The Committee’s questions

Response of Dr Andrew P. Roach, Senior lecturer in History at the University of Glasgow, writing in a personal capacity

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

From initially favouring the proposals of the von Prondzynski report I have viewed the resulting legislation with mounting unease. While concern about the way in which universities have come to be managed in recent years is widespread across the sector, there is a danger of imposing inflexible governmental regulations in exchange for overbearing management models. Scottish universities have made considerable progress towards inclusion of all sections of society, more than their English counterparts. There are certainly questions about accountability to students, funders and the wider public which universities should address: whether they should be directly accountable to government raises questions of academic freedom which I think deserve greater consideration. As for modernity, it would seem to me to be more important that higher education governance should effectively deliver the goals of higher education, rather than pursue modernity for its own sake.

2. The extent to which the Bill

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

The move to elected chairs of the governing body is to be commended. Historically, universities are democratic institutions and their outstanding periods of success in the nineteenth and twentieth centuries have coincided with a large degree of democratic governance. With this in mind it is surprising that the bill makes no mention of the crucial relationship of the governing body to the academic board. Any staff representation on the governing body would have greater credibility if drawn from the academic board. If this is not what ministers have in mind in drawing up the categories of representation on the governing body then at least two members must be drawn from the academic board because the relationship between the executive and operational wings of a university are probably the most crucial to any HEI. Glasgow University has for instance 6 academic “assessors” taken from senate on the University Court.

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

The minister’s ability to vary the composition of the governing body must occasion disquiet. Elections of Chairs of governing bodies is a long established principle in several countries and need not raise any conflicts with institutional autonomy.

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

HEIs are both research and teaching bodies. As teaching bodies they are responsible to the Scottish government in so far as the government provides funding for a proportion of students. In some cases more than 50% of students are not funded by the Scottish government. While any government should keep some oversight of the higher education sector, micro-management is neither necessary nor desirable. In terms of research academics have their own initiatives and
in addition, may be responsible to a number of funding bodies, beside the government. Scottish universities have achieved their high ranking in the world partly through the perception that they are independent. This is in contrast for instance to the Far East where may institutions are better funded, but seen as beholden to their financial backers.

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?

I was happier with the Code of governance as being a more flexible document. The bill seems to enforce an unnecessary uniformity on Scottish HEIs. I am concerned that the von Prondzynki report seem to recommend a more democratic independent HE sector; I’m not sure this bill will result in anything of the kind.

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

I don’t see any problem with this, but see above.

- To require HEIs to include various persons within the membership of their governing bodies

There are advantages in the insistence of representation of various groups on governing bodies. However, the standardisation across all Scottish HEIs seems unnecessary.

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

  This seems reasonable, but their role within the university and relationship to the governing body is left undefined and the risk is that they could be made irrelevant which would not be in the best interests of the institution or higher education and research more generally.

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


The definition of academic freedom is a difficult one and several colleagues have stated that since there is an unspoken consensus among academics as to what academic freedom is and crucially, when it is being infringed then it’s best to leave well alone. However, since working definitions exist and have been put into practice notably in Ireland, then the proposal does not seem unreasonable. I would be wary of qualifications such as "within the law" as much university research concerns the desirability or viability of changing the law, e.g. drugs research and proposals of possible legalisation, issues concerning the age of consent, travel abroad to fight for or against ISIL etc could all be construed by malign spirits as not "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.

I would say yes, but perhaps that is the price to be paid for academic freedom. You should be able to say the unsayable, but there may well be consequences. As long as tenure is guaranteed, facing a degree of institutional scepticism about your ideas may be inevitable and legislation should not micro-manage. I’m aware that this is the lesser of two evils.

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?

On q7 for similar reasons to those outlined in q6 academic freedom has to apply even to views expressed outwith the institution, provided that the view or action is not itself breaking the law. It would be too easy frame criticism of an academic’s views along the lines of "bringing the institution into disrepute" which could render academic freedom meaningless. Obviously, academics breaking the criminal law are liable to prosecution.

- See more at: http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/90819.aspx#sthash.CQIw7Jgg.dpuf