

UNIVERSITY OF ABERDEEN

UNIVERSITY COURT

Minutes of meeting held on 27 June 2006

Present: Dr A Mair (in the Chair), Principal, Mr A Amoore, Professor I Booth, Mr T Brotherstone, Lady Catto, Sir D Cruickshank, Miss A Harper, Professor D Houlihan, Councillor P Johnston, Mr M Lockhead, Professor S Logan, Ms C Macaslan, Dr M Mackie, Mr M Moir, Mr P Richards, Professor C Secombes, Mr S Styles, with Professor C Gane, Professor A Rodger, Mr S Cannon, Ms I Bews, Mr A Donaldson, Mrs C Inglis, Dr P Murray, Mrs L Manders and Mr B Purdon (Clerk).

Apologies for absence were received from the Rector, Professor P Beaumont, Mrs S Grant, Professor N Haites, Mr J Leiper, Professor B MacGregor, Mr E Obi, Mrs M Ross, Mr R Ruddiman and Councillor J Stewart.

MINUTES

366 The Minutes of the meeting held on 23 May 2006 were approved.

DECLARATION OF INTERESTS

367 Mr Styles declared an interest as Secretary of the Aberdeen Branch of the University and College Unions (UCU). Mr Brotherstone declared an interest as Vice-President of the University and College Unions (UCU) (Scotland).

STATEMENT BY SENIOR LAY MEMBER

368 Dr Mair noted that Mr Richards was approaching the end of his term as President of the Students' Association. The Court recorded its thanks to Mr Richards for his service to the student community and to the University as a whole.

369 Dr Mair also noted that Dr Cruickshank had received a Knighthood in the Queen's Birthday Honours list and offered the Court's congratulations to him on the award.

STATEMENT BY PRINCIPAL

370 The Principal added to Dr Mair's congratulations to Dr Cruickshank by noting that Professor Smith (Public Health) and Professor Kemp (Economics), had both been awarded OBEs in the Queen's Birthday Honours list. The Principal also informed Court that Professor Weiss had been awarded the Fröhlich Prize by the London Mathematical Society, one of the most prestigious honours in mathematics.

371 The Principal noted that the past year had been a successful one for the University and that members of Court were to be congratulated for their contribution to that success. The Principal added that there remained, however, a considerable number of challenges to be addressed in the year ahead.

INDUSTRIAL RELATIONS UPDATE

372 Professor Logan presented to Court an update on the industrial dispute between the University and the University and College Union (UCU).

373 The Court noted that the University and Colleges Employers Association (UCEA) had reached an agreement with UCU and all higher education Trade Unions on pay increases for 2006-2009. This agreement was, however, subject to ratification by ballot of UCU Trade Union members by mid-July.

374 The Court also noted that the UCU had suspended its industrial action and academic staff participating at Aberdeen in the action short of a strike had returned to normal duties. The University's graduations would proceed as normal.

- 375 The national pay settlement included two main features:
- A three-year settlement on pay rates with increases totalling 13.1% by October 2008.
 - An independently chaired joint review of higher education financial and pay data to report by autumn 2008 to inform negotiations on pay for 2009/10. These negotiations might allow scope for reflection on 2008/09 pay levels if the review provided evidence that Universities could afford greater increases.
- 376 The Court was reminded that prior to the national agreement, the University had sought to implement a local offer totalling 12.5% over the same three-year period. Due to the earlier implementation date of the local award and the calendar differences in applying the increases for future years, the University's award was slightly more beneficial financially to staff. The University had previously agreed to honour the local offer should it be more beneficial than the national offer and it would negotiate with all campus Trade Unions on a process to converge the pay scales produced by the national and local pay offers over the course of the three year pay settlement.
- 377 The Court noted that the paper had referred to the University's local offer as having been rejected by the UCU without recourse to a ballot of its members. Mr Brotherstone wished it to be noted that this had misrepresented the position of the UCU, which could only have held a ballot of its members nationally.

378 The Court noted the paper.

STRATEGY AND PLANNING

Strategic Plan 2004–2009: Draft Update

379 Professor Logan introduced a draft update to the Strategic Plan 2004-2009.

The Court approved the update to the plan.

Institutional Response to Scottish Funding Council Draft Strategy and Corporate Plan: "Developing a New Strategy" Consultation

380 Professor Logan spoke to the University's response to the Scottish Funding Council's (SFC) consultation on its draft strategy and corporate plan, which the Court had discussed at its previous meeting.

381 The Court noted the response and that the University had raised its concern with the SFC that the short timescale for response had inhibited the Court's opportunity to inform the University's response. It was noted that the Court would value an opportunity to discuss issues raised by the consultation along with wider issues of public policy at its away day meeting in September, 2006.

382 In discussion, it was noted that Universities Scotland had also made a critical response to the consultation. At this stage, it was unclear whether, given this level of criticism, the SFC would proceed without significantly altering its proposals.

Scottish Funding Council Review of College and HEI Teaching Funding Methodologies

383 Professor Logan introduced a consultation issued by the SFC on a review of teaching funding across both the further and higher education sectors.

384 The Court noted that the review raised a number of issues which might disadvantage universities. One issue of particular concern was that the review would seek to determine the cost of delivering teaching at levels one and two in a university and compare that to the cost of delivering an equivalent level of qualification in further education colleges.

- 385 In discussion, concern was expressed that the consultation provided an unreasonable timescale for the University to consult fully with the Court and to prepare a considered response. Given the significance of the issues within the consultation, it was agreed that the matter required a more detailed and informed discussion at the next meeting of Court.
- 386 The Court, therefore, agreed that the University should inform SFC that it was unable to respond within the timescale and that it would respond after the Court's meeting in September, 2006.

FINANCE AND RESOURCES

Financial Planning Forecasts

- 387 Ms Bews introduced, on the recommendation of the Joint Planning, Finance and Estates Committee, the Strategic Planning Forecast for 2006-07 to 2008-09, required for submission to the SFC.
- 388 The forecast outturn for 2005-06 showed a surplus of £3.6 m, with the budgets for the following three years showing historical surpluses of £3.5 million, £4 million and £4.5 million respectively, in line with the objective in the strategic plan to achieve surpluses of 3% of turnover. The forecasts had been prepared to include the increased costs of the pay award.
- 389 It was noted that the SFC routinely used a differing accounting treatment for revaluation reserves to that used routinely by the University. The University had made representations to SFC regarding this and SFC were expected to review the matter. The Joint Planning, Finance and Estates Committee was to receive a paper which explained the University's accounting treatment of the revaluation reserve.
- 390 Given the substantially increased pressure on budgets with the recent salary settlement, some members suggested that the University might wish to consider further its current approach to achieving the 3% of turnover surplus target. It was also accepted, however, that there was value in having the 3% target to encourage Colleges to increase income generation.

ESTATES AND CAPITAL

Campus Masterplan

- 391 The Court received a copy of the King's College Campus Masterplan, which had also been the subject of a presentation at the Court lunch prior to the meeting. The Masterplan sought to provide a framework for discussion about the potential for future development of the campus.
- 392 The Court noted the Masterplan and that members were invited to contribute comments to the Director of Estates. It was anticipated that the Court would receive an update regarding the Masterplan in early 2007.

Sustainable Transport Plan

- 393 Mr Cannon introduced a paper on sustainable transport. The paper had been updated from an earlier version that had been considered by the Joint Planning, Finance & Estates Committee.
- 394 It noted that the University was committed to corporate social responsibility and within that, to developing a sustainable transport strategy. The planning requirements associated with the University's ten-year capital plan also made such a strategy a pre-requisite for securing planning permissions and as such the University's strategic plan committed it to developing a Sustainable Transport Plan for the King's College Campus.
- 395 Mr Cannon advised Court that the paper set out some broad principles which had been agreed by the JPFEC, these being.

- (1) That the number of cars on campus should be reduced.

- (2) That the means by which this might be best achieved could involve:
- (i) The introduction of car-parking permits;
 - (ii) The introduction of car-parking charges;
 - (iii) The introduction of a range of measures designed to mitigate the impact of (i) and (ii) above.

396 The paper sought to provide a basis for consultation on all three points and how they might be best managed.

397 In discussion, it was accepted that there would be a wide range of strongly held views within the University community and that there would be a significant level of discontent with any reduction in car parking places.

398 The Court noted that the paper would form the basis of a university-wide consultation.

Student Accommodation Strategy - Minutes 399-403 Commercially Sensitive

Regional Sports Facility

404 Mr Cannon introduced a paper on the progress of the Regional Sports Facility project.

405 The Court had previously agreed the Management and Governance structure for the Facility. A Special Purpose Vehicle (SPV) would be established as a 100% subsidiary of the University. The University would invest £16 million by way of a purchase of shares in the SPV and sportscotland would provide £7 million in grant funding (subject to formal approval by sportscotland). The City Council would in turn agree to a long term revenue funding contract in return for the SPV providing certain sporting services for the public of Aberdeen.

406 The Court noted, that a potential risk of this structure would be that under EU procurement rules the procurement of sports services by the Council might require to be opened up to competition. The paper summarised the legal steps that had been taken to identify the extent of this risk. The Council and the University's legal advisors had both concluded that the risks of challenge were negligible. The Council, has accordingly, agreed not to expose the sporting services to competition but requested that the University share the cost of any subsequent compensation claim, should that arise.

407 The Court, on the recommendation of the Joint Planning, Finance & Estates Committee, agreed to:

- (i) note the position taken by the Council on the procurement of sports services.
- (ii) agree that University officers meet with Council Officials to seek to quantify the extent of any liability in the event of a compensation claim.
- (iii) agree that the necessary legal work be commenced to set up the SPV and the various legal agreements with the Council.
- (iv) delegate authority to the Principal, Senior Vice-Principal, Senior Lay Court member and Convener of the JPFEC to take the matter forward as appropriate.

FRAMEWORK AGREEMENT

408 Professor Logan introduced a paper on the implementation at Aberdeen of the National Framework Agreement for the Modernisation of Pay Structures.

409 As a result of the extensive negotiations conducted by the Framework Agreement Steering Group, the paper recommended to the University Court for approval the following:

1. Harmonised terms and conditions for support staff at the University. (*Copy filed with the principal copy of the Minutes*).
2. New pay and grading arrangements for all staff. (*Copy filed with the principal copy of the Minutes*).
3. A Trainee Technician protocol in recognition of the significant changes required to the existing contractual arrangements. (*Copy filed with the principal copy of the Minutes*).

410 Professor Logan advised Court that there existed one minor technical issue to resolve with the Campus Unions but that otherwise these proposals had the approval of the Unions, subject to ratification by a ballot of their members.

411 Professor Logan accepted a suggested change to the wording of the proposed Job Evaluation Appeals Procedure pertaining to Independent Arbitration. In discussion, it was agreed that the Court should record its appreciation of the considerable achievement of the Human Resources office and Campus Trade Unions in successfully delivering the proposals.

412 The Court approved the recommendations regarding the implementation of the Framework Agreement locally at Aberdeen.

UNIVERSITY OF HIGHLANDS AND ISLANDS MILLENNIUM INSTITUTE

413 Mr Cannon introduced a paper (*copy filed with the principal copy of the minutes*) that outlined a process by which the University would assist the University of Highlands and Islands Millennium Institute (UHIMI) secure University title.

414 He reminded Court that in June 2005 it had agreed in principle that, at the request of the Scottish Funding Council and the UHIMI, the University, along with Edinburgh and Strathclyde universities, should participate in arrangements to assist the UHIMI secure University title at an earlier date than conventional procedures would allow.

415 At that time the Court had agreed that the proposals should be considered in more detail and be subject to legal advice, with a view to minimising any risk to the University. Mr Cannon noted that while the paper stated that there was no financial risk to the University in terms of its participation in the UHIMI company, there was, however, a degree of risk in terms of UHIMI being a future competitor in the North of Scotland. Equally, however, there were also advantages for the University in being closely involved at an early stage.

416 In discussion, serious concern was expressed by some members regarding the creation of a further University in Scotland when it was felt that the country already had an over-provision.

417 While noting this point, the Court approved the University's participation in the arrangements to assist the UHIMI secure title, as set out in the paper.

STAFFING AND DEVELOPMENT COMMITTEE REPORT

Procedure on Staff Retirement

418 The Court received a paper from the Staffing and Development Committee recommending approval of amendments made to the previously approved Procedure on Staff Retirement.

419 The Court approved the amendments to the Procedure on Staff Retirement.

Policy on the Use of Fixed Term Contracts

420 The Court received a paper from the Staffing and Development Committee recommending approval of amendments made to the previously approved Policy on the Use of Fixed Term Contracts.

421 The Court approved the amendments to the Policy on Fixed Term Contracts.

NOMINATING COMMITTEE REPORT

Co-opted Membership of Court

422 The Court noted that the terms of office of two co-opted members would expire on the following dates:

Ms Anne Harper	(31.07.06)
Mrs Sheena Grant	(31.07.06)

423 The Court agreed that Ms Harper and Mrs Grant be co-opted for a further three year term of office.

Membership of Court Committees and Joint Court-Senate Committees 2006/07

424 The Court approved the changes in memberships with regard to identified vacancies in Court and Joint Court-Senate Committees. (*Copy filed with the principal copy of the minutes*).

Court Representation on Educational and Other Bodies 2005/06

425 The Court agreed that (i) the following appointments of existing representatives on educational and outside bodies be extended for a further term of office:

Burn, Glenesk, by Edzell Management Committee

426 Dr J Geddes, to be re-appointed for a further year to 31 July 2007

North East Regional Postgraduate Medical Education Committee

427 Professor L Ritchie, to be re-appointed for a further four-year period to 31 October 2010

428 Professor M Greaves, to be re-appointed for a further four-year period to 31 October 2010

Scottish Museums Council

429 Dr A Knox, to be re-appointed for a further year to 31 July 2007

Students' Association Union Management Council

430 Mr S Cannon (or alternate), to be re-appointed for a further one year period to 31 July 2007

431 Ms I Bews (or alternate), to be re-appointed for a further one year period to 31 July 2007

SENATE REPORT

Draft Resolution No < > of 2006 Degree of Doctor of Engineering

432 The Court received the draft Resolution No of 2006 (Degree of Doctor of Engineering] from the Senate and decided to forward it to the General Council and to make it generally available in terms of Section 6 of the Universities (Scotland) Act 1966.

ANNUAL STAFF PROMOTIONS EXERCISE

433 The Court received from the Staffing and Development Committee a series of recommendations pertaining to staff promotions, resulting from the annual promotions exercise.

434 The Court approved the recommendations.

JOINT COMMITTEE ON EQUAL OPPORTUNITIES REPORT

Equality and Diversity Strategy and Action Plan

- 435 The Court, on the recommendation of the Joint Committee on Equal Opportunities, approved the Equality and Diversity Strategy and Action Plan.

Equality and Diversity Policy

- 436 The Court, on the recommendation of the Joint Committee on Equal Opportunities, approved the Equality and Diversity Policy, which would replace the existing Equal Opportunities Policy.

Policy Statement on Age Diversity

- 437 The Court, on the recommendation of the Joint Committee on Equal Opportunities, approved the Policy Statement on Age Diversity, which anticipated forthcoming legislation in this area due to come into effect on 1 October 2006.

MUSEUMS COLLECTIONS AND GALLERIES COMMITTEE

- 438 The Court received a paper setting out details of a request for repatriation of *kōiwi tangata Māori* (Māori human remains) which had been considered by the Museums and Galleries Committee.

- 439 The Court on the recommendation of the Museums and Galleries Committee was invited to approve a Panel Report and recommendations as follows:

1. that the nine *toi moko* in the Marischal Museum collections be repatriated to the Museum of New Zealand Te Papa Tongarewa.
2. that if any other Māori human remains were to be identified in the University collections, they should also be repatriated.
3. that a full digital record should be made of the *toi moko* for the museum and that consideration be given to a model being created of one of the *toi moko* for display purposes.
4. that Te Papa be consulted to establish guidelines on the appropriate use of images of the *toi moko*.
5. that the University and Te Papa should agree a Memorandum of Understanding to govern future relationships and to indemnify the University against any complaint made regarding the decision to repatriate the *toi moko* and any other Māori human remains or as a result of any injury caused as a result of the repatriation.
6. that discussions take place between Marischal Museum and Te Papa to identify means of enhancing the collections of Marischal Museum, their documentation and exhibition.
7. that a revision of the University's procedure for responding to repatriation requests should take into account the offence and confusion that might be caused by references to 'objects' when these are considered to be the remains of people/ancestors.

- 440 The Court approved the recommendations.

VACATION POWERS

- 441 The Court approved a proposal that, for the period between its meetings on 27 June and 12 September 2006 the Court delegate authority to act on its behalf:

- (i) on any Estates-related matter of particular urgency to a small committee, composed of the Principal, Senior Vice-Principal, Senior Lay Member and Convener of the Joint Planning Finance and Estates Committee, or three of the four if one were to be unavailable, and;

- (ii) on any other matter of particular urgency to a small committee composed of the Principal, the Senior Lay Member and/or the Senior Vice-Principal.

DRAFT RESOLUTION NO OF 2006
[JAMES CLERK MAXWELL CHAIR OF MATHEMATICAL PHYSICS]

- 442 The Court agreed to forward the draft Resolution [James Clerk Maxwell Chair of Mathematical Physics] to the Senate and to the General Council and to make it generally available in terms of Section 6 of the Universities (Scotland) Act 1966.

DRAFT RESOLUTION NO OF 2006
[REGIUS CHAIR OF HUMANITY]

- 443 The Court agreed to forward the draft Resolution [Regius Chair of Humanity] to the Senate and to the General Council and to make it generally available in terms of Section 6 of the Universities (Scotland) Act 1966.

JOINT COMMITTEE ON EQUAL OPPORTUNITIES REPORT

- 444 The Court noted the Annual Report of the Joint Committee on Equal Opportunities.

OPERATIONAL PLAN

- 445 The Court noted that an updated version of the operational plan was available for consultation online at www.abdn.ac.uk/admin/operational-plan.shtml.

FUTURE BUSINESS

- 446 Members of Court were invited to forward to the Clerk any matters which they felt should be included in Court papers as future business.

DATES OF FUTURE MEETINGS

- 447 The Court noted the dates of its meetings for session 2006/07 as follows:

11 September 2006	Court Dinner, 7.00pm for 7.30pm, Linklater Rooms.
12 September 2006	Court Strategy meeting, 9.00am to 4.00pm. Formal meeting at 1.30pm
31 October 2006	2.00pm
12 December 2006	2.00pm
6 February 2007	2.00pm
20 March 2007	2.00pm
22 May 2007	2.00pm
26 June 2007	2.00pm