

HIGHER EDUCATION GOVERNANCE (SCOTLAND) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Governance Arrangements

Chapter 2: Academic boards

Section 15: Composition of academic board

29. **Section 15(1)** sets out the composition of the membership of an academic board of an HEI. Each academic board must include the following members:
- the principal of the HEI (section (15)(1)(a));
 - heads of school, who are the individuals who are the most senior academics in a particular department within an HEI (section 15(1)(b));
 - academic staff elected from among their own number (section 15(1)(c));
 - students elected from among their own number (section 15(1)(d)) which, by virtue of section 22, includes sabbatical officers whether or not they remain as students during their period in office; and
 - other persons appointed by virtue of an enactment (section 15(1)(e)(i)) or in accordance with the governing instruments of the HEI (section 15(1)(e)(ii)) or in accordance with a decision made by the governing body of the HEI (section 15(1)(e)(iii)).
30. **Section 15(2)(a)** provides that more than 50% of the membership of the academic board members must be persons elected by staff or students. **Section 15(2)(b)** provides that at least 10% of the membership of the academic board members must be persons elected by students.
31. **Section 15(3)** provides that, despite section 15(2)(b), HEIs are not obliged to elect more than 30 student members. The proportions that will be required (just over 50%, and 10%, respectively) are generally reflected in the composition of the majority of existing academic boards. Election, rather than nomination, of student members to academic boards will be new to the majority of HEIs.

Section 16: Elections to academic board

32. **Section 16** makes provision for the conduct of elections of members appointed under section 15(1)(c) or (d). **Section 16(2)** provides that the election is to be conducted in accordance with rules made by the governing body of the HEI. Under section 16(3) the rules may determine the number of appointments to be made (paragraph (a)), and make different provision for different vacancies (paragraph (b)) (which means that the

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rules for the election of staff members could be different to the rules for the election of student members).

33. **Section 16(4)** provides that where the number of eligible candidates in one of the categories in section 15 is equal to or fewer than the number of vacancies available in that category, those candidates will be deemed to be elected.

Section 17: Validity of board's proceedings

34. **Section 17** ensures that the validity of proceedings of the academic board of an HEI is not affected by any vacancy in membership or category of membership (paragraph (a)). It further provides that this validity is not affected by any defect in the appointment of a member of the relevant academic board (paragraph (b)).