

Approved



## **UNIVERSITY COURT**

### **MINUTES**

of the meeting of the University Court held on 11 November 2020 at 2.00pm *via* Microsoft Teams.

Chair: Mr M Shaw  
Vice-Chair: Dr A Ingram

Ms N Ahmed	Ms G Ghafoor	Dr J Rees
Professor L Bacon	Mrs M Guild	Ms F Robertson
Mr E Baines	Mr F Keir	Dr A Samuel
Ms D Bandeva	Ms V Lynch	Professor N Seaton
Mr J Barnett	Mr T Marks	Dr K Smith
Mr J Burt	Mr G MacDougall	Ms C Summers
	Mr I McDonald	

Secretary: Mrs S Stewart  
Clerk to Court: Dr A Ramsay  
In attendance: Ms G Bell  
Ms E Fraser  
Mr E McCubbin  
Ms J McKenzie  
Mr J Nicholson  
Dr K Oduyemi  
Mr G Weir

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

#### **14 WELCOME AND APOLOGIES FOR ABSENCE**

The Chair welcomed members to the meeting. Mr Shaw welcomed Ms N Ahmed, in particular, to her first meeting of Court as the elected member of support staff and welcomed Ms F Robertson back to Court after a hiatus of some months. Mr Shaw noted those in attendance as Ms E Fraser, Mr H Mehrpouya and Mr J Nicholson and welcomed Ms G Bell and Mr E McCubbin from Governance. Ms J McKenzie was welcomed as observer from Communications and Dr K Oduyemi as an observer from Senate.

Apologies were received from Mr A Bailey, Professor T Inns, Ms C MacEachen and Mr J Macgregor. Members noted that Mr J Barnett hoped to join the meeting in due course and that Mrs S Stewart would require to leave in order to attend a Scottish Government meeting on the testing of asymptomatic students for COVID-19 prior to the Christmas closure.

#### **15 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. Dr J Rees declared that, as interim Head of

Edinburgh Napier University's Students' Association, she had a potential conflict of interest under item 15 of the agenda. Dr A Samuel declared a conflict of interest under item 13 of the agenda.

16 MINUTES OF THE CHAIR'S COMMITTEE MEETING HELD ON 2 NOVEMBER 2020 (for information)

Court noted the above minute, submitted as Enclosure 10, for information. The Chair advised Court that the possibility of scheduling a Court conference would be kept under review and that the Committee would give consideration to the format of the annual stakeholder event.

17 MINUTES OF THE MEETING OF COURT HELD ON 16 SEPTEMBER 2020 CT/1120/11

Court received and considered the above minutes, submitted as Enclosure 11 and approved them as an accurate record.

18 MATTERS ARISING FROM THESE MINUTES

Oral report

18.1 Court membership update

(paragraph 5.2 refers)

The Head of Governance advised Court that an election would be held from amongst the academic staff of the University, as the period of office of Dr K Smith would come to an end on 31 December 2020, although she was eligible for re-election. It was intended that the result of the election would be known before the Christmas closure.

18.2 UBS Amendment to authorised signatories

(paragraph 5.4 refers)

Court noted that the University's investment portfolio managers were still in liaison with the University Secretary in order to finalise the authorised signatories.

18.3 Celebration for graduating students

(paragraph 5.5 refers)

Dr Ramsay reminded members that the on-line celebration event held in July for graduating students had been both well-attended and very successful. Preparations were currently underway for another event, to be held on 3 December 2020.

Thereafter, there were no further matters arising that were not already on the agenda.

19 DISCUSSION OF SFC REVIEW OF SCOTLAND'S COLLEGES AND UNIVERSITIES PHASE ONE REPORT

CT/1120/12

The Principal introduced the above paper, intended to provide Court with an analysis of the first report by the Scottish Funding Council on its Review of Coherent Provision and Sustainability. Professor Seaton advised members that the report presented a number of themes for exploration as the project progressed, as well as proposals for a radical overhaul of the regulation and funding of tertiary education in Scotland. Court was advised that the themes contained in the report were aligned with the political priorities of the current Scottish Government but also included references to a greater degree of central planning in future, including the introduction of regional outcome agreements and a more integrated learner journey. The report further

indicated the Scottish Government's intention to review the Research Excellence Grant (REG).

The Vice-Principal (Strategy & Planning) noted that one of the main features of the proposed new approach to regulation and funding was the allocation of a single budget for tertiary education, which would allow the SFC to transfer funds more easily between FE and HE. This would permit a more integrated approach to the delivery of programmes at a particular academic level with the possibility of funding by SCQF level.

In discussion, Court considered the implications of potential new operating models in encouraging articulation from colleges to universities and noted that the University would be well-placed to respond to such a development, given its already close collaboration with partner colleges. One member questioned whether institutional mergers were likely and was advised that, although the Scottish Government remained committed to its regionalisation agenda, there did not seem to be an appetite for forcing mergers at the present time. Members also discussed the emphasis on excellent online & blended learning and noted that this aligned well with Abertay's strategic focus on the development of a digital strategy.

Court considered the potentially deleterious effects of the review of the REG on smaller institutions and was assured that management intended to continue to emphasise that the focus should be on excellence in research wherever it was found and not limited to research-intensive institutions. Ms Summers advised members that the SFC would shortly brief the Scottish Planners Forum and that a further report would be brought to the meeting of Court in February 2021. It seemed likely that, as the review progressed, the Minister for FE, HE & Science would consult with University Chairs.

Thereafter, Court thanked Professor Seaton and Ms Summers and noted the report.

## 20 OPERATIONAL PLANNING AND BUDGETING: UPDATE

CT/1120/13

The Vice-Principal (Strategy & Planning) introduced the above paper, intended to provide Court with an update on operation planning since its last meeting, including an interim update of 2020/2021 student numbers. Ms Summers noted that a full review of the current position was underway and that FCPC would be informed of the outcome of that review following the Executive planning discussions in November.

Court was advised that the University had made prudent assumptions regarding student numbers in June but that the overall student population was 6% higher than at the same point in 2019, driven by an increase in both new and returning undergraduate students. International numbers, whilst higher than budget projections, remained lower than the previous year. Overall, the number of registered students was significantly above both management's planning projection and the pre-COVID assumptions for 2020/2021. These numbers would be monitored carefully and would feed into discussions on recruitment for 2021/2022, taking account of the University's previous policy on reducing the number of fees-only students whilst trying to mitigate against the risk of not filling funded places.

Detailed budget and staffing plans for each School and Service had been confirmed, each being a combination of agreed actions or a commitment to

consider options to be confirmed by the end of the calendar year. Progress was currently under review and, in addition to quantifying the impact of the updated student numbers, management was also reviewing progress in achieving the planned savings.

The Principal apprised Court of the involvement of the trade unions in discussions around budget and staffing plans and that management was discussing redeployment or retraining of affected staff as part of its Redundancy Avoidance Policy. Other options included voluntary redundancy or a reduction in hours for those who wished to take these opportunities.

The AUCU-nominated member at this point declared a conflict of interest. Dr Samuel intimated that he was personally affected by the potential job reductions in the Division of Sociology and requested that Court implement a policy of no compulsory redundancies for 2020/2021. Dr Samuel suggested that management was disingenuous in promoting its use of the Redundancy Avoidance Policy when staff in the Division of Sociology had been told that compulsory redundancies remained a possibility if insufficient volunteers for voluntary redundancy emerged.

The Director of People & OD advised members that staff had not been told that compulsory redundancies were inevitable, rather that the University may require to review its position. Professor Seaton expressed regret that staff felt threatened but that the reshaping of the University was central to its continued success and was not a response to the COVID-19 crisis.

The Chair of Court noted that it would not be appropriate for Court to take action on what was a management matter but that the issue should be discussed at the People, Health & Equality Committee.

Thereafter, Court noted the report.

21 COVID-19: UPDATE ON UNIVERSITY OPERATIONS DURING THE PANDEMIC

CT/1120/13

The Director of People & OD introduced the above report, intended to provide Court with an overview of the impact of the coronavirus pandemic on the University's staff and actions taken to support staff. Ms Fraser noted that the transition to partial face-to-face teaching had been stressful for staff and that Abertay UCU had requested that the University cancelled in-person teaching for Term 1. Management had felt, however, that the institution had made a commitment to its students to receive in-person teaching and, with very few exceptions, each cohort of students received scheduled activity on-campus for one morning or afternoon per week. The proportion of students attending face-to-face learning activities was around 45% and, in a recent pulse survey of students, approximately 60% of those who had expressed an opinion felt on-campus classes were beneficial. Most respondents also reported that they felt safe on campus, although a significant minority disagreed. Ms Fraser advised Court that student responses had helped to identify areas for action and improvement, although further analysis would be undertaken.

The University continued to communicate regularly with staff and with the trade unions and a second pulse survey was being conducted. Campus safety measures were monitored, with the Health & Safety Officer reporting that both staff and students were observing safety rules. Some staff continued to express concern about the safety of on-campus teaching, although the

level of concern had diminished since the start of teaching. Ms Fraser noted that she, the Deputy Principal and colleagues from People Services had met with UCU and Unite to discuss concerns related to workload and mental health.

The Chair of Court advised Court that members of the Chair's Committee had held two virtual meetings with a mix of staff members and had been encouraged by the positivity expressed. Mr Shaw noted that discussions were ongoing with the Abertay Students' Association (SA) to explore where similar conversations could be had with students. The Abertay SA Vice-President advised members that meetings of the Student Voice Fora had been well-attended and that the majority of students expressed frustration by lack of access to the Library. Mr Baines further noted that some students were disadvantaged by their home environment, whether because of caring commitments or by a lack of equipment and/or connectivity. The SA President requested that the results of the student pulse survey be shared with the SA as soon as possible.

Ms Fraser apprised Court of the headline results of the second staff pulse survey, which would be published in due course. Members noted that 226 responses had been received where the significant concern expressed was the negative impact of the pandemic on research. Approximately 25% of respondents had indicated that they did not feel safe on campus, which would be a focus for activities. One member sought assurances that management would be prepared to respond proactively and timeously to concerns expressed by staff and was advised that these would be collated and sent to managers. The AUCU representative intimated that a failure to agree notice had been issued to management and that staff remained unsatisfied with management response to their concerns regarding workload.

In relation to the approaching Christmas closure, members requested clarification of arrangements for student testing and travel. The Principal advised Court that the Minister, Mr Lochhead, was expected to make a statement imminently but that the general agreement across the sector was that teaching would finish early with students invited to attend for a COVID-19 test, prior to travelling home where possible. Professor Seaton noted that the University of Dundee would provide testing facilities for Abertay students.

Thereafter, Court noted the report.

## 22 ABERTAY STUDENTS' ASSOCIATION: REVIEW OF CONSTITUTION

CT/1120/15

The Abertay SA Vice-President introduced the above revised Constitution of the Students' Association. Mr Baines advised Court that the current Constitution had been approved in 2014/2015 and that, since that time, a democratic review of the Association had been conducted.

The principle changes noted were the removal of the SA President as Chair, to be replaced by an independent external Chair and the decision to become an incorporated charity. These measures were intended to improve accountability of the Sabbatical officers, improve the continuity and governance, as well as limit the liability of the trustees.

Thereafter, Court approved the revised Abertay Students' Association Constitution.

23 APPOINTMENT OF COURT INTERMEDIARY

CT/1120/16

*[Secretary's note: Mr G MacDougall declared an interest and left the meeting ]*

The Chair reminded members that the current Court intermediary, Mr J Burt, would come to the end of his period of office on 31 December 2020 and that Court would require to appoint another Intermediary to fulfil the role. Mr Shaw advised Court that, in the absence of any volunteers, he had approached Mr MacDougall to assume the role for one year, in view of his experience and qualification.

Thereafter, Court approved the appointment of Mr MacDougall as Court Intermediary.

*[Secretary's note: Mr G MacDougall re-joined the meeting at this point]*

24 HEALTH & SAFETY ANNUAL REPORT

CT/1120/17

The Director of People & OD introduced the above annual report, which had received significant scrutiny at the Health & Safety Sub-Committee and at the People, Health & Equality Committee. Members were reminded of their responsibility as governors for the health & safety of staff, students and other visitors to the University and were advised that a presentation on that responsibility would be given at the February meeting of Court.

Court welcomed the report and the assurance it provided. One member queried the number of accidents without mitigating actions and it was agreed that Ms Fraser would seek clarification from the H&S Officer.

Thereafter, Court approved the report and commended the Health & Safety Officer.

25 AUDIT & RISK COMMITTEE: MINUTES OF THE MEETING HELD ON 27 OCTOBER 2020

The minutes of the above meeting, submitted as Enclosure 18, were received.

The following matters were noted:

25.1 Remit and Membership

(paragraph 3 refers)

Court noted the Committee's consideration of the above remit and membership and its discussion of the corporate governance responsibilities of the Committee.

25.2 Risk Management and Policy Framework: Update

(paragraph 8 refers)

Court noted the Committee's consideration of the updated Risk Management and Policy Framework.

25.3 Review of Academic Standards Assurance

(paragraph 9.1 refers)

Court noted that the Committee had received and considered a report on the above review of academic standards. This had been added to the internal audit plan for 2019/2020 in order to assess the

arrangements in place to manage and maintain academic standards under the restrictions imposed by COVID-19.

- 25.4 Internal Audit: Follow-up report (paragraph 9.2 refers)  
Court noted the Committee's consideration of the above review of the implementation of previously-agreed internal audit recommendations.
- 25.5 Internal Audit 2019/2020: Annual Report (paragraph 10 refers)  
Court was advised that the Committee had received and discussed the Internal Auditors' Annual Report on the findings of the reviews conducted during 2019/2020.
- 25.6 Draft Audit & Risk Committee Annual Report to Court (paragraph 12 refers)  
Court noted the Committee's consideration of the above report on the work of the Audit & Risk Committee during session 2019/2020, which would be submitted to Court in due course.
- 25.7 Provisional External Audit Results 2020 (paragraph 13 refers)  
Court noted that the Committee had received and considered the provisional audit results for the year ended 31 July 2020. It was expected that the final audit results would be reported to the Committee in January 2021.
- 26.8 Audit Scotland: COVID-19 Implications for Public Finances (paragraph 15 refers)  
Court noted the Committee's consideration of the above report and had agreed that it should be circulated for Court's information.

Thereafter, Court approved the minutes.

26 FINANCE & CORPORATE PERFORMANCE COMMITTEE: MINUTES OF THE MEETING HELD ON 20 OCTOBER 2020

The minutes of the above meeting, submitted as Enclosure 19, were approved.

The following matter was approved:

- 26.1 SFC Outcome Agreement 2019/2020: Self-Evaluation Report CT/1120/20  
Court approved the above SFC outcome agreement self-evaluation, subject to minor editorial changes required to finalise the data and to address any additional requirements arising from SFC guidance, when published.

The following matters were noted:

- 26.2 Developing the Financial Strategy (paragraph 7 refers)  
Court noted the Committee's consideration of a report intended to apprise members of the current financial position. The Committee had

further been advised that work was underway to develop a new medium-term financial strategy to articulate the University's ambitions.

26.3 Operational Planning: update

(paragraph 8 refers)

Court noted that the Committee had received and considered a report on operational planning, which had already been considered by Court as a separate agenda item.

26.4 Investment Portfolio: update

(paragraph 12 refers)

Court noted that the Committee had received a presentation from the University's investment portfolio managers, UBS, on current asset allocation and performance. Mr McDonald advised Court that the presentation had been both concise and well-received and that a further update was scheduled for May 2021.

27 GOVERNANCE & NOMINATIONS COMMITTEE: MINUTES OF THE MEETING HELD ON 11 NOVEMBER 2020

The minutes of the above meeting, submitted as Enclosure 21, were received. The following matter was approved:

27.1 Current Status of Membership of Court

(paragraph 8 refers)

Court was advised that a recruitment process was underway to fill the vacancies which would arise when Mr J Burt and Dr J Rees came to the end of their maximum periods of office in December 2020. Court noted that the departure of Mr Burt would require a new Court intermediary to be appointed, which had been discussed under paragraph 23, above.

Court then noted that Ms F Robertson, who had resigned in March 2020 due to pressures of work, had returned to the membership of Court.

Finally, Court endorsed the recommendation of the Committee that the following lay members of Court be re-appointed for another three-year period from 1 January 2021:

Mr A Bailey  
Mr J Barnett  
Dr A Ingram  
Ms V Lynch  
Mr I McDonald

Thereafter, the above minutes were approved.

28 PEOPLE, HEALTH & EQUALITY COMMITTEE: MINUTES OF THE MEETING HELD ON 8 OCTOBER 2020

The minutes of the above meeting, submitted as Enclosure 22, were received.

The following matters were approved:

28.1 Health & Safety Annual Report (paragraph 7 refers)

Court noted that the above annual report had already been considered and approved as a separate agenda item, above.

28.2 Revised Code of Student Discipline: Non-Academic Misconduct (paragraph 12 refers)

Court endorsed the recommendation of the Committee that the above annual revised Code of Student Discipline be approved. Court was advised that the revised Code of Student Discipline: Academic Misconduct had been considered and approved by Senate.

The following matter was noted:

28.3 Staff Engagement during COVID-19: Pulse Survey (paragraph 10 refers)

Court noted that the Committee had received a report from the Director of People & OD on the pulse survey carried out in June 2020. Members were advised that the Committee expected to receive a report on a further pulse survey at its next meeting in December 2020.

Thereafter, Court approved the minutes.

29 REMUNERATION COMMITTEE REPORT: UNRESERVED CT/1120/24

The Chair of Court, on behalf of the Chair of the Remuneration Committee introduced the above report and noted that he would provide more detailed information regarding the review of Executive officers' salaries under the reserved item of business at the end of the meeting.

Thereafter, Court accepted the report.

30 ACADEMIC MATTERS INCLUDING REPORT OF OCTOBER SENATE MEETING CT/1120/25

The Deputy Principal introduced the above report on current academic business for information and which also included a summary of items discussed by Senate at its most recent meeting on 28 October 2020. Court commended management on the University being named UK University of the Year for Teaching Quality by The Times & Sunday Times Good University Guide 2021.

Thereafter, Court noted the report.

31 DEPARTURE OF MEMBERS

The Chair reminded Court that this would be the last meeting attended by Mr John Burt, Mr Maureen Guild and Dr Jenny Rees.

Mr Shaw advised members that Mr Burt had joined Court in 2011, having known the University from his previous role as Principal of the then Angus College. He became Chair of the People, Health & Equality Committee, when it was established in 2013, a role he had fulfilled for the past seven years alongside membership of the Chair's Committee and acting as the Court Intermediary since 2014.

Dr Rees had joined the Abertay Court in 2012, having recently retired as Vice-Principal (Academic Quality & Customer Service) at Edinburgh Napier University. She had thereafter continued to contribute actively to the HE sector in the UK, having taken interim management positions at Bishop Grosseteste, Plymouth, Brunel, Hull, Staffordshire and Cardiff Metropolitan universities.

Court was advised that Maureen Guild, who had been the Unite-nominated member of Court since September 2019, would be retiring from the University at the end of December. Mr Shaw noted that she had begun her career as a technician at the Dundee College of Technology before leaving to raise a family. After completing a MA in Food & Welfare Studies at Dundee University, she returned to Abertay in 2009 and was now the Technical Team Leader, overseeing work activities to support teaching and research in the School of Applied Sciences.

The Chair further noted that the period of office of Dr Kate Smith as the elected member of academic staff would to an end on 31 December 2020. Members noted that Dr Smith was eligible for re-election and that it was hoped the result of the election would be known before the Christmas closure.

On behalf of Court and the University, Mr Shaw thanked Mr Burt, Mrs Guild, Dr Rees and Dr Smith for their significant commitment and contribution. Members warmly endorsed this sentiment.

### 32 ANY OTHER BUSINESS

The President of the Abertay Students' Association noted that many students who had graduated in 2020 had not yet received their degree certificates. Ms Bandeva advised the Principal that those individuals felt let down and abandoned by the University.

Professor Seaton apologised and noted that COVID-19 restrictions had made it impossible for staff to be on-campus in order to generate the certificates. This had been further compounded by technical issues. Approximately 160 degree certificates had been dispatched and it was anticipated that the remainder would be sent out before the end of November 2020.

Thereafter, the Chair thanked members for their contributions and wished everyone a Happy Christmas.

### 33 DATE OF NEXT MEETING

Court noted that the date of the next meeting was confirmed as Wednesday 3<sup>rd</sup> February 2021.

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**CHAIR**