Response from East Ayrshire Council

The Committee’s questions

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

   *While progress has been made in making Higher Education institutions more inclusive to young people from poorer backgrounds, any move towards making them more accountable, more inclusive and more ‘modern’ should be welcomed. For some of our older universities where tradition and ceremony may be an embedded part of their ethos, this very “history” can look “alien” to many young people growing up in 21st century Scotland and this perception, in turn, may mean that they don’t see themselves as being in the particular ‘client group’ destined to attend there.*

2. The extent to which the Bill

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

      *The proposed membership structure should lead to more representative governing bodies and particularly the inclusion of graduates of the HEI will more clearly connect the bodies to the world of work. Also welcome is the commitment to a 10% minimum student representation on academic boards that will give opportunities for students to play a meaningful part in the planning process of the institution they attend.*

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

      *A more representative governance structure may help to ensure that HEIs connect more effectively with their own staff and student population but also with the world outside of the academic institution.*

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

      *The requirement for HEIs to appoint the chair of their governing body in accordance with an agreed process for selection which could include holding an election for shortlisted candidates would clearly demonstrate that the process is both transparent and democratic.*

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?

   *On reflection, the correct balance looks like having been struck.*

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

As above.

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

As above.

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

Given the variations in size of the HEIs this seems a logical size for membership and the proposal to have a guaranteed minimum 10% student representation is broadly welcomed.

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.

With the continual advancement of technology and its application in business, industry and media, all post-16 education bodies need to innovate and experiment to ensure their teaching and student learning is keeping pace. This is particularly applicable to STEM subjects but the same dynamic is apparent across all curricular areas.

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.

With competing priorities it may be the case that pressure on funding could restrain the development of innovative proposals particularly if their intended outcomes are not clearly delineated.

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?”

In some contexts (e.g. media interviews), academics may be asked for their views on a particular subject. It would be helpful if there were a clear (if not necessarily formalised) code of conduct in place in such circumstances.