

Council

15 March 2022

- Present:** Joe Docherty (Chair), Joanna Barker, Jonathan Bewes, Kay Boycott, Camila Caiado, Leslie Ferrar, James Grierson, Denise Lievesley, Antony Long, Colin Macpherson, Cheryl Millington, Rebecca Morris, Liadi Mudashiru, Karen O'Brien (Vice Chancellor), Nigel Perry, Kate Pretty, Ari Sadanandom, Corinne Saunders, Terry Toney, Andrew Tremlett, and Seun Twins.
- In Attendance:** Alison Blackburn (Interim University Secretary), Janette Brown (Lay Member Observer), Declan Merrington (PG Academic Officer), Stephen Willis (Chief Financial Officer), and Kelly Knapp (Minutes).
- John Hemingway (minute 87).
- Apologies:** Sandip Biswas (Lay Member Observer), Alison Hastings, and Amir Michael.

Minutes of a meeting held on 15 March 2022
in the Lindisfarne Centre, St Aidan's College and via Zoom
(All documents listed are filed with the official copy of the Minutes)

Action

- 78. Declarations of Interest**
Noted: there were no declarations of interest.
- 79. Minutes of Meeting 1 February 2022 (C/21/61 Confidential Restricted)**
Approved: the minutes of the meeting held on 1 February 2022 with the exception of 67(f) (ii) that was to be updated to read: "Assurance had been received that there was a recognition of the issues and a commitment to rectify; Audit & Risk Committee would monitor progress." The change followed agreement that monitoring progress by both Committees would be duplicative and unnecessary.
- 80. Matters Arising**
Noted: there were no matters raised.
- 81. Action Log (C/21/62 Confidential) and Schedule of Business (C/21/63 Confidential Restricted)**
Noted: the status of the Action Log and Schedule of Business.
- 82. Chair's Business**
Received:
- Approval via Chair's Action:** the Chair had approved an update to the *Sexual Misconduct & Violence Policy* to reflect minor changes to the definitions of coercion and force.
 - Chancellor Appointment:** the Joint Committee had been established and had met to review and agree the role description, nominations process, selection criteria and timeframes. Thereafter, a communication had been issued to staff, students, and convocation seeking nominations. The Joint Committee would meet to review the nominations in order to produce a longlist of candidates for initial due diligence and then reconvene to agree a shortlist of approximately eight candidates.
 - University Secretary Appointment:** several Council members were involved and thanked for their efforts to date. Interviews would be scheduled the end of April.
 - Council Effectiveness Review:** Governance and Nominations Committee (GNC) was scheduled to meet later in the month and would review proposed actions for each of the Recommendations, Suggestions and Areas for Improvement noted in the Report.

- e) **Senate Effectiveness Review:** the Steering Group had agreed Halpin be engaged to conduct the Review. Halpin's proposal had been received and would be reviewed and discussed at the Steering Group's forthcoming meeting to confirm the scope, methodology, stakeholders to be involved, and timeframes. The Review was anticipated to be completed by June and the Report was provisionally scheduled for presentation to Senate at its June meeting and Council at its July meeting.
- f) **University Executive Committee Membership:** following approval by GNC and Senate, Council was asked to approve the addition of Shaid Mahmood, Pro-Vice Chancellor Equality, Diversity and Inclusion as a member of University Executive Committee (UEC), a joint committee of Council and Senate.

Agreed:

- a) approval of the Pro-Vice Chancellor Equality, Diversity and Inclusion as an ex officio member of UEC.

83. Vice-Chancellor's Report (C/21/64 Confidential Restricted)

Noted:

- a) Student Recruitment was being closely monitored via regular updates to UEC by the Pro-Vice Chancellor Global. Recent over recruitment had placed significant pressure on student accommodation, which needed to be managed. Postgraduate Taught (PGT) student targets were currently tracking below plan;
- b) the University had responded to a Universities UK consultation regarding options for reforming the Universities Superannuation Scheme (USS) pension scheme. After reflecting carefully on sector affordability UEC had agreed that the UUK proposal was currently the only workable option that would avoid the total contribution rate escalator taking effect from April 2022 and did not recommend a change from the previous Council-approved position to support the UUK proposal. UEC recognised the new ideas brought forward by UCU and that as a matter of urgency there was a need to accelerate discussions with stakeholders on reform of the USS scheme. Following consultation with Finance Committee and the Chair of Council, a brief consultation response on the UCU proposal was submitted to UUK.
- c) recently there had been ten days of University and College Union (UCU) industrial action and the impact to students was being assessed. In general, staff who had cancelled seminars / labs had minimised the impact to students; there had been a minority of staff involved in all ten days. A further five days of industrial action was planned for the end of the month that coincided with Easter vacation but could impact fieldtrips scheduled during that time. UCU had issued a ballot to take further industrial action, which included a marking and assessment ballot, that would close 8 April 2022. The Executive were reviewing University policies and were in communication with other universities to help prepare appropriate mitigants;
- d) the review of the event in early December 2021 at South College had concluded; Council was provided with assurance that action was being taken. As a next step, a Head of College had been engaged to examine and make recommendations to Senate on how the University engaged external speakers for College-based events. The recent publication of this update had resulted in some press coverage;
- e) the University Strategy was nearing its halfway point. The Vice Chancellor and Chair of Council had agreed to undertake a mid-Strategy review that would be presented to Council by the end of the calendar year;
- f) the war in the Ukraine was being monitored whereby the University's priority focused on student safety; Modern Languages students who had been in Russia were now safely in Durham and monitored to ensure their fundamental needs continued to be met. Teaching, learning and research activities were being assessed. The Director of Estates and Facilities was undertaking an assessment of potential accommodation options for refugees. A European Crisis Planning Group had been established to meet weekly and would be chaired by the Pro-Vice Chancellor Global and the Executive Dean of the Faculty of Arts and Humanities.

84. Update: Estates and Development

Received: the Vice Chancellor provided a verbal update on certain estate matters.

Noted:

- a) there had been a productive discussion at Finance Committee where it was agreed that the Estate Master Plan and Non-Residential Refurbishment Programme would be revisited in alignment with a shift in approach for project approvals. The revised Plan / Programme and associated budgets would be agreed and thereafter projects included within it would not require re-approval. The change in approach should help streamline and improve the pace of decision making and thereby remove unnecessary delays to the work required;
- b) the Director of Estates and Facilities was preparing a staffing plan to identify the resources required to address the backlog of work both in the short and long term;

Closed Minute

85. Senate Report (C/21/65 Open)

Noted: a report summarising the matters discussed by Senate at its March 2022 meeting.

86. Students' Union Report (C/21/66 Confidential Restricted)

Noted:

- a) there had been a great deal of student activity in response to the war in Ukraine with considerable attention around refugees. Students were keen to understand what the University could do and had arranged to speak with the Pro Vice Chancellor Global;
- b) students were generally understanding of the industrial action and supported the rationale for the action taken; however, ongoing industrial action was taking a toll on students. There was increased frustration and it was doubtful there would be support from students for future industrial action, especially if it involved assessment marking boycotts. Students could start requesting fee rebates;
- c) accommodation continued to be a struggle for students and was a priority topic for the incoming DSU President. Securing accommodation often posed mental and financial anguish for students and in some instances resulted in physical safety concerns. Current student numbers had exacerbated the predicament and forthcoming energy price increases would further strain most students. There was a need for the University to partner with students and private accommodation providers to help identify solutions for improving the situation both in the short term and long term. The pre-Council event where students had been invited to share their opinions was deemed a valuable session and hopefully would serve as a foundation for understanding and addressing some of these concerns.

John Hemingway joined the meeting for the following item.

87. Information and Cyber Security Strategy (C/21/67 Confidential Restricted)

Noted:

- a) the cyber security landscape was developing rapidly and the University needed to respond proactively. Other universities, including ones in the North East, had experienced compromises and the University had reacted to minimise / neutralise impact accordingly;
- b) the Information and Cyber Security Strategy (Strategy) had been developed in collaboration with internal and external stakeholders, including sector bodies, and established a position to be rolled out across the University centrally via Computing and Information Services (CIS). The Strategy had been reviewed by Operations Board and UEC with both strongly endorsing what was proposed;
 - i. the Head of Information Governance Unit had been a critical contributor in the Strategy's development and the associated risk register;
- c) recognition of not having the expertise and skills to realise the Strategy, which needed to be addressed via a combination of internal and external parties;
 - i. a Director of Cyber security was being recruited who would be responsible for the implementation and monitoring of the Strategy;
 - ii. leveraging a third-party Security Operations Centre would provide 24-hour monitoring of potential cyber threats and compromises;

- d) the University was not ISO 27001 *Information Security Management* compliant and it would most likely be difficult to achieve all of the requirements. However, progress had been achieved on certain aspects, including the establishment of a *Trusted Research Environment* meeting Cyber Essentials accreditation that was beneficial as certain funders were requesting this accreditation;
- e) Audit and Risk Committee perceives cyber security to be one of the most significant risks to the University and has therefore focused significant time on the subject. Whilst progress had been made in recent years, the distributed manner in which the University was structured and operated resulted in an increased exposure that required culture awareness and stakeholder management across the institution to help manage;
 - i. the University was considered to be in the forefront of the sector with the Distributed IT Operations work; however, higher education was deemed to be lagging against other sectors;
 - ii. a deliberate approach had been adopted that prioritised the biggest threats (e.g., protection of student and staff information) and addressing them first. However, the ideal risk level would not be achieved until the Digital Strategy Roadmap was completed. Opportunities to accelerate the most pressing aspects of the Cyber Security Roadmap would be investigated, but the key to success was progressing change at a pace the University could absorb;
 - iii. utilisation of historical decentralised technology solutions increased risk and the need for mitigation. CIS sought a collaborative approach with University stakeholders to help maintain transparency and promote adoption of Strategy's requirements;
- f) external providers were used to test new services accessible from the Internet and similar tests would be routinely conducted going forward. Systems were scanned for vulnerabilities using industry standard tools, with mechanisms in place to apply critical security fixes promptly. The ongoing deployment of Microsoft Defender for Endpoint enabled the rapid detection and containment of threats, and the proposed introduction of a Managed Security Operations Centre would significantly enhance this capability;
- g) implementation costs were not reflected in the Report but some were included in the previously approved Digital Strategy. Ongoing operational costs, once determined, would be presented to UEC for review and approval.

Agreed:

- a) approval of the Information and Cyber Security Strategy;
- b) the Strategy and associated policies and procedures must be defined centrally and implemented across the entire University and, if required, enforced to ensure compliance;
- c) a detailed implementation plan / roadmap and associated measurement tools to be defined and presented to Council in Michaelmas Term 2022. Thereafter, a semi-annual update of the Strategy, associated plan, and operating expenditure to be presented. JH

John Hemingway left the meeting.

88. Diversity Pay Report (C/21/68 Confidential Restricted)

Noted:

- a) the Report had been reviewed by UEC and the Remuneration Committee and reflected modest improvements for the period. The pace of change was affected by long serving members of staff and the resulting low level of turnover as well as recruitment challenges in certain areas;
- b) strides had been made in academic recruitment where balanced candidate pools were sought; however, there were certain academic fields where securing a diverse pool was difficult to achieve. Converting students to early career academics also contributed to improvements;
- c) the University often struggled to compete with private sector companies for Professional Services staff, especially companies who had more recently established a presence in the region. Recruitment for certain senior roles was difficult and thereby presented difficulties in securing a diverse pool of candidates. Furthermore, there had been a shift in post-

pandemic candidate expectations to align with new lifestyles, flexible working, etc. that was being monitored;

- d) outsourcing lower grade staff had been explored. Whilst the scenario would help improve the gender pay gap, the option was not deemed the best solution for the University, its staff, and the wider community and therefore would not be pursued;
- e) promotion and discretionary pay opportunities continued to be monitored;
- f) benchmarking against Russell Group universities was not a “like for like” comparison as most had a Medical School, which impacted pay and diversity. The University focused on best practices – both within higher education and other sectors – that could be emulated.

89. Ethics Committee Report 9 February 2022 (C/21/69)

Noted: a report of the matters discussed by the Ethics Committee on 9 February 2022

90. University Strategy Implementation Committee Report: 12 January 2022(C/21/70)

Noted: a report of the matters discussed by the University Strategy Implementation Committee on 12 January 2022. The Science Research Strategy was to be revised as well as corresponding infrastructure requirements and associated investment needs.

91. Remuneration Committee Report 23 February 2022 (C/21/71 Confidential Restricted)

Noted: a report of the matters discussed by the Remuneration Committee on 23 February 2022.

92. Finance Committee Report: 2 March 2022 (C/21/72 Confidential Restricted)

Noted:

- a) many of the projects / programmes within the Capital Plan had been placed on hold in response to the pandemic, resource constraints, etc. As a result, the University held significant cash reserves; however, the acquisition of The Sands would deplete about half of the University’s current cash reserves;
- b) forecast capital spending models indicated cash reserves were not sufficient to realise the Capital Plan;
- c) the Capital Plan was being reprioritised taking into consideration the delays, costing changes and other programmes (e.g., Science) not included but now required attention. Finance Committee were monitoring actual and planned spending to help ensure the University’s ongoing sustainability;
- d) the new finance system and the information the tool would provide / produce was critical to future planning and monitoring.

Agreed:

- a) approval of the ‘Creating an Integrated and Next Generation Finance Function’ Full Business Case forecasted to cost £5.3 million which will be met from the funds already included in the University Capital Programme to facilitate the implementation of the Digital Strategy.

Council received the following business for information

93. HR Report on Key Staffing Matters (C/21/73 Confidential Restricted)

Noted: a report providing information relating to senior staff appointments and retirements relevant to the key strategic risk around attraction and retention of staff.

94. Register of Sealings (C/21/74)

Noted: a report of documents that had been sealed since the last meeting of Council.

95. Business Agreed by Circulation since the last meeting

Noted: 8 Feb 2022: Head of Department: Engineering: Professor Charles Augarde with effect from 01 August 2022 for a period of three years to 31 July 2025

96. Dates of Future Meetings

Noted: the dates of future meetings: 10 May 2022, 7 June 2022, and 12 July 2022.