

Approved



## **UNIVERSITY COURT**

### **MINUTES**

of the meeting of the University Court held on 05 February 2020 at 2.00pm in the Boardroom of the University.

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

Professor L Bacon	Professor T Inns	Mr T Marks
Mr A Bailey	Mr I Lowe	Dr J Rees
Mr J Barnett	Ms V Lynch	Dr A Samuel
Mr M Batho	Ms C MacEachen	Professor N Seaton
Mr J Burt	Mr J Macgregor	Dr K Smith
Mrs M Guild	Mr I McDonald	Mr O Wright

Secretary: Mrs S Stewart  
Clerk to Court: Dr A Ramsay  
In attendance: Professor A Brown  
Ms L Jack  
Mr R Mills  
Ms C Summers  
Dr A Szymkowiak  
Mr S Uphill  
Mrs H White

Apologies for absence were intimated on behalf of Ms S Devautour, Ms G Ghafoor, Mr F Keir, Mr G MacDougall and Ms F Robertson.

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

#### **38 WELCOME**

The Chair welcomed members to the meeting. In particular, Mr Shaw welcomed Mrs H White from the Governance Team, Ms L Jack from External & Corporate Relations, Mr R Mills from Estates and Dr A Szymkowiak as observers.

The Chair invited reflections from Court on the second annual stakeholder engagement event, which had been introduced by the Chancellor, Professor Alice Brown and which had been the vehicle for the official launch of the Strategic Plan 2020-2025. In particular, Mr Shaw sought the opinions of members on the scheduling of the event, which had attracted a number of attendees.

In discussion, members noted that holding the stakeholder engagement event prior to the meeting of Court encouraged the attendance of the maximum number of Court members, thus enabling broader dissemination of the opinions expressed by stakeholders. It was agreed that the third annual stakeholder event would be held at the same time in 2021.

39 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 declared.

40 MINUTES OF THE MEETING OF THE CHAIR'S COMMITTEE HELD ON 27 NOVEMBER 2020 – UNRESERVED AREAS OF BUSINESS

Court noted the above minutes, submitted as Enclosure 28, as an accurate record. Under paragraph 13, members were advised that a meeting had been held between the Chair of Court, the University Secretary and the Students' Association officers and that a report from Abertay SA would be included as a standing item on the agenda from the April meeting of Court.

41 MINUTES OF THE MEETING OF THE UNIVERSITY COURT HELD ON 13 NOVEMBER 2019 – UNRESERVED AREAS OF BUSINESS

Court received and considered the above minutes, submitted as Enclosure 30. One member noted recent media attention on Universities charging graduation fees and sought to understand how the institution reconciled the practice of charging fees for graduation with its mission in equality and diversity. Management responded that, whilst recognising that students came from different backgrounds and had individual fiscal challenges, the Graduation ceremonies cost approximately £30k annually, which could not be diverted from supporting teaching and research. The fees charged were noted as relatively modest and the University made hardship funds available to those in need. Management agreed to keep this position under review moving forward.

Thereafter, Court approved the above minutes as an accurate record

42 MATTERS ARISING FROM THESE MINUTES

The University Secretary apprised Court of the following:

42.1 Minutes of the meeting of the University Court held on 18 September 2019 – unreserved areas of business

(paragraph 15 refers)

Mrs Stewart noted that a meeting would be arranged with the Vice-President of Abertay SA to review the form of words used in the previous minute in relation to the NSS.

42.2 Draft Annual Report of the Audit & Risk Committee for 2018/2019

(paragraph 21.1 refers)

Mrs Stewart noted that a briefing on Health & Safety matters and responsibilities would be prepared for the April meeting of Court.

42.3 Nominee for the next Vice-Chair of Court

(paragraph 23.5 refers)

Mrs Stewart noted that Dr A Ingram had accepted the invitation of Court to chair the Governance & Nominations Committee.

Thereafter, the University Secretary advised members that there were no matters arising that were not already on the agenda.

#### 43 TAY CITIES DEAL: UPDATE

Oral Report

The Principal introduced the above update on progress to date, noting that discussions continued amongst the local partners as well as between the Tay Cities Deal team and the governments in Edinburgh and Westminster. Professor Seaton advised Court that the Heads of Terms had been signed last year and it had been hoped that the definitive contract could have been signed in December 2019, the General Election had had the effect of slowing the process. The Principal advised that the presentation made to Court on the Tay Cities deal by Dr N Coull in February 2019 would be circulated to members for information.

Members noted that the delay was not of itself a cause for concern and it seemed likely that the deal could be signed by the end of March 2020, with the team receiving £11.7m for the cyberQuarter in Dundee. Professor Seaton advised Court that arrangements for the management of an even cash flow in each year of the deal were not compatible with the spending profile of large capital projects but would not be insurmountable.

The Chair advised members that the Principal could be called upon to sign the contract before the next meeting of Court and sought the approval of Court to delegate the authority to scrutinise the final contract to the Principal with oversight from the Chair, the Chair of the Finance & Corporate Performance Committee and the Interim Director of Finance, Infrastructure & Corporate Services. In discussion, members requested clarification of the financial commitments which would be placed upon the University and sought assurances around the responsibility to underwrite any project overspend. Mr Uphill advised Court that use of the funds would be restricted to capital projects and that risk assessments had been carried out to ensure that no other sources of funding would be adversely affected. The expenditure would be subject to scrutiny in accordance with the usual procedures of the University or such procedures as the University might need to put in place to satisfy the terms of the final contract.

Thereafter, Court agreed to delegate formal responsibility for signing the Tay Cities deal contract to Professor Seaton, subject to (1) having discussed the terms of the final contract with Mr Shaw, Mr McDonald and Mr Uphill (or such of them as were available) and taken their advice on the terms of the final contract and (2) having taken such legal advice as was practicable in the time available (and having regard to the likelihood that the final contract was likely to be presented on that basis that it was “non-negotiable”) and share that advice with Mr Shaw, Mr McDonald and Mr Uphill.

#### 44 STRIKE ACTION: UPDATE

Oral Report

The Principal apprised Court of potential strike action across the sector, noting that the UCU had announced 14 consecutive days of action, commencing on 20 February 2020. Whilst this would not affect Abertay, staff at more than 70 Universities in the UK would be taking strike action, which would not be resolved before the next round of annual pay negotiations.

Thereafter, Court noted the report.

45 ANNUAL REPORT ON 2020 KEY PERFORMANCE INDICATORS

CT/0220/30

The Director of Strategic Planning introduced the annual report on KPIs, already considered by the senior management group, the executive group and the Finance & Corporate Performance Committee. Ms Summers reminded members that the KPIs contained in the report were those associated with the 2015-2020 Strategic Plan and that this would therefore be the final report on these KPIs. Court was advised that lessons learned from these KPIs would influence the design of the new set to accompany the Strategic Plan 2020-2025 and which would be brought to the May meeting of FCPC before being presented to Court for consideration and approval.

Of the 21 indicators, four were red, six amber and nine green where 14 KPIs had improved, three had deteriorated and two had remained unchanged. Data from the staff engagement survey had been received but the full results report would be considered by the People, Health & Equality Committee prior to submission to Court.

In discussion, members noted that, although International student numbers had increased, they remained below target and that, whilst the University had dropped 19 league table places from the previous year, this remained within the original baseline. Improvements were noted in student satisfaction and the percentage of Scottish-domiciled entrants from disadvantaged backgrounds, as well as the number of students taking up work experience opportunities.

Retention of articulating entrant students from 2018/2019 into 2019/2020 was higher than the overall retention rate, which remained a matter of concern and was the focus of attention and activity. Concerns were also expressed around the decline in the level of alumni engagement, particularly in view of the not insignificant amount of resource invested in External and Corporate Relations.

Thereafter, Court approved the annual report on Key Performance Indicators.

46 STRATEGIC PLAN 2020-2025: SUPPORTING STRATEGIES

CT/0220/32

The University Secretary introduced the above strategies, noting that these had been developed as supporting strategies for the new University Strategic Plan 2020-2025. Mrs Stewart advised members that these were presented for Court's endorsement only, having been approved by the relevant body to whom Court had delegated authority, including the Executive Group and the University Senate.

46.1 Digital Strategy

CT/0220/33

Court was advised that the purpose of the digital strategy was to articulate the University's digital ambitions, not only to transform its teaching, learning & research but also the way the University functions operationally. In discussion, members noted that a significant commitment would be required to the development and upskilling of staff members and sought assurances that management had taken into account the cumulative effect of successive institutional changes on staff.

Thereafter, and subject to periodic updates from management, Court endorsed the Digital Strategy.

46.2 Learning Enhancement Strategy

CT/0220/34

The Vice-Principal (Academic) introduced the above Learning Enhancement Strategy, which had been developed as an outcome-focused future state with input from a wide range of colleagues. Court noted that staff and students would require different learning needs and urged management to be cognisant of this.

Thereafter, and subject to periodic updates from management, Court endorsed the Learning Enhancement Strategy.

46.3 Research & Knowledge Exchange (RKE) Strategy

CT/0223/35

The Vice-Principal (Academic) introduced the above strategy, intended to address key local, national and international priorities to which Abertay's research base would best respond. Members noted the emphasis on interactive and immersive technologies, as well the importance of pooled excellence in a number of areas.

Thereafter, and subject to periodic updates from management, Court endorsed the Research & Knowledge Exchange Strategy.

47 DRAFT CALENDAR OF COURT AND COMMITTEE DATES FOR 2020/2021

CT/0220/36

The University Secretary introduced that above draft calendar of Court and Court committee dates for session 2020/2021. Mrs Stewart invited comments from members, which would inform a revised calendar to be brought to Court in April for approval. The Chair of the Finance & Corporate Performance Committee welcomed the re-alignment of FCPC and the Audit & Risk Committee meetings.

Thereafter, Court noted the draft calendar.

48 FINANCE & CORPORATE PERFORMANCE COMMITTEE: MINUTES OF THE MEETING HELD ON 21 JANUARY 2020

The minutes of the above meeting, submitted as Enclosure 37, were approved. The following matter was approved:

48.1 Key Performance Indicators

CT/0220/37

Court noted the Committee's consideration of the above report on Key Performance Indicators, which had already been discussed as a separate agenda item.

The following matters were noted:

48.2 Update on Capital / Investment Plans

(paragraph 18 refers)

Court noted the Committee's discussion of the above report on capital/investment plans and, in particular, noted the Committee's concerns that a strategic paper on plans for capital investments had not been produced by management.

#### 48.3 SFC Outcome Agreement

(paragraph 19 refers)

Court noted that the Committee had received and considered the above paper, intended to update members on the development of the University's Outcome Agreement with the Scottish Funding Council for 2020-2021 to 2022-2023.

#### 48.4 Finance Report

(paragraph 21 refers)

Court noted that the Committee had received and considered a high-level overview of the financial position as at 31 December 2019. Members noted that the Committee had expressed disquiet that the information provided had been insufficiently detailed to permit proper scrutiny of the data. One member sought Mr Uphill's assurance that no new capital projects would be brought before the Court for approval before the project selection criteria, mentioned by Mr McDonald, had been approved beforehand. Mr Uphill confirmed that this was the case."

Mr McDonald advised Court that the Committee had been concerned by the lack of papers presented for scrutiny, despite repeated requests for detailed management information. In discussion, Court reiterated these concerns and requested that the Executive give urgent consideration to the issue of institutional fragility, where the absence of one member of senior staff had prevented the production of information on capital projects. Court welcomed the University's success in obtaining transactional funding which would enable the institutions to address backlog maintenance, but sought assurances that project governance and project selection criteria be developed as a matter of urgency. The Principal advised Court that the restructure of the service units was intended to reduce reliance on single points of failure.

Members requested further information on the potential shortfall of £0.5m EBITDA by the year end and were advised that this would not constitute a shortfall in real times, rather an inability in the current financial climate to attain what had been an aspirational surplus.

Thereafter, Court approved the minutes.

### 49 GOVERNANCE & NOMINATIONS COMMITTEE: MINUTES OF THE MEETING HELD ON 2 DECEMBER 2019

The minutes of the above meeting, submitted as Enclosure 38, were approved. The following matter was approved:

#### 49.1 Draft annual report on the effectiveness of Court

(paragraph 16 refers)

Court endorsed the recommendation of the Committee to approve the above draft annual report on the effectiveness of Court. Members noted that gender balance remained an issue and agreed the need to adopt a variety of approaches to the recruitment of new Court members.

The following matter was noted:

49.2 Court membership update

(paragraph 17 refers)

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

***[Secretary's note: The Director of Human Resources & Organisational Development joined the meeting at this point]***

50 PEOPLE, HEALTH & EQUALITY COMMITTEE: MINUTES OF THE MEETING HELD ON 12 DECEMBER 2019

The minutes of the above meeting, submitted as Enclosure 39, were approved, subject to the inclusion of Mrs M Guild in the sederunt. The following matter was approved:

50.1 Draft Relocation Policy

(paragraph 22 refers)

Court endorsed the recommendation of the Committee that the above draft relocation policy be approved.

The following matter was noted:

50.2 Health & Safety matters

(paragraph 21 refers)

Court noted that the Committee had held a lengthy discussion around the management and reporting of Health & Safety matters in the University in relation to an internal audit report on a review of health & safety which had been signed off by the Audit & Risk Committee without having been considered by PHEC. The Committee also reiterated its position that the responsibility of PHEC and of Court members more widely in relation to health & safety remained unclear.

Members were advised that a presentation on Health & Safety matters would be made to the meeting of Court in April.

Thereafter, Court noted the minutes.

***[Secretary's note: The Director of Human Resources & Organisational Development left the meeting at this point]***

51 ACADEMIC MATTERS: INCLUDING REPORT OF SENATE MEETING

CT/0220/40

Court received and noted the above report, intended to apprise members of developments and activities in the academic work of the University and of discussions held at Senate's meeting in January 2020.

52 REPORT ON FREEDOM OF INFORMATION REQUESTS IN 2019

CT/0220/41

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 2019. 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 high rate of timely responses provided within the statutory deadline of 20 working days.

Thereafter, Court noted the report.

53 REPORT ON COMPLAINTS IN SESSION 2018/2019

CT/0220/42

The Head of Governance introduced the above report, required by law, on the handling of complaints by the University in 2018/2019. Dr Ramsay advised Court that the University had seen an increase in the number of complaints compared to the previous year.

Thereafter, Court noted the report.

54 ANY OTHER BUSINESS

No other business was declared.

55 DATE OF NEXT MEETING

Court noted that the next meeting would take place on 15 April 2020.

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**CHAIR**