

Approved



UNIVERSITY COURT

MINUTES

of the meeting of the University Court held on 14 November 2018 at 2pm in the Boardroom of the University.

Chair: Mr E Frizzell
Vice-Chair: Professor E Wilson

Professor L Bacon	Ms G Ghafoor	Mr C Rae
Mr A Bailey	Mr M Grossi	Dr J Rees
Mr J Barnett	Dr M Hinfelaar	Mrs S Scott
Mr M Batho	Dr A Ingram	Professor N Seaton
Mrs L Baxter	Ms V Lynch	Mr M Shaw
Mr J Burt	Mr G MacDougall	Dr K Smith
Dr Y Deeni	Mr I McDonald	Mr T Wilson

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

In attendance: Ms E Fraser
Ms L Jack, observer
Mrs C McCurley, observer
Mr D Reeves (items 10-16)
Mrs C Summers (items 10-16)

Apologies for absence were intimated on behalf of Mr H Aitken and Ms F Robertson.

NON-RESERVED AREAS OF BUSINESS

10 WELCOME

The Chair welcomed members to the meeting. In particular, Mr Frizzell welcomed Ms Louise Jack and Mrs Claire McCurley, who were attending the meeting as observers from External & Corporate Relations and Estates & Campus Services, respectively.

The Chair, on behalf of Court, also commended the Vice-Principal (Academic) for a most interesting and informative presentation on academic governance, which had taken place prior to the Court meeting and thanked Professor Bacon for raising the level of Court's understanding in this area.

11 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. Mrs Scott declared a conflict of interest in relation to agenda item 14 (paragraph 21 refers).

12 MINUTES OF THE MEETING OF THE CHAIR'S COMMITTEE HELD ON 5 NOVEMBER 2018

Court noted the above minutes, submitted as Enclosure 6.

13 MINUTES OF THE MEETING OF THE UNIVERSITY COURT HELD ON 19 SEPTEMBER 2018 – UNRESERVED AREAS OF BUSINESS

Court approved the above minutes, submitted as Enclosure 7, as an accurate record.

14 MATTERS ARISING FROM THESE MINUTES

The University Secretary advised Court that there were no other matters arising that were not already on the agenda.

15 SFC OUTCOME AGREEMENT 2017/2018: SELF-EVALUATION

CT/1118/08

The Director of Strategic Planning introduced the above draft self-evaluation report to the Scottish Funding Council (SFC) on progress made against specific outcomes included in the University's 2017/2018 outcome agreement. Mrs Summers reminded members that Court had an annual responsibility to consider and approve the self-evaluation, prior to submission to SFC and that, while there were no specific resource implications arising from the report, it was a condition of grant that the University made satisfactory progress in delivering its agreed outcomes.

Members were apprised that Court had previously received updates on progress as part of the development of the 2018-2020 outcome agreement and as part of the routine KPI monitoring. There were therefore no particular issues to highlight from the report, which had already been scrutinised by the Finance & Corporate Performance Committee. Mrs Summers advised Court that the report also included an update on recently-published guidance for the next cycle and, where possible, provisional information on the 2018/2019 student population. Members noted that the intensification introduced in the previous year was expected to continue with an expectation of consultation with students, students' associations, staff and trade union representatives with particular emphasis on the elements of the agreement relating to access and gender.

In discussion, members sought assurance around the governance of the £5.1m AHRC Creative Clusters grant and were advised that, whilst Abertay was the lead institution, management of the funds would be subject to rigorous controls, as would any monies awarded as part of the Tay Cities Deal. One member requested information on University activities intended to help students from more deprived backgrounds thrive and achieve and was advised that the institution offered a wide range of services and programmes intended to support all students and which were not restricted to students from SIMD 20 / 40 postcodes.

The President of the Students' Association (SA) drew members' attention to new SFC requirements in relation to gender-based violence and mental health and reminded Court that the SA had appointed an Equally Safe worker to deliver and disseminate training on sexual consent and related issues. Mr Wilson also advised members that a sub-committee of the SA had been established to focus on mental health and that the Association had sought

assistance from Reach Out in preparing their manifesto. One member requested information on the inclusion of veterans in future reports and was advised that veterans were defined as any individual who had served at least one day in HM armed forces.

In relation to investment in teaching and learning facilities and, in particular to the upgrade of the University Library, one member drew attention to the increased budget required to complete the project and requested that consideration be given to including contingency sums in initial budget projections going forward. The Vice-Principal (University Services) advised Court that lessons learned from post-project evaluations would contribute to future projections.

Thereafter, Court approved the self-evaluation report.

16 ABERTAY UNIVERSITY REPORTS & FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 JULY 2018

CT/1118/09

The Director of Finance and Research Funding introduced the above report, intended to provide Court with audited financial statements in order that it could discharge its responsibilities under the Financial Memorandum with the SFC. Court was advised that the report had already been considered by the Finance & Corporate Performance Committee, the Audit & Risk Committee and that the external auditors, EY, had issued an unqualified opinion on the University's accounts. Mr Reeves noted that the 2018 result was in line with the expectations shared previously with Court and consistent with the University's Financial Plan.

In discussion, members noted the University's treatment of pension scheme costs and recognition of income from non-Government sources. Court further noted that expenditure would require to be monitored closely as core income declined but that the University remained in a relatively positive position in an uncertain financial climate.

Thereafter, Court approved the report and financial statements and congratulated the University on having again achieved an unqualified opinion from the external auditors.

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

17 HEALTH & SAFETY ANNUAL REPORT 2017/2018

CT/1118/10

The Vice-Principal (University Services) introduced the above annual report, intended to provide Court with an overview of University activities in the management of health, safety and welfare issues. Mr Batho noted that the Health & Safety Sub-Committee had approved the report and he drew members' attention to a number of key issues.

Court noted that action plans for six of the seven Health, Safety & Welfare (HSW) key objectives had been implemented, while work remained to be undertaken in producing a Health and Safety training framework. One reportable accident had taken place since during the previous year and in-house training had been delivered in a number of areas. Mr Batho advised Court that Mr G Burke had recently retired as Health & Safety Officer after many years of service and that an interim appointment had been made.

Thereafter, Court approved the report.

18 PREVENT DUTY ANNUAL REPORT 2017/2018

CT/1118/11

The University Secretary introduced the above report, intended to provide Court with assurance that the University had discharged its responsibilities in relation to Section 26(1) of the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent students being drawn into terrorism. Mrs Stewart advised members that a Prevent Duty Group had been established, which met regularly and had oversight of the Prevent Duty implementation plan. Court was advised that there were no particular issues of note, but that the University remained vigilant whilst maintaining its commitment to freedom of speech and academic freedom.

In discussion, members noted that 38% of staff had undertaken the voluntary training based on Dundee City Council training and that a revised training module would be released in due course.

Thereafter, Court noted the report.

19 AUDIT & RISK COMMITTEE: MINUTES OF THE MEETING HELD ON 22 OCTOBER 2018

The minutes of the above meeting, submitted as Enclosure 12, were received
The following matter was approved:

19.1 Draft Annual Report of the Audit & Risk Committee for 2017/2018

(paragraph 21 refers)

Court approved the annual report of the Audit & Risk Committee for session 2017/2018. The report, which had been considered by the Committee by circulation, was appended to the minute.

The following matters were noted:

19.2 Internal Audit 2018/2019: Updated plan

(paragraph 8 refers)

Court noted the Committee's consideration of the updated internal audit plan for 2018/2019.

19.3 Internal Audit 2017/2018: Report on review of Student Support, Retention and Attainment

(paragraph 9 refers)

Court noted the Committee's consideration of a report on the above review of student recruitment, retention and attainment.

19.4 External Audit Annual Report 2017/2018

(paragraph 12 refers)

Court noted that the Committee had received and considered the draft External Audit Annual Report for the year to 31 July 2018. No significant control issues had been identified, with management proactive in addressing any weaknesses.

19.5 Draft Abertay Annual Report and Financial Statements for the year ending 31 July 2018

(paragraph 13 refers)

Court noted the Committee's discussion of the Annual Report and Financial Statements, which had been dealt with as a separate agenda item.

19.6 Relationship between the Audit & Risk Committee and the Finance & Corporate Performance Committee

(paragraph 15 refers)

Court noted the Committee's consideration of a paper summarising discussions held to clarify the remits of the Audit & Risk Committee and the Finance & Corporate Performance Committee and its agreement in principle to additional levels of scrutiny.

19.7 Risk Management: update

(paragraph 16 refers)

Court noted that the Committee had received and considered an update on Risk Management and changes to the Strategic Risk Register.

19.8 Draft Template for Status report on Claims

(paragraph 17 refers)

Court noted that the Committee had received and considered a draft template for reporting on formal and uninsured losses.

In discussion, one member requested clarification around the relationship between the Audit & Risk Committee and the Finance & Corporate Performance Committee and was advised that the University Secretary continued to develop a number of proposals, which would be brought to a future meeting of Court for consideration. One other member, having been unable to attend the meeting, sought to understand whether the Audit & Risk Committee had received the integrated report and financial statements as they had been presented in previous years. The Chair of the Finance & Corporate Performance Committee (FCPC) advised that FCPC had discussed the purpose of the report for its various stakeholders in some detail and had agreed that the legally required elements should be submitted to the SFC in order to allow management further time to develop the integrated thinking, which would be reflected in the narrative.

Thereafter, Court approved the minutes.

20 FINANCE & CORPORATE PERFORMANCE COMMITTEE: MINUTES OF THE MEETING HELD ON 23 OCTOBER 2018

The minutes of the above meeting, submitted as Enclosure 13, were approved. The following matters were noted:

20.1 Draft Abertay Annual Report and Financial Statements for the year ending 31 July 2018

(paragraph 6 refers)

Court noted the Committee's discussion of the Annual Report and Financial Statements, which had been dealt with as a separate agenda item.

20.2 SFC Outcome Agreement Self-Evaluation report
(paragraph 7 refers)
Court noted that the Committee had considered the above SFC outcome agreement self-evaluation, which had already received approval as a separate agenda item, above.

20.3 University Finance Report
(paragraph 8 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.

20.4 Capital Projects: Estates Development Update
(paragraph 9 refers)
Court noted that the Committee had received and noted an update on the Bernard King Library refurbishment, Old College heating replacement and carbon reduction projects as well as developments in Whitespace and the Kydd Building cladding.

One member drew attention to the Committee's discussions around capital projects and advised Court that the University's capital investment strategy was expected to develop and that post-occupancy and post-project evaluations would be required in future. Members were also apprised of discussions around major Estates projects, where the majority of activity took place during the summer break when FCPC did not meet, and were advised that a smaller working group would be established to have oversight and scrutiny of significant projects.

One member sought clarification of the right of attendance of the Chair of the Audit & Risk Committee (ARC) at FCPC meetings and was advised that the ARC Chair had access to the papers for FCPC and was entitled to attend FCPC meetings but that the independence of the ARC and its Chair required to be preserved.

Thereafter, Court approved the minutes.

21 GOVERNANCE & NOMINATIONS COMMITTEE: MINUTES OF THE MEETING HELD ON 12 SEPTEMBER

The minutes of the above meeting, submitted as Enclosure 14, were approved.

The following matter was approved:

21.1 Draft resolution to change the legal name of the institution
(paragraph 7.1 refers)
Court endorsed the recommendation of the Committee to approve the above draft resolution to change the legal name of the University, as required by the Privy Council.

[Secretary's note: Mrs Scott declared a conflict of interest in relation to the next matter of business and withdrew]

The following matter was approved:

- 21.2 Nominee for the next Vice-Chair of Court (paragraph 11 refers)
Court endorsed the unanimous recommendation of the Committee that Mrs Scott be appointed as the next Vice-Chair of Court.

[Secretary's note: Mrs Scott rejoined the meeting at this time]

The following matters were noted:

- 21.3 Higher Education Governance (Scotland) Act (paragraph 6 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.

- 21.4 Scottish Code of Good Governance (paragraph 8 refers)
Court noted the Committee's consideration of an update on the implementation of the Scottish Code of Good HE Governance.

- 21.5 Review of Court's Effectiveness (paragraph 9 refers)
Court noted that the Committee had received and noted an update on the implementation of recommendations arising from the review of Court's effectiveness.

- 21.6 Court membership report (paragraph 10 refers)
Court noted the Committee's consideration of a report on the current status of the membership of Court.

22 PEOPLE, HEALTH & EQUALITY COMMITTEE: MINUTES OF THE MEETING HELD ON 4 OCTOBER 2018

Court received and approved the minutes of the above meeting, submitted as Enclosure 16. The following matters were approved by Court:

- 22.1 Development Discussions and Performance Management Framework CT/1118/17
Court endorsed the recommendation of the Committee that the above framework, attached to the minute as an appendix, be approved.

- 22.2 Redundancy Avoidance Policy CT/1118/18
Court endorsed the recommendation of the Committee that the revised policy, attached to the minute as an appendix, be approved.

- 22.3 Student Mental Health Policy CT/1118/19
Court endorsed the recommendation of the Committee that the above policy, attached to the minute as an appendix, be approved.

The following matter was noted:

22.4 British Sign Language Action Plan

(paragraph 12 refers)

Court noted the Committee's consideration of the University's draft British Sign Language Action Plan.

Thereafter, Court noted the minutes.

23 REMUNERATION COMMITTEE REPORT: UNRESERVED

CT/1118/20

The Chair of the Remuneration Committee introduced the above report and advised members that more detailed information regarding the review of Executive officers' salaries would be provided under the reserved item of business at the end of the meeting.

Thereafter, Court accepted the report.

24 SENATE MATTERS: REPORT ON SEPTEMBER & OCTOBER 2018 MEETINGS

CT/1118/21

Court received and noted the above report, intended to apprise members of discussions held at Senate meetings in September and October 2018.

25 PORTFOLIO REVIEW UPDATE

CT/1118/22

The Principal introduced the above update on the portfolio review process noted by Court at its meeting in June 2018 and commended the Director of Strategic Planning on the organisation of the process. In discussion, the President of the Students' Association (SA) expressed dissatisfaction regarding the consultation process and advised members of his opinion that the SA should have been involved in discussions at an earlier stage.

One member raised concerns around the delegation of authority from Court and was advised that such matters were devolved to management and that Court was being provided with an update in response to some negative press attention. Members noted that technical issues had meant that not all Court members had received the email announcement regarding the outcomes of the portfolio review process.

26 COMPLAINTS ANNUAL REPORT 2017/2018

CT/1118/23

The Head of Governance introduced the above report, required by law, on the handling of complaints by the University in 2017/2018. Dr Ramsay advised Court that the University had seen a decrease in the number of complaints compared to the previous year with no complaints received in Quarter 2 or Quarter 3.

In discussion, one member questioned how complaints received from BME students compared to other institutions in the sector and was advised that no other Scottish university monitored the protected characteristics of complainants and that comparison was therefore impossible.

Thereafter, Court noted the report.

27 GRADUATION INFORMATION

The Chair noted that the University's Winter graduation ceremony would take place on Friday 23 November in the Caird Hall and encouraged members to attend.

28 DEPARTURE OF MEMBERS

The Chair noted that this would be the last meeting of Court to be attended by five members: Mrs Lucinda Baxter, Mr Mark Grossi, Dr Maria Hinfelaar, Professor Liz Wilson and himself.

On behalf of Court, Mr Frizzell thanked the departing members for their service and wished them every future success, presenting gifts to each.

The Chair noted that Mrs Baxter had joined Court in 2012 and had been a member of the Governance & Nominations Committee since that time. Members were advised that Mrs Baxter would come to the end of her second period of office as a Court member on 31 December 2018, having made a tremendous contribution to the governance and life of the University. In her committee roles, and also behind the scenes, she had helped to extend the University's network of people and organisations with whom staff and, in particular students, could work collaboratively.

Mrs Baxter thanked Court members and staff and students of the University for their commitment to the success of the institution.

Mr Frizzell noted that Mr Grossi had joined Court as a member in 2010 and had been a member of the Audit & Risk Committee since 2014. He had completed the full three three-year terms of office and therefore had been a stalwart of Court for nearly a decade. As with so many of lay Court members, Mr Grossi had also contributed much to the life of the University behind the scenes, most recently with the Norman Fraser Design Trust Abertay Challenge for students.

Mr Grossi spoke warmly of his connection of the University and thanked all present for their good wishes.

Dr Maria Hinfelaar was noted as having been a member of Court since 2016, as well as a member of the Finance & Corporate Performance Committee whose three-year term of office would end on 31 December 2018. During her time at Abertay, she had had her own very busy professional life, changing job and country from President of Limerick Institute of Technology in Ireland to now Vice-Chancellor of Glyndwr University in Wales. The Chair noted that Dr Hinfelaar had been generous in sharing her experience of running these higher education institutions in a spirit of openness and for this management and Court members alike were grateful.

Dr Hinfelaar thanked members and noted that she hoped to remain a friend of the University in a less formal capacity.

Finally, Mr Frizzell advised all present that Professor Liz Wilson, like Mr Grossi, had joined Court in 2010 and had served for three three-year terms, becoming Vice-Chair in January 2013. Professor Wilson was noted as having had a long association with the University, including being appointed a Visiting Professor in 2004.

During her period on Court, she had been a member of the Audit & Risk Committee, as well as sitting on Chair's Committee and the Remuneration Committee. She attended many Court and committee meetings and took part in innumerable graduation ceremonies and other events. She had also represented the University externally at meetings of the UK Committee of University Chairs when the Chair had not been able to attend, for which Mr Frizzell expressed his gratitude. On behalf of Court, Mr Frizzell thanked Professor Wilson for the great interest she had taken in students, staff and the role she had played in being a mentor to a number of new Court members.

Professor Wilson thanked all present and commended the staff and students of the University.

The incoming Chair of Court, Mr Murray Shaw, then rose to pay tribute to the contribution of Mr Frizzell to the University. Mr Shaw advised members that Mr Frizzell had joined Court in 2006 after a distinguished career as a civil servant, including significant experience in education. Having served as a member of the Finance, People & General Purposes Committee, he became Vice-Chair of Court in 2011 and Chair of Court from January 2013.

Mr Shaw, on behalf of Court, thanked Mr Frizzell for the skill, tact, patience and humour he had brought to Court and commended the influential role he had played in the resolution of difficult issues in previous years.

Court warmly and enthusiastically endorsed Mr Shaw's sentiments.

29 DATE OF NEXT MEETING

Court noted that the next meeting would take place on 6 February 2019 at 2pm in the Boardroom of the University.

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CHAIR