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

We see there being no issues with higher education governance in the status quo and in fact see several strengths: the Code of Good Governance, the diversity of the Scottish sector, space for institutionally driven change and Rectorship.

1. The Code of Good Governance (the Code). We see the Code as a strong driver of modernity, inclusion and accountability by it being:
    - Updated every three years (with the next edition due in 2016) in consultation with key stakeholders (such as the Scottish Government and student representative organisation) which ensures it is kept fit-for-purpose.
    - A condition of SFC funding which ensures compliance with the process of the code.
    - Successful in ensuring the inclusion of students in the appointment of principals, convenors and lay members;
    - Successful in ensuring the inclusion of students in the appraisal of principals and convenors
    - The Committee of Scottish Chairs commitment in 2015 to tackle gender inequality on university courts by committing to at least 40% of co-opted lay members being female by 2018.
    - Recognising the necessary and desirable diversity in the sector whilst maintaining a base of strong principles.

2. The diversity in Scottish universities is important because:
    - It allows the university sector to best serve the broad macro and micro economic needs of Scotland.
    - Research intensive universities drive international investment and open new industrial and entrepreneurial areas which then support Scottish based investment and growth.
    - Specialist institutions drive international standing in focused areas of work, and serve local and regional skills gaps
    The corollary of this is that the governance requirement of these different missions requires different systems. Diversity of mission and diversity of governance go hand in hand. The Code therefore:
    - Provides a robust common footing whilst allowing for local autonomy on how exactly those governance arrangements work
    - Allows each institution to have a unique history, culture and character reflected in its governance arrangements and mission.

3. There exists in the status quo the power to amend governance arrangements internally without need for government intervention. This is supported by the Code and underlines the benefits of a diverse sector.
    - The University of Glasgow has recently amended its governance with the aim being to make it more robust, effective and transparent whilst retaining its unique character and traditions.
    - The academic body Senate - which has no mechanism for formalised student membership and has a membership of 600+ academics – provides a strong collegial and cultural link between senior academics but devolves significant power to a new Council of Senate.
    - This is new Council of Senate has 120 members, a minimum of 10% formal student members, and is very close in constitution and remit to that proposed in the bill. All of this was achieved without the need for legislation through existing processes and with full involvement of the SRC.

4. Furthermore at the University of Glasgow the SRC sees strength in the existing model of Rectorship:
    - It ensures students are put at the heart of university governance and ensures that governance remains accessible, inclusive and transparent.
    - It also ensures balance in governance which is traditionally over representative of the experiences of staff relative to students

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

The bill will not improve higher education in any meaningful way and instead is a threat to the world leading Scottish university sector. Three main concerns are around: autonomy and diversity; independence from government; and the conflict with consultation objectives.

1. As previously detailed in the answer to question one: the autonomy and diversity of institutions to decide their own governance arrangements (in line with the principles of the Code) which support their distinct mission is key to the success of our world leading university sector. The bill threatens the future ability of universities to do this and therefore by extension the success of Scottish universities collectively.

2. The bill threatens the independence of universities from government. The powers assumed by Scottish Ministers in the bill causes concern to the SRC on several fronts:
    - These were not in the consultation
    - They give rise to the potential for the Office of National Statistics to reclassify universities as arms of central government as has happened with the FE sector. Further clarification is needed before the bill is enacted that this would not happen. This change in status would have a very significant impact on the way universities operate
        a. by removing their ability to generate surpluses;
        b. stymie relationships with business and industry;

        In the case of the University of Glasgow this would have the impact on students of:
        a. Making the £775million investment in new buildings and campus infrastructure untenable leaving students studying, researching and learning in buildings which are aging or not fit for purpose; and the opportunity cost of not building a world-class campus.
        b. Making future investment in new facilities difficult and again leaving students studying, researching and learning in facilities which are not world-class
        c. Restrict the capacity for students to undertake postgraduate study at the University of Glasgow as many funding bodies stipulate only distributing funding to charitable organisations.
        d. Restrict the ability of the university to cultivate links with business and industry that would benefit students by providing opportunities such as research placements or work placements.

3. There is a conflict with consultation objectives and statements made by the Cabinet Secretary. Scottish Ministers in the bill would assume the power to stipulate:
    - the process for selection of convenors of court

- remuneration for convenors of court
- composition of governing bodies

This is directly contrary to the statement by the Cabinet Secretary in the consultation document that *'the Scottish Government does not want to increase ministerial control over universities'.*

Further to this, we wish to state categorically that we believe this Bill as it stands represents a significant overreach by central government and an unnecessary incursion into institutional autonomy which will have potentially serious and harmful consequences.

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

As has been detailed in previous answers we feel that the balance has been struck in favour of legislative measures and we think that:
- The Code is a strong and robust tool by which to ensure sufficient consistency and rigour across Scotland
- Further harmonisation of governance arrangements across the sector is not necessary through the bill given demonstrable improvements delivered by the Code since its introduction.
- Diversity in the sector is desirable and key to its success
- The Code is already a condition of SFC funding
- The bill is an overreach by central government which endangers the operation, autonomy and future plans of universities.

The Bill proposes a number of specific changes to higher education governance:

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

- **To require HEIs to include various persons within the membership of their governing bodies**

- **To require HEIs to ensure that their academic boards are comprised of no more than 120 people, and include various persons**

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

Regarding selection of the chair of governing bodies we are dismayed and astonished by the way in which such a sweeping change to the governance of ancient universities in Scotland has been handled. The bill as it stands would remove all influence from the role of Rector - a position which is uniquely Scottish in its history and character and was not subject to consultation nor is it discussed in any detail in the paperwork accompanying the bill.
We have a number of concerns about this:
1. While there is diversity across the ancients in the level of participation of Rectors what remains constant is the power of the Rector to chair meetings of Court and ensure students are put at the centre of governance

2. The role of rector is uniquely Scottish; intrinsic to the character, traditions, and governance of ancient universities; and serves an ambassadorial role greater than simply presiding at meetings of university courts.
3. There exists a nuance difference between the role of Rector and Convenor of Court which the bill does not reflect.
4. The espoused openness, transparency, and democratisation that the bill aims to achieve (whilst preserving good governance) exists in the Rector and Convenor status quo
5. Removing the right of the Rector to preside at meetings of university courts is a retrograde step in terms of inclusion, accountability and transparency; and unnecessarily impinges on the character and traditions of the ancient universities, and a uniquely Scottish institution.
6. Changing the electorate of the Rector or chair to include staff will disrupt the balance in governance which is traditionally over representative of the experiences of staff relative to students.