Dear Sir or Madam,

The Higher Education Governance (Scotland) Bill

I write to express my concern at the probable deleterious effect of the proposed Higher Education Governance (Scotland) Bill on Scotland’s universities, and particularly my Alma Mater St. Andrews University. I appreciate and agree with the intention to ensure transparency, accountability and inclusivity in the governance of Scotland’s Higher Education institutions. However the proposed Bill removes the advantages of diversity, and by enforcing conformity risks seriously endangering the effectiveness of our world-class institutions, amongst them St Andrews.

In July 2013 the Scottish Code of Good HE Governance was promulgated to assure the quality of Scotland’s Higher Education institutions. This code specifically states that: “Scottish Higher Education comprises a wide range of diverse institutions with differing governing instruments, traditions and strategic mission. This Code is intended to reflect good practice in a manner which takes due account of this diversity.” A commitment to review progress in 2016 was made, and an interim review in 2014 showed good progress.

This proposed bill seems to constitute a premature intervention by the Scottish Government. It replaces the concept of good practice within diversity with proposals to standardise the management and operation of Scotland’s universities. Such proposals will have significant costs attached and are simply inappropriate given the wide diversity of size, structure, and academic specialisms within the Scottish Higher Education sector. This approach might perhaps be justified if significant and systematic shortcomings were evident in the governance of multiple Higher Education institutions. However, as pointed out by the Royal Society of Edinburgh in their February 2015 response, this is simply not the case.

St. Andrews University is committed to the provision of world-class research and teaching, to the benefit not just of its staff and students but also the reputation of Scotland for academic excellence and the benefit of Scottish industry. This Bill will be counter-productive to the pursuit of these goals.

As an example, proposals affecting the membership of Court are incompatible with existing ordinances and statutes regarding the composition of Court at St Andrews, and could result in the specific interest groups gaining seats on Council, potentially against the best interests of the university.
As a further example, the students of St Andrews highly value the ability of the Rector to represent their interests in the university Court. The current President of the Student’s Association states: “I have seen Rectors make immeasurable differences in the lives of students. It is essential that we protect this proud Scottish tradition for future St Andreans.” Emasculating the role of Rector to a purely ceremonial role would be highly counter-productive to the future good governance of the University for the benefit of all its members, students as well as staff.

In summary: “If it’s not broke, don’t fix it”. In these times of austerity, please do not waste the time and money of both the Scottish Government and the affected universities and other Higher Education institutions on this counter-productive legislation. At the very least, please defer the introduction of any further legislation until after a full review in 2016 of the Scottish Code of Good HE Governance.

Yours faithfully

Dr Michael Kay