Submission from Craig Devlin

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

Response;

I currently see no issues around governance within HEI’s, my own experience is that the existing mechanisms, e.g. 2013 Code of Good HE Governance etc., provides a suitable framework for a modern and diverse structure to be in place, indeed this is reflected within UWS today.

I cannot see how introducing legislation will materially benefit HEI’s in this area, rather it could potentially distract them from the core objectives in making HEI institutions & their students a success.

2. The extent to which the Bill (a) will improve higher education governance, particularly in the areas above

Response;

Potentially remuneration of the Chair could work positively for HEI’s, I believe should this go ahead there should be a upper limit, set as to reward but finely balanced against those driven purely for the financial gain.

In all other aspects, I believe that this legislation would not impact significantly on effectiveness, diversity, accountability, or economically, therefore it would appear to be reworking, serving no real purpose.

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

Response;

I cannot see how legislation can even positively impact autonomy, for me this is a contradiction in terms. When I look at HEI’s across Scotland each and every institution is making their own way, creating their own brand, serving their own students, and doing it in their own way. Long may this continue, long may these institutions be empowered, without the need of a bill, to have the creativity, and drive to go forward without political interference.

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

Response;

I believe and have witnessed strong accountability within HEI with respect to the Scottish Government etc. Implementing ‘stronger’ lines between an autonomous HEI and the acting Government would create potential conflicts of interest, dividing boards, and diluting the core fundamentals of why boards exist, for the benefit of the institution, to drive it forward correctly.

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

Response;

I believe that the current 2013 Code of Good HE Governance is currently sufficient for the time being, there is the need to measure effectiveness, and identify gaps, that indeed some of the Bill may correct, however I truly believe that currently there is no driving factor for this Bill to be introduced.

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

Response;

This directly conflicts with the desired autonomy, additionally the boards of which the chair would lead would potentially be disrupted as this could be seen as an outside appointment with political signatures.

- To require HEIs to include various persons within the membership of their governing bodies
Response:
This exists via the Good Governance code, and a simple check across the country would advise on its adoption without the need for this Bill.

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

Response:
This directly conflicts with the desired autonomy, there is little need, nor evidence I’d suggest to why a board could not exceed 120 members should it wish, and still be effective.

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.

Response:
This is already a statutory requirement of HEI's, thus there is no need and stating this need simply leads to confusion.

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

Response:
I can only see duplication and contradiction within this Bill. No significant benefit will be introduced, only delays and cost.

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.

Response:
The one size fits all will reduce the creative freedom of HEI’s and also the commercial freedom. This restriction would limit the diversification of incomes, leading HEI’s more reliant of SFC etc.

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 out with the institution?"

Response:
As exists within private sector, without legislation, it is easily achievable to differentiate between views of the institution and views of the individual. Simple guidelines would clarify this position.