Journal of

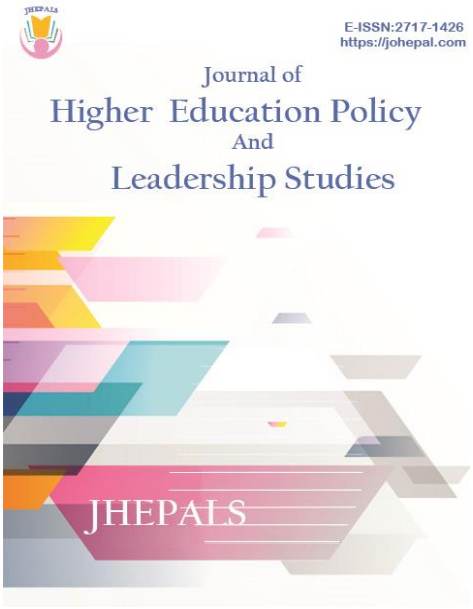
Higher Education Policy

And

Leadership Studies

JHEPALS (E-ISSN: 2717-1426)

https://johepal.com



Meeting at the 'Wiggle Room': Conceptualizing a Fit between Higher Education and Policy Implementation

Saber Khelifi
Department of English, University of Manouba, TUNISIA

Email: saberkhelifi11@gmail.com
https://orcid.org/0000-0001-6031-7577

Article Received	Article Accepted	Published Online
2024/11/05	**2025/09/10**	**2025/09/30**

Cite article as:

Khelifi, S. (2025). Meeting at the 'wiggle room': Conceptualizing a fit between higher education and policy implementation. *Journal of Higher Education Policy and Leadership Studies*, *6*(3), 59-74. https://dx.doi.org/10.61882/johepal.6.3.59

[DOI: 10.61882/johepal.6.3.59]

Meeting at the 'Wiggle Room': Conceptualizing a Fit between Higher Education and Policy Implementation

Journal of Higher Education Policy And Leadership Studies (JHEPALS)

E-ISSN: 2717-1426
Volume: 6 Issue: 3
pp. 59-74
DOI:
10.61882/johepal.6.3.59

Saber Khelifi *

Abstract

This paper deconstructs the uneasy relationship between higher education research and implementation analysis and suggests a possible conceptual fit between them. It invokes the concept of discretion from street-level bureaucracy and insights from the sociology of profession to stress the unique features of the highly professionalised character of academia to argue for a possible match. Use of discretion is a daily routine and a toolkit essential for academics endowed with advanced knowledge to enact informed judgement on situations unanticipated by policymakers. The conceptual analysis is tested against empirical studies gleaned from higher education research and other sectors. Findings confirm academics' potential to determine the policy outcome through their discretionary behavior. Still, the tide of new public management reforms have constrained such use and levelled academia with less professionalised sectors. The result was bureaucratisation of academics who prioritize sticking to the rules over using value discretion, often distorting intended policy outcomes.

Keywords: Policy Implementation; Higher Education; Discretion; Academic Profession; Street-level Bureaucrats

*Corresponding author's email: saberkhelifi11@gmail.com

[DOI: 10.61882/johepal.6.3.59]

Introduction

The implementation approach witnessed its heyday in the decade spanning 1975-1985 (Gornitzka et al., 2005; Sabatier, 2005; Viennet & Pont, 2017) before it ebbed on grounds of its biased assumptions of steeply hierarchical governance. 'Flatter' approaches to governance, such as multi-actor, bottom-up took over instead. These included, among others, the advocacycoalition framework (Sabatier & Jenkins-Smith, 1993), actor-centered institutionalism (Scharpf, 1997), and punctuated equilibrium (Baumgartner & Jones, 1991). In the late 2000s, this phase in higher education research also started to wane as policy process theories seemed themselves so much taken up with policy interactions, documents and initiatives that critics began to refer to a "missing link" (Gornitzka et al., 2005, p. 36) or a "missing half of the reformprocess" (Hess, 2013), whereby empirical research that follows policies through the implementation process remained, by and large, wanting. Concerns about this gap keep emanating from political scientists who, from time to time, point out how little we know about the actual process of implementation (Viennet & Pont, 2017) and the "deficient information base" that came out of a decade of Bologna reforms in Europe, calling the rather technical stocktaking reports of the time "much politicised" (Teichler, 2011, p. 12).

The validity of reviving implementation analysis in higher education research is, however, premised on more than the theoretical concern about the missing link. The advent of the neweconomy highlighted the economic value of the traditional missions of higher education and changed them in the process: applied research turned into a driver of the "triple helix" of innovation systems (Etzkowitz & Zhou, 2009); and teaching was redirected towards job market relevance to boost graduates employability (Chamorro-Premuzic & Frankiewicz, 2019). This entailed the need to follow up policies to the shop floor so that taxpayers could ascertain 'returnon their investment' (Gornitzka et al., 2005). Consequently, a new awareness has shaped upperceiving public policy to be "actually made in the crowded offices in the daily encounters ofstreet-level workers" rather than "in legislatures or top-floor suites of high-ranking administrators" (Lipsky, 2010, p. xiii). Re-thinking the 'obsolete' implementation approach inhigher education has thus begun to come to the fore. Veiga (2012) offered a morestraightforward 'vindication' of the implementation approach's much-criticised "stagesheuristics" in her study of the implementation of the European higher education area. Morerecently, Santiago and colleagues (2015) looked into the empirical impact of the introductionof new public management (NPM) reforms in the health and higher education sectors in Brazil.

The particular interest that street-level bureaucracy (SLBy) approach has lately attracted among policy researchers from across the board of public sectors, including nursing (Hoyle, 2014) and public health (Tummers et al., 2012) to education (Brodkin, 2012), social work (Collins, 2016) and, interestingly enough, road safety (Zedekia, 2017), confirms this trend and, thereby, poses further pressure on higher education policy research to join the bandwagon[1]. This article seeks to reinvigorate the argument for reviving interest in higher education policy delivery/ implementation through demonstrating, what we perceive is, an intrinsically close fit between Lipsky's SLBy and the academic profession. Specifically, this paper maintains that the concept of discretion is the locus where Lipsky's approach of SLBy dovetails with the nature of the academic profession.

[DOI: 10.61882/johepal.6.3.59]

To set off the conversation, we lay out a brief review of the implementation approach along with the critique that pushed it to the sidelines of higher education research. Then, we try to unpack the concept of discretion and point out the possible fit between implementation and higher education, based on insights from the sociology of professions with regard to the peculiar traits of academe. The conceptual fit will then be tested empirically against the levelling tide of new public management reforms which, in other sectors, significantly curbed use of discretion. Evidence gleaned from higher education studies as well as other sectors will invoked to ascertain the impact of NPM in higher education *vis a vis* other public sectors. Some concluding remark ensue.

From 'Policy Implementation' to 'Policy Change'

In the golden era of implementation analysis in higher education more than 100 studies investigated conditions for successful policy implementation (Sabatier et al., 2005, p. 17). Mainly investigating the key conditions for ensuring consistency between policies' outcomes and their pre-set objectives, implementation analysis breaks down the policy process into three stages: agenda setting, policy formulation and legitimation, implementation and evaluation (Witte, 2006). The factors perceived to affect the process within each stage included, inter alia, the clarity and consistency of policy objectives, robust legal structures to ensure compliance of implementing officials and an adequate causal theory (Sabatier, 2005; Veiga, 2012). The approach, which gained currency as "policy cycle" and "stages heuristics", soon came under attack from its very apostles. Its core assumption about the centralised command and control, top-down governance was seen to miss the developments into multi-actor, multi-level governance (Witte, 2006) or "governance with the government" instead of by the government (Börzel, 2010). Further, requiring policy objectives to be "clear and consistent" was also criticised for its impracticality, in that there are often good reasons for policy rules to remain vague and even to seem conflicting (Gornitzka, 2005; Mahoney & Thelen, 2009; Zedekia, 2017). Such features often allow for more flexibility to accommodate unpredictable cases (Barber, 2008; Gilson, 2015) and can create support at political and diplomatic levels (Pehar, 2001). Deriving from the top-down assumption the normative feature of implementation, maintaining that robust legal structures can maximize the chances of achieving pre-set policy goals, was also attacked for its perceived neglect of the potential of implementing actors whose docility cannot be granted by mere legal statutes.

The bottom-up implementation approach (Lipsky, 1980; Hjern & Porter, 1981; Hjern & Hull, 1982) emerged largely as a reaction to the shortcomings of the top-downers' claims. In the mainstream, it stressed the centrality of implementing actors in the policy process continuum by pointing out their potential in shaping the ultimate policy outcome (Lipsky, 1980, 2010) and, therefore, the need to recognize and 'factor in' their key role in the full constellation or network of actors/ stakeholders, often known as "implementation structure" (Hull & Hjern, 1987), directly involved in or affected by the policy in question. Thus, the bottom-up approach shifted focus from the prescriptive analysis of the conditions of success of policy implementation in the top-down approach to merely describing policy implementation (Ellis, 2011, p. 222). While the shift highlighted the significant role that individual front-line actors intrinsically play in the policy process, it also beckoned criticism

[DOI: 10.61882/johepal.6.3.59]

for "overemphasizing the periphery" and indirectly underestimating the state capacity to enforce policies and even the mental framework of actors at the "bottom" (Bell, 2002). Yet, although the bottom-up approach has gained ascendency in other policy fields, higher education research has until recently been put off the implementation approach.

Instead, the study of policy making and the possible interactions courted the interest of researchers who would borrow theoretical frameworks from political science and apply them to the study of policy change in higher education. John (1998, pp. 15-16), for instance, identified five approaches to policy study: institutional approach, idea-based approach, socio- economic approach, group and network approach, and rational-choice approach; Bastedo (2007, pp. 296-298) has also listed a number of policy process theories that inspired research in higher education policy change including the 'garbage can' theory (Cohen et al., 1974), punctuated equilibrium theory (Baumgartner & Jones, 1991), and advocacy coalition framework (Sabatier & Jenkins-Smith, 1993). Examples in higher education research include, among many others, Beverwijk's (2005) adoption of an advocacy coalition framework (ACF) to study the policies leading to the establishment of a higher education system in Mozambique in the aftermath of the civil war in the early 1990s; Witte's (2006) comparative study of policy convergence of four European countries towards Bologna process reforms applied an actor-centered institutionalist approach (Mayntz & Scharpf, 1995).

Although elements of either strands of implementation analysis continued to feature in later frameworks of policy process theories (such as the bottom-up's concept of 'policy networks' in ACF; or the top-down's ultimate power of the state actors in actor-centered institutionalism, for instance, the principle of negotiation in the ‘shadow of hierarchy’ (Scharpf, 1997), the study of policy delivery has been pushed to the margins of higher education research by the characteristic focus on top-level interactions between organizational actors or analysis of policy documents and white papers (Gornitzka et al., 2005). SLBy offers a more balanced stance.

The Concept of Discretion in SLBy: The Locus of Policy Implementation and the Academic Profession

An underlying assumption on which both the top-down strand of the implementation approach and policy process theories intersect is the supremacy of the top-level organizational (non-)state actors and policy entrepreneurs in policy making. They both perceive public policies to be made at the top level. Individual actors at the shop floor were often deemed as technical implementers whose docility was almost taken for granted (Viennet & Pont, 2017). SLBy disputed this assumption. While the postulation of compliant frontline actors was challenged variously in the literature, sometimes deconstructed into a "variable" (Mahoney & Thelen, 2009, p. 10), and more frequently questioned by the human agency theory (Vaira, 2004), Lipsky went a step further and loaded their role with a political content. He referred to a policy making potential that street-level bureaucrats inherently have by sheer involvement in the most critical point of policy process: delivery to the public at the shop floor. There, the concept of discretion is central.

The starting point in Lipsky's approach is the assumption that street-level bureaucrats are situated in a "corrupted world of service" (2010, p. xv). They operate at the crossroads of conflicting demands of policy rules, their own professional and ethical values and clients’

[DOI: 10.61882/johepal.6.3.59]

expectations for a custom service (Gilson, 2015). Not only are policy directives often, or "permanently" (Mahoney & Thelen, 2009, p. 11), ambiguous, stringent and even "conflicting", because they usually result from a keen 'tug of war' between political actors of different interests and perceptions (Zedekia, 2017), the end users of such policy rules, i.e. clients, tend to be diverse, well-informed and finicky. It is not uncommon that SLBs' implementing rules 'to the letter' be incongruous with their professional and/or ethical values as well as clients' high expectations of tailor-made service. For example, in their study of the implementation of a 2009 Dutch government policy requiring doctors to re-examine welfare patients, Tummers et al. (2012, p. 1024) found that such regulations do not sit well with doctors' professional and ethical values and led them to protest either by strikes or, in some cases, quitting their jobs due to 'role conflict'.

All these features along with the (human and financial) resource constraints, workload pressures and performance measurement tools from new public management (NPM), i.e. the specification of output, reporting and auditing etc. (Marginson, 2009) pose a difficult "dilemma" for street-level bureaucrats, as Lipsky's book title goes. The entrenchment of "distrustful" performance measurement/NPM control mechanisms (Hudson & Lowe, 2009, p. 137) has made working environments more exacting, as they enabled managers to monitor SLBs' performance against certain predefined indicators. Khatri (2009 as cited in Hoyle, 2014), for instance, noted that the growth of accountability and "responsibilisation" has diffused "blame culture" within professions almost across the spectrum. To cope with such a complex working environment, Lipsky (2010, p. xviii) maintains that front-line actors develop a range of "coping mechanisms" including rationing efforts, categorizing clients and, particularly, using their discretion whenever they implement rules. Referring to the impact of new public management (NPM) on the implementation of public policies on the frontline, Ellis pointed out that the labyrinthine and "conflicting rules and tasks create[d] policy and operational ambiguity which, in turn, made the exercise of discretion not only possible but necessary amongst staff responsible for managing scarce time and other resources" (Ellis, 2011, p. 235). For the purpose of this paper, special attention is given to discretion.

Discretion is a defining characteristic of shop-floor actors which they use "substantially in the execution of their work" (Lipsky, 2010, p. 3). Gilson's (2015, p. 387) distinction between weak and strong discretion provides an interesting link between the use of discretion and the higher education sector. Weak/rule discretion pertains to rank-and-file clerks and entails decision making within the prescribed rules that is "what rule to apply in particular situations or how to interpret a rule in a particular situation". Strong/value discretion, however, pertains to bureau-professionals who, by dint of their advanced academic training, hands-on experience and profound knowledge are "entrusted […] with making sound and ethical judgments" that are led by "notions of justice and fairness" in the delivery of services (Ellis, 2011, p. 223). Strong discretion is of interest to our current context because, first, we are looking into policy implementation in higher education, which is often subsumed under the "more general archetype of the professionalised sectors developed by Mintzberg (1979, as cited in Ferlie et al., 2009, p. 2); and, second, an increasingly prolific body of empirical research has suggested that weak discretion is on the wane due to NPM (Harris, 1998; Jones, 1999 & 2001). Taylor and Kelly (2006, p. 631) maintain that NPM "eroded" weak discretion altogether. This is especially true when technology, the "ideal bureaucrat" (Henman as cited in Ellis, 2011, p. 229) is used to monitor routine administrative

[DOI: 10.61882/johepal.6.3.59]

work. Thus, new NPM tools have called the entire bottom- up perspective into question (Frenkel et al., 1998; Kinnie et al., 2000).

Special Features of the Academic Profession

The academic profession is unique in a number of regards. Unlike other professions which are acquired after a period of technical training, the academic profession is not a professional specialization per se but rather, as Teichler et al. (2013, p. 15) put it, "the apex of all professions". This peculiar aspect stems from academics' "advanced education, and [the] specialised body of knowledge over which they have monopoly; a normative structure of codes of ethics and the rule of meritocracy; a level of autonomy embedded in peer review and considerable professional self-regulation" (Rhoades, 2007, pp. 120-121). Although academics in many countries (such as UK, US and the Netherlands, etc.) are not formally public servants, they typically have "strong influence on the determination of goals, on the management and administration of institutions, and on the daily routines of work" (Enders 2007, p. 5) in an area that is also subject to public policy. The superior status enhances Lipsky's idea of intractability of SLBs and places academics in particular almost on top of the public service.

These features distinguish academics from lay bureaucrats in being elusive to standard forms of coercion and external steering. Unlike most bureaucrats, frontline academic practitioners do not view themselves as implementers of policies as much as makers of their own practice and, hence, coercive isomorphism may be less effective than normative isomorphism (Eurydice, 2014). Clark (1983, p. 102) refers to academics' "sectoral hegemony", arguing that "inside professionals have heavy influence and outsiders have great trouble in finding handles". They do intersect with other highly professionalised jobs like doctors, engineers and judges in the assumption that discretion is an essential part of their daily work. For instance, they "customise" their teaching or supervision to students of different abilities, needs and expectations and adapt their research-oriented training into instruction-oriented tasks. Yet, unlike doctors who have established rules about regular professional development courses to update their subject knowledge, university academics were hardly trained about teaching let alone teaching with the aid of modern techniques such as online tools and materials.

By and large, bureaucratic executives do not always have similar skills as the tasks they supervise, hence the need for professional independence (Zedekia, 2017, p. 306). The concept of role conflict, discussed above, turns out to be routine for academics. Commenting on the policies adopted by leading – Australian – universities to enhance their entrepreneurial edge, Schapper and Mayson (2005, p. 185) pointed out the "contradictory tendencies" of trying to market themselves as delivering quality teaching and research training while, at the same time, engaging academics in lucrative commercial consulting activities, which take up substantial time and effort at the expense of preparing teaching materials and supervising greenhorn researchers. Such contradictory tendencies translated into the academic staff assuming "multiple and often conflicting roles as consultants, researchers, teachers, counselors and international marketers". Therefore, the onus of dealing with such contradictory tendencies, or dilemmas in Lipsky's term, is primarily on academics being the frontline actors. Imbued with the authority of professional bureaucrats,

[DOI: 10.61882/johepal.6.3.59]

they are more likely to use their discretion to adapt, re-shape or modify the policies than lay bureaucrats in other sectors.

From the standpoint of the sociology of professions, the academic profession fits snugly with the characteristics of value/strong discretion. The latter questions the technical role of implementing agents assumed by policy process theories and top-down implementation approach and confirms their "intricately political" position (Zedekia, 2017) which enables them to "build or undermine support for governments as a vehicle for advancing social welfare, equity, and justice" (Gilson, 2015). Now that the fit between SLBy and higher education policy delivery was pinned down conceptually in the notion of value discretion, the following section puts such a fit to the empirical test to ascertain if the special features of the academic profession truly stand against the levelling effect of the neoliberal reforms (NPM) of public administration. Do academics submit to or withstand such a tide?

New Public Management and Academics' Use of Discretion

Like other sectors, higher education has witnessed the tide of neoliberal/NPM reforms that first emerged in the USA, UK, Australia and New Zealand in the early 1980s and later swept public administration in many countries (Christensen, 2011). These reforms triggered a "managerial revolution" in higher education sector whereby management took on corporate models and turned academics into 'managed' rather than 'managing' professionals (Slaughter & Rhoades, 2004). The new 'corporate' governance model introduced ambitious reforms to streamline the effectiveness of higher education, but the outcome often proved mixed at best (Venkatraman, 2007). For example, NPM measures taken to implement quality assurance policies in higher education did not always lead to the aspired results in Europe (Eurydice, 2014), Brazil (Bertolin & Leite's 2008) or Tunisia (Khelifi & Triki, 2020). An outcome often ascribed to, inter alia, lack of involvement of academics in the implementation process, or straightforwardly as in the case of the introduction of total quality management (TQM) in higher education, to the 'unwillingness on the part of the academic staff to use the tools and participate in the methods imported from industry' (Hodgkinson & Kelly, 2007). While this dovetails with the argument pertaining to the "bottom-heavy" aspect of higher education sector advanced above (Sabatier 2005), it still confirms the unfavourable 'governance order' at universities. Ultimately, 'downtrodden' academics are pushed to cope with the new realities through use of discretion, instead of obstructing their introduction in the first place as one would imagine in the traditional collegial/Humboldtian model, although they retarded introduction of Bologna reforms in several European countries (e.g. degree reforms in Germany and France (Musselin & Paradesie 2009). To deconstruct the notion of unwillingness and how it affects academics' use of discretion (to give informed judgement akin to bureaucratic professionals or simply to evade workloads and ambiguous policy rules like clerical bureaucrats), further empirical studies were gleaned from higher education research as well as research from other public sectors.

Empirical stocktaking reports of the implementation of the Bologna process reforms in Europe reiterated a common misgiving pertaining to the "superficial implementation" of many action lines (Sursock, 2015). This was reportedly due to academic staff "re-labeling existing programs" to make them compatible with the template informally 'prescribed' by

[DOI: 10.61882/johepal.6.3.59]

the Bologna Declaration (e.g. three-cycle degree systems) and associated programs such as the credit transfer system ECTS, the Tuning projects or the European qualification framework (EQF). The consequent dissonance between policy requirements and the actual implementation of its rules led to a first cycle degree "having an unclear value to students and to the labour market" (Mikkola et al., 2007, pp. 5-7). The European University Association's Trend Reports also pointed out that "response to a ministerial dictate that [degree cycle] reform be done within one year – did not always lead to meaningful curricular renewal, but rather to *compressed* Bachelor degrees that left little flexibility for students" (Sursock 2015, p. 69, emphasis added). In other words, the 'policy delivered' by SLBs turns out to contradict the 'policy intended' by the designers of the Bologna process: to render higher education 'student-centered' and the first degree "relevant to the European labour market as an appropriate level of qualification" (Bologna Declaration 1999, p. 3).

Across the Mediterranean, similar behaviour of academics was noted in Tunisia (Khelifi & Triki, 2020), which at the political level has aligned its higher education system with the Bologna reforms, or réformes LMD [Licence-Mastère-Doctorat], since 2006. The stated policy goals targeted increasing curricular relevance to enhance graduates' employability (Higher Education Act, 2008). There, too, and in response to the new policy requiring academics to adapt the curricula of the mainly 4+2 degree structure into the Bologna/LMD mainstream of 3+2, they admitted to "squeezing" the same course materials they had delivered prior to the reform. An associate professor pointed out the trend by stating that "you can manipulate many things to make them look like others that you want" (Khelifi & Triki, 2020). Another researcher put it more straightforwardly that

> What happened is that we kept teaching as usual. And sometimes, take it from me, subject names may be changed but it is the same content. For example, I taught a course […] for applied-track students. I just brought the course materials I had used before [prior to LMD]. It used to be 3 hours per week and now they squeezed it to the half. So, I'd just flip through the pages and get going… (Khelifi & Triki, 2020, p. 543)

Hence, front-line actors' discretionary behaviour in reaction to complex and impractical policy rules can be decisive on the fate of the policy as intended at the top. A decade after their implementation, les réformes LMD proved to backfire in terms of graduate employability as measured by their unemployment, which reached record highs of 33 percent in 2014 (Hamida et al., 2017). While graduate unemployment cannot not only be attributed to curricular "ir-relevance" (Boughzala, 2013), it was clear that curricula remained decoupled from the national and international job market, typical of mainstream francophone systems noted for foregrounding academic rigor over curricular relevance (Sin & Amaral, 2016). An ex-Ministry official involved in the design and introduction of LMD admitted, while reflecting on the policy outcome of LMD reforms after a decade of implementation, that

> With hindsight, I can tell you higher education institutions are farther away from the business world now than they were a decade ago. Everyone was so obsessed with the implementation of the directives, the logistics … that they forgot the main raison d'être behind the reform (Khelifi, 2017, p. 256)

[DOI: 10.61882/johepal.6.3.59]

Empirical cases on the implementation of Bologna reforms cited above intersect on academics' leaning towards literal translation of rules, despite its counter-productive effect on the ultimate policy outcome. This is a clear case of "compliance without conviction" (Wastell et al., 2010). The finding also suggests that academics' use of discretion in such a way (squeezing materials, renaming courses, etc.) is more likely to have been triggered by fear of responsibilisation and the attendant blame culture than by informed judgement based on expert assessment of implementation exigencies. This repertoire of discretionary practices is reminiscent of – and thus lumps academics with – bureaucrats in the other public sectors like social work, road safety and nursing.

Collins' (2016) study of the implementation of a Canadian income support program, which was intended to provide help to the pauper, found that case workers stuck so closely to the program's labyrinthine rules (reportedly +800!) that a single mother with four young children could not benefit from the program to the extent she deserved. Similar outcomes were reported in Kenya where the implementation of a finicky road safety policy made police use their discretion to categorise drivers they stop for checks based on social status (with taxi drivers being the most targeted category, posh car drivers the least) in order to cope with the complexity of the rules. This type of triaging, based on police's discretion, led to "undermining policy implementation process" because "street level bureaucrats have their own interest that is different from those [sic] of policy makers" (Zedekia, 2017). With regard to rule categorization, Hoyle's (2014, p. 193) investigation of the use of discretion by nurses in a Scottish ward setting found that nurses admitted to ignoring some rules which "fall by the wayside" either because they perceived them as "daft" or immaterial as they "don't really apply to, or can't apply to us".

Academics resort to roughly the same repertoire of discretionary practices used by lay clerical workers and for similar purposes, that is, to cope 'safely' with 'impractical' policy directives even when it can potentially lead to "goal displacement" (Vedung, 2015) and the distortion of policies' raison d'être makes the case for the 'bureaucratization of academics'. Instead of acting like doctors and engineers, who use value discretion to adapt policy to the benefit of its end users, academics' coping with policy rules demonstrates how NPM measures have levelled them with lay clerical street-level bureaucrats overruling their inherently unique professional identity explained above.

The Special Exigency of Policy Implementation in Higher Education

Use of rule discretion by clerical bureaucrats to categorise rules and clients in the delivery of services may sometimes be justified by the exigencies of the 'corrupted world of service' (lack of human/financial/time resources as well as rule ambiguity) in which they routinely operate (Lipsky, 2010): at the end of the day they have to process the long queues of clients across the counter. In higher education, however, the consequences of academics' resort to such tools likely deflects policy outcome more easily and detrimentally away from their intended goals due to the nature of the academic profession which is incompatible with the logics of NPM. In Tunisia, for example, the new stringent accreditation procedure that the ministry introduced to standardise curricula along well-defined, subject-specific relevance guidelines, did not manage to keep the tide of deteriorating quality and increased unemployment at bay (Khelifi & Triki, 2020). SLBs' obsession with implementation under

[DOI: 10.61882/johepal.6.3.59]

evaluative NPM "create powerful inducements to focus on measured dimensions of work", and to ignore unmeasurable yet potentially critical aspects of the policy being implemented (Brodkin, 2012, p. 942). Obsession with benchmarks and performance indicators, and recently league table rankings, have entrenched the so-called 'tick box' compliance culture (Harvey & Williams, 2010, p. 14), whose paramount goal is to avoid the "naming and shaming" associated with being reported as unprofessional or even challenging policies (Schäfer, 2006). In autocratic regimes, this can have serious consequences. But even in established democracies, empirical studies in US high schools reported a debilitating impact of the push for performance, where schools achieved higher test scores by "cooking the books" or simply urging teachers to "teach to the test" (Brodkin, 2012) and, therefore, prepare students for tests rather than for the ambiguities of life. Can the tick box approach augur a similar trend in higher education any time soon? Or, more broadly, can the spectre of what is often informally referred to, in Francophone academic circles, as 'la secondarisation de l'enseignement supérieur' ever materialize, where higher education is treated just like secondary education.

Imposing policies on academics and even incentivising them to abide by its rules 'to the letter' rather than to its spirit probably portends an emerging trend in that abysmal direction. Contrary to what may seem to contradict the article's main argument that higher education is no different sector and academics turn out to be lay bureaucrats, this outcome proves that academics' docility can be deceptive. It is rather nominal than real. Again, literal translation of rules might pay off for basic clerical work at le guichet (behind the counter, e.g. processing clients' paperwork, means test, paying bills etc. against some sort of a grid or established routine). In higher education, it is hardly the case even when everything may seem "perfect" checklist-wise at the pays politique; deep-down, in the pays reèl (Faber & Westerheijden, 2011), the ultimate outcome can have serious long-term drawbacks. Front line actors in this sector interact with students for a sustained period of time to inculcate them with critical knowledge through rigorous methodologies; real involvement of academics is indispensable throughout the process. For example, a syllabus that academics design may, on paper, satisfy the prescribed level-specific descriptors laid out in the national qualification frameworks, but its actual delivery will be adapted from one class to another according to students' level, background, involvement, etc. Unlike school teachers, for instance, who are often required to use standardised textbooks, academics typically design their own course materials and only have to refer to some general guidelines, in keeping with the classic Humboldtian principle of academic freedom traditionally setting the practice of higher education apart. Perched on the "apex of all professions" thanks to their expertise, academics will still have a wiggle room where they can use their discretion, however finicky and intrusive policy rules may be and "outsiders will [continue to] have trouble finding handles" (Clark, 1983, p. 102). Underlying the literal implementation of policies, academics still hoard considerable latitude for swerving from policy goals and easily 'get away with it', even as they stick to the rules, hence their uniqueness.

[DOI: 10.61882/johepal.6.3.59]

Conclusion

This article comes into an emerging trend of a renewed interest in policy implementation in many public sectors. The core argument advanced here is that the concept of discretion, and it potential to imbue SLBs with an intricately political role, dovetails with the inherent character of academics as highly professionalised players of their own game. This assumed fit compels higher education research to 'mend fences' with the implementation approach for methodological and pragmatic reasons. Empirical studies cited in this article suggested that implementing actors use discretion by default rather than by choice. Even when they squeeze course materials, repackage them into new course offerings and rename them to suit the 'Bologna template', etc. ostensibly to abide by the policy directives, they are actually using discretion, not to adapt the neatly-drafted policy text to the amorphous realities on the front line, but to elude NPM's intrusive micromanagement tools and the spirit of the policy along the way. This makes investigating the intricacies of what happens on the front line level a methodological necessity since such a stage "cannot be read off policy design but understood only through empirical investigation of the enactment and re-enactment of policy within implementing agencies" (Ellis, 2011, p. 222). Research needs to commit to the fact that implementation is iterative (Viennet & Pont, 2017) and should be approached accordingly. Pragmatically, policies directed at higher education are not only costly, at a time where public funds are at a premium, they are also many. Just between 2008 and 2014, Australia implemented 38 national reforms to its educational system (from primary to higher education), Ireland 23 (Viennet & Pont, 2017). This should prompt the taxpayers and policy makers to ensure that the goals of such costly policies trickle down to the public largely as intended. Actively engaging in unearthing how academics' use of discretion plays out on the shop floor and identifying discretionary behaviour that tends to undermine policies could help policy makers find the means to tackle them or at least take into consideration to ensure the spirit of policies, not merely texts, trickle down to targeted public and legitimately hold those who designed into account (Collins, 2016).

Identifying specific discretionary behaviours is a limitation of this article. Given the marginal treatment of discretion in higher education research, it only relied on a thin corpus of empirical studies from higher education, mainly the author's doctoral dissertation and a later publication. Because available research on the use of discretion in higher education is scanty, there is no solid empirical corpus based on which one may break down the concept into well-defined categories. Aside from the generic analytical distinctions between weak, strong and task discretion (Taylor & Kelly, 2006; Gilson, 2015) and Vedung's (2015) 'taxonomy' of coping mechanisms (rationing output, reducing demand for output, and categorizing rules and clients for priority, etc.) which pertain to street-level bureaucrats across the board of public administration, little research systematically targeting higher education did so. Reference to other sectors to substantiate the need to re-think relegating the study of policy delivery in higher education helped put the gap in higher education research in perspective, but more targeted research would provide better grounds to either support or undermine the main argument of this paper.

The scope of this article was limited to laying out the perceived inherent fit between higher education and Lipsky's bottom-up approach. The overall aim is to trigger more interest in empirical investigations of the many reform undertakings for which universities

[DOI: 10.61882/johepal.6.3.59]

have become test beds. However, invitation to investigate the subtleties of implementation can by no means be construed to champion primacy of studying policy delivery over top-level policy interactions. "Overemphasizing the bottom" in Sabatier's terms (2005) was not the intention of this paper as much as to highlight the often unsaid part of the story of policy process in higher education research. It only invites more empirical research on the implementation of higher education policies so future investigations could be spared from the potential methodological risk of having to extrapolate from findings in other sectors.

Declaration of Conflicting Interests

The author declares no conflicts of interest.

Funding

The author received no financial support for this research.

Human Participants

This study did not involve human participants.

Originality Note

It is the author's original work and proper citations are included where others' works are used.

Use of Generative AI/ AI-assisted Technologies Statement

The author(s) claimed that there is "No Use of Generative AI/ AI-assisted Technologies" in preparing this research.

[DOI: 10.61882/johepal.6.3.59]

References

Barber, M. (2008). *Instruction to deliver: Fighting to transform Britain's public services*. Methuen.

Bastedo, M. N. (2007). Sociological frameworks for higher education policy research. In P. J. Gumport (Ed.), *Sociology of higher education: Contributions and their contexts* (pp. 295-316). Johns Hopkins University Press.

Baumgartner, F. R., & Jones B. D. (1991). Agenda dynamics and policy subsystems. *The Journal of Politics, 53*(4), 1044-1074. https://doi.org/10.2307/2131866

Bell, S. (2002). Institutionalism: Old and new. In J. Summers, D. Woodward, & A. Parkin (Eds.), *Government, politics, power and policy in Australia* (pp. 363-380). Pearson Education Australia. https://espace.library.uq.edu.au/view/UQ:9699

Bertolin, J., & Leite, D. (2008). Quality evaluation of the Brazilian higher education system: Relevance, diversity, equity and effectiveness. *Quality in Higher Education, 14*(2), 121-133. https://doi.org/10.1080/13538320802279980

Beverwijk, J. M. R. (2005). The genesis of a system: coalition formation in Mozambicanhigher education, 1993-2003. Doctoral Dissertation, University of Twente Enschede.

Bologna Declaration. (1999, June 19). Joint declaration ofthe European Ministers of Education. The European Higher Education Area. https://ehea.info/media.ehea.info/file/Ministerial_conferences/02/8/1999_Bologna_Declaration_English_553028.pdf

Brodkin, E. Z. (2012). Reflections on street-level bureaucracy: Past, present, and future [Review of *Street-level bureaucracy: Dilemmas of the individual in public services, 30th anniversary expanded ed.*, by M. Lipsky]. *Public Administration Review, 72*(6), 940-949. https://doi.org/10.1111/j.1540-6210.2012.02657.x

Chamorro-Premuzic, T., & Frankiewicz, B. (2019, January 14). Does higher education still prepare people for jobs? *Harvard Business Review*. https://hbr.org/2019/01/does-higher-education-still-prepare-people-for-jobs

Christensen, T. (2011). University governance reforms: potential problems of more autonomy? *Higher Education 62*(4), 503-517. https://doi.org/10.1007/s10734-010-9401-z

Clark, B. R. (1998). *Creating entrepreneurial universities: Organizational pathways of transformation*. International Association of Universities and Elsevier Science Ltd.

Clark, B. R. (1983). The contradictions of change in academic systems. *Higher Education,12*(1), 101-116. https://doi.org/10.1007/BF00140275

Collins, S. B. (2016). The space in the rules: Bureaucratic discretion in the administration of Ontario works. *Social Policy and Society, 15*(2), 221-235. https://doi.org/10.1017/S1474746415000251

Ellis, K. (2011). 'Street-level bureaucracy' revisited: The changing face of frontline discretion in adult social care in England. *Social Policy and Administration, 45*(3),221-244. https://doi.org/10.1111/j.1467-9515.2011.00766.x

Enders, J. (2007). The academic profession. In J. J. F. Forest, & P.G. Altbach (Eds.), *International handbook of higher education* (pp. 5-21). Springer. https://doi.org/10.1007/978-1-4020-4012-2_2

Etzkowitz, H., & Zhou, C. (2009). Evolution of the university's role in innovation and thenew Asia model. In J. Douglass, J. King, & I. Feller (Eds.)*, Globalization's muse: Universities and higher education systems in a changing world* (pp. 229-247). Berkeley Public Policy Press.

Eurydice. (2014). Modernisation of higher education in Europe: Access, retention and employability. European Commission.

Modernisation of Higher Education in Europe: Access, Retention and Employability Elektronische Ressource. (2014). Belgium: European Commission.

Ferlie, E., Musselin, C., & Andresani, G. (2009). The governance of higher education systems: A public management perspective. In C. Paradeise, E. Reale, I. Bleiklie, & E. Ferlie (Eds.), *University governance: Western European comparative perspective* (pp. 1-19). Springer. https://doi.org/10.1007/978-1-4020-9515-3_1

Gilson, L. (2015). Lipsky's street level bureaucracy. In E. Page, M. Lodge, & S.Balla (Eds). *Oxford handbook of the classics of public policy*. Oxford University Press.

[DOI: 10.61882/johepal.6.3.59]

Gornitzka, Å., Kyvik, S., & Stensaker, B. (2005). Implementation analysis in higher education. In A. Gornitzka, M. Kogan, & A. Amaral (Eds.), *Reform and change in higher education: Analysing policy implementation* (pp. 35-56). Springer. https://doi.org/10.1007/1-4020-3411-3_3

Harvey, L., & Williams, J. (2010). Fifteen years of quality in higher education (Part Two). *Quality in Higher Education, 16*(2), 81-113. https://doi.org/10.1080/13538322.2010.485722

Hess, F. (2013). The missing half of school reform. *National Affairs*. https://www.nationalaffairs.com/publications/detail/the-missing-half-of-school-reform

Hodgkinson, M., & Kelly, M. (2007). Quality management and enhancement processesin UK business schools: A review. *Quality Assurance in Education, 15*(1), 77-91. https://doi.org/10.1108/09684880710723043

Hoyle, L. (2014). 'I mean, obviously you're using your discretion': Nurses use of discretionin policy implementation. *Social Policy and Society*, *13*(2), 189-202. https://doi.org/10.1017/S1474746413000316

Hudson, J., & Lowe, S. (2009), *Understanding the policy process: Analysing welfare policy and practice* (2nd ed.). The Policy Press.

Khelifi, S. (2017) Interplay between politics and institutions in higher education reforms: The Bologna Process reforms (LMD) in Tunisia as a case study. [Unpublished doctoral dissertation]. Manouba University, Tunisia.

Khelifi, S., & Triki, M. (2020). Use of discretion on the front line of higher education policy reform: The case of quality assurance reforms in Tunisia. *Higher Education*, *80*(3), 531-548.

Lipsky, M. (2010). *Street-level bureaucracy, 30th ann. ed.: Dilemmas of the individual in public service.* Russell Sage Foundation.

Mahoney, J., & Thelen, K. A. (Eds.). (2010). *Explaining institutional change: Ambiguity, agency,and power*. Cambridge University Press.

Marginson, S. (2009). Global imaginings and strategies in higher education. Paper presented at International Studies Association Conference on *Constituting the Knowledge Economy: Governing the new regional spaces of higher education*.

Marginson, S., & Considine, M. (2000). *The enterprise university: Power, governance and reinvention in Australia*. Cambridge University Press.

Maynard-Moody, S., & Musheno, M. (2000). State agent or citizen agent: two narratives of discretion. *Journal of Public Administration Research and Theory, 10*(2), 329-358. https://doi.org/10.1093/oxfordjournals.jpart.a024272

Mikkola, A., Carapinha, B., Tück, C., Sithigh, D. M., Aberg, N. G., & Brus, S. (2007). Bologna with Student Eyes. The National Unions of Students in Europe. https://ehea.info/Upload/document/consultive/esu/Bologna_With_Student_Eyes_2007_565277.pdf

Musselin. C., & Paradeise C. (2009). France: From incremental transitions to institutionalchange. In C. Paradeise, E. Reale, I. Bleiklie, & E. Ferlie (Eds.), *University governance*: *Western European comparative perspective* (pp. 21-49). Springer. https://doi.org/10.1007/978-1-4020-9515-3_2

Paradeise, C., Reale, E., Goastellec, G., & Bleiklie, I. (2009). Universities steering between stories and history. In C. Paradeise, E. Reale, I. Bleiklie, & E. Ferlie (Eds.), *Universitygovernance*: *Western European comparative perspective* (pp. 227-246). Springer. https://doi.org/10.1007/978-1-4020-9515-3_10

Pehar, D. (2001). Use of ambiguities in peace agreements. In J. Kurbalija, & H. Slavik (Eds.), *Language and diplomacy* (pp. 163-200). DiploProjects.

Readings, B. (1996). *The university in ruins*. Harvard University Press.

[DOI: 10.61882/johepal.6.3.59]

Rhoades, G. (2007). The study of the academic profession. In P. J. Gumport (Ed.), *Sociology of higher education: Contributions and their contexts* (pp 113-146). The Johns Hopkins University Press.

Sabatier, P. (2005). From policy implementation to policy change: A personal odyssey. In Å. Gornitzka, M. Kogan, & A. Amaral, (Eds.), *Reform and change in higher education: Analysing policy implementation* (pp. 17-34). Springer. https://doi.org/10.1007/1-4020-3411-3_2

Sabatier, P. A., & Jenkins-Smith, H. C. (Eds.). (1993). Policy change and learning: An advocacy coalitions approach. Westview Press.

Santiago, R., Carvalho, T., & Sousa, S. (2015). NPM reforms and professionals in health and higher education in Portugal. *International Journal of Public Administration, 38*(11), 757-768. https://doi.org/10.1080/01900692.2014.979199

Schäfer, A. (2006). A new form of governance? Comparing the open method of coordination to multilateral surveillance by the IMF and the OECD. *Journal of European Public Policy, 13*(1), 70-88. https://doi.org/10.1080/13501760500380742

Schapper, J., & Mayson, S. (2005). Managerialism, internationalization, Taylorization and the deskilling of academic work: Evidence from an Australian university. In P.Ninnes, & M. Hellstén (Eds.), *Internationalizing higher education: Critical explorations of pedagogy and policy* (pp. 181-197). Springer.

Scharpf, F. W. (1997). *Games real actors play: Actor-centered institutionalism in policy research*. Westview Press.

Sin, C., & Amaral, A. (2017). Academics' and employers' perceptions aboutresponsibilities for employability and their initiatives towards its development. *Higher Education, 73*(1), 97-111. https://doi.org/10.1007/s10734-016-0007-y

Slaughter, S., & Rhoades, G. (2004). *Academic capitalism and the new economy: Markets, state, and higher education*. The Johns Hopkins University Press.

Sursock, A. (2015). Trends 2015: Learning and teaching in European universities. European University Association. https://www.eua.eu/publications/reports/trends-2015-learning-and-teaching-in-european-universities.html

Taylor, I., & Kelly, J. (2006). Professionals, discretion and public sector reforms in the UK: Re-visiting Lipsky. *International Journal of Public Sector Management, 19*(7), 629-642. https://doi.org/10.1108/09513550610704662

Teichler, U. (2011). Bologna - Motor or stumbling block for the mobility and employability of graduates? In H. Schomburg, & U. Teichler (Eds.), *Employability and mobility of bachelor graduates in Europe: Key results of the Bologna process* (pp. 3-41). Sense Publishers.

Tummers, L., Vermeeren, B., Steijn, B., & Bekkers, V. (2012). Public professionals and policy implementation: Conceptualizing and measuring three types of role conflicts. *Public Management Review*, *14*(8), 1041-1059. https://doi.org/10.1080/14719037.2012.662443

Vaira, M. (2004). Globalization and higher education organizational change: A framework for analysis. *Higher Education*, *48*(4), 483-510. https://doi.org/10.1023/B:HIGH.0000046711.31908.e5

Vedung, E. (2015). Autonomy and street-level bureaucrats' coping strategies. *Nordic Journal of Studies in Educational Policy*, *2015*(2), 28643. https://doi.org/10.3402/nstep.v1.28643

Veiga, A. (2012). Bologna 2010. The moment of truth? *European Journal of Education, 47*(3), 378-391. https://doi.org/10.1111/j.1465-3435.2012.01532.x

Venkatraman, S. (2007). A framework for implementing TQM in higher education programs. *Quality Assurance in Education, 15*(1), 92-112. https://doi.org/10.1108/09684880710723052

Viennet, R., & Pont, B. (2017). Education Policy Implementation: A Literature and Proposed Framework. OECD Education Working Papers, No. 162. OECD Publishing. https://doi.org/10.1787/fc467a64-en

[DOI: 10.61882/johepal.6.3.59]

Wastell, D., White, S., Broadhurst, K., Peckover, S. & Pithouse, A. (2010). Children's services in the iron cage of performance management: Street-level bureaucracy and the spectre of Švejkism. *International Journal of Social Welfare, 19*(3), 310-320. https://doi.org/10.1111/j.1468-2397.2009.00716.x

Witte, J. K. (2006). *Change of degrees and degrees of change: Comparing adaptations of European higher education systems in the context of the Bologna process* (Unpublisheddoctoral dissertation). University of Twente, Enschede. https://www.utwente.nl/en/bms/kites/phd-page/cheps-alumni-and-their-theses/2006wittedissertation.pdf

Zedekia, S. (2017). Street level bureaucrats as the ultimate policy makers. *Journal of Political Sciences & Public Affairs, 5*(4), 306. http://doi.org/10.4172/2332-0761.1000306

Dr. Saber Khelifi earned his PhD degree from Tunisia. He then worked in different higher education environments in the MENA region, mostly in Tunisia and Saudi Arabia. His main research interest is higher education studies, with a particular focus on the interaction between higher education policies and the marketplace through universities' output: graduates and applied research. He has published several articles in esteemed outlets, spanning higher education policy, quality assurance, graduate employability, student and university entrepreneurship. He is currently affiliated to Manouba University Tunisia, but still active in cross-border research partnership programmes with King Abdulaziz University in Saudia Arabia and the Center for higher Education Policy Studies (CHEPS) of the University of Twente in the Netherlands. Along with his instructional and research roles he reviews academic manuscripts for several specialized journals.

[DOI: 10.61882/johepal.6.3.59]