I am responding to the call for evidence from the Education and Culture Committee in regard to the draft Higher Education Governance (Scotland) Bill.

I write as a member of the Court of the University of Glasgow, on which I have sat since January 2010. I have a long association with the University and its Business School. I also have involvement with, and understanding of, public policy issues from my membership of the Calman Commission, which reported in 2009. In my business life, I am Chief Executive of the Telegraph Media Group.

I have seen the submission from the Chairs of the governing bodies of Scotland’s universities, and I wholeheartedly endorse it. I would like to add a few personal observations to what I believe are their compelling arguments.

Scotland is deeply blessed with its Universities. They are genuine centres of international excellence and dynamism that are among the best in the UK, and compete on equal terms with the highest ranking international institutions. The whole of Scotland benefits from that success, in which all Scots should take great pride. They are central to our heritage.

Their success is based on a number of factors - the high quality teaching, admirable infrastructure, partnership with business and the commercial sector, and independence from Government. The latter point is a really important one. Like my own industry, higher education is based on its genuine independence. Universities must be free to speak their minds, and be seen to be independent from everyone including Government, in doing so.

We upset that delicate balance - which has existed now for many generations - at our peril. The day we come to be seen
as spokespeople for Government then we lose our *raison d'être*. If we undermine our Universities in this way it is not just students and the reputation of Scottish academia that will suffer, but wider Scottish public life which depends on a flourishing higher education sector. Scotland's economic future and the vibrancy of its Universities are totally intertwined.

I believe that the Bill - however good its apparent intentions - would produce an unacceptable degree of Government interference in Scotland's Universities and end up doing them irreparable damage both within Scotland and the wider UK, as well as in terms of international reputation.

I would like to highlight three points.

First, any intervention into academic freedom must be based on powerful evidence of *overwhelming* social need. Here no case has been made out to justify such interference. There is no explanation as to why additional Ministerial powers should be necessary or why the current system - based on a sensible and trusted balance between legislative and self-regulatory measures to ensure good governance - has failed in any way. Furthermore, there has been no public debate on the issue, despite the importance of it to wider Scottish public life, as I set out above.

Second, leading on from the above point, the current system has in my view been working well. The Scottish Code of Good HE Governance, with which all Universities comply, enforces principles of good governance that have fostered diversity, equality and participation. That Code is reviewed regularly and if there is a case for further change, then the Government should make it out as part of that review which is due next year. Any rush to ill-thought through legislation in advance of that would be wholly precipitate.

Third, as a businessman, I am deeply concerned about the impact of these proposals - which may not have been foreseen by those drafting them - on the financial and commercial health of our Universities. It seems to me - as the paper from the University chairs explains well - that
these changes may lead to our Universities being classified as an arm of Government. The consequences of that would be devastating, not least in the capacity of Universities to work with commercial partners (such as my own company) from which students benefit enormously. Infrastructure projects - which are key to the international competitiveness of Scotland's Universities - would be hit badly as our ability to borrow and to maintain surpluses was undermined. This would put us at a terminal disadvantage with Universities elsewhere in the UK, and on the international stage.

For all these reasons, I would urge the Government to think again about these proposals. No case has been made out, change is precipitate and unnecessary and if implemented they would seriously damage the Universities that are one of the jewels in Scotland's crown.

**Murdoch MacLennan**  
Chief Executive  
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