

## UNIVERSITY OF ABERDEEN

### UNIVERSITY COURT

Minutes of meeting held on 30 June 2009

Present: Dr A Mair (in the Chair), Rector, Principal, Mr A Amoore, Mr A Arthur, Lady Catto, Sir Don Cruickshank, Professor C Fynsk, Mrs S Grant, Miss A Harper, Professor D Houlihan, Mr G Hunter, Cllr P Johnston, Mr B Lockhart, Sir Moir Lockhead, Professor S Logan, Mr D McKay, Dr M Mackie, Mr B Pack, Mr R Ruddiman, Cllr J Stewart, Professor N Webster, with Professor C Gane, Professor N Haites, Professor B MacGregor, Professor P Morgan, Professor A Rodger, Mr S Cannon, Ms C Banks, Ms I Bews, Dr G Mackintosh, Mrs L Manders, Dr P Murray, Mr R Parker (President-elect) Students' Association, Mrs E Schofield, Mr A Wight and Mr B Purdon (Clerk)

Apologies for absence were received from Ms J Craw, Dr P Edwards, Professor G Robinson and Professor C Secombes.

250 For the minute Report from the Governance Committee, all administrative officers in attendance, bar the Clerk, were absent.

251 For the minute Report from the Committee for the Appointment of the Principal, all administrative and academic officers were absent, bar the University Secretary, the Director of Human Resource, the Clerk and Professors Houlihan and Haites, as members of the Committee for the Appointment of the Principal.

#### MINUTES

252 The Minutes of meeting held on 19<sup>th</sup> May 2009 were approved, subject to their noting Councillor Stewart's attendance and the amendment of minute 215 to note comments made regarding the role of Court as the strategic decision-making body of the University.

#### DECLARATION OF INTEREST

253 Councillor Stewart declared an interest in the agenda regarding the future of the Rowett Estate as Chair of the Aberdeen City Council Planning Committee.

#### REPORT FROM SENIOR GOVERNOR AND VICE-CHAIR

254 On behalf of the Court, Dr Mair congratulated the Principal on the announcement in Her Majesty The Queen's Birthday Honours List, that he had been awarded a Knighthood in recognition of his services to higher education.

255 On behalf of the Court, Dr Mair noted that this would be Dr Mackie, Miss Harper and Councillor Johnston's final meeting as members of the Court and thanked them for the extensive service they had given to the Court and the University over the course of the last decade.

256 Dr Mair also thanked Mr McKay for his support and service on the Court over the past year as President of the Students' Association and welcomed Mr Parker, President (Elect) of the Students' Association, who was in attendance at the meeting.

#### REPORT FROM THE PRINCIPAL

257 The Principal reminded the Court that this was Dr Mair's final meeting as Senior Governor and Vice-Chair. The Court joined the Principal in thanking Dr Mair for his outstanding leadership of the Court and service to the University.

## REPORTS FROM COMMITTEES

### OPERATING BOARD

- 258 The Court received a report from the Operating Board meeting of 16<sup>th</sup> June 2009, together with the unconfirmed minutes of that meeting.

#### *New Library*

- 259 The Court received a copy of a report that the Operating Board had considered on the outcome of the tendering process for the construction of the new Library.
- 260 The Court noted that the tender price was significantly lower than the cost consultants' estimate and that the Operating Board had approved (i) the appointment of the main contractor which submitted the lowest tender for the Library Project; and (ii) the re-allocation of £5.4M of the £8.7M variance to other aspects of the project, including two elements which had been approved in principle, which resulted in a positive variance of £3.3M on the borrowing requirement currently allowed for in the 10-Year Cash Flow Plan.

#### *10-Year Cash Flow Plan and Capital Projects*

- 261 The Court noted that the Board had approved recommendations contained within the 10-Year Cash Flow Plan. (See *Minutes* 286-290)
- 262 The Court also noted that the University would require to borrow in 2009/10 and that the Operating Board had approved a recommendation that the University fix its borrowing rate and authorised the Director of Finance to forward fix a loan of £15m for 25 years with Barclays for draw-down in 2010.

#### *Rowett Institute of Nutrition and Health*

- 263 The Court noted that the Operating Board had considered the brief for the new Rowett Institute of Nutrition and Health building. Since merger in 2008, the brief now represented a project of higher specification and greater size but as result of changing market conditions it was expected to remain within the notional budget of £40.4M. The Court noted that the Board had approved a recommendation that the design team for the project continue through detailed design and public consultation for the enhanced project, remaining with the notional budget of £40.4M.
- 264 In discussion, the Court was advised that consideration had been given to the building, including an underground car park but that the indicative cost for this had been circa £8M and this was considered to be unaffordable.

#### *Swimming Pool*

- 265 The Court noted that the Operating Board had approved a budget of £250k to take the Swimming Pool project to RIBA Stage D.

#### *Management Information Projects*

- 266 The Court noted that the Operating Board had approved the following:
- Data Storage Strategy: an indicative budget for a replacement infrastructure of up to £800K, required to meet data storage needs;
  - Human Resources System: an indicative budget of £166K for enhancements to the current system which would result in increased efficiency in relation to HR processes, including online sickness absence reporting, and more accurate management reporting.
  - Research Information System: a final budget of £366K based on the tender submission for this project, which was being carried out jointly with the University of St Andrews, and which was essential to meet both internal and external reporting requirements.

*Projects Completed/Due to Complete Summer 2009*

- 267 The Court noted that the Operating Board had been advised that the Oceanlab II, Fraser Noble, Zoology, Heating Station, and Life Sciences Innovation projects were now materially complete.
- 268 The Court also noted that the Aberdeen Sports Village building handover date of 8 June 2009 had been revised, and the opening date rescheduled to 22 August 2009. The Suttie Centre for Learning and Teaching had experienced a major flood on 22 May, preventing building completion and handover, and it was now likely that building handover would take place in early July 2009.

*Strategic Plan Forecast*

- 269 The Court noted that, subject to one amendment to the commentary accompanying the Forecast, the Board had approved the Strategic Plan Forecast for submission to the Scottish Funding Council. (See *Minutes* 291-292)

*Key Performance Indicators*

- 270 The Court noted that the Board had approved the institutional Key Performance Indicators. (See *Minutes* 293-294)

*Risk Management Committee*

- 271 The Court noted that the Board had approved a proposal from the Risk Management Committee that it form a Working Group to consider risk management processes.

*Health and Safety Committee*

- 272 The Court noted that the Board had received and considered the Health and Safety Committee's Annual Report. (See *Minutes* 297-298)

AUDIT

- 273 Mr Amore introduced a report from the Audit Committee and the unconfirmed minutes of the meeting held on 11 June 2009.

*Tendering for Internal Audit Services*

- 274 The Court approved a recommendation from the Committee to appoint Mazars as the University's Internal Auditors, for a period of 3 years, with possible extension for a further 2 years, subject to satisfactory performance, with effect from 1 August 2009.

*Internal Audit Reports*

- 275 The Court noted that the Committee had approved one Internal Audit report, a VAT Healthcheck.

*Internal Review of University Risk Management Arrangements*

- 276 The Court noted that the Committee had received a paper on the internal review of University Risk Management Arrangements and had endorsed the proposal on the formation of a Short Term Working Group to progress its proposals.

*External Audit Plan 2008/09*

- 277 The Court noted that the Committee had received and approved the External Audit Plan 2008/09.

*Tendering for External Audit Services*

- 278 The Court noted progress on the tendering process for External Audit Services.

GOVERNANCE

- 279 Sir Don Cruickshank introduced a report from the Governance Committee and the unconfirmed abbreviated minutes of the meeting held on 19 May 2009.

*Appointment of Convener of the Operating Board*

- 280 The Court (absent all administrative officers in attendance, bar the Clerk) considered a recommendation that Mr Cannon should chair the Operating Board with effect from 1 August 2009.

- 281 In discussion, the Court noted that the vacancy followed the appointment of the current Convener, Sir Moir Lockhead, as Senior Governor and Vice-Chair of Court and under the terms of the current composition, the Convener could not hold both positions. It was explained that the recommendation was intended to provide continuity during a transitional period for the University, prior to a new Principal taking up post in October 2010. A number of individuals noted that the arrangement would be unusual as the University Secretary was also Secretary to the Court and felt that it would be preferable to have a lay member fulfil the role. Others were of the view that lay members of the Operating Board would continue to provide the governance check and that the proposed Convener would be in a position to implement the strategy agreed by Court. The Court discussed the role of the Operating Board and agreed that it was not simply an administrative body but one which had to also focus on the academic functions of the University. It was recognised that there needed to be more consideration by the Court and the Operating Board regarding the precise nature of its future role.

- 282 The Court agreed to approve the recommendation, subject to the specification that the appointment would run until 30<sup>th</sup> September 2010, at which point a new Principal would be in office and the position would be reviewed.

*Review of Standing Orders*

- 283 The Court received and considered a paper which proposed amendments to the Court's Standing Orders.
- 284 The Court endorsed the proposals in principle, subject to formal approval at its next meeting.

*Membership of Court 2009/10*

- 285 The Court noted that the Committee was continuing to identify potentially suitable candidates for co-opted membership of Court and that a number of these candidates had been met by members of the Committee.

FINANCE AND PLANNING

*Revised Ten-Year Cash Flow Plan*

- 286 The Director of Finance introduced a revised version of the 10-year cash flow plan (*copy filed with principal copy of the minutes*), which had been updated to reflect current estimates in relation to the prioritisation of institutional capital projects and realisation of sales proceeds.

- 287 The Court noted that the Plan would be updated further once the contract for the new Library had been awarded. It was expected, however, that the cost of the Library would result in a reduction of the currently modelled borrowing peak of £38.8M in 2011/12. The Plan also included provision, on an indicative cost basis pending the development of business cases, for a major programme of refurbishment and a new build interdisciplinary research building and designated graduate school.
- 288 The Court noted that the structure of the Plan provided flexibility to respond to changes in the funding environment, and within its framework, the timing of projects could be deferred or brought forward. In order to mitigate against the risks of projected funding streams not materialising, the Plan included prudent estimates of future capital grants, and ensured that projected borrowings remained within the existing facility available.
- 289 In discussion, it was noted that the Plan did not include provision for performing arts facilities, although the Court was assured that the University was considering a number of potential options to develop such a space for inclusion in future iterations of the Plan. The Court also discussed the potential need for additional land and in that context whether the Rowett estate should be retained and the potential for land acquisition in the Linksfield area. It was agreed that the Court should discuss the current Estates masterplan at the September meeting.
- 290 The Court agreed to approve the Plan and specifically:
1. That the project feasibility and business cases be developed for the nursery, interdisciplinary research building graduate school and programme of major refurbishments and be brought back to Court for budget approval.
  2. That the functionality budget for 2010/11 onwards and the unallocated balance for 2009/10 be administered by the Operating Board, given the abolition of the Capital Expenditure Sub-Committee (*See Minutes 303-305 below*) together with project underspends on Oceanlab 2 and LSI 1 to meet college and central priorities.

#### *5 Year Financial Forecasts*

- 291 The Director of Finance introduced a paper which reported to the Scottish Funding Council, the Strategic Plan Forecast 2009 (SPF 2009), covering the forecast out-turn for the current financial year 2008-09 and budgets for the years 2009-10, 2010-11 and 2011-12.
- 292 The Court approved the Strategic Plan Forecast for submission to the Scottish Funding Council.

#### *Key Performance Indicators*

- 293 Professor Logan introduced a paper on Key Performance Indicators for the University for 2008/09. The paper also included a section where key business risks were cross-referenced to the strategic institutional performance indicators.
- 294 In discussion, it was noted that student retention and part-time student numbers continued to be issues of concern. The Court noted that there had been some improvement in the area of retention and the University was also planning a number of new initiatives to help improve its part-time student numbers, such as the introduction of a part-time MA degree. It was noted that six of the key business risks were financial and that the outlook for public funding was likely to lead to significant cuts over the next few years. There was agreement that the University should continue to lobby Government against cuts in higher education funding, in addition to continuing its efforts to bring in income from other sources. The Court was also assured that universities had lobbied the UK Government on the new visa regulations and while this had been of mixed effectiveness, efforts were continuing and some improvements to the arrangements had recently been achieved. The Rector suggested that the Scottish Rectors' forum might also be a useful means to lobby on these issues.

## DISCUSSION PAPERS FROM THE PRINCIPAL ON FUTURE ISSUES

295 The Principal introduced two discussion papers that he had circulated to staff and which reflected on the University's recent performance and a number of future issues.

296 The Court welcomed the papers and it was agreed that there were a number of themes that should be debated in greater depth at the extended meeting of Court in September.

## HEALTH AND SAFETY ANNUAL REPORT

297 Professor Rodger introduced the Health and Safety Committee's Annual Report for 2008/09.

298 The Court welcomed the report and it was agreed that a paper should be prepared for the Operating Board to explain how the University risk assessed areas where Health and Safety Executive reportable accidents had occurred.

## NEXT FUNDRAISING CAMPAIGN

299 The Director of External Affairs introduced a paper which set out the main achievements of the current Sixth Century Fundraising Campaign and suggested a framework for the next Campaign.

300 The Court noted that at present a fundraising target of between £500-£600M over a period of ten years was believed to reflect both the ambition of the University and to be realistic, given the much improved philanthropic network which had been developed over the course of the current Campaign.

301 In discussion, the Court welcomed the paper and noted the success of the current Campaign. It was noted that there needed to be further discussion of what the institutional priorities should be that the Campaign should help support.

302 The Court agreed to approve a University commitment to a further fundraising campaign and noted that work would now begin to develop a plan for that Campaign.

## REVIEW OF COMMITTEE STRUCTURE

303 Mr Cannon introduced a paper setting out proposals for the future structure of Court and Joint Court-Senate Committees. The Court had considered outline proposals at its previous meeting and these had since been further considered by the Senate at its meeting of 17<sup>th</sup> June. The paper had been revised to provide further detail on the lines of accountability for the functional areas of committees that were proposed to be removed from the governance structure and to take account of comments made by the Senate.

304 The Court noted the key points of the future arrangements for areas where committees were to be removed from the governance structure as follows:

- That responsibility for the areas where Joint Committees of Court and Senate were to be abolished and key decisions on strategy and policy relating to them would continue to be matters which were ultimately reserved for Senate and Court.
- That in practice, the day to day responsibility for these areas would be discharged through the appropriate Vice-Principal who would be accountable to Senate and Court (with the exception of the Committee for Biological Services Units where the University Secretary is designated as legally and personally responsible for these areas). He or she would be required to report to Senate, Court (or the Operating Board, as appropriate), at least once per academic year (if not more frequently).

- That it would be for the Vice-Principal, designated as responsible for a particular function, to put together whichever institution-wide advisory groups that they consider to be necessary to support them in discharging their responsibilities and to ensure that there was the necessary engagement and consultation with the academic community. They would be directly accountable to Senate and Court for the manner in which they chose to do so, either through formal reporting or at the request of Senate or Court at any time. The Senate also requested that, where appropriate, the membership and minutes of any advisory committees established be made available on the University's website.
- These arrangements would replace the following Joint Committees of Court and Senate, which it was proposed be removed from the governance structure:
  - Committee on Equality and Diversity
  - Committee on Research Ethics & Governance
  - Information Strategy Committee
  - Museums, Collections & Galleries Committee
  - Student Recruitment and Admissions Committee
  - Committee for Biological Services Units (*NB: The University Secretary is the Certificate Holder and is legally and personally responsible to the Home Office for the University's operations. Interim arrangements are also in place for the Rowett Institute, which until joint processes are agreed, has its own certificate holder and certificate of designation*)
- That with respect to the abolition of the Student Recruitment and Admissions Committee, following comments received from the Senate, it was now proposed that the Committee for Teaching and Learning be responsible on behalf of the Senate for oversight of issues relating to academic standards in admissions and the setting of going rates. The appropriate Vice-Principal would, however, also report to the Operating Board for the University's performance in student recruitment.
- That with respect to the Chapel Committee it was now proposed that it be retained as a Joint Committee of Court and Senate but that there be a more extensive review of its remit and role in the context of the University's governance structure.
- That the operation of the new lines of accountability for the areas represented by the Joint Committees of Court and Senate concerned be reviewed after a year.
- That changes to the University's Library Committee (i.e. the Information Strategy Committee) and to the Museums & Galleries Committee might require an Ordinance and Privy Council approval due to the terms of the Universities' Acts. This issue would be clarified, should these proposals be approved.

305 The Court agreed to approve the following recommendations:

- (i) to approve the proposals for a revised University committee structure and to note the proposed alternative lines of accountability;
- (ii) to note that the Chapel Committee was to be retained as a Joint Committee of Court and Senate but that there was to be a review of its remit and role in the context of the governance structure;
- (iii) to note that after a year there would be a review of the operation of the new arrangements for these areas represented by Joint Committees of Court and Senate being removed from the governance structure.
- (iv) to note that the Operating Board would reconsider its remit once revisions to the committee structure had been approved; and
- (v) to note that the Governance Committee had emphasised that further to the proposals above any advisory management groups that were to be established were not to be part of the governance structure of the University.

## COMMITTEE FOR THE APPOINTMENT OF THE PRINCIPAL

- 306 Sir Don Cruickshank (absent all administrative and academic officers, bar the University Secretary, the Director of Human Resources, the Clerk and Professors Houlihan and Haites, as members of the Committee for the Appointment of the Principal) provided Court with an update from the Committee for the Appointment of the Principal. The Court also received a copy of a paper which the Committee had developed regarding the key criteria for assessment of the suitability of candidates.
- 307 The Court noted that following an extensive international search process the Committee had agreed to invite a number of candidates to visit the University on an informal basis. Following those visits the Committee had met on 27<sup>th</sup> June and agreed a short-list of candidates to invite to formal interview in September 2009. The Committee was working on the assumption that following the interview process it would recommend one candidate to Court.
- 308 In discussion, it was noted that it was likely that candidates would be invited at the formal interview stage to discuss, amongst other issues, the role of a university in the modern world. It was also noted that the short-listed candidates would have the opportunity to visit the University again before the formal interviews. It was agreed that the Committee should consider further a suggestion that as part of those further visits candidates should be offered an opportunity to meet with representatives of the broader civic community. A member of Court also emphasised that the Court should not be compelled to make an appointment simply because a process had been commenced and an appointment should be made only if the individual was truly outstanding.

## SENATE REPORT

*Ordinance No     of 2009*  
*[Amendment to the Composition of the Senatus Academicus]*

- 309 The Court having considered Draft Ordinance No     of 2009 [Amendment to the Composition of the Senatus Academicus], which had been forwarded by the Senate, decided that the draft Ordinance be forwarded to the General Council and made available within the University in terms of the Universities (Scotland) Act 1966.

*Re-Accreditation of the UHI Millennium Institute*

- 310 The Committee approved a recommendation from Senate, that the UHI Millennium Institute be re-accredited to deliver research degree programmes in specified academic areas subject, to the recommendations detailed in the draft agreement. The accreditation would remain in force for five years from the date of approval of Court.

## APPOINTMENT OF VICE-PRINCIPAL

- 311 On the recommendation of the Principal, the Court approved:
- (i) An extension to Professor Dominic Houlihan's appointment as Vice-Principal (Research and Commercialisation) for a period of 2 years from 1 August 2009; and
  - (ii) An extension to Professor Bryan MacGregor's appointment as Vice-Principal for a fixed period of one year from 1 August 2009.

## MEETINGS OF COURT: CHANGE TO STANDING ORDERS

- 312 The Court at its last meeting had agreed to endorse in principle the recommendation that it reduce the number of its meetings per academic year from seven to four and amend its Standing Orders accordingly.
- 313 The Court formally agreed to endorse the proposed change to Standing Orders and in consequence to a reduction in the number of meetings.

### POLICY ON RESEARCH LEAVE FOR ACADEMIC STAFF

- 314 The Court received a draft University Policy on Research Leave for Academic Staff (*copy filed with the principal copy of the minutes*). The Policy had been developed initially in response to a request from the Joint Negotiating and Consultative Committee but had been embedded within the *Research Excellence Agenda*, approved for its part by the University Management Group in April and by Senate in May 2009. The Policy was also considered by the Joint Negotiating and Consultative Committee in May 2009, again under the broader heading of the Research Excellence Agenda.
- 315 The Court noted that an Equality and Diversity impact assessment of the Policy was currently being conducted. The views of internal interest groups were being sought via an email consultation and the Policy would be reviewed in the event that any significant issues were raised.
- 316 The Court approved the Policy.

### AUSA TRANSFER OF ADMINISTRATIVE STAFF

- 317 The Court had previously been advised that the Aberdeen University Students' Association (AUSA) Council had ratified a proposal from its Executive Committee, which would result in the transfer of administrative support staff from the Association to the employment of the University under Transfer of Undertakings (Protection of Employment) (TUPE) Regulations. In the University's consideration of the proposal, issues had emerged relating to VAT and pensions.
- 318 The Court approved the proposed transfer of support staff from the Association to the employment of the University under Transfer of Undertakings (Protection of Employment) (TUPE) Regulations, and related transfer of administrative support provision to be completed over the vacation period, under delegated powers.

### VACATION POWERS

- 319 The Court approved a proposal that for the period between its meetings of 30 June and 29 September 2009 it 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 Governor, Convenor of the Operating Board, or three of the four, if members were unavailable, and;
  - (ii) on any other matter of particular urgency to a small committee, composed of the Principal, the Senior Governor and/or the Senior Vice-Principal.

### SENATE REPORT

#### *Re-validation of the UHI Millennium Institute Academic Area of Theology*

- 320 The Court noted that the Senate had approved the recommendation that the UHI Millennium Institute academic area of Theology be re-validated under the terms of the Accreditation Agreement currently in force between the University and the UHI Millennium Institute to deliver the research degree programmes of MPhil and PhD.

### DELEGATION OF POWERS BETWEEN COURT AND OPERATING BOARD

- 321 The Court received a copy of the agreed delegation of powers between the Court and the Operating Board.

- 322 In discussion, it was agreed that the delegation of powers should be reviewed so that there was more clarity regarding the business that required to come to Court. A member of Court expressed concern that the Court was not focusing sufficiently on its strategic role. It was agreed that the role of the Operating Board and the role of Court also needed to be refined and that notwithstanding the Operating Board's intention to review its remit following the conclusion of the review of the Committee structure (*Minutes 303-305 also refers*), the University's internal auditors would also be asked to consider this as part of a planned audit of governance arrangements.

#### CURRICULUM REFORM

- 323 The Court received and noted a paper on the progress of Curriculum Reform.

#### JOINT COMMITTEE ON EQUALITY AND DIVERSITY

- 324 The Court received and noted the progress made on the University's Equality and diversity agenda.

#### MANAGEMENT ACCOUNTS

- 325 The Court received and noted the management accounts for the period ended 31 May 2009.

#### STAFF PROMOTIONS

- 326 The Court received and noted from the Staffing and Development Committee a series of decisions pertaining to staff promotions, resulting from the annual promotions exercise.

#### DENTAL SCHOOL

- 327 The Court received and noted an update on the University of Aberdeen Dental School.

#### FUTURE BUSINESS

- 328 Members were invited to forward to the Clerk to the Court any matters which they felt should be included in Court papers as future business, in particular for the extended meeting of Court in September

#### DATE OF NEXT MEETING

- 329 It was noted that the next meeting of Court would be held on Tuesday 29<sup>th</sup> September from 9.00am to 5.00pm.