

UNIVERSITY OF ABERDEEN

UNIVERSITY COURT

Minutes of Meeting held on 5 November 2002

Present: Mr A Mair (in the Chair), Principal, Mr D Cockburn, Dr A Dawson, Mr H Duncan, Professor G Graham, Miss A Harper, Cllr P Johnston, Dr P Kinnear, Mr J Leiper, Professor S Logan, Professor B MacGregor, Dr M Mackie, Dr N Milne, Dr G Roberts, Professor T Salmon, Professor J Sewel, Mr C Sheldon, Professor W Smith, Mr G Stevenson, Professor I Torrance with Professor D Houlihan, Professor A Rodger, Ms C Macaslan, Mr S Cannon, Ms I Bews, Mr A Donaldson, Mrs C Inglis, Dr P Murray, Mr B Purdon Mr R Taylor, and Mrs H Stephen (Clerk).

Mr Mair welcomed Mr Chris Sheldon who was attending his first meeting as one of the two Assessors appointed by the Rector. He also welcomed Mr J Daube, Head of Manchester Community Technical College, Connecticut, who was attending as an observer.

Mr Mair congratulated Professor Torrance on his nomination as the next Moderator of the General Assembly of the Church of Scotland.

Mr Mair congratulated the Faculty of Medicine & Medical Sciences on the success of the Institute of Medical Sciences and the IMS building in which the Court was meeting that day.

Apologies for absence were received from The Rector, Mr A Amoore, Lady Catto, Cllr D Clyne, Dr N Dower, Mr M Lockhead and Mr D Marr.

MINUTES

28 The Minutes of meeting held on 17 September 2002 were approved.

STATEMENT BY PRINCIPAL

29 The Principal referred to a number of current issues in the higher education sector, including top-up fees and merger talks between London institutions, the recent report from the Scottish Executive Committee on Lifelong Learning, the forthcoming report of the ministerial review of the Scottish system and the White Paper on higher education in England. While there was no need at this stage to have an institutional position on any of these matters, senior management was monitoring developments.

## INSTITUTIONAL COLLABORATION WITH THE ROBERT GORDON UNIVERSITY

- 30 The Court received copies of (i) the Principal's letter to staff dated 20 September 2002, (ii) the senior Vice-Principal's letter to staff dated 17 October 2002, together with the paper 'Merger Discussions with The RGU: The Next Phase' which reflected discussion at the Senate on 9 October 2002, and (iii) the joint application submitted by the two Universities to the Scottish Higher Education Funding Council for SHEFC Strategic Change Grant of up to £800K for the period to July 2003. Earlier versions of (i) and (ii) had previously been received by the JPFEC.
- 31 In presenting the papers Professor Logan referred in particular to the Next Phase paper which reflected a helpful and useful debate at Senate. Academic groups would now take forward a full appraisal of the academic offerings of the other institution. Discussion papers would then be prepared with a University of Aberdeen perspective - and, if appropriate, joint reports - to provide a basis on which the University could consider the question of merger with The RGU. Thereafter joint institutional discussions would be taken forward.

32 In an extended discussion, the following principal points of record were made:

- It was reported by one of the Senate Assessors that there was general concern among academic staff that a momentum for merger would build up and that a decision would be taken irrespective of their views. It could not be over-emphasised, however, that in order to achieve success a merged institution must command the enthusiastic support of its staff.
- The level of resource sought under the Strategic Grant application, which had just been submitted, reflected the intention to reach a conclusion on the question of merger by the end of the current academic year in order to avoid planning blight. Earlier informal discussion with Funding Council officers had not indicated that the level of resources likely to be sought for each phase of the merger process would be unacceptable; however, in the event of a substantially lower strategic grant award the scale of the analysis and the timescales involved would need to be reviewed.
- The present process was designed to enable the University, working through a collegial process to take cognisance of the views of the academic community, so as to address properly the academic case in relation to institutional merger. Commitments had been made to keep the staff unions informed through the existing consultative mechanisms, and to a full consultative process with the student body.
- Questions of whether a merged institution would bring greater benefit to the region and Scotland, and to research and education generally, were for a later stage. There could be a case also for a debate involving the wider community including employers and potential students.
- There were concerns among academic staff that merger, in this case between very different institutions, in the short term would impact adversely on quality, particularly in relation to research, and the Court would need to be satisfied that recovery to a higher level was achievable in the longer term.
- The alternative to merger could not be the *status quo*, as it would be difficult for the University to maintain the full range of its current activities on its existing level of resource.
- The ultimate decision would rest with the Court and central would be the interests of the University of Aberdeen and the academic and intellectual strength of the institution.

- 33 The Court received a copy of SHEFC Circular HE/43/02 dated 14 October 2002, which set out how the Council, the Chairmen and Principals of Scottish Higher Education institutions, and Universities Scotland, were together taking forward new arrangements for developing higher education strategy in Scotland.
- 34 Mr Mair, who was also Chairman of the Scottish Committee of University Chairmen (SCUC), welcomed the opportunity which the new arrangements would provide for continuing dialogue with the Funding Council and institutional input into strategy development. The four areas which had been identified as priorities for strategic dialogue, namely leadership and management, e-learning, excellence in teaching, and knowledge transfer, partly reflected issues already under discussion, and views were sought on whether to include a fifth area-wider participation.
- 35 Dr Roberts, as Vice-Principal with responsibility for wider access and Chairman of the North Forum for Widening Participation, proposed that the University's response to SHEFC should refer to universities' existing activities to promote wider access within the funding available and should support the inclusion of wider participation as the fifth priority for strategic dialogue; namely it should also recommend that the four Regional Forums be consulted as to the arrangements for developing the strategy. The Court agreed that a response be made on this basis.

- 36 In discussion disappointment was expressed that the initial priorities for strategic dialogue did not include the key institutional priority of excellence in research. There was also concern that the initiative appeared to have been designed as a means of taking forward government priorities, particularly in relation to the new universities. It would be important to protect the interests of the older universities, for example in relation to their collegial style of academic leadership and management.

## SENATE REPORT

### *Independent Review of Student Complaints*

- 37 The Court approved the following recommendations which the Senate, for its part, had approved with regard to an Independent Review of Student Complaints.

- (a) That the University should support the proposals of the Universities UK (i) that an office of an independent Adjudicator be established at the ultimate, independent, stage in a UK system for dealing with student complaints and (ii) that, until the necessary instruments were approved, it should be a matter for each HEI to decide whether to participate voluntarily in such an arrangement for review by an independent Adjudicator;
- (b) that until the relevant statutory framework was in place for a UK-wide system, the University of Aberdeen should join a Scheme developed by Universities Scotland for Independent Consideration of Student Complaints, as summarised below;
- (c) that the Scottish Scheme should be approved for immediate implementation, and should apply only to cases where the cause of the complaint occurred during or more recently than academic year 2001/02 and where internal procedures had not been exhausted by 1 September 2002.

- 38 The Court noted that under the Scottish scheme

- (i) Students, having exhausted the University's appeals and complaints procedures, would be able to refer their complaint to an Independent Reviewer for Scottish HEIs.
- (ii) Once the Independent Reviewer (or their nominee) had made a judgement, it would be for the University Court to decide whether or not to accept the judgement and on any remedial action to be taken. Universities Scotland expected that governing bodies would accept the Independent Reviewer's advice in all but the most exceptional circumstances.
- (iii) The scheme did not cover complaints by members of staff, or matters of academic judgement, including marking of examinations, except in procedural matters.

- (iv) The basic costs of the scheme would be met collectively by institutions. The costs of considering individual cases which went beyond the "sifting" stage would be borne by the institution concerned.
- (v) A retainer of £5,000 per annum would be paid to the Independent Reviewer, Mr Colin J MacAulay QC. The Reviewer would be paid a *per diem* fee in the region of £2,000 for considering cases. These costs would be covered by the individual institutions involved in each case.
- (vi) Complainants would be responsible for meeting their own costs, except that it would be open to the Reviewer to recommend that that the institution should meet the complainant's reasonable costs in cases where complaints were upheld. Where complaints were not upheld, complainants would be liable to any costs they incurred. Where the Reviewer ruled that a complaint was vexatious, the Reviewer would have discretion to rule that the complainant pay some or all of the costs of the institution.

#### JOINT PLANNING FINANCE & ESTATES COMMITTEE

- 39 The Court received a report from the meeting of the Joint Planning Finance & Estates Committee held on 8 October 2002, which included reference to the following items.

### *Universities/NHS Grampian Relationships*

- 40 The Court agreed that the University accept proposed changes to the joint working and planning arrangements between the University, The Robert Gordon University and NHS Grampian to promote better joint working and planning and permit the partners to be more proactive in organising and developing health issues within Grampian.
- 41 Professor Logan, having been recently appointed as Chairman of the Grampian University Hospitals NHS Trust, declared an interest in the matter. He welcomed the development.

### *Costed Academic Plans*

- 42 The Court noted that the JPFEC had approved proposals for the preparation of costed academic plans in the 2003-04 planning cycle, comprising (a) Guidance Letter from the Senior Vice-Principal; (b) Detailed Guidance for Academic Plans, and (c) a Timetable for Academic Plans. The process had been agreed with Deans and Heads of Schools. It represented a more rational approach to planning, as the introduction of costed academic plans should establish clearer academic priorities and direction for the University. The costed academic plans would inform the development of the annual Strategic Plan, to which the Court would also have opportunities to contribute during 2002-03.

### *University Funding*

- 43 The Court noted that the University had received notification from SHEFC of additional one-off funding allocations for 2002-3 of £154K for initial teacher education (ITE) funded numbers and £595K for science teaching infrastructure.

### *Admissions 2002*

- 44 The Court noted that an interim report received by JPFEC on undergraduate and taught postgraduate admissions and registrations for 2002/03 entry, indicated that the University had done well overall, in face of stiff competition and intense recruiting campaigns. It was expected to exceed the home undergraduate admissions target by some 300, and overseas undergraduate admissions and part-time admissions were expected to finish at or slightly below last year's levels. Home postgraduate registrations were slightly disappointing, while overseas taught postgraduate numbers had doubled, largely due to the new MBA. The PGCE admissions position remained satisfactory.

### *Property Matters and Capital Projects*

- 45 On Marischal College, the Court noted that following the recent announcement of Aberdeen Asset Management to postpone its plans for the redevelopment project the University, for its part, would now undertake a careful review of the options.
- 46 With reference to the Faculty of Education Relocation Project the Court was informed that SHEFC had agreed to rephase the relocation funding, and the deadline for completion of the Project had been extended by six months to the summer of 2006.

*Pathfinder Project: Catering Strategy Review*

- 47 The Court noted that the main recommendations to the Pathfinder Group from the Russell Partnership (which had been commissioned to produce and present a campus-wide catering strategy for the University) had been (i) that catering remain in-house, (ii) that a series of 'quick wins' be actioned immediately, (iii) that a clear and informed conference strategy be developed, and (iv) that the Central Food Hub (ie Central Refectory) be remodelled and developed. The Committee had approved funding towards implementation of recommendations (ii) and (iv).

### *Review of Field Stations*

- 48 The Court noted that a review of field stations had been undertaken, covering twelve premises of which six were owned and six leased by the University. A number of factors had been considered in relation to each property, including building condition, annual income and running costs and estimated disposal value, and current and potential future levels of academic utilisation. The Committee had endorsed the conclusions and recommendations arising from the review, which included disposal of Hall Forest, Kintore and Tarradale House, Muir of Ord, and noted that a number of issues remained for further review and resolution in due course.

### *Financial Reports*

- 49 The Court was informed that the Management Accounts for the twelve months to 31 July 2002, received by the JPFEC, had reported an historical cost surplus including exceptional items of £6.024M, subject to audit, against a budgeted surplus of £4.365M. Excluding the exceptional items the figures were £2,528M against a budgeted £2.084M. Since preparation of the reports, however, there had been consolidation of the draft University Accounts for 2001-02, taking in the subsidiary companies' accounts. AURIS had recently reviewed its accounts for 2000-01 and had reported increased losses which had reduced the University's final surplus, excluding exceptional items, from £2.5M to £2.3M.

### *Investment Committee*

- 50 The Court noted that the JPFEC had approved a recommendation to appoint PSolve (Punter Southall) as Independent Financial Advisers with immediate effect, for a period of up to three years, with the possibility of extension for a further two years, subject to satisfactory performance. The IFA's remit would include advice on the development of the University's investment policy, on the tendering of investment management contracts, and the period analyses of fund managers' performance.
- 51 The JPFEC had endorsed the approach being taken by the Investment Committee in initiating a review of the University's current investment policy and practice, and in the planned tendering of investment management contracts. It also noted that the adverse effects of the downturn in the financial markets, had resulted in significant reductions in the valuations of the portfolios.

### *Commercialisation of Research*

- 52 The Court noted the report of a major venture in the commercialisation of the University's research and intellectual property, with the establishment of TAU Therapeutics, a

company with investment largely in Singapore. The University would be a stakeholder in the new company, holding almost 14% of the equity (including 3% on behalf of partner institutions), with a further 17% held personally by University of Aberdeen academic staff. The purpose of the venture was to design a drug for the treatment of Alzheimer's Disease. The venture was an important example of how both academic collaboration and of research initially supported and developed in the Institute of Medical Sciences, could be taken through to commercialisation.

#### MUSEUMS, COLLECTIONS AND GALLERIES COMMITTEE

- 53 The Court considered a report from the meeting of the Museums, Collections and Galleries Committee, held on 4 October 2002. With reference to the existing University policy, approved by the Court, relating to the treatment of sacred objects and human remains, the paper put forward a proposed procedure and criteria for responding to requests for the return of items in the museum's collection. The Court approved the proposed procedure and criteria, subject to minor amendment by Dr Roberts in light of the Court's discussion, the final version of which is set out in the Appendix to this minute.

## COMMITTEE ON RESEARCH &amp; COMMERCIALISATION

*Revised title, remit and composition*

- 54 The Court approved the revised title, remit and composition of the Committee for Research and Commercialisation, as agreed and forwarded by the Senate, together with a recommendation for an increase in the Senate representation on the revised Committee for Research, Income Generation and Commercialisation from "eight" to "two from each Faculty", as set out in the Appendix to this Minute.

*Guidelines on Good Research Practice and Statement on the Handling of Allegations of Research Misconduct*

- 55 The Court considered interim guidelines on good research practice which had been developed by the Committee for Research and Commercialisation and discussed with the Joint Negotiating and Consultative Committee with the AAUT and would go forward to Senate for discussion and approval before being submitted to the Court for final approval.
- 56 In view of a new condition of grant, introduced by the Wellcome Trust requiring institutions to have such formal guidelines in place by October 2002, the Court approved them as interim University Guidelines, as set out in the Appendix to this Minute, pending completion of the full internal discussion and approval process.

## APPOINTMENTS TO COURT AND COURT COMMITTEES

- 57 The Court ratified the decision, taken by the Principal and the Senior Lay Member during the summer period under delegated powers and subsequently endorsed by the Nominating Committee, that Mr Alan Amoore, currently an external member of the Audit Committee, be co-opted as a member of the Court, and simultaneously be appointed as Convener of the Audit Committee in succession to Mr J Grant, for the three-year period 1 October 2002 to 30 September 2005.
- 58 The Court noted that by the General Council's closing date of 28 October 2002 for nominations to the two vacancies for General Council Assessors on the Court, in succession to Professor D Ogston and Mrs A Skene, two nominations had been received. Lady Catto and Mr Douglas Marr had therefore been elected unopposed to membership of the Court for the balance of the four-year period to 30 September 2006.

## APPOINTMENT OF DEAN, FACULTY OF EDUCATION

- 59 The Court approved the translation of Ms C Macaslan's appointment from Vice-Dean to the substantive position of Dean of the Faculty of Education for an initial period to 31 July 2004.

#### PAY AWARD 2002

- 60 The Court was informed that the University had received formal confirmation on 30 September 2002 that all of the nationally recognised trades unions had accepted the final offers on pay rates for 2002/03. The new pay scales (unchanged over the draft scales provided to the Court on 17 September 2002) took effect from 1 August 2002 and would be implemented to all staff in October salaries.
- 61 As the national pay bargaining machinery did not apply to Academic staff within the Faculty of Education employed on FE64 terms and conditions an interim pay award had been processed for these staff in October. A final award would be made pending discussions locally with appropriate trades unions representatives.

#### STATISTICAL REPORT

- 62 The Court was informed that copies of the Statistical Report 2001-02 were available for members on request from the Court Office.