

Approved



## **UNIVERSITY COURT**

### **MINUTES**

of the meeting of the University Court held on 6 February 2019 at 2pm in the Boardroom of the University.

Chair: Mr M Shaw  
Vice-Chair: Mrs S Scott

Professor L Bacon  
Mr A Bailey  
Mr J Barnett  
Mr M Batho  
Mr J Burt

Dr Y Deeni  
Mr I Lowe  
Ms V Lynch  
Mr G MacDougall  
Mr I McDonald  
Dr J Rees

Ms F Robertson  
Professor N Seaton  
Dr K Smith  
Mr T Wilson  
Mr O Wright

Secretary: Mrs S Stewart  
Clerk to Court: Dr A Ramsay

In attendance: Ms S Campbell (item 43)  
Dr N Coull (item 36)  
Ms E Evans, observer  
Ms L Jack, observer  
Professor R Kouhy, observer  
Mr D Reeves (items 34-48)  
Mrs C Summers (items 34-45)

Apologies for absence were intimated on behalf of Ms G Ghafoor and Dr A Ingram.

### **NON-RESERVED AREAS OF BUSINESS**

#### 34 WELCOME

The Chair welcomed members to the meeting. In particular, Mr Shaw welcomed Ms Liz Evans, Ms Louise Jack and Professor Reza Kouhy, who were attending the meeting as observers from Academic Registry, External & Corporate Relations and the School of Business, Law and Social Science, respectively. Mr Shaw, on behalf of Court, also welcomed Mr Ian Lowe to his first meeting of Court as the elected member of support staff.

Members were advised that Mr Hugh Aitken had tendered his resignation from Court and that the Governance & Nominations Committee would consider the resulting vacancy, along with the others already noted, at its next meeting in March.

The Chair invited reflections from Court on the first annual stakeholder engagement event, which had been held earlier that day. Members felt that the event had been very successful, noting in particular the quality of the discussion during the Question and Answer session. Others commented that

it had been positive to hear students raising legitimate concerns; and that it was to be hoped that greater numbers would attend future events.

### 35 DECLARATION OF POTENTIAL CONFLICTS OF INTEREST

The Chair reminded members of their responsibility to indicate if they had, or could be perceived to have, a conflict of interest in relation to the non-reserved items for discussion. None was disclosed.

### 36 PRESENTATION ON TAY CITIES DEAL CYBER QUARTER

The Chair welcomed Dr Natalie Coull. Professor Seaton apprised Court that the University, co-leading with the Scottish Business Resilience Centre (SBRC), had proposed the cyberQuarter as part of the Tay Cities Deal (TCD). £11.7m of Government funding had been earmarked for the cyberQuarter; the largest grant ever awarded to the University for engagement with business and unique within the TCD as having been awarded the amount for which it had bid.

In the course of a comprehensive presentation, Dr Coull advised members that the purpose of the cyberQuarter was to realise new economic opportunities for cybersecurity through innovation, cutting-edge research in ethical hacking and the adoption of products, services and practices in SMEs. It was intended to attract existing cybersecurity business to Tayside and foster the creation of new businesses, as well as supporting businesses and individuals from the local community in increasing their cyber resilience.

Court noted that, following submission of the Strategic Outline Case, the project had been included in the TCD Heads of Terms Agreement. The University awaited the definitive timescale from the Tay Cities Deal, but it was anticipated that the full business case would require to be developed by the end of 2019. Dr Coull apprised members of the expected project governance framework, including the anticipated budget, subject to completion of the financial case, and noted the expected partner contributions, including support from the Scottish Business Resilience Centre.

In discussion, members sought assurance regarding project governance, given the significant funding and revenue impact over the period of the project and were advised that governance arrangements would be brought back to Court once the final figures had been confirmed but that it was likely a formal project board would be established. Court was apprised that, although Manchester was the hub for such activities in England, Scottish Enterprise had funded the consultation into the viability of the bid and had concluded that Abertay and Dundee offered an opportunity unique in Scotland to establish a similar hub. Dr Coull advised members that some of those companies based in Manchester would become project partners whose staff would be involved the cyberQuarter.

One member sought clarification of the ownership of intellectual property arising from the project and was advised that the University would continue to use its current IP model, in consultation with its business partners. Work was underway between the Division, School and partners to move the project forward, including giving consideration to the location on campus.

Thereafter, Court thanked Dr Coull for this most informative presentation on an excellent development for the institution.

***[Secretary's note: Dr Coull left the meeting at this point]***

37 MINUTES OF THE MEETING OF THE CHAIR'S COMMITTEE HELD ON 28 JANUARY 2019

Court noted the above minutes, submitted for information as Enclosure 24.

38 MINUTES OF THE MEETING OF THE UNIVERSITY COURT HELD ON 14 NOVEMBER 2018 – UNRESERVED AREAS OF BUSINESS

Court approved the above minutes, submitted as Enclosure 25, as an accurate record, subject to one minor typographical amendment.

39 MATTERS ARISING FROM THESE MINUTES

39.1 Draft resolution to change the legal name of the institution  
(paragraph 21.1 refers)

The University Secretary apprised members of progress on the resolution endorsed at the previous meeting of Court to change the legal name of the University. Mrs Stewart advised that the resolution was currently with the Privy Council, whose approval was required before this could be incorporated into the new Governing Order by the Scottish Government.

***[Secretary's note: during the course of the meeting, Court received confirmation that the Privy Council had approved the resolution to change the legal name of the University.]***

39.2 Higher Education Governance (Scotland) Act  
(paragraph 21.3 refers)

The University Secretary advised Court that the University's position at its first meeting with Scottish Government (SG) officials in March 2018 had been to create a new governing order but that the SG officials had intimated that a revised order would be more appropriate. Mrs Stewart apprised members that the Scottish Government lawyers had subsequently recommended that a new governing order be created rather than proceed with an Amendment to the current governing order. Court noted that that the University had now received the first draft of the new order, which would be discussed with the University's legal advisers prior to consideration by the Governance & Nominations Committee before being brought to the April meeting of Court.

Members were advised that, in order to have the new governing order in place for the start of academic session 2019/2020, it would need to be laid before the Scottish Parliament by 20 May 2019. However, there remained a possibility that the 20 May deadline might not be met owing to logistical reasons beyond the remit of the University and, under those circumstances, the University would continue to operate as at present until such time that the new Order could be put in place.

39.3 Court membership  
(paragraph 21.6 refers)

Mrs Stewart advised Court that five applications had been received in response to the University's advertisement for new members of Court and that the new vacancy created by Mr Aitken's departure would also be taken into consideration.

Thereafter, Mrs Stewart advised Court that there were no other matters arising that were not already on the agenda.

40 SFC MATTERS: INDICATIVE FUNDING FOR SESSION 2019/2020

The Director of Strategic Planning advised Court that no indicative funding announcement had been received from the Scottish Funding Council. Members were advised of the University's assumptions and noted that the University would apprise Court once the figures had been made public.

41 KEY PERFORMANCE INDICATORS

CT/0219/26

The Director of Strategic Planning introduced the annual report on KPIs, which had already considered by the Executive Group and the Finance & Corporate Performance Committee; and which incorporated the minor changes approved by Court and FCPC in 2017. Of the 21 KPIs updated in the report, 11 retained the same status as the previous update to Court in February 2018. Of these, two KPIs related to the last staff survey and were therefore not due to be updated. Eight KPIs had changed in status, the new 'red' KPI relating to NSS scores where the institutional result had dropped below the benchmark. The President of Abertay SA advised Court that the SA had a policy of promoting a boycott of the NSS. One member sought clarification of actions taken in order to counter the negative SA campaign and was advised that the Principal had attended every Year 4 class (with one exception) to explain the benefits participation could have for future generations of students. Professor Seaton noted that NUS opposition to the NSS related more to HE funding issues in England and that, while Abertay was by no means the only university whose Students' Association opposed the institutional view of the NSS, it was certainly in the minority in Scotland.

Court discussed the report at length, covering a range of indicators. Members noted that concerns remained around the staff survey results and requested an update on progress made. The Chair of the People, Health & Equality Committee (PHEC) advised that the Committee had discussed it in some detail and in the Joint Liaison Group; and it had been agreed that the survey would be conducted again in late 2019, using the same questions. One member questioned whether the impact of portfolio review on staff had been captured but was advised that it was not yet possible to judge the effect of the change in programmes and structure.

Members noted the drop in the retention of entrants to stages 2 and 3 compared to previous years and questioned whether this was related to the University's widening access mission. Mrs Summers advised that many widening access students articulated into stages 2 and 3 but not all. Retention levels at stage 1 had improved but the University would require to remain vigilant. Members were advised that the dislocation between pedagogic styles at college and university was an area of focus for the institution and that the Academic Leadership Group had discussed whether the strategic direction of our college partners remained aligned with the University.

In conclusion, Court noted requested a report or presentation be provided (at the April or June meeting) in which management would delineate actions taken to remedy or address those areas in which the institution had performed poorly.

Thereafter, Court approved the report.

42 DRAFT CALENDAR OF COURT AND COURT COMMITTEE DATES FOR 2019/2020

CT/0219/27

The University Secretary introduced the above draft calendar of Court and Court committee dates for session 2019/2020. Members were invited to submit comments by email, both on the suggested dates and the proposal to hold a residential conference in September, which had met with general approval, provided the event had a clearly-defined direction and purpose.

Thereafter, Court noted the paper.

***[Secretary's note: Ms S Campbell joined the meeting at this point]***

43 FINANCE & CORPORATE PERFORMANCE COMMITTEE: MINUTES OF THE MEETING HELD ON 22 JANUARY 2019

The minutes of the above meeting, submitted as Enclosure 28, were approved.

The following matters were approved:

43.1 Capital Projects: Proposed Development of Facilities for the School of Design and Informatics

(paragraph 18 refers)

Court endorsed the recommendation of the Committee to approve the proposal for the development of facilities for the School of Design & Informatics, which had been appended to the minute as Enclosure 29.

The Chair of the Committee apprised Court that a detailed discussion on this significant investment had been held and, notwithstanding the need to have a wider view over investment in the Estate, the Committee had considered that the development was imperative. Members noted that the project entailed a short, focussed programme of work that would be undertaken over the summer months and that the Committee would receive regular updates during the length of the project while Court was in recess.

The Vice-Principal (University Services) advised Court that the University Estate, whilst significant in terms of square footage, was of differential quality and with many constraints in terms of which spaces could be repurposed. FCPC expected to receive further proposals on the development of the Estate, which would be led by a focus on zoning. Mr Batho noted that the Executive remained committed to investing in the Estate but that the financial model upon which developments had been predicated had been affected by changes to pension contributions. Court was further advised that the University's investment portfolio had deteriorated in value and that FCPC would be seeking an extraordinary meeting with the investment managers.

One member sought information on the development of sports facilities and was advised that the University's intention was to improve teaching spaces and sports facilities as well as IT infrastructure.

Thereafter, noting that a post-occupancy evaluation would be carried out, Court approved the proposal.

43.2 Annual Report on 2020 Key Performance Indicators (paragraph 19 refers)

Court noted that this report had already been considered as a separate agenda item under paragraph 41, above.

43.3 Data Protection Policies (paragraph 22 refers)

Court endorsed the recommendation of the Committee that the updated Data Protection Policy, supported by two further policies: *Privacy by Design and by Default* policy, and *Individual Rights* policy be approved. These were appended to the minute as Enclosure 30. Members noted that the policies had been scrutinised by Thorntons LLP, FCPC, the University's Data Protection Officer and by the internal auditors.

The following matter was noted:

43.4 University Finance Report (paragraph 17 refers)

Court noted that the Committee had received and considered the above Finance report, which included an integrated view of the University's current financial position and financial results to date.

Thereafter, Court approved the minutes.

***[Secretary's note: Ms S Campbell left the meeting at this point]***

44 GOVERNANCE & NOMINATIONS COMMITTEE: MINUTES OF THE MEETING HELD ON 4 DECEMBER

The minutes of the above meeting, submitted as Enclosure 31, were approved.

The following matters were noted:

44.1 Higher Education Governance (Scotland) Act: Implementation update (paragraph 18 refers)

Court noted that the Committee had received and noted an update on developments with regard to the implementation of the Higher Education Governance (Scotland) Act.

44.2 Court membership report (paragraph 21 refers)

Court noted the Committee's consideration of a report on the current status of the membership of Court.

Thereafter, Court noted the minutes.

45 STRATEGIC PLAN UPDATE

CT/0219/32

The Director of Strategic Planning introduced the above report, intended to provide Court with an update on progress in the development of the new strategic plan. Mrs Summers advised members that discussion on the key principles and assumptions underpinning the plan were still ongoing and that the University was not therefore ready to consult on a draft framework for the plan. Members were advised that the University intended to have this discussion at the April meeting of Court, with opportunities for staff and students to comment on the proposal prior to that meeting.

Thereafter, Court accepted the report.

***[Secretary's note: Mrs Summers withdrew from the meeting at this time]***

The Principal provided Court with an oral overview of changes to the School structures, noting that this would necessitate changes relating to academic governance, QAA and the student record. Professor Seaton advised Court that these would be in place for the start of the academic session 2019/2020.

One member requested an explanation of the rationale for the restructure, noting that the announcement had come as a surprise to many staff. Professor Seaton acknowledged that, although all relevant parties had been involved in the discussions, a wider consultation could have been undertaken. However, the Executive had taken the management decision to reduce the numbers of Schools to 3 in order to ensure that all Schools were sufficiently large to permit Deans to exercise strategic management and vision.

The President and Vice-President of Abertay SA advised members that students had expressed frustration at the changes and had been advised by staff members that some divisions and programmes were more important to the institution than others. The Principal expressed disappointment that staff had chosen to speak out in front of students when the restructure should in no way have impacted on students who were being taught the same subjects in the same spaces.

46 ACADEMIC MATTERS INCLUDING REPORT ON SENATE'S JANUARY 2019 MEETING

CT/0219/33

Court received and noted the above report, prepared by the Vice-Principal (Academic) and the University Secretary in order to keep Court apprised of the core academic business of the University and advise members of items discussed by Senate at its most recent meeting in January.

Members thanked Professor Bacon and Mrs Stewart and commended the report.

47 REPORT ON FREEDOM OF INFORMATION REQUESTS RECEIVED IN CALENDAR YEAR 2018

CT/0219/34

The Head of Governance introduced the above report, required by law, on the handling of Freedom of Information requests received by the University in the year 2018. Dr Ramsay advised Court that the University had continued to

receive a year-on-year increase in the volume of requests but continued to have a very high rate of timely responses provided within the statutory deadline of 20 working days.

Thereafter, Court noted the report.

48 ANY OTHER BUSINESS

*[Secretary's note: Mr C Rae joined the meeting at this time]*

The Chair of Court welcomed Mr Rae to the meeting, noting that Court had been unable to mark his retirement from Court at its meeting in December 2018. On behalf of Court, Mr Shaw thanked Mr Rae for his service to Court, his helpful insights and significant contribution. Court warmly endorsed these thanks.

Mr Rae thanked members for the gift and expressed his pleasure at having been involved in the work of Court.

49 DATE OF NEXT MEETING

Court noted that the next meeting would take place on 17 April 2019 at 2pm in the Boardroom of the University, preceded by a visit.

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**CHAIR**