The Contingencies of Due Process

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Chapter 6

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Introduction

Managers don't need social and management scientists to tell them the activities they are endeavouring to orchestrate have a diversity of goals, objectives and ends, or that the means for obtaining them are equally diverse. They also know the diversity is divergent, often at odds and more than occasionally contradictory. Such mismatch is but one of the forces creating the entropy they struggle to contain. They may not classify that diversity in terms of Meyer and Rowan's trichotomy of ceremonial, technical and institutional structures (Meyer and Rowan 1977), but they are well aware that its sources lie both in the contingencies of implementing the strategies they are pursuing and the constraints laid upon them by groups, agencies and bodies beyond their organisation and over which they have little or no control. Working through the daily round involves, in part at least, finding a way of weaving together some or all of the array of ends and means, objectives and activities operational in the surrounding environment. Of course, the rationalisations produced by this plying and patterning are a hopefully adequate mix of the purposive, the principled and the ad hoc.

In this chapter, we will look how this reasoning is applied to the construction of organisation charts, a class of objects whose purpose is to provide a publicly available global definition of some activity structure, management hierarchy or organisational process. We will do so through the examination of a single case, the Governance6 chart given in the Appendix to this chapter. The aim will be similar to that of the previous chapter. The purpose of the chart is to show how CU's critical decision processes conform sufficiently to governance good practice. Facilitating a reader to make such an assessment is the work of the chart. It displays a lebenswelt pairing of chart and judgement. We will propose the chart displays instructions for its own use and its success as an operationalised representation of CU's organisational world relies upon following these recipient designed instructions to close the praxeological gap between reading the chart and making the judgement. By recognising and following its instructed actions, users can find governance good practice at work in the chart. Those who constructed the chart designed it to be used in this way.

One of the features of all representations is that they are typically purposive. They are constructed for a purpose. In this case we have a background document provided as input to the Quality Audit to be carried out at CU. They are also designed to be used for a purpose, a display of the degree to which governance of key organisational processes at CU complied with 'good practice' as defined by the Quality Assurance Agency. However, managers are well aware such objects, having been used for the purpose for which they were constructed, are not necessarily confined within those bounds. Documents in organisations are quintessential boundary objects (Starr & Greisemer 1989). They travel through the organisation and beyond, and are used for purposes for which they were not envisaged let alone designed. Very often, of course, they are useful resources. Equally often they simply add to the flux and entropy managers face. This being so, although they might be designed for a specific course of action type to use (in our case, someone who is on a QAA panel), organisational representations are also shaped by consideration of who else might use them and what else they might reasonably and not-so-reasonably be expected to be used for.[1] These two, the presumed intended and likely unintended uses, are the contingencies of our title.

Organisational governance is not as familiar a topic as other aspects organisations such as forms of management structure or the division of labour. Indeed, until recently, concern for governance was largely confined to the fiduciary aspects of financial management. However, over the last 25 years or so, we have witnessed the emergence of what some have called an "audit culture" (see Strathern 2000, Shore & Wright 2015) where principles of normativity, efficiency and effectiveness have been invoked by both managers within organisations and other outside institutions to justify the measurement of conformity to standards of good practice with regard to decision making and operational routines in both private and public bodies. In academia, to take an example which is close to home, we find these measures used to assess the 'impact' of groups of academics within an institution (and, by extension, the disciplinary areas to which such academics belong) upon economic, social and policy arenas in wider society. Apart from "impact" itself — a term whose meaning is not so much polymorphous as endlessly mutable — the key associated concepts are 'traceability', 'transparency' and 'accountability' within a 'governance framework'. In the ideal case, the framework of specified values, means and ends is derived from the formally stated and endorsed strategic objectives of the organisation. The audit of governance is concerned with the traceability, transparency and accountability of decision making within the organisation. Are decisions made in conformity with the requirements of the formally endorsed sets of objectives specified for the

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[1] We are back with Donald Rumsfeld's classification!

organisation and the documented statement of strategies (means) to attain them? In other words, does the 'paper trail' show the organisation actually does what it says it does?

The governance chart's function was to provide members of a QAA[2] panel with a synoptic view of the relevant key decision processes in the management of Learning, Teaching and Assessment. It was to be used in conjunction with exercises in 'case chasing' by panel members to assess conformity to good practice. This determination was not to be arrived at simply by perusing the chart. Rather, it was to be done by examining audit trails of documents through the lens of the chart. For such an audit, good practice largely concerns two things: the interdependency of the management of learning and teaching and the managing of operations; and the sequential coordination of key decision points in both decision flows. According to the prescriptions of the QAA, high quality in teaching and learning outcomes are achieved when the priorities set for learning, teaching and assessment (LTA) drive operational priorities. It follows that operational decisions should not have processual precedence over LTA ones. In displaying CU's arrangements for these two, Governance6 is intended to display conformity to good practice.

The chart encompasses two management models; those of LTA and operations. For most HE institutions, this poses few problems. They are mature organisations and the structural relationships among their major systems have (or should be) bedded in. CU was different in three critical ways. It was a new organisation and its systems were only just being created. They were certainly neither complete nor bedded in. Second, it was facing a major set of growth challenges which its senior managers and Board believed would require the exercise of strong central management control if they were to be achieved. Finally, it was set up as a Limited Company and so its corporate governance was regulated by the provisions of Company Law. Although QAA audits are often moments of tension in all institutions, the relative goodness of fit of LTA management and operations management can largely be taken for granted. With CU, this was not the case. Each of the lines of difference in things like the ordering of short term priorities and the immediate foci of management attention carried possible misalignments between the management models. Because it was known to be a developing institution, the QAA panel would not expect complete conformity with its standards of good practice. However, conformity should be significant. For senior managers, audit represented the challenge of moving their operational model towards conformity whilst at the same time not prejudicing the priorities they had set for growth, culture change and activity initiation. To fulfil its task, the chart has to represent both LTA and operational management models

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[2] The Quality Assurance Agency is the public body charged with ensuring and monitoring standards of teaching quality in UK universities. 'Assurance' is provided by the use of mandated 'quality processes' adapted from business. Monitoring takes the form of cross-university comparisons of adherence to 'best practice' with regard to these processes.

by depicting the organisational reality of governance as close enough to the good practice model to satisfy the auditors whilst not, at the same time, giving too many hostages to fortune with regard to the ability of managers to set the goals and drive the growth of the institution by appearing to emphasise areas of activity the senior management team did not, at this point, wish to invest in.

Process charts are often referred to as 'maps'. As with direction finding and other maps, this term captures the character of the depiction as a normative or conventionalised projection of features of the process being described. The relevances determining such norms are not, though, primarily concerned with 'wayfinding' or 'step following'. The use of the chart was not to work out of what to do; what steps are to be followed and in what order. Rather, as we have just indicated, what the map projects are the managerial considerations prioritised in a QAA audit; namely the coordinated sequencing and step-wise due process being followed within distinct lines of decision making. Governance maps provide the topography of decision making as proper sequences of legitimated and authorised decision steps. Reading the chart is finding that topography represents management operating in the ways required.

In this discussion we will do two things. First, we will use Governance6 to illustrate the general design principles for constructing governance and similar charts as analogues of what George Psathas (1989) called "independently readable maps". It is their independently readable features which enables them to function as management devices for achieving the outcome sought. Second, we will show how consideration of possible known and unknown uses of the map led to less than optimal transparency and traceability of 'proper decision-making'. These considerations provide good managerial reasons for a more than a little obfuscating synoptic representation.

Common Sense Organisational Cartography

Using the framework set out in the first four chapters, we will draw out some of the ways Governance6 displays the operation of the managed resolution of the tensions between operational and LTA management at this point in CU's development.

Idealised Formalisation

Modalities of material form

Governance6 is a 'one pager', a widely used class of organisational documents used to provide ready to hand, easily surveyed and assimilated high level summaries of background information. One pagers are designed as guides to be used alongside other documents and as prompts in discussion of relevant issues. They are, then, a re-usable, carry around document whose precise deployment

cannot be anticipated but whose general application is given by their contents. Governance6 is about what it says it is about, namely the management of curriculum planning and academic standards and the management of operational processes. What such management consists in is *not* thereby specified but the components (that is the ordered sequence of decision steps) of its management decision making are. Whatever goes on in the management of these processes at CU is not to be discovered by reviewing Governance6 but by using it as part of the audit process. This use is not adventitious. It involves the deployment of reciprocal and complementary skills to bring off the chart's essential characteristics.

The hermeneutics of spatial distributions

No matter the format of the page (portrait or landscape), the orientation of the chart is read-off from the orientation of the title. The orientation of the title text is the orientation of the process landscape. From that orientation, the geography of placing is determined. This geography has two interpretive coordinates, level of authorisation and degree of coordination. These two produce a matrix fixing placement on the chart. As one moves up the page, coordination by authorisation is exhibited as a stratified succession of coarse grained blocs. These blocs are unnamed but display associations of relatively similar authority levels. Thus, where some decision forum stands in the 'authorisation chain' and its relationship to other authorisation chains can be seen at a glance. Entities aligned in blocs at the same broad level on the page have the same broad level of authority. Processual synchrony of decision is somewhat more fine grained. Here there is a banding within and between blocs. Alignment in a band stands for procedural synchronisation of decision making where the parameters of temporal synchrony scale according to type of decision and flow.

Recognisable Relevant Completeness

The set of decision nodes and interrelationships depicted on the page are all that is needed for due process in the coordinated governance of learning and teaching and operational management. Whilst it is known that there will be other groups, fora and relationships involved in the making of relevant decisions, what is on the page is all the necessary and sufficient detail required to find conformity to good practice. What is off the map and what is invisible in the map (both topics we return to below) are not necessary for the purposeful reading of the map. The whole decision chain, from formal initiation to formal completion, is contained in that detail. While lots cannot be seen, nothing is missing. What the map provides, then, is the world of relevant governance. As we discussed in Chapter 3, much of what a document says cannot be spelled out if it is to maintain its function as a high level schematisation. These are the its implicatures. In addition, there are those things which, whilst not spelled out, could be if needed. In advance of the chart's use in earnest, it was impossible to say what they might be.

Universal Locatability

Any element, component or point in a decision flow can be allocated to an appropriate place on the page. Decisions are always on the map somewhere and the determination of just where is carried out by triangulation of what has been done, what is yet to be done and who is known to have authority to take the relevant decisions and actions. Finding where an issue is in the processes is a matter of interpreting the choreography of events. Being on the map is not the same as being at a node. Decisions may be 'pending', i.e. waiting to enter a node, 'in flight' from one node to another as well as being 'under consideration' or even 'stalled'. No matter what their status, they can be placed on the map somewhere.

Local Relativities and Absolutes

The material mode of the 1 pager determines the need for recognisable relative and absolute scaling. Organisational space is not 2-dimensional but has to be represented as such. In order to produce the representation, some relationships have to be fixed whilst others are allowed to float. This produces chart-projected warpings analogous to the Mercator distortions we are familiar with on maps of the world. The result is 'organisational distance' does not necessarily equal 'distance on the chart'. Some differences such as with linkages and labels, are significant but not metrical. Differences in font scale or line thickness matter but only as indicators of centrality to the main purpose of the chart. Distance on the page is also neither metrical nor arbitrary. There are no conclusions to be drawn from the relative spatial distance of the Curriculum Planning node from Academic Board compared to its distance from The Executive. But equally, distortions which push key decision points to the periphery of the chart are avoided. Comparison is a matter of 'scanning' the blocs not measuring coordinates.

The significance of co-location is just as variable. Placing Academic Communities within 'easy reach' of the Planning Processes and the Executive allows an interpretation of their importance (see below). In the same manner, distance on the page and temporality of decision making are not commensurate. It is not supposed to take 'longer' to get to Academic Board from Planning than to the Executive and such distancing cannot be used to represent decision flow. However, the known calendrical periodicity of both does give rise to the possibility of tension regarding the *durée* of decision making, with 'Quality Processes' often being felt to be slow and ponderous compared to the fast turnover of decisions along the operational flow. As we will see below, the meaning of experienced elapsed time — how long it seems to take for decisions to be made — is one of the known stress points of good practice. Firmly held views on decision velocity often cause disagreements among those responsible for the two decision paths. At root, this comes down to differing interpretations of what 'good enough' due process might be. That there will be such

differences is a given for the audit. They are a well-known consequence of different managerial relevances. The audit's concern is with how they are manged and one of its tasks will be to try to surface them; something which is also well known.

In addition, specification of detail is *relatively material*; that is, material relative to the purpose of the diagram or the status of the node. Thus the listing of the sub-Committees of the Board and the lack of detail on the sub-Committees of Academic Board relates to the formal legal requirements for governance of a Board of Directors not the integration of quality and operational management. Key committees of the Board of Directors have to be displayed on public documents. But that display does not speak to process good practice as the QAA defines it. On the other hand, the explosion of the box marked as Curriculum Planning does. This is one of the central quality practices in the QAA framework and a lack of detail here would be a noticeable and notable absence.

Recognisable Investigative Relevances

The map is purposeful in two distinct but related ways. It has been constructed for a purpose (providing guidance for the audit team) and to be used for a purpose (the display of due process). Users are presumed to be interested in both and to have sufficient relevant knowledge of the organisational structures of Higher Education to see in the detail just what is needed for them to carry out their task. They need what they have been given — though, naturally, it is not all they will need. To make the judgements, cases, instances and issues will have to be chased through the structure by following the 'document audit trail'. Given instances of just what *they* are interested in, with Governance6 in hand the panel will be able to interrogate governance due process at CU. Process surveyability is a design feature of the chart .

Closed Configurations

The map identifies two pathways through the decision maze. These have common initiation and termination points. The pathways are not loops (decision flow is all one way) nonetheless there is process closing at the common points. Under the idealisation of the chart, any policy, initiative or innovation can be found to have originated at a recognisably proper point (that is, proper, from the point of view of LTA good practice) and to have progressed though the decision flow to an equally recognisable proper final decision point. At the same time, the chart makes it clear there is no single, universally applicable final decision point.

Co-selection of Inclusion

The pathways comprise a proper set of steps. Each passes through a number of decision nodes whose relevance is derived from the nature of the pathway. They are co-selected for their 'quality' or 'operational' character and represent what, in the idealised world being depicted, would be a complete, serially constructed hierarchy of authoritativeness. The elements within each band and bloc together with the 'coattails' of groups they imply, all have a place. Tracing through the paths from Curriculum Planning to University Senates and University Councils, each band and bloc has its appropriate representation.

Demonstrable Proper Sequencing

In as much as the depicted flows are known to be what 'normally' rather than what 'always' happens, the chart portrays a flexible ordering. On occasion, decisions get 'fast tracked' and sometimes skip steps. But the idealised state is a flow through the full complement of correlated and coordinated sequenced steps. Some of these steps are known to be key process anchor points (for example Academic Board and CU Executive). These are the most important internal management loci for each flow. Their alignment on the page provides a display of synchrony in decision flow. The link between the two (we discuss the codification of links below) provides an on-the-page (i.e. formally accountable) correlation and calibration mechanism. That linkage is one of the hitches holding the two processes together. In other cases, e.g. JAC and the CU Board, such co-anchoring is missing, thereby indicating these are not to be seen as anchor points of the same order.

The Grammar of Symbols

The notation of organograms is one of lines and labelled boxes. The position and concatenation of the boxes acts as a vocabulary for the determining the existence of due process. In Weider's (1974) phrase, the contextual syntax and semantics of the organogram together tell the code of these relationships. We will bring out this character of the diagram by examining just two aspects.

Only Connect

The Key provides the set of linkages which structure of the chart. Two of these refer to decision flows and two designate types of membership. This distinction is important. According to quality prescriptions, for proper decision making not only must decision be considered in an appropriate order but those doing the considering must be appropriate for the level of authority concerned. Membership linkages are within blocs. Scanning the decision lines in conjunction with the membership lines indicates who is taking what decisions at what point — the core due process question. Considered as a network, the chart clearly displays the single point of decision initiation

lies where it should, within the Curriculum Planning node. From that point on, the decision lines diverge and are connected by the membership linkages. Thus the chart displays the social organisation of the required shared planning knowledge across the different operational groups. This gives a clear sense of the integration academic and operational decision making which is central to the QAA model. If exercises in case chasing show that the reality belies the formal structure, then breaches in standards of good practice in the operation of the decision structure will have been found.

Reading the Runes

At one level, the 'vocabulary of connection' captures the 'formality' of the relationship. Thick solid lines represent standard formal decision making and approval processes. Thinner solid lines are the quasi formal relationships of consultation and recommendation. These connect nodes outside the formal control loops with nodes in those loops. In that they find a place for these nodes but not on the central decision making pathway, we might say they are *inclusive but excluding*. Third, there are the *ex officio* common membership connections between key nodes in different control loops (broken lines). The claim to common membership is, of course, a limited one. Not every member of the Executive is a member of Academic Board. Nonetheless, marking commonality of membership provides a further demonstration of the connections between the two decision flows. The fourth linkage is the dotted one of representation. CU was a tightly managed environment. It had to be if it was to achieve its immediate goals. To conform to the model of democratic academic governance promoted by the QAA, the chart has to show formal representational connections for academic staff within the institution.

Parsing the syntax and semantics of boxes and lines allows the user of the chart to the find a due process topology in the complex topography of the map. The vocabulary has no codes for 'important', 'necessary but less important', 'required for good practice sake', and so on, yet such differentiation is discoverable and captures the pragmatics of governance. This pragmatic logic can be construed from the constructed logic of the lines and boxes.

The Contingencies of Achieving Correspondence by Fiat

At the start of this chapter, we suggested that managers are well aware that formal documents are boundary objects and so attempt to include features in their design which militate against uses which will cause obvious problems. In this last section, we will pick out a few examples of such contingency management in Governance6 and discuss how their meaning is shaped.

Modified Flow Closure and its Problems

When considered as abstract, formalised structures, the boundaries of most organisations whether in education or elsewhere are the operational boundaries of all its key decision processes. At this stage of its development, this was not the case with CU. The management of learning (that is Learning, Teaching and Assessment) passed outside the organisation to a Joint Academic Committee of the Universities and on to their Senates. This clear diffusion of decision processes into partner institutions threatens the internal closed flow principle for good governance. Operational decision authority passes through management teams and terminates with the Board. On this line, governance is internal. The line of quality governance passes outside CU because at this point its qualifications were being 'guaranteed' by the partner Universities. It is the standards of the universities' degrees which the QAA is approving (they are guaranteeing CU's standards by permitting it to award its students with their degrees) and so QAA requires the decision flows for LTA terminate within the universities. But, as we indicated at the start, that provides an opportunity for misalignment between the two management models. Proper closed flow governance, means *both* academic quality and operational management should terminate in a single place. The chosen locus was the University Councils. However, given the formal constitution of CU as a not-for-profit company, this might imply that the Councils were acting as 'shadow' Directors since it would make it appear the Board does not have final authority over all its own operational decisions. To have 'shadow' Directorships in place is a violation of corporate (but not LTA) good governance. To obviate this, the linkage is defined as 'representational' rather than 'approval'. Of course, that designation can only refer to the Directors who are actually members of one of the University Councils. This form of modified flow closure creates enough ambiguity to avoid drawing attention to the central tension in the decision making of the institution, namely that between the necessary *independence* of CU as an operating business and its equally necessary *subordination* to quality decision processes within the Universities. The way this tension was actually being managed was through interpersonal relationships. Interpersonal relationship management is not a formalised governance process. In other words, depending on which model (LTA or operational)was being examined, the ambiguity of the device either revealed or hid the tensions at the heart of this aspect of governance.

Organisational Fictions and their Consequences

A similar order of contingency is represented by the inclusion of three boundary spanning groups; Stakeholder Group, Reference Groups and Academic Communities. Their inclusion rests different kinds of organisational gestures. The first two were informal bodies of 'political supporters' whose continued support was required for local opinion formation, funding, promotion and policy alignment. In return for this support, the groups felt they could and should offer comments and

suggestions on academic and operational matters. They were not, however, formal decision making bodies. Their inclusion on the chart was a matter of public acknowledgement of their place and 'managing the politics' which resulted rather than recording the authorising or supervising of decisions.

A different kind of fiction applies to Academic Communities. These did not actually exist. Those advising on quality development insisted they be included since the QAA model assumed the coincidence of the organisation of learning, teaching and research and the structure of academic communities within any HE institution. Not to be marking the contribution of academic communities to the management of LTA would be a very noticeable omission. The cross-centre delivery model of academic content which CU was using made the formation and support of such disciplinary based communities a hugely resource hungry challenge, one which the management team felt was definitely subordinate to the plethora of other resource hungry challenges they faced. The presence of Academic Communities on the chart is ambiguous. They are nominated but since financial and other resources are not allocated to them, they are not being managed. From the perspective of the model of operational management, if it is not being managed, it is not key.

Underspecified Calibration of Ideal and Operational Topologies

The chart lays out the formal decision flows for the management decisions it covers. It is an idealised depiction. This is something everyone knows. What the chart does not provide is a fixed model of the flow of actual decisions. As we have already said, the exigencies of practical management will inevitably mean that some decisions are 'fast tracked' through the processes. In such cases, decisions are 'taken as read', approved by 'Chair's action' or some other formally constituted way not listed on the chart. Other decisions will short circuit the flows by 'node jumping' or by being initiated in anchor nodes such as the Executive or Academic Board themselves. The importance of underspecifying the 'bridging mechanisms' by which the representation might be made to correspond with the realities of actual day to day management lies, of course, in the management flexibility the lack of detail provides. Conforming to the spirit of due process whilst violating it in practice is what practical management often requires and which the chart allows. It is precisely what in Chapter 2 we saw Bittner meant by "organisational acumen"; knowing what needs to be done in accord with the formal scheme as well as knowing what should not be done so the scheme can be preserved.

Alternative readings of symbols

Earlier, we described the process flows emerging from the node labelled 'Curriculum Planning'. The name clearly designates this as a 'quality' process. However, it is also a business critical operational

process. At the point at which the chart was drawn, senior managers had run 'a very quick and dirty' review of the course 'offer' being made and were determined to 'refresh' its provision as a matter of urgency. To enable this, academic development proposals were to be taken through the CU central planning process controlled by the Executive as well as through the usual 'quality loop'. This was to allow the senior team to control the content and rate of change of curriculum revision. The duality demonstrates the required process co-ordination for quality good practice. It also signals senior managers' desire to drive rapid top-down development and the tension this creates. Those responsible for quality want to embed the QAA mature model in the organisation and see developments emerge from the (as yet unformed) Academic Communities. The code being told is different depending which perspective one holds and when. From the senior managers' perspective, the chart's purpose is to enable the institution to 'get through' the upcoming audit. At some future date, CU would be audited again, so a placeholder had to be left to accommodate active Academic Communities (should they develop) without committing any managerial resource now to support them. For those managers designed ambiguity is a virtue rather than a defect.[3]

Managed representation

Our final example is the display of conformity to the good practice principle of representative democracy in academic planning. This is clearly displayed in the chart. However, the nodes where such representation is demonstrated are also those which are tightly managed by senior management. The content of agendas, the periodicity of meetings, the composition of other membership are all controlled by the Executive. The nodes where representation is found are not free form but severely constrained. The inclusion of representative democracy is not a fiction but rather a gesture. It provides what is needed but preserves the capacity of senior management to control the formation of policy objectives.

Conclusion

Principles of good practice are idealisations. The danger of over-conformity to the ideal is managerial and operation inflexibility. The danger of too little conformity is inconsistent and ad hoc decisions as well as decisions taken in pursuit of objectives not endorsed by the relevant authorised bodies. Every organisation tries to set an appropriate balance between these two. Anyone (such as a member of a QAA panel) who knows how to read and use a chart such as Governancev6 knows

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[3] Those who relish the nuances of these things are invited to consider the relationship between the CU Board of Directors and the Academic Board where similar orders of designed ambiguity are on view.

how to find the balance being struck. Audits are about tolerance limits. Much of the indeterminacy and designed ambiguity of Governancev6 provides for soft tolerance boundaries where enough conformity to the idealisation can be found whilst permitting enough departure from it to allow management flexibility. The work of working with the chart is the work of determining for any actual case just where that balance is being set. The work of designing the chart is the work of ensuring the balance satisfies the audit principles whilst at the same time allowing managerial room for manoeuvre and avoiding setting constraints on any future initiatives senior management might want to take. Reading the organisation's governance through the chart is seeing the dynamics of 'the space of balancing' within which actual management practice works.

Appendix

C.U. Governance of Operational Processes & Management of Curriculum Planning and Academic Standards
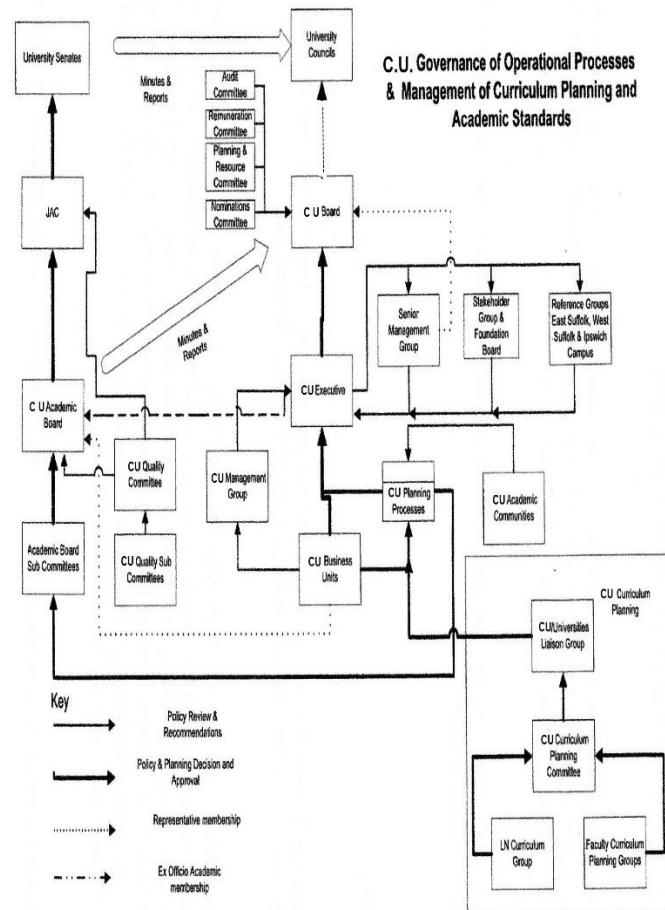
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