

Structural Transformations in French Universities:

From LRU to EPE

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To start with, I'd like to mention that the French higher education system is characterised by the distinction between the prestigious "grandes écoles" (and their "classes préparatoires") and the universities. I will deal with universities only. University students constitute 57% of higher education students, "grandes écoles" students less than 1%, the other students study in a large number of public or private business, journalism, medical, veterinary, engineering, art schools, and so on.

To understand the transformations of universities during the last 15 years, we need, especially in an international workshop, to start with the specificities of French universities as they were organised after 1968. We can identify five characteristics.

1. One, French universities are public entities, their internal organisation is structured in a uniform and democratic way, which is defined in the "Code de l'éducation".
2. Two, most of their employees (academics and administrative staff) are "fonctionnaires" - civil servants.
3. Three, universities are subsidized by the national government on a basis of criteria which are the same for all universities, for example the number of students.
4. Four, they are not selective: any student with an A-level is allowed to study in a university.
5. Five, the tuition fees are very low, the same for all universities; they are set by a ministerial decision.

Different laws or policies have introduced progressive changes in all of these five features. In terms of laws or decrees, the first one was the LRU or Law for Autonomy of Universities passed in 2007 under Nicolas Sarkozy's presidency. The second one was passed in 2013 under François Hollande's presidency. The third one was the ORE Law which introduced Parcoursup platform in 2018, under Emmanuel Macron's presidency. The fourth one was the December the

12th 2018 "Ordonnance" (an "ordonnance" is not voted by the MPs as a law is, but decreed by the government). The fifth one was the LPR or Law of Research Programming passed in late 2020. As you can see, many laws were passed in quite a short period of time. Moreover, one particular incentive had significant effects: the possibility for universities to merge or at least to regroup in different ways, and that started in the mid-2000s. We can consider 2007 LRU (Law for Autonomy of Universities) as the first turning point, and the 2018 "ordonnance", which institutionalised the EPE ("Etablissements publics expérimentaux" or "Public Experimental Establishments") as the tipping point¹. And that explains the title of my communication.

Let's consider now the effects of these laws and policies on the five characteristics summarised above.

1. Characteristic number one, the uniform and democratic internal organisation of universities defined in the Education Code. At each level of the organisation, from the department to the faculty and central levels, we find a council or board composed of representatives of students, administrative staff, academics and representatives of social and economic sectors; the minimum and maximum number of representatives in each category is determined by the law. In most countries, the administrative staff is not at all represented in university councils. Each council or board is chaired by an academic elected by the members of the council; and this chairperson is in fact the director of the department, of the faculty, or the president of the university. This uniform organisation had begun to be eroded in the early 2000s, both at a meta level with the development of new groupings of establishments (PRES and COMUE for instance) and also at the internal level with the creation of other structures than faculties, like graduate schools, institutes and so on. Another change was introduced by the LRU: on the assumption that the important number of representatives generated slowness and inefficiency, the number of representatives was reduced, and the representatives of social and economic sectors gained a greater weight.

¹ C. Eyraud, « Université française : mort sur ordonnance ? », *Droit et Société*, 2020, n°105, p. 363-379.

Finally, the December the 12th 2018 "Ordonnance" created the EPE status², which derogates from the Education Code, that universities or COMUE can still adopt. These new establishments have a very lean legal framework, their internal organisation is defined in their charters and many organisational elements only fall under the establishment internal rules. That clearly means deregulation, self-regulation and complexification. Three striking points must be highlighted. First, within the EPEs, private and public higher education entities can merge. Secondly, the directors of the internal structures and the president of the EPE may not be academics and may not be elected. Third, the EPE board or council includes at least 40% of elected representatives, whereas the Education Code set a minimum of 80% in universities. This reduction of the number of elected representatives, already implemented by the LRU, results in a loss of diversity in representation of trade unions and disciplines among academics, and even more among students and administrative staff.

2. As I said, the second characteristic is the "fonctionnaire" (civil servant) status of most of the academic and administrative staff. For academia, this secures academic freedom. But the recruitment under private contract has increased these last few years. Official data are quite insufficient to get a clear picture of the situation. But the ministry of Higher Education approximated the proportion of "non-fonctionnaires" among the academics from 15 to 20 % in 2000, and 32% in 2020, figures underestimated as the hourly-paid teachers are not taken into account. The percentage of "non-fonctionnaires" among the administrative staff is even higher: around 38% in 2020. The LRU introduced in 2007 a new status: "lecturer under contract". The 2020 LPR Law has reinforced this process: as it introduced the status of "permanent contract for a specific task" (CDI de mission), which means that the contract comes to an end at the end of the task even if it is called "permanent". This law also introduced tenure-track positions which might progressively replace the "maître de conférences" status which is, for the moment, almost automatically attributed one year after recruitment.

² S. Bernard, « Les établissements publics expérimentaux : une révolution silencieuse pour l'enseignement supérieur et la recherche ? », *L'Actualité juridique. Droit administratif*, 30/11/2020, p. 2306-2313.

C. Eyraud, op. cit., 2020.

C. Eyraud, « L'Université française : après la LRU, les fusions, les PIA..., voici venu le temps des EPE », *Revue française de Socio-économie*, 2021, n°27, éditorial p. 5-9.

3. The third characteristic concerns the funding system. Until 2009, universities had been financed nearly exclusively by a ministry of Education block grant, the amount of which was based on quantitative criteria: the number of students, academic and administrative staff, and the surface of built-up area. These criteria were the same for all universities, under the official principle of equal treatment for all universities. French universities have always been underfinanced, especially if opposed to "grandes écoles", but funding was based on an estimation of their needs. In 2009, the rationale began to change: a performance-based financing was introduced and calls for proposals developed, first for research activities and then, in 2017, for educational activities. The principle of equal treatment is no more promoted; official discourses, especially since Emmanuel Macron's presidency in 2017, push for a differentiation of universities, while the financing instruments are based on competition.

4. The fourth characteristic was the absence of selection for students access to universities, even if the number of selective streams has increased significantly from about the 1990s. Until 2018, the A-level students had to apply through the APB platform, and might apply for a dozen or so streams, ranking them. Only students first choice applications were sent to concerned universities; and the students were normally accepted in that university stream. But the number of university students has increased these last 10 years by 16%, and the national budget for higher education has not kept up with this increase. From 2016-17, some A-level students were not accepted in some highly demanded streams as Sports and Psychology, which were their first choice. A random draw was carried out. This situation affected around 0.4% of the candidates but became a media and political issue. A new "Parcoursup" platform was introduced in 2018³, the main difference being that the candidates don't have to rank their choices. Therefore the universities have to deal with all the choices of the candidates, which increases by ten times the number of applications they receive, so they have to rank the candidates. In the end, the right of access to university is still officially valid, but applications are no longer automatically accepted, they are ranked, which introduces the logic of selection in the process. The A-level students who used to think that they

³ C. Eyraud, « Parcoursup : court essai d'analyse sociologique », *La sélection n'est pas la solution*, Journée organisée par l'Association des Sociologues Enseignant.e.s du Supérieur, 20 janvier 2018.

would go to university if they wished to do so, have progressively been made to think that they may go to university *only* if they are accepted.

5. The fifth and last characteristic is about the tuition fees. For French and European students, the tuition fees are 170 euros a year for a bachelor's degree, 250 euros a year for a master degree. Increasing them was a taboo in France for a long time, but it has become a topic of discussion these last five years. The government knows that the risk of students' upheaval is really high. But there is another way to proceed: creating new "establishment diplomas" instead of "national diplomas", or transforming "national diplomas" into "establishment diplomas", not limited in terms of fees. Some of the new EPE started to do that, Nice University for example which transformed some of its existing national master degrees into new establishment MSc's degrees taught in English, and set a 4 000 euros fee a year. This way, tuition fees may be dramatically increased locally, without changing the level of national tuition fees; it is a way of bypassing the national legislation. This phenomenon is going to expand and generate new segmentations, rankings and competition between universities and within universities.

I've tried to trace the transformations of French universities. As I said in my introduction, and I hope I have now proved it, the transformation of French universities is not such a long process, from the 2007 LRU to now; and the 2018 "ordonnance", which established the EPE, constitutes a historic tipping point. All the possibilities in terms of organisational changes and tuition fees increase have not yet been activated, but for how long. Establishing this new legal status by "ordonnance" rather than through laws, the process avoids parliamentary discussions. The adoption of the new status is decided at a local level without great visibility and publicity. It was the best way to prevent national social movements; local ones emerged though in Lyon, Lille, Montpellier, but without success except in Lyon where the project was given up. Out of a total of 71 universities in 2019, 15 have already adopted the status of EPE⁴ and others have already planned to do so.

⁴ CY Cergy Paris Université, Institut polytechnique de Paris, Université Clermont Auvergne, Université Côte d'Azur, Université Grenoble Alpes, Université Gustave Eiffel, Université de Lille, Université de Montpellier, Université de Nantes, Université Paris-Cité, Université de Paris-Panthéon-Assas, Université Paris-Saclay, Université de Rennes, Université Polytechnique des Hauts-de-France, Université de Toulouse Capitole.