

Report of the Review of Higher Education Governance in Scotland

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Preface

In June 2011 the Scottish Government established the panel to review higher education governance in Scotland. The task given to the panel was to produce an independent report and to make recommendations for reform.

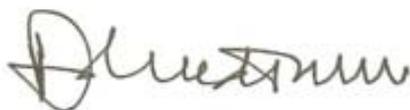
It has been clear to the panel that the specific remit given to us, and the relatively short timescale for the completion of our task, did not allow us to undertake a root-and-branch review of higher education more generally. On the other hand, we have also been acutely aware that the basic assumptions that underpin higher education internationally are not, or at any rate are no longer, a matter of consensus. Universities in many countries have come under pressure as public funding is decreased or even withdrawn, while at the same time governments have experimented with new resourcing models.

However, many of the public documents about funding have left untouched the ultimately more important questions about what higher education is actually supposed to achieve, and in whose interests. Within the academy itself there have been lively discussions about marketisation, about academic independence, about the role of universities in the economy and in society; but relatively little of this has found its way into the policy documents that have sought to change the material infrastructure of the system in various countries, including those that have been the subject of much attention south of the border.

The panel has been mindful of the fact that it cannot by itself fill this gap, but it has also been determined that it would not simply make technical recommendations for change without considering the broader context. How successful we have been in this necessarily limited endeavour will be for others to judge, but we are at any rate clear in our view that, if Scottish higher education is to be fully capable of fulfilling its mission, change needs to be evidence-based and the subject of continuing review. This latter requirement requires ongoing research, analysis and evaluation, and this in turn calls for the establishment and funding of a research centre into Scottish higher education.

Though a much smaller country in population than its neighbour in the south, Scotland has a proud record of intellectual engagement that rivals or perhaps even exceeds that of England (and certainly now differs from it). This intellectual tradition makes higher education an important element in the development of Scotland's society, as it is also a vital part of its success as an economy. How the system of higher education is run, therefore, is a matter of legitimate concern to all.

The story of Scottish higher education is overwhelmingly a good one. This report is not an exercise in criticism or complaint. It is an attempt to recommend how the system, at a time of important national change and renewal, can be governed to enable it to play its role as effectively as possible, and with the widest consent and support of its participants and external stakeholders. It is written with the intention of helping Scotland's universities and higher education institutions to fulfil their potential to the greatest possible extent, and with the greatest possible amount of public satisfaction, enthusiasm and support, so that Scotland can be recognised as a place of critical intellectual curiosity, and scientific and cultural innovation.



Professor Ferdinand von Prondzynski
Chair

1. INTRODUCTION

The 19th century Scottish metaphysician Sir William Hamilton wrote in 1835 that ‘a University is a trust confided by the State to certain hands for the common interest of the nation.’¹ He added that ‘a University may, and ought, by the State to be from time to time corrected, reformed or recast, looking towards an improved accomplishment of its essential ends.’ It has become widely accepted (and we return to this below) that universities, to be successful and in order to avoid undue influence from outside, need to be autonomous institutions; but this autonomy needs to be seen alongside the legitimate public interest in their integrity and the effectiveness of their mission.

Perhaps the most significant analysis to date of modern higher education in these islands was conducted in the 1960s. The Robbins Report on Higher Education was published in 1963 at a time of major change in the size and character of the British system. The recommendations in the report informed a major expansion of the university system, and also influenced fundamentally the views of the subsequent generations of students and academics as to what higher education was about.

Robbins suggested that higher education had four aims: (i) instruction in skills; (ii) promoting the ‘general powers of the mind’; (iii) the advancement of learning; and (iv) ‘the transmission of a common culture and common standards of citizenship’.² The report also identified some ‘guiding principles’, which included the principle that ‘courses of higher education should be available for all those who are qualified by ability and attainment to pursue them and who wish to do so.’³ In this way Robbins provided the basis for an expanding higher education system which encouraged wider participation and accepted diversity of mission between institutions.

Robbins also set out some principles of internal university organisation, based in particular on a division of governance powers between governing bodies (with external or ‘lay’ majorities) on the one hand and academic senates on the other.⁴ The management is led by the vice-chancellor or principal whose role, according to Robbins, ‘probably fortunately, is seldom precisely spelt out in written constitutions’.⁵

Broadly speaking, the Robbins model of university governance was based on certain assumptions: that governing bodies with lay majorities need to take control of financial and strategic issues, that academic senates (guided by senior academics) need to assure standards and promote excellence, and that principals must coordinate policy formulation, represent the institutions internally and externally, and oversee management.

It has been argued⁶ that Robbins ‘sought to democratise the model without radically changing it, and until the 1980s university expansion was contained within this pattern’. The ‘pattern’ in question was of a system with a binary divide that in at least some respects separated ‘liberal and vocational forms of education’. It could be argued in passing that this separation may not have been as absolute as is sometimes assumed, given the growth of degree programmes in subjects such as engineering, law, architecture and accounting in

¹ Sir William Hamilton, *Discussions on Philosophy and Literature, Education and University Reform*, 1853, p. 538. The original essay was written in 1835.

² *Report of the Committee appointed by the Prime Minister under the Chairmanship of Lord Robbins*, 1963, Cmnd 2154, pp. 6-7.

³ *Ibid.*, p.8.

⁴ *Ibid.*, chapter XV.

⁵ *Ibid.*, p.221.

⁶ Robert Anderson, *The ‘Idea of a University’ Today*, 2010: <http://www.historyandpolicy.org/papers/policy-paper-98.html>

older universities. In Scotland, preparation for the church ministry, school teaching, the law and medicine had been located in part at least within universities for some time.

The major analysis of higher education conducted by Robbins was not on the whole repeated in the decades that followed,⁷ despite huge political, demographic, economic, social and constitutional changes. Other reports produced mainly for English higher education did not, or did not much, look into the broader principles and often focused instead on questions of funding and resourcing.

Scotland's higher education tradition is a distinctive one, rooted, before the twentieth century, in its commitment to social mobility and social responsibility; and, since World War II, in the nation's particularly strong commitment to the principles of the welfare state, recently re-stated by the Christie Commission.⁸ This distinctiveness is of renewed practical importance in the light of very different political choices concerning funding and tuition fees made recently north and south of the border. The ongoing process of devolution and the gathering pace of the debate about Scottish independence have moreover created growing interest in the university sector and in its governance and management.

By many criteria it is clear that Scotland's higher education institutions perform well. First, there are at present eight in the top 400 in the international rankings, five of them in the top 200. While the validity of these rankings has come in for criticism amid warnings that 'higher education policy decisions should not be based solely on rankings data',⁹ this reminds us of the importance of maintaining the ability of the Scottish higher education system to support a number of institutions with a real international reputation. Second, Scottish universities have, when set against the size of the populations of both countries, received a disproportionately large share of funding allocated by UK Research Councils – a significant measure of the role they play, and should continue to play, within the UK research community. Third, their educational programmes are generally regarded as being of high quality, as evidenced in reports of QAA Scotland and in the National Student Survey.

In the recent past, however, there have been various issues that have attracted adverse publicity and prompted avoidable disputes, which indicate that there are questions to be addressed. Some of the evidence submitted to this review, speaks of concerns about the extent to which the university community of staff and students is now able to participate in collective self-governance, about the extent to which governing bodies ensure appropriate levels of accountability, and about a perceived bureaucratisation of management. A discourse centred on the best ways of practising *management*, it is held, has been displaced by one perceived as entrenching *managerialism*. It is also clear that there is substantial scope for better performance of universities in other areas – notably in developing and improving programmes for widening access (a problem for society as a whole, but with particular implications in education).

Before we can satisfactorily assess whether Scottish higher education institutions are run in a way that promotes their capacity to serve society, we also need to ask briefly what society

⁷ In fairness, the reviews conducted by Sir Ron Dearing (*Higher Education in the Learning Society*) and Sir Ronald Garrick (*Report to the Scottish Committee, Higher Education in the Learning Society*) in 1997 did attempt to consider wider policy issues related to higher education, but the media focus on funding and structural issues obscured the effort.

⁸ Commission on the Future Delivery of Public Services, 2011, chaired by Campbell Christie, para 1.4: the Commission declared that in Scotland there is a 'particular ethos – a set of guiding beliefs or principles – that should underpin the delivery of public services to the citizens of Scotland. Central to that ethos is the conviction that public services exist to support a fair and equal society, and to protect the most vulnerable.'

⁹ Andrejs Rauhvargen, *Global University Rankings and their Impact*, European University Association, Brussels, 2011, p. 68.

actually expects of them, particularly in the setting of a more autonomous Scotland. The recent pre-legislative paper of the Scottish government, *Putting Learners at the Centre*, set out the agenda for higher education as follows:¹⁰

‘Higher education in Scotland is the mainstay of our knowledge economy and makes a significant contribution to the economic success of the nation. Yet it is not just about the economy: higher education in Scotland is a civilising force which has had a major influence on creating the country and society we are today.’

In the past, there has been debate about how higher education can most effectively play its part in Scottish civil society. It is, moreover, a matter of historical record that, when nation-state-building was underway in the early 19th century, the idea of the university that had emerged in Scotland played an influential role in several European countries and in North America.

One particular strand of thought in Scotland has been the concept of the ‘democratic intellect’. In his book of that title, published around the same time as the Robbins inquiry was under way, George Elder Davie drew a picture of Scottish universities in the 19th century as institutions that maintained a ‘genuinely democratic character’; as institutions they were designed to ‘neutralise the inequalities of scholastic and family backgrounds’, thereby ensuring that ‘careers were open to talents, scientific as well as philological’.¹¹ They did this, according to Davie, by giving ‘general studies of a non-utilitarian kind a pride of place in the curriculum’, as part of a programme of ‘democratic intellectuality’.¹²

There has been some debate as to the accuracy of Davie’s view of the traditional model of Scottish higher education, as one that promoted generalist education, and whether this promoted democracy as we would understand that today. But a broader idea of the ‘democratic intellect’, suggesting that the pursuit of learning and scholarship is one in which society as a whole has an interest that should be reflected in the development of higher education, could be said to have taken root in Scotland. It is at any rate part of the public discourse on universities. The doyen of American university historians, Sheldon Rothblatt, explains the historical background as follows:

The liberal democratic principle of merit determination in England developed within the core of an aristocratic-led society and within a system, of career advancement dependent upon patronage networks in church and state. In Scotland, principles of merit selection were part of democratic tendencies, if limited in practice.¹³

Universities in today’s world play many roles of direct significance to society, going well beyond the personal interests of those embarking on higher education, well beyond the organisational ambitions of individual institutions, and well beyond the expectations of those

¹⁰ *Putting Learners at the Centre: Delivering our Ambitions for Post-16 Education*, The Scottish Government, 2011, p. 9.

¹¹ George Elder Davie, *The Democratic Intellect: Scotland and Her Universities in the Nineteenth Century*, 1961.

¹² *Ibid*, p. xvii.

¹³ Sheldon Rothblatt, *Education’s Abiding Moral Dilemma: merit and worth in the cross-Atlantic democracies, 1800-2006*, p.301. Rothblatt later argues that ‘middle-class, English criticism, industrialisation and the development of an urban working class and a social structure more like England in the 19th century made the Scots ‘reconsider their historical trade-off between access and quality’, whereas ‘American academics never supposed that governments would support efforts to establish and maintain high standards of educational attainment, especially if standards appeared to interfere with access. However, in so far as the individual states used their universities to compete for prestige, which in the twentieth century could include obtaining lucrative federal government contracts for the pursuit of research, academics in the public sector welcomed the competition of the elite private colleges and universities, which were their models for quality.’ (pp. 302-3).

who employ graduates. They stimulate economic development; they provide a focus for cultural growth; they are engines of social regeneration; they play a major part in establishing a positive view of Scotland internationally. Universities are major employers and providers of livelihoods, and they own and control buildings, land and infrastructure that are vital assets for communities. They instigate and nourish public debate, and provide necessary critical analysis of the ideas and actions of public bodies and politicians.

For all these reasons, university governance is not just a private matter. Indeed, the public interest in university governance arguably extends beyond that which applies to corporate governance in the business world. It is not just a question of assuring the integrity and transparency of processes, it is a question of allowing society to protect its broader investment in education, knowledge and intellectual innovation in a way that makes the most of a long Scottish tradition adapted to the needs of the 21st century world.

It is in this spirit that we have addressed our task.

2. ROLE AND STRUCTURE OF HIGHER EDUCATION GOVERNANCE

2.1 Institutional and Legal Framework

The Scottish system of higher education is regulated under a very complex legal structure that is made up of papal bulls, statutes, statutory instruments and royal charters. A list of the relevant legal instruments currently in force is included in Annex F.

Scottish universities are commonly divided into three groups: the so-called ancient universities, the chartered universities of the mid-20th century, and the post-1992 'new' or 'modern' universities. However in legal terms there are actually six different categories within the higher education sector: (i) the universities of St Andrews, Aberdeen and Glasgow, established by papal bull; (ii) the universities of Edinburgh, Dundee, Stirling, Strathclyde and Heriot Watt, established by royal charter; (iii) Robert Gordon University, Edinburgh Napier University, the University of the West of Scotland, Glasgow Caledonian University, and the University of Abertay Dundee, all of which (or their predecessors before merger) were given university status under the Further and Higher Education (Scotland) Act 1992; (iv) Queen Margaret University, which was granted university status by Privy Council consent in December 2006, with effect from 15 January 2007; (v) Oilthigh na Gàidhealtachd agus nan Eilean (the University of the Highlands and Islands), established in 2011 as a partnership of colleges across Scotland and incorporated as a company limited by guarantee; and (vi) three small specialist institutions. The latter – the Scottish Agricultural College, the Glasgow School of Art and the Royal Conservatoire of Scotland (formerly the Royal Scottish Academy of Music and Drama) – are companies limited by guarantee, and thus subject to company law; they are also accountable to the Scottish Funding Council for funding received from it. The Scottish Agricultural College is in addition specified as a public body under the Schedule 8 of the Public Services Reform (Scotland) Act 2010.

The Open University, though based in England, also has a direct presence in Scotland.

In addition to the instruments that established them, Scotland's higher education institutions are also subject to various pieces of legislation, some of which apply across the whole sector, while others apply only to specific institutions or to sub-sets within the sector. This makes sector-wide analysis of governance somewhat complex.

While the legislative and constitutional arrangements vary, universities are all independent corporate institutions with charitable status and with a governing body that is responsible for the overall direction and strategy of the institution, and is accountable, alongside the Principal, for its resources.

Despite the rather complex issues surrounding legal status, it is the view of the panel that all universities and higher education institutions are, and should be seen as, independent public bodies. They enjoy (and should enjoy) a high level of institutional autonomy, but they are not private bodies with a primary responsibility to maximise shareholder value; their responsibility stretches to students, staff and the wider community.

2.2 The Role of the Privy Council

The Privy Council, which can trace its origin back to Norman times, is a formal body of advisers to the Queen. Members include senior politicians such as Ministers with most functions of the Council exercised through a single committee, i.e. the Cabinet. The Council is responsible for advising Her Majesty on proposals from universities to amend their royal charter. It also has delegated authority to issue Orders of Council which are the instruments

of governance used to regulate the post-92 institutions and to approve amendments to these. The Council is also the point of application for universities that wish to make changes to their ordinances (ancient universities) or statutes (charter universities), which regulate their internal governance arrangements.

While there has recently been some de-regulation of the areas of governance which need Privy Council consent, in other areas its consent is still required even where the amendment may be relatively minor. In practice, the Council's consent is based on a positive recommendation from the First Minister, the Lord Advocate or, in the case of certain universities, the Lord President of the Court of Session.

It is the view of the panel that, while the role of the Privy Council has been of value, it is probably time to replace it with a framework that is operated entirely within Scotland and is capable of functioning both expeditiously and in a way that maintains existing safeguards.

The panel therefore recommends that the existing jurisdiction of the Privy Council in relation to universities and higher education institutions be transferred to a committee comprising the First Minister of Scotland, the Lord Advocate and the Lord President of the Court of Session, subject to parliamentary scrutiny.

2.3 A New Statute of the Scottish Parliament

More generally the panel has given some thought to the legal framework as a whole. As has been set out above, the existing framework is complex and not very accessible. It involves a number of statutes and other legal instruments that in some cases apply only to certain institutions. While it is the strong view of the panel that the Scottish system of higher education should continue to embrace diversity of mission and operation, it also believes that there is a case for containing the major principles of regulation within a single statute applying to the whole sector, though this statute in turn can and should allow for variations between institutions in matters other than the key principles. An example that illustrates this approach in another jurisdiction is the Universities Act 1997 of the Republic of Ireland.

The panel therefore recommends that the Scottish Parliament enact a statute for Scotland's higher education sector setting out the key principles of governance and management and serving as the legal basis for the continued establishment of all recognised higher education institutions.

The new statute should be drafted as a measure that will rationalise and simplify the regulatory framework of higher education governance; it might provide for:

- the conditions applying to the establishment of new universities;
- the key structures of university governance and management;
- the role and composition of governing bodies and academic boards;
- the role and appointment of university principals;
- the drawing up of a code of good governance for Scottish higher education;
- the status of student associations;
- the principles of academic freedom and institutional autonomy (see below).

However, the statute should continue to embrace diversity of mission and of operation, and should reinforce the principles of university autonomy and of academic freedom, to which we return below.

The panel also recommends that, under the new statute, the designation ‘university’ should be reserved to independent public bodies accredited in Scotland under legislation for these purposes.

2.4 Academic Freedom and Institutional Autonomy

We believe that a core principle of higher education is the protection of academic freedom, in accordance with the UNESCO recommendation concerning the Status of Higher-Education Teaching Personnel, made in Paris on 11 November 1997.

This principle is currently protected and defined in section 26 of the Further and Higher Education (Scotland) Act 2005, which provides that universities ‘must have regard to the desirability of ensuring the academic freedom of relevant persons. Subsections 3 and 4 of the section then read as follows:

- ‘(3) In this section, a “relevant person” is a person who is engaged in—
 - (a) teaching, or the provision of learning, at a fundable body; or
 - (b) research at a fundable body.
- (4) For the purposes of this section, “academic freedom” includes freedom (within the law) to—
 - (a) hold and express opinion;
 - (b) question and test established ideas and received wisdom; and
 - (c) present controversial or unpopular points of view.’

We have also considered for comparative purposes the definition contained in section 14 of the Irish Universities Act 1997, which reads:

‘A member of the academic staff shall have the freedom, within the law, in his or her teaching, research and any other activities in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions, and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.’

We believe that this definition perhaps expresses slightly more comprehensively the full significance of academic freedom, though we also regard it as important that a statutory definition should apply, as under the Scottish 2005 Act, to universities *and* colleges.

The panel therefore recommends that a definition of academic freedom be incorporated in the statute governing higher education, based on the definition contained in Ireland’s Universities Act 1997, and applying to ‘relevant persons’ as under the existing 2005 Act.

In implementing the Irish provision, Trinity College, Dublin, adopted a ‘Policy on Academic Freedom’ in December 2010, which was the result of an initiative of the college’s academic staff association (IFUT) and which was developed in a special working group established by the college.

The panel recommends that Scottish universities and higher education institutions should adopt a similar approach and that each institution should adopt through appropriate internal processes, and present to the SFC, a statement on its implementation of the statutory protection of academic freedom.

This policy statement should be treated by the SFC as a condition of grant or, in the case of the establishment of a new university, as a condition to be satisfied before university status is granted.

Academic freedom is separate from, though related to, institutional autonomy. We believe that universities in the Scottish system of HE are and should be independent public bodies. In drawing out the meaning of autonomy, we would make reference to the UNESCO statement and in particular, to Section V.A paragraphs 17-21, and also to the *Magna Charta Universitatum*, drafted in Bologna in 1988, and which many Scottish universities have signed. Universities and HE institutions should enjoy self-governance and autonomy, subject to public accountability and respect for academic freedom.

2.5 The Role of Governance

A practical definition of the purpose of the governing body is that set out in the Committee of University Chairs (CUC) Code which states that a governing body is 'unambiguously and collectively responsible for overseeing the institution's activities, determining its future direction and fostering an environment in which the institutional mission is achieved and the potential of all learners is maximised.'¹⁴

It is tempting to consider university governance as a form of corporate governance, determining the strategic direction of the organisation and ensuring that its management is fully accountable. In fact universities, as part of the national framework of education, have broader responsibilities that need to be reflected in the principles of governance. The panel are of the view that the purposes of university governance are the following:

- effective stewardship of the university to secure its sustainability over the medium and long term;
- safeguarding the mission of the university and the services it provides for the public benefit;
- securing the proper and effective use of public and other funds; and
- ensuring stakeholder participation and accounting to the wider society for institutional performance.

The significance of these principles is that they recognise the role of a governing body in guiding institutional strategy and performance, but in addition point to its role in protecting the interests of the academic community of staff and students, as well as the wider societal interest.

Governing bodies should be required to demonstrate that their deliberations and decisions appropriately observe these four objectives, and they should regularly review their own performance against these and report on the outcome.

We believe that the interest of Scottish universities – and thus their governing bodies – is collectively best served by creating collaborative partnership arrangements with other higher education institutions, and this should override any perceived competitive advantage for an individual institution. Collaboration has in fact been a successful element in the development of the Scottish higher education sector, particularly in the case of research pooling.

The panel recommends that the fundamental principle of a collaborative approach wherever appropriate should be enshrined in the Scottish university system through

¹⁴ Committee of University Chairs, *Guide for Members of Higher Education Governing Bodies in the UK*, 2009, Part I, para 1.

making the fostering of collaboration between universities a task for the Scottish Funding Council.

2.6 The Governance Framework

The governing body of most Scottish universities is called the 'Court'; in Robert Gordon University, the Glasgow School of Art and the Royal Conservatoire of Scotland it is known as the 'Board of Governors'; in the Scottish Agricultural College it is the 'Executive Board'. In addition to the responsibilities described above, the governing body in all institutions appoints the Principal. Some of the work of the governing body is carried out by way of delegation to committees. Governing bodies tend to be quite large, ranging from 17 to 28 members, and include representatives of staff and students. External or 'lay' members, who often form a majority of the total membership, are appointed by the governing body, or on its behalf by a nominations committee of it. In all Scottish institutions the Principal is a member (but not the chair) of the governing body. The governing body selects its own chair, usually from the lay membership.

While the governing body has overall responsibility for strategy, resources and the estate, in Scotland's universities responsibility for academic matters (including curriculum content and student assessment) rests with an academic board, in some universities called the 'Senate' (and in others, the 'Academic Council'). The academic board is currently chaired by the Principal. As the governing body has final responsibility for all resourcing decisions, and as the portfolio of programmes inevitably has resourcing implications, there can be circumstances in which conflict arises between the governing body and the academic board. The panel were briefed on at least one such occurrence, which raised the question as to how such conflicts should be resolved. We consider academic boards further in section %.

A breakdown of the various governance structures that exist across Scottish universities is provided at Annex B.

2.7 Senior Management

All universities in Scotland have senior management teams – groups of senior academic and administrative officers working with the Principal. Sometimes these teams have the status of a decision-making committee, whereas in other cases they operate as informal groups.

An important aspect of the senior management role is to set the tone for the way managers throughout the institution carry out their responsibilities and relate to colleagues. A significant number of submissions to the panel have argued that the senior management *modus operandi* has sometimes contributed to a culture of 'managerialism' in universities, thereby compromising collegiality. In fact managerialism has been the subject of wider analysis and debate within higher education. In 2003 a research team led by Professor Rosemary Deem of the University of Bristol published an article in which they identified a pattern called 'New Managerialism',¹⁵ which was said to consist of a drive to create a centralised strategic direction in universities, administrative structures to implement the strategy and control mechanisms that allow the strategy to be transformed into action.'

While it is widely recognised that complex bureaucratic and financial demands on universities require a professional administration and the appointment of senior staff with management responsibilities, it is sometimes suggested that management teams have

¹⁵ 'Managing Contemporary UK Universities: Manager-academics and New Managerialism', *Academic Leadership* (online journal), 2003.

created a business culture within institutions that has subverted the academic mission and academic values and undermined collegiality.

On the other hand it has been argued that dedicated senior management teams have professionalised administration and allowed universities to exploit opportunities, as well as allow them to succeed under financial and other pressures.

Overall, while there has been much debate about academic management in universities, there is a good deal of scope for further analysis and research. Professor Deem and her colleagues in 2003 suggested that 'ways of managing universities other than those permeated by New Managerialism could usefully be explored in future research'. Such research might also usefully consider how new management methods employed in universities have impacted – positively and negatively – upon performance, and whether university managers are always sufficiently aware of best management practice more generally.

2.8 Advisory Forum

We specifically asked those making submissions to the panel to comment on the merits of a 'supervisory council' or advisory forum to represent stakeholder interests. Views on the desirability of this were mixed, with a majority expressing reservations if it involved the creation of an additional layer of bureaucracy. There was however some support for the idea that a forum of some kind could produce more transparency and openness, without compromising or removing existing channels of discussion and communication. We think that there is a case for establishing a forum where the interests of Government and the sector can be jointly considered prior to decisions being taken on sector-wide strategy or direction.

The Scottish Ministers already work with the Scottish Funding Council to provide directions to the sector. Noting the views about additional bureaucracy, the panel considers that there is a case for allowing the Scottish Funding Council to convene, under the chairmanship of the Cabinet Secretary for Education and Lifelong Learning, a representative forum charged with considering, reviewing and informing Scotland's higher education strategy. The membership of this forum should include government, university management, student and staff representative bodies and community representatives. It should include representation from all Scottish higher education institutions, in each category of membership.

Such a forum could also maintain an oversight of the ongoing development of university governance, as well as monitor the implementation of governance reform.

The panel therefore recommends the establishment of a Higher Education Forum, convened by the Scottish Funding Council and chaired by the Cabinet Secretary for Education and Lifelong Learning, which would meet on fixed dates at least once a year.

The role of the Forum will be to enhance and upgrade existing channels of consultation and negotiation with stakeholders.

There will need to be a clear relationship between such a higher education advisory forum and any similar national forum established with respect to the further education sector.

2.9 The Relationship with Further Education

At the time of writing, we are aware of proposals to establish regional boards in the further education sector that would replace individual governing bodies. We understand that such boards would be part of the grouping of further education colleges into regional clusters with each cluster having one overall board that will set out the strategy and individual institutional targets.

Given the higher education sector's long-standing collaborative work with the further education sector, particularly in terms of widening access, university governing bodies should consider how best to engage with these regional boards in order to play an appropriate part in the development of regional links across the post-16 sector, and also in order to increase and promote articulation arrangements between universities and colleges.

The panel therefore recommends that all Scottish universities not only include responsibilities to their region, alongside their national and international objectives, in their strategic plans, but that they also seek ways to engage proactively, for the benefit of students and the Scottish education system as a whole, with further education institutions and any new governance structures that may be put in place.

3. APPOINTMENT AND REMUNERATION OF PRINCIPALS

3.1 Appointment and Role

The Principal leads the management of the institution, but also leads the community of staff and students overall. For all Principals this leadership is in some contexts one of representation, in others it is one of management, and in others again it is ceremonial. It is important to recognise all these aspects of the role.

University Principals are now often described as their institution's 'chief executive officer', using language borrowed from the business world. In many ways the role is indeed comparable to that of a corporate CEO, but then again it may be that, for the leader of a societal institution such as a university, such comparisons are not altogether useful.

In Ireland, the Universities Act 1997¹⁶ describes the head of a university as the 'chief officer', and the panel believes that this description has some merit. In a number of countries the title of the chief officer is 'President', while in others it is 'Vice-Chancellor'. Continental European countries usually use the title of 'Rector'. In Scotland the title 'Principal' is well established, and the panel recommends that it should be retained.

The panel therefore recommends that the heads of Scottish higher education institutions should be described as the 'chief officer', and that the job title should continue to be 'Principal'.

In all of Scotland's universities, the Principal is currently appointed by the governing body, usually following an executive search and interview process. The contractual terms of Principals are determined by the governing body, and his or her remuneration is set by a remuneration committee of the governing body.

This pattern is in line with common practice elsewhere in these islands, although it is worth noting that one university, Trinity College Dublin, appoints its chief officer (the Provost) through a process of public advertisement and shortlisting, followed by an election in which the shortlisted persons are the candidates. The electorate consists of permanent full-time academic staff, with students having a small number of representative votes. In a number of European countries the chief officer – usually the 'Rector' (the term has a different meaning in Europe from its use in Scotland) – is also elected, sometimes for a limited and comparatively short term. We heard in evidence from the Finnish Ministry of Education about how their Rectors/Principals are elected, following a recent reform programme that deserves further study as a comparator for the Scottish system.

While it is in some ways an attractive proposition to have university heads elected by staff and students – it energises the community, creates debate and affords democratic authority – the experience elsewhere suggests that in such circumstances the candidates will tend to be internal ones.

While we think it should not be beyond the realms of possibility to devise an electoral system that would overcome that perceived weakness, we have insufficient evidence to support moving to an elective system in Scotland at this stage. However, we consider there is a case for widening participation in the appointments process and that core to this approach should be the reform of the way in which of appointment panels are set up and operate.

¹⁶ Universities Act 1997, section 4 and Schedule 4.

The appointment panel should use transparent criteria and specifications for the post (which should encompass more than managerial skills and cover the institution's need to interact with the community, the wider education sector, politics and business, as well as the Principal's need to foster and reinforce collegiality and goodwill within the institution), and it should be required to advertise the post externally. The panel should also draw up a skills and values matrix to identify the characteristics of the ideal candidate. Students and staff should be involved at a formative stage in setting out the skills and values matrix required for the appointment.

Student and staff representatives, as well as external advisers, should be involved in the interview process.

We also recommend that the appraisal of Principals should involve external governing body members, staff and students.

3.2 Remuneration

The pay of Principals and senior university officers has been the subject of some controversy and this controversy has not helped engender trust in governance. As in some other sectors, executive pay over the past decade has been widely perceived to increase at rates beyond those applying to other staff, and it has been suggested that the processes for determining it have not been transparent or robust. There are signs that increases in pay and pension contributions have been modified or halted since the onset of the recession in 2008-09.

The panel recommends that further percentage increases beyond those awarded to staff in general should not take place until existing processes have been reviewed and, if appropriate, amended.

While the pay of Principals is public information, the method of its calculation or the reasons for any increases given are not. It is also not always clear what other benefits, or bonus payments, may be available to individual senior staff.

The panel recommends – in the light of the wider public debate about executive pay and bonuses – that universities ensure that any payments that may be perceived as bonuses are either abolished or at least transparently awarded and brought into line with the scale of 'contribution payments' available to on-scale staff.

In this regard too, we note that senior pay is not included in the scales negotiated in the Framework Agreement, which was originally intended as the basis for remuneration across all grades in universities, and which was deemed necessary to ensure compliance with equality legislation.

Staff engagement is recognised as a critical factor in ensuring the success of a university. Staff engagement can be affected by several factors, including working conditions, opportunity, management and pay. Ensuring fair pay within a university is an important aspect of creating an environment where staff engagement can help support good governance.

The panel further recommends that remuneration committees should include staff and student members. The work of the committee should be transparent, and in particular, the basis upon which pay is calculated should be published. While the Framework Agreement, determining pay scales for university staff up to the grade of professor, is a UK matter, we recommend that the Scottish Government investigates whether it

might be extended north of the border to include all staff including Principals. We also recommend there should be a standard format for reporting senior officer pay, and the SFC should publish these figures annually.

We also recommend that the SFC should investigate how the principles of the Hutton Report¹⁷ are being or should be applied to universities in Scotland.

¹⁷ *Hutton Review of Fair Pay in the Public Sector*, chaired by Will Hutton, March 2011

4. ROLE, COMPOSITION AND APPOINTMENT OF GOVERNING BODIES

The governing body of an institution is usually called the 'Court' or the 'Board of Governors'. It is responsible for the strategy of the university, its finances and investments and for the management of the university's estate and buildings. It has authority to make contracts on behalf of the university, including those for employment, and to enter into loans and mortgage agreements. The governing body will carry out many of its functions through committees, one or more of which may be joint committees reporting also to the academic board.

The governing body has a key responsibility of ensuring public confidence and transparency.

Therefore, the panel recommends that meetings of governing bodies should normally be held in public unless the matters under consideration are deemed to be of a confidential or commercially sensitive nature; these exceptional matters should be established through clear guidelines.

4.1. Chairs of Governing Bodies

In Scotland's four ancient universities the Rector, an elected lay member, is given the responsibility of chairing the governing body. Under section 4 of the Universities (Scotland) Act 1858 the Rector 'shall be the ordinary president' of the university Court. The Universities (Scotland) Act 1889 further provided for the election of Rectors. The University of Dundee also has an elected Rector as a student representative, but he or she does not chair the governing body.

The office of Rector was instituted at a time when academics were in charge of all aspects of universities and there was little in the way of accountability. The position of Rector was therefore established in order to introduce a powerful lay presence in the governing body and to ensure student representation. While it is the case that, in universities as they are today, the principle of lay involvement has been further developed, lay members now usually forming a majority in the governing body, and there is direct student representation, nevertheless the Rector can claim to be the only member in the ancient universities with a formal democratic mandate, and as such brings something unique to the governance of these institutions. Rectors often use the post to campaign on policy issues.

However, because of the perception amongst the electorate of the office of Rector there have been occasions when the successful candidates were people who appeared to have little or no interest in advocacy and were largely indifferent to the aims of the university and the nature of the academic community. The appointment of such Rectors has probably worked against good governance, a key objective of which is to have in place procedures and processes that ensure that the best people are appointed and that they can work effectively with others to further the interests of the institution. In turn some universities, at certain stages of their recent history, may not have been fully supportive of Rectors.

Candidates for the rectorship of the ancient universities are now expected to sign the 'Rector's Charter'. This commits them to performing their function for a specified number of days every month, to be available to students and to attend the vast majority of Court meetings. Though signing the charter is not obligatory, its existence has effectively ended the emergence of so-called 'vanity' candidates, although an unintended consequence is that it has also discouraged candidates who have regular employment.

Governance is only part of the role a Rector is expected to play. There is also an ombudsman role in terms of hearing complaints and grievances of students and (in some cases) staff. This requires an understanding of the established policies and procedures that all institutions have in place and the necessary skills and expertise around arbitration and dispute resolution. The Rector is also expected to take a leading role in the public issues as they affect students. This can involve media appearances, speaking engagements and participation in conferences and panels, which suggests that a measure of media awareness is important. The Rector also has a number of ceremonial engagements including an ambassadorial role that can be similar to that of the Chancellor.

However, generally the Rector in the ancient universities is not the person with whom the Principal liaises or to whom he or she reports. In most of these universities there is also a senior governor, who deputises for the Rector where the latter is not available to chair meetings or chooses not to do so, and who acts as the key governance contact for the Principal and is the university's designated member on the Committee of Scottish Chairs.

Outside of the four ancient universities and the University of Dundee, no institution has established the office of Rector. More generally, there is at the current time no uniform pattern in Scotland's universities regarding the chairing of governing bodies. In all the universities that do not have a Rector the chair of the governing body is selected (usually from the number of existing lay members) by its members for a specified period of office (typically three years). It is not common for the post to be advertised or for external applications to be invited.

Chairs of governing bodies, however chosen or selected, can and should play a vital role in the running of the university. They set the tone for the meetings, they have a crucial role in setting the agenda, they have a relationship of constructive and where necessary critical engagement with the Principal, they preside over the process that leads to the adoption of institutional strategy. In order to ensure the appropriate degree of transparency in university decision-making, it is important that chairs work closely with Principals but are independent of them. The chair has a key responsibility to ensure that the work of court is underpinned by effective and inclusive practices involving all the members.

It is the view of the panel that the process for appointing governing body chairs needs to be rigorous and transparent. As a minimum, chairs should be appointed after a process including a public advertisement and competitive selection including shortlisting and interview. In each case there should be a proper job specification and a set of attributes and skills expected of the successful candidate. The latter should be publicly available. Candidates should be interviewed by a panel that, in addition to lay members of the governing body, should include staff and student representatives and senior external experts.

However, the panel (by a majority) recommends that the chair of the governing body should be elected, thus reflecting the democratic ideal of Scottish higher education.

In order to ensure that the candidates for election possess the appropriate experience and skills, their nomination should be sought by public advertisement, followed by an interview of potentially appointable candidates leading to the drawing up of a final short list of appointable candidates, not in any order of preference.¹⁸ The interviews should be carried out by a panel consisting of lay members of the governing body, together with staff and student representatives. The interviews should not be conducted so as to identify preferred

¹⁸ These procedures are not intended to limit the field of candidates for election, but to make as certain as possible that those presenting themselves for election are able to fulfil the role responsibly.

candidates, but so as to ensure that those submitted for election have the necessary background and skills and are on that basis appointable. Candidates on the short list should then be submitted to an election by staff, students and, potentially, representatives of external stakeholders. Votes should be weighted so that staff and students are equally represented in the appointment decision. The successful candidate, though elected by these constituencies, would not 'represent' them at court, that role being carried out by others more effectively. The chair would however ensure that all stakeholders are fully involved in governance, that constructive challenge is taking place, and that a clear strategy for the direction of the university is being set out.

Eligibility for election should be reserved to persons who are not, and have not recently been, members of staff of the university, and who are not currently students of the university. The term of office of the chair should be three years, and persons selected should be allowed to be candidates for the role for a second term, but no more.

Elected chairs, in recognition of the unique historical role of Rectors and of the Scottish educational tradition, should continue, where the office already exists, to be called 'Rectors' but might be otherwise designated elsewhere.

The panel recommends (by a majority) that the chair should receive some form of reasonable remuneration.

There are a number of benefits associated with remunerating the chair, key amongst these being that it would open the position up to a wider field of candidates (i.e. other than those who are able to do it without payment).

The panel considers that rather than a salary, a stipend or reasonable attendance allowance would be the most appropriate way to do this. In setting the amount, the appointments committee should of course be mindful of the adverse perceptions that may be generated by what are perceived to be 'generous' settlements. The idea of remuneration is to recognise commitment that has previously gone unrewarded and open it up to those who previously were effectively precluded. The notion that a 'competitive' stipend should be offered in order to attract 'the best candidate' is not consistent with the tradition of the role. It would be helpful if a standard rate could be agreed sector-wide, perhaps as an extension to the Framework Agreement.

4.2 Membership of Governing Bodies, including co-opted members

While there are several models in operation across Scotland, governing bodies generally all share a principle whereby the majority of court members is classed as 'lay' or 'independent'. This is taken to mean that these members do not currently work or study at the university.

This 'lay' representation has been presented in responses as an important aspect of how the university sector engages with the wider community. Furthermore, it has been explained that such engagement allows the university to draw on a wide field of experience covering areas of expertise such as finance, human resources and estate management, all of which have value in governance terms.

Accordingly, the appointment of lay members to the court and the in-built majority that they enjoy, assuming they are encouraged and equipped to act independently, brings real benefit to university governance, both in terms of practice and perception.

The benefit in adopting this approach can be lost if the process for appointment is not handled properly. In order to promote confidence, it is essential that recruitment is both open and transparent. If not, a governing body will leave itself open to accusations, whether justified or not, of patronage or inappropriate deference to senior management, and trust and confidence will thereby suffer.

Some institutions already follow Nolan principles concerning selection and recruitment. The panel regards this not just as good practice, but as essential in terms of building confidence with the wider stakeholder group. There is no detriment in operating a system of recruitment that is transparent - the candidate with the best skills match will still be appointed.

The panel recommends that positions on governing bodies for lay or external members should be advertised externally and all appointments should be handled by the nominations committee of the governing body. Each governing body should be so constituted that the lay or external members have a majority of the total membership.

As with all aspects of governance, students and staff (as part of the work of the appointments committee) should be fully involved in identifying and keeping under review the skills, knowledge and value sets required of lay members as part of the successful governance of the university. The skills and experience sought from new members should be drawn up in such a way as to make possible a governing body whose members come from a wide range of backgrounds and professions, including industry, the voluntary sector, the education sector, and professions such as law and accountancy.

Recognising the comments that have been made to the panel about the shortage of suitable candidates, we believe there could be scope for collaborative working amongst universities through the identification of a suitable pool of potential candidates who could be approached when appointments had to be made; all appointments, however, should be made in accordance with the transparent procedures described above.

All governing bodies should also have effective representation of internal stakeholders.

The panel recommends that there should be a minimum of two students on the governing body, nominated by the students' association/union, one of whom should be the President of the Students' Association and at least one of whom should be a woman. There should be at least two directly elected staff members. In addition, there should be one member nominated by academic and related unions and one by administrative, technical or support staff unions. The existing system of academic board representatives (called 'Senate assessors' in some universities) should also be continued. Governing bodies should also have up to two alumni representatives.

The panel however recommends that the existing practice in some universities of having 'Chancellor's assessors' should be discontinued.

Overall, governing bodies also need to observe the principles of gender balance and of diversity.

The panel therefore recommends that each governing body should be required to ensure (over a specified transition period) that at least 40 per cent of the membership is female. Each governing body should also ensure that the membership reflects the principles of equality and diversity more generally, reflecting the diversity of the wider society.

The panel recommends that governing bodies should be required to draw up and make public a skills and values matrix for the membership of the governing body, which would inform the recruitment of independent members of the governing body. The membership of the governing body should be regularly evaluated against this matrix.

Expenses available to those who sit on the governing body should include any wages lost as a result of attending meetings.

This should encourage an interest in membership amongst a wider group and thereby produce greater social and professional diversity.

Finally, it is common practice in many universities for the senior management team to attend governing body meetings as observers. While this practice ensures that the governing body has available at its meetings information and expertise from senior managers, their presence can create an appearance of imbalance.

The panel therefore recommends that senior managers other than the Principal should not be governing body members and should not be in attendance at governing body meetings, except for specific agenda items at which their individual participation is considered necessary, and for those agenda items only.

4.3 The Committee Structure

An essential element of the governance of universities is the binary structure of the governing body and the Academic Council, Board or Senate. The former has responsibility for the resources, including the staff, estate and finance, while the latter has responsibility for the academic side of the institution which include the students, learning, teaching, research and knowledge transfer.

Much of the detailed work of both governing body and academic board is undertaken by sub-committees; the exact remit will differ slightly from institution to institution, but there are similarities across the sector. Beneath the governing body there will be an Audit Committee which is a requirement of the Financial Memorandum of the Scottish Funding Council, and often a finance committee, an ethics committee, a staffing or human resources committee, a remunerations committee and a nominations committee.

Each of the sub-committees has the opportunity of introducing lay members who are not on the governing body and who bring particular expertise to the role; for instance it is normal for an audit committee to have an external chartered accountant or similarly qualified individual.

The academic board may, in some cases, also have appropriate sub-committees.

The binary structure of governance can potentially lead to a lack of coherence between the strategic planning of resources, which is the remit of the governing body, and the academic planning which is the remit of academic board. To avoid this, there may be merit in the idea of a joint committee in each university to coordinate academic planning and resourcing issues, without compromising the core principle that academic boards are responsible for academic governance. This committee would cover the remit of both a finance committee and a planning committee and would ensure that academic priorities are considered together with the human, financial and physical resources necessary to deliver them.

The importance of an ethics committee has been highlighted by the recent issues at the London School of Economics and the subsequent Woolf Report.¹⁹ Ethical questions and the reputational risk flowing from them need to be addressed as part of governance, and the ethics committee would normally report to the governing body. However, ethical questions can arise in relation to academic activity and can potentially affect fields of academic study with implications for academic freedom. For this reason consideration should be given to making the ethics committee a sub-committee of both the governing body and the academic board.

4.4 Training

As the responsibilities and duties of governance have become increasingly important but also much more complex, it has become hugely important that those entrusted with these tasks are skilled in exercising them. While we have no doubt that governors across the higher education sector in Scotland apply themselves to their role with energy and commitment, it is not always clear whether they are in all cases adequately informed and trained.

The panel recommends that all universities should be required to ensure that governors – including external governors, staff governors and student governors – are fully briefed and trained, and that their knowledge is refreshed regularly in appropriate programmes. Each governing body should be required to report annually on the details of training made available to and availed of by governors.

Such training should include programmes on corporate governance generally, financial and business planning, human resources issues, equality and diversity, and developments within education.

¹⁹ *The Woolf Inquiry: an inquiry into the LSE's links with Libya and lessons to be learned*, 2011.

5. ROLE, COMPOSITION AND APPOINTMENT OF ACADEMIC BOARDS

5.1 Composition of the Academic Board and Appointment of Members

Given the diversity of Scottish higher education institutions in terms of size and mission, there is no national standard size of the academic board. That said, the panel has heard evidence which points towards dysfunctionality where the membership of the board is too large.

The academic board has a key role in the governance of an institution and therefore needs to be constituted in such a way as to maximise its effectiveness. It must retain the confidence of those it represents, or it risks becoming inoperative or vulnerable, except when high profile controversies arise. Key amongst the responsibilities of the academic board is the oversight of academic quality, the safeguarding of academic freedom and the necessary co-ordination with governing body to ensure that decision-making at all levels is properly informed.

The panel recommends that, in line with existing legislation applying to the ancient universities, the academic board should be the final arbiter on academic matters.

An important role for the academic board is to set the academic tone of the institution and to provide academic input for the institutional strategy. It is important that academic board decisions are not simply seen as endorsements of previous management decisions and that staff are engaged, so that academic boards are seen as genuine fora of academic debate and governance. Meaningful consultation and serious participation are both key.

The academic board will tend to be bigger than the governing body, and in order to remain effective its membership should be of a size that enables effective representation of the academic community, but in any case it should not normally be larger than 120 members.

The panel recommends that, apart from the Principal and the heads of School (or equivalent) who should attend *ex officio*, all other members should be elected by the constituency that they represent, and elected members should form a majority of the total membership. In establishing the membership of the academic board, due regard should be given to the principles of equality, and the need for the body to be representative. This includes a requirement to ensure that there is significant (rather than token) student representation. Overall, academic boards should not normally have more than 120 members.

The balance between students and staff on academic boards should be considered, bearing in mind that student representatives need to be able to represent the current student cohort, whereas staff members represent not so much their immediate constituents, as the longer-term academic interests of the institution.

6. ROLE OF STAKEHOLDERS

6.1 Staff

Scotland's universities, we have argued, have a distinctive and important history and an understanding of this should inform decisions about how, in a changing world, their governance relates to staff and students (see 6.2 below). A 'Scottish solution' to the problems this panel was set up to address should involve general recognition of the need for all staff to feel involved in meaningful consultation and collegial decision-making, and also of the role trade unions play as their representative bodies, not only for bargaining purposes with regard to material conditions but also in supporting and promoting good governance.

Strong opinions have been expressed to the panel that consensual decision-making is greatly enhanced and damaging disputes are most effectively avoided when there are well functioning working relations between unions and management. Trade unions also have an important role in protecting academic freedom, particularly since the most secure way of safeguarding that core value – legally protected academic 'tenure' – was abolished by the UK parliament in the Education Reform Act 1988.

Higher education trade unions have, as part of their role as important contributors to Scottish civil society, promoted a wider understanding of the importance of universities in Scottish society, and the need for public debate about higher education, particularly since the advance of devolution in the 1990s.²⁰ We have accordingly recommended enhancing the role of trade unions in university governance (see 4.2 above), and we further draw attention to the desirability of governing bodies regularly reporting on how they monitor their institutions' relations with all staff, and with trade unions.

6.2 Governance and Student Associations / Unions

Students have a major part to play in the governance of institutions and it is right that the student body is engaged and represented at all levels from classroom to the management board. The role of students' associations is currently set out in the Education Act 1994.

In most cases there is a strong working relationship between students' associations and university courts. Where, occasionally, there is a breakdown in communication, the cause is often a lack of support and facilitation from the university. Universities should ensure that their students' associations are adequately resourced and given sufficient time in order to consult with their members, in order to ensure that students have sufficient opportunity to contribute to the decisions taken by management and by governing bodies.

We would support the introduction of partnership agreements, as suggested in the Government's recent pre-legislative paper,²¹ and would suggest that they incorporate elements that relate to institutional governance. They could set out the relationships between

²⁰ In 1997 a conference in Inverness on 'Higher Education and a Scottish Parliament', organised by the Association of University Teachers Scotland (AUTS) and sponsored by the Scottish TUC, the Comhairle na Gaidhealtachd, the UHI Project (as it then was) and *The Times Higher Educational Supplement* [THES] sought 'to put Higher Education on the [new Holyrood Parliament's] agenda' and to outline 'outcomes and problems to be faced.' See also David Bleiman, *THES*, 11 April 1997, calling for a policy that would place her universities at the heart of the 'new' Scotland, while safeguarding autonomy and academic freedom. Since the Holyrood elections of 2007, which brought the first SNP Government into office, UCUS has organised two major conferences, first, in 2008, 'Intellect and Democracy', and then, during the 2010-11 Green Paper consultation, 'The Future of Higher Education in Scotland' (February 2011), jointly sponsored with the University Lecturers Association of the Educational Institute of Scotland.

²¹ *Putting Learners at the Centre: Delivering our Ambitions for post-16 Education*, 2011.

institutions and students' association/unions, as well as indicating to individual students the role they can expect to play in the institution.

The proposed new statute should fully recognise the role of students' association in the governance of Universities.

6.3 Wider Community

While there are well-recognised models for the involvement of staff and students in the governance of universities, there is currently no standard method of involving the wider community in governance. Some universities have invited local authority councillors to join the court in an attempt to address this; however, valuable though this is in itself, it is not clear how effective it is in prompting universities to consider local issues and concerns. We would like to see universities becoming more involved in community planning partnerships and to consider more effective ways of community engagement. Collaborative working could again have an impact through the sharing of best practice.

6.4 Industry and the business community

Where they do not already have such bodies, universities should consider establishing business and industry advisory committees to ensure appropriate levels of communication.

They should wherever possible enhance their understanding of the skills employers seek, and are likely to seek, in graduate employees, not only today but in the foreseeable future. It should also be a role of such committees to impress on employers the importance of the broadened outlook, critical intellectual curiosity and general life skills that a university, even when it is focussed on entirely non-vocational subjects, can impart. It should also be within the remit of such committees to explore, and report to academic boards and governing bodies on, the development of partnerships with industry in appropriate research projects.

7. OTHER ISSUES

7.1 Whistleblowing

The ability to report irregularities without fear of retribution is an important aspect of collaborative governance whereby all staff and students are encouraged to take some measure of responsibility for the good and proper administration of the institution. While it is clear that unlawful or malicious allegations are not acceptable, where concerns about impropriety are submitted in good faith the person doing so should be able to do so without fear of recourse.

The panel recommends that all universities maintain a whistleblowing policy, and this should be under the overall control of the governing body. Such a policy must include a clear process a person, whether a member of the university or not, wishing to make a complaint can access, and it should be proactively publicised.

7.2 Evidence Base

In the course of our deliberations the panel has gathered a considerable amount of evidence from individuals and organisations. However, we were struck by the apparent lack of formal research in this area. Where faculty of education research programmes are concerned they appear to focus on school and early years rather than further and higher education, with the exception of teacher training.

Governance is not just about structures and management. It is also about values, accountability, credibility and trust. It would be useful to review the body of material that is already available covering these areas and to set an agenda for future research requirements.

We are not aware, for example, of any rigorous look at what the 1992 changes achieved for higher education in Scotland. We have also heard many views on the shortcomings of league tables, but we are not aware of any work looking at the consequences of adherence to them, much less work that would support an institution that wanted to break free. Where Ministerial directions are concerned, we also think that there would be merit in carrying out rolling research looking at progress against objectives, which in turn could be used to inform subsequent directions. The latter could involve the production of an annual report to the advisory forum which we have recommended above.

A striking feature of the evidence presented to the panel has been the sharply divergent narratives about the state of Scotland's universities today. It is also clear that there is much more to learn than the panel, despite its best efforts, was able to achieve in the time available to it; this could usefully extend to collecting much more evidence from international sources.

Over the next few years Scotland will discuss its constitutional future and how its politics and social institutions can best both represent and serve its people. The nation's universities should be at the centre of this discourse, not only in informing public opinion and encouraging understanding the arguments concerning independence but also in recognising that their own role and how they conduct themselves has to come under objective scrutiny. Scotland's universities already play a central part in defining the nation's distinctiveness, enhancing its economic performance, critiquing its social values, developing the cultural and intellectual capacities of its citizens, and establishing its reputation in the world. In an

independent Scotland that would be all the more true. No informed decision about the desirability of independence, or any other new constitutional settlement, can be made without including the future of the universities in the public debate. This approach underlies our recommendations.

The panel took advice about the existing research base, and what is now required to make a reality of the Government's desire for evidence-informed policy. We note that Scotland's seven Schools of Education focus mainly on the school sector. There is some work on further, adult and community education but virtually none on higher education.²² Both Universities Scotland and the Scottish Funding Council of course collect data relevant to governance issues (e.g. reviews of institutional mergers) but it is not published in a form readily accessible for independent, critical-analytical scrutiny, nor, given their practical responsibilities, is it their role to act as neutral bodies for research purposes.

The panel therefore recommends that the Government 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 centre would have the task of conducting research into issues of relevance to higher education policy, including issues that have been highlighted in this report. Carrying out this work, with an initial deadline for some meaningful results of perhaps 2014, will have the added advantage of putting in place a mechanism to monitor the implementation of policy outcomes from this review and the Government's response to it.

7.3 Avoiding the Bureaucratisation of Higher Education

In this report the panel has made a number of recommendations which it hopes will strengthen and improve the governance of higher education institutions. In doing so it has been mindful of the fact that, over recent years, these institutions have had to face increasing demands for formal reporting and accounting, some of them requiring the deployment of major human and material resources. It is not our intention that this report should be seen as adding to these burdens, and we are of the view that in all reforms the risk of excessive bureaucratisation should be taken into consideration.

The panel recommends that the Scottish Funding Council should undertake a review of the bureaucratic and administrative demands currently made of higher education institutions from all government and public agency sources, with a view to rationalising these and thereby promoting more transparent and efficient regulation and governance.

7.4 Code of Good Governance

In its work the panel was greatly assisted by the Committee of University Chairs (CUC) *Guide for Members of Higher Education Bodies*.²³ Given the increasing divergence, however, between the Scottish and English systems of higher education, it may be timely to

²² The recently established Centre for Higher Education Research (CHER) at St Andrews acts as a loosely-organised forum for diverse activities across different academic disciplines; and its output so far has focused on widening participation, students' use of e-books, enquiry-based learning, computer simulations and graduate employment. The CHER website contains no material to inform the current Review. The Scotland-relevant research encouraged by the UK Higher Education Academy focuses not on governance but on curriculum, assessment and the student experience.

²³ Committee of University Chairs, *Guide for Members of Higher Education Governing Bodies in the UK*, 2009.

consider a specifically Scottish code of good governance, which could then also take into account the recommendations of this panel.

The panel therefore recommends that the Scottish Funding Council should commission the drafting of a Code of Good Governance for higher education institutions.

7.5 Specialist Institutions and the Open University

Earlier in this report (see 2.1 above) we have drawn attention to the existence of three smaller specialist higher education institutions in Scotland, as well as the presence here of the England-based Open University. It is the view of the panel that our recommendations should, where possible, apply to these also. However, we are aware that these institutions may wish to have their special status recognised in particular ways, and we take the view that further consideration may need to be given to them in that context, a task which due to the time frame of this review we were unable to undertake.

ANNEX A: LIST OF RECOMMENDATIONS

2.2 The role of the Privy Council

The existing jurisdiction of the Privy Council in relation to universities and higher education institutions should be transferred to a committee comprising the First Minister of Scotland, the Lord Advocate and the Lord President of the Court of Session, subject to parliamentary scrutiny.

2.3 A New Statute of the Scottish Parliament

The Scottish Parliament should enact a statute for Scotland's higher education sector setting out the key principles of governance and management and serving as the legal basis for the continued establishment of all recognised higher education institutions.

Under the new statute, the designation 'university' should be reserved to independent public bodies accredited in Scotland under legislation for these purposes.

2.4 Academic Freedom and Institutional Autonomy

A definition of academic freedom should be incorporated in the statute governing higher education, based on the definition contained in Ireland's Universities Act 1997, and applying to all 'relevant persons' as under the existing 2005 Act.

Scottish universities and higher education institutions should adopt a similar approach and that each institution should adopt through appropriate internal processes, and present to the SFC, a statement on its implementation of the statutory protection of academic freedom.

2.5 The Role of Governance

Governing bodies should be required to demonstrate that their deliberations and decisions appropriately observe the four objectives the panel has set out for university governance, and they should regularly review their own performance against these.

The fundamental principle of a collaborative approach wherever appropriate should be enshrined in the Scottish university system through making the fostering of collaboration between universities a task for the Scottish Funding Council.

2.8 Advisory Forum

A Scottish Higher Education Forum should be established, convened by the Scottish Funding Council and chaired by the Cabinet Secretary for Education and Lifelong Learning, which would meet on fixed dates at least once a year.

2.9 The Relationship with Further Education

All Scottish universities should not only include responsibilities to their region, alongside their national and international objectives, in their mission statements, but also seek ways to engage proactively, for the benefit of students and the Scottish education system as a whole, with further education institutions and any new governance structures that may be put in place.

3.1 Appointment and Role of Principals

The heads of Scottish higher education institutions should be described as the 'chief officer', and that the job title should continue to be 'Principal'.

There should be widened participation in the process for appointing Principals, and core to this approach should be the reform of the way in which of appointment panels are set up and operate.

The appraisal of Principals should involve external governing body members, staff and students.

3.2 Remuneration of Principals and Senior Management

Further percentage increases beyond those awarded to staff in general should not take place until existing processes have been reviewed and, if appropriate, amended.

Universities should ensure that any payments that may be perceived as bonuses are either abolished or at least transparently awarded and brought into line with the scale of 'contribution payments' available to on-scale staff.

Remuneration committees should include staff and student members. The work of the committee should be transparent, and in particular, the basis upon which pay is calculated should be published. While the Framework Agreement, determining pay scales for university staff up to the grade of professor, is a UK matter, the Scottish Government should investigate whether it might be extended north of the border to include all staff including Principals. There should be a standard format for reporting senior officer pay, and the SFC should publish these figures annually.

The SFC should investigate how the principles of the Hutton Report are being or should be applied to universities in Scotland.

4. Role, Composition and Appointment of Governing Bodies

Meetings of governing bodies should normally be held in public unless the matters under consideration are deemed to be of a confidential or commercially sensitive nature; these exceptional matters should be established through clear guidelines.

4.1 Chairing of Governing Bodies

The chair of the governing body should be elected, thus reflecting the democratic ideal of Scottish higher education (*recommended by a majority, one member dissenting*).

The chair should receive some form of reasonable remuneration (*recommended by a majority, one member dissenting*).

4.2 Membership of Governing Bodies

Positions on governing bodies for lay or external members should be advertised externally and all appointments should be handled by the nominations committee of the governing body. Each governing body should be so constituted that the lay or external members have a majority of the total membership.

There should be a minimum of two students on the governing body, nominated by the students' association/union, one of whom should be the President of the Students' Association and at least one of whom should be a woman. There should be at least two directly elected staff members. In addition, there should be one member nominated by academic and related unions and one by administrative, technical or support staff unions. The existing system of academic board representatives (called 'Senate assessors' in some universities) should also be continued. Governing bodies should also have up to two alumni representatives.

The existing practice in some universities of having 'Chancellor's assessors' should be discontinued.

Each governing body should be required to ensure (over a specified transition period) that at least 40 per cent of the membership is female. Each governing body should also ensure that the membership reflects the principles of equality and diversity more generally, reflecting the diversity of the wider society.

Governing bodies should be required to draw up and make public a skills and values matrix for the membership of the governing body, which would inform the recruitment of independent members of the governing body. The membership of the governing body should be regularly evaluated against this matrix.

Expenses available to those who sit on the governing body should include any wages lost as a result of attending meetings.

Senior managers other than the Principal should not be governing body members and should not be in attendance at governing body meetings, except for specific agenda items at which their individual participation is considered necessary, and for those agenda items only.

4.4 Training

All universities should be required to ensure that governors – including external governors, staff governors and student governors – are fully briefed and trained, and their knowledge should be refreshed regularly in appropriate programmes. Each governing body should be required to report annually on the details of training made available to and availed of by governors.

5.1 Composition of the Academic Board and Appointment of Members

In line with existing legislation applying to the ancient universities, the academic board should be the final arbiter on academic matters.

Apart from the Principal and the heads of School (or equivalent) who should attend *ex officio*, all other members should be elected by the constituency that they represent, and elected members should form a majority of the total membership. In establishing the membership of the academic board, due regard should be given to the principles of equality, and the need for the body to be representative. This includes a requirement to ensure that there is significant (rather than token) student representation. Overall, academic boards should not normally have more than 120 members.

7.1 Whistleblowing

All universities should maintain a whistleblowing policy, and this should be under the overall control of the governing body. Such a policy must include a clear process a person, whether a member of the university or not, wishing to make a complaint can access, and it should be proactively publicised.

7.2 Evidence Base

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.

7.3 Avoiding Bureaucratisation

The Scottish Funding Council should undertake a review of the bureaucratic and administrative demands currently made of higher education institutions from all government and public agency sources, with a view to rationalising these and thereby promoting more transparent and efficient regulation and governance.

7.4 Code of Good Governance

The Scottish Funding Council should commission the drafting of a Code of Good Governance for higher education institutions.

Please click on the below link which will take you to an opinion from panel member Mr Alan Simpson on the recommendations from this report:

[Letter on recommendations](#)

ANNEX B: GOVERNANCE STRUCTURES

Edinburgh Napier University has a 25-member Court including a Chairman of Court and a Vice Chair. The university also has a Chancellor, a Principal (also the Vice-Chancellor), and three Vice-Principals. The majority of Court members (15) are classed as 'independent members'. Court also includes three members of staff (two of whom are directly elected, and one who is appointed by the Academic Board) and two student members who are the President and another office-bearer of the Students' Association. The Principal is also the Convenor of the Academic Board which comprises 17 elected members of academic staff, 4 student representatives and 12 ex-officio members (including the Principal and 2 Vice-Principals).

Royal Conservatoire of Scotland has a Board of Governors with a maximum membership of 24, comprising of a maximum of 19 Lay Governors, 2 elected staff members, a student representative and 3 ex-officio members (the Principal, the Vice Principal and the President of the SU). The Academic Board has 13 members, including the Principal (Chair), Vice Principal, Deans, 3 independent externals, 2 elected members of academic staff and 2 student representatives (President and Vice President of the SU).

Queen Margaret University has a 24-member Court including a Chairman of Court and a Vice Chair (appointed from among the lay members). The university also has a Chancellor, a Principal (also the Vice-Chancellor and Chief Executive Officer), and two Vice-Principals. The court comprises between 12 and 16 lay members (currently 16), the Principal and Vice Principals, 3 staff members (two of whom are elected by staff and one of whom is elected by the Senate), the Student President and one other Student Union office bearer. The Principal is also the Convenor of the Senate and nominates one of the Vice Principals as the Deputy Convenor. The Senate comprises 18 elected members of academic staff and two student representatives in addition to 15 ex-officio members (the Principal, Vice Principals, Academic Registrar, Deans of School, Heads of Divisions etc.).

Glasgow University has a 25-member Court, comprising the Lord Rector (the Chair who is elected by the student body), the Principal, the Chancellor's Assessor, a representative of Glasgow City Council, five assessors elected by the General Council, seven Senate Assessors elected by the Academic Senate, two employee representatives, the President of the Students' Representative Council, one assessor elected by the Students' Representative Council, and five co-opted members. The Academic Senate, which has several hundred members, comprises all the Professors of the University as well as elected academic members, representatives of the Student's Representative Council, the Secretary of Court and directors of University services. The President of the Academic Senate is the Principal. The General Council is the final part of the tri-partite structure, and is an advisory body comprising all graduates and senior academics.

Heriot Watt University has a 25-member Court, of whom 14 are classed as 'independent', 4 are nominated by the Senate and 2 by the student body. The Principal and Vice Principal are ex-officio members of Court. Of the independents, 10 are co-opted, 2 are members of the graduates and former students association and 1 is a local authority councillor. The 14th independent is the Chair of the Court. There are also 3 staff members in addition to the 4 Senate members, of whom 2 are non academic and 1 is an academic. The Senate membership includes the following members: the Principal (who acts as Chair); the Vice-Principal; the two Deans of the University; the Chairs of the Senate Committees; the Librarian; the Heads of Schools and Institutes; the President of the Students Union and a member of the Council of the Students Union (elected by the Council of the Students Union);

up to six holders of academic posts. Each School and Institute elects members to the Senate. The number of elected members of each School is based upon the number of relevant staff (FTE) per School. Elected members make up two thirds of the total membership of the Senate.

University of the West of Scotland has a Court, of whom not less than 13 and not more than 17 appointed by the Court are classed as lay governors from outwith the institution. 2 are appointed by the Senate from among the academic staff who are members of the Senate. One is appointed by the Student's Association from the student office bearers. The Principal, Depute Principal and Student President are ex-officio members of Court. One governor is elected by the academic and one by all the other staff. The Court appoints its Chair and such deputies as required from among the lay governors. The Senate includes the Principal (who acts as Chair), the Depute Principal, the Vice Principals, Deans of the Faculties, Heads of Schools, President of the Students' Association, Heads of Support Services in such number as determined from time to time and up to 4 co-opted members. 3 academic staff elected from each of the 3 Faculties, 3 elected by and from the Professoriate and a further 3 elected by and from the academic staff. One student representative from each of the four campuses.

University of Dundee has a 23-member Court, chaired by a lay member, and comprising: The Chairperson, The Principal, assessor nominated by the Chancellor, assessor nominated by the Rector (or the Rector), The Lord Provost of Dundee City Council (or his/her nominated assessor), 2 assessors elected by the Graduates' Council, 2 Professors and 2 Readers, Senior Lecturers or Lecturers elected from among its members by the Senate, 2 members elected by the Academic Council, a member elected from and by non-academic staff, President of the Students' Association, a matriculated student elected by the student body, Seven other co-opted persons, not holding full-time appointments from Court. The Senate is chaired by the Principal and also comprises: the Vice-Principals, Deputy Principals, 2 members of Academic Council elected by the Council, at least 3 student representatives, a minimum number of fifty-one Professors, Readers, Senior Lecturers and Lecturers (not less than two-thirds of the total membership shall be Professors), and such other person recommended by the Court. (The proposed new Statute for Senate, yet to be approved by the Privy Council, has the following membership: Principal, Vice-Principals, Deputy Principals, 2 members of Academic Council elected by the Council, at least 3 student representatives, the Deans of the Schools, a minimum number of 34 members of the academic staff.)

University of Stirling has a 25 member University Court chaired by a lay member and comprising: Principal; Chancellor's nominee; Senior Deputy Principal; 6 Academic Council appointees (not fewer than two of whom shall be of non-professorial); Convener of Stirling Council; President and the Vice-President & Treasurer of the Students' Association; alumni appointee; up to 11 Court lay member appointees; Staff Assembly appointee (not being from Academic Staff). The Academic Council is chaired by the Principal and also includes Deputy Principals, Librarian, 6 from among the Heads of School (ex officio); 7 professors; 7 non-professorial designation (at least four of whom are academic staff); 2 student representatives (including President); up to 2 others co-opted by the Academic Council.

University of Aberdeen has a total possible membership of 28 on the University Court comprising: Rector; Rector's Assessor, Principal, Chancellor's assessor (Senior governor); Vice-Principals (to a maximum of 3); City of Aberdeen Council assessor; Aberdeenshire Council assessor; 4 General Council assessors; 6 Senate assessors; President of the Students' Representative Council; up to 8 co-opted members; with other Vice-Principals in attendance. The Senate is chaired by the Principal and also includes all Vice-Principals,

Heads of College, Heads of School, elected representatives of the academic and research staff of each School, representatives of the Students' Association and a number of ex officio members who hold University, College or School appointments.

Robert Gordon University has 18 members on the Board of Governors comprising: Principal; Academic Council appointee; elected member from the academic staff; elected member from all other staff; 2 elected by the students (one undergraduate and one postgraduate); other appointed or elected independent members. The Academic Council is chaired by the Principal and also includes the Deputy Principal and Vice-Principals, Deans/Heads of School, Directors of Library Services and Marketing, Communication and Student Recruitment, Research Institute Directors, 3 Student representatives (including President), 3 academic staff members elected from each Faculty, up to 2 co-opted persons.

University of Abertay, Dundee has a total possible membership of 25 on the University Court with 13 forming the independent lay core (including Chair), 6 being co-opted, 3 being ex officio (Principal, Vice-Principal, President of the Students' Association) and 3 representing academic and non-academic staff. The Senate is chaired by the Principal and also includes the Vice-Principal, assistant principal, head of department, the president of the students' association, chief librarian, a number of persons elected by full-time academic staff and matriculated students as may be determined by the University Court (to aggregate to not less than one-third and not more than two-thirds of the ex officio members), up to 4 co-opted persons and such other persons the University Court may approve.

University of St Andrews has a 24 member University Court, comprising: Rector (President); Senior Governor (Vice-President); Principal; Senior Vice-Principal; Chancellor's Assessor; Rector's Assessor; Provost of Fife's Assessor; Local Councillor; 2 General Council Assessors; 4 University Senate Assessors; 1 Non-Teaching Staff Member; 2 Students' Association members (including President); maximum of 8 co-opted independent Members. Senate membership is in excess of 140.

University of Edinburgh has a 22 member University Court, comprising: Rector; Principal; Chancellor's Assessor; 3 General Council Assessors; 4 Senate Assessors; City of Edinburgh Council Assessor; 8 co-opted independent members; 1 Non-Teaching Staff Assessor; 2 Student representatives. The Principal is President of the Senate, with a deliberative and casting vote, and membership also includes; all Professors, elected non-professorial representatives of readers, senior lecturers and lecturers, elected representatives of University demonstrators and research staff, elected student representatives and other ex-officio members not already in any of these categories.

University of Strathclyde has a 24 member University Court, comprising: Principal; Vice-Principal; City of Glasgow Council appointee; 5 Senate appointees; President of the Students Association; Students Association Executive appointee; Graduate/former students appointee; Professional Services staff appointee; up to 12 other persons co-opted by the Court. One-third of the total actual membership of the Court shall constitute a quorum. The Senate is chaired by the Principal and also includes the Vice-Principal and the Deputy Principals; Deans of the Faculties; Directors or Heads of Professional Services as recommended by the Court; Heads of the academic departments as recommended by the Court; such numbers of the Academic Staff, Research Staff and Teaching Staff as recommended by the Court; and such other members (not exceeding 5) as recommended by the Court.

Glasgow Caledonian University has a maximum of 23 members on University Court with an appointed lay membership (min 9 and max 18) majority. Ex officio members are:

Principal; President of the Students' Association; elected academic staff representative; elected non-academic staff representative; and a Senate appointee. The Senate is chaired by the Principal and also includes the Vice-Principal; Head of Academic Department; President of the Students' Association; a number of persons elected by full-time academic staff and matriculated students as may be determined by the Senate (to aggregate to not less than one-third and not more than two-thirds of the ex officii members), up to 4 co-opted persons.

Glasgow School of Art has a maximum of 25 members on the Governing Body comprising: Director; Deputy-Director; and Convenor of the Students' Association, as governors ex officii; independent lay members appointed by the Governors (minimum of 11 and maximum of 19); full-time academic staff appointment by the academic council; elected full-time academic staff representative; elected full-time non-academic staff representative. The Academic Council comprises thirty members: 18 ex officii including the Director, Deputy Director and heads of departments, four co-opted members including the Senior Tutor and the president of the Students' Representative Council and eight elected members.

University of the Highlands and Islands has 28 members on the Governing Body comprising: Principal; and President of the Students' Association, as governors ex officii; elected academic staff representative; elected support staff representative; 7 Court appointed members from the governing bodies of Academic Partners; 14 independent members (three appointed by the Foundation to secure reasonable geographical representation of the Highlands and Islands; two appointed by Highlands and Islands Enterprise, and nine appointed by the Court); 3 members appointed from each of the University Members (Universities of Aberdeen, Edinburgh and Strathclyde).

Scottish Agricultural College (SAC) is a private company limited by guarantee with charitable status. The SAC Board is composed of a combination of Non-Executive and Executive Directors. The maximum number of Directors is 18 comprising of no more than 6 Executive Directors and no more than 12 Non Executive Directors. The Academic Advisory Committee, which reports directly to the Board, comprises 10 members including the Vice Chairman (as Chair), 3 other Non Executive Directors, the Chief Executive and Principal, the Academic Director and Vice Principal Research, the Vice Principal Learning, the Finance and Corporate Affairs Director, and 2 student representatives (including the President of SAC's Students' Association).

ANNEX C: CONSULTATION RESPONDENTS (ALPHABETICAL LIST)

(consultation responses can be viewed at the following link:

<http://www.scotland.gov.uk/Publications/2011/10/25103503/0>)

4 Consulting Ltd
Alliance of Sector Skills Councils in Scotland
Combined Union Committee at GCU
Committee of Scottish Chairs
Douglas Connell
John Dunn
Educational Institute of Scotland
Educational Institute of Scotland (University of the West of Scotland Branch)
Edinburgh Napier University
Edinburgh University Joint Unions Liaison Committee
Edinburgh University Student's Association
General Council of the University of Edinburgh
Glasgow Caledonian University
Glasgow School of Art
Mark Godfrey
Chris Harvie
Heriot Watt University
Marion Hersh
Institute of Chartered Accountants in Scotland
Paddy Lyons
Judith McClure
Thomas Munck
National Union of Students Scotland
Adam Ogilvie-Smith
Open University in Scotland
Quality Assurance Agency for Higher Education Scotland
Queen Margaret University
Royal Conservatoire of Scotland
The Royal Society of Edinburgh
St Andrews Student Association
Scottish Agricultural College
Scottish Funding Council
Small Specialist Higher Education Institutions
Unison Scotland
University and College Union (Glasgow Caledonian University Branch)
University and College Union (University of Glasgow Branch)
University and College Union (University of Aberdeen Branch)
University and College Union Scotland
Universities Scotland
University of Aberdeen
University of Abertay
University of Dundee
University of Edinburgh
University of Glasgow Court
University of the Highlands and Islands
University of St Andrews
University of Strathclyde
University of Stirling
University of the West of Scotland
The Watt Club
Stephen White

ANNEX D: INTERVIEWEES (LISTED IN ORDER OF ATTENDANCE)

Chris Harvie	Former MSP. Professor of British and Irish Studies, University of Tübingen
Mark Batho Wilma MacDonald	Scottish Funding Council
Michael Crow	Arizona State University
David Belsey Jason Robertson Vaughan Ellis	Educational Institute of Scotland
Anton Muscatelli	University of Glasgow
Lesley Sawyers James Alexander	Scottish Council for Development and Industry
Allan Pall	European Students Union
Eve Lewis	Student Participation in Quality Scotland (SPARQS)
Gerry Webber David Newall Kim Waldron	University Secretaries Group
Steve Chapman John Wallace Alastair Sim Darren Thomson	Universities Scotland
Jens Vraa-Jensen	Education International
Ulla Mäkeläinen Tomi Halonen	Ministry of Education, Finland
Gordon Watson Dave Anderson Ann Gow Mary Senior Tony Axon	University and College Union
Walter Humes	Educationalist. Visiting Professor of Education at the University of Stirling

ANNEX E: Bibliography

Bradley Report on Australian Higher Education (Bradley report):

<http://www.deewr.gov.au/HigherEducation/Review/Pages/ReviewofAustralianHigherEducationReport.aspx>

National Strategy for Higher Education in Ireland (Hunt report):

<http://www.heai.ie/en/node/1303>

CUC Guide for Members of Higher Education Governing Bodies in the UK:

http://www.hefce.ac.uk/pubs/hefce/2009/09_14/

A Framework for Identifying Governing Body Effectiveness in Higher Education:

<http://www.lfhe.ac.uk/governance/reviewinggovernance/gbeffframework.pdf>

Achievement and Accountability: Report of the Independent Review of HE Governance in Wales:

<http://www.lfhe.ac.uk/governance/govpublications/mccormick.pdf>

University Governance - Questions for a New Era, by Professor Malcolm Gillies:

<http://www.hepi.ac.uk/files/UniversityGovernance.pdf>

The Good Governance Standard for Public Services:

<http://www.lfhe.ac.uk/governance/govpublications/goodgov.pdf>

A Report to the CUC on Good Practice in Six Areas of Governance of HEIs, 2004:

<http://www.bcu.ac.uk/docs/cuc/pubs/CUC-CHEMS-Final-Report.doc>

OECD Education Policy Analysis 2003: Changing Patterns of HE Governance chapter:

<http://www.oecd.org/dataoecd/0/20/35747684.pdf>

Global Trends in University Governance: World Bank paper, March 2008:

http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079956815/Global_Trends_University_Governance_webversion.pdf

EC Report (2008): Progress in higher education reform across Europe: Governance:

http://ec.europa.eu/education/higher-education/doc/governance/vol1_en.pdf

Link to Governance section of Leadership Foundation for Higher Education website:

<http://www.lfhe.ac.uk/governance/>

New Horizons: <http://www.scotland.gov.uk/Resource/Doc/82254/0069165.pdf>

ESU's Budapest Declaration on student participation: <http://www.esu-online.org/asset/news/6065/Budapest-Declaration-FINAL.pdf>

NUS's Good Governance guide: <http://www.nusconnect.org.uk/goodgovernance/guidance/>

The Alternative White Paper on English HE signed by senior academics:

<http://www.guardian.co.uk/education/interactive/2011/sep/27/higher-education-alternative-white-paper>

Trinity College Dublin Statement on Academic Freedom: <http://www.tcd.ie/about/policies/academic-freedom.php>

Education International position paper for the Bologna Follow-up group in Krakow October 13-14.

Tribalism and Competitive Branding in (Scottish) Higher Education, Walter Humes, University of Stirling:

<http://www.scotedreview.org.uk/pdf/314.pdf>

Intellect and Democracy, UCU report to Cabinet Secretary for the 2010 Green Paper consultation.

Stefan Collini, 'The English Problem and "the Scottish Solution"', talk delivered at 'The Future of Higher Education in Scotland', a conference organised by UCU Scotland and EIS/ULA, 2011. Text available from UCU Scotland, 6 Castle Street, Edinburgh.

From Robbins to McKinsey, Stefan Collini: <http://www.lrb.co.uk/v33/n16/stefan-collini/from-robbins-to-mckinsey>

Don't Look to the Ivy League, Howard Hotson: <http://www.lrb.co.uk/v33/n10/howard-hotson/dont-look-to-the-ivy-league>

ANNEX F: STATUTES

The governance of the ‘ancient’ universities (Aberdeen, Edinburgh, Glasgow, St Andrews) is regulated by the Universities (Scotland) Acts 1858 – 1966:

[Universities \(Scotland\) Act 1858 \(c.83\)](#)

[Universities \(Scotland\) Act 1889 \(c.55\)](#)

[Universities \(Scotland\) Act 1922 \(c.31\)](#)

[Universities \(Scotland\) Act 1932 \(c.26\)](#)

[Universities \(Scotland\) Act 1966 \(c.13\)](#)

A number of universities are governed by Royal Charter:

[University of Edinburgh Charter](#)

[Heriot-Watt University Charter](#)

[University of Dundee Charter](#)

[University of Stirling Charter](#)

[University of Strathclyde Charter](#)

[The Open University Charter](#)

The governance arrangements for the ‘post-1992’ universities and other higher education institutions are contained in the following statutory instruments:

[The Queen Margaret University, Edinburgh \(Scotland\) Order of Council 2007](#)

[The Robert Gordon University \(Scotland\) Order of Council 1993](#)

[The Robert Gordon University \(Establishment\) \(Scotland\) Order 2006](#)

[The Robert Gordon University \(Scotland\) Order of Council 2006](#)

[The Robert Gordon University \(Scotland\) Amendment Order of Council 2006](#)

[The Napier University \(Scotland\) Order of Council 1993](#)

[The Napier University \(Scotland\) Order of Council 1993 Amendment Order of Council 2007](#)

[The Edinburgh Napier University Order of Council 2008](#)

[The Glasgow Caledonian University Order of Council 2010](#)

[The University of Abertay Dundee \(Scotland\) Order of Council 2004](#)

[The University of Paisley \(Scotland\) Order of Council 1993](#)

[The University of the West of Scotland Amendment Order 2007](#)

[The University of the West of Scotland Order of Council 2009](#)

[The Glasgow School of Art \(Scotland\) Order of Council 1996](#)

[The Royal Scottish Academy of Music and Drama \(Scotland\) Order of Council 1995](#)

[UHI Memorandum and Articles of Association](#)

Other statutes of relevance to all universities include:

[Further and Higher Education \(Scotland\) Act 1992 \(c. 37\)](#)

[Further and Higher Education \(Scotland\) Act 2005 \(asp 6\)](#)

ANNEX G

Trinity College Dublin Policy on Academic Freedom

1. Introduction

1.1 Background

In January 2008, representatives of the Academic Staff Association in Trinity College Dublin prepared a document on 'Academic Freedom and Research Plans', and a draft of this document was agreed with the then Bursar. This document was later presented to the Vice-Provost/Chief Academic Officer, and it was agreed that the subject of academic freedom was one that would benefit from a formal policy established by the University Council. To that end, it was agreed to propose to the University Council that a Working Group on Academic Freedom be established. The purpose of the Working Group would be to bring forward a policy document on academic freedom in TCD. The document would give the context for academic freedom in universities and recommend principles to inform decision-making in College.

1.2 Strategic Plan (2009-2014)

The College's Strategic Plan (2009-2014) specifically references academic freedom as an effective instrument for achieving the goals of the University. Allied with academic freedom is the principle of autonomy of the university; Trinity's Strategic Plan reiterates the importance of institutional autonomy alongside a commitment to accountability for the quality of teaching and research, and for the stewardship of resources. A specific action in the Strategic Plan relates to the College taking an increased leadership role in public debate, further reinforcing the idea of the university as a public 'space' which values diversity of opinion and expression.

1.3 Definition

Academic freedom is valued as a defining characteristic of the university. It includes the freedom, subject to the norms and standards of scholarly inquiry, to conduct research, teach, speak and publish without interference or penalty, no matter where the search for truth and understanding may lead. No member of the college community should feel that their position in the College is made insecure because of the expression of a particular opinion. This extends to all manner of opinions on social, cultural, or political topics related to academic work. Academic freedom encourages the exploration of new ideas, the testing of received wisdom and, ultimately, the search for truth; it is a sine qua non for free inquiry. In the past, threats to academic freedom, and hence to freedom of intellectual enquiry and expression, have originated from individuals and groups within and outside the university using their power to prevent the expression of opinions contrary to theirs; such instances have been well documented (1).

1.4 Current potential sources of threats to academic freedom

The pace of recent changes in universities, many of which are motivated by or arise in response to changes in the wider society, are seen by some commentators to threaten academic freedom. Such activities that could run into conflict with academic freedom are:

Strategic planning, particularly relating to research.

Though academic planning can be a positive, rational exercise, it carries with it risks such as requiring individuals to participate in research activities against their better judgement, and the marginalisation of the work of those whose research or teaching does not fit the strategic objectives of the university, thereby excluding individual academics' full participation in the activities of their School or Department.

Measurement of performance in research, including allocation of resources based on meeting targets for research productivity.

While it is a fundamental assumption that all academics in an institution such as Trinity College engage in research, productivity metrics carry with them the potential to impose an external set of academic priorities on the work of individuals. Such metrics may dictate the timing, structure, and purpose of research, or prescribe the ways in which research results are reported, in a manner that limits the autonomy of the individual academic staff member as the prime mover of research activity. If the metrics are not drawn correctly and with due appreciation of the diversity of research conducted in the university, then certain fields of study or modes of research activity might be wrongly excluded.

Changes in university governance.

The collegiate model in academic governance is the product of a long period of evolution and highlights the value of an environment in which the differing perspectives of academics from a wide range of disciplines, backgrounds, and levels of seniority are given influence and accorded respect. The collegiate model has shown itself capable of supporting a diversity of intellectual goals and practices, and cultivates a spirit of academic freedom in the decision-making process. Models of governance that are more hierarchical have the perceived advantages of quicker and more directed decision-making, but the disadvantage of reductions in levels of individual autonomy in teaching and research. To the extent that hierarchical models of governance are imposed by external sources (whether directly or indirectly) the risk to academic freedom may arise not only through the potential loss of the opportunity for individual input into decision-making, but through the loss of the university's own autonomy in accepting a re-definition of its internal structure and its role in society.

State control through funding mechanisms.

In a democratic society the State usually encourages or (by extension) discourages certain activities indirectly using funding mechanisms. While the university necessarily takes a long-term strategic perspective on the value and importance of its activities in research and teaching, the state may wish to harness the talent within the university in pursuit of more immediate goals. Recognising their vital role in society, universities - especially those which receive state funding - will often respond positively to such initiatives. Nevertheless, any view that universities are adjuncts to the State potentially threatens academic freedom by external prioritisation of some lines of learning and enquiry over others

Academic tenure and fixed-term contracts.

Most discussions of academic freedom accept as axiomatic that security of tenure is a necessary condition for the maintenance of academic freedom. Fixed-term contracts are also problematic for academic freedom as it may be difficult if not impossible to develop certain kinds of research within the confines of a fixed-term contract; individuals on such contracts may feel under obligation to fulfil specific needs rather than to plan and develop an independent academic career. While the limited use of short-term contracts for specific purposes is not, in itself, necessarily problematic for academic freedom, suggestions to eliminate secure tenure as the basic form of academic contract do represent a threat to the principle of freedom of intellectual enquiry and expression. At the level of the institution,

imposed constraints on the ability to offer contracts which include security of tenure also threaten the capacity of the university to provide an environment which is conducive to academic freedom and the benefits which it brings.

1.5 Purpose of this document

This document, then, is designed to address the challenges of the present in the light of experience which shows that the only way for the university sector to maintain a commitment to excellence is to maintain a robust commitment to the freedom of intellectual enquiry and expression: to separate universities from the specific political or economic objectives of government (and indeed to allow for a critique of the status quo in society), to ensure that funding continues to be used to the benefit of students and society at large by supporting research and teaching on the basis of sound academic criteria, and to protect the security of individuals within the system to engage in research, teaching, and learning subject only to academic standards.

2. Academic Freedom - The Policy Context

The position put forward in this document is in line with that articulated by the International Association of Universities (IAU) at their UNESCO-sponsored meeting in Nice, 1950. This statement affirms the defining principles of the modern university, among them (1) 'the right to pursue knowledge for its own sake and to follow wherever the search for truth may lead' and (2) 'the tolerance of divergent opinion and freedom from political interference'. (2) A similar position is expressed in the Magna Charta Universitatum, which was originally signed in Bologna in 1088 and has now been signed by 660 universities (including Trinity College Dublin) from 78 countries around the world. Among its fundamental principles, the Magna Charta states that:

'Freedom in research and training is the fundamental principle of university life, and governments and universities, each as far as in them lies, must ensure respect for this fundamental requirement'. (3)

Underscoring this principle almost 50 years after its initial declaration, the IAU has more recently emphasised

'that neither Academic Freedom which encompasses the freedom to enquire and to teach as well as the freedom of students to learn, nor University Autonomy are privileges but that they are the basic and inalienable conditions which enable the University as an institution of scholarship and learning'. (4)

This theme was later echoed by the First Global Colloquium of University Presidents, which declared in 2005 that

'The activities of preserving, pursuing, disseminating, and creating knowledge and understanding require societies to respect the autonomy of universities, of the scholars who research and teach in them, and of students who come to them to prepare for lives as knowledgeable citizens'. (5)

The Global Colloquium links the autonomy of institutions to the autonomy of individual scholars and to that of students: without autonomy at each level, universities are unable to function. Academic freedom is thus neither an extension nor a duplication of the freedom of speech protected by the law of the land in democratic countries, nor is it an individual privilege: it is a specific defining characteristic of the university. In the university, the

commitment to research, no less than the commitment to teaching, is also a commitment to academic freedom.

These internationally-recognised principles of academic freedom have also been recognised in Irish law. A recent comparative study shows that Ireland is in fact well ahead of many other European countries in its recognition of the values of academic freedom. (6) The Universities Act, 1997 explicitly recognises the role of academic freedom in teaching, research, and public life in guaranteeing that

a member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom. (7)

Citing the Universities Act, the 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin include a provision that 'College guarantees to respect, defend and vindicate the traditional principles of academic freedom and freedom of expression', recognising that 'such freedoms are fundamental to the pursuit of knowledge and the advancement of truth'. (8)

While the development of academic freedom as a feature of the university has a long history, experience in the 20th century and into the present day has shown the dramatic effects of conflicting tendencies in academic life. In recent history, in some countries, universities have witnessed the suppression of research and teaching which go against prevailing societal orthodoxies (whether political, religious, or economic), the use of funding mechanisms to influence academic development on the basis of non-academic criteria, the transformation of universities functioning as arms of the state, and political restrictions on travel and communication. Those who framed the Nice declaration in 1950 would have been freshly aware of the fragile nature of academic freedom, and its importance for a democratic society.

There have, however, been counterbalancing positive movements towards democracy and decentralisation in the university sector, particularly in the second half of the 20th century. University governance has increasingly given a role to more junior academic staff and to students, efforts are taken in many countries to broaden the social basis of university participation, and the revolution in print and electronic media has transformed the ability of scholars in different parts of the world to collaborate in ways that overcome local constraints. The recognition of academic freedom can thus be seen in parallel with further trends towards a more open society in many countries.

3. Relevant issues from the University Council Working Group on Academic Freedom

The Working Group on Academic Freedom has had the opportunity to examine a range of recent developments in College which may have implications for the principles of academic freedom. The recent revision of the College statutes, which now include explicit provisions in relation to academic freedom and security of tenure, provide a crucial framework for discussions of this kind. Emerging from the discussion, and in support of the principles which follow in Section 4 of this document, the following points should be noted.

3.1 Summary of Working Group Discussion on Research Plans

It is a condition of employment for academic staff in College that they be active in research. This condition is not prescriptive of the nature or direction of research, nor of the means by which research is reported, or of the timing or frequency with which the results of research activity are made public. While outside funding may be supportive of research, and in many cases funding is required to conduct the research, the contractual obligation to conduct research does not imply an obligation per se to raise outside funding. Therefore, participation in research planning exercises at discipline, school, unit, or College level, while it is to be encouraged cannot be seen as mandatory if it encroaches on the individual's academic freedom. The principles of academic freedom respect both the positive benefits of academic planning and co-ordination and the importance of allowing individual academics to opt in or out of planning activities without fear of marginalisation. Research planning exercises should not be used to channel the individual academic's research activity into (or away from) particular areas. Where a planning exercise reveals impediments to the development of an individual's research aspirations (e.g. due to lack of resources, imbalances in administrative workloads, the need for enrichment of the individual's knowledge or skills base, etc.), other mechanisms (such as mentoring, research leave, etc.) should be brought into play in order to develop an environment which is conducive to further development. (9)

3.1 Summary of Working Group Discussion on Academic Freedom and Research

The academic's obligation to conduct research in an environment of academic freedom can have many different outcomes. A working definition of research in College is what constitutes

the discovery, creation or critical development of new facts, ideas, theories or processes that advance knowledge in the relevant discipline or field of study or result in works of artistic accomplishment.

This definition should be read in an enabling sense: as a minimal definition of the many different kinds of academic activity which make new contributions to knowledge and experience in the university environment. Incentivised reward systems, which allocate some portion of funding on the basis of research activity, are not inherently in conflict with the principles of academic freedom. They must, however, offer each individual an equal chance to participate in such funding systems. The principle of affording equal chances to individuals based on their merits within their own academic areas determines that any system of 'Research Quality Metrics' (RQM), for example, must be defined in terms that are broad enough to encompass all academically legitimate forms of research activity and related professional practice, and not to privilege any particular subject area or type of research outcome over others. Not only must Research Quality Metrics therefore be fully inclusive, their implementation must be based on adequate knowledge of each individual's research activity. No less than with research plans, the system of Research Quality Metrics as currently being implemented in College should be understood as a specific tool for a specific purpose: it does not define the nature of research, it does not define whether or not an individual is active in research relative to the terms of their conditions of employment, and it does not measure the quality of research; it reflects the quality of an individual's involvement with research by the quantification of agreed research outcomes. Rather, the system, to the extent that it accords full recognition to the diversity of research activities in the modern university, is a way of allocating funding to academic units where agreed thresholds of research activity have been documented.

The relationship between academic freedom and research is intimately bound to the question of research and teaching. The notion of 'research-led teaching' figures prominently

in such discussions. Experience and understanding of this phrase varies widely across College. In some disciplines, the current research of academic staff members feeds directly into teaching, even at undergraduate level: the latest research discovery may form the topic for a lecture which could not have been anticipated the week before. In other areas, undergraduate education is more incremental, and more time may be spent on basics at undergraduate level which do not have an obvious connection to ongoing research at a high level. The principle which values the activity of the teacher-scholar, which is a fundamental aspect of the College ethos, nevertheless values an approach to teaching which is informed by current research and an approach to research which views students as a potentially crucial audience for the outcome of research. In some areas, it could well be argued that the presentation of research findings before a class of students who will go on to become influential in their chosen field will have far more impact than presentation in a journal read by a small number of specialists: while this argument may not hold across all areas, it underscores the importance of recognising, in RQM or by other means, the teacher-scholar's commitment to the seamless development of research and teaching practice.

Postgraduate students occupy a particularly crucial status in the interface between teaching and research. In a collegiate model, all students enjoy an element of academic freedom, as they too constitute a part of the community of scholars. Postgraduate students naturally occupy a place of higher autonomy as students: postgraduate research is based on the principle of making an original contribution to knowledge, and the research student, particularly, is required to demonstrate individual, self-directed skills in research and the reporting of research. The relationship between student and research supervisor, as well as the funding environment, may, however, pose threats to the principles of academic freedom. Research students who are recruited as part of a team, or funded by specific research projects, may be required to carry out work which is directed to achieving the goals of the Principal Investigator's research grant. Students who feel that they have been brought in to do a specific job for a research project may feel little sense of academic autonomy, despite the stated goal of research students as making an original contribution to knowledge. However, it should also be noted that many postgraduate students appreciate the opportunity of working under the supervision of a Principal Investigator and find that their academic freedom is facilitated as their learning develops in the course of the research degree. Funding agencies may make explicit demands on what a project is to deliver, and these may in due course come to conflict with the research student's academic development; resolving such conflicts requires the exercise of judgement on behalf of the supervisor. Though specific remedies to problems of this kind lie beyond the terms of reference of the Working Group, discussion has highlighted this matter as one that requires attention and continued awareness on the part of both students and their supervisors.

4. Principles regarding Academic Freedom

The Working Group proposes the following principles in order to steer the institutional response to the challenges which are discussed in this document. In particular they should serve to inform the University Council and its Academic Committees, and the Board and its Principal Committees in their policy and oversight roles at all levels.

4.1 Freedom of Expression:

Policies should recognise that freedom of expression is a core value in the College. No policy should be adopted that would, inadvertently or otherwise, curtail freedom of expression among either staff or students. Likewise decisions made by College Officers in the performance of their duties should give due importance of the benefit to the academic community, and society as a whole, that flows from freedom of expression. Staff and

students should understand the obligations and responsibilities that freedom of expression brings.

4.2 Teaching:

Notwithstanding the requirement of teaching staff to teach a curriculum arrived at through collegial discussion at discipline or other appropriate level, the College will maintain an environment for teaching and learning that values diversity of opinion, encouraging exchange of opinion between teacher and student as part of a robust educational process. Staff are not required to present as valid what they consider to be inaccurate or untrue, and students will be enabled to question that for which inadequate evidence is given. In all cases, the College will seek to develop the search for truth as a part of the experience of teaching and learning, relying not on the imposition of authority or acceptance of received knowledge but rather on the exercise of the critical faculties of the human mind. Diversity, whether in teaching and learning styles and modalities, subject matter, or learning outcomes, is valued as a natural consequence of academic freedom.

4.2 Research:

Recognising that the search for new knowledge, experience, and practice is an essential part of the College's reason for being, the College will ensure that an environment is maintained that facilitates the pursuit of knowledge wherever it may lead. The maintenance of this undertaking relies on both a positive principle of support and a negative principle of restraint. On the positive side, College policy is to support, by various means available to it, individuals and groups in pursuit of their diverse research aspirations. This support includes the role of College in incentivising or rewarding particular areas of research in an open manner. Subject to the requirements of law and good academic practice, however, the principle of restraint ensures that College will not actively disadvantage any particular area or type of research.

Footnotes

Footnote 1

See, for example, Stephen H. Aby and James C. Kuhn IV (eds.), *Academic Freedom: A Guide to the Literature* (Westport, CT: Greenwood Press, 2000); Terence Karran, *Academic Freedom: A Research Bibliography* (2009) (available online at <eprints.lincoln.ac.uk/1763/>; Jonathan R. Cole, *The Great American University* (New York: Public Affairs, 2009); and the *British Journal of Educational Studies* vol. 57, no. 2 (2009), devoted to a current review of academic freedom.

Footnote 2

International Association of Universities, 1998. 'Academic Freedom, University Autonomy and Social Responsibility'. See www.unesco.org/iau/he/af/index.html.

Footnote 3

Magna Charta Universitatum. See www.magna-charta.org/home2.html.

Footnote 4

International Association of Universities, 1998, op. cit.

Footnote 5

Report of the First Global Colloquium of University Presidents, 2005. Available at www.columbia.edu/cu/president/communications%20files/globalcolloquium.htm.

Footnote 6

Terence Karran, 'Academic freedom in Europe: reviewing UNESCO's Recommendation', *British Journal of Educational Studies* 57 (2009): 191-215.

Footnote 7

Universities Act, 1997, Section 14 (2).

Footnote 8

The 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin

Footnote 9

Further details as to a 'code of practice' for the compilation of school or departmental research plans are contained in the 2008 academic freedom document referred to at the start of this report; though some details of this document may have become obsolete due to ongoing changes in the way in which College business is conducted, the basic principles provide a point of reference for further work.

ANNEX H: COMMITTEE MEMBERSHIP

Chair: Professor Ferdinand von Prondzynski, Principal, The Robert Gordon University

Members: Terry Brotherstone, STUC Nominee
Iain Macwhirter, Rector, University of Edinburgh
Robin Parker, President, NUS Scotland
Alan Simpson, Chair of Court, University of Stirling

Secretariat: Neil MacLennan, Scottish Government
Stephen O'Connor, Scottish Government