

Report of the Council on governance (the Regent House, the Council, the Vice-Chancellor, and the Pro-Vice-Chancellors)

The COUNCIL beg leave to report to the University as follows:

The Council have already announced (Reporter, p. 803) that this Report will be put up for discussion on two occasions. The first of these Discussions will be on Tuesday, 9 July, and the second on Tuesday, 8 October. The Council also stated that they hoped that University bodies, Colleges, and the intercollegiate bodies would have an opportunity to consider the Report. They would be grateful for further comments from these bodies, and from individuals. The Council will take account of remarks made at the two Discussions and of any other comments received and plan then to submit Graces for the approval of the recommendations of the Report, amended as appropriate. The main elements in the proposals will be Graced separately. The Council will call a ballot on the Graces, with postal voting in the second half of the Michaelmas Term.

Introduction

In this Report the Council propose amendments to the constitution of the University.

The University is a self-governing corporation with the privilege, within specified limits, of making its own Statutes and Ordinances. They provide the constitutional framework within which the University is organized and managed. As the history of the University amply demonstrates, such a structure is not fixed for all time and must be subject to reform and renewal if the University is to function effectively in changing circumstances.

During the last century, the University of Cambridge has expanded greatly in size and has grown in complexity. The past eighty years have seen major changes to its constitution, the most important flowing from the imposition under Parliamentary authority of the new Statutes of 1926, the review, begun in 1966 by a committee chaired by Dr W. W. Grave, of the University's administrative arrangements, and the deliberations of the Syndicate chaired by Sir Douglas Wass in 1988–89.

As the University has become bigger, more various and diverse in its scholarly activity, and subject to greater expectations and demands from within and without, so it has faced the challenge of moving from a relatively small and homogenous academic community, to one held together by more impersonal networks of obligation and authority. This has required continuing constitutional change and administrative development.

The current Report should be seen in that context: it brings to the Regent House proposals for a limited number of Statutory changes which the Council believe to be necessary for the effective development of the University's governmental and administrative systems. Many of these proposals have been under consideration for some time; some of them have been given sharper focus by the reports of Professors Shattock and Finkelstein on the implementation of CAPSA. The Report cannot propose a complete solution to all the University's governance problems, but it is an essential step forward in dealing with them.

The proposals embodied in this Report have been subject to wide publicity and the Council has considered the comments made during a preliminary and informal consultation held in the Lent Term 2002.

The proposals put forward now have been revised and refined in the light of that consultation.

The Council commend to the Regent House the following measures:

1. *Explicit statutory definition of the Vice-Chancellor as the University's principal academic and administrative officer.*

This is designed to clarify the function of the office and is in line with practice and with demands and expectations both inside and outside the University. In addition, it is proposed that the person holding the office should do so for seven years (rather than for five years reappointable for a further two as at present) or, in exceptional circumstance, for such shorter period as shall be determined at the outset.

2. *An increase in the maximum number of Pro-Vice-Chancellors from two to five.*

This is in order to support the Vice-Chancellor and to give greater opportunity for senior academic leadership in the overall running of the University.

3. *Revision of the composition of the University Council in order to improve its capacity as the principal executive and decision-making body of the University.*

The main changes proposed here are that three places should be reserved for members who are external to the University, one of whom should be appointed to chair the Council and another to chair the Audit Committee of the Council. Secondly, that provision be made for representation on the Council of members of the assistant staff. The size of the Council will be increased from twenty members to twenty-two.

4. *Membership of the Regent House to be extended to include more unestablished academic and academic-related staff at present excluded from the Regent House.*

This is consistent with the spirit of the constitution of the University that it be governed by the academics living and working within it.

5. *That consideration be given to changing the number of signatories required to call for a ballot or for a Discussion on a topic of concern to the University.*

This number is at present fixed at ten. The Regent House will be invited to consider twenty-five and fifty as alternatives.

The Council will continue to review other matters of governance and administration, and will include in their review suggestions that have been brought forward during the consultation process; further Reports relating to governmental and administrative matters are currently before the Regent House, and others will follow.

The consultation process

1. In the Lent Term 2002 the Council published a consultation paper on governance (*Reporter*, p. 508). The paper was widely circulated and numerous written responses were received. These are published in the Annex to this Report, except for comments made by some individuals who have requested that they should be confidential. In addition, there was consultation

through a website. The Annex also summarizes the results of this consultation. There were also several open seminars, points made at which were taken into account when preparing the present proposals. The comments made have been considered by the University Council and the Joint Committee of the Council and the General Board on Governance. The Council have taken full account of the comments in framing the proposals set out in the present Report. The Council wish to express their gratitude to members of the University and others who have taken such care to comment in response to the consultation.

2. The consultation paper made proposals for discussion of interconnected changes in five main areas: definition of the office of Vice-Chancellor; development of a team of Pro-Vice-Chancellors; reconstruction of membership of the Council; development of the role of the Chairmen of the Councils of the Schools; and Regent House composition and procedure. The Council comment below on the views expressed on these issues in the consultation exercise, and now present recommendations. It was suggested in a number of responses, including some from the Councils of the Schools, that there was a need for further consideration about the role of the Chairmen of the Councils of the Schools, particularly in the light of continuing discussions being held within the framework of the separate consultation exercise on a Resource Allocation Model, but for other reasons too. The Council will publish recommendations about the Chairmen of the Councils of the Schools after further consideration and discussion.

3. Some responses to the consultation paper suggested that it was not clear how the document's proposals would help to solve the problems it identified. The Council agree that some of those problems need to be addressed by means other than reform of basic governance structures. Indeed the consultation paper itself referred to reorganization and development of the University's Administrative Service and the action plan for consideration of the independent external reports on CAPSA, both now under way. Respondents commented forcefully on the need in particular for clearer, swifter, and better informed decision-making processes, and the Council accept that making improvements in this area must be a priority. The principal focus of the governance proposals, however, was the need to enhance the capacity of the Vice-Chancellor and the Council to carry out their respective responsibilities. The Council see clarification and confirmation of the roles of the Vice-Chancellor and the Council, including determination of the future membership of the Council, as prerequisites for progress towards better decision-making and more explicit accountability. Having robust decisions that command widespread support is important on major issues of policy and strategy, and the Council agree with those respondents to the consultation exercise who commented that the University would be unwise to change some of the main features of our governance arrangements that have contributed to the University's sustained academic success.

4. It is worth pausing to consider some of the areas of greatest potential risk for the University over the next twenty-five years. The University depends on its ability to attract outstanding staff, in particular academic staff. It seems likely that they will want to come to an institution which is open, allows them to pursue their

intellectual interests, and provides them with resources to do so. To provide those resources and to provide for intellectual enquiry at the leading edge increasingly requires partnerships with other bodies, particularly in science, technology, and medicine, but also in the arts, humanities, and social sciences. Those partners are likely to look to an institution that can work effectively with them, is committed to open intellectual enquiry, and does not operate or appear to operate to other values. Partners and stake holders, including the Government, funding bodies, and benefactors, expect to see a University where academic and intellectual performance and potential are the only criteria for admission, appointment, and achievement, and one in which ideas can be recognized and developed without being threatened by cultural or organizational failure. The recommendations advocated in this Report are conceived as an attempt to introduce some of the reshaping needed if Cambridge's basic governance structures are to cope with these expectations and with a much greater volume of business than even a decade ago, in ways that remain responsive to the wish of the University community to have ownership of its future direction.

The role of the Council

5. Under Statute A, IV, 1(a), approved after the Wass Report, the Council is designated as the principal executive and policy-making body of the University and as such is accountable to the Regent House as the governing legislative body. This definition of the Council's role has not gone entirely unchallenged during the consultation process. Some comments received suggested either that it is in principle mistaken to assign executive powers to the Council, or that in practice a body constituted as the Council is now or would be on the proposals of the consultation paper is not well-fitted to act as an executive, whether because of size or membership or the volume and weight of business it has to transact or a combination of these factors. Some respondents suggested that the Council be conceived primarily as a policy-making and monitoring body, charged with keeping under scrutiny the executive actions of the Vice-Chancellor, other officers, and other bodies in the University, while also continuing to act as the main source of advice to the Regent House about University legislation and policy.

6. The definition of the Council as the University's principal executive and policy-making body corresponds to a common provision in the specification of the remit of councils of universities established before the Parliamentary legislation of 1992, although such councils are usually also the formal governing bodies of their institutions. The Council interpret 'executive' in the Statute as stipulating that the Council have a responsibility to make such decisions as are needed to implement agreed and approved policies, and then to ensure that they have in place mechanisms whereby they can be assured that those decisions are actually implemented. If 'executive' is taken in this way, then it appears to the Council that inasmuch as the Council is the body which makes the policy which is to be implemented, it is appropriate for the Council to be a body charged with executive responsibilities: both in the interests of consistency between policy and decision, and because a body which had responsibility for policy but not for the decisions needed to implement it would run the danger of irresponsibility.

The role of the Vice-Chancellor

7. The Council accept that the main focus of the Council's business should nonetheless be policy-making, and that actual execution of many of the Council's decisions has to be entrusted to individual officers who are and can be held responsible for their performance, and who are given both authority and appropriate support to enable them to carry out their responsibilities. This is the force of the recommendation in the consultative paper that the Vice-Chancellor be designated the *principal* academic and *administrative officer* of the University. The recommendation has been very widely welcomed. The Board of Scrutiny have objected to the words 'responsible for the overall direction and management of the University and its finances' which were used in the consultation paper to clarify the formula. The Council accept that this clause might be taken as implying a qualification to the account of the role of the Council itself specified in the Statute. They would amplify the formula to say that the Vice-Chancellor should bear overall responsibility for the executive management of the University and its finances and for its direction within the framework of agreed and approved policies, and should be given the necessary authority to discharge these responsibilities directly or by delegation.

8. At the same time, as the Board of Scrutiny emphasize, the University should expect that the Council and the General Board will be responsive to strong leadership from the Vice-Chancellor as *principal academic* and *administrative officer*, especially in the area of policy-formation. The Council are in no doubt that in a period both of increasing pressures on this as on other universities and of new opportunities for development, Cambridge will need as Vice-Chancellor someone who will bring it clear strategic vision and outstanding leadership qualities, taking initiatives and helping to give substance to the initiatives of colleagues within the context of a complex democratic self-governing institution. The proposed Statute reflects this conception of the office.

The role of the Pro-Vice-Chancellors

9. The consultation exercise revealed a significant degree of support for the proposal that there be provision for a greater number of Pro-Vice-Chancellors than is currently permitted under the Statutes. However several respondents asked for more information about the role envisaged for them. The Council see Pro-Vice-Chancellors – in future as at present – not as line managers in particular areas of administration, but as providing academic leadership in policy development and in the interpretation and monitoring of practice. Since Cambridge's governance structure involves an extensive committee system, the Council think it important that Pro-Vice-Chancellors work with and through relevant committees – otherwise they are unlikely to be either effective or perceived as performing functions integral to the work of the University. The Council expect that the Vice-Chancellor would ask Pro-Vice-Chancellors to chair many of the principal committees of the Council and the General Board, where they would interact with the Chairmen of the Councils of the Schools in particular. (The Vice-Chancellor would continue to chair the General Board). Thus for example a Pro-Vice-Chancellor for research could chair the Research Policy Committee,

and a Pro-Vice-Chancellor for teaching and learning the Education Committee (these do not exhaust the fields in which Pro-Vice-Chancellors might work: for example, another could well be aspects of external relations). One Pro-Vice-Chancellor would carry principal delegated responsibility, under the Vice-Chancellor, for ensuring implementation and co-ordination of the agreed and approved policies of the Council.

10. The Council's Working Party on the Vice-Chancellorship and Pro-Vice-Chancellorships heard evidence that such arrangements operate effectively in a number of the major research intensive universities in the UK, and make an important contribution to enabling a Vice-Chancellor to act both as the principal officer of the University and also as its principal ambassador in relationships with key external partners. The Council see the development of a team of up to five Pro-Vice-Chancellors as something probably needing to be introduced gradually, in the light of experience of workloads and the distribution of portfolios as between them and other officers. The Pro-Vice-Chancellorships should be filled after advertisement. The advertisement would define the main areas a particular Pro-Vice-Chancellor would cover. Some flexibility as to the terms and conditions of service would be applied according to particular circumstances. One respondent suggested that a two-thirds time appointment (as suggested in the document) would probably have the effect of excluding Heads of Colleges from consideration, which was not the intention; another has asked whether the cost would constitute value for money. Cost, in addition to the salary of a Pro-Vice-Chancellor, would be that of buying out time from a Faculty or Department, or College, and if necessary a salary for research assistance to support the research of a Pro-Vice-Chancellor. The cost in addition to a Pro-Vice-Chancellor's salary is estimated at approximately £45,000 a year for each Pro-Vice-Chancellorship. In general, however, the arrangements for the office should be flexible enough to carry different time and salary expectations according to the requirements of the portfolio assigned. The Council will determine the proposed stipend for each Pro-Vice-Chancellor according to the workload in each case. The Council will ask the Personnel Committee to propose amendments to the schedules of payments additional to stipend (*Statutes and Ordinances*, p. 652) for Heads of Departments to include payments to Pro-Vice-Chancellors.

The chairmanship of the Council

11. The consultation paper suggested that in the light of recognition of the Vice-Chancellor as principal academic and administrative officer of the University, and as such accountable to the Council, it would be appropriate for the chairmanship of the Council to be undertaken by someone other than the Vice-Chancellor. The suggestion met with considerable support but also some opposition. Among the particular doubts expressed were concerns that the Vice-Chancellorship might on that account lose some of its authority; that there is a danger that a Chairman other than the Vice-Chancellor might conduct the office inappropriately to build an independent powerbase; or that conversely it would be difficult to find a Chairman who could make the appropriate commitment of time and understanding. The specific idea that one of the proposed external members of the Council might

normally be Chairman prompted some alternative suggestions. In particular it was suggested that Heads of Colleges on the Council, particularly perhaps if they have broad experience extending beyond academe, might better represent a mix of distance with understanding and sympathy. There was a plea for caution: should not external members have some experience of the Council and the Council some experience of them before moving to make an external member Chairman?

12. On the basis of their knowledge of the situation in those universities whose councils have independent chairmen, the Council consider that these apprehensions are largely misplaced; and in their view there is considerable force in the principle that the Council should be able and be seen to be able to hold the University's principal officer accountable through his or her presence otherwise than in the Chair. They note also the testimony of colleagues who have worked in such institutions that an independent Chairman can be highly effective in giving the Vice-Chancellor appropriate support, while ensuring that the Council's focus is on policy and the monitoring of implementation of policy. Selection of the right person as Chairman would in Cambridge as elsewhere be a delicate and demanding task, not least on the first occasion, and there is further comment on an appropriate process for appointment of lay members of Council below (24). The danger that a Chairman other than the Vice-Chancellor might be perceived as a possible counterweight to the Vice-Chancellor would in the opinion of the Council have more substance if such a Chairman held a position within the University or a College. In the Council's view the best arrangement will be for the chairmanship to be held by an external (or lay) member who is not currently engaged in teaching, research, or administration within the University or a College.

The membership and size of the Council

13. The consultation paper was based on various assumptions about the membership and size of the Council, notably: (i) it should be cohesive and therefore not significantly larger than the present Council; (ii) it should be in the position to benefit from the expertise of external members; (iii) membership should be representative of the different categories of staff, academic and non-academic, working in the University; (iv) there should be substantial *ex officio* membership, to include those officers with principal responsibility especially for resource allocation; and (v) there should be appropriate representation from the Colleges. Of these propositions (ii) and (iii) have met with a good deal of support, but also some qualification and from some respondents objection (particularly in the case of (iii)). (iv), while not unsupported, has run into substantial opposition from various quarters. (i) and (v) command general agreement, but the overall increase of six in the membership of the Council is widely perceived as threatening its cohesiveness (i); and the decrease from four to three suggested in the Heads of Colleges category is similarly perceived in many quarters as weakening College representation (v). One particular concern expressed is that whereas at present the election of the great majority of active members (sixteen out of twenty) by and from the membership of the Regent House gives expression to the concept of the University as a self-governing body of scholars, and

properly reflects the status of the Regent House as the governing body of the University, on the scheme of membership suggested in the consultation paper the proportion of the membership elected by the Regent House would have dropped to no more than 35% (nine out of twenty-six).

14. Having reflected further on the issues in the light of the comments made, the Council now propose a revised scheme for Council membership, as follows:

- (i) the Chancellor (no change is proposed in regard to the office of Chancellor);
- (ii) the Vice-Chancellor;
- (iii) a Pro-Vice-Chancellor designated by the Council;
- (iv) three external or lay members appointed by Grace, of whom one would be Chairman of the Council and one Chairman of the Audit Committee;
- (v) four Heads of Colleges, elected by the Regent House;
- (vi) four members of the Regent House (including eligible unestablished contract staff in an expanded Regent House), elected by the Regent House;
- (vii) four Professors and Readers, elected by the Regent House (two from arts, humanities, and social sciences, two from science, medicine, and technology Faculties and Departments);
- (viii) two eligible members of the assistant staff, elected by themselves;
- (ix) three elected students.

The Council's overall size would be increased by two (in practice twenty-two rather than twenty). On this scheme there would be only three *ex officio* members (the Chancellor, who customarily does not attend, the Vice-Chancellor, and one of the Pro-Vice-Chancellors). Of the remaining twenty, twelve would be elected by the Regent House.

15. A Council of this size could conduct its business efficiently, and at twenty-two would not be too large to be cohesive, given that certain other conditions are satisfied. Much turns on the nature, preparation, and presentation of the business on its agenda, and on members' understanding of their own role and their preparation and training for it. The Council are seized of the point that the Council should focus on key policy and monitoring issues, relying on committees to draw these to their attention and otherwise to transact business on the Council's behalf. Recently the Council agenda has undergone substantial restructuring with this end in view, in the Council's own view with a good deal of success. The current Council are also mindful of a duty to debate and agree upon constructive solutions.

16. Even so it might be suggested that a smaller body might be more effective. Against this the Council would argue that if the Council's main functions consist in making policy and monitoring its implementation, then:

- (a) it needs to be aware of perceptions and vantage points in all sectors of the University community, something best achieved by direct representation from the different sectors themselves;
- (b) it needs to have a strong academic component in its membership, including provision for an appropriate level of seniority and for an arts-science balance;

- (c) it needs strong College representation, also at a senior level;
- (d) it needs the expertise and experience of persons who work or have worked in other fields of activity, again best achieved by membership of the Council;
- (e) it needs to include in its membership those with the principal responsibility for guiding policy formation and for monitoring the University's systems for implementing it on behalf of the Council, namely the Vice-Chancellor and a relevant Pro-Vice-Chancellor;
- (f) a significant proportion of the Council's membership needs to be elected by the Regent House.

17. In sum, if the Council is to have a membership that is fit for its purpose, it must be large enough to accommodate the diversity indicated in (a) to (f). One further particular consideration that also has to be borne in mind is that much of the Council's business is conducted by committee, so that the membership has to be large enough and contain within it persons of sufficient knowledge, experience, and seniority to enable its committees (some heavy duty, such as Planning and Resources, Finance, Personnel, Audit, and the Standing Appointments Committee for the staff of the central administrative offices) and also the General Board (on which two members of the Council must serve) to be adequately staffed. Some commentary on each of (a) to (f) may be appropriate.

The Council: categories of membership

18. (a) As noted above (13(iii)), the consultation process indicated a measure of support for the principle of representation on the Council of assistant staff and unestablished academic and academic-related staff, although some strong opposition. As regards assistant staff, there was some concern that a figure of three members (as suggested) was disproportionately large relative to the numbers envisaged for some other categories, and two is the figure now proposed. It is further proposed that the rules of eligibility to vote and to stand as a candidate should include the requirement of a qualifying period of two years in the University's employment. The same provision is proposed for unestablished academic and academic-related staff. There was support for the principle that they too should be eligible to vote and stand as candidates for the Council. What provoked controversy was the suggestion that membership of the Regent House would be the appropriate way to achieve this object, and this issue is addressed below (27 and 28).

19. (b) The consultation paper had endeavoured to meet the requirement of a strong academic presence on the Council by providing for six members elected by the Regent House from its own membership and for *ex officio* membership of the six Chairmen of the Councils of the Schools. The Council have been persuaded by arguments put forward in the consultation process that it would be inappropriate for there to be the latter category of *ex officio* membership. As several respondents commented, it would add a considerable additional burden to the heavy and increasing workload of the Chairmen of the Councils of the Schools. It would also necessitate a larger Council than that currently proposed (cf. 13(i)), and it would reduce the proportion of members elected by the Regent House

(cf. 16(f)). Nonetheless the pressure to make the Chairmen of the Councils of the Schools members of the Council would become irresistible were the General Board not to be retained.

20. Since it is intended that the General Board be retained, the Council accept that the contribution of the Chairmen of the Councils of the Schools to policy-making and policy-implementation is best exercised as at present: through their membership of the General Board and of joint Council and General Board committees such as the Planning and Resources and Resource Management Committees. To ensure adequate senior academic input into the Council's deliberations, it is now proposed to retain the existing category of four Professors and Readers elected by the Regent House, but with the added proviso that two be from arts, humanities, and social sciences, and two from science, medicine, and technology, to meet a concern noted in 27 below. It is proposed that there also be an open category of four further members to be elected by and from the Regent House (enlarged as envisaged in 27 and 28).

21. (c) There was widespread disquiet (cf. 13(v)) at the proposed reduction of the Heads of Colleges category from four to three, which was perceived *inter alia* as in conflict with the principles relating to governance enunciated in the consultation paper itself, and as devaluing and potentially damaging the strength Cambridge derives from its collegiate structure. The Council now propose that the current figure of four be reinstated. There have been suggestions that this category might be made more flexible, for example, so as to include other senior officers of Colleges (such as Senior Tutors and Bursars) as well as Heads of Colleges. While seeing some advantages in this suggestion, the Council favour continuing the restriction to Heads of Colleges. Through the inclusion among their ranks of both distinguished senior academics and persons with wide experience outside the University, Heads of Colleges are often able to bring particularly valuable perspectives to the Council's deliberations.

22. The Council acknowledge the need to recognize the specific importance of the Colleges' educational and financial functions in the governance of the University. But they note that this is already met by *ex officio* membership of the Chairman of the Colleges Committee on the Planning and Resources Committee, and by appropriate provision for a category of members of the Finance Committee elected by the Colleges (in practice usually Bursars) and for membership of representative Senior Tutors on the General Board's Education Committee and of Graduate Tutors on the Board of Graduate Studies, as well as by the existence of joint bodies such as the Joint Committee on Admissions. Further examples could be cited, as well as the development of important informal channels such as the '3+3' Committee (a joint committee of three representatives of the Colleges' Committee and three members of the Personnel Committee) which explore matters of common concern in the field of personnel. As some respondents have urged, there may well be scope for extending formal College representation to other University bodies in future.

23. (d) There has been strong support in the consultation process for the addition of a category of 'external' members on the Council, particularly from alumni and from colleagues who have experienced such

arrangements in other institutions, with the potential benefits to the University from the expertise, strategic skills, and fresh perspectives challenging internal views which external members can bring being especially emphasized. The expression 'external' was used to indicate persons not currently engaged in teaching, research, or administration within the University, not to exclude the possibility or rather probability of alumni being considered for this role, nor to imply that alumni are not in another sense 'internal' to the University. Among academic colleagues responding some hesitations have been expressed about the proposal, such as to whether persons of appropriate stature prepared to devote the necessary time to the Council's business could be identified, whether remuneration should be considered, and whether external or 'lay' members would be likely to be sufficiently understanding of academic values and academic culture.

24. The Governance Committee had already considered these points in the light of experience at other universities, and on their advice the Council are satisfied that it should be possible to find suitable external or lay members with the necessary sympathies. It is understood that such members are not ordinarily remunerated. Strong concerns were expressed about the need to ensure that external members are chosen by a rigorous and open selection mechanism. The Council favour a process of public advertisement calling for nominations by members of the University at large, consideration of short-listed candidates by the Council on the advice of a committee constituted from its elected membership, and appointment by Grace.¹

25. (e) The need for the Vice-Chancellor to remain a member of the Council has not been questioned, nor the appropriateness of adding one of the Pro-Vice-Chancellors (ordinarily this might be the Pro-Vice-Chancellor carrying principal delegated responsibility for ensuring implementation and co-ordination of the agreed and approved policies of the Council). Questions have been raised as to whether other Pro-Vice-Chancellors would be disempowered unless they too held membership of the Council. The Council observe that all Pro-Vice-Chancellors would attend meetings of the Council as necessary; that their authority would derive (as at present) in part from the very fact of their appointment, in part from delegation by the Vice-Chancellor, in part from portfolios associated with committee chairmanships; and that a main forum in which their guidance on policy formation would be exercised would be a reconstituted Vice-Chancellor's Advisory Group.

26. (f) There is considerable support in the responses to the consultation exercise for continued provision of a significant element of direct election to the Council by the Regent House. As noted above, the Council are now proposing that twelve out of the twenty non-*ex officio* members (i.e. all except the Chancellor, Vice-Chancellor, and Pro-Vice-Chancellor) be elected by the Regent House. A proportion as high as this could not be sustained if the General Board were no longer to exist (as advocated in some responses), since then Schools would need to be given the right of appointment or nomination to the University Council

through the Councils of the Schools. But the Council reaffirm their present view that (in line with the position in most leading universities in the United Kingdom) academic and educational policy should continue to be recognized as the proper province of a separate body composed exclusively of academic members of staff and students (in Cambridge the General Board), with a wide range of powers, and accountable to the Council for the management of its responsibilities. The case for doing so in their opinion becomes the stronger if membership of the Council is extended to include external members and members of the assistant staff, as proposed in this Report. A suggestion made in consultation was that there should also be a larger forum than the General Board for University-wide discussion of matters of common concern by Heads of Departments and others concerned. The Council are examining this suggestion.

The Regent House

27. The consultation paper had suggested providing for greater representation of unestablished academic and academic-related staff by enlarging the Regent House. Some unestablished staff are already eligible for membership of the Regent House, since the posts of Senior Research Associate and Research Associate, for example, are qualifying appointments, if the persons concerned are members of a Faculty. Extension of membership to include (for example) post-doctoral workers therefore seemed the natural way to enfranchise these members of staff. This suggestion has provoked significant concern. It has been argued that if in consequence the Regent House grew from 3,200 to around 5,000, the result would be a governing body that was less cohesive, less well-informed, and therefore less well-equipped to discharge its responsibilities. Moreover, because much of the increase would be drawn from contract research workers in the sciences, it has been claimed that an imbalance between academic disciplines would result, too much weight would be given to a constituency without a long-term involvement in the work of the University, and the Regent House would be less in touch with the University's core educational activity.

28. In the view of the Council most of these apprehensions are exaggerated. They draw attention to the consultation paper's statement that there should be 'reasonable provision for a qualifying period of service', and they suggest a figure of two years as an appropriate qualifying period for unestablished staff in new categories of qualifying appointment. The additional numbers of eligible staff would then on present estimates total between six and eight hundred, making up to 4,000 members of the Regent House altogether. The Regent House would in that event be reinforced by a group of academic and academic-related colleagues presently excluded from governance arrangements whose inclusion is warranted by their contribution to the University's work and mission.

29. Many responses to the consultation exercise supported an increase in the number of signatories required to call for a ballot on a Grace, or for an amendment to a Grace, or for a request for a Discussion, although some argued that since there was little evidence of abuse of these procedures there was no case for a change. A figure of twenty or twenty-five, rather than the fifty proposed, was frequently mentioned. On the other hand as many respondents to

¹ The Council intend to approve as qualified for matriculation, under Statute B, I, 1(e), any external or lay member of the Council who is not already a member of the University.

the web questionnaire supported fifty as opposed it, and a few of them thought the figure should be higher than that. The consultation paper observed that the current figure of ten was appropriate for a rather smaller Regent House than now exists, and when communication was significantly more cumbersome. Fifty is equivalent to little more than 1% of the membership of the size of the Regent House as it is envisaged under these proposals. Given the outcome of the consultation exercise on the issue, the Council propose to offer the

Regent House a choice between ten, twenty-five, and fifty. This will be the subject of a separate Grace put forward after the second Discussion of this Report, on which the Council will call a ballot.

Standing Committees of the Council

30. The proposed Statutes also make provision for the termination of the existing Consultative Committee, and for the establishment of the Audit Committee by Statute.

Recommendations

31. The Council propose to Grace the proposals as to the composition of the Regent House, the Council, the Vice-Chancellor, and the Pro-Vice-Chancellors separately. The Council recommend as follows:

I. That subject to any amendments proposed by the Council in the Michaelmas Term 2002 and approved by Grace, the amendments to Statutes set out in the Statutory Appendix to this Report be approved, the Common Seal of the University be affixed to them, and they be submitted to Her Majesty in Council.

II. That the amendments of Statutes referred to in Recommendation II take effect, subject to the approval of Her Majesty in Council, on 1 October 2003, provided that if Her Majesty's approval is later than that date the date of implementation shall be determined by the Council or if later than 1 January 2004 by Grace.

17 June 2002

ALEC N. BROERS, *Vice-Chancellor*
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STATUTORY APPENDIX

Statute A

THE CHANCELLOR AND THE GOVERNMENT OF THE UNIVERSITY

CHAPTER III

THE REGENT HOUSE

Section 7.

By amending subsection (e) so as to read:

- (e) persons employed by the University or a College in teaching, research, or administrative capacities in such categories and subject to such qualifying periods of service as shall be determined from time to time by Ordinance;

By adding a new subsection (f) as follows:

- (f) any member of the Council in classes (d) and (e), for the period of their tenure as a member of the Council only;

CHAPTER IV

THE COUNCIL

Section 2.

By amending the section so as to read:

2. The Council shall consist of the Chancellor, the Vice-Chancellor, a Pro-Vice-Chancellor designated by the Council, and twenty elected members in the following classes:

- (a) four from among the Heads of Colleges;
- (b) four from among the Professors and Readers, two from group A of the Schools, and two from group B of the Schools; each School shall be assigned to a group by Ordinance;
- (c) four from among the other members of the Regent House;
- (d) one person who at the time of election is not otherwise qualified to be a member of the Regent House, nor an employee of the University or a College, who shall be designated by the Council to chair the Audit Committee of the Council;
- (e) two persons, who at the time of their election are not otherwise qualified to be members of the Regent House, nor employees of the University or a College, one of whom shall be designated by the Council to chair the Council;
- (f) two members elected by and from categories of University employees who are not members of the Regent House, the categories to be designated from time to time by Ordinance;
- (g) three from among the students in the University, of whom at least one shall be from among those certified by the Registry to be graduate students.

Members of the Council in classes (a), (b), (c), (d), and (e), shall be elected by members of the Regent House in accordance with section 4 of this Statute, and in a manner determined by Ordinance. Members in each of classes (d) and (f) shall be appointed by the Regent House by Grace on the nomination of the Council; the arrangements for nomination shall be prescribed by Ordinance. Members in class (g) shall be elected by the students of the University in accordance with section 4 of this Statute and in a manner determined by Ordinance. For the purpose of this Statute the terms student in the University and graduate student shall be defined by or under Ordinance.

Section 4.

By relettering subsection (b) as (d), replacing the reference to class (d) with class (g), and adding new subsections (b) and (c) as follows:

(b) Members of the Council in classes (d) and (e) shall be appointed by Grace on the nomination of the Council to serve for four years from a date to be determined by Ordinance.

(c) Members of the Council in class (f) shall be elected in Full Michaelmas Term to serve for four years from a date to be determined by Ordinance.

Section 5.

By adding at the end of subsection (a) the following sentence:

The tenure of a member in classes (d) or (e) may be terminated by Grace on the recommendation of the Council. The tenure of a member in class (f) shall end if he or she ceases to be employed by the University in a qualifying category determined by Ordinance in accordance with section 2(f) of this Statute.

By replacing in subsection (d) the reference to class (d) with class (g).

Section 7(b).

By replacing the reference to class (d) with class (g).

Section 9.

By amending the section so as to read:

9. (a) The Chairman of the Council shall be a member of the Council in class (e), as the Council shall determine from time to time, provided that the Chancellor shall have the right to take the Chair at any meeting of the Council at which he or she is present.

(b) If neither the Chancellor nor a Chairman appointed in accordance with paragraph (a) of this section is present, the Chairman shall be a member of the Council appointed by the Chairman to act as his or her deputy, or in the absence of such deputy some other member of the Council chosen by the members present.

CHAPTER V

COMMITTEES OF THE COUNCIL

Section 1.

By replacing the words 'the Consultative Committee' by the words 'the Audit Committee'.

Section 6.

By amending the section so as to read:

6. The Audit Committee shall consist of the member of the Council in class (d) as Chairman and shall otherwise be constituted by Ordinance.

Section 7.

By repealing this section.

Statute B

MATRICULATION, RESIDENCE, DEGREES, DISCIPLINE

CHAPTER I

MATRICULATION

Section 1.

By adding the following category (v) as follows:

or (v) is a member of the Council in class (d) or (e),

Statute D

THE UNIVERSITY OFFICERS

CHAPTER III

THE VICE-CHANCELLOR

Section 1.

By adding at the beginning of the section the following sentence:

The Vice-Chancellor shall be the principal academic and administrative officer of the University.

Section 2.

By amending the section so as to read:

2. The Vice-Chancellor shall be appointed for seven years or in exceptional circumstances for such shorter period as the University may determine.

Section 3.

By adding the following final sentence:

The Vice-Chancellor shall be responsible for the executive management of the University and its finances, and for the direction of University business within the framework of approved policies, and subject to the responsibilities of the Council and other bodies established by or under the Statutes and Ordinances.

Section 5(a).

By amending the subsection so as to read:

(a) the Vice-Chancellor shall be Chairman of the General Board, and of any other body of which he or she is *ex officio* a member, except the Council;

Section 7.

By deleting the words 'the Council and' in lines 1 and 2.

By amending subsection (b) to read as follows:

(b) The Vice-Chancellor may appoint a member of the Regent House to act as his or her deputy in any matter, including attendance at a meeting under the provisions of section 5(b) above, and may delegate to such a person any of the duties assigned to the Vice-Chancellor by Statute or Ordinance.

CHAPTER IV

THE PRO-VICE-CHANCELLORS

By amending this chapter so as to read:

1. There shall be such number of offices of Pro-Vice-Chancellor as shall be determined by the Council subject to a maximum determined by Ordinance. The Pro-Vice-Chancellors shall report to the Council through the Vice-Chancellor.

2. Each appointment or reappointment to an office of Pro-Vice-Chancellor shall be made by the Council after consultation with the General Board, on the recommendation of a Nominating Committee constituted by Ordinance. A Pro-Vice-Chancellor shall hold office for not more than three years and shall be eligible for reappointment, provided that no person shall hold the office of Pro-Vice-Chancellor for a total period of more than six years.

3. A Pro-Vice-Chancellor shall perform such duties as may be prescribed by Statute or Ordinance, and such other duties as may be determined by the Council, or the Vice-Chancellor.

Statute T

TEMPORARY PROVISIONS

By adding a new section 54 as follows:

54. The University shall by Grace make transitional provision for the election of members of the University Council constituted in accordance with the amendments of Statute A, IV made by Grace 0 of ddmm 2002, in respect of classes (a), (b), (c), (d), (e), and (f). The members of the University Council in class (g) serving before this Statute came into force shall continue to serve as members in class (g) until the end of the period for which they were elected.