

The University of Edinburgh

The Role of the Rector: a statement prepared for the information of prospective Rectorial candidates.

The primary formal role ascribed to the Rector by the legislation under which the University operates (principally the Universities (Scotland) Acts 1858 - 1966) is to chair the University Court. In addition the Rector chairs meetings of the General Council in the absence of the Chancellor. However, in order that candidates for the Rectorship should have an understanding of the context in which this role is performed, the following guidance is offered.

- 1 The Court is a body corporate with a common seal and perpetual succession. It is the legal personification of the University and as such can sue and be sued. It is the University's governing body, and therefore carries very considerable responsibilities. It is responsible for all of the University's finances and property and for the effectiveness of its internal management arrangements. It is the employer of the University's staff. The Court at its meeting on 21 June 2010 adopted a Statement of the Court's Primary Responsibilities which is attached for information. As at 31 July 2010 the University's annual turnover was £634 million and group assets stood at £1,237 million. The University employs over 9,000 staff. In addition the Court has important responsibilities towards the 28,974 matriculated students (as at 31 July 2011) at the University, although the Senatus Academicus has direct responsibility for teaching and student discipline.
- 2 The Court has specific responsibilities laid upon it by the Financial Memorandum which sets out the basis on which public funds are made available to the University via the Scottish Further and Higher Education Funding Council (SFC). A copy of the Memorandum is available on request from the Deputy Returning Officer. In particular the Court is required to designate a specific officer who is accountable for the use of public funds and the Court has appointed the Principal as its Designated Officer.
- 3 The Court elects a Vice-Convener who takes the chair in the Rector's absence, and who represents the Court externally at meetings of the CUC (Committee of University Chairs) and similar bodies: the Vice-Convener has oversight of the governance of the University.
- 4 In discussing the role of the chair of an institution's governing body, the 2009 'Guide for Members of Higher Education Governing Bodies in the UK' published by the Committee of University Chairs, states that:

'The chair is responsible for the leadership of the governing body and ultimately to the stakeholders for its effectiveness. As chair of its meetings he/she should promote its wellbeing and efficient operation, ensuring that its members work together effectively and have confidence in the procedures laid down for the conduct of business.'

'A chair should take particular care that the governing body observes the principles of public life, and that committees which play a central role in the proper conduct of the governing body's business report back appropriately. The chair should also ultimately be responsible for ensuring that the governing body operates effectively, discusses those issues which it needs to discuss, and dispatches its responsibilities in a business-like way.'

'Through leadership of the governing body, the chair plays a key role in the business of the institution, but should not be drawn into the day-to-day executive management. For the governing body to be effective, there must be a constructive and challenging working relationship between the chair and the executive head of the institution. This relationship will depend on the personalities involved, but reports by the National Audit Office have emphasised the need for both sides to recognise that the roles of chair and executive head are formally distinct. The relationship should be mutually supportive, but must also incorporate the checks and balances imposed by the different roles each has within an institution's constitution.'

The University Court concurs with this analysis and looks to the Rector and the Vice-Convener to exercise the leadership outlined therein.

- 5 There are usually six meetings of Court each academic year normally held on a Monday afternoon, with preparatory briefings prior to the actual meeting. In addition there are two half day seminars in each year: one in September and the other in March, to allow in depth debate and discussion on strategic issues. The Rector can also expect to be called upon to attend other meetings and University events and ceremonies including graduations.
- 6 In recent times, Rectors have seen their role as including a function akin to that of an ombudsperson for the University community, seeking to assist with difficulties or complaints where the formal procedures and structures are perceived to be less than fully effective. However it should be noted that the University has a formal complaints process which, where appropriate, includes provision for referral to the Scottish Public Services Ombudsman.
- 7 The Rector is provided with secretarial assistance.

Prospective candidates should note that the Ordinance which governs the election of the Rector requires that candidates cannot be matriculated students or staff of the University. The provisions of the Ordinance (Ordinance of the University Court No. 197 – Rectorial Election) also have the effect that if a serving Rector was to become either a student or member of staff of the University he or she would need to stand down from the Rectorship.

Prospective candidates should further note that as a member of Court, the Rector, on election, will require to acknowledge that they are familiar with the University's approved Code of Conduct and understand their obligations under it specifically including the requirements: to declare areas of potential conflicts of interest; confirm that they are able to comply with the general duties of a Trustee of a charity in accordance with the Charities and Trustee Investment (Scotland) Act 2005 and that they are not disqualified from acting as a Trustee by virtue of a disqualification listed within the Act.

Statement of the Court's Primary Responsibilities

The authority and responsibilities of the University Court are derived largely from the statutes contained in the Universities (Scotland) Acts from 1858 to 1966 and in the Ordinances and Resolutions made there under. In addition the University Court has responsibilities within the terms and conditions of the Financial Memorandum agreed with the Scottish Funding Council.

The list of primary responsibilities given here derives from these sources and has been prepared with reference to the statements of the other ancient Scottish Universities.

Broadly the roles and responsibilities of Court are focused on strategy, taking the final decisions on matters of fundamental concern to the University and effective corporate governance. More specifically:

The Court's primary responsibilities are:

I. Strategic Direction

1. To determine the mission and vision of the University and its major priorities as expressed in strategic plans, long term academic and business plans.
2. To ensure that the mission and strategic vision of the University takes proper account of the interests of stakeholders, including students, staff, alumni, the wider community and funding bodies.
3. To approve financial, estates, and human resources strategies in support of institutional objectives and priorities.
4. To ensure strategies are in place to enhance the student experience.
5. To ensure processes are in place to monitor and evaluate the performance and effectiveness of the University against the plans and approved key performance indicators, which should where possible be benchmarked against other comparable Universities.
6. To promote and safeguard the reputation and values of the University.

II. Governance: responsibilities in relation to Management and Senate

1. To appoint the Principal as chief executive, including the terms and conditions of such an appointment, and to put in place suitable arrangements for monitoring his/her performance.
2. To delegate authority to the Principal {as chief executive} for the academic, corporate, financial, estate and HR Management of the University subject to reserving such matters to itself as the Court thinks appropriate.
3. To establish and keep under regular review the policies, procedures and limits within which such management functions shall be undertaken by and under the authority of the Principal.
4. To appoint a Secretary to the Court and to ensure that if the person appointed has managerial responsibilities in the University, there is an appropriate separation in the lines of accountability.
5. To review decisions made by the Senate as prescribed in statute.
6. To ensure that the Senate has processes in place for monitoring and reporting the quality of education provision and to monitor quality enhancement arrangements.

III. Governance: Exercise of Controls

1. To ensure the establishment and monitoring of systems of control and accountability, including financial and operational controls and risk assessment, arrangements for internal and external audit and regularly reviewed schedules of delegated authority.
2. To be the principal financial and business authority of the University, to ensure that proper books of account are kept, to approve the annual budget and financial statements and to have overall responsibility for the University's assets, property and estates.
3. To ensure that appropriate arrangements are in place for the management of health, safety and security in respect of students, staff and other persons affected by the University's operations.
4. To ensure that appropriate arrangements are in place for promoting equality of opportunity in respect of students, staff and other persons making use of University services or facilities.

IV. Governance: Corporate responsibilities

1. To be the University's legal authority and as such, to ensure that systems are in place for meeting all the University's legal obligations, including those arising from contracts and other legal commitments made in the University's name.
2. To be the employing authority for all staff in the University and to ensure that obligations thereto are met including with regard to the welfare, development and reward of employees.
3. To put in place appropriate arrangements for determining and regular review of the performance, remuneration and conditions of service of senior staff.
4. To make provision for the general welfare of students, in consultation with the Senate and EUSA.
5. To act as trustee for, or make appropriate alternative arrangements for the trusteeship of, any property, legacy, endowment, bequest or gift in support of the work and welfare of the University.
6. To make appropriate arrangements compliant with relevant legislation for the trusteeship of any pensions scheme established by the Court for University employees and to employ the employer-nominated trustees.
7. To ensure that at all times it operates within the terms of the Universities (Scotland) Acts 1858-1966, Ordinances and Resolutions made under those Acts and any other relevant legislation; and that appropriate advice is available to enable this to happen.
8. To ensure that the University acts ethically, responsibly and with respect for society at large and the sustainability of the environment.

V. Effectiveness and transparency

1. To conduct its business in accordance with best practice in higher education corporate governance and with the principles of public life drawn up by the Committee on Standards in Public Life.
2. To ensure that procedures are in place in the University for handling internal grievances, conflicts of interest and public interest disclosure.

3. To put in place arrangements for the appointment of co-opted members of the Court so as to maintain a broad balance of expertise taking account of the principles of equal opportunity.
4. To establish processes to monitor and evaluate the performance and effectiveness of the Court itself and that of its Committees.

Approved by Court on 19 September 2011