

University of Aberdeen

University Court

Proposed Changes to Ordinance No 133: Composition of the University Court

Notice is today, Friday 7 October 2016, hereby given under the terms of the Universities (Scotland) Act 1966 that at its meeting of 4 October 2016 the University Court resolved to send to the Senatus Academicus and the Business Committee of the General Council the enclosed Draft Ordinance.

Proposed Changes

The Court has agreed to formally consult, as required by statute, on a draft Ordinance to give effect to proposals for a new composition of 25 members, with an independent majority. A draft Ordinance reflecting the proposal for a new composition of Court is enclosed as **Appendix 1 below**. For clarity, a copy of the current Ordinance illustrating the change to existing positions under the proposals is also enclosed at **Appendix 2**.

Background to the Proposed Changes to the Composition of Court

The proposals follow the passing earlier this year of the Higher Education Governance (Scotland) Act (HEGSA) which introduced new requirements for the membership of governing bodies. The HEGSA places a requirement on a University governing body to include the following within its composition:

- two elected staff members;
- two members nominated by trade unions;
- a second student member;

Prior to the new legislation the Court had identified that its composition and size of 28 members did not comply with the Scottish Code of Good HE Governance requirements for governing bodies with regard to: (1) a recommended maximum size of 25 members; and (2) a guaranteed majority of independent members. In addition, the Court is committed to improving its gender, diversity and skills mix, and considers its current composition to inhibit the achievement of those aims. The Court, therefore, has had to review its composition to accommodate the requirements of the legislation and to address these other considerations.

The proposals for change follow extensive consideration by both Court and its Governance and Nominations Committee over the past year of potential options. The proposed model of a Court of 25 members that Court has agreed to consult on was developed by the Senate Assessor members of Court.

Comments to the University Court

Any other body or person having an interest who wishes to comment on the proposals should lodge such representations (in writing) **by 5pm Friday 2 December 2016** with Mr Bruce Purdon, Clerk to the Court, b.purdon@abdn.ac.uk, University Secretary's Office, Regent Walk, Old Aberdeen, AB24 3FX.

Appendix 1

ORDINANCE of the UNIVERSITY COURT
of the UNIVERSITY OF ABERDEEN
No < > [COMPOSITION OF THE UNIVERSITY
COURT]
At ABERDEEN the < > day of < >
Two Thousand and Sixteen.

WHEREAS the Universities (Scotland) Act 1966, section 3(1) and Schedule 2, Part I, paragraph 1, empowers the University Court to amend the composition, powers and functions of the University Court

AND WHEREAS, the University Court deems it expedient to amend the composition of the University Court as constituted by Section 2 of and Part III of Schedule 1 to the Universities (Scotland) Act 1966 as amended by the University Court Ordinance No 133:

THEREFORE the University Court, in exercise of its powers under Section 3 of, and paragraph 1 of Part I of Schedule 2 to, the Universities (Scotland) Act 1966 and of all other powers enabling it in that behalf, hereby statutes and ordains:

1. Part III of Schedule 1 to the said Act of 1966 shall be amended so that the composition of the Court shall be as follows:
 - (a) The Rector;
 - (b) The Principal;
 - (c) The Senior Governor appointed in accordance with section 8 of the Higher Education Governance (Scotland) Act 2016;
 - (d) Two persons appointed by being elected by the staff of the University from among their own number in accordance with sections 10-12 of the Higher Education Governance (Scotland) Act 2016;
 - (e) A person appointed by being nominated by a trade union from among the academic staff of the University who are members of a branch of a trade union that has a connection with the institution, in accordance with sections 10-12 of the Higher Education Governance (Scotland) Act 2016;
 - (f) A person appointed by being nominated by a trade union from among the support staff of the University who are members of a branch of a trade union that has a connection with the institution, in accordance with sections 10-12 of the Higher Education Governance (Scotland) Act 2016;
 - (g) Four Assessors elected by the Senatus Academicus from among those of its members holding appointments in the University of Aberdeen;
 - (h) The President of the Students' Association;
 - (i) A further student representative nominated by the Students' Association from among the students of the institution.
 - (k) Such persons, not exceeding twelve in number as may be appointed by the University Court, who will not be members of staff of the University of Aberdeen or a matriculated student, and at least four of which shall be members of the General Council of the University.
2. On the date on which this Ordinance comes into force, University Court Ordinance No.133 (Composition of the University Court) is revoked.
3. This Ordinance shall come into force on the date on which it is approved by Her Majesty in Council.

IN WITNESS WHEREOF these presents are sealed with the Common Seal of the University Court of the University of Aberdeen and subscribed on behalf of the said Court in terms of the Requirements of Writing (Scotland) Act 1995.

Appendix 2

Section 2 of Ordinance 133 showing proposed amendments to Ordinance 133: Composition of the University Court

Additions are in red, deletions scored through.

2. Part III of Schedule 1 to the said Act of 1966 shall be amended so that the composition of the Court shall be as follows:
 - the Rector
 - the Principal;
 - ~~an Assessor nominated by the chancellor~~ The Senior Governor appointed in accordance with section 8 of the Higher Education Governance (Scotland) Act 2016;
 - ~~an Assessor nominated by the rector;~~
 - ~~Vice-Principals, not exceeding three in number;~~
 - ~~an Assessor nominated by the Aberdeen City Council who shall be a member of that Council, provided always that no person may serve as such an assessor whilst he/she is a matriculated student of or holds an appointment in the University of Aberdeen;~~
 - ~~an Assessor nominated by the Aberdeenshire Council who shall be a member of that Council, provided always that no person may serve as such an assessor whilst he/she is a matriculated student of or holds an appointment in the University of Aberdeen.~~
 - ~~four Assessors elected by the General Council;~~
 - Two persons appointed by being elected by the staff of the University from among their own number in accordance with sections 10-12 of the Higher Education Governance (Scotland) Act 2016;
 - A person appointed by being nominated by a trade union from among the academic staff of the University who are members of a branch of a trade union that has a connection with the institution, in accordance with sections 10-12 of the Higher Education Governance (Scotland) Act 2016;
 - A person appointed by being nominated by a trade union from among the support staff of the University who are members of a branch of a trade union that has a connection with the institution, in accordance with sections 10-12 of the Higher Education Governance (Scotland) Act 2016;
 - ~~six Assessors elected by the Senatus Academicus from among those of its members holding appointments in the University of Aberdeen, of whom at least two shall be readers or lecturers;~~ Four Assessors elected by the Senatus Academicus from among those of its members holding appointments in the University of Aberdeen;
 - ~~the President of the Students' Representative Council Association;~~
 - A further student representative nominated by the Students' Association from among the students of the institution;
 - ~~such persons, not exceeding eight~~ twelve ~~in number, of whom not more than one may hold an appointment in the University of Aberdeen, as may be co-opted by the University Court~~ who will not be members of staff of the University of Aberdeen or a matriculated student, and at least four of which shall be members of the General Council of the University.