

UNIVERSITY OF ABERDEEN

UNIVERSITY COURT

MINUTES OF MEETING HELD REMOTELY VIA MICROSOFT TEAMS ON 30 SEPTEMBER 2020

Present: Maggie Chapman (In the Chair), Keith Anderson, Colette Backwell, Eleanor Bentley, George Boyne, Nuala Booth, Owen Cox, Jenny Fernandes, David MacFarlane, Lyndsay Menzies, Martin Mills, Anne Minto, Iain Percival, Esther Robertson, Joachim Schaper, Jenny Shirreffs, Diane Skåtun, Lindsay Tibbetts, Neil Vargesson, Cecilia Wallback and David Watts.

In attendance: David Beattie, Marion Campbell, Steve Cannon, Rob Donelson, Debbie Dyker, Karl Leydecker, Helen Martin, Alan Speight, Ruth Taylor, Iain Torrance KCVO, Richard Wells and Bruce Purdon (Clerk).

Apologies for absence were received on behalf of Louise Henrard, Iain Mackay and Gary McRae.

WELCOMES AND RETIRING MEMBERS

237 The Court expressed its thanks to Jenny Fernandes and David Watts who were stepping down on 31 October 2020 from their respective roles as the non-academic elected staff member and the UCU nominated member. The Court welcomed Helen Martin, who was succeeding David Watts as the UCU nominated member with effect from 1 November 2020.

SENIOR INDEPENDENT MEMBER

238 The Clerk advised Court that following the circulation for decision by members, Nuala Booth, had been appointed as Senior Independent Member.

DECLARATION OF INTEREST AND CONSIDERATION OF FORMAL BUSINESS

239 Owen Cox noted an interest, as a member of staff, in an item on the agenda.

MINUTES

240 The Minutes of the meeting held on 21 August 2020 were approved.

241 The Court noted the updated action log (*copy filed with the principal copy of the minutes*), which would be updated to reflect that the item on Severance Policy had been deferred to the 24 November 2020 meeting of Court (Minutes 271 refer).

MATTERS ARISING

242 In response to a query regarding Minute 218 of 21 August 2020, it was confirmed that non-lab based academic staff were being given access to offices to retrieve books and other resources. It was also confirmed that this was on a restricted basis in order to manage the number of people on campus at any one time for Covid-19 reasons, although a procedure was in place for staff to apply for special exemptions for regular use of office space.

STATEMENT OF PRIMARY RESPONSIBILITIES OF COURT, DUTIES OF MEMBERS
AS CHARITY TRUSTEES AND SCHEDULE OF BUSINESS FOR 2020/21

243 The Court received a paper (*copy filed with the principal copy of the minutes*) which provided members with:

- a reminder of the Statement of Primary Responsibilities of Court and of the schedule of delegations between it and sub-committees, in particular, the Policy and Resources Committee;
- information on the role and duties of members, including as trustees in charity law and the good practice guidance from the charities regulator;
- a Schedule of Court Business for 2020/21;

244 The Court also noted that it was expected that an additional meeting would be required in February 2021 in order to formally approve the annual accounts for 2019/20. This was due to the impact of the pandemic on the higher education sector, some external auditors were not expected to be able to issue a going concern declaration in the accounts of some universities and the Scottish Funding Council had, therefore, agreed that the date for finalising the 2019/20 annual accounts should be extended from 31 December 2020 to 28 February 2021.

245 From discussion, the following points were noted:

- a member noted that they had some suggested amendments for the Statement of Primary Responsibilities and that these would be provided to the Clerk for consideration by the Governance and Nominations Committee in the first instance;
- the schedule of business should include a budget forecast update for each meeting in 2020/21;
- that the holding of a strategy/development day for Court in 2021 was a recommendation within the governance review;
- that in light of the increasing risk around pensions, consideration might need to be given as to whether a review of the University's charitable form should be undertaken, in particular the advantages and disadvantages of moving to a Scottish Charitable Incorporated Organisation. It was agreed, this suggestion should be considered further by the Governance and Nominations Committee.

ORAL REPORT FROM THE SENIOR GOVERNOR

246 The Senior Governor highlighted a number of recent meetings she had attended on behalf of the University. She also noted the difficulties that the pandemic was causing for governors across the higher education sector when it came to engaging with their fellow board members and the wider University community. To help address this, she was considering a range of suggestions for how members of Court could engage with one another more and with the work of the University 'remotely'. These included: informal 'virtual' coffee meetings for small groups of Court and Senior Management Team members; the reinstatement of the briefing sessions on topics outside of Court meetings; an extended Court strategy/development day meeting once physical restrictions permitted this, possibly in the summer of 2021 and, in the meantime, a virtual strategy session, possibly focused on the SFC review of coherence and sustainability of the sector.

ORAL REPORT FROM THE PRINCIPAL

247 The Court received an oral report from the Principal in which he gave an update on a range of issues, of which the following were noted.

248 The Principal noted that elsewhere on the agenda was a report on the student intake for 2020/21 which, in the circumstances posed by Covid-19, was a very positive achievement. It was also in line with the University's Covid-19 financial scenario planning which, while not the financial scenario the University would wish, was more positive than might have been the case. This was the result of a significant amount of work from staff across the University and the Court noted its thanks to all involved.

249 The Principal reminded Court that it was important not to overlook the challenges that the University faced in addition to those rising from Covid-19, in particular, from Brexit and the future of the USS pensions scheme.

250 The Principal highlighted the recent round of university league table rankings and that taking the average across 5 of the major rankings, the University had moved from 31st in 2018 to 25th in 2020, which was the target that had been set for the first five years in Aberdeen 2040. This created the welcome challenge of revising the University's targets in this regard and this would be discussed with Court at a later date.

251 The Principal also expressed his thanks to staff and students for their collective efforts to make the return to campus possible despite many challenges. This had required a massive effort on the part of staff across the University and the Principal expressed how moving it had been for him to see students once again on campus and being taught by staff. In discussion, it was suggested that this sentiment be shared with the University community.

ORAL UPDATE ON COVID-19

- 252 The Court received an oral update from the Senior Vice-Principal on the COVID-19 pandemic. As part of this, the Court was advised of the current number of Covid-19 cases in the student community and the instances of self-isolation in some halls. The University continued to work very closely with AUSA, local health officials and police in managing the response to these issues, and in accordance with the Scottish Government's specific guidance for the higher education sector. Overall, the implementation of the blended learning teaching model was considered to have gone well.
- 253 The Court discussed the communication and engagement that had been undertaken with the student community in recent weeks as part of the return to campus of students. It was suggested that while overall communication and engagement with students, during some very challenging circumstances, had been very good, the tone of one communication had been raised by some students with AUSA representatives. The Court was advised that while the vast majority of students were to be commended for their adherence to the rules, the University had been faced with some incidents of behaviour which were in breach of Covid-19 rules. The University had a duty of care to its students, but it also had to balance its responsibilities to staff and to the wider community of Aberdeen, in particular the residents of Old Aberdeen. The University accepted, however, that the tone of the communication mentioned was of concern to some students and that it would apologise for this.
- 254 The Court discussed the arrangements for staff within the blended learning model and the return to campus. It was noted that the University had taken a range of steps to seek to make the campus as safe as possible for teaching and to reassure staff as well as students of this. It was felt that as more staff returned to teaching on campus, confidence in the procedures would grow and noted that to date, none of the positive cases recorded had been within a teaching setting. Some staff members of Court, noted the significant logistical and administrative challenge of running both in person and online systems of teaching and asked if consideration was needed as to whether the Scottish Government's guidance was working from the perspective of the interests of the University. It was also noted that staff needed sufficient preparation time to put in place online materials and that it would be helpful to have as advance notice as possible on the teaching model for courses commencing in January 2021. It was noted also that some institutions had moved to an 'online only' approach. The Court noted, however, that the Scottish Government was committed to the blended learning approach but that if the national guidance changed to require online teaching only, the University would adhere to that.
- 255 In further discussion, the Court noted that the University had a procedure and funds available to support students in digital poverty and who required IT equipment to be able to fully engage with the teaching model of blended learning. It was confirmed that the University did not plan to offer students discounts for fees and accommodation. A member also raised a further comment on issues related to GDPR and third-party landlords and was asked to provide the Senior Vice-Principal with more detail on this outside of the meeting.

LATEST INDICATIONS ON 2020/21 NEW ENTRANTS

- 256 The Court received and discussed a paper on the latest admissions-related information against the University's budget planning assumptions as at 17 September (*copy filed with the principal copy of the minutes*). This indicated that although the final picture in relation to student numbers would not be known until after the registration deadline for students in October, at the point the paper was prepared the rates of student demand would indicate projection ranges for an intake which were slightly better than the University's currently accepted Financial Scenario (Scenario 2) that had been prepared in response to the pandemic.
- 257 In discussion, it was confirmed that the University recognised the need to support students, including those from disadvantaged backgrounds, who in the context of blended learning might find the reduction of in person interaction with other students and staff particularly challenging. It was noted that a wide range of work was ongoing to support students on a range of matters and that further information on this would be shared with Court by circulation.

- 258 The Court noted with, disappointment, that it looked increasingly unlikely that the Erasmus scheme for student mobility would continue for UK universities after Brexit. The University was assessing what the implications might be for degrees involving a 'year abroad'.
- 259 The Court congratulated staff on what was, in the context of Covid-19, a very successful round of student recruitment. It was agreed that Court would receive by circulation a further update following the closing date for student registrations in October.

FINANCE: DRAFT OUT-TURN FOR YEAR END 31 JULY 2020

- 260 The Court received and discussed an update regarding the draft out-turn for the year ended 31 July 2020 (*copy filed with the principal copy of the minutes*) which remained subject to change following both External Audit review and incorporation of the results of the University's joint venture, Aberdeen Sports Village (ASV).
- 261 The Court noted the draft results for the financial year ended 31 July 2020 showed an underlying surplus of £6.5 million against a budget for the year of £3 million deficit. Income was £10.8 million less than budget, with an accompanying decrease in expenditure against budget of £20.3 million resulting in the underlying position improving against the original budget by £9.5 million. This was a direct result of the actions taken early in March to preserve as much cash as possible to mitigate future deficits, in particular, those expected to arise from the impact of Covid-19. The University's working cash balance at year end was £43.5 million, significantly healthier than in 2015 (when it was £8.5 million) which was all the more important given the impact that Covid-19 was forecast to have.
- 262 As noted earlier in the meeting, the SFC had extended the deadline for all Scottish universities for the submission of audited financial statements from 30 November 2020 to 28 February 2021. This was because external auditors would require further information on financial projections, in particular, student numbers before being able to confirm the going concern status of an institution in the annual accounts. The Court was also reminded that it was expected that the University would be in breach of its lending covenants and that this would also be part of the going concern assessment undertaken by the auditors.

TNE: SRI LANKA MEDICAL PATHWAY: CONFIDENTIAL MINUTE

Note by Clerk: (*Strictly Confidential: minutes 263-267 are confidential and restricted to Court*)

GOVERNANCE

GOVERNANCE REVIEW

- 268 The Court received and discussed a paper on the progression of the governance review, following further consideration by the Governance and Nominations Committee (*copy filed with the principal copy of the minutes*). This included a mapping of the key findings of the SFC and OSCR reviews to the current draft recommendations of the governance review and the recommendations of the internal Working Group established by Court to respond to the SFC review which were adopted in June 2020. In addition, the draft recommendations, following consideration by the Governance and Nominations Committee had been split into three broad categories being:
- those that could be implemented now;
 - those that were not to be taken further;
 - and then others where further consideration, potentially through short-life working groups or Governance and Nominations Committee might be required before decision by Court.
- 269 Following discussion, the Court:
- Agreed the proposed split of the recommendations into three categories as note above;
 - Noted that the governance review report would be updated to take account of feedback from Court and others, following which the external facilitator of the process would be invited to review it and the resulting recommendations.

- Noted that the SFC and OSCR would also be advised of the University's progress to date in implementing the recommendations contained in their respective reports;
- Noted that the Governance and Nominations Committee would oversee the next steps and implementation of the recommendations and report to the Court on a regular basis

REPORT ON GOVERNOR APPRAISAL QUESTIONNAIRE

- 270 The Court received and discussed a paper on responses to the Governor Appraisal Questionnaire which had been issued in May 2020 to non-executive members of Court in office during 2019/20 (*copy filed with the principal copy of the minutes*). The report had also been reviewed by the Governance and Nominations Committee which noted that it included feedback and comments on how the operation of Court might be enhanced which should be considered as part of the governance review.

SEVERANCE POLICY

- 271 The Court was advised that the University had taken a draft policy for external legal review and that this had identified some points which required further work before it could be finalised for consideration by Court. The item was, therefore, deferred to the next meeting of the Court.

REPORT FROM AUDIT AND RISK COMMITTEE: CONFIDENTIAL MINUTE

Note by Clerk: (*Strictly Confidential: minutes 272-277 are confidential and restricted to Court*)

REPORT ON EQUALITY, DIVERSITY AND INCLUSION

- 278 The Court received and discussed a paper on the annual overview of the equality, diversity and inclusion (EDI) work which had been ongoing since Court approved the University's Equality Outcomes and Mainstreaming Report in March 2019 (*copy filed with the principal copy of the minutes*).
- 279 The paper detailed the range of priorities and activities that had been undertaken in relation to equality, inclusion and diversity across the University over the past year. This included reports on the enhancements made to the EDI governance processes, the significant body of work undertaken on race equality and how the University's Covid-19 response has taken EDI into account.

UPDATE ON REF PREPARATIONS

- 280 The Court received and discussed an update on the institutional preparations for the Research Excellence Framework (REF) 2021. The paper discussed the mitigations that the funding councils had put in place to address the effects of the disruptions to institutional submission caused by COVID-19 and the impact of recent recruitment on the institutional submission in terms of research power and quality (*copy filed with the principal copy of the minutes*).

ROUTINE BUSINESS FOR APPROVAL

ABERDEEN 2040 IMPLEMENTATION: OPERATIONAL PLAN 2020-21, KPIS AND BENCHMARKING

- 281 The Court received and noted a paper which updated it on progress with developing a framework for initial delivery of the commitments set out in Aberdeen 2040 and which included, for approval, the University's Operational Plan for 2020/21 (*copy filed with the principal copy of the minutes*).

282 The Court:

- (i) Noted progress made to date in taking forward arrangements for initial delivery of Aberdeen 2040;
- (ii) Approved the institutional Operational Plan for 2020/21, taking account of the actions identified against the nine prioritised commitments from Aberdeen 2040, and progress made with finalising Key Performance Indicators, establishing baselines and agreeing targets;
- (iii) Noted the two groups proposed to benchmark performance at University level;
- (iv) Noted the intention to hold full School planning review sessions in March 2021.

TNE - GOVERNANCE AND PROJECT DEVELOPMENT AND APPROVAL IN RESPONSE TO EXTERNAL REPORT ON THE KOREA PROJECT

283 The Court received a paper (*copy filed with the principal copy of the minutes*) which sought to provide: (i) a clear structure for the overall governance – from idea to inception to operationalisation – of current and future transnational initiatives; and (ii) to respond to recommendations made in the recent external report on the Korea, using those to provide clear detail on what is expected in the formulation and approval of future transnational initiatives. The paper had been updated in response to feedback received from Court at its meeting on 30 June 2020.

284 The Court approved the proposed governance structures and project development and approval guidelines as set out in the paper.

SENATE REPORT

285 The Court received and noted a report on the main items of business considered by the Senate since its report to Court in June, at meetings on 18 June and 25 August 2020 (*copy filed with the principal copy of the minutes*).

286 The Court, on the recommendation of the Senate, approved the draft Resolution ‘Changes to the Code of Practice on Student Discipline (Academic)’ and, in accordance with the provisions of Section 6 (2) of the Universities (Scotland) Act 1966, agreed that the draft Resolution be passed forthwith, so that the amended provisions may be applied with immediate effect.

ANNUAL STATEMENT ON RESEARCH GOVERNANCE AND INTEGRITY

287 The Court received and approved the Annual Statement on Research Governance and Integrity 2019/20 (*copy filed with the principal copy of the minutes*) which it was required to publish as a signatory to the Universities UK ‘Concordat to Support Research Integrity’.

ANNUAL REPORT TO SFC ON INSTITUTION-LED REVIEW OF TEACHING QUALITY

288 The Court received and approved the Annual Report to SFC on Institution-Led Review of Quality, 2019/2020 (*copy filed with the principal copy of the minutes*) subject to, as discussed at minutes 267, the wording of sections with regard to the Sri Lanka Medical Pathway being reviewed and updated as necessary.

AUSA CONSTITUTION AND CODE OF PRACTICE TO ENSURE COMPLIANCE WITH PART II OF THE EDUCATION ACT 1994

289 The Court received a paper detailing proposed changes to the AUSA Constitution following its Democratic Review, carried out during 2018 (*copy filed with the principal copy of the minutes*).

290 The proposed constitution had been agreed by both the AUSA Board of Trustees and the Association’s Student Council but under Part II Section 22 of the Education Act 1994, changes to the constitution of AUSA – as the student union – were also required to be agreed by Court. The paper also proposed minor amendments to the University’s Code of Practice to Ensure Compliance with Part II of the Education Act 1994, to correctly cross-reference to the new AUSA constitution.

291 The Court agreed to:

- (i) approve the changes to the AUSA Constitution;
- (ii) approve the minor changes to the Code of Practice to Ensure Compliance with Part II of the Education Act 1994.

ORDINANCE FOR SUBMISSION TO PRIVY COUNCIL: AMENDMENTS TO THE COMPOSITION OF SENATE

292 The Court received a paper which invited it to approve for formal submission to the Privy Council a draft Ordinance to formalise amendments to the composition of the Senate.

293 The paper reminded Court that following the conclusion of the required statutory process of consultation with the Senate, the Business Committee of the General Council and the University community, the Court had previously approved a draft Ordinance to formalise the changes in the membership of the Senate and also agreed that the process of engagement with Scottish Government and Privy Council could commence. Scottish Government advisers had since agreed on the need for and the proposed content of the Ordinance and had requested only minor technical/legal amendments to the draft that had previously been approved by Court.

294 The Court, therefore:

- (i) Noted the drafting amendments requested by Scottish Government advisers and that these had been incorporated into the draft Ordinance;
- (ii) Approved the draft Ordinance for formal submission to the Privy Council.

ROUTINE BUSINESS FOR INFORMATION

HEALTH, SAFETY & WELLBEING REPORT

295 The Court received and noted a report on health, safety and wellbeing matters (*copy filed with the principal copy of the minutes*).

EXECUTIVE DIRECTOR OF ADVANCEMENT REPORT

296 The Court received and noted an update from the Executive Director of Advancement on the activities of the University of Aberdeen Development and Alumni Relations Office over the past six months (*copy filed with the principal copy of the minutes*).

FINANCIAL MANAGEMENT REPORT (MMR)

297 The Court received and noted the Financial Monthly Management Report for the period to 31 July 2020 (*copy filed with the principal copy of the minutes*).

POLICY AND RESOURCES COMMITTEE REPORT

298 The Court received a report on the key items of business discussed by the Policy and Resources Committee at its meeting on 15 September 2020 (*copy filed with the principal copy of the minutes*).

299 The Court approved, on the recommendation of the Committee, proposed revisions to its Remit and Composition.

COMPOSITE REPORT FROM COURT COMMITTEES AND JOINT COMMITTEES OF COURT AND SENATE

GOVERNANCE AND NOMINATIONS COMMITTEE

300 The Court received a report on the key items of business discussed by the Governance and Nominations Committee at its meeting on 8 September 2020 (*copy filed with the principal copy of the minutes*).

- 301 The Court approved the changes recommended by the Committee to its remit and terms of reference and noted that these included generic content which would be recommended for adoption by other sub-committees of Court as a template to demonstrate good practice in response to some of the findings of SFC/OSCR reviews.
- 302 The Court approved, on the recommendation of the Committee, the membership of Court sub-Committees and the Court's membership of Joint Committees of Court and Senate for 2020/21.
- 303 The Court also noted a report of the Committee's consideration of the process for the recruitment of the Secretary and Chief Operating Officer. This detailed the circumstances that had led to the process progressing to an advanced stage without the input of all members of the appointment committee and it agreeing on the 'resetting' the process to enable that to be done. The Court noted that the Governance and Nominations Committee had agreed to endorse the actions taken to 'reset' the process. It had also agreed to include in the amendments to its terms of reference a more specific wording on its role in advising Court on the process for the appointment of the Principal and for the Secretary, in particular, to specify that when establishing such processes it should be clear at which stages decisions would require the agreement of the full selection panel.

RESEARCH POLICY COMMITTEE

- 304 The Court received and noted a report on the key items of business discussed by the Research Policy Committee at its meeting on 16 September 2020 (*copy filed with the principal copy of the minutes*).

UNIVERSITY COMMITTEE ON TEACHING AND LEARNING

- 305 The Court received and noted a report on the key items of business discussed by the University Committee on Teaching and Learning at its meetings held on 22 June and 5 August 2020 (*copy filed with the principal copy of the minutes*).

DATE OF NEXT MEETING

- 306 It was noted that the next meeting of the University Court would be held on Tuesday, 24 November 2020, 9.00 am – 3.00 pm.

Note by Clerk: Due to Covid-19 restrictions a signed copy of the minutes could not be arranged. These are, however, confirmed by the Clerk as the agreed record of the meeting.

Date: 24 November 2020