

# Election as a Rector Appointment System in Turkish Universities; Academic freedom or autonomy?

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**Abstract:** Higher Education Council (YÖK) has been a controversial institution due to the military regime environment on the day it was founded. In November 1981, YÖK took its place in the 1982 constitution, whose principles and legal formation were revealed with the law numbered 2547. Before YÖK, the Law on Universities No. 4936, published in the Official Gazette on 18 June 1946, regulated the appointment of rectors by-election. The YÖK law, which was established according to the Constitution adopted on November 4, 1982, put an end to the process of appointing the rectors by-election.

On July 7, 1992, an amendment was made to the article of the Higher Education Law regulating the election of the rector, and the election was brought again in the appointments of the rectors.

On October 29, 2016, with a change in the conditions of the state of emergency, the rectorate elections were ended again. Misapplications in the appointment or election of rectors have led to serious turmoil in the university environment caused by dissatisfaction, political intervention and pressures, ideological and internal conflicts, slander, and defamation for a long time. Academic freedom is important in universities, but where is the limit of autonomy? It is difficult to say autonomy about universities whether public or private because they are responsible for public service and they use public resources. Therefore, full financial and administrative autonomy pushes the limits for universities.

In terms of academic freedoms, the rector's performance and merit are more important than the way the rectors' appointment system.

**This paper discusses election as a rector appointment system in Turkish Universities regarding academic freedom and autonomy.**

**Key Words; Universities, Higher Education Council, Election, Rector Appointment, Autonomy, Academic Freedom**

## I. INTRODUCTION

The first rector was appointed by the students who were the founders of the University of Bologna. There are still some universities where rectors are elected by student votes. Since 1858, the Rector has been elected by students every 3 years at St Andrew's University. They are completely independent and external to the University and represent the student community (<https://www.yourunion.net/representation/rector>).

In the USA, Thomas Jefferson served as the first rector of the University of Virginia, beginning in 1819, and intended that the school would not have a president; it lacked that position

until 1904. From 1701 to 1745, the head of the school that was to become Yale University was termed the "rector".

The Rector is the academic head of the University and in this role chairs the Senate (the highest academic body of the university). The Rector holds all the authority required to fulfill this role by the University Constitution and General Statutes, as well as the Academic Statutes.

Universities Law No. 4936, published in the Official Gazette on June 18, 1946, regulated the election of rectors. After the military coup of 12 September 1980, YÖK was established with a new constitution on 4 November 1981. Accordingly, the rectors began to come with reappointments. On 7 July 1992, with the amendment made in the article of the Higher Education Law regulating the rectorate elections, the rectorate elections were brought back, while the authority of the YÖK and the President to appoint from among the elected ones was preserved. Rector elections were abolished with the Decree-Law published in the Official Gazette on 29 October 2016. I think we are perhaps the only country in the world where so many changes have been made in this regard ([www.yok.gov.tr](http://www.yok.gov.tr)).

35 years after the elections for the rectorate, they returned to the state they were in when YÖK was announced.

We can summarize the similarities and differences between the 1981 system and the last system as follows;

- \* In 1981, the article in question included the requirement to "serve for fifteen years", while in 2016 this period was "to serve as a professor for three years".
- \* In 1981, YÖK recommended four people, in 2016 this number was reduced to three.
- \* In 1981, rectors were appointed for five years, in 2016 this period was four years.
- \* In 1981, he made the appointment as "President of the State", in 2016 appointed as "President".

There is no scientifically developed country in the world where the rector is elected only by the votes of the academic faculty members.

In universities that implement the Anglo-Saxon management model in the United States, the rector is elected by the university administrative board and from outside the university. The Rector is appointed by the Minister of Education

(<https://www.yourunion.net/representation/rector/election/>).

In a unique model of Harvard University, the rector is appointed by the alumni association.

At New York State University, "all university staff" elects the rector, and the appointment is made by the board of trustees.

In UK universities, the rector is nominated by university committees, which include private sector representatives and students in addition to professors, and is appointed "indefinitely" by the university council (Karran 2007).

In Germany, the university board, including student representatives, determines the rector candidate and submits it to the State Education Minister for approval. If the State Education Minister, who has the power to appoint the rector, vetoes the designated candidate, the board nominates a new candidate.

In France, it is selected by the teachers, students, and academic staff and presented to the university council (Karran 2007).

The Netherlands has a different system, in private universities, the rector is appointed by the board of trustees, while in public universities the candidates are determined by the Council of Ministers and appointed by the Minister of Education on behalf of the Queen.

In Poland, the model of nominating and appointing the rector determines his/her relationship with the university board, senate, and the academic community as well (Degtyarova 2018).

It is a misconception that elections are democratic. Having an election does not mean it is democratic. Among the commonly accepted university freedoms, how the rector is appointed is not very important (Ndereyimana 2021).

Unfortunately, in each university, people who were suitable for their dominant ideology were determined and chosen. In addition, the rector, who was everyone's supervisor, was for some reason determined only by the votes of assistant professors, associate professors, and full professors. Students, assistants, experts, lecturers, administrative staff, and unions had no voting rights. The abolition of rector elections in our country is generally positive. The merits of the appointed and the reasons for their appointment are separate topics of discussion. Rather than how the rector is appointed, it is more important to work on the desired performance criteria, work on a project basis, and determine the conditions for early dismissal. The main thing is not how the rector is appointed, but what his performance is and how he will be dismissed is clear and specific.

The term of office is four years in Turkey, at the end of which a Rector may be reappointed by the same means, for several terms of office according to the recent changes ([www.yok.gov.tr](http://www.yok.gov.tr)). The Rector is the representative of the juristic personality of the institution of higher education. The selection of candidates is carried out by secret ballot. Each teaching staff member may write the name of only one

candidate on the ballot. A minimum of one-half of the teaching staff members must be present for the ballot to take place. In the absence of this number, the selection is postponed for 48 hours with no quorum specified. The Council of Higher Education proposes to the President of the Republic three candidates which it selects from among the six candidates (according to the newest changes this number is three) receiving the highest number of votes in the aforementioned balloting. In private universities established by foundations, the selection of candidates and appointment of the Rector are carried out by the board of trustees concerned.

To be appointed as a rector, a candidate must be less than 67 years of age for public universities. However, rectors who reach the age of 67 while in the office are permitted to continue until the end of their term of office without regard to the age limit. The Rector may select up to three of the university's salaried professors to act as Vice-Rectors. However, in the case of universities responsible for centralized distance education, a Rector may select five Vice-Rectors, when deemed necessary. The Vice-Rectors are appointed by the Rector for five years. In his/her absence, the Rector appoints one of the Vice-Rectors to act as acting rector. The Rector informs the Council of Higher Education if (s)he is to be away from his/her office for more than two weeks. If the acting rectorship lasts for more than six months.

The use of public resources requires universities to have financial responsibilities. Therefore, scientific freedoms should be mentioned rather than autonomy in academia. The fine distinction between autonomy and freedom must be carefully observed in academia. While protecting the academic freedom of the university, it would be wrong to talk about autonomy due to its responsibility to the public (Bergan 2020).

The Rector is invested with final authority and responsibility for the rational use and development of the educational capacity of a university and its attached organizations, for providing the students with essential social services, for taking security measures whenever necessary, for the planning and implementation of instruction, research, and publications by the principles and objectives of the national development plans, for the supervision of academic and administrative duties, for the devolution of these duties to the bodies below, and the supervision and review of the results of this policy.

## II. HISTORY

Nisibis Academy in Nusaybin is accepted today as the world's first University (AC 209). Edessa (today's Şanlı Urfa) Harran University is also considered to be one of the first universities.

Nizamiye, which was founded by Sultan Alpaslan in Baghdad and has a history of approximately 1000 years, can be counted as one of the first universities. It is not surprising that the history of the university was established in our region, the cradle of civilizations. Not because it is the cradle of

civilizations, but because of the universities, the region has been the cradle of civilizations.

The University of Constantinople, as a higher education institution in 425, was established by the regent III., Founded by Michael as a student guild.

The first university established in the West was the University of Bologna which has continued its education since 1088 without interruption. Oxford (though its foundation is unknown, it has documents dating back to 1096. It has 27 Prime Ministerial positions and 47 Nobel Prize winners' alumni. Salamanca, Sorbonne, Cambridge (Founded 1209), Padua, Naples, Siena, Coimbra, and Al-Azhar (founded 970) are the oldest universities that have continued their education until today without a hitch (Tuncer 2021).

### *Sociological Effects of Election*

In reality, there is no difference between the factors that affect the election of the rector and the factors that affect the election of a political party. Socio-economic expectations, people's interests, and the benefits they envisage are considered in the same way. Voting is pragmatic (Küçük 2020, Brooks 1997). However, the important issue is the extent to which personal expectations and public interests coincide.

Having an election in the academy can be the scene of serious reckoning among the rector candidates, which is not uncommon. Just like in politics, the election race causes unscientific accusations and slanders, and it becomes a source of serious unrest due to the involvement of the political authority interventions. Rector positions are used to find staff for their relatives and acquaintances, and they become a source of nepotism. Public universities cause serious damages due to improper tenders made in terms of public finance, corruption, and arbitrary expenditures (Tuncer 2017).

While having an election is thought to be a democracy, serious academic unrest is created. However, rector elections in Turkey have never been held with a truly democratic method, especially from university students' perspectives.

The rector is unable to decide on an important issue that will not be in the interest of the academics whose votes he needs. It looks after the interests of the academic community rather than the real interests of the public. Unfortunately, at the decision stage during the conflict of interest between students, administrative staff, academicians, and the public, academic freedom is ignored. For example problems in the election of rectors can also arise as one of the reasons for the tension between Ukraine and Russia (<https://www.timeshighereducation.com/news/russia-ukraine-tensions-mar-rectoral-poll-stolen-ballot-box>). In February 2022, the Prime minister upholds the reselection of reformist rector after masked, dye-wielding men try to spoil and steal the vote in the election of a new rector for the National University of Kyiv-Mohyla Academy. Finally, the internal problem of the university turned to fuel the international crises.

Rectorate elections create heavy pressure on universities in countries such as Brazil, for the restriction of academic freedoms

(<https://www.universityworldnews.com/post.php?story=20201113063532958>).

Rectorate elections may be inconclusive after long voting and the system may be locked. After more than half a year of elections (yielding three voting stages and nine voting rounds), the 2017 Rector election at Ghent University (Belgium) resulted in a victory for the duo leading all nine voting rounds, and in a resounding defeat for the electoral system. (Pérez-Fernández 2018).

Many issues focus on management, and this is a threat to academic freedom in academia. Academic freedom is threatened by the rising trend of managerialism in higher education. Academic works should be understood with academic freedoms without the pressure of the administration. Individual academic freedoms should prevail over administrative academic freedoms.

### III. CONCLUSION

Rectors are expected to produce projects on certain subjects for their university. There should be important issues such as student accommodation, transportation and nutrition issues, improvement in education quality, production of academic projects, financial management, and creation of new resources.

The functions and numbers of rectors and vice-rectors are also important. The restriction of three vice-rectors in the YÖK law does not comply with the present day.

The fact that there is an election affects the projects and decisions of the rector.

The most harmful aspect of the system is that the candidates for the rector's election bring up the issues that they would like to vote on rather than the work they will do, and work for the benefit of the voters.

Administrative and financial independence or autonomy is not a must for universities' academic independence. Financial and administrative public dependency to carry out public responsibility is inevitable. The role of the higher education council is important so that this bond does not harm academic freedoms.

Universities should be sensitive about carrying out academic freedoms without harming their internal dynamics and public responsibility.

Appointment systems where projects compete, and merit is prioritized instead of rectorate elections will help universities to have a calmer academic environment.

Universities should have scientific freedom, but they are not independent.

## REFERENCES

- [1] Bergan S, Gallagher T and Harkavy I (eds) (2020) Academic freedom, institutional autonomy, and the future of democracy. Council of Europe Higher Education Series No. 24.
- [2] Brooks C, Manza J (1997). Social cleavages and political alignment; US Presidential Elections, 1960 TO 1992. American Sociological Review, 62;937-946.
- [3] Degtyarova I, Woźnicki J (2018). Competition vs. Searching as a Mechanism of the Rector's Selection in Higher Education Institutions in Poland. Journal of Intercultural Management 10;19–39.
- [4] Karran T (2007). Academic Freedom in Europe: A Preliminary Comparative Analysis. Higher Education Policy, 20;289–313.
- [5] Küçük HÖ, Toklu İT (2020). What factors affect voting behavior in elections? Research on generation Z. Business & Management Studies: An International Journal 8; 4546-4574.
- [6] Ndereyimana, L. (2021) The History of Academic Freedom in Africa: Issues, Challenges, and Perspectives. Advances in Literary Study, 9, 154-158. DOI: 10.4236/als.2021.93017.
- [7] Pérez-Fernández R, García-Lapresta JL and Baets DB (2018). Chronicle of a Failure Foretold: 2017 Rector Election at Ghent University. Economies MDPI, 7;1-11.
- [8] Tuncer MA, Tatar M and Şahin İ (2017). University hospitals in Turkey: Structural crisis in financing or consequence of mismanagement? Journal of Hospital Administration 6;52-60.
- [9] Tuncer MA (2021). YÖK Raporu; Yüksek Öğretimde Sorunlar ve Çözüm Önerileri. Armoni Yayıncılık, İstanbul.Türkiye.
- [10] <https://www.timeshighereducation.com/news/russia-ukraine-tensions-mar-rectoral-poll-stolen-ballot-box> (February 2022)
- [11] <https://www.universityworldnews.com/post.php?story=20201113063532958> (February 2022)
- [12] <https://www.yok.gov.tr/Documents/Yayinlar/Yayinlarimiz/the-law-on-higher-education.pdf> (February 2022).
- [13] <https://www.yourunion.net/representation/rector/election/> (February 2022)