

UNIVERSITY OF ABERDEEN

UNIVERSITY COURT

Minutes of meeting held on 21 March 2006

Present: Rector, Principal, Mr A Amoore, Professor P Beaumont, Professor I Booth, Mr T Brotherstone, Lady Catto, Miss A Harper, Professor D Houlihan, Councillor P Johnston, Mr J Leiper, Professor S Logan, Ms C Macaslan, Dr M Mackie, Dr A Mair, Mr P Richards, Mrs M Ross, Mr R Ruddiman, Professor C Secombes, Mr S Styles, with Professor C Gane, Professor N Haites, Professor B MacGregor, Professor A Rodger, Mr S Cannon, Mr D Beattie, Ms I Bews, Mr A Donaldson, Mrs C Inglis, Dr P Murray, Mrs L Manders, Dr T Webb and Mr B Purdon (Clerk).

Apologies for absence were received from Dr D Cruickshank, Mrs S Grant, Mr M Lockhead, Mr M Moir, Mr E Obi, and Councillor J Stewart.

MINUTES

- 234 Dr Mackie intimated his belief that minute 182, inaccurately reflected the decision of the Court regarding the position of Rector as Chair. The Court noted Dr Mackie's comments but agreed, however, that the draft minute should be approved without amendment.
- 235 The Minutes of the meeting held on 7<sup>th</sup> February 2006 were approved.

DECLARATIONS OF INTEREST

- 236 Mr Styles declared an interest as Secretary of the Aberdeen Association of University Teachers. Mr Brotherstone declared an interest as Vice-President of the Association of University Teachers Scotland.

STATEMENT BY PRINCIPAL

- 237 The Principal reported that the University expected to receive imminently the annual funding letter from the Scottish Funding Council. He also noted that one of the University's recent new senior academic appointments, Professor Todd in the School of Language and Literature, had been the subject of an article in *The Guardian*, and that this reflected the increasing visibility of the University that the new academic appointments were bringing.
- 238 The Principal reported that the University had featured prominently in rankings published by *Scientist Magazine*. The magazine had produced a ranking of the best institutions in which to be a post-doctoral researcher. The University had been ranked as one of the top twenty institutions outside North-America and ninth in the UK. He also drew attention to the continuing success of University commercialisation projects, noting that Brinker Technology had recently won an award at the Scottish Offshore Achievement Awards.
- 239 The Principal informed Court that the sale of the Hilton Campus had now been completed and that the proceeds had been received. He also reported that the University had recently confirmed significant gifts from Talisman towards student scholarships and from a number of oil companies towards a centre of excellence in sedimentology. The University had also been informed that the funds of the Mackie Trust, which supported aspects of Scottish History in the institution, would be transferred to the University's endowment.
- 240 Finally, he reported that he had recently taken part in a Ministerial delegation to Saudi Arabia and had visited Hong Kong, where the Chancellor, Lord Wilson, had been the recipient of an honorary degree. The Principal observed that the scale of investment he had seen in higher education in Saudi Arabia and in Hong Kong was a reminder that higher education was becoming increasingly competitive internationally.

## INDUSTRIAL DISPUTE

- 241 Professor Logan introduced a paper that provided an update on developments in the ongoing industrial dispute with the Association of University Teachers (AUT). The paper included a Parliamentary briefing prepared by the University and Colleges Employers' Association (UCEA).
- 242 It was noted that the dispute centred primarily around the issue of a national pay claim that sought a 20% uplift in salaries over three years. A national one day strike by academic and academic-related staff had taken place on Tuesday 7<sup>th</sup> March and continuous action short of strike had commenced from Wednesday 8<sup>th</sup> March. It was estimated that approximately 20% of academic and related staff had participated in the strike. This figure, however, masked significant variations in participation levels across the University.
- 243 Professor Logan highlighted a number of points of which the Court, as the employer, should be aware. He noted that the dispute was now entering a phase where the impact of action short of a strike was beginning to result in student concern regarding academic progression. There was the prospect that the assessment and graduation of students could be affected. Students could potentially take action against the University for failing to fulfil contractual duties. Legal advice recommended that the University should ensure it could demonstrate that it had taken appropriate steps to minimise the impact of the dispute on students in order to limit any legal exposure. The paper, therefore, sought Court's endorsement of the University Management position that partial performance of contractual duties by staff was not acceptable.
- 244 In discussion, Mr Brotherstone made a number of comments on the AUT's stance for the benefit of Court.
- 245 The Court agreed to endorse the University Management position that partial performance of contractual duties by staff was not acceptable.

## SENATE EFFECTIVENESS REVIEW: SUMMARY AND RECOMMENDATIONS

- 246 Professor Logan introduced a paper which conveyed the outcome of the Senate Effectiveness Review (copy filed with the principal copy of the minutes). The paper included two reports. The first included 15 recommendations that had been approved by Senate on 25<sup>th</sup> January 2006, with the exception of recommendation 9. The second included 11 further recommendations to be considered by Senate on 3<sup>rd</sup> May 2006.
- 247 He drew Court's particular attention to two recommendations. These were that: (i) the Senate Assessors on Court should be elected on a College basis to ensure that of the six assessors, two were elected from each of the three Colleges; (ii) that there be three Senate Assessors on the Joint Planning, Finance and Estates Committee, one from each of the three Colleges. (*See Minute 276-277 below*)
- 248 Professor Logan agreed that Court should receive at a future time a paper which summarised the primary role of Senate and its relationship with the Court.

## ANALYSIS OF SCOTTISH UNIVERSITIES' FINANCES

- 249 The Director of Finance introduced a paper that provided a comparative analysis of the financial positions of the Scottish universities. The analysis showed this University to be in a broadly satisfactory position relative to many of its competitors.
- 250 The Court noted the paper.

## RESEARCH METRICS

- 251 Professor Houlihan introduced a paper which highlighted a number of metrics on the University's research performance for 2003/04. He explained that the metrics were a useful gauge of the level of research performance of the Top 20 universities in the UK and the progress the University was making in terms of its relative competitive position.
- 252 In discussion, it was noted that while the metrics were useful, they were of a quantitative nature and thereby did not provide a comprehensive picture of the quality of research in the University.

## MAJOR INSTITUTIONAL CAPITAL PROJECTS

*Cash Flow Planning and Borrowing Strategy Update*

- 253 Professor Logan introduced the Cash Flow Planning and Borrowing Strategy that had been approved by Court on December 13, 2005. He noted that it provided the financial context against which the proposals for the Library Project and the Regional Sports Facilities were set. He also noted that since the Strategy had been approved, the Director of Finance had tendered for the services of a third party financial advisor and Quayle Munro had now been appointed. The Scottish Funding Council had also granted its consent for the University to borrow up to £35 million to finance investment in infrastructure.

*Library Project*

- 254 Professor Gane introduced a paper (copy filed with the principal copy of the minutes) on the construction of a new University library. The paper, which included a risk assessment and financial analysis, came to Court on the recommendation of the Joint Planning, Finance and Estate's Committee, and it invited the Court to approve:
- (i) Expenditure of £55.5 million for the construction of a new library as part of the University's 10-year infrastructure plan for capital developments.
  - (ii) The immediate release of £2.25 million to enable the library project to be taken to the submission of a planning application (RIBA Stage D *Detailed Proposals*)
- 255 He reminded Court of the accepted case for a new library, given the shortcomings of the existing provision in the Queen Mother Library and Special Collections and Archives. The library was essential to the achievement of the University's strategic goals in research and teaching. It would provide the level and standard of facilities that students and staff would expect and need. Equally, it would address the need to provide appropriate accommodation for the University's special collections to be protected and exploited, in addition to enabling the University to accept existing and future offers of important collections.
- 256 The £55.5 million project funding requirement was built into the 10-year plan which assumed that: (i) £30 million towards the library would be generated from fundraising between 2006/07 and 2009/10; and (ii) the additional £25 million cost of capital charge would be in the region of £1.8 million. The paper also noted that in the event of a shortfall in fundraising the University could potentially use general endowments (valued on 31 July 2005 at £10 million) and take up the unutilised borrowing facility for projects not yet prioritised in the 10-year plan.
- 257 He noted that the fundraising target was a challenging one but that the University had the professional capacity and experience to fund-raise on this scale. He also noted that considerable initial progress had been made in developing relationships with potential donors and some significant pledges had already been made, including one seven figure and several six figure sums. He reminded Court, however, that without an institutional commitment to the project the likelihood of securing these and other future major donations would be greatly compromised.

- 258 In discussion, a number of members of Court noted how vital the project would be to the future competitiveness of the University and expressed confidence in the University's ability to generate the fundraising income. Professor Gane accepted that with an expected completion date of 2010 the University would need to look at interim measures to address the ongoing need for study space on campus.
- 259 The Court approved:
- (i) Expenditure of £55.5 million for the construction of a new library as part of the University's 10-year infrastructure plan for capital developments.
  - (ii) The immediate release of £2.25 million to enable the library project to be taken to the submission of a planning application (RIBA Stage D *Detailed Proposals*). The Court noted that in addition to regular project reporting to Court via the Capital Expenditure Sub-Committee and the Joint Planning, Finance and Estates Committee, it would receive a report to either: (a) confirm that the project could be completed within the proposed budget, or (b) setting out revisions to the brief which would bring the project cost within £55.5 million. At that stage the Court would be requested to release the remaining £53.25 million.

#### *Regional Sports Facilities*

- 260 The Director of Sports Development introduced a paper on the development of a Regional Sports Facility in partnership with Aberdeen City Council.
- 261 He reminded Court that it had previously approved expenditure of £8 million towards the project, which had a total cost of £23 million. The City Council had also committed £8 million and sportscotland had committed £5 million. This left a funding gap of £2 million, and a further funding proposal for this had been submitted to sportscotland.
- 262 The Court was informed that the University had now been informed that further design work would be required before sportscotland was able to approve additional funding. At the same time, the project was at a stage where delays in the design and construction process would significantly impact on the project cost. It was, therefore, proposed that the Court release up to £400,000 from the £8 million allocation to bring the design to RIBA Stage D, subject to there being a matched contribution from the City Council.
- 263 The paper outlined the preferred governance and management arrangement for the project. This involved the establishment of a Special Purpose Vehicle (SPV) to construct and manage the facilities. The SPV would be a 100% subsidiary of the University. The City Council would purchase services from the SPV under a contractual agreement.
- 264 The University's 10-year infrastructure plan as approved by Court in December 2005, included £8 million for sports development and a £1 million fundraising target. No decision had yet been taken on the future of the Butchart Recreation Centre, but a notional land value (net of demolition costs) was estimated to be £1 million.
- 265 Under the preferred governance route for the SPV, the University would require £16 million to finance the development, with £7 million from sportscotland. Under this option, the £8 million Council contribution towards the capital -would be paid over a 25 year period. In effect, the Council would pay for the additional University borrowing on the project. This would require, however, borrowing above that identified in the infrastructure plan. This additional sum could be accommodated within the overall borrowing maximum agreed by the Funding Council, but would reduce the University's capacity to borrow in the future.
- 266 The cost of capital to the University would be £16 million, less £1 million notional receipt for Butchart, an assumed £1 million from fundraising and the City Council contribution to the borrowing costs. This cost was £447,000 per annum.

- 267 The Court noted an extract of the business plan, along with an analysis of the increased cost to the University. The draft management and governance arrangements put in place with the Council allowed for an equal sharing of the revenue costs for the first 2 years of operation.
- 268 The revenue costs to the University of moving to the new facility were estimated to be £521,000 per annum (current day cost) and represented the additional sporting infrastructure provided, both in terms of quality and quantity. The revenue costs assumed that student sport was subsidised at 75% of the market price. Until the Sports Association Club use had been programmed, the full subsidy could not be accurately calculated.
- 269 The additional costs were also indicative of the nature of the sporting provision which would be split over 4 main sites (Balgownie, King's Pavilion, the Hillhead Centre and the new facilities). In particular, running a swimming pool as a separate venue at King's had significant revenue implications. Work was ongoing to rationalise current sports facilities to minimise future costs.
- 270 The Court noted that the project had recently received outline planning permission.
- 271 The Court approved recommendations that:
- (i) the Regional Sports Facilities Project be progressed to RIBA Stage D at a maximum cost to the University of £400,000, subject to a matching contribution from the City Council.
  - (ii) the Management and Governance structure be adopted, subject to endorsement by the City Council and final checks by legal and tax advisors.
  - (iii) the additional revenue implications for the University be built into the current revenue budget process.

#### JOINT PLANNING, FINANCE AND ESTATES COMMITTEE

##### *Tuition and Miscellaneous Fees 2006/07*

- 272 The Court received a recommendation from the Joint Planning, Finance & Estates Committee for approval of tuition and miscellaneous fees for 2006/07. (*Copy filed with the principal copy of the minutes*).
- 273 The Court approved the tuition and miscellaneous fees for 2006/07.

##### *Hospitality Services Budget Assumptions and Residences Fees 2006/07*

- 274 The Court received a recommendation from the Joint Planning, Finance & Estates Committee for approval of the Hospitality Services budget assumptions and residences fees for 2006/07. (*Copy filed with the principal copy of the minutes*)
- 275 The Court approved the following recommendations:
- (i) the annual charges for student accommodation,
  - (ii) that authority be delegated to a small group, comprising the Convener of JPFEC, the Senior Lay Member and the Senior Vice-Principal, to consider the issue of increased utilities costs, following discussion with a representative of the Students' Association and to determine an appropriate course of action.

##### *Joint Planning, Finance and Estates Committee (JPFEC): Revised Composition*

- 276 The Joint Planning, Finance & Estates Committee had considered a recommendation from the Senate, referred to it by the Court, arising from its Effectiveness Review, that in order to secure representation from each of the three Colleges, the number of Senate Assessors on the JPFEC should be increased from two to three. The Committee recommended to Court that the revised composition be approved.
- 277 The Court approved the revised composition. (*See Minute 246-248 above*)

## SENATE REPORT

*Resolution No.245 of 2006*

*[Sixth Amendment to Schedule A to University Court Ordinance No.111  
(Election of Readers and Lecturers to the Senatus Academicus)]*

- 278 The Court, having noted that the draft Resolution [Sixth Amendment to Schedule A to University Court Ordinance No 111 (Election of Readers and Lecturers to the Senatus Academicus)] had been considered by the Business Committee of the General Council and the Senate, and that no other representations had been received, decided to pass the Resolution as set out in the appendix to this minute.

## STAFFING AND DEVELOPMENT COMMITTEE

*Procedure on Staff Retirement*

- 279 The Court received a paper setting out revised procedures to ensure that the University met its statutory obligations in processing staff retirements, arising from the new Employment Equality (Age) Regulations.
- 280 The Court approved the Procedure on Staff Retirement.

*Smoking Policy*

- 281 The Court received a paper recommending the approval of revisions to the University's Smoking Policy. The Policy had been updated to take account of The Smoking, Health and Social Care (Scotland) Act 2005 and The Prohibition of Smoking in Certain Premises (Scotland) Regulations 2006 which were to come into force on 26 March 2006.
- 282 The Court approved the revised Policy.

*Stress Policy*

- 283 The Court received a paper recommending the approval of the amended University Policy on the Management of Work Related Stress.
- 284 The Court approved the amended Policy.

*Disclosure Scotland Policy*

- 285 The Court received a paper outlining a Disclosure Scotland Policy on the checks required by The Protection of Children Scotland (Act) 2003. The paper noted that the University was required to carry out a Disclosure Scotland check on members of staff who were deemed to occupy posts which were classified as "childcare positions". There were a number of posts where staff could be in regular contact with persons aged under 18 and as such, it had been recommended that all new appointments to the University should be subject to a Disclosure check. It was also recommended that all existing staff should be required to undergo a Disclosure Scotland check and that this should be rolled out over 12 months.
- 286 The Court approved the University's Disclosure Scotland Policy.

## JOINT INFORMATION STRATEGY COMMITTEE

*Title and Remit*

- 287 The Court received a recommendation from the Joint Information Strategy Committee that in order to avoid confusion with the national "Joint Information Systems Committee" (JISC) the internal Committee be re-titled the "Information Strategy Committee" (ISC).
- 288 The Court also received a recommendation that the Committee have the power to co-opt members.

289 The Court approved the recommendations.

RESOLUTION NO 244 OF 2006  
[CHANGES IN REGULATIONS FOR VARIOUS DEGREES]

290 The Court, having noted that the draft Resolution [Changes in Regulations for Various Degrees] had been amended and approved by the Senate, and had been considered by the Business Committee of the General Council, and that no other representations had been received, decided to pass the Resolution as set out in the appendix to this minute.

JOINT PLANNING, FINANCE & ESTATES COMMITTEE

*Strategic and Operational Planning*

291 The Court noted that the updated Operational Plan 2005/06 was available online at [www.abdn.ac.uk/admin/operational-plan.shtml](http://www.abdn.ac.uk/admin/operational-plan.shtml) or on request from Policy, Planning and Governance (ext. 2016).

*Student Recruitment and Admissions*

292 The Court noted that the Committee had received and considered a report on second half-session student admissions 2005/06.

293 The Court noted that the Committee had received and considered a report on undergraduate applications for entry in 2006.

*Research*

294 The Court noted that the Committee had received and considered a paper analysing the University's position in the UK research rankings 2003/04 (*See Minute 251 above*).

295 The Court noted that the Committee had received a report on research funding applications and awards for the five-year period to 31 January 2006.

296 The Court also noted that the Committee had received and considered reports on the Northern Research Partnership and the Translational Medicine Research Collaboration.

*Capital Expenditure Sub-Committee Report*

297 The Court noted that the Committee for its part, had approved papers on the Library Project and the Regional Sports Facilities (*See Minutes 254-259 and 260-271 above*).

298 The Court noted that the Committee had noted that financial settlement and handover of the Hilton Site had been completed in early March 2006. (*See also Minute 239 above*)

299 The Committee had also noted that capital budgets had been re-phased to reflect the position at the end of January 2006.

300 The Court noted that the Committee had received and considered the proposed Estates Recurrent Capital Programme 2006/07 and had agreed the allocation of £2.35 million to Estates projects. The remaining £0.65 million budget for DISS projects would be allocated once the new Director of Information Technology took up office.

301 The Court noted that the Committee had received progress reports on various projects, including Marischal College, the Matthew Hay Project, Education Relocation, Student Accommodation, Institute of Applied Health Sciences (IAHS) 2, Zoology Building, Central Heating Station, the Hub and SRIF3-funded projects Oceanlab, Fraser Noble Building and 50-52 College Bounds.

*Monthly Management Accounts 2005/06*

- 302 The Court noted that the Committee had received and considered the monthly management reports to 31 January 2006.

## AUDIT COMMITTEE

*Internal Audit Reports*

- 303 The Court noted that the Committee had approved the following internal audit reports from Deloitte and that follow-up reports would be carried out in due course.

Assisted Reproduction Unit (Report No. 1 of 2005/06)

School of Social Science (Report No. 2 of 2005/06)

Estates Management (Report No. 3 of 2005/06)

- 304 The Court noted that Deloitte had completed their work on Fraud Detection and Prevention using the D&TECT tool. A final results pack had been issued, and an action plan agreed with Finance.

## NOMINATING COMMITTEE

- 305 The Court noted a paper on vacancies on the Court and Court-Senate Committees. The Nominating Committee would meet in May to make recommendations on the membership of Court and Court and Court-Senate Committees. In the meantime, members of Court were invited to inform the Clerk if they were interested in filling any of the vacancies on these Committees or indicate individuals whom they felt might be appropriate.

## SENATE REPORT

*Information Strategy Committee*

- 306 The Court noted that the Principal had taken Convener's action on behalf of the Senate to approve recommendations that, to avoid confusion with the national "Joint Information Systems Committee" (JISC), the University's committee be re-titled the "Information Strategy Committee" (ISC), while recognising that it was still a joint Committee of the Court and the Senate; and that, at the suggestion of the Senate, the Committee's remit be amended to give the Information Strategy Committee the power to co-opt members. (*See Minute 287-288 above*)

## ORDINANCE NO 135

[POWER TO EXTEND THE UNIVERSITY OF ABERDEEN BY AFFILIATING COLLEGES AND OTHER EDUCATIONAL BODIES] AND

## ORDINANCE NO 136

[POWER TO INCORPORATE INTO THE UNIVERSITY OF ABERDEEN OTHER UNIVERSITIES, COLLEGES AND OTHER EDUCATIONAL BODIES]

- 307 The Court noted that Ordinance No 135 [Power to Extend the University of Aberdeen by Affiliating Colleges and Other Educational Bodies] and Ordinance No 136 [Power to Incorporate into the University of Aberdeen Other Universities, Colleges and other Educational Bodies] had been passed by Her Majesty in Council on 14 February 2006.

## CODE OF PRACTICE ON EQUALITY AND DIVERSITY IN THE RAE

- 308 Further to the Court's approval of the Code of Practice on Equality and Diversity in the RAE Submission Process on 13 December 2005, a number of minor changes were required. These were not considered to alter materially the meaning of the Code of Practice and so further Court approval was not considered necessary. The changes had been approved by the University Management Group on the recommendation of the Vice-Principal for Library and Information Services.

## PAPERS FOR INFORMATION

- 309 The Court was informed that the following papers were available on request from Policy, Planning & Governance:
- (i) DISABILITY EQUALITY DUTIES UNDER THE DISABILITY DISCRIMINATION ACT 2005: Summary of duties (from the Statutory Code of Practice (Scotland)) placed on all public authorities by the Disability Discrimination Act 2005.
  - (ii) QES: INSTITUTIONAL RESPONSE TO STAFF DEVELOPMENT: University of Aberdeen response to the Scottish Funding Council.
  - (iii) TEACHER WORKFORCE PLANNING: INITIAL TEACHER EDUCATION (ITE): Ministers' guidance to the Scottish Funding Council on ITE in academic session 2006-07 and response from University of Aberdeen.
  - (iv) INSTITUTIONAL STRATEGIC PLANNING IN 2006-07 AND IN FUTURE: SFC Circular letter SFC/04/2006 describing the strategic planning information to be sent to the SFC in future, starting with that for academic year 2006-07.
  - (v) PURCHASING SERVICES ANNUAL REPORT 2004/05.

## FUTURE BUSINESS

- 310 Court members were invited to forward to the Clerk any matters which they felt should be included in Court papers as future business

## DATE OF NEXT MEETING

- 311 It was noted that the next scheduled meeting of Court would be held on Tuesday 23 May 2006.