Robert Gordon University Students’ Association
Higher Education (Governance) Scotland Bill
Education and Culture Committee - Call for Evidence

Introduction

The following paper constitutes the Robert Gordon University Students’ Association’s (RGU:Union) response to the Education and Culture Committee with regards to the Higher Education (Governance) Scotland Bill. RGU:Union represents seventeen thousand students at Robert Gordon University (RGU) and believes that the work to create more democratic, inclusive and transparent governance is a positive step for the higher education sector.

At RGU:Union, we are supportive of the work being done, and very supportive of the recommendations of our Principal, Ferdinand Von Prondzynski in his review of higher education governance. While we are glad that the sector has introduced new steps such as the Scottish Code of HE Governance, we still feel that there is scope for the introduction of legislation that can ensure that public funded bodies, such as HEIs, are accountable to their members, and are democratic and transparent in their decisions.

RGU:Union responds:

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

While we feel that governance (in our institution at least) has made improvements over the past years, we still feel that it is vital that HEIs ensure that student representation is instilled throughout all levels of governance, as is a requirement, as opposed to a preference. Governance of institutions must ensure adequate representation of stakeholders; both students and staff. We feel that current issues in the sector are that student and staff members are not included at all levels, and would encourage the Committee to ensure that this is achieved in the bill.

Further issues are that where students and staff are represented, it can be seen that many representatives are included as a ‘check box’ exercise to approve decisions already made by senior management. The culture of governance seems to allow for some decisions to be made privately with little debate on topics. It can be seen that student and staff are only informed of decisions after the work has been undertaken. We would like to encourage the Committee to ensure that decisions in governance are made transparently and with the full inclusion of staff and student members.
1. **What do you consider to be the existing problems (if any) with higher education governance, particularly around modernity, inclusion and accountability?** *(Continued)*

With regards to accountability, we feel that current governance practice does not make board members accountable to students and staff. Examples of this would be the appointment of chairs, which can be appointed with little scrutiny or input from students or staff of an organization. We would encourage the committee to **introduce democratic processes to ensure that governors are accountable to members**.

Finally, it can also be seen that a current issue in governance is the lack of diversity and balance of membership. We feel that governance committees should strive to reflect the individuals they represent. We would encourage the Committee to ensure that HEIs **develop a clear characteristics matrix to adequately appoint individuals reflect the student and staff community**.

2. **The extent to which the bill:**

   a. **will improve higher education governance, particularly in the areas above;**

   We believe the bill will have a positive impact on addressing concerns around student representation and the election of chairs. RGU:Union believe that student representation should be at the heart of higher education governance as they are the most vital part of our institutions. We would expect to see student representatives and students’ association representatives as part of governance membership, at all levels as well as in committees such as remunerations. **We are strongly supportive of inclusion of student representatives from the draft bill.**

   We are also in support of the bills proposal for elected chairs. We feel this proposal will allow governing bodies to be more accountable to their members. We would have a preference to ensuring that elections are open to all, and that all students and staff have the ability to engage with elections. However, we also want to ensure that elected chairs have the confidence of the board and can be accountable. We would welcome an open election, and any shortlisting process proposed must include representation from staff and students. We would also encourage provisions to ensure elected chairs are both accountable to the electorate and the governing body. This process should be made to be as transparent and democratic as possible, and led by staff and students. **We are supportive of the election of chairs proposed in the draft bill.**
b. may alter the higher education sector's current level of autonomy:

There are aspects of the bill that raise concerns as to the power of Scottish Ministers to exercise new legislative powers that could have a significant impact on HEIs governance or classification. We are supportive of a bill going forward that has wide consultation and review from a range of stakeholders, however, it could be concerning if the bill made it possible for alternative legislation to impact HEIs. Our view is that this bill should ensure nationwide compliance with key governance principals, but that HEIs should still retain suitable autonomy.

3. Has the correct balance been struck between legislative and non-legislative measures? Are any further measures needed?

RGU:Union is supportive of the development of the Scottish Code of Good Governance, however we do not feel it ensures compliance with basic principles of governance that we would like to see. RGU:Union believes that good governance should not be optional, and that the development of the Code by the chairs involved them picking and choosing recommendations from the Von Prondzynski report, as opposed to outlining ways to apply the recommendations sector wide. We feel that the introduction of legislation to ensure student representation at all levels, and democratic processes will be a valuable addition to HEIs governance.

4. Please provide your views on the merit of each of these proposals:

- to require higher education intuitions to appoint the chair of their governing body in accordance with a process set out in regulations made by the Scottish Ministers;

RGU:Union is supportive of the proposal to elect chairs as they are a highly significant member of HEIs governance. We would support the recommendations made in the Von Prondzynski report, and would encourage any regulations made by Scottish Ministers to ensure that student and staff representation is at the heart of any election process. We would understand a requirement for a pre-selection/shortlisting process, and would insist that this process is democratic and transparent with student and staff inclusion.
• to require HEIs to include various persons within their membership of their governing bodies;

RGU:Union is very supportive of the proposal to include various persons within membership. In particular, we believe securing places for student representatives is essential for a representative board. We would encourage the committee to ensure that all student representatives are given the ability to actively take part in decision making, and to not be treated as a legislative requirement, but instead as a valuable and respected voting member.

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

RGU:Union does not see the relevance for the bill to limit academic board membership. We feel it HEIs should still retain autonomy to be flexible around academic board membership to reflect constant changes in the intuition. However, RGU:Union would be supportive in ensuring that academic boards include relevant student representatives appointed by the students’ association. This membership should remain flexible as many institutions have vastly different representative structures for students where in some cases it may be appropriate for student presidents to represent, while in others faculty or school specific representatives could be in attendance. We would prefer to allow membership to be flexible for institutions, but to ensure that particular groups such as students and staff are always represented.

Conclusion

RGU:Union is broadly supportive of the introduction of legislation on higher education governance in Scotland. We are supportive of the recommendations made in the Von Prondzynski report (although, it can be noted that many of these recommendations are not seen in practise at Robert Gordon University). Our priorities for the bill would be to ensure that the student voice is guaranteed in all levels of governance, that the election of chairs is introduced with democratic and transparent processes, and that governing bodies are accountable and transparent to all members of an organisation.