Submission from Professor Anton Edwards

1. What do you consider to be the existing problems (if any) with higher education governance, particularly around modernity, inclusion and accountability?

I am aware of no problems that need legislative solution. There is an existing Code of Practice for Higher Education that is being explored and implemented. This is sensible – the role of government is to set standards, leave it to the universities to achieve those standards, and monitor progress.

I see no need to rush into some sort of ill-defined legislative helter-skelter (as in the proposed legislation) so as to try to accelerate the changes encouraged by the Code of Practice.

2. The extent to which the Bill

(a) will improve higher education governance, particularly in the areas above

It will worsen governance.

It will encourage ministers to interfere in the affairs of the universities via regulations that are not subject to parliamentary scrutiny. Universities are not civil service departments and should not be regarded as mere tools of ministerial policy.

A small Court with an appointed chair and 8 nominated representatives is absurd. A university is not a widget factory to be run by a works committee.

The proposals to include 2 staff association representatives will mean members of courts will have divided loyalties – to their association and to their university court. Add to these, 2 staff, 2 students, 2 graduates nominated by other alumni and we have 8 people whose loyalties are split.

Furthermore, these people are chosen from a small electing or nominating body; members of the public who want to be stakeholders with concern for their university, their region and for education generally are substantially disenfranchised by these proposals. This disenfranchisement will not be politically popular.

(b) may alter the higher education sector’s current level of autonomy

As far as I can see the bill is likely to reduce autonomy, diversity and adaptability of the higher education system in Scotland. Funding pressures and the adoption of common standards and quality systems already inevitably exert strong (and in some case welcome) homogenising influence and it is most unwise to add to this with centralising legislation such as this proposal. This may be a tragedy of bland uniformity in the making.

(c) may affect lines of accountability between the Scottish Government, relevant public bodies and the higher education sector

The Bill is part of a wider package of recent reforms to higher education governance, including the development of a Scottish Code of Good Higher Education Governance.

3. Has the correct balance been struck between legislative and non-legislative measures? Are any further measures needed?

No further measures are needed; neither are the proposed measures needed. They trespass on what the universities are already doing in respect of representation, position of women, and how to govern a body whose main function is to train, to teach and to pursue research.

Specific proposals

The Bill proposes a number of specific changes to higher education governance:
• To require higher education institutions to appoint the chair of their governing body in accordance with a process set out in regulations made by the Scottish Ministers
• To require HEIs to include various persons within the membership of their governing bodies

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• To require HEIs to ensure that their academic boards are comprised of no more than 120 people, and include various persons

The figure of 120 seems plucked from the air and has no justified operational or administrative significance whatsoever in the proposals. It should be for universities to constitute their academic council as they wish in relation to their own missions, structure and aspirations.

4. Please provide your views on the merit of each of these proposals.

Academic freedom

The Bill will also replace the current legal definition of academic freedom “with a view to strengthening it and making explicit the freedom to develop and advance new ideas and innovative proposals.”

While the other provisions in the Bill only focus on higher education institutions, this provision will apply to publicly-funded colleges and all higher education institutions (collectively known as post-16 education bodies). Post-16 education bodies are to uphold the academic freedom (within the law) of all relevant persons i.e. those engaged in teaching, the provision of learning or research.

Please provide your views on the following—

5. The likely practical effect of these provisions, for example, whether there are any areas of teaching, learning or research that will be particularly enhanced.

The practical effect of any constraining legislation will never be to encourage freedom. It will restrict, distort and confuse the pursuit of knowledge and the proper training of youth.

The Bill states that academic freedom is to be exercised “within the law”.

6. Are there are likely to be any significant constraints – other than legal constraints – on academic freedom? For example, the particular ethos within an institution; funding pressures; institutions’ policies on equality and diversity; etc.

Of course there will be other constraints such as funding. That is why it seems folly to add to the list of constraints by legislating.

7. Are the situations in which relevant persons can exercise their academic freedom clear? For example, should their freedom be limited to their work within an institution, as opposed to views they may express outwith the institution?”

- See more at: http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/90819.aspx#How to submit your views