

Student participation in Higher Education Governance and Institutional Quality

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Abstract:

The article addresses the issue of student participation in higher education governance and of how this relates to institutional quality. A preliminary study on the topic is reported. The study was conducted by the author in her capacity of the student ombuds¹ in a Portuguese higher education institution and was based on her five-year experience as an ombuds, complemented by literature review. The sociology of public action was adopted in order to provide a theoretical framework, alongside with the stakeholders approach. The overarching assumption of the study was that students' actual participation in the governance of higher education institutions is very low in practice, no matter how valuable it appears in European educational discourse and is integrated in Portuguese policies and legislation. The study has identified a number of problems and obstacles associated with institutional features and students' role as a particular type of stakeholder, which constrain students' participation and contribution to quality assurance. This has highlighted the importance of developing research on the topic and has provided a basis for a collaborative research project that is currently under development, where teachers and students' representatives at national and local level are involved.

Keywords: higher education; quality; student ombuds; student participation

1. European higher education in the present millennium

The beginning of the second millennium has brought a series of political changes to Europe with a huge impact on higher education. Changes have occurred around the Bologna Process, which aims at creating a cohesive European Higher Education Area (EHEA), competitive at

¹ The author adopted the following definition of ombuds: The name “ombudsman” (om budz man) comes from Swedish and literally means “representative.” At the most fundamental level, an ombudsman is one who assists individuals and groups in the resolution of conflicts or concerns. There are a number of different titles or names for this position: “ombudsman,” “ombudsperson” or “ombuds” among others.

<https://www.ombudsassociation.org/what-is-an-organizational-ombuds>

world level. Among others, two fundamental issues underpin the EHEA creation: a new role for higher education in the context of globalization and knowledge-based economy, and a common framework for quality assurance systems. In addition, economic competition at world level, supported by neo-liberal policies and the new public management agenda, have contributed to turn European universities from autonomous institutions to some kind of corporations or competitive business units (Lima, Azevedo & Catani, 2008; Moutsios, 2013). This has given rise to an important trend in the management of Higher Education Institutions (HEIs): opening up to society as a whole, especially to corporations and organizations, which are regarded not only as consumers but also as business partners, that is, stakeholders with a say in institutional governance.

Simultaneously, and in parallel, new conceptions of quality assurance, such as “total quality management” and the “third generation quality management” (Foster & Jonker, 2003) have moved the focus of institutional quality from the product to the ability to respond and meet stakeholders’ needs (António & Teixeira, 2009; Silva & Rosa, 2010). These conceptions are incorporated in the standard ISO 9004 (2009).

Following stakeholders approaches in that "a stakeholder in an organization is (by definition) any group or individual who can affect or is affected by the achievement of the organization's objectives" (Freeman, 1984: 46), students are undoubtedly stakeholders. However, they are regarded as a special type of stakeholders in the sense that students are simultaneously external and internal to educational institutions. Students and their families are consumers of a service produced by institutions and, to a more or less extent, pay for the service (Bradley, 1993), so they are external stakeholders. On the other hand, they are part of the internal community. As internal to community, they are members of certain governing bodies, together with other internal and external stakeholders. In both roles, they are somewhat responsible for political decisions in the institutions where they belong.

However, in one role or another, do they have actual power or influence? This is a broad issue that research to date has not fully addressed. Whether we consider it from a political or a management perspective, student participation in higher education governance has been a key issue in Europe, particularly in the context of the Bologna Process. Both the EHEA and The European Association for Quality Assurance in Higher Education (ENQA) highlight the crucial importance of students’ participation, as the following statements show:

Academic freedom and integrity, institutional autonomy, **participation of students and staff in higher education governance**, and public responsibility for and of higher education **form the backbone of the EHEA** (European Higher Education Area, 2018: 1).

Involving students at all levels of quality assurance is **a defining feature of the EHEA** (ENQA, 2018).

From the point of view of the sociology of public action (Commaille, 2007; Delvaux, 2009), in the European context, students are actors who play a key role in political decision-making. Public action approaches view policy decision-making at present as resulting from the action of multiple actors who move across different social contexts and at different levels, either local, national or supranational. In these contexts, conceptualized as forums (Jobert, 1994, 2004), power games occur through the interaction of the different actors that dictate and carry new matrices and visions of the world. Visions of the world include integrated systems of values, norms, algorithms, and images that shape policies (Muller, 1995).

Students' action is considered as most relevant within the EHEA construction. The students' representative structure, European Students' Union (ESU, formerly ESIB), has been a member of the Bologna Follow-Up Group (BFUG) as early as 2001 (Prague Communiqué, 2001). Furthermore, ESU is part of EQ4, the working group that brought to life the processes that led to the establishment of the European Association for Quality Assurance in Higher Education (ENQA), in 2005, and the European Quality Assurance Register for Higher Education (EQAR), in 2007.

Students' representative structures publicly stress that students are entitled to adequate conditions for participating. The latest publication by ESU, from the series *Bologna with Student Eyes*, is quite clear about student participation in the governance of European HEIs: it should be mandatory. ESU establishes 20% as the acceptable minimum of participation to be established in legal documents:

The minimum should be **no less than 20% to grant the students a realistic influence on decisions**. States should make the legal requirement universal to all higher education institutions and in dialogues **with HEIs making sure that they are enacted** (ESU, 2018: 24).

Furthermore, ESU suggests that this should be a requirement for membership of EHEA:

Respect for students' right to self-organise and advocate their opinions on higher education **should be an absolute requirement put on any EHEA country**. Member states and potential members who fail to do so must commit to, and show substantial improvement on, student representation within the timeline of two ministerial conferences. **If not their status as an EHEA member should be revoked** (ESU, 2018: 24).

The reality is, however, far from this ideal situation. As students' representatives put it in two different times,

Both at national and institutional levels, it can generally be said that students aren't considered as full partners, neither in practise nor in theory (ESIB, 2003: 37).

The position of students has been empowered on the policy level, but the real involvement is not yet a reality (ESU, 2018: 48).

Politically though, as important as ensuring that students are formally involved in local, national, and European decision-making structures, is to examine how students can make a difference in those structures. As mentioned above, we need to look at the power sources and games that take place in each one, as well as the hierarchy of actors who emerge and how these impose their views, reasons and specific interests to the other players (Jobert & Muller, 1987; Muller, 1995; Jobert, 2004). Having a seat at forums, collective bodies or structures is not enough actually to influence the decision-making process. It is necessary to have some kind of hidden or visible power, whether it comes from money or other resources, skills, knowledge, experience, or prestige. Thus, we need to develop insight on the real nature of students' power versus the other actors' power, as well as the actual conditions that exist at the different levels of the system for students to affirm and get their views integrated in higher education policy. Research is needed around the topic that can provide figures, examples, and possible explanations.

2. The context of Portuguese higher education

The Portuguese legislation concerning the post Bologna higher education system has introduced important changes both at system and institutional levels (*Lei n° 1/2003, de 6 de janeiro; Lei n° 62/2007, de 10 de setembro*), by creating new governance bodies and structures. The new legal framework aims at including stakeholders' participation with legislation establishing that student representation in governance should be no less than 15%. Accordingly, students have a seat at the national structures of policy for higher education – Coordinating Council for Higher Education; Agency for Assessment and Accreditation of Higher Education - A3ES; National Council of Education; HEIs' General Councils - as well as at other structures at institutional level either for strategic, pedagogical, and assessment purposes, in accordance with the respective statutes.

The students' ombuds constitutes a novelty in the national legal framework of higher education and was introduced as an individual institutional body (*Lei n° 62/2007, de 10 de setembro*). Apart from this, it is described in very broad terms. The only legal obligation for HEIs is that the respective statutes include the existence of an ombuds, whose action should be articulated with the institution students' unions and governance bodies and services. The connection between the ombuds and the institutional quality system is a missing link in the legislation. This means that this connection is an internal matter that depends on local

interpretations and perceptions about the ombuds mission and role and of their place in institutions' quality assurance systems.

It is, therefore, each HEI's responsibility to define how the ombuds is appointed as well as their duties and the norms of their activity. Consequently, there are many different solutions adopted by the HEIs concerning not only the competencies and appointment procedures, but also requirements of the ombuds profile.

Nevertheless, there are commonalities across institutions that arise from the democratic values that underpin the present Portuguese society and are enshrined in the Constitution of the Portuguese Republic. Such values as equality, regardless of gender and ethnic or religious background, freedom of speech and of association, equal opportunities and equity frame and define the ombuds action and mission. This is why there is national consensus about the mission of the ombuds as to ensure that the rights and legitimate interests of students are always respected by either institutional regulations, procedures, or personal behaviours. There is also consensus that the ombuds action should be autonomous and independent of all governing bodies. In addition, as a rule and across most institutions, the ombuds action mostly derives from students' complaints or help requests. While they can trigger own initiative, it is students' contacts, either complaining or asking for help or advice that mostly generate the ombuds action.

In summary, it is widely accepted that the ombuds acts in accordance with democratic values and ethical principles, in cooperation but independently of the hard political structures. In this sense, their power does not lie in making others to adopt their views or decisions; it is rather a sort of soft power (Nye, 2004), which acts by persuasion and lies in their capacity to influence others voluntarily to adopt their views or suggestions, in compliance with justice and respect towards the rights and legitimate interests of students.

3. An experience of a student ombuds at a HEI in south Portugal

Setúbal Polytechnic Institute (IPS) is a HEI that comprises five higher education schools ranging from teacher education and other social areas, health, management, and business, to engineering. As all polytechnic institutions, each IPS School has a scientific board, where only lectures and researchers have a seat, a strategic board, which includes staff and a number of internal and external stakeholders, plus a pedagogical board where the number of students is equal to the number of faculty. At the Institute level, the governing boards are the general council, the president of IPS, the management board, and the academic board (Despacho

Normativo n° 13/2019). There is also an assessment and quality unit. Students have a seat at the quality unit, at the academic board, and at the general council. The general council, where students represent about 15% of the whole, is the strategic board that elects the President of the Institute and approves the institutional strategic and activity plans, and reports.

The ombuds is appointed by the general council, based on a proposal of the President, which must have previous approval of the Students' Academic Union (Despacho Normativo n° 13/2019). Therefore, the ombuds should gather full consensus at the IPS community. The activity of the ombuds is regulated by an official set of regulations, locally designed and available online (Despacho n° 822/2017). Regulations draw from the above-mentioned principles, are articulated with the IPS regulatory framework and comply with the IPS Student's Statute (Reglamento n° 371/2020). No formal connection to the institutional quality assurance system is established.

The current ombuds was the first to perform duties and take due action regarding the job. She defined as her primary mission to link the ombuds action to the IPS quality assurance policy. For that purpose, she committed herself to develop insight on the students' point of view about the institution. In so doing, she assumed three things. Firstly, students' points of view may not be the same as the points of view of the other actors and of the IPS governance bodies and services. Secondly, students' views constitute a valuable contribution to IPS development. Thirdly, although students are present at several IPS governing bodies and structures, students' views are not duly systematized in order to be incorporated into institutional efforts towards ongoing quality improvement (Palma, 2016: 3). Thus, she announced her intention to unclose and promote the integration of students' own perceptions and interpretations of legislation and of IPS regulations, as well as of institutional information, namely information available on the institutional website (*ibidem*).

She hoped to do that mainly drawing from complaints and help requests from students. Surprisingly enough, after the ombuds office was set and started to work properly, students neither asked for much help nor complained much and when they did so, sometimes, it was too late to deal with the situations reported. Out of a population of about 6000 students, contacts of any type with the ombuds amount to 0,8% a year, on average (Palma, 2019). Compared to other institutions, whether public or private, whatever the total number of students, the situation does not stand out².

² Official national figures are not currently available

This led the ombuds to search for possible reasons and explanations. She found some insightful material from publications by ESU about student participation in higher education governance, which she analysed together with her own findings derived from experience of the past five years as an ombuds. The following chapter reports these findings.

4. Student participation in HEIs

In the European context, ESU proved to be a fruitful source of information regarding students' participation in higher education governance. As above mentioned, students' representative structures (ESIB, 2003; ESU 2015) have identified a mismatch between ideal participation and actual participation. On a later publication (ESU, 2018), students describe problems that constrain participation and give reasons for that.

ESU reports resonate and appear to be somehow in line with data and personal interpretations of IPS students' texts and behavior, as reported by the IPS ombuds. Based on literature and in addition to it, the ombuds conducted several informal conversations with students, the topics of which she drew from complaining processes that had occurred. This process permitted her to hypothesize constraints to students' intervention and participation for ongoing quality improvement. She then validated her interpretations and hypotheses with the students' union and drew some preliminary conclusions that she reported in her annual ombuds report (Palma, 2019).

Drawing from ESU publications and on the ombuds report, it is possible to identify at least five issues related to students' participation that deserve further research. A summary of the issues, which includes a number of problems that have been identified and possible solutions that have been proposed, is provided below.

4.1. Training and support for the job

Participating in higher education governance is a demanding task. People need to be acquainted with educational policy, national legislation, institutional regulations, pedagogical approaches, plus practical knowledge on how to take the floor in the name of a group and to speak for others. Teachers are much better equipped and are more familiar with this type of task. Students are younger, less experienced and naturally less equipped with skills aimed at success in participation.

This appears as one of the reasons for difficulties in recruiting students to perform this type of job. Appropriate training and support of students in management structures is clearly an identified need. In this respect, ESU suggests that:

HEIs and national bodies are essential in the induction of local and national representatives. **Students who will hold seats on boards and councils should receive the appropriate practical information before their first meeting and have access to support throughout their mandate** to ensure that they can participate fully without practical or administrative barriers (ESU, 2015: 17).

Support structures should be put in place for student representatives to enable them to adequately perform their job and duties on behalf of their peers. This includes **trainings of high quality** on the work of the forum they enter and the structures, rules and culture in decision-making. **Students' unions should be seen as a partner in providing this and get support for doing so** (ESU, 2018: 24).

4.2. Institutional information

Effective participation requires full access to institutional information. People cannot participate when they do not know about the state of the affairs. However, availability of internal information is not always easy at institutions, as it should. When this happens, students are those who are most affected.

By means of an inquiry conducted to national students' unions, ESU accounts for the existence of "disparities between students and staff" (ESU, 2018: 21) in this regard. Reports by the IPS ombuds repeatedly account for the same situation (Palma, 2016, 2017, 2018, 2019). Students are usually not properly informed about agendas or decisions of the governing bodies so they could develop own reflections and knowledge about ongoing institutional processes and contribute to quality policy.

4.3. Perceptions of the worthiness of participation

Feelings of worthlessness come often when one belongs to a minority and develops a perception of not being heard. As ESU puts it,

Our unions recognise two threats to democratic student participation:

- Students **are not able to pick their own representatives**, or the procedure is lacking transparency
 - Participation is **constrained to minor decisions, or no "real" influence is provided**
 - Student representatives make up a **tiny minority in decision-making**
- (ESU, 2018:19)

Similarly, the IPS ombuds considers that reasons for so few complaints and so little contribution of students to institutional quality are apparently related to their self-perceptions

of the worthiness of students' intervention in making a difference to governance (Palma, 2019: 4).

4.4. Length of stay in the institution

According to the IPS ombuds report (Palma, 2019), length of stay is an issue that matters. Teaching and non-teaching staff stay at institutions for a long time, sometimes for their whole working life. Thus, they are sensitive to the working environment in a particular way, especially to quality in the sense that they are recipients of long-lasting institutional improvement. On the contrary, students stay at institutions for a very limited time and could not benefit from medium and long-term improvement. Students are, therefore, centered on here and now, which means they are interested in obtaining academic success and leave for the world of work as soon as possible.

ESU also emphasizes length of stay as an important issue and mentions additional consequences of the limited time students stay at institutions. One additional consequence is apparently difficulties in finding and appointing voluntary students to decision-making bodies, since turnover of representatives means a lot of extra work to students' academic activities:

Students stay at their university **for a limited time**, which leads to high turnover rates among their representatives. Even in cases where someone would study for five years at the same institution pursuing a master's degree, it is highly unlikely that throughout all of those years an individual would represent students in one decision-making body. This often **causes students to join a preparatory or decision-making body mid-mandate, or from a position of not knowing the other participants**. When getting (s)elected **more time has to be spent preparing for meetings, and/or information is hard to access**. (ESU, 2018: 22).

4.5. Asymmetries of knowledge and of pedagogical power

Students and teachers are not peers in what concerns knowledge, especially subject matter knowledge, and pedagogical knowledge. Even though students' representatives might have organizational and political knowledge above average, they lack the organizational experience that staff can accumulate through years. Most importantly, teachers have the power to interfere with students' objectives of academic success and of obtaining their degrees. As ESU puts it,

There is a higher risk of representatives becoming overwhelmed by the knowledge required, know-how and information held by others in the academic community or external representatives. **Having to argue with your own teachers, that already are in a power relation to you**, does not make it more accessible (ESU, 2018: 22).

Similarly, and in line with ESU, the IPS ombuds considers that students and teachers experience unequal power relationships that constrain students' capacity to participate in

institutions. Unequal power relationships come not only from different types of knowledge that ones and others can mobilize in debates, but also from pedagogical assessment of students by teachers. This is particularly sensitive in case of making complaints. Students often express their fear that complaining could carry penalties with implications on their assessment. As the ombuds reports:

The pedagogical relationship incorporates a power asymmetry since the teacher holds the power to interfere and counter the student's objective of curricular success and of completing their degree. In these circumstances, the student can hardly complain about the teacher if they think that they could eventually have penalties (Palma, 2019).

5. A topic for future research

The activity described above concerning the IPS ombuds experience, went public and was widely publicized in the institution. It was introduced in the opening speech when the ombuds took office for the second time, for another three years, in 2018. Furthermore, it was reported and put to discussion through a paper orally supported by a PWP presentation at a meeting of a network of researchers on quality (Lourenço & Palma, 2018), and was included in the ombuds annual report 2018 (Palma, 2019).

The opportunity then came to embrace a challenge and undertake a collaborative project with students. The project is in progress carried on by a team of researchers from the IPS and from another Polytechnic in the region plus a number of students' representatives from the IPS Students' Union and from the national federation of the students' unions in polytechnic higher education (FNAESP).

The project is in its first stage that consists of collecting data about students' participation in elections for governance bodies and students' representative structures, as well their presence in meetings of bodies where students have a seat, at both institutions. The project will take about two years to complete. The purpose is to develop insight on students' participation in higher education governance and design and experiment with innovative ways of enhancing students' willingness and skills for participation.

Results of this project may be used for accomplishing important activities in the future. In the first place, results are expected to help bring about some changes in the institutions under analysis. Secondly, the project may be extended to all polytechnic HEIs in the country, as is the research team's intention, and have a national impact on democratic governance of higher education. Furthermore, suggestions for the revision of the current Portuguese legislation concerning HEI governance, which will go under public debate in the near future, may be inspired by the project's findings and proposals.

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