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Attractive carrots, bland sticks: organizational responses to regulatory policy in Argentine graduate education

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ABSTRACT

Most countries, developing as well as developed, have adopted some type of quality assurance mechanism. Argentina is neither an island nor an outlier in higher education reforms in general. This study is based on case study design and involved extensive fieldwork to collect interviews and official documents. This article analyzes the regulatory framework that established compulsory accreditation by identifying the main actors involved, the external factors that affect compliance, and university and program responses to them. The findings show that the regulatory framework is plagued by issues of coordination and overlap among agencies, affecting levels of compliance and types of responses at the organizational level. While the structure of incentives is clear, there are no clear sanctions or credible threats. Yet, programs tend to comply with accreditation. The study shows great variability among academic disciplines and types of programs. Findings are linked to developments in other developed and developing countries.



KEYWORDS

Regulation; compliance; quality assurance; Argentina; graduate education; organizational behavior

Introduction

Globally, most higher education systems, at least in developed countries, have moved toward the establishment of quality assurance systems in various forms (El-Khawas 2006). Most countries in Latin America have adopted some quality assurance mechanism in the shape of overall institutional assessments, accreditation of institutions, or undergraduate and graduate program accreditation (CINDA 2012; Corengia 2015; Lemaitre 2011). These developments are a core part of a movement toward a new relationship between state, market, and academia. This change represents a challenge to traditional Latin American higher education governance structures (Camou 2002; García de Fanelli 1996; Krottsch 2001; Krottsch, Camou, and Prati 2007; Miranda and Lamfri 2008). The state–university relationship has shifted from a limited notion of accountability in the context of a benevolent state toward an evaluative state (Brunner 1990; Neave 1998).

In Latin America, Argentina was neither an island nor an outlier in higher education reforms in the last decades of the twentieth century. Some countries faced major higher education systems overhaul during military dictatorships (Brazil and Chile) while others transitioned to less drastic but still noteworthy reforms during periods of nascent democracies (Argentina and Mexico) (Schwartzman 1993). Depending on national traditions, some countries have moved toward more state regulation whereas others have given a greater role to academia or the market (King 2007). In Argentina, the creation of the National Commission for University Evaluation and Accreditation (CONEAU)

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represents more governmental involvement in the higher education system than before the reform, to regulate a system with still ample institutional autonomy and, at the graduate level, highly linked to market demands.¹

The mid-1990s regulatory framework for the graduate level establishes a new way that governance is understood, with its source in the market and the state (Miranda and Salto 2015; Salto 2014). Public universities contested the introduction of this new regulatory framework as an attack on their autonomy. This positioning against governmental regulation was in part a result of direct intervention during periods of military dictatorship and a longstanding legacy of autonomy traced to the 1918 Cordoba reform. In that context, one of the most salient features of the Higher Education Law enacted in 1995 was the establishment of a quality assurance agency, a development that institutions perceived as a possible threat to academic and institutional autonomy (Krotsch 2002).

Besides establishing an accreditation agency, the 1995 higher education act officially recognized for the first time the existence of graduate education as a level in the educational system in Argentina. This is crucial for our topic since regulation of the graduate level would come to make for a stark contrast between undergraduate and graduate governance. While the former continues to rely mostly on academia, the latter is increasingly coordinated by the market and the state (Salto 2014). Regulatory policy for the graduate level follows a similar path as private higher education growth: lack of regulation (pre-1995) followed by strongly reactive policies, constituting what Levy (2006) names as delayed regulation, in this case, instrumented through accreditation.²

First, this article briefly describes methodological choices. Then, it identifies the role of the accreditation agency (and other relevant actors) and how graduate programs regulation has evolved over time (standard setting). Next, it analyzes three external factors that may inhibit or promote higher or lower levels of compliance: the structures of incentives and sanctions, monitoring, and enforcement. Later on, the article analyzes the responses at the regulatee level (universities and graduate programs). The article ends with a discussion and conclusions about organizational responses to fresh regulatory frameworks.

Methodology

This qualitative study relies on a comparative-historical design in which several cases vary temporally, mostly within-case (Gerring 2007, 2012; Mahoney and Rueschemeyer 2006). The primary sources of data for this analysis are interviews with key stakeholders and official documents. Interview and archive data come from the accreditation agency (CONEAU), the Ministry of Education (ME), the Secretariat for University Policies (SPU), other governmental agencies, managers of graduate education at universities, and academic directors of graduate programs.

Interviews were directed toward 10 key informants at the regulatory agency, and 40 at the organizational and the program levels (Table 1). Interviews were carried out with a wide array of actors

Table 1. Number of interviewees by type of discipline ($N = 50$).

Discipline	Regulators		Regulatees	
	SPU	CONEAU	Administrators	Directors
Hard pure	–	–	3	5
Hard applied	–	–	3	6
Soft pure	–	–	3	9
Soft applied	–	–	4	7
Total	4	6	13	27

Note: Different academic and professional traditions may lead to different responses by fields of studies (Becher and Trowler 1989).

Grouping of graduate programs followed established categories: hard pure, hard applied, soft pure, and soft applied. Becher (1994) adapted these four disciplinary areas from previous work by Biglan (1973) and Kolb (1981). A recent study on the variation among academic disciplines (Jones 2011) confirms that this classification is widely used in research due to the ability to differentiate epistemological traditions. This study adopts the four areas for the comparative analysis.

Table 2. Detail on graduate education accreditation regulatory and organizational policies.

Level	Documents	Observations
National Ministry of Education / Secretary of University Policies Accreditation agency	Standard setting	Standards set in accordance with the Council of Universities set the basis of the explicit regulatory framework for accreditation
	Accreditation guidelines	Guidelines narrow down and in some cases operationalize the accreditation standards approved by the Ministry of Education Accreditation agency has the flexibility to specify standards by fields of study
	Accreditation reports	Reports may show critical information about graduate programs and the comparison of reports over time may shed light on changes
Universities	Internal policies	Analysis of internal policy changes over time may reveal adaptation to regulatory policies
	Documentation on programs	Changes in program structure, for example, may indicate adaptation to regulation

involved at different levels of regulation and enforcement, identified on reputational and positional basis (Rubin and Rubin 2005).

The types of questions, as well as the order of them varied depending on the type of stakeholder (e.g. accreditation agency administrator vs. graduate program administrator), on previous document analysis of accreditation reports (e.g. comparison of recommendations for improvement), and what has been learned from preceding interviews. Each question or subset of questions was linked to theoretical dimensions of analysis.

The archival research encompassed a variety of documents from different levels of analysis. Table 2 summarizes the main levels and documentation available and the usefulness of that information. Documents vary from regulatory policies to program/organizational policy enactments. This step is critical to identify the universe of regulatory policies generated for that level.

Regulation: incentives, sanctions, monitoring, and enforcement

This study adopts a classic definition of regulation that understands it as a ‘sustained and focused control exercised by a public agency over activities that are valued by the community’ (Selznick 1985, 363). Information gathering, standard setting, and behavior modification constitute core functions of regulation. All those features tend toward inducing compliance on the regulatee side. Compliance refers to the extent that actors and organizations behave in ways that are consistent with explicit, enunciated policy goals (Weaver 2014).

Regardless of the diversity of intellectual traditions and type of conceptualizations (broad or parsimonious), students of political science, economy, and law rely on the concepts of regulation, enforcement, and compliance to analyze the relationship between private and autonomous entities and the state. Three types of factors (internal, external, and internal–external) are critical to explaining compliance. One of the ways organizations and sub-units can respond to regulation is through reactions to external incentives. Externally perceived compliance incentives encompass three dimensions: the structure of incentives and sanctions, the regulatory policy monitoring capabilities, and the agency enforcement capacity (Weaver 2014). The logic of the first dimension is evident; regulatory policies will not reach high compliance rates if there are insufficient rewards or punishments. Moreover, studies (Ayres and Braithwaite 1992) stress that the availability of credible threats is crucial to reach high levels of compliance. Although the existence of credible threats may seem obvious, they should not be underestimated. Critical pieces of regulation fail to fulfill their purpose due to the absence of ways to punish lack of compliance or at least threaten sanctions. Finally, it is critical to separate monitoring from enforcement since the detection of non-compliance analytically is a necessary but not sufficient condition. In other words, regulators may find organizations that do not comply but may decide whether or not to enforce the rules (Figure 1).

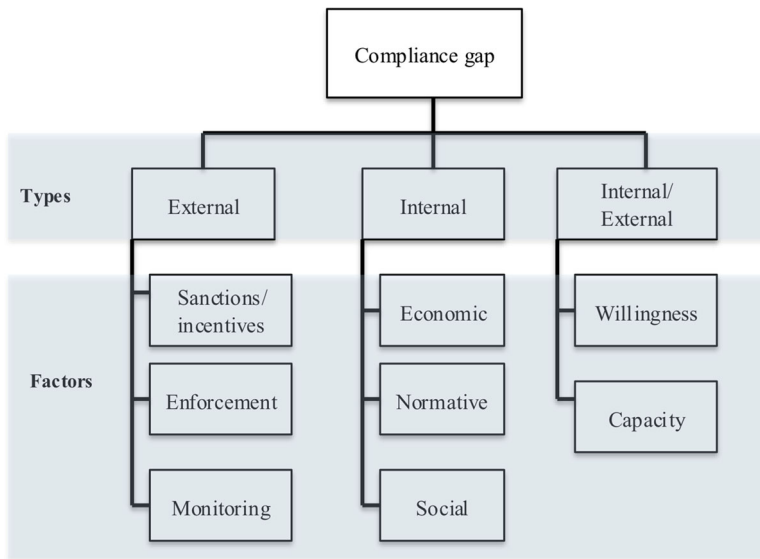


Figure 1. Factors affecting compliance. Source: Author’s elaboration based on Nielsen and Parker (2012) and Weaver (2014).

Mapping the regulators

Regulatory frameworks virtually always rely on a variety of agencies to provide incentives, sanctions, to monitor and enforce regulations (Christensen and Lægheid 2006). The relationships among those agencies and the extent of overlap may increase or decrease the level of compliance on the regulatee side. CONEAU is one key regulator regarding graduate program accreditation, but it does not work in isolation. The ME is involved in the governance structure in several ways. Figure 2 shows how the Secretariat of University Policy (SPU) and the DNGU are policy-centered and administrative offices, respectively, within the national ME. Also, they have direct and indirect links to the accreditation agency.

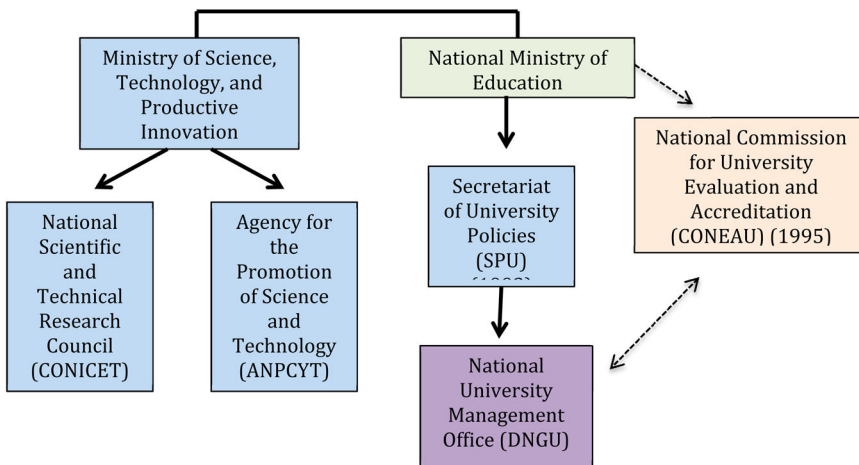


Figure 2. Regulatory functions of Argentine university-level higher education agencies. Source: Author’s elaboration adapted from García de Fanelli (2012). Note: Colors in each box correspond to regulatory functions: monitoring (light orange), enforcement (purple), incentives (light blue), sanctions (light green).

As shown in [Figure 2](#), part of this bureaucratic structure pre-existed the creation of CONEAU. The previous arrangement is relevant since the introduction of an accreditation agency meant that some functions previously performed by these offices had to be transferred to a new agency. The SPU was in charge of the first accreditation round of graduate programs two years before the establishment of the accreditation agency.³ The DNGU is the oldest ministerial department relating to universities, dating even before the launch of the SPU. Its activities have centered on assessing legal compliance with existing regulation. It has been the agency in charge of approving new programs and changes in programs on a legal basis.⁴ The DNGU grants official recognition and national validity to degrees approved by that ministerial office.⁵ The accreditation agency came as a step before this legal procedure.

The Ministry of Education has the executive power to grant accreditation to programs. Both, CONEAU and the DNGU recommend actions, but the Ministry of Education has the last word on whether to sanction or not a program. The SPU has some leeway on those considerations, but it mainly acts as a source of incentive in the system. It hosts different types of projects. Institutions, as well as programs, compete with other institutions and programs for funding. To participate in those projects, graduate programs have to be accredited, and in some cases, categorization is an eligibility criterion.

Certainly, the regulator has a series of links with other public agencies outside the Ministry of Education. These relationships provide a series of financial and symbolic incentives to the regulatee. Key research and innovation funding agencies lie outside the Ministry of Education, such as the Ministry of Science, Technology, and Productive Innovation (MINCYT).⁶ Its National Scientific and Technical Research Council (CONICET) and its National Agency for the Promotion of Science and Technology (ANPCYT) grant fellowships to doctoral students pursuing their degrees in accredited programs. These external agencies do not directly involve themselves in the accreditation process but rather legitimize the regulatory framework. This is a core point since the accreditation agency does not directly provide incentives whereas the research agencies can do it.⁷

Even though CONEAU's function is predominantly as a monitoring unit, the scope of its activities involves the development of guidelines to operationalize, and even define the standards used in the accreditation process. The next subsection explores the use of standards for the accreditation of graduate programs. It places the accreditation agency as a core developer of standards and its implications.

What standards for whom?

One of the primary functions attributed to regulation (and to the regulator specifically) is setting the standards that guide the regulatory process (Christensen and Lægveid 2006). A broad conception defines standards as '... instruments which encourage the pursuit or achievement of a value, a goal or an outcome, without specifying the action(s) required to achieve this ...' (Scott 2010, 105). The guidance is toward expected behavior on the side of the regulatee. For the accreditation of programs, either graduate or undergraduate, the Ministry of Education approves a set of standards already agreed upon by the Council of Universities (CU). Unlike in undergraduate education, where the CU develops standards for each type of undergraduate program, in the case of graduate education the same administrative act applies to all type of graduate programs irrespective of the field of study (Jeppesen, Nelson, and Guerrini 2004).⁸ As a result, this kind of comprehensive framework provides little guidance to the accreditation agency, the peer-reviewers, and the regulatee.

There is only one administrative act, and it sets standards for all graduate programs irrespective of type (e.g. master's and PhDs) and field of study ... At the end of the day, those standards are more general statements than specific standards ... CONEAU has a key role in the definition of standards. (Interviewee C03)

The former (accreditation agency), to use as guidance in the assessment process, and the latter as a way to know the type of behavior they have to adhere. Interviewees in the regulator side explain

that the discretionary power granted by the CU and the ME was by design. A clause within the standards approved in 1997 indicates that the standards should have been revised after two years of application, a timeline that for most interviewees on the regulator side was unfeasible. It took 14 years until the CU reviewed those standards. This discretionary power allowed the accreditation agency to make changes over time in the type of indicators used to accredit programs without a need to go back to a more political arena, the CU.⁹ Broad definitions of the intended type of behavior were useful for the accreditation agency, to begin with, a soft approach when universities were still prone to major resistance, and the regulator lacked managerial experience.¹⁰ Over time, the regulator tightened those standards.

The first administrative act that set standards [1997] stated that it had to be applied with flexibility and gradually ... There was a decision [by the accreditation agency] to progressively adopt a more rigorous approach. (Interviewee C03)

Regardless of the benefits or problems attached to broad and narrow standards, within a highly political system, the accreditation agency managed to modify swiftly the type of requirements and standards applied by the agency. These changes took place in two different ways: (1) modifications in the evaluation guidelines provided to technical staff and peer-reviewers; (2) establishment of commissions of experts in charge of delineating specific standards by field of study.

The development of guidelines within the same approved standards implies a critical regulatory function on the part of the agency. In legal terms, the definition of regulatory standards without using legally binding instruments is referred as 'soft law' (Scott 2010). While this approach is not legally binding, it is intended to have normative effects. 'Soft law' harnesses professional expertise in areas that are required (an inherent feature of 'cohesive regulatory frameworks') (McCaffrey, Smith, and Martinez-Moyano 2007). In the accreditation case, it gives the agency and the peer-reviewers enough flexibility to interpret guidance.

As a result of the experience accumulated over time, the feedback received from peer-reviewers, and external evaluations by experts, the Ministry of Education through the CU passed a new set of standards in 2011. One of the modifications directly addresses professional masters' programs. The new standards explicitly mention the existence of professional masters' programs as a separate entity from the research-oriented masters' ones. Other modifications include restrictive specifications such as mandating capstone projects in specializations to be carried out individually and not in groups.

The limits between the prescribed standards and the interpretation and operationalization of them tend to become blurry. As a result, guidance ends up hardening and is treated as part of the applicable regulatory framework. In these cases, soft law becomes de facto part of the hard law (Scott 2010). The accreditation agency guidelines do not sharply differentiate between hard and soft law, leading to the extensive use of the internal guidelines rather than the formal regulation by itself.

Attractive carrots, bland sticks

As analyzed in the previous section, CONEAU plays a crucial role on what is evaluated and how it is done. The mix of hard law and soft law regulation depicts a complex relationship among the agencies involved in the accreditation process of graduate programs. As shown in Figure 2, those links are both direct and indirect. The same happens with the structure of incentives (carrots) and sanctions (sticks). A central statement of this study is that coordination has changed over time, from the institutions toward the market and the state. As depicted earlier, the government stepped in to command at a distance through regulation. It did so not by providing the service (or micromanaging the system), but by linking accreditation results to competition for monetary and non-monetary rewards.

There are two types of incentives and sanctions built-in in the accreditation system: national validity of the degree and official ranking. Financial assistance (through scholarships and other projects)

is the third type of incentive, not directly built-in in the accreditation system, but promoted by research agencies and other governmental programs. Although funding is not a built-in incentive, it is widely used. Table 3 shows how each of the three primary types of incentives and sanctions plays a role, depending on the type of program.

The first experience directly linking funding to accreditation results took place in 1995 with the establishment of the CAP and the Fund for University Quality Improvement (FOMECE). Faculty training was one of FOMECE's critical developmental areas. Training could take place in graduate programs at home (in Argentina) and abroad. FOMECE funded faculty pursuing a graduate degree if CAP previously accredited the program (Escudero 2014).

FOMECE made the first step toward using accreditation toward funding based on accreditation results. Later, the most prominent research agencies in Argentina (CONICET and ANPCYT) followed suit. At first, the three of them went a step beyond accreditation. Categorization became one of the eligibility criteria. ANPCYT's three first call for proposals (1997–1999) required applicants to have chosen an accredited and categorized doctoral program. CONICET considered categorization as an eligibility requirement, only granting scholarships to those students enrolled in programs ranked 'A' or 'B.' Since programs may opt to request categorization (or not), these conditions left many non-categorized programs as well as programs listed as 'C' in disadvantage. Universities pushed to eliminate the categorization requirement since it was benefiting only a few PhD programs in a few areas (mostly Hard Pure disciplines). Both agencies switched toward requiring students to enroll in accredited programs, in other words, utilizing only the compulsory aspect of accreditation (Busto Tarelli 2010).

While research agencies dropped categorization from their eligibility criterion, the SPU runs some programs that explicitly use these rankings. The Partner Centers of High-Quality Programs – Brazil-Argentina (CAPG-BA) and the Partner Centers for the Enhancement of Graduate Programs – Brazil-Argentina (CAFP-BA) are examples of two initiatives by SPU that use accreditation and categorization criteria. The majority of the projects funded by SPU seek to steer change at the organizational level; thus, SPU holds a prominent incentive function in the regulatory structure.

Besides financial aid, the official ranking of graduate programs acts as another carrot in the system. As analyzed earlier, rankings have been used as an eligibility criterion. The standards also included categorization as a way to signal the market about the quality of the programs and to promote competition among them.

While incentives prevail, the regulatory framework includes sanctions. The Ministry of Education holds the main (if not the only) stick. Based on the accreditation results, the ME may grant national validity to graduate degrees or may require the program to halt new cohorts admission. Except for specializations in medical sciences, graduate degrees are just academic degrees, not giving the graduate a professional area of practice.¹¹ In other words, professional graduate programs (such as MBAs) could be used to seek promotion or to find a new job within the field but never as an entry point to the profession.

Programs may respond differently to incentives based on how they may affect functioning. The accreditation agency assigns a category to the program that requests it. Categorizations have generated a 'de facto' ranking system. Rankings are relatively cost-efficient ways to reduce information asymmetry for prospective students, and thus, the programs closer to market demands (professional types of programs such as hard and soft applied specializations and master's) may find this kind of incentive more attractive than other types of carrots.

Table 3. Relevance of incentives and sanctions by type of program and field of study.

Type of program	National validity	Official ranking	Financial aid
Doctorates	High	Medium	High
Master's	Low	Medium	Low
Specializations	Low	High	Low

Source: Author's elaboration.

Graduate programs fund most of their operational costs through tuition and fees. Thus, financial aid may be considered highly relevant for all type of programs. However, hardly any specializations or masters' programs obtain federal or institutional funding. The funding structure primarily benefits doctoral programs. The most dependent programs are those that require students with full-time dedication since they need full funding only available through scholarships. Other programs in the applied and soft pure fields may not require full-time commitment and part-timers may be able to pay their tuition fees and living expenses.

Overall, accreditation is a compulsory process, but the availability of credible threats to deter non-compliance is not clear. Research-intensive doctoral programs that require full-time students (e.g. chemistry, biology, etc.) have greater incentives to be accredited than more professional types of doctoral programs (e.g. education, public administration, etc.) since students need access to financial aid through scholarships to be full-timers. Universities award only a small number of grants to pursue graduate programs (usually, doctorates but in some cases master's too) in their institutions. National research funding agencies offer most of the scholarships available to pursue doctoral degrees. This is a tangible economic and social incentive to promote the accreditation of doctoral programs. Based on the small number of doctorate holders within public universities,¹² in 2008, the national government established a bonus to public university professors if they had doctorates.¹³ The government ties this incentive to the national validation of the program. This bonus payment is restricted since it applies only to public universities and not to private universities or jobs outside academia.

Another relevant factor that may incentivize programs to be accredited relates to the degree validity abroad. Doctoral graduates from hard sciences are more inclined to be internationally mobile and may be further incentivized to choose accredited programs if they want to pursue a career abroad.¹⁴

The situation considerably changes in the case of professional specialization and master's programs. The structure of incentives and sanctions is not clear since those programs are more targeted to jobs outside academia. The primary type of punishment, not having national validity, does not play a critical role. Only undergraduate degrees grant professional licensing to their graduates, reserving certain professional tasks to them and excluding others from performing those tasks. Ranking of graduate programs fulfills a greater role in the accreditation process for this type of professional programs than national validity.

The relatively lack of credible threats makes it more difficult for the DNGU to monitor and enforce national validity policies. A decision on whether to accept a degree from a non-accredited program depends on the employer.

The DNGU/ME has the capacity, but it does not enforce the law. We just warn the institution when they advertise a non-accredited program. We tell them to add a statement indicating the irregular situation. (Interviewee S03)

Responses to regulatory coordination and overlap

Accreditation of graduate programs and the granting of national validity are two entirely separate processes. CONEAU is in charge of recommending to the Ministry of Education to either accredit or not accredit graduate programs while the DNGU grants national validity to degrees that pass accreditation. What seems at first sight as a straightforward legal procedure has not been the case for graduate programs. Instead of CONEAU directly communicating to the DNGU about accredited programs, programs themselves had to go through another set of applications for national validity after successfully receiving accreditation. In practice, this resulted in many graduate programs functioning without recognition from the DNGU for years. Many interviewees related this issue to two main reasons. First, moving from one procedure (accreditation) to the other (national validity) could take a long time.

Requesting national validity was another problem. The documentation got lost in the Ministry of Education [referring to the DNGU] and we were never notified. Our degree does not have national validity ... CONEAU even

addressed this issue in the workshop they gave at the University. The paperwork should have gone directly from CONEAU to the Ministry of Education but the accreditation agency did not fulfill that promise. (Interviewee D02)

The second reason for lack of compliance was that in many cases, program directors and some administrators were not familiar with the differences between the accreditation process and the national validation process.

Our program that has been accredited twice and categorized 'A' found out a few years ago that it did not have national validity. We were shocked. We discovered the problem because graduates from our program (Ph.D.) could not request the bonus payment for faculty with Ph.D. degrees. We had to file a national validity request with the Ministry of Education. (Interviewee D07)

Many programs analyzed in this study have been accredited but not given national validity. When asked about the difference between these two procedures, administrators and directors did not know they were different. Coordination problems between the ME and CONEAU were voiced to government officials, and as a result, CONEAU automatically sends the results over to the DNGU and the latter issues official recognition. When questioned about this coordination problem, the interviewees on the regulator side mentioned that they were aware of them but that, at the end of the day, did not make a difference in the functioning of programs.

The procedures are not clear for (prospective) students and administrators. It is not easy to inform about them ... If you [a student] decide to pursue a graduate program, it is possible that you do not even know if the program is accredited or not or nationally valid or not or even if it is a graduate program or not. (Interviewee S02)

To some extent, the evidence showing programs running with accreditation, but without national validity may indicate that the latter may not constitute a real sanction or what the regulatory literature has called a credible threat (Ayres and Braithwaite 1992). The final decision on whether to accept a degree without national validity rests with the employer. The only cases where national validity becomes an issue is when public universities hire doctoral graduates, and these new faculty members request the bonus payment.

The ME has attempted to solve this coordination issue by enacting a new administrative procedure in 2010. CONEAU and the DNGU face another challenge, and this one has generated many responses at the program level. In most cases, the accreditation agency recommends changes even when granting accreditation. In some instances, those modifications require substantial program alterations. But for its own legal compliance review, the DNGU regards any changes to the accredited program as modifications that would require a new accreditation. The DNGU does not even allow programs modifying what peer-reviewers through CONEAU have recommended for modification. As a result, programs are not able to comply with the mandates of the accreditor (CONEAU) because that would compromise their legal validity standing with DNGU. As one program director (D09) indicates, modifications cannot take place before accreditation validity expires; as a result, programs make changes in content without modifying visible features such as course names.

Based on interviews with program directors, accreditation has slowed down the introduction of changes (mostly curricular) in graduate programs. However, many administrators and program directors have made modifications to their programs without compromising the structure of them. In this way, they have complied with the accreditation agency without a need to submit their programs for accreditation again. These situations show 'creative compliance' (Baldwin, Cave, and Lodge 2012) with a twist. Instead of using creativity to undermine regulation, the regulatees search for ways to comply with CONEAU's recommendations without jeopardizing their legal status; programs avoid breaking the rules to make CONEAU's recommended modifications by exploiting legal loopholes. Programs formally submit these changes to CONEAU when accreditation expires.

Discussion and conclusions

This article's analysis shows complex relationships between the accreditation agency and ministerial offices. Regardless of complexity, the new regulatory framework marks a clear growth in the role of the state in the coordination of the system. As depicted earlier, one of the key changes with the introduction of the accreditation agency was a shift toward more market and more state, in relative detriment to academia. More state through command at a distance (accreditation), more market through regulation-for-competition, and less academia through restrictions on creating graduate programs. However, as analyzed in this article, academia directly participates in the accreditation agency as peer-reviewers and as creators of soft law through the operationalization guidelines by academic disciplines.

The interaction between regulators and regulatees is central to the understanding of the regulatory process. Regulatory literature indicates that the clearer the structures of incentives and sanctions, as well as the more credible the threats, the higher the chances regulatees will be compelled to comply (Nielsen and Parker 2012; Weaver 2014). There is no magic bullet indicating best incentives and sanctions, but a general rule states that the more diverse, the better (Ayres and Braithwaite 1992). This study finds that in the case of Argentine graduate education incentives are clear. Depending on the type of program (PhD, master's or specializations), the incentives are directly provided by the regulators (e.g. Secretariat of University Policies) or by market competition. For instance, only students attending accredited doctoral programs may apply for doctoral fellowships. Other types of programs (specialization and master's) utilize accreditation and categorization to compete in the market for students. In other words, the incentives in those other programs follow a regulation-for-competition model (Jordana and Levi-Faur 2004). In line with programs' internal motives (Etienne 2011; Nielsen and Parker 2012), programs closer to the market tend to comply if the regulatory environment threatens their continuity or stability.

As much as incentives to comply are relatively clear, the opposite happens with sanctions. The main stick, as analyzed in this study, is the threat to lose national validity of degrees. However, only doctoral programs may fear such a sanction because graduates from those programs who teach in public universities cannot request a merit-pay bonus. For all other types of programs, the sanctions hardly constitute a credible threat, since graduate degrees do not provide a professional license (and are not eligible to apply for a professional license). Moreover, the decision whether to accept a degree from a potentially non-accredited program lies with the employer. Yet, despite the lack of a clear structure of sanctions, the regulatee participates in accreditation and a vast majority of programs requests categorization. Thus, this study does not find evidence that unclear sanctions and non-credible threats are critical to reaching high levels of compliance.

The findings and conclusions from this study signal a path not only within Argentina. As described earlier, accreditation agencies mushroomed worldwide. Within Latin America, the largest higher education systems (Mexico, Brazil, Argentina, Colombia, and Chile) have developed similar quality assurance mechanisms. Similar systems were already in place in the US and Continental Europe. The study confirms findings from other country cases, but it also indicates gray areas. One critical element to take into account for future explorations is that formal role of regulators is different from their actual position.

Although the contribution of this work is mainly toward scholarship, that scholarship may benefit policy-makers to provide informed decision-making in future policy developments. Regulation could be strengthened if considering the many facets of it, including a clear structure of incentives and sanctions that can be varied according to recipient unit. Not holding the regulatees accountable, either due to lack of sanctions or due to the decision to not enforce regulation may not produce the sought compliance levels.

Regulatory policy features play another critical role. The more independent the regulatory agency is from the governmental structure and the regulatee, the more chances are that the regulatees will

cooperate with them. Cooperation in 'cohesive regulatory systems' (McCaffrey, Smith, and Martinez-Moyano 2007) can be enhanced if the regulatory agency incorporates peers in the review process.

Notes

1. CONEAU is the only accreditation agency in Argentina. Unlike countries such as the US where regional and specialized agencies carry out the accreditation of universities and programs in a decentralized way (El-Khawas 2001), CONEAU monopolizes the accreditation process for all universities (public and private) and all type of programs (doctorates, masters', and specializations) regardless of their academic disciplines (from engineering to philosophy).
2. For more information on regulatory stages in Argentine graduate education, refer to Salto (2014).
3. The Commission on Accreditation of Graduate Programs (CAP) ran the first accreditation round. Unlike CONEAU, CAP's call for accreditation was voluntary.
4. For instance, the DNGU verifies that submitted programs fulfill the minimum number of hours (credits).
5. National validity implies that officially recognized degrees must be valid at the national level and to all effects. No provinces or institutions anywhere in Argentina could disregard those degrees or subject them to revalidation or conditional recognition.
6. The Secretariat of Science and Technology (SECYT) preceded the MINCYT. SECYT was created along with CONEAU in 1996, and ever since promotes research in both public and private universities (García de Fanelli and Corengia 2015).
7. In recent years, different ME and MINCYT agencies have provided funding to establish graduate programs and to fund graduate scholarships, which resulted in a diversification of sources of incentives to institutions and graduate programs. For a more detailed account on those recent programs refer to Pérez Rasetti (2010).
8. A few possible reasons explain the difference between standards developed by major (undergraduate programs) and for the whole level (graduate programs). First, accreditation only applies to some undergraduate programs, not all of them (unlike graduate education). Second, it would be daunting for a single agency to apply specific standards for every type of graduate program. Third, unlike graduate programs, each undergraduate major is linked to specific professional practices.
9. The Council of Universities is a deliberative-type of organization with representatives from various HE organizations including public and private university presidents.
10. The single major university in Argentina (by number of students), the University of Buenos Aires, decided to halt graduate program accreditation. After a series of negotiations between the accreditation agency and the university, the latter submitted again its graduate programs (Lavatelli 2009).
11. In Argentina, the university degree automatically grants professional license to the degree holder. Unlike in the US, in Argentina teachers, lawyers or even medical doctors do not have to go through professional certification exams after graduating. Only undergraduate degrees reserve certain professional practices to their graduates but graduate programs do not serve this purpose. This shows the primacy of the first degree in Argentina and how undergraduate and professional-oriented higher education has been since its inception.
12. Since 1995, the national higher education law mandates that all new professors (any rank) have to hold doctorates. However, less than 10% of public university faculty hold the highest degree (SPU 2013).
13. In 2010, the bonus has been extended to Master's and Specialization degrees recipients.
14. A first step toward validation of an Argentine degree involves its authentication for international purposes, the 'apostille' (1961 Hague Convention). In Argentina, this authentication process requires a valid degree from an accredited program.

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- Ayres, Ian, and John Braithwaite. 1992. *Responsive Regulation. Transcending the Deregulation Debate*. Oxford: Oxford University Press.
- Baldwin, Robert, Martin Cave, and Martin Lodge. 2012. *Understanding Regulation: Theory, Strategy, and Practice*. Oxford: Oxford University Press.
- Becher, Tony. 1994. "The Significance of Disciplinary Differences." *Studies in Higher Education* 19 (2): 151–61. doi:10.1080/03075079412331382007.
- Becher, Tony, and Paul R. Trowler. 1989. *Academic Tribes and Territories: Intellectual Enquiry and the Culture of Disciplines*. 1st ed. Buckingham: The Society for Research into Higher Education & Open University Press.
- Biglan, Anthony. 1973. "The Characteristics of Subject Matter in Different Academic Areas." *Journal of Applied Psychology* 57 (3): 195–203.
- Brunner, José Joaquín. 1990. "Universidad, Sociedad Y Estado [University, Society, and State]." *Educación Superior Y Sociedad* 1: 17–23.
- Busto Tarelli, Teresa. 2010. "Formación de Recursos Humanos En La Argentina: Análisis de La Política de Becas de Postgrado [Human Resource Training in Argentina: Analysis of Graduate Education Scholarship Policy]." In *Las Carreras de Posgrado En La Argentina Y Su Evaluación [Graduate Programs in Argentina and Its Assessment]*, edited by Osvaldo Barsky and Mabel Dávila, 299–408. Buenos Aires: Teseco.
- Camou, Antonio. 2002. "Reformas Estatales de 'Segunda Generación' y Reformas Universitarias en la Argentina Actual (O de Por Qué es Bastante Más Fácil Privatizar una Línea Aérea que Reformar una Universidad) ['Second Generation' State Reforms and University Reforms in Argentina Nowadays (Or Why It Is Easier to Privatize an Airline than to Reform a University)]." In *La Universidad Cautiva: Legados, Marcas Y Horizontes [The Captive University: Legacies, Landmarks, and Horizons]*, edited by Pedro Krotsch and Marcelo Prati, 131–52. La Plata: Ediciones al Margen.
- Christensen, Tom, and Per Lægveid. 2006. "Agencification and Regulatory Reforms." In *Autonomy and Regulation: Coping with Agencies in the Modern State*, edited by Tom Christensen and Per Lægveid, 8–49. Comparative Studies of Organizations in the Public Sector. Cheltenham: Edward Elgar.
- CINDA. 2012. *Aseguramiento de la calidad en Iberoamérica. Educación Superior. Informe 2012 [Quality assurance in Ibero-America. Higher Education. 2012 Report]*. Santiago: Centro Interuniversitario de Desarrollo (CINDA).
- Corengia, Angela. 2015. *El impacto de la CONEAU en universidades argentinas: estudio de casos [Impact of CONEAU in Argentine Universities: Case Studies]*. Buenos Aires: Teseco; Universidad de Austral.
- El-Khawas, Elaine. 2001. *Accreditation in the USA: Origins, Developments and Future Prospects*. Paris: International Institute for Educational Planning – UNESCO.
- El-Khawas, Elaine. 2006. "Accountability and Quality Assurance: New Issues for Academic Inquiry." In *International Handbook of Higher Education*, edited by James J. F. Forest and Philip G. Altbach, 18, 23–37. Springer International Handbooks of Education. Dordrecht: Springer. doi:10.1007/978-1-4020-4012-2_3.
- Escudero, María Celeste. 2014. "Políticas de financiamiento de las universidades en los años '90. El caso de FOMECE en la UNC [University funding policies in the 1990s. The case of FOMECE at UNC]." PhD, Córdoba: Universidad Nacional de Córdoba.
- Etienne, Julien. 2011. "Compliance Theory: A Goal Framing Approach." *Law & Policy* 33 (3): 305–33. doi:10.1111/j.1467-9930.2011.00340.x.
- García de Fanelli, Ana María. 1996. "La Reforma de La Educación Superior En La Argentina: Entre El Mercado, La Regulación Estatal Y La Lógica de Las Instituciones [The Higher Education Reform in Argentina: Between the Market, the State Regulation, and the Logic of Institutions]." *Revista Paraguaya de Sociología* 33 (97): 71–104.
- García de Fanelli, Ana María. 2012. "State, Market, and Organizational Inertia: Reforms to Argentine University Education between 1990 and 2010." In *State and Market in Higher Education Reforms Trends, Policies and Experiences in Comparative Perspective*, edited by Hans Georg Schuetze and Germán Alvarez Mendiola, 97–111. Rotterdam: SensePublishers. doi:10.1007/978-94-6091-800-1.
- García de Fanelli, Ana María, and Angela Corengia. 2015. "Quality Assurance and Public Policy Research Funding. Their Impact on Private Universities in Argentina." In *Private Universities in Latin America: Research and Innovation in the Knowledge Economy*, edited by Gustavo Gregorutti, and Jorge Enrique Delgado, 51–78. New York: Palgrave Macmillan.
- Gerring, John. 2007. *Case Study Research: Principles and Practices*. New York: Cambridge University Press.
- Gerring, John. 2012. *Social Science Methodology: A Unified Framework*. New York: Cambridge University Press.
- Jeppesen, Cynthia, Alejandra Nelson, and María Victoria Guerrini. 2004. *Diagnóstico y Perspectiva de los Estudios de Posgrado en Argentina [Diagnostic and Perspective on the Study of Argentine Graduate Education]*. Caracas; Buenos Aires: IESALC/UNESCO; Secretaría de Políticas Universitarias.
- Jones, Willis A. 2011. "Variation among Academic Disciplines: An Update on Analytical Frameworks and Research." *Journal of the Professoriate* 6 (1): 9–27.

- Jordana, Jacint, and David Levi-Faur. 2004. "The Politics of Regulation in the Age of Governance." In *The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance*, edited by Jacint Jordana and David Levi-Faur, 1–29. Northampton, MA: Edward Elgar.
- King, Roger. 2007. "Governing Universities: Varieties of National Regulation." In *Public-Private Dynamics in Higher Education: Expectations, Developments and Outcomes*, edited by J. Enders and Ben Jongbloed, 63–88. Bielefeld: transcript Verlag.
- Kolb, David A. 1981. "Learning Styles and Disciplinary Differences." In *The Modern American College*, edited by Arthur W. Chickering, 232–55. San Francisco: Jossey-Bass.
- Krotsch, Pedro. 2001. *Educación Superior Y Reformas Comparadas [Higher Education and Comparative Reforms]*. Buenos Aires: Universidad Nacional de Quilmes.
- Krotsch, Pedro. 2002. "El Proceso de Formación E Implementación de Evaluación de La Calidad En La Argentina [Quality Assessment Development and Implementation Process in Argentina]." In *La Universidad Cautiva: Legados, Marcas Y Horizontes [The Captive University: Legacies, Landmarks, and Horizons]*, edited by Pedro Krotsch and Marcelo Prati, 153–78. La Plata, Argentina: Ediciones Al Margen.
- Krotsch, Pedro, Antonio Camou, and Marcelo Prati. 2007. *Evaluando La Evaluación. Políticas Universitarias, Instituciones Y Actores En Argentina Y América Latina [Assessing the Assessment. University Policies, Institutions and Actors in Argentina and Latin America]*. Buenos Aires: Prometeo.
- Lavattelli, Lucía. 2009. "Cambio y tradición en la nueva configuración del sistema. La evaluación de posgrados. [Change and tradition in the new set up of the system. The evaluation of graduate programs.]" In *La universidad argentina en discusión: sistemas de ingreso, financiamiento, evaluación de la calidad y relación universidad-estado [The Argentine university in discussion: access systems, funding, quality evaluation, and the relationship university-state.]*, edited by Silvina Gvirtz and Antonio Camou, 175–220. Buenos Aires: Granica.
- Lemaitre, María José. 2011. "Accountability in Latin America: Focusing on Quality Assurance and Funding Mechanisms." In *Accountability in Higher Education: Global Perspectives on Trust and Power*, edited by Bjørn Stensaker, and Lee Harvey, 133–56. New York: Routledge.
- Levy, Daniel C. 2006. "The Unanticipated Explosion: Private Higher Education's Global Surge." *Comparative Education Review* 50 (2): 217–40. doi:10.1086/500694.
- Mahoney, James, and Dietrich Rueschemeyer. 2006. *Comparative Historical Analysis in the Social Sciences*. Cambridge: Cambridge University Press.
- McCaffrey, David P., Amy E. Smith, and Ignacio J. Martinez-Moyano. 2007. "'Then Let's Have a Dialogue': Interdependence and Negotiation in a Cohesive Regulatory System." *Journal of Public Administration Research and Theory* 17 (2): 307–34. doi:10.1093/jopart/muj020.
- Miranda, Estela María, and Nora Z. Lamfri. 2008. "Los Efectos de La Multirregulación Política En Educación En La Configuración de Nuevas Condiciones de Trabajo E Identidad Del Oficio Docente." *Cuadernos de Educación* 4 (6): 197–210.
- Miranda, Estela María, and Dante J. Salto. 2015. "Dinámicas Público-Privadas En El Posgrado En Argentina: Redefiniciones de Las Tradicionales Fronteras En La Educación Superior [Public-Private Dynamics in Argentine Graduate Education: Redefinition of the Traditional Boundaries in Higher Education]." In *Diálogos Sobre as Redefinições No Papel Do Estado E Nas Fronteiras Entre O Público E O Privado Na Educação [Dialogues about Redefinitions in the Role of State and the Borders between the Public and the Private in Education]*, 276–94. São Leopoldo: Oikos.
- Neave, Guy. 1998. "The Evaluative State Reconsidered." *European Journal of Education* 33 (3): 265–84.
- Nielsen, Vibeke Lehmann, and Christine Parker. 2012. "Mixed Motives: Economic, Social, and Normative Motivations in Business Compliance." *Law & Policy* 34 (4): 428–62. doi:10.1111/j.1467-9930.2012.00369.x.
- Pérez Rasetti, Carlos. 2010. "Problemas Y Desafíos de La Evaluación de Posgrados [Issues and Challenges of Graduate Program Evaluation]." In *Los Postgrados En Educación Superior En Argentina Y Latinoamérica [Graduate Programs in Argentine and Latinamerican Higher Education]*, edited by Nelly Mainero and Carlos Mazzola, 146–62. San Luis: RAPE; Nueva Editorial Universitaria; UNSL.
- Rubin, Herbert, and Irene S. Rubin. 2005. *Qualitative Interviewing: The Art of Hearing Data*. Thousand Oaks, CA: Sage.
- Salto, Dante J. 2014. "Governance through the Market and the State: Postgraduate Education in Argentina." *Bordón. Revista de Pedagogía* 66 (1): 61–74. doi:10.13042/Bordon.2014.66104.
- Schwartzman, Simon. 1993. "Políticas de Educación Superior en América Latina: el contexto [Higher Education Policy in Latin America: the context]." In *Políticas comparadas de educación superior en América Latina [Comparative Higher Education Policy in Latin America]*, edited by Hernán Courard, 21–44. Santiago: FLACSO.
- Scott, Colin. 2010. "Standard-Setting in Regulatory Regimes." In *The Oxford Handbook of Regulation*, edited by Robert Baldwin, Martin Cave, and Martin Lodge, 104–19. Oxford: Oxford University Press.
- Selznick, Philip. 1985. "Focusing Organizational Research on Regulation." In *Regulatory Policy and Social Sciences*, edited by Roger G. Noll, 363–8. Los Angeles: University of California Press.
- SPU. 2013. *Anuario de Estadísticas Universitarias 2013 [University Statistics Yearbook 2013]*. Buenos Aires: Secretaría de Políticas Universitarias. http://informacionpresupuestaria.siu.edu.ar/DocumentosSPU/Anuario_2013.pdf.
- Weaver, R. Kent. 2014. "Compliance Regimes and Barriers to Behavioral Change." *Governance: An International Journal of Policy, Administration, and Institutions* 27 (2): 243–65. doi:10.1111/gove.12032.