

Council

26 October 2021

- Present:** Joe Docherty (Chair), Joanna Barker, Jonathan Bewes, Kay Boycott, Camila Caiado, Leslie Ferrar, James Grierson, Alison Hastings, Denise Lievesley, Antony Long (Acting Vice Chancellor), Amir Michael, Cheryl Millington, Rebecca Morris, Liadi Mudashiru, Nigel Perry, Kate Pretty, Ari Sadanandom, Corinne Saunders, Terry Toney, Andrew Tremlett and Seun Twins.
- In Attendance:** Simon Hackett (Acting Provost), Declan Merrington (PG Academic Officer), Wyn Morgan (Halpin), Jennifer Sewel (University Secretary), Stephen Willis (Chief Financial Officer), and Kelly Knapp (Minutes).
- Claire O'Malley (agenda item 9.1), Alan Houston (agenda item 9.1 and 9.3), John Pritchard and Kirsty Younger (agenda item 9.2), Joanne Race (agenda item 9.4 and agenda item 9.5) and Dr Petrina Carmody (Principal Consultant, Great Place to Work Consultancy) (agenda item 9.4)
- Apologies:** Colin Macpherson

Minutes of a meeting held on 26 October 2021 via Zoom
(All documents listed are filed with the official copy of the Minutes)

Action

- 01. Welcome**
The Chair thanked Council members for adapting schedules to accommodate the late change to a virtual meeting from the planned meeting in person. Wyn Morgan, from Halpin, was welcomed as an observer of the meeting as part of the undertaking of the Council Effectiveness Review.
- 02. Declarations of Interest**
Noted in relation to the Vice-Chancellor Report's reference to the Financial Agreement with the Recognised Colleges, Andrew Tremlett was Rector at St Chads College.
- 03. Minutes of Meeting 8 July and notes from Council Strategy Day 16 September 2021**
Approved: The minutes of the meeting held on 8 July and notes of the Council Strategy day held on 16 September 2021.
- 04. Matters Arising**
Noted: There were no matters raised.
- 05. Action Log and Schedule of Business**
Noted: The status of the Action Log and Schedule of Business.
- 06. Chair's Business**
Noted:
- Alison Blackburn had been appointed as Interim University Secretary and would commence on 1 December 2021, enabling a three-week handover period. Immediately after the meeting, the appointment would be communicated to Senate and thereafter to the University.
 - Shaid Mahmood had been appointed as the University's first Pro-Vice Chancellor for Equality, Diversity, and Inclusion.
 - The Chancellor's second five-year term of office would end on 31 July 2022 and Sir Tom Allen had indicated that he did not wish to be considered for reappointment. The

Governance and Nominations Committee would discuss the process for the appointment of a new Chancellor at its November meeting and bring a proposal to Council in December.

07. Vice-Chancellor's Report

Received: The Vice-Chancellor's Report from the University Executive Committee (UEC), since the previous Vice-Chancellor's Report on 8 July 2021.

Noted:

- a) Additional items presented by the Acting Vice Chancellor on;
 - (i) drink spiking, (ii) potential industrial action, (iii) freedom of speech, and (iv) Blackboard Ultra rollout.
 - i. There had been incidents of drink spiking and injections within City and College bars, reflecting similar events being reported across the UK. Around 50 cases had been reported to the University since the start of term, although a student survey suggested incidents numbers to be higher. Police figures were lower due to a lack of reporting;
 - ii. The University had issued a "don't get spiked" Tweet, which unfortunately, had suggested ownership of the issue on the victim versus the perpetrator. The Tweet had been removed. The process for issuing Tweets and other social media communications on behalf of the University had been reviewed, including raising awareness within the Communications Team;
 - iii. A multi-agency task force (e.g. NHS, Police, Colleges, Student Support & Wellbeing) had been established to discuss the wide range of issues, with the aim of a coherent approach in providing support to students. Mitigants included: increased police presence in the City, improved clarity if an incident happened, CCTV in nightclubs, and training of bar staff. The Acting Vice-Chancellor was in regular communication with Durham City MP Mary Foy, who is keen to work closely with the University;
 - iv. Behaviour such as spiking, was a criminal offence, however, any student involved in undertaking this would also be subject to the University's disciplinary procedures, which included sanctions of expulsion.
 - v. UEC was monitoring activities which could be impacted by industrial action following the outcome of the University and College Union (UCU) ballot of members on action relating to proposed changes to pensions, workloads, pay, etc. The ballot closed on November 4th and if industrial action was supported, action could take place from November 23rd and thereafter within a six-month window, after which a further ballot would be required;
 - vi. Communications had been issued to Staff and Students with a focus on providing accurate information and reinforcing the University's limited ability to influence decisions on the USS Scheme. A University website had been established providing an accessible and comprehensive source of information;
 - vii. At some institutions, e.g. University College London, students had formally indicated their opposition to strike plans.
 - viii. Following recent developments at Sussex University, Durham had reviewed its freedom of speech policies and procedures with a focus on ensuring the safety of staff and students. Universities UK and the Russell Group universities, including Durham had issued a joint statement reaffirming the sector's commitment to free speech and academic freedom.
 - ix. Immediately prior to the Council meeting, questions and concerns had been received from a staff Member of Council regarding the University's ongoing rollout of Blackboard Ultra which was replacing the DUO online teaching platform. The Durham Centre for Academic Development and Computing and Information Services were reviewing the points raised and a response would be provided to the member imminently.
- b) Para 5.3: Strong support for UEC's commitment to the Council for At-Risk Academics (CARA), including offers to assist from some Council members.
- c) Para 7.3 : A request for the Faculty Plans recently approved by UEC to be presented by the Executive Deans to Council over the forthcoming year, to enhance its understanding of respective Faculty activities and priorities. **JS**
- d) Para 17.1: Confirmation that recruitment was underway for the additional eighteen digital learning developers (in addition to the six already approved during the last academic year).

08. Senate Report

Received: A report summarising the matters discussed by Senate at its October 2021 meeting.

Noted:

- a) Confirmation that the proposed timing and approach for the Senate Effectiveness Review had been presented to Senate, noting this was for Council approval.

09. Students' Union Report

Received: The Durham Student Unions' President's Report to Council providing insight on: (i) national matters of student interest; (ii) significant local matters of student interest; and (iii) successes and matters of note for Durham SU.

Noted:

- a) The successful start to the academic year and Michaelmas term;
- b) The adverse consequences following the University's Tweet on spiking, which had resulted in a number of requests from the media for comment; the perception amongst students that the Tweet had been incredibly lazy and victim blaming; and students being infuriated by the lack of a formal apology from the University*. The incident did not reflect the mature conversations and awareness around sexual violence and misconduct that the University had previously demonstrated;
- c) In the light of the spiking incidents students, had expressed concern for their safety both on and off-campus. A campus wide boycott by students of College and local bars was scheduled to help raise awareness of the spiking problem;
- d) While new students had enjoyed Matriculation and Freshers' Week, second year students arriving on campus for first time had felt "left out", which was an opportunity for lessons learned for the future;
- e) Council member interest in attending one of the Durham People of Colour Association's Anti-Racism workshops. The potential for a workshop to be arranged before an upcoming Council meeting to be explored.

ST

10. Admissions Round Update 2021

Received: A report outlining the key stages of decision making in determining offer factors and managing Undergraduate recruitment during the 2021 Admissions Cycle.

Noted:

- a) Historically, the University made more offers to undergraduate students than required in order to ensure it fulfilled planned targets. However, the Government's late change to teacher assessed grades of summer 2021 A-Levels had resulted in inflated grades and more offer-holders meeting tariff conditions. This had exacerbated the University's over-enrolment in the previous admission cycle, when centrally assessed grades A-Level grades were similarly higher than usual;
- b) Lessons learned from the past two admission cycles were under review and proposed changes for handling the forthcoming admissions cycle would be presented to UEC and Council;
- c) Notwithstanding the increase in student admission numbers in the current cycle, the University's APP targets for the year had been exceeded;
- d) Experience of other high tariff UK universities was difficult to interpret as most had not shared information, however many appeared to have slowed offer activities as the A-Level grading position evolved. Data becoming publicly available in November may provide insight. There was also difficulty in comparing Durham's experience to other universities as student mix (international v home) and/or demand for certain subjects differed;
- e) At a macro level, the plan for the forthcoming admissions cycle was to reduce the number of home student offers; accounting for students holding deferred places and those transitioning from the International Study Centre; and considering the overall number of students in the City and those studying online. The financial implications of scenarios would be considered by UEC and the Finance Committee;
- f) The sustainability of the UK model of A-Level results determining student ability was a topic of national debate. An option of use of entrance exams would place a huge burden on institutions and was not currently considered as an option for Durham;
- g) Audit and Risk Committee would continue to monitor the adequacy of controls around the overall admissions process and the consideration of interdependency of other risks as the processes are refined.

11. Annual Report: Strategic Performance Indicators

Received: A report outlining the University's performance in relation to the institutional Strategy Performance Indicators (SPIs).

Noted:

- a) The need to move away from a one-off annual exercise presenting the SPIs and towards the use of dynamic, iterative information;
- b) SPI reporting should also reflect the counter measures/action plan for delivering the Strategy and Council should be familiar with what is being reported to UEC;
- c) The need to ensure targets remain relevant given the Strategy was developed five-years ago;
- d) The Strategy would be refreshed by the new Vice-Chancellor, most likely in her first six-months of office and would include associated SPIs;
- e) The strategic risks would be mapped to SPIs as part of the Strategy refresh and include better linkages and a holistic approach.

12. NSS 2021 Summary Analysis and Response

Received: A paper outlining the National Student Survey 2021 results and proposed recommended actions.

Noted:

- a) Across the sector there had been a significant drop in scores as a result of the pandemic however, Durham's results had been favourable in this context;
- b) Several areas for improvement were consistent with the results of previous years;
- c) Student support and wellbeing should show improvement following implementation of improvements included in the forthcoming Student Support Project. The Vice Provost (Education) was working with poorly performing departments to develop action plans to address the specific shortfalls;
- d) Council was keen to better understand the follow up process and therefore will be included in future reporting;
- e) The periodic departmental review process is scheduled to recommence in the New Year and will be overseen by Senate with regular feedback to Council;
- f) The Student Voice/Student Union was an NSS area that had improved, but more still needed to be done, including better communications as to what services are provided by the Students' Union versus the University. The DSU was preparing a new five-year plan and plans to focus on the results as part of the process.

13. Staff Survey Outcome

Received: A report summarising the key outcomes of the 2021 Staff Survey and a presentation of the detailed results by Great Place to Work.

Noted:

- a) The last Staff Survey was performed in 2017 by a different provider. Some of the key themes from the 2021 survey were consistent with the 2017 survey, such as differences in levels of participation and in the experience of Academic and Professional Services staff, and of staff with longer and shorter tenure;
- b) The University was benchmarked against over thirty survey high-performing organisations deemed to be "great" places to work, which did not include any higher education institutions. The results indicated that the University is a "good" place to work and was close to the threshold of being a "great" place to work;
- c) There had been a solid response rate, however, the benchmark average was ~70% providing an opportunity for the University to engage with employees to encourage better participation in future surveys;
- d) The Trust Index overall score was good, with Academic staff scores being less favourable than those from professional service staff;
- e) Line managers were viewed more favourably than senior management, which was echoed in effectiveness of leadership responses;
- f) 'Recognition' was an area of opportunity for improvement, where the University could focus on opportunities to provide staff with simple acknowledgements;

- g) Perceptions of fairness differed by demographics, which provided an opportunity for improvements to help minimise perceived inconsistencies between groups;
- h) Wellbeing was an area that warranted review by the University and should focus on identifying root causes and developing actions plans accordingly;
- i) Next steps would include UEC considering more granular survey data, key messages to all staff and dissemination of results to departments and the development of action plans;
- j) There had been a long delay since the previous survey, which will be rectified via a pulse survey in one year followed by a full staff survey every two years;
- k) There was uncertainty as to where consideration of 'people issues' sat within the University's governance structure. The Governance and Nominations Committee would consider whether there was a need for a 'people committee'. JD / JS

14. Inclusive Culture and Leadership Development Programme

Received: A paper outlining the proposal for the Leadership Behaviours Development Programme, including proposed approaches for Council's engagement with Advance HE.

Noted:

- a) The Programme stems from recommendations made by the Respect Commission and will be undertaken in partnership with Advance HE, with the aim of creating an inclusive environment in which people feel able to be themselves and to flourish;
- b) The first Discovery Phase of the Programme will take place in Q4 2021 followed by the Delivery Phase in Q1/Q2 2022.

Agreed:

- a) Council to be involved in the Discovery Phase through an adaptation of Option 1A in the paper; for either one-to-one interviews or small groups followed by an update to Council before moving forward to the Delivery Phase.
- b) One of the outputs of the Programme to include an agreement of common language to create consistency across leaders within the organisation, including Council, who may have differing backgrounds and experience. JR

15. Annual Report: Sexual Misconduct and Violence Operations Group

Receive: A report summarising the work of the Sexual Misconduct and Violence Operations Group from the 2020/21 academic year.

16. Modern Slavery Statement

Received: A proposed resolution to approve the Modern Slavery Statement for 2021-2022.

Noted:

- a) Council is asked to review and approve the Modern Slavery Statement annually;
- b) The Statement had been amended following a recommendation from a procurement audit to incorporate a code of conduct for suppliers.

Agreed:

- a) Approval of the Modern Slavery Statement for 2021-2022 subject to rectifying the typographical error in Appendix II.

17. Audit & Risk Committee (ARC)

Received: A report of the matters discussed by Audit and Risk Committee at its meeting on 14 September 2021.

Noted:

- a) ARC would focus on the Annual Report and Financial Statements at its next scheduled meeting which would be attended by the University's new external auditors Grant Thornton;
- b) In recent months ARC had also approved the appointment of new co-sourced internal auditors UNIAC;
- c) ARC continued to monitor the refresh of the University's Strategic Risks and will determine an appropriate time to present them to Council;
- d) The ARC approved Audit Programme had included a number of reviews of health and safety areas, however, resources within the H & S team had been extensively deployed to

address requirements arising from the pandemic. This had altered the focus of the Audit Programme, and resulted in a backlog of core audits. The Programme would be further reviewed at ARC's next scheduled meeting.

Camila Caiado left the meeting.

18. Finance Committee

Received: A report of the most urgent and important matters discussed by the Finance Committee at its meetings on 23 September, 28 September and 7 October 2021.

19. Governance and Nominations Committee

Received: A report of the matters discussed by the Governance and Nominations Committee (GNC) at its meeting on 6 October 2021 and GNC's approval of recommendations for lay member appointments by e-circulation.

Agreed:

- a) The Reappointment of Gillian Bentley and Kiran Fernandes as Staff members of Governance and Nomination Committee for three years from 1 August 2022, following completion of their first term on 31 July 2022.
- b) The Reappointments of Jonathan Bewes, Kay Boycott, Amir Michael, Nigel Perry, and Terry Toney as members of Council for a second term of three years from 1 August 2022, following completion of their respective first terms on 31 July 2022.
- c) The Conclusion of membership of Council of Camila Caiado following completion of her second term on 31 July 2022.
- d) The Reappointment, exceptionally, of Alison Hastings as a member of Council for a third term of two years from 1 August 2022, following completion of her second term on 31 July 2022.
- e) The Reappointment, exceptionally, of Joanna Barker as a member of Council for one year from 1 August 2022, following completion of her second term on 31 July 22.
- f) The Reappointment, exceptionally, of Kate Pretty as a member of Council for a second and final year of a third term to 31 July 2023, or until completion of the Senate Effectiveness Review, whichever was earlier.
- g) The Appointment of Janette Brown as a Lay Member of Council with effect as of 1 August 2023 for four years and in the interim, as an Observer of Council with immediate effect.
- h) The Appointment of Sandip Biswas as a Lay Member of Council with effect as of 1 August 2023 for four years, pending a probationary period during which his time commitment will be mutually assessed, and where he will serve as an Observer of Council with immediate effect.
- i) The proposed scope and approach of the Senate Effectiveness Review, including the composition of the Steering Group.

20. University and Strategy Implementation Committee

Received: A report of the matters discussed by the University Strategy Implementation Committee at its meeting on 13 October 2021.

21. Remuneration Committee

Received: A report of the matters discussed by the Remuneration Committee at meetings held on 22 July and 28 September 2021.

22. University Academic Promotion Committee

Received: A report of the matters discussed by the University Academic Promotion Committee held on 26 July, detailing the promotions approved, under delegated authority, by the Committee.

Noted:

- a) The preparatory efforts required considerable work across the organisation that was led by the Acting Provost and Head of HR Business Partnering;
- b) The report did not summarise the end-to-end process nor include information on those declined, which will be included in future reporting.

23. HR Report on Key Staffing Matters

Noted: A report for information summarising senior staff appointments, retirements and dismissals under Statute 35 and severance arrangements.

24. Register of Sealings

Noted: A report for information summarising the documents that had been sealed since Council's last meeting.

25. Business Agreed by Circulation since the last meeting

a) Update and proposed Mitigations on Deferrals for the Durham Admissions Cycle 2021 was approved by circulation on 28 August 2021.

26. Dates of Future Meetings

Noted: The dates of future meetings.

7 December 2021 (with evening event on 6 December)

31 January 2022 (Joint Council and Senate Meeting)

1 February 2022

15 March 2022

10 May 2022

7 June 2022

12 July 2022.