UCUG Response to Higher Education Governance (Scotland) Bill - Call for Evidence

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

The von Prondzynski review was established in 2011 in response to apparent failings in HE governance in a number of institutions. The panel members were drawn from all sections of the university community and the review’s remit was to:

- consider whether current institutional governance arrangements in the higher education sector in Scotland deliver an appropriate level of democratic accountability given the level of public funding institutions receive;
- identify and examine proposals for change which observe the benefits of an autonomous sector but will also consider the importance of full transparency; and
- the effectiveness of management and governance, the clarity of strategic purpose and its efficient implementation.¹

All but one of the subsequent recommendations were unanimously endorsed by panel members, with a single dissenting voice speaking against the proposal for elected chairs. Since the publication of the recommendations in 2012 very little of substance has changed within HE governance. The Code of Governance produced by the Scottish Chairs of Court codified existing practice rather than addressing the von Prondzynski recommendations. Indeed the code did nothing more than cement the Chairs of Court own submission to the von Prondzynski review.²

The majority of university students are women (56.1%)³ as are the majority of university staff (53.7%)⁴ while women account for only 22.3%⁵ of professors and 32% of governing body members. There is clearly an issue with representation which the current code has been slow to address.

2. The extent to which the Bill
(a) will improve higher education governance, particularly in the areas above
(b) may alter the higher education sector’s current level of autonomy
(c) may affect lines of accountability between the Scottish Government, relevant public bodies and the higher education sector

UCUG believe that it is essential that institutional autonomy be maintained while addressing inclusion and accountability. Clarifying and strengthening the role of the academic board will provide a safeguard to academic freedom and institutional autonomy. However this can only be ensured by providing places on governing bodies for academic board members and trade union nominees which will improve accountability and representation, as will having a Rector empowered to chair the governing body having been elected by staff and students.

¹ http://www.gov.scot/Topics/Education/UniversitiesColleges/16640/ReviewHEGovernance/Remit
³ https://www.hesa.ac.uk/intros/stuintro1314
⁴ https://www.hesa.ac.uk/pr212
3. Has the correct balance been struck between legislative and non-legislative measures? Are any further measures needed?

The von Prondzynski report also included the recommendation that:

“The Government should instruct the Scottish Funding Council to establish in an appropriate academic setting a Scottish Centre for Higher Education Research, which should be available as a resource for the entire higher education sector and for government.”

The establishment of a Centre for Higher Education Research would provide much needed evidence essential for the development of good governance practice within Scotland.

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
- To require HEIs to include various persons within the membership of their governing bodies
- To require HEIs to ensure that their academic boards are comprised of no more than 120 people, and include various persons

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

The diverse nature of Scotland’s University sector should be acknowledged, with ancient, red-brick, post-92, and small specialist institutions all contributing local, national and international expertise. However while the particular strategic priority may vary by institution the prevailing rational for a university to be a place of learning, teaching and research for the broader social good demands that the governance model best able to deliver this is used across the sector. To this end the proposals within the bill should be seen as a minimum standard to be followed.

Higher Education Institutions in Scotland are communities dedicated to learning, teaching and research. This requires an approach to governance which recognises this vision and does not simply replicate governance structures prevalent in big business or elsewhere. To this end it is right that governing body membership should include places for elected student, academic board and trade union nominees within their structure. Transparency would be enhanced by broadening the selection of chair of court to include the whole university community which would also democratise the process and demonstrate that a chair had the confidence of the whole university.

While it is sensible and appropriate to set a maximum size for an academic board it is critical that there must be academic involvement within the governing body, as well as trade union nominees. University of Glasgow currently has six (6) members of the academic board (Senate) elected to Court as well as two (2) trade union nominees. To this end UCUG would recommend that the provisions within section 4.1.b of the draft bill be amended to require election of members from the academic board. Concerns over staff involvement in governance are met by sections 4.1.c and 4.1.d which require reserved places for academic and non-academic trade union nominees.

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.

Upholding academic freedom is essential to institutions and individuals engaged in the pursuit of learning, teaching and research. While there may be little measurable enhancement forthcoming in the short term from these provisions the potential negative impact of a watering down of the commitment to academic freedom could have a detrimental effect on the sector as a whole.

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.

Funding pressures within institutions are already seeing some research topics and grant applications prioritised over others. The balance between institutional strategy and individual academic endeavour can be difficult to identify. However by empowering academic boards and including academic staff within governing bodies and wider governance structures a balance can be reached which recognises both academic freedom and institutional priorities.

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?”

Academic freedom, within the law, should be defended both inside and outside the institution. A significant number of university staff were involved with both the Yes and Better Together campaigns during the independence referendum. Institutional policy or restraint on academic freedom should not prevent similar discourse or civic engagement.

Finally, UCUG believes that the practice of electing trade union nominees to Court at the University of Glasgow is one that the Government would find useful to consider. We would be happy to provide further evidence to the consultation in writing or in person.

UCUG Officers