

THE SENATE

Academic Governance Review

The Senate considered a substantial Consultation Document from the Review at its March 2004 meeting. Since that time, the Review has carried out consultation exercises on Central Academic Unit (CAU) Boards and on Middle Tier Boards and Committees, and held further conversations on some outstanding issues with CAUs and other stakeholders, before preparation of this Report. The recommendations have been divided into four parts to facilitate discussion at the Senate.

The Senate is asked to **approve** recommendations 1, 11-14, 17-24 and 26.

The Senate is also asked to **approve**, for recommendation to the Council, recommendations 2-10, 15-16 and 25. These recommendations are indicated below by tinted boxes.

PART ONE: RECOMMENDATIONS ON ACADEMIC GOVERNANCE PURPOSES AND THE ACADEMIC GOVERNING BODY (Report Chapters 2 and 3 and Annex 1)

Recommendation 1 Purposes

The University should adopt the following statement of Purposes for Academic Governance:

To regulate the University's programmes of study, admissions, research, teaching, and awards.

To assure quality and standards, including the conduct or commissioning of performance reviews and audits

To determine academic strategy, policy, plans and priorities which will further the objects of the University

To monitor, steer and review actions taken in accordance with the preceding Purpose, by office-holders and management teams

To consider and decide cases which fall outside agreed frameworks

To ensure that relevant appointments have been made according to due process, and to place them on the public record

Recommendation 2 The Academic Governing Body (AGB*)

The current Senate and Academic Board should be replaced by a single largely-elected Academic Governing Body with the integrated powers shown in Annex 1, and with a total membership no larger than 150.

*In line with the Charter, the AGB would be known as 'Senate'.

Recommendation 3 AGB Membership Categories

The AGB should comprise the following six membership categories: Ex Officio Members, Academic and Research Staff, Associate Lecturers, Open University Students, Academic Related Staff and Cooption

Recommendation 4 AGB Membership Numbers

The University should adopt AGB Model 2, with numbers and balance between membership categories outlined in Table 2 and detailed in Annex 1.

Recommendation 5 AGB Electoral Arrangements

Academic and Research Staff should be elected, with ratios and thresholds only for regionally-based staff. There would be defined constituencies for each CAU, for Regional Centres, and for staff from central units other than CAUs.

Academic Related Staff should be elected from across the whole category with defined proportions for regionally-based staff, CAU-based staff, and centrally-based staff from units other than CAUs.

PART TWO: RECOMMENDATIONS ON THE MIDDLE TIER OF ACADEMIC GOVERNANCE (Report Chapter 4 and Annex 2)

Recommendation 6 Revised Middle Tier

A revised middle tier structure should comprise three academic policy boards for Curriculum, Awards & Validation; Student Learning & Support; and Research, with Terms of Reference as in Annex 2.

Recommendation 7 Equal Opportunities

Subject to coordination with the Council Review, the Equal Opportunities Committee should be replaced by informal groups advisory to the relevant formal governance bodies, and to office-holders.

Recommendation 8 Information Strategy

If an Information Strategy Board it retained, it should in future report to SPRC rather than forming part of academic governance.

Recommendation 9 Quality and Standards

There should be a Quality Assurance and Enhancement committee, with a constitution as in Annex 2. It would report to the AGB and provide its key source of assurance on quality.

Terms of Reference should make it clear that the academic policy boards are responsible for setting and monitoring standards and that the QA committee is responsible for advising the AGB on the effectiveness of QA mechanisms.

Recommendation 10 Middle Tier Membership

Membership of the three academic policy boards should be as in Annex 2, including relevant Associate Deans or their equivalents, rather than Deans.

Recommendation 11 Governance and Advisory Bodies

Academic governance bodies should have continuing powers which fit the academic governance 'Purposes' in Recommendation 1 and which are traceable to Senate powers. They will have constitutions specifying their purpose, terms of reference, membership and method of operation.

Advisory bodies should carry out tasks linked to the functions of governance bodies, without fitting the recommended Purposes: they should have a 'primary purpose' statement but need not have other aspects of a formal constitution.

Recommendation 12 Nomenclature

The University should dispense with the term 'Board' (except for the Boards of Associated Companies), in which case the structure would include Committees reporting to other Committees rather than including Subcommittees.

The term 'Committee' should only be used for bodies with continuing governance powers.

Project Boards, which have limited lives, should be renamed 'Project Management Groups' in line with OU ProjectWare.

Programme Boards in the curriculum area should be renamed 'Programme Committees'

Recommendation 13 Typology

The University should adopt the classification in Table 3.

Bodies advisory to governance should have a maximum life of two years unless their life is extended by the AGB.

Future editions of the Government Structure Handbook should identify reporting lines of advisory bodies.

Recommendation 14 Middle Tier Substructure

Curriculum, Awards & Validation Board would retain governance substructures for awards, validation, partnerships, and assessment policy, though the latter may have an additional reporting line to SLSB.

Both the Central Disciplinary Committee and the Special Appeals Committee of Senate, which currently have a reporting line to SPB, should in future report direct to the AGB.

Research Board would retain a governance substructure for research degrees.

PART THREE: RECOMMENDATIONS ON CENTRAL ACADEMIC UNIT BOARDS (Report Chapter 5 and Annex 3)

Recommendation 15 CAU Board Powers

Central Academic Unit Board constitutions should stress governance powers deriving from the new Academic Governing Body. CAU Boards should exercise similar powers of overall academic direction and quality assurance as the AGB, but in relation to a specific area of teaching and research.

Functions of an effective CAU Board should also cover advice to the Dean in specified areas, and general advice to the AGB or its subsidiary Boards.

Recommendation 16 CAU Board Constitution

The single constitution in Annex 3 should cover all CAUs, with any variations marked on the master document.

Recommendation 17 Curriculum Programme Boards

Curriculum programme boards should be recognised by the University as committees of CAU Boards.

Recommendation 18 Performance Improvement and Review

Cross-CAU mechanisms, also involving Policy Development Group and Central Secretariat staff, should examine ways of improving academic participation and linkage with the rest of the academic governance structure.

CAU Board secretaries should ensure that business and attendance is monitored, as part of the wider AGB performance review process.

PART FOUR: RECOMMENDATIONS ON OPERATION AND DECISION-MAKING (Report Chapters 6 and 7)

Recommendation 19 Controlling Growth and Monitoring Performance

The watchdog role for academic governance should be exercised by the University Secretary via the Central Secretariat, with an annual report to the Academic Governing Body.

An overview of all bodies in the substructure should be carried out periodically on behalf of the Academic Governing Body.

Committee secretaries should regularly monitor business against constitutions, and monitor attendance against a 75% benchmark.

Recommendation 20 Quorums

The AGB and Middle Tier academic governance bodies should have an overall quorum. Subject to coordination with the Council Review, the standard quorum figure should be 40%.

Bodies exercising judicial functions on behalf of the AGB, or fulfilling a legal requirement, should also have quorums. As a number of these are very small bodies (six members or fewer) they may require a quorum, expressed in headcount terms, which is higher than the standard percentage figure.

The AGB should monitor the effects of CAU Board actions to improve academic participation.

Chairs should have the power to defer items if attendance at a meeting is not representative of the membership, even where the overall quorum is met.

Advisory bodies should generally use guidelines on attendance rather than quorums.

Minutes should record the total number of members attending each meeting, in the style of current Senate minutes, in addition to a record of names.

Recommendation 21 Chairing Governance Bodies

The AGB should be chaired by the Vice-Chancellor, and CAU Boards by the CAU's Dean or Director

'Academic policy boards' should be chaired by the relevant PVCs or the Director, Students, with joint chairing arrangements for the new Student Learning and Support Board.

Governance or advisory bodies in the 'academic policy board' substructure should not normally be chaired by VCE members.

Active deputy chairs should be designated for all major bodies.

Recommendation 22 Nominations

An AGB Membership Panel should handle:

- The filling of AGB co-opted places
- Filling of casual vacancies on the AGB and its Satellite Bodies
- Nominations to the AGB for the membership of the Quality Assurance and Enhancement Committee and specialist judicial bodies

Recommendation 23 Publishing Information

Papers for the main bodies should be published in a consistent format on the 'Committees' section of the intranet home page, and held in a central archive. The possibility of using a document management system to handle committee papers should be considered.

An improved policy on student access to committee papers should facilitate electronic access by student members to papers for the AGB and its committees, together with linked documents.

The University should publish a regular intranet *University Gazette*, to include a calendar of major upcoming business plus an overview of business agreed by the governance structure.

Recommendation 24 Communications and Communication Technologies

The University should keep under review the use of communication technologies with a view to facilitating the involvement of remote participants, and observers.

Recommendation 25 Delegated Powers

Powers delegated by the AGB to a committee or to an officer should not be further delegated without agreement by the AGB

Recommendation 26 Business Scheduling

The Committee Timetable should provide for business to flow from the main Middle Tier and CAU Boards to the Academic Governing Body and then on to Council.

22.2.2005



The Open University

REPORT OF THE ACADEMIC GOVERNANCE REVIEW

22 February 2005

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CHAPTER 1 INTRODUCTION

Purpose and Aims

1.1 This Review was initiated by the Vice-Chancellor's Executive (VCE) in the autumn of 2003 as part of the programme of Strategic Reviews:

To make recommendations on what purposes the academic governance structure should serve, what structure will best serve those purposes, how it should operate, and what resources it should be allocated.

It aimed to:

- Seek a major improvement in the effectiveness of academic governance arrangements
- Contribute to an improvement in the effectiveness of decision-making and follow-through
- Ensure that its outcomes give an appropriate sense to the idea of membership of the institution

Scope

1.2 'Academic Governance' was taken to cover Senate, Academic Board plus the main elements of its substructure, and the Central Academic Unit (CAU) Boards plus limited parts of their substructures. It was distinguished from the Council area (under review in 2004/5), the joint Council/Senate body SPRC (the Strategic Planning and Resources Committee was reviewed in 2002/3), the Consultative structure and the Management structure: these areas were outside the Review's scope, but their relationships with Academic Governance are relevant to this enquiry. It is worth stressing at the outset that in the University's Charter, formal power derives from three sources only:

- Council, which is responsible for the overall direction of the University and particularly concerned with issues of institutional strategy, resources, land and property, and staff policy. On academic issues, it either acts on the advice of the Senate or its committees, or in practice it delegates to the Senate.
- Senate, which is the academic authority of the University and particularly concerned with teaching and research strategy, approval of curriculum and awards, academic standards, the award of degrees, student policy and discipline.
- Specific offices, such as the Vice-Chancellor.

The Review Process

1.3 This Report was prepared by a Review Team comprising Geoffrey Bourne (Review Manager), Anne Downes, Anne Hall and Mark Wight for the Review Management Group: Fraser Woodburn (Sponsor), John Clarke, Jane Duffield, Christina Lloyd, Will Swann, Alan Tait (from April 2004) and Tony Walton.

1.4 An initial study phase led to publication of the main Consultation Document of March 2004. Separate Consultation Documents on CAU Boards and on Middle Tier boards and committees followed, the consultation phase occupying approximately six months to the end of September 2004 (Note 1). During the third phase of work leading to this Report there was a further conversation on some outstanding issues with Central Academic Units, Associate Lecturers, Open University Students Association and other stakeholders. Working to this timetable, which is longer than originally envisaged, has enabled the Review to coordinate its work with the Council Review, and to take into account recommendations from the Quality Assurance Agency's Institutional Audit and from the Middle States Accreditation Team.

Executive Summary

1.5 This Report recommends significant, and sometimes radical, changes in line with the diagnosis presented in March 2004 and the broad requirements identified at that time:

- There should be a clear statement of the purposes of academic governance (to be reflected in formal constitutions), which distinguishes it from management, advisory and consultative functions.
- Pathways for handling different kinds of decision should be clear and explicit. Broad resource implications of strategy and policy should be clear at the decision stage.
- Governance bodies should oversee and review implementation as well as approving strategy and policy, and their agendas would display a medium-term view of an area of activity.
- The legitimacy of governance bodies should no longer be undermined by low participation, and they should involve appropriate expertise.
- The structure should be more efficient, with minimal duplication and better integration (particularly between CAU Boards and the rest of the structure). There should be an effective mechanism for checking the tendency towards growth and increasing complexity.
- Members of the University should have a clearer understanding of their role in academic governance, whether as members of governance bodies, via representatives or as consulted stakeholders.

1.6 Recommendations on the overall purposes and functions of academic governance are presented in Chapter 2.

1.7 Overall shape of the University's academic governance structure remains valid, with three distinct perspectives:

- An clear and unambiguous academic authority
- A supporting substructure covering defined academic functions (such as Research)
- A substructure with defined authority in particular subject areas (such as Science)

1.8 Senate is the University's academic authority, from which the powers of the rest of the structure under review flow. Persistent problems include poor attendance, lack of continuity and (most worryingly) failure to maintain an academic majority. While the Academic Board has efficiently handled the bulk of Senate business, it has a sizeable ex-officio membership and its overlap in remit with the Senate leads to lack of clarity. The unitary body recommended in Chapter 3 aims to secure acceptable levels of academic involvement and to reflect the University's distinctive nature.

1.9 Middle Tier boards cover the core academic functions, but also include other boards not exercising Senate powers. Chapter 4 recommends a reduction to three boards, including a new body taking an integrated view of the student experience. Like its partners, it would focus on strategy and standards. Revised overall arrangements for handling quality assurance are recommended, in line with the Institutional Audit Report. The complex and confusing middle tier substructure is the subject of a number of other recommendations in this Chapter.

1.10 Recommendations on CAU Boards in Chapter 5 are aimed at clarifying their formal powers, their linkages to the overall structure, and their relationship with Deans. The revised constitution recommended would also remove some membership anomalies. Local action is recommended to improve overall levels of participation.

1.11 Chapter 6 contains a range of recommendations aimed at improving the operation of specific bodies and of the system overall, including information, induction, control of growth, quorums, monitoring and performance review.

1.12 Decision-making across the structure is the subject of Chapter 7, which considers the need for increased subsidiarity in some key decision-making areas, and recommends changes to business scheduling, in order to shorten pathways.

1.13 Relationships between academic governance, the Council, and other structures are covered in Chapter 8, together with some underlying issues, in particular what it means to be a 'member of the University' and the importance of academic involvement in academic governance.

1.14 Implementation tasks and timescales are covered in Chapter 9. Annexes contain draft constitutions for the main bodies within scope.

CHAPTER 2 PURPOSES AND FUNCTIONS

Introduction

2.1 The first step towards improving the structure and operation of academic governance requires a clearer view of its objectives, principles, purposes and terms of reference. A clearer view about these matters should also include an understanding of what a formal governance structure is *not* good at doing.

Objectives and Principles

2.2 The University's Objectives for its Government and Management Structure (Note 2), written in 1969, do not identify the specific objectives of academic governance, and we suggest the following:

- To ensure effective decision-making by drawing on the distributed knowledge of the institution and its environment held by members of the University
- To ensure that decisions are made by those with relevant expertise
- To provide a mechanism for the resolution of differences over key strategy and policy issues
- To contribute to a collective sense of identity and commitment across the institution
- To establish and maintain a framework within which those with executive responsibility can act quickly, effectively and with due accountability

2.3 Operation of the academic governance system should be guided by the following Principles:

- Decisions should be taken with proper concern for the University's reputation and standards, for the principles of academic freedom, for relevant context and available resources
- Decisions should be taken at the lowest appropriate level in the structure
- Consultation about major decisions should be managed effectively
- Composition of governance bodies should reflect the diversity of the University community
- Information about the constitution and regular business of academic governance should be readily accessible

- Communications methods and technologies should ensure that members of governance bodies are not disadvantaged by location and distance

Purposes and Terms of Reference

2.4 The Purposes statement recommended below starts from the unique role of autonomous universities in regulating their own curricula, admissions, teaching and awards.

Recommendation 1 Purposes

The University should adopt the following statement of Purposes for Academic Governance:

To regulate the University's programmes of study, admissions, research, teaching, and awards.

To assure quality and standards, including the conduct or commissioning of performance reviews and audits

To determine academic strategy, policy, plans and priorities which will further the objects of the University

To monitor, steer and review actions taken in accordance with the preceding Purpose, by office-holders and management teams

To consider and decide cases which fall outside agreed frameworks

To ensure that relevant appointments have been made according to due process, and to place them on the public record

2.5 These Purposes should inform the drafting and redrafting of Terms of Reference, which should be presented using the headings below. The list is intended to apply across academic governance, except for the first entry, which is a power unique to Senate. Although judicial functions should be kept distinct from legislative and executive functions, they have been included with governance for simplicity: student-related judicial functions are carried out in the name of Senate.

Table 1 Generic Terms of Reference

- (Senate only) Granting degrees and other academic distinctions
- Legislation: setting policy and strategy frameworks, agreeing plans and priorities
- Monitoring, and reviewing, actions and institutional performance
- Assuring quality and standards, including approving regulations
- Advising other governance bodies or management
- Making governance arrangements e.g. appointing to other committees
- Matters of public record e.g. ratifying appointments of staff or external examiners
- Judicial: deciding individual cases

Inappropriate Purposes

2.6 Formal governance structures are often used for tasks that would more appropriately be carried out by other means, notably by designated individuals and their teams, though governance may have a crucial role in overseeing, scrutinising, improving and approving such work:

- Developing strategy, policy and plans
- Implementing policy (though governance should retain an interest in the way approved policies are working out in practice)
- Checking and detail (though governance might agree the procedures under which checking related to key tasks is carried out)
- Managing operational processes, budgets and people (managers will be accountable to governance where the latter have approved plans covering relevant tasks)
- Project management. (Project managers report to an executive sponsor, typically supported by a project management group)
- Consultation (governance may commission and oversee consultation, but it is inappropriate to design a governance structure so as to provide a consultation framework)

Some confusion has been caused by the reference to *determining* strategy, policy, plans and priorities as an appropriate purpose of governance, with *developing* strategy and policy as an inappropriate purpose. Governance is best suited to setting parameters for office-holders and small groups who then develop drafts, referring these at intervals to larger governance bodies (which typically bring together a wide range of expertise and experience) for scrutiny and then approval. There is an interactive relationship between governance and management on this view.

Conclusion

2.7 The material in this Chapter offers the following benefits. It:

- States the objectives of academic governance and the principles which should guide its operation
- Identifies the generic purposes and functions of academic governance
- Provides a standard template for constructing Terms of Reference
- Specifies key tasks which are not appropriately carried out within academic governance

It underpins the following Chapters, which deal first with the major components of the academic governance system and then with its overall operation

CHAPTER 3 THE ACADEMIC GOVERNING BODY

Introduction

3.1 Although the current Senate of around 1250 members still has its supporters, the main arguments against retaining it are compelling:

- Attendance has fallen below 10% of the membership, attenders do not reflect the constitutional balance between membership categories, and many places in the representative membership categories remain unfilled
- Consequently there is concern about the legitimacy of decisions taken by the Senate and hence its effectiveness as a decision making body.
- Academic participation in the Senate - the supreme academic governing body - is particularly weak.
- Core Senate powers have been delegated to the Academic Board, other bodies and office-holders: the Senate is not able to exercise effective oversight on the use of these powers

Senate as currently constituted is not a stable collective body which can take a medium-to-long-term view of the issues and, where necessary, act as one of the checks on executive power.

Powers and Purposes

3.2 The Charter vests responsibility for the academic work of the University in the Senate, from which the powers of all other academic governance bodies derive. Because the current Senate was not only designed for a smaller institution, but one which operated in a more stable environment, its powers make no reference to direction, environment, practicalities and relation to the executive, such powers appearing only in the more recent Academic Board Terms of Reference:

- Considering the directions of academic strategy and policy, in the light of the external environment and the internal capabilities of the University.
- Reviewing the academic performance of the University during the preceding year and making recommendations on areas for performance improvement as appropriate to SPRC, subordinate bodies, and appropriate officers and managers.

Two conceptions of a university - as a self-governing academic community and as a business operating in the wider world - are therefore located in different bodies, but we need one place where the unavoidable tensions between these different views can be reflected upon, and worked through. Academic Board's role in managing the Senate's business and taking provisional decisions also results in overlapping remits. Terms of Reference of a new unified Academic Governing Body (AGB) form part of a revised constitution in Annex 1.

The AGB has wide ranging powers to grant degrees, and to regulate academic activity. It has overall responsibility for quality assurance and for the approval of

academic strategy: in this connexion a difficult issue is the role of an AGB in generating ideas and being more than a rubber-stamping body without duplicating the work of its subsidiary bodies.

AGB Models

3.2 The March 2004 Document sketched three Models for a new Academic Governing Body:

Academic Governing Body	Senate Category	Model 1 Numbers	Model 2 Numbers	Model 3 Numbers
Ex-officio members	1.0	15	15	15
Elected academic staff and Associate Lecturers	2.0-4.0	105	65	45
Elected students, graduates, academic-related and non-UAP staff	5.0-16.0	30	20	15
Total Membership		150	100	75

3.3 As each model is much smaller than the current Senate, it is not feasible to produce a miniature version of the existing body. Nor would the current Academic Board of around 50 members provide a basis for the AGB: it has a much higher proportion of ex-officio members than the AGB models, a number of its membership categories are defined in terms of the current Senate (as a result the number of elected academic staff is not precisely defined), and its composition may be too similar to that of the Middle Tier Boards to allow effective scrutiny. Membership categories need to be rethought in relation to the purposes of a university Senate, but they also need to be rethought in ways which express distinctive features of this university:

- The collective academic approach to course development which underpins a broader academic involvement in governance than is typical in traditional universities
- The division of responsibility between academic and service units, and the implications of this for decision-making
- The division of responsibility between faculty and Associate Lecturers (ALs)
- The structure of a national UK University which functions within increasingly separate 'nation-region' HE systems.

There is no distinctive feature in which the current universal academic membership is grounded: this arrangement may have been practicable in the University's early days, but it is no longer so.

The Review has also considered arrangements which will help the AGB reflect the diversity of our academic and academic-related staffing.

Recommendation 2 The Academic Governing Body (AGB)

The current Senate and Academic Board should be replaced by a single largely-elected Academic Governing Body with the integrated powers shown in Annex 1, and with a total membership no larger than 150.

AGB Membership Categories

3.4 Combination and deletion would result in the total membership (including ex-officio as well as elected members, and a new co-opted category) requiring only six membership categories in place of the current Senate's sixteen.

Ex officio members

The list would include all the ex officio members from the current Senate Category 1.0, with the addition of Director of Library Services and the Director of Learning and Teaching Solutions, in line with arrangements for the current Academic Board.

Academic and Research Staff

This category combines the current Categories 2.0 and 3.0, though on an elected rather than an automatic membership basis: election, considered later in this Chapter, would be by and from CAUs rather than by and from the general body of academic staff. The constitution should ensure that a majority of members are in this category, which is distinct from the 'executive' ex-officio category containing the nine CAU Deans/Directors.

Associate Lecturers

Current Senate Category 4.0 involves times-thirteen regional membership plus the AL membership of Council and selected University boards and committees. It will not be possible to reflect both geographical spread and links with policy boards in a small AGB: it is recommended that the AL Committee acts as a nominating mechanism. The University should be prepared to fund pre-meetings between the Associate Lecturer AGB members and a wider consultative group of ALs.

Open University Students

Large numbers in the current Senate allow complex arrangements, with the current Category 5.0 involving six different principles: OUSA (Open University Students Association) officials; members chosen by a nominating mechanism; times-thirteen regional membership; members elected by and from specific student constituencies; student members of selected University boards; and committee chairs. A radical simplification will be needed in a small AGB, and it is suggested that the OUSA Executive Committee acts as a nominating mechanism. Student members are in a different position from others in that they are representing an Association: the University should be prepared to fund pre-meetings between the OUSA AGB members and a wider group of students, and to allow alternates in order to secure full attendance.

Academic Related Staff

Seven distinct membership categories, some with unfilled places, cover academic related staff in the current Senate. This arrangement sends the wrong messages, suggesting that members are elected to represent the interests of very specific communities. The recommendation later in this Chapter combines the current Categories 8.0-14.0 into one, with election from across the whole category.

Cooption

Given the radical change from the current Senate, it would be wise to provide a cooption clause with power to add up to eight members, to include one OU graduate who is not currently a student or a member of staff, and nominated by the OU Alumni Association.

Recommendation 3 AGB Membership Categories

The AGB should comprise the following six membership categories: Ex-Officio Members, Academic and Research Staff, Associate Lecturers, Open University Students, Academic Related Staff and Cooption

Current Senate Categories not included in the AGB

3.5 In rethinking membership, we have not provided places in the AGB for the following Senate Categories.

Category 6.0: BBC

Currently in abeyance.

Category 7.0: Designated Senior Staff

A very long list, consisting mostly of Unit and Subunit Heads nominated on a biennial basis by the Vice-Chancellor. Two Heads of Units supporting learning and teaching have been added to the ex-officio category to sit alongside the Director, Students. Other individuals currently in this category would need to seek election if they wished to be members of the new Academic Governing Body.

Category 15.0: Non-UAP staff

This category is distinct from Academic Related staff. It is relevant to Council membership but it is not clear why it is relevant to an academic authority. Any such staff with relevant skills could be involved via the new cooption clause.

Category 16.0: Graduates elected by the AOUG

The Association of Open University Graduates is a subscription organisation comprising only a small percentage of OU graduates. Graduates are however one category of 'members of the university' with a long-term interest in the standing of their qualifications, and some other way of providing for their involvement in the AGB should be found. It would be preferable to arrange graduate input via the OU Alumni Association, whether via cooption or a separate category: the first option has been chosen.

Models and Numbers

3.6 Compared with the current Senate, Academic and Research Staff represent a lower proportion of the total AGB membership, with other categories representing a higher proportion. (Table 2 below: further details are in Note 3). But low participation in the current Senate makes such comparisons purely theoretical: typically, over 1000 Academic and Research Staff members stay away from Senate, and average attendance is under 4% of members in these Categories. Academic and Research Staff *membership* in Model 2 is close to the *peak attendance* at recent Senate meetings. Filling the much larger number of Academic and Research Staff places in Model 1 with regular attenders could therefore prove difficult.

3.7 A Model 1 AGB of around 150 is likely to prove unwieldy as a deliberative body and there is also a tendency, evident in other universities, for the power of larger senates to drain away to some form of executive committee: a number of UK universities now have smaller senates with memberships in the 50-75 range. Model 3 with 75 members would provide greater opportunities for those attending to

participate in the debate, and offer the prospect of a more deliberative Senate than a Model 2 body of around 100. But in Model 3 the ex-officio members represent a larger proportion of the total (though a much smaller proportion than in the current Academic Board) while the academic majority is more tenuous and more likely to be impacted by study leave absences. On balance, Model 2 is the preferred option, with a breakdown between categories as in Table 2 below: the ratio of ‘non-executives’ to ‘executives’ is around five-to-one. Adjustments to the ex-officio list, noted earlier, mean that numbers are slightly different from those presented in March 2004.

Table 2: Recommended AGB Model				
Category	Current Senate %	Academic Board %	Model 2 %	Model 2 Numbers
Ex-Officio	4	37	17	17
Academic and Research Staff	81	39 max	57	57
Associate Lecturers	2	8	6	6
Students	3	8	6	6
Academic Related Staff	10	8	14	14
Total	100	100	100	100
Co-opted	None	Up to 2		Up to 8
Grand Total				100-108

Recommendation 4 AGB Membership Numbers

The University should adopt AGB Model 2, with numbers and balance between membership categories outlined in Table 2 and detailed in Annex 1.

Electing Academic and Research Staff

3.8 Election from across the whole staff in this category would signal that academic AGB members were first and foremost members of the University and not just of their Units, but would not necessarily generate a reasonable balance across academic units, in which case the AGB would fail to reflect the shape of the academic community. It is recommended that election is by and from individual CAUs (not CAU Boards), the number of places reflecting proportions of the University’s overall academic and research staffing. There would be a defined minimum number of regional places in each case, but no prescribed balance between professorial and non-professorial staff and no reserved places for headships of department or other positions. This approach has the disadvantage of not enabling staff to elect candidates from outside their own unit, but it does encourage linkages between CAUs and the AGB. Minimal provision has also been made for centrally-based academic and research staff outside of the Faculties, Schools and IET.

3.9 Regional Centres include a distinct set of academic staff, most of whom are Regional Directors, and sufficient places have been provided within the electoral arrangements to support one member from each nation region, if that should be the outcome.

3.10 Regional staff would comprise at least one-third of this AGB membership category. While the central/regional balance is fundamental to this University, there are a number of other factors which the AGB ought to reflect, including *Seniority, Length of Service, Gender Balance, Ethnic Mix and Disability* (Note 4). Adding more threshold rules could make the electoral system opaque or even unworkable. Encouragement to potential candidates, information to electors and monitoring should be the prime means of addressing these factors. The cooption clause might be used to help counter any perceived imbalances resulting from the electoral process.

Electing Academic Related Staff

3.11 The Academic Related Staff category is relatively small, and the only feasible approach seems to be election from across the whole category, with one rule specifying the proportions of places which should be held by regionally-based staff, CAU-based staff and centrally-based staff from units other than CAUs. There would be no defined thresholds for specific units, nation regions, or other factors, but electors should be encouraged to take various balances into account when casting their votes. AGB members are first and foremost members of the University, and not representatives of their units, although we might expect candidates from units directly supporting research, students and teaching to be most active in seeking election. The electorate, and those entitled to stand for election, would comprise academic-related staff from current Senate Categories 8.0-14.0 (Note 3).

Recommendation 5 AGB Electoral Arrangements

Academic and Research Staff should be elected, with ratios and thresholds only for regionally-based staff. There would be defined constituencies for each CAU, for Regional Centres, and for staff from central units other than CAUs.

Academic Related Staff should be elected from across the whole category with defined proportions for regionally-based staff, CAU-based staff, and centrally-based staff from units other than CAUs.

The 'Academic Governing Body' Label and its Implications

3.13 This label refers to a new body encompassing the roles both of Senate and Academic Board. It helps to distinguish discussion of present arrangements from discussion of possible futures, but any new body introduced following the Review would be called 'Senate' as that is the style used in the Charter. The label is useful, nevertheless: while Council is unambiguously the University's overall governing body, the AGB has governing responsibilities within its defined territory. Implications, which are picked up in later chapters, include:

- The need for clarity about the relationship between the AGB and Council, and the need to schedule AGB meetings (perhaps 5 times a year) so that it can making effective inputs to Council
- The need for non-executive AGB 'governors' to exercise their responsibilities in the interests of the institution as a whole, and the possible need for induction and training.
- The need for a substantial overall quorum to ensure the new body's legitimacy.

Agenda Setting

3.14 AGB business would be generated via one of the following routes: by the Chair and Secretary, by one of the 'middle tier' bodies, by CAU Boards, or by a members' resolution. Upcoming meetings should be publicised by the Secretariat to give non-members adequate opportunity to lobby members. The minimum number of member signatures required to put forward a motion to the current large Senate is 20, and the working assumption is that an appropriate number for the AGB would be 12, but this issue needs consideration when AGB Standing Orders are prepared. Given the provision of adequate safeguards such as AGB members' questions and members' resolutions, no equivalent of the current Senate Agenda Committee should be necessary. There should be a natural flow of business towards the AGB, and the current struggle to find business for Senate meetings (because all such business can be handled by Academic Board or via non-placet forms) should disappear.

Non-Placet

3.15 Introduction of an integrated Academic Governing Body would remove the need for *non-placet* - the opportunity to register a vote against a provisional decision by Academic Board. The Review has considered the potential for creating an 'academic assembly' with a membership similar to the current Senate, to debate developing strategies and policies, and with no decision-making powers, but with the right to ask the AGB to reconsider a decision (at which point the decision would either be confirmed or revised by the AGB).

3.16 Other universities which have academic assemblies in their constitutions give them the power to pass resolutions (which then go to the Senate) on any matter, and if these resolutions carry weight it is because they come from a significantly larger academic grouping than those universities' Senates. In the OU, such an assembly would resemble the current Senate stripped of its constitutional powers, and so would tend to attract a smaller rather than a larger turnout than at present. The 'emergency longstop' role would be more appropriately exercised by CAU Boards or by a new deliberative mechanism than by a separate body with defined membership. There are in any case issues about the current consultative structure (raised in Chapter 8) and it would not be advisable for the University to consider the creation of an academic assembly independently of such a wider review.

Conclusion

3.17 The recommended approach offers the following benefits. It:

- Integrates the functions of the current Senate and Academic Board and ends the confusion between them.
- Replaces the current fragmented approach to Senate composition with a small number of significant AGB membership categories, and a clearly defined 'executive'/'non-executive' balance
- Provides an open approach to academic membership without reference to status or position
- Reflects the geographically dispersed nature of the University and the divisions of responsibility which are characteristic of it
- Encourages candidates, their advisors and electors to reflect the diversity of the academic and academic-related staff base in forming the AGB
- Above all, offers the potential for an engaged and legitimate governing body for academic business.

CHAPTER 4 MIDDLE TIER

Introduction

4.1 This Chapter covers the Boards, Committees and other bodies immediately supporting the Academic Governing Body. It aims to identify the simplest effective formal structure, and to distinguish clearly between governance bodies and advisory groups. Following consultation, the Review has developed a structural model incorporating a smaller number of 'academic policy boards' than at present and with a slimmer substructure. The alternative structural model, based on a cabinet/select committee structure, was not pursued.

Current Structure

4.2 Seven academic policy boards comprise the current middle tier, supported by a large number of committees and groups and a smaller number of sub-committees and subsidiary groups. Reporting lines of CAU Boards into this structure are not as clear as they should be.

4.3 Complexity of this University suggests that we will still need a middle tier, though one which is smaller both 'horizontally' (the number of boards) and 'vertically' (their substructure) than at present. With few exceptions, which are likely to appear in the area of awards, the aim is to have only one governance level in the middle tier.

Core Academic Functions

4.4 Research, Student Support and Teaching comprise the core functions of a University. Four Boards - Curriculum and Awards Board (CAB), Learning & Teaching Board (LTB), Research Board (ReB) and Student Policy Board (SPB) - currently cover these three areas, which also fall within the remits of four Planning and Resource Officers (PROs). The Research structure is relatively self-contained, and the Review has not considered options for combining the business of Research Board with the business of other Boards.

4.5 A number of models for handling student and teaching business have been considered, including one with an overarching body combining functions of the current LTB and CAB, and another which would split the current LTB's responsibilities, with media matters going to CAB and student matters to SPB.

4.6 In the recommended approach, a new Board would combine functions of the current LTB and SPB. The merging of student support strategy and learning & teaching strategy, and the need to develop an integrated view of the student experience, make this the most obvious model, which received general support in the consultation. Student experience has a number of aspects which are not readily separable into the 'administrative' or the 'educational', and the intention is that the new Board should reflect an integration of major service unit and CAU perspectives. Revised Terms of Reference appear in Annex 2. The other three current middle tier

bodies seem not to represent core academic governance functions, having no powers delegated from the Senate, and are dealt with separately below.

Recommendation 6 Revised Middle Tier

A revised middle tier structure should comprise three academic policy boards for Curriculum, Awards & Validation; Student Learning & Support; and Research, with Terms of Reference as in Annex 2.

Equal Opportunities

4.7 Equal Opportunities (EO) Committee's remit is split between staff strategy (a Council responsibility) and academic policy matters. The main issue is whether the responsibility vested in office-holders is sufficient to ensure a pan-University approach to the promotion of equality and diversity, and to compliance with legislation and good practice. Major Boards currently have an EO clause in their remits, and a formal EO body would result in overlapping responsibilities. There is a further issue about the extent to which the Widening Participation Committee and informal groups cover the same areas as the EO Committee. The recommendation is that the University does not need a governance body deriving authority from Senate in this area, but that advisory bodies covering coordination, awareness raising and the monitoring of compliance should carry out this work. That would be a better solution than a joint Council/Senate committee.

Recommendation 7 Equal Opportunities

Subject to coordination with the Council Review, the Equal Opportunities Committee should be replaced by informal groups advisory to the relevant formal governance bodies, and to office-holders.

Information Strategy

4.8 Information strategy would normally be regarded as infrastructural and institution-wide, and would therefore fit better into the Council area or SPRC (which covers 'strategically significant developments'). There is no clear need for an Information Strategy Board within academic governance, and the introduction of an Architecture Design Authority and its Business Steering Group may have put the need for such a Board in question anyway: that issue is not one for this Review to resolve, so the recommendation deals with location.

Recommendation 8 Information Strategy

If an Information Strategy Board is retained, it should in future report to SPRC rather than forming part of academic governance.

Quality and Standards

4.9 The AGB has key quality assurance (QA) responsibilities, similar to those exercised by the Senates of other autonomous universities. The Open University

needs formal institutional processes for approval and review, culminating in reports to the AGB, to satisfy external requirements. This does not necessarily require a separate board (though external profile may be gained by having a governance mechanism in addition to a Pro Vice Chancellor) but we do need very clearly allocated responsibilities within the governance structure for the components which make up quality and standards: the three recommended academic policy boards will have a number of QA responsibilities, particularly in relation to strategy implementation.

4.10 Terms of Reference for the current Quality and Standards Board (QSB) give it the power to approve the University's QA strategy, though other middle tier boards do not have equivalent powers, the approval of their strategies lying with Academic Board or Senate. There are also differing interpretations about its relationship to other current boards in the middle tier, plus some uncertainties about scope. The Institutional Audit Report observed that the distinction between QSB and the other middle tier boards 'was not completely explicit in practice', noted that 'there is no point at the senior level where an overview of the quality of provision overall is considered' and advised the University to 'take the opportunity offered by the governance review to articulate more clearly, for the benefit of the University community as a whole, the University's approach to assuring and enhancing the quality of provision'(Note 5).

4.11 There should be a healthy tension between academic policy boards and any dedicated QA body. If the University did not possess a dedicated QA body, the AGB would have to do that work itself: it is not therefore appropriate either to see a dedicated QA body as on a level with the academic policy boards or to see the academic policy boards as reporting to a dedicated QA body. An analogy with Audit Committees, which cannot override other committees, but whose power derives from their advice to the governing body, may be useful here. Revised Terms of Reference are in Annex 2.

Recommendation 9 Quality and Standards

There should be a Quality Assurance and Enhancement committee, with a constitution as in Annex 2. It would report to the AGB and provide its key source of assurance on quality.

Terms of Reference should make it clear that the academic policy boards are responsible for setting and monitoring standards and that the QA committee is responsible for advising the AGB on the effectiveness of QA mechanisms.

Membership

4.12 Revised membership for the main middle tier bodies incorporates one major change. Deans are unevenly distributed across current boards, in an arrangement which sends inappropriate signals about the relative importance of these boards and their remits, most notably about research versus the curriculum. Presence of Deans on the middle tier, as well as on CAU Boards and the Senate/Academic Board, may also contribute to the tendency for the same issues to be discussed in different places by the same people. As middle tier bodies are (unlike CAU Boards or the AGB) specialist bodies, the key link with CAU Boards should be via the relevant

Associate Deans or their equivalents in future. Such an arrangement may also facilitate succession planning for future deanships.

4.13 Because Deans report to one of the PVCs, their ex-officio presence on the CAB also sends inappropriate signals about the alignment of CAU Boards with that board, which the revised arrangements would avoid. Service unit involvement in the current middle tier is also unhelpfully split, and the single replacement for LTB and SPB would integrate this.

Recommendation 10 Middle Tier Membership

Membership of the three academic policy boards should be as in Annex 2, including relevant Associate Deans or their equivalents, rather than Deans.

Governance and Advisory Bodies

4.14 Current arrangements for creating formal governance and informal advisory bodies are made clear in the *Code of Practice for University Elections and Committee Procedure* (Paragraphs 19 and 20): Senate/Academic Board sets up the governance bodies, and those bodies set up advisory bodies. These arrangements will need to be modified if a control mechanism for committee growth, as recommended later in Chapter 6, is introduced. The *Code* does not tell us what 'formal governance' means, however, and the Review has avoided the labels 'formal' and 'informal'. In the recommendation below, governance has been linked with delegated Senate powers: advisory groups may have work, but not decision-making powers, assigned to them.

Recommendation 11 Governance and Advisory Bodies

Academic governance bodies should have continuing powers which fit the academic governance 'Purposes' in Recommendation 1 and which are traceable to Senate powers. They will have constitutions specifying their purpose, terms of reference, membership and method of operation.

Advisory bodies should carry out tasks linked to the functions of governance bodies, without fitting the recommended Purposes: they should have a 'primary purpose' statement but need not have other aspects of a formal constitution.

Nomenclature

4.15 In the Council area, bodies immediately below the statutory body are all called 'committees'. In the Senate area, we find committees and boards sitting alongside each other on the same level, although the bodies just below the statutory body are generally called 'boards', and the bodies which report to them are called 'committees'. Strategic Planning and Resources Committee has a Board sitting *under* it.

4.16 The term 'Board' suggests the governing body of an organisation, and outside the context of Associated Company boards, there is no crisp definition of what counts as a 'Board', the term tending to be honorific rather than precisely descriptive. It is recommended that the academic governance structure dispenses with 'Board' in favour of 'Committee', and it would be preferable to have Committees reporting to

other Committees rather than having Subcommittees. In a few contexts, external perceptions about the status of a Board for an area of activity might need managing if the label were to be changed. The changes recommended below have been incorporated into the Annexes, but the main text of this Report continues to use the current terms.

4.17 Project Boards are numerous, but this label is a hangover from earlier project management methodologies and is no longer current in OU ProjectWare which uses the term 'Project Management Group' instead.

Recommendation 12 Nomenclature

The University should dispense with the term 'Board' (except for the Boards of Associated Companies), in which case the structure would include Committees reporting to other Committees rather than including Subcommittees.

The term 'Committee' should only be used for bodies with continuing governance powers.

Project Boards, which have limited lives, should be renamed 'Project Management Groups' in line with OU ProjectWare.

Programme Boards in the curriculum area should be renamed 'Programme Committees'

Typology

4.18 The table below presents a typology of academic governance and advisory bodies. There will be similar groups elsewhere in the University, and in Associated Companies, but the latter should be kept separate from the University list. The second column indicates whether a body should have a life fixed when it is set up, an indefinite life (with regular reviews), or be established permanently. Every advisory body should be traceable to a governance body or to management, but the Government Structure Handbook (GSH) lists do not currently show the connections.

4.19 As the Review wants to maintain a clear distinction between governance and management functions, and in particular to avoid the practice (emerging in other universities) of creating committees which report to the executive management team, it is recommended that the categories in italics should not continue to be associated with the governance structure. It would nevertheless be good practice for the membership and purposes of such groups to be published. Groups which report neither to governance or management (*liaison groups* tend to fall into this category) should not be listed in the GSH.

Table 3: Typology		
Academic Governance Bodies	Life	Reports to
Academic Governing Body (Statutory)	Permanent	Council
Committees (including Curriculum Programme Committees), Panels for deciding cases (judicial functions)	Indefinite	Governance
Bodies Advisory to Governance	Life	Reports to
Many types, including Advisory Groups, Expert Panels, Implementation Groups, Review Groups, User Groups, Working Groups	Fixed	Governance
Groups Advisory to Management and not associated with Governance	Life	Reports to
<i>Many types, including Advisory Groups to a VCE Member or Dean, Management Teams, Panels for recommending the allocation of Funds or Contracts, Project or Programme Management Structures, Policy or Strategy Development Groups.</i>	<i>Indefinite</i>	<i>Management</i>
Consultative Bodies	Life	Reports to
Consultative Committees, Groups and Assemblies	Indefinite	Governance

Recommendation 13 Typology

The University should adopt the classification in Table 3.

Bodies advisory to governance should have a maximum life of two years unless their life is extended by the AGB.

Future editions of the Government Structure Handbook should identify reporting lines of advisory bodies.

Middle Tier Substructure

4.20 A crisper definition of 'governance body' status should lead to a slimmer governance substructure, because Senate currently delegates powers to a relatively small number of bodies including academic policy boards dealing with core academic functions (but not the other middle tier bodies discussed above), CAU Boards, Assessment Policy Committee, Awards Committee and Research Degrees Committee. Purpose statements for those bodies earmarked for retention in a revised

governance substructure are in Annex 4, together with a provisional list of advisory bodies.

Curriculum, Awards and Validation Board Governance Substructure

Assessment Policy Committee reporting to CAVB

Awards Committee reporting to CAVB

Curriculum Partnerships Committee reporting to CAVB

Validating Committee reporting to CAVB

Student Learning and Support Board Governance Substructure

The Board would need to understand the enquirer, student and alumnus experience, and understand the student experience of other providers (notably what other providers are doing about e-learning) but no need for a governance substructure is yet evident. Further work on substructure is needed to reflect an integration of the many current strategies and sub-strategies in this area, and to avoid simply replicating substructures of the two current boards, and therefore no specific recommendation is made below.

The Central Disciplinary Committee and Special Appeals Committee of the Senate currently have a reporting line to Student Policy Board. These bodies exercise judicial functions (and no other functions) relating to Senate powers. In future, they should report direct to the AGB, paralleling the Academic staff appointments, promotions and appeals machinery, which is currently an offshoot of the Academic Board. Revised reporting arrangements would still maintain an 'arms length' relationship with the Senate as regulatory body.

Research Board Governance Substructure

Research Degrees Committee reporting to RB

The future position of the current Ethical Committees is under investigation.

AGB Satellite Bodies

A small number of governance bodies would report direct to the AGB rather than to an academic policy board. Some have been mentioned already in this Chapter but the full list would be:

Academic staff appointments, promotions and appeals machinery

Central Disciplinary Committee and Special Appeals Committee of the Senate

Quality Assurance and Enhancement Committee

Results Ratification and Classification Panel

Recommendation 14 Middle Tier Substructure

Curriculum, Awards & Validation Board would retain governance substructures for awards, validation, partnerships, and assessment policy, though the latter may have an additional reporting line to SLSB.

Both the Central Disciplinary Committee and the Special Appeals Committee of Senate, which currently have a reporting line to SPB, should in future report direct to the AGB.

Research Board would retain a governance substructure for research degrees.

Conclusion

The recommended approach offers the following benefits. It:

- Focuses the Middle Tier on core academic functions, reducing the 'academic policy boards' to three
- Integrates the handling of learning & teaching and student support business
- Minimises the number of governance bodies supporting the 'academic policy boards'
- Clearly distinguishes governance from advisory bodies, and introduces clearer nomenclature

CHAPTER 5 CAU BOARDS

Introduction

5.1 Central Academic Unit Boards face a demanding set of requirements. They need to take responsibility for the overall direction of their area of teaching and research within a University-agreed framework, to provide a framework of accountability for managers, and to demonstrate effective QA arrangements for their programmes and (through programme-level bodies) for courses. Revised constitutions will also need to reflect their position in a wider network of relationships with other units and other areas of academic governance.

Powers and Purposes

5.2 CAU Boards are the bodies to which the AGB would delegate oversight of teaching and research in specific content areas and from which it would receive advice, proposals and recommendations, sometimes directly but more often via the Middle Tier. As CAU Boards will have members on University-level academic governance bodies, the Board also has a role in advising these individuals on strategy and policy issues.

5.3 CAU Boards should help steer us as an institution, and the University's academic activity should partly be driven 'bottom up'. Unit Planning is an important vehicle for this, because it brings together academic directions, context and resources. The process also highlights the impact which CAU Board decisions have throughout the service and support areas of the University.

5.4 Academic governance should not rely on the existence of particular types of organisational unit, and it may increasingly wish to make use of mechanisms (such as programme boards) which may not align with CAU boundaries. While the Review assumes the continuing existence of CAUs and of CAU *Boards*, its main concern is with the latter, and in particular with improving the linkage between these Boards and the rest of academic governance.

5.5 CAU Boards can offer benefits beyond their constitutional role, but there is a distinction to be drawn between purposes and other benefits, and formal powers should be the major influence on membership arrangements. Gaining consensus is a function of a Unit, but not necessarily of a Board, and if information-sharing and consensus-building becomes its prime function, that is not enough to justify its existence as a governance body. There need to be adequate but separate consultative processes which provide the various categories of staff with opportunities to express their views and through which they are consulted over issues relevant to them and their relationships with other groups of staff.

Recommendation 15 CAU Board Powers

Central Academic Unit Board constitutions should stress governance powers deriving from the new Academic Governing Body. CAU Boards should exercise similar powers of overall academic direction and quality assurance as the AGB, but in relation to a specific area of teaching and research.

Functions of an effective CAU Board should also cover advice to the Dean in specified areas, and general advice to the AGB or its subsidiary Boards.

Changing Approaches

5.6 Recent cross-unit developments include the development of new research centres, often cross-disciplinary and cross-unit, which ought to be responsible to CAU Boards. Course Models introduce frameworks that signal stronger management of processes and budgets, and CAU Boards will need to ensure that defined models are implemented in their areas. Curriculum Decision Making (CDIP) has set out a framework for programme and course level decision-making with clear subsidiarity, in which the introduction of a new programme is an institutional matter, but new courses forming part of an agreed programme are managed by local gatekeepers who should be accountable to CAU Boards. *Size and Shape* and *Restructuring and Reconfiguration* put much greater emphasis on inter-faculty cooperation and joint working, building on boards of studies, standing forums and programme boards: this can only be implemented effectively if CAU Boards are clearly responsible to the Curriculum and Awards Board for cross-unit operation.

Constitutions

5.7 Recommendation 15 is a variation on the way in which CAU Boards are supposed to work now, but there are a number of respects in which their constitutions need updating. They pre-date the introduction of Unit Planning and the shift to a more programme-based University, while devolution and delegation to local committees and sub-committees has resulted in the constitutions misleading the reader as to the amount of detailed business which such Boards currently transact.

5.8 There is a generic constitution for Faculty Boards, but separate variants for the Open University Business School (OUBS), for the School of Health and Social Welfare (SHSW, now renamed Faculty of Health and Social Care) and for the Institute of Educational Technology (IET): as the rationale for diversity is not evident, it is recommended in future that one constitution (included as Annex 3) cover all CAUs, with any variations marked on the master document. IET's strategic remit to promulgate good teaching and learning practice across the University provides the clearest case for a distinctive variation. Terms of Reference have been restructured to fit generic governance requirements, and updated to reflect the issues mentioned earlier in this Chapter. Surprisingly, there is no current requirement for the Board to review its own performance, in line with practice at University-level bodies, so an appropriate reference has been added, as has a general accountability of the Dean/Director to the Board.

Recommendation 16 CAU Board Constitution

The single constitution in Annex 3 should cover all CAUs, with any variations marked on the master document.

The Board and the Dean

5.9 Deans in our University have complex roles including leadership (especially on strategic and policy matters which are ultimately determined by governance), ambassadorship, relationship and partnership building, executive responsibilities (implementing agreed strategy), management responsibilities (budgetary management and staff management) and governance responsibilities, notably chairing CAU Boards. The role of the Director of IET is similar to that of a Dean. Because their authority derives partly from the Vice-Chancellor via the Pro-Vice-Chancellors, and partly from the Senate, we need more clearly to distinguish those aspects in which the Board is advisory to the Dean (who is therefore at liberty to take and to present a different view from the Board) from those aspects which fall within the Board's core responsibility (and on which the Dean as Chair of the Board must represent the Board's view in the wider University).

5.10 Boards have authority for approval of matters of academic policy and strategy within their subject areas, and for the CAU's contribution to wider institutional strategy: Deans should therefore take the Board's views on these matters forward. Where resource implications lead the Dean to differ from the Board view, this can also be made clear but does not override the duty to represent the Board's view in discussions at University committees and other forums. At the other extreme, Boards have an advisory role in the more general aspects of staff matters, but no role in the management of individual members of staff. Between these two positions lie financial matters where the Board's discussions and decisions on academic policy might be expected to take place in the light of financial information, but where it is not appropriate for a Board to be involved in detailed financial planning which is a management responsibility exercised by the Dean.

5.11 Unit Plans result from a complex exercise bringing together ideas and objectives in the CAU, as well as being closely related both to middle tier strategies and to budget-setting processes. They may on occasion for various reasons include academic objectives (for example, the development of a new academic area) which are linked to changes in organisation. The Dean, as Head of Unit, is responsible for developing and implementing the Plan. As Chair of the CAU Board she or he must ensure that the Board has agreed the Plan's academic content, and has done so in the knowledge of its broad financial, risk and staffing implications. Defining and implementing the financial and organisational aspects of the Plan once agreed is a management responsibility for the Dean, who should report back on such matters to the Board.

5.12 Decisions on significant academic reorganisations are also complex. They may seem to represent a grey area, because they involve governance decisions about the University's activity in teaching and research, plus difficult resource and staffing issues. It is expected that in the initial stages the CAU Board and the Dean concerned would both be involved in the discussions, bringing to the question the broadest range of expertise and arriving at recommendations from their respective

points of view. Such cases are, however, decided at a higher level than CAU Boards, by Senate and Council with advice from SPRC. Differences of opinion between the Board and the Dean are undesirable but, where this is the case, both views must be evident to higher level bodies.

Course Teams and Programme Boards

5.13 Examination Boards are engaged in assuring quality and standards and where necessary deciding individual cases, on the basis of which they make recommendations for awards to Senate: they therefore have some formal governance powers. Course Teams as currently constituted look more like project teams than committees, though they need to be accountable, via their Chairs, to the relevant academic governance bodies as well as to management. Course teams need to be located clearly within a more programme based University and within a course models approach.

5.14 Undergraduate Named Degree Boards and Higher Degree Programme Boards are not listed in the Government Structure Handbook. Current programme boards should be recognised by the University as committees of CAU Boards (the 'lead' CAU Board where there are links with other CAUs), as they have Quality Assurance responsibilities. The need to embed programme boards within CAU governance structures was recognised in CAU Board responses to the Review, though there was a view that the link might better be made via a curriculum-specific committee reporting to the Board rather than with the CAU Board itself.

Recommendation 17 Curriculum Programme Boards

Curriculum programme boards should be recognised by the University as committees of CAU Boards.

Membership Assumptions

5.15 Revised membership as recommended in Annex 3 is more radical than that assumed during consultation, the aim being to specify an approximately 80/20 balance between academics (plus ALs) and others (including students). Compared with current CAU Boards, more places have been provided for students and for ALs. Membership for visiting staff, consultants and for staff who can currently 'opt in' has been removed, together with automatic cross-membership between CAU Boards, and service unit membership. CAUs will still be able to involve such staff in meetings either as co-opted members or as observers 'in attendance'. But the big issues concern academic staff, and academic related staff.

Academic Membership and Overall Attendance

5.16 There is strong support for retaining a model in which central and regional academic staff appointed to a CAU are automatically members of its Board, given the prospect of an elected AGB, and no change is recommended. But CAU Boards in their current form predate the introduction of departments and of programme boards,

and it is difficult for individuals to give proper time to all three structures. Overall attendance at CAU Boards, with CAU-specific averages between 20% and 40%, is a cause of some concern (Note 6). It increases the risk that the balance of attenders will be significantly different from that envisaged in the constitution, and in particular that the academic staff majority will not be maintained in practice. A pessimistic assessment would be that automatic membership is incompatible with good turnout in an institution of our current size, but the hope is that better linkage and clearer powers might encourage better attendance.

5.17 In collecting statistics, it was noticeable that some CAU Board records were less rigorously kept than in the case of centrally serviced Boards. Attendance over a period is a test of how well a CAU Board is working, and CAU Boards should monitor attendance (against a benchmark) and seek to encourage a good attendance from all the relevant categories over time. A classified list of members should be included in the papers for the first meeting of each committee year.

5.18 A short-term group comprising a selection of CAU Board secretaries and Deans might usefully explore the potential for transferring aspects of practice from one CAU to another. There seems to be no standing forum for sharing practice on CAU governance: a community of practice involving Deanery staff could be a helpful development. Adding members of the Policy Development Group and Central Secretariat could help build links with the rest of the structure, with Senior Faculty Administrators having clear responsibilities for monitoring the effectiveness of CAU governance arrangements.

Recommendation 18 Performance Improvement and Review

Cross-CAU mechanisms, also involving Policy Development Group and Central Secretariat staff, should examine ways of improving academic participation and linkage with the rest of the academic governance structure.

CAU Board secretaries should ensure that business and attendance is monitored, as part of the wider AGB performance review process.

Academic Related Staff

5.19 The revised constitution aims to correct anomalies between the four current constitutions in the handling of specific CAU staff categories, whose membership is automatic in some CAU Boards but representative in others: a representative approach has been adopted overall, to help ensure an academic majority. Current constitutions also display general differences in the handling of academic-related UAP categories, notably Course Managers vis-à-vis administrators. These distinctions have not been preserved, given that the focus of the *Review of Support Staff in CAUs* was to move away from them. Confusion caused by drafting of the current constitutions (about whether a category refers to the CAU's own staff or to staff from another Unit) has also been avoided.

5.20 Following the principle adopted in other areas of governance, and reflected in the current constitutions, the CAU Board Secretary should not be a member, because there is a tension between preparing an official record or offering impartial advice on the one hand, and taking up a position on specific issues on the other.

Cooption of Internal and External Expertise

5.21 Most of the current constitutions allow large-scale cooption within a percentage rule, which is complex and awkward to operate. It permits a Board, in effect, to change the constitution by granting membership to the whole of a 'representative' category, while the Board of another CAU might take a different approach to the same category: this seems inequitable. The percentage approach also enables larger CAU Boards to co-opt more people, and as the purpose of cooption is to secure specific expertise, the logic behind this arrangement is unclear. The new Constitution provides for co-option of a maximum number of individuals with specific expertise, from inside or outside the University, or both. It therefore provides for external inputs but without *requiring* the involvement of externals at CAU Board level, because advisory groups or programme board membership may provide a better solution.

Conclusion

The recommended approach offers the following benefits. It:

- Introduces a generic constitution with a consistent approach to membership
- Clarifies the remit of the Board relative to the Dean/Director
- Clarifies the relationship between CAU Boards, Programme Boards and Course Teams
- Encourages CAUs to improve participation rates

CHAPTER 6 OPERATION AND GOOD PRACTICE

Introduction

6.1 This Chapter covers a number of important issues about the operation of academic governance bodies and the system overall, including control of growth in the committee system, legitimacy, communications and resources.

Codes of Governance

6.2 Corporate Governance has been a prominent area of concern in recent years. The UK *Combined Code on Corporate Governance* is particularly directed at company boards, while the *Governance Code of Practice for Higher Education* published in November 2004 is of more specific relevance here. Although the latter document deals largely with Councils and other governing bodies, leaving academic governance as a neglected area, it does recommend a formal and rigorous evaluation of the effectiveness of senates and their committees not less frequently than every five years. Some of its general advice on governing bodies is also relevant to the AGB. The Open University has its own *Code of Practice for University Elections and Committee Procedure* which will need updating in the light of this Report's recommendations (Note 7).

Controlling Growth and Monitoring Performance

6.3 Some other universities have a 'watchdog' for committee growth - an individual or a committee reporting to their governing body - but here responsibility seems dispersed among the parent bodies of particular committees. Some control needs to be exercised over the growth of advisory as well as governance bodies, and this task should form part of overall responsibility for governance held by the University Secretary, who would report annually to the Academic Governing Body. Work would be carried out via the Central Secretariat, but would need to draw in the secretaries of all academic governance bodies.

6.4 Relating actual business of all academic governance bodies to the constitution should contribute towards satisfying sector-wide governance codes of conduct, and could be done by committee secretaries throughout the year. As well as linking decisions taken with appropriate Terms of Reference, it should also include monitoring of overall attendance over time (and the balance of attenders) against a benchmark figure of 75% of the membership. This process would feed in to a periodic overview (perhaps held once every two years and in time to inform the election process) designed to establish whether all the bodies within an area are still needed.

Recommendation 19 Controlling Growth and Monitoring Performance

The watchdog role for academic governance should be exercised by the University Secretary via the Central Secretariat, with an annual report to the Academic Governing Body.

An overview of all bodies in the substructure should be carried out periodically on behalf of the Academic Governing Body.

Committee secretaries should regularly monitor business against constitutions, and monitor attendance against a 75% benchmark.

Quorums

6.5 Quorums help guarantee the legitimacy of decisions taken at a particular meeting. In the March 2004 Document we assumed that a minimum overall quorum of 40% would be set for the new AGB, and raised the possibility of a supplementary quorum for academic members: both conditions would then need to be met for the Academic Governing Body to be quorate. There is no reference to quorums in the OU *Code of Practice*, and no general advice is currently offered to Chairs or secretaries. Formal quorums exist for Council (currently 10, or about 30%, with a supplementary quorum of three lay members), Senate (currently 60, or about 5%, with no supplementary quorum for academic members) and for a small number of other bodies (Note 8) but academic policy boards, their substructures and CAU Boards currently have no quorum.

6.6 Governing bodies are sometimes advised to set their quorum at 50%, to ensure that decisions are not taken by a minority, but practice varies, and other universities have quorums between one-third and one-half of the membership. There is logic in extending a Senate quorum throughout the academic governance structure, because all its bodies have delegated power to make decisions. There is no clear reason why we should take a different approach in different parts of our structure which is, in effect, a distributed Senate.

6.7 In drafting a recommendation for this University, the following considerations have been taken into account:

- It is not legitimate for decisions to be taken by whoever happens to turn up to a meeting, because business should be handled in line with the constitution, and therefore some rules and some guidance are needed to assure quality in decision making.
- It is preferable to specify a quorum as a proportion of the membership rather than as a fixed number, because cooption clauses and constitutional changes can cause the membership to fluctuate from one committee cycle to another.
- For statutory bodies, it is desirable to have a consistent approach, with broadly the same percentage quorum ('the standard figure') for Council and for the new Senate/AGB: the Council Review has been asked to take this issue on board alongside this Review.

- It is desirable to have an approach for middle tier academic governance bodies which is consistent with that taken to the statutory bodies, and that is what is recommended.
- Introduction of quorums for CAU Boards should not be considered until the effects of action to improve attendance have been evaluated.
- A quorum should be substantial rather than nominal (e.g.5%). The working assumption is that the standard figure would be 40% of the membership, rounded down to the nearest whole number: that is roughly half the attendance benchmark figure. There is an issue in some cases about whether attendance should be counted against the membership or the *active* membership (excluding those on study or sick leave).
- Supplementary conditions about academic attendance would be appropriate, particularly for the AGB and for CAU Boards, but it may be better to minimise the number of rules and leave assessment of the appropriate balance of attenders to the Chair's discretion.
- For advisory bodies, guidelines would be more appropriate than quorums.
- The current OU *Code of Practice* includes a rule requiring elected members who do not attend a minimum proportion of meetings over a specified period to give up their membership at the end of that period: this should be implemented consistently.
- The OU might adopt the practice of some other universities in which an inquorate meeting may not make decisions but may discuss an issue and formulate recommendations, which must be decided by a later meeting or by postal vote.

It should be stressed that a quorum is a *minimum* level of attendance needed to legitimise decision-making, and tends to be invoked in the later stages of long meetings after some members have left. The quorum is distinct from the 75% monitoring benchmark recommended earlier in this Chapter (a marker of *good* performance, with most members attending most of the time) which is informed by current middle tier levels of participation.

Recommendation 20 Quorums

The AGB and Middle Tier academic governance bodies should have an overall quorum. Subject to coordination with the Council Review, the standard quorum figure should be 40%.

Bodies exercising judicial functions on behalf of the AGB, or fulfilling a legal requirement, should also have quorums. As a number of these are very small bodies (six members or fewer) they may require a quorum, expressed in headcount terms, which is higher than the standard percentage figure.

The AGB should monitor the effects of CAU Board actions to improve academic participation.

Chairs should have the power to defer items if attendance at a meeting is not representative of the membership, even where the overall quorum is met.

Advisory bodies should generally use guidelines on attendance rather than quorums.

Minutes should record the total number of members attending each meeting, in the style of current Senate minutes, in addition to a record of names.

Chairing Academic Governance Bodies

6.8 Separation of executive and chairing roles is essential only for Council, but it may be desirable in academic governance, particularly in the middle tier. No change in chairing the AGB and CAU Boards is recommended: the issue there is to ensure that these bodies are sufficiently powerful to hold office-holders to account. In the middle tier, coherence of decision-making across boards is an important objective and only PVCs and the Director Students tend to get a view across the piece. But these office-holders do not 'own' governance arrangements, and their chairing of middle tier boards can lead to a perception that the Executive drives the agenda and the decisions, leaving the membership with little real influence.

6.9 On balance, it is recommended that VCE members should continue to chair the three 'academic policy boards' in the new structure with the new Student Learning and Support Board having joint chairs, each of whom would chair a selection of its meetings and both of whom would be involved in agenda-setting. But VCE members should not generally chair governance or advisory bodies in the substructure of these boards (current practice varies between portfolios): chairing should be opened up, to reduce the load on VCE members and to broaden the range of available committee chairs. It has been suggested during consultation that all major bodies should have active deputy chairs who might chair some meetings in place of the chair, rather than merely deputise in his/her absence, and who would have a role in setting the agenda: that is a useful practice which forms part of the recommendation below.

Recommendation 21 Chairing Governance Bodies

The AGB should be chaired by the Vice-Chancellor, and CAU Boards by the CAU's Dean or Director

'Academic policy boards' should be chaired by the relevant PVCs or the Director, Students, with joint chairing arrangements for the new Student Learning and Support Board.

Governance or advisory bodies in the 'academic policy board' substructure should not normally be chaired by VCE members.

Active deputy chairs should be designated for all major bodies.

Training and Induction

6.10 There should be general University training in the chairing and servicing of meetings, together with written guidance for chairs as well as for secretaries. The AGB Chapter suggested a specific need for initial induction and training of its elected, nominated and co-opted members. It is not yet clear what form this should take, but its content should include the following:

- the broad relation between Senate, Council and office-holders within the University's Charter
- the overall purposes of academic governance, and an overview of the revised structure
- the interactions between the main academic governance bodies, and the distribution of decision-making responsibility across the structure
- the constitution of the new Senate including its Standing Orders
- the broad relation between 'executive' and 'non-executive' Senate members, including the behaviours expected of 'non-executives'. The latter would mirror those which independent, lay or co-opted members should bring to a university Council. 'They should question intelligently, debate constructively, challenge rigorously and decide dispassionately, and they should listen sensitively to the views of others, inside and outside meetings.....' (Note 9).

Documents developed from parts of this Report could form the core of an induction pack. Once the new Senate is operational, similar information should be provided for members joining at a later stage, whether as a result of regular elections, the filling of casual vacancies, or co-option.

Nominations

6.11 Within academic governance, there is no active equivalent of the Membership Committee which Council operates: Senate Agenda Committee has an appropriate term of reference, but this is not generally exercised. The earlier proposal for a nominating mechanism proved controversial, with concerns that it could act as a filter preventing some individuals from standing, rather than as a facilitating mechanism, or that it would be open to abuse as a means of ensuring that only 'establishment' figures are selected. There was recognition that more care may be needed in selecting committee members in terms of experience and skill (including the broad range of experience and different citizenship skills which members of the university can bring to governance), as well as cross-CAU and other balances.

6.12 The Council Membership Committee has a number of functions, not all of which may be applicable to academic governance:

- To bring forward recommendations for the appointment or re-appointment of co-opted members of the Council, including recommendations on periods of office.
- To bring forward recommendations for the appointment of Council members to committees of the Council and to committees of the University where Council members are to be appointed.
- To advise the Council on the balance of membership (including committees of the Council) and the experience and skills required.

The first bullet-point is applicable to the small number of co-opted places recommended for the AGB: it would not apply to co-opted places on Middle Tier or CAU Boards, which would be filled by those boards themselves. A nominating mechanism could help fill casual vacancies as they occur on the AGB and its substructure. Our current arrangements for electing Senate members to other bodies make it difficult to ensure an appropriate balance of skills, experience and constituencies but the balance between constituencies is better handled by composition rules of the form ' X members of Senate of which no more than Y should come from a single unit' than by nominations. Where specific expertise is required, notably in relation to the Quality Assurance Committee or the judicial functions which fall within the remit of the academic governance structure, there could be a role for a nominating mechanism. A small AGB Membership Panel, elected by the AGB and with specialist support from the Central Secretariat, is recommended for such tasks.

Recommendation 22 Nominations

An AGB Membership Panel should handle:

- The filling of AGB co-opted places
- Filling of casual vacancies on the AGB and its Satellite Bodies
- Nominations to the AGB for the membership of the Quality Assurance and Enhancement Committee and specialist judicial bodies

Electoral Systems

6.13 A decision will be needed on whether to continue with the 'first past the post' system or move to the single transferable vote system for AGB elections. That issue is relevant to other elections beyond the scope of this Review, but it would be convenient if any change coincided with the implementation of its recommendations. Whichever approach is chosen, it is assumed that continuity would be served by electing half the successful candidates for a two-year term, with the remainder elected for four years, but further work will be needed on this issue.

Publishing Information

6.14 Committee papers are now widely accessible via the intranet, although site management is split between Policy Development Group and Central Secretariat, and the range of papers available is different in each case. CAU Board papers are

not published on those sites, and are not generally accessible by staff outside the unit. It can be difficult to trace decision sequences and pathways, in the absence of a complete searchable central archive. A consistent approach to publication should be adopted, and the possibility of using a document management system to handle committee papers should be considered. Students still do not have the same access to Committee papers as other members because they do not have intranet access: when electronic documents are made available by other means, they may make reference to other documents available only on the intranet: an improved policy should facilitate access by student members to papers for those governance bodies which have students as members.

6.15 Members of the University are interested in upcoming business as well as proceedings. A committee timetable is readily accessible on the intranet, but does not amount to a calendar of major upcoming business for the year. It would be worth producing a regular intranet *University Gazette*, to include such a calendar alongside an overview of business agreed by the governance structure.

Recommendation 23 Publishing Information

Papers for the main bodies should be published in a consistent format on the 'Committees' section of the intranet home page, and held in a central archive. The possibility of using a document management system to handle committee papers should be considered.

An improved policy on student access to committee papers should facilitate electronic access by student members to papers for the AGB and its committees, together with linked documents .

The University should publish a regular intranet *University Gazette*, to include a calendar of major upcoming business plus an overview of business agreed by the governance structure.

Communications and Communication Technologies

6.16 Our governance bodies do not make significant use of teleconferencing, video-casting and web-casting technologies: this is a real problem now that travel, diary and financial pressures combine to reduce participation of members who are based elsewhere than at Walton Hall. (The Staff Experience Survey, Note 10, covered meetings, including the choice of communications media for different situations.) Technology would enable us to hold AGB meetings 'in public' to enable non-members to observe proceedings. Contributors to the Review felt that as the world's best-known provider of distance learning and associated technologies, the University must engage in detailed work on using information technology to empower and increase participation, and that changes in this area are fundamental to improving governance in such a large scale, distributed organisation as the OU.

Recommendation 24 Communications and Communication Technologies

The University should keep under review the use of communication technologies with a view to facilitating the involvement of remote participants, and observers.

Resources

6.17 Structural changes recommended earlier in this Report, coupled with the changes in operation recommended in this Chapter and the next, should contribute to an improvement in overall effectiveness compared with the present system, in which effort is dispersed across too many committees. But changes recommended here may also require some strengthening in the Central Secretariat to enable it to discharge its role as an information manager for academic governance, in terms of publishing regular information, supporting the monitoring and review process, and ensuring consistency in subsequent modifications to the Government Structure Handbook.

6.18 A consistent costing approach, estimating staff and non-staff costs associated with specific bodies over one committee year, could form a useful component of monitoring and review within the new structure. As the cost of decisions may greatly exceed the cost of the associated decision-making, a sense of perspective is needed when considering resources. And reductions in many current costs, particularly in the staff cost of members attending meetings, can only be realised in the form of opportunity costs. (An outline of such a costing approach is in Note 11).

Conclusion

The recommended approach offers the following benefits. It:

- Introduces a clear and accountable mechanism for controlling growth in the academic governance structure
- Provides an across-the board approach on effectiveness monitoring, benchmarks and quorums
- Introduces a policy on the selection of chairs
- Identifies limited roles for a nominating mechanism
- Opens up issues about communications and resources

CHAPTER 7 DECISIONS AND PATHWAYS

Introduction

7.1 Having recommended academic governance purposes, changes in three major structural areas, and improvements in overall operation, it is now time to examine how business would progress through the revised structure, and how decisions would be taken.

Overall Structure and Interactions

7.2 In a revised structure, makeup of the three perspectives would comprise:

- The AGB, with a small number of satellite mechanisms: quality assurance and enhancement; student discipline and appeals; academic staff appointments, promotions and appeals; and results ratification and classification. The possibility of a new steering mechanism for academic governance business is considered later.
- Three academic policy boards, including a new body for Student Learning & Support, supported by a slimmer governance and advisory substructure.
- CAU Boards with a modified constitution, and with defined relationships to the academic policy boards and the AGB.

The Structure Diagram at the end of this Report shows the key elements.

7.3 Interactions between the levels, and with other structures, would follow these broad principles:

- AGB would routinely receive reports from its 'satellites' and from the three middle tier boards but not from their substructures or from CAU Boards. Its meetings would concentrate on major issues of academic strategy, policy, priority and performance.
- Middle tier boards would recommend strategy to the AGB, determine policy within agreed limits and take responsibility for setting standards within arrangements agreed by the AGB and its quality audit mechanism.
- Middle tier boards would normally interact with CAU Boards on policy matters (within agreed strategies) via the middle tier boards' CAU members. Middle tier boards would consult CAU Boards directly on strategic matters.
- CAU Boards would recommend content-area plans to the middle tier and take responsibility for operational management of quality and standards within their remit. Their main interactions would therefore be with the three middle tier boards and formal parts of their substructure. Although they would have the right to report to the AGB directly on any matter, the intention would be that such interactions would cover business which was not specific to any of the functions covered by the middle tier, including academic organisation and inter-unit relationships more generally.

- AGB's interactions with SPRC would continue to include major strategic investments e.g. in academic staffing and the planning parameters affecting routine academic decision-making.
- Council would consult AGB on strategies and developments with academic implications, particularly international developments, as well as receiving regular reports from AGB. It would continue to decide major changes to the University's offering but neither Council nor AGB would continue to handle routine award approvals. Some academic strategies and updates could be agreed by AGB subject to agreement by SPRC that they do not need reference to Council.

Delegated Powers and Subsidiarity

7.4 Constitutions for the AGB, its middle tier and CAU Boards need to record the places to which specific powers or sub-powers have been delegated, because all governance powers in the structure derive from the Senate. Such powers are currently delegated to relatively few other governance bodies and occasionally to office holders (PVCs, Deans, University Secretary), but it is very difficult indeed to understand the distribution of power:

- Some current Senate powers are vaguely drafted, and there is a more general tendency of Terms of Reference to cover growth but not amalgamation, retrenchment or redirection.
- Senate powers were drafted before the emergence of areas such as validation or curriculum partnerships, which are therefore not referenced.
- Delegated Senate powers are not very clearly linked to the statutory powers, leaving the reader unclear about which Senate powers have *not* been delegated.
- Changes to board/committee constitutions have not always been coordinated with changes to other board/committee constitutions or with changes to the list of delegated Senate powers.
- Local documents explaining responsibility for approvals may be inconsistent with details in the Government Structure Handbook.

The Review is preparing a chart mapping the academic governance level at which different kinds of decision should be taken in future. It will also include relevant interactions with Council, SPRC and office-holders, and will come forward to a later meeting of Senate.

7.5 A principle recommended in Chapter 2 was that 'Decisions should be taken at the lowest appropriate level in the structure', often known as the subsidiarity principle. Cases can be agreed at a subsidiary level when they form part of a way of operating whose systemic implications are well understood. Clarity about which Senate powers have been delegated is vital if subsidiarity is to be effective: higher-level bodies should be informed of the approval decisions of the subsidiary bodies and should only consider for approval decisions which lie outside the subsidiary bodies' delegated powers. In many contexts there would be a general accountability relationship between the subsidiary and the high-level body rather than a requirement for the high-level body to ratify individual cases.

7.6 Exceptions which 'push the envelope' and proposals to change the general way of operating need to be thought through by officers, with appropriate management advice and consultation, with any new strategies and policies scrutinised and agreed

by governance. The March 2004 Document included a number of paradigm-breaking or paradigm-shifting developments of a kind which universities tend to confront from time to time. They are distinguishable on the one hand from decisions which are taken on a regular and frequent basis (like course approvals or fee setting) where the process is well understood, and on the other from once-off decisions which are likely to need ad hoc handling by agreement between committee chairs and secretaries.

New Approaches to Decision Making

7.7 Over the last few years, the University has developed more structured approaches to decision making in a number of areas, including information systems developments, curriculum developments, broad market opportunities and high-level investment strategy. These approaches have in number of features in common, including staged decision-making (with a post-implementation and review stage) and similar dimensions covered at each stage. Often a range of consultations, expert inputs and checks are required but these activities do not necessarily have to take place within boards and committees and in other contexts they tend to be handled executively: there is an important role for governance in approving outputs of the process (particularly plans and priorities) and assuring itself that the process has been followed.

7.8 Now that curriculum decisions have been brought into such a framework, broader academic decision-making would also benefit from studying such approaches, which tackle some of the process problems identified in March 2004, notably unclear responsibilities for considering financial implications and other implementation practicalities, and absence of post-launch review. It also needs a better sense of which steps in a process add value (e.g. evaluating a specific strategy against a broader strategic territory) and which steps do not (e.g. formal 'ratification' by a superior body).

Problem Areas

7.9 Difficult decisions are likely to fall within one of the following six areas. They are 'difficult' not just because the issues may be complex or controversial but because responsibility for decision-making has been unclear. In a few cases this may be because an issue occupies a middle ground between operational management and strategic development. Comments in italics follow.

(i) Academic organisation, ranging from proposals to create or close an academic department or centre to academic mergers of the kind that created the Faculty of Education and Language Studies (FELS). Major changes in interunit relationships might fall within this area too. *Council and Senate have statutory powers over the creation or deletion of academic posts, and should be involved in major reorganisations involving significant changes of a kind which alter the academic shape and size of the institution. Reshuffles with no net effect on staffing should be handled executively after due consultation.*

(ii) Changes in academic roles. *Changes in academic duties, terms and conditions of service, are a Senate matter and should continue to be so.*

(iii) Major changes in curriculum size and shape, including introduction of a major new area such as medical education (whether resulting from government initiative or local enthusiasm). *Such changes require major consideration by both Council and*

Senate, as do new awards involving new general regulations. But the current practice of passing new awards of an existing type, with specific regulations conforming to an existing type, through the same path is a cause of serious delay and involves a number of steps which add no value: such cases should not go beyond the middle tier in future.

(iv) Student strategy and policy issues driven by market factors and with systemic implications. Changes in presentation patterns are a notable recent example. *Judgment will be needed on which specific issues can be handled at middle tier level and which require AGB decision.*

(v) Learning and teaching strategy shifts and their resource implications. E-learning developments provide the most notable examples here. *Judgment will be needed on which specific issues can be handled at middle tier level and which require AGB decision.*

(vi) Research policy, particularly changes driven by the Research Assessment Exercise with implications for the Teaching and Research balance, and for staffing. *In some cases such issues will have implications similar to the organisational changes included in Area (i), and should accordingly be decided by the AGB, whose remit covers the Teaching and Research balance.*

The Review has also looked at how Quality Assurance issues would be handled within a revised structure: this is a big issue but, unlike the ‘big six’ above, not normally a change management issue. Absence of a policy on the number of times a Senate power can be delegated may have influenced the current over-layering of the structure, and so we have included an appropriate recommendation below.

Recommendation 25 Delegated Powers

Powers delegated by the AGB to a committee or to an officer should not be further delegated without agreement by the AGB

Business Scheduling

7.10 Historical precedent drives the current Committee Timetable, in which there is no clear principle behind the scheduling of the main bodies. There should be a set relationship between the following ‘blocks’, allowing a one-month turnaround time between them:

First	Second	Third
Main Middle Tier and CAU Boards.	Academic Governing Body	Council

The linear upward progression of business suggested by this principle will not suit all cases, but it would represent a marked improvement on the status quo. Further thought will be needed on the number of business cycles required during the year, and the traditional university ‘once a term’ meeting frequency has no logic here. The AGB is probably best scheduled in relation to the Council schedule, which would allow four regular AGB business meetings plus an annual academic performance review session.

Recommendation 26 Business Scheduling

The Committee Timetable should provide for business to flow from the main Middle Tier and CAU Boards to the Academic Governing Body and then on to Council.

Business Routeing

7.11 With a simpler academic governance structure and clearer scheduling, normal business routeing ought to be manageable by the secretariat. But the administrative split between the Central Secretariat, Policy Development Group, Office of the Director, Students, and CAU Board administrators means that there is no 'Business Support Office' responsible for the overall flow of business, knowledge management of documents and related matters: a virtual Business Support Office may need to be created.

Business Handling

7.12 There are other issues which go beyond the administrative: for instance, the secretariat's current business planning schedule does not appear to be integrated with VCE's arrangements for leading strategy and policy development. Senate Steering Committees in other universities form a bridge between management and governance (rather as a body like SPRC forms a bridge between Council and Senate). They often handle business between meetings too, and reduce the danger of decisions which properly belong to governance disappearing into bodies which may have no constitutional status. The issue for us is whether there is a variation that suits the particular features of the OU, and the Review Management Group has discussed this issue several times without coming to a firm conclusion. Construction of a reasonably compact committee, which can meet relatively frequently, is one of the challenges in an institution as organisationally complex as the OU.

Conclusion

The recommended approach offers the following benefits. It:

- Outlines flows of business between the three academic governance levels
- Specifies responsibility for six key areas of decision-making
- Proposes a basis for scheduling business through the structure
- Opens up an issue about business handling within the revised structure

CHAPTER 8 ISSUES AND RELATIONSHIPS

Introduction

8.1 This Chapter contains no recommendations but deals with the relationships between academic governance and other structures: the management structure, the consultative structure, the Council and the SPRC. It ends by reflecting on some fundamental issues about institutional membership, and the balance of power within the University.

Relation to the Consultative Structure

8.2 There are grounds for the University to undertake a separate review of its consultative structure, which includes the General Assembly, the Central Consultative Committee, the Associate Lecturers' Committee and the Students Association consultative structure.

8.3 The idea of a specifically academic assembly was considered earlier in Chapter 3. The Charter provides for a General Assembly, which may express an opinion to the Senate on any matter affecting the work and interest of the University but it has met only rarely, the last meeting having taken place in 1981 (not 1974 as stated in the March 2004 Document). Its functions would seem to be met by other aspects of the consultative structure, and through the governance structure, which has student and associate lecturer representatives.

8.4 The Central Consultative Committee *is* active but it reports to, and is an agent of, the General Assembly, which is effectively a defunct statutory body. Role of the Central Consultative Committee is to comment upon 'any matters concerning the University which are of interest to registered students, or to Associate Lecturers', and it therefore privileges just those groups which already have separate and effective consultative mechanisms. It is neither a balanced consultative mechanism involving all internal stakeholders nor a body (like the courts of some other pre-1992 English universities) which maintains a dialogue with a range of external bodies.

Relation to Council and SPRC

8.5 In the view of one commentator (Note 12) when bicameral arrangements, of the kind which the OU shares with other 'pre-1992' UK universities, work well they encourage a Council to engage in dialogue with the Senate, to refer questions to the Senate for a view rather than automatically accepting the VC's interpretation of the academic community's opinions, and to require Senate to respond promptly as a governance partner rather than simply as a defender of the status quo. In the OU, the Council/Senate division of responsibilities operates in way which is generally free of tension, though it does not seem dialogic: regular reports go to Council from the current Senate and Academic Board, but there is no obvious traffic in the other direction. As suggested in the previous Chapter, some routine academic approvals in which Council is currently involved should be delegated to academic governance. Approval of academic strategy is a more difficult area: as Councils have developed an interest in the strategic direction of their institutions, there is inevitably an area of overlap between Council and Senate concerns. Under the new HE Governance Code of Practice, Councils should approve 'the mission and strategic vision of the

institution': that does not necessarily entail approval of every academic strategy, which represents a specific way of delivering on *OU Futures*.

8.6 SPRC is designed as a bridge between Senate and Council, taking advice from Senate before recommending strategy and priorities to Council, and advising Senate of the financial and planning assumptions that should influence academic plans and priorities. In the current structure, this role is mediated via the Academic Board, but SPRC will need to deal directly with the AGB in the new structure. It is assumed that there would not be direct interaction between SPRC and either the middle tier or the CAU Boards. A recent review of SPRC has helpfully simplified interactions between it and academic governance by abolishing the former Operational Planning and Budget Committee and Development Strategy Group. A minor problem which remains is responsibility for broadcasting strategy, currently assigned both to SPRC and CAB: responsibility should clearly rest with the former.

Relation to Senior Management

8.7 The relationship between CAU Boards and Deans was discussed in Chapter 5. Similar issues affect the AGB and Middle Tier governance bodies, which are chaired by senior office-holders (the Vice-Chancellor, Pro-Vice-Chancellors and the Director, Students). These office-holders are generally accountable to academic governance for implementation of agreed strategies, policies and plans, but they also have specific managerial accountabilities to other office holders and (for some activities) to Council.

8.8 Specific constitutions should help distinguish those aspects in which governance is advisory to an office-holder (who is therefore at liberty to take and to present a different view) from those aspects which fall within the core governance responsibility, and on which the Chair must take the governance body's view forward, either into implementation or on to a higher-level University body, depending on the issue concerned.

8.9 In general, governance bodies have authority for approval of academic policy and strategy within their remit, and for their contribution to wider institutional strategy: officers should therefore take the governance body's views on these matters forward. Where resource implications lead an officer to differ from the governance view, this can also be made clear but does not override the duty to represent the governance body's view in discussions at other governance bodies and forums. Governance discussions and decisions on academic policy might be expected to take place in the light of financial and other resource information, but it is not appropriate for governance to be involved in detailed financial planning which is a management responsibility.

8.10 Decisions on significant academic reorganisations are complex because they involve governance decisions about the University's activity in teaching and research, plus difficult resource and staffing issues. In the initial stages the Boards and the Deans of the CAUs concerned should all be involved in the discussions, bringing to the question the broadest range of expertise and arriving at recommendations from their respective points of view. Such cases are, however, decided at a higher level than CAUs, by Senate and Council with advice from SPRC. Differences of opinion between CAU Boards and Dean are undesirable but, where this is the case, both views must be evident to higher level decision-making bodies and to senior management. Similarly, differences of opinion between the Vice-Chancellor and Senate are undesirable but, where this is the case, both views must be evident to

Council.

Management Teams

8.11 Management teams (in this context, VCE and Deanery Teams) have no constitutional status, and hence no power over and above the individual powers of their members. In line with an earlier Recommendation, their status should not be confused by referring to them as 'committees'. They are often represented (or misrepresented) as having rights and powers, or as having taken decisions, which properly belong to governance: such teams can then become a focus for suspicion and distrust, even where all their members are individually regarded as trustworthy. A team can have valuable roles as a cross-portfolio forum, as a source of advice for its senior member, and as a locus of support for ideas and initiatives. But approving of an initiative can readily be confused with (and may shade into) approving matters which properly belong to governance. It is therefore good practice for management teams to publish statements of their functions and to publish the management decisions which they take.

Deliberative Practices

8.12 To be effective at fulfilling their purposes, governance bodies need to be deliberative, not simply debating chambers or rubber-stamping groups dominated by executive agendas and set-piece speeches. Their members need to be aware of wider views on major issues: it has been more difficult for academic and academic-related staff to operate as effectively in this respect as Associate Lecturers and students, who have structures to which their members are clearly accountable.

8.13 Governance structures cannot do all the jobs we currently expect of them. The University has experimented with a range of informal practices including open forums and open web-cast debates, but without yet hitting on the best combination of these practices or a way of integrating them with formal decision making. There are further practices such as deliberative juries, which have been used in contexts other than the OU, and from which we might learn. Working on this issue - and it will take time - will help us understand how to be an effective member of the institution without necessarily being a member of the Senate or other governance body. It will also help us think further about decision pathways: good governance is not always served by crisp linear pathways through governance bodies but sometimes needs iteration and wider engagement.

8.14 There is a wider issue about the different 'spaces' through which discussions and decisions may travel - the 'private' spaces of management teams, the semi-public spaces represented by governance, and the 'public' spaces of open meetings, the intranet etc. The way in which different kinds of spaces are articulated delivers a message about what sort of organisation we are, particularly if a major issue moves from the 'private' to the 'public' (and is presented as a *fait accompli*) without apparently going through any intermediate space in which it can be influenced.

Membership of the University

8.15 The March 2004 Consultation Document summed up the need for change in these words:

If academic governance is to be seen as meaningful, rather than as an expensive and frustrating set of rituals, two conditions need to be met. People need to see it as dealing with things that make a difference. And people need to see that they have a chance of making a difference to the things that make a difference.

But who exactly are these 'people'? University Charters specify 'Members of the University' who collectively constitute a 'legal person' pursuing the objects defined in the Charter. In pre-1992 universities institutional membership includes academic staff, graduates and students. Most academic-related staff are not members of this University - some other universities (Note 13) take a more inclusive approach - although this could be changed by Senate and Council. Can membership mean anything in practice beyond this legal sense?

Power, Influence and Communication

8.16 An answer would begin with access to information and communication channels, because people need to see academic governance as 'dealing with things that make a difference'. Access is also a necessary condition of power and influence - the 'chance of making a difference to the things that make a difference' - whether exercised directly, or indirectly via representation or other means. Membership therefore is not just about 'a sense of belonging' but about the involvement of members in decision-making through governance, the relationship between that involvement and the quality of decision-making, and the relation of decision-making to the quality of the institution.

Twin Citizenship

8.17 Not all categories of member are equally relevant to all areas of governance, because the success of the University in pursuing its objects is fundamental (Note 14). 'Members' are therefore not quite the same as 'citizens', and because a university does not exemplify full political equality, it is not in the full sense a democracy. Nevertheless, a commitment to democratic values and to 'twin citizenship' - in which academics are engaged with the wider institution as well as their local departments and centres - is vital.

Democratic Values

8.18 It was clear during consultation that many attributes of democracy are valued here:

- Outcomes are only regarded as legitimate if they have been produced by certain institutions and processes, not all of which are formal.
- There is a strong commitment to democratic mechanisms such as elections as opposed to nomination or ex-officio membership
- The 'Four Opens' are broadly democratic values which members expect to see reflected in the running of the University as well as in learning and teaching.

- Since its foundation, the University has had a democratic anti-elitist ‘feel’, which a number of contributors to the Review believe it risks losing or has already lost.

Academics and Academic Governance

8.19 Academic participation in academic governance is a key issue in this Review. A leading commentator (Note 15) writes that ‘...the evidence provided by institutional performance...strongly suggests that those universities that encourage a considerable academic participation in governance are the most successful in the league tables and that those that discourage it the most are amongst the least successful.’ The OU Charter provides a central role for academic governance, and represents a very different balance of power from that evident in post-1992 institutions (where membership of the institution is generally identical with membership of their equivalent of Council). This Review aims both to streamline and to strengthen academic governance, and provide a generally acceptable route through the various tensions and tradeoffs inherent in governing an institution like the OU in a difficult environment. The current system is failing academics and the institution as a whole: we have an opportunity to make it more democratic *and* more efficient.

Conclusion

This Chapter:

- Suggests that the University would benefit by reviewing the consultative structure
- Suggests modifications to the relationships between Senate, Council and SPRC
- Offers guidance on the status of management teams, and on the relationship between senior management and governance
- Opens up the issue of what it means to be a ‘Member of the University’.

CHAPTER 9 IMPLEMENTATION

Introduction

9.1 This Report is being submitted to the March 2005 Senate for approval of its Recommendations and associated Constitutions: if any modifications are required, they would be submitted to the June 2005 Senate. Relevant recommendations would then go forward to the July 2005 meeting of Council, which will also be receiving the output of the Council Review. This chapter identifies constitutional implications of this Report's Recommendations, lead-times for elections to a new structure, and responsibilities for carrying out various implementation tasks.

Implications for the Charter, Statutes and Ordinances

9.2 While the Charter provides for academic members of Senate to be elected, the relevant AGB recommendation is more open than the Statute in the Charter's Second Schedule, which stipulates that professorial members shall be elected by professors and other academic members by non-professorial staff. Furthermore, the recommendation does not define any balance between professorial and non-professorial academic staff: the Statute, which is not very clearly drafted, is believed to mean that the split should be 50/50. Addition of members to the ex officio list similarly requires a change to the Charter's Second Schedule.

9.3 The Charter's Second Schedule lays down the powers of Senate: redrafted Terms of Reference for the new AGB, assuming that the result is consistent with the Schedule, should not have implications for the Charter. The recommended AGB Model is consistent with the Charter's '20% rule', which means in practice that the combination of student and academic related places should not exceed one fifth of the total membership. It is believed that all other changes required to implement the AGB recommendations in this Report can be handled by Ordinance.

Elections

9.4 There is a lead-time in running Senate elections, which in the case of the AGB will include electing academic members for the first time. Elections from Senate to other bodies must follow on from this process and require a further lead-time. Coordinating the timing of OUSA's electoral processes (which will underpin the nomination of student members) with wider University elections needs care.

9.5 The next round of elections for non-academic representatives on the Senate and for Senate representatives on other University Boards and Committees was scheduled to take place in early 2005. Additionally, the terms of office of appointed members on University Boards and Committees were scheduled to end in August 2005. At its October 2004 meeting, Senate agreed to extend the periods of office of non-academic representatives on the Senate, the Senate representatives on University Boards and Committees and the appointed members on University Boards and Committees to 31 August 2006. This would allow time for a revised election/appointment process to commence in early 2006, assuming that the Senate and the Council accept the recommendations in this Report, with full implementation from the committee year commencing in September 2006. The appointment of

OUSA and Associate Lecturer representatives on the Senate and other University Boards and Committees would not be affected by this proposal.

Implementation Responsibilities

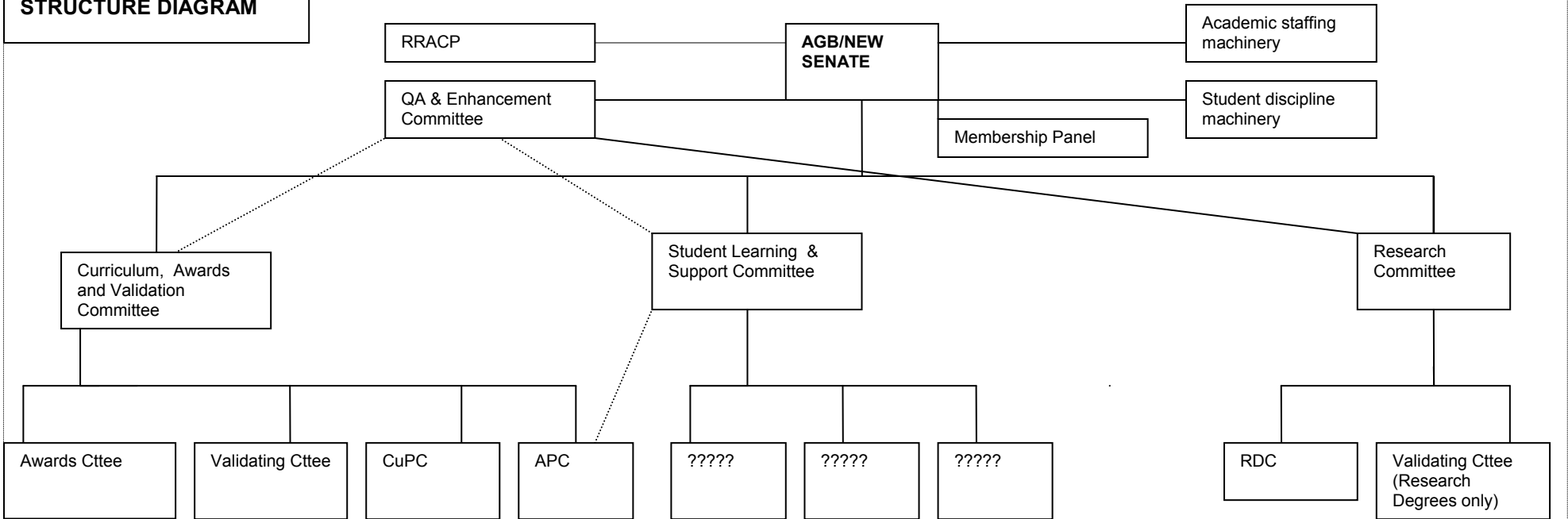
9.6 Tasks with potential impact on the implementation timetable include:

- Approval of changes to the Statutes with respect to AGB composition (University Secretary's Office, Council.) This process requires a special resolution to be passed at two consecutive Council meetings before forwarding to the Privy Council.
- Approval of detailed ordinances on the constitution of AGB and other bodies (Council etc)
- Development of an integrated substructure for the Student Learning and Support Board (Policy Development Group and the Office of the Director Students)

Tasks which should not impact on the implementation timetable include:

- Coordination with the Council review (Review Managers)
- Preparation of induction material and other induction activities for AGB members
- Revisions to the Government Structure Handbook and to the publication of committee papers (Central Secretariat, with Policy Development Group and the Office of the Director Students)
- Revisions to the Code of Practice for University Elections and Committee Procedure (Central Secretariat)
- New edition of the Committee Secretaries' Handbook and introduction of guidance for Committee Chairs (Central Secretariat).

STRUCTURE DIAGRAM



CAU Committees
 CAU Boards would report to the three main Middle Tier Committees and (exceptionally) to the new Senate

- Advisory Groups (Reporting Line)**
- Credit & Awards Group (Awards Cttee)
 - Curriculum Strategy Forum (CAC)
 - Curriculum Intelligence Group (Curriculum Strategy Forum)
 - Foundation Degrees Group (Awards Cttee)
 - Programme Development, Approval & Review Group (Awards Cttee)
 - Qualification Frameworks WG (Awards Cttee)

Advisory Groups (Reporting Line)

Status and reporting lines of current and new groups need confirmation, including groups on Collaborative Publishing, Digital Resources, Widening Participation/EO, H&S in Teaching.

- Advisory Groups (Reporting Line)**
- Strategic Planning and External Relations Group (Res Committee)
 - Research Strategy & Development Group (PVC R)
 - Ethics Panels (Univ Sec/ PVC R)
- Other groups need confirmation

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Boards of the Faculties of Arts, Education & Language Studies, Mathematics & Computing, Science, Social Sciences, and Technology, the Institute of Educational Technology, and the Schools of Management and Health & Social Welfare, Academic-related members of Senate, AL Committee, Central Consultative Committee, Deans' Group, IET Management Committee, Office of the Director Students, Open University Students Association, Policy Development Group, Regional Directors, Region 9 UAP Staff Group, Senate, Senate Agenda Committee, Staff Tutor Liaison Group, Social Sciences Course Manager Group, Student Services (ACA Management Team), Student Services Executive.

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GLOSSARY

Academic Governing Body (AGB)

A term used in this review to refer to a new Senate which also incorporates key functions of the current Academic Board.

Academic Governance

A term used in this review to refer to the Senate and its substructure including the Middle Tier and CAU Boards.

Bicameral

A system of university governance with 'two chambers', typically a Council which is the overall governing body of the institution and a Senate responsible to the Council for specifically academic matters.

Central Academic Unit (CAU)

Organisational units comprising the Faculties, Schools and the Institute for Educational Technology (IET). Each has a CAU Board which is ultimately responsible to the Senate for an area of teaching and research.

Charter

Legal document of incorporation made in the name of the sovereign that established the Open University in 1969 and prescribed its objects, powers and main government arrangements. Many other British universities have Royal Charters but special arrangements apply to Oxford, Cambridge, Scottish universities and to universities founded since 1992.

Code of Practice

In the OU, this normally refers to the *Code of Practice for University Elections and Committee Procedure*, but may sometimes refer to national codes of practice for corporate governance or higher education governance.

Constitution

The University's constitution as embodied in its Charter. More generally, a document constituting a committee or other governance body and typically consisting of its purpose, terms of reference, membership and method of operation (statutory bodies will have detailed and formal standing orders).

Delegation

Normally refers to a management practice, but Senate also has the power to delegate specific powers to committees, boards, other bodies or office-holders.

Executive

In government, the branch which is charged with carrying out the laws and decrees; opposed to 'judicial' and 'legislative'. In business, a person holding a position with decision-making responsibility. In the OU, often used as shorthand for the Vice Chancellor's Executive (VCE), an informal grouping of the VC, PVCs, Director Students and Director of Finance. In this Report, 'executive' has also been used informally to refer to the ex-officio AGB members.

Government Structure Handbook (GSH)

A compendium of information, accessible from the intranet home page, relating to the University's government and management structures, committees, appointment and honorary degree procedures. Copies of the Charter and of all committee constitutions can be found there.

Middle Tier

A term normally used in the OU to refer to a set of strategies, but used in this review to refer to governance arrangements directly supporting the Senate, and linked to key strategies.

Quorum

A specified number of members of any body whose presence is necessary for the proper or valid transaction of business.

Statutory Bodies

The governance arrangements specified in the Charter and Statutes.

Subsidiarity

The principle that a central authority should perform only those tasks which cannot be performed effectively at a more immediate or local level.

NOTES AND REFERENCES

Note 1. The March 2004 Consultation Document is available at http://intranet.open.ac.uk/docs/Academic_Governance_Review_consultation.doc. As S/138/5 it formed the subject of a major debate at the Senate and attracted a range of inputs from committees, groups and individuals. A summary of these responses was published at http://intranet.open.ac.uk/ou-papers/docs/spring_consultation_report.doc and served as a progress report at the June 2004 Senate. A further Consultation Document on CAU Boards <http://intranet.open.ac.uk/ou-papers/docs/agrcaboards.doc> was produced for discussion at the June 2004 meetings of those Boards.

Note 2. The University's overall Objectives for its Government and Management Structure can be found at <http://intranet.open.ac.uk/gsh/Government/govstruct.shtm>

Note 3. Numbers of places and percentages from the current Senate, as at April 2004, are shown in the table below. 'Current percentages' were generated using a notional baseline of 1250 members: there were actually 1228 names on the list, but also some unfilled vacancies, and the presence of some categories in which all relevant staff are members means that the overall size of Senate fluctuates. Only two of the sixteen Senate categories account for more than 5% of the total.

Senate Category	Brief Description	Current Numbers	Current %	Current % Adjusted	Academic Board Numbers
1.0	Ex officio	15	1.2		20
2.0	Academics	865	69.2		21*
3.0	Research Fellows	181	14.48		
4.0	Associate Lecturers	28	2.24		4
5.0	Students	45	3.6		4
6.0	BBC	(7)	(0)		
7.0	Senior Staff	42	3.36		
8.0	Course Managers	10	0.8		3 (from 8.0-14.0 combined)
9.0	CAU Academic Related	15	1.2		
10.0	Library Academic Related	2	0.16	0.64	
11.0	LTS Academic Related	16	1.28	1.76	
12.0	AACS Academic Related	6	0.48		
13.0	SS Academic Related	50	4	5.36	

14.0	VCO etc Academic Related	20	1.6		
15.0	Non-UAP	16	1.28		
16.0	Graduates	2	0.16		
Total		1250			54

*This total figure covers academics, Research Staff, elected Senate members and Regional Staff.

Category 7.0 contains 6 staff from Library Services, 6 from LTS and 17 from Student Services: categories 10.0, 11.0 and 13.0 can therefore give a misleading impression of the strength of these three service units: 'Current % Adjusted' adds the designated senior staff into these three categories, though it should be noted that Category 7.0 staff include some on academic rather than academic-related terms and conditions.

The table's final column indicates current Academic Board membership for comparison. Many of its membership categories map on to those of the Senate, but there are also differences which are recorded in the Government Structure Handbook.

Model 2 percentages in the main text's Table 2 have been calculated against the total before co-options, and it is assumed that the Charter's '20% rule' would similarly apply to that total.

Note 4. Central/Regional. Regional Academics currently represent 24% of the Academic and Research Staff category overall, and around 30% of academic staff.

Seniority. It is vital that electors choose those with the standing and experience to represent them effectively. The Review did not think that that outcome is best achieved by following the practice of many other universities in specifying a ratio of professorial to non-professorial academic staff. An 'elite Senate' would be against the OU ethos, and an open approach has been recommended without ratios or thresholds, even though it would require a Statute change.

Length of Service. This factor is related to, but not identical with, age. Recent arrivals (meaning staff with less than 5 years OU service) may bring valuable experience and a fresh perspective, but thinner networks tend to reduce their chances of election. Such staff should be encouraged to stand, and to highlight their experience in election statements. There are many Central Academics with 0-5 years service (although the average is 14 years), Regional Academics have more even spread (their average is 15 years), while Research Staff have a strong concentration in the 0-5 year band (average 6 years).

Gender Balance. Overall 45% of this category are female, the specific figures being Central Academics 41%, Regional Academics 55%, Research Staff 46%.

Ethnic Mix. Combined Black, Asian and 'Others' represent 5% of this category overall, but it should be noted that the figures are based on self-declaration.

Disability. Disabled staff represent 1.5% of this category overall, but it should be noted that the figures are based on self-declaration.

Note 5. Report of the Institutional Audit by the Quality Assurance Agency for Higher Education (OU/04/1), August 2004, paragraphs 40, 180, 208.

Note 6. Attendance figures in the table below cover the 2002-2003 and 2003-2004 committee years:

<i>CAU Board</i>	<i>Membership 2003-4</i>	<i>Average % Attendance</i>	<i>Highest % Attendance</i>	<i>Lowest % Attendance</i>
Arts	198	39	45	33
OUBS	171	35	47	25
Social Sciences	212	27	31	21
FELS	270	24	29	20
IET	89	40	46	30
SHSW	140	36	46	29
Maths & Computing	171	39	44	32
Science	260	20	27	13
Technology	233	29	44	24

Note 7. Financial Reporting Council (<http://www.frc.org.uk/about/combined.cfm>) July 2003. Development of a new Governance Code of Practice for Higher Education was recommended in December 2003 by the Lambert Review of Business-University Collaboration (http://www.hm-treasury.gov.uk/media/EA556/lambert_review_final_450.pdf) and published in November 2004 by the Committee of University Chairmen as part of the *Guide for Members of Higher Education Governing Bodies in the UK* at <http://www.shef.ac.uk/cuc/pubs.html> and at http://www.hefce.ac.uk/pubs/hefce/2004/04_40/. The OU's current *Code of Practice for University Elections and Committee Procedure* can be found at http://intranet.open.ac.uk/gsh/committees/committees/Code%20of%20Practice_for_University_Elections_&_Committee_Procedure.doc

Note 8. Other bodies (some of which are Council or joint Council/Senate bodies) known to have formal quorums are:

- Council's Audit Committee (currently 3, equivalent to 75% as this is a 4-member committee)
- SPRC (5, including one Council lay member, out of 16)
- Central Disciplinary Committee (4 out of 6)
- Collaborative Publishing Committee (4, including defined members out of 12-15)
- Results Ratification and Awards Classification Panel (4 out of 6)
- OU-OUAUT Negotiating Committee (6 - 3 from each side - out of 8)
- Special Appeals Committee of the Senate (4 out of 5)
- Subcommittee on Exceptional Examination Arrangements and Special Circumstances (3 out of 3-5)

Note 9. Committee of University Chairmen *Guide for Members of Higher Education Governing Bodies in the UK*, November 2004, Part II, Section 1.3.

Note 10. The Staff Experience Survey 2003
<http://kn.open.ac.uk/document.cfm?docid=4738>, Chapter 4.

Note 11. As the costing approach would cover all bodies in the structure, it would need to operate with broad parameters including number of members, number of meetings a year, average percentage attendance plus average regional travel time and cost. Many of the numbers would need to be collected from committee secretaries. One possible approach is suggested in the table below, which distinguishes opportunity costs (O) from cash expenditure savings(C).

<i>Cost Heading</i>	<i>Cost Driver</i>	<i>Costing Basis</i>
Writing Papers and Presentations (O)	(Treat as part of individual roles, not governance)	Ignore
Secretariat & Secretarial Support, inc Agenda-setting Meetings and Pre-Meeting Briefing (O)	No. of Meetings	Collected information, plus two standard costs for major and other bodies
AV/Portering (O)	No. of Meetings	Collected information, plus standard cost for AGB only. Ignore in other cases
Reprographics (C)	No. of Meetings x No. of Members x Ave No. of Pages	Collected information
Postage (C)	No. of Meetings x No. of Members (subset)	Ignore
Attendance (O)	No. of Meetings x No. of Attenders x Ave Length of Meeting	Collected information
Pre-Meeting Reading (O)	No. of Meetings x No. of Members x Ave No of Pages	Collected information
Chairing/Attendance & Pre-Meeting Reading (O)	No. of Meetings x No. of Attenders (Execs) x Ave Length of Meeting	Collected information
Travel expenses for ALs, OUSA, Externals & Regional Staff (C)	No. of Meetings x No. of Attenders (subsets)	Collected information plus standard cost per head
Travel time for Regional Staff (O)	No. of Meetings x No. of Attenders (Regional Staff)	Collected information plus standard cost per head

Note 12. Michael Shattock, Managing Successful Universities, 2003, p.107.

Note 13. Extract from the Keele University Statutes (<http://www.keele.ac.uk/depts/uso/online/stat.htm#SECTION02>):
 'The following persons shall be Members of the University: The Members of the Court; The Emeritus Professors; All other employees of the University; The Graduates; The Students.' At some other universities, including Exeter, Academic-Related staff form a distinct category of Membership:
<http://www.ex.ac.uk/calendar/council/statutes.htm#2>.

Note 14. The March 2004, Consultation Document described the John Lewis Partnership's clear statement of institutional membership benefits - 'gain, knowledge, and power' - which is reflected in its detailed Constitution. The OU is a more complex organisation with many categories of membership, we crucially have the power to award or withhold qualifications as well as engaging in the supply of goods and services, and as a chartered university we are expected to operate for the public good rather than private gain. The contrast with John Lewis is instructive: its Constitution specifies that 'The Partnership's ultimate purpose is the happiness of all its members, through their worthwhile and satisfying employment in a successful business'. In its Charter, the University's purpose is described in terms which are outward-looking and which do not refer to its members apart from students: *The objects of the University shall be the advancement and dissemination of learning and knowledge by teaching and research by a diversity of means such as broadcasting and technological devices appropriate to higher education, by correspondence tuition, residential courses and seminars and in other relevant ways, and shall be to provide education of University and professional standards for its students and to promote the educational well-being of the community generally.*

Note 15. Shattock, *op.cit.*, p.107

REPORT OF THE ACADEMIC GOVERNANCE REVIEW: ANNEXES

Introduction

The Annexes reflect recommended changes to nomenclature by ceasing to use the term 'Board' and by using the term 'Committee only for bodies with governance powers. The Report's 'Academic Governing Body' here retains the Charter title 'Senate'.

ANNEX 1 SENATE CONSTITUTION

Purpose

The Senate is the academic authority of the University which, subject to the powers of the Council, is responsible for promoting the academic work of the University both in teaching and research. It oversees the University's academic management, including the curriculum and all aspects of quality and standards associated with the University as a degree-awarding body. It has the power to make Regulations, including those which (subject to the approval of the Council) delegate any of its powers (marked 'D' below). Senate meetings concentrate on major issues of academic strategy, policy, priority and performance.

Terms of Reference

Degree Awarding Powers

The award of degrees to individuals (except for honorary degrees) has been delegated.

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. *Academic Strategy* To receive draft academic strategies and plans proposed by each immediately subordinate Committee; and to advise those Committees and SPRC on how they might be improved to achieve the University's strategic academic objectives. To approve the academic strategies and plans recommended by each immediately subordinate Committee, in the light of advice from SPRC on financial and planning assumptions, and except where SPRC determines that reference to Council is required.

2. *Academic Policy* To consider and approve or comment on (as appropriate) proposed significant variations from current policy frameworks in the following areas: academic quality assurance, curriculum, assessment and awards including collaborative arrangements, learning teaching and student policy, research.

Monitoring, and reviewing, actions and institutional performance

3. *Academic Performance Review* To review the academic performance of the University during the preceding year, and make recommendations on areas for performance improvement as appropriate to SPRC, committees of the Senate, and

appropriate officers and managers. To receive regular reports from the Vice-Chancellor and to guide him/her in the execution of his/her responsibilities.

Assuring Quality and Standards, including approving regulations

4. *Awards* To recommend to Council the institution or withdrawal of new types of Degrees, Diplomas, Certificates and other academic distinctions offered by the University or on its behalf as validated awards or jointly with other higher education institutions. To grant distinctions including Honorary Degrees.

5. *Regulations* To regulate and control all teaching, courses of study and the conditions qualifying for admission to the various titles, Degrees and other distinctions offered by the University or on its behalf as validated awards or jointly with other higher education institutions having the power to grant such qualifications. To regulate the admission of persons to courses of study and their continuance therein.

6. *Discipline* To regulate the discipline of the University in accordance with a Code of Practice to be approved by the Council on the recommendation of the Senate. To take such steps as it thinks proper for supervising organisations of students.

Advising other governance bodies or management

7. *Advice and Recommendations to Council* To advise the Council on the allocation of resources for teaching and research (Note: specific advice is delegated to SPRC). To recommend to the Council the institution of Fellowships, Scholarships, Studentships, Prizes and other aids to study and research. To propose to the Council new Statutes which it shall be the duty of the Council to consider. To make recommendations or to express an opinion to the Council on any other matter of interest to the University and its affairs.

8. *Advice to SPRC* To provide SPRC and Council with advice on the directions of academic strategy and policy, and provide SPRC with broad advice on the academic aspects of the University's strategic and development plans.

9. *Academic Shape and Size* To recommend to the Council the establishment or abolition of new academic posts in the University (Note: the establishment of individual academic posts has been delegated. This Term of Reference is intended to cover major changes). To review from time to time the roles, duties and conditions of service of all members of the academic staff. To review from time to time the academic organisation of the University and advise the Council on the establishment, reorganisation or abolition of such academic bodies as may be required.

Making governance arrangements e.g. appointing to other committees

10. *Governance and Performance Review* To appoint members of the Senate to be members of the Council and to appoint members of the Senate to be members of Senate committees. To review briefly each year the working of the Senate and its Committees, and their working relationships with Council and SPRC, and to agree proposals for improvement including proposals for the establishment or

disestablishment of Senate Committees and proposals for changing the constitutions of existing Senate Committees.

Matters of public record e.g. ratifying appointments of staff or external examiners

These powers have been delegated.

Judicial: deciding individual cases

These powers have been delegated.

Delegated Powers

D To grant Degrees and other academic distinctions to persons who shall have pursued in either the University or body approved by the University, a course of study approved by the Senate and shall have passed examinations, tests or other assessments of the University or body approved by the University.

To determine what formalities shall attach to the conferment of Degrees and other distinctions.

D To regulate all University examinations, tests or other assessments, and to appoint examiners whether internal or external, for the various Degrees and other distinctions offered by the University or on its behalf as validated awards, or jointly with other higher education institutions having the power to grant such qualifications, such regulation to be exercised in conjunction with other bodies in respect of validated and joint awards upon such terms and conditions as may be specified by the University.

D To recognise such examinations and periods of study at such Universities and places of learning as the Senate may approve as equivalent to such examinations and periods of study in the University as the Senate may determine and to withdraw such recognition at any time.

D To accept courses of study in any other institution which in the opinion of the Senate possesses the means of affording the proper instruction for such courses as equivalent to such courses of study in the University as the Senate may determine.

D To appoint all members of the academic staff in accordance with procedures approved by the Council.

D To expel any student guilty of grave misconduct after giving him an opportunity to appear personally and to be heard by the body established by the Code of Practice.

D To revoke any Degree or other distinction conferred by the University or jointly or as a validated award if the holder thereof has been convicted of a crime or for other good cause which renders him unfit to be a member or graduate of the University or body permitted by the University to act on its behalf.

Membership

1.0 *Ex officio members*

The Vice-Chancellor, Chair, ex officio
The Pro-Vice-Chancellors
The Deans of the Faculties
The Deans of the Schools
The Director, Students
The Director of the Institute of Educational Technology
The Director of Library Services
The Director of Learning and Teaching Solutions

Appointed members

2.0 A total of Fifty Seven representatives of the academic and research staff (with the exception of those in Category 1.0), elected as follows (numbers in brackets refer to the minimum number of regional staff):

<i>Constituency</i>	<i>Number s</i>
Arts	6 (2)
OUBS	5 (2)
Social Sciences	7 (2)
FELS	7 (2)
IET	3 (0)
FHSC	4 (1)
Maths & Computing	6 (2)
Science	7 (2)
Technology	7 (2)
Other central units*	1 (0)
Regional Centres**	4 (4)
TOTAL	57 (19)

*Currently CHERI, COBE, KMi and OBU

**Currently comprises Regional Directors and some Assistant Directors

- 3.0 Six Associate Lecturers appointed by the Associate Lecturers Committee.
- 4.0 Six Open University students appointed by the Open University Students Association.
- 5.0 Fourteen representatives of the academic-related staff of the University elected from amongst their number by such staff (with the exception of those in Category 1.0 and those who have a professional role in serving the Senate

and the Council^{*}) of whom four shall be members of CAU staff, five shall be members of regional staff and five shall be members of central staff based in a unit other than a CAU.

Co-opted members

6.0 Up to eight members, to include one graduate of the University, not undertaking studies in the University and not being in the regular employ of the University and not being represented through another category of the elected membership, following nomination by the OU Alumni Association.

In Attendance

Staff 'in attendance' would include the Secretary, plus the Director OUVS and Head of the OBU, if they are not already members.

^{*} Namely, the Secretary, the Senior Assistant Secretary (Central Secretariat); and the Administrative Assistants (Central Secretariat).

ANNEX 2 MIDDLE TIER COMMITTEE CONSTITUTIONS

CURRICULUM AWARDS & VALIDATION COMMITTEE

Purpose

Curriculum Awards and Validation Committee is responsible to Senate for strategy, policy and standards relating to curriculum and awards including collaborative offerings and accredited institutions. It has delegated powers to approve assessment policy, and to approve new instances of existing types of award.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain and promote the University's Curriculum Strategy, in consultation with Central Academic Unit Committees, and to recommend the strategy to Senate for approval
2. To determine policies and guidelines within the agreed strategy, for the examination assessment and classification of awards which involve taught courses (with the exception of research degrees and higher doctorates) acting on advice from the Student Learning and Support Committee where necessary, and for the approval of new courses and packs.
3. To oversee the processes for preparation approval and review of the curriculum aspects of Central Academic Unit plans, encouraging collaboration between Central Academic Units and Sub-units in their curriculum planning and development activities.
4. To approve the introduction of new courses and packs and the introduction, amendment and withdrawal of awards and their regulations, where these conform with the University's Qualifications Framework and other existing policies, and to make recommendations to the Senate in cases which fall outside these limits.
5. To interpret and approve of exceptions to the policies and regulations relating to examinations and assessment and awards.

Monitoring, and reviewing, actions and institutional performance

6. To monitor the implementation of policy on all matters within the Committee's remit, including collaborative arrangements, and to ensure that activities are monitored against the standards set.
7. To monitor the annual review of awards, to identify areas of the University's curriculum and awards structure requiring attention or development, and to draw these to the notice of appropriate Officers and Committees for review or development activities as appropriate.
8. To contribute to Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

9. To ensure that standards are set for the awards, courses and assessment offered by the University, that they are consistent in standard and are compatible with those offered by other UK HEIs, that they support recognition by other organisations, and that they are in alignment with national and international qualification frameworks.

10. To approve recommendations for the recognition and inclusion in the awards of the University of courses and periods of study undertaken under the auspices both of the University and of other institutions

11. To grant approval, on the advice of the Validating Committee, to institutions for the terms of their accredited status.

Advising other governance bodies or management

12. To advise relevant areas of the University on the collection of evidence about the demand for awards which may be offered by the University, and about the curriculum offerings of competitor institutions.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Curriculum and Awards), ex officio: Chair.
2. Relevant Associate Deans or equivalent of Faculties, Schools, and the Institute of Educational Technology, ex officio.
3. Chairs of any committees reporting to the Committee.
4. Director OUVS ex officio.
5. Head of Assessment Credit and Awards or nominee, ex officio.
6. One nominee of the Director of Student Services
7. One nominee of the Director of Marketing
8. Four representatives of the Senate, elected by the Senate, of whom at least one shall be a member of the central academic staff and at least two shall be members of regionally-based academic or UAP Student Services staff.
9. Two Associate Lecturers appointed by the Associate Lecturers Committee.

10. Two registered students appointed by the Open University Students Association.
11. Four representatives of the University's accredited institutions or external members of the Validating Committee, appointed by the Pro-Vice-Chancellor (Curriculum and Awards) on the recommendation of OUVS officers.
12. Such others as the Committee may co-opt up to a maximum of three.

Method of Operation

1. The Committee shall meet in accordance with the University's Committee Timetable, not less than three times a year, and on such other occasions in the year as have been approved by the Senate. It shall report to each meeting of the Senate.
2. It shall be permitted to delegate tasks to a duly constituted executive committee or committees of itself; or to specific individuals; and may make rules relating to its own procedure, but should not further delegate powers delegated by the Senate without the Senate's agreement.
3. The Committee should designate a Deputy Chair. The Chair shall have executive authority to act on behalf of the Committee and any of its executive committees, in consultation with any body designated to assist in this capacity by the Committee.
4. The Committee shall review each year according to agreed University criteria how efficiently, effectively and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review to allow for implementation of improvements from the beginning of the next Committee year.
5. The Committee shall ensure that strategies, policies plans and priorities within its remit are compliant with relevant University-wide policies implemented or being developed, particularly those relating to Equal Opportunities, Environmental Management and Health and Safety.

STUDENT LEARNING AND SUPPORT COMMITTEE

Purpose

Student Learning and Support Committee is responsible to Senate for strategy, policy and standards relating to the student experience in the University, including learning, teaching, and student support. The committee's remit covers enquirers, clients, sponsors and alumni as well as registered students. Its responsibility for teaching spans centrally-produced resources and regional activities including the work of Associate Lecturers.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To establish, maintain and promote an integrated strategy for learning teaching and student support, recommending the strategy to Senate for approval.
2. To determine policies and guidelines within the agreed strategy for learning teaching and student support
3. To approve proposals for new methods and forms of teaching delivery and student support, having assessed their impact on all stakeholders.
4. To formulate and interpret contractual and other non-academic policies, regulations, and practices relating to the admission and progress of students, including the consideration of exceptions to policies

Monitoring, and reviewing, actions and institutional performance

5. To monitor and assess the extent to which Service Unit and Central Academic Unit plans reflect relevant middle tier strategy.
6. To monitor the quality of students' experience of the University in comparison with the experiences offered by other providers, to identify areas of the student experience requiring attention or development, and to refer these to the appropriate Officers and Committees.
7. To contribute to Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

8. To ensure that standards are set for services provided to enquirers, students and clients within the Committee's remit, to ensure that performance of such services is monitored against the standards set, and to consider reports on performance against those standards.

Advising other governance bodies or management

9. To advise relevant areas of the University on the collection of evidence about the experiences of OU enquirers, students and alumni, about the student support potential of resources and networks beyond the University, and about the experiences offered by competitor institutions.

10. To advise the Senate and/or its other Committees on new developments in the University, in particular assessment policy and strategy, and on developments in the external environment.

11. To advise the Strategic Planning and Resources Committee, via the Senate, on all matters concerned with course fee policy and guidelines, and financial support to students.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

The power to decide individual student exceptions to general policies has been delegated.

Membership

1. Pro-Vice-Chancellor (Learning and Teaching) and Director, Students ex officio. (Joint Chairs: each would take the Chair for a year, with the other as Deputy Chair).
2. One Associate Dean or equivalent, holding an appropriate portfolio, from each of the Faculties and Schools, and the Director of the Institute of Educational Technology, ex officio.
3. Chairs of any committees reporting to the Committee.
4. Director of Learning and Teaching Solutions ex officio.
5. Director of Library Services ex officio.
6. Director of Marketing, ex officio.
7. Head of Teaching and Learner Support, ex officio.
8. Head of Student Recruitment and Retention, ex officio.
9. Head of Assessment, Credit and Awards, ex officio.
10. Two Regional Directors nominated by the Regional Directors.

11. Four representatives of the Senate, elected by the Senate, of whom at least two shall be members of regionally-based staff.
12. Two Associate Lecturers appointed by the Associate Lecturers Committee.
13. Two registered students appointed by the Open University Students Association.
14. Such others as the Committee shall co-opt, up to a maximum of three.

Method of Operation as for Curriculum Awards & Validation Committee

RESEARCH COMMITTEE

Purpose

Research Committee is responsible to Senate for strategy, policy and standards relating to research, research degrees and higher doctorates in the University.

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain and promote the University's strategy on research, in consultation with Central Academic Unit Committees, and to recommend the strategy to Senate for approval.
2. To determine policies and guidelines within the agreed strategy for research, research degrees and higher doctorates, making recommendations to the Senate in cases which fall outside these limits.
3. To oversee the processes for preparation approval and review of the research aspects of Central Academic Unit plans, encouraging collaboration between Central Academic Units and Sub-units in their research activities.

Monitoring, and reviewing, actions and institutional performance

4. To monitor the implementation and operation of policy
5. To monitor reports from Research Degrees Committee on research student and research degree matters
6. To contribute to Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

7. To ensure that standards are set for research activities within the context of external research quality monitoring (currently the Research Assessment Exercise).
8. To be responsible, via the Research Degrees Committee, for the recruitment, admission, registration, supervision and progress of research students, and for research degree and higher doctorate examinations.
9. To approve applications from organisations wishing to become sponsoring establishments for research degrees, after guidance and recommendation from the Research Degrees Committee and the Validating Committee.

Advising other governance bodies or management

10. To advise Senate, Strategic Planning and Resources Committee and CAU Committees on all aspects of the development of research, and research degree

activities in the University, including resources and priorities for strategic development.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Research and Staff), Chair, ex officio.
2. Relevant Associate Deans or equivalent of Faculties, Schools, and the Institute of Educational Technology, ex officio.
3. Directors of the Research Centres
4. Chairs of any committees reporting to the Committee.
5. Four representatives of the Senate, elected by the Senate, of whom at least two shall be members of regionally-based staff.
6. One registered full-time research student and one registered part-time external student, appointed by the Open University Students Association.
7. Two members of the Research Staff elected by and from such staff.
8. A representative from a sponsoring establishment.
9. The Research School Academic Co-ordinator ex officio.
10. Such others as the Committee may co-opt up to a maximum of three

Method of Operation as for Curriculum Awards & Validation Committee

QUALITY ASSURANCE & ENHANCEMENT COMMITTEE

Purpose

Quality Assurance & Enhancement Committee assures Senate that quality assurance arrangements are appropriately established and implemented, promotes quality enhancement, and oversees the University's engagement with external quality assurance processes.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain the University's Quality Assurance strategy for approval by Senate, to ensure that quality is maintained and cross-University quality-related issues are properly addressed and satisfactorily resolved; and to assure Senate accordingly.

Monitoring, and reviewing, actions and institutional performance

2. To approve and review the University's arrangements for the management of quality, in accordance with University policy and in the context of external requirements and guidelines.

Assuring Quality and Standards, including approving regulations

3. To co-ordinate the University's contribution to the national quality assurance framework for Higher Education, overseeing the preparation for, and the institutional organisation of, external quality assurance processes, including reviews by the Quality Assurance Agency, and other Public and Statutory Bodies.

4. To approve plans for follow-up action to external quality assurance processes, and reports on the implementation and effectiveness of measures to address recommendations.

Advising other governance bodies or management

5. To advise appropriate University committees on matters relating to academic quality.

6. To advise on the promotion of quality enhancement and the transfer of best practice on quality assurance matters between units of the University, OUVS, and its accredited institutions.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Learning and Teaching), Chair, ex officio
2. Six members, elected by the Senate on the recommendation of the Senate Membership Panel, of whom at least four shall be members of academic units (to include at least two centrally-based academics) and one external to the University.

ANNEX 3 CAU COMMITTEES

This Constitution covers the Committees of the Faculties, Schools and the Institute of Educational Technology.

Purpose

CAU Committees are responsible to the Senate for recommending and implementing a plan covering academic activity including curricula and the general development of research, and for the maintenance of educational quality and standards, in the broad subject area covered by the central academic unit concerned.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. Within the context of the CAU's agreed aims and the Senate's decisions, to maintain and recommend to the appropriate University bodies each year a plan for curriculum, research, consultancy and contractual activities in the subject areas with which the CAU is concerned (additional wording for the Institute of Educational Technology only: and for the dissemination of good practice in learning and teaching across the University), together with associated staffing and resource requirements.

Monitoring, and reviewing, actions and institutional performance

2. To monitor progress in key areas against the annual plan
3. To receive regular reports from the Dean/Director and to guide him/her in the execution of his/her responsibilities as Head of Unit. To receive regular reports from those responsible for the Curriculum Decision-Making Process within the CAU and to guide them in their actions.
4. To monitor the CAU's relations with other CAUs and with other Units of the University on matters of common interest, and to review the inclusion of such matters in the annual plan.

Assuring quality and standards, including approving regulations

5. To oversee the development of agreed activities within the Unit and to ensure the maintenance of educational quality and standards in subjects and areas within the Unit's remit
6. To approve the establishment of Programme Committees for degrees in named subjects which are based in the CAU, to appoint their external advisors, and to consider their reports. To monitor reports from the committees of degrees in named subjects to which the CAU contributes compulsory and/or core courses, and from the external advisors to such committees.

7. For courses and packs which are included in the approved plans for the CAU, to approve in consultation with the appropriate policy bodies, and subject to any scrutiny of the resource, business or marketing plans required by the University, the details included in the Course Specification.

Advising other governance bodies or management

8. To advise the Senate's subsidiary Committees on draft academic strategies, to advise on draft policies via the CAU Committee's representatives on Senate's subsidiary Committees, and more generally to comment to the Senate as it sees fit upon all matters of academic educational and strategic interest including the academic organisation of the University.

Making governance arrangements e.g. appointing to other committees

9. To elect representatives to University bodies and other CAU Committees when requested to do so, and to receive reports from those representatives.

Matters of public record e.g. ratifying appointments of staff or external examiners

10. To appoint Course Team Chairs, other Course Team members, external assessors, Examination and Assessment Board Chairs and internal examiners; and to nominate external examiners for the approval of the Pro-Vice-Chancellor (Curriculum & Awards).

Judicial: deciding individual cases

None

Membership

CAU Committees will comprise those with automatic membership (categories (a)-(c) below), representatives of other (categories (d) – (g)) together with any additional members co-opted to the Board under category (h).

- | | | |
|----|---|--|
| a) | The Dean and Associate Deans (or their equivalents in IET and OUBS) of the CAU ex-officio | Members |
| b) | Members of the University's central academic staff, including research fellows and senior research fellows, and staff tutors appointed to the CAU. | Members |
| c) | The Chairs of interfaculty Named Degree Committees/Programme Committees for programmes and awards associated with the CAU during the development and presentation of such awards. | Members, if not already members under category (a) above |

d)	UAP (Academic-Related) staff appointed to the CAU (with the exception of the Secretary to the Committee)	Members elected by and from their number as follows; Arts, IET, OUBS, FHSC 20 members; Mathematics & Computing 25 members; Social Sciences, Technology 30 members; FELS, Science, 35 members.
e)	Full-time internal research students registered to read for a higher degree and associated with the CAU, appointed by the Open University Students' Association.	One member
f)	Registered students appointed by the Open University Students' Association.	Four members
g)	Associate Lecturers appointed by the Associate Lecturers Committee.	Five members
h)	Such other persons with specific expertise, from inside or outside the University but from outside the CAU, as the CAU Committee wishes to co-opt as members.	Up to eight members

Mode of Operation

1. The Committee shall meet in accordance with the University's Committee Timetable, not less than three times a year, and on such other occasions in the year as have been approved by the Senate.
2. The Committee shall report in the first instance to the Senate's main subsidiary Committees except on such occasions as it shall choose to make representations to the Senate or to other bodies or is asked specifically to comment to other University bodies.
3. It shall be permitted to delegate tasks as it sees fit to a duly constituted executive committee or committees of itself, or to specific individuals, and may make rules relating to its own procedure, but should not further delegate powers delegated by the Senate without the Senate's agreement.
4. The Committee shall normally be chaired by the Dean/Director, though the Committee should additionally designate a Deputy Chair. The Dean/Director shall have executive authority to act on behalf of the Committee and any of its executive committees, in consultation with any body designated to assist in this capacity by the Committee.
5. The Committee shall review each year according to agreed University criteria how efficiently, effectively and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review to allow for implementation of improvements from the beginning of the next Committee year.

6. The Committee shall ensure that strategies, policies plans and priorities within its remit have regard to relevant University-wide policies implemented or being developed, particularly those relating to Equal Opportunities, Environmental Management and Health and Safety.
7. Where relevant, CAU Committees should ensure consultation with designated industrial and professional advisors about the Unit's plans and programme, and receive reports on action taken in the light of advice.
8. The CAU's SFA and Senior Course Manager should be in attendance, as a source of expert advice, in cases where they have not been elected as members.
9. The Committee may invite staff from Marketing, Finance and other relevant areas to attend regularly as observers, as an alternative to co-option.

ANNEX 4 MIDDLE TIER SUBSTRUCTURE PURPOSE STATEMENTS

This Annex lists advisory bodies as well as committees, and is included for information. Further work is needed in some areas, as noted below.

CURRICULUM AWARDS AND VALIDATION COMMITTEE: COMMITTEES

Assessment Policy Committee

Reports to Curriculum and Awards Committee

Purpose

Formulates policy relating to assessment and determination of course results (excluding research degrees and higher doctorates) and also to classification aspects of awards. Ensures that appropriate measures are in place for all aspects of assessment activity and reviews External Examiners' reports for all courses. Approves, on behalf of Senate, the assessment strategies for all OU courses.

Awards Committee

Reports to Curriculum and Awards Committee

Purpose

Gives initial consideration to proposals for individual taught awards. The Committee also considers award structures, requirements, and new or revised regulations; monitors the demand for individual taught awards; and approves and reviews credit transfer schemes.

Curriculum Partnerships Committee

Reports to Curriculum and Awards Committee

Purpose

Responsible for all regulatory and procedural matters relating to curriculum partnerships. Considers and approves proposals to use the University's course material towards an OU award in partnership with other UK and international organisations; monitors licensing of University course material to other organisations for use in their own awards; considers and approves proposals in which course material might be jointly developed with another institution and also where students might study course material of another institution.

Validating Committee

Reports to Curriculum and Awards Committee

Purpose

Considers initial approval and continuation of establishments as accredited institutions. Ensures that Degrees, Diplomas, Certificates and other academic awards and distinctions awarded under approved validating procedures are consistent and comparable in standard with awards granted and conferred

throughout higher education in the United Kingdom, and fulfils the following functions in respect of accredited institutions and other associated organisations: the validation, approval and review of taught courses; the approval of external examiners for taught courses.

CURRICULUM AND AWARDS BOARD: GROUPS ADVISORY TO GOVERNANCE

Credit and Awards Group

Reports to Awards Committee

Assigns general credit ratings to courses offered by other providers; approves awards of specific credit towards Open University distance-taught qualifications; and advises the Awards Committee on credit and award matters as required.

Curriculum Intelligence Group

Reports to Curriculum Strategy Forum

Purpose

Monitors market research activities either in or commissioned by the University, where they have relevance to the curriculum strategy. It takes an institutional view of curriculum-related market research priorities with a view to ensuring that the strategic direction of the University's curriculum is firmly grounded in sound evidence from the market.

Curriculum Strategy Forum (Formerly Curriculum Strategy Committee)

Reports to Curriculum and Awards Committee

Purpose

Advises on the development and maintenance of the University's curriculum strategy, taking account of the curriculum plans of individual units, relevant changes in the external environment, and the evidence of market research. Develops and maintains a rolling curriculum plan for the University, and reviews and evaluates its implementation.

Foundation Degrees Group

Reports to Awards Committee

Purpose

Develops a detailed framework for foundation degrees and advises and facilitates the development of proposals for specific foundation degrees, including validated, distance-taught and 'hybrid' awards.

Programme Development, Approval and Review Group

Reports to Awards Committee

Purpose

Considers the Quality Assurance Agency's draft *Code of Practice for Assurance of Academic Quality and Standards in Higher Education: Programme Approval, Monitoring and Review* with a view to integrating its precepts into the University's systems; and ensures the University's compliance with the Code of Practice by proposing specific amendments to existing policy and procedures, where necessary.

Qualification Frameworks Working Group

Reports to Awards Committee

Purpose

Recommends qualifications frameworks for the University, consistent with national and international developments.

STUDENT LEARNING AND SUPPORT COMMITTEE

Further work will be needed to develop an appropriate substructure for this new Committee.

RESEARCH COMMITTEE: COMMITTEES

Research Degrees Committee

Reports to Research Committee

Purpose

Exercises Senate powers, via Research Board, for the admission, registration, progress and examination of research degree students and higher doctorate candidates. The small number and specialised nature of these students makes it reasonable to handle them separately from the main body of students which would fall within the remit of Student learning & Support Committee.

Note: **Validating Committee** also appears in the current Research Board substructure as well as in the CAVB substructure, but this link relates solely to research degrees.

RESEARCH COMMITTEE: GROUPS ADVISORY TO GOVERNANCE

Strategic Planning and External Relations Group

Reports to Research Committee

Purpose

Advises the Research Committee on the allocation of research and research degree related income, strategic research, the Research Assessment Exercise submission, research degree development and drafts responses for University submissions on research policy matters to official bodies.

RESEARCH BOARD: GROUPS ADVISORY TO PVC (R)

Research Strategy and Development Group
Reports to PVC (R)

Purpose

Largely an advisory or monitoring body, it also carries out one executive task in allocating a pot of money against guidelines agreed by the Research Committee.

Animal Ethics and Human Participants & Materials Ethics

Report to University Secretary and PVC (R)

Purpose

These areas are under investigation. Formal procedures are needed in the case of experimentation on animals to fulfil Home Office requirements, but neither area requires a governance committee. The procedures should be advisory to the relevant office holders, including the University's certificate holder for animal experimentation.

Other Groups

Other groups cover Funding Bids, Communications, RAE, Third Stream Funding/Knowledge Transfer, Euro Funding Strategy, External Funding Inter-unit Liaison, and the IPMO Board. Some are liaison groups, while the reporting lines of other groups needs clarification.

ANNEX 2 MIDDLE TIER COMMITTEE CONSTITUTIONS

CURRICULUM AWARDS & VALIDATION COMMITTEE

Purpose

Curriculum Awards and Validation Committee is responsible to Senate for strategy, policy and standards relating to curriculum and awards including collaborative offerings and accredited institutions. It has delegated powers to approve assessment policy, and to approve new instances of existing types of award.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain and promote the University's Curriculum Strategy, in consultation with Central Academic Unit Committees, and to recommend the strategy to Senate for approval
2. To determine policies and guidelines within the agreed strategy, for the examination assessment and classification of awards which involve taught courses (with the exception of research degrees and higher doctorates) acting on advice from the Student Learning and Support Committee where necessary, and for the approval of new courses and packs.
3. To oversee the processes for preparation approval and review of the curriculum aspects of Central Academic Unit plans, encouraging collaboration between Central Academic Units and Sub-units in their curriculum planning and development activities.
4. To approve the introduction of new courses and packs and the introduction, amendment and withdrawal of awards and their regulations, where these conform with the University's Qualifications Framework and other existing policies, and to make recommendations to the Senate in cases which fall outside these limits.
5. To interpret and approve of exceptions to the policies and regulations relating to examinations and assessment and awards.

Monitoring, and reviewing, actions and institutional performance

6. To monitor the implementation of policy on all matters within the Committee's remit, including collaborative arrangements, and to ensure that activities are monitored against the standards set.
7. To monitor the annual review of awards, to identify areas of the University's curriculum and awards structure requiring attention or development, and to draw these to the notice of appropriate Officers and Committees for review or development activities as appropriate.
8. To contribute to Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

9. To ensure that standards are set for the awards, courses and assessment offered by the University, that they are consistent in standard and are compatible with those offered by other UK HEIs, that they support recognition by other organisations, and that they are in alignment with national and international qualification frameworks.
10. To approve recommendations for the recognition and inclusion in the awards of the University of courses and periods of study undertaken under the auspices both of the University and of other institutions

11. To grant approval, on the advice of the Validating Committee, to institutions for the terms of their accredited status.

Advising other governance bodies or management

12. To advise relevant areas of the University on the collection of evidence about the demand for awards which may be offered by the University, and about the curriculum offerings of competitor institutions.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Curriculum and Awards), ex officio: Chair.
2. Relevant Associate Deans or equivalent of Faculties, Schools, and the Institute of Educational Technology, ex officio.
3. Chairs of any committees reporting to the Committee.
4. Director OUVS ex officio.
5. Head of Assessment Credit and Awards or nominee, ex officio.
6. One nominee of the Director of Student Services
7. One nominee of the Director of Marketing
8. Four representatives of the Senate, elected by the Senate, of whom at least one shall be a member of the central academic staff and at least two shall be members of regionally-based academic or UAP Student Services staff.
9. Two Associate Lecturers appointed by the Associate Lecturers Committee.
10. Two registered students appointed by the Open University Students Association.
11. Four representatives of the University's accredited institutions or external members of the Validating Committee, appointed by the Pro-Vice-Chancellor (Curriculum and Awards) on the recommendation of OUVS officers.
12. Such others as the Committee may co-opt up to a maximum of three.

Method of Operation

1. The Committee shall meet in accordance with the University's Committee Timetable, not less than three times a year, and on such other occasions in the year as have been approved by the Senate. It shall report to each meeting of the Senate.

2. It shall be permitted to delegate tasks to a duly constituted executive committee or committees of itself; or to specific individuals; and may make rules relating to its own procedure, but should not further delegate powers delegated by the Senate without the Senate's agreement.
3. The Committee should designate a Deputy Chair. The Chair shall have executive authority to act on behalf of the Committee and any of its executive committees, in consultation with any body designated to assist in this capacity by the Committee.
4. The Committee shall review each year according to agreed University criteria how efficiently, effectively and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review to allow for implementation of improvements from the beginning of the next Committee year.
5. The Committee shall ensure that strategies, policies plans and priorities within its remit are compliant with relevant University-wide policies implemented or being developed, particularly those relating to Equal Opportunities, Environmental Management and Health and Safety.

STUDENT LEARNING AND SUPPORT COMMITTEE

Purpose

Student Learning and Support Committee is responsible to Senate for strategy, policy and standards relating to the student experience in the University, including learning, teaching, and student support. The committee's remit covers enquirers, clients, sponsors and alumni as well as registered students. Its responsibility for teaching spans centrally-produced resources and regional activities including the work of Associate Lecturers.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To establish, maintain and promote an integrated strategy for learning teaching and student support, recommending the strategy to Senate for approval.
2. To determine policies and guidelines within the agreed strategy for learning teaching and student support
3. To approve proposals for new methods and forms of teaching delivery and student support, having assessed their impact on all stakeholders.
4. To formulate and interpret contractual and other non-academic policies, regulations, and practices relating to the admission and progress of students, including the consideration of exceptions to policies

Monitoring, and reviewing, actions and institutional performance

5. To monitor and assess the extent to which Service Unit and Central Academic Unit plans reflect relevant middle tier strategy.
6. To monitor the quality of students' experience of the University in comparison with the experiences offered by other providers, to identify areas of the student experience requiring attention or development, and to refer these to the appropriate Officers and Committees.
7. To contribute to Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

8. To ensure that standards are set for services provided to enquirers, students and clients within the Committee's remit, to ensure that performance of such services is monitored against the standards set, and to consider reports on performance against those standards.

Advising other governance bodies or management

9. To advise relevant areas of the University on the collection of evidence about the experiences of OU enquirers, students and alumni, about the student support potential of resources and networks beyond the University, and about the experiences offered by competitor institutions.
10. To advise the Senate and/or its other Committees on new developments in the University, in particular assessment policy and strategy, and on developments in the external environment.

11. To advise the Strategic Planning and Resources Committee, via the Senate, on all matters concerned with course fee policy and guidelines, and financial support to students.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

The power to decide individual student exceptions to general policies has been delegated.

Membership

1. Pro-Vice-Chancellor (Learning and Teaching) and Director, Students ex officio. (Joint Chairs: each would take the Chair for a year, with the other as Deputy Chair).
2. One Associate Dean or equivalent, holding an appropriate portfolio, from each of the Faculties and Schools, and the Director of the Institute of Educational Technology, ex officio.
3. Chairs of any committees reporting to the Committee.
4. Director of Learning and Teaching Solutions ex officio.
5. Director of Library Services ex officio.
6. Director of Marketing, ex officio.
7. Head of Teaching and Learner Support, ex officio.
8. Head of Student Recruitment and Retention, ex officio.
9. Head of Assessment, Credit and Awards, ex officio.
10. Two Regional Directors nominated by the Regional Directors.
11. Four representatives of the Senate, elected by the Senate, of whom at least two shall be members of regionally-based staff.
12. Two Associate Lecturers appointed by the Associate Lecturers Committee.
13. Two registered students appointed by the Open University Students Association.
14. Such others as the Committee shall co-opt, up to a maximum of three.

Method of Operation as for Curriculum Awards & Validation Committee

RESEARCH COMMITTEE

Purpose

Research Committee is responsible to Senate for strategy, policy and standards relating to research, research degrees and higher doctorates in the University.

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain and promote the University's strategy on research, in consultation with Central Academic Unit Committees, and to recommend the strategy to Senate for approval.
2. To determine policies and guidelines within the agreed strategy for research, research degrees and higher doctorates, making recommendations to the Senate in cases which fall outside these limits.
3. To oversee the processes for preparation approval and review of the research aspects of Central Academic Unit plans, encouraging collaboration between Central Academic Units and Sub-units in their research activities.

Monitoring, and reviewing, actions and institutional performance

4. To monitor the implementation and operation of policy
5. To monitor reports from Research Degrees Committee on research student and research degree matters
6. To contribute to Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

7. To ensure that standards are set for research activities within the context of external research quality monitoring (currently the Research Assessment Exercise).
8. To be responsible, via the Research Degrees Committee, for the recruitment, admission, registration, supervision and progress of research students, and for research degree and higher doctorate examinations.
9. To approve applications from organisations wishing to become sponsoring establishments for research degrees, after guidance and recommendation from the Research Degrees Committee and the Validating Committee.

Advising other governance bodies or management

10. To advise Senate, Strategic Planning and Resources Committee and CAU Committees on all aspects of the development of research, and research degree activities in the University, including resources and priorities for strategic development.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Research and Staff), Chair, ex officio.
2. Relevant Associate Deans or equivalent of Faculties, Schools, and the Institute of Educational Technology, ex officio.
3. Directors of the Research Centres
4. Chairs of any committees reporting to the Committee.
5. Four representatives of the Senate, elected by the Senate, of whom at least two shall be members of regionally-based staff.
6. One registered full-time research student and one registered part-time external student, appointed by the Open University Students Association.
7. Two members of the Research Staff elected by and from such staff.
8. A representative from a sponsoring establishment.
9. The Research School Academic Co-ordinator ex officio.
10. Such others as the Committee may co-opt up to a maximum of three

Method of Operation as for Curriculum Awards & Validation Committee

QUALITY ASSURANCE & ENHANCEMENT COMMITTEE

Purpose

Quality Assurance & Enhancement Committee assures Senate that quality assurance arrangements are appropriately established and implemented, promotes quality enhancement, and oversees the University's engagement with external quality assurance processes.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain the University's Quality Assurance strategy for approval by Senate, to ensure that quality is maintained and cross-University quality-related issues are properly addressed and satisfactorily resolved; and to assure Senate accordingly.

Monitoring, and reviewing, actions and institutional performance

2. To approve and review the University's arrangements for the management of quality, in accordance with University policy and in the context of external requirements and guidelines.

Assuring Quality and Standards, including approving regulations

3. To co-ordinate the University's contribution to the national quality assurance framework for Higher Education, overseeing the preparation for, and the institutional organisation of, external quality assurance processes, including reviews by the Quality Assurance Agency, and other Public and Statutory Bodies.

4. To approve plans for follow-up action to external quality assurance processes, and reports on the implementation and effectiveness of measures to address recommendations.

Advising other governance bodies or management

5. To advise appropriate University committees on matters relating to academic quality.

6. To advise on the promotion of quality enhancement and the transfer of best practice on quality assurance matters between units of the University, OUVS, and its accredited institutions.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Learning and Teaching), Chair, ex officio
2. Six members, elected by the Senate on the recommendation of the Senate Membership Panel, of whom at least four shall be members of academic units (to include at least two centrally-based academics) and one external to the University.



The Open University

FURTHER REPORT FROM THE ACADEMIC GOVERNANCE REVIEW

9 June 2005

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SECTION 1 INTRODUCTION

Executive Summary

1.1 The Review presented its Report to the March 2005 Senate, where most of its Recommendations were approved: these are listed in Annex 1. Three Recommendations, all on membership and appointment processes, were referred back or withdrawn for further work, or approved subject to the reference back of details. This report follows the same structure as the March 2005 Report but concentrates on presenting revised versions of these three Recommendations and on introducing further work carried out by the Review since the March meeting. Its largest section is devoted to the new Senate, labelled in the earlier Report as the Academic Governing Body or AGB.

1.2 Recommendations contained in this Report are as follows. The three new recommendations are numbered consecutively from the end of the March sequence.

Revised Recommendations

Recommendation 4 AGB Membership Numbers

Recommendation 10 Middle Tier Membership

Recommendation 16 CAU Board Constitution

New Recommendations

Recommendation 27 Senate Standing Orders

Recommendation 28 Changes to Statutes

Recommendation 29 Code of Practice for University Elections and Committee Procedure

1.3 Timetable for the Review assumes that a consolidated report will be sent to the July 2005 Council on those issues which require Council approval, and that the Review will then be formally concluded. It is expected that the revised Senate structure and associated arrangements will come into effect from the autumn of 2006.

SECTION 2 ACADEMIC GOVERNING BODY

Introduction

2.1 The March 2005 meeting approved the creation of an integrated Academic Governing Body (to be known as 'Senate'), approved its membership categories, and approved electoral arrangements for Academic and Research Staff and for Academic Related Staff, but Recommendation 4 on Membership Numbers was lost by 35 votes to 41. The preceding discussion included criticism of specific details in the recommended 'Model 2', as well as a view that the case for a Senate of 100 members (as opposed to a larger body of up to 150) had not been convincingly made. This Section revisits that territory, includes a comparison with practice elsewhere, and puts forward a revised Recommendation. It also presents for the first time the Standing Orders for the new Senate, and recommends these for approval.

Size and Shape

2.2 The Review is still of the view that the complexity of this institution can be adequately reflected in a Senate of around 100 members, and that a larger body could bring disadvantages:

- It would not allow any more membership categories to be added, because Recommendation 3, which determines the list, has been agreed
- Although it would allow a larger absolute number of Academic Related staff, the proportion should not be allowed to increase significantly relative to Academic and Research Staff: Model 2 provided for a high ratio of one Academic Related member to four Academic and Research Staff members.
- Although it would allow a higher ratio of other members to Ex Officio members, the 100-member AGB already provides adequate safeguards against the executive hijacking the legislature by ensuring several other votes for every Ex Officio vote. It is not clear what additional benefit would be gained by increasing this ratio, but there would be a cost.
- It would probably be a less deliberative body with a greater tendency for members to divide into 'participants' and spectators'.
- It may be more difficult to fill a larger number of Academic and Research Staff places with regular attenders, although there is a counter argument to the effect that elected members will show greater commitment than those with automatic membership.
- There is a tendency, evident in other universities, for the power of larger senates to drain away to some form of executive committee

2.3 An advantage could be a clearer academic majority, less likely to be impacted by study leave absences. The academic majority and other key parameters are examined later in this section.

Senate Composition in Other Universities

2.4 The table below provides a comparison between a selection of UK universities with 'pre-1992' constitutions: 'post-1992' universities do not have senates. Older civic universities appear in the first part of the table, with newer foundations in the second part. Some interpretation has been used to fit different constitutions into the table's categories, and all numbers are headcounts, not percentages.

2.5 It is noticeable that a number of newer universities have now adopted Senates with memberships in the 40-80 range, as have some older institutions, despite very different institutional sizes. There are still large 'unreformed' Senates elsewhere, an example being Liverpool where all professors have automatic membership and where the total membership is in excess of 300.

2.6 The Academic & Research/Academic Related ratio cannot be calculated because other universities do not provide a Senate category for Academic Related Staff, although a couple of such staff are often included in the 'VC, PVCs etc' category.

2.7 It is worth highlighting Manchester, the new merged University with a Charter granted in 2004 and a recently rethought Senate. The approach is not radically different from our Model 2, apart from the absence of AL and Academic Related staff categories. The percentage of the total represented by elected Academic & Research Staff is similar to that in Model 2.

University	VC, PVCs etc	Deans/Asst Deans/Pro Deans	Heads of Dept/School	Professors	Elected Ac/Res Staff	Students	Co-opted	Total	Of which Ex Officio
Birmingham	5	3	19		19	7	4	57	27
Dundee	8	8			58	3		77	16
Leeds	14	27	38		75	19		173	79
Liverpool	8	7	7	259	8	13		302	22
Nottingham	9	7	34	10	32	8		100	50
Sheffield	6	11	57		33	15		122	74
Buckingham	7	3	10		18	3		41	20
Essex	5	7	25		24	13	5	79	37
Keele	8	3	21		25	5	2	63	32
Manchester	8	12			40	5	5	70	20
Warwick	6	9			24	3	6	48	15
York	9		23		18	6		56	22

2.8 The next table shows that the ratio of other members to Ex Officio members is generally lower in these other universities than in the AGB Models:

University	Other members/ Ex Officio
Birmingham	1.1/1
Dundee	3.8/1
Leeds	1.2/1
Liverpool	13/1
Nottingham	1/1
Sheffield	0.7/1
Buckingham	1/1
Essex	1.1/1
Keele	1/1
Manchester	2.5/1
Warwick	2.2/1
York	1.5/1

Models and Numbers

2.9 Returning to the OU, the tables below compares Model 2 (100 members), a new intermediate Model (125 members) and Model 1 (150 members), with key ratios and parameters added.

2.10 The 'Academic Majority' figure is the Academic and Research attendance minus the combined attendance total of all other categories, assuming that all categories achieve a benchmark 75% turnout. (The Ex-Officio category also contains academic staff.)

2.11 The 'Participation Index' is a rough indicator of the potential for members to contribute to the debate. It shows the percentage of attenders who could speak once up to the current 3-minute limit during a three-hour meeting (assuming 75% attendance) and disregarding time for chairing, presentation and voting. (It is worth noting in parenthesis that the equivalent figure for the now-abandoned 75-member model 3 is 94%, while the figure for the current Senate is 6%).

2.12 All the Models comply with the Charter's '20% rule', with Student and Academic Related members together limited to one fifth of the total (before co-options).

Model 2 as presented to the March 2005 Senate

Membership Category	Number
Ex Officio	17
Academic & Research	57
ALs	6
Students	6
Academic Related	14
Total	100
Cooption	<8
Key Ratios and Parameters	
Other members/Ex Officio	5/1
Academic & Research/Academic Related	4/1
Academic Majority	11
Participation Index	80%

New Intermediate Model with 125 Members

Membership Category	Number
Ex Officio	17
Academic & Research	75
ALs	8
Students	8
Academic Related	17
Total	125
Cooption	<8
Key Ratios and Parameters	
Other members/Ex Officio	6/1
Academic & Research/Academic Related	4.4/1
Academic Majority	18
Participation Index	64%

Model 1 from the March 2004 Consultation Document

Membership Category	Number
Ex Officio	17
Academic & Research	94
ALs	9
Students	9
Academic Related	21
Total	150
Cooption	<8
Key Ratios and Parameters	
Other members/Ex Officio	8/1
Academic & Research/Academic Related	4.5/1
Academic Majority	29
Participation Index	53%

2.13 It can be seen that Model 2 provides an adequate academic majority, a more than adequate ex-officio minority, and should provide for an acceptably participative assembly within a workable meeting length.

Issues about Specific Membership Categories

2.14 March Senate agreed that the new Senate should be a largely-elected body. The Review has therefore avoided recommending any growth within the ex-officio category presented in March. It has also avoided further subdivision of other membership categories. Unlike the middle tier committees, Senate is not a specialist body, and it should not be seen as a set of interest groups or as a set of expertise-specific constituencies. Electors should decide whether candidates possess the relevant qualities, and should therefore be supplied with appropriate information, including a statement about the role of Senate, a statement about the role of a Senate member, and a statement from each candidate.

2.15 The University, although based in England, operates in each of the four countries of the United Kingdom, each with a distinct education system and funding arrangement for higher education. This feature was an issue at the March Senate, alongside the more general issue of the University's geographical reach. There are defined proportions of regional members in the Academic & Research and Academic Related categories, and the former includes a subcategory for Regional Centres. The recommended approach enabled distinct HE systems to be reflected in the membership without guaranteeing a specific electoral outcome, because the concern was to avoid 'hardwiring' into the Senate constitution a particular view of the territories - international as well as national - in which the University may operate in future, and of the different requirements of those territories. It is important that Senate has access to advice from those with expertise and experience in these requirements, although it may not be necessary for all such experts to be members of the Senate. Council has recently agreed that the interests of the UK jurisdictions must be incorporated into its co-opted membership, and this Review has now sought to make equivalent provision within the very different Senate composition by ensuring that members with specific expertise will be co-opted if they are not already elected.

2.16 An amendment proposing that more specific and detailed constituencies should be devised for Academic Related Staff was lost. Unlike the Academic & Research category, where all CAUs need a defined presence in an academic senate, the Review took the view that Academic Related category should provide a broad range of relevant expertise: the aim was to avoid a major *imbalance*. The divisions within this category were not therefore designed to provide membership from every unit containing such staff or to reflect proportions of the University's staffing base. There has been some concern about this category, given that some staff previously employed on academic terms and conditions of service are now employed in academic related roles, that many

learning support staff have seen major changes to their roles in recent years, and that external developments now recognise a variety of forms of learning support that might not be defined as teaching in a narrow sense. The Review nevertheless believes that the Academic Related proportion in Model 2 (significantly greater than in the current Senate membership) is appropriate for this institution now. The total number of Academic Related members would be equivalent to all the Academic and Research Staff from two large faculties combined, or alternatively to all the Deans and PVCs combined, and under the revised Standing Orders the group will be more than large enough to propose Senate business in its own right. Changes have, however, been made to the subcategories in the revised version of Model 2 recommended below.

2.17 Graduate input would be arranged via the Alumni Association rather than the AOUG. In principle, this seems the right approach given that AOUG includes only a small proportion of the University's graduates, although it does have a well-established mechanism for electing members to the Senate. Queries therefore arose about the mechanism to be adopted by the Alumni Association. The Association would solicit expressions of interest via Open Eye and its website. A name or names would be forwarded to the Senate Membership Panel after selection by a group including officers of the Association, the OUBS MBA Alumni Association and the AOUG. It is important to stress that AOUG members will continue to be eligible for Senate membership: the new arrangements open up eligibility to the wider group of graduates.

2.18 OUSA members and Associate Lecturer members would be supported by two Senate Reference Groups, which would be funded by the University to enable them to meet before each Senate meeting. Composition of the Reference Groups would not be larger than the OUSA and Associate Lecturer membership of the current Senate, and would be constructed on similar principles, to include in each case members from the regions and members of Senate committees.

Recommended Membership

2.19 Electoral arrangements for the Academic Related category were approved by Senate and have not been changed, but the Review has looked again at its subcategories. The number of CAU-based staff seemed right, but the earlier formula for the other subcategories might have resulted in Student Services taking most or all of the remaining places. The other subcategories have therefore been recast, with specified numbers of places for Student Services (including a regional component) and for other non-CAU units.

Apart from changes to the Academic Related and Cooption clauses, Model 2 is unchanged. Its overall size and shape are shown in the table below, which is followed by a detailed membership breakdown.

Recommended Model 2

Membership Category	Number
Ex Officio	17
Academic & Research	57
ALs	6
Students	6
Academic Related	14
Total	100
Cooption	<8
Key Ratios and Parameters	
Other members/Ex Officio	5/1
Academic & Research/Academic Related	4/1
Academic Majority	11
Participation Index	80%

Recommended Membership*Ex officio members*

1. The Vice-Chancellor, Chair, ex officio
The Pro-Vice-Chancellors
The Deans of the Faculties
The Deans of the Schools
The Director, Students
The Director of the Institute of Educational Technology
The Director of Library Services
The Director of Learning and Teaching Solutions

Elected and Appointed members

2. A total of Fifty Seven members of the academic and research staff (with the exception of those in Category 1.0), elected as follows (numbers in brackets specify the minimum number of regional staff):

<i>Constituency</i>	<i>Numbers</i>
Arts	6 (2)
OUBS	5 (2)
Social Sciences	7 (2)
FELS	7 (2)
IET	3 (0)
FHSC	4 (1)
Maths & Computing	6 (2)
Science	7 (2)
Technology	7 (2)
Other central units*	1 (0)
Regional Centres**	4 (4)
TOTAL	57 (19)

*Currently CHERI, COBE, KMi and OBU

**Currently comprises Regional Directors and some Assistant Directors and Depute Directors

3. Six Associate Lecturers appointed by the Associate Lecturers Committee.
4. Six Open University students appointed by the Open University Students Association.
5. Fourteen members of the academic-related staff of the University elected from amongst their number by such staff (with the exception of those in Category 1.0 and those who have a professional role in serving the Senate and the Council[†]) of whom four shall be members of CAU staff, six shall be members of Student Services staff (of whom three shall be based in a Regional Centre), and four shall be members of staff from other Units.

Co-opted members

6. Up to eight members, to include one graduate of the University, not undertaking studies in the University and not being in the regular employ of the University and not being elected through another category of the membership, following nomination by the OU Alumni Association, and (if not already included in the elected membership) one member drawn from the University's staff in each of Ireland, Scotland and Wales with specific expertise in HE policy matters.

[†] Namely, the Secretary, the Senior Assistant Secretary (Central Secretariat); and the Administrative Assistants (Central Secretariat).

In Attendance

Staff 'in attendance' would include the Secretary, plus the Director OUVS, Head of the OBU, the Scottish and Welsh Directors and the Regional Director for the Open University in Ireland, if they are not members.

Revised Recommendation 4 AGB Membership Numbers

The University should adopt as its new Senate the revised version of AGB Model 2, with numbers and balance between membership categories as listed above.

Senate Standing Orders

2.20 Detailed assumptions contained in the March 2005 Report, notably the 40% quorum and the twelve member signatures required to put forward members' business, have been built into the Standing Orders included as Annex 2. The Review has also taken the opportunity to redraft and update the whole document, simplifying it where possible, and aligning details with the Council Standing Orders where no justification for difference was evident. It is intended to be more useable than its predecessor as induction for new members, as well as fulfilling its primary purpose as a source of reference. The document incorporates the following timeframes and requirements:

Activity	Timeframe
Ordinary Meetings, Schedule	As in Committee Timetable
Ordinary Meetings, business notified to Secretary	15 working days minimum before meeting
Ordinary Meetings, Agenda and papers circulated to members	10 working days minimum before meeting
Ordinary Meetings, items for Members Questions notified to Secretary	2 working days minimum before meeting
Ordinary Meetings, Written Amendments notified to Secretary (Optional alternative to oral amendments)	2 working days minimum before meeting
Reconvened meetings, notice to members	15 working days minimum before meeting
Special Meetings, Schedule	25 working days maximum after request
Special Meetings, notice to members	15 working days minimum before meeting

Activity	Number of Member Signatures Required
Call a Special Meeting	Quorum-equivalent number
Reopen a decision within twelve months	Quorum-equivalent number
Place business on Agenda of Ordinary Meeting	Twelve

2.21 Standing Orders comprise rules for the operation of Senate, including the conduct of debate, the method for determining issues, and the rights of members and of the Chair. Other aspects of operation, with which the new Senate may wish to experiment, are not covered by the revised Standing Orders: these include the frequency of meetings beyond the minimum specified level, the timing of meetings, and the web-casting of meetings.

Recommendation 27 Senate Standing Orders

The University should adopt the revised Senate Standing Orders in Annex 2.

Changes to Statutes

2.22 While the Statutes provide for academic members of Senate to be elected, Recommendation 5 is more open than Statute 15 (1) (b), which stipulates that professorial members shall be elected by professors and other academic members by non-professorial staff:

The members of the academic staff, or a proportion thereof to be determined by Ordinance, which shall prescribe that the proportion of professorial members shall be elected by the professorial members of the academic staff, and that a like proportion of non-professorial members shall be elected by the non-professorial members of the academic staff.

Recommendation 5 provides for a minimum number of regional places, but contains no prescribed balance between professorial and non-professorial staff and no reserved places for headships of department or other positions.

The reference to Associate Lecturers is needed to replace this outdated text in the current Statute:

Representatives of the part-time tutorial and counselling staff as shall be determined by Ordinance.

In all other respects the Models for the new Senate developed by the Review are consistent with Statute 15 (1) (b). The 'one fifth rule' is unchanged apart from the reference to co-options.

2.23 One of the current Senate membership categories not included in the new Senate is *Designated Senior Staff*, consisting mostly of Unit and Subunit Heads nominated on a biennial basis by the Vice-Chancellor. In the new membership presented to Senate in March, two Heads of Units supporting learning and teaching had been added to the ex-officio category to sit alongside the Director, Students. This would require a change to Statute 15 (1) (a).

Recommendation 28 Changes to Statutes

The following text should replace the list of Ex Officio members in Statute 15 (1) (a):

The Vice-Chancellor, who shall preside over meetings of the Senate
 The Pro-Vice-Chancellors
 The Deans of the Faculties
 The Deans of the Schools
 The Director, Students
 The Director of the Institute of Educational Technology
 The Director of Learning and Teaching Solutions
 The Director of Library Services

The text of Statute 15 (1) (b) should be replaced by the following wording:

Members of the academic and research staff, to be elected in such numbers as shall be determined by Ordinance.

Members of the Associate Lecturer staff, to be appointed in such numbers as shall be determined by Ordinance.

Such other persons, not being members of the academic or research staff, and not exceeding one fifth of the total membership of the Senate excluding co-options, as shall be determined by Ordinance.

SECTION 3 MIDDLE TIER

Membership of the Three Academic Policy Committees

3.1 The revised Memberships in Annex 3 reflect a name change from Student Learning and Support Committee to Learning, Teaching and Student Support Committee (LTSSC), in line with an amendment agreed at the March Senate.

3.2 The idea that the membership of the three academic policy committees should include Associate Deans rather than Deans proved more problematic than expected. As Deans will be members of the new Senate and will chair the revised CAU Committees, the intention was to spread responsibility more broadly. Although the current middle tier substructure constitutions tend to be open, and provide for 'One representative of each Central Academic Unit appointed by the appropriate Board', there has been a tendency to appoint Associate Deans to these places. It is desirable to have a consistent approach across the three academic policy committees, but it is also important to have different people from each CAU at an academic policy committee and at the committees reporting to it. There is no ideal solution to this situation as it results from the number of layers in the structure. In the revised constitutions, Deans or their nominees would be members of the three academic policy committees, and nominees of the Deans would normally be members of committees reporting to the three academic policy committees: in some CAUs there is an expert member of staff who is not actually an Associate Dean, and in such cases that person would be eligible for nomination by the Dean.

3.3 Explicit provision for expertise on HE issues in Scotland, Ireland and Wales has now been built in to the membership of the three Committees. The formula is more open than that used in the AGB constitution, enabling different requirements to be reflected in different committees, and also enabling changing requirements to be reflected over a period of time. A key current requirement exists in the area of curriculum and awards, where the University has to comply with Scottish frameworks as a condition of grant.

Middle Tier Substructure

3.4 It would have been desirable to include in this Report constitutions for all the governance (but not the advisory) bodies which will report to the three academic policy committees, but it has proved difficult to achieve this across the board, and the constitutions will therefore be brought forward later. First, the LTSSC is a new concept, and although the working assumption is that it would not need a governance substructure (the middle tier governance substructure identified in the March Report deals with specialised aspects of awards), this assumption needs to be tested. Second, considerable thought will be needed before it is possible to specify how the roles of the new LTSSC would be supported by an advisory substructure in a way which reflects the integration of the LTSSC rather than simply following the division between the two former Boards.

3.5 Third, while the governance substructure for the CAVC and ReC is based on current practice, specific powers need attention to ensure that they strike an appropriate relationship with those of their parent bodies and are consistent with documents describing approval routes. The position is further complicated by a number of instances where current practice differs from current constitutional powers.

Revised Recommendation 10 Middle Tier Membership

Membership of the three academic policy committees should be as in Annex 3.

Senate Satellite Bodies

3.6 In addition to the academic policy committees, a small number of other bodies would routinely report direct to the Senate. The list in the March 2005 Report was incomplete and should read as follows:

Academic staff appointments, promotions and appeals machinery

Central Disciplinary Committee and Special Appeals Committee of the Senate

Honorary Degrees Committee

Quality Assurance and Enhancement Committee

Results Ratification and Classification Panel

Senate Membership Panel

The Strategic Planning and Resources Committee is a joint committee of the Senate and Council, and therefore also reports to the Senate.

SECTION 4 CENTRAL ACADEMIC UNIT COMMITTEES

Constitutional Amendments

4.1 The Revised Constitution in Annex 4 incorporates the following changes:

- Term of Reference 1 contains an expanded reference to IET, highlighting the responsibility for creation as well as dissemination of knowledge about good practice in learning and teaching.
- Two places for CAU support staff (formerly known as non-UAP staff) have been added to each CAU Committee following an Amendment at the March 2005 Senate.

The Review has considered subdividing the Academic Related category for CAUs, following a comment at the March 2005 Senate. Given the recent moves to remove barriers between CAU academic related staff, the current diversity of roles and the possibility of future development, it was not thought desirable to do so.

In other respects, the constitution is identical with that presented to the March Senate.

Revised Recommendation 16 CAU Board* Constitution

The revised single constitution in Annex 4 should cover all CAUs, with any variations marked on the master document

*This Recommendation's original heading has been retained, but Annex 4 adopts the new title 'CAU Committee'.

Programme Committees

4.2 Senate agreed Recommendation 17, in which Curriculum Programme Boards should be recognised by the University as committees of CAU Boards. A new constitution for these bodies, now renamed Programme Committees, has been developed, and will be brought forward later.

SECTION 5 OPERATION AND GOOD PRACTICE

Code of Practice

5.1 The *Code of Practice for University Elections and Committee Procedure* has been extensively revised to reflect agreed recommendations of the March 2005 Senate, and is presented as Annex 5.

Recommendation 29 Code of Practice for University Elections and Committee Procedure

The University should adopt the Code of Practice in Annex 5.

SECTION 6 DECISIONS AND PATHWAYS

Distribution of Powers

6.1 The March 2005 Report noted that the Review was preparing a chart mapping the academic governance level at which different kinds of decision should be taken in future, and also including relevant interactions with Council, SPRC and office-holders. This Chart, which takes account of Council Review outcomes, reflects the discussion of 'Problem Areas' in the earlier Report, and in particular the need for a shorter approval pathway for new awards of an existing type, which has now been agreed by Council. It will be an advisory document about routeing of business, intended to support implementation of the new structure, and will be separate from a formal Senate Schedule of Delegation.

SECTION 7 ISSUES AND RELATIONSHIPS

Power, Influence and Communication

7.1 As the revised *Code of Practice for University Elections and Committee Procedure* states, members of the Senate and its committees should take a corporate University view rather than acting individually or as representatives of a constituency. It follows that they should be open to wider views, and be prepared to be influenced by those outside the Senate or other committee of which they happen to be members. The quality of academic decision-making is not, therefore, just a matter of what goes on in the Senate chamber or around a committee table.

7.2 Effective influence requires at least the following conditions:

- Participation in the selection of members wherever electoral processes are specified
- Information about the membership of decision-making bodies, whether the members are elected or not
- Availability of members of decision-making bodies for lobbying, and not just by their immediate 'constituents'.
- Provision by the University of timely access to information about upcoming business.
- Provision by the University of timely access to information about the proceedings of decision-making bodies.

7.3 Recommendation 23 Publishing Information, approved by Senate in March, contained a number of arrangements designed to support effective influence, including a *University Gazette* summarising upcoming and transacted business, consistent electronic publication of papers, and improved electronic access by student members. Publication of unclassified papers for academic governance bodies in advance of meetings should be the norm, and this will be particularly important for the new Senate.

Council Governance Review

7.4 The Governance Review Group of the Council reported to the Council in May 2005. Its first recommendation is that the size of Council should be reduced in size from 34 to 25 members to secure greater effectiveness: the revised membership would include 5 Senate members. It is expected that the revised Council structure will come into effect from the autumn of 2006.

7.5 The report cross-refers to the Academic Governance Review at a number of points to ensure consistency between the reviews on key issues including quorums, equal opportunities, information and delegation. It notes that:

The Council has a special relationship with the academic governing body, the Senate. The Senate is the custodian of academic standards in teaching and research and sets academic policy. It is important that the Council respects the power and authority of the Senate.

The Senate is responsible for conducting reviews of its own effectiveness and the effectiveness of the academic governance structure as a whole. It reviews academic performance and makes recommendations on areas for performance improvement to appropriate committees and officers.

SECTION 8 IMPLEMENTATION

Changing Documentation

8.1 An equivalent section in the March 2005 Report covered timescales and responsibilities. The Table below identifies which documents would need modification to implement each of the Review Recommendations. Unlike entries in the Government Structure Handbook (GSH), both the Handbook for Committee Secretaries and the proposed Guide for Committee Chairs are informal documents which do not need approval by Senate or Council.

Recommendations in the March 2005 Report

Recommendations	Content	Action
1	Purposes	New introduction to 'Committees' section of the GSH
2-5 including 4 Revised	AGB	New Senate constitution in GSH
6	Revised Middle Tier	New 'academic policy committee' constitutions in GSH
7	Equal Opportunities	Advisory groups as part of LTSSC substructure, listed in GSH when approved. Council also needs to approve relevant advisory groups
8	Information Strategy	University Secretary to consider need for an ISB reporting to SPRC: changes to GSH may follow
9	Quality and Standards	New constitutions for QAEC and new 'academic policy committees' in GSH
10 Revised	Middle Tier Membership	New 'academic policy committee' and other governance constitutions in GSH
11	Governance and Advisory Bodies	New introduction to 'Committees' section of the GSH, Code of Practice
12	Nomenclature	New introduction to 'Committees' section of the GSH
13	Typology	New introduction to 'Committees' section of the GSH
14	Middle Tier Substructure	'Committees' section of the GSH
15-16	CAU Boards	New CAU Board generic constitution in GSH
17	Curriculum Programme Boards	New entry in GSH for Programme Committee generic constitution
18	Performance Improvement and Review	New edition of Handbook for Committee Secretaries
19	Controlling Growth and Monitoring Performance	New edition of Handbook for Committee Secretaries
20	Quorums	Revised Senate Standing Orders, Code of Practice, New edition of Handbook for Committee Secretaries
21	Chairing Governance Bodies	Relevant constitutions in GSH, Code of Practice
22	Nominations	Constitution for new Senate Membership Panel in GSH, Revised Senate Standing Orders
23	Publishing information	'Committee Papers and Minutes' link on intranet, <i>University Gazette</i> would also need its own link in 'Committees' section of intranet
24	Communications and Communication Technologies	Berrill webcast intranet site, New edition of Handbook for Committee Secretaries, New Guide for Committee Chairs.
25	Delegated Powers	Revised Senate Standing Orders. New Senate Schedule of Delegation. Advisory table on decision routing would also need to be published in an appropriate part of the GSH, possibly the introduction to the 'Committees' section
26	Business Scheduling	Committee Timetable, New edition of Handbook for Committee Secretaries

Further Recommendations Contained in this Report

Recommendations	Content	Action
27	Senate Standing Orders	New Senate constitution in GSH
28	Changes to Statutes	Charter and Statutes section of GSH
29	Code of Practice	Code of Practice

ANNEX 1 LIST OF RECOMMENDATIONS AS APPROVED AT THE MARCH 2005 SENATE

This Annex is for information only. Changes in wording agreed at the March Senate meeting are shown *in italics*. References to Annexes relate to the March 2005 Report, not to this Report.

Recommendations on Academic Governance Purposes and the Academic Governing Body

Recommendation 1 Purposes

The University should adopt the following statement of Purposes for Academic Governance:

To regulate the University's programmes of study, admissions, research, teaching, and awards.

To assure quality and standards, including the conduct or commissioning of performance reviews and audits

To determine academic strategy, policy, plans and priorities which will further the objects of the University

To monitor, steer and review actions taken in accordance with the preceding Purpose, by office-holders and management teams

To consider and decide cases which fall outside agreed frameworks

To ensure that relevant appointments have been made according to due process, and to place them on the public record

Recommendation 2 The Academic Governing Body (Note: in line with the Charter, the AGB would be known as 'Senate')

The current Senate and Academic Board should be replaced by a single largely-elected Academic Governing Body with the integrated powers shown in Annex 1, and with a total membership no larger than 150.

Recommendation 3 AGB Membership Categories

The AGB should comprise the following six membership categories: Ex Officio Members, Academic and Research Staff, Associate Lecturers, Open University Students, Academic Related Staff and Cooption

Recommendation 5 AGB Electoral Arrangements

Academic and Research Staff should be elected, with ratios and thresholds only for regionally-based staff. There would be defined constituencies for each CAU, for Regional Centres, and for staff from central units other than CAUs.

Academic Related Staff should be elected from across the whole category with defined proportions for regionally-based staff, CAU-based staff, and centrally-based staff from units other than CAUs.

Recommendations on the Middle Tier of Academic Governance

Recommendation 6 Revised Middle Tier

A revised middle tier structure should comprise three academic policy boards for Curriculum, Awards & Validation; *Learning, Teaching & Student Support*; and Research, with Terms of Reference as in Annex 2.

Recommendation 7 Equal Opportunities

Subject to coordination with the Council Review, the Equal Opportunities Committee should be replaced by informal groups advisory to the relevant formal governance bodies, and to office-holders.

Recommendation 8 Information Strategy

If an Information Strategy Board it retained, it should in future report to SPRC rather than forming part of academic governance.

Recommendation 9 Quality and Standards

There should be a Quality Assurance and Enhancement committee, with a constitution as in Annex 2. It would report to the AGB and provide its key source of assurance on quality.

Terms of Reference should make it clear that the academic policy boards are responsible for setting and monitoring standards and that the QA committee is responsible for advising the AGB on the effectiveness of QA mechanisms.

Deans or their equivalents, rather than Deans.

Recommendation 11 Governance and Advisory Bodies

Academic governance bodies should have continuing powers which fit the academic governance 'Purposes' in Recommendation 1 and which are traceable to Senate powers. They will have constitutions specifying their purpose, terms of reference, membership and method of operation.

Advisory bodies should carry out tasks linked to the functions of governance bodies, without fitting the recommended Purposes: they should have a 'primary purpose' statement but need not have other aspects of a formal constitution.

Recommendation 12 Nomenclature

The University should dispense with the term 'Board' (except for the Boards of Associated Companies), in which case the structure would include Committees reporting to other Committees rather than including Subcommittees.

The term 'Committee' should only be used for bodies with continuing governance powers.

Project Boards, which have limited lives, should be renamed 'Project Management Groups' in line with OU ProjectWare.

Programme Boards in the curriculum area should be renamed 'Programme Committees'

Recommendation 13 Typology

The University should adopt the classification in Table 3.

Bodies advisory to governance should have a maximum life of two years unless their life is extended by the AGB.

Future editions of the Government Structure Handbook should identify reporting lines of advisory bodies.

Recommendation 14 Middle Tier Substructure

Curriculum, Awards & Validation Board would retain governance substructures for awards, validation, partnerships, and assessment policy, though the latter may have an additional reporting line to SLSB. (Note: in line with the title change in recommendation 6, the reference to SLSB should now read *LTSSC*).

Both the Central Disciplinary Committee and the Special Appeals Committee of Senate, which currently have a reporting line to SPB, should in future report direct to the AGB.

Research Board would retain a governance substructure for research degrees.

Recommendations on Central Academic Unit Boards**Recommendation 15 CAU Board Powers**

Central Academic Unit Board constitutions should stress governance powers deriving from the new Academic Governing Body. CAU Boards should exercise similar powers of overall academic direction and quality assurance as the AGB, but in relation to a specific area of teaching and research.

Functions of an effective CAU Board should also cover advice to the Dean in specified areas, and general advice to the AGB or its subsidiary Boards.

Recommendation 16 CAU Board Constitution*

The single constitution in Annex 3 should cover all CAUs, with any variations marked on the master document.

*Note: Recommendation 16 was approved subject to the referral back of specific aspects of membership and associated appointment processes.

Recommendation 17 Curriculum Programme Boards

Curriculum programme boards should be recognised by the University as committees of CAU Boards.

Recommendation 18 Performance Improvement and Review

Cross-CAU mechanisms, also involving Policy Development Group and Central Secretariat staff, should examine ways of improving academic participation and linkage with the rest of the academic governance structure.

CAU Board secretaries should ensure that business and attendance is monitored, as part of the wider AGB performance review process.

Recommendations on Operation and Decision-Making

Recommendation 19 Controlling Growth and Monitoring Performance

The watchdog role for academic governance should be exercised by the University Secretary via the Central Secretariat, with an annual report to the Academic Governing Body.

An overview of all bodies in the substructure should be carried out periodically on behalf of the Academic Governing Body.

Committee secretaries should regularly monitor business against constitutions, and monitor attendance against a 75% benchmark.

Recommendation 20 Quorums

The AGB and Middle Tier academic governance bodies should have an overall quorum. Subject to coordination with the Council Review, the standard quorum figure should be 40%.

Bodies exercising judicial functions on behalf of the AGB, or fulfilling a legal requirement, should also have quorums. As a number of these are very small bodies (six members or fewer) they may require a quorum, expressed in headcount terms, which is higher than the standard percentage figure.

The AGB should monitor the effects of CAU Board actions to improve academic participation.

Chairs should have the power to defer items if attendance at a meeting is not representative of the membership, even where the overall quorum is met.

Advisory bodies should generally use guidelines on attendance rather than quorums.

Minutes should record the total number of members attending each meeting, in the style of current Senate minutes, in addition to a record of names.

Recommendation 21 Chairing Governance Bodies

The AGB should be chaired by the Vice-Chancellor, and CAU Boards by the CAU's Dean or Director

'Academic policy boards' should be chaired by the relevant PVCs or the Director, Students, with joint chairing arrangements for the new Student Learning and Support Board.

Governance or advisory bodies in the 'academic policy board' substructure should not normally be chaired by VCE members.

Active deputy chairs should be designated for all major bodies.

Recommendation 22 Nominations

An AGB Membership Panel, *elected by the Academic Governing Body*, should handle:

- The filling of AGB co-opted places
- Filling of casual vacancies on the AGB and its Satellite Bodies
- Nominations to the AGB for the membership of the Quality Assurance and Enhancement Committee and specialist judicial bodies

Recommendation 23 Publishing Information

Papers for the main bodies should be published in a consistent format on the 'Committees' section of the intranet home page, and held in a central archive. The possibility of using a document management system to handle committee papers should be considered.

An improved policy on student access to committee papers should facilitate electronic access by student members to papers for the AGB and its committees, together with linked documents.

The University should publish a regular intranet *University Gazette*, to include a calendar of major upcoming business plus an overview of business agreed by the governance structure.

Recommendation 24 Communications and Communication Technologies

The University should keep under review the use of communication technologies with a view to facilitating the involvement of remote participants, and observers.

Recommendation 25 Delegated Powers

Powers delegated by the AGB to a committee or to an officer should not be further delegated without agreement by the AGB

Recommendation 26 Business Scheduling

The Committee Timetable should provide for business to flow from the main Middle Tier and CAU Boards to the Academic Governing Body and then on to Council.

ANNEX 2 THE SENATE: STANDING ORDERS

The transaction of business at the Senate shall be regulated in accordance with the following Standing Orders, which were adopted by the Senate in June 2005.

Senate Officers

Chair

The Vice-Chancellor shall act as Chair of the Senate.

In the absence of the Vice-Chancellor, the Acting Vice Chancellor shall act as the Chair of Senate. Any reference to the Chair in these Standing Orders shall also apply in cases where the Acting Vice Chancellor is the presiding officer.

Secretary

The University Secretary shall act as Secretary to the Senate. He or she, or a member of his or her staff to whom that responsibility has been delegated, shall record the proceedings of the Senate ensuring that its decisions and instructions are carried out.

Elections

Electoral Procedure

Elections to membership of the Senate, its committees, and associated bodies, shall be conducted in accordance with the *Code of Practice for University Elections and Committee Procedure*.

Casual Vacancies

In the event of a casual vacancy arising on the Senate, or for a Senate-elected member on a University Committee, the Senate Membership Panel is empowered on behalf of the Senate to fill the vacancy for the period up to the next election to the Senate or of Senate representatives respectively. Associate Lecturer and Student vacancies shall, however, be filled by the original appointing bodies.

Meetings

Ordinary Meetings

The Senate shall meet at least four times each year. Its schedule of meetings shall be published in the University's Committee Timetable.

Special Meetings

A special meeting may be convened at any time on the written request of sufficient members of the Senate to form a quorum, or by the decision of the Chair. The request for a special meeting must propose a motion or motions. No item shall be included on the agenda of the special meeting

other than those specified on the request, unless the Chair agrees that an item is directly related to its main business. Unless otherwise determined by the Chair, members must be given at least 15 working days notice of the meeting, and the meeting must be held within 25 working days of the request.

Agenda and Papers

Senate Business

All items for the agenda of an ordinary meeting, other than questions, must be formally notified to the Secretary at least 15 working days before the date of the next scheduled meeting.

Business proposed with due notice by any twelve members of the Senate acting together must be included on the agenda for the next ordinary meeting unless it falls within the scope of Matters Previously Determined.

Matters Previously Determined

Any matter determined by the Senate shall not normally be re-opened within twelve months on the same basis as that on which the original matter was determined. Such matters may only be re-opened if sufficient members of Senate to form a quorum, acting together, notify such a request to the Secretary at least 15 working days before the next ordinary meeting, or if the Chair determines that such a course of action is appropriate.

Circulation and Publication

The Agenda and supporting papers shall be circulated to members at least ten working days before the meeting, with simultaneous publication (except for papers dealing with classified business) on the intranet.

Exceptions

Papers for discussion at meetings shall normally be confined to those circulated to members by the Secretary before the meeting. The Senate may, exceptionally, agree to consider tabled papers if they require urgent consideration, and if time does not allow them to be circulated in the normal manner.

Openness and Confidentiality

Senate papers are not classified unless so marked. Senate members are responsible for disseminating Senate business (except classified business) to their units or other constituencies before and after meetings as appropriate.

Conduct of Meetings

Quorum

A quorum for all meetings of the Senate shall be forty percent of the current membership. In the absence of a quorum no business shall be transacted other than the adjournment of the meeting. The Secretary shall arrange for the meeting to be reconvened on another occasion and at least 15 working days notice will be given to members of the re-convened meeting.

Observers and those In Attendance

Those in attendance or present by invitation as observers may speak with the permission of the Chair, but shall not be entitled to move or second a motion or amendment or to vote on any matter before the meeting.

Debate

Members should signal their wish to speak on an issue to the Chair, who shall indicate the order in which they may speak and, in the interests of allowing all sides of an issue to be heard, may restrict the number of contributions from any member on any one agenda item. Each member shall identify himself or herself if asked to do so, shall address all his or her remarks to the Chair, and will be allowed up to three minutes in which to make them unless the Chair grants a member a longer period of time.

Order

The Chair may call to order any member whom he or she considers to have strayed from the matter under discussion, or to have persistently disregarded the ruling of the Chair or behaved irregularly, or improperly, or offensively, or wilfully obstructed the business of the meeting.

In the event of misconduct or obstruction or general disturbance or emergency which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair may, without the question being put, adjourn or suspend the sitting of the Senate for such period as may be considered expedient.

Substantive Motions and Amendments

The first proposition on any formal item shall be known as the original substantive motion.

All succeeding propositions on that subject made during the debate shall be called amendments. Any member may alternatively submit a written amendment to the Secretary up to two days before the meeting. Any amendment can be refused by the Chair, if, in his or her opinion, its effect would be to negate the original motion or effectively to propose a new motion.

Each substantive motion or amendment must be moved and seconded before it can be discussed. Where a committee chair or other committee member acting on behalf of a Senate committee (including a CAU Committee) presents business, or when any member presents a resolution submitted in advance by twelve members, it is understood thereby to have been duly moved and seconded. Amendments shall be voted upon before the substantive motion in an order to be determined by the Chair.

If any amendment is carried the amended proposition shall then become the substantive motion. When all amendments have been voted upon the substantive motion shall be put to the vote.

The proposer of a motion or an amendment may, normally with the agreement of the original seconder, ask the permission of Senate to withdraw the motion or amendment previously put, but no other member may propose that the motion or amendment be not put.

Procedural Motions

When a substantive motion or amendment is under debate, no other motion shall be moved except the following procedural motions:

1. that the question be now put (closure of the debate)
2. that the meeting be adjourned to a specific time
3. that the matter be deferred to the next ordinary meeting;
4. that the matter be referred back to the appropriate committee or other body
5. that the meeting proceed to next business;
6. that the order of business be changed
7. that the voting figures be recorded in the Minutes
8. that a part or parts of a motion be voted on separately
9. that the meeting be closed
10. that the debate be adjourned

Once proposed and seconded, a procedural motion must be voted on without debate.

Questions

The Chair may take questions from members, and at his or her discretion may invite responses from particular officers.

Any member may also ask a brief oral question or questions at the beginning of the meeting during the period provided on the agenda for this purpose, provided that the request is made to the Secretary up to two days beforehand, but no formal resolution may be put as a result other than that the matter be included as an item on the agenda for the next following meeting.

Points of Information

A member may, at the Chair's discretion, make a point of information at any time during the course of a debate.

Points of Order

A member may, at any time during the course of a debate, question whether proper procedures have been or are being followed by making a point of order, and the debate shall be suspended until the point of order has been decided by the Chair.

The ruling of the Chair on any questions of procedure, whether under Standing Orders or not, shall be final for that meeting. The ruling of the Chair may be challenged by a motion formally submitted to the next ordinary meeting of the Senate by any Senate committee or by any twelve members of the Senate acting together.

Suspension of Standing Orders

Any of these Standing Orders may be suspended at any meeting after a motion to that effect, proposed by any member and duly seconded, has been passed by a two-thirds majority of those members present and voting. Such suspension shall be for a specified item of business only and shall lapse when that item is concluded.

Voting

Every matter on which a formal vote is requested, apart from a vote to suspend these Standing Orders, shall be determined by a simple majority of members present and voting. Voting will normally be by show of hands, although the Chair, advised by the Secretary, may rule that a close vote be taken again using division lobbies.

Matters Not Considered

Items not considered by the close of the meeting shall normally be referred to the next ordinary meeting.

Minutes

The unconfirmed minutes of the previous meeting will be circulated to all members at the earliest opportunity. The minutes of the previous meeting shall be confirmed at the following meeting, after any corrections have been added if necessary.

A report of each meeting, based on the minutes, shall be forwarded to the Council.

Delegation of Powers

The Senate may delegate authority to the Chair to act on its behalf between meetings on matters of routine business. The Chair shall be answerable to Senate for any action which he or she takes on its behalf and a report shall be made to the next meeting of the Senate detailing any Chair's action taken.

The Senate, advised by the University Secretary, is responsible for considering and approving proposals for the establishment or disestablishment of Senate committees and associated bodies, and for changes to the constitutions of such bodies.

ANNEX 3 REVISED MIDDLE TIER COMMITTEE MEMBERSHIP

Curriculum Awards & Validation Committee Membership

1. Pro-Vice-Chancellor (Curriculum and Awards), ex officio, Chair.
2. Deans of Faculties and Schools or their nominees, and the Director of the Institute of Educational Technology or his/her nominee, ex officio.
3. Chairs of any committees reporting to the Committee.
4. Director, OUVS, ex officio.
5. Head of Assessment Credit and Awards or nominee, ex officio.
6. One nominee of the Director, Students.
7. One nominee of the Director of Marketing.
8. Four members of staff, elected by the Senate, of whom at least two shall be members of the central academic staff.
9. Two Associate Lecturers appointed by the Associate Lecturers Committee.
10. Two registered students appointed by the Open University Students Association.
11. Four members of the University's accredited institutions, or external members of the Validating Committee, appointed by the Pro-Vice-Chancellor (Curriculum and Awards) on the recommendation of OUVS officers.
12. Such others as the Committee may co-opt up to a maximum of three, to include members with expertise as necessary in HE issues in Scotland, Ireland and Wales, if not otherwise elected or nominated.

Learning, Teaching & Student Support Committee Membership

1. Pro-Vice-Chancellor (Learning and Teaching) and Director, Students, ex officio, Joint Chairs: each shall take the Chair for a year, with the other as Deputy Chair.
2. Deans of Faculties and Schools or their nominees, and the Director of the Institute of Educational Technology or his/her nominee, ex officio.
3. Chairs of any committees reporting to the Committee.
4. Director of Learning and Teaching Solutions, ex officio.
5. Director of Library Services, ex officio.
6. Director of Marketing, ex officio.
7. Head of Teaching and Learner Support, ex officio.
8. Head of Student Recruitment and Retention, ex officio.

9. Head of Assessment, Credit and Awards, ex officio.
10. Two Regional Directors nominated by the Regional Directors.
11. Four members of staff, elected by the Senate, of whom at least two shall be members of regional staff.
12. Two Associate Lecturers appointed by the Associate Lecturers Committee.
13. Two registered students appointed by the Open University Students Association.
14. Such others as the Committee may co-opt up to a maximum of three, to include members with expertise as necessary in HE issues in Scotland, Ireland and Wales if not otherwise elected or nominated.

Research Committee Membership

1. Pro-Vice-Chancellor (Research and Staff), Chair, ex officio.
2. Deans of Faculties and Schools or their nominees, and the Director of the Institute of Educational Technology or his/her nominee, ex officio.
3. Directors of the Research Centres.
4. Chairs of any committees reporting to the Committee.
5. Four members of academic staff, elected by the Senate.
6. One registered full-time research student and one registered part-time external student, appointed by the Open University Students Association.
7. Two members of the Research Staff elected by and from such staff.
8. A member from a Sponsoring Establishment, co-opted by the Committee.
9. The Research School Academic Co-ordinator ex officio.
10. Such others as the Committee may co-opt up to a maximum of three, to include members with expertise as necessary in HE issues in Scotland, Ireland and Wales if not otherwise elected or nominated.

ANNEX 4 REVISED CENTRAL ACADEMIC UNIT COMMITTEE GENERIC CONSTITUTION

This Constitution covers the Committees of the Faculties, Schools and the Institute of Educational Technology.

Purpose

CAU Committees are responsible to the Senate for recommending and implementing a plan covering academic activity including curricula and the general development of research, and for the maintenance of educational quality and standards, in the broad subject area covered by the central academic unit concerned.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. Within the context of the CAU's agreed aims and the Senate's decisions, to maintain and recommend to the appropriate University bodies each year a plan for curriculum, research, consultancy and contractual activities in the subject areas with which the CAU is concerned (additional wording for the Institute of Educational Technology only: and for the creation and dissemination across the University of knowledge about good practice in learning and teaching), together with associated staffing and resource requirements.

Monitoring, and reviewing, actions and institutional performance

2. To monitor progress in key areas against the annual plan
3. To receive regular reports from the Dean/Director and to guide him/her in the execution of his/her responsibilities as Head of Unit. To receive regular reports from those responsible for the Curriculum Decision-Making Process within the CAU and to guide them in their actions.
4. To monitor the CAU's relations with other CAUs and with other Units of the University on matters of common interest, and to review the inclusion of such matters in the annual plan.

Assuring quality and standards, including approving regulations

5. To oversee the development of agreed activities within the Unit and to ensure the maintenance of educational quality and standards in subjects and areas within the Unit's remit
6. To approve the establishment of Programme Committees for degrees in named subjects which are based in the CAU, to appoint their external advisors, and to consider their reports. To monitor reports from the committees of degrees in named subjects to which the CAU contributes compulsory and/or core courses, and from the external advisors to such committees.
7. For courses and packs which are included in the approved plans for the CAU, to approve in consultation with the appropriate policy bodies, and subject to any scrutiny of the resource, business or marketing plans required by the University, the details included in the Course Specification.

Advising other governance bodies or management

8. To advise the Senate's subsidiary Committees on draft academic strategies, to advise on draft policies via the CAU Committee's representatives on Senate's subsidiary Committees, and more generally to comment to the Senate as it sees fit upon all matters of academic educational and strategic interest including the academic organisation of the University.

Making governance arrangements e.g. appointing to other committees

9. To elect representatives to University bodies and other CAU Committees when requested to do so, and to receive reports from those representatives.

Matters of public record e.g. ratifying appointments of staff or external examiners

10. To appoint Course Team Chairs, other Course Team members, external assessors, Examination and Assessment Board Chairs and internal examiners; and to nominate external examiners for the approval of the Pro-Vice-Chancellor (Curriculum & Awards).

Judicial: deciding individual cases

None

Membership

1. The Dean and Associate Deans (or their equivalents in IET and OUBS) of the CAU, ex-officio
2. All members of the University's central academic staff, including research fellows and senior research fellows, appointed to the CAU and all staff tutors appointed to the CAU.
3. The Chairs of interfaculty Named Degree Committees/Programme Committees for programmes and awards associated with the CAU during the development and presentation of such awards, if not already members under category 1 or 2 above.
4. Members of academic related staff appointed to the CAU (with the exception of the Secretary to the Committee) elected by and from their number as follows; Arts, IET, OUBS, FHSC, 20 members; Mathematics & Computing 25 members; Social Sciences, Technology, 30 members; FELS, Science, 35 members.
5. Two members of support staff appointed to the CAU, elected by and from their number
6. One full-time internal research student registered to read for a higher degree and associated with the CAU, appointed by the Open University Students' Association.
7. Four registered students appointed by the Open University Students' Association.
8. Five Associate Lecturers appointed by the Associate Lecturers Committee.
9. Up to eight other persons with specific expertise, from inside or outside the University but from outside the CAU, as the CAU Committee wishes to co-opt as members.

Mode of Operation

1. The Committee shall meet in accordance with the University's Committee Timetable, not less than three times a year.
2. The Committee is a committee of the Senate but shall normally report in the first instance to the Senate's main subsidiary Committees except on such occasions as it shall choose to make representations direct to the Senate or to other bodies or is asked specifically to comment to other University bodies.
3. The Committee shall normally be chaired by the Dean/Director, though the Committee should additionally designate a Deputy Chair. The Chair shall have executive authority to act on behalf of the Committee.
4. The Committee shall review each year according to agreed University criteria how efficiently, effectively and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review to allow for implementation of improvements from the beginning of the next Committee year.
5. The Committee shall ensure that strategies, policies plans and priorities within its remit have regard to relevant University-wide policies implemented or being developed, particularly those relating to Equal Opportunities, Environmental Management and Health and Safety.
6. Where relevant, CAU Committees should ensure consultation with designated industrial and professional advisors about the Unit's plans and programme, and receive reports on action taken in the light of advice.
7. The CAU's SFA and Senior Course Manager should be in attendance, as a source of expert advice, in cases where they have not been elected as members.
8. The Committee may invite staff from Marketing, Finance and other relevant areas to attend regularly as observers, as an alternative to co-option.

ANNEX 5 CODE OF PRACTICE FOR UNIVERSITY ELECTIONS AND COMMITTEE PROCEDURE

Approved by the Senate and the Council in 2005.

Introduction

This Code, which forms part of the Government Structure Handbook, covers the Senate and its committees, plus the advisory and consultative bodies which report to them.

It contains policy on the procedures for achieving membership in various categories specified in a committee's constitution, on the conduct of Committee meetings, on the provision of information to Committee members, and to members of the University community.

Membership of University Bodies

Constitutions of University bodies will be published on the Government Structure Handbook website, together with current membership lists. Those drafting new constitutions, and reviewing existing constitutions, should aim to avoid creating bodies so large as to frustrate reasonable participation by their members.

The following membership categories will be found in different combinations depending on the degree of specialisation of the body concerned. Some categories may include external members as well as members of the University.

Chair

In many cases, Committees will have a designated ex-officio Chair, or a Chair appointed by a parent body. In other cases the body should elect its own Chair from amongst any category of its own membership unless the constitution specifies otherwise. The period of office will be two years and the office-holder will be eligible for re-appointment. Where the constitution provides a co-option clause, this should be used where necessary to cope with any difficulties arising from the non-replacement of a member on his or her election to the Chair.

Pro-Vice-Chancellors, and other members of the Vice-Chancellor's Executive, should not normally chair bodies subsidiary to the main academic policy committees.

Deputy Chair

For the efficient conduct of business each committee should elect a Deputy Chair to act in the absence of the Chair, and other bodies except the Senate may do so, whether or not a Deputy Chair is specified in the constitution. The period of office will be two years and the office-holder will be eligible for re-appointment. A Deputy Chair would not normally be replaced as a member of the committee or other body.

Ex-officio

Where constitutions designate particular ex-officio members, membership attaches to the office, not to the individual. A new holder of an existing office will therefore take up membership without the need for any special procedure.

Elected

Members who are elected by a designated body or constituency following Electoral Procedures detailed later in this Code.

All

Those who automatically become members of a particular body as a result of holding a specified type of post in the University (for instance, academic staff members of CAU Committees) without the need for any special procedure.

Nominated

Members are nominated where another body or a group or an office-holder has the right to propose names for approval by the body concerned (which may be given by Chair's action).

Appointed

Members are appointed where another body or a group or an office-holder has the right to fill places on the body concerned.

'Appointed' is sometimes used more generally to refer to any member who is neither ex-officio nor co-opted.

Co-opted

Members chosen for their individual contribution in relation to the body's Terms of Reference. Co-option is used to secure specific expertise, or to achieve a better balance overall after other membership categories have been filled, or to replace a Chair elected from the membership. Co-options are subject to approval by the parent body (for instance, co-options by CAU Committees are subject to approval by Senate, which may be given by Chair's action)

'In Attendance' and Observers

Those regularly in attendance at meetings will include the secretary and any others specified in the constitution, but the University body concerned has the right to invite others to attend. The Chair of a parent body has the right to attend the meetings of its subsidiary bodies.

The Chair may invite others to be in attendance for certain agenda items or for a particular meeting, to present business or to hear and respond to the debate, and may also agree to others being present to observe a meeting.

When classified business is under consideration the Chair may require all observers and all those in attendance to leave the room with the exception of the secretary of the body concerned.

University Elections

Returning Officer

The University Secretary shall be Returning Officer for all University elections and shall be responsible for their conduct. Operational responsibility for particular elections may be delegated to a member or members of his or her staff.

Representation

Members of a University body to be elected by a constituency specified in the constitution must be members of that constituency, but are not representatives of it.

Where a representative of the Senate or one of its committees is to be elected, those eligible shall normally be members of the relevant body, but exceptions to this rule may be made where a nomination is received of a member of the University who the Senate Membership Panel agrees has particular interests or responsibilities which make the nomination appropriate.

Equal Opportunities and Diversity

All members of a constituency should be regarded as having an equal opportunity to contribute to the work of a University body. A balanced membership should be sought, having regard to the terms of reference. As well as indicating how candidates would contribute to the work of the body concerned, information supplied to electors should enable them to take the following considerations into account: seniority, location (regional or central), subject or specialism, and gender.

Electoral Procedure

All elections within the scope of this Code shall be conducted by means of a secret ballot. The University Secretary shall invite nominations from all members of the relevant constituency, allowing at least a fortnight to elapse before the appointed closure date. If the number of valid nominations is less than or equal to the number of places, then all those duly nominated shall be declared elected. If the number of valid nominations is greater than the number of places, ballot documents will then be circulated, and again a fortnight allowed to elapse before the close of the ballot. The University Secretary shall keep a register of the number of votes cast.

The University Secretary may additionally specify arrangements for secret ballots to be held at meetings, for the election of Chairs and Deputy Chairs.

Electoral System

Unless an alternative system has been agreed, all elections shall be conducted using the First Past the Post system, and the successful candidates shall be those receiving the greatest number of votes, subject to any limiting conditions. In case of equality of votes, lots shall be drawn to determine the successful candidate.

In the interests of balance, a constitution may contain conditions specifying the minimum number of places to be held by a particular subcategory (e.g. by regional academic staff) or the maximum number of places to be held by a particular subcategory (e.g. by staff from any one unit).

Period of Office

Members of University bodies shall normally serve for a period of four years, subject to agreed provisions for rotation. They shall be eligible for reappointment once on the expiry of their first term of office.

Co-options

Where a constitution contains the standard cooption clause, or a clause specifying 'One X if one has not been appointed under another category', the Senate shall make its own co-options (on the basis of recommendations from its Membership Panel), and a subsidiary body shall make a recommendation for decision by its parent Committee.

Establishment of Committees and Advisory Bodies

The Senate, advised by the University Secretary, is responsible for considering and approving proposals for the establishment or disestablishment of Senate committees and associated bodies, and for changes to the constitutions of such bodies.

Committee Year

The Committee year will run from 1st September to 31st August following, and a schedule of meetings for governance bodies and associated judicial panels and advisory groups shall be published in the Committee Timetable.

Attendance and Alternates*Participation*

Members should ensure that they have read the relevant papers, and are otherwise adequately briefed, before each meeting. Members are expected to attend regularly, and to participate in meetings of University bodies. Reasonable arrangements should be made to enable remote participation by those working at other University sites, subject to technological limitations and advance notice to the secretary. It is recognised that circumstances may sometimes prevent attendance or remote participation, and apologies should be sent to the secretary in such cases. The secretary should monitor attendance to support overall effectiveness reviews, and to enable specific problems to be addressed.

Responsibilities of Members

The Senate and its committees shall exercise their responsibilities in a corporate manner, with decisions taken collectively in the interests of the institution as a whole. Members should at all times conduct themselves in accordance with accepted standards of behaviour in public life. They should not act individually or as representatives of a constituency or take decisions on an informal basis outside the constitutional framework. When speaking or voting, they shall not be bound by mandates given to them by others.

Temporary Members

An Associate Lecturer or Student member may send a temporary member to attend a specific meeting of the Senate or one of its committees, subject to confirmation by the Chair (via the secretary) of the University body concerned. The temporary member shall be drawn from the Associate Lecturer or Student Senate Reference Group.

Temporary members may not be requested in other circumstances, although a member may ask the Chair of the University body concerned (via the secretary) for permission to send an observer.

All temporary members have the same voting rights as the members they are replacing. In all cases the responsibility for ensuring that the temporary member has the relevant papers, and is otherwise adequately briefed, lies with the member who initiates the change.

Non-Attendance and Casual Vacancies

Non-Attendance

If a member of a University body (other than a member in the 'ex-officio' or 'all' categories) fails to attend three consecutive meetings, the Chair shall ask the member for an explanation and where applicable shall also inform the body or office-holder which appointed or nominated the member. If the Chair does not consider the explanation satisfactory, then the member must resign. A casual vacancy will then be created, which will be filled under the procedure detailed below.

If a member expects to be absent from the University for a period covering three or more consecutive meetings, the member must resign. The body of which she or she is a member should if possible seek a replacement, from the same membership category.

If the absence is expected to cover two consecutive meetings, no replacement should be sought and following the period of absence the member will resume his or her place.

Casual Vacancy Procedure

A casual vacancy occurring among the Senate representatives or Senate-elected members on any University body (other than statutory bodies), and other relevant vacancies, shall be filled by appointment by the Senate Membership Panel, for the period up to the next election, in accordance with procedures to be determined. Associate Lecturer and Student vacancies shall, however, be filled by the original appointing bodies: those so appointed shall also serve to the end of the outstanding period of office.

Conduct of Meetings

Style

In all cases, meetings shall be conducted in accordance with this Code of Practice. The conduct of meetings shall also follow Standing Orders where these have been agreed.

Quorum

The quorum for Senate and Middle Tier academic governance bodies shall be forty percent of the current membership. The quorum for bodies exercising judicial functions, or fulfilling a legal requirement, or exercising governance functions with a membership of six or fewer, shall be as specified in the relevant constitution and shall be at a level higher than forty percent.

In the absence of a quorum no business shall be transacted other than the adjournment of the meeting. The Secretary shall arrange for the meeting to be reconvened on another occasion and at least 15 working days notice will be given to members of the re-convened meeting.

The Chair or other presiding officer shall have the power to defer items if attendance at a particular meeting is not representative of the membership, even when the overall quorum is met.

Voting

Where a vote is requested the matter shall be determined by the simple majority of members present and voting, except where Standing Orders provide otherwise. Those in attendance or present as observers have no vote.

Declaration of Interests

Any member who has a clear and substantial interest in a matter under discussion shall declare that interest whether or not that interest is already declared. Such declarations should make clear the interest and whether it carries either direct or indirect financial interest to the member. Any such declarations of interest shall be recorded in the Minutes.

Where such an interest constitutes a direct or indirect financial interest, the member involved shall withdraw from any meeting and not speak, participate in or otherwise seek to influence any decisions taken relating to the matter under discussion.

Where a member has an interest which is not financial, but which is relevant to the activities of the University, that interest shall also be declared. Where the interest is substantial, the member involved shall withdraw from discussions or decisions relating to that interest. Where an interest arises from membership of a public body, and where there is no financial interest, full participation in the discussion and decision is permitted. Where a University body has a more specific code of conduct governing its business, that code shall also be followed.

In all circumstances, members shall ask themselves whether members of the public, knowing the facts of the situation, would reasonably conclude that the interest involved might influence the approach taken to the actions of the body concerned. If so, the interest is sufficient for the member to declare that interest.

Members of staff of the University do not need to declare an interest or to withdraw from discussion when general terms and conditions of service of staff or a group of staff are considered. Similarly, members who are students of the University do not need to withdraw or declare an interest in issues of relevance to the student body as a whole including the setting of fees for courses. However, if a member of staff or a student has a particular interest in the issue which is greater than the interest of the group of staff or students as a whole, then that interest shall be declared and the member of staff or student shall withdraw from the meeting and not speak, participate in or otherwise seek to influence any decision taken relating to the matter under discussion.

Chair's Action

Senate has given powers to its Chair to take action on matters of routine business between meetings. Other bodies may also do so, subject to Chair's action being reported to the next meeting for endorsement by the body concerned. Establishment of executive committees should normally be avoided. Any such committee must be approved using the general procedure for approval of University committees. The Mode of Operation of the University body shall then make appropriate reference to the executive committee.

Openness and Information*Publication outside the University*

The University operates on the principle of open access to information wherever possible, while protecting individuals' right of privacy unless the individual subsequently agrees to the release of

confidential information. Selected governance information forms part of the Freedom of Information Publication Scheme.

Publication inside the University

To facilitate awareness and the ability to influence policy and strategy, the Senate and its committees should ensure the timely publication of their unclassified papers on the intranet, and these papers should also be deposited in the University Library. Members of such bodies should also disseminate unclassified business to their units or other constituencies before and after meetings as appropriate.

Reporting Classified Business

Classified business should wherever possible be presented in documents separate from those dealing with related but unclassified matters. Where possible, the classified business of subsidiary bodies having decision-making powers should be reported to parent bodies in the form of an unclassified summary document, in which classified details are not visible. Documents which are unclassified at a subsidiary body may not be classified when presented to a parent body.

Classification of Documents

Unclassified

Any paper should be unclassified unless there is good reason for it to have another classification, so the large majority of papers will fall into this category. As many such papers will be working documents, the information in them should not be discussed outside the University.

Restricted

Information in these documents is restricted to the members of a specified Committee or other body until it has met. Once it has met, the body must make an explicit decision either to declassify them or to retain their restricted classification (if the discussion is not concluded and the matter is scheduled for decision at a later meeting, or for other good reason). If and when declassified, they may be placed on the intranet and deposited in the Library.

Strictly Confidential

The information in these documents is strictly confidential within the Committee or other body, and distribution and discussion is limited to its members (plus officials necessarily in attendance). They usually retain their classification although they may be declassified by decision of the Committee with effect either from the end of the meeting or from a specified time in the future. Papers dealing with cases where individuals (staff or students) can be identified either by name or by serial number, and papers dealing with commercially sensitive business, will fall within this category, and will usually retain the classification. The Committee may take the decision to collect papers back from members whether present or not, and members will be bound by this decision. When not in use at meetings, these papers should be locked up and if this is not possible should be returned to the Committee secretary after the meeting. Strictly Confidential documents are reproduced on green paper. They will not be placed on the intranet or deposited in the Library.



ACADEMIC BOARD

ACADEMIC GOVERNANCE REVIEW

Outstanding Business from the Academic Governance Review

This paper provides an update to the Academic Board on outstanding business from the Academic Governance Review. There are two items for the Board to note and a number of recommendations for approval.

The Academic Board is asked **to note**:

- a) editorial changes to the co-option clause for new Senate (paragraph 2.1);
- b) editorial changes to the co-option clause for the middle tier committees (paragraph 3.1)

The Academic Board is asked **to approve** provisionally, subject to confirmation through the non-placet procedure, for approval by the Council, the following recommendations:

- 1 Open University Students Association and Associate Lecturer Senate Reference Groups
- 2 Constitutions of the Senate satellite bodies
- 3 Revised constitution of the Quality Assurance and Enhancement Committee (QAEC)
- 4 Revised constitution for the Curriculum, Awards and Validation Committee and middle tier substructure constitutions
- 5 Constitution of CAU committees.



OUTSTANDING BUSINESS FROM THE ACADEMIC GOVERNANCE REVIEW

CONTENTS

- Section 1 Introduction
- Section 2 Academic Governing Body
- Section 3 Middle Tier
- Section 4 Central Academic Unit Committees
- Section 5 Operation and Good Practice
- Section 6 Decisions and Pathways
- Section 7 Issues and Relationships
- Section 8 Implementation

Annexes

- Annex 1 Senate Membership Panel and other Senate Satellite Bodies
- Annex 2 Advisory Groups
- Annex 3 CAVC Revisions and Middle Tier Substructure Committees
- Annex 4 Updated Structure Diagram

SECTION 1 INTRODUCTION

1.1 At its meetings in March and June 2005, the Senate agreed a new academic governance structure including new constitutions for the Senate, middle tier policy committees, a Quality Assurance and Enhancement Committee, and CAU committees, plus a range of recommendations aimed at improving the overall operation of the system. The new structure will come into effect in the autumn of 2006, to coincide with revised arrangements for the Council.

1.2 The Council received a consolidated report on the review at its July 2005 meeting, approving all those recommendations which required Council approval. The review is therefore effectively complete, but there is nevertheless some outstanding business.

1.3 This report, the third in the series is presented to the Academic Board. It seeks approval for the size and composition of the OUSA and associate lecturer Senate reference groups, the constitutions of the Senate satellite bodies, the constitutions of committees in the middle tier substructure and changes to the constitution of CAU committees. It includes the further information and editorial changes requested by the June 2005 Senate, and presents an updated structure diagram.

SECTION 2 ACADEMIC GOVERNING BODY

Co-option Clause

2.1 Following comments at the June 2005 meeting of the Senate, changes have been made to the co-option clause for the new Senate.

The Academic Board is asked to **note** the following italicised editorial changes to the co-option clause for the new Senate (Membership Category 6), intended to remove any ambiguity:

Up to eight members, to include *(i)* one graduate of the University, not undertaking studies in the University and not being in the regular employ of the University and not being elected through another category of the membership, following nomination by the OU Alumni Association, and *(ii)* (if not already included in the elected membership) one member drawn from the University's staff in each of Ireland, Scotland and Wales with specific expertise in HE policy matters.

Senate Reference Groups

2.2 It was reported to the June 2005 meeting of the Senate that the Open University Students Association (OUSA) and associate lecturer members of the Senate would be supported by two Senate reference groups, which would be funded by the University to enable them to meet before each Senate meeting. The composition of these groups would be no larger than the OUSA and associate lecturer membership of the current Senate and would be constructed on similar principles, to include in each case members from the regions and members of the Senate committees.

Open University Students Association Senate Reference Group

2.3 The OUSA Executive Committee has considered the composition of the Senate reference group and makes recommendations on size and composition. There are currently 39 OUSA representatives on the Senate. OUSA proposes that the Senate reference group has a membership of 44, comprising the following:

i)	Ex officio members:	
	The President	1
	Vice-President Education	1
	Deputy/Vice-President appointed to the Senate	1
	3 members appointed to the Senate	3
	Deputy/Vice-Presidents not appointed to the Senate from the following:	
	Deputy President	
	VP Representation	
	VP Student Support	
	VP Equal Opportunities	3
	Student member of the Council	1
	Executive Committee member for Student Academic Links	1
	Student chair or vice-chair of Central Consultative Committee	1
	1 member appointed to each of the middle tier committees, ie Curriculum, Awards and Validation Committee Learning, Teaching and Student Support Committee Research Committee	3
	1 member appointed to each of the Central Academic Units (9 members)	<u>9</u>
	Sub total	<u>24</u>
ii)	Postgraduate research students:	
	1 Full-time postgraduate research student	1
	1 Part-time postgraduate research student (who are not already members of the Research Committee)	1
iii)	2 Postgraduate students who should NOT be part-time or full-time research postgraduates	2
iv)	Regional representatives:	
	16 Regional representatives: one from each of the OUSA regions and sub regions	<u>16</u>
	Total	<u>44</u>

Associate Lecturer Senate Reference Group

2.4 The Associate Lecturers Committee has considered the composition of the Senate Reference Group and makes recommendations on size and composition. Currently there are 29 associate lecturer members of the Senate. The Associate Lecturers Committee proposes that the Senate reference group has a membership of 29, comprising the following:

i)	The elected officers of the Associate Lecturers Committee	4
ii)	The immediate past chair of the Associate Lecturers Committee	1
iii)	The associate lecturer members of the Council	2
iv)	The associate lecturer representatives on the major committees	4
v)	One representative of each regional panel	13
vi)	Four members elected by and from the Associate Lecturers Committee	4
vii)	The chair or vice-chair of the Central Consultative Committee, whichever is an associate lecturer	1
	Total	29

2.5 The Chair and Vice-Chair, Representation, of the Associate Lecturers Committee will be the chair and vice-chair of the reference group, secretariat support would be provided and this would normally be expected to be the secretary of the Associate Lecturers Committee.

The reference group members elected by the Associate Lecturers Committee and by the panels will be elected for periods of two years but on a rotating basis to provide for continuity. In the first instance, all such members will be elected with effect from 1 September 2006, half of them just for a year in the first instance.

Recommendation 1

The Academic Board is asked **to approve provisionally, subject to confirmation through the non-placet procedure, for approval by the Council**, the proposals for the OUSA Senate Reference Group set out in paragraph 2.3 and for the Associate Lecturers Senate Reference Group set out in paragraph 2.4.

Senate Satellite Bodies

2.6 In addition to the academic policy committees, and the Strategic Planning and Resources Committee (a joint Council/Senate body), a small number of other bodies would routinely report direct to the Senate:

Academic staff promotions and appeals machinery

Central Disciplinary Committee and Special Appeals Committee of the Senate

Honorary Degrees Committee

Quality Assurance and Enhancement Committee

Results Ratification and Awards Classification Panel

Senate Membership Panel

2.7 The Academic Staff Promotions Committee currently reports jointly to the Academic Board and to the Staff Strategy Committee of the Council. Consideration will be given to its constitution and those of its sub-committees in the light of changes to the academic governance structure and a forthcoming review of the role of the Staff Strategy Committee. Proposals for change will be presented to a future meeting of the Academic Board.

2.8 Changes to the constitutions of the Central Disciplinary Committee and the Special Appeals Committee of the Senate were approved by the Council (via the Academic Board and the non-placet procedure) in September 2005 as part of revisions to the Code of Practice for Student Discipline. These changes included the change in reporting line, from the Student Policy Board, directly to the Senate which will be implemented with effect from 1 September 2006.

2.9 The Honorary Degrees Committee requires a minor change to its constitution to reflect the new structure. A revised constitution for this committee is set out in Annex 1. The constitution of the Results Ratification and Awards Classification Panel is under discussion. Proposals will be brought to a future meeting of the Academic Board.

2.10 The constitution of the new Senate membership panel is set out in Annex 1. This accords with the Senate's approval of recommendation 22 in March 2005 which agreed that this panel should handle

- The filling of Senate co-opted places
- The filling of casual vacancies on the Senate and its Satellite Bodies
- Nominations to the Senate for the membership of the Quality Assurance and Enhancement Committee and specialist judicial bodies.

Recommendation 2

The Academic Board is asked **to approve provisionally, subject to confirmation through the non-placet procedure, for approval by the Council**, the constitutions of the Senate satellite bodies contained in Annex 1.

Quality Assurance and Enhancement Committee

2.11 Consideration has been given to the operation of this new kind of body. A key question is how QAEC, in its new relationship with the three academic policy committees, will be in a position to assure the Senate that the quality assurance framework is appropriate and effective. The University ought to 'be its own critical reviewer' both in the sense of having robust arrangements and in the sense of knowing, before any external quality review, what it would be likely to find. The Senate ought therefore to be made aware by QAEC, as part of the Senate's annual academic review, of any serious problems emerging either with procedures or with specific institutions, and should be kept aware of attempts to tackle such problems until they are resolved. The distinction between the remit of the QAEC and the middle tier committees can be illustrated by the fact that the former body would oversee the periodic review process. The outcome of the six year periodic review would be considered by the QAEC, whilst the outcome of the annual reviews would continue to be considered by the middle tier committees. It is important to stress that since the three middle tier policy committees (and the CAU committees) report to the Senate, they do not also report to the QAEC: the QAEC has the Senate's authority to investigate any matter within the remit of these committees, and reporting lines would blur the distinction between responsibility for standards and responsibility for quality assurance. The analogy between QAEC and audit functions also suggests that reporting lines to the QAEC would be inappropriate. Audit practice is supposed to be constructive as well as critical, and QAEC therefore has an enhancement role, in which it may operate proactively by identifying themes and initiating events.

The new relationship should help us think through some of the issues about accreditation which have informed the development of the terms of reference of the Validation Committee and some

subsequent revisions to Curriculum Awards and Validation Committee (covered in the next section), designed to ensure a clear and appropriate locus of decision-making about the accreditation of institutions, and about the continuation and termination of accredited status.

2.12 The QAEC is a specialist committee of the Senate. The Review has given further thought to the appointment mechanism for its membership. At its meeting in March 2005, the Senate agreed that six members should be elected by the Senate on the recommendation of the Senate Membership Panel. The Review considers that it would be more appropriate for the Panel to recommend candidates for appointment rather than election. This reflection has been included in the constitution of the Senate Membership Panel attached as Annex 1.

Recommendation 3

The Academic Board is asked **to approve provisionally, subject to confirmation through the non-placet procedure, for approval by the Council**, the recommendation that the constitution of the QAEC be changed to read:

“2 Six members appointed (delete elected) by the Senate on the recommendation of the Senate Membership panel, of whom at least four shall be members of academic units (to include at least two centrally-based academics) and one external to the University.

Senate Schedule of Delegation

2.13 In approving the AGB integrated powers in March 2005, the Senate agreed a high-level statement specifying which powers would be delegated. The new Senate will be asked to consider in more detail the issue of delegation.

SECTION 3 MIDDLE TIER

Academic Policy Committees

3.1 Following comments at the June 2005 meeting of the Senate changes have been made to the wording of the co-option clause for each of the three committees.

The Academic Board is asked to **note** the following editorial changes to the co-option clause for these committees: *from* ‘Ireland’ *to* ‘Northern Ireland’.

The HE issues referred to in these clauses relate primarily to Northern Ireland. References in the new Senate constitution relate to the University’s staff and have not been changed: the correct title of OU Region 12 is ‘The Open University in Ireland’.

Middle Tier Substructure: Overall Approach

3.2 The three academic policy committees will cover the following territories, which together comprise all the University’s academic activity:

- Curriculum, Awards and Validation Committee (CAVC)
- Learning, Teaching and Student Support Committee (LTSSC)
- Research Committee (RC)
-

The Review's working assumption was that the middle tier policy committees would only need a governance substructure in exceptional cases, notably in the area of curriculum and awards (to cope with specialised aspects of awards). The recommendations in this report follow that assumption.

3.3 A number of issues about the substructure reflect those affecting the academic governance structure overall.

- First, there is the need to make an acceptably clear distinction between management and governance functions, removing tasks which properly belong to management from committee constitutions.
- Second, the number of decision-making layers needs attention, both to secure reasonable speed and clarity and to ensure that subordinate bodies do not make or pre-empt decisions which should belong on higher-level bodies. It is not unknown for substructure bodies themselves to have what looks like a governance substructure.
- Third, there is a need for clear and straightforward reporting lines. Dual reporting lines are needed for SPRC (which reports both to the Council and the Senate), but in other cases a single reporting line should be the norm (though a committee might additionally make an annual report for information to another body). Committees which report both to governance and to management should normally be avoided, because they can contribute to confusion between governance and management functions.
- Fourth, the level at which decisions are taken may vary from one middle tier policy area to another, possibly as a result of piecemeal changes to constitutions in the past.

3.4 On this last issue, two overall approaches to the relationship between substructure committees and their parent body would be:

1. Substructure committees would be tasked with scrutiny of proposals and when satisfied, would recommend them to the middle tier committee for approval;
2. Substructure committees would have delegated powers to approve proposals which fall within guidelines agreed by the middle tier committee, proposals outside guidelines being referred upwards for approval.

Choosing an approach depends both on practical issues (notably about the volume of business) and issues of principle (about how far down the structure the relevant aspect of awards should be approved). Approach 1 can lead to the academic policy committees being seen as 'rubber-stamping' bodies and to a diversion away from their focus on strategy and policy. On the other hand, Approach 2 can lead to decisions being taken too far down the structure. Whilst it is desirable to have a broadly consistent level of subsidiary across the structure, rather than applying different approaches to different substructure committees, the diversity and complexity of business which different committees deal with, means that substructure committees can be called upon to operate in either of the two approaches.

The Review has assumed that both approaches should inform the revised substructure. Some are expert scrutiny committees, and this is reflected in their membership and their terms of reference. Others operate within guidelines agreed by their parent committee. Reporting lines for all substructure committees are clear and the constitutions of the three middle tier committees ensure that chairs of the substructure committees are also members of the relevant parent body.

Advisory Groups

3.5 The Review has sought to clarify the distinction between governance and management, and to that end a number of advisory groups have been established which are deemed to constitute management bodies rather than governance bodies. In some instances these groups will report to committees within the governance structure, and in other cases to a relevant senior manager.

The terms of reference and membership of these advisory groups will be determined by the management requirements and will be subject to on-going review over time. To ensure their effective working, it will be important for a number of these groups to have appropriate associate lecturer and student representation, and the chairs of the groups will be expected to give consideration to the degree to which this is necessary and to take action to ensure adequate levels of representation. Brief descriptions of all these groups are contained for information in Annex 2.

Substructure for the Curriculum, Awards & Validation Committee

3.6 Although the CAVC Constitution has already been approved, the Review now recommends some expansions to its terms of reference, to make it absolutely clear that the Committee's responsibility for awards encompasses curriculum partnerships and accredited institutions in addition to awards offered by the University in its own right. A revised constitution is attached as part of Annex 3. The number of substructure committees reporting to CAVC has been reviewed and four out of five remain. All have undergone an extensive revision of their constitution to ensure responsibilities have been delegated appropriately and that there is consistency in the way business is managed across them. Revised constitutions are attached as part of Annex 3. It should be noted that where it is stated that a member may appoint a nominee to the membership of these committees, this nominee should serve in the place of the member for each meeting, in accordance with the revised code of practice for committees agreed by the Senate in June 2005.

3.7 The one committee in the current Curriculum and Awards substructure which has been disbanded is the Curriculum Strategy Committee. It has been replaced by an advisory group. A total of six groups have been established as part of the CAVC structure. These are:

- Credit & Awards Group
- Curriculum Strategy Forum
- Curriculum Intelligence Group
- Foundation Degrees Group
- Programme Development, Approval & Review Group
- Qualification Framework Working Group

3.8 The Occupational Standards Board, which reports to the current Validating Committee, needs further thought. Proposals for revisions will be submitted to a future meeting of the Academic Board.

Substructure for the Learning, Teaching and Student Support Committee

3.9 This new Committee will replace two current Boards covering Learning & Teaching and Student Policy, each supported by a range of committees. Representation has been received from OUSA that its membership is inadequate for the broad range of business to be conducted by the combined committee. The Review recommends that the constitution of the LTSSC be reviewed in discussion with OUSA and further proposals be brought to a future meeting of the Academic Board if required.

3.10 The Review does not believe that the LTSSC structure will need a decision-making substructure of committees. Standing advisory groups are needed in the following areas (see also paragraphs 3.12 and 3.13):

- Course Models Scrutiny Group
- Bursaries and Study Costs Group
- Widening Participation Group
- Student Experience Group
- Disabled Students Advisory Group
- Learning, Teaching and Student Support Strategy Group
- Unit Plan Review Group
- Horizon Scanning Group

Most of these groups will report to management, who would be charged with bringing any business relating to a specific term of reference of the LTSSC to that committee. The Student Experience Group (which would incorporate the work of the current Internal Review Committee) would most appropriately report to LTSSC, however other groups, also reporting to management, are proposed, particularly on the scrutiny of unit plans, and to advise on development of an integrated learning, teaching and student support strategy. 'Management' here refers primarily to the Director, Students and to the PVC (LT), but the Bursaries and Study Costs Group is a special case: given the need for the University to integrate thinking about fees and about financial support, this group would report both to the Director, Students and to the PVC (SPEA), who is also deputy chair of SPRC. The Widening Participation Group is a further special case: the link with curriculum needs an additional reporting line to the PVC (CA).

3.11 In the area of learning technologies, the major development is the Virtual Learning Environment (VLE), which will have a programme and project structure, reporting to the Business Steering Group (BSG). Both the current Learning Technologies and Teaching Committee (LTTC) and Digital Resources Sub-Committee (DRSC), tend to focus on presentations and reports from projects rather than decision-making. They have a valuable function as cross-unit forums and informal coordination mechanisms, but they are not governance committees. It is proposed to replace these by an advisory group reporting to management; the Learning, Teaching and Technologies Advisory Group. It would have a particular focus on the integration of technology and pedagogy. Reporting line would be to the PVC (LT), who would be charged with bringing any business relating to a specific term of reference of the LTSSC.

3.12 Delegated Authority of the Student Policy Board will need to be re-delegated by the LTSSC. This arrangement covers applications for discretionary fee waivers following course withdrawal, and applications for exception from academic regulations, excluding those within the areas of credit transfer, formal examination and assessment or honours classification. Most such cases are now dealt with by regional directors, with a small number of second-stage cases being escalated to the Delegated Authority, which is a designated individual.

3.13 The constitution of the Collaborative Publishing Committee puts policy advice in first place, but in practice its work is focussed on recommending the award of contracts. There is no reason to retain a governance committee in this area: the advisory role should be vested in the relevant managers and departments, and a small group set up to consider tenders and to recommend contracts to an authorised individual. There is some confusion about where decision-making responsibility lies in the current structure, resulting at least in part from a discrepancy between the committee's constitution (in which recommendations are made to the PVC (LT) for decision) and the Financial Regulations (in which decision-making power lies with the committee, or rather its predecessor subcommittee), which must be avoided under new arrangements. The committee also acts as a central University gatekeeper for the right to co-publish, in other words the right to go out to tender: in any other course production context that might seem a rather 1970s arrangement, which has been replaced by course models, appraisal frameworks, and distributed gate-keeping. However there are issues about the University's reputation and

interests (in particular the interests which would be served by co-publishing as opposed to selling materials via OU Worldwide) which would seem to justify it here, in which case the gate-keeper role would be part of the group's responsibility. The group will report to the Learning and Teaching Solutions management.

3.14 The current Health & Safety in Teaching Committee is an advisory body with three reporting lines: to LTB, to the Council's Health & Safety Committee, and to the PVC (LT). The Council's Health & Safety Committee is responsible for advising the Council on all health and safety matters across the University, covering staff and students. A standing body on teaching-related matters is required. It is proposed that this would better take the form of a subgroup of specialist advisers, plus academic, student and AL members, reporting to the Council's Health & Safety Committee (as provided for in the constitution of that committee). The group would offer advice to academic and service units as well as to the Council committee, ensuring that appropriate and consistent arrangements are in place, in particular for monitoring and acting on incidents. Specific advice to course teams is a task which should be vested in the management structure.

Substructure for the Research Committee

3.15 In the current structure, the Research Board has three subcommittees reporting to it. The new Research Committee will have two sub-committees reporting to it; the Research Degrees Committee and the Human Participants and Materials Ethics Committee. The third, the Research Strategy and Development Committee will be replaced by an advisory group, the Research Strategy Advisory Group. The Research Degrees Committee currently has two sub-committees reporting to it; the Full-time Masters' Programme Subcommittee and the Life and Biomolecular Sciences Sub-committee. These two sub-committees exercise an advisory function to the Research Degrees Committee and academic units. They do not perform governance functions. It is proposed, therefore, that these two committees be transformed into groups advisory to the Research Degrees Committee. There will be a total of seven advisory groups in the Research Committee substructure. These are (see also paragraph 3.15):

- Life Sciences and Biomolecular Sciences Advisory Group
- Postgraduate Training Management Group
- Enterprise and Innovation Advisory Group
- Research Career Development Advisory Group
- Research Strategy Advisory Group
- Sponsoring Establishments Management Group

3.16 In the field of *Research Ethics*, a paper to the March 2005 Senate recorded the abolition of the Animal Ethical Committee (AEC), now replaced by an Animal Ethics Advisory Group (AEAG). The current structure contains a parallel ethical committee on Human Participants and Materials Ethics (HPMEC) but with different responsibilities and powers: whereas the AEC made recommendations to a statutory licence-holder (as will the AEAG), the HPMEC has the power 'To receive proposals for research involving human participants or materials for ethical approval; to provide advice in areas of difficulty; and to grant/withhold approval.'

3.17 A recent external audit has confirmed that the current model wherein the HPMEC reports to Research Committee, and through its delegated authority, scrutinises and approves specific research proposals, and provides more general expert advice – is an exemplar of good practice. It should be noted that Home Office requirements govern animal research, but there is no equivalent to the statutory licence holder for HPM research in the University. The preservation of HPMEC as a committee with delegated decision-making powers in substantially its current form is consistent with the demands and expectations of the Research Councils and other national bodies. The constitution of the Human Participants and Materials Ethics Committee is attached as part of Annex 3. It should be noted that the nominee of the chair of the Research Committee, if

appointed, should serve in the place of the chair for each meeting, in accordance with the revised code of practice for committees agreed by the Senate in June 2005.

3.19 Following the guidance provided by the Lambert Review (http://www.hm-treasury.gov.uk/consultations_and_legislation/lambert/consult_lambert_index.cfm) it is proposed that an Enterprise and Innovation Advisory Group be established. This group would provide guidance to the Research Committee and the Pro-Vice-Chancellor (Research & Staff) on the development of enterprise activities and selective institutional investment in intellectual property development and knowledge brand for processes.

3.20 Although the constitution of the Research Committee has already been approved, the Review now recommends some changes to its terms of reference to make explicit its role in the award of research degrees and higher doctorates in place of the Validation Committee. A revised constitution is attached as part of Annex 3.

3.21 The constitution of the current Research Degrees Committee has been revised to make it clear that it is responsible for the approval of recommendations of examiners for research degrees and higher doctorates as well as the award of research degrees and higher doctorates. A revised constitution is attached as part of Annex 3.

Recommendation 4 Middle Tier Substructure Constitutions

The Academic Board is asked **to approve provisionally, subject to confirmation through the non-placet procedure:**

- a) the revised terms of reference for the Curriculum, Awards and Validation Committee (CAVC) contained in Annex 3;
- b) the revised constitutions for the CAVC substructure contained in Annex 3;
- c) the revised terms of reference for the Research Committee contained in Annex 3;
- d) the revised constitutions for the Research Committee substructure contained in Annex 3.

SECTION 4 CENTRAL ACADEMIC UNIT COMMITTEES

CAU Committee Constitution

4.1 Following comments at the June 2005 meeting of the Senate, changes have been made to non-enclature in these constitutions.

The Academic Board is asked to **note** the following editorial change to Membership Category 3: *from* 'The Chairs of interfaculty Named Degree Committees/Programme Committees.....' *to* 'The Chairs of inter-CAU Named Degree Committees/Programme Committees.....'.

Academic Related Membership Formula

4.2 The June 2005 Senate asked for a formula for use in revising the number of academic related places (ARP) in membership category 4 on CAU committees, should restructuring or other

factors lead to significant changes in CAU size. The formula below (included in the constitution approved by the Council) aims at a broad 80/20 balance between academic and other members, following the principles embodied in the Senate composition.

$$(A\&RS + 5)/4 = (ARP + 5)$$

The result should be rounded to the nearest 5. It should be noted that:

- A&RS is the total number of staff in Category 1 (deans and associate deans) and Category 2 (academic and research staff) combined
- The number 5 in the left-hand side of the formula relates to the number of AL places in Category 8
- The number 5 in the right-hand side of the formula relates to the number of student and support staff places in Categories 5, 6 and 7 combined
- Category 3 (Inter-CAU chairs) and Category 9 (Co-options) have been ignored.

Student Representation

4.3 The constitution of CAU committees was approved by the Senate in June 2005. It includes provision for one full-time internal research student registered to read for a higher degree and associated with the CAU, appointed by the Open University Students' Association, and four registered students appointed by the Open University Students' Association. The Open University Students' Association subsequently asked for an amendment to the number of representatives, reducing these from five to three.

It is proposed that the CAU committee constitution with regard to student representation reads as follows:

“ 6 One full-time internal research student registered to read for a higher degree and associated with the CAU, appointed by the Open University Students' Association

7 Two (delete four) registered students appointed by the Open University Students' Association.

Recommendation 5

The Academic Board is asked to **approve provisionally, subject to confirmation through the non-placet procedure, for approval by the Council,**

- a) the academic-related membership formula contained in paragraph 4.2
- b) revisions to the constitution of CAU committees contained in paragraph 4.3.

CAU Committee Substructures

4.4 For the most part, the Review has taken the view that it should be for individual CAUs to determine the substructure of CAU committees, subject to their taking the following into account:

- The distinction between governance and advisory bodies, and the associated change in the use of the term 'committee'
- The principle that powers delegated to CAU committees by the Senate should not be further delegated without the Senate's agreement.

Programme Committees

4.5 Programme committees form a special case, as a new element of the University-wide governance structure. A constitution for such committees, which will report to CAU committees, has recently been approved by the Academic Board and then by the Council.

SECTION 5 OPERATION AND GOOD PRACTICE

Code of Practice

Electoral Systems

At its June 2005 meeting the Senate asked that the Single Transferable Vote (STV) system be investigated as a possible replacement for the current default voting system in University elections. The issue of which electoral system should be adopted is a complex one requiring detailed investigation and consultation. The Review has taken advice from experts within the University. Discussions have concluded that there are two possible systems that could achieve the objectives of:

- a) representativeness of the constituencies
- b) diversity of interests
- c) fairness

In multi member constituencies these two systems are; the current practice of voting for a number of candidates up to the number of vacancies; or a preferential voting system whereby the electorate ranks candidates in preferential order up to the number of vacancies. In this latter system the candidates with the least support, below the number of votes required to be elected, are eliminated and their second preferences are redistributed. This process continues with the remaining candidates until the vacancies are filled. The current voting system has the advantage of transparency. The preferential voting system has the advantage of facilitating greater diversity. Further work is being undertaken in exploring these two systems and a recommendation will be made to the Academic Board and the Council in due course. It is anticipated that the new Senate would be elected by whatever electoral system is agreed, with the Senate substructure being elected under the current system. It would be open for the new Senate to conduct a further review of the electoral process if it wished.

Minor changes to the Code

A number of small changes have been incorporated into the code of practice following discussion at the June 2005 Senate. A revised code of practice will be submitted for approval following agreement on the electoral system to be adopted.

SECTION 6 DECISIONS AND PATHWAYS

Distribution of Powers

6.1 Earlier reports have noted that the Review was preparing a chart mapping the academic governance level at which different kinds of decision should be taken in future, which would also include relevant interactions with the Council, SPRC and office-holders. This chart will be provided to the new Senate.

Annex 4 contains an updated structure diagram.

SECTION 7 ISSUES AND RELATIONSHIPS

Issues and Relationships

7.1 There are not believed to be any further issues under this heading.

SECTION 8 IMPLEMENTATION

Updating the *Government Structure Handbook*

The handbook will be revised to incorporate the Review's distinction between governance and advisory bodies, instead of the current distinction between 'formal' and 'informal' bodies.

Secretary, Academic Governance Review
November 2005

HONORARY DEGREES COMMITTEE CONSTITUTION

Terms of Reference

Advising other governance bodies or management

1. To receive from members of the University and from accredited institutions nominations of persons thought worthy of the award of an Honorary Degree and, after scrutiny of such nominations, to recommend a short-list for the consideration of the Senate.
2. To receive from the Vice-Chancellor and to scrutinise nominations of persons recommended for the award of the distinction of Emeritus Professor and to prepare a list of such nominations for the consideration of the Senate.

Other Headings

None

Membership

1. The Vice-Chancellor, Chair, ex officio
2. Five members of the Senate elected by the Senate, of whom at least one shall be a member of the professorial staff.
3. One member of the Validation Committee nominated by the Vice-Chancellor.
4. One other member, as from time to time the Vice-Chancellor may wish to appoint.

Mode of Operation

1. The Committee shall meet as and when required in accordance with the procedures agreed by the Senate for the award of Honorary Degrees.
2. The Chair shall have executive authority to act on its behalf in consultation with its secretary.

SENATE MEMBERSHIP PANEL CONSTITUTION

Terms of Reference

Making governance arrangements e.g. appointing to other committees

1. To recommend to the Senate suitable persons for co-option to the Senate, in accordance with the relevant clause in the Senate constitution.
2. To approve on behalf of the Senate the appointment of Senate representatives to casual vacancies on University bodies; and to receive reports of action taken by the Vice-Chancellor concerning the approval of co-opted members to Senate committees.
3. To recommend to the Senate suitable persons for appointment to the Quality Assurance and Enhancement Committee and to specialist judicial bodies*

* Currently the Academic Staff Promotions Committee, the Academic Staff Promotions Appeals Committee, the Results Approval and Awards Classification Panel and the panel of Senate members of the Special Appeals Committee of the Senate.

Other headings

None

Membership

1. A member of the Senate elected by the Senate as Chair of the Panel.
2. Five other members of the Senate, elected by the Senate, of whom at least three must be from the Academic and Research membership category.

Mode of Operation

1. The Committee shall meet as and when required, and shall report to the Senate.
2. The Chair shall have executive authority to act on its behalf in consultation with its secretary.

Academic Governance Advisory Groups

Curriculum, Awards and Validation Committee

Credit and Awards Group

This will replace the Credit and Awards Sub-committee. It will assign credit ratings and general and specific credit. It will report to the Awards Committee.

Curriculum Strategy Forum

This will replace the Curriculum Strategy Sub-committee. It is designed to provide a forum for discussing new curriculum initiatives, particularly those which support curriculum strategy for interdisciplinary/issue based programmes. It will advise the Pro-Vice-Chancellor (Curriculum & Awards).

Curriculum Intelligence Group

This will prioritise curriculum-related market research activities and oversee process for allocating resources to projects. It will advise the Curriculum Strategy Forum.

Foundation Degrees Group

This will develop the framework for the development of foundation degrees. It will report to the Awards Committee.

Programme Development, Approval and Review Group

This will ensure that the University's procedures are aligned with the Quality Assurance Agency Code of Practice. It will report to the Awards Committee.

Qualification Frameworks Working Group

This will ensure that the University's awards align with national and international guidelines. It will report to the Awards Committee. There is a proposal that this group be renamed the Bologna Process Group.

Learning, Teaching and Student Support Committee

Course Models Scrutiny Group

This is the renamed Course Models Approvals Group. It will be a group advisory to the LTSSC. Members of this group will have expertise and responsibility based on that expertise. It will have representation from Learning, Teaching and Student Support Committee, Student Services, Learning and Teaching Solutions and academic areas. It will recommend to the LTSSC whether a course model should be approved.

Learning, Teaching and Technologies Advisory Group

This group will perform the functions of the Learning Technologies and Teaching Committee and the Digital Resources Sub-committee, both of which will cease to exist. The new group will be a management advisory group reporting to the PVC (Learning and Teaching).

Student Experience Group

This will be a standing advisory group to the LTSSC, supporting term of reference 9. It will subsume the work of the Internal Review Committee which will cease to exist.

Widening Participation Group

This will replace the Widening Participation Committee and become a group advisory to the Director, Students, the Pro-Vice-Chancellor (Learning & Teaching) and the Pro-Vice-Chancellor (Curriculum & Awards).

Collaborative Publishing Group

This group replaces the Collaborative Publish Sub-committee. It will have an advisory function to Learning and Teaching Solutions management.

Health and Safety in Teaching Group

This will perform the functions of the Health and Safety in Teaching Committee. It will become a sub-group of the Council's Health and Safety Committee.

Bursaries and Study costs Group

This group replaces the Bursaries and Study Costs Committee and will be a group advisory to the Director, Students and the Pro-Vice-Chancellor (Strategy, Planning & External Affairs).

Disabled Students Advisory Group

This will replace the Disabled Students Advisory Committee and become a group advisory to the Pro-Vice-Chancellor (Learning & teaching) and the Director, Students.

Learning, Teaching and Student Support Strategy Working Group

This will be a group advisory to management, reporting to the PVC (Learning and Teaching) and the Director, Students.

Unit Plan Review Group

This will be a Scrutiny Group reporting to management who in their capacity as Chair and Deputy Chair of LTSSC will report to LTSSC. The way in which TOR 5 is supported will need further discussion between the Chair and Deputy Chair of LTSSC.

Horizon Scanning Group

This is a separate Advisory Group to the Student Experience Group. It will support LTSSC TOR 6. It will include representatives from Marketing, IET and the National Student Survey Team. It will be an expert intelligence group advisory to management and will provide regular report for LTSSC and CAVC. It may have a role not only in terms of e-learning but also in terms of government policies for student support.

Research Committee

Enterprise and Innovation Advisory Group

This will provide guidance to the Research Committee and PVC (RS) on the development of enterprise activities and selective institutional investment in intellectual property development and knowledge transfer processes. The Intellectual Property Board will be subsumed within this group.

Life and Biomolecular Sciences Advisory Group

This will advise and support the Research Degrees Committee on matters relating to the provision of higher degree research programmes in Life Sciences and Biomolecular Sciences at Sponsoring Establishments and Affiliated Research Centres. It replaces the Life and Biomolecular Sciences Committee.

Postgraduate Training Management Group

This will advise and support the Research Degrees Committee on the appropriate development of postgraduate research skills training across all disciplines. It replaces the Full Time Masters programme Subcommittee.

Research Career Development Advisory Group

This will advise and support the Research Committee on the appropriate development of postdoctoral research skills training across all disciplines in order to ensure appropriate support for all research active staff.

Research Strategy Advisory Group

This will provide guidance to the Research Committee and PVC (RS) on the development of research activities and the selective institutional investment in research. It replaces the Research Strategy and Development Committee.

Sponsoring Establishments Management Group (to be renamed the Affiliated Research Centres Management Group in the future)

This will advise and support the Research Degrees Committee on matters relating to the provision of postgraduate research degree programmes at Sponsoring Establishments and Affiliated Research Centres (ARCs). It replaces the Sponsoring Research Establishments Strategy Management Group.

Animal Ethics Advisory Group

This group has responsibility for advising the institutional licence holder. It has replaced the Animal Ethical Committee.

JJD
18.11.05

CURRICULUM, AWARDS & VALIDATION COMMITTEE CONSTITUTION

Purpose

The Curriculum, Awards and Validation Committee is responsible to the Senate for strategy, policy and standards relating to curriculum and awards including collaborative offerings and accredited institutions. It has delegated powers to approve assessment policy, and may approve new instances of existing types of award.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain and promote the University's curriculum strategy, in consultation with central academic unit committees, and to recommend the strategy to the Senate for approval
2. To determine policies and guidelines within the agreed strategy, for the examination assessment and classification of awards which involve taught courses (with the exception of research degrees and higher doctorates) acting on advice from the Learning, Teaching and Student Support Committee where necessary, and for the approval of new courses and packs.
3. To oversee the processes for preparation approval and review of the curriculum aspects of central academic unit plans, encouraging collaboration between central academic units and sub-units in their curriculum planning and development activities.
4. To approve the introduction of new courses and packs and the introduction, amendment and withdrawal of awards and their regulations, where these conform with the University's Qualifications Framework and other existing policies, and to make recommendations to the Senate in cases which fall outside these limits.
5. To approve, on the advice of the Curriculum Partnerships Committee, the introduction of partnerships, leading to an award of the University.
6. To approve, on the advice of the Validation Committee, the accreditation of institutions, the terms of their accredited status, and where appropriate, the termination of their accreditation.
7. To interpret and approve of exceptions to the policies and regulations relating to examinations and assessment and awards.

Monitoring, and reviewing, actions and institutional performance

8. To monitor the implementation of policy on all matters within the committee's remit, including collaborative arrangements, and to ensure that activities are monitored against the standards set.
9. To monitor the annual review of awards, and the annual review of curriculum partnerships and accredited partnerships, to identify areas of the University's curriculum and awards structure requiring attention or development, and to draw these

to the notice of appropriate officers and committees for review or development activities as appropriate.

10. To contribute to the Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

11. To ensure that standards are set for the awards, courses and assessment offered by the University, that they are consistent in standard and are compatible with those offered by other UK higher education institutions, that they support recognition by other organisations, and that they are in alignment with national and international qualification frameworks.
12. To approve recommendations for the recognition and inclusion in the awards of the University of courses and periods of study undertaken under the auspices both of the University and of other institutions

Advising other governance bodies or management

13. To advise relevant areas of the University on the collection of evidence about the demand for awards which may be offered by the University, and about the curriculum offerings of competitor institutions.
14. To advise the Senate on the introduction or withdrawal of specific categories of award.
15. To advise the Senate of new partnerships and new accredited institutions (including refusal to approve) or any changes in the status of accreditation

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Curriculum and Awards), ex officio, Chair.
2. Deans of faculties and schools or their nominees, and the Director of the Institute of Educational Technology or his/her nominee, ex officio.
3. Chairs of any committees reporting to the Committee.
4. Director, OUVS, ex officio.
5. Head of Assessment Credit and Awards or nominee, ex officio.

6. One nominee of the Director, Students.
7. One nominee of the Director of Marketing.
8. Four members of staff, elected by the Senate, of whom at least two shall be members of the central academic staff.
9. Two associate lecturers appointed by the Associate Lecturers Committee.
10. Two registered students appointed by the Open University Students Association.
11. Four members of the University's accredited institutions, or external members of the Validation Committee, appointed by the Pro-Vice-Chancellor (Curriculum and Awards) on the recommendation of OUVS officers.
12. Such others as the committee may co-opt up to a maximum of three, to include members with expertise as necessary in HE issues in Scotland, Ireland and Wales, if not otherwise elected or nominated.

Mode of Operation

1. The committee shall meet in accordance with the University's committee timetable, not less than three times a year, and on such other occasions in the year as have been approved by the Senate. It shall report to each meeting of the Senate.
2. It shall be permitted to delegate tasks to a duly constituted executive committee or committees of itself; or to specific individuals; and may make rules relating to its own procedure, but should not further delegate powers delegated by the Senate without the Senate's agreement.
3. The committee should designate a deputy chair. The chair shall have executive authority to act on behalf of the committee and any of its executive committees, in consultation with any body designated to assist in this capacity by the committee.
4. The committee shall review each year according to agreed University criteria how efficiently, effectively and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review to allow for implementation of improvements from the beginning of the next committee year.
5. The committee shall ensure that strategies, policies plans and priorities within its remit are compliant with relevant University-wide policies implemented or being developed, particularly those relating to equal opportunities, environmental management and health and safety.

AWARDS COMMITTEE CONSTITUTION

Purpose

On behalf of the Curriculum, Awards and Validation Committee, to provide detailed scrutiny of proposals relating to individual awards, to approve amendments to existing awards, to approve credit transfer schemes and to make recommendations to the CAVC on the approval of the introduction or withdrawal of awards.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

- 1 To approve amendments to existing awards and their regulations.
- 2 To approve the award of general and specific credit, specific credit transfer schemes and, in consultation as appropriate with the Curriculum Partnerships Committee, collaborative credit agreements with other institutions, for the University's taught awards, which do not require regulatory changes.

Monitoring, and reviewing, actions and institutional performance

- 3 To monitor the demand for the University's taught awards and to receive an annual report on the number of awards made of each type.
- 4 To monitor the process for the annual review of awards.
- 5 To have oversight (on behalf of the Senate) of the award of credit to applicants and students towards the University's taught awards based on study undertaken outside the University in accordance with established regulations.

Assuring quality and standards, including approving regulations

- 6 To monitor the University's procedures for the approval and review of its awards, ensuring that they are in accordance with the current guidance from the Quality Assurance Agency.
7. To keep under review the credit structures and requirements for the University's taught awards, having regard to the relationships between such awards, their comparability with the University's validated awards and the relevant national qualifications frameworks;
8. To make recommendations to the Curriculum, Awards and Validation Committee for new or revised general regulations, including credit transfer regulations, for the University's taught awards;

Advising other governance bodies or management

9. To provide detailed scrutiny of proposals for the introduction of individual taught awards and their regulations, taking into account the QAA requirements relating to programme specifications, learning outcomes and subject benchmarking, the balance in such awards between Open University originated credit and credit originated outside the University, and taking account of the University's validated programmes and awards, and to make recommendations to the CAVC on the approval of new individual awards and their regulations.
10. To give initial consideration to proposals for the withdrawal of individual taught awards, ensuring that students are given reasonable notice of any changes, and to advise the CAVC on the withdrawal of awards.
11. To identify and consider credit accumulation and transfer issues particularly those involving the status and recognition of the University's courses and awards arising from discussions with other institutions and from national and international developments, to co-ordinate the University's response to consultative documents and reports on such issues, and where appropriate to propose the introduction of new types of award or changes to existing curriculum policy to the CAVC.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. A Chair appointed by the Curriculum, Awards and Validation Committee.
2. One associate dean or equivalent with a relevant portfolio from each central academic unit (or the dean/director's nominee if no suitable portfolio exists).
3. Director, OU Validation Services, or nominee.
4. The Director, Centre for Outcomes-based Education (COBE) or nominee, ex-officio.
5. Head of Assessment, Credit and Awards or nominee.
6. Two members of Student Services support staff, nominated by the Director, Students.
7. One member of staff based at the regional centre in Scotland, nominated by the Regional Director in Scotland.
8. Two registered students, one of whom should be a postgraduate student, appointed by the Open University Students Association.

9. One associate lecturer appointed by the Associate Lecturers Committee.
10. One member of the Validation Committee, nominated by that Committee.

Mode of Operation

1. The committee shall meet as and when required, and shall report at least annually to the Curriculum, Awards and Validation Committee.
2. The chair of the committee shall have executive authority to act on its behalf in consultation with its secretary.

VALIDATION COMMITTEE CONSTITUTION

Purpose

On behalf of the Curriculum, Awards and Validation Committee, to recommend policy on the accreditation of institutions and the validation and review of programmes, to propose the terms for the accreditation and re-accreditation of specific institutions, and to validate and re-validate specific awards offered by such institutions. In collaboration with the Qualifications and Curriculum Authority, to recommend policy in respect of qualifications based on occupational standards and to approve awards of this type.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

- 1 To approve the validation and re-validation of awards offered by accredited institutions, taking into account the Quality Assurance Agency requirements relating to programme specifications, learning outcomes and subject benchmarking, and taking account of the University's taught awards.
- 2 To approve the imposition of sanctions on accredited institutions where the quality and standards of an award are at risk, including the approval of the close of entry to a validated award.
- 3 In association with QCA, to approve proposals for University awards based on occupational standards.

Monitoring, and reviewing, actions and institutional performance

- 4 To monitor the number of accredited institutions, the number of re-accreditations, the number of validated awards and applications for re-validation, and student numbers on the University's validated awards and to receive an annual report on these items.
- 5 To monitor, in consultation with the Curriculum Partnerships Committee, the process for the annual review of validated awards, requiring evidence from accredited institutions of effective management of the quality of provision and of the academic standards, reporting to the CAVC on the overall progression and completion statistics and referring any major issues arising from the reports to the CAVC.
- 6 To monitor compliance with any conditions arising from the accreditation or re-accreditation of institutions, and the validation, re-validation or review of individual awards.

Assuring quality and standards, including approving regulations

- 7 To maintain and monitor the University's procedures for the accreditation of institutions as suitable for the conduct of programmes leading to Open University awards by validation or other means of approval, ensuring that the quality of learning

opportunities and student support provided by the institution meet the University's standards.

- 8 To maintain and monitor the University's procedures for the validation and review of programmes, with reference to the current guidance from the QAA.
- 9 To maintain and monitor the procedures for the external examination of validated awards.
10. To keep under review the handbook for the University's accredited institutions and validated awards, having regard to the relationships between such awards, their comparability with the University's taught awards and the relevant national qualifications frameworks;
11. To make recommendations to the Curriculum and Awards and Validation Committee for new or revised regulations for the University's validated awards;
12. To maintain and monitor the University's procedures for the approval of proposals for University awards based on occupational standards, ensuring that they are consistent and comparable to those awarded by other awarding bodies throughout the United Kingdom.

Advising other governance bodies or management

13. To provide detailed scrutiny of proposals for the accreditation of institutions, their re-accreditation and the terms of their accredited status and to make recommendations to the CAVC on their approval.
14. To provide detailed scrutiny of proposals for the termination of the accreditation of an institution, ensuring that commitments to continuing students are protected to the completion of their studies, and to make recommendations to CAVC on the termination of the accreditation.

Making governance arrangements e.g. appointing to other committees

To appoint one member of VALC to serve as a member of Curriculum Partnerships Committee.

Matters of public record e.g. ratifying appointments of staff or external examiners

To formally approve the appointment of external examiners at accredited institutions.

Judicial: deciding individual cases

To delegate to the Director of OUVS the responsibility for resolving complaints and appeals, where an accredited institution's own procedures have been exhausted, on matters relating to programmes of study, awards, and validation and review processes, in accordance with procedures approved by the Academic Board and Senate.

Membership

1. A Chair appointed by the Curriculum, Awards and Validation Committee.
2. Pro-Vice Chancellor (Curriculum and Awards)
3. Pro-Vice-Chancellor (Learning and Teaching) or nominee
4. Chair - Occupational Standards Board
5. Director – Open University Validation Services
6. Director – Open University World-wide
7. Two members having experience in appropriate branches of industry or commerce or in appropriate professions, including members with experience in the field of occupational standards.
8. Three members from accredited institutions of the Open University.
9. Five representatives of central academic units, normally at associate dean level.
10. At least one regional director
11. Three members from other higher education establishments having suitable experience, for example of ensuring standards and quality assurance through peer validation.
12. One representative appointed by the Curriculum Partnerships Committee who is a member of that committee.
13. Such other members as may be appointed by the Curriculum, Awards and Validation Committee up to a maximum of three.

Members in categories 7 to 11 to be appointed by the Chair of the Curriculum, Awards and Validation Committee on the advice of officers.

Mode of Operation

1. The committee shall meet as and when required, and shall report at least annually to the Curriculum, Awards and Validation Committee.
2. The chair of the committee shall have executive authority to act on its behalf in consultation with its secretary.

ASSESSMENT POLICY COMMITTEE CONSTITUTION

Purpose

On behalf of the Curriculum, Awards and Validation Committee, to approve policy for all forms of assessment, to approve new and amended assessment strategies for individual courses, to make recommendations to the CAVC on the policy for the assessment and classification aspects of awards (excluding research degrees and higher doctorates), and to review reports from external examiners.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To approve, on behalf of the Senate, the guidelines for the determination of all course results and the associated award of credit within approved programmes and awards;
2. To approve, on behalf of the Senate, the assessment strategy for each individual course within an approved academic award which falls within the guidelines approved by the CAVC;
3. To approve any changes to the course assessment strategy during the lifetime of a course, taking into account the objectives and learning outcomes of the course.
4. To approve the classification schemes for new awards and any changes to the classification of an existing award which fall within the approved guidelines.
5. To approve policy for all forms of assessment, including examinations, for all courses.

Monitoring, and reviewing, actions and institutional performance

6. To review and approve the response to reports from external members of examination and assessment boards for all courses within approved academic programmes and awards.
7. To monitor the range of assessment strategies used across the University's programmes.

Assuring quality and standards, including approving regulations

8. To determine guidelines for the conduct of examinations and other forms of controlled assessment for courses within approved academic awards.
9. To ensure quality assurance and quality assurance measures are in place for all examinations, assessment activity, the determination of course results and the classification of awards.
10. To determine the guidelines within which the University's programme for assessment is administered and planned by the Head of Assessment, Credit and Awards, Student Services.

Advising other governance bodies or management

11. To recommend to the CAVC policy for the assessment and classification aspects of awards.
12. On behalf of the Senate, to receive reports from the Results Ratification and Awards Classification Panel, and to consider recommendations for changes in policy.
13. On behalf of the Senate, to receive reports from Subcommittee on Exceptional Examination Arrangements and Special Circumstances and to consider recommendations for changes in policy.
14. To recommend to the Curriculum, Awards and Validation Committee any changes to the terms of reference and membership of examination and assessment boards, as appropriate.

Making governance arrangements e.g. appointing to other committees

15. To appoint the chair of the Subcommittee on Exception Examination arrangements and Special Circumstances
16. To advise the chair of the Assessment Policy Committee on the appointment of the members of the committee to serve on the Subcommittee on Exceptional Examination Arrangements and Special Circumstances
17. To appoint such other members to the Subcommittee on Exceptional Examination Arrangements and Special Circumstances on the recommendation of the chair of the Assessment Policy Committee, up to a maximum of two

Matters of public record e.g. ratifying appointments of staff or external examiners

18. To formally approve the appointment of external examiners at accredited institutions.

Judicial: deciding individual cases

19. Having regard to the guidelines for the conduct of assessment, to approve, on an exceptional basis, additional and non-standard arrangements for all forms of assessment, including examinations, for individual students.

Membership

1. A chair appointed by the Curriculum, Awards and Validation Committee.
2. One associate dean or equivalent with a relevant portfolio from each central academic unit (or the dean/director's nominee if no suitable portfolio exists).
3. Head of Assessment, Credit and Awards, or nominee.
4. Two registered students appointed by the Open University Students Association.
5. Two associate lecturers appointed by the Associate Lecturers Committee.
6. Two members of Student Services support staff nominated by the Director, Students.

Mode of Operation

1. The committee shall meet as and when required, and shall report at least annually to the Curriculum, Awards and Validation Committee.
2. The chair of the committee shall have executive authority to act on its behalf in consultation with its secretary.

CURRICULUM PARTNERSHIPS COMMITTEE CONSTITUTION

Purpose

On behalf of the Curriculum, Awards and Validation Committee, to provide detailed scrutiny of proposals relating to curriculum partnerships, to approve amendments to existing partnership arrangements, to approve joint curriculum development partnerships and to make recommendations to the CAVC on the approval of the introduction or closure of curriculum partnerships leading to an award of the University.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To approve amendments and extensions to existing curriculum partnerships, where they lead to a direct award of the University;
2. To approve, in consultation as appropriate with the Awards Committee, the introduction and closure of collaborative credit agreements with other institutions;
3. To approve the introduction and closure of joint curriculum development partnerships.

Monitoring, and reviewing, actions and institutional performance

4. To monitor and review established curriculum partnerships under regular review, particularly through the annual monitoring process, working in consultation as appropriate with the Open University Worldwide Board of Directors, Validation Committee, and referring any major issues arising from the reports to the CAVC;
5. To monitor the use of Open University courses by other organisations, especially those involving 'licensing' arrangements, in programmes leading to the awards of other institutions, both in the United Kingdom and elsewhere;
6. To monitor the demand for collaborative credit schemes with other institutions and to receive an annual report on the number of awards of credit made under each arrangement;
7. To monitor and review the effective operation of credit rating arrangements;

Assuring quality and standards, including approving regulations

8. To maintain and monitor the University's procedures and processes for curriculum partnerships, with reference to the current guidance from the QAA;
9. To ensure, in consultation as appropriate with the Awards Committee and the Assessment Policy Committee, that the curriculum and awards-related aspects of collaborative provision satisfy the University's own quality assurance requirements and those of appropriate national and international agencies;
10. To ensure that proposals for new collaborative partnerships involving the use of the University's curriculum have been properly appraised, and that they carry the

endorsement of the relevant faculty or school boards and (in the case of international partnerships) of the OU Worldwide Board of Directors;

11. To determine the institutional policy guidelines and good practice within which areas of the University should operate when embarking upon new curriculum partnerships, managing existing partnerships, or terminating partnerships;

Advising other governance bodies or management

12. To provide detailed scrutiny of proposals for the introduction of new curriculum partnerships leading to an award of the University, taking into account the QAA requirements relating to collaborative provision, and to make recommendations to the CAVC on the approval of such partnerships and their quality and contractual frameworks;
13. To provide detailed scrutiny of proposals for the closure of a curriculum partnership leading to an award of the University, ensuring that commitments to continuing students are protected by the partners to the completion of their studies, and to make recommendations to CAVC on the closure of the partnership;

Making governance arrangements e.g. appointing to other committees

14. To nominate a member of the committee to serve on the Validation Committee.

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. A chair appointed by the Curriculum, Awards and Validation Committee.
2. One associate dean or equivalent with a relevant portfolio from each central academic unit (or the dean/director's nominee if no suitable portfolio exists).
3. Director, OU Validation Services or nominee.
4. Managing Director, OU Worldwide or nominee.
5. Head of Planning or nominee.
6. Head of Regional Collaboration and Widening Participation or nominee.
7. Secretary for Quality Assurance.
8. Head of Assessment, Credit and Awards, or nominee
9. One registered student appointed by the Open University Students Association.

10. One associate lecturer appointed by the Associate Lecturers Committee.
11. One member of the Validation Committee, nominated by that committee.
12. Up to two members co-opted by the committee, to include external expertise in collaborative provision.

Mode of Operation

1. The committee shall meet as and when required, and shall report at least annually to the Curriculum, Awards and Validation Committee.
2. The chair of the committee shall have executive authority to act on its behalf in consultation with its secretary.

RESEARCH COMMITTEE CONSTITUTION

Purpose

The Research Committee is responsible to the Senate for strategy, policy and standards relating to research, research degrees and higher doctorates in the University.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To maintain and promote the University's strategy on research, in consultation with central academic unit committees, and to recommend the strategy to the Senate for approval.
2. To determine policies and guidelines within the agreed strategy for research, research degrees and higher doctorates, making recommendations to the Senate in cases which fall outside these limits.
3. To oversee the processes for preparation approval and review of the research aspects of central academic unit plans, encouraging collaboration between central academic units and sub-units in their research activities.

Monitoring, and reviewing, actions and institutional performance

4. To monitor the implementation and operation of policy
5. To monitor reports from Research Degrees Committee on research student and research degree matters
6. To contribute to the Senate's annual academic review of the University.

Assuring Quality and Standards, including approving regulations

7. To ensure that standards are set for research activities within the context of external research quality monitoring (currently the Research Assessment Exercise).
8. To be responsible, via the Research Degrees Committee, for the recruitment, admission, registration, supervision and progress of research students, and for research degree and higher doctorate examinations.
9. To be responsible, via the Research Degrees Committee, for the approval of recommendations of examiners for research degrees and higher doctorates and the award of research degrees and higher doctorates.
10. To approve applications from organisations wishing to become affiliated research centres after guidance and recommendation from the Research Degrees Committee.

Advising other governance bodies or management

11. To advise the Senate, the Strategic Planning and Resources Committee and CAU Committees on all aspects of the development of research, and research degree activities in the University, including resources and priorities for strategic development.

Making governance arrangements e.g. appointing to other committees

- 12 To appoint the chair and deputy chair of the Research Degrees Committee
- 13 To appoint one of the regionally-based Senate representatives of the Research Committee to the Research Degrees Committee
- 14 To co-opt up to two members of the Research Degrees Committee.

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. Pro-Vice-Chancellor (Research and Staff), Chair, ex officio.
2. Relevant associate deans or equivalent of faculties, schools, and the Institute of Educational Technology, ex officio.
3. Directors of the Research Centres
4. Chairs of any committees reporting to the committee.
5. Four representatives of the Senate, elected by the Senate, of whom at least two shall be members of regionally-based staff.
6. One registered full-time research student and one registered part-time external student, appointed by the Open University Students Association.
7. Two members of the research staff elected by and from such staff.
8. A representative from a sponsoring establishment.
9. The Research School Academic Co-ordinator ex officio.

Such others as the committee may co-opt up to a maximum of three

Mode of Operation

6. The committee shall meet in accordance with the University's committee timetable, not less than three times a year, and on such other occasions in the year as have been approved by the Senate. It shall report to each meeting of the Senate.
7. It shall be permitted to delegate tasks to a duly constituted executive committee or committees of itself; or to specific individuals; and may make rules relating to its own procedure, but should not further delegate powers delegated by the Senate without the Senate's agreement.
8. The committee should designate a deputy chair. The chair shall have executive authority to act on behalf of the Committee and any of its executive committees, in consultation with any body designated to assist in this capacity by the Committee.
9. The committee shall review each year according to agreed University criteria how efficiently, effectively and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review to allow for implementation of improvements from the beginning of the next committee year.
10. The committee shall ensure that strategies, policies plans and priorities within its remit are compliant with relevant University-wide policies implemented or being developed, particularly those relating to equal opportunities, environmental management and health and safety.

RESEARCH DEGREES COMMITTEE CONSTITUTION

Purpose

To be responsible to the Research Committee for all policy, regulatory, and procedural matters relating to research degrees and higher doctorates.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To determine specific policies for the admission, registration, progress and examination of research degree students and higher doctorate candidates, including the recruitment of full-time and part-time research students, the appointment of supervisors and examiners, and the approval of research topics.

Monitoring, and reviewing, actions and institutional performance

2. To monitor the implementation of agreed policy on research degrees and higher doctorates, and to report to the Research Committee as appropriate.

Assuring quality and standards, including approving regulations

3. To be responsible for the admission, registration, progress and examination of research degree students and higher doctorate candidates, including the interpretation and waiver of policy and regulations.
4. To be responsible for the approval of recommendations of examiners for research degrees and higher doctorates and the award of research degrees and higher doctorates.

Advising other governance bodies or management

5. To recommend policy on research degrees and higher doctorates to the Research Committee having consulted central academic units.
6. To make recommendations to the Research Committee on the approval of new affiliated research centres (ARCs)

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

None

Membership

1. A chair and deputy chair appointed by the Research Committee.
2. Pro-Vice-Chancellor (Research and Staff) ex officio.
3. The Research School Academic Co-ordinator ex officio.
4. Chair of the Life Sciences and Biomolecular Sciences Advisory Group ex officio.
5. Chair of the Postgraduate Training Management Group ex officio.
6. The student members of the Research Committee.
7. A representative from a sponsoring establishment.
8. One of the regionally-based Senate representatives on the Research Committee, appointed by the Research Committee.
9. One associate dean or equivalent with a relevant portfolio from each central academic unit (or the dean/director's nominee if no suitable portfolio exists), and one member from the Knowledge Media Institute nominated by the Director of the Institute.
10. Up to two co-opted members appointed by the Research Committee.

If the chair of Research Degrees Committee is not already a member of Research Committee, the chair will become a co-opted member of Research Committee.

In attendance

1. Director of Library Services or nominee.
2. Assistant Registrar (Research Degrees)
3. Manager of Research Degrees Team
4. Manager of the Research Degrees Programme in Sponsoring Establishments

Mode of Operation

1. The committee shall meet as and when required, and shall report to the Research Committee at least annually.
2. Its chair or, by delegation, the deputy chair of the committee shall have executive authority to act on its behalf in consultation with its secretary.

HUMAN PARTICIPANTS AND MATERIALS ETHICS COMMITTEE CONSTITUTION

Purpose

On behalf of the Research Committee to advise on ethical considerations relating to research involving investigations on human participants or materials, and to grant or withhold approval for such research proposals.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

- 1 To provide guidance to researchers on the need for ethical scrutiny through the publication of internal guidelines, advice on external ethical documentation and dissemination of information on best practice.
- 2 To develop a code of practice on investigations involving humans and human materials.

Monitoring and reviewing actions and institutional performance

- 3 To keep under review its terms of reference to take into account the developing needs of the research community, and national and international research ethics review standards and legislation.

Assuring quality and standards, including approving regulations

- 4 To maintain an annual internal audit process with external triennial review.

Advising other governance bodies or management

- 5 To make recommendations to the Research Committee on human participants and materials research ethics issues.
- 6 To advise all levels of the University on ethical considerations relating to any research that involves investigations on humans or human materials.
- 7 To clarify and keep under review the role and relationship of the Human Participants and Materials Ethics Committee to other committees/panels in the University.

Making governance arrangements e.g. appointing to other committees

None

Matters of public record e.g. ratifying appointments of staff or external examiners

None

Judicial: deciding individual cases

- 8 To grant or withhold approval of proposals for research involving human participants or materials, with right of appeal initially to the HPMEC and ultimately to PVC(R&S).

Membership

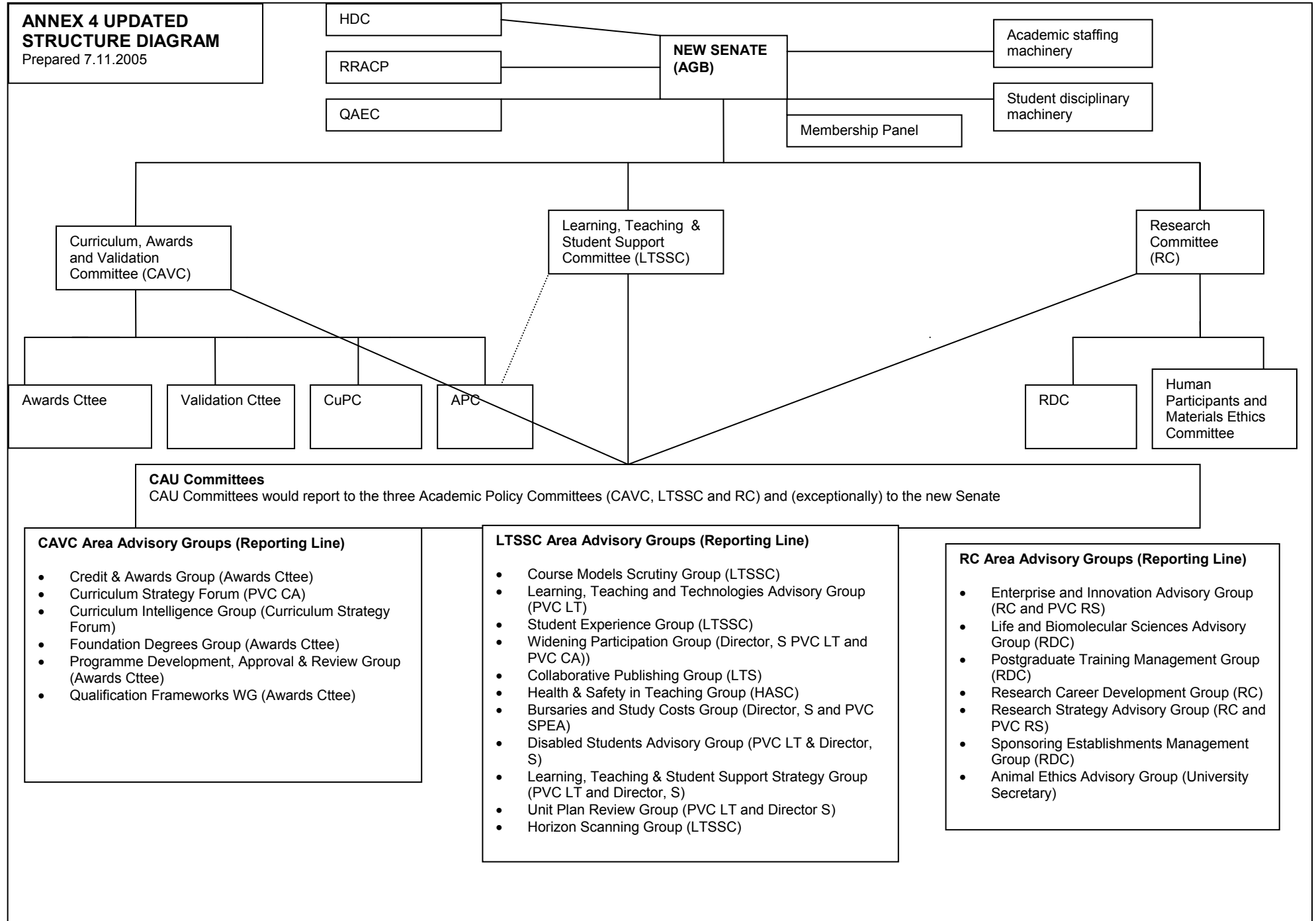
- 1 Three external members appointed by the Pro-Vice-Chancellor (Research & Staff), to include:
 - a) a medical practitioner
 - b) a researcher from a research institution other than the Open University
 - c) a lay person
- 2 The chair of the Research Committee ex officio, or nominee;
- 3 Two members of the Research Committee nominated by the Research Committee;
- 4 Up to two members co-opted by the committee so as to cover any aspect, professional, scientific or ethical, of a research proposal which lies beyond the expertise of existing members.

Note 1: The chair and deputy chair shall be appointed by the Research Committee.

Note 2: At least one member of the committee shall have expertise in psychological research.

Mode of Operation

- 1 The committee shall meet as and when required and shall report to the Research Committee at least annually.
- 2 The committee may deal with straightforward applications by correspondence.
- 3 The committee shall seek the advice of specialist referees so as to cover any aspect, professional, scientific, or ethical, of a research proposal which lies beyond the expertise of existing members.





ACADEMIC BOARD – 15 FEBRUARY 2006

ACADEMIC GOVERNANCE REVIEW

Outstanding Business from the
Academic Governance Review

This paper provides a further update to the Academic Board on outstanding business from the Academic Governance Review. There are 2 recommendations for approval.

Recommendation 1

The Academic Board is asked to **approve provisionally, subject to confirmation through the non-placet procedure**, for approval by the Council, revised constitutions of the Academic Staff Promotions Committee and the Academic Staff Promotions Appeals Committee contained in the Annex.

Recommendation 2

The Academic Board is asked to **approve provisionally, subject to confirmation through the non-placet procedure**, for approval by the Council, the adoption of the Single Transferable Vote system for elections to the Senate.



OUTSTANDING BUSINESS FROM THE ACADEMIC GOVERNANCE REVIEW

CONTENTS

- Section 1 Introduction
- Section 2 Senate Satellite Bodies
- Section 3 Middle Tier
- Section 4 Operation and Good Practice

Annex

Annex Revised constitutions of the Academic Staff Promotions Committee and the Academic Staff Promotions Appeals Committee

SECTION 1 INTRODUCTION

- 1.1 At its meetings in March and June 2005, the Senate agreed a new academic governance structure including new constitutions for the Senate, middle tier policy committees, a Quality Assurance and Enhancement Committee, and CAU Committees, plus a range of recommendations aimed at improving the overall operation of the system.
- 1.2 The Council received a consolidated report on the Review of its meeting in July 2005, approving all those recommendations that required Council approval.
- 1.3 The meeting of the Academic Board in November 2005 approved provisionally, subject to confirmation through the non placet procedure; the size and composition of the OUSA and Associate Lecturer Senate reference groups; the constitutions of the Senate satellite bodies; the constitutions of committees in the middle tier substructure and changes to the constitution of CAU committees. The report included the further information and editorial changes requested by the June Senate, and presented an updated structure diagram. Following the end of the non-placet period, the decisions of the Academic Board have been deemed to have been approved by the Senate. Recommendations will be made to the Council meeting in March 2006 where appropriate.
- 1.4 This report, the fourth in the series, is presented to the Academic Board. It seeks approval for revised constitutions of the Academic Staff Promotions Committee and the Academic Staff Promotions Appeals Committee and a revised electoral process for the Senate. It includes an update on discussions relating to student membership of the Learning, Teaching and Student Support Committee and associate lecturers representation on advisory groups.
- 1.5 There are a number of governance issues still outstanding from the review which are the subject of further discussion. Recommendations for changes arising out of the discussions will be reported to the Academic Board via the committee matters process in due course.

SECTION 2 SENATE SATELLITE BODIES

Academic Staff Promotions and Appeals Machinery

- 2.1 The report to the November 2005 meeting of the Academic Board indicated that the constitutions of the Academic Staff Promotions Committee and the Academic Staff Promotions Appeals Committee would be reconsidered in the light of changes to the academic governance structure and a forthcoming review of the role of the Council's Staff Strategy Committee. This review has now taken place. Revised constitutions are attached as the Annex to this report.
- 2.2 The revisions take into account the Academic Governance Review and update the practice of the committees in considering promotions and appeals.

Recommendation 1

The Academic Board is asked to **approve provisionally, subject to confirmation through the non-placet procedure**, for approval by the Council, revised constitutions of the Academic Staff Promotions Committee and the Academic Staff Promotions Appeals Committee contained in the Annex.

SECTION 3 MIDDLE TIER

Advisory Groups

- 3.1 The report to the November 2005 meeting of the Academic Board commented on the role that advisory groups would have in the new structure and the importance of having associate lecturer and student representation on them, as appropriate. It was acknowledged at the Board's meeting that principles should be established on what this representation should be. Work will be done on this, and recommendations will be brought forward to the Board.

Learning, Teaching and Student Support Committee

- 3.2 It was reported to the November 2005 meeting of the Academic Board that representation had been received from OUSA that its membership on the new committee was inadequate for the broad range of business to be conducted by the combined committee. The joint chairs of the LTSSC have considered OUSA's request and take the view that the OUSA representation of two members is reasonable given that the new committee represents an amalgamation of and a reduction in the size of, two former Boards, the Student Policy Board and the Learning and Teaching Board. The Senate has already agreed the balance of membership of the middle tier committees and in creating the combined committee has decided that this would deal with more strategic issues than its predecessors. A different membership structure is therefore needed and this was agreed by the Senate in March 2005.

SECTION 4 OPERATION AND GOOD PRACTICE

Code of Practice

Electoral Systems

- 4.1 At the November 2005 meeting of the Academic Board it was reported that further work would be done to explore the advantages and disadvantages of different types of electoral system with a view to developing recommendations for the system to be used to elect the new Senate. In order to take this work forward, there has been internal consultation with Professor Mike Saward and Dr Jeremy Mitchell of the Social Sciences Faculty, and externally with the Electoral Reform Society. Steps have also been taken to establish the type of electoral systems used in other Higher Education Institutions.
- 4.2 There are a number of approaches to proportional representation in addition to the single transferable vote (STV), but they (for example the list system) are more appropriate to national political contexts in which there are rival political parties. Having established that STV is a method used in some other universities (for example: Bradford, Brighton, Bristol, Manchester, Westminster, Heythrop, Keele, Portsmouth, Winchester, Royal Holloway, Sheffield, UWE and, subject to final decision, Aberdeen¹), in the light of the Electoral Reform Society's recommendation of STV, and given internal advice, the focus of attention has been on STV as the most appropriate alternative to the current system for election to the Senate.

Academic Governance and Elections

- 4.3 The Academic Governance Review has already established the principle that apart from a limited number of ex officio members², members of the Senate should gain office through an electoral process. Identifying the rationale for this will help to provide a basis for making decisions about which type of electoral system is preferred.
- 4.4 There are two main reasons why electoral mechanisms have been chosen as the favoured means of filling Senate places:
- The perceived legitimacy of governance decisions is stronger when they are taken by people who have been elected to office by peers who have granted to those they have elected the authority to take decisions. Authority therefore derives from the consent of the electorate. This tradition sits well with the ethos of academic communities and with the expectation that those giving their consent should represent the diversity of the institution.
 - By giving electoral power to a range of constituencies across the University, there is a good chance of ensuring that a wide spread of expertise and opinion is represented on the Senate, thus enhancing the quality of its deliberations and decisions. A key requirement is that the governance system should be designed to produce sound decisions, and the assumption is that debate reflecting a range of expertise and opinion will be one of the conditions for that.

In summary, electoral processes are intended to contribute to the legitimacy of governance decisions and to the best possible decisions being taken.

¹ Aberdeen is currently reviewing the composition of its Senate and is proposing to move to STV for electing members from its twelve Schools in order to secure a spread of grades and academic disciplines.

² There is also the option to co-opt up to eight people.

- 4.5 Given the above, the question now arises as to which type of electoral system would best serve the needs of the University's academic governance system.

First past the post

- 4.6 The University currently operates a form of the first past the post system with multi-member constituencies for the election of members to the Senate. This is a process in which candidates are nominated from a number of constituencies, and if the number of candidates exceeds the number of places available an election is held. The electorate is invited to vote for as many candidates as they wish up to the number of places to be filled, and those with the highest number of votes are duly elected.
- 4.7 There are of advantages to the current system:
- It is simple to understand and easy to see how votes have contributed to the outcome
 - It is simple to operate.
 - The system has worked effectively to date, and no major problems have been perceived to have arisen from it.
- 4.8 There are, however, some disadvantages:
- In heavily contested elections (where there are significantly more candidates than places) many votes are wasted in the sense that they do not contribute to the election of a winning candidate.
 - The system has a higher chance of being open to being influenced by a particular section of the electorate (either deliberately or unintentionally).
 - The system does not facilitate diversity; some candidates may not receive votes which they might otherwise have had because they are perceived as not having a chance of securing election.

Single transferable vote

- 4.9 Under STV each voter is asked to rank candidates in order of preference. Ideally all candidates should be ranked by each voter. A quota is established which fixes the number of votes sufficient to secure election. The formula for setting the quota ensures that only the required number of candidates can reach it. In this system first preferences are counted first and those candidates achieving the quota are elected. If this process does not produce enough candidates achieving the quota, the surplus votes of those candidates who have exceeded the quota are transferred to remaining candidates. If after this transfer there are still insufficient candidates elected, then the candidate with the lowest vote is eliminated and those votes are transferred to remaining candidates. This process continues until all places are filled.

4.10 STV has these advantages:

- There is a likelihood that most voters will help to elect at least one successful candidate particularly in heavily contested elections (where there are significantly more candidates than places);
- It is more likely to produce diversity in terms of the spread of successful candidates since a wider range of interests can be influential through the electoral process;
- From the voters' point of view it offers them the possibility of ranking their choices and it discourages tactical voting.

4.11 The principle disadvantage of STV is that it is more complex. It is therefore less transparent in terms of understanding how the votes cast contribute to the outcome. It is also more complex to administer although computer systems may facilitate the process.

Conclusion and recommendation

4.12 Changing the electoral system is not by itself going to transform the status of the Senate, but to the extent that measures need to be taken to strengthen the Senate and its authority, changing the electoral system could be one of the important steps to take.

4.13 The debate between first past the post and STV hinges on how far the benefits outweigh the costs. In terms of principle it is hard to see major arguments against STV, and the arguments in favour of first past the post in the academic governance system are in my view not as strong. It is undoubtedly the case, however, that STV is more complex to administer and if conducted manually would require a considerable staff input and could be more easily subject to error. However the computerisation of the process may reduce these difficulties.

4.14 In view of the above it is recommended that the University should adopt the Single Transferable Vote system for elections to the new Senate.

Recommendation 2

The Academic Board is asked to **approve provisionally, subject to confirmation through the non-placet procedure**, for approval by the Council, the adoption of the Single Transferable Vote system for elections to the Senate.

Changes to the Code

4.15 A revised code of practice for University elections and committee procedure will be drawn up to incorporate the changes agreed as part of the Academic Governance Review.

Fraser Woodburn
University Secretary

AFW/JJD/EMW
7.2.06

ACADEMIC STAFF PROMOTIONS COMMITTEE CONSTITUTION

Purpose

The Academic Staff Promotion Committee (ASPC) is responsible to the Senate for the strategy, policy, procedures and standards relating to the promotion of academic and research staff.

It has delegated powers to approve individual promotion of staff to senior lecturer (and equivalent) and to delegate to the Chairs and Readership Sub Committee the authority to consider and approve submissions for promotion to chair or reader.

Terms of Reference

Legislation: setting policy and strategy frameworks, agreeing plans and priorities

1. To determine criteria and policies for the consideration of submissions for promotions to senior lecturer (and equivalent) and to readers and chairs, for recommendation to the Senate.
2. To determine guidelines on the interpretation of the criteria and operation of policies in respect of promotions to senior lecturer and equivalent, and to readers and chairs.

Monitoring, and reviewing, actions and institutional performance

3. To monitor and review the implementation of policy on all matters within the Committee's remit.

Assuring quality and standards, including approving regulations

4. To assure quality and standards of the promotion process, and to recommend to the Senate criteria and procedures for promotion to senior lecturer (and equivalent), chairs and readerships.

Advising other governance bodies or management

None

Making governance arrangements, e.g. appointing to other committees

5. To recommend to the Senate Membership Panel co-optees to the Committee up to a maximum of three and not more than one co-option to any of the membership categories 3,4, and 5.

Matters of public record e.g. satisfying appointments of staff or external examiners

None

Judicial: deciding individual cases

6. To consider annually, or as may be required from time to time, in respect of academic and research staff, promotion to senior lecturer (or equivalent) and senior research fellow and to approve such promotions on behalf of the Senate.
7. To delegate to the Chairs and Readership Subcommittee the consideration and approval of submissions for promotion to chair or reader.
8. To consider appeals on grounds of procedural defect only, from members of academic and research staff (other than professorial level staff) against decisions taken within Units in respect of the award of discretionary points, additional salary increments and special awards.

Membership

1. The Vice Chancellor, Chair, ex-officio
2. The Pro-Vice Chancellor, (Research and Staff), Deputy Chair, ex-officio
3. Five members of professorial staff (other than the head of an academic unit) appointed by the Senate on the recommendation of the Senate Membership Panel.
4. Five members of the central academic staff at senior lecturer level (other than the head of an academic unit) appointed by the Senate of the recommendation of the Senate Membership Panel.
5. Five members of the regionally based academic staff at senior lecturer level (other than the head of an academic unit) appointed by the Senate on the recommendation of the Senate Membership Panel.
6. Such others as the Senate may appoint on the recommendation of the Committee via the Senate Membership Panel up to a maximum of three, no more than one co-option to any one of the categories 3, 4 + 5 of the membership.

Mode of Operation

1. The Committee shall meet as and when required and shall receive recommendations from Heads of Units in accordance with the appropriate schedule for promotions to senior lecturer (equivalent). (Submissions for promotion to chair and reader are submitted to the Chairs and Readership Subcommittee of the ASPC for consideration.)
2. The decisions of the Committee concerning the promotion of academic and research staff shall be reported to the Senate.

3. In respect of special awards, discretionary points and additional increments, the ASPC will consider personal submissions where it is alleged that a procedural irregularity has occurred and the individual concerned considered themselves to be unjustly treated at Unit level. If in its investigation of the consideration of the submission by the Unit the ASPC identifies any issues of concern to it, it will refer the case back to the Dean/Director with appropriate comments for further examination.
4. The chair of the Committee shall have executive authority to act on its behalf in consultation with the Secretary of the Committee.
5. The Committee shall review each year according to agreed University criteria how effectively, efficiently and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review shall allow for implementation of improvements from the beginning of the next committee year.
6. The Committee shall ensure that strategies, policies, plans and priorities within its remit are compliant with relevant University-wide policies implemented or being developed, particularly those relating to equal opportunities, environmental management and health and safety.

ACADEMIC STAFF PROMOTIONS APPEALS COMMITTEE

CONSTITUTION

Purpose

The Academic Staff Promotions Appeals Committee is responsible for considering appeals against decisions made by the Academic Staff Promotions Committee in respect of submissions for promotions of academic and research staff up to and including senior lecturer.

Terms of Reference

Judicial: deciding individual cases

1. To consider annually appeals against decisions made by the Academic Staff Promotions Committee in respect of submissions for promotion.
2. To report its decisions to the Academic Staff Promotions Committee, and to the Senate.

Other headings

None

Membership

Three members of the academic staff of the University, of Senior Lecturer level or above, not currently members of the Academic Staff Promotions Committee, appointed by the Senate, on the recommendation of the Senate Membership Panel, of whom one should be a member of central academic staff and one member of regional academic staff:

Note: It is hoped that former members of the Academic Staff Promotions Committee will indicate a willingness to be considered for appointment.

Mode of Operation

1. The Appeals Committee will meet annually in the December/January following the annual promotions review undertaken by the Academic Staff Promotions Committee. For the Committee to be quorate all three members must be present. The Appeals Committee will appoint one of its members to be chair.
2. The Committee will consider appeals:
 - (a) from candidates for promotion to senior lecturer or senior research fellow.

The only ground for appeal is **defect in procedure** when it is alleged that the summary of procedures was

not adhered to. In respect of appeals where defect in procedure is established, the case will be referred back to the next meeting (March normally) of the Academic Staff Promotions Committee.

- (b) from candidates for promotion to lecturer B (grade 3) and to research fellow II. (grade 3)

The grounds for appeal are:

defect in procedure, when it is alleged that the summary of procedures was not adhered to. In respect of appeals where defect in procedure is established, the case will be referred back to the next meeting (March normally) of the Academic Staff Promotions Committee.

and

misjudgement, in respect of cases where it establishes misjudgement the Appeals Committee may make a final decision or refer the case back to the Academic Staff Promotions Committee.

3. The Committee will consider statements of appeal from individual candidates which it receives within 30 days of the date of written notification of the Academic Staff Promotions Committee's feedback.
4. The Appeals Committee will be provided with all the relevant information available to the Academic Staff Promotions Committee.
5. No new information will be considered by the Appeals Committee. The Appeals Committee will, however, be permitted to seek written clarification of any submission or information arising in the course of the consideration of the appeal from the appellant, the Head of Unit or the appropriate Promotions Committee. Responses to such requests for clarification will be made available to the other parties involved in the appeal.
6. The Appeals Committee will seek comments on the appeal from the Head of Unit and the appropriate Promotions Committee. These reports will be made available to the appellant and he/she may submit comments on them to the Appeals Committee.
7. There is no provision for personal representations by appellants to the Appeals Committee, which will reach its decisions on the basis of written information alone.
8. (a) In respect of appeals where the case is referred back to the Academic Staff Promotions Committee, the Academic Staff Promotions Committee will submit any further recommendations to the Senate. Names of those who fail at either stage will not be divulged but statistical information will be provided to the Senate.
(b) In respect of appeals where the Appeals Committee establishes misjudgement, the Committee will report its decision to the Senate.

9. There will be no right of appeal against decisions of the Appeals Committee.
10. The Appeals Committee will provide the Academic Staff Promotions Committee with a brief report of its decisions.
11. The Committee shall review each year according to agreed University criteria how efficiently, effectively and economically it is working in respect of participation, the conduct of business and production of high quality decisions, the schedule of the review to allow for implementation of improvements from the beginning of the next committee year.
12. The Committee shall ensure that strategies, policies, plans and priorities within its remit are compliant with relevant University-wide policies implemented or being developed, particularly those relating to equal opportunities, environmental management and health and safety.