**CUEGU** The Chinese University of Hong Kong Employees General Union

25 May 2016

To the Chairperson and All Members of the Council of The Chinese University of Hong Kong:

### CUEGU's proposal on the composition of the Council

The following are the Union's views on the reorganisation of the Council of CUHK:

The University's proposal in 2009 was conceived based on the circumstances of our university and our society 7 or 8 years ago. Its primary principle at the time was to streamline structure and enhance administrative efficiency. At the same time, it also introduced electoral seats of internal members in response to the call for democracy in university governance both inside and outside of the university. In this regard, the spirit of the proposal should be affirmed. However, since then both the university and the society of Hong Kong have witnessed rapid and radical changes. The 2009 proposal can no longer respond to the current needs of society and CUHK. It should be considered obsolete in at least the following three aspects:

i.  **It contradicts the UGC's 2016 report on institutional governance.** The report stresses that a council should balance between public accountability and institutional autonomy. In the 2009 proposal, the ratio of external members to internal members is 2:1, a stark imbalance.

ii.  The UGC report clearly points out that the Chief Executive of HKSAR is now appointing a large number of external members to the councils of the local institutes without any systematic consideration of the needs of the institutes. It comments that the consequences of this practice could be critical. **The "best practice" is for a council to recruit new members in consideration of its own needs. Only as such can institutional autonomy be protected and a healthy distance between higher education and political powers be maintained. This is also a common practice of the governing bodies of universities in many countries.** The report also states that in order to maintain the confidence of the Hong Kong people in university governance, **the governing body (Council in our case) must broadly represent the stakeholders**. The 2009 proposal did not attempt to evaluate the appointing power of the Chief Executive and to seek a solution to it. Even though it proposes to introduce electoral representatives from staff and students, the ratios between different constituencies are seriously imbalanced. (See Table 1, Appendix)

iii.  **It contradicts the expectations of CUHK colleagues.** In March this year, CUEGU held a referendum on institutional autonomy jointly with staff unions of other institutes. The results: **94% voted for the cancelation of the Chief Executive's power to nominate Council members, 95% voted for the increase of elected internal members**. The 2009 proposal does not address the issue of the Chief Executive's power to nominate. The proposed four seats for elected internal members, constituting only 16% of the Council, falls way short of the current expectation. The HKU has already set up a task force to review the existing mechanism whereby the Chief Executive is automatically Chancellor. In contrast, the CUHK Council has recently on various occasions asserted that **they would not take into account the referendum results in the deliberation of its reorganisation. It merely demonstrates the lack of accountability of the Council.**

In order to actualise the spirit of balance as recommended by the UGC report on institutional governance, to meet the earnest expectations of CUHK members, and to "benefit from the best practices of other major universities", as noted in the "Consultation Document on the Desirable Composition of the Reorganized Council" (2009) by the Ad Hoc Committee on the Reorganization of the Council, we propose the following:

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**(1)** To establish the ratio between internal and external members at 1:1 to strike a basic balance between internal and external stakeholders;

**(2)** To increase the number of elected internal members for democratisation of university governance;

**(3)** To increase the number of elected representatives of the alumni;

(4) To maintain the number of members of the Legislative Council at three, who should be elected by and among those representing the geographical constituencies, in order to realise public monitoring;

(5) To cancel nominated seats by the Chief Executive, the nomination right itself an obsolete, colonial practice.

Based on the above, we propose the following composition:

*CUEGU's Proposal for the Composition of the Council*

| | No. | Elected | Non-elected | % |
|---|---|---|---|---|
| **Internal Members** | 14 | | | 47% |
| Vice-Chancellor (*Ex officio*) | 1 | | **1** | |
| Provost (*Ex officio*) | 1 | | **1** | |
| One College Head/Master (elected by, and from among, all College Heads/Masters) | 1 | | **1** | |
| One Dean (elected by, and from among, all Deans of Faculty and Dean of Graduate School) | 1 | | **1** | |
| Two Teaching Staff Members (elected by, and from among, all teaching staff members) | 2 | **2** | | |
| Two Research Staff Members (elected by, and from among, all non-teaching research staff members) | 2 | **2** | | |
| Two Non-academic Staff Members (elected by, and from among, all non-academic staff members) | 2 | **2** | | |
| Two Undergraduates (The President of the CUHK Student Union as *ex officio* member, and 1 elected by, and from among, all undergraduate students) | 2 | **2** | | |
| Two Postgraduate Students (elected by, and from among, all postgraduate students) | 2 | **2** | | |

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| **External Members** | 16 | | | 53% |
|---|---|---|---|---|
| Chairperson | 1 | | 1 | |
| Treasurer (*Ex officio*) | 1 | | 1 | |
| One nominated by each of the Boards of Trustees of the Four Original Colleges | 4 | | 4 | |
| One nominated jointly by all the Committees of Overseers of the additional Colleges | 1 | | 1 | |
| Four nominated by the Council | 4 | | 4 | |
| Three elected by members representing the geographical constituencies of the Legislative Council | 3 | 3 | | |
| Two elected by all CUHK alumni | 2 | 2 | | |
| **Total** | **30** | **50%** | **50%** | **100%** |

(6) The 2009 proposal never gained wide consensus and support within the University. The lack of representation of staff and students was critical to this failure. Therefore, we suggest that **elected members from staff and students should be included** in the current Taskforce for Reviewing the Size and Composition of the Council. Only through genuine deliberations with internal stakeholders can there be a resolution acceptable to all.

**Table 2 to 4 in the Appendix summarize the compositions of university councils in different parts of the world.** Table 2 shows that in advanced countries including Austria, France, Finland, Norway and Britain, internal members constitute half or above of their councils. Further, Table 3 shows that internal members are the majority of the councils in most countries in the world. Besides, their external members are primarily non-governmental representatives. Table 4 shows that the more autonomous a university, the better protected its academic freedom. The best practices of these major universities in the world demonstrate to us that a progressive and democratic governance structure is both accountable to the public and endeavoring to protect institutional autonomy and academic freedom.

We earnestly urge the Council to take this as an opportunity to build a sound structure for excellence in governance for CUHK, which can only be achieved with an open mind for suggestions and criticisms, through enlightened and progressive deliberation mechanisms.

The Chinese University of Hong Kong Employees General Union

**Table 1: The University's proposal 2009**

| | No. | elected | Non-elected | % |
|---|---|---|---|---|
| **Internal Members** | **8** | | | **32%** |
| Vice-Chancellor (ex officio) | 1 | | ✔ | |
| Provost (ex officio) | 1 | | ✔ | |
| One College Head (appointed by the Council) | 1 | | ✔ | |
| One Dean (appointed by the Council) | 1 | | ✔ | |
| One academic staff member elected by, and from among, all full-time CUHK academic employees in a manner to be determined by the Council from time to time | 1 | ✔ | | 4% |
| One non-Academic Staff member elected by, and from among, all full-time CUHK non-academic employees in a manner to be determined by the Council from time to time | 1 | ✔ | | 4% |
| President of the University Students Union, to be appointed by the Council | 1 | ✔ | | 4% |
| One postgraduate student elected by, and from among, all full-time postgraduate students in a manner to be determined by the Council from time to time | 1 | ✔ | | 4% |
| | | | | |
| **External Members** | **17** | | | **68%** |
| Chairman | 1 | | ✔ | |
| Treasurer (ex officio) | 1 | | ✔ | |
| One nominated by each Board of Trustees of CC, NA, UC and SC | 4 | | ✔ | |
| One nominated jointly by all the Committees of Overseers of the additional Colleges | 1 | | ✔ | |
| Four appointed by the Chancellor | 4 | | ✔ | 16% |
| Four appointed by the Council | 4 | | ✔ | |
| One elected by all Members of the Legislative Council | 1 | ✔ | | |
| One Elected by the Convocation in a manner to be determined by the Council from time to time | 1 | ✔ | | |
| **Percentage** | | **24%** | **76%** | |

**Table 2：University Governing Boards in Western Europe**

| Country | No. of Members | Composition | How appointed | External Accountability | Degree of Autonomy |
|---------|----------------|-------------|---------------|-------------------------|--------------------|
| Austria | 5 – 9 | Half external; half internal | Selected by university senate and appointed by the Minister. | Moderate | High |
| Denmark | Variable | Majority external; minority internal | External members are selected by the Board; internal members are elected representatives of constituencies. | High | High |
| Finland | Variable | Majority internal; minority external. | External members are selected by the Board; internal members are elected representatives of constituencies. | Moderate | High |
| France | 30 maximum | Majority internal; minority external (about 25%). | Elected by a General Assembly of university academic and administrative staff. | Moderate | High |
| Germany | 9 - 13 | Varies from 1/3 to ½ internal. Rest are external. | Governing boards introduced in 2007. Role can be supervisory or advisory, depending on state (Lander) government decision. | Moderate | High |
| Netherlands | 5 | All external | Appointed by the Minister | High | Moderate |
| Norway | 11 | 4 external; 7 internal | Internal members are elected representatives of constituencies; external members are selected by the Board and appointed by the Minister of Education. | Moderate | High |
| Spain | 30 – 50 | All internal | 2/3 elected by university community; 1/3 appointed by the Rector | Low | High |
| U. K. | 13 – 25 | Half external | By board | Moderate | High |
| Cambridge | 17 | 4 external 13 internal | Internal members by election External members are appointed by Regent House and VC as the leader (RH are elected by direct democracy with 3800 members from different level of staff) | Moderate | High |

Saint, William. 2009. Guiding Universities: Governance and Management Arrangements around the Globe. Human Development Network, World Bank. 轉引自 Sing Ming, "Academic Freedom under Grave Threats." 「院校不由自主，學術如何自由？」論壇，2015 年 10 月 29 日。

*Table 3.* **Majority Representation on University Governing Boards**

| Internal [a] | Government | External [b] | No Majority Group |
|---|---|---|---|
| Angola | Kenya | Australia | Austria |
| Argentina | Zimbabwe | Canada | Chile |
| Bangladesh | | Denmark | Colombia |
| Botswana | | Japan | Cyprus |
| Brazil | | Lesotho | Egypt |
| Bulgaria | | Malaysia | India |
| Burkina Faso | | Mauritius | Rwanda |
| Cambodia | | Singapore | Sri Lanka |
| Chad | | South Africa | United Kingdom |
| China | | Spain | |
| Czech Republic | | Tanzania | |
| Estonia | | United States | |
| Finland | | | |
| France | | | |
| Georgia | | | |
| Ghana | | | |
| Hungary | | | |
| Indonesia | | | |
| Latvia | | | |
| Madagascar | | | |
| Mauritania | | | |
| Moldova | | | |
| Mozambique | | | |
| Namibia | | | |
| New Zealand | | | |
| Norway | | | |
| Peru | | | |
| Philippines | | | |
| Romania | | | |
| Slovakia | | | |
| Spain | | | |
| Vietnam | | | |

[b] External=Persons who are neither representatives of government nor the university community, i.e., private sector, civil society.

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**Table 4: A summary on university governance and level of protection of academic freedom of European universities**

| Nation | Level of protection | Nation | Level of protection |
|---|---|---|---|
| Austria | High | Lithuania | High |
| Czech Republic | High | Luxembourg | Medium |
| Denmark | Low | Malta | Medium |
| Estonia | High | Netherlands | Low |
| Finland | High | Poland | High |
| France | Medium | Portugal | Medium |
| Germany | High | Slovakia | High |
| Greece | Medium | Slovenia | High |
| Hungary | High | Spain | High |
| Ireland | Low | Sweden | Low |
| Italy | High | UK | Low |
| Latvia | High | | |

Karran, Terence. 2007. 'Academic Freedom in Europe: A Preliminary Comparative Analysis'. Higher Education Policy, 2007, 20, (289–313). International Association of Universities. 轉引自 Sing Ming, "Academic Freedom under Grave Threats." 「院校不由自主，學術如何自由？」論壇，2015 年 10 月 29 日。