

26 June 2002

CAMBRIDGE UNIVERSITY REPORTER 1031

From Mr W. Kirkman

The Registry
The Old Schools

5 March 2002

Dear Registry

University Governance: Comments

May I begin with a comment about the status of the consultation paper? It is described as being published by the authority of the Council and the General Board, and I assume therefore that it is in effect approved by them. Clearly, it is a consultation paper rather than a set of firm proposals. I also assume therefore that the comments made about it will in due course be published before final proposals are put to the Regent House.

In describing the current structure the paper notes that the governing body of the self-governing University of Cambridge is the Regent House and then comments that the Regent House is not an executive body. That is surely not strictly accurate. Of course the Regent House does not run the University on a day-to-day basis, but it does have executive powers: the passing or rejection of Graces, for example, and the power to initiate proposals.

I believe this is not merely a piece of constitutional nit-picking, but goes to the heart of the problems which the University needs to address. In simple terms, the problems are those of management rather than governance. The CAPSA fiasco, for example, occurred because of the lack of clear lines of responsibility and accountability. It was not caused by weaknesses or failings of the Regent House.

In making this distinction between management and governance, I am reflecting a distinction which is made in the consultation paper itself. Section 7.12 f suggests that the Council (the 'management' body) shall include members of the Regent House and 'eligible members of the assistant staff'. Section 9.1 notes that the composition of the Regent House has been reviewed from time

-2-

to time 'so as to reflect the active academic community responsible for the governance of the University'.

I now turn to some specific proposals in the discussion paper:

1. Widening the membership of the Council, particularly by the inclusion of external members, I believe to be a good idea. The proposed method of choosing the external members, however, I believe to be flawed. Nomination by a body appointed by the Council would give the impression of being - and might in fact turn out to be - a way of choosing 'safe' members who would not bring genuine critical detachment of their task. I believe it is crucial that there is a mechanism for names to be put forward from a wide constituency (suggestions from the Senate, rather than the Regent House, would offer the possibility of finding candidates with a wide range of external experience).

2. I also believe that a proper, modern, selection procedure designed to ensure credibility, fairness and equality of opportunity should be used to choose the external members. In making this comment, I am drawing on nine years of experience as a trained assessor on assessment centres for the police, fire and prison services, and internal Home Office promotions. The use of assessment centres, properly structured and selecting people by objective, evidence-based methods against agreed competencies, is common in both public and private sectors. It works well, and, on a purely practical level, is a much better safeguard against legal challenge than the old-fashioned and far from rigorous methods used widely in both the University and the Colleges.

The use of similar selection methods might well be considered for many posts (e.g. administrative staff) - including the proposed Pro-Vice-Chancellors.

3. The proposal for additional Pro-Vice-Chancellors - which clearly has much to commend it - raises some issues. The suggestion that there should be a system for application and nomination is welcome. The selection method should be rigorous (see 2 above). It is not obvious why 'policy support' should be provided by the Treasurer and the Secretary-General, since they, unlike the Registry, are not allocated any responsibilities in the chart published with the response to the CAPSA Discussion. Nor is it clear why only one Pro-Vice-Chancellor should be on the Council.

The effect of that would be to produce a situation where one Pro-Vice-Chancellor was, as it were, a Cabinet Minister, the others were not.

4. I do not think the proposal to increase from 10 to 50 the number of signatories required to amend or challenge a Grace or to request a Discussion is justified. I would accept that 10 is too low and that there is a need to ensure that such requests or challenges carry a realistic measure of support. I believe setting the number at 20 or 25 would meet that need.

5. The way in which the Regent House operates is not satisfactory. As a means of putting forward opinions Discussions are not particularly efficient. Yet the concept of a discussion is surely important in a democratic institution. The answer, I suggest, is to change the nature of Discussions so that they really are discussions, opportunities for people to discuss rather than simply making speeches setting out their views. It would be a good idea to have regular question times, during which the Vice-Chancellor and other senior people could be questioned about policies and practices. It would also be a good idea to have a 'Speaker' to conduct the business of the Regent House - possibly a Proctor.

6. Changes of this kind could sensibly be complemented by other means of expressing views, such as the use of the internet, and the revival of a correspondence column in the Reporter (without the constraints that were imposed on it in the mid-1970s).

Yours sincerely

Bill Kirkman

From Professor T. Lamb

My views on the governance proposals are as follows:

- 1) Although some changes may be needed to extract the University from its present problems, such improvements could (for the most part) be achieved without changing the Statutes, and certainly without the drastic changes recommended in these proposals.
- 2) The principal need is for some major changes in communication, in attitude, in approach, and in culture. For example:
 - (a) The existing committee structure within the central bodies needs to be reformed, and with it the mechanisms for appointment of members. At present, decision-making appears to be dominated by a relatively small clique of people, whose names recur on many bodies.
 - (b) The decisions of committees appear not always to be properly scrutinized by higher bodies.
 - (c) There appears to be a culture of secrecy in decision-making, and also a pre-occupation with 'spin'; both of these need to be eliminated.
 - (d) There needs to be greater willingness of the central bodies and their officers to respond positively to constructive criticism.

Cont.

The issues above are simply not addressed in the proposals; i.e. no serious consideration has been given to trying to rectify existing 'cultural' problems.

3) The proposals would not necessarily prevent another 'CAPSA' from occurring.

4) The proposals for altering the composition of the Regent House are quite unsatisfactory. They appear to be designed to minimize the role of ordinary academics in the formulation of University policy. This is being done by loading the Council with establishment figures (the VC, 2 Pro-VCs, 5 Chairs of Councils, 3 Heads of House) and by halving the number of 'other' elected members of the Regent House from 12 to 6.

5) Adequate justification has not been given for the plan to delegate some unspecified number of the Council's powers to the Vice-Chancellor (essentially as a 'CEO'). Such delegation seems to me to be inappropriate, especially with the proposed composition of the Council.

6) An increase in the number of signatures required for a ballot, to 50, seems excessive; perhaps 20 or 25 would be reasonable.

7) In a nut-shell, the entire set of proposals should be withdrawn, and the Council and the General Board should begin by reforming within the existing statutory structure.

8) In my view, the questions on this web feedback form are slanted so as to help achieve the 'desired' outcome. I find it hard to believe that the Council could have approved them, though no doubt they will be required to accept responsibility for them.

Trevor Lamb
11 March 2002

Subject: Governance document

There are aspects of these proposals which are to be welcomed: the inclusion of assistant staff and academic-related staff in Regent House, and, indeed, on Council; and the increased accountability of the VC. This said, it is very unfortunate that the so enhanced Regent House should be so under-represented on the central bodies in terms of directly elected members.

That it is possible for individual members to take up a disproportionate amount of time, both on the central bodies and in Discussions, is indisputable, but the university has survived similar hazards in the past. Bad cases make bad law.

One of the chief problems is apathy of the RH: people are busier, no doubt. They are also far more dispersed: to West Cambridge, the Addenbrooke's site, and so on, and so far less likely, say, to spend time discussing university developments in their colleges, or in KP. The result is that the floor at Discussions is too often occupied by the same people, whose names may, perhaps, provoke weariness or exasperation, and whose example will not seem a desirable one to follow.

Colleges are a natural forum for the informal discussion of university business in general, as well as for matters directly affecting the colleges: the reduction in their representation, which is at odds with the pious terms of para. 4.a.iii, seems paradoxical.

It does not seem to follow that the enlargement of the Regent House should necessarily entail the proposed vast expansion of the number of signatures required to call for a ballot. A significant number of the newly enfranchised will have no college, others will be in small departments. If the number must be increased from 10, then 20 would surely be sufficient. It is not as though, with the present requirement for 10 signatures ballots are requested on a monthly basis.

If decisions are needed in a hurry: must they always be made, unchecked, by the same people? We shall hardly revert to the days when the *Caput Senatus*, the forerunner of the Council of the Senate, was appointed *ad hoc* for each congregation, but it is not impossible to conceive of a body, largely elected by the Regent House, which could be convened when urgent decisions are necessary, could listen to arguments from the University Officers concerned with the decision, could request outside opinions if they saw fit, and could report to the University at large. It could, indeed, be the Board of Scrutiny, which might then come to its present business with more background information.

Elisabeth Leedham-Green

Subject: A brief comment on the Council's governance proposals

Rather than comment at length on the Council's proposals as published in the Reporter, I feel my my views at present correspond sufficiently closely to the Board of Scrutiny's submission (as published temporarily on the network at URL <http://www.damtp.cam.ac.uk/user/sjc1/scrutiny/governance/> prior to being made available at <http://www.dow.cam.ac.uk/scrutiny/>) that I need make no further comment at this stage beyond noting that where there are differences, I would currently view the Board of Scrutiny's proposals more favourably than the Council's proposals.

I would also note that while this message is being sent a few minutes after the "closing date for receipt of comments" as proclaimed in the Web-based questionnaire, the formal Notice in Reporter set no such deadline. Rather, it said that comments should be sent "if possible by Wednesday, 20 March 2002". I trust, therefore, that neither these remarks nor submissions by anyone else will be disregarded merely because they arrive after 20th March.

John Line

20 March, 2002

From Professor P. Lipton

Dear Tim,

University Governance

I am writing to give my personal reactions to the governance document. I emphasise that I speak in this letter entirely in an individual capacity. Below I follow the structure of the Summary of Principal Proposals

- Although I know not all my colleagues agree, I believe that the current arrangements neither secure real democratic decision making in practice (in part because most of the electorate don't understand how this enormously complex system operates) nor achieves reasonable efficiency in decision making and innovation. So we have in a sense the worst of both worlds. It is in part for this reason that I welcome most of the proposals in the document: they will make things work more effectively and innovation easier to achieve, without in my view a significant loss of democratic control.

The Vice-Chancellor

1. I agree. The VC needs enough power to lead effectively.
2. I agree.

The Pro-Vice-Chancellors

1. I agree with the creation of these posts, but I think their roles and responsibilities should be further articulated.
2. I agree, but it is important that we look for PVCs who are seconded academics, rather than people who will become professional administrators, if we are to preserve our valuable principle of being an academically led University.
3. I agree.

The University Council

1. I agree, except that there should be at most two members of assistant staff, there should always be academic-related staff representation, and there should be one or two more 'ordinary' UTOs.

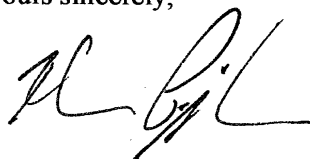
The Chairs of the Councils of the Schools

1. I agree, though here too it is important that we have seconded academics in these posts, rather than professional administrators.
2. I agree.
3. I agree.

The Regent House

1. I agree.
2. The number should be increased to 25, not 50.

Yours sincerely,



Please may I formally submit the following to the governance consultation process. This is largely based on some of my postings to the newsgroup where further background and others' comments can be seen.

I very much hope that the University as a whole can continue to be actively involved in discussions about the governance proposals after this preliminary phase. For example the Web site might contain a number of alternative options suggested in the current consultation and people might be encouraged to comment on these and/or vote in an electronic straw poll. And better support might be provided to make more widely accessible public discussion of the type currently going on in the newsgroup.

--

James M.R.Matheson

Executive Power - Where Should It Lie?

The problem is that there's apparently a fundamental conflict between the need for the VC and Pro-VCs to have enough authority to act to be able to do their jobs, and the Regent House's quite sensible and reasonable desire for academic democracy. The consultation paper attempts to resolve this by offering accountability in exchange for loss of direct control and this, I think, has to be at least part of the resolution of this issue. The other angle though, which the paper doesn't really explore, is how power is devolved and how that devolution of power is controlled.

In all the models we're likely to consider acceptable for an academic democracy, power must ultimately belong to the Regent House. It can therefore either be devolved to the VC directly (eg by a Grace) or indirectly through the Council largely through decisions made behind closed doors. One's knee-jerk reaction is thus probably to prefer the former - nice, open, transparent -- BUT hard to reverse unless and until things are going really seriously wrong. The latter clearly has other potential difficulties some of which may be alleviated if we have an external Chair of Council and some framework for deciding what kind of thing should and shouldn't be devolved. Either way, it's probably better (more transparent, clearer accountability) if the Pro-VCs' power is at least mainly devolved in the same way as the VC's rather than via the VC, as proposed in the consultation paper.

It is not clear from the consultation paper which model it prefers. Section 5.2 suggests that the VC should be recognised in Statutes as having overall responsibility for the running of the University. Section 6.1 appears to reaffirm the Council's role in this area. A model in which the VC is responsible to the Council which in turn is responsible to the Regent House seems a good basis on which to build more detailed proposals.

Membership of the Regent House

A possible definition of membership of the Regent House could be:

- 1) Any Cambridge MA employed by the University or a college.
- 2) Any holder of an academic or academic-related post (established or unestablished) in the University above some level of seniority (University Lecturer equivalent?) irrespective of length of service.
- 3) Any holder of a more junior such post (but still Staff rather than Assistant Staff) in the University with three or more year's service.
- 4) Any holder of a College Fellowship with one or more year's seniority.
- 5) Any member of the Assistant Staff of the University (above some grade?) and with 10 or more year's service.

Notes (following the above numbering):

- 1) The intended point is that the Cambridge MA implies an ongoing interest in the University - one of the main criteria most people seem to want to see satisfied. This would also solve a number of the current anomalies of which I'm aware. The downside is that the MA is perceived as elitist by some but on balance I think that the simplicity of definition which it affords outweighs this objection.
- 2) This seems reasonable uncontroversial. The difficulty is in defining the cut-off point correctly and sufficiently clearly that anomalies aren't created. Presumably something could be done along the lines of "grades containing non-discretionary points above point N"?
- 3) Three years may be a little long in some cases so there might be a case for different rules for different grades but that introduces complexity in the rules and the risk of anomalies. Again, as in 1, I think that the merits of simplicity outweigh the disadvantages. The choice of three years is to some extent based on the observation that this would exclude most of those having a single tenure of a junior research position.
- 4) The period here is deliberately shorter than in 3 since there's no provision for distinguishing seniority of a fellowship in any reasonably simple systematic way that I'm aware of. The hurdle for election to a fellowship is also somewhat higher than for appointment for most of those in 3 so this seems a reasonable difference.
- 5) The choice of ten years is somewhat arbitrary but a significantly higher number than in 3 is, I think, appropriate. I have no clear view on what level of seniority should be required but there probably does need to be one.

Composition of the University Council

The consultation paper and Stephen Cowley's paper
<http://www.damtp.cam.ac.uk/user/sjc1/governance/executive/>
 make suggestions for changes to the membership of the Council. The following borrows ideas from both:

- (a) The Chancellor and Vice-Chancellor

- (b) One Pro-Vice-Chancellor
- (c) Two members appointed by the General Board from amongst their members
- (d) Three external members one of whom would Chair Council; one of whom would be deputy Chair of Council; and one Chair of the Audit Committee.
- (e) Four Heads of House
- (f) Eight members of the Regent House elected by the Regent House
- (g) Two members of the Assistant Staff elected by the Assistant Staff
- (h) Three elected students

Notes/comments:

(a) As currently.

(b) Some increase in the number of Pro-VCs and their formal role within University governance seems an appropriate consequence of the increasing scope and complexity of the VC's role. To reflect this, one being a member of Council seems appropriate.

(c) The Schools are an appropriate organisational unit within the academic structure of the University and are likely to have an increasing role in its governance, especially in resource allocation. Some representation on Council via the General Board therefore seems appropriate. The six suggested by the consultation paper is too many: it dilutes the elected nature of Council too much; and it produces too much overlap with the General Board. That great an overlap between Council and the General Board would suggest that a merger should be considered, not something I would favour.

Another issue raised by the proposed increase in the importance of the Schools is whether there should be direct election to the Councils of the Schools. At present Faculty Boards appoint members to the Council of their School and there doesn't appear to be great uniformity in practice for election to Faculty Boards or great competition for membership.

(d) The issue of external membership is a major decision. I think that, on balance, it is probably reasonable. There is a good case for the Chair of the Audit Committee being external and he/she must be a member of Council. For just that one person to be doesn't feel right. There are points for and against the Chair of Council being external but these tie in with the issues discussed in the section on executive power where it is noted that there may be advantage to having an external Chair.

Another topic, and a very important one, is how the external members should be selected. This clearly needs to be transparent and probably requires election by ballot as for other members of Council. A possibility, mentioned by Pro-VC Grant at one of the roadshows was that the whole of Senate might be involved in the nomination and election process. This idea seems well worth further exploration.

(e) The Heads of House have a useful symbolic and practical role. They represent the formal involvement of the Colleges in the governance of the University and they have a degree of independence which few other internal members have. Also, via the Colleges Committee, they have a viable representative role. The number suggested is as it currently is on Council, which seems right.

Others have raised the possibility of replacing one or two of the Heads of House by Senior Tutors. On balance, I think I probably wouldn't vote for this but it is worth further consideration.

(f) The Council acts on behalf of the Regent House and thus must have as many elected members of the Regent House as reasonably possible without making its total size too large. The members of Regent House elected by the Regent House (ie e and f in this scheme) should at least not be in a minority (in the scheme proposed, they number exactly half, ie the number proposed could not be reduced).

(g) In the consultation paper, the Assistant Staff form part of the Regent House category yet separated from it by having a designated number (3) of places. The electorate is a combination of the Regent House and Assistant Staff. This seems to me a pointless combination in that formulation (but see next paragraph). Either they are an identifiably distinct category with different perspectives or they are not. If we are going to start dividing up the Regent House category, there are all sorts of other categories which could be suggested: academic/academic-related; established/ un-established; arts/science; This does not seem a useful route to go down.

If the proposals above for membership of the Regent House were adopted, some of the Assistant Staff would be included in category (f) thus perhaps making category (g) redundant. If this were done, it might be appropriate to have 2 (no more) reserved places for them but it should be 2 out of 10 rather than 2 out of 8. However most of my reservations about doing this remain.

Whatever else, the Assistant Staff representation should be 2 not 3.

(h) As currently. There is however, I understand, a suggestion from the Graduate Union that this should be increased to 4: one each ex-officio from CUSU and the GU; and one elected graduate and one undergraduate student. Were this to happen, it would make even more important maintaining the number of elected members of the Regent House to maintain their majority on Council.

Overall size:

At 24 active members (the Chancellor rarely if ever attends), the above is probably a bit too large but I don't see obvious scope for pruning it without losing useful representation, other possibly than removing category (g) or reducing to two the number of external members.