

Council**16 May 2023**

- Present:** Joe Docherty (Chair), Rebecca Askew, Joanna Barker, Jonathan Bewes, Kay Boycott, Richard Crisp, Leslie Ferrar, James Grierson, Michael Hampel, Alison Hastings, Denise Lievesley, Colin Macpherson, Joe McGarry, Amir Michael, Liadi Mudashiru, Karen O'Brien, Nigel Perry, Ari Sadanandom, Corinne Saunders, Terry Toney, and Jun Jie Wu.
- In Attendance:** Omar Ahmed, Navreet Badwal, Laura Curran, Amanda Wilcox and Stephen Willis (all items), Tony Fawcett for Minute 103, Shaid Mahmood and John Pritchard for Minute 105 and 106, and James Walsh (Minutes)
- Apologies:** Cheryl Millington.

**Minutes of a Meeting of Council held in
The Radisson Blu Hotel, Durham and via Zoom****96. Welcome****Noted:**

- a) the Chair welcomed Omar Ahmed and Navreet Badwal as the newly appointed Council Apprentices to their first meeting;
- b) the Chair welcomed James Walsh as the Interim Head of Governance Support Services, who would be supporting Council and Governance & Nominations Committee.

97. Declarations of Interests in relation to Agenda Items**Noted:**

- a) Amir Michael raised a conflict as the Head of the Department of Accounting in relation to the Strategy Refresh White Paper (Minute 105);
- b) Joe McGarry raised a conflict as President of the Durham Students' Union in relation to the Finance Committee Report (Minute 107).

98. Minutes of Meeting held on 14 March 2023 (C/22/83 Confidential)

Approved: the minutes of the meetings held on 14 March 2023, subject to the following amendment: Minute 86 d) to read: approximately 25% of students raised disclosures, which was not uncommon across the higher education community. Societal changes had provided an environment for increased disclosure – mental health was the most common disclosure versus learning disabilities which had historically been the most common disclosure.

99. Matters Arising

Noted: there were no matters arising.

100. Action Log and Schedule of Business (C/22/84 & /85 Confidential)

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

101. Chair's Business

- a) the Chair had attended the inaugural Sir Harry Evans Global Summit in Investigative Journalism, which had been superbly arranged and acknowledged as a high-profile event for the University;
- b) Lay Member Recruitment long- and short- listing dates had been arranged, with Council Members involved thanked for accommodating the limited available dates;
- c) the Higher Education Freedom of Speech Bill was likely to receive Royal Assent, although it was not anticipated that new legislation to be in place before January 2024. Council would receive an update on the implications at a future meeting;

The Principal of St John's College (C/22/86 Confidential)

- d) following the decision of the current Principal to step down on 31 August 2023. St John's College had undertaken a search for a new Principal, which required the approval of Council.

Approved: the appointment of the Rev Professor Jolyon Mitchell as the new Principal of St John's College from 1 September 2023.

102. Vice-Chancellor's Report (C/22/69 Confidential)

Noted:

- a) the University had reached the Final of the BBC television programme University Challenge, for the first time since 2000 and would be appropriately recognised;
- b) future Vice Chancellor's Reports (VCR) would include a section on the notable events which taken place since the last Council meeting;
- c) on 12 April 2023, the Vice-Chancellor had been a guest speaker at the Policy Exchange event on university funding. The debate included discussion about the financial difficulties universities faced due to the current student funding model;
- d) an overseas visit to the United States had been very successful, with several events attended with alumni and key philanthropic supporters. One of the highlights was the performance by the Northern Light Acapella Group at an alumni event in New York;
- e) the installation of the new Chancellor was scheduled for 28 June and in lieu of that proposals were being developed to recognise the outgoing Chancellor. Any proposals would require approval by UEC, with Council informed of any decision by-circulation before the installation ceremony;
- f) on the appendix in the VCR on an Admissions Update the following:
 - i) the figures provided indicated the University continued to have strong home undergraduate (UG) recruitment, with a slight downturn in international UG, although the figures were not concerning;
 - ii) international postgraduate taught (PGT) recruitment was showing an improvement on the previous year, although it was notable at Durham, as with the rest of the sector, was seeing a fall in home PGT applications. It was thought this reflected wider concerns about the cost of living;
 - iii) the impact of the University's position in the Global League Tables was impacting somewhat on Chinese applicants, although the University Strategy was towards a more diversified international cohort;
 - iv) there was little evidence that home PGT students were applying to international institutions, although this hypothesis would be assessed at the end of the recruitment cycle, once figures for competitor institutions became available;
 - v) the University's decision to guarantee accommodation for international PGT students was felt to be the right course of action, although it may have minorly impacted on home PGT applications.

103. Senate Report

Noted:

- a) the main business of Senate had focussed on the Strategy Refresh and associated work on Purpose & Values, and the mitigations for the marking & assessment boycott (MAB);
- b) in relation to industrial action the following:
 - i) although a pay award had been proposed by UCEA, on behalf of the employers, at the limits of sector affordability, the University College Union (UCU) had rejected the offer;
 - ii) sector figures were that 30% of universities were reporting an operational deficit, with the rate of inflation, energy costs and student funding model, continuing to impact on any opportunity to change the pay award announced by UCEA;
 - iii) in consideration of the other industrial action issues, the University was making progress against casual contracts and workloads, with the University supporting a national revision of the current pay scales;
 - iv) due to the impasse on pay, the UCU had balloted members to undertake action short of a strike and a MAB. 56% of UCU members had voted, with 89.9% of those who voted in favour of further action;

- v) the 50% salary deduction agreed for those involved in the MAB was consistent with other Russell Group institutions, although some had gone as far as a 100% deduction, with the MAB seen as the withholding of labour.
- c) on the appendix to the Senate Report on the MAB mitigations the following:
 - i) Senate had discussed the mitigations proposed in ensuring students could graduate under MAB conditions, whilst providing academic assurance through the applied process;
 - ii) the MAB mitigations were based on the existing provision of the 75% rule, which enabled the University to award classified/unclassified degrees where at least 75% of marks were available. The 75% rule had originally been designed for use in cases of student illness and had been applied during the Covid-19 pandemic, for situations where marks were not available due to academic staff absence caused by Covid-19 related illness;
 - iii) the Curriculum Learning & Assessment Service (CLAS) was providing advice and training for Boards of Examiners and Heads of Department in implementing the mitigations for any MAB which impacted on its students;
 - iv) modelling had been undertaken on the impact of the MAB and the robustness of decisions made through the mitigation policy;
 - v) the University was continuing to ensure students were not disadvantaged by the MAB and that outcomes were not too harsh or contribute to the perception of grade inflation. Noting the University was listed in the bottom third of the OfS unexplained grade inflation metric, which was reflective of the University's confidence in its assessment processes;
 - vi) discussions were being held with professional accreditors to ensure that those students affected by a MAB were not disadvantaged;
 - vii) although the mitigations were the best which could be achieved in the circumstances, the University would monitor any impact on students' opportunities to secure jobs or scholarships for future study;
 - viii) OfS expectations are that students do not incur any disadvantage due to disruption caused by industrial action including MAB. Therefore, to ensure the University meets its regulatory requirements, interim awards would be made and when all marks were available final classifications and awards could be higher than any provisional award of classification confirmed under the 75% rule, but could not be lower;
 - ix) the challenge was to explain to students how the mitigated grade awards would work, with the Durham Students' Union (DSU) happy to develop videos for social media to support the University's position;
 - x) the DSU was pleased with the policy and thanked the Pro-Vice-Chancellor (Education), the Head of CLAS and their team, for all their efforts in working in the interests of all students who may face a MAB.

Agreed: to endorse the approach as outlined in the paper.

104. Durham Students' Union Report (C/22/89 Confidential)

Noted:

- a) the President of the DSU highlighted a recent referendum on Common Room financial sustainability, which had been completed by 10% of students. Of those who voted 97% were in favour of the University supporting the financial sustainability of Common Rooms;
- b) expanding training opportunities for students on the Senate Disciplinary Committee (SDC) was important, with the President of the DSU being the only student able to serve on the SDC, due to training provided whilst they were a Junior Common Room President;
- c) in relation to Artificial Intelligence (AI) the following:
 - i) the DSU supported the University's decision to opt-out from Turnitin's AI detection software, due to the likelihood of an increased number of false positives being reported;
 - ii) the use of AI was currently detectable by academic staff, although this situation would continue to be monitored as AI improved;
 - iii) the current review into the assessment methods used by the University would take into account the impact of AI.

105. Strategy Refresh White Paper (C/22/90 Confidential)

Received: Refreshing the University Strategy 2017-2027 White Paper presentation.

Noted:

- a) following an extensive period of consultation, the Strategy Refresh White Paper had been endorsed by Senate on 2 May 2023 for approval by Council;
- b) although the paper had not radically altered since Council considered the Green Paper, several Strategic Performance Indicators had been developed and more detail provided in relation to the Science Strategy;
- c) the Vice-Chancellor's presentation covered: an outline of the process to date; key priorities; financial drivers and strategy; key foci of research, science transformation, Equality Diversity & Inclusion, the student body, civic and regional responsibility, transformational capital projects;
- d) Council agreed that the Strategy Refresh went beyond a simple 'refresh', with the Vice-Chancellor, Director of Strategic Planning & Insight and all those contributing to the paper thanked for their efforts in delivering the White Paper;
- e) the Government was continuing to invest in research and development, however, there was limited capital investments available and the option of a Special Purpose Vehicle (SPV), may be a suitable option to achieve the aims detailed in the Science Strategy;
- f) the University was keen to investigate different income sources, including Continuing Professional Development (CPD) and Transnational Education (TNE) opportunities;
- g) the development of the University's research culture was being led by the Deputy PVC (Research), who was leading external bids to make the initiative financially sustainable;
- h) the Strategy Refresh would retain the flexibility to respond as the sector was likely to undergo significant change over the coming years;
- i) key to the success of the refreshed strategy would be the emergence of new programmes, with developments already underway to achieve that ambition. The University's investment in the Strategic Programme Development Fund was enabling staff 'buy-out' to focus on these new developments;
- j) the Strategy Refresh provided an improved alignment and a vision toward which the University could shape its future;
- k) the new Head of the Development & Alumni Relations Office (DARO) was bringing philanthropic interest in line with the University's Strategy, with Council to receive a presentation from the Head of DARO at a future meeting;
- l) 5-years into a 10-year strategy was the optimum time to review and refresh, although care had been taken to avoid scope creep beyond the idea of refreshing the existing Strategy.

Agreed:

- a) to approve the University Strategy Refresh: White Paper, with any further comments to be forwarded to the Vice-Chancellor;
- b) to bring an update on the Strategy implementation at 6-monthly intervals to Council. **KOB**

106. Purpose and Values (C/22/91 Internal)

Received: Our Purpose and Values presentation.

Noted:

- a) the Strategy Refresh had provided an opportunity for the University to review its purpose and values, which the Pro-Vice-Chancellor (EDI) had led on;
- b) the Pro-Vice-Chancellor's (EDI) presentation covered the following areas: why review the purpose and values; the University's essence in its Royal Charter; current vision, values and strategy; the process undertaken in refreshing the purpose and values; the emerging key messages; the proposed purpose and value statements;
- c) the revised purpose and values were felt to encapsulate the core essence of the staff and students at the University and resonated well;
- d) the purpose and values applied to Members of Council, with future iteration to understand how they were embedded and the consequences for those who did not reflect the revised values.

Agreed: to approve the purpose and value statements.

107. Finance Committee Report 27 April 2023 (C/22/92 Confidential)

Noted: the significant matters discussed by Finance Committee at its meeting on 27 April 2023, with attention drawn to the following areas:

- a) the approval of the DSU Annual Allocation of Funds for 2023-24;

Closed Minute

108. Audit and Risk Committee Report: 30 March 2023 (C/22/93 Confidential)

Noted: the matters discussed by Audit & Risk Committee at its meeting on 30 March 2023.

109. Governance and Nominations Committee Report: 27 March 2023 (C/22/94 Internal)

Noted: the matters discussed by Governance & Nominations Committee at its meeting on 27 March 2023, including the following areas:

- a) the progress made in relation to the Council Effectiveness Review (CER), which would be continued by the Governance Reviews Implementation Group, combining the CER with recommendations from the Senate Effectiveness and Statutes Reviews;

Council Deputy Chair and Senior Independent Governor (SIG) (C/22/95 Confidential)

- b) following the CER, recommendations had been made to:

- i) rename the Vice-Chair position as Deputy Chair;
- ii) to agree the appointment of a SIG, who would act independently of the Chair.

Agreed:

- a) to rename the post of Vice-Chair as Deputy Chair;
- b) to introduce the position of SIG.

110. People and Organisational Development Committee Report (C/22/96 Internal)

Noted: the matters discussed at the inaugural meeting of the People & Organisational Development Committee at its meeting on 3 May 2023.

111. Final Submission of Statutes Review for Privy Council

Noted:

- a) the review of the University Statutes was reaching a conclusion, with thanks for Nigel Perry as the Chair of the Statutes Review Working Group and all those involved in the detailed work it had undertaken;
- b) the Privy Council had been informally approached and via the Department for Education (DfE) and the Office for Students (OfS) had provided a minor recommendation in relation to the 'fit and proper' test for members of Council;
- c) minor amendments had been included, with the revised Statutes and Regulations ready for final submission and approval to the Privy Council.

Agreed:

- a) THAT a formal written application be made to the Privy Council for an Order of Council, accompanied by any requisite textual amendment and explanatory memorandum, the effect of which shall be to repeal the existing Statutes of the University and in their place adopt the revised Statutes presented to the meeting and initialled by the Chair for the purpose of identification;
- b) THAT subject to such minor modification as may be required by the Privy Council and which are agreed by the Statutes Review Working Group acting on Council's behalf, and conditional upon and with immediate effect following the approval of the Privy Council by way of Order of Council or otherwise, the Statutes of the University be amended in accordance with clause 42 of the existing Statutes, such that the revised draft Statutes presented to the meeting and initialled by the Chair for the purpose of identification be adopted as the Statutes of the University in substitution for, and to the exclusion of, the existing Statutes; and
- c) THAT with immediate effect following the adoption of the revised Statutes pursuant to resolution 2), pursuant to clause 24.4 of the revised Statutes the draft Regulations presented to the meeting and initialled by the Chair for the purpose of identification be

established and adopted as the Regulations of the University in substitution for, and to the exclusion of, any corresponding existing Regulations.

112. Conflict of Interest and Personal Relationships at Work Policies

Noted:

- a) the OfS was currently consulting on personal relationships between staff and students, with the University proactively separating the policy from its Conflict of Interest Policy;
- b) the policy had attempted to deal with a number of complex issues, including relationships between Postgraduate Research (PGR) students and staff;
- c) from the DSU:
 - i) the DSU did not feel it could approve the Personal Relationships at Work Policy and recommended a complete ban on staff student relationships;
 - ii) the health sector had made it clear that any relationship between medical staff and patients was prohibited and the same should apply to universities;
 - iii) acting in a conscious manner the DSU was worried about the potential of students coming to harm as a result of not imposing a ban on staff student relationships;
 - iv) the DSU accepted that exceptions to a total ban would be needed;
 - v) a recent report by the NUS, titled Power in the Academy: Staff Sexual Misconduct in UK HE, had highlighted the power imbalance that existed between staff and students;
 - vi) the issue extended beyond personal relationships and into the area of harassment.
- d) in response to the DSU's position, the following:
 - i) it was important to understand how the rest of the sector was responding to the issue and receive the outcome of the OfS consultation. The University was unaware of suggestions that Cambridge had banned staff student relationships;
 - ii) implementing the policy with restrictions in place would allow for more stringent measures to be put in place, if necessary, although the reverse of this was not necessarily achievable;
 - iii) the University would continue to monitor the impact of the Policy and would bring back to Council after 12-months to review its impact.

Approved:

- a) the amended Conflict of Interest and the newly created Close Personal Relationships Policies;
- b) the DSU's position in not supporting the Personal Relationships at Work Policy;
- c) to review the Personal Relationships at Work Policy in 12-months' time.

KOB

113. HR Report on Key Staffing Matters

Received: the report for information.

114. The Higher Education Policy Landscape Wonkhe KPMG April-2023

Received: the Wonkhe Higher Education Policy Landscape for information.

115. Dates of Future Meetings

Noted: the dates of future Council meetings: 11 July 2023.