

MINISTERIAL FOREWORD

ANNEX C: CONSULTATION QUESTIONS

A. PRIVY COUNCIL

1. Do you think that the mechanism for approving governance changes through the Privy Council should be retained?

Yes No Don't Know

2. Do you agree that the functions of the Privy Council, as set out above, should be transferred to a committee which operates entirely in Scotland?

Yes No Don't Know

3. Do you agree that any such committee to which those current functions of the Privy Council as already set out should comprise the First Minister, Lord Advocate and the Lord President of the Court of Session?

Yes No Don't Know

4. Do you agree that any such committee, to which those current functions of the Privy Council as already set out are transferred to, should be subject to the scrutiny of the Scottish Parliament?

Yes No Don't Know

5. Could individual institutions be afforded greater autonomy to make changes to their governance without seeking permission from the Privy Council, or a replacement Scottish Committee? If so, what functions might this cover?

Yes No Don't Know

Fundamental changes to governance that fall outwith the expectations of the Code of Good Governance should be put to the Privy Council or its replacement Scottish Committee. The EIS prefers the latter.

B. ACADEMIC FREEDOM

6. Do you agree that the principle of 'academic freedom' currently defined in legislation should explicitly refer to freedom to encourage new ideas?

Yes No Don't Know

7. If you do agree, what might the risks be?

The risk is that the HEIs become less inclined to fund the staff time (or resources) necessary to develop innovative new ideas (“blue sky” thinking) as there may be a low chance of a return in the short term.

8. Do you agree that HEIs should be required by legislation to adopt a statement on their implementation of the statutory protection of academic freedom which they should present to the SFC and which would be treated as a condition of grant?

Yes No Don't Know

9. Do you think there are any further measures which should be included in a new definition of academic freedom?

Some definitions of academic freedom at HEIs include a caveat of not carrying out work that seriously damages the reputation of the HEI. Such caveats need to be removed if academic freedom is to be real.

The EIS believes that all lecturers should be research active and that this should be supported by Government, the HE Sector collectively and by all HEIs individually.

C. ROLE OF PRINCIPALS

10. Do you agree that a provision to describe the head of the university as the ‘chief executive officer’ should be introduced in legislation?

Yes No Don't Know

11. If the role of the Principal is set out in legislation as chief executive officer do you agree that the working job title should continue to be ‘Principal’?

Yes No Don't Know

12. If you do not agree, what do you think the head of the university should be called?

The EIS believes that the Chair of an Institution's Governing Body may be better described as the Head of the Institution.

The role of Principal is currently clear and well understood. The EIS does not view HEIs as commercial organisations and therefore believes that the use of the term Chief Executive Officer to be inappropriate. The use of the term Chief Executive Officer would further distance Principals from the academic staff. Also, the use of the term would not reflect the custom that Principals usually come from the academic staff – a custom that the EIS wishes to reinforce.

However, whilst the EIS does not support the Government's use of the term, it does believe that ultimately it should be up to individual HEIs to decide what their Principal is called.

D. CHAIRING OF GOVERNING BODIES

13. Do you agree that a pool of candidates for the position of chair of the governing body should always be selected through an open and transparent process?

Yes No Don't Know

14. Do you agree that the recruitment process should include open advertisement of the position?

Yes No Don't Know

15. Do you agree that open advertisement of the position would help to attract a wider pool of candidates?

Yes No Don't Know

16. Do you agree that the selection process should culminate in an election by a group of representatives of key stakeholders both internal and external to the university?

Yes No Don't Know

17. What do you think the composition of the group of representatives that elect the chair should be?

The EIS believes that the selection process should culminate in an election in which only staff and students vote. Both Staff and students should each

make up 50% of the vote – possibly in a form of electoral college.

The EIS does not believe that external stakeholders should be included in a selection process of choosing a Chair of a Governing Body.

The EIS is against the Governing Body (or Sub-Committee thereof) choosing which candidates should be put forward for election in a similar way to non-democratic countries. The EIS is for an open election of all candidates.

18. Would you welcome universities offering suitable remuneration for elected chairs?

Yes No Don't Know

19. Do you have any other comments you wish to add?

The EIS supports the remuneration of elected Chairs within reason. The EIS does not believe that the remuneration should be set at a level to specifically attract candidates – but it should be used (and set at a level) to ensure that Chairs do not lose out financially by accepting office.

The role of the Chair and how a Governing Body (and its Committees) meetings are conducted need to be more consistent across the HE sector.

The EIS commends the Code of Governance developed for FE Colleges in Scotland by the FE Sector collectively – which included the College Chairs, College Secretaries, SFC, Trade Unions and the NUS. The EIS believes that the HE sector would benefit to such a collective approach.

E. MEMBERSHIP OF GOVERNING BODIES

20. Do you agree with the proposed requirement outlined for membership and composition of the governing body?

Yes No Don't Know

21. Is there any representative/body not currently proposed for inclusion in membership of the governing body that you believe should be represented?

Yes No Don't Know

22. If there is a representative/body you believe should be included in the membership of the governing body, what do you believe they would bring to the governing body that isn't already there?

N/A

23. By what means do you think that the principle of equality should be embedded in establishing the membership of governing bodies?

The principle of equality goes beyond seeking female governing body members. It involves seeking members from a wide range of socio-economic backgrounds and who did not enter university straight from school – if at all. The preponderance of retirement age members is a further cause for concern for the EIS.

HEIs should consider paying facility time to release working members of Governing Bodies as well as paying child care costs.

24. Do you have any other comments you wish to add?

The EIS supports the addition of directly appointed trade union representatives on the governing body. Such individuals should bring knowledge and experience to the body that will allow greater informed debate on some matters and thus improve scrutiny.

Trade Union representatives also have a direct democratic link with members which makes them accountable and which also give them a mandate. The EIS believes that Trade Union organisation, training and democratic open elections would make Trade Unions the most appropriate vehicles for delivering the best possible additional staff representatives – providing elected representatives with training and confidence to fully contribute to Governing Bodies.

The EIS has submitted its views on Governance to the Scottish Government in past consultations, the Von Prondzynski Review and to the Scottish Committee of University Chairs. These submissions are available at the EIS website.

F. COMPOSITION OF ACADEMIC BOARDS AND APPOINTMENT OF MEMBERS

25. Do you agree that the academic board should be the final arbiter on all academic matters in all HEIs?

Yes No Don't Know

26. Do you agree that, with the exception of the Principal and the Heads of School (or equivalent) who should attend ex officio, all other members of the academic board should be elected by the constituency that they represent?

Yes No Don't Know

27. Do you agree that elected members should form a majority of the total membership of the academic board?

Yes No Don't Know

28. By what means do you think that the principle of equality should be embedded in establishing the membership of governing bodies?

See Question 23

29. Do you agree that academic boards should have no more than 120 members?

Yes No Don't Know

30. Do you agree that elected members should form a majority of the total membership?

Yes No Don't Know

31. Do you have any other comments you wish to add?

The academic integrity of a HEI is crucial; HEIs are teaching and research institutions that have traditionally been run by promoted academics for the furtherance of teaching and learning. A HEI's reputation is rightly judged by the quality of its teaching and research – and not by its operating surplus or closing reserve.

The EIS believes that academic matters should not be entrusted to University Executive Management Teams – but should be the main responsibility of Academic Boards (i.e. Senates or their equivalent). Governing Bodies should charge their Executive Management Teams to deliver the decisions of Academic Boards. Academic Boards need to be bodies that reflect the will of the academic staff, not the will of University Executive Management Teams.

The EIS is not blind to HEIs' need for financial security, stability and investment, and recognises the need for Governing Bodies and senior

managers to be mindful of these. However, the value of maintaining and building on teaching and research should not be considered in primarily financial terms by HEIs and thus should not be primarily driven by financial considerations. The universal education provided by HEIs must be able to deliver a wide range of popular and less popular courses – and Academic Boards are the best guarantors of this.

**ANNEX E:
CONSULTATION PAPER ON A HIGHER EDUCATION
GOVERNANCE BILL**



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

The Education Institute of Scotland

Title Mr Ms Mrs Miss Dr **Please tick as appropriate**

Surname

Belsey

Forename

David

2. Postal Address

46 Moray Place

Postcode EH3 6BH

Phone 0131 2256244

Email dbelsey@eis.org.uk

3. Permissions - I am responding as...

Individual

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate

Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate

Yes No

Yes, make my response,
name and address all
available

or

Yes, make my response
available, but not my name
and address

or

Yes, make my response and
name available, but not my
address

- (d)** We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

Yes