

Council

11 July 2023

- Present:** Joe Docherty (Chair), Rebecca Askew, Joanna Barker, Kay Boycott, Richard Crisp, Leslie Ferrar, James Grierson, Michael Hampel, Denise Lievesley, Colin Macpherson, Joe McGarry, Amir Michael, Cheryl Millington, Liadi Mudashiru, Karen O'Brien, Nigel Perry, Ari Sadanandom, Corinne Saunders, Terry Toney, and Jun Jie Wu.
- In Attendance:** Laura Curran, Freddy Fossey-Warren, Dan Lonsdale, Mike Shipman, Amanda Wilcox and Stephen Willis (all items), Colin Bain for Minute 129, Glen Whitehead for Minute 131, Cathy Cassell for Minute 136, Jeremy Cook for Minute 137, and James Walsh (Minutes)
- Apologies:** Omar Ahmed, Navreet Badwal, Jonathan Bewes, and Alison Hastings

**Minutes of a Meeting of Council held in
The Lindisfarne Centre, St Aidan's College****116. Declarations of Interest****Noted:**

- a) Ari Sadanandom raised a conflict as a member of the Department of Bioscience in relation to the Staff Appointments (Minute 124);
- b) Joe McGarry and Laura Curran raised conflicts of interest as representatives of the Durham Students' Union in relation to the 2023/24 Budget (Minute 128);
- c) Amir Michael raised a conflict as the Head of the Department of Accounting in relation to the Waterside Refurbishment Full Business Case (Minute 136);
- d) Leslie Ferrar and Terry Toney raised conflicts of interest in relation to the Deputy Chair and Senior Independent Governor (Minute 144).

117. Thanks and Welcome**Noted:**

- a) on behalf of Council, the Chair thanked:
 - i) Joanna Barker for her contributions to Council and Finance Committee during her term of office;
 - ii) Joe McGarry and Laura Curran, the outgoing Durham Students' Union (DSU) sabbatical officers;
 - iii) Richard Crisp during his tenure as Acting Deputy Vice-Chancellor and Provost.
- b) on behalf of Council, the Chair welcomed the following as observers to their first meeting of Council:
 - i) Mike Shipman, the incoming Deputy Vice-Chancellor and Provost;
 - ii) Dan Lonsdale, the incoming President of the DSU, and Freddy Fossey-Warren, the incoming DSU Postgraduate Academic Officer.

118. Minutes of Meeting 16 May 2023 (C/22/101 Confidential)**Approved:** the minutes of the meeting held on 16 May 2023**119. Matters Arising****Noted:** there were no matters arising.**120. Action Log and Schedule of Business (C/22/102 and /103 Confidential)****Noted:** the status of the Action Log and Schedule of Business**121. Chair's Business****Noted:** that there was no additional business.

122. Update on Lay Member Recruitment (C/22/104 Confidential)

Noted: following an extensive recruitment campaign and rigorous selection process, the appointment panel had recommended three Lay Member nominations for approval by Council.

Approved:

- a) the appointment of Robert Senior and Jaraj Thakkar to serve as lay members with effect from 1 August 2023;

Closed Minute

123. Lay Council Member Expenses Policy (C/22/105 Internal)

Noted:

- a) noting the absence of a Lay Council Member Expenses Policy, the University Secretary presented a Policy, which would ensure compliance with the University's Staff Expenses Policy and HRMC regulations;
- b) the approval figure for hotel accommodation in London was being re-examined in a review of the University's Staff Expenses Policy, to check that it continued to be fit for purpose. Agreed amendments would be reflected in the Lay Council Member Expenses Policy;
- c) overall Council expenses were published in the Annual Report, although the University Secretary was investigating if additional publishing on the University's website was required.

Approved: the Council Member Expenses Policy with immediate effect.

124. Staff Appointments (C/22/106 Confidential)

Noted:

- a) the approval of two Heads of Department and a staff re-appointment to the Governing Body of St Chad's College;
- b) future action to be taken by the Chair in relation to two Heads of Department

Approved:

- a) the Head of Department nominations for the Departments of History and Biosciences;
- b) the staff reappointment as Governor of St Chad's College.

125. Vice-Chancellor's Report (VCR) (C/22/107 Confidential)

Noted:

- a) in relation to the QS World University Rankings the following:
 - i) through the efforts of the entire University community, and in particular the Deputy Vice Chancellor & Provost, the Director of Advancement, Marketing & Communications and the Director of Strategic Planning & Insight, the University had risen in the QS World Rankings;
 - ii) the rise was a significant achievement, with the University benefiting from a change in the metrics used, which now encompassed the University's strengths in sustainability;
 - iii) the University was continuing to address how it could improve its position in relation to all QS metrics.
- b) in relation to recruitment and admissions the following:
 - i) international recruitment had improved, partially due to the improvement in the University's position in the QS World Rankings;
 - ii) home postgraduate taught (PGT) recruitment continued to be challenging and was reflected across the HE sector. The University had recently introduced a Dean's Scholarship, which it was hoped would encourage applicants for PGT study in the Arts & Humanities and Social Sciences & Health Faculties.
- c) Council, on 16 May 2023, raised a question about the University's duty of care towards students, with the information gathered included as an appendix to the Report;
- d) due to the impact of industrial action and the marking and assessment boycott (MAB), the University had informed the OfS of a reportable event, which was included as an appendix to the Report;

- e) challenges related to the upgrade of Banner, the University's student record system, had been noted by Estates & Infrastructure Sub-Committee (ESIC) and Finance Committee. UEC was receiving regular updates relating to the Banner upgrade and necessary stabilisation work required;
- f) the University was planning on utilising Clearing to fill its undergraduate (UG) programmes. This decision had been made to ensure the University did not exceed its UG target, taking into consideration the student accommodation limits in the University and wider-City;
- g) the FP:ING programme went live on 4 July 2023, the Chief Financial Officer reported that the launch had gone as well as expected.

126. Senate Report (C/22/108 Open)

Noted:

- a) Senate approved the Durham Graduate Attributes resulting from the Purpose & Values review undertaken by the Pro-Vice-Chancellor (PVC) (Equality Diversity & Inclusion). The attributes had been developed in consultation with staff and students, and may be of interest to Council;
- b) Senate had received an update on the likely areas of focus for the Research Excellence Framework (REF) 2027, which changed the balance of the foci from the 2021 REF. Details of the new framework would be shared with Council once clarity had been received;
- c) in relation to the MAB, the following:
 - i) the Executive welcomed the announcement that UCEA and the UCU were resuming talks to resolve the national industrial action affecting the sector;
 - ii) prior to the announcement, there had been a request from some UCU branches for local joint statements to be made. However, it was noted that Queen's University Belfast's (QUB) membership of UCEA had been terminated, for a minimum of 3-years, due to a joint statement issued by QUB and its local UCU branch, which UCEA felt went outside of the collective pay arrangements to which QUB were signatories;
 - iii) Council's consideration of the use of the 75% regulation had caused confusion with some members of the University community. It was important staff understood Council were the accountable body to the OfS, taking assurance from Senate on matters of academic quality;
 - iv) communications to students would highlight all the Executive were doing on their behalf to mitigate for the MAB and encourage a resolution to the industrial action.

127. Students' Union Report (C/22/109 Open)

Received: DSU's Strategy (C/22/110 Open); and DSU/Durham University (DU) Memorandum of Understanding (C/22/111 Confidential)

Noted:

- a) although the DSU had elected a new Postgraduate Academic Officer, it had been agreed that the part-time post of Postgraduate Research (PGR) Representative would continue, in ensuring representation of PGR students' views. The PGR Representative would continue to be a member of Research Committee;
- b) the Memorandum of Understanding (MoU) between the University and the DSU described the mechanism by which both organisations would work together. The MoU did not cover legal aspects, as that was part of the Service Level Agreement between the DSU and DU;
- c) in relation to student accommodation the following:
 - i) working in partnership with the PVC (Colleges & Student Experience), and the local Member of Parliament, the DSU had looked at ways to address student accommodation issues;
 - ii) Council noted the incoming DSU Sabbatical Officers were likely to focus on student accommodation as the main issue of their tenures;
 - iii) by forming a tenants liaison group the incoming DSU President had secured discounts on rents for some students and was exploring the DSU becoming a lettings agency.
- d) the review of the Durham Student Organisation (DSO) framework had caused some confusion from student leaders of DSOs. The DSU was planning on working with the University to review all remaining DSOs and adding clarity to responsibilities;

- e) the newly emerging Government legislation on Freedom of Speech, may have implications for student Common Rooms and would need additional scrutiny once more details became available;

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- g) congratulations were given to the DSU's PaITV for its success in the National Student Television Association Broadcaster of the Year Awards. With thanks to the support PaITV received from the Durham & Alumni Relations Office (DARO) in securing additional funding to purchase equipment;
- h) in relation to the DSU Strategy the following:
 - a. although Sabbatical Officer elections had not received a wide turnout, the DSU was focussing future efforts on engagement with students via Common Rooms and the use of topic specific referenda. This idea of direct democracy had been the basis of an article development for Wonkhe by the DSU President;
 - b. the DSU had a set of balanced scorecards, from which it would plan how it would achieve the ambition set out in its Strategy.

Agreed:

- a) to note the DSU Strategy 2023-2027;
- b) the Memorandum of Understanding between Durham Students' Union and Durham University.

128. 2023/24 Budget (C/22/112 Confidential)

Noted:

- a) the 2023/24 Budget reflected the continuing challenging economic circumstances in which the University was operating;

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- d) staff costs were currently 57% of the overall costs to the University, which was slightly above the sector average of 53-55%. Although these costs were not as high as other comparative institutions, the Executive would continue to monitor this figure;
- e) student numbers were key for University finances, with the Recruitment & Admissions Target Setting (RATS) group regularly updating UEC and suggesting improvements for recruitment and conversion activity.

Approved: the Budget for 2023/24

129. Research Excellence Framework 2023 Reflections

Noted:

- a) following slightly disappointing outcomes for some subjects in the REF2021, Departments had been asked to reflect on their performance, comparing themselves to Departments across the University and at external institutions;
- b) Departments and Faculties had looked where trends had existed in drawing together action plans, which aimed to respond to weaknesses or maintain strengths in research;
- c) in relation to the University's strategic decision to increase the number of research staff:
 - i) early career researchers had performed well in the REF2021;
 - ii) the recruitment of highly rated academic staff, was reflected in REF2021 performance, with the process of incentivisation of research staff requiring revisiting.
- d) the relative improvement of competitor institutions, particularly in the REF metric of impact;
- e) language used in describing impact may have resulted in some outcomes being lower than anticipated and more analysis was needed into why other institutions performed better;
- f) there was evidence some Departments over inflated their opinion of what constituted 4-star research, with training to be provided in ensuring staff understood the standards required for each classification;
- g) REF outcomes should not be the only driver of improvements in research performance. The current Research Strategy aimed at encouraging world-class research through excellence in staff and facilities, this should by association result in improved REF outcomes;

- h) the University was continuing to address the importance of highly-cited research, with staff being encouraged to take risks and to not be daunted by grant application or publication rejections;
- i) the Faculty of Science would continue to reflect on its performance over the summer break in forming a more considered response to its performance in the REF2021;
- j) the support provided centrally for REF activity would be reviewed with feedback from Departments and Faculties;
- k) in focussing on what could be done now to improve research performance, it would be helpful for staff research time to be protected and for staff to be more ambitious. Some of this would result from the ongoing Flourish@Durham project, which was looking to support positive research culture;
- l) the academic Progression and Promotion Process may need review to see if the recently amended process provided enough incentivisation and challenge for researchers;
- m) the next REF, due in 2027, was likely to see outputs being reduced in weighting from 65% to 45% and a shift to research 'health' from the current position of 'excellence'. More information was being gathered, with Council to be updated on the implications of the change of focus.

130. Annual Monitoring Reports

Received: Student Conduct Office Annual Report: Student Complaints and Non-Academic Misconduct (C/22/114 Confidential); Sexual Misconduct & Violence Annual Trend Monitoring (C/22/115 Confidential); and Student Appeals & Academic Misconduct (C/22/116 Internal).

Noted:

- a) the three annual monitoring reports had been thoroughly discussed at Senate and its sub-committees;
- b) the University continued to have low rates of successful appeals to the Office of the Independent Adjudicator (OIA), which was evidence of the quality processes and procedures the University had in place;
- c) the increase in the number of cases of sexual misconduct and violence was felt to be reflective of an encouragement to report, rather than an escalation of inappropriate behaviours, however, the University was continuing to tackle the causes;
- d) in relation to the Senate Discipline Committee (SDC):
 - i) increased training opportunities were needed for student representatives eligible to serve on the SDC. The University Secretary confirmed that training and membership of the SDC would be reviewed as part of consideration of its terms of reference at the start of the next academic year;
 - ii) greater communication was needed so that students understood what qualified as a category two offence and what the most appropriate action was for someone accused of misconduct under that category;

131. Durham Alumni and Relations Office (DARO) Emerging Strategy

Received: Presentation from the Director of Development and Alumni Engagement.

Noted:

- a) the Director of Development and Alumni Engagement provided a presentation which focussed on: DARO's fundraising performance; recommendations for next steps; what a campaign transition would look like, including a proposed plan, philanthropic trajectory, summary areas of focus, and success criteria;

Closed Minute

- h) the Chair of the Campaign Board and the Director of Development & Alumni Engagement would attend a future meeting of Council to provide an update on progress.

132. Update on Durham Maths School (C/22/118 Internal)

Noted:

- a) the Durham Maths School (DMS) was an initiative supported by the Department for Education (DfE), which aimed to address shortages in STEM related trainees and to

- improve the overall quality of maths provision. The DMS would also contribute to the University's outreach and widening participation targets;
- b) there had been several delays to the project, with the identification of a suitable site being the most challenging. However, a site on the Milburngate development opposite the Waterside building had been identified and was likely to receive DfE approval once contractual agreements to secure the site had been signed;
 - c) plans were for a soft launch of the school in 2025, possibly in unused premises owned by Durham VIth Form, prior to the building being ready for the 2026-27 Academic Year. There were though difficulties in achieving a school ethos in temporary accommodation;
 - d) there was no requirement for staff from the Department of Maths to be involved in the DMS, although it was likely a number of staff would be enthused about the opportunity;
 - e) careful engagement was needed with nearby schools to discuss the implications of the DMS, although it was noted that there was a limited number of schools with sixth forms and there would be a number of students brought in from outside of the immediate area;
 - f) Council would be happy for future updates on the DMS to come via the VCR.

133. Changes to Library Regulations (C/22/119 Internal)

Approved: the revisions to the Library Regulations

134. Vacation Powers (C/22/120 Internal)

Approved: the delegation of Council powers to authorise such urgent action as may be necessary between 11 July 2023 and 12 September 2023 meetings of Council

135. Finance Committee Report: 16 June 2023 (C/22/121 Confidential)

Noted: the matters discussed by Finance Committee at its meeting on 16 June 2023, with the Quarter 3 Year-end Forecast for Council to note and not endorse.

136. The Waterside Refurbishment Full Business Case (C/22/122 Confidential)

Noted:

- a) the Waterside would provide an important base from which the University could maximise income generation in relation to its Executive Education programme suite;

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- d) the office space in the refurbished building was in line with the University's space management policy and involved bookable space for staff to meet with students;
- e) having received considerable scrutiny through EISC and Finance Committee and with the refurbishment proposals under the capital allowance, the Chair of Finance Committee was happy to endorse the Full Business Case for Council approval.

Approved:

- a) the full business case (FBC) for the reconfiguration of the Waterside building;
- b) a spend of £24.12m from the capital budget for the reconfiguration work; and
- c) delegated Authority to VC, Executive Dean - Business School, Chief Financial Officer and Director of Estates to award the full contract for works to deliver the refurbishment of the Waterside building subject to it being deliverable within the Development Cost Estimate of £24,121,451, which is within the maximum capital allocation of £25m already made.

137. Rushford Court Full Business Case (C/22/123 Confidential)

Noted:

- a) in managing the complexities of decanting the College of St Hild and St Bede (Hild Bede), a partnered development had been achieved with Unite Students who owned the Purpose-Built Student Accommodation (PBSA) Rushford Court;
- b) Rushford Court would be a temporary location for Hild Bede, although investment was needed to expand the building, ensuring that the space felt like a college environment;
- c) once Hild Bede had returned to its refurbished premises, the plans were for Rushford Court to become a new University College, although there existed additional challenges for the refurbishment of the Hild Bede site;
- d) although the project had increased slightly since Finance Committee considered the Full Business Case, the project was felt to offer good value for money;

- e) Rushford Court provided an example of a different model of developing University owned or managed student accommodation, with the type of project utilised for the Mount Oswald development not appropriate in this scenario;
- f) due to the current condition of Hild Bede site, this outcome was the best that could be achieved in the current circumstances;
- g) as part of the agreement with Unite Students, the University could ensure contracted staff followed University policies, such as the recently approved Close Personal Relationships at Work Policy.

Approved: the Rushford Court Full Business Case, with an investment from the University of £9.26M (including £400k DU internal costs).

138. Audit and Risk Committee Report 14 June 2023 (C/22/124 Confidential)

Noted: the matters discussed by the Audit and Risk Committee (ARC) at its meeting on 14 June 2023.

139. The Strategic Risk Report (C/22/125 Confidential)

Noted:

- a) the Strategic Risk Report had been discussed by ARC, but their responsibility was not to approve the Report to Council;
- b) the increased risk scores for Strategic Risk 2 on the Business Model & Financial Sustainability, may reduce following the recent rise in the QS World University Rankings;
- c) some of the risk scores were due to external factors, and the legacy issues relating to the University Estate and IT infrastructure.

Agreed: the changes to risk scores and profiling as detailed in the paper.

140. Governance and Nominations Committee Report: 22 June 2023 (C/22/126 Internal)

Noted: the matters discussed by the Governance and Nominations Committee (GNC) at its meeting on 22 June 2023.

141. Committee Memberships (C/22/127 Confidential)

Noted: any gaps on Council Committees may be filled by the newly appointed Lay Members of Council, dependent on their skills.

Approved: the recommendations for appointments and reappointments to Council Committees as set out in the paper.

142. Council Member Annual Appraisal and Council Feedback Survey (C/22/128 Internal)

Noted:

- a) following feedback from Council the annual appraisal and Council feedback survey had been amended. With the Council feedback to be uploaded onto Boardvantage, once information was received by Governance Support Services;
- b) Council approval was sought for the process becoming annual, with only minor amendments requiring approved by GNC.

Agreed: the Council Member Annual Appraisal and Council Feedback Survey as an annual process. **AW**

143. Annual Schedule of Council Committees (C/22/129 Confidential)

Noted: to reduce the number of Council business meetings from six to five, in line with Senate. This did not remove the option of Council holding additional meetings where necessary.

Agreed:

- a) the schedule of meetings for the next academic cycle, including a reduction in Council business meetings from six to five per year;
- b) to review the reduction in 12-months' time. **AW**

Leslie Ferrar and Terry Toney left the meeting.

144. Deputy Chair and Senior Independent Governor (C/22/130 Confidential)

Noted:

- a) following approval by Council, on 16 May 2023, expressions of interest were sought from eligible Council Members for the position of Deputy Chair and Senior Independent Governor (SIG);
- b) GNC, on 22 June 2023, agreed a recommendation for each of the two positions for approval by Council;
- c) there was no need to replace the lay member on GNC, as the changes considered under Committee Membership (C/22/127) included the SIG becoming a member of GNC.

Approved: Leslie Ferrar to be Deputy Chair and Terry Toney to be SIG from 1 August 2023.

Leslie Ferrar and Terry Toney re-joined the meeting. The Chair congratulated them on their respective appointments.

145. People and Organisational Development Committee Report: 13 June 2023 (C/22/131 Confidential)

Noted:

- a) the matters discussed by the People and Organisational Development Committee at its meeting on 13 June 2023;
- b) the Chair of the People & Organisational Development Committee was due to travel to Canada in the autumn with DARO arranging an alumni event for them to attend. Should any Council members wish to do the same, they were to contact the University Secretary in the first instance.

146. Ethics Committee Report: 25 May 2023 (C/22/132 Confidential)

Noted: the matters discussed by the Ethics Committee at its meeting on 25 May 2023.

Approved: the revisions to the Gift Acceptance Policy.

147. Remuneration Committee Report: 14 June 2023 (C/22/133 Confidential)

Noted: the matters discussed by the Remuneration Committee at its meeting on 14 June 2023.

148. Campaign Board: 15 June 2023 (C/22/134 Confidential)

Noted: the matters discussed by the Campaign Board at its meeting on 15 June 2023.

149. Register of Sealings (C/22/135 Confidential)

Noted: the documents sealed since the last meeting of Council

150. Dates of Future Meetings

Noted: the dates of future Council meetings: 12 September (Strategy Day), 24 October, 5 December 2023.