

UNIVERSITY OF ABERDEEN

UNIVERSITY COURT

MINUTES OF MEETING HELD REMOTELY VIA MICROSOFT TEAMS ON 23 MARCH 2021

Present: Maggie Chapman (in the Chair), Keith Anderson, Colette Backwell, Eleanor Bentley, George Boyne, Nuala Booth, Owen Cox, Nick Edwards, David MacFarlane, Iain Mackay, Helen Martin, Gary McRae, Lyndsay Menzies, Martin Mills, Anne Minto (for Minutes 432 to 460), Iain Percival, Joachim Schaper, Jenny Shirreffs, Diane Skatun, Lindsay Tibbetts, Neil Vargesson and Cecilia Wallback.

In attendance: Siladitya Bhattacharya (for Minutes 448 to 451), David Beattie, Marion Campbell, Rob Donelson, Debbie Dyker, Karl Leydecker, Tracey Slaven, Alan Speight, Ruth Taylor, Iain Torrance KCVO, Richard Wells and Bruce Purdon (Clerk).

Apologies for absence were received from Louise Henrard and Lyndsay Menzies.

RETIRING MEMBERS

432 The Court expressed its thanks and appreciation to Maggie Chapman whose term of office as Rector would conclude on 31 March 2021.

DECLARATIONS OF INTEREST

433 No declarations of interest in the agenda were noted. The Court also noted the standing reminder of the responsibilities of Court and those of members as charity trustees (*copy filed with the principal copy of the Minutes*).

MINUTES

434 The Minutes of the extraordinary meeting held on 23 February 2021 were approved, subject to minute 393 being corrected to reflect that the Development Trust had not yet received approval from OSCR for a change to its charitable form. The Action Log would also be updated to reflect this.

435 The Court noted the updated Action Log (*copy filed with the principal copy of the Minutes*).

MATTERS ARISING

436 No matters arising were noted.

ROWETT RESEACH LTD: AMENDMENT TO CHARITABLE OBJECTS

437 The Court received a paper detailing a request from the Rowett Research Ltd Board for approval of an amendment to the company's charitable objects (*copy filed with the principal copy of the Minutes*). The paper detailed amendments to the Company's charitable objects and articles of association that had been proposed following a review and legal advice.

438 The Court was reminded that Rowett Research Ltd was a charity and a company limited by guarantee which, upon merger of the Rowett Institute with the University, became a wholly owned subsidiary of the University and the vehicle through which the management and sale of land and assets no longer used for research purposes would be conducted. At the time of the merger it was agreed with OSCR that the Company would retain its charitable status provided its funds continued to be used for its charitable purposes. There was further agreement that passing Company funds (and assets) to the University to carry out these purposes would satisfy these requirements and at that point the Company could be wound up.

439 In discussion, it was confirmed that as the Company was a wholly owned University subsidiary, and the amendments were being brought directly to Court as recommendations from the Rowett Research Ltd Board. There had been consultation between the Board and the

Director of the Rowett Institute of Nutrition and Health. Clarification was sought on whether the Court should have been engaged on the changes at an earlier stage and it was confirmed that the sequencing of approvals through the Board and OSCR first had been undertaken on legal advice. The Court also received further clarification on the background to and reasons for some of proposed changes to the articles of association.

440 The Court agreed to:

- (i) Approve the amendment to the Rowett Research Ltd charitable Objects as set out in the paper;
- (ii) Provide delegated authority to the Principal to sign the shareholder resolution approving the amendment of the Objects and Articles of Association on behalf of the University.

ALTERNATE STAFF MEMBERS OF COURT COMMITTEES

441 It was confirmed that the Governance and Nominations Committee would be reviewing at its next meeting the current practice of alternate staff members on committees and would report back to Court.

ORAL REPORT FROM THE INTERIM SENIOR GOVERNOR

442 The Interim Senior Governor noted to Court, with great sadness, the recent deaths of a number of current and former members of staff. These included Professor John Mallard OBE who had pioneered full body MRI scanning technology, and Professor Derek Ogston CBE, a graduate, former Senior Vice-Principal and member of Court, whose seventy-year association with the University continued after his retirement as a benefactor and supporter particularly in art and music.

443 The Interim Senior Governor also reported on recent meetings of the Committee of Scottish Chairs and the UK Committee of University Chairs (CUC). The main issue discussed at the CUC meeting had been the Universities Superannuation Scheme (USS) which the Court discussed further as part of its financial update later in the agenda.

ORAL REPORT FROM THE PRINCIPAL

444 The Principal reflected on the one-year anniversary of the onset of the pandemic, noting that University had continued, despite the enormous challenges this posed, to educate students and to conduct research, although at a reduced capacity. This had required a tremendous effort on the part of staff and the resultant impact on workloads was recognised. In financial terms for 2020/21, the University was forecasting a small surplus of £0.4M after taking into account the cost of reinstating and backdating pay increments. This was noted as being, in the circumstances, a very significant achievement and one which had not been matched by all UK universities, some of whom had made staff redundant. The Principal noted that it was important to now look beyond the pandemic and the University would re-focus on the commitments of Aberdeen 2040 and engage with staff on these and the five interdisciplinary challenges. In terms of internationalisation, the priority would be to maximise the success of the Qatar project rather than to seek further new initiatives.

FINANCIAL UPDATE

445 The Court received and considered a financial update (*copy filed with the principal copy of the Minutes*), which focused on the latest forecast for 2020/21, the latest update on the 2020 Universities Superannuation Scheme (USS) Valuation, and the commencement of the internal budget setting process for 2021/22.

USS VALUATION

446 In discussion, it was agreed that the implications of the most recent USS valuation for institution and member contributions made it a major issue that the Court would need to consider further at an appropriate stage. It was confirmed that both Universities UK (UUK) and the University

and College Union (UCU) had a common position on challenging the scheme's valuation. UUK would be consulting the sector in April/May and although the deadline for input would be before the next meeting of Court, the University's response would be informed by a consultation with staff and then developed through the Pensions sub-group of Policy and Resources Committee. It was suggested that the consultation take into account the particular issues of the scheme for short-term and part-time staff.

BUDGET SETTING

- 447 In discussion of the budget setting process for 2021/22 to 2023/24, it was noted that £10M of income growth would be required to offset increases in costs. It was also agreed to provide via Policy and Resources Committee, further information on how additional SFC funding to support research had been utilised.

EQUALITY AND DIVERSITY

PRESENTATION ON RACE EQUALITY

- 448 The Court received a Presentation on Race Equality entitled *Creating an Anti-Racist University* from Ruth Taylor, Vice-Principal for Education and Senior Race Champion and Co-convenor of the Race Equality Strategy Group, and Professor Siladitya Bhattacharya, Head of the School of Medicine, Medical Sciences & Nutrition and Senior Race Champion and Co-Convenor of the Race Equality Strategy Group.
- 449 The presentation covered recent developments in the UK and across the world which for universities had led to a renewed debate within the sector on racism. The University had, with other institutions, committed to stand against racism and the presentation set out how it was addressing the issue in an Aberdeen context. The Court welcomed the presentation and its approach of acknowledging the fact that racism exists and to respond by challenging it in all its forms and by fostering an anti-racist culture in the University.
- 450 In discussion, it was confirmed that the University would be setting targets to seek to measure progress. It was suggested that while considering the numbers of reported cases would be one measure – and one where paradoxically an increase may be a sign of progress in the short-term – the focus would be equally to challenge institutional culture, structures, processes and procedures to make these progressive and anti-racist.
- 451 It was also agreed that as part of the University's response, members of Court would welcome training in race equality.

PUBLIC SECTOR EQUALITY DUTY REPORT

- 452 The Court received and considered the University's biennial report on how it was meeting the requirements of the Public Sector Equality Duty of the Equality Act 2010 (*copy filed with the principal copy of the Minutes*). The duty required public sector bodies to take, and report biennially on, actions which address the need to:
- Eliminate unlawful discrimination, harassment and victimisation
 - Foster good relations between people from different groups
 - Advance equality of opportunity
- 453 The report detailed the progress made during 2019-2021 on mainstreaming Equality, Diversity and Inclusion (EDI) in the University, showcasing a number of examples, and provided the University's new Equality Outcomes which indicate the key EDI priorities for the institution and supporting action plans.
- 454 In discussion, the Court welcomed the report and the extensive range of work being undertaken in support of embedding EDI in the University. It was acknowledged that it was resource intensive and made demands on staff and student time, but that there was a commitment and enthusiasm amongst the community and an appreciation of how important the issues were to ensuring the University was a place that people wanted to work or study at. It was also

recognised that EDI champions within Schools/Departments needed to be supported through institution wide awareness raising of EDI.

- 455 The Court approved the report for publication on the University's website by the deadline of 30 April 2021, noting that it would be subject to some final minor amendments and presentational formatting.

REPORT ON GENDER PAY GAP

- 456 The Court received and considered a paper on the outcome of the 2020 Gender Pay Gap analysis (*copy filed with the principal copy of the Minutes*), prior to publication of the report by 30 March 2021.
- 457 The report provided a breakdown of each gender pay gap reporting elements and a narrative explaining factors that impacted on the pay gap as well a list of actions and initiatives that the University had taken or planned to take as positive steps towards closing the gap, which included reviewing its approach to recruitment and promotions procedures. The paper also outlined some further potential steps that could be taken. The Court commented on the appropriateness of these and made some additional suggestions, while encouraging the University to give further thought to more radical measures to tackle the gender pay gap.
- 458 The Court approved the report for publication by 30 March 2021.

STAFF SURVEY 2020 – RESULTS AND ACTION PLANNING

- 459 The Court received a presentation and report on the results of the 2020 staff survey (*copy filed with the principal copy of the Minutes*).
- 460 The Court welcomed the high response rate to the survey and the significant positive issues highlighted by the results, noting these were greatly improved compared to the 2018 survey overall, as well as showing a very favourable performance against the university benchmark group. The paper also discussed the areas identified from the survey where improvement was needed and how the University was responding to these, with discrimination, bullying/harassment and workload levels being noted as particular issues. The latter was considered to be a consequence of reductions in staff before 2018 and which had been exacerbated by the demands on staff time resulting from the pandemic. The University had taken a range of steps to respond to the issue of work-load concerns in the short-term and in the medium-term through academic planning and prioritisation, and was committed to addressing it in the longer-term, through income growth and investment in staffing levels.

REF 2021 INSTITUTIONAL SUBMISSION

- 461 The Court received a report on the University's final institutional submission to the REF 2021 exercise which was due by 31 March 2021 (*copy filed with the principal copy of the Minutes*).
- 462 The Court noted that following submission, the various elements of assessment would be subject to audit and assessment by REF 2021 with results expected to be published in April 2022. Those results would then inform Scottish Funding Council Research Excellence Grant decisions from 2022/23 onwards.
- 463 The Court discussed the overall shape and size of the submission and how that might compare to others in the sector and the potential impact of this on research grant funding. The Court recognised that the submission represented a significant achievement by staff in circumstances which at times over the REF assessment period since 2013 had been challenging due to loss of staff. The Court also discussed and noted that this and the overall size and shape of the submission relative to others in the sector underlined the strategic importance of continuing the investment in staff that had been undertaken since 2018, the focus on the interdisciplinary themes and increasing research grants both in terms of number and scale. It was noted that this would be a key strategic issue that should receive further focus and discussion by Court.

REPATRIATION REQUEST FROM UNIVERSITY MUSEUM COLLECTIONS

- 464 The Court received and considered a formal request from the Nigerian Federal Ministry of Information and Culture, supported by the Court of the Oba of Benin, the Edo State Government, and the National Commission for Museums and Monuments, for the return of a copper-alloy Head of an Oba held in the University's museum collection (*copy filed with the principal copy of the Minutes*).
- 465 The paper outlined that the request had been considered through the Court's approved procedure and set out the recommendation of the Advisory Group on Collections Deaccessioning and Repatriation to approve the request for the return of the item to the Nigerian authorities. In discussion, it was confirmed that the process had considered and sought to mitigate the risk of indemnity and that the return of the item was being made to the appropriate organisation. It was noted that the University was proactive as well as reactive with regard to repatriation. It was suggested that consideration be given as to whether the Court should be engaged in an 'in principle' way earlier in the repatriation procedure and noted that the Executive would reflect on whether that would be appropriate. It was confirmed that it was appropriate for the University as a charity to repatriate the item and that the Scottish Funding Council was supportive of universities considering and, where appropriate, agreeing to repatriation requests.
- 466 The Court approved the request for the return of the copper-alloy Head of an Oba to Nigeria.

REVIEW OF GOVERNANCE

- 467 The Court received and considered an update on the proposed timeline for the second, externally facilitated, phase of the Governance Review (*copy filed with the principal copy of the Minutes*) which would focus on the relationship and cultural aspects of the governance eco-system and interface with the separate review of Senate effectiveness.
- 468 The Court also discussed the Good Governance Institute's Maturity Matrix for Higher Education Institutions which was enclosed with the paper and was invited to reflect on it in the context of the next phase of the governance review in particular with regard to the roles, boundaries between and inter-relationships of Court, Senate and the Senior Management Team. Following discussion, the executive/management team were asked to give their consideration to the maturity of university governance and to consider how this should be addressed in the review.

FURTHER BUSINESS

- 469 The Court received an oral update on the background to recent media coverage regarding an internal AUSA matter and potential racial abuse of AUSA members. While this was an AUSA matter, the University was being kept informed and was, for its part, offering support to students where required.

ROUTINE BUSINESS FOR APPROVAL

EDUCATION COMMITTEE STRUCTURE REVISIONS

- 470 The Court received a paper on proposed revisions to the Teaching and Learning committee structure (*copy filed with the principal copy of the Minutes*). The proposals sought to:
1. Ensure that, in line with Aberdeen 2040, governance of education and its strategic priorities is robust and fit for the context of Aberdeen 2040 and its ambitions;
 2. Consider all aspects of the Education portfolio holistically across undergraduate and taught postgraduate provision (rather than through individual committees as was currently the case).
 3. Enable strong links between Schools and the University's central committee structure

471 The proposals would result in:

1. The University Committee for Learning and Teaching (UCTL) being renamed the University Education Committee (UEC).
2. The Undergraduate and Postgraduate Taught Committees being removed from the committee structure.
3. An Employability and Entrepreneurship Committee (EEC) and a Student Support Committee (SSC) being created in the committee structure.
4. The revised remits and memberships of each committee being agreed and implemented.

472 The Court approved the proposals as outlined in the paper.

ROUTINE BUSINESS FOR INFORMATION

INTERIM OUTCOME AND IMPACT FRAMEWORK WITH THE SCOTTISH FUNDING COUNCIL (SFC) 2020/21

473 The Court received and noted the University's Interim Outcome and Impact Framework for 2020/21 (formerly the Outcome Agreement with SFC) (*copy filed with the principal copy of the Minutes*) which had been approved by Policy and Resources Committee at its meeting on 2 February 2021 prior to submission to the SFC.

FINANCIAL & MONTHLY MANAGEMENT REPORTS

474 The Court received and noted the Monthly Management Report for the period to 31 January 2021 (*copy filed with the principal copy of the Minutes*).

SENATE REPORT

475 The Court received and noted a report from Senate (*copy filed with the principal copy of the minutes*) on the main items of business, considered at its meetings of 2 December 2020, 2 February 2021 and 3 March 2021.

APPROVAL BY PRIVY COUNCIL OF ORDINANCE: COMPOSITION OF SENATE

476 The Court noted that Ordinance No 146: Composition of the Senatus Academicus (*copy filed with the principal copy of the Minutes*) had been formally approved by the Privy Council in December 2020 without further changes to the draft previously received by Court in September 2020.

DEVELOPMENT TRUST AND ALUMNI RELATIONS UPDATE

477 The Court received and noted the biannual report on the activities of the Development Trust and Alumni relations team (*copy filed with the principal copy of the Minutes*).

DECISIONS MADE BY CIRCULATION

478 The Court received and noted a report (*copy filed with the principal copy of the minutes*) on decisions made by circulation since the meeting of Court in November 2020, these being:

1. Modern Slavery & Human Trafficking Statement
2. Appointment of Interim Senior Independent Member
3. Severance Policy
4. Revisions to the Public Interest Disclosure Policy and Procedure (Whistleblowing)

POLICY AND RESOURCES COMMITTEE REPORT

479 The Court received and noted a report on the key items of business discussed by the Policy and Resource Committee at its meetings held on 2 February and 2 March 2021 (*copy filed with the principal copy of the minutes*).

REPORTS FROM COURT COMMITTEES AND JOINT COMMITTEES OF COURT AND SENATE

AUDIT AND RISK COMMITTEE

- 480 The Court received and noted a report on the key items of business discussed by the Audit and Risk Committee at its meeting on 21 January 2021 (*copy filed with the principal copy of the Minutes*)
- 481 The Court approved proposed changes to the Committee's Remit and Composition. These included amendments required to address recommendations made in the Governance Review of Court, and the updated Committee of University Chairs (CUC) *Higher Education Code of Audit Committee Practice* (May 2020). In particular, the Court noted the increase to the number of Court members within the composition of the Committee, from two to three.

GOVERNANCE AND NOMINATIONS COMMITTEE

- 482 The Court received a report on the key items of business discussed by the Governance and Nominations Committee at its meeting on 11 February 2021 (*copy filed with the principal copy of the minutes*) and recommendations for the approval of Court. The Court also noted a report of business considered at an additional meeting of the Committee that had been held on 16 December 2020.

Amendments to the Court's Statement of Primary Responsibilities

- 483 The Court approved proposed amendments to the Court's Statement of Primary Responsibilities which were intended to better reflect the Court's duties with regard to the University's charitable status.

'Wash Up' Report on Staff Elections Process

- 484 The Committee's reported on its consideration of a review of the recent elections process for the two elected staff members of Court. A particular issue identified from this had been feedback regarding the voting system. It suggested that First Past the Post was not the most appropriate system of voting for this type of election where there can be a large number of candidates but where one candidate could be elected on significantly less than a 50% share of the vote or with only a very small number of votes between the winning and runner up candidates. The Court, on the recommendation of the Committee, approved that future elections should be conducted by the Alternative Vote system.

Chair of Remuneration Committee

- 485 The Court approved, on the recommendation of the Governance and Nominations Committee and the Remuneration Committee, the appointment of Iain Mackay as Chair of the Remuneration Committee with immediate effect (having latterly been undertaking the role on an interim basis).

RESEARCH POLICY COMMITTEE

- 486 The Court received and noted a report on the key items of business discussed by the Research Policy Committee at its meeting on 8 March 2021 (*copy filed with the principal copy of the minutes*).

UNIVERSITY COMMITTEE ON TEACHING AND LEARNING

- 487 The Court received and noted a report on the key items of business discussed by the University Committee on Teaching and Learning at its meetings on 12 November 2020, 20 January and 9 March 2021 (*copy filed with the principal copy of the minutes*).

DATE OF NEXT MEETING

488 The Court noted that its next meeting was scheduled on Tuesday, 29 June 2021 from 9am to 1pm.

Note by Clerk: Due to Covid-19 restrictions a signed copy of the minutes could not be arranged. These are, however, confirmed by the Clerk as the agreed record of the meeting.

Date: 29 June 2021