UCL ACADEMIC BOARD COMMISSION OF INQUIRY REPORT
May 2020

EXECUTIVE SUMMARY

The Academic Board meeting that established the Commission of Inquiry and the Visitor's report both focused on the need for increased academic voice in decision-making processes. To be legitimate in a university community, effective governance requires a participatory element. Decisions and policies are most durable where they are transparently made, with accountability and a clear path to adjusting them as needed. Effective governance is essential to universities in order to ensure effective provision of their prime mission, which is to research and teach, and which the academics are in charge of delivering.

The Commission heard evidence from academic and professional services colleagues. In Section A the report sets out situations and issues that colleagues have identified as detracting from effective governance and undermining trust between management and staff. In particular, it focuses on: changes in management structures; centralization and the marginalization of the wider academic voice in decision-making; the reduction in the powers of Academic Board in academic oversight; limited communication between Academic Board and Council; and concerns over the resolution of disputes.

The report outlines recommendations to address these issues (Section B), focusing particularly on: appointments; ways to facilitate the decentralization of decision-making; mechanisms to improve transparency; improve the means by which academic voice can be more effectively incorporated into processes of decision-making, not least through Academic Board; improving communication between Academic Board and Council; and reviewing the HR division.

Finally, we briefly set out an implementation path (Section C), recognizing that some of our recommendations concern Academic Board directly, while others are directed towards Council, to the Provost and his Executive team, and to colleagues at UCL as a whole in order to effect a culture change.

Supporting documents are offered in the Appendices (Section D)

UCL ACADEMIC BOARD COMMISSION OF INQUIRY REPORT
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FULL REPORT

The Commission of Inquiry was established by Academic Board to review the problems reported in UCL's governance, decision-making and strategic direction, and to establish their accuracy and causes and, where necessary, to make recommendations for Academic Board to approve a way forward, addressing any problems in the light of academic values and UCL's academic mission, and in the spirit of transparency and accountability to the academic body. The focus of the Commission includes:

a) The centralisation of UCL decision-making on matters that affect academic work and its effect on that work;
b) The way the delegated powers of Academic Board are reported and used by other committees and bodies;
c) The current role of academic input into the appointment of Heads of Department, Executive Deans and Vice Provosts, and how these relate to their constituencies;
d) The position of the Senior Management Team in relation to other UCL committees and academic input to its decisions;
e) The structure and composition of key UCL Governance-Level Committees, especially as regards academic representation and input into their decision-making processes, and transparency and accountability of their decisions.

The Special Meeting of Academic Board held on 20 May 2019 expanded further the remit of the Commission to 'include in its inquiry the evidence, findings, and recommendations of the 2019 Visitor's report', and advised 'that Council awaits the findings of the Commission before arriving at any decision or course of action relating to the Visitor's report'.

The Commission has had formal meetings with the following: Prof Michael Arthur (Provost); Prof Anthony Smith (VP Education and Student Affairs); Prof David Lomas (VP Health); Ms Wendy Appleby (Registrar); Mr Phil Harding (Director of Finance); Ms Fiona Ryland (Chief Operating Officer); Mr Dean Stokes (Director of Planning); Mr Derfel Owen (Director of Education Services and Transformation); three external Council members and three elected Council members; Prof Tony Segal; Prof Jason Blackstock; Dr Matthew Blain (Executive Director of HR). A UCL-wide Town Hall meeting was held on 16th October 2019.

The Commission has also had several confidential meetings with colleagues. The Commission decided as a matter of policy not to attribute individual statements to protect privacy. Minutes of formal meetings were taken.

The Commission's report was presented to Academic Board on 12 February 2020 and feedback was requested. Following the cancellation of a further Town Hall meeting on

25 March 2020 due to Covid-19, a further call for further feedback was made. In response to the feedback, factual errors have been corrected and limited revisions made. Substantive changes have been made to A 29, 32, 37, 45, B 9, 24, 35, 37 and Appendices 1 (concerning EdCom), 7 (Education Committee and its Powers) and 10 (The Senate Proposal).[1]

Members of the Commission of Inquiry:

Prof Stephanie Bird, Prof Jonathan Butterworth, Dr Alun Coker, Prof Nicola Countouris, Prof Elizabeth Fisher, Dr Martin Fry, Prof Mark Hewitson, Dr Helga Luthersdottir, Dr Saladin Meckled-Garcia, Prof David Price, Dr Benet Salway, Prof Ralf Schoepfer, Prof Sonu Shamdasani, Prof Michael Singer, Prof Sacha Stern, Dr Sherrill Stroschein, Prof Andrew Wills. One member of the Commission disagreed with some of the recommendations.

We are grateful for the support offered by Academic Services, including Nick McGhee and Anne Marie O'Mullane. We would particularly like to thank Sandra Hinton for her dedicated work.

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[1] Appendix 7 now incorporates points made in what was previously Appendix 8 'UCL Academic Board – Schedule of Delegated Powers', which has consequently been omitted from the report. The final three appendixes have been renumbered.

Responses to feedback are given in the minutes of the Commission's meeting of 1 May 2020.

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A. CURRENT PROBLEMS

Changes in Management Structures

1. From 2002 onwards, there has been a gradual shift of powers towards the office of the Provost and the Senior Management Team (SMT), a process that appears to have accelerated from 2015. This is evidenced, for example, by the organograms in Appendix 6.

2. SMT: The Senior Management Team is not a formal UCL committee, yet it appears in governance organograms and is often regarded as having key decision-making powers.[2] Before 2015, SMT was made up of the Provost, all Executive Deans and the VPs. In 2015, SMT was expanded to include heads of many of the professional services. At the same time, Executive Deans stopped reporting directly to the Provost and reported instead to four VPs. As it is not a formal UCL committee, meetings of SMT are not minuted, though papers are provided and notes of the discussion are written up and circulated to SMT members. SMT cannot make any decisions; all its decisions are formally the Provost's, following discussion with SMT. Yet although some members of SMT emphasize, accordingly, that SMT is not a decision-making body, this is not how it appears in communications with frontline staff at UCL, nor indeed with external Council members, who refer to SMT as the key decision-making committee.[3] This said, some members of SMT have suggested that papers are presented to SMT as though a decision has been made in advance, and that discussion was inhibited such that its operation differed from before 2015. While the viewpoint that the role of SMT has not changed markedly has also been put to the Commission, the mere fact that its role and functioning is not regulated in a clear and transparent way, raises concerns about its contribution to the governance of UCL.

3. Vice-Provosts (VPs): The number of VPs increased from five before 2014 (Health, Research, Operations, Teaching, Learning and International, Enterprise) to seven by 2016 (International was separated from Teaching and Learning, which became Education, and Development was created), and now stands at six (VP Operations has been replaced by a Chief Operating Officer and a Chief of Staff). While their roles are defined, their position in the decision-making hierarchy is unclear, as is their relationship to Executive Deans. One VP told the Commission that Executive Deans were the purse-holders, and in BEAMS, SLASH and the IOE the VPs have no budgetary oversight of Executive Deans. Yet Executive Deans report to four of the VPs. A Council member had the impression that VPs presided over 'fiefdoms' and that the VP offices drove the flow of money and power. A member of SMT confirmed that the VPs scale of budgetary responsibility had expanded and that although they were treated as a central professional service from a budget-setting point of view,

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[2] See Appendix 6.2, 6.3 and 6.4.

[3] It is also noteworthy that the institutional application submitted to Athena SWAN in November 2018 attributes to SMT the decision to apply for renewal of the institutional silver accreditation (see Appendix 2). The Visitor, too, misunderstands the formal position of SMT in relation to decision-making in paragraphs 276 and 278 of his report.

they were more insulated from efficiency targets than other professional services. Formally, the VP offices are not considered to be higher in the hierarchy than Executive Deans. VPs have approximately fortnightly meetings with the Provost, at which an agenda and documentation are provided, and no minutes are taken. Again, these decisions are formally advisory only, with any decisions taken by the Provost.

4. Executive Deans: Following the informal restructure in 2015, Executive Deans initially no longer met with the Provost, though fortnightly meetings were later reinstated. We have been told that these do not function as decision-making meetings. Executive Deans are frequently referred to as representing the academic voice in key committees and when decisions are made. (For example, one Council member reported being reprimanded for suggesting that SMT's approach and focus was not primarily academic. This point of view was refuted on the basis that Executive Deans were members of SMT.) At the same time, however, Executive Deans are considered to be members of the management team and have on occasion been explicitly told by a VP that they do not represent the academic voice but are part of the management team. Executive Deans are of course typically expected to have an academic background. But their appointment process, the (growing) exercise of managerial functions, and the (to some extent natural) drifting of their day to day role away from the working experience of their academic colleagues, result in a strong and shared perception that their role is predominantly managerial during the period of their tenure.[4] (See also paragraph 9 below).

5. Heads of Department (including Heads of Institutes and Directors of Units) (HoDs): At several points in our investigations, colleagues mentioned that HoDs are expected to implement 'cascading' decisions but are less often consulted from the top, or are less able to meet to discuss 'horizontally' and share strategies regarding their shared problems. While the Commission was informed that Executive Deans and at one point the Provost have set up formal and informal forums to liaise with HoDs, it also received forceful representations that HoDs have been sidelined in the current structure and that such forums were largely reporting exercises. HoDs were frequently mentioned as needing more voice than allowed by the current structure.

6. The Commission has been given the impression that there are significant informal and unminuted meetings taking place in this hierarchy, including the Finance Strategy Group (see paragraphs 16-18 below).

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[4] There is neither a formal job description for Executive Deans in the Academic Manual (https://www.ucl.ac.uk/academic-manual/sites/academic-manual/files/chapter_12_duties_and_responsibilities_2019-20.pdf) nor on the HR webpage for the 'Recruitment and Reward of Senior Academic Leadership Roles' (https://www.ucl.ac.uk/human-resources/recruitment-and-reward-senior-academic-leadership-roles). A brief description of the Executive Dean's managerial duties are given here: https://www.ucl.ac.uk/srs/governance-and-committees/governance-ucl/responsibilities-senior-officers-ucl#deans

Centralization, Bureaucratization and Omission of the 'Academic Voice'

7. The work of the Commission suggests that, since 2002, a number of procedures and practices have contributed to the perception that decision-making on matters affecting academic work and in respect of the appointment of senior Faculty and Departmental positions has become more centralized and hierarchical (see Appendix 5 for full details). Modifications to the appointment procedures for Faculty Deans, especially between 2002-2017, offer a prime example. The appointment of Deans changed substantially in 2002, with Executive Deans now recruited in open competition. Whilst this laudably avoids the 'tap on the shoulder' approach to recruitment, it has been combined with a decrease in the role of academic Faculty members without managerial responsibilities in the selection process. At the same time, the Provost's discretion in shaping the recruitment process has increased, and in such a way that precise practices may vary between different recruitment rounds and between recruitment across different Faculties. Despite the appointment of Executive Deans being renewable at the discretion of Council conditional on consultation with staff of the Faculty, the Commission heard of an occasion when a Council member was refused sight of such a consultation.

8. Practices in the appointment of VPs have also varied in recent years, and the duration of the VP mandate is not limited by Regulations for Management. Practices for the appointment of HoDs and Vice-Deans can also vary considerably between Faculties. Regulation 10.4 provides significant discretion to the Provost (and Executive Dean of Faculty) in the appointment and renewal of Head of Department roles.

9. Processes of centralization have resulted in a reduction in points at which academic perspectives of a typical academic colleague is able to contribute meaningfully to processes of decision-making, in particular at the early stages. For the purposes of this report, 'academic' when referring to a person is taken to mean someone whose principal professional role is in university-level research and/or teaching, rather than someone who has some experience of academia (however defined) such as having once undertaken some teaching or research. Where an 'academic member' of Academic Board is referred to, this is to be taken to be someone with the above profile whose membership of Academic Board is via the professorial (ex officio) or elected route. It could be that an accelerated pace of decision-making has been driven partly by changes in government regulation of HE. Nevertheless, we need to adjust our decision-making processes to retain agility while improving academic input.

10. A number of comments, including many reported at an informal town hall meeting (February 2018 informal Town Hall minutes) and survey of the Academic Board (Feb 2018 informal Survey of AB members, with over 500 participants), have indicated concern and disquiet about decision-making that affects academics broadly. Much of this focused on the centralization of decisions that affect academic work: decisions originating from an unknown source, without the academic community having clear scrutiny or say in these. Responsibility and accountability

for decisions is thereby circumvented. Decisions have had repercussions that were neither foreseen nor prepared for, which were unresourced, and which would have benefited from meaningful consultation with the academics affected. Instances have been found where consultation has occurred after the related decision has taken place. This in turn reduces the engagement of academics in consultations.

11. Recent examples of centralized decisions that have not considered the voice of the academic community or have been reported after the fact include: Athena Swan (see Appendix 2); the mandatory impact statements for PhD students (see Appendix 3); the introduction of late summer resits; the compulsory inclusion of the 'Connected Curriculum' in the Quality Review Framework in 2016 and 2017; the wholesale recoding of modules in the academic year 2018-19; and changes to the length of the exam timetable. In the case of changes to the exam timetable, it was explicitly confirmed to the Commission that consultation had been limited, that greater academic engagement would have been desirable and that one individual largely 'owned' the issue and took responsibility for taking action. The Commission has still not seen any evidence to support the case for changing the exam period.

12. An example of decision-making that has an impact on research has been the introduction of an external events policy. This policy gives the Registrar powers to impose conditions on meetings, conferences and workshops that are considered a risk, be they risks relating to legal compliance, ethics, security or reputational damage. The Commission has heard concerns relating to the way in which the assessment of risk is made and its impact on academic freedom.[5] Currently, the Registrar and the Provost's Chief of Staff evaluate the risk and decide on conditions under which an event may take place, although they may choose to consult with relevant academics. There is no mechanism by which the grounds for these decisions can be examined or appealed to a body that contains significant academic representation. Nor is there a clear mechanism for holding this decision-making process to account according to academic standards and academic freedom. The sole point of appeal is to the Provost.[6] Thus the terms and parameters of academic discussion are determined by those in administrative roles, without the necessary contribution of academic expertise.

13. Whether or not these examples of centralized decisions were right, all things considered, is distinct from the way in which they were arrived at and implemented and how involved the academic community was in the decisions and assessment of their impact on the delivery of research, teaching and other academic duties.

14. Many of the same SMT colleagues sit on several key committees or informal discussion groups. These include SMT, the Finance Strategy Group (see paragraphs 16-18), Academic Committee, Education Committee, Human Resources Policy Committee and Estates Management Committee (see also Appendix 7E and

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[5] See https://www.timeshighereducation.com/news/noam-chomsky-free-speech-row-over-ucl-antisemitism-rules
[6] See:
https://www.ucl.ac.uk/estates/sites/estates/files/procedure_for_the_management_of_events_that_include_external_speakers_v1.0.pdf

footnotes 3 and 9). This leads to blurred boundaries between these different decision-making bodies and concentration of power in the hands of the same few. The Commission heard concerns from UCL EDI that this practice undermines key equality and diversity aims. The question of diversity was also raised in relation to the duration of VPs' and Executive Deans' mandates.

Decision-Making and Transparency

15. As mentioned above, although formally decisions are made by the Provost or ratified at designated committees, some processes of decision-making remain blurred. In several cases, the Commission experienced difficulty in locating where decisions are made.[7] This lack of clarity is extensive, with Council members conceiving of SMT as the decision-making body, widespread references to 'SMT decided' and conflicting accounts about who makes decisions. While UCL rules locate the decision-making power and responsibility within particular organs of the University, in recent years alternative, non-statutory and non-regulated structures have been set up that seem to exercise either a de facto decision-making power or very strong advisory roles in a less than transparent way. This was presented to the Commission by many of those who were interviewed.

16. The difficulty in locating the origin of decisions extends to many instances of financial decision-making, and the Finance Strategy Group (FSG) offers an excellent example. The FSG is an 'informal' body that meets eight or nine times each year and has met for the last two years or so. Its membership is made up of the Provost, who chairs the group, Fiona Ryland, the VPs with line-management responsibilities (David Price, Anthony Smith, Nicola Brewer and David Lomas), one Executive Dean from each of the four Schools, the Director of Finance and Business Affairs, the Head of Planning, and one or two Finance Directors. One member of SMT told the Commission that the FSG is a sub-committee of SMT, and is intended to examine issues around longer-term financial sustainability, and to advise the Provost and SMT. It has no decision-making authority, is not minuted, is light on paperwork since it is designed for discussion, and any recommendations have to go back to SMT for decision.

17. However, in contrast to this, other members of SMT told the Commission that the FSG plays an important role in financial decision-making and that it is provided with full financial papers. It is the place where faculty contribution targets are set and other key decisions are made, including VP budgets. Indeed, the Commission has been told that real decisions are made at the FSG, after which FSG papers are sent to SMT with the FSG minutes. From there, papers are submitted to Finance Committee and then to Council. The Commission was further told that at each stage of this process any decision becomes harder to challenge or question, and that SMT does not see all the options that FSG consider.

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[7] See the decision-making case studies for Athena Swan (Appendix 2), the introduction of impact statements for PhD students (Appendix 3), and the decant of the Institute of Neurology (IoN) to Clare Hall (Appendix 4) for evidence.

18. The Commission is concerned that the status of the FSG remains, in practice, unclear. Like SMT, the FSG is not an official Committee and therefore there is no record of decisions or recommendations made or how they are reached. Neither body feature in the statutes, although SMT does appear in organograms. Discussions have been reported on the one hand as being difficult and 'tribal', with the Faculties that are represented having a stronger chance of achieving more favorable contribution targets. We were also told that the VPs in the group have a stronger chance of protecting their budgets. On the other hand we have heard that meetings are collegial and difficult questions are discussed fairly. Members of the FSG have competing narratives of its role as a decision-making body. When asked by the Commission, Council members had not heard of the FSG. This raises pressing questions about accountability, transparency and competence of the system.

19. The Commission also heard concerns about the way in which decisions were reached on Estates cases. The Capital Programme Sub Committee (CPSC) was established as a subcommittee of the Estates Management Committee (EMC) to gain an overview of cases and make recommendations in light of balance and equity. The intention was that it should evaluate the relative merits and urgency of different proposed capital projects, and to devise a fair system of scoring to ensure some equity in comparing and then decision-making. However, in practice the priorities were already listed as: any approved major projects already in the pipeline; projects on which external grants were predicated; or projects which had vocal backing largely from Life Sciences. Further, Estates seemed often to ignore or circumvent this committee when deciding on specific uses of space so academics had no oversight of how decisions were made on conflicting requests and competing demands on space.

20. These questions are also of concern in relation to the Business cases that are presented to SMT and Committees to support decisions. These can appear to be inadequate in scope, in terms of financial modeling, setting out the academic implications and evaluating risks. The Commission heard evidence that the business case recommending the purchase of Clare Hall was based on financial modelling involving a large margin for error. This resulted in an understatement of risks including property development risks, the Institute of Neurology (IoN) decant risks, overcapacity risks and capital cost risks. Indeed, the purchase of Clare Hall was presented as a favourable option partly on the assumption that IoN staff would decant to Clare Hall rather than having to rent space on a commercial basis in Central London (whereas in fact staff found space in UCL, including at The Royal Free, albeit with refurbishment costs expected). See also the case studies for Athena Swan (Appendix 2) and the decant of the IoN (Appendix 4). Another example is the implementation of policies on access for disabled students without a full assessment of the financial implications for departments. A member of SMT confirmed that they were not entirely happy about the quality of business cases that were presented to SMT, Council and other committees, and the ways in which risks were being assessed. The Commission heard that discussion of business cases

and decisions are normally made with the sponsor present in the room, which undermines objective decision-making.

21. The Commission found little evidence that the results of decisions are evaluated, or that the process by which decisions have been reached are evaluated, even in cases where the decision does not have the desired outcome. We have also found little evidence of a system for reviewing decisions.

22. The Commission's findings in this matter echo comments made in the Visitor's report, in particular the troubling aspect of a perceived gulf between academics and management: "The opposition, and a loss of trust and morale among a significant number, cannot be simply ignored. The Chair and Provost should take note of the feeling among some academics that challenge is not welcomed at Council meetings. I have been told that UCL accepts its responsibility to further tackle this issue." (Visitor's report, para 337) The Visitor also raised concerns regarding the ability of academics to "have their voices heard." Concerns were expressed regarding the "effective representation of the views of academics," and that Council should be more prepared to hear the views of academics (Visitor's report, paras 282, 342)

Academic Board

23. The Commission has found differing perceptions of Academic Board. In the Visitor's Report and other documents, those on the management side sometimes referred to Academic Board as a body that hinders decisions, as a place for academics to just 'let off steam', or even simply as a 'protest group'. Some academics feel that Academic Board is a body that is expected to 'rubber stamp' decisions of management, and which does not have much power.

24. These perceptions depart greatly from the status of Academic Board as established in the Charter and Statutes. The understanding of the university as a community, with academic voice and scrutiny of decisions by Academic Board, has been a strength of UCL. Academic voice in governance is one of the features that UCL shares with Oxford and Cambridge, and it sets an academic basis for standards of research and teaching. Even the most competent Executive will benefit from policies and projects that have been scrutinized from different perspectives, as they will be more robust and effectively implemented by those in the community, as well as benefiting from the breadth of world class expertise of UCL academics.

25. Statements have come to the Commission from the management side that a decrease in the size of Academic Board and the creation of a smaller body, such as a senate, would increase academic representation. This position implies that a *structural* change would address concerns over academic voice. However, in our investigations we have seen that the inability of academic voice to come through in decision-making relates strongly to the *processes* by which decisions are made. On this basis we are not persuaded that moving to a senate model will lead to a solution of the issues investigated by the Commission.

26. The denigration of Academic Board in recent discourse at UCL is problematic for governance. Its role in governance is also undermined by poor communications about both its function and discussions. In practice, an examination of changes in the Regulations for Management as well as the organograms (see Appendix 6), indicate that Academic Board is becoming increasingly disconnected from its role in academic oversight and decision-making. Decisions that once came under the purview of the academic community, as represented by Academic Board, are being made by committees that are removed from Academic Board.

27. Governance powers that properly belong to Academic Board to advise on and design education policy were delegated from Academic Board to Academic Committee a number of years ago.[8] These powers have in turn been delegated to Education Committee (EdCom) and five further committees. See Appendix 7E for the composition of Academic Committee and six Sub-Committees.

28. This process of delegation has the following implications:

    - Matters of academic importance are considered at committees that are two stages removed from Academic Board;
    - Decisions made by these committees may be ratified by Academic Committee but are not necessarily reviewed by the Academic Board, because its powers have been delegated away;
    - The composition of Academic Committee and EdCom shows a startlingly low number of places for academics or academic members of Academic Board[9] which means that the academic voice is attenuated;[10]
    - Five out of six of these committees are chaired by Vice Provosts, including EdCom.

29. Decisions and policies produced by EdCom and the other sub-committees have thus not involved a significant number of academics or elected academic members (see footnote 10). Decisions made by EdCom can fail to reach Academic Board, or they are presented at a late stage of development rather than when the initiative is first being formulated and when the advisedness or form of the initiative might be shaped by engagement with the academic community, as with the Education

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[8] The last update to the list of delegated powers of AB, and to whom they were delegated, dates back to 2008.

[9] There are six sub-committees that answer to Academic Committee (see Appendix 7E), one of which is Education Committee. Including Academic Committee, these comprise over 200 membership positions (some of these are held by the same persons, across committees). Of these only fifteen are elected academic staff. The vast majority (162) are ex officio members (appointed by the committee itself or nominated e.g., by the chair), and students comprise thirty places. Some ex officio seats (e.g., Faculty Tutors) recur across committees, and the Registrar sits on five of them.

[10] See paragraph 9 for clarification on the use of the term 'academic' for the purposes of this report. It is relevant in this regard that, for example, of EdCom's 29 members + secretary in 2019-20, only 8 (including the 3 elected members) were actively engaged in UG or PGT teaching. Thus, only a small minority live with the consequences of decisions made. This contrasts notably with parallel sub-committees of Academic Committee (Research Governance and Research Degrees), where the majority of members are active researchers or research student supervisors respectively and so know that they will have to live with the consequences of the decisions they make. Neither were raised as seriously concerning during the CoI process.

Strategy 2016 (see appendix 7). The only body that signs off on EdCom decisions, except where it chooses to take things forward to Academic Board, is Academic Committee, which is composed of forty-one ex officio places, of which seventeen are held by the Provost, VPs and Executive Deans, with nine places for elected academics. The wider academic community, channeled by Academic Board, is thus not involved in the formulation and scrutiny of academic matters of central importance to the university.

30. As a sub-committee of Academic Board, using powers delegated to it from the Board, Academic Committee's scrutiny of EdCom should be on behalf of Academic Board and the wider academic community (see appendix 7). The Commission notes that the status of Academic Committee as a sub-committee of Academic Board is disputed (See Appendix 6.2 organogram proposed in 2015-16 and currently on the website). Nevertheless, the point remains that the input of the academic community to key academic decisions through advising on matters of academic import is largely made redundant. EdCom answers to Academic Committee and issues of import do not have to be discussed by Academic Board, thus short-circuiting Academic Board scrutiny on these matters. Further, the role of Academic Board in advising on these matters so that Council, in light of its advice, may hold SMT to account is significantly undermined.

Council and Communication with Academics

31. Council and Academic Board are the only collective deliberating bodies whose remits are defined in UCL's *Charter and Statutes*. Academic Board is a channel for the academic community to have a say in matters of academic importance, whilst Council is the overall governing body (subject to certain duties to consult and consider the views of the Academic Board). The Charter and Statutes establish a symbiotic relationship between Council and the Board.[11]

32. In such an arrangement, active and honest bilateral communication between the two committees is crucial to making this symbiotic relationship constructive and productive for UCL. However, in the current situation there is very little (unfiltered) communication between Academic Board and Council. A number of Academic Board decisions, requests, or advice, have been misinterpreted and in some cases misrepresented on Council. An example of this is the recent case of the adoption of the IHRA definition on antisemitism and a proposed definition on Islamophobia, in addition to UCL's codes of conduct. In the case of the IHRA definition, Academic Board agreed a process and a Working Group in February 2019, re-iterated in May

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[11] In summary: Academic Board's primary role is to advise Council on matters affecting UCL's academic and educational activities, including the conditions and tenure of appointment of Members of the Academic Staff. In addition, Council may assign duties and functions to Academic Board [Statute 7]. Furthermore, Academic Board has the power to propose to the Council Statutes and Regulations to be made by the Council and it shall be the duty of the Council to consider any such Statutes or Regulations [Article 17]. Available at <https://www.ucl.ac.uk/srs/sites/srs/files/charter-and-statutes.pdf>

2019.[12] However, in November 2019 Council was told that Academic Board was not addressing the matter, and the full extent of views in the earlier Academic Board discussion was not reported in the documents before Council. The definition of Islamophobia had not even been mentioned to Academic Board let alone consulted on with Academic Board. A consultation of individual members of the Board subsequent to the meeting did not report its results or comments to the Academic Board. There is a question whether the position and interests of Academic Board are being faithfully reported and another, equally important, issue as to how Council might seek information and consult the Board more effectively.

33. The primary form of communication is through reports by the Provost (as the Chair of the Academic Board) to Council on what has been happening at Academic Board. UCL's *Charter and Statutes* effectively place the Provost in the position of UCL's leading academic.[13] This implies that the Provost represents and is supported by Academic Board and its subcommittees; that he is effectively the representative of the academic community on Council and communicates the position of academics from Academic Board to Council. For this model to work the Provost would have to be a representative rather than having a role and set of concerns independent from Academic Board. However, over the last two decades the Provost's role has become increasingly independent of and disconnected from Academic Board. As a result the communication model has been eroded. Today we have a de-facto executive (SMT), with communication to and from Council, including the way in which issues are presented and filtered, concentrated in the Provost and SMT.[14]

34. Recent examples of the problems with this limited communication channel between the two bodies charged by the Charter and Statutes of UCL with governance duties include:

- A statement by the chair of Academic Board to the Board to the effect that Academic Board is a place for academics to let off steam;
- The (very) limited responses Council provided to Academic Board's report on Statute 18 in 2013; [15]
- In 2017, when the Provost reported to Council on the creation of GCAB, he expressed the view that there should not be direct communication between GCAB and Council.

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[12] For the minutes of both Academic Board meetings see: https://www.ucl.ac.uk/srs/governance-and-committees/governance-ucl/academic-board/academic-board-meetings

[13] While the Provost is Chair of Academic Board by Charter (Article 12) and a member of Council by Statute 3(1)A and naturally president of his SMT, that he should be the only acknowledged channel of communication between Academic Board and Council is a matter of custom and is not ordained by Charter and Statute.

[14] This situation is due in part, but not only, to changes to the Charter and Statutes during 2003-2005, and the massive restructuring (culling) of UCL's committees in 2009.

[15] At the 27 November 2013 meeting of Council, the Provost reported to Council that "24. 3. At the meeting of Academic Board on 23 October 2013 the proposed revision of Statute 18 received by Council on 28 November 2012 [Council Minute 25, 2012-13] *as well as alternative proposals subsequently developed by an AB Working Group* [Council Minute 99, 2012-13] had been withdrawn." [Italics added]. At the AB meeting of 23 October, the proposals of the working group were not withdrawn.

35. There are six elected academic members of Council (three professors and three non-professors). However, they are trustee representatives elected from Academic Board and are not delegates of Academic Board. They are therefore 'members of Council' only. They are not called upon to report on the views of Academic Board (which is treated as the province of the Provost). This has the effect of further diluting the academic voice. Indeed, Council members have reported an atmosphere of 'us and them' at some Council meetings, with questions about academic voice being shut down.

36. The lack of communication has compounded the considerable decrease of cooperation between academics and Council members on the work of governing the university through Council's sub-committees, and the fact that the academic voice is not given prominence in assessing the impact of decisions. Whilst Council plays the principal fiduciary role of trustee for UCL, given the primary academic mission of the institution, we would expect some of the functions and input into Council work and decisions to have a significant representation of academic perspectives.

37. Collaboration between Council and the Academic Board (and so the wider academic community) has been potentially weakened in recent years by the revision of Council subcommittees in 2014-15. In the case of Finance Committee, the revision led to the membership being restricted to members of Council, when previously it had included non-Council academic members and allowed for the inclusion of members external to UCL. The academic member on Audit Committee is also drawn from Council.

38. The revision has had a number of negative effects:

   - The workload of members of both external and elected academic members of Council has increased;
   - The role of the Academic Board has become more separated from that of Council, rather than allowing for cooperation;
   - The scope of academic experience, knowledge and expertise on Finance Committee has been artificially reduced, making it more difficult for Council to scrutinize and to hold the executive to account. Indeed, a member of SMT confirmed to the Commission that Finance Committee was the poorer following the reduction in *ex officio* academic members and that the diminution of academic input was felt. He advocated a return to previous arrangements;
   - Council and its subcommittees risk replicating discussions across committees.

39. The Commission also heard evidence from Council members that the opportunity for discussion or challenge of projects or business cases is limited and that the threshold for objecting to a project is high. Objections were overridden or ignored. Business cases were often approved because of pressure of time or were approved subject to conditions set by Council. However, Council was rarely if ever informed whether those conditions had been met.

40. The role of Secretary to Council and the role of Registrar are each full-time positions. From an institutional perspective, they carry with them conflicting interests of a neutral role for Council and an administrative role for the Registrar. As noted in the Committee of University Chairs (CUC) HE code of governance, there should be an 'appropriate separation in the lines of accountability' for the Secretary to the governing body.[16]

Due Process, Dispute Resolution and HR Division

41. According to its Terms of Reference, 'The Commission of inquiry was established by Academic Board to review the problems reported in UCL's governance, *decision-making*, and strategic direction, and to establish their accuracy and causes and, where necessary, to make recommendations for AB to approve a way forward, addressing any genuine problems'. As noted in one of the first meetings of the Commission, 'The primary aim of the commission (as per the motion) is to investigate allegations and prima facie evidence of issues of concern affecting the academic community at UCL.' One of the areas of decision-making that the Commission has decided to investigate pertains to the regulations, procedures, and practices that shape and inform individual dispute resolution mechanisms within UCL (including in the context of disciplinary and grievance processes).

42. Following a number of meetings and interviews by the Commission, it has become apparent to its members that these mechanisms and processes have been affected by some structural deficiencies that contribute to a loss of trust between management and staff, a point lamented on several occasions, including in the Visitor's Report. In evidence given to the Visitor and the Commission, there is a sense that, in recent years, UCL has become a more litigious workplace, with management style often being described as 'autocratic', and with the very procedures and organs (such as for instance the Human Resources Division) presiding over the resolution of disputes being perceived as ineffective or biased.

43. During its hearings, the Commission heard that the HR team had not always been well-structured and robust. The Commission was alerted to a number of very explicit examples of malpractice in the context of disciplinary and grievance hearings. More specifically we were referred to a number of judicial decisions already in the public domain exemplifying some of the deficiencies referred to above. See Appendix 8 for an analysis of three decisions.

44. The Commission is extremely concerned at the findings of two separate employment tribunals and the High Court. They appear to substantiate the concern expressed by some members of the Commission and by some of the academics that were interviewed or offered written contributions to its proceedings. They suggest

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[16] Available at: https://www.universitychairs.ac.uk/wp-content/uploads/2018/06/HE-Code-of-Governance-Updated-2018.pdf (item 9, Appendix 1 on primary responsibilities, p. 30).

that the HR Department does not always act independently from management (though it might do so on occasion), does not always offer independent and fair advice to management (though it might do so on occasions), and that its actions contribute to the general loss of trust of UCL staff (not just academics) vis-à-vis management. The decision in *Brown v UCL*, in particular, appears to raise very serious concerns, as the conclusion reached by the Tribunal suggest that UCL breached Article 11 of the European Convention on Human Rights, causing prejudice to the colleague in question and considerable reputational damage to the institution (the Appendix notes that an appeal is pending).

45. It has also been put to us that grievances are sometimes raised by staff but not properly investigated; that colleagues can hesitate to raise complaints for fear of retribution; that HR involvement is rarely perceived as genuinely impartial (in spite of the fact that HR staff are qualified and can avail themselves of external professional advice); that decision makers are not always independent; that blanket suspensions can at times be used as de facto extra-judicial quasi-disciplinary sanctions, without much in terms of reviews or monitoring; that when a disciplinary or grievance process is triggered, there is no particular framework (or culture) promoting an informal and impartial resolution of the underlying dispute or conflict, with some unfounded disciplinary procedures either going to trial or being settled at a very late stage and at great expenses for the University, causing considerable grief to all those involved and without any decision maker being accountable. The Commission has also heard evidence that the setting up of a dedicated Employee Relations team in 2019 has been a substantial reform aimed at establishing fair and consistent processes across UCL.

B. RECOMMENDATIONS

Recommendations of the Visitor

1. The Decision by the Visitor was released during the Commission's investigations and circulated to all members of Academic Board by the Provost on 18 April 2019. The Commission has welcomed the report and its recommendations, which have informed the Commission's own. The Visitor's recommendations are as follows:

    a. 'Council should consider the wording of Statute 9 and give consideration to amending it if it does not work in practice.'

    b. 'Where possible, members of Council (or other committees) should be informed in advance of any proposal to take Chair's action.'

    c. 'Senior management should take a pro-active approach to identifying potential issues in meeting agendas and ensure that, where issues arise, there is sufficient time for debate.'

    d. 'UCL should review the effectiveness of AB and consider whether any reforms would increase the ability of academics to have their views heard. Council and other committees should be alert to members raising issues on behalf of academics whose views may not have been effectively heard elsewhere.'

    e. 'When challenges are raised before Council (or other committees), they should be treated sensitively and courteously, both at the meeting and in any minutes or other record of the meeting.'

2. The Visitor's first and second recommendations refer to the powers of chairs and the use of chair's action. The Commission recommends that the Academic Board Charter and Statutes Working Group develop specific wording to present to Academic Board in May 2020.

Appointments to Senior Management Positions

3. The appointment process of Faculty Executive Deans (and Heads of Department), in particular, ought to be reviewed in line with the principles of subsidiarity, devolution, and democratic decision-making, increasing the ability of academics to have their views heard, as also recommended by the Visitor's report. While selection processes must always ensure competent appointments (and there is no claim that existing processes do not do so), they should also ensure participation and their reform should be seen as a key opportunity to address the 'representation' concerns raised by the Visitor in his report.

4. Regulations should be amended so that Executive Deans are selected by a selection committee that allows the Faculties to have their voice heard, for instance with the Faculties electing the majority of its members. (See Appendix 5, para 17.3 for a suggested composition).[17]

5. Re-appointment of Executive Deans should be subject to the Council being satisfied with the performance of Executive Deans in the course of their mandate. (See Appendix 5, para 17.4). The duration of Executive Deans' mandate should be time limited and renewable once.

6. A similar feedback process could be introduced to monitor the performance of HoDs.

7. The appointment of Vice Provosts should become more transparent and the duration of their mandate should be time limited and renewable once.

Committees

8. UCL could benefit from a process of decentralization in a number of areas of decision-making. It is a large, growing, and increasingly complex organization, and key decisions and appointments ought to take place in a way that involves its many constituencies. It would be fair as a principle that processes should be carried out as locally as possible and as centrally as necessary, and our recommendations are inspired by this principle.

9. Academic Board should reallocate the powers it currently delegates to the Academic Committee (Article 8 and Statute 7(10(A)) to EdCom, which will directly report on the use of these powers to Academic Board. This will include the condition that there is a yearly report to Academic Board by the Chair of EdCom on the use of these powers, that there shall be reports by the Chair on any matter (covered by the above Charter and Statute provisions) that may be requested by Academic Board, and that any educational initiatives, policies, or education strategies of large significance that EdCom wishes to advance within UCL should be brought to Academic Board at both early and late stages of formulation. Academic Board should also recommend to Academic Committee and Council, that as it makes this change in delegated powers, the chair of EdCom should not be an ex officio position but shall be elected from the Academic Board. EdCom, and those of its subcommittees whose powers are devolved from Academic Board, should be brought directly under the authority, and be directly accountable to, the Academic Board. We set out two options in Appendix 7B for how EdCom powers, derived from Academic Board, can be brought more closely under the oversight of the Academic Board, with preference for the first option which is set out above. The reporting line that EdCom currently has relating to its executive functions should

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[17] Statutes mandate currently that Council appoints the Executive Deans.

remain to Academic Committee and no alteration will be made to its status as a sub-committee of Academic Committee.

10. The composition of EdCom and the other committees should be re-balanced, so that they reflect an equal or greater number of members of Academic Board, who are actively engaged in teaching and/or research within the institution. In the case of senior managers, being an academically active member should be understood as leading in independent research and/or teaching and supervision.

11. Time for governance work should be recognized and compensated in the workload models of departments and faculties, in line with the new promotions framework. Duties should be held by departments to encourage participation on the Academic Board and its committees, to educate new and existing staff members about the role of these committees, and to receive reports of their key work and decisions as an item in departmental meetings.

12. An 'External Events' or 'Risks' committee should be established to consider decisions relating to the procedure for the management of events with external speakers. To secure the protection of academic freedom, the committee should be composed of a majority academic voice. The evaluation of risk should include drawing on subject-level expertise and the committee should therefore either operate at faculty level, or require the input of a subject-level expert.

13. The practice of secondment and deputizing of senior roles at Committees should be actively implemented in line with the aims of EDI.

Transparency

14. All major business cases and strategy documents should include a mandatory academic impact section and the results of consultation (including the scope of the consultation and numbers involved). A materiality level should be set by Council in consultation with Academic Board and periodically reviewed for revision up or down.

15. Final discussions and decisions on business cases should be made without the advocate present in the room. As a standard of good practice, this approach should be adopted across UCL, including at Academic Board and Council.

16. The genesis of a business case or strategy paper and its development should be set out in the case. Likewise, a timetable for review should be included. We understand that this is frequently done and this good practice should be streamlined

17. The Executive should consider formalizing informal groups. The Senior Management Team and the Finance Strategy Group have been raised frequently in discussions about decision-making. Minutes of these meetings should be recorded and stored. While it is understandable that many of these discussions might be

reserved business, it is important to have a record that might be consulted at a later date. These groups would also benefit from a stronger academic voice, for example, representative HoDs.

18. The reasons for the variations in Faculty contribution targets, for the VP Offices' budgets and for Estates priorities should be transparent and justified.

Academic Board

19. We recommend the reinstatement of an Executive Committee of Academic Board (Ex Com) and that the Standing Orders of Academic Board be modified to include this provision. (See Appendix 1 for the recommended Terms of Reference). This recommendation reflects the Visitor's comment on the potential for an increased role for the Governance Committee of Academic Board (GCAB) in interacting with the SMT (Visitor's Report paras 276 and 278).

20. The Commission recommends that UCL does not adopt a Senate. (See Appendix 9 for an analysis of the Senate proposal).

21. Academic Board's GCAB should conduct a biennial review and appraisal of the use of its powers delegated to subordinate committees, and a mechanism established, should Academic Board decide that such reform is necessary, for specific powers to be recalled and reformulated.

22. The Chair of Academic Board should liaise with Ex Com regarding the agenda for Academic Board as it is being set.

23. Ex Com should include one or more HoD from every faculty.

24. There should be active encouragement and mentoring of non-professorial staff to become members of Academic Board. This would be in line with the aims of EDI. Diary clashes with Academic Board should be prevented at both central and departmental levels, to enable better participation. (We note that this prevention of clashes is important enough to be recorded in the governance manual).

Council and Communication with Academics

25. The Commission urges Council to increase the number of academic members of Academic Board on its subcommittees as regular voting members.

26. The Commission recommends that the Secretary to Council should answer directly to the Chair of Council and should not have any other executive role in the governance of the University.

27. Council could productively draw on the expertise of academic members of Academic Board when the need arises. Such colleagues may assist decision-making where there are conflicts of interest. GCAB or Ex Com could assist in identifying relevant colleagues.

28. By invitation, the Chair of Ex Com, or their representative, might attend meetings of Council, to provide an academic perspective on requested matters, much like the way in which Vice Provosts are currently invited to attend Council meetings but are not voting members. They may in this way also be consulted on the position of Academic Board. While there are six elected members sitting on Council, it was repeatedly pointed out to us that they are not academic representatives, but represent the view of the institution as a whole.

29. Council may contact GCAB or ExCom directly as it may see fit, for the purposes of consultation; GCAB/ExCom may also make representations to Council in the form of letters or memos on issues of urgency concerning Academic Board processes and decisions, and these will be fully reported to the Academic Board. While this may already be a possibility at the current time, the Commission is of the view that a specific channel should be adopted to facilitate such exchanges.

30. GCAB Memos should be treated as part of the reports of the Chair of Academic Board to Council and be circulated to Council members. Further, we recommend that Academic Board should make full use of its Standing Order SO12(ii) [Memorandum from Academic Board to Council], which has been in effect as of 1 Oct 2019, and that Council considers these Memoranda. Council may consider issuing short written Memoranda to Academic Board where appropriate.

31. Council should make parts of its confidential minutes available to Academic Board on a confidential basis wherever these engage the duties of Academic Board. This should be extended to minutes of subcommittees of Council.

32. The Chair and other external members of Council should normally be invited to attend meetings of Academic Board as observers. Bearing in mind the many existing commitments, in terms of time and workload, of Council members, there should also be opportunities for meetings between members of subcommittees of Academic Board (e.g., GCAB/Ex Com) and members of Council, in analogy to the recently (re)introduced meeting opportunities between members of faculties and members of Council.

33. The Commission of Inquiry supports the recommendation made to it by an external member of Council that there should be an annual meeting of Council with Academic Board. Among the subjects for discussion could be the current status of UCL 2034. We note that Council members were surprised to hear of the level disconnect of academics at UCL with UCL 2034.

34. This report of the Commission of Inquiry should be considered in the upcoming review of the effectiveness of Council.

HR Division Review and Staff Ombudsman

35. The Commission welcomes the restructuring exercise that created a discrete unit within the HR Division between the Employee Relations team and the traditional personnel services functions, which have now been relocated to the UCL Professional Services Hub as of March 2019. We also welcome the steps being taken by the Executive Director of HR to improve the compliance and governance of those in Departmental HR roles who do not currently report to the Employment Relations team. We recommend that the Employee Relations team should operate on the basis of the key principles of 'Independence' and 'Impartiality' (from both management and staff). These principles should be enshrined in its statutes and be streamlined throughout it activities, especially when acting in an advisory role in disciplinary and grievance procedures.

36. The HR Division, and especially the Employee Relations team, should review its staffing needs and consider whether it ought to avail itself of a qualified, in house, employment lawyer, to act and advise independently and impartially on all grievances and disciplinary procedures and coordinate any external legal advice, when necessary.

37. A separate and adequately resourced free and confidential organ for dealing with work-related conflict resolution issues (including through mediation) should be created, in the form of a Staff Ombudsman. In resolving work related conflicts, the Staff Ombudsman should provide non-binding recommendations and operate on the principles of confidentiality, impartiality, informality, and independence. Its services should also be sourced at the informal stage of any grievance or disciplinary procedures and its role could expand to advising members of staff with public interest disclosures and their rights under whistleblowers' protection legislation. The Ombudsman shall report to Council.

Report Implementation

38. Academic Board should adopt the precise wording recommended by the Commission for specific changes that will implement the Commission's recommendations, as set out in Appendix 1. The Commission further recommends that Academic Board adopt its timetable for implementation, also set out in Appendix 1 (p.24).

C. IMPLEMENTATION

1. The Commission recommends a clear path for the presentation of its report and the implementation of its recommendations, recognizing that the recommendations must be divided into those that:

   - Concern Academic Board directly;

   - Academic Board is making to Council directly, under Article 17 of the Charter;

   - Academic Board is making to the Provost and the Executive, which may be overseen by Council to various degrees;

   - Involve longer-term culture changes to the UCL community.

2. The Commission proposes establishing an implementation oversight group, whose purpose is to monitor and report to Academic Board on the implementation of approved recommendations. The oversight group will be made up of a sub-group of the Commission of Inquiry.

3. The report should be disseminated across different constituencies at UCL and the Implementation Group will hold at least one town hall meeting for discussion and feedback.

4. There should be a Special Academic Board meeting in Term 3 of the 2019-20 session for discussion of and votes on the recommendations. Amendments will be invited in advance of the meeting.

5. Recommendations that are for the consideration of Council will be forwarded to Council for its consideration at its earliest convenience.

D. APPENDICES

Appendix 1. Precise Wording of Recommendations to be adopted by Academic Board

This Appendix provides the precise wording the Commission recommends Academic Board adopt for specific changes for the implementation of its recommendations. It also sets out a timetable for their adoption and coming into force.

The recommendations of this report can broadly grouped into three categories, with their own implementation path (see section C on Implementation):

a) Recommendations that concern AB directly, i.e. which are under the power of AB

b) Recommendations AB is making to Council directly, under Article 17 of the Charter

c) Recommendations AB is making to the Executive, which may be overseen by Council

Category a

Recommendations 18 - 22 stipulate/mandate a new Executive Committee of AB (ExCom)

Role of ExCom:

The Academic Board shall appoint an Executive Committee, drawn from its membership. The composition of the Executive Committee shall be determined by the Academic Board, through a Standing Order.

Terms of Reference of ExCom:

The AB Executive Committee shall:
- Cooperate with the Chairs of other committees and bodies of the Academic Board, including the Chair of the Academic Board, of the university to cooperate in setting a broad agenda or programme of papers and timetable for these to come before the board in the academic year;
- Shall normally be involved in the preliminary and draft stages of formulation of papers that will ultimately come before the board. This will include requesting and assisting with the provision of Academic Impact Statements that are attached to papers coming before the board;
- Will have the power to consult the Academic Board and the wider academic community on any initiative or paper before it;
- May be consulted by Council or requested by Council to consult the academic community on any matter;
- Shall provide communications to Council on any matter within its remit.

Membership of ExCom shall for the time being be composed by the members of the Governance Committee plus four Heads of Department from UCL academic units elected by other Heads of academic units. For the time being the Chairperson of the ExCom shall be the Chair of the Governance Committee, as elected by the latter.

GCAB is charged to implement a transition period of two years, after which all members of ExCom will have been elected in their own rights directly to ExCom, and to propose a Standing Order to AB covering ExCom.

Recommendations 9 - 10, concerning EdCom, and delegated powers EdCom is holding from AB via Academic Committee

a) EdCom and Delegated powers:

Academic Board revokes its delegated power (reference S 7(10)(A) in the Schedule of Delegates powers of the Academic Board) from Academic Committee;
Academic Board delegates its power (reference S 7(10)(A)) directly to Education Committee;
Academic Board delegates its responsibilities (and so powers) to oversee the academic work of the College 'in teaching', 'in examining' and in the 'regulation and superintendence of the education of students' (Charter Article 8) to the Education Committee;
Both above delegations are made with the condition that major strategic and policy issues covered by Article 8 or Statute 7(10)(A) must be brought to the Academic Board for consideration;
Education Committee shall report to the Academic Board on the use of these delegated powers both through the minutes of its meetings and by presentation to the Board of an annual report by its Chair and of periodic reports when requested on specific issues.

b) It is recommended (to relevant bodies) that the membership of Education Committee shall be modified as follows:

Chair

Ex Officio:
Vice-Provost (Education and Student Affairs);
Chair, Academic Regulations and Quality Assurance Sub-Committee;
Chair, Quality Review Sub-Committee;
Director of Education Planning;
Registrar;
Students' Union Education Officer;
Students' Union Welfare & International Officer;
Students' Union Postgraduate Students' Officer

Faculty Tutors:
The Faculty tutor from each of the 11 Faculties.

Elected Members
12 Members Elected from the Academic Board

Co-opted members
The committee may co-opt up to 5 members as non-voting members

Category b

Recommendations 22-23, concerning membership of subcommittees of Council

Academic Board recommends to Council that each of the Formal Standing Committees of Council listed in Regulations For Management 2.139(b) (currently Audit Committee, Finance Committee, Honorary Degrees and Fellowship Committee, Nominations Committee, Remuneration and Human Resource Strategy Committee), shall have its membership prescribed by its own RFM, and that each of these committees shall have at least two of their voting members appointed by Council on the advice of the Governance Committee of Academic Board.

The respective RFMs could also have provisions for voting members that are not members of UCL, or of Council.

The respective RFMs could also have provisions for non-voting expert members drawn from the academic community, to be identified with the assistance of GCAB as and when the case arises, as Council may see fit.

Recommendations 3-5, concerning the selection and re-appointments of Executive Deans

See Appendix 5, para 17.3 and 17.4

Timetable for adoption and coming into force of recommendations

Should these recommendations be adopted by the Academic Board, the timetable for implementation should be as follows:

In line with the precedent for adopting Standing Orders, there shall be two readings of these recommendations;

- The recommendations on ExCom will be read first at the February 2020 regular meeting of AB, and adopted at a Special Meeting of AB taking place in term III of the 2019-20 session; they will come into force in October 2020;
- The recommendations on EdCom and AB's delegated powers will be read first at the February 2020 regular meeting of AB, and adopted at a Special Meeting of AB taking place in term III of the 2019-20 session; they will come into force in October 2020;
- Any recommendations that are for the consideration of Council will be forwarded to Council for its consideration at its earliest convenience.

Appendix 2. Decision-making Case Study: Athena Swan

This is a study of UCL's recent decision to apply for renewal of its Athena SWAN institutional silver award.

Under the new regulations of Athena SWAN, institutional silver awards cannot be renewed unless all the departments within the institution either hold a departmental award or are actively engaged in applying to one. This requirement applies to institutions like UCL that have been members of Athena SWAN prior to May 2015 (https://www.ecu.ac.uk/wp-content/uploads/2015/05/ECU-Handbook-26.05.15-FINAL.pdf) (UCL has been member since 2006). The vast majority of departments in SLASH, and a substantial minority of departments in BEAMS, currently do not have an award. Consequently, the decision to apply for renewal of the institutional silver award has led to a large-scale mobilization of UCL departments in the Athena SWAN process.

The purpose of this investigation has been to establish whether appropriate decision-making processes were followed, whether the UCL academic community was appropriately consulted, and to what extent the implementation of Athena SWAN followed from the decisions that had been made.

In gathering our information, we have been much helped by Ms Fiona Ryland (Chief Operating Officer), Ms Fiona McClement (Director of Equality, Diversity & Inclusion), Prof. Sara Mole (Chair, Athena Swan Steering Group 2019 and Provost's Envoy for Gender Equality), and Prof. David Price (VP Research and member of AB Commission of Inquiry).

The Commission was given access to all the documentation that were requested, except for the papers that were circulated at SMT meetings and on the basis of which SMT made its decision. The papers have been withheld by the Provost on the grounds of 'confidentiality', without explanation as to why discussions and decisions on Athena SWAN, even at SMT level, should be classified as 'confidential'. This is in our view unhelpful, as these papers could shed further light on why the decision was taken.

Narrative

The narrative follows a chronological order, although, as it will be seen, the decision-making and implementation process did not follow a linear order.

1. SMT

    During the summer of 2018, possibly at more than one meeting, SMT (Senior Management Team) gave its support to an application for renewal of UCL's institutional Athena Swan silver accreditation.

    SMT were partly guided by UCL's general commitment to EDI (Equality, Diversity, Inclusion) and evidence that Athena SWAN helps to promote gender equality.

But the decision of SMT was largely informed by financial considerations. Renewal of the institutional Athena Swan silver accreditation was presented to SMT as an essential requirement for securing considerable research funding from the NIHR. In this respect, however, it appears that SMT were given misleading information. See analysis below.

SMT did not consider, at least initially, the costs that this institutional application would entail in terms of additional support staff and academics' workloads.18 The decision was taken without any business plan.

2.   HRPC

On 11 July 2018, Athena SWAN was discussed at a meeting of HRPC (Human Resources Policy Committee). This committee seems to include all SMT members and a few extra from professional services.

The minutes of the meeting are public and accessible here: https://www.ucl.ac.uk/srs/sites/srs/files/hrpc-110718.pdf. Minutes of earlier HRPC meetings suggest that the renewal of the Athena SWAN silver award was never discussed earlier on in this committee.

The minutes of the 11 July 2018 meeting indicate that by then, the HR and financial implications of this decision were clear. Minutes 4.3-5 state the following:

> 4.3 The Committee highlighted the importance of this application for UCL. It was acknowledged that further consideration would need to be given to how the recommendations could be taken forward and funded by UCL. Members gave feedback on the amount of work involved in preparing Athena SWAN departmental submissions, as outlined in the report, and the burden that this had placed particularly on female academic staff. 4.4. It was proposed that further discussions be held with the Executive Deans concerning the recommendations set out in the report. Also, a decision would need to be taken as to whether the recommendations should be funded centrally or locally. 4.5. Resolved: The feedback from the Committee was noted. The final Athena SWAN action plan would be brought back to the next meeting of the HRPC on 28 November 2018 for consideration and approval.

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18 To put this in perspective, in an email of January 2019 to a HoD, Kevin Coutinho (UCL Athena SWAN manager) estimates that the FTE required of an Athena SWAN lead within any department would be 0.2-0.4 FTE (depending on the department's size).

The Athena SWAN 'action plan' is part of the application to Athena SWAN. This action plan, and indeed the entire application, was drafted during 2017-18 by the Athena Steering Group (on which see more below), and was to be submitted to Athena SWAN at the end of November 2018.

It is unclear from the minutes who would be charged with deciding questions such as 'whether the recommendations should be funded centrally or locally'. Finance Committee were never consulted.

The concluding statement implies that approval of the final Athena SWAN action plan, which was presumably to address these questions, would be in the hands of HRPC.

3.   First implementation

Early in October 2018, Heads of Departments were instructed by the Executive Deans and by HR (Equality and Diversity) to begin the process of applying at departmental level for Athena SWAN awards, using their existing staff and resources. The HoDs of the Faculty of Arts and Humanities were given first instructions on 10 October 2018; presumably other faculties were instructed at a similar time. By November 2018, HoDs and DMs across UCL were being asked to appoint SWAN Leads in their departments. SWAN Lead mailing lists were created, surgeries were held, and generally speaking, the UCL-wide implementation of the Action Plan was launched. Plans were also made for the appointment of three EDI support staff (at least one of whom has now been appointed).

It is not clear who instigated this process, given that no final decisions had yet been taken with regard to the Action Plan and how Athena SWAN would be implemented. One Executive Dean told their HoDs that the decision had emanated from the Provost.

In terms of funding, it appears to have been simply assumed that Departments would cover the HR and/or financial costs from their existing budgets at Departmental level. HoDs were never consulted; they were only instructed and given directives.

4.   Provost's View

On 24 October 2018, the Provost discussed Athena SWAN in Provost's View (https://uclnews.org.uk/t/UAA-5XLTP-243YEXDZ45/cr.aspx, reiterated in CAM Internal communication (25 October 2018).

In this communication, the Provost extols the benefits of Athena SWAN, and provides some evidence of the scheme's successes. There is no word, however, of a decision to make it mandatory on all UCL departments. The Provost only says that the UCL Athena SWAN Steering Group has been 'busy

putting together the submission for the renewal of the institutional award ahead of the deadline in November' and, in the concluding paragraph, that 'I would like to encourage more departments in the social sciences and arts and humanities to get involved'.

It is noteworthy that the Provost presents Athena SWAN as something to be 'encouraged', but not as a compulsory policy. Furthermore, the financial motivations for pursuing renewal of the Athena SWAN accreditation are not mentioned.

5.   The HRPC's final meeting

On 28 November 2018, HRPC held its meeting at which it had been earlier resolved (at its previous meeting) that the final Athena SWAN action plan would be brought for consideration and approval (see point 2 above).

As the minutes make plain, Athena SWAN was not on the agenda of the meeting. It was mentioned as part of matters arising from the minutes of the previous meeting. The minutes of 28/11/2018 merely state, in point 3.1:

> At its meeting on 7 November 2018, the Senior Management Team (SMT) considered a paper on the Athena SWAN Silver Application. The application had been updated to take account of the feedback received from the SMT.

The 'paper' referred to is not available to the Commission, nor does it seem to have been made available to HRPC. There is no indication as to its authorship or contents.

The deadline for its submission to Athena SWAN was 30 November 2018. The application, and at least the Action Plan within it, should have been presented for approval to HRPC on 28 November as per the HRPC previous meeting's minutes, but this clearly did not happen. Instead, HRPC was merely informed that the Action Plan had been updated on the basis of feedback from SMT.

There is no indication of when, indeed whether at all, a decision had been taken on the questions of funding which had been raised in the previous HRPC meeting.[19]

6.   On or before 30 November 2018, the Action Plan was submitted to Athena SWAN, with the outcome to be known at the end of April 2019.[20]

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[19] At the HRPC's next and most recent meeting on 3 April 2019, Athena SWAN was not on the agenda and presumably was not even discussed.

[20] On 8 May 2019, it was announced that the application to Athena SWAN was not successful. UCL is planning to re-apply.

Analysis

The decision-making process: Provost, SMT, HRPC, and lack of accountability

- The Athena SWAN application that was submitted in November 2018 attributes to SMT the decision to apply for renewal of the institutional Athena SWAN silver accreditation. However, SMT is not a formal committee and does not formally make decisions. Therefore, the decision must rather be attributed to the Provost, albeit with the support of SMT.
- HRPC should have played a critical role in this decision, and were due in fact to approve the Athena SWAN Application and Action Plan on 28 November 2018. This, however, did not happen: this item was not included for discussion in the agenda or the minutes, at either this meeting or at subsequent meetings. Instead, 'feedback' was given by SMT to the Athena Steering Group who drafted the Action Plan, and the latter is what formed UCL's policy. HRPC were merely informed that this had taken place.
- Although the membership of HRPC corresponds in vast majority to that of SMT, which means that all decisions are likely to have been in substance the same, whether taken by SMT or HRPC, the side-lining of HRPC in favour SMT entails that all decisions with regard to Athena SWAN were removed from the public eye, unminuted, and to this date, unaccountable and hidden from scrutiny.

The basis of the decision: 'profile' or research funding?

- According to the Provost, the decision to apply for renewal of the institutional Athena SWAN silver accreditation was not based on research funding considerations, but rather a matter of 'profile'.[21]
- SMT members, however, have suggested that the decision was essentially financial. Two SMT members independently informed us that renewal of the institutional silver award was presented to SMT as an essential condition for NIHR research funding of £60 million to be secured.[22]
- This discrepancy can be explained. Although SMT is not a formal committee and does not formally make decisions, it was essential for the Provost to secure the support of SMT, as without the cooperation of the Executive Deans, it would have very difficult to implement the roll-out of Athena SWAN to all UCL departments. One can only speculate that 'profile' was not considered a sufficiently robust argument to present to SMT, which is why a funding argument had to be created and presented to SMT, in order to gain their approval.
- This funding argument, however, was actually spurious. NIHR does not require the university to hold an Athena SWAN institutional silver award in order for grants to be made to individual applicants. It only requires the 'academic setting' of the applicant to hold an Athena SWAN silver award; 'academic setting' is

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[21] Provost, Commission meeting 28/5/19.

[22] The figure of £60 million was mentioned without solicitation by both informants, independently of one another. This mutual corroboration suggests that the figure of £60 million appeared in the papers distributed at the SMT meetings. Significantly, perhaps, the Provost has not allowed disclosure of these papers.

defined at its widest as 'faculty' or 'medical school', but not as whole university (see https://www.nihr.ac.uk/our-research-community/NIHR-academy/nihr-training-programmes/integrated-academic-training-programme/integrated-academic-training/iat-competition.htm, https://www.nihr.ac.uk/our-research-community/NIHR%20ACADEMY/IAT/NIHR%20Position%20Statement%20Athena%20SWAN%2021-02-2019.pdf, and https://www.nihr.ac.uk/funding-and-support/documents/IAT/TCC-IAT-Guidance-Notes-Competition-2019.pdf. Other funders, such as RCUK, similarly recommend participation in schemes such as Athena SWAN, but only at 'departmental level', and only as one of several possible recommendations (https://www.ukri.org/files/legacy/skills/equalitystatement-pdf/).

- The conclusion is that SMT were misinformed and persuaded by a false financial argument, on the basis of which they gave their support to the Provost's decision.

Lack of a business plan

- Critical questions about the workload of academics (especially female) in preparing Athena SWAN applications and funding to support departments in their applications were raised by HRPC. It is unclear whether these questions – which have become most controversial – were ever seriously addressed by SMT. The decisions were taken by SMT without any regard for the financial costs or the workloads of academic staff (and the economic implications of diverting academic staff from research and teaching). There was no business plan. Instead, it has simply been assumed that Departments will cover the costs from their existing staff and budgets.
- The Finance Committee were never consulted on this proposal and its funding and financial implications.[23]
- The application to Athena SWAN, submitted in November 2018, refers to the creation and funding of three school-level EDI Officer / Manager posts', and also to acknowledging engagement with Athena SWAN in any workload calculations. But it does not reflect on the impact this may have on research and on the provision of teaching, nor on how this will be funded. This confirms that these questions were never properly addressed or dealt with.[24]

Lack of wider consultation

- This decision, which was to have a major impact on UCL departments and academics, was taken without any consultation with Heads of Departments or with Academic Board.
- The Executive Deans of SLASH and BEAMS were individually consulted by members of the EDI team about faculty-level funding of three school-level EDI

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[23] Director of Finance, Commission meeting of 24/6/2019.
[24] There is no evidence that this is why the application failed. No mention is made of this in Athena SWAN's feedback, which we have consulted. The failure of the application is irrelevant and outside the scope of this paper.

Officer / Manager posts.[25] But there were no consultations on the departmental level.

- The Athena Steering Group, which wrote the application to Athena SWAN, may be composed of a range of members from across UCL, but these members act as individuals and are hardly representative of UCL's constituencies; this was not a consultation.[26]

Premature implementation of the policy and lack of transparency

- The implementation of the policy, demanding all UCL departments to work towards application for an Athena SWAN award, was instigated at the beginning of the autumn term, in October 2018, before the Action Plan was drafted or agreed, let alone any approval being given by HRPC. It looks as though the intention was to create a fait accompli.
- On 24 October 2018, the Provost declared in his Provost's View: 'I would like to *encourage* more departments in the social sciences and arts and humanities to get involved' (my emphasis). This contradicts the earlier decision of SMT to apply for institutional Athena Swan silver accreditation and thus to enforce Athena SWAN as *compulsory* on all departments. This suggests one of two things: (1) a lack of transparency, and perhaps an attempt to evade responsibility for a controversial decision; or (2) that in fact no decision had yet been taken, which makes the implementation of the policy from the beginning of October 2018 even more problematic.

Summary

The Analysis above leads to the following, main conclusions:

1. The decision on Athena SWAN was taken by the Provost with the support of SMT, but SMT were misinformed with regard to the requirements of funders such as NIHR, and supported the decision on the basis of such misinformation.
2. The decision was taken without any business plan, and without addressing, or at least without resolving, fundamental questions such as that of workloads and funding. The only provision that was made was the appointment of three school-level EDI officers.
3. Heads of Departments and Academic Board were never consulted.
4. Due processes of decision-making were not followed:
    a. Decisions were made by the SMT, which means the Provost, instead of by HRPC. This had the effect of removing the decision from the public eye

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[25] Fiona McClement, email of 28/06/2019. The dates of these meetings are not specified, but presumably this was in the summer of 2018.

[26] The Steering Group includes about 15 members from across UCL, with an approximately equal number of professors, other academics, and professionals (including the HR Director of Equality, Diversity and Inclusion and the Athena SWAN manager). This group has the virtue of being diverse, but this is not the same as representative. It was created following an open call to all UCL Staff in September 2017: https://www.ucl.ac.uk/news/2017/sep/opportunity-take-part-ucls-institutional-athena-swan-silver-award-renewal. The academics are overwhelmingly from SLMS and BEAMS, the two schools which have a strong record of engagement with Athena SWAN; there is only one representative from SLASH, where the implementation of Athena SWAN is generally new.

and making it unaccountable.
b. The policy that all UCL departments become engaged with Athena SWAN was implemented in October 2018 before the action plan and application to Athena SWAN was finalized and approved by SMT in November 2018. This had the effect of turning the policy into a fait accompli.

Appendix 3. Decision-making Case Study: PhD Impact Statements

The introduction of what is arguably a significant change to research degree submission requirements (and has been controversial as such) is an illuminating case study in the relationship between formal committee discussion and approval, on the one hand, and executive decision-making on the other. Although one might expect a clear decision by Research Degrees Committee endorsing this change, there is instead general approval of a strategy document that does not explicitly propose the mandatory enforcement that eventuated. Rather, the specific proposal appears to emerge only after presentation of the document to the Provost's Senior Management Team; after which it appears as a decision already made, of which explicit endorsement by the formal committees is not subsequently sought but is rather assumed. Presentation to and endorsement by SMT seems to have been taken as sufficient official approval of the specific direction taken.

Narrative

The announcement in 2017-2018 (documents H and I below) of the requirement that Impact Statements would be required of all candidates submitting dissertations for higher research degrees (MPhil, PhDs, etc.) took many faculty and departmental graduate tutors by surprise.

The basis for this innovation can be traced back to the second draft of the strategy document 'Doctoral Education at UCL' (May 2015), presented to Research Degrees Committee on 17 June 2015 (docs A.1-2), which talked vaguely in terms of promoting the inclusion of a section in the thesis on potential impact (doc. A.1). In discussion of the strategy document the notion of discrete 'impact statements' was apparently mentioned (doc. A.2, 36.4). It was also reported to RDC that the strategy would go to the June 2015 meeting of Academic Committee, would be subject to further consultation with the Provost's SMT and Faculties, with a view ultimately to being submitted to UCL Council for approval. A broadly similar version of the process is outlined in the subsequent Academic Committee minutes (doc. B, 39.4), even if it is only discussion, rather than approval, by Council that is proposed. In neither scenario is discussion at Academic Board mentioned (though that did happen) but there is no evidence that the document ever went to Council for discussion or approval, which probably explains why the final version does not appear as an official UCL Strategy Document.

In reality the process after the June 2015 Academic Committee was as follows: According to the Head of the Doctoral School (pers. comm. 12/03/2019) the May 2015 (or a revised) version was presented to SMT at some point (undetermined)[27] in the summer of 2015, where it had been 'well-received by the Provost' (doc. D.2, 7.2).

The revised (final) version, which commits UCL simply 'to promote the inclusion in the thesis of a statement on its potential impact' (doc. C.1, Action 4b), went to AB for discussion on 13 October 2015, where there appears to have been no particular

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[27] Although it is (now) understood that notes of SMT meetings are taken and circulated to regular members, The Vice Provost member of the Commission of Inquiry was not able to recall/identify the exact occasion.

discussion of the impact statement aspect in this relatively anodyne aspiration (doc. C.2, 8.2-3).

The same document (doc. D.1) went to the next day's RDC. This meeting was told (D.2, 7.2) that the paper had also been received by Academic Committee [25 June 2015], 'which had been particularly interested to hear about the new Impact Statement' (cf. the minutes, doc. B, which do not corroborate this claim).[28] RDC was, moreover, informed that, apparently as a *fait accompli*, this impact statement 'would be introduced as a requirement for all theses' (the first time that this specific proposal emerges in public, though it is still not formulated in the strategy document in that way).

Academic Committee on 10 November 2015 was informed of the revised version of the Doctoral Education Strategy but does not appear to have received, discussed, or approved it (doc. E, 4A.1), though was told that (unspecified) 'concrete actions had been established'.

The definitive version of the strategy was published online by the Doctoral School on 10 February 2016: https://www.ucl.ac.uk/gs/doctoral-education-strategy/. This keeps unchanged the relatively anodyne wording of the October 2015 version concerning the promotion of the inclusion of impact statements (doc. F).

The next step, as indicated by David Bogle (doc. I), was the piloting of the requirement for Impact Statements 'in a few faculties' (Engineering and ?) in the academic year 2016-2017. Subsequent RDC minutes reveal no report on the outcome of this pilot.

Then in early October 2017, in the Doctoral School's annual circular to Departmental Graduate Tutors, the future roll out of the Impact Statement to research degree candidates in all Faculties was announced (doc. H). This was subsequently confirmed in an e-mail of 9 March 2018 (doc. I) as mandatory from 1 June 2018.

Conclusions

A de facto change to the academic regulations for research degree students was introduced by an executive decision that had no specific scrutiny or explicit approval from any formal or appropriate organ of the university's governance.
It is likely that the proposal to make impact statements a compulsory requirement for research degree submission was given specific consideration at a meeting of the Provost's SMT — an appropriate place in which to try out ideas but not the appropriate forum for the formulation or approval of specific amendments to academic regulations without any further open scrutiny or discussion in the proper place (in this case Research Degrees Committee and Academic Committee). An executive decision made *in camera* would appear to have usurped the normal process.

The divergence between the planned trajectory and the actual trajectory of the overall Doctoral Education Strategy appears to show the SMT curtailing the original process.

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[28] Given the likely closeness in time, the reminiscence perhaps confuses the presentation before SMT with that at AC.

Whether this was by accident or design, it does illustrate poor tracking of decision-making through the various stages of governance at UCL. Similar poor tracking is evident on a smaller scale in the failure to report back to RDC on the impact statement pilot scheme before the requirement was made universal across all faculties.

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Supporting Documents

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[A.1] *Research Degrees Committee – Papers – 17 June 2015*
RDC 3-01 (14-15): Doctoral Education at UCL, Second Draft – May 2015
p. 3: Action 4 b 'Promote the inclusion of a thesis chapter on impact'
p. 5: Action 4 b 'Promote the inclusion of a section of the thesis about the potential impact of the
work.'

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[A.2] *Research Degrees Committee – Minutes – 17 June 2015*
36 DOCTORAL EDUCATION AT UCL
Received:
36.1 At RDC 3-01 (14-15), a draft paper, introduced by the Chair.
Reported:
36.2 The paper at RDC 3-01 (14-15) outlined a draft strategy for Doctoral Education at UCL, drawing from UCL's 2034 Strategy and other key UCL strategies, as well as key themes identified by UCL faculties as part of the Doctoral Planning Process. The draft would be further developed over the summer 2015 in consultation with SMT and UCL faculties with a view to final approval being sought during the Autumn term 2015. The draft would also be submitted for discussion to the 25 June 2015 meeting of AC and would ultimately be submitted to UCL Council for approval.
Discussion:
36.3 The content of the draft strategy at RDC 3-01 (14-15) was broadly welcomed by RDC. [*etc.*]
36.4 The following other main points were noted during discussion: [*post alia*] RDC agreed that it was important that PGR students should be prompted and encouraged to give greater consideration to the potential impact of their research at the outset of their studies, *eg* **impact statements**.[29]
RESOLVED:

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[29] 'Impact statements' as an example of an exercise to be conducted at 'the outset of their studies' is a curious idea. The awkwardness raises suspicion of a retrospective insertion. One notes that the minutes, as drafted by Gary Hawes, Governance Officer, Academic Services are dated 27 June, that is certainly after the AC discussion and potentially also after that at SMT.

36.5 That the Chair of RDC give consideration to the comments and suggestions raised during discussion and noted at Minute 36.4 above in developing subsequent drafts of the strategy document at RDC 3-01 (14-15).
ACTION: Professor David Bogle

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[B] *Academic Committee – Minutes – 25 June 2015*
39 DOCTORAL EDUCATION AT UCL
Received:
39.1 At AC 4-01 (14-15) a paper outlining UCL's Draft Strategy for Doctoral Education presented by the Pro Vice-Provost (Doctoral School), Professor David Bogle
Reported:
39.2 The Pro Vice-Provost (Doctoral School) reported that the draft paper for both internal and external audiences incorporated relevant themes from various strategies, such as UCL 2034, Research and Enterprise Strategies and would incorporate the Education Strategy as well as elements from the Connected Curriculum.
39.3 The draft strategy had been substantially informed by the Doctoral Plans developed by the Faculties, these had been reviewed, key themes, ideas and challenges extracted and discussed at RDC. Executive Deans and Faculty Graduate Tutors had also been consulted.
39.4 Further consultation would take place over the Summer and a proposed strategy will be submitted to RDC and AC in Autumn 2015 for approval. SMT and Council will also receive the final version for discussion.
Discussion:
39.5 A number of comments were made about the focus on **research impact** at the thesis stage. Members were in agreement that encouraging students to think about the impact and potential impact of their research should be an essential part doctoral training and development, although this should be flexible to accommodate for different discipline requirements and practices. The Vice-Provost (Research) reminded colleagues of UCL's definition of impact and that this encompassed different aspects ranging from scholarly impact to public policy impact.
39.6 It was noted that the market for doctoral students is changing rapidly, with increased professionalisation and demand for structured professional doctorates delivered in flexible ways. The strategy would need to reflect these changes and help to ensure that UCL's support systems, supervision, regulation and training catered for a more diverse range of doctoral programme and diverse student body.

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[C.1] *Academic Board – Papers – 13 October 2015*
AB Paper 1-06 (15-16): Doctoral Education at UCL, October 2015
p. 4: Action 4 b 'Promote the inclusion in the thesis of a **statement on its potential impact**'
p. 6: Action 4 b 'Promote the inclusion of a statement in the thesis about the potential it impact of the work (where impact is defined in its broadest sense including through its

effect on policy, communities, culture, public health and well-being, industry and education).'

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[C.2] *Academic Board – Minutes – 13 October 2015*
8 DOCTORAL EDUCATION AT UCL
[PAPER 1-06, 2015-16]
8.1 ***Received*** – an oral introduction to the paper from Professor David Bogle, Pro-Vice-Provost (Doctoral School)
8.2 The Pro Vice-Provost (Doctoral School) reported that the strategy had been developed to align with UCL 2034, the Research Strategy and to build on the contents of Faculty Doctoral Strategies. A key focus was developing and training researchers/doctoral candidates in academic leadership and research excellence to develop their capacity to engage with multiple career options post-completion.
8.3 In response to comments from members, it was noted that there was a need to include an explicit mention on the PGR opportunities available to develop leadership skills, through UCL Arena and active involvement in the academic life of departments.

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[D.1] *Research Degrees Committee – Papers – 14 October 2015*
RDC 01-08 (15-16): Doctoral Education at UCL, October 2015
p. 4: Action 4 b 'Promote the inclusion in the thesis of a **statement on its potential impact**'
p. 6: Action 4 b 'Promote the inclusion of a statement in the thesis about the potential it impact of the work (where impact is defined in its broadest sense including through its effect on policy, communities, culture, public health and well-being, industry and education).'

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[D.2] *Research Degrees Committee – Minutes – 14 October 2015*
7 DOCTORAL STRATEGY [Minute 36 (14-15) refers]
7.1 **Received** – the final draft of the UCL Doctoral Strategy at RDC 01-08 (15-16).
7.2 The strategy had been well-received by the Provost and by Academic Board at its recent meeting. The paper had also been received by Academic Committee, which had been particularly interested to hear about the new **Impact Statement** which would be introduced as a requirement for all theses.
[*etc.*]
RESOLVED:
7.4 The final document would be completed and disseminated online internally and externally. Faculty graduate committees were also asked to add the strategy to their agendas.

Action: Doctoral School, Chairs of Faculty Graduate Committees

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[E] *Academic Committee – Minutes – 10 November 2015*
4A Doctoral Education at UCL
[AC Minute 39, [25 June 2015]]
4A.1 The Pro Vice-Provost (Research) reported that a revised version had been developed incorporating comments received since the last AC meeting and the recent AB meeting, including the Connected Curriculum initiative. **Concrete actions had also been established**.

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[F] UCL Doctoral Education Strategy: https://www.ucl.ac.uk/gs/doctoral-education-strategy/
Published online 10 February 2016
p. 8: Action 4 b 'Promote the inclusion in the thesis of a **statement on its potential impact**'
p. 10: Action 4 b 'Promote the inclusion of a statement in the thesis about the potential it impact of the work (where impact is defined in its broadest sense including through its effect on policy, communities, culture, public health and well-being, industry, and education).'

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[G] *Research Degrees Committee – Minutes – 9 March 2016*
27 DISCUSSION ITEM: PUBLIC VIVAS
27.1 **Received** – the paper at RDC 2-04 (15-16).
27.2 RDC requested that faculties consider the recent article by Professor David Bogle in the Times Higher Education supplement on public vivas in advance of the meeting. Some written comments were tabled and would be collated after the meeting.
[*post alia*]
27.6 RDC members welcomed the celebratory aspect of the public viva and suggested that students could instead be asked to do a talk or take part in a symposium after the examination – many faculties already ran such events. Presentations would help the candidates to improve their communication skills, and other PhD students could learn a great deal from such events. Such an approach would also help UCL to achieve its objectives under the Connected Curriculum, inviting audiences to listen to and engage with UCL research, and could be based on the **student's impact statement**, feeding into the UCL Doctoral Strategy. It was also suggested that the presentations could take place on the same day as graduation to increase the celebration, and that UCL might also consider awarding Distinctions to recognise exceptional students.

27.7 **Agreed** - RDC asked all members to provide a summary of views in their faculty, focusing on what might improve the UCL PhD viva system, particularly with regards to transparency and fairness. UCLU were also asked to canvas the opinions of students. The Doctoral School would collate a digest of responses.
Action: All members, UCLU representative, Chair

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[H] Doctoral School Head's annual circular to Departmental Graduate Tutors October 2017
<No electronic copy seems to have been circulated and no DGTs were able to lay hands on their hard copies when asked in April 2019 but docschoolhead@ucl.ac.uk e-mail of 9 March 2018 (doc. I below) mentions that roll-out of Impact Statements was trailed in this letter>

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[I] docschoolhead@ucl.ac.uk e-mail 09/03/2018
Subject**: Impact Statement** in the Doctoral Thesis - from 1 June 2018
To: Departmental Graduate Tutors
Cc: Faculty Graduate Tutors, Departmental Administrators

Dear Colleagues,
In line with UCL's Doctoral Education Strategy, we piloted in a few faculties last year the inclusion of an **Impact Statement** in the PhD thesis. As previously announced in my letter to you in October, this is now being expanded and rolled out across UCL. All doctoral theses (including EngD, Professional Doctorates, MPhilStud and MDRes) submitted from 1 June will be required to include an impact statement. The inclusion of an impact statement is intended to galvanise students into thinking explicitly about the impact of their work (impact in the wide sense – see guidance) and how to articulate this in a concise and clear manner, skills that will be important for their futures in both academic and non-academic roles.
The Exam Entry Form has been amended accordingly, and guidance on the content and format of the statement available online: https://www.ucl.ac.uk/students/exams-and-assessments/research-assessments/format-bind-and-submit-your-thesis-general-guidance
Please make sure your students and supervisors are aware of this change.
Best Wishes,
David Bogle
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Appendix 4. Decision-making Case Study: Proposed decant of the UCL Queen Square Institute of Neurology to Clare Hall

This is a study of the proposed decant of the UCL Queen Square Institute of Neurology (**IoN**) to Clare Hall, which was used as part of the justification to purchase Clare Hall.

The existing building housing the main body of IoN, Queen Square House (**QSH**) is not fit for purpose and has to be redeveloped. UCL Council approved the purchase of the Clare Hall site in October 2016, and part of the case for purchase was to decant staff/students in QSH to Clare Hall while QSH was rebuilt. Staff in QSH include clinical academics working at the adjacent National Hospital for Neurology and Neurosurgery in Queen Square.

The sale of Clare Hall occurred because Cancer Research UK (CRUK) who owned this site in Hertfordshire wished to relinquish it in order to consolidate laboratories at the new Francis Crick Institute in London. Clare Hall is 3.8 miles from Potter's Bar, with no direct rail link.

Comments below refer ONLY to the proposed decant of IoN to Clare Hall, and do not refer to UCL Biological Services or other issues regarding Clare Hall.

The purpose of this investigation has been to establish whether the UCL academic community was appropriately consulted and whether appropriate decision-making processes were followed.

Information has been gathered from,
[1] Paper to Council 19 October 2016, Confidential Business Plan for purchase of Clare Hall.
[2] Draft Paper on Temporary QSH decant to Clare Hall; Assessment of 'People', including assessment of travel impact by Iceni Projects (https://www.iceniprojects.com)
[3] UCL ION External Review 16,17 Jan 2017 Synopsis
[4] Decision by the Visitor on the Petition by Professor Tony Segal regarding the arrangements for governance at University College London (2019). Section 4.

Narrative

A confidential business plan[1] was put before Council on 19th October 2016 for the purchase of Clare Hall from CRUK. Finance Committee approval appears to have been given on **27th Sept 2016**. The business plan included an 'Action Requested from Council' to approve the purchase of Clare Hall including P block for up to £61.8 million - subsequently negotiated to £59.3 million – £56.3M for land, buildings, 'infrastructure', and £5.5M for one-off equipment. With £3.6M recurrent operational costs.

Arguments in the business plan[1] in favour of this Action included the importance of P block for Biological Services at UCL, **the need to decant QSH – for which Clare Hall**

'provided an ideal solution', the possibility of moving 'back office' services to Clare Hall and of supporting a Science Park on the site, subject to planning.

The business plan stated QSH is of poor quality and offers no scope for expansion. The Business plan also stated that QSH had to be redeveloped in order for UCL to bid for the Dementia Research Institute (DRI) Hub (which was subsequently successful).

In an assessment of a **Temporary QSH Decant to Clare Hall**[2], October 2016, the estimated travel time, Clare Hall to QS, was **45-60 minutes each way,** and, 'Given the academic and research commitments of employees and students, it is likely that some employees and students will make this journey **more than once a day'**.

The report discusses the significant risk to retention of staff and students if told to move to Clare Hall, and recommends potential retention bonuses/severance packages. A shuttle bus from Potter's Bar station to Clare Hall, was estimated to cost £140,000 p.a.[2].

November 2016 and beyond

Shortly *after* the acquisition of Clare Hall, a 'Queen Square House Redevelopment Workshop' was held in November 2016, which was the first general communication with QSH academics, who then largely refused to move to Clare Hall.

Reasons included research needs, such as necessity of physical proximity to imaging and other facilities in Gower Street, likely fall off of student intake, inappropriate location for student population who require access to libraries, UCL based seminars and lectures, and facilities e.g. student union, resignation of staff, disruption to projects including those requiring fast transport to facilities at QMUL and KCL. At least one email from a leading Professor proposes that this person will move their group to another University. Emails state groups would rather stay in un-refurbished QSH than move to Clare Hall.

By January 2017, the plan to move staff to Clare Hall was terminated, and alternative space was being identified at the School of Pharmacy, Royal Free Hospital, etc., by the IoN academics. In the end this decant space was not needed because the Eastman Dental Hospital site on Gray's Inn Road was purchased for a new IoN building in 2018.

The 17 Jan 2017 Synopsis of the UCL ION Strategic Advisory Board External Review[3] noted the award of the DRI hub to UCL and the planned rebuild of QSH, and stated '**The plan to establish QSH wet labs at Clare Hall, South Mimms site has already been widely discussed and largely if not wholly rejected by staff following a series of workshops and discussions held ... in November and December 2016. Our conversations re-enforced the view that a move to Clare Hall for all QSH staff and PhD students is not a viable solution and that relocation of staff to laboratories within the Bloomsbury, or slightly wider footprint, is the most preferred option'**.

Analysis

Lack of consultation, lack of transparency

The purchase of the Clare Hall site raises several issues, but here we only address the proposed decant of IoN staff to this site. Biological services are not discussed here, or other proposed uses of the site as these come from a confidential business plan. However, we note (1) a business plan should include the pros *and cons* of the case, and, (2) the Conclusion of the plan states: buying the Clare Hall site supports BSU provision and neuroscience at UCL, releases high value space in Bloomsbury, and offers the most favourable financial outcomes, and '*the case has full executive support*'.

Part of the justification for purchase was that no vacant space was identified in central London for the QSH decant and renting space or conversion of an empty building was deemed prohibitively expensive. The business plan states[1], 'It is believed that the current occupants of QSH should be able to decant into Clare Hall', and this would require some modification of the existing space, costing about £10M. The Clare Hall site is 'critical to reducing the cost and time needed for the QSH decant'. The £10M is for replacing old plant and improving energy efficiency at Clare Hall.

The Clare Hall decant would have had a major impact on UCL IoN departments and academics, but was taken without consultation with those affected. It was comprehensively rejected by the academics concerned, after which those academics found their own decant space throughout UCL.

Section 4.174 of the Visitor's report notes that in the 19th October 2016 a member of SMT (Professor Lomas) stated IoN staff had not been formally consulted because the proposal for their move was at 'a very early stage'. Section 4.191 notes that on 23rd October 2016 the Provost and Professor Lomas emailed Council members stating that the purchase of Clare Hall was in UCL's best interests, however, Professor Lomas's view in 2019 was that IoN staff had not been adequately consulted. On 24th October 2016 the Chair of Council took Chair's action to approve the purchase of Clare Hall.

Section 4.212 of the Visitor's report states 'whilst the purchase of Clare Hall may well have been an advantageous transaction, the future use of the property was not actually clear at the time of the purchase and to some extent remains unclear today'.

Appendix 5. Centralization in Decision-making and the Appointments of Faculty Deans

1. Academic Board tasked the Commission to review and, where necessary, make recommendations in respect of a number of concerns including 'the centralization of UCL decision-making on matters that affect academic work and its effect on this' and 'the current role of academic input into the appointment of Heads of Department, Deans, and Vice Provosts, and how these relate to their constituencies'.

2. The present document explores and reviews a number of procedures, procedural changes, and practices that, jointly and severally, may have contribute to the perception that decision-making on matters affecting academic work and in respect of the appointment of senior Faculty and Departmental positions has become more centralized, and to a certain extent more hierarchical. More specifically it identifies how successive amendments to our statutes and regulations have modified the appointment procedures for Faculty Deans (especially between 2002-2017).

3. Between 2002 and 2017, UCL's Statutes and Regulations have been the object of a series of successive reforms that, by and large, have had the effect of reducing the input of Faculty and Department members in the appointment of Deans.

   A. Amendment of Statute 8 and UCL Regulations (since 2002)

4. The table below provides a comparison of the wording of all paragraphs of Statute 8 in the 6 June 2002 version and in the current version (unchanged since January 2015):

Statute 8. The Faculties and the Faculty Boards 6 June 2002 Version	Statute 8. The Faculties Current (January 2015) Version
(1) There shall be within the College such Faculties as the Council on the advice of the Academic Board may from time to time determine.	(1) There shall be within the College such Faculties as the Council on the advice of the Academic Board may from time to time determine.
(2) There shall be a Board of each Faculty, with such membership as the Council on the advice of the Academic Board may by Regulation determine. (3) The powers and duties of the Faculty Boards shall be determined by Regulation. (4) Any Faculty Board may delegate any of its powers to a Standing Committee,	

whose membership shall be determined by the Faculty Board.	
(5) There shall be for each Faculty a Dean, a Vice-Dean and a Sub-Dean. An additional Vice-Dean may be appointed for a Faculty if the Council, on the advice of the Academic Board, shall so determine.	(2) There shall be for each Faculty a Dean and a Vice-Dean. A Faculty may appoint an additional Vice-Dean if the Faculty sees fit to do so.
(6) The Dean for each Faculty shall be elected by the Faculty Board from among its Members for such period as the Faculty Board shall determine. The Vice-Dean or Vice-Deans shall be appointed in a manner and for a period to be determined by the Faculty Board. The Dean shall take the Chair at Meetings of the Faculty Board and of its Standing Committee. In the absence of the Dean the Chair shall be taken at any Meeting by the Vice-Dean or one of the Vice-Deans, and in the absence of the Dean and the Vice-Dean or Vice-Deans shall be taken by such one of the Members present as those Members may appoint. (7) The Sub-Dean for the Faculty shall be appointed by the Council on the recommendation of the Faculty Board and he shall act as Secretary of the Faculty Board and of its Standing Committee.	(3) The Dean for each Faculty shall be appointed by Council according to procedure determined by Regulation. (4) The Vice-Dean or Vice-Deans for the Faculty shall be appointed by the Faculty in a manner and for a period to be determined by the Faculty. (5) Each Faculty shall establish such Committees as may be determined by Regulation. The Dean of the Faculty shall be responsible for ensuring that there are arrangements in place within the Faculty for regularly communicating and consulting with members of the Faculty generally.
(8) The Provost shall appoint, from among the members of the Faculty Board, a Tutor to Students of that Faculty, and shall prescribe the duties of the Tutor.	(6) The Provost shall appoint a Tutor to Students of each Faculty, to be designated the Faculty Tutor. The Provost shall prescribe the duties of the Faculty Tutors.

5.   Regulations were also amended accordingly.

7.2   Executive Deans of the Faculties (Deans hereafter) shall be appointed by the Council on th~~e~~ advice of the Provost, in the light of the Provost's consultation of appropriate academ~~ic~~ colleagues[1]. In conducting this consultation, the Provost shall invite suggestions from th~~e~~ outgoing Dean of the Faculty concerned ~~and suggestions from Heads of Departments within th~~ ~~Faculty concerned. Those Heads of Department shall invite the views of colleagues within th~~ ~~Department before making suggestions to the Provost.~~ In addition, the Secretary to Council, ~~on~~ behalf of the Provost, shall issue a written invitation to members of the Faculty Board to conve~~y~~ their individual views to the Provost, via the Secretary to Council. The Secretary's invitation sha~~ll~~ also request that Heads of Departments within the Faculty concerned invite the views of colleague~~s~~ within the Department before making suggestions on behalf of the Department to the Provost, v~~ia~~ the Secretary to Council~~their Head of Department~~. On receipt of these views, the Provost sha~~ll~~ consult with the Vice-Provosts before recommending to the Council the appointment of a~~n~~ ~~Executive~~ Dean. A person appointed as ~~Executive~~ Dean shall be appointed for such period a~~s~~ the Council, on the advice of the Provost, shall determine. The appointment shall be renewab~~le~~ at the discretion of the Council, for such further period or periods as the Council on the advic~~e~~ of the Provost, in the light of the Provost's consultation of appropriate academic colleague~~s~~

_____

~~1.   At its meeting on 19 December 2002 Council approved proposals for the appointment of Executiv~~e Deans according to the procedure set out in this Regulation. Proposed amendments to Statute~~s~~ to reflect the arrangements for appointment of Executive Deans have been submitted to the Pri~~vy~~ Council for approval.~~

shall determine. The duties and responsibilities of ~~Executive~~ Deans shall be as prescr~~ibed in~~ the UCL Academic Manual.

10.2 Deans of the Faculties shall be appointed by the Council on the advice of the Provost, in the lig~~ht~~ of a selection process involving appropriate academic colleagues, undertaken by ~~the Provost's~~ ~~consultation of appropriate academic colleagues~~. The selection process may be conducted either as an internal process within UCL or by external advertisement of the position, as the Provost sees fit. ~~In~~ the case of an internal process, this will include ~~In conducting this consultation, the Provost shall inv~~ite ~~suggestions from the outgoing Dean of the Faculty concerned. In addition,~~ the Secretary to the Council, on behalf of the Provost, ~~shall~~ issu~~e~~ing a written invitation to members of the Faculty to convey their individual views to the Provost, via the Secretary to the Council. Where the process of selection is conducted by external advertisement of the position, the Provost will normally make a recommendation on the appointment to Council without consultation of the full academic staff of the Faculty concerned but instead on the advice of a committee set up to conduct the selection process and to report to the Provost, that committee to include a selection of members of the Faculty concerned. ~~The Secretary's invitation shall also request that Heads of Departments within the Facul~~ty ~~concerned invite the views of colleagues within the Department before making suggestions on beha~~lf ~~of the Department to the Provost, via the Secretary to Council. On receipt of these views, the Provo~~st ~~shall consult with the Vice-Provosts before recommending to the Council the appointment of a Dea~~n. A ~~person appointed as~~ Dean shall be appointed for such period as the Council, on the advice of the Provost, shall determine. The appointment shall be renewable at the discretion of the Council, for such further period or periods as the Council on the advice of the Provost, in the light of the Provost~~'s~~ consultation of appropriate academic colleagues, shall determine. The duties and responsibilities of Deans shall be as prescribed in the UCL Academic Manual[1].

Current version (since 2017)

9.2 Deans of Faculties shall be appointed by the Council on the advice of the Provost. The Provost will make a recommendation on the appointment to Council on the advice of a committee set up to conduct the selection process and to report to the Provost, that committee to include appropriate academic colleagues and usually to be chaired by the relevant Vice-Provost. A Dean shall be appointed for such period as the Council, on the advice of the Provost, shall determine. The appointment shall be renewable at the discretion of the Council, for such further period or periods as the Council on the advice of the Provost shall determine, provided that the staff of the Faculty shall first have been invited to convey their views to the Provost in writing, via the Secretary to Council.

B. Rationale of (and some reactions to) the 2002 reforms

6. The crucial changes and reforms of the appointment procedures for Faculty Deans occurred in 2002, with the move from the role/title of Deans to that of Executive Deans. In particular, on 19 December 2002, the Council approved proposals for the appointment of Executive Deans. The minutes of that meeting provide the following explanation for this set of reforms, adopted under the stewardship of then Provost and President Sir Derek Roberts.

"29C.1 The Provost Noted that the appointment of Executive Deans would allow strategic decision-making to take place at faculty level […]. As he had indicated to AB, the Provost regarded it as his prime responsibility as UCL's principal academic and administrative officer to take such steps as he felt necessary to ensure that UCL and its faculties and departments were managed with maximum effectiveness. The proposals for Executive Deans reflected the Provost's exercise of this crucial responsibility."

7. It appears that while AB was involved in the adoption of these reform, some concerns were expressed in respect of the nature of its involvement

"29C.4 A number of academic staff members of the Council stressed that the resistance to the Executive Dean proposals expressed by AB reflected Board members' anxiety that what [sic] a major proposed change to UCL's academic organisation had been put before AB for formal endorsement rather than as a matter for discussion. The Provost noted that all the current Deans of Faculty at UCL had written to him in early August 2002 supporting a move towards the appointment of Executive Deans and a review of the subject sector responsibilities of the academic Vice-Provosts. The Executive Deans proposal had subsequently been discussed by meetings of both the Senior Management Team and P&RC"

C. Key changes and assessment

8. The reforms above have led to the following main changes:

- Faculty Deans have become 'Executive Deans', partly reflecting the growing number of powers and responsibilities attributed to the role ("*29C.5 The Provost noted that the increased involvement of Deans in the management of UCL (approved by Council, on the recommendation of AB, at its meeting in March 2002) entailed changes in the role of Deans and greater executive responsibility*")

- Faculties, and academic staff members, have lost the power to 'elect' their Deans (as per the 2002 amendments of statute 8)

- The Council has the power to appoint Executive Deans subject to the procedures determined by Regulation.

- The Provost's discretion in shaping the recruitment process for Faculty Executive Deans has increased. The involvement of Faculty academic staff has diminished.

  - For example, while the 2005 Regulations required a consultation process with a number of academic colleagues from the relevant Faculty and Departments, the 2011 reforms stressed that the Provost would normally make a recommendation for appointment to the Council '*without consultation of the full academic staff of the Faculty concerned*'.

- The appointment of Executive Deans is renewable at the discretion of the Council, for such further period or periods as the Council on the advice of the Provost shall determine. A renewal is conditional on staff of the Faculty being invited to convey their views to the Provost in writing. A renewal is to be approved by Council and it was noted by members of the Commission that, in the aftermath of some recent renewal processes, Council requested further information in respect of the actual adherence to the RfM requirements.

- The appointment process typically involves external advertising and recruitment, and the involvement of specialized recruitment agencies.

- The discretion enjoyed by the Provost is such that precise practices may vary between different recruitment rounds and between recruitment across different Faculties.

- It was also noted by some Commission members that practices for the appointment of Heads of Departments and Vice-Deans can vary considerably between Faculties. Regulation 10.4 provides ample discretion to the Provost (and Executive Dean of Faculty) in the appointment and renewal of Head of Department roles. It was noted that in some cases the appointment of Vice-Deans has been performed by means of a panel comprising a Vice-Provost (e.g. VP International for the appointment of a VD International).

- Finally it was noted that practices in the appointment of Vice Provosts have also varied in recent years, and that the duration of VP mandate is not set in Statutes of Regulations.

D. Assessment and Recommendations

9. It is suggested that the changes in the selection and recruitment process of Faculty Executive Deans outlined above constitute a prime example of the growing centralization of UCL decision-making on matters that affect academic work, and of the diminishing role of academic input into the appointment of senior managers in the University.

10. Especially in consideration of the fact that, according to our Statutes 'Heads of Departments shall be appointed by the President and Provost, under delegated authority from the Council' (on the advice of a committee of at least three senior staff set up to conduct the selection process and to report to the Provost, that committee to include the Executive Dean of the Faculty concerned – cf. Reg 10(3)), it is fair to say that this centralisation dynamic has is both fairly substantial and comprehensive.

11. Elected Deans would have played a substantial role in representing the constituencies that elected them. They would have provided an effective channel of indirect representation of academic interests at Faculty level across UCL, acting in parallel with the more direct expression of these interests performed by Academic Board.

12. It is fair to say that prior to the 2002 reform, UCL academics could rely on a 'dual-channel' of representation. A direct channel by means of their membership of AB (albeit one limited to senior academics given the composition of AB). And an indirect channel of representation by means of their power to nominate their Faculty Deans. It would appear that the 2002, and successive, reforms, have fundamentally changed the nature of this dual channel of representation, transforming it in a 'single channel' of representation.

13. This might have somewhat unbalanced the democratic nature of UCL's governance, reduced the level of academic input in Faculty level decision-making processes, and placed increased strain on Academic Board and its important role in providing 'voice' to the concerns of academics at UCL (esp. since UCL has grown considerably since 2002).

14. It is worth noting that the Visitor's Report expressly recommended that:

> "4.   *UCL should review the effectiveness of AB and consider whether any reforms would increase the ability of academics to have their views heard. Council and other committees should be alert to members raising issues on behalf of academics whose views may not have been effectively aired elsewhere.*" (page 61).

15. It is also worth considering that UCL's AB, in a special meeting held on 20 May 2019, instructed this Committee to make proposals that would assist with implementing the Visitor's recommendations.

16. It is also worth noting that while some recommendations may require changes in our Statutes, other recommendations could be implemented in a more straightforward way by means of new regulations.

17. On the basis of this assessment, it may be worth considering the following recommendations for reform.
    1) UCL could benefit from a process of decentralization in a number of areas of decision-making. It is a large, growing, and increasingly complex organisation, and key decisions and key appointments ought to take place in a way that involves its many constituencies.

    2) The appointment process of Faculty Executive Deans (and Heads of Department), in particular, ought to be reviewed in line with the principles of subsidiarity, devolution, and democratic decision-making, increasing the ability of academics to have their views heard.

    3) Regulations could be amended so that Executive Deans are appointed by a selection committee that allows the Faculties to have their voice heard, for instance with the Faculties electing the majority of its members. A possible suggestion as to its composition would be: 3 members by and from the Heads of Department of the Faculties; 3 members by and from the Professorial members of the Faculties; 2 by and from the non-professorial academics of the faculties; 1 VP; 1 external assessor.

    4) In addition it is proposed that re-appointment of Executive Deans should be subject to the Council being satisfied about the performance of Executive Deans in the course of their mandate. This could be done on the basis of a simple and fully secure anonymous annual feedback process whereby all academic members of the relevant Faculties are invited to express their views on the performance of their Executive Dean in terms of furthering the academic objectives of the Department and Faculties, in a binary or graded quantifiable fashion.

    5) A similar feedback process could be introduced to monitor the performance of HoDs.

    6) The appointment of Vice Provosts should become more transparent and the duration of their mandate should be time limited and renewable once.

Appendix 6. UCL Formal Committees Organograms

6.1 UCL's Formal Committees Organogram 2014-2015
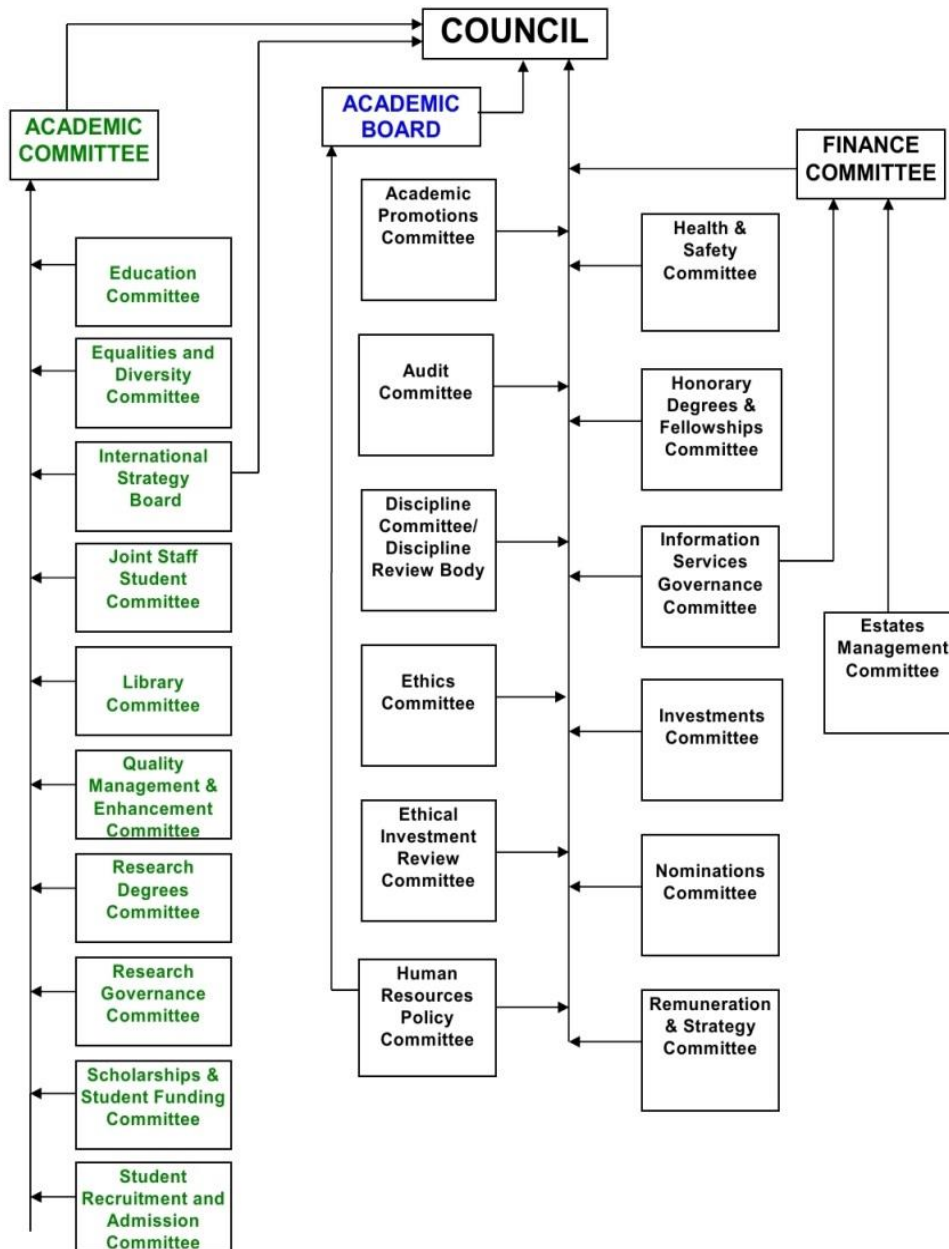
Notes:
1. This organogram format was used up until 2014-2015 (2012-2013 and 2013-2014 versions also available).
2. The Provost and SMT are not shown.
3. There is a missing link between Academic Board and Academic Committee.
4. Committees are listed alphabetically.
5. Ethics is diffused among three committees.
6. Audit Committee, Finance Committee, Nominations Committee and Remuneration & Strategy Committee used to be referred to as 'The 4 Council Committees' but this is not clear in the organogram.

6.2 UCL's Formal Committees Organogram
(Proposed in 2015-2016 and currently on website)

UCL's Governance Framework
Institutional Governance

Delegated authority ← **COUNCIL** → *Delegated Authority*

Academic Governance

Formal Academic Standing Committees, reporting to Council:
- Academic Board
- Academic Committee

Executive and Management

ACADEMIC BOARD and ACADEMIC COMMITTEE

Formal Standing Committees of Academic Committee:
- Education Committee
  - Sub-Committees of EdCom
- Equalities and Diversity Committee
- Joint Student Staff Committee
- Library Committee
- Research Degrees Committee
- Research Governance Committee
  - Research Ethics Committee
- Student Experience Forum
- Student Recruitment, Admissions and Funding Committee

Formal Standing Committees of Council:
- Audit Committee
- Ethical Investment Review Committee
- Ethics Committee
- Finance Committee
  - Investments Committee
- Honorary Degrees and Fellowships Committee
- Human Resources Policy Committee
- Nominations Committee
- Remuneration and Strategy Committee

PRESIDENT AND PROVOST

Principal Executive and Management roles
- Vice-Provosts
- Deans
- Directors of Professional Services
- Heads of Department

Committees and groups for a specific purpose or for formulating recommendations, established by the President and Provost, including:
- Senior Management Team
- Estates Management Committee
- Gift Acceptance Committee
- Health and Safety Committee
- Information Services Governance Committee

NB: Delegated authority assumes reporting to the delegating body to enable accountability for actions taken with respect to the delegated authority
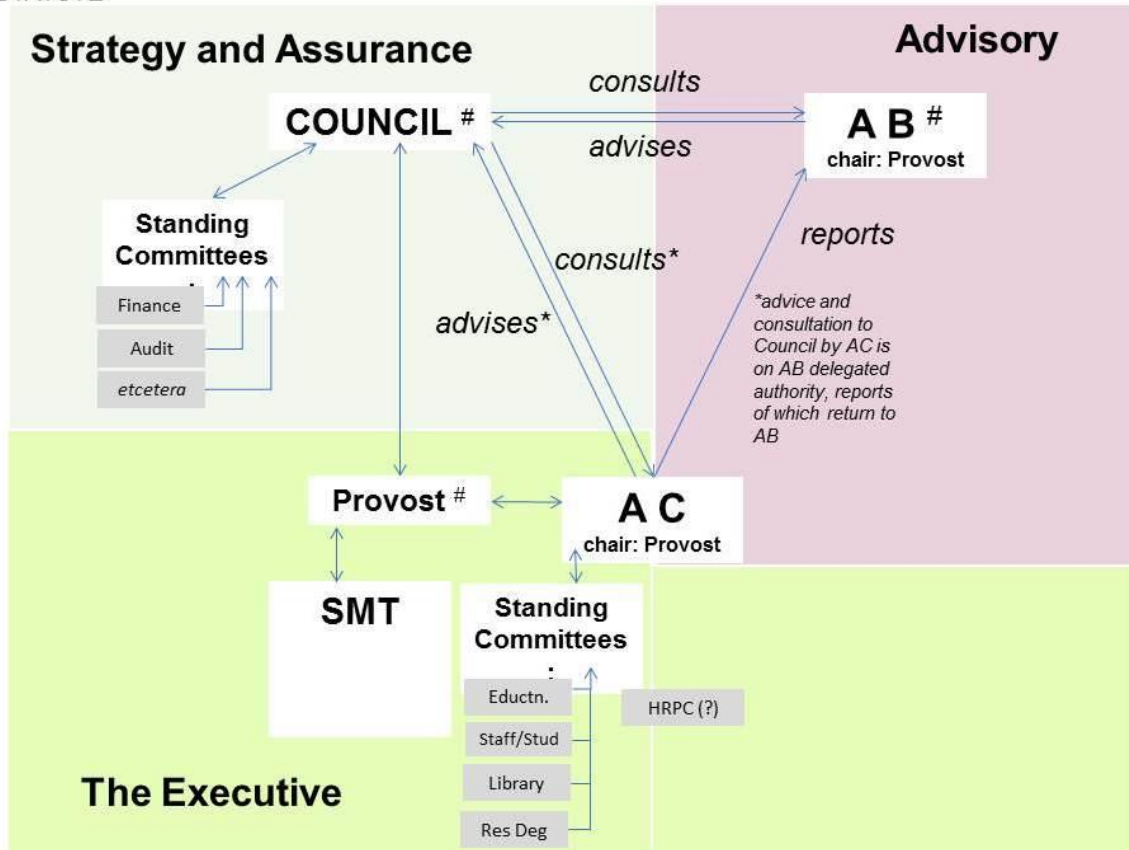
Notes:

1. This organogram was proposed by the Registrar in October 2015.
2. It was made available to members of Academic Board on 23 October 2015 following the 13 October 2015 Academic Board meeting, the 15 October 2015 Council meeting and a request from Elected Academic Members of Council.
3. It was uploaded to the UCL webpage for 2015-2016.
4. Currently (as of 20 January 2020) it is still the version on UCL's webpage: https://www.ucl.ac.uk/srs/sites/srs/files/committee-organogram.pdf
5. The organogram shows 'three lists' rather than an organogram.
6. It is not clear that Academic Board is established in UCL's Charter and Statutes rather than by Council.

6.3 UCL's Formal Committees Organogram
**(Adopted by Academic Governance Working Group (AGWG) of Council May 2016)**

Notes:

1. This organogram was proposed by Elected Academic Council members Dr Martin Fry and Dr (now Prof) John Hurst.
2. It identifies Council, the Provost and Academic Board as being established by statute.
3. It defines the relationships between Council (Strategy and Assurance), The Executive and Academic Board (Advisory) including consulting, reporting and advising roles and delegated authority.
4. The triangular organogram exhibits the different agencies in the balance of power within the university, as well as the lines along which tensions might arise (the '3-Way Tug of War' or 'Bermuda Triangle of Lost Governance' between Council, Academic Board and Academic Committee).

6.4 UCL's Formal Committees Organogram
(Updated version of Academic Governance Working Group (AGWG) of Council 21 July 2017)
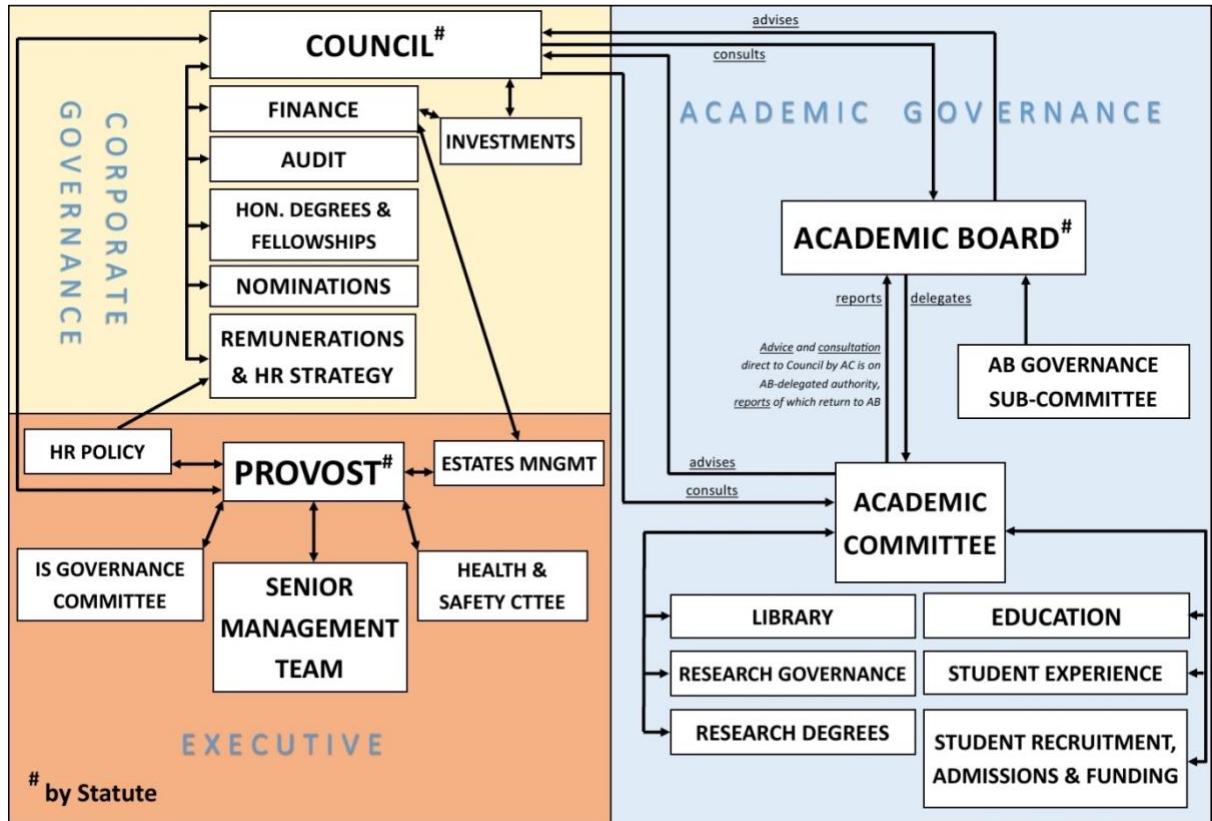
Notes:

1. This organogram update was proposed by Nick McGhee, then Assistant Director (Governance and Secretariat), Academic Services.
2. It renames the three areas as: Corporate Governance, Academic Governance and Executive.
3. The 'Triangle of Tension' relationship between Council, Academic Board and Academic Committee is no longer explicitly shown as a triangle.
4. The Governance Committee of Academic Board (GCAB) has been added, having been established at the 18 May 2017 Special Meeting of Academic Board.
5. It was never uploaded to replace the '3-lists' organogram of 2015-2016.

6.5 UCL's Formal Committees Organogram
(Incorporating January 2020 Commission of Inquiry Report Recommendations)
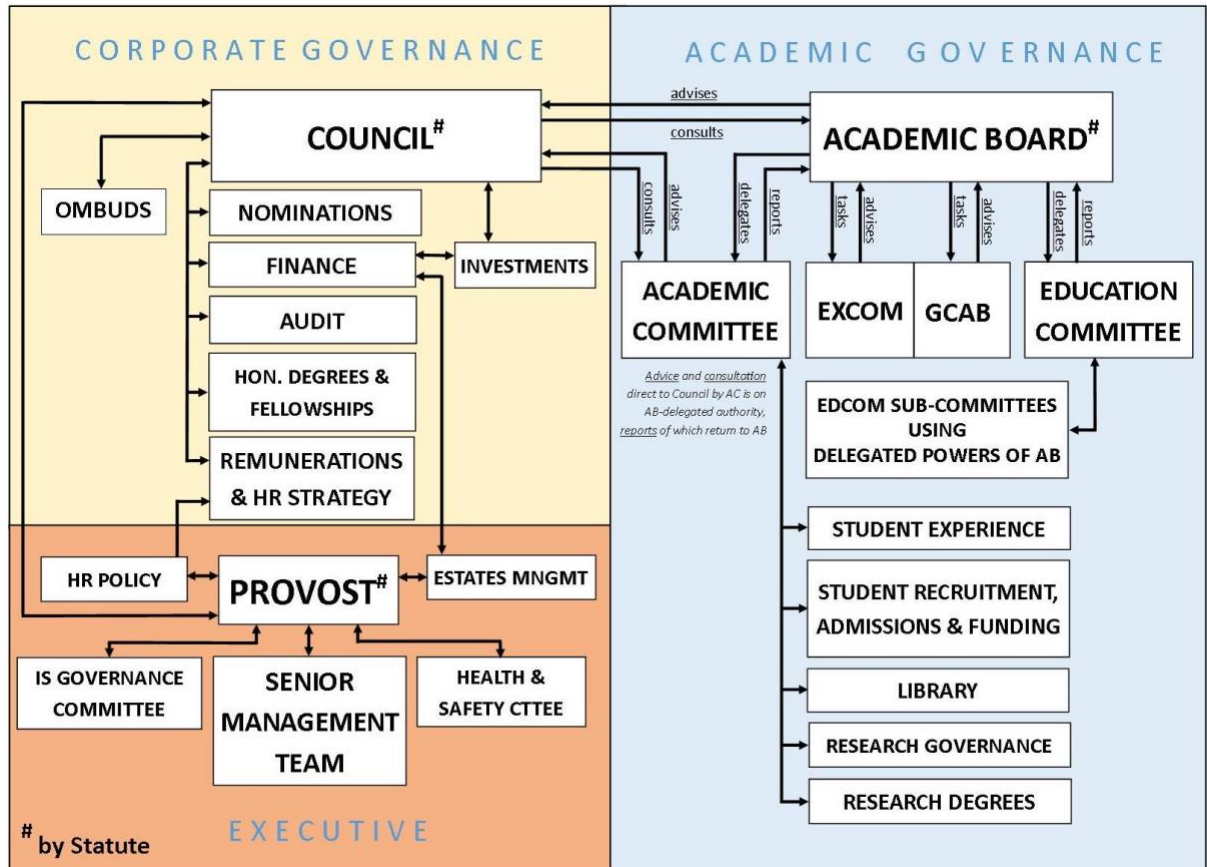
Notes:

1. This organogram shows Academic Board as being 'level' with Council. It thus reflects the Higher Education Code of Governance statement that 'the governing body **must** [...] respect the role, as defined within charters, statutes or articles, of the Senate/Academic Board and other bodies involved in academic governance' (2018: CUC HE Code Element 4.2, p. 20).
2. The organogram reflects the recommendation to Council to establish a Staff Ombudsman.
3. It reflects the recommendation for Academic Board to establish an Executive Committee of Academic Board.
4. It illustrates the recommendation for delegated powers of Academic Board to Academic Committee to be recalled, with powers delegated directly to EdCom. Here, EdCom reports directly to Academic Board.

Appendix 7. Education Committee and its Powers

A. Constitutional Situation

The key recommendations the Commission of Inquiry report makes concerning Education Committee (EdCom) are that Academic Board's powers to advise on education policy and educational matters be recalled from Academic Committee and delegated directly to EdCom, thus making EdCom to that extent only, answerable to Academic Board. The report also recommends increasing academic numbers on EdCom and having the chair be elected from Academic Board. Some questions about the constitutionality have been raised, and this appendix clarifies this and demonstrates that the worries about constitutionality are unfounded. The appendix has been reviewed for legality by a constitutional law expert.

The current situation is that the Academic Committee has delegated powers from the Academic Board and EdCom as its subcommittee takes actions engaging those powers or at least advised by them from Academic Committee. As we have pointed out in the report, there are a number of problems in terms of accountability with this arrangement, where Academic Board's delegated powers are engaged by a subcommittee of a committee that has the delegation. This appendix considers the legality of changing this arrangement (which has been challenged in a set of comments submitted by the Registrar).

There is no legal foundation to the claim that Academic Board is prevented from changing the delegation of powers form Academic Committee to EdCom should it so wish. Changing the delegation of powers in this way would not make EdCom a formal sub-committee of Academic Board, but would make it responsible and accountable to Academic Board directly, for the use of those powers, and allows Academic Board to place conditions on that delegation (e.g., more stringent reporting to it). We have amended the language in the report's recommendations to reflect this and included clearer reporting conditions for this reallocation of delegated powers. The question of committee membership and selection of the Chair of EdCom is one ultimately for Council (as EdCom is a subcommittee of Academic Committee which is itself a formal subcommittee of Council). However, the report nevertheless recommends the relevant bodies make these changes, to give the academic voice more weight on the committee. This appendix shows why those proposed changes would not, as has been asserted, break any statutory or regulatory line of responsibility.

We give two options in this appendix as possible ways forward for greater scrutiny and to improve the clarity of the delegation of the powers of the Academic Board. First, to make this reallocation in delegated powers (with accompanying direct reporting conditions) plus simultaneously recommending changes to the committee structure (increasing elected academic representation and making the chair a person elected from the Board), and secondly, the alternative of creating a whole new committee (an Education Policy and Standards Committee) entirely under the authority of Academic Board with these delegated powers, whilst Academic Committee and EdCom retain a purely executive role over education provision. The Commission has identified the first

option as preferable and involving the least modification of the system, but the second option is constitutionally possible.

We have answered specific legal claims about the constitutionality of changing the delegation of powers of the Board in a table at the end. The legal claims misunderstand the nature of delegation and in our view have no solid foundation.

Two key recommendations and the Registrar's comments on them:

Re. Recommendation 9: "The chair of EdCom should be elected from the Academic Board, rather than being an appointed or ex officio role"	**Registrar's point 28 says:** "Replacing the Vice-Provost (Education and Student Affairs) as chair of the Education Committee would break the line of accountability between Council, the Provost (as Accounting Officer) and the Vice-Provost, not only within UCL itself but also with the statutory regulator, the Office for Students."
Re **Appendix 1:** recommendations "under the power of AB" "Academic Board delegates its power (reference S7(10)(A)) directly to Education Committee / Education Committee shall be a sub-committee of the Academic Board / The chair of the Education Committee shall be elected by the Academic Board from among its number / The membership of Education Committee shall be modified as follows…"	**Registrar's point 33 says:** Education Committee was established by Academic Committee in seeking to fulfil its responsibilities to Council, including powers delegated directly from Council. Academic Board cannot amend Education Committee's constitution or reporting line without reference to Academic Committee.

Constitutional Background

a) The function of the VP(Education) is an executive function – as an extension of the Provost's executive power – and the executive is accountable to Council. This function would involve implementing policies agreed by Council. Where these policies/decisions affect educational matters or teaching provision, the advice/consideration of these by Academic Board (or its delegate) should be obtained;

b) The VP (Education) as an individual officer does not have the power and right[30] to formally advise or consider education policy or advise any formal body on UCL's education policy, by the UCL Charter and Statutes. These powers and rights reside formally with the Academic Board and they cover responsibility for

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[30] Where a body or officer has a formal responsibility according to a constitutional document it follows that (save for exceptional circumstances) they have, by that same constitution, a right to carry out this responsibility.

'teaching', 'examining' and the 'superintendence of the education of the students of the College' (Charter Article 8[31]). They also include the right to be consulted or to state its opinion (as a body) on any question of 'educational policy' or matter 'affecting educational policy' and to consider and advise on any matters having 'educational implications' (Statute 6(2)[32]), and all matters affecting 'the organization of teaching, examining […] and courses of instruction' (Statute 7(10)(A)[33]);

c) If the VP(Education), as part of the executive, answers to Council, via the Provost, then any action the VP takes with regard to educational policy, teaching, examining, superintendence of students, matters affecting educational policy or with educational implications, and courses of instruction, must be consulted and advised first by the Academic Board (or its delegates);

d) To the extent that Education Committee is purely an executive committee, enacting and implementing policies and decisions already a) approved by Council, and b) therefore (as a matter of obligation) already consulted with/advised by Academic Board (or its delegates), then Education Committee and the VP(Education) as chair of EdCom, are not responsible to Academic Board or subject to the powers of Academic Board. Note, the Charter is expressly clear that powers of Council are 'subject to the powers of the Academic Board' (UCL Charter Article. 7), and this means that Council must respect those powers and their exercise by Academic Board;

e) The problem is that the executive role of the VP(Education) as an extension of the Provost/Council, and the role of Education Committee in the exercise of those powers, and the role of Academic Committee, have become blurred with the powers and rights of the Academic Board stated in (b) above: to advise, be consulted, to consider, etc., on any matter having educational implications **and to be responsible** for the education, teaching, and superintendence of students of the university;

f) The reason for the blurring is three-fold:
   i. Academic Board has delegated the powers to 'consider and advise the Council upon all academic matters and questions affecting the educational policy of the College' to Academic Committee, and in turn Academic Committee appears to have delegated these powers to its sub-committee (EdCom) [34];

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[31] [Academic Board is] 'responsible for the academic work of the College in teaching, in examining and in research and for the regulation and superintendence of the education of the Students of the College' (UCL Charter Article 8).
[32] 'Provided that the Council shall not make any decision on any question of educational policy or make Regulations on any matter having academic implications until the Academic Board has had an opportunity of expressing an opinion on such question or matter and until the Council has considered any opinion so expressed' (UCL Statute 6(2)).
[33] [A responsibility of Academic Board is] 'To consider and advise the Council upon all academic matters and questions affecting the educational policy of the College, the organization of teaching, examining, research, and courses of instruction' (UCL Statute 7(10)(A)).
[34] Delegated power A1:

  ii. The fact that Academic Committee and EdCom seems to operate de facto as the body that is 'responsible for the academic work of the College in teaching […], in examining, […] and in superintendence of the education of students' (in contradiction of Charter Article 8.

  iii. The fact that EdCom and Academic Committee make decisions on academic advice concerning complex policies and guidelines, where the reporting function to Academic Board only requires minutes of meetings to be provided (making no distinction, say, between highly significant and less significant policy changes, in the oversight given to Academic Board);

g) On the first count, it appears that either EdCom is advising itself on educational matters and policy, or Academic Committee is advising it (see EdCom Terms of Reference 1, 10 & 12) – using Academic Board's delegated power. Indeed, there appears to be a back and forth between Academic Committee and EdCom on advising on policy and education strategy (e.g., ToRs, 1, 2, & 12). This is constitutional but there is a question about whether it is acceptable given that EdCom/Academic Committee advise on policy initiatives (indeed whether something should be a policy initiative/priority) at the very early stages of initiation, without Academic Board's oversight (the decision to initiate and prioritize the Connected Curriculum, for example), before more fleshed-out policies come before the Board and the questions before the board are about detail rather than the prioritization of the policy itself;

h) On the second count (responsibilities under Charter Article 8) there **does not** seem to have been any explicit delegation of powers to EdCom (the Schedule of the delegated powers of AB does not contain any reference to delegating responsibility for 'academic work in teaching' and the 'superintendence of the education of students' etc., (viz., EdCom ToRs 1-6 and 9-10 on the role of defining, monitoring, and reviewing education 'strategy[…] policies and procedures' and taught modules, standards, education strategy, experience, etc.,). One could take 'academic work' to mean how academics work in this activity and the standards they uphold, but even in that limited sense, all these rights that EdCom and Academic Committee seem to exercise are partially covered. Any decisions by EdCom or other bodies that seek to determine how academics work in educational provision and the superintendence of students is using a power of Academic Board that it has not delegated. To preserve Academic Board's Article 8 rights would seem to require more explicit delegation.[35]

S[34] 7(10)(A)	To consider and advise the Council upon all academic matters and questions affecting the educational policy of the College	Academic Committee (in respect of policy pertaining to the organization of teaching, examining and courses of instruction)

https://www.ucl.ac.uk/drupal/site_srs/sites/srs/files/academic-board-delegated-powers.doc

[35] Indeed, Academic Committee has no legal right to 'sub-delegate' powers it has had delegated to it, by the common law principle *delegatus non potest delegare*, es set out in *Carltona Ltd v Commissioners of Works* [1943] 2 All ER 560 (CA).

i) The only matters that do not seem covered by this in educational provision are logistical (executive) matters for providing education (resources, equipment available, rooms for teaching and examining, timetables, etc.), the provisioning for courses of instruction (and hiring of those to provide them) and their certification as being from UCL, and any matters of assurance/compliance with external educational regulations (e.g., standards determined by the government regulator, currently the OfS).[36] A question here would be whether late summer resits and/or recoding of modules falls under this responsibility (of Academic Board) or is purely a logistical issue. Given its significant consequences of burden for academics it would seem to be covered as a responsibility of Academic Board to determine; curricular matters clearly fall under this heading. The problem here is why the VP(Education) and EdCom are initiating policy (ToRs 1) or assisting in the initiation of educational policy (viz., ToRs 12) when they do not have the statutory responsibility to do that, nor have they been given a delegated power to do so (no delegation of this kind is recorded in the delegation of powers schedule for AB). These matters are not inherently about compliance with external standards, viz deciding on education priorities when they 'define' an education policy or education strategy. Only a committee that had those powers delegated to it can do this work.

j) Note the Terms of Reference of the Academic Committee too seem to engage these powers of Academic Board without having had them formally delegated to Academic Committee in the past (see especially AC's ToR no. 2 and 5: on keeping an overview and monitoring education policy and strategy, and on receiving reports on the education strategy from the VP(Education)). These activities are within the remit of having 'responsibility' for academic work in teaching and the superintendence of students' education, which is the Charter remit of the Academic Board.

k) Note too, that this work is not Council's responsibility or right (Charter Article 8 and Article 7), although Council is responsible for the management of the university so that education policy and strategy, and standards, for which Academic Board (or its delegates) are responsible, are implemented and resourced in good order, and for providing and facilitating courses of instruction (Statute 6(2)(F)).[37]

In the light of all this, a clearer delegation of powers from Academic Board directly to EdCom, with much clearer conditions on the delegation about reporting and items that should be brought before Academic Board, is not only desirable, but constitutionally available. Academic Board can change delegated powers from Academic Committee to EdCom, and whilst Academic Board cannot require Academic Committee to structure EdCom membership in a particular way, it can recommend (to Council and Academic

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[36] The first of these (providing courses and logistical facilities) are indeed powers of Council by UCL Statute 6(2)(F), see below.
[37] Statute 6, Powers and duties of the Council, (2)(F): 'To provide courses of instruction for Students and facilities for research and such other educational services as the Council shall deem to be desirable or expedient.'

Committee) a committee structure that is more appropriate to holding Academic Board's delegated powers directly. This would also be perfectly constitutionally possible given the Charter and Statute provisions.

Worry 1: would the "line of accountability" be disturbed?

The upshot of the above facts is that the first comment supplied by the Registrar (above) about the 'line of accountability' of the VP(Education) is imprecise. To the extent that EdCom carries out duties that are named in Charter Article 8 (responsibility for education, teaching, and superintendence of education of students) and Statutes 6(2) and 7(10), it is carrying out responsibilities that are more properly the Academic Board's. Academic Board is within its rights either to delegate those powers to it formally (with conditions on reporting), or delegate them elsewhere (without changing the subcommittee structure). The Registrar's argument that Academic Board cannot delegate directly to EdCom because EdCom is a subcommittee of Academic Committee also has no foundation in any Charter, Statute, or Regulations provision, as demonstrated by the fact that currently Academic Board's powers are delegated to Academic Committee itself, which (according to the Regulations for Management) is a formal subcommittee of Council. And directly changing the delegating to EdCom would be preferable than the alternative, which is to create a new subcommittee of Academic Board to which to delegate these powers directly.

There are remaining actions and activities of EdCom that are reasonably the responsibility of the executive, SMT (the management and implementation of education policy), and some that the Registrar's comments imply are only the responsibility of Council (e.g., accountability to the regulator for standards and regulatory requirements). However, it is not clear why a committee responsible for education at UCL should not also be responsible for working to and guaranteeing that compliance. If the responsibility for monitoring and working towards compliance did indeed rest with the VP(Education) alone, then there is no reason the VP(Education) is barred from working with Education Committee to secure compliance, as well as answering to Education Committee on this and on educational policy matters within the remit of Academic Board's powers.

In all matters relating to Statute 8, these responsibilities (and so rights) rest with the Academic Board and it is an oversight or glitch in UCL's governance structures that Academic Committee and EdCom have been charged with engaging in these activities without formal delegation of these powers by the Board. There has also been a loss of oversight as a result (as the Commission's report explains).[38] Clarifying the issue of delegation would be a step forward.

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[38] Perhaps a glitch due to an attempt by previous Provost Malcolm Grant and Vice Provost (Operations) Rex Knight to turn Academic Committee into a separate Senate: 'Although not required by law or external regulation or UCL instruments of government, plays a key role in development and overview of UCL's learning and teaching strategy and operations: as noted by Provost in all-staff newsletters and reports to Academic Board during current session, **Academic Committee is de facto akin to the academic senate in many other HEIs**. Following AC's review of its sub-structure, **the terms of reference of Academic Committee and its satellite committees (see below) are to be amended to reflect this role more clearly**.' (Council Paper APPENDIX C 5/98 (09-10), 2010, table on p. 14 in this bundle). Note that

Changing the delegation of powers would not break the line of accountability to Council of the VP(Education) because he (and the Provost) would remain accountable for the executive powers of the university in implementing education policy and regulatory assurance matters, as would Education Committee in its executive functions. Whilst Council may be the path by which responsibility to external regulators is channeled (although the body Corporate of UCL also includes the Academic Board, Charter Article 2), the internal responsibility for delivering education and educational standards resides with Academic Board (Charter Article 8).

It is also worth pointing out that for the VP(Education) to fulfil their executive function in education provision and facilitation, and be accountable to the Provost, Council, and ultimately the external regulator (O*f*S), there is no requirement that they should be the Chair of EdCom. To say that there is, would imply a view whereby the VP(Education) plays a controlling role on EdCom rather than chairing a committee responsible for certain functions within the university. This would be inconsistent, certainly, with the fact that Academic Board's powers are being engaged directly or indirectly (by Academic Committee's instruction) by EdCom, or would be engaged directly by a delegation of powers from Academic Board.

Note too that the external regulator, the Office for Students is not prescriptive about lines of accountability within the organization, only requiring that there be an officer nominated as the externally accountable officer for compliance.[39] As a corporate body, UCL's lines of accountability are diverse. Where the powers of the Academic Board are exercised, then the accountable body is the Academic Board or those to whom it has delegated powers. It is responsible within and as part of UCL for maintaining educational standards.

A question about the accountability of the VP(Education) to others (such as students on the Education Committee) has also been raised, and whether this VP not acting as the Chair of EdCom would affect this. Again, there is no reason why the VP's accountability requires them to be the Chair of EdCom rather than being a member of the committee and being held to account by it (including the student officers on it).

Worry 2: can Academic Board amend Academic Committees constitution and reporting line?

The comment says that Academic Board cannot change the constitution or reporting line of EdCom without reference to Academic Committee. This is strictly speaking false. The constitution of Academic Committee contains terms of reference referring to powers that have been delegated to it by the Academic Board and their concomitant duties (ToRs, 1 and 7).[40]

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this statement is both inaccurate as to the role of Academic Committee, given the status the Charter gives to Academic Board, and constitutionally wrong as to what can be included in Academic Committee's Terms of Reference.

[39] Regulatory Framework of the OfS (2018), especially ss. 458-60.

[40] Academic Committee ToRs: 1 'To consider and advise the Council, through powers delegated by the Academic Board, upon all academic matters and questions affecting the educational policy of UCL, the organization of teaching, examining,

Any officer or body that delegated a power (having the authority to use that power or to delegate it) can recall or modify the delegation (within its power).[41] Otherwise this would not be a delegation but a gift or abdication of the power, which would be unconstitutional by UCL's Charter and Statutes, which do not provide for such gifting. Indeed, the Statutes state the Board has a right to determine the conditions of any such delegation from time to time (UCL Statute 7(12)) and that is only subject to the powers of Council to delegate a power to Academic Board that affects this (which it has not). Not only that, but Council's powers with regard to Academic Committee, any other subcommittee, or the Regulations for Management, are 'subject to the powers of the Academic Board' (Charter Article 7). That means that Council's powers cannot interfere with the orderly use of powers by Academic Board, including the power to delegate its own powers or to recall/modify that delegation. To say that because Academic Committee is a committee of Council or because its ToRs have a certain provision, or because the Regulations have a provision, that Academic Board cannot recall/modify its delegated powers is to say that Council can act in ways that interfere with the delegated powers of Academic Board, which is repugnant to the provisions of the Charter and Statutes. Should Academic Board recall/modify its delegated powers, then, it will be the consequential responsibility of Council and Academic Committee to modify Academic Committee's Terms of Reference and the Regulations for Management in good order. Indeed, they have Charter and Statutes obligation to do so. Until they are modified, these elements of Academic Committee's ToRs and the RfM must be read as having no effect.[42]

For this reason, it is perfectly possible for Academic Board to recall or modify its delegation of powers (consistent with the provisions of the Statutes). That means that recalling or modifying the delegated powers from Academic Committee would change the powers that Academic Committee has and consequently, the accuracy of its Terms of Reference. It could no longer have as a Term of Reference to advise on educational matters (ToR 1) and would need to adjust its written ToRs to reflect this fact.

A more complex question is the powers that Academic Committee has which have been delegated to it from Council. The only power so delegated is the power to provide courses of instruction for students.[43] Council has this power, and so can delegate it, according to UCL Statute 6(2)(F).[44] Council has not delegated to Academic Committee

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research and courses of instruction' and 7 'To report to Academic Board and Council by submission to the Academic Board officers and Council officers of the Minutes of each meeting of Academic Committee'.

[41] In the case of the Academic board this general principle is specifically asserted in its *Standing Orders*, which passed formally by the Board, and were checked and agreed in advance of passing by UCL's legal department and the Registrar. Standing Order 8(vi): 'delegated powers [of the Academic Board] may be withdrawn or re-assigned by a decision of the Board.'

[42] Note that there is nothing unusual in reading governance documents as having no effect where these are repugnant to Charter and Statute provisions, even in the case of Statutes themselves (UCL Charter Article 18(3))

[43] See Schedule of Council's delegated powers

| Statute6(2)(F) | To provide courses of instruction for students | Academic Committee (in respect of the approval of courses of instruction in the form of programmes of study) |

[44] See quoted Statute 6(2)(F) in footnote 37 above.

responsibility for educational standards or other educational matters at UCL and indeed cannot delegate this as this is stipulated to be the responsibility of Academic Board by Charter Article 8. The Statute 6(2)(F) power, then, can indeed be exercised independently by Academic Committee and delegated to EdCom.

The problem, as stated above in the background notes is that this power of Academic Committee, and EdCom by delegation, has become mixed up with powers to initiate, monitor, and oversee education policy and strategy, and matters of the superintendence of the education of students. Academic Committee and EdCom appear to have both of these in their ToRs, despite that Article 8 responsibility never having been delegated to them formally by Academic Board.

There is a further question raised by the Registrar's comments as to who owns the committees (Academic Committee and EdCom) as their sub-committees. This is a purely theoretical question, as what matters is to whom they answer. In regard to a particular power delegated to it, a committee answers to the delegating authority. No ownership of EdCom needs to be asserted by Academic Board in order to delegate a power to it and having it respond directly to Academic Board for this power (especially if it has been withdrawn from EdCom's 'parent' committee, Academic Committee). In that situation, EdCom would not consult Academic Committee (as it now does) for guidance on the use of this delegated power and report to it on its use. If the argument is that EdCom could reject a delegation of a power, , it is important to note that UCL committees have an obligation to act in a way that respects the powers set out in the Charter and Statutes. In this case that means respecting Academic Board's delegation of a Statutory power. The less desirable alternative would be for Academic Board to create an alternative committee responsible for educational matters, policy, standards, etc., and allow EdCom to solely concern itself with the provision of (regulation-compliant) courses of study and their facilitation. Its policy, strategy, and advisory aspects would have to be removed from its Terms of Reference and would need to be sought from Academic Board directly, or the new committee undertaking this work.

B. Recommendations

The Commission recommends withdrawing the powers Academic Board has delegated to Academic Committee (to advise on educational matters and policy and allocating that power to Education Committee directly), making EdCom directly accountable to Academic Board on these educational matters. This would not alter EdCom's status as a sub-committee of Academic Committee, except in this regard. Academic Committee would still remain in charge of EdCom with respect to providing for and facilitating courses of instruction (Council's delegated power from Statute 6(2)(F)). Thus EdCom's executive functions under Academic Committee would also remain unaltered.

These changes would address problems of oversight, especially of prioritizing and initiating policies by EdCom, through reporting. The delegation can incorporate some clearer and more regular reporting duties, as well as a duty to bring directly before Academic Board any major matters of policy or strategy at an early stage, then the reporting duties are made involvement in early discussions on priorities. In this way,

Academic Board's oversight is improved. At present, chasing up an issue requires disentangling Academic Committee and EdCom decisions through complex minutes.

Together with the delegation of powers changes that are in the gift of Academic Board, the Board can also recommend accompanying changes to membership and chair of EdCom in line with this key delegation. Whilst it is not a strict duty of Academic Committee or Council to make these changes, it follows from the spirit of making the delegation of powers work and from respect for AB's role in the Charter and Statutes. Nevertheless, this would be a recommendation to those bodies. As pointed out above, however, there is no constitutional or regulator obstacle to not having the VP(Education) as the chair of the committee. They should, of course, remain part of the committee and work with it.

An alternative, but less desirable, option would be for Academic Board to create a separate committee, call it the Education Policy and Standards Committee, which would have the Charter Article 8 and advisory powers delegated to it by Academic Board. EdCom (or Academic Committee) would remain in charge of securing course provision and facilitation. This would be a separation of advisory/policy initiation/standard-setting powers from executive powers to supply and facilitate instruction. The supplied courses would be subject to the standards and policies set by the EdPolCom.

On the alternative arrangement, where a separate committee is charged with Article 8 powers on educational matters, the problem does not emerge. Any educational policy that does not comply with external standards can be addressed by EdCom to EdPolCom.

Alternative Recommendations:

The following are two possible recommendations that will achieve the ends of increasing oversight and accountability to Academic Board for the use of the delegated powers of the Academic Board, and for clarifying the delegation relationship. The first involves the least changes, and avoids multiplying committees. For these reasons it is the Commission's preferred option. The one drawback of this option is that the recommended changes to the membership and chair of the committee will be a matter for Academic Committee/Council. However, as there is no constitutional obstacle to this and it is line with the change in delegated powers, it would seem a reasonable change for those bodies to make in respecting the exercise of Academic Board's powers. The second option is more radical, whilst within Academic Board's powers, and creates a two stage system where executive work by EdCom that requires advice on academic standards or impact on academic work must obtain advice on these from a separate subcommittee of the Academic Board. This is less desirable, but constitutionally possible.

These options are outlined in detail below:

1. Education Committee remains the subcommittee of Academic Committee; the Academic Board recalls its education advisory and education responsibility (Art 8) powers from Academic Committee and delegates these directly to EdCom (thus making

EdCom directly answerable to Academic Board for the use of these powers only). As part of the delegation of these powers to EdCom, the following reporting conditions are included: i) that the chair of EdCom provides a yearly report to Academic Board on the use of Academic Board's powers by the committee and makes periodic reports when requested by the Board, on specific issues; ii) major strategic and policy initiatives covered by Charter Article 8 or Statute 7(10)(A) are brought to Academic Board for consideration at an early stage. In addition to these Academic Board-only changes, Academic Board recommends to Academic Committee/Council that elected academic representation EdCom is increased and the chair is elected from Academic Board; [45]

2. (Alternatively) that the executive and academic functions concerning education provision by EdCom be split; such that the powers delegated to Academic Committee by Academic Board are recalled and these along with all Academic Board's Article 8 powers are delegated to a new separate committee (*Education Policy and Standards Committee*), with an elected chair. This could be a sub-committee of Academic Board or a sub-committee of ExCom. Where EdCom, the VP(Education), SMT, or Council, needs to seek this committee's advice on educational matters (covered by Charter Article 8 or Statute 7(10)(A)) on any educational initiative, they would be able to do so.

C. Responses to legal advice provided by the Provost's Office

Response from Clare Goudy (Provost's office) re. legal advice from Natasha Lewis on powers delegated to AC by Academic Board:

CG/NL comment	Response Notes
The duties of Academic Board ('AB') are set out in statute 7(10) and it's clear from the 2008 AB Schedule of Delegated Powers that (broadly) the duties set out in statute 7(10)A have been delegated to Academic Committee ('AC'). This is also reflected in the Terms of Reference of AC (which also form part of the Regulations for Management at RfM 4.2). *'…the Academic Committee is charged by Council:* *To consider and advise the Council through powers delegated by the Academic Board…'*	A. This is correct that these broad powers in 7(10) have been delegated to AC from AB; B. The ToRs are misleading in one respect: by saying Council charges AC to advise using powers delegated from AB, it makes it seem as though it is Council's decision that the delegation should be in place. This confuses two matters: i) what Council can charge a body (given the powers it already has delegated to it) and ii) who decides that those powers are delegated in the first place. The latter is purely in the discretion of the Academic Board – no Charter or Statute provision allows for the intervention in the powers/rights of AB by another body and indeed Charter

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[45] It is worth noting that a weighty majority of the membership of the Academic Committee (35) do not sit in an elected academic role but are ex officio members in a different contractual capacity (Deans, or their nominees, Faculty tutors, 5 VPs and the Provost). In addition, the Chair of EdCom (the VP (Ed)) sits on the committee, as does a student mediator, the Chair of research committee, 3 student officers, and 8 places for elected academics from Academic Board.

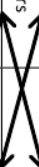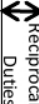|	Article 7 explicitly makes clear that the powers of Council are 'subject to the powers of the Academic Board'. Thus, Council is not the deciding power on extent and duration of this delegation, AB is and Council must respect that discretion;
	C. Academic Committee has a number of powers concerning education in its ToRs that have not been delegated to it from AB but do fall within AB's responsibilities (and so powers) under Charter Article 8 (see above Constitutional Background (F)(ii), (H), & (I). Council does not have Article 8 powers, its sole power in terms of education (which it has delegated to AC) is to provide and facilitate courses of instruction (Statute 6(2)(F)). So, in fact there is a governance breach in the ToRs of AC – it has powers it should not have (because they belongs to AB) – see (H) in document above.
However, AC is expressly stated to be a 'Formal Committee of Council'. See RfM 2.13 which provides: *"The Council approves the terms of reference and constitution of its Formal Standing Committees with the exception of Academic Board which is governed by Statute."* Therefore it would seem that, notwithstanding that AB has delegated certain of its powers to AC, Council would also need to approve the removal of those delegated powers as these form part of AC's Terms of Reference, AC is a Formal Committee of Council and Council is required to approve the terms of reference of its Formal Committees. In addition as the Terms of Reference for AC form part of the Regulations for	D. The fact that AC is a formal committee of Council, does not affect the Charter and Statute powers of the Academic Board, as the powers of Council to create committees, to set their terms of reference, and to change Regulations for Management are 'subject to the powers of the Academic Board' (UCL Charter, Article 7); E. To make the recall/modification of the delegated powers of AB subject to another Committee, and especially one that belongs to Council, would be to violate UCL's Charter Article 7 – as it would allow interference with the powers of AB by Council/AC (in this case its powers to delegate or modify delegation). This is a breach of the Charter. F. Statute 7(12)[46] makes clear that the conditions of delegation (or

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[46] UCL Statute 7(12): 'Subject to the provisions of the Charter and these Statutes, and to such powers as may be delegated to it by the Council, the Academic Board shall have power to delegate upon such conditions as it may from time to time

Management, any change to the Terms of Reference of AC would therefore need to be approved by Council as such change would amount to a change of the RfM (which requires Council approval).	modification of delegation) of powers by AB do not include the exercise of Council's powers (regarding the setting up of committees or otherwise) except for where Council delegates powers to AB; G. Whilst changes to AC ToRs would be required, as would changes to RfM, for these documents to be in good order, these can be (nothing prevents these being) consequential to a change in delegation of powers by AB. It is common practice to change documents when it is discovered that their provisions have been rendered out of date or modified by changes elsewhere, and to read them as having no effect until the change is made (see footnote 41 above). No risk emerges so long as the relevant committees are informed of this and Council acts promptly. Failure to act is to maintain in place a situation that is repugnant to the Charter and Statutes and so a breach in governance. H. Thus, this claim is fallacious, in confusing necessary but consequential changes to ToRs and RfM with a block on the powers of the Academic Board.
We understand that EdCom is a sub-committee of AC. Its terms of reference (which don't appear in the RfM) provide: *'Subject to any direction that may be given by the Academic Committee, the Education Committee is charged by Council…'*	I. There is a confusion here between being a 'formal sub-committee' of X body and having been delegated powers that make a committee responsible to X (and de facto, in respect of the use of those powers, a sub-committee of X, even if not in respect of other powers). With the delegated powers of AB it is the latter that matters (see options 1 and 2 in the document above). The author of these comments is relying on the former definition. The one that matters for Charter, Statute, and Regulations

determine any of its powers and duties to Faculty Committees or Committees or Sub-Committees formed from its own number or otherwise appointed, or to Officers of the College, with or without power to the Faculty Committees, or such Committees or Sub-Committees further to delegate any of the delegated powers to any subordinate body.'

	purposes, however is the latter – who has the authority over the power and therefore to whom must the committee report, and who can also change the ToRs of this committee with regard to a specific delegated power;
	J. In this respect EdCom could remain charged by Council to have certain activities (as covered by the delegated power to provide courses of instruction delegated by Council to AC), whilst answering directly to AB for the use of its delegated power, should AB delegate a power to it directly. The nomenclature of 'formal subcommittee' changes nothing.
If EdCom is a subcommittee of AC (which is in turn a Formal Committee of Council) it would seem that AC is the body with authority to change the TOR and constitution of EdCom, rather than AB.	K. This is false, with regard to delegated powers of AB, as it is repugnant to the Charter and Statutes. See points (B)-(H) above, in this table.
	L. The legal interpretation offered here by UCL legal lacks merit given the nature of the Charter and Statutes and the cited core provisions with regard to the powers of the Academic Board.

D. Delegated powers in Charter Articles, Statutes and AB Standing Orders

COUNCIL		ACADEMIC BOARD
Charter Article 7: Council There shall be a Council of the College (in this Our Charter referred to as 'the Council'), which shall be the governing body of the College and which shall have the custody and use of the Common Seal. Statutes shall provide the constitution of the Council and it shall have the management and administration of the property of the College and the conduct of its affairs, **subject to the powers of the Academic Board**, together with all such other powers and duties as may be conferred upon it by the Statutes or Regulations.	Interlocking Powers	**Charter Article 8: Academic Board** There shall be an Academic Board of the College (in this Our Charter referred to as the 'Academic Board'). Statutes shall provide the constitution of the Academic Board and it shall, **subject to the powers of the Council as provided in this Our Charter and the Statutes, be responsible for the academic work of the College in teaching, in examining and in research and for the regulation and superintendence of the education of the Students of the College.**
Statute 6: Powers and Duties of the Council 6(2) Subject to the Charter and these Statutes, the Council, in addition to all other powers vested in it, shall have the following powers: **Provided that the Council shall not make any decision on any question of educational policy or make Regulations on any matter having academic implications until the Academic Board has had an opportunity of expressing an opinion on such question or matter and until the Council has considered any opinion so expressed.** 6(2)(F) To provide courses of instruction for Students → **delegated to AC** and facilities for research and such other educational services as the Council shall deem to be desirable or expedient. 6(5)(A) Where there is any **delegation**, according to provisions of the Charter, the Council shall: (i) Inform the delegate in writing of the limits of the Council's powers. (ii) Lay down a detailed policy in writing for the performance of the function, duty or responsibility and inform the delegate in writing of any changes thereto as soon as reasonably practical. (iii) Ensure that the terms of the delegated authority are clearly set out in writing to the delegate. (iv) Ensure that they are kept informed and review on a regular basis the exercise by the delegate of his or her delegated authority. 6(5)(B) Where any delegation is made it shall be on terms that: (i) The delegate shall comply with the terms of his or her delegated authority. (ii) The delegate shall not do anything that the Council does not have power to do. (iii) The Council may wish with reasonable notice to revoke the delegation or vary any of its terms in a way which is consistent with this part. (iv) The Council may give directions to the delegate as to the manner in which he or she is to report to it the exercise of his or her delegated authority.		**Statute 7: Academic Board** 7(10) Subject to the provisions of Article 8 of the Charter and to the Statutes and Ordinances of the University, **the duties of the Academic Board shall be:** 7(10)(A) To consider and advise the Council upon all academic matters and questions affecting the educational policy of the College, → **delegated to AC** the organisation of teaching, examining, research, and courses of instruction, including the following: (i) matters concerning academic co-operation between the College and any other body; (ii) appointments to established Chairs and Readerships of the University of London tenable at the College; (iii) any other matter which may be referred to it by the Council. **Standing Order 8: The Delegated Powers of AB** (i) By the UCL *Charter and Statutes* (Statute 7 (12)), the Board may delegate powers to other Committees, sub-committees, or Officers of UCL; (ii) these shall be kept in a Schedule of Delegated Powers of Academic Board as a publicly accessible document; (iii) a changelog record shall be kept by the Secretary of the Academic Board of changes in the delegations of powers (and this shall be available to all members of the Board); (iv) all Committees or Officers to whom powers have been delegated by the Board must, according to the delegation schedule, submit their minutes where appropriate as well as reporting explicitly the powers they have used, and on which occasions, to the Board. The reporting of the use of powers shall include those powers of the Board that the Committee or Officer has delegated to other Committees, Sub-committees, or Officers of UCL; (v) where necessary, the Board may instruct a Working Group to review a delegated power, and make recommendations to the Board; (vi) **delegated powers may be withdrawn or re-assigned by a decision of the Board.**
Charter Article 16(3) **The power of Council to delegate** upon such conditions as it may from time to time determine any of its powers and duties to the Academic Board or to Committees or Sub-Committees formed from within its own number or otherwise appointed, or to Officers of the College, with or without power to such Academic Board, Committees or Sub-Committees further to delegate all or any such of the delegated powers to any subordinate body. **Provided that any such delegation shall not be repugnant to the provisions of the Statutes or of this Our Charter.**		**Statute 7(12)** Subject to the provisions of the Charter and these Statutes, and to such powers as may be delegated to it by the Council, the Academic Board shall have **power to delegate** upon such conditions as it may from time to time determine any of its powers and duties to Faculty Committees or Committees or Sub-Committees formed from its own number or otherwise appointed, or to Officers of the College, with or without power to the Faculty Committees, or such Committees or Sub-Committees further to delegate any of the delegated powers to any subordinate body.
Charter Article 22(1) **It shall be the duty of the Council to refer to the Academic Board** any matter coming before the Council which the Council considers to have **academic implications** and which has not been previously considered by the Academic Board.	Reciprocal Duties	**Charter Article 22(2)** **It shall be the duty of the Academic Board to bring before the Council** any matter coming before the Academic Board which the Academic Board considers to have **financial implications or to affect the general management of the College or its relationship with persons and bodies outside the College**.

Delegated Powers of Council	Delegated Powers of AB
Schedule of Council's delegated powers (February 2015) https://www.ucl.ac.uk/srs/sites/srs/files/council-schedule-of-delegated-powers.pdf	**Schedule of AB's delegated powers (November 2008)** https://www.ucl.ac.uk/drupal/site_srs/sites/srs/files/academic-board-delegated-powers.doc
Statute 6(2)(F) "To provide courses of instruction for students" → **delegated to AC** But not "and facilities for research and such other educational services as the Council shall deem to be desirable or expedient"	**Statute 7(10)(A)** "To consider and advise the Council upon all academic matters and questions affecting the educational policy of the College" → **delegated to AC** **AC in turn appears to have delegated to EdCom**
Academic Committee Terms of Reference https://www.ucl.ac.uk/srs/governance-and-committees/committees/academic-committee/academic-committee-terms-reference	**Education Committee Terms of Reference** https://www.ucl.ac.uk/srs/governance-and-committees/committees/education-committee/education-committee-terms-reference
Subject to any general or particular direction that may from time to time be given by the Council, the Academic Committee is charged by Council: 1. **To consider and advise the Council, through powers delegated by the Academic Board**, upon all academic matters and questions affecting the educational policy of UCL, the organisation of teaching, examining, research and courses of instruction, including the following: (i) matters concerning academic co-operation between UCL and any other body; (ii) appointments to established Chairs and Readerships tenable at UCL; (iii) the award or revocation of degrees of UCL and of the University of London. 2. To maintain an overview of UCL's academic strategies, policies and procedures pertaining to the following: (i) research; (ii) teaching and learning; (iii) definition and maintenance of academic standards; (iv) examinations and assessment; (v) innovations in educational practice; (vi) programme development and review; (vii) student behaviour and discipline; (viii) student experience; (ix) academic staff development; (x) quality management and enhancement. 3. In discharging the foregoing responsibilities, to: (i) set up working groups *etc* to assist the Academic Committee; (ii) prescribe their terms of reference and constitution; (iii) maintain an overview of all matters falling within their purview. 4. To maintain an overview of the work of the following standing committees which report to Academic Committee, by receipt of an annual report on the work of the committee in the preceding 12 months and by such other arrangements as Academic Committee may define in particular cases: (i) Education Committee; (ii) Library Committee; (iii) Research Degrees Committee; (iv) Research Governance Committee; (v) Student Experience Committee; (vi) Student Recruitment, Admissions and Funding Committee. 5. To receive an annual report from the Vice-Provost (Research) on the development and implementation of UCL's research strategy and from such other UCL officers as may be determined by the Committee. 6. To receive the Minutes of all meetings of standing committees and working groups *etc* reporting to Academic Committee. 7. **To report to Academic Board and Council by submission to the Academic Board officers and Council officers of the Minutes of each meeting of Academic Committee.**	Subject to any general or particular direction that may from time to time be given by the Academic Committee, the Education Committee is charged by Council: 1. On behalf of Academic Committee, to define, monitor and review UCL strategy, policy and procedure in respect of UCL's taught students (including undergraduate and postgraduate-taught students) relating to: i. student registration; ii. student attendance at, and completion of, programmes and examinations; iii. UCL's Academic Regulations governing taught programmes; iv. The annual and periodic review of the academic standards and the quality of the student experience on taught programmes; v. the operation of UCL's student complaints procedures for taught students and monitoring thereof by consideration of an annual report thereon; vi. all aspects of the taught student experience. 2. On behalf of Council and Academic Committee, to monitor and review the implementation of UCL's Education Strategy. 3. To approve new taught programmes and their subsequent amendment and withdrawal. 4. To define, monitor and review UCL Academic Regulations governing the approval and review of programmes of study and their constituent modules. 5. To maintain oversight of the UCL Programme and Module Approval, Amendment and Withdrawal Procedures and to receive reports on proposals for new programmes and the amendment and/or withdrawal of existing programmes. 6. To consider reports of the Quality Review Sub-Committee on the maintenance of standards and the quality of the student experience at UCL. 7. To maintain oversight of UCL's Academic Partnerships that involve UCL credit and qualifications. 8. To receive an annual report on the proceedings of Faculty Teaching Committees/equivalent bodies within Faculties, during the preceding 12 months. 9. To submit for approval by the Academic Committee recommendations for the award and revocation of taught degrees of UCL and of the University of London. 10. To refer to the Academic Committee such matters as the Education Committee deems to entail academic standards, quality assurance, or student experience implications which require the attention of Academic Committee. 11. To report to the Academic Committee by (i) the submission of an annual report on the work of the Education Committee in the preceding 12 months, and (ii) the submission to the Academic Committee officers of the Minutes of each meeting of the Education Committee. 12. To consider any matters referred to or delegated to it by Academic Committee and to express opinions on such references or such other matters as seem relevant to it.

E. Subcommittees of Academic Committee

Academic Committee [AC]

      Chair: Provost
      38 Ex officio [including Faculty Tutors and Registrar]
      3 students
      8 elected academics from AB
      1 co-opted member

a) Education Committee [EdCom]

      Chair: VP Education
      18 ex officio [11 FTs + Registrar]
      4 nominated (various sources)
      5 students
      3 elected academics
      3 co-opted

b) Research Governance Committee [RGC]

      Chair: VP Research
      12 ex officio [incl. Registrar]
      8 academic staff nominated by VP Research
      1 student

c) Student Experience Committee [StEC]

      Chair: VP Education
      9 ex officio [incl. Registrar]
      13 appointed by the committee [incl. 4 FTs]
      14 students

d) Research Degrees Committee. [RDC]

      Chair: Pro VP Doctoral School
      18 ex officio [incl. 11 FTs or Faculty Graduate Tutors]
      2 students
      2 nominated by Pro-VP Doctoral School
      3 elected academics

e) Student Recruitment, Admissions, & Funding Committee [StRAFC]

      Chair: VP Education
      12 ex officio [incl. Registrar]
      12 appointed by the committee [incl. 4 FTs]
      1 nominated by VP Research
      2 students

f) Library Committee [LC]

      Chair: VP Education
      5 ex officio

12 nominated by Executive Deans and SSEES
3 students
1 elected academic
2 observers

Proposed modified membership of Education Committee with increased academic voice:

This structure maintains agility, but brings EdCom properly within the ambit of accountability of the academic body.

Chair

Ex Officio:
Vice-Provost (Education and Student Affairs)**;**
Chair, Academic Regulations and Quality Assurance Sub-Committee**;**
Chair, Quality Review Sub-Committee**;**
Director of Education Planning**;**
Registrar**;**
Students' Union Education Officer**;**
Students' Union Welfare & International Officer**;**
Students' Union Postgraduate Students' Officer

Faculty Tutors:
The Faculty tutor from each of the eleven Faculties.

Elected Members:
12 members elected from Academic Board

Co-opted members:
The Committee may co-opt up to five members as non-voting members

F. Supporting evidence for Paragraph A29 relating to Education Strategy 2016

The Commission's statement in paragraph A29, is supported by the following:

The minutes of Academic Board show that Education Strategy 2016 was reported to Academic Board as being in the early stages of development at its meeting of 25 February 2015. An update on progress and the principles underpinning the strategy was given on 13 May 2015. However, paperwork on the Education Strategy 2016 was only provided to Academic Board on 13 October 2015 (see relevant minutes below), when a full draft was presented. No requests for amendments, modifications, or additions were made by the Chair to the membership of the Academic Board - thus the agenda could not contain any discussion of meaningful alterations - meaning the strategy was presented for discussion but not for genuine engagement.

The VP Education promised on 10 February 2016 that he would incorporate Academic Board's suggestions but there was no opportunity for Academic Board to check to what extent this was done nor to discuss the matter, since the Education Strategy was sent straight to Academic Committee for approval in March 2016.

There is evidence that key parts of the Education Strategy were developed before 25 February 2015. Academic Board did not see these proposals until October 2015, when the full draft of the strategy was presented, and it did not discuss them until February 2016. (Similarly, the Connected Curriculum was presented to AC in July 2014 but not to Academic Board until October 2015).

If Education Committee and its various sub-groups had to report to Academic Board, the consultation of Academic Board would occur much earlier and planning would involve Academic Board much more fully. Indeed a proper scrutiny body would scrutinize the feedback also.

Relevant minutes:

25 February 2015: The VP Education presented his intention to present a new Education strategy at a later date ('plans for a new strategy were being proposed' but no names was given). No paperwork provided.

13 May 2015: Claire Goudy, Director of Education Planning, presents details of the planned consultation on 'draft proposals' of the Education Strategy which had already been drawn up (the minutes do not say by whom). 'An early draft of the Education Strategy would be presented in the Autumn term to colleagues for comments with a final draft available by December 2015.' No paperwork: an assurance in discussion that 'all proposals and documentation were on the dedicated website for all to access'.

13 October 2015: VP Education presents a full draft of the Education Strategy. No discussion is recorded in the minutes. Paper 1-05, 2015/16 provided.

10 February 2016: VP Education reports again on the draft of the Education Strategy. It seems from the minutes that Academic Board members objected to aspects of the strategy: 'In response to members' comments, the VP reported that the purpose of the Strategy was to keep it as a high-level document and as a guide for staff and students without being overly prescriptive. Significant effort had been made to reflect the traditional values of UCL including the desire to encourage and support intellectual curiosity in our students.'

The response of the VP Education suggests that changes would be made but no provision is made for further discussion at Academic Board or for Academic Board to see the changes: 'The VP informed members that the Strategy would be reviewed in light of comments from AB and would be submitted to AC for formal approval at its next meeting in March.'

17 March 2016 Academic Committee: The VP Education reports on the final version of the Education Strategy, noting that 'a draft was submitted to AB at its meeting on 10 February for further comments and these have been incorporated into the final version'.

Appendix 8. Three judicial decisions relating to UCL disciplinary and grievance processes

1. A first case we were referred to is the one explored in the Employment Tribunal decision *Jevric v UCL* (Case Numbers: 220004017, publicly available on this link47) a judgement ultimately resulting in a grade 9 UCL employee (Mr N. Jevric) successfully claiming unfair dismissal against UCL (and, we understand, receiving a substantial compensatory award). The merits and substance of the case aside, it was suggested to us that this case clearly illustrates the extent to which UCL's own disciplinary procedures can become a captive of a less than independent human resources department and of managers bent on influencing disciplinary panels. As unequivocally noted by the Employment Tribunal.

   '188. [...] The concern of the human resources Department that the disciplinary panels should conclude with dismissal, even before they reached a decision, and the attempts to persuade the panel to reach another decision when they did, before was communicated to the claimant, came from the same managers as made a direct push to remove the claimant from May 2016. The respondent has to account for how and why it is fair that they circumvented their own procedures, which had concluded the claimant should not be dismissed'

2. Most surprisingly, in the course of this judgment, it became evident that even the most senior of UCL employees (in this case our own Registrar) is not immune from undue managerial and pressures when chairing a disciplinary panel. When 'Wendy Appleby was asked about the conduct of the hearing. She said the panel was under pressure to dismiss' (para 155 of the judgment, with examples of such 'pressure' and undue influence being detailed at paras 153-154 – it is clear to us that the Registrar resisted any such undue pressure). In the face of all these procedural improprieties, as reported by the judgment at para 156, 'the principal HR business Partner concluded in a report on 29 January 2016 that the hearing had been impartial and fair', suggesting that HR's ability to act impartially and advise independently had been somewhat compromised.

3. A second case we were referred to is the one discussed in the Employment Tribunal decision of *Brown v UCL* (2207156/2017 publicly available on this link48) a 2018 decision that found UCL in breach of Article 11 of the European Convention on Human Rights, by virtue of disciplining unfairly a UCL employee who was acting in his capacity a departmental rep for the union UCU. We understand that UCL managers are currently appealing this decision before the Employment Appeal Tribunal, so we will exclusively refer to the ET judgment with this important caveat in mind.

47
https://assets.publishing.service.gov.uk/media/5a8c1a9de5274a1273d422ec/Mr_N_Jevric_v_University_College_London_-_2200040-2017__Final_and_Reasons.pdf
48 https://www.gov.uk/employment-tribunal-decisions/mr-t-brown-v-university-college-london-2207156-2017

'41 It was apparent from the email exchange which took place between Mr Grainger and ▮▮▮▮, HR Business Partner, after the meeting, that Mr ▮ created the first draft of the outcome letter and that Mr Grainger at one point had considered upping the sanction to a written warning. Mr ▮'s first draft made no mention whatever of the Claimant's trade union defence and Mr Grainger professed himself 'a little uncomfortable not making any reference to the (long) defence case.'

72.4 HR was heavily involved in advising both Mr Grainger and Ms Fisher, neither of whom had, either before or since, chaired a disciplinary or appeal hearing. It must be assumed that HR was well aware of senior management's agenda in relation to the curtailment of un-moderated email lists and union resistance.

72.10 […] The Claimant was explicitly acting as a union representative at the time. […]. Mr Grainger wilfully refused to engage with this issue. […]. The fact that Mr Grainger did so, and the fact that Ms Fisher then added a contradictory, but still relatively cursory, gloss in upholding his decision, all apparently upon the advice of HR, gives rise to the inference that the issue of trade union activities was being deliberately and consciously sidelined, discounted and then overridden without proper consideration, even at appeal in the determination to see the Claimant punished.

4. A third case we were referred to is the judgment in **Blackstock v UCL** [2018] EWHC 1011 (QB) (public commentary available on this link[49]). In this case a senior academic failed to secure interim relief against a lengthy suspension order issued against him by his line managers in the context of a prolonged disciplinary process. However, in deciding against Prof. Blackstock's application for an injunction, the High Court identified and put on record a series of grave and serious breaches on UCL's own procedures and natural justice principles by Prof. Blackstock's line managers.

5. Firstly, at para. 27 of the judgement, the High Court expressed concern at the fact that 'a proper application of the disciplinary procedure could involve a decision to suspend being made by a person who was themselves a complainant as to the alleged bullying behaviour. Like any investigation, one would certainly expect the decision-maker to be independent'. Secondly, the High Court appears to have been swayed against issuing an injunction by the fact 'counsel for the defendant has stated on instructions that it is anticipated that it should take approximately one month' (para. 40). But we know, and were told explicitly by Prof. Blackstock when he agreed to be interviewed, that his suspension continued for a further six months, and only came to an end upon the dispute between Prof. Blackstock and UCL being settled extrajudicially (we understand at great expense for UCL's finances). The High Court had insisted that 'it is important that the defendant continue to monitor the suspension, in particular, to see whether access for the claimant to his professional email account may be appropriate', but it remains unclear to the

[49] https://www.weightmans.com/insights/injunctions-when-can-an-employee-stop-us-from-suspending-them/

Commission that any such reviews of this 'blanket suspension' did take place, and if they did they would appear to have had no material effect on Prof. Blackstock's position.

Appendix 9. The Senate Proposal

UCL's Academic Board (originally termed the Senatus Academicus) was established in 1832, to give professors a say in the running of the university (the membership was later expanded to include an elected selection of non-profs). This was in response to the early quarrels that had beset the university. Hale Bellot characterizes the then Council as follows: 'The Council showed itself to be curiously inept in the government of men. It regarded the professors in the same light as any other of its employees, and all its employees with suspicion. It assumed that they would be actuated solely by self-interest, and so far was it from being sure of the coincidence of their interests with those of the university, that it was highly nervous lest they, and for that matter the students either, should sully its fair reputation by the publication in its name of their own uncensored opinions. Acting in this spirit, its legislation was tyrannical, and it more than once took up a position which proved to be untenable.' (University College London: 1826-1926, pp. 190-1).

The Academic Board takes the form that Professors at UCL are members, and non-professorial members, including teaching fellows and professional services staff, are elected. As outlined in the Charter and Statutes, it performs the functions of a senate. In recent years its powers and abilities have been effectively reduced such that it has been sometimes "sidelined" in decisions or has been perceived as a body that should "rubber stamp" papers rather than scrutinize them.

The size of the Academic Board is frequently invoked in discussions with the management side as "unwieldy" and thus "unworkable." We did note that the word "unwieldy" implied an aspect of potential need to control that we found discordant with our understanding of the Academic Board operation envisioned in the Charter and Statutes. Some colleagues in the wider academic community have questioned the representative nature of the Academic Board. We have received statements from those in management that they would prefer a smaller and elected body with which they would envision a smoother working process.

Having considered this question extensively on the Commission, we have concerns that a smaller, purely elected body, might reduce the ability of academics to respond in meetings to matters of great importance to them as they arise. A strong advantage of Academic Board is that members can register their intensity of feeling about particular issues by attending meetings of importance to them; as such, Academic Board has on occasion drawn attendance of around 400-500. We find this flexibility to be crucial to good decisions among the university community, because it provides a good reading of the temperature of the community that cannot be registered in a system in which only a limited number of elected representatives may attend meetings. Academic Board has had a number of successes relating to academic voice over the past several years, including discussions of potential changes to Statute 18, challenging changes to Discretionary Accounts, establishing the Charter and Statutes working group and other working groups, the creation of Standing Orders, and the founding of GCAB as well as this Commission.

In an examination of smaller bodies elsewhere, we noted a tendency towards professionalization of members, and levels of confidentiality such that the wider community cannot be informed of matters that might affect their work. In political science parlance, the Academic Board takes the form of direct democracy that one often sees in communities – a town hall form of direct democracy. It is not the case that all members of the community (town) are expected at every meeting, as that could indeed prove unworkable. But as matters arise that might be relevant to certain members at certain times, they might join the meeting to participate in discussions of those matters. Such flexible involvement is seen as important for better decision-making in the community.

Our investigations also revealed that many of the problems with adequate academic voice arise in the process of decision-making, problems that would not be solved with a structural change of replacing Academic Board with a smaller elected body. We did take the point that a large assembly works less well for agile and detailed work on issues. This is one reason that the recent Governance Committee of Academic Board (GCAB), which serves as a scrutiny committee, has been lauded as a success by both academic staff and by the management side.

Following this understanding of a need for agility, as well as noting the limits of GCAB as a scrutiny committee, we have outlined in our recommendations how restoring an Executive Committee for Academic Board might address these issues, a modification to structure. We have also outlined changes to decision-making processes that would increase the incorporation of academic voice, in the paper drafting process as well as in consultation and the attachment of academic impact statements to papers.

A comparison of UCL's structures with smaller and elected senates at other universities is instructive. King's College London has a smaller, elected senate, and far less de facto academic voice than the Oxford congregation model, which more closely resembles UCL. The reasons for this could relate to a lack of flexibility for those affected to respond to particular issues, or could be due to a potential tendency for more professionalized and smaller bodies to merge more with the Executive.

A proposal to move to a Senate model was considered and debated at Academic Board in the past, voted on and rejected, with trenchant reasons given against it (see Academic Board minutes, 17 March 2004, item 24, Review of Academic Board). We also note that the Provost, who had previously advocated that Academic Board be replaced by a senate, formally dropped the proposal at the special meeting of Academic Board on 18 May 2017: '59.2 The Provost explained that the Special Meeting had been called in response to issues raised by a group of senior academics, resulting in the motion to establish a special Governance Committee of Academic-Board. The Provost welcomed the initiative on the agenda and the opportunity to discuss the effectiveness of Academic Board; though he had worked with Senates in the past and considered them the most effective model for academic engagement, he confirmed that he was happy to work with an improved Academic Board, and was not seeking to create an Academic Senate.'

Institutions and Academic Voice in University Governance
Annex to Appendix 9

Executive Summary

This paper outlines conceptual and practical differences between an assembly structure of academic governance (Oxford, Cambridge, UCL) and smaller bodies that are a combination of elected and appointed academics and others (King's College London, Queen Mary).

The following principles are identified as important for good academic voice in decision-making:
- Involvement in the policy process
- Engagement and legitimacy
- Expertise and action
- General accountability, or "holding to account"

The paper proceeds to examine each of these principles broken down by theme in terms of the three institutional structures the Commission considered at length:
- The current structure, Academic Board + GCAB
- The Commission proposal, Academic Board + GCAB + reinstatement of an Executive Committee of Academic Board
- A smaller elected / appointed body, as a recent suggestion

A table at the end and a brief list in the Introduction summarises the themes in practice that enact / do not enact the principles, grouped by these categories. The text of the document summarises these themes (such as transparency and participation) in detail and outlines the logic in each. It concludes with a sketch of reasons smaller bodies are often favoured by management, and a few policy outcome examples.

Introduction

The Commission of Inquiry report aims for clear language to describe institutional proposals. But as with most technical subjects, this aim came at the cost of some detail and technical precision. This annex breaks down some of the comparative aspects of different institutions by theme, outlining why the Commission opted for the institutional proposal reinstating the Executive Committee of Academic Board (ExCom). We also recommend strongly against reformulating the Charter and Statutes to change the composition of Academic Board. Throughout its deliberations, this Commission has strictly avoided making any recommendations which would involve further revision of the Charter and Statutes. Rather, its aim has been to make recommendations which more effectively implement the ethos of the Charter and Statutes.

UCL's Academic Board (originally termed the Senatus Academicus) was established in 1832, to give professors a say in the running of the university (the membership was later expanded to include an elected selection of non-professors). This shift was in response to the early quarrels that had beset the university. Hale Bellot

characterizes the then Council as follows: 'The Council showed itself to be curiously inept in the government of men. It regarded the professors in the same light as any other of its employees, and all its employees with suspicion. It assumed that they would be actuated solely by self - interest, and so far was it from being sure of the coincidence of their interests with those of the university, that it was highly nervous lest they, and for that matter the students either, should sully its fair reputation by the publication in its name of their own uncensored opinions. Acting in this spirit, its legislation was tyrannical, and it more than once took up a position which proved to be untenable.'[50]

The UCL Academic Board takes the form that Professors at UCL are members, and non-professorial members, including teaching fellows and professional services staff, are elected, on the basis of a procedure involving nomination and secondment. As there are usually several open slots, this entry for non-professors tends to involve minimal hurdles. As outlined in the Charter and Statutes, the Academic Board performs the functions of a senate. An examination of institutions for academic voice at other universities reveals a vast array of differences, and inconsistent language describing those differences. For example, King's College London at first glance also appears to have an "Academic Board," but an examination of its composition revelas that it takes the model of a smaller body, with 42 academic positions on a 68-member body, and Queen Mary's "Senate" has a similar smaller structure but with 34 **academic staff as a minority** on a 74-member body.[51] In sharp contrast, the Oxford "Congregation" model is much larger than UCL's Academic Board: "Congregation is the sovereign body of the University and acts as its 'Parliament.' It has just over 5,000 members, including academic staff; heads and other members of governing bodies of colleges; and senior research, computing, library, and administrative staff."[52] Interestingly, the powers of the Oxford Congregation even extend to electing members to Council and to approving the Vice-Chancellor appointment. Cambridge similarly has an assembly model, the Regent House, with "more than 5,000 members."[53]

The terminology is thus problematic; we could also simply use "Senate" to describe the current structure of Academic Board, given the large parameters that these terms possess in practice. For this reason, this discussion avoids the terms "Senate" and "Academic Board" to focus on more precise themes for comparison. We can describe UCL and Oxford as having an assembly model, while King's and Queen Mary have elected smaller bodies. Four main aspects or tests of comparison should be used to identify the operative elements, and they feed into the themes that follow:

[50] Hale Bellot, *University College London: 1826-1926* (London: University of London Press, 1929), pp. 190-91.
[51] King's College London, Governance, "Academic Board Composition and Membership," available at https://www.kcl.ac.uk/aboutkings/governance/committees/acboard/membership-2019-20-academic-board.pdf and accessed 22 April 2020. Queen Mary University London, Governance, "Senate Membership 2019-20," available at: http://www.arcs.qmul.ac.uk/media/arcs/governance/senate/Senate-membership-2019-20.pdf
and accessed 22 April 2020. A note on Queen Mary: academic staff numbers can change for reasons of constituency size, an indication that perhaps they could be reduced downward in number. There are 9 Heads of Schools and Deans, who due to their high administrative roles are not included in this count of academic staff.
[52] Oxford University, Governance, "Congregation," available at:
https://www.ox.ac.uk/about/organisation/governance?wssl=1 and accessed 22 April 2020.
[53] Cambridge University, "Governance," available at: https://www.cam.ac.uk/about-the-university/how-the-university-and-colleges-work/governance, and accessed 23 April 2020. Cambridge also has a role for alumni in its "Senate," another use of this term that does not align with usage elsewhere.

1. Are academics, or those directly and currently engaged in teaching and research, more than half of the body? Are they a sizeable majority of the body with regard to management-appointed roles?
2. How is membership of the body determined? (Automatic as in an assembly, election with minimal barriers, contested election, appointment)
3. What are the processes to involve the body in decision-making, policy development, and policy scrutiny?
4. Do the policy outcomes at the university resonate with the academic community (legitimacy)? What might a poll of academic staff regarding such policies indicate?

With these aspects in mind, the following principles are identified as important:
- Involvement in the policy process
- Engagement and legitimacy
- Expertise and action
- General accountability, or "holding to account"

This paper proceeds to examine each of these princples broken down by theme in terms of the three institutional structures the Commission considered at length:

- **The current structure, Academic Board + GCAB**

- **The Commission proposal, Academic Board + GCAB + reinstatement of an Executive Committee of Academic Board**

- **A smaller elected / appointed body, as a recent suggestion**

The themes of consideration are grouped by their relevant princple of governance among the four above, producing this breakdown below. The table below (p.99) summarizes the points in the theme comparision.

- Involvement in the policy process
    - "Upstream" involvement, at point of policy design / development
    - "Downstream" scrutiny of policies and review
- Engagement and legitimacy
    - Broad transparency; staff can obtain information on policies in development
    - Participation options for stakeholders
    - Attendance
    - Representing different groups
    - Consultation outside of meetings
- Expertise and action
    - Agility
    - Detailed work on policy content
    - Adherence to Office for Students / government regulatory requirements
- General accountability, or "holding to account"

- Veto points
- Checks and balances in overall system
- Model of democracy

The remaining discussion elaborates upon these themes, with points summarized in the attached table in shorter form. We then mention the importance of policy outcomes and provide a summary of why retaining Academic Board as outlined in the UCL Charter and Statutes was favoured in our recommendations.

Principle 1: Involvement in the policy process

The structures of institutions for academic voice provide only part of the story. The other part of the story is the process or flow of decision-making. A functional internal structure will be ineffective unless it can be well-integrated into these processes. The policy development and decision-making process involves different phases across a timeline. The early, "green paper" stages of policy development are the "upstream" part of the process, and the later stages of refining a policy are the "downstream" part of the process. Input at both stages from those expected to implement policies is vital to good decision-making.

The current UCL model allows broad Academic Board input to be channeled into GCAB, and GCAB also provides memos to provide the broad Academic Board membership with windows onto policy through its memos. The GCAB and Academic Board thus work in tandem, and GCAB has been praised for assisting the working of Academic Board since its inception a few years ago. However, GCAB was established as a scrutiny committee, for an examination of policies once they come to Academic Board. It is not envisioned to have a role in policy development, a process point where academic voice is lacking. It was for this reason that the Commission proposed the reinstatement of the Executive Committee of Academic Board (ExCom), for more upstream work. While smaller bodies might weigh in at both stages, in practice there can be fatigue among members as work must be spread among a smaller number of seats. The Commission proposal of AB + GCAB + ExCom provides more capacity for academics with full-time work operating in a voluntary capacity to conduct the tasks needed, by distributing them more broadly and with the capacity of soliciting outside expertise.

Upstream involvement, early in the policy process

UCL used to have an Executive Committee (ExCom) of Academic Board, chosen from within Academic Board to work closely with management. It was then removed in the early 2000s. This deletion removed a directed channel of academic voice that could weigh in on the development of policy. As envisioned by the Commission, the reinstated ExCom could liaise both with the Senior Management Team and with Council easily, to feedback early on in policy development processes and to give feedback from those expected to implement policy. In the current structure, papers tend to reach Academic Board at rather later stages of development. The result is less efficient and less workable policy development than we could have with the earlier involvement of an ExCom.

Downstream involvement, later in the policy process

The Governance Committee of Academic Board (GCAB), has taken on this role of scrutinising policy once it reaches the stage of an Academic Board paper. It can invite experts to assist in reviewing policy, and produces memos for Academic Board to better inform the Board of policy nuances pre-meeting. However, GCAB was constructed a few years ago as a reactive scrutiny committee, rather than a body to be involved in early stages of policy development. Given the labour intensive nature of its current role, taking on upstream policy development would be difficult for this body to do over the longer term. It would serve to establish the ExCom, but would only exist in this role for a short provisional period.

Principle 2: Engagement and legitimacy

Public engagement of a community in policy formation is a crucial aspect of democratic structures. The degree to which a structure is democratic hinges on the degree to which leaders are held accountable for their decisions. As university communities do not elect their top leadership, this accountability must take place via channels that allow the broader community to engage in decision-making processes. It is through such participation that decisions and leadership are understood to be accountable and thus legitimate. These standards stand in contrast to commercial corporate structures, where decisions are enforced by hierarchies and legitimacy is less important than direct control.[54]

The involvement of the community can reflect the following premises:
Direct democracy is a system of government in which decisions are made directly by the public. It can take 2 main forms:
- A *referendum* or plebiscite, in which the public casts ballots;
- In local settings, a *town hall meeting*, in which members make decisions at a public meeting.
  This assembly style allows for deliberation and consideration of matters with the potential to change minds.

Representative democracy is a system of government in which representatives are elected to make decisions from a wider public.

In political science parlance, the UCL Academic Board takes the form of direct democracy that one often sees in communities – a town hall form of direct democracy. It is not the case that all members of the community (town) are expected at every meeting, as that could indeed prove unworkable. But as matters arise that might be relevant to certain members at certain times, they might join the meeting to participate in discussions of those matters. Such flexible involvement is seen as important for better decision-making in the community.

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[54] However, one might make the case that commercial structures also run most effectively if legitimacy also binds the different portions of the hierarchy together.

The fact that a broad number of members of the community can engage in meetings as an assembly has been described by some as unwieldy or disorganised – as one might say of the Oxford Congregation's or Cambridge Regent House's potential 5,000 attendees. The broader the community engagement, the more messy a structure might seem. However, the priority is not aesthetic, but rather engagement that can enhance accountability and legitimacy within a community. This broad involvement is a distinct advantage of the Oxford, Cambridge, and UCL assembly models.

Such assembly structures appear in communities such as universities and towns, where members can attend meetings on matters of importance to them. At larger scales such as large cities and countries, we see a move to other means of decision-making, such as referenda or representation. Representative structures are a means to make decisions indirectly, with some "standing for" others to represent their interests. In political science literature, representation is seen as a means to deal with the problems of large scale decision-making, but is a shadow replacement for direct engagement. For example, if a representative faces a conflict between their individual interest and those of their constituents, what do they choose? Does a representative really represent an interest because they share a category attribute such as gender or race or (for universities) discipline or department?[55] Communities of a size that can have direct engagement can sidestep these representation problems, via the assembly model. The community can respond on an issue-specific basis, in which individuals can come to meetings when issues arise that matter to them – rather than hoping that their position might be represented by another.

It may be tempting to hold Parliament as an ideal to which UCL should aspire, with the notion of it as a model of representative democracy. But academic institutions do not contain the same features of political forms of representation; namely, political parties. In parliaments, party manifestos form the grounds for accountability. In representative political structures, party manifestos comprise a set of crucial parameters for action that set expectations between representatives and those who chose them. With these parameters clearly written, representatives who deviate from them may be "punished" in the next election. In contrast, within university governance structures, members are in fact dissuaded from adhering to factions / parties – as they are expected to act in the best interests of the university as a whole.[56] The assembly model provides a means by which members of the community can participate in discussion of academic matters as they arise. Consider the consequences of a shift from the assembly structure of UCL's academic board. Participation rights would be removed from a significant majority of the community, over 1500 of its members. An attempt to remove participation rights in decision-making processes for such a large number cannot be supported where the aim is more academic voice in these processes.

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[55] These questions are raised (excepting the university example) in Hannah Pitkin, *The Concept of Representation* (University of California Press, 1972). The problem of representing along shared categories is described as the problem of "descriptive representation."

[56] Thus the elected members of UCL Council are not charged with representing or making representations on behalf of any constituency, despite being elected from Academic Board.

Transparency

Joining Academic Board has minimal hurdles – none for professors, and for non-professors it is possible to join through a nomination and secondment process that is not burdensome. At this time, spaces remain available across the faculties. Those individuals who have an interest in participation in the community and in information about policymaking in the university can thus often join in. Where they might be unable to attend a meeting, as members of Academic Board they receive the papers and can direct a comment or statement or query via GCAB. At the same time, this transparency usually begins in the week before an Academic Board meeting when the papers are received. ExCom involvement earlier in the decision-making process would open up the potential for more transparency earlier in the process.

UCL's transparency is thus reasonably high at the point of the Academic Board paper release, and relies on the content of the papers. For a smaller elected or appointed body, levels of transparency are contingent on both the content of the papers and the degree to which those contents are confidential to the body. A high level of confidentiality in a small body means that transparency for the broad university community would be low. Even with a low level of confidentiality set, the small size of the body would mean that the degree to which those outside of the small body would be informed would be dependent on the actions of those members, and the labour they wish to put in to inform others outside the body. Having a broad distribution of the papers within an assembly model, as for UCL's Academic Board, is a direct benefit for transparency considerations.

That said, in practice, the levels of transparency also depend greatly on the means of communication about and from the Academic Board to the wider university community. Currently, Academic Board is rarely mentioned in the sole medium distributed to all staff, *The Week@UCL*. Other universities with assemblies, Oxford and Cambridge, have more detailed means of communication with the broader community regarding detailed policy matters under discussion.[57] A detailed and comprehensive availablity of policies for discussion is central to whether governance bodies are able to engage fully with the broader community. Work on this paper revealed that transparency can be hindered across a variety of institutional types, not solved by a shift from an assembly to a smaller body.[58] Improvement in the general availability to such detailed information is an important move to enhance academic voice.

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[57] For example, the *University Gazette* at Oxford published a set of supplements regarding the detailed discussions over potential changes to Statutes in 2014-16. A few of these can be viewed as an examples: https://gazette.web.ox.ac.uk/::ognode-1::/files/thirdconsultationonpossiblerevisiontostatutexii-1tono5113pdf; and https://gazette.web.ox.ac.uk/::ognode-128581::/files/consultationonpossiblerevisionstostatutexii-1tono5051pdf. The *Cambridge Reporter* also includes extensive policy detail: https://www.admin.cam.ac.uk/reporter/2019-20/weekly/ with an example at: https://www.admin.cam.ac.uk/reporter/2019-20/weekly/6582/.

[58] In the construction of this paper, the author contacted colleagues at universities with smaller elected bodies to obtain information about how they work in practice. The general response was that they did not know about its workings, and that those on the body itself would need to be contacted to obtain this information. It does not appear that a smaller body is an automatic path to broader engagement with the community.

Participation options for stakeholders

As outlined in the section above, joining the Academic Board has minimal hurdles, translating into a high level of potential participation. This is especially important as members can react to policy issues as they arise, and need not be uniformly engaged at every meeting. Those who are key stakeholders in a policy discussed at one meeting may be less interested in a policy discussed at the next. A town hall or assembly meeting style of democracy has the advantage that it can register how intensely members feel about certain issues (in social science terms, the intensity of preferences). It can thus respond flexibly to different issues as they arise. Participation will be less at meetings where matters are understood to be of little importance, and will be greater at meetings where matters are perceived to be important to many members of the collective.

UCL's Academic Board reflects this flexibility. The termly meeting of the board may register moderate attendance, while special meetings of the board on particular issues of importance to the community have often registered several hundred participants. This flexibility provides a good reading of the temperature of the community that cannot be registered in a smaller elected body, where only representatives may attend meetings. It would not be expected for the entire town to participate in every town hall meeting, as only some matters will foster the intense feelings to incite large participation. In fact, such large scale participation at every meeting would be exhausting for the administrators of the system.

In a smaller body, a variety of different issues will always be decided by the same group, and does not directly relate to their stakeholder status. Moreover, the ratio of roles matters immensely on these smaller bodies. How many are elected rank and file academics, and how many are those appointed by management? How many slots are seats reserved for those in high positions in the institutional hierarchy? A discussion of smaller bodies as "representative" can easily overlook the fact that only a small number of seats may be held by those elected from among academic staff. The Queen Mary example from above is indicative here, as academic staff are a de facto minority on their Senate body.[59]

Within the UCL assembly model, not only can individuals participate directly, but they can also seek office from within Academic Board to important positions with relative power and influence. Some examples of these roles include the UCL Council, Academic Committee, the Education Committee, GCAB, and a variety of working groups. In a smaller body, such posts would be restricted among the members of the small group and would draw from a smaller potential range of stakeholder expertise.

Attendance

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[59] Queen Mary University London, Governance, "Senate Membership 2019-20," available at:
http://www.arcs.qmul.ac.uk/media/arcs/governance/senate/Senate-membership-2019-20.pdf
and accessed 22 April 2020.

A smaller elected body might reduce the ability of academics to respond in meetings to matters of great importance to them as they arise. A strong advantage of Academic Board is that members can register their intensity of feeling about particular issues by attending meetings of importance to them; as such, Academic Board has on occasion drawn attendance of around 400-500. These crucial moments of engagement are vital to the accountability and legitimacy of decisions within the community. Imagine a decision that went against that large number's wishes and its effect upon morale. The Commission found the potential for large attendance at Academic Board to be an advantage, an alarm system built into decision-making processes to register intensity of feeling. A smaller elected body cannot expand meetings beyond its number of members.

As mentioned above, the town hall or assembly structure does not intend that all members might attend every meeting; in fact, this would be widely unworkable. The purpose of the assembly is to preserve the flexibility to attend according to issues in which stakeholder groups will vary. With its usual attendance levels hovering around 200-300 members, we find Academic Board to be quite healthy as a decision-making body of this type.

Arguments for a smaller elected body often invoke the notion that attendance would be higher within its members. But examination of the workings of such bodies reveals that attendance among the members, measured as a low number of meetings missed per individual, relates less to the structure size than to individual member circumstances. Consideration of Parliament and other representative structures reveals that attendance is more often related to individual circumstances or propensities – just as within the Academic Board assembly structure. In a broad assembly, the absence of one individual due to illness is less likely to be fatal for a good decision, because there is a higher probability that others can represent this view. In a small body, the absence of that one person will be a much greater loss, due to a lower probability that their view could be replaced in making the decision.

Representing different groups

The minimal hurdles to join Academic Board, including the number of non-professorial slots open at any given time, are an advantage for inclusion. As with many institutions, there could be a stronger role for encouragement and mentoring for more de facto inclusion. Some members of Academic Board are now trying to conceive ways to improve such encouragement and mentoring for less represented groups.

Quotas have been occasionally proposed as more formal means for inclusion, and quotas could be proposed as a means of increasing members from BAME and differently abled staff within the framework of the current structure. Occasionally quotas have been seen as part of a smaller elected body, but they can be part of a variety of models. They can also be fraught due to the problems of descriptive representation mentioned above (does a person with a certain characteristic represent others with the same?).

With regard to quotas by faculty or discipline, we have noticed that such quotas tend to work less well in practice. Given staff workloads and the volunteer nature of Academic

Board work, the imposition of quotas across faculties could be detrimental to filling open roles. Scrambling to find someone from X or Y faculty (which has happened at points when quotas were tried) means that choices of those to fill committees or Council have an additional hurdle, in the midst of a potential shortage of staff willing to engage. The larger assembly model addresses this problem by allowing a broad range of participation, as staff will tend to engage on issues on which they perceive themselves to be stakeholders.

Consultation outside of meetings

Due to the minimal hurdles to Academic Board participation and the fact that papers are distributed to everyone, a broad range of potential consultation is made possible. That said, the complexity of the papers means that de facto consultation has improved since the establishment of GCAB and the memo process over the past few years. We would envision more consultation to be made possible with the reinstatement of the ExCom earlier in the decision-making process. That said, there could be room for improvement in this area for members who cannot attend meetings due to reasons such as caring responsibilities, and consideration could be given to such avenues. Currently, these updates are conducted informally upon the request of those who cannot attend, but perhaps a more systematic structure could be envisioned.

Principle 3: Expertise and action

The word "professionalism" has arisen on occasion regarding potential desirable qualities of those engaging in these processes. We have not included it as a standard, because such a criteria could hinder the actual consultation process and good decision-making by edging out certain individuals, including students or stakeholders who are less adept at navigating bureaucracies than others. The notion of "training" individuals can also come with a subtext of influence. Good decisions require some consideration from a variety of perspectives. That said, we recognise that several aspects of decision-making require exposure to expertise or a willingness to research and dig into details. For this reason, we are using the language of expertise and action, rather than that of "professionalism."

The appointment, rather than election, of certain roles to smaller committees and groups of Academic Board is to some degree inevitable where complex decisions requiring expertise or research are made. But attention should be paid to retaining a balance between appointed and elected members to preserve accountability.

Agility

As the present Covid-19 moment indicates, there might be the need for a quick response to crisis, which can be more practically achieved with a smaller and agile body. GCAB has been able to serve agile functions of quick interactions with the management side, while at the same time retaining the broad participation aspects of Academic Board outlined in the sections above. Due to a need for more Academic Board involvement earlier in the policy process, we have proposed the reinstatement of ExCom, a more

agile body to interact with SMT and Council – but again while retaining the broad participation aspects of the larger Academic Board. Academic Board also has established working groups to respond in an agile fashion on particular issues. While a smaller elected body without an assembly might be more agile by definition, it does not have the broad participation aspects we have discussed above.

Detailed work on policy content

During Academic Board meetings when some potential proposals have arisen for policy improvement, the Board has established working groups to look into more detail on these matters. In this way, Academic Board has established a range of working groups over the past years. One of the most notable was that on Statute 18 (2012-13), which stopped an attempt to remove statute protection from academics and make them more vulnerable to being fired. Other working groups include that on Discretionary Accounts (2016-17), and ongoing working groups on the UCL Charter and Statutes, Intellectual Property, and the IHRA definition of antisemitism. The broad participation nature of Academic Board allows for a broad pool of willing volunteers and with a variety of expertise. These Academic Board working groups have been able to research the details of policy and consult with relevant experts in order to formulate revised proposals in coordination with those on the management side. GCAB conducts some of these functions in an ongoing manner, via its research, production, and distribution of memos on particular papers for the Academic Board meeting. However, there is more room for work on detailed policy content at earlier stages of development, which can be fostered via the academic impact statements for policy and the ability of a reinstated ExCom to liaise with SMT and potentially Council on earlier stages of policy. Within a smaller elected body, this kind of detailed work would need to be distributed amongst a smaller group of individuals, thus limiting the available pool of individuals and expertise, and with potential labour-intensive implications for members. These burdens might come with a lowered capacity to fully research the details of policies.

Adherence to Office for Students / government regulatory requirements

The agility and detailed work on policy content aspects are especially important for the univiersity's ability to respond to rapidly-changing government policy – in a way that includes academic input and makes the policies robust and workable for those staff implementing them. It is crucial that there should be some early feedback on the internal policies that result from government imperatives. In this changing environment, time should not be lost in formulating policies that would be unworkable, with problems discovered at a later stage once those implementing them are involved. More academic involvement at earlier stages is essential to avoid having to revisit them later.

Principle 4: General accountability or "holding to account"

One difficulty with elected representatives is that they are elected for terms. Between their term elections, they may or may not decide to adhere to their constituents' wishes. More direct forms of democracy such as the town hall or assembly structure can avoid

this term-incentive problem. While non-professorial members of Academic Board are subject to terms, the minimal hurdles to participation also mean that someone disgruntled with members' performance might themselves become members of Academic Board. In comparison with other universities, UCL has a relatively high degree of accountability. Mechanisms of accountability include veto points, or points at which decisions can be overturned, and checks and balances in the overall system. It is important to keep in mind that mentions of "smooth working" or "working well with" management bodies might be antithetical to accountability and thus legitimacy of an organisation. Holding to account implies that decisions are not rubber-stamped, but rather scrutinised. As mentioned in the discussion on representation, in a smaller body, the ratio among different categories of participants is crucial to determine how successful those bodies can be in holding management to account. Where rank and file academic staff are a minority, due to a high ratio of appointed and hierarchical positions, these bodies are more likely to rubber-stamp decisions. Robust plans require some testing and revision within a body of diverse opinions. Avoiding accountability may seem to be a management win in the short-term, but in the long-term, implementing weak plans that have not received robust scrutiny harms the university community as a whole.

Veto points[60]

Veto points, or points at which decisions might be overturned, are one measure of the degree of accountability in a system. For UCL's Academic Board, there is an "alarm system" built into the assembly structure that allows a large number of participants to attend meetings or special meetings on matters of importance to them. While few, those crucial meetings that have drawn around 500 members have been moments of directional change. These moments have increased the accountability and legitimacy of the organisation overall, as with the May 2017 meeting that established the Governance Committee of Academic Board. Other veto point mechanisms include the potential for Academic Board members to call a special meeting, the establishment of Academic Board working groups, and the potential for GCAB memos to bring important aspects of a paper to the attention of Academic Board. At this time, nearly all of these avenues are reactive ones that take place at later stages of the policy process. We perceived that it could be more efficient to have stronger consideration of policies nearer their inception points, in policy development. The inclusion of academic impact statements was one of our proposals to try to enact this type of earlier consideration and involvement. The reinstatement of the ExCom would provide a mechanism for producing those impact statements, with a closer interaction between ExCom and SMT as well as Council – channels that do not currently exist in formal terms.

In a smaller elected body, the presence of veto points will rely greatly on the local culture and the personality of those holding the smaller set of seats. In addition, the smaller number of members means that those with an interest in a policy succeeding

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[60] Ellen Immergut, "Institutions, Veto Points, and Policy Results: A Comparative Analysis of Health Care*," Journal of Public Policy* 10, no. 4 (October 1990), pp. 391-416, and George Tsebelis, "Decision Making in Political Systems: Veto Players in Presidentialism, Parliamentarism, Multicameralism, and Multipartyism," *British Journal of Political Science* 25, no. 3 (July 1995), pp. 289-325.

might more easily lobby members to get "onside" the policy, something more difficult in a large assembly body.

Checks and balances

UCL's Charter and Statutes outline the Academic Board as part of its system of checks and balances. The Charter and Statutes give it clear powers that are distinct from and not subservient to Council. In order to maintain checks and balances for accountability, it is vital that this separation of powers is preserved. While the system could be enhanced with more upstream involvement via the reinstatement of an ExCom, overall we see these checks frequently in action. A system without such checks and balances would be one in which all policies are always approved in a rubber-stamp fashion.

It is concerning that we do see a degree of this rubber-stamping at other universities. While more empirical research could reveal some interesting trends, theories of institutions provide some partial answers. In smaller-size elected bodies, representatives may start out with good intentions to represent constituents, but then may be pressured by institutional demands, becoming co-opted into taking an easier side, pressured directly and indirectly by holders of power. Moreover, the choice of representatives may also be influenced by powerholders as a means to diminish resistance. Each seat is high stakes in a smaller body, and it can thus come under management influence via lobbying or selection. Those in public positions of power thus frequently prefer smaller elected bodies to assembly structures, because they can be more receptive to management influences.

Model of democracy

The discussions since the report was published have indicated a strong need for conceptual clarity, given some inconsistencies in general use.

Direct democracy is a system of government in which decisions are made directly by the public. It can take 2 main forms:
- A *referendum* or plebiscite, in which the public casts ballots;
- In local settings, a *town hall meeting*, in which members make decisions at a public meeting. This assembly style allows for deliberation and consideration of matters with the potential to change minds.

Representative democracy is a system of government in which representatives are elected to make decisions from a wider public.

In the discussion above, we outlined why democratic theorists prefer a more direct route to engagement in decision-making over representative forms where scale allows, as in the town hall or assembly model. The UCL community is reflective of this scale. Town hall or assembly style direct engagement is preferable to direct democracy via referendum because it allows for deliberation, rather than simply being a measurement of opinion. Via deliberation, more aspects of policies can be considered and minds can

be changed.[61] Due to the minimal hurdles to participation on the Academic Board, even for non-professors, a broad range of opinions have the potential to be included in this deliberation.

The Academic Board has a town hall meeting style of decision-making for the professorial members, as all professors are on-going members of Academic Board and can attend any meeting. An elected smaller body (with minimal hurdles) also exists for non-professors, who then serve for a certain term. GCAB and committee groups are elected from within Academic Board, as would be a potentially reinstated ExCom – smaller representative bodies within the larger assembly. This hybrid structure thus combines elements of assembly for broad participation as well as smaller representative groups. The abolition of UCL's academic board and its replacement by a small elected body would involve disenfranchising and silencing a large body of UCL academics, including the larger share of the UCL Professoriate, losing the potential input of their academic experience and expertise in the running of UCL.

A proposal to move to a Senate model was considered and debated at Academic Board in the past, voted on and rejected.[62] Among the arguments presented against this proposal were the following:

> "AB, although its essential function was advisory rather than decision-making, had a vital role to play in enabling a broad range of academic and other staff to engage in major educational policy debates within UCL – and, through giving staff a voice in such debates, helped to raise their morale. The part played by AB in 2002 in the discussions of possible merger between UCL and Imperial was a notable illustration of this role... A large, widely representative body was more likely to express 'anti-establishment' views and, as such, could be a more valuable force for academic democracy than a smaller body whose membership was dominated by an institution's senior academic management... It was important for UCL's senior academic committee forum to be capable of exercising an effective overview of the workings of subordinate academic committees, whose delegated powers enabled them to make decisions with far-reaching implications for academic departments."

We contend that these arguments hold as much weight now as they did in 2004. We also note that the Provost, who had previously advocated that Academic Board be replaced by a smaller senate, formally dropped the proposal at the special meeting of Academic Board on 18 May 2017:[63]

> "59.2 The Provost explained that the Special Meeting had been called in response to issues raised by a group of senior academics, resulting in the motion to establish a special Governance Committee of Academic Board. The Provost welcomed the initiative on the agenda and the opportunity to discuss the effectiveness of Academic Board; though he had worked with Senates in the past and considered them the most effective model for academic engagement, he

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[61] Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004).
[62] See Academic Board minutes, 17 March 2004, item 24, Review of Academic Board.
[63] Academic Board minutes, 18 May 2017, 59.2.

> confirmed that he was happy to work with an improved Academic Board, and was not seeking to create an Academic Senate."

In the course of discussion since, we have noted the desire for a smaller elected body has been raised a number of times and in different settings by those in the management team, including during the 12 February 2020 Academic Board meeting discussing this report. Some of the policy outcomes at institutions with different governance structures can be empirically instructive on these differing perspectives. Institutions with stronger academic voice will be those where policy outcomes resonate with the academic community and reflect institutional legitimacy. A poll of academic staff would be a useful measure of views on such policies. Absent a comparative poll, a few policy examples might prove indicative of some of the outcomes in different institutions. In the examples at the beginning of this paper, King's College London and Queen Mary were noted as examples of institutions that have smaller elected bodies. Consider the policies that have emerged from these different institutions. King's College London and Queen Mary have both seen moves to academic redundancies over the past decade. In stark contrast, the Oxford Congregation model was able to support a strong pushback against management during the 2018 pension discussions.

If we look more closely, there is a slight difference between the institutions with the smaller elected bodies. Academics form a minority on the Queen Mary body, and only a slight majority on the King's body, in relation to appointments and other group categories. This proportional difference may have important implications for the types of decisions that will be made. An assembly model is less subject to such contingencies, as the large potential numbers provide insurance that academic voice should come through on matters of importance to members. Smaller elected bodies do not include the broad participatory elements of an assembly model as outlined above. The degree to which they can represent academic voice will remain highly contingent on their structure and the allocation of seats. Moreover, the high stakes for each seat may increase a temptation for management influence in elections or to get members "onside" a policy. It is only natural that managers would prefer such a structure, which can facilitate more "rubber-stamping" of policy than UCL's assembly structure with committees such as GCAB. But in universities, where it is vital to maintain the legitimacy that comes with a true holding of power to account, we should aspire for decision-making processes that involve the community in the process of making decisions on policies they are expected to later implement.

Comparing institutions for academic voice in university governance			
	Type		
	Assembly + Scrutiny	Assembly + Policy Development + Scrutiny	Non-assembly body, "Senate" in previous discussions
Details	UCL Academic Board, professors in assembly plus elected others such as non-profs, scrutiny via GCAB	Proposed reinstatement of Executive Committee of Academic Board, with existing form and GCAB	Smaller body with elected or appointed members
Details and examples	Assembly + scrutiny body (GCAB). UCL, Oxford, and Cambridge all have assembly models.	Assembly + scrutiny body (GCAB) + policy development body (ExCom), in conjunction with SMT and Council	Smaller bodies contain different proportions of academics to other categories (King's College London, Queen Mary)
"Upstream" involvement, at point of policy design / development	More difficult unless by GCAB	ExCom takes role	Can be involved if decision-making process allows
"Downstream" scrutiny of policies	By GCAB	By GCAB	Depends on degree to which members independent of management, will vary and less if appointed
Broad transparency, staff can obtain information on policies in development	Joining AB has minimal hurdles, GCAB pre-meeting memos. Scrutiny begins with AB papers being circulated.	Joining AB has minimal hurdles, GCAB pre-meeting memos, ExCom involvement earlier in the process as info channel.	Depends on confidentiality provisions, smaller body could mean less broad info. Question of labour per member to inform others.

Participation options for stakeholders	Professoriate: can come to any meeting. Non-profs must be within AB term but minimal joining hurdles.	Professoriate: can come to any meeting. Non-profs must be within AB term but minimal joining hurdles.	Elected or appointed members only, outsiders unable to weigh in directly on policy issues as arise.
Attendance	AB has had up to 500 on matters of importance to the community, attendance depends on matters discussed	AB has had up to 500 on matters of importance to the community, attendance depends on matters discussed	Limited to number of members on body
Representing different groups	Low hurdles to join AB make possible, more encouragement would assist	Low hurdles to join AB make possible, more encouragement would assist	Election or appointment process may or may not encourage*
			*Quotas may be fraught, problem of descriptive representation; not all think the same who are from a particular group
Consultation outside of meetings	AB papers distributed to everyone, and members may weigh in via emails to GCAB	AB papers distributed to everyone, and members may weigh in via emails to GCAB and ExCom	Depends on level of confidentiality and active or passive status of members
Agility	GCAB now tries to serve this role, but is scrutiny committee; working groups established by AB	ExCom would serve this role, in communication with SMT and Council; working groups established by AB	Smaller size allows

Detailed work on policy content	AB working groups, GCAB consults experts in memos to AB, but reactive	AB working groups, GCAB consults experts in memos to AB, ExCom with input upstream, academic impact statements early on	Depends on activity level of each member and degree to which independent of management
Adherence to Office for Students / government regulatory requirements	Policies to fit requirements have academic input only at later stages, with AB and GCAB involvement	Policies to fit requirements with more academic input in earlier stages via ExCom and later stages with AB and GCAB involvement	Academic involvement in policies depends on processes to involve this body and dispositions of those in seats
Veto points, or points where decisions can be overturned	GCAB memos, feedback via AB, working groups, AB calls for special meetings to consider	GCAB memos, feedback via AB, working groups, AB calls for special meetings to consider, ExCom liaises with SMT, Council	Depends on local culture. In a smaller body, lobbying and mgt influence can get members "onside" a policy.
Accountability, or checks and balances in overall system	Moderate. AB examination and detailed downstream scrutiny by GCAB, but low upstream involvement.	High. AB examination and detailed downstream scrutiny by GCAB, with ExCom involved in upstream policy development.	Depends. Each seat is high stakes on a smaller body, can be focus of mgt influence via lobbying or selection process.**
			**Unis with smaller bodies of elected and appointed members have more readily

			embarked on redundancies than assembly unis
Model of democracy	Town hall assembly plus elected bodies; non-profs elected with minimal barriers, GCAB elected from within AB	Town hall assembly plus elected bodies; non-profs elected with minimal barriers, GCAB and ExCom elected from within AB	Representative for elected seats if in contested elections, appointed seats non-democratic; ratio between seat types of interest

E. GLOSSARY OF TERMS

Academic– For the purposes of this report, 'Academic' when referring to a person is taken to mean someone whose principal professional role is in university-level research and/or teaching, rather than someone who has some experience of academia (however defined) such as having once undertaken some teaching or research. Where an 'academic member' of Academic Board is referred to, this is to be taken to be someone with the above profile whose membership of Academic Board is via the professorial (ex officio) or elected route.

Academic Board (AB) – academic governance body of UCL, as decreed Article 8 of UCL's Charter and Statute 7.

Academic Committee (AC) – considers educational matters and present has powers to advise Council on educational matters and to approve courses of instruction. The powers of AC to 'consider and advise the Council upon all academic matters and questions affecting the educational policy of the College' is a delegated power lent to it by the Academic Board. Where AC charges sub-committees with these kinds of tasks (e.g., Education Committee) these sub-committees are also using Academic Board's delegated powers.

Charter & Statutes (C & S) – the constitution of UCL. Changes to the Charter and Statutes require "Special Resolutions" of Council, voted on twice and requiring a two-thirds majority, before going to the (Queen's) Privy Council for approval. They can be found at: https://www.ucl.ac.uk/srs/sites/srs/files/charter-and-statutes.pdf

Council – body of trustees of UCL, as outlined in Parts 3 – 6 of the Charter and Statutes.

Delegated powers – powers granted to a governing body (such as Council or Academic Board) in UCL's Charter and Statutes, where the Statute provides that the power can be "delegated" to another person or body in the university. The delegation of a power must be done by explicit resolution and documented in a schedule of delegated powers. It involves the lending (not rescinding) of a power, and may be recalled. There is also an obligation to report on the use of these powers to the delegating body by the delegee body.

Education Committee (Ed Com) – considers educational matters. Delegated powers from the AB, which are reconsidered in this report.

Executive Committee (Academic Board) or ExCom – A historical committee of the Board that was disbanded by chair's action. Its reinstatement is being recommended in this report to contribute to cooperative agenda setting, consultation of the academic community by Council, and having an early input into the framing of policy initiatives, such as the scrutiny of Academic Impact Statements.

Ex Officio – membership of a committee by virtue of holding a particular office or formal role (contrasts with elected or appointed members of a committee).

Financial Strategy Group (FSG) – an advisory group to the Provost and SMT, intended to examine issues around longer-term financial sustainability.

Governance Committee of Academic Board (GCAB). Established in 2017 following a special meeting of Academic Board. A scrutiny committee that examines matters at the stage they are coming to AB.

Office for Students (OfS) – the regulatory body for Higher Education in the UK, following the Higher Education and Research Act 2017.

Organogram – graphic scheme that depicts the relation of committees to each other.

Regulations for Management (RFM) – rules of the composition of committees and their relation to each other. What UCL calls Regulations for Management (RFM or RfM) other universities call "Ordinances" (not to be confused with "Ordnances").

Senior Management Team (SMT) – advisory group to the Provost.

Standing Orders (SO) – procedural rules for the operation of Academic Board.