

Council

10 May 2022

**Present:** Joe Docherty (Chair), Joanna Barker, Jonathan Bewes, Kay Boycott, Camila Caiado, Leslie Ferrar, James Grierson, Alison Hastings, Denise Lievesley, Antony Long, Colin Macpherson, Amir Michael, Cheryl Millington, Rebecca Morris, Karen O'Brien (Vice Chancellor), Nigel Perry (minute 106), Kate Pretty, Ari Sadanandom, Corinne Saunders, Terry Toney, Andrew Tremlett, and Seun Twins.

**In Attendance:** Sandip Biswas (Lay Member Observer), Alison Blackburn (Interim University Secretary), Janette Brown (Lay Member Observer), Declan Merrington (PG Academic Officer), Stephen Willis (Chief Financial Officer), and Kelly Knapp (Minutes).

Kieran Fernandes and David Loudon (minute 105); Stephen Taylor and Emma Moody (Womble Bond Dickinson) (minute 106).

**Apologies:** Liadi Mudashiru

**Minutes of a meeting held on 10 May 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**

**97. Declarations of Interest**

**Noted:** A Michael, Associate Dean for MBA and DBA Programmes in the Business School, declared an interest related to Minute 105.

**98. Minutes of the Meeting on 15 March 2022 (C/21/75 Confidential Restricted)**

**Approved:** the minutes of the meeting held on 15 March 2022 with the exception of 87(e) where the first sentence would be removed and replaced with "In common with the majority of organisations, cyber security has been identified as one of most significant risk areas for the University and Audit and Risk Committee has therefore focused significant time on the subject."

**99. Matters Arising**

**Noted:** there were no matters arising.

**100. Action Log (C/21/76 Confidential) and Schedule of Business (C/21/77 Confidential Restricted)**

**Noted:** the status of the Action Log and Schedule of Business.

**101. Chair's Business**

**Received:** a verbal update from the Chair on the following matters:

- a) **Chancellor Appointment Update:** the Joint Committee had reviewed 130+ submissions and agreed a long-list of 19 potential candidates. A desktop due diligence exercise would be undertaken prior to the next meeting of the Joint Committee where a short-list of candidates would be agreed;
- b) **University Secretary Appointment Update:** interviews had taken place and further conversations with candidates were taking place with the Vice Chancellor and Chair of Council prior to a final decision being reached. Members who took part in the selection process were thanked for their contribution;
- c) **Dean of Durham Cathedral:** congratulations were offered to the Dean following the announcement of his appointment as Dean of St Paul's Cathedral as well as his recent

marriage. The Dean would assume the new post in the autumn and would continue to participate on Council until the end of the academic year.

## 102. Vice-Chancellor's Report (C/21/78 Confidential Restricted)

### Noted:

- a) the Chief Information Officer (CIO) would retire in October 2022 and recruitment for his replacement was underway. The CIO had agreed to continue to support the University in a consultancy and transitional role;
- b) the University had identified a new Executive Dean (Business) from a strong field of candidates. An offer had been made and accepted. An announcement would be made once the candidate had agreed timing with their current employer;
- c) the Student Support project was beginning to come to fruition as part of the wider Case for the Integrated Student Experience Programme with colleagues across the institution working together on the initiative in preparation for launch in the new academic year;
- d) the threat of University and College Union (UCU) industrial action continued with in connection with pay and pension concerns. Recently the University had been formally notified of proposed industrial action that included a marking and assessment boycott. Mitigation plans had been prepared, but there was a risk that graduation plans for certain students could be hindered;
  - i. the proposed industrial action aligned with the UCU's nationally led dispute. Productive conversations had been held with the local UCU branch;
  - ii. a marking boycott would more significantly impact the University versus others in the sector as Durham conducted graduation approximately three weeks earlier than its peers;
  - iii. there had been a high number of emails from students to the Vice Chancellor. Communications to students reiterated that they should continue to submit work and take their exams and that the University was working to mitigate the impact of industrial action. Further communications would be undertaken once the University had further detail around planned activity and timing;
  - iv. May 23<sup>rd</sup> was the earliest date industrial action could begin;
  - v. the annual National Pay award had been agreed that resulted in an average increase of 3.18% across all pay grades. The increase was expected to be disputed by the Unions and therefore result in further discussions;
- e) a review of the International Study Centre was underway that included an understanding of the student experience. The majority of students were from mainland China and felt their time in Stockton was favourable. The majority of postgraduates transitioned to Durham but many of the undergraduates did not;
- f) the anticipated impact from the Augar Review response on the University was considered manageable taking into consideration the diverse range of studies offered. The next two years would be critical for the sector as the fee cap would not be sustainable in the long term;
- g) the University Executive Committee (UEC) received regular updates on recruitment and admissions.
  - i. PGT recruitment for the Business School continued to be very dependent on students from China. The University planned to expand its footprint in India and the United States as well as raise its profile in other markets;
  - ii. UEC had had a lengthy discussion on the current and desired size and shape of the student population that resulted in a need for further work to be undertaken, to be presented to Council once complete;
- h) UEC had received the Research Excellence Framework (REF) results which required further analysis (e.g., calibration against other Universities, financial impact, etc.) before dissemination to Council and other stakeholders;
- i) the job title changes for the Vice- Provosts (Education and Research) to Pro-Vice-Chancellors (Education and Research) would not have governance structure impacts. The changes were consistent with other Russell Group universities;
- j) the new Academic Registrar, Dr Monika Nangia, had joined the University at the beginning of the month. Tony Fawcett, Deputy Vice-Provost (Education), was commended for the excellent job he had done as the interim Academic Registrar;

**103. Senate Report (C/21/79 Open)**

**Noted:** the matters discussed by Senate at its April 2022 meeting.

**Received:** a verbal update on the Senate Effectiveness Review (SER) from the SER Working Group Chair.

- a) the Working Group had held extensive discussions with Halpin to define the scope which had resulted in an expanded list of interviewees to provide an opportunity for as many stakeholder voices to be heard;
- b) Halpin was scheduled to report its findings on 15 July and outcomes would be reported to Senate and Council subsequent to that.

**104. Durham Students' Union (DSU) Report (C/21/80 Confidential Restricted)**

**Noted:**

- a) the proposed industrial action was of concern for students, especially mature students who had expressed anxiety about the status of their future prospects as a result of industrial action;
- b) the DSU had historically supported the UCU, but in this instance the DSU did not support the proposed tactics that involved a marking boycott. The DSU was working with University personnel on mitigation efforts and associated communications;
- c) the Cultural Commission Report would be launched on May 18<sup>th</sup> in coordination with the Pro Vice Chancellor (Equality, Diversity and Inclusion). As the Report had been shared with Council as a late paper, sufficient time was required for Council to digest and as such the Report would be scheduled for discussion at a later meeting; **ST / AB**

*Kieran Fernandes and David Loudon joined the meeting for the following item.*

**105. The Sands / Business School Outline Business Case (C/21/81 Confidential Restricted)**

**Noted:**

- a) Council had toured the Sands the previous day, which included input from staff, students and other stakeholders via demonstrations of "real life" case studies in the Business School that help reflect additional opportunities the building could help provide in the future;
- b) the Sands was located in the City centre in a high-profile location that offered a focal point not only for the Business School but the wider University;
- c) the Outline Business Case (OBC) set out the strategic context for the acquisition of the Sands noting that other options had been considered as well as the role / impact the Business School offered to the wider University;
  - i. the OBC had been reviewed and discussed by other Committees and their feedback had been incorporated into the current version;
  - ii. the OBC did not reflect the future use of the Business School's current location at Millhill Lane. A separate business case would be developed and presented at a later date;
- d) discussions with Durham County Council (DCC) were ongoing and preliminary feedback on the planning application for change of use had been favourable;
- e) as the Sands could not accommodate all of the Business School's needs, further clarity was sought as to the planned use of the building (e.g., postgraduate studies versus undergraduate);
- f) the Sands was fully fitted and ready for office use but required adaptation for academic use. The required building work raised concerns around wastage, the carbon footprint / sustainability implications, as well as potential reputational damage. The proposed costs were considered high and the timeframe to complete was considered long; Council members were advised that the most conservative estimates had been included in the OBC with the desire that both would be decreased once properly defined;
  - i. preliminary designs to adapt the Sands were based on plans that had been developed for the previously proposed Waterside initiative that provided an early indication of work required and associated financial implications. As the Waterside initiative had been developed pre-pandemic the final plans for the Sands would reflect new ways of working;

- ii. the information technology would need to be updated to accommodate the higher number of users and for an academic setting versus office use;
  - iii. there was not an appetite to “carve up” the building any more than required;
  - iv. the University’s planning application included a sustainability appraisal that reflected a decrease in the carbon footprint stemming from the anticipated lower number of cars driving to the site;
- g) there were no other known prospective buyers and the price reflected DCC’s lowest acceptable bid plus VAT;
- i. the Sands cost DCC £50 million to build and if built in today’s environment was estimated to cost £70 million;
- Closed Minute**
- h) the acquisition would have a significant impact on the University’s overall investment plan. The Finance Committee had reviewed the impact on cash reserves and had agreed with the proposal. The capital programme would be revisited as part of the planned Strategy refresh that would be presented to Council later in the calendar year;
- i. communications and the associated messages to the wider University would be carefully managed acknowledging that a number of other faculties / departments were awaiting capital commitments to support their strategies and growth plans;
- i) the sale of the Sands would most likely require DCC to revisit its plans for Aykley Heads and therefore offered an opportunity for the University to collaborate with DCC on its development plans for the area;
- j) the University recently formalised an agreement with DCC in a Memorandum of Understanding and as such the risk register would be reviewed and updated accordingly;
- k) clarity was required as to whether the acquisition included an education covenant, which was not desired as had the potential to hinder the University in the future.

**Agreed:**

- a) ongoing support with the University’s plans to acquire The Sands from DCC;
- b) if acquired, plans to adapt the building needed to be swiftly developed with the aim of minimising the change required to the building’s current footprint but equally ensuring the building was fit for purpose and to do so in the most economical and timely manner;
- c) the OBC should be updated to better reflect how the building aligned with the Business School’s strategy and could help facilitate the School’s ambitious growth plans (e.g., executive programmes, competitiveness, etc.).

*Kieran Fernandes and David Loudon left the meeting.*

*Emma Moody (Womble Bond Dickinson), Nigel Perry, and Stephen Taylor joined the meeting for the following item.*

**106. Statutes Review Working Group: Green Paper (C/21/82 Confidential Restricted)**

**Noted:**

- a) the paper reflected several years’ work and considerable effort from the Working Group. Whilst the composition of the Working Group had changed over time, all of those involved had worked very diligently and were to be commended for their efforts;
- b) changes to the Statutes required approval by the Privy Council whereas changes to the Regulations only required approval by the University Council;
- c) the proposed changes to the Statutes provided a foundation for further refinement, especially to the Regulations, which could be more swiftly approved internally and therefore more easily kept up to date. There was a working assumption that a further request to the Privy Council would be required in the short to medium term for further updates following completion of the Senate Effectiveness Review but that it was necessary to ‘bank’ the earlier work;
  - i. in referring to this work as ‘foundational’, the Working Group was highlighting the fact that approval of the Statutes would then lead to further more detailed work on the Regulations, which would in turn be brought back to the Council. The scope of the Working Group, however, did not include this further work;
  - ii. there was an opportunity to further refine the Statutes and Regulations to adapt for a modern University, for example, better clarification of the historical linkage and associated relationship between Durham Cathedral and the University;

- d) the proposal aimed to ensure the Statutes reflected the “what and why” and the Regulations reflected the “who and how”;
- e) the proposed changes to the Statutes reflected changes in the regulatory environment following the creation of the Office for Students (OfS) as well as updates to reflect the current working environment (e.g, gender neutral terminology). Otherwise, the content had largely been maintained;

**Agreed:**

- a) Council was keen to further understand next steps and the plans to progress this initiative further. Time would be included on Council’s June agenda to continue discussions; **AB**
- b) detailed feedback from Council members following their review of the draft Statutes to be provided directly to the Working Group, including areas that were perceived to be missing;
- c) recognition and thanks to the Working Group and everyone involved in this endeavour for all their hard work.

*Emma Moody, Nigel Perry, and Stephen Taylor left the meeting.*

**107. Student Conduct Office Annual Report – Student Complaints and Non-Academic Misconduct (C/21/83 Confidential Restricted)**

**Noted:**

- a) the University had rolled out mechanisms for students to raise complaints that were deemed more “user friendly”;
- b) very few instances had been escalated to the Office of the Independent Adjudicator;
- c) there had been a number of complaints linked to the pandemic. University staff were to be commended for their actions during this time, especially the Marketing & Communication Team;
- d) whilst the year on year number of complaints were lower, removing those related to Industrial Action and the pandemic resulted in the number of complaints actually being higher and thereby warranted further review;
- e) as this information was typically not publicly reported, comparison to others in the sector was difficult and therefore an unknown;
- f) complaints that were dealt with on an informal basis sometimes resulted in the victim later raising a formal complaint as they may have been unaware of the confidential detail of the handling of the matter and subsequently felt the situation had not been addressed properly. Ongoing training and support was provided to those facilitating informal support.

**108. Campaign Board Update (C/21/84 Confidential Restricted)**

**Noted:**

- a) the Board was transitioning from Phase One to Phase Two with the Vice Chancellor taking the opportunity to help better align future plans with the University Strategy;
- b) the Board’s governance was being reviewed and refined;
- c) targets for the next five years were scheduled to be presented at the Board’s next meeting in June 2022 and further information would be included in the Board’s report to Council.

**109. Audit and Risk Committee Report: 24 March 2022 (C/21/85 Confidential Restricted)**

**Noted and approved:**

- a) the Anti-Money Laundering Policy;
- b) the Sexual Misconduct and Violence Annual Trend Monitoring Report.

**110. Governance and Nominations Committee (GNC) Report 24 March 2022 (C/21/86 Confidential Restricted)**

**Received:** a verbal update from the GNC Chair on the Academic Staff Member of Council recruitment. The application period had recently ended, and the Recruitment Panel would review the applicants to determine who would be short-listed for interview. The SER had highlighted that, currently, there was no Academic Staff Members of Council who was also a member of Senate, which the Panel may wish to consider in its determination.

**Noted:**

- a) the action plan for the recommendation from the Council Effectiveness Review reflected GNC's prioritisation and proposed actions, including opportunities for "quick wins". Commentary on the following specific recommendations, included:
- i. *Recommendation 2: Council reconsiders the question of its size:* whilst Halpin did not perceive the current size of Council to be an issue, some universities had fewer members. GNC did not perceive this matter required further action at this time;
  - ii. *Recommendation 7 and 11: Council consider replacing University Strategy Implementation Committee (USIC) and Finance Committee with a SPaRC... and consider standing down USIC by the end of the current academic year.* GNC did not agree with the creation of a SPaRC nor changing the role and responsibility of either Finance Committee or USIC. There was a desire for some type of People Committee to be constituted and further guidance had been sought from Halpin;
  - iii. *Recommendation 10: GNC to advise on the appointment of a Senior Independent Governor (SIG):* GNC did not perceive the appointment to be a matter of urgency and was something to be reviewed when the Vice Chair's term ended;
- b) high priority items included a review and update of the (i) Gifts Acceptance Policy and (ii) Financial Delegations, both of which were scheduled to be presented for Council's consideration before the end of the academic year.

**Agreed:**

- a) Council did not need to consider adapting its size at this time (Recommendation 2);
- b) retention of USIC and Finance Committee and their current roles and responsibilities (Recommendation 7 and 11);
- c) the formation of some type of People Committee, which once defined would be presented to GNC and Council prior to being constituted (Recommendation 7);
- d) defer consideration for appointing a SIG to align with the timing of the Vice-Chair's end of term and for further information to be presented to GNC and Council at that time (Recommendation 10).

**111. Finance Committee Report 6 April 2022 (C/21/87 Confidential Restricted)**

**Noted:**

- a) the Case for the Integrated Student Experience (CISE) Programme was part of the wider Digital Strategy and the funding request was outside Finance Committee's delegated authority. The Programme encompassed projects that would update certain technology that was no longer fit for purpose as well as provide advancements to the University and its students. The student journey project currently did not include alumni and would be defined as part of future phases of work;
- b) preliminary discussions had been held regarding fundamental financial frameworks that would help in the refresh of the Strategy and associated Capital Plan. The frameworks would be formally defined and presented to Finance Committee;
- c) the Psychology Department needs were initially planned to be addressed via temporary facilities, but the acquisition of Boldon House provided an opportunity to unlock space within Rowan House. The Department needed to act quickly in order for the work to be undertaken in time for staff joining the University at the beginning of the 2022/23 academic year. The requested funding was just within Finance Committee's delegated authority.

**Approved:**

- a) Case for the Integrated Student Experience (CISE) Programme Full Business Case for an overall investment of £6.1 million, which is part of the previously approved Digital Strategy budget.

**Agreed:**

- a) the status of the Digital Strategy budget to be reviewed by Finance Committee.

**112. Business Agreed by Circulation since Last Meeting**

**Noted:** 1 April 2022: Head of Department Appointments: (i) Sociology: Professor Catherine Donovan with effect from 1 August 2022 for a period of a further two years to 31 July 2024; (ii) Physics: Professor Paula Chadwick with effect from 1 August 2022 for a period of three years

to 31 July 2025; and (iii) Classics & Ancient History: Professor Roy Gibson with effect from 1 August 2023 for a period of three years to 31 July 2026

**113. Dates of Future Meetings**

**Noted:** the dates of future meetings: 7 June 2022 and 12 July 2022 (to include dinner one the previous evenings)