Submission from Peter Campbell

Response to Questions relating to Higher Education Governance Bill

Q1 – The introduction of the 2013 Code on governance has addressed issues in this area and should be allowed time to be bedded and its success assessed across all institutions before any new legislation is brought forward.

Q2a – The proposal to appoint chairs of university courts through a selection process has the potential for conflict between chair of court and court members whose support the chair may not have. It is essential that the chair has the confidence and support of the court members for the court to work effectively and in harmony.

Q2b – With the proposals to enable changes to be made by regulation rather than full after scrutiny by parliamentary debate, the autonomy of universities could be undermined and the scrutiny of parliamentary process by-passed. The potential for re-classification of universities as public bodies by the Office of National Statistics exists which would be detrimental. The Office of National Statistics has already reclassified incorporated colleges of further education which has resulted in the creation of difficulties for the colleges. The charitable status of universities could be challenged by HMRC if the proposed levels of control which a government minister could exercise through regulation are approved. Universities receive a significant amount of funds from the donations of philanthropic bodies and individuals and this could be reduced if the universities’ charitable status was lost.

Q2c – The Financial Memorandum for Higher Education(2014) and the Code of Good Governance (2013) set out the accountabilities of a university court and its principal in relation to public funding. Transparency already exists. The proposals will only complicate the existing position with no gains for the HE sector with no increase in accountability or transparency.

Q3 – A process of discussion between ministers and university representatives to resolve any issues which arise is preferable to a situation where ministers have the power to introduce regulations without discussion between the universities and the minister taking place.

Q4 – The appointment of a chair of a university court should be the concern of the court acting within the existing governance process of the university. Rather than seek nominees from a set number of trade unions to be staff representatives on court, a more open process would be to have open elections for a specific number of teacher and non-teaching staff representatives so that individuals who are members of smaller unions or who are not members of any union have access to the process. The membership size of an academic board should be determined by the individual institution and not by legislation or regulation.
Q5 – Academic freedom has long been supported by universities. When resources are restricted, time and money could be spent on litigation should a staff member of an institution decide to challenge their own university, where they believe that research they propose but which has been turned down for support by the university, as it does not fit with the university’s strategic planning, is a breach of academic freedom.

Q6 – With restricted funds available to a university, the institution’s strategic plan will determine the areas of research which will be supported. Matters relating to academic freedom should be the concern of an institution’s academic board with responsibility for strategy and funding decisions residing with the university court.

Q7 – Activities of staff should be within the law and not bring their institution into disrepute.

Peter Campbell