

UNIVERSITY OF ABERDEEN

UNIVERSITY COURT

PROTOCOL ON THE ROLES OF THE RECTOR AND SENIOR GOVERNOR ON COURT

- 1 In accordance with the best practice guidelines of the Scottish Code of Good Higher Education Governance, the University Court has agreed the following protocol to distinguish between the respective roles of the Rector and the Senior Governor in so far as the leadership and governance of the Court is concerned and in relation to the conduct of Court meetings. It is recognised that the modern role of the Rector extends beyond that originally assigned to the office under the legislation of the nineteenth century. For example, the Rector is generally expected to work closely with the student body and other stakeholders in order to represent them effectively. This protocol, however, relates only to the role of the Rector in so far as it relates to the chairing of Court meetings and where there is a need for clarity between these and the responsibilities which in any other university would be expected of the “Chairperson”.
- 2 The Higher Education Governance (Scotland) Act 2016 and the Universities (Scotland) Act 1889 as amended together set out the role of the Rector and to some extent how this relates to the role of the Senior Governor. *The Universities (Scotland) Act 1889 (as amended by the Higher Education Governance Act 2016) states that “the Rector and in his absence, the senior lay member (Senior Governor), shall preside at meetings of the University Court and in the absence of both of them a chairman for the time shall be elected by the meeting. The person presiding at any meeting of the University Court shall have a deliberative vote and also a casting vote in case of equality.”*
- 3 While recognising the right of the Rector to “preside” at Court meetings, the role of the “Chairperson” as generally described in good governance practice is a role that extends beyond the conduct of Court meetings. As is described in the Higher Education Governance (Scotland) Act 2016 and the Scottish Code of Good Higher Education Governance, the Chair is responsible for the leadership of the governing body and is ultimately responsible for its effectiveness, and has further specific responsibilities including leading the appraisal of the Principal. In common with the other Scottish Ancients, at Aberdeen the role of “Chairperson” as described in the Code (and distinct from the role of “Presiding” at meetings) is undertaken by the Senior Governor who is appointed by Court, and who is recognised as such by the Scottish Funding Council and other stakeholders.
- 4 The Court has a formal position, agreed in 2007, that notwithstanding the statutory right of the Rector, in modern governance terms it is not appropriate that the Court as the governing body is unable to determine who “presides” at its meetings or who is entrusted with a casting vote and that this should be reformed. While the University has been unable to effect this change, it remains the formal position of the Court on this matter.
- 5 While many Rectors have opted to exercise their right “to preside” at Court meetings, some previous Rectors have opted not to “preside” at Court meetings with the Senior Governor undertaking this role as Court’s formal Vice-Chairperson. Some Rectors have considered themselves better able to discharge their wider role in representing students and other stakeholders without the obligations upon a “chair” in conducting meetings. The Court considers that to have worked effectively both in terms of the effective governance and leadership of the Court and for the wider interests of the University community that the Rector serves.
- 6 The University will bring both this protocol and practice to the attention of all Rectorial candidates as recommended by the Scottish Code of Good Higher Education Governance.

Approved by Court 1 July 2014

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