubner and Co., Ltd., 1946.
- Pickney, H. B. "Decentralization and Staff Development." In Staff Development: Staff Liberation. Edited by Charles W. Beegle and Ray A. Edelfelt. Washington, D.C.: ASCD, 1977.
- Pontes, Helio. Educação para o Desenvolvimento. Companhia Editora Nacional, 1969.
- Porter, John W. "Better Education Through Accountability, Research, Program Budgeting." Michigan Challenge, April 1973.

- Ribeiro, Darcy. A Universidade Necessaria. Rio de Janeiro: Paz e Terra S.A., 1969, 1975.
- Rommuel, J. Francis. An Introduction to Research Procedures in Education. New York: Harper & Row, Publishers, 1964.
- Rousseau, Jean Jacques. The Social Contract. New York: Oxford University Press, 1962.
- Sadek, S. E. M. The Balance Point Between Local Autonomy and National Control. Belgium: Mouton & Co., 1972.
- Simon, Herbert A. Administrative Behavior. New York: Macmillan, 1976.
- Sisk, Henry L. Management and Organization. Cincinnati: South-Western Publishing Co., 1977.
- Smitch, J. Toumlin. "Local Self-Government Unmystified." The Social Science Association, London, 1959.
- Smith, David N. Who Rules the Universities? New York: Monthly Review Press, 1974.
- Stepan, Alfred. The Military in Politics: Changing Patterns in Brazil. Princeton: Princeton University Press, 1971.
- _____, ed. Authoritarian Brazil: Origins, Policies, and Future. New Haven: Yale University Press, 1973.
- Studenski, Paul, and Mort, Paul R. Centralized vs. Decentralized Government in Relation to Democracy. New York: Teachers College, Columbia University, 1940.
- Sucupira, Newton. Present Standing of the University and the Brazilian University Reform. Brasília: Ministry of Education and Culture, n.d.
- Teixeira, Anísio. Educação e o Mundo Moderno. São Paulo: Companhia Editora Nacional, 1969.
- Thompson, James D. Organizations in Action. New York: McGraw-Hill Book Co., 1967.
- Thompson, Victor. Modern Organizations. New York: Alfred A. Knopf, 1964.
- Walsh, Jim, and Williams, J. Peter, Jr. "Statewide Reorganization of Education." Phi Delta Kappan, May 1977.

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