# Illustrative Practice Note 3: Academic Governance

January 2017

## Governing Body Responsibility for Academic Governance

1. Effective academic governance is at the heart of the governance of UK Higher Education (HE). It is separate from (but related to) corporate governance for which the governing body is unambiguously responsible. It concerns all academic related work of the institution including learning and teaching, research and knowledge transfer, wherever these activities may take place. In relation to students, academic governance will include management of: the curriculum, admission of students, assessment regulations, the management of academic courses or programmes, establishing and maintaining academic standards, the management and enhancement of academic quality and the overall student experience.

2. The underlying principles of sound academic governance are based upon collegiality, and it follows that the governing body must understand and respect the role, as defined within charters, statutes or articles, of the Senate/Academic Board and other bodies involved in academic governance. The introduction of the revised operating model for quality assessment published by HEFCE, the Teaching Excellence Framework and increasing competition all mean that governing bodies will wish to receive assurance that academic governance is effective and risks (such as those involving partnerships and collaboration, recruitment, progression and retention, data provision, quality assurance, academic standards and research ethics and integrity) are being effectively managed.

3. Expectations of governing body engagement in this area are increasing: governing bodies are now required to provide formal assurances on the quality, standards and enhancement of their institution's provision on an annual basis. This practice note is designed to assist institutions in developing their approach to meet their and other stakeholders' needs.

### *What does the HE Code of Governance say?*

4. The governing body receives assurance that academic governance is effective by working with the Senate/Academic Board or equivalent as specified in its governing instruments in order to maintain quality (Key Element 4).

5. The Scottish Code of Good HE Governance published in 2013 sets out the main principles which institutions in that jurisdiction are expected to comply with, together with associated guidelines that they are expected to follow closely.

### *Why is it important?*

6. UK Higher Education Institutions (HEIs) have a diverse range of missions. This richness is an important part of the UK HE sector. It follows that while for all UK HEIs a high-quality student experience underpinned by effective quality assurance and enhancement arrangements is key, for some HEIs academic governance may also cover research and/or knowledge transfer activities. Whatever the mission of the HEI, it is the case that the quality

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of its academic activities are critical to the institution's overall sustainability. Therefore for any UK HEI, its governing body, working with the wider institutional community, needs to satisfy itself that the institution's academic governance is operating effectively.

7. In the past in many HEIs the governing body may have had little engagement with academic governance, beyond routine assurances from bodies such as the Senate or Academic Board. However, as times change and the external environment for HE becomes much more competitive, student expectations change and there is an increasing public interest in HEIs, it is inevitable that governing bodies will need to become more aware of the activities undertaken within their institution's academic governance framework. This will include recognising the importance and gaining an understanding of the specific roles of other bodies. This change in approach at national level has led to important changes in how the UK reviews the quality of its provision. These changes are embodied in a range of HEFCE publications.

8. In practice, the key issue for governing bodies to consider is: Given the new requirements from December 2016 onwards for governing bodies to provide assurance on academic matters to HEFCE on an annual basis, in what matters might the governing body be actively engaged and how might this be done?

## *FAQs*

## *What are the structures of academic governance?*

9. The main deliberative body responsible for academic governance is the Senate (in pre-1992 universities) and the Academic Board (in post-1992 HEIs), in both cases usually supported by a committee structure and in some instances faculty (or school) boards. Originally in the pre-1992 universities, Senates tended to be large bodies, and although now typically much smaller there are still some universities with Senates with a hundred or more members. They can be an important 'safety valve' when contentious issues arise. The size of Academic Boards has generally tended to be much smaller (usually less than 30). Details of the constitution of Senates/Academic Boards can be found in the university's relevant legal documentation.

10. The Senate/Academic Board is typically chaired by the head of the institution (as chief academic officer) and specific responsibilities normally include: awarding of degrees, approval of the content of the curriculum and new programmes; oversight of quality assurance and enhancement arrangements upholding academic standards and the student learning experience; approving procedures for the award of qualifications; the appointment of internal and external examiners; policies and procedures on examinations; criteria for admission of students; and student discipline. It may also have a role in matters concerning academic strategy. In practice, many of these regulatory issues may be dealt with in delegated committees (with various levels of delegated authority), and where authority is so delegated, the Senate/Academic Board receives reports so that it can execute its oversight role. Preliminary drafting, evaluation and consultation on key academic policies and strategies may be undertaken by sub-committees of the Senate/Academic Board. It is now established practice for student representatives to be members or in attendance at both the Senate/Academic Board and its sub-committees.

11. Beyond these functions there may be considerable variation in the powers of Senates/Academic Boards and these are typically defined in governing instruments. Quite often the head of institution reports to the governing body on the operation of the Senate/Academic Board. The most effective way for the governing body and Senate/Academic Board to work together is a matter for each HEI to determine.

## Keele University

Following the introduction of the new assurance statements to be signed by members of the governing body, the Academic Registrar at Keele was invited to brief Council on the university's quality systems. The briefing explored how members could be assured that good academic governance is in place; how good academic governance makes a difference to quality and the student experience; and how members would know if there was an issue.

Following this discussion, Council had the opportunity to review a comprehensive report that focused on the key elements of the quality system and which covered activity over the previous three years (which is when the last QAA review took place). Council used the existing learning and teaching strategy, and progress towards its implementation, as the action plan required under the assurances to be given to HEFCE.

12. In other instances, a 'lead governor' or similar role may offer an opportunity for an independent member of the governing body to also be a member of the Senate/Academic Board and to provide a further channel of communication between the two bodies. Some universities also periodically convene joint meetings of the Senate/Academic Board and the governing body to enhance mutual understanding of their respective roles and to discuss key initiatives.

## *How do these structures relate to the governing body?*

13. Formally, governing body responsibilities in this area are defined in at least two key sources: an HEI's governing instruments, and the annual agreement with the relevant funding council set out in the assurance and accountability or financial memorandum. In addition, there is, of course, an academic line management function usually involving a senior member of the executive team and deans of faculty (or similar senior academic roles). In post-1992 HEIs the instrument and articles of government give governing bodies an explicit responsibility for 'determining educational character', although how this is interpreted in practice may vary. Different arrangements apply in pre-1992 universities where the charter and statutes make no such reference. Importantly, for some pre-1992 universities there may be possible ambiguity between the exact wording of their charter and statutes in relation to powers on academic matters (often determined many years ago), and the stipulations of the current agreement between the relevant funding councils and the institution.

## *What do the funding councils expect of the governing body in this area?*

14. The memoranda issued by the relevant funding councils place requirements on governing bodies in relation to academic and student matters, although there is variation between the four UK funding bodies in the exact wording of the memorandum. For example, in Scotland, governing bodies are required to confirm that 'the institution's arrangements for the management of academic standards and the quality of the learning experience' has been considered; that the governing body is 'satisfied that the institution has effective arrangements to maintain standards and to assure and enhance the quality of its provision'; and that they assure that 'the academic standards and the quality of the learning provision at this institution' meet the requirements of the funding council[1]. In England, the Memorandum of Assurance and Accountability requires governing bodies to have 'an effective framework – overseen by its senate, academic board or equivalent – to manage the quality of learning and teaching and to maintain academic standards'[2]. In England, governing bodies are also required to submit on an annual basis assurances[3] on the quality and standards of its HE provision, including:

- the continuous improvement of the student academic experience and of student outcomes
- the reliability of degree standards.

**[1] SFC (2012) Council Guidance to Higher Education Institutions on Quality from August 2012, p. 27, para 81.**

**[2] HEFCE (2012) Memorandum of Assurance and Accountability between HEFCE and Institutions, p. 8, para 29-j.**

**[3] HEFCE (2016) Assurance statements from governing bodies as part of the new operating model for quality assessment, p. 1, para 2.**

## *How can the governing body be expected to understand the complexities of academic governance?*

15. It isn't expected to. Its role here is similar to the role it needs to play with respect to other areas (although perhaps more complex), concentrating on strategy, measuring performance (for example through Key Performance Indicators (KPIs) relating to education, student experience, research and knowledge exchange; through annual reports on academic quality and standards; and through the management of the academic student experience), and ensuring effective risk management (in this case academic risk), with the Senate/Academic Board involved as appropriate. Moreover, the fundamental aspects of educational character and associated mission do not change very often. They are most likely to come under scrutiny in times of major financial challenge, or when a new strategic plan is being developed, or when a new head of institution arrives and initiates a debate about vision. For some HEIs (for example, those with church foundations) specific attention may be given to how core values are manifested in practice.

## *What is academic risk and what is the role of the governing body?*

16. The governing body has an unambiguous responsibility for the oversight of risk management, and this applies as much to academic risk as other areas. Overall, governors need to be confident that academic activities are well conducted, fit-for-purpose, and sustainable. Although they can take some assurance from the national and subject-specific processes – for example the work of the Quality Assurance Agency, the National Student Survey, the work of the research councils, reviews by Professional Statutory and Regulatory Bodies (PSRBs) and the work of external examiners, HEIs still need their own processes for assessing academic risk, and the governing body needs assurance that this is being done. Given the increasing volatility of the HE environment, effective academic risk is becoming increasingly important.

### Cardiff Metropolitan University

Cardiff Metropolitan University has an extensive programme of transnational education (TNE), and although its Academic Board retains primary responsibility for academic standards, the governing body has established its own sub-committee on TNE. This provides oversight of new developments and the risks associated with TNE, reviews an initial risk matrix for potential new TNE partnerships prior to signing agreements, and reviews the effectiveness of continuing partnerships. A report with a risk matrix is presented to each committee meeting on one third of partnerships. In terms of relationships with other bodies, the committee reports to a strategic planning and performance committee which in turn reports to the main Board of Governors. Risks, academic or otherwise, identified by the TNE sub-committee are referred to the head of institution for action.

## *What is the role of the governing body in relation to the academic strategy?*

17. In practice, a significant part of determining educational character is in discussing and then approving the academic strategy. All HEIs have one

### University of London

At City, University of London both the governing body and Senate engage with academic risk. Senate provides an annual assurance report to Council similar in style to that provided by the Audit & Risk Committee. It covers the activity of Senate over the last year in its role of enhancing academic quality and assuring academic standards. It also gives an opinion as to the effectiveness of the arrangements for which Senate is responsible. Senate has an Academic Governance Committee whose terms of reference include detailed scrutiny of assurance reports on academic quality processes. The Committee is supported by the internal audit service who have an explicit role (agreed by Senate) for gaining assurance about the operation of the academic governance structure and of control systems approved by or on behalf of Senate such as: programme development and approval mechanisms, student feedback and support, the conduct of assessment, complaints and student discipline, and the operation of the external examiner system. The purpose of internal audit in this area is to confirm that these processes are working adequately, but not to consider academic judgements. The Academic Governance Committee reviews the proposed annual assurance report to Council and debates the opinion to be given. It then makes a recommendation to Senate which after debate finalises the report and opinion to be given.

(although it may be called by a variety of names), either as a separate document or as an integral part of the overall strategic plan. There is no blueprint for how HEIs approach such a strategy, nor for how a governing body might be involved, other than that the strategy will have been initiated by the executive and that the governing body needs ultimately to approve it. Practice varies: governors may approve a final strategy, or the governing body may be involved in preliminary discussions and may consider several iterations of a draft before final approval (away days being useful for this).

## *How does a governing body know what makes an effective academic strategy?*

18. Like any other strategy, it is one which identifies realistic and agreed objectives, which can be translated into annual activities with associated executive responsibilities and timelines. With changes in funding and wider competition, changing technologies, and wider developments in approaches to learning, teaching and research it is increasingly likely to develop from a detailed assessment of market position and a range of different scenarios. The academic strategy needs to be linked to supporting strategies (such as HR, estates, etc.) and governors will need to ensure they are compatible since, in practice, priorities may conflict. Boards may also want to receive assurance that both staff and students have been engaged in the process of developing the strategy. Increasingly governing bodies take a risk-based approach to developing strategy, and determining educational character and deciding the academic strategy is no different.

## *What sort of information on academic matters should come to the governing body?*

19. As for other areas, the governing body needs to receive enough information to give assurance about the robustness of academic governance. This can be provided in several ways, for example:

- regular reports from the Senate/Academic Board – some institutions ask for a formal annual opinion on the effectiveness (or otherwise) of the management of academic quality and standards to be sent to the governing body by the Senate/Academic Board
- relevant reports from the executive, that include the advice of the Senate/Academic Board, to the governing body meeting
- regular discussion of academic KPIs or key academic risks, sometimes within the context of regular risk management reporting
- receiving an annual report on academic activities (see Annex)
- reviews of academic governance and/or the effectiveness of the Senate/Academic Board.

### Arts University Bournemouth

At the Arts University Bournemouth governors are updated about the management of academic activities through a comprehensive annual report which is prepared for both the Academic Board and the Board of Governors. The governing body also considers KPIs which include key academic criteria (including student satisfaction), and the corporate risk register also includes some risks which are academic based. The practice of an annual report to the governing body on academic matters has been adopted by many HEIs and could be considered good practice, in that – subject to its content – it is a simple way of providing greater assurance about academic governance.

### Newcastle University

Following a governance effectiveness review in 2010 Newcastle University noted that for the pre-1992 sector it was common for Senate to appoint members to the governing body but members of Council, especially lay members, would not routinely have a presence on the academic governing body, Senate. There are members who are present at both meetings, notably the Vice-Chancellor and the Deputy Vice-Chancellor. They agreed that in addition Council should appoint one lay member (not the Chair of Council) to Senate. This would be coupled with an improved flow of information between the two senior committees and an annual joint away day. This system has been in place now for five years and in its most recent governance review there was widespread agreement that it had been effective and would help the university in preparing for the new HEFCE annual review process.

20. So far as information about the achievement of the academic strategy is concerned, many governing bodies will incorporate reviewing it within their overall performance monitoring arrangements, and CUC guidance has identified a number of possible academic KPIs including: the character of the student population; evidence of academic distinctiveness; position in peer group and league tables; contribution of strategic academic relationships; and the integration of academic and strategic planning. In many HEIs, reports on such KPIs are presented to governing bodies through devices such as a balanced score card or a traffic lights system to monitor progress.

## *Some things to avoid*

21. Failing to pay sufficient attention to understanding academic governance, or leaving it to others, or governors assuming that all is well simply because they haven't been told anything to the contrary

22. Failing to understand the nature of academic institutions and collegial governance

23. The governing body or individual governors intervening directly in academic matters that don't concern them, for example curriculum issues

24. Focussing on just one part of the academic business of the institution and not appreciating its overall academic mission

25. An over-reliance on obtaining assurance on academic matters simply through the report of the head of institution to governing body meetings

## *Some things to consider*

26. Identify where formal responsibility for monitoring academic risks resides and whether the processes are fit-for-purpose, and ensuring key academic risks are included on the institutional risk register.

27. Is there an effective board member development scheme in place to ensure that the governing body can effectively engage in discussion of how it can best assure itself about academic quality and standards?

28. Would there be benefit in informal pre/post-meeting presentations from academic departments?

29. Is appropriate time devoted to discussion of all elements of the institution's academic mission?

30. Provide the governing body with an annual assurance report on academic governance which includes noting progress against KPIs or other measures, summaries of external reviews and a formal opinion on quality of academic outcomes.

31. Would joint meetings of the governing body (or a committee) with the Senate/Academic Board on key issues of academic policy be beneficial?

32. Ensure regular reviews (with external input where appropriate) of the effectiveness of academic governance.

33. Would pairing external governors with academic departments to increase their knowledge of the context of academic governance be useful? This would need careful coordination to avoid such governors becoming advocates for the department concerned.

## Leeds College of Art

The Board of Governors of Leeds College of Art has adopted a governance model which monitors academic and financial matters at Board level, rather than delegating these responsibilities to committees. Academic quality matters are therefore regularly monitored at Board of Governors' meetings e.g. through the Principal/ CEO's report, through a review of Strategic Plan KPIs, and the receipt and review of Academic Board minutes accompanied by a summary report which highlights key issues. A detailed annual report on Strategic Plan objectives, including academic quality matters, is also considered. Briefings on curriculum areas are included in scheduled governor training sessions and/or discussed at the Board's annual Governors and Executive meeting.
A review of the Board of Governors' relationship with the Academic Board is included as part of governor induction.

34. One university has established an ‘academic audit committee’ as a sub-committee of its Senate, specifically to provide oversight on academic governance, and its reports go to the governing body as well as the Senate.

35. Some institutions have a sub-committee typically on ‘student affairs’ (or similar), whose role is not strategic but more concerned with aspects of the student experience. However, a small number have an ‘education strategy’ committee (or similar) with some membership from its Senate/Academic Board.

36. A few institutions operate a lead governor system, with a designated board member providing a lead around assurance concerning educational character. Such members may also be members of the Academic Board.

37. Some new alternative providers of HE have gone much further and have direct board responsibility for some aspects of academic oversight.

## *Some questions to think about*

38. How can the governing body be sure that academic governance is operating effectively and that there are no major concerns that might affect institutional reputation?

39. What external evidence is there that standards are being maintained?

40. How can the governing body and the Senate/Academic Board be more aware of each other’s functions and activities?

41. What are the major academic risks facing the institution, and how is progress on dealing with them reported to the governing body?

42. How can the governing body and Senate/Academic Board work most effectively together for the good of the institution?

43. Has a review of the effectiveness of academic governance been undertaken and was the governing body provided with the outcomes? If not, why not?

44. What are the future challenges in relation to academic governance that the governing body needs to be aware of?

## *Annex*

## *Annual report on Academic Governance to the Board of Governors: A Possible Approach*

1. Each institution will need to reflect its approach to academic governance in any report it produces. This is particularly the case given the future approaches to quality assessment, whereby greater emphasis will be placed on the role of the governing body to provide assurance to the funding council.

2. HEFCE expects English governing bodies to provide the following assurances[4].

    i. The governing body has received and discussed a report and accompanying action plan relating to the continuous improvement of the student academic experience and student outcomes. This included evidence from the provider's own periodic review processes, which fully involve students and include embedded external peer or professional review.

    ii. The methodologies used as a basis to improve the student academic experience and student outcomes are, to the best of our knowledge, robust and appropriate.

    iii. The standards of awards for which we are responsible have been appropriately set and maintained.

3. In 2017 there is an additional expectation, namely that the governing body has received a report that confirms that the provider continues to meet the standards of Part 1 of the European Standards and Guidelines (2015).

4. Therefore, the report(s) received need to provide the necessary evidence for the assurances to be given by the governing body. A possible approach to reporting the work of the Senate/Academic Board might include:

    i. details about membership and meetings during the year, including the topics covered in pre-/post-meeting seminars/workshops or away days;

    ii. summary of outcomes of internal periodic programme reviews carried out during the reporting year, and any action taken as a result;

    iii. details of key reports considered during the year and any action arising from their consideration, such as:

        a. summary of themes from programme approval/review activities;

        b. summary of themes from external examiners' reports;

        c. summary of reviews carried out by Professional Statutory and Regulatory Bodies (PSRBs)

**[4] HEFCE (2016) Assurance statements from governing bodies as part of the new operating model for quality assessment, p. 2, para 7.**

**The Department for the Economy in Northern Ireland requires assurance statements similar to those required by HEFCE.**

**For guidance in Scotland, see the SFC's Council guidance to higher education institutions on quality from August 2012.**

**At the time of writing, assurance statements required from Welsh governing bodies is under consultation by HEFCW.**

d. annual reports on student complaints, academic appeals, mitigating circumstances, examinations;

e. faculty annual reviews;

f. National Student Survey results and action plans;

g. Research Degrees Committee annual report;

iv. details of other key areas of work carried out by the Senate/Academic Board's sub-committees;

v. details of student engagement in academic governance;

vi. any action arising out of relevant internal audit work that relates to academic quality and standards;

vii. opinion – as in respect to paragraph 2 above (and reasons for any exceptions);

viii. action plan, or outline of priority areas, for the following year (this is expected to be a requirement of the new quality assurance framework).

5. The time periods covered by the various reports mentioned above will vary. For English Higher Education Institutions (HEIs) it is expected that the annual report will be produced in line with HEFCE guidelines. The deadline is 1 December each year. While it may be possible to amend the periods covered by some reports, this may not be possible in all cases where a different annual cycle determines the point at which a report may be produced. In such cases, the HEI will need to determine and agree how it will meet the HEFCE requirements.

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