**Student Membership of Governing Bodies in the College Sector in Scotland**

NUS Scotland held training for student members of college boards in September 2015, at which it became clear that there is some misunderstanding about student board membership both amongst student members themselves and also amongst college managements. This briefing reflects the position of NUS Scotland on some of the issues raised, and consists of our understanding of governance requirements and good practice, as well as advice based on our experience in this area.

**Legislative context**

The membership of college and regional boards of management is outlined in the [Post-16 Education (Scotland) Act 2013](http://www.legislation.gov.uk/asp/2013/12/contents) (sections 6 and 11).

In the case of both regional college boards and boards of colleges which are not regional colleges, the Act states that there must be *“two persons appointed by being nominated by the students' association of the college from among the students of the college”*.

In the case of regional strategic bodies in a multi-college region with more than 2 colleges (ie the regional strategic bodies of Glasgow and Highlands and Islands) it is a little more complicated, but there should be two student members who are appointed by a nomination and election process established by the board.

In the case of a regional strategic body in a multi-college region with 2 colleges (ie the regional strategic body in Lanarkshire), each college’s students’ association nominates 1 member from amongst its students.

Section 14 of the same Act allows the Scottish Government to require colleges to follow a code of good governance, which has been [developed by the sector and published online](http://www.scottishcollegegovernance.ac.uk/code/cogg-home).

**Are student board members acting as representatives?**

Most student board members are officers of the students’ association, and may spend the majority of their time representing the views and interests of students on various committees within the college. However at the Board of Management, the student member is a full member of the Board, who has responsibility for the affairs of the college as a whole, not merely for students. They are not representatives when they are at the Board.

In practice, this distinction rarely affects behaviour because what is in the interests of students is very often in the interests of the college as a whole too. However it does have two other implications:

1. The student member is a full member and is entitled to participate in decisions about all aspects of the college’s activity, not just aspects relating directly to students.
2. The engagement of students as a key stakeholder of the Board is not the sole responsibility of the student member, although it is an area in which the student member may have a particular interest. Student engagement is the responsibility of the Board as a whole.

**How should student members be nominated?**

As student members are not representatives of students, it may not be appropriate for them to be directly elected to the position on a manifesto committing themselves to certain positions whilst at the Board. Rather, the student members bring perspective, knowledge and experience which is valuable to the Board. Much of this will relate to the student experience.

Reflecting this principle, NUS Scotland recommends that student members are nominated ex-officio, ie that membership of the Board of Management is included in the role description of officer roles in the students’ association to which students are elected. Student association officers deal with casework and take part in democratic processes, which means that they are more in touch with the views and experiences of students as an important stakeholder than would be another student who is not a student association officer. Nomination in this way would therefore mean that the value of the perspective of the student member is maximised.

**Can a student member be excluded from a Board meeting?**

Section D4 of the Code of Good Governance makes clear that:

*“Staff and student board members are full board members and bring essential and unique skills, knowledge and experience to the board. Staff and student board members must not be excluded from board business unless there is a clear conflict of interest, in common with all board members.”*

Some student board members have informed us that their colleges mark a few items as ‘reserve business’, which is only open to some board members, and from which student members are excluded. It is the view of NUS Scotland that this practice is inconsistent with the Code of Good Governance, should be reported as such to the Scottish Funding Council as outlined in the introduction to the Code, and should be discontinued.

Student board members should consider very carefully if they have a conflict of interest related to any of the business of the Board. If they do, they should remove themselves from the meeting whilst it is discussed. However it is not appropriate for a student member to be excluded because of a belief that students cannot be trusted with certain information. If a student board member has proven themselves to be untrustworthy with sensitive information, that indicates a much more serious problem which should be addressed through other action.

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