The Clerk to the Education and Culture Committee  
The Scottish Parliament  

**Views on the Higher Education Governance (Scotland) Bill**

The University of Aberdeen is presently one of the leading universities in the world. I am concerned that this Bill envisages radical changes that could harm this ancient and complex educational community. I propose a way forward. My examples are drawn from Aberdeen, of which I am a graduate.

Aberdeen is one of four Scottish universities in the top 200 of the THE World University Rankings. All of those universities have a governance structure that was set up by The Universities (Scotland) Act of 1858, as amended by subsequent legislation. You simply can’t be in the top 200 universities in the world without an existing system of good governance. The governance system of Scotland’s four world class universities should be a source of pride for our nation. I would commend this system to your attention and study.

Under the 1858 and subsequent Acts, some of the best minds in Scotland were given the room to fine-tune and develop governance arrangements to suit the particular needs and challenges facing their individual institutions. The result in Aberdeen is a governance system developed by generations of highly intelligent people, all with a direct stake in the continued well-being of their university. There is much to learn from it on how to balance the many different interests involved in successfully running a complex HE institution.

Aberdeen's present system of governance has shown itself to be flexible at addressing issues of modernity, inclusion and accountability.

The Bill’s proposal for elected Chairs is retrograde for institutions like Aberdeen. It is woolly on the process of election, the constituency that would vote for the candidates, and how suitable candidates would be identified and chosen. It does not address the very real possibility of a legal challenge if a willing candidate was deemed unsuitable.

The present system avoids these problems. Aberdeen has long had an elected Chair in the person of its Rector. The arrival every three years of a new Rector, democratically elected by the student body alone, is a timely reminder for all about whose best interests are at the heart of what the whole institution does.

The role of Rector with the right to chair Court has for many years been under intermittent attack. But government has repeatedly, and so far wisely, resisted calls from non-student interest groups to curb the powers of the Rector. There is an excellent, detailed and still very relevant summary of the issues involved in the Guide to the Scottish University Rector, produced in 2004 for members of HE Governing Bodies in the UK. I would commend it to the committee's attention before any decision is taken on the future of this peculiarly Scottish role. It can be accessed on the Aberdeen University website at [https://www.abdn.ac.uk/documents/scottish-university-rector.pdf](https://www.abdn.ac.uk/documents/scottish-university-rector.pdf)

For the reasons outlined in the Guide just mentioned, there is a good argument for having a capable, experienced and committed person as Rector, to champion the student cause. But actually there is nothing to stop matriculated undergraduate or post-graduate students at Aberdeen electing a student as Rector, as well as having a student as Rector’s assessor, both with the right to sit on Court.
Aberdeen’s Court membership already includes 2 Student Association representatives. So if nothing else changes under the present system of governance, there is provision for up to 4 students with the right to sit on Aberdeen's Court. Yet this Bill envisages only 2 students on Court, and that the students also lose their long-standing right to have their Rector in the chair. So the Bill as proposed could actually lessen the involvement of Aberdeen students or their representatives with the governing body. Might I suggest that in order to accommodate institutions like Aberdeen, where provisions for students in this respect already exceed those proposed in the Bill, that numbers are expressed as a minimum i.e. “a minimum of 2 members nominated by the Students' Association”.

I have a similar suggestion to make regarding the 2 members the Bill proposes be nominated to the governing body by the graduates' association. At Aberdeen this is the General Council, the vast majority of whose members are the institution's graduates, who automatically become life members of the General Council upon graduating. There are presently 4 assessors elected to Court by Aberdeen's General Council. If the Bill's proposals were to be interpreted narrowly then only 2 assessors would be left. But 4 is what works for Aberdeen. So my proposal would be for “a minimum of 2 members nominated by the graduates' association”. This would then still allow Aberdeen to retain 4 General Council assessors on Court.

I am unclear on where the Bill would leave the status of the General Council. At present, under the Universities (Scotland) Act 1966, the General Council must hold statutory meetings twice a year. It has the right to review and comment to the University Court on all questions affecting the well-being and prosperity of the University. The General Council also elects a Business Committee of 21 members who provide a means of managing that ongoing dialogue with the Court and the university administration. What is to happen to all this in future, if the Bill becomes law in its present form? Will the Scottish Government, or Ministers, seek to direct how the General Council is organised and goes about its business?

Your Committee wishes to know whether this Bill will improve higher education governance. At Aberdeen, we have already had experience of changes brought about by trying to comply with the strictures of the recent Code of Good HE Governance. Court members, the university management team, and members of the Business Committee of the General Council have already spent large amounts of time dealing with issues raised by the Code. The results, which include some of the senior management team no longer having the right to sit on the governing body, seem to have pleased no one. This has not notably enhanced governance at Aberdeen. So my prognosis for the Bill, as it might affect Aberdeen, is pessimistic.

There are real issues that face Aberdeen, like bettering the student experience, improving the quality of research, and striving to get further up the world university rankings. Government should of course have a regular dialogue with Aberdeen and other HE institutions about how to continue evolving good governance. But seeking to give Ministers regulatory powers to micro-manage complex educational institutions full of independent-minded thinkers is not the way forward. I believe this will just cause strife and resentment, end up pleasing no one (including politicians), and risk eroding Aberdeen's place in the hugely competitive world of international universities. If it must be done at all, let Parliament decide, not Ministers.

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