



University Court

Minutes

24 April 2024 held from 14:00 to 17:00 in the Boardroom, Kydd Building

*attended online

Members

Chair

Mr David Brew

Vice Chair

Professor Liz Bacon

Mr Fraser Keir

Mr John Barnett

Ms Veronica Lynch

Ms Liz Blackburn

Mr Jim MacGregor*

Dr Scott Cameron

Mr Antony Marks

Mr Iain Davidson

Dr Hadi Mehrpouya

Professor Ruth Falconer*

Ms Liv Morgan

Ms Kerith George-Briant

Ms Livi Robertson

Professor Alastair Irons

Mr Thomas Sloan*

Ms Lynne Hamilton*

Mr Steven Traynor

Ms Pam Herries

In Attendance

Dr Hannah Coutts (items 82 and 83)

Mr James Nicholson (items 84 and 85)

Ms Eilidh Fraser

Mr Gordon Weir

Apologies

Mr Andrew Bailey

Ms Jackie McKenzie

Ms Robyn Donoghue

Professor Edith Sim

Ms Heather Dunk

Secretariat

Ms Caroline Summers
(Secretary to Court)

Dr Dianne Peden
Ms Vanessa Kind

Open Business

Preliminary Matters

75. Welcome and Apologies for Absence

Oral Report

The Chair welcomed Court to its fourth meeting of the academic year.

Apologies were received as noted above.

Professor Bernard King

Court noted the passing of Professor Bernard King, former Principal and Vice-Chancellor of the University. He was the driving force behind the successful bid to gain university status and was the first Principal of Abertay when it became a university in 1994. Professor King had a transformational impact as Principal and under his leadership, Abertay built a new approach to teaching and research across a period of rapid technological change, including the launch of the world's first video games degree – the spark for our global reputation in this area. Between 1994 and 2004 he led a wider shift in course provision, moving away from traditional engineering towards disciplines such as computing, technology, social sciences, sport and forensics. His legacy could be clearly seen in the campus expansion, including the award-winning design and build of the Bernard King Library and construction of what is now the Annie Lamont Building.

On behalf of Court, the Chair formally acknowledged Professor King's contribution to Abertay and offered its sincere condolences to his family.

76. Public Engagement Event

Court noted that the annual Public Engagement Event had taken place earlier that day. Court thanked all those involved in organising the event.

77. Declaration of Potential Conflicts of Interest

Oral Report

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 items for discussion under Open Business. None were declared.

Court and Governance Matters

78. Minutes of the meeting held on 20 February 2024

CT/0424/54

The Chair drew Court's attention to the fact that the approved minutes would be published on the University website. Court was advised of a required correction to item 56, "Court was advised that the Progression Assessment Boards..." should be corrected to "Court was advised that the Programme Assessment Boards...".

Court received and considered the minutes, submitted as enclosure 54, and approved them as an accurate record, subject to the minor correction as noted above.

79. Matters Arising from these Minutes**Oral Report**

The Chair noted that the action arising from the previous meeting was complete. No other matters were raised.

80. Report from Chair's Committee**Oral Report**

The Chair highlighted that it had been decided that a meeting of the Chair's Committee was not required prior to this meeting of Court. Court was advised that the Committee had approved the minutes of its meeting held on 9 February 2024, which had been provided to Court for information at its February meeting and had agreed the agenda for today's meeting by correspondence.

Matters for Discussion

[Mr T. Sloan joined the meeting]

**81. Confidential: Proposal for Changes to the Academic Structure
of the University****CT/0424/55**

The Principal and Vice-Chancellor, Professor Liz Bacon, introduced the Proposal for Changes to the Academic Structure of the University, submitted as enclosure 55, noting that Court had discussed the initial proposal at the Court Conference on 21 February 2024. Court was advised that consultation on the proposal to restructure from three to two Academic Schools (with up to eight Divisions) had taken place with staff between 27 February and 31 March 2024 with staff attending a number of consultation sessions as well as being encouraged to provide feedback by email. Staff also had access to an intranet site with Frequently Asked Questions which were added to over the consultation period. Court's attention was drawn to Appendix 2, which provided a summary of feedback received during the consultation period and the Senior Management Team (SMT)'s response. Court praised the consultation process and welcomed the detailed responses which had been provided for the feedback received.

Professor L. Bacon introduced the final academic structure proposed by SMT. After reviewing the feedback received by email and in the consultation meetings, SMT considered that the original proposed structure remained the best outcome overall for the University. One proposal had been accepted, namely, to change Schools to Faculties and Divisions to Departments. Court noted that the proposed Faculty titles provided in enclosure 55) were working titles and final titles would be agreed in consultation with Deans and Faculty staff.

Court asked that in addition to the Staff Full-Time Equivalent (FTE) in each of the departments that the FTE of students was also included. Court queried the rationale for Accounting, Business and Management being grouped with Design and Informatics rather than with Psychology and Sociology. Professor L. Bacon noted that SMT had considered both options and had agreed that the former was a stronger proposal due to the synergies between disciplines and the potential for further growth in online and Transnational Education activities.

Action: Principal and Vice-Chancellor to ensure the amendments requested by Court in relation to student FTE and rationale for co-locating Accounting, Business and Management with Design and Informatics be made prior to circulation to staff.

Court's attention was drawn to section 6, which summarised the key implementation steps, and it was highlighted that a project team would be established by the beginning of May to manage the implementation of the changes to structure, Court discussed opportunities for new or re-defined roles for staff, noting that this was being reviewed by the Deputy Principal and Deputy Vice-Chancellor, Professor A. Irons, along with the related workload allocation for roles such as Deans and Heads of Departments. Court welcomed the intention to provide additional training and support for individuals taking on new or re-defined roles. Court discussed the impact on Professional Services Staff in the Comprehensive Equality Impact Assessment (CEIA) (Appendix 4) and noted that the majority of staff impacted would be within the academic schools, but that the impact on professional services staff had also been considered.

The Abertay Students' Association President, Ms L. Robertson, raised the need to engage with the Students' Association to review student representation in light of the new structure, including considering the number of divisional reps in light of both the number of departments and the student populations.

Action: Principal and Vice-Chancellor to ensure that the implementation project team engage with the Students' Association in relation to any impacts on student representation.

Court was content to agree on the recommendation from the Senior Management Team regarding the final academic structure of the University.

Court formally noted the updates on the additional planned activities identified in the Court paper circulated on 21 February 2024.

[Dr H. Coutts joined the meeting]

82. Scottish Funding Council Update

CT/0424/56

Court received a presentation from the Vice-Principal (Strategy and Governance) and University Secretary, Ms C. Summers, on the Scottish Funding Council (SFC) Funding 2024-25 indicative funding announcement. This had been published on 18 April 2024 after circulation of the Court papers.

Court discussed the significant impact of the indicative funding announcement, acknowledging the higher reliance on SFC funding at Abertay compared to others in the sector. It noted the expectation that the SFC still intended to recover ('claw back') funding for under-recruitment in 2022-23 which, although not part of the announcement, would impact overall funding in 2024-25. Professor L. Bacon highlighted that Universities Scotland would be submitting a response in relation to the impact on modern universities, in particular related to pensions.

Court noted that the SFC funding announcement would feed into the operational planning and budgeting process, which would be considered by the Finance and Corporate Performance Committee (FCPC) at its meeting on 4 June 2024. Court queried whether the announcement impacted the rationale for and/or the outcome of the academic restructure of the University as discussed under item 81. It was confirmed that there would be no impact on the agreed new structure and indeed that it underlined the need to focus resources on income-generating activities. The current operational planning and budgeting had included forecasts for a reduction in SFC funding and for clawback.

The Chair reported on discussions with the Minister for Higher and Further Education, Mr Graeme Dey, and Mr Mike Cantlay (Chair of the SFC) at the March meeting the Committee of Scottish University Chairs which he had attended.

Court formally noted Scottish Funding Council Funding Update.

83. Draft Risk Appetite Statement

CT/0424/57

Ms C. Summer introduced the draft Risk Appetite Statement, submitted as enclosure 57, highlighting that it was intended as a preliminary discussion prior to Court being asked to consider and approve a final statement as part of the refreshed Risk Management Policy and Framework in June. Court was advised that the draft statement incorporated feedback from the Audit and Risk Committee (ARC) at its March meeting. Court welcomed the updated format and how it could be used along with the University's Key Performance Indicators when considering items at both Court and its Committees. In discussion, Court queried whether "Approach to Investment" should be considered as a separate category.

Court discussed whether an information session on risk management from the auditors could be provided to Court members. Ms C. Summers confirmed that she would discuss options for such a session with the Chair, the Chair of ARC, Mr J. Barnett, and the Director of Finance, Infrastructure and Corporate Services, Mr G. Weir. Mr J. Barnett highlighted that Court members are welcome to observe any meetings of the ARC, including that on 28 May, when the Risk Management and Policy would be considered

Action: Vice-Principal (Strategy and Governance) and University Secretary to discuss an information session on Risk Management with the Chair, the Chair of the Audit and Risk Committee and the Director of Finance, Infrastructure and Corporate Services.

Court formally noted that it would be asked to approve a final version as part of the revised risk management policy and framework at its June meeting.

[Dr H. Coutts left the meeting]

Matters for Approval

[Professor A. Irons and Mr J. Nicholson joined the meeting]

84. Equality Report

CT/0424/58

The Director of Student and Academic Services, Mr J. Nicholson, introduced the Equality Report, submitted as enclosure 58, highlighting that the report had been considered by the People, Health and Equality Committee at its meeting held on 12 March 2024 and that the requested changes had been incorporated prior to its submission to Court. Court was advised that that this was an internal report to monitor progress and that the biennial Equality Mainstreaming Report was not due until 2024-25.

Court's attention was drawn to the increase in the proportion of students in the 25+ age group (associated with an increase in the number of postgraduate taught students), an increase in the number of students who have declared a disability (not all requiring a support plan), and the increase in the number of neurodivergent students.

The Director of People and Organisational Development, Ms E. Fraser, highlighted that the University had recently had its Bronze Athena Swan award renewed. Court's attention was drawn to the pay gap data (which had remained relatively stable), the proportion of staff who had declared a disability and the increase in the percentage of Black, Asian and Minority Ethnic (BAME) staff.

Court was advised that the current Court membership met the 'gender representation objective' for a public board to have 50% of non-executive members who are women. Court noted that adoption of the National Equality Outcomes (NEOs) would require Court diversity data to consider protected characteristics beyond gender.

Court approved the Equality Report, subject to a minor amendment.

85. Student Code of Discipline: Non-Academic Misconduct

CT/0424/59

Mr J. Nicholson introduced the Student Code of Discipline: Non-Academic Misconduct, submitted as enclosure 59, noting that the paper had been considered by the People Health and Equality Committee (PHEC) prior to submission to Court. He advised Court that the draft Code had been reviewed by the University's legal advisers at the request of the Chair to ensure that the code complied with ECHR standards. Additionally, Mr Nicholson stated that the current Code and proposed changes reflected UUK guidance and followed best practice in the sector to ensure a trauma informed approach to handling cases [*Sexual Misconduct Risk and Needs Assessment in Universities*, published by Lime Culture].

Court had a robust discussion regarding the proposed changes to the process for disciplinary hearings, in particular whether they offered sufficient protection to the accused student and were in line with the sector norm. The risk of reputational damage to the University was highlighted if the process was to be challenged. Court discussed the importance of ensuring that the Code met the statutory requirements

for the University and its duty of care to its students as well as ensuring that this did not replace the reporting of criminal matters to the appropriate authorities.

Court acknowledged the importance of ensuring that the students involved were supported appropriately and Court was reassured that all students going through these processes received support from Student and Academic Services and from the Students' Association. It was suggested that additional training for Students' Association staff in this area would be beneficial. Court noted that the outcome of disciplinary hearings remained on the student record with appropriate retention applied, but it was not a matter of public record.

Court agreed that further discussions were required prior to approval. Court was reminded that the current version (without any of the proposed changes) would be applicable until a revised version is approved. Court agreed that the Student Code of Discipline: Non-Academic Misconduct should be considered further by PHEC, with appropriate additional advice, and be resubmitted to Court once the remaining issues had been resolved.

[Mr J. Nicholson left the meeting]

Committee Matters

86. Audit and Risk Committee

86.1 Minutes of the meeting held on 26 March 2024

CT/0424/60

Court was advised that the minutes of the meeting of ARC held on 26 March 2024, submitted as enclosure 60, were largely for information.

Court's attention was drawn to:

Discussion of the Review of Financial Regulations (Item 37) and Corporate Financial Integrity Policy (Item 38), recommended to Court for approval by FCPC (Item 86.1).

Risk Management Update Report (Item 42) which included the draft Risk Appetite Statement which Court had discussed under item 82.

Report on Pension Schemes (Item 43) which had been provided to Court for information as Annex A and had also discussed by FCPC prior to its submission to Court.

Court formally noted the minutes of the meeting of the Audit and Risk Committee from 26 March 2024.

87. Finance and Corporate Performance Committee

87.1 Minutes of the meeting held on 20 March 2024

CT/0424/61

Court was advised that the minutes of the meeting of FCPC held on 20 March 2024, submitted as enclosure 61, were largely for information.

Court approved the Financial Regulations, submitted as Annex A.

Court approved the Corporate Financial Integrity Policy, submitted as Annex B.

Court approved the programme of work funded from the sales of residences as outlined in the Capital and Infrastructure Projects Update, submitted as Annex C.

Court formally noted the minutes of the meeting of the Finance and Corporate Performance Committee from 20 March 2024.

88. Governance and Nominations Committee

88.1 Minutes of the meeting held on 19 March 2024

CT/0424/62

Court was advised that the minutes of the meeting of the Governance and Nominations Committee held on 19 March 2024, submitted as enclosure 62, were largely for information.

Court approved the re-appointment of Ms Heather Dunk and Ms Lynne Hamilton until 30 June 2027.

Court formally noted the minutes of the meeting of the Governance and Nominations Committee from 19 March 2024.

89. People, Health and Equality Committee

89.1 Minutes of the meeting held on 12 March 2024

CT/0424/63

Court was advised that the minutes of the meeting of PHEC held on 12 March 2024, submitted as enclosure 63, were largely for information.

Court's attention was drawn to:

Equality Report (Item 37) which Court had discussed under item 83.

Student Code of Discipline (Non-Academic Misconduct; Item 38) which Court had discussed under item 84.

Court approved the Sustainable Travel Policy, submitted as Annex A.

Court formally noted the minutes of the meeting of the People, Health and Equality Committee from 12 March 2024.

Senate Matters

90. Minutes from the meeting of Senate held on 27 March 2024

CT/0424/64

Court was advised that the minutes of the meeting of the Senate held on 19 March 2024, submitted as enclosure 64, were largely for information.

Court's attention was drawn to the discussions at Senate in relation to the consultation on the academic structure of the University as discussed under item 80.

Court noted that Senate had approved the following items:

Senate Review – Committee Terms of Reference (Item 36)

Senate and its Committees – Schedule for 2024-25 to 2027-28 (37)

Division of Games and Arts Institution-Led Review Report and Action Plan (Item 38)

Division of Health Sciences Institution-Led Review Report and Action Plan (Item 39)

AbLE Academy Institution-Led Review Report and Action Plan (Item 40)

Court formally noted the minutes of the meeting of the Senate from 27 March 2024.

91. Academic Matters Report

CT/0424/65

Court formally noted the Academic Matters Report.

Matters for Information

92. Executive Group Report to Court

Oral Report

Court noted that there were no substantive matters which the Executive Group wished to update Court which are not already on the agenda or have been previously notified to Court.

93. Students' Association Report to Court

CT/0424/66

Court formally noted the Students' Association Report to Court.

Concluding Matters

94. Any Other Competent Business

Oral Report

No other competent business was raised.

[Ms E. Fraser and Mr G. Weir left the meeting]

Next meeting: Wednesday 26 June 2024

Chair: Mr David Brew