

Angela Constance,
Cabinet Secretary for
Education and Lifelong Learning,
Scottish Government

25nd January 2016

Cabinet Secretary,

I would like to thank you for your letter dated 22nd December 2015. It is always welcome to hear from the Cabinet Secretary for Education but it is particularly welcome to hear from you, a most distinguished alumna of the University of Glasgow and of course a former GUSRC President.

Scotland's universities are, as you rightly identify, a source of national pride. But more than that, their teaching and research changes lives in ways many other sectors can only dream of. From ground-breaking research which opens up new frontiers in knowledge and industry, to the thousands from deprived backgrounds given a chance at social mobility, Scotland's universities are a driver of economic and social growth.

But it is at our peril that we make changes in this space. Central to the success of Scotland's universities are their diversity, modernity and independence. Across the sector from the ancient universities to the post-92s, each university has its own history, rooted in its local communities; its own mission and associated social and economic impact; and distinctive stakeholder groups. Their success is inseparable from these traits. Diversity of mission and diversity of governance go hand-in-hand.

I am perplexed, Cabinet Secretary, as to how the Scottish Government has managed to botch this Bill so profoundly. From inadvertent clauses that risked turning Scotland's universities into public bodies to utter ignorance of relationship between the role of Rector and role of 'chair' of court. This Bill has been an unmitigated disaster.

It is that issue of the Rector which puzzles me so deeply. The Scottish Government's response to the Education and Culture Committee's Stage 1 report still does not make clear after months what the proposed election of a 'chair' of court is all about.

The University of Glasgow has an elected chair of Court already and it is called the Rector. The Rector is the ordinary president of Court and they are directly elected by this university's most important stakeholders: the students. It is part of a uniquely Scottish tradition which places students and democracy at the heart of ancient university governance.

How we have ended up with such confusion is outstanding when you remember that you, Cabinet Secretary, given your experience as a former GUSRC President, know this exists. You

sat on University Court alongside a Rector who you campaigned for in the Rectorial Election of 1990, Pat Kane.

The Scottish Government response to the committee states that 'the role will not diminish' as a result of the Bill. However, having an 'elected chair' at ancient universities whose right to chair meetings is superseded by the Rector, but whose duties and functions will still be that of other elected chairs elsewhere, and whose constituency partially overlaps with the Rector, is destined to create such complexity and confusion that it is undeniable that interest in and understanding of both roles will diminish.

Why would students invest time in finding, nominating and campaigning for a Rector when there is also this other role which is senior governor-lite? Conversely, why would students invest the time in finding, nominating and campaigning for an elected chair which is Rector-lite?

Scottish Government has tried to square this circle and thus created for itself an impossible bind. In the process you have actually reneged on the stated commitment to both democracy and good governance in the Bill.

The process for selecting an elected chair will include a screening panel to ensure only suitable candidates are put forward to election. If the Scottish Government concedes (which it does by the existence of this step in the process) that good governance dictates only those with the ability and inclination required should be considered, then this is not direct democracy. It is at best an inconvenience to convene the panel and at worst Hong Kong Democracy and allows courts to effectively choose who it wants anyway. This would be a retrograde step at the ancient universities where the constituency can nominate and elect whomever they wish.

The matter of the constituency for this elected chair is also what concerns me deeply. The role of Rector is to place students at the heart of university governance. You will know why this is important from your experience as GUSRC President: it can be difficult enough to focus some staff in universities on the interests of students. Further, without students, Scotland's universities would be little more than research institutes in National Trust properties.

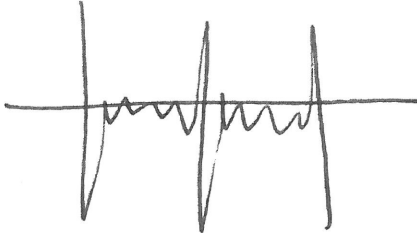
An elected chair who would be accountable also to staff would compliment the numerous existing academic and non-academic staff members on courts. The Rector as it stands, through their influential role keeps court balanced toward student interests. It is worth noting that at Edinburgh where the Rector is now elected by both students and staff, this change came after a period of strong, capable, and successful student Rectors.

Cabinet Secretary, it appears that the circle the Scottish Government is trying to square has already been done. It has been in place for over 150 years and is a uniquely Scottish tradition. It allows students to directly elect the most senior and influential position on the governing body of their university. It is the position of Rector.

I have been deeply disappointed by the way in which the Scottish Government has approached this issue. It has been ramshackle and embarrassing, and ultimately it threatens to undermine a proud Scottish tradition, democracy in Scotland's universities, and good governance.

I sincerely hope that as we enter the next stage of this bill the Scottish Government will see sense and defend the interests of students by retaining the position of Rector and doing away with this unworkable Rector/ elected chair duo.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Liam King', written over a horizontal line.

Liam King
GUSRC President