

UNIVERSITY COURT – AGENDA

Tuesday 5 May 2020, 10.00-13.00
By videoconference

Apologies: None received

Declarations of interest: None

Introduction		
1.	Minutes of the meeting held on 3 March 2020	Paper A 5 mins
2.	Matters arising	Oral
3.	Principal's Report <i>Principal</i>	
	<ul style="list-style-type: none"> • update on COVID-19 measures • overview of Positive Response & Planning Groups 	Oral Paper B 40 mins
Substantive items		
4.	Corporate Risk Register and Covid-19 Risk Register <i>University Secretary & Compliance Officer</i>	Paper C 10 mins
5.	Budget setting: Update on process and Financial Forecast Update to SFC (for homologation of prior approval by Convener's Action) <i>Chief Financial Officer</i>	Oral Paper D 15 mins
6.	Special Advisory Group <i>Associate Principal, Research & Innovation</i>	Oral 15 mins
7.	TIC Zone Development within the Glasgow City Innovation District: Update on progress and timing <i>Chief Commercial Officer, Chief Financial Officer</i>	Oral 15 mins

Items for formal approval		
8.	Amendments to Ordinances and Regulations <i>University Secretary & Compliance Officer</i>	Paper E <i>10 mins</i>
Committee reports <i>(for noting, unless otherwise stated)</i>		<i>5 mins</i>
9.	Executive Team	Paper F
10.	Senate	Paper G
11.	Court Business Group	Paper H
12.	Court Membership Group <ul style="list-style-type: none"> • For approval: Appointment of a lay member of Court 	Paper I
13.	Audit & Risk Committee <ul style="list-style-type: none"> • For approval: Whistleblowing Policy 	Paper J
14.	Estates Committee	Paper K
15.	Enterprise & Investment Committee	Paper L
Closing remarks		<i>5 mins</i>
16.	Any other business Date of next meeting <i>Wednesday 17 June 2020</i>	

MINUTES OF UNIVERSITY COURT
3 March 2020

- Present:** Dame Sue Bruce (Convener), Paula Galloway (Vice-Convener) (by telephone), Professor Sir Jim McDonald (Principal), Dr Jeremy Beeton, Ronnie Cleland, Amanda Corrigan, Alison Culpan (items 1-6), Gillian Hastings, Stephen Ingledew, Susan Kelly, Professor Scott MacGregor, Councillor Ruairi Kelly, Peter Young
- Attending:** Professor Tim Bedford, Professor Douglas Brodie, Adrian Gillespie, Sandra Heidinger, Professor Atilla Incecik, Dr Veena O'Halloran, Professor Eleanor Shaw, Rona Smith, Professor Iain Stewart, Steven Wallace, Dr Daniel Wedgwood, Professor Robert Stewart (item 4), Dr Olga Kozlova (item 7), Claire Carroll (item 8), Professor Stephen McArthur (item 8), Gordon Scott (item 9),
- Apologies:** Dr Archie Bethel, Kayla-Megan Burns, Matt Crilly, Dr Kathy Hamilton, Dr Neil McGarvey, Dr Katharine Mitchell, Gillian Pallis, Malcolm Roughead, Heather Stenhouse, Marion Venman, Brenda Wyllie

Welcome and apologies

The Convener welcomed Court members and attendees to the meeting and noted the apologies received.

No interests were declared.

1. Minutes

Court **approved** the minutes of the meeting held on 28 November 2019.

2. Matters arising

- Privy Council approval of revised Charter and Statutes
The Privy Council had granted its approval for revisions to the University's Charter and Statutes on 12 February 2020, on the basis of the resolution passed at the Court meeting on 28 November 2019. Members noted that, as stated throughout the process, Court would be compliant with the provisions on its composition (Statute 2.1.5) from 1 August 2020. All other amendments would apply with immediate effect.

3. Principal's Report

Vision 2025 launch

The University's new Strategic Plan, Vision 2025, had been launched at a very well attended staff event in the Barony Hall on Monday 3 February. Graduates of the University and of Breaking Barriers had given inspiring speeches, reminding attendees of the transformative potential of the University. The Principal thanked the Associate Principal, Education & Enterprise for hosting the event and thanked the Vice-Convener, Senior Deputy Convener and Treasurer for representing Court on the day.

Industrial Action

The UCU had initiated 14 days of strike action on 20 February, which was on-going at the time of the meeting. This was a continuation of action based on ballots concerning both the Universities Superannuation Scheme (USS) and the 2019/20 national pay negotiations (encompassing workload, casualisation and equality). The

Educational Institute of Scotland (EIS) Union had also announced five days of industrial action in February and March, in relation to the 2019/20 national pay negotiations. The Principal and Chief People Officer (CPO) had met with the Chief executive of Universities UK to discuss the University's preferred outcomes, both of the main grounds for the action being subject to national negotiations. The Principal commended the CPO's handling of an isolated incident of unacceptable behaviour on the picket lines.

The Vice-Principal outlined the University's efforts to monitor the extent and impact of the strike action and to minimise disruption to students, co-ordinated through an industrial action planning group. It was noted that the UCU's mandate for strike action would expire on 29 April, meaning that a further ballot would be required for any action thereafter.

Queen's Anniversary Prize ceremony and dinner

The Queen's Anniversary Prize had been awarded to the University at a ceremony held at Buckingham Palace, which was attended by the Principal, Chancellor, Senior Deputy Convener, three senior professors from the field of energy research and five of the University's research students.

Government engagement

In his capacity as a member of the Council on Science and Technology, the Principal was due to meet a number of high-ranking figures in the UK Government, including the new Chancellor of the Exchequer and Higher Education Minister.

The Principal and the Chief Commercial Officer (CCO) had attended an event with the First Minister at a new facility belonging to one of the University's industrial partners, Spirit Aerospace, with whom the University signed a major research partnership on the same day.

The University had welcomed Ivan McKee, the Scottish Government's Minister for Trade, Investment & Innovation, to TIC/Inovo on 15 January, to officially open the new offices of EnMovi, a new Scottish subsidiary of US firm OrthoSensor, with whom Strathclyde had a longstanding relationship.

Scottish Government budget

The draft Scottish budget had brought a 1.84% cash-terms increase in the resource budget across sector and a rise in the capital budget of 9.9% in cash terms. This remained to be confirmed, as the Scottish budget had, unusually, preceded the UK budget; in-year adjustments might be used to deal with any resulting shift in expectations. Based on initial discussions between the sector and the Scottish Funding Council (SFC) on the allocation of available funds, it was expected that Strathclyde's SFC funding would see a modest increase.

UK withdrawal from the EU

The UK had formally left the EU but a variety of scenarios remained possible for the UK's future relationship with the EU. The University had planned for different outcomes through its Brexit Business Continuity Group and the on-going work of the Strathclyde EU Exit Working and Advisory Group (SEEWAG), taking advice from external agencies including Universities UK and Universities Scotland. Communication with students and EU staff had been prioritised and would continue. Access to Horizon Europe research funding and the ERASMUS+ programme remained subject to international negotiations. The Scottish Government's Minister for Further Education, Higher Education and Science, Richard Lochhead, had recently expressed support for ERASMUS+ and had suggested that, if necessary, Scotland might seek to engage directly to maintain some form of participation.

Immigration policy

A Tier 1 Global Talent visa scheme had been approved by the UK Cabinet. This was expected to help the University to attract leading academics through the Strathclyde Global Talent Attraction Programme.

Grants

The University had recently won a number of very significant research grants, including a major Scottish Government grant to Professor Robert Stewart, who would speak later in the meeting.

Health, Safety & Wellbeing

The University Secretary & Compliance Officer (USCO) updated Court on the University's response to the global COVID-19 (Coronavirus) outbreak. The situation was being monitored continuously, on the basis of

advice from public health authorities and a wide range of partner organisations, and communications with students and staff were kept up-to-date accordingly. In line with national advice, the current focus was on hand hygiene as a preventative measure. Hand sanitisers had been installed on campus in areas of high footfall.

The University had had an incident response team in place since January and had plans in place in case of any need to enable isolation of any students within student residences, with appropriate support for anyone affected. Contingency plans had been created for business continuity in case of a local outbreak. A staff member with senior experience in the World Health Organisation was advising. Contingencies were being developed in case of an outbreak during the examination and graduation season. The University had recently expanded its Risk & Resilience team, giving more capacity to prepare appropriately.

The University and the Students' Union were in communication with the University's three associations for Chinese students and had sent a joint message of support to them. A message to global alumni was in preparation. Personal communication was being maintained with students who were known to have home addresses in Hubei Province.

4. Research and innovation presentation: 5G

Professor Robert Stewart delivered a presentation on the University's work in 5G technologies, focusing on the use of 'shared spectrum' to provide connectivity beyond the major commercial networks. Strathclyde was a recognised leader in this area, having led the development of shared spectrum from proof of concept to major national and international projects. This had significant disruptive potential, bringing substantial opportunities for the University and others.

5G was recognised as one of the University's research and innovation clusters and also interacted in significant ways with the other clusters, to mutual benefit.

The Convener commended the University's leading role in this important technology. The following points were raised in subsequent discussion:

- Concerns over reliance on technologies from foreign state companies provided additional challenges in the development of mobile networks, with a need to address security, technical and economic factors and to balance political pressures from multiple directions.
- Interaction between the 5G and Quantum research clusters was crucial, given the importance of very accurate timing in 5G. The Glasgow City Innovation District was to include a Timing Hub that would contribute significantly to the further development of work in 5G.
- The social and economic outcomes of 5G projects were being investigated with a charity partner. Models developed for community windfarms could be applied in community 5G projects, to deliver and monitor local benefit.
- Strathclyde's approach had great potential for use in other countries and many governments had funds or access to funds for infrastructure development that could back up demand for shared spectrum 5G networks. It was noted that Strathclyde was already pursuing relevant work with a number of overseas governments.

5. Preparations for COP26

Professor Tim Bedford outlined the University's preparations for the United Nations Climate Change Conference (COP26) which was to be held in Glasgow later this year. Taking into account the main conference and satellite events, this would be a very large-scale undertaking, expected to involve around 30,000 delegates and the leaders of 197 nations and territories.

The University had applied for Accredited Observer status and would be running its own programme of events, showcasing its world-leading research and transformative innovation and impact in climate change science, engineering and policy. The University would also host significant events for other organisations, including the Under2 Coalition, a network of regional and state governments operating below nation-state level. In conjunction with its partners, the University aimed to use the opportunity provided by COP26 to increase climate literacy in the University and beyond, to inform and accelerate climate action, and to deliver a significant legacy from the event.

To ensure preparations were co-ordinated, a steering group had been created, which would report to the Executive Team. This was working in parallel with and in contact with the working group preparing the University's Climate Change & Social Responsibility Plan, ensuring alignment between different strands of work that centred on climate action.

Court **noted** the University's preparations for COP26 and commend progress made to date.

6. Performance Reporting: Q2 Business Report 2019/20, Strategic Plan mid-year progress report and Outcome Agreement 2020/21

[Reserved]

7. TIC Zone Development within the Glasgow City Innovation District

[Reserved]

8. REF 2021: Submission Development Report

Professor Stephen McArthur (Deputy Associate Principal, Research, Knowledge Exchange and Innovation) and Claire Carroll (Research Manager) provided an update on progress with the REF 2021 submission, including current forecast performance.

The current quarter had been identified as a key stage for interventions to enhance the REF submission in each Unit of Assessment (UoA). Current priorities were to maximise the quality of impact case studies and environment statements. Court was shown examples of the REF team's Unit of Assessment analyses, used for detailed assessment and forecasting of REF performance and for driving improvement.

It was explained that forecast performance was calculated on the basis of the assessments of expert academic reviewers, comparisons with REF 2014 and benchmarking against appropriate comparator institutions. Forecasting was being pursued on a cautious basis, avoiding bias towards optimistic assumptions.

It was noted that the REF team had benefited from good engagement across the University, the importance of the exercise being widely recognised and understood as a facet of the University's unambiguously research-intensive character. Based on experience from the successful 2014 REF exercise, process improvements had been made to enable earlier intervention in UOAs and to benefit from new sources of external advice.

The Convener thanked the REF team for their efforts and for keeping Court informed and requested that a further update be provided at the June Court meeting.

Court **noted** current and planned preparations for REF2021 and current forecasts of performance.

Items for formal approval

9. Digital Transformation at Strathclyde: HR/Payroll System Replacement to underpin Vision 2025

The CPO and Acting Director of HR outlined the business case to procure and successfully implement a new modern HR/Payroll solution. The new system would address the substantial business continuity risks associated with maintaining the existing system, on which many other University systems depended. It would also significantly enhance the employee lifecycle experience and streamline existing business processes. A nine-month discovery phase had been completed, including extensive consultation to establish key business needs and opportunities for improvement.

Court approved the business case for a new HR/Payroll system.

10. Convener's Action: Appointment of Associate Principal and temporary re-appointment for Associate Principal & Executive Dean

The USCO outlined the two recent appointments of Associate Principals, the temporary re-appointment of HaSS Executive Dean and the Convener's prior endorsement and approval of these appointments on behalf of Court, as required by relevant protocols.

Court:

- **Noted** the appointment, in line with relevant recruitment protocol, of Professor Eleanor Shaw as Associate Principal, Education & Enterprise;
- **Homologated** the Convener's endorsement, on behalf of Court of the appointment of Professor Douglas Brodie as Associate Principal, Social Impact and Progression; and
- **Homologated** the Convener's approval of the temporary re-appointment of Professor Brodie as Associate Principal & Executive Dean of the Faculty of Humanities & Social Sciences, until a new occupant is appointed to that role or, at the latest, 30 September 2020.

Committee Reports

Court received and **noted** the following committee reports:

11. Executive Team

12. Senate

13. Court Business Group

14. Court Membership Group

Court **approved** amendments to the terms of reference of Enterprise & Investment Committee (EIC) and the Statutory Advisory Committee on Safety and Occupational Health (SACSOH).

Court **approved** the appointment of Gillian Hastings as Convener of EIC and Peter Young as Convener of SACSOH. The Convener thanked both for agreeing to take on these additional responsibilities.

15. Audit & Risk Committee

The Vice-Convener, as Convener of Audit & Risk Committee (ARC), and the CFO outlined the process used to appoint an external auditor, the result of which was that ARC was recommending the re-appointment of EY. It was noted that the relationship would be re-set through the re-appointment and that EY would be refreshing their audit team. Court **approved** the re-appointment of EY as the University's external auditor.

16. Estates Committee

17. Enterprise & Investment Committee

18. Staff Committee

19. Remuneration Committee

20. AOB

There was no other business raised.

Date of next meeting

- Tuesday, 5 May 2020

**Principal's Report
Overview of Positive Response & Planning Groups
[RESERVED ITEM]**

**Corporate Risk Register and Covid-19 Risk Register
[RESERVED ITEM]**

Budget setting: Update on process and Financial Forecast Update to SFC
[RESERVED ITEM]

Amendments to Ordinances and Regulations

Introduction

1. The University is undertaking significant changes to its highest-level governing instruments in order to ensure compliance with the [Higher Education Governance \(Scotland\) Act 2016](#) (the Act) within the established timeline for compliance. The legal deadline for compliance is 30 December 2020, but the University has committed to full implementation by 1 August, i.e. the beginning of the academic year 2020/21. In amending its governing instruments, the University also wishes to ensure compliance with the [Scottish Code of Good Higher Education Governance](#) (2017) (the Code).
2. Changes to the Charter and Statutes were approved by the Privy Council in February 2020. Amendments are now being proposed to the University's Ordinances and Regulations to bring them into line with the changes to the Charter and Statutes and provide the required detail. Unlike the Charter and Statutes, amendments to the Ordinances and Regulations do not require Privy Council approval, but may be amended by Court, following consultation with Senate.
3. To ensure compliance, the proposed amendment to the Ordinances were shared with the Scottish Government's Higher Education governance team before submission of the Charter and Statutes to the Privy Council. They indicated that they would be content with the Ordinances thus amended.
4. The majority of changes required for Act compliance relate to the composition of Court, in relation to which the Ordinances set out procedures for appointment of different categories of Court member. In addition to Act-related changes, amendments are also proposed to remove or update out-of-date Ordinances and Regulations relating to the Graduates' Association, Data Protection and Fees Policy. Given this range of proposed amendments, Court Membership Group and Court Business Group considered them in a joint session of the two groups on 21 April. They recommended the amendments for approval by Court.
5. The proposed amendments to the Ordinances and Regulations are set out in detail in Annex A and B, respectively. Only amended sections are included.

Ordinances

6. Revisions to Ordinances are proposed to reflect the following (references are to the paragraph numbering in the draft in Annex A):
 - designation of the Senior Lay Member as the Convener of Court, as required by the Act and asserted in the amended Statutes (Ord 2.12);
 - clarification of the positions of Deputy Convener and Senior Deputy Convener and their appointment, reflecting current practice (Ord 2.13);
 - clarification of the terms of office of the Vice-Convener of Court and Treasurer to comply with the Code (Ord 2.14 and 2.15);
 - addition of casting vote along with a deliberative vote for the person presiding over any meeting of Court (Ord 2.15);
 - how a vacancy in the roles of Convener or Vice Convener will be dealt with (Ord 2.16);
 - details of the process for the appointment of the Senior Lay Member and of the trade union members of Court (Ord 2.1.9 – 2.1.21);
 - principles for the election of the Academic Professional members of Court required by the Act (Ord 2.1.27-2.1.28);
 - process for the removal of a members of Court as stipulated by the Act (Ord 4.5);

- Removal of Ordinance 6 relating to the Graduates' Association, which is out of date. The Charter allows the University to, from time to time, prescribe in the Ordinances the conditions of its engagement with its former students and alumni.

Regulations

7. Revisions to Regulations are proposed to reflect:

- The expanded terms of reference of Court Membership Group in its role as the appointing committee for the Senior Lay member as required by the Act. (Reg 1.2.17);
- Updating of references to the University's Tuition Fee Policy in regulations 6.2.3, 7.2 and 7.2.1;
- Updating of regulations relating to Data Protection in regulation 6.9.

Recommendation

8. Court is invited to **approve** the relevant proposed amendments to the University's Ordinances and Regulations, as laid out in Annex A and Annex B.

Annex A – Proposed amendments to the Ordinances

2.1 Governance and Management

Court

- 2.1.1 ~~2.1.1~~—The Court is the overall governing body of the University. The power and functions of the Court are set out in Statute 2, as are its composition and terms of membership. The Court is responsible for overseeing the management and administration of the whole of the revenue and property of the University. The Court is also responsible for academic governance but, on matters relating to the academic work of the University, will normally only act on the recommendation of the Senate.

~~Convener and Vice-Convener of Court~~ Officers

~~Convener of Court~~

- ~~2.1.42.1.2~~ 2.1.2—The Convener of Court shall occupy the position of senior lay member as defined in the Higher Education Governance (Scotland) Act 2016 and be appointed ~~by Court~~ under the terms set out in Statute 2. The Convener of Court can attend in an *ex officio* capacity any committee of the University that is responsible for the management and administration of revenue, property, staff and students of the University (with the exception of Regulation 1.1).

~~Vice-Convener of Court~~

- ~~2.1.3~~ 2.1.3—The Convener of Court may nominate Deputy Conveners for election by Court from among such of the Court members as are not members of staff or students of the University. One of the Deputy Conveners may be appointed Senior Deputy Convener.

- ~~2.1.62.1.4~~ 2.1.4—The Convener of Court, following consultation with the Deputy Conveners, shall nominate a Vice-Convener for election by Court from among such of the Court members as are not members of staff or students of the University. The Vice-Convener shall hold office for two years and shall be eligible ~~to hold office for a further three years thereafter, in addition to any period for which they have been co-opted as a lay member of Court and which he or she may have been appointed in terms of the General Provisions set out below. for re-appointment but shall not serve continuously for more than eight years in that office.-~~

~~Treasurer~~

- ~~2.1.82.1.5~~ 2.1.4—The Convener of Court, following consultation with the Vice-Convener and Deputy Conveners, shall nominate a Treasurer for election by Court from among such of the Court members as are not members of staff or students of the University. The Treasurer shall hold office for two years and shall be eligible ~~to hold office for a further three years thereafter, in addition to any period for which they have been co-opted as a lay member of Court and which~~

~~he or she may have been appointed in terms of the General Provisions set out below. for re-
appointment but shall not serve continuously for more than eight years in that office.~~

~~General Provisions~~

~~2.1.10~~ ~~2.1.6~~ ~~2.1.5~~—In the absence of the Convener of the Court the Vice-Convener of the Court shall preside at meetings of the Court. In the absence of both the Convener and the Vice-Convener, the members present shall elect a Convener for that meeting from among those members present who are not members of staff or students of the University. ~~The person presiding over any meeting of the Court shall have a deliberative vote and also a casting vote.~~

~~2.1.11~~ ~~2.1.7~~ ~~2.1.6~~—If a vacancy occurs in the office of Convener or in the office of Vice-Convener through death or resignation or any other cause before the expiration of the period of office, the Court shall elect from among its members, who are not members of staff or students of the University, ~~a successor who shall hold office for member to exercise any of the remainder of such period.~~ functions of the vacant position while the position remains vacant.

Membership of Court

~~2.1.7~~ ~~2.1.8~~ The membership of Court is detailed in Statute 2.5. Court membership is attached to individuals: the use of 'alternates' (deputies or representatives) is not permitted at Court.

~~2.1.9~~ ~~2.1.8~~—When a vacancy in the position of Convener of Court arises, the Court Membership Group shall act as appointing committee. Students or members of staff of the University shall be ineligible to be appointed as Convener of Court.

~~2.1.10~~ Court Membership Group shall have responsibility for:

- ~~(i) Devising the relevant criteria with respect to the position of Convener of Court, which must include the availability, skills and knowledge that the appointing committee consider necessary or desirable to exercise the functions of Convener of Court and command the trust and respect of other members of the Court, of the members of the Senate and of the staff and students of the University;~~
- ~~(ii) Ensuring the efficiency and fairness of the process for filling the position;~~
- ~~(iii) Making publicly available the number of applicants for the position, and, so far as consent to disclosure has been received from the applicants, anonymised data relating to the protected characteristics, listed in section 149(7) of the Equality Act 2010, with respect to the applicants, the applicants invited to interview, and the applicants entitled to stand as candidates in an election for the position;~~
- ~~(iv) Advertising the vacancy widely sufficient to attract applications from a broad range of persons and in accordance with the requirements set out in section 4 of the Higher Education Governance (Scotland) Act 2016;~~
- ~~(v) Interviewing those applicants who appear to the committee to meet the relevant criteria for the position;~~
- ~~(vi) Assessing whether those applicants who have been interviewed have satisfactorily demonstrated that they meet the relevant criteria.~~

~~2.1.11~~ Applicants who are invited to interview may also be invited to meet with the Principal, members of the senior management, academic staff and/or with students who shall provide comments to

the Court Membership Group to enable them to determine whether each applicant has satisfactorily demonstrated that they meet the relevant criteria for the position.

2.1.12 Applicants who have satisfactorily demonstrated to the Court Membership Group that they meet the relevant criteria and have confirmed their intention to stand as a candidate are entitled to stand as candidates in an election for the position of Convener of Court. An election shall only take place in the event that there are two or more candidates. In the event that there is only one candidate, a new appointment process shall be commenced. The remaining candidate shall be entitled to stand for election without further interview.

2.1.13 Elections shall be conducted by the University Secretary in accordance with a process as agreed by the Court, the basis of which being that:

- a. a list is prepared of those eligible to vote in the election (those eligible to vote include all members of the governing body for the current session, all members of staff of the University in post on the first day of February of the calendar year in which the election falls, and all students of the University registered on or before the first day of February of that year);
- b. the election shall be conducted by secret ballot;
- c. the candidate who secures a simple majority of the total number of votes cast shall be declared the winner. In the event of a tie, the winner shall be determined in a manner approved, in advance, by Court.
- d. the University Secretary shall publish the result and subsequently report to the Court;
and
- e. if for any reason the University Secretary is unable to act the Principal shall appoint a substitute.

2.1.14 The candidate who wins the election shall be appointed as Convener of Court who shall hold office for a period of two years and shall be eligible for re-appointment but shall not serve continuously for more than eight years in that office.

2.1.15 As detailed in Statutes 2.5.6, 2.5.7 and 2.5.8 student and trade union members of Court, shall be nominated by the Students' Association and trade unions.

2.1.16 The nomination of such members by the trade unions and the Students' Association shall take place in sufficient time to enable, whenever possible, an announcement of the successful candidates to be made, at the latest, by the last Court meeting of the academic year in which a nomination is due.

2.1.17 The nomination of a member of staff who is a member of a trade union shall be the responsibility of the local branches of the trade unions formally recognised by the University, namely UCU, Unison and Unite, which shall make a nomination from within their own staff membership at the University.

2.1.18 Each trade union shall ensure that it invites applications for nomination for membership of the Court from all of its members. The executive committee of the local branch of each trade union shall be responsible for determining its own preferred candidate for nomination and shall devise procedures which it shall advertise widely amongst its membership to ensure that the process of determining a nominee is fair, transparent, inclusive and equitable.

2.1.19 Once each trade union has determined its preferred candidate for nomination, all three trade unions shall meet to agree the final nominations for each of the two nominated positions on Court, one being a member of the academic professional staff of the University staff (defined for the purposes of this Ordinance, as the staff categories of academic, research, teaching and knowledge exchange) and the other being a member of the professional services staff of the University (defined for the purposes of this Ordinance, as the staff categories of administrative and professional services, technical and operational services); In reaching the final nomination, the trade unions shall have due regard to accepted principles of equality and diversity and shall espouse the commitment of Court to achieving greater diversity in its membership.

2.1.20 Where a casual vacancy arises in either of the nominations from the trade unions, the trade unions responsible shall seek to make a new nomination as soon as possible in accordance with the provisions of this Ordinance and with the procedures devised by the relevant trade union in line with this. The new nominee shall begin a full term of office in accordance with Statute 2.5.7 or 2.5.8.

2.1.21 A member of Court nominated by a trade union who ceases either to be a member of the trade union or to be a member of staff of the University shall simultaneously cease to be a member of the Court.

2.1.22 Students referred to in Statute 2.5.6 shall include sabbatical officers of the Executive of the Students' Association. The nominees of the Students' Association shall be made by its Executive and shall normally be the President of the Students' Association and another member of the Executive.

2.1.23 The procedure for nomination of candidates shall be as prescribed by the Students' Association.

2.1.24 Where a casual vacancy arises in members nominated by the students, the Executive of the Students' Association shall seek to make a new nomination as quickly as possible. The Executive shall nominate one of its own number to fulfil the nomination, and that person shall hold office until the end of the current Executive, whereafter the new Executive shall nominate two new members.

2.1.25 A member of Court, nominated by the Students' Association, who ceases to be a student member of the University shall simultaneously cease to be a member of the Court.

2.1.26 As detailed in Statute 2.5.9 the Academic professional staff (defined for the purposes of this Ordinance, as the staff categories of academic, research, teaching and knowledge exchange) of the University will nominate one of their members to be a member of Court. Normally this will be by a democratic election process. The selected nominee will be recommended to Court for approval.

2.1.92.1.27 As detailed in Statute 2.5.10 the Administrative and Professional Services (defined for the purposes of this Ordinance, as the staff categories of Administrative and Professional Services, Technical and Operational Services) of the University will nominate one of their members to be a member of Court. Normally this will be by a democratic election process. The selected nominee will be recommended to Court for approval.

~~2.1.11~~2.1.28 ~~2.1.9~~ Elections to Court under ~~Statute~~ Statutes 2.5.89 and 2.5.10 shall be conducted by the University Secretary in accordance with a process as agreed by the Court, the basis of which being:

(a) a list shall be prepared by the University Secretary of:

i. for Statute 2.5.9, all members of the Academic, Research, Knowledge Exchange and Teaching staff of the University in post on the first day of February, eligible to vote (those eligible to vote include all members of Academic, Research, Knowledge Exchange and Teaching staff as defined in Statute 3.2). This list, subject to any amendments made by Court under the agreed process, shall be the Electoral Roll for election to Court for that year, as appropriate;

ii. for Statute 2.5.10, all members of the Administrative and Professional Services, Technical and Operational Services staff of the University in post on the first day of February~~of each year,~~ eligible to vote (those eligible to vote include all members of Administrative and Professional Services, Technical and Operational Services staff as defined in Ordinance 2.1.8). This list, subject to any amendments made by Court under the agreed process, shall be the Electoral Roll for election to Court for that year~~;~~.

~~(a)~~(b) any member of the electorate as identified on the Electoral Roll, except for the University Secretary, the Chief Commercial Officer, the Chief People Officer and the Chief Financial Officer, shall be eligible to stand for election;

~~(b)~~(c) the election shall be conducted by secret ballot and a single transferable vote system. The University Secretary shall publish the result and subsequently report to the Court; and

~~(c)~~(d) if for any reason the University Secretary is unable to act the Principal shall appoint a substitute.

~~2.1.12~~2.1.29 ~~2.1.10~~ As detailed in Statute 2.5.911 co-opted members of Court will be identified by the Court Membership Group and recommendations will be made to Court for approval of the appointments.

4.5 Removal of Certain Officers and Members

4.5.1 The Chancellor and any member of the Court (other than an ex officio member or a member of staff to whom Ordinance 4.3 applies) may be removed from office ~~for good cause by the Court, after investigation, on the grounds of serious personal misconduct, inability to exercise the functions of Convener of Court or of membership of the Court, abuse of the rights and privileges of membership of Court, bringing the University into disrepute, persistent absenteeism, medical incapacity or legal impediment.~~

4.5.2 ~~"Good cause" in this Ordinance means—~~

~~—conviction for an offence which may be deemed by the Court, as the case may be, to be such as to render the person convicted unfit for the execution of the duties of the office; and/or~~

~~(a) conduct of an immoral, scandalous or disgraceful nature incompatible with the duties of the office; and/or~~

~~(a) conduct constituting failure or persistent refusal or neglect or inability to perform the duties or comply with the conditions of office whether such failure results from physical or mental incapacity or otherwise.~~

4.5.3 ~~No person shall be removed from office for good cause by the Court unless they shall have been given a reasonable opportunity of being heard.~~

4.5.2 When an investigation of the case for removal from office of a member of Court has been instigated, the individual concerned shall be suspended from Court membership without prejudice pending the outcome of the investigation and the Court's decision thereon, but shall have the right to make representation to, and to appear in person before, the investigators.

4.5.3 If the investigation concludes that there are grounds for removal from office, a recommendation, together with a summary of the supporting evidence, shall be submitted for the Court's decision. The Court may then decide to remove the member from office, provided that at least 75% of those present and voting are in agreement.

4.5.4 If the investigation concludes that the grounds for dismissal cannot be substantiated or are insufficient and if the Court accepts that conclusion, then the suspension of the member concerned shall be immediately rescinded.

4.5.5 In the event that the Court decides to remove one of its members from office, that member shall have the right to seek a review of the decision.

~~6 GRADUATES AND FORMER STUDENTS ASSOCIATION~~

- ~~6.1 The Graduates and Former Students' Association (herein called the Graduates Association) shall be an organised association of Graduates and Former Students of the University and of the Royal College of Science and Technology and of the Scottish College of Commerce.
The objects of the Graduates Association shall be to further the well-being of the University and to foster the interest of its members in the University.~~
- ~~6.2 The office-bearers of the Graduates Association shall be recognised as responsible for communications between the members of the Graduates Association on the one hand and the Court, the Senate and other authorities of the University on the other hand.~~
- ~~6.3 The Graduates Association shall make regulations for the management and administration of its affairs, including the election of its office-bearers. Provided that no regulations relating to the election of office-bearers of the Graduates Association shall have effect until approved by the Court.~~

Current Ordinances

https://www.strath.ac.uk/media/ps/strategyandpolicy/University_Ordinances_2018-19.pdf

Annex B – Proposed amendments to the Regulations

Court Membership Group

Terms of Reference

1.2.17 The Committee's purpose will be:

- (a) To consider nominations of named individuals to be considered as potential lay members of Court with the intention that said members, ideally, should represent a spread of expertise and skills;
- (b) To consider the matter of succession planning in relation to membership of Court, the relevant committees of Court and to the University Committees which include representation from Court;
- (c) To consider the nominations of the Deputy Conveners (by whatever title) and the length of term of such appointments;
- (d) To make recommendations to Court on the above matters as and when appropriate;
- (e) To consider succession planning for the office of the Chancellor, including considering named individuals as potential candidates for this office, and making recommendations to Court and Senate on this matter as and when appropriate.
- (f) *When a vacancy in the position of Convener of Court arises, to assume the role of appointing committee;

Composition

1.2.18 The Committee will be composed of:

- (a) The Convener of Court *ex officio* (in the Chair)
- (b) The Vice-Convener of Court *ex officio*
- (c) The Treasurer *ex officio*
- (d) The Deputy Convener of Court (Estates) *ex officio*
- (e) The Deputy Convener of Court (Staff) *ex officio*
- (f) The Principal *ex officio*
- (g) The Vice-Principal *ex officio*
- (h) An appointed student member of Court
- (i) An appointed staff member of Court
- (j) An appointed lay member of Court

In attendance: The University Secretary and other senior officers, as appropriate

*When assuming the role of appointing committee for the position of Convener of Court, the Convener of Court and any persons who wish to seek candidacy for the vacancy must recuse themselves from discussion of the vacancy and appointment process. The Vice-Convener of Court will normally assume the Chair unless that person wishes to be considered for the role of Convener of Court.

6.2 Regulations Governing Non Graduating Students

- 6.2.1 Persons who are not students of the University registered for a degree, diploma or certificate may attend courses and classes either full-time or part-time in accordance with the provisions set out below. Such persons shall be termed 'non-graduating' students. The provisions shall not apply to students already registered for a degree, diploma or certificate who wish to attend any class outside their regular curriculum.
- 6.2.2 Non-graduating students wishing to attend an undergraduate or postgraduate course full-time or to attend an undergraduate or postgraduate course part-time or to attend only individual classes or pursue research on a part-time basis, may do so with the permission of the Board of Study concerned. They may be permitted to sit degree, diploma or certificate examinations, and may receive a statement setting out the classes they have attended and the results of any examinations they have sat.
- 6.2.3 The fees payable by non-graduating students are set out on the relevant course pages on the University's website. ~~in the University's Tuition Fees Policy.~~

6.9 Data Protection Act

- 6.9.1 Personal data is information about an identifiable living individual.
- 6.9.2 Whenever processing personal data, the University must do so in accordance with current data protection legislation and in line with the University's Data Protection policy. The relevant definition of data processing is wide and includes: collecting, recording, storing, using, analysing, combining, disclosing and deleting data.
- 6.9.3 The University's Data Protection Policy will be approved by an appropriate committee and published on the University's website.

~~The University of Strathclyde collects, processes and stores personal data (including images) about its "data subjects". Data subjects include students and staff (current and former) as well as applicants and potential applicants (both students and staff).~~

~~6.9.2 When processing personal data the University must comply, at all times, with the Data Protection Act 1998.~~

~~6.9.3 "Sensitive personal data" (as defined by the Act) will also, at times, be processed by the University. This includes information on racial or ethnic origin, political opinions, religious beliefs or other beliefs of a similar nature, trade union membership, physical or mental health or condition, sexual life and any alleged offences and/or criminal convictions.~~

~~6.9.4 The University shall ensure that appropriate guidance, policies, and procedures on the responsibilities of the University and its staff and students are provided. Such documents shall be approved by the Information Strategy Committee, on behalf of Court, and published on the University website.~~

Personal Data

~~6.9.5 Under the Data Protection Act (1998), individuals (“data subjects”) have a right to know what data is held about them by the University and to access their personal data. In order to exercise this right an individual must submit a “Subject Access Request” (SAR).~~

7.2 Tuition Fees ~~Policy~~

7.2.1 Annual fees covering registration, tuition and entrance to examinations, along with other relevant fees and subscriptions, are covered on the course pages ~~in the University's Tuition Fees Policy,~~
~~available~~ on the University website.

Current Regulations

https://www.strath.ac.uk/media/ps/strategyandpolicy/University_Regulations_2019-20.pdf

Executive Team Report to Court

The Executive Team (ET) met on 25 February, 10 March and 8 April. The following key items were discussed by the Executive Team and are provided here for Court to note:

1. Health and Safety

Under the 'Safety Moment' held at the opening of each ET meeting and led by the University Secretary & Compliance Officer (USCO), the Team took the opportunity to discuss health and safety matters. This included regular extensive updates and discussion on the University's response to the international COVID-19 Coronavirus outbreak.

Subsequently, ET held regular informal engagements a number of times per week, for active management of the University's response to the pandemic situation.

2. Industrial Relations

ET continued to receive regular updates on industrial relations. Fourteen days of strike action by UCU concluded on 13 March. The Industrial Action Working Group met to track the impact of the strike action and to mitigate disruption as far as possible.

3. REF 2021

ET received regular updates on the University's preparation for the Research Excellence Framework 2021.

4. Climate Change and Social Responsibility Plan

ET considered proposals on the development of a Climate Change and Social Responsibility Plan.

5. Concordat to Support the Career Development of Researchers

The Associate Principal, Research & Innovation provided an update on the Concordat, which had undergone a number of significant changes in its third edition. It was agreed that the University should become a signatory and that resource should be dedicated to this work, which would bring synergies with other elements of the University's people-oriented activity.

6. Student Information Management System (SIMS) Project Update

The Deputy Associate Principal, Learning & Teaching provided an update on the successful Phase 2 of the SIMS project and related work.

7. Risk Appetite

The University Secretary & Compliance Officer provided a progress update on the development of a risk appetite framework.

8. Budget setting 2020-2021

The Chief Financial Officer (CFO) outlined progress in formulating the indicative 2020-21 budget position and the intended next steps in the budgeting process, in the context of the COVID-19 pandemic.

9. Scottish Funding Council (SFC) Indicative Allocations 2020-21

The Director of Strategy & Policy and CFO provided an update on Scottish Funding Council (SFC) 2020-21 funding allocations, which had been published on 7 April 2020. **[RESERVED]**

10. Modern Slavery and Human Trafficking Statement.

ET approved the University's updated Modern Slavery and Human Trafficking Statement, which was subsequently published on the University's website.

Senate Report to Court

Senate met on 25th March 2020. The Senate meeting took place exceptionally online (via the Zoom platform). The normal Senate meeting on campus was unable to take place as a result of government measures to control the pandemic Covid19 Coronavirus outbreak requiring all Universities in the UK to take measures to stop the spread of the virus, which required partial lock down of the University.

This report provides Court with key points from the Senate meeting.

FOR APPROVAL

Senate invited Court to **approve** the following recommendations considered by Senate on 25th March 2020:

1. Senate **approved** proposed amendments to the University's Ordinances and Regulations to support the amendments to the Charter and Statutes and implementation of the Higher Education Governance (Scotland) Act 2016, and the Scottish Code of Good Higher Education Governance (2017), as set out in Senate paper 2019-20 05. Senate **recommends** the paper for endorsement by Court at the Court meeting in May 2020.

FOR NOTING

Senate invites Court to **note** the following items considered by Senate on 25th March 2020.

2. Report from Senate Business Committee:

Senate Business Committee (SBC) noted at its meeting on 13th March 2020 that the Collaborative Provision Agreement (CPA) Subgroup had considered four collaborative agreements, and two study abroad agreements which were detailed in the Faculty reports to Senate.

The March meeting of Senate would normally include a Strategic Engagement Session. However, following the Senate Business Committee meeting and in the light of the exceptional circumstances, SBC subsequently agreed a revised Senate agenda, noting that the presentations for the Strategic Engagement Session would be carried forward for a future Senate Meeting.

Senate was invited to consider and approve the reports for the March Senate meeting, which were unchanged. In addition to the approvals noted at points 1 and 2 above, Senate approval was given where requested in the reports, and is documented in the formal minute of the Senate meeting. The following is noted from the Committee and Faculty reports to Senate:

Senate noted the introduction of governance and reporting arrangements for the Strathclyde Doctoral School; and the University's draft Gaelic Language plan, following endorsement by Education Strategy Committee, as noted in the the Education Strategy Committee (ESC) Report (Paper 19-20 07).

3. Principal's Report and Update

Principal's Update: Covid19 Coronavirus Situation

The Principal assured Senate of the robust continuity plans that were in place to handle the crisis situation, and outlined to Senate a range of emergency measures being taken in relation to the governance and internal management of the University. The Principal informed Senate of a range of ways in which the University was providing support in the national effort to combat the

pandemic, for example through its contribution towards the manufacture of ventilators, protective clothing, and pharmaceuticals, through volunteer networks and many other channels.

Emergency Measures:

The Principal gave an outline to Senate of the many emergency measures that had been taken to support staff and students through the exceptional circumstances. An update was given on online teaching sessions, which had been implemented as quickly as possible in order for students to continue their studies. Senate was informed that a decision had been taken not to hold 1st and 2nd year examinations. At the time of the Senate meeting, the position with respect to 3rd, 4th and 5th year students' examinations was being considered. A decision has been taken to postpone summer graduation ceremonies, until later in the year. Senate was assured that every effort was being made to ensure the wellbeing and mental health of staff through the crisis period. A series of regular and frequent communications and updates was being sent to students and staff to reassure them and to keep them informed of developments. Senate noted its thanks to all those, staff and students, who were working to ensure the emergency measures were implemented to assure the wellbeing of students and staff.

REF: Senate was informed that the REF would be delayed by a maximum of 8 months, but that the Census dates and output dates would remain the same.

NSS: The survey was still progressing, with the University doing all it can to maximise the student experience at this challenging time.

The Principal further updated Senate on a range of activity not related to the emergency measures. The following was noted:

Vision 2025: The launch in February of Vision 2025, the University's new Strategic Plan, had been successful with more than 600 staff attending. Thanks were expressed to all those who had contributed to this significant exercise.

Queen's Anniversary Prize: The Principal had been delighted to receive on the University's behalf the Queen's Anniversary Prize for Higher and Further Education, the highest national honour conferred on the sector, for its excellence in Energy Innovation at Buckingham Palace.

4. **Student Voice Update:** The StrathUnion President expressed thanks to the University for all it was doing to support students during the pandemic, noting in particular that the student body welcomed the decisions taken by the University on the waiver of residency fees, and the cancellation of 1st and 2nd year examinations. The financial challenges facing students in this period were highlighted, with a request for more information for students on accessing information about the University's Hardship Fund.
5. **Questions/Close of meeting:** Following a question and answer session, the Principal thanked Senate members for their support at this time of crisis, and for their engagement in the online meeting.

Court Business Group Report to Court

The following items were discussed by Court Business Group on 21 April 2020 and are provided here for Court to note.

1. COVID-19 pandemic response

The Principal and the University Secretary & Compliance Officer (USCO) outlined the University's response to the COVID-19 pandemic, including support for staff and students, management of the campus, rapid and successful adoption of videoconferencing technology, management of communications, close engagement with Scottish and UK governments and the Higher Education sector and diverse contributions to national and global efforts to tackle the pandemic.

2. Special Advisory Group

The Associate Principal (Research & Innovation) gave a presentation on the nature and purpose of the Special Advisory Group, prior to delivery of the presentation to Court.

3. Corporate Risk Register and Covid-19 Risk Register

The USCO presented the Corporate Risk Register in two parts: the pre-pandemic risk register, which had been presented to Audit & Risk Committee, and a new risk register specifically covering risks relating to the Covid-19 pandemic.

4. TIC Zone Development within the Glasgow City Innovation District: Update on progress

The Chief Commercial Officer (CCO) and Chief Financial Officer (CFO) summarised how the TIC Zone project had been affected by the pandemic situation. Partners in the funding package had delayed decision-making and were re-assessing their future priorities and Scottish Enterprise would be re-assessing its future spend priorities across the board. The TIC Zone project was expected to remain highly attractive to funding partners as a generator of economic growth. Nonetheless, alternative sources of funding were being investigated as a contingency measure. Depending on the timescales adopted by partners, Court's approval for the final business case and funding model would be sought at either the June or October meeting of Court.

5. NMIS – Update of Project Cost Plan in relation to Tender Return

[Reserved]

6. Budget setting: Update on process, in the light of the COVID-19 impact

The CFO outlined the budget process, as amended in the light of the pandemic situation and its anticipated impacts. A 'base' budget model would be developed, reflecting pre-pandemic expectations, which could be adjusted according to different scenarios as the situation developed. If necessary, approval of the budget at the June meeting of Court could involve approval of a range of potential budget outcomes.

The University was closely monitoring its debt covenant position. While the University was in a strong position overall, careful management of cash, continued scenario planning and agility would be critical over the coming months.

In addition to the internal budget process, Finance was also responding to a call from the SFC to submit specified data to inform a sector-level scenario-planning exercise. This had to be presented to Court, although the SFC had recognised that scrutiny by Court may not be possible given the restricted timescale. CBG agreed that the submission should be circulated to CBG for comment and signed off by the Convener on behalf of Court, for homologation at the 5 May Court meeting.

7. Proposed amendments to University Ordinances and Regulations

In a joint session with Court Membership Group (CMG), CBG discussed amendments to the Ordinances and Regulations which were proposed primarily in order to ensure full compliance with the Higher Education Governance (Scotland) Act 2016 by the start of the 2020/21 academic year. In addition, a small number of other amendments were proposed to keep the governing instruments up-to-date in other areas. CBG and CMG recommended the proposed amendments for approval by Court.

8. Court agenda, 5 May 2020

CBG approved the agenda for the 3 March Court meeting.

Court Membership Group Report to Court

The following items were discussed by Court Membership Group on 21 April 2020.

1. Proposed amendments to University Ordinances and Regulations

In a joint session with Court Business Group (CBG), Court Membership Group (CMG) discussed amendments to the Ordinances and Regulations which were proposed primarily in order to ensure full compliance with the Higher Education Governance (Scotland) Act 2016 by the start of the 2020/21 academic year. In addition, a small number of other amendments were proposed to keep the governing instruments up-to-date in other areas.

CBG and CMG recommended the proposed amendments for approval by Court.

2. Recruitment of a lay member of Court

The Convener outlined the recent process to recruit a new lay member of Court, which had been managed by a sub-group under delegated authority from CMG. The process had included a search run by independent external consultants and interview of two candidates.

As a result, the sub-group recommended to CMG the appointment of Virginia Beckett (whose CV is attached as an annex to this report, for information) as a lay member of Court, to take up the position from 1 August 2020. It was noted that Virginia Beckett was a current member of the University's Estates Committee. Members of CMG commended her work on that committee.

CMG approved this recommendation and so recommends to Court the appointment of Virginia Beckett as a lay member of Court

**Court Membership Group
Annex
[RESERVED ITEM]**

Report to Court from Audit & Risk Committee

The Audit & Risk Committee met via conference call on 19 March 2020.

Audit & Risk Committee makes a recommendation to Court in regard to the following item:

1. Revised Public Interest Disclosure (Whistleblowing) Policy (Annex A)

The USCO reminded members that an earlier draft of the Revised Public Interest Disclosure (Whistleblowing) Policy had been brought to ARC for comment before being shared with stakeholders which included the Trade Unions. An Equality Impact Assessment had also been completed and was available on SharePoint.

ARC agreed to **recommend** the Policy and Procedure for approval by Court.

The following items were discussed by the Audit & Risk Committee and are provided here for Court to note:

2. COVID-19 Pandemic

The Principal updated members on the work that was ongoing in the University to continue providing teaching, learning, research and student and staff services, during the period of social distancing, implemented by the UK and Scottish Governments, to slow the spread of COVID-19. Members noted the following:

- The health, safety and wellbeing of staff and students was the priority;
- Ensuring compliance with WHO, Public Health Scotland and Scottish and UK Government advice was a key aim along with emerging legislation from the UK or Scottish Parliament;
- The situation was being led and managed by the Executive Team (ET), which was meeting daily via Zoom (a remote meeting tool) and by engagement with the present and incoming Student Presidents;
- The University was connecting with partners in and around the campus;
- Regular communications with staff and students continued, including updated FAQs;
- The potential impact on the beginning of the 2020/21 session was being considered in terms of the position of international students and also of home applicants whose exam diets had been cancelled. Online delivery of the early part of semester 1 was being considered should travel restrictions remain in place;
- The additional costs of facilities closure and home working and some possible savings were currently unknown. **[RESERVED]**

3. Review of Corporate Risk Register

The USCO introduced the Corporate Risk Register (CRR) noting that the overall number of risks remained, unchanged, at 16, and that risk ratings also remained static with the number of risks rated as high remaining at 3 and medium risks accounting for 13. It was noted that this reflected the position when the Executive Team had reviewed and agreed the top risks and mitigating actions in the Corporate Risk Register on 11 February 2020. The COVID-19 pandemic was covered in risk 2, International Student Recruitment, as that was the area most affected at that time.

It was noted that this was not a live document and that significant changes were not usually made before it is presented to Court. However, the current situation may mean that consideration of more significant changes would be needed, in which case the CRR would be recirculated to ARC members before its submission to Court.

The Committee **endorsed** the University's top risks and mitigating actions for onward transmission to Court.

4. Internal Audit

5. IAS Activity Report

The Committee noted the progress against the delivery of the Audit Plan for the current academic year and also the following:

- The GCID Business Model Review was ongoing and a draft report would be issued to key stakeholders later that day;
- Members noted their disappointment that, after a medium risk had been identified in the 2019 report, noting that a small number of employees in Estates had accepted hospitality from suppliers during the potentially vulnerable period of tender contract award, two further instances of this had been identified during the current year review. The CFO confirmed that the Director of Estates had clearly reiterated expectations to their team.

6. IAS Management Action Update Report

The Committee received an update on the progress in addressing various management actions agreed following the conclusion of Internal Audit Service reviews. Members were pleased to note the following:

- Since the last report, 80 recommendations had been implemented. This was the highest number of actions closed in one review period in the last 2 years and followed a period of significant effort and changes to the follow up process;
- Of the 75 outstanding recommendations, 31 were not yet due;
- Some actions were always understood to be longer term and although they were still open significant progress had been made;
- The completion and closure of actions relating to the creation or updating of policies in the next period was encouraged;
- ARC recognised the significant progress made since the last report and the constructive changes made by IAS to reviewing actions.

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY AND PROCEDURES

Version No.	Description	Author	Approval	Effective Date
1.1	PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY	Strategy & Policy / Human Resources	Staff Committee 23 June 2014	01 July 2014
1.2	PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY AND PROCEDURES	USCO/ Strategy & Policy / Human Resources /Legal Counsel	ARC 19 March 2020 Court 5 May 2020	5 May 2020

20/01/2020

Version 2.2

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY

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PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) POLICY (the “Policy”)

1 Introduction

Our University is committed to the highest standards of openness, probity, and accountability. We strive to conduct our affairs in a responsible manner taking into account relevant legislation, the requirements of our funding bodies and the nine principles set out by the Committee on Standards in Public Life (Duty, Selflessness, Integrity, Objectivity, Accountability & Stewardship, Openness, Honesty, Leadership and Respect). We expect all staff to uphold these Principles in the work that they do.

We want staff to feel secure about raising concerns where they consider that these Principles are not being upheld. Where a member of staff discovers information which they reasonably believe shows malpractice or wrongdoing within the University that they believe to be in the public interest, then we encourage this information to be disclosed to us without fear of suffering a detriment.

The Public Interest Disclosure Act (1998) gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns that they believe to be in the public interest.

This Policy is intended to assist individual staff members who believe they may have discovered malpractice or impropriety. It is designed to allow staff members to raise concerns or to disclose information which the individual believes shows malpractice and is in the public interest. It provides guidance on:

- Who can raise a concern under this Policy;
- The type of concerns dealt with under this Policy;
- How to raise a concern;
- The procedure that will normally be followed when a concern is raised; and
- The support and protection that staff are afforded when raising a concern.

The University Secretary and Compliance Officer (USCO) is the Designated Person with responsibility under the Policy.

2 Application

This Policy applies to all University staff (including employees, workers and agency workers). Any reference to “staff” should be construed accordingly.

3 Principles

The University expects individuals to work together in an open and honest environment, in compliance with the law, as well as University governance regulations, policies, and the University’s values. Where an individual discovers information which they believe is evidence of malpractice or wrongdoing within the University, disclosure of which they believe to be in the public interest, then this information should be disclosed without fear of reprisal. Disclosures under this Policy will be dealt with in accordance with the Public Interest Disclosures (Whistleblowing) Procedures detailed after the Policy (the “Procedures”).

4 Types of Concerns Covered by the Policy

This Policy is intended to assist staff who have concerns about the University's activities that are in the public interest, e.g. because they have implications for students, staff, the public or third parties more generally.

Concerns relating to the University's activities that may be reported under this Policy include (but are not limited to):

- That a criminal offence has been, is being or is likely to be committed (e.g. fraud, theft, corruption, bribery, blackmail);
- That a person has failed, is failing or is likely to fail to comply with a legal obligation (e.g. financial or academic malpractice or impropriety, failures to comply with Statutes, Ordinances and Regulations of the University);
- That a miscarriage of justice has occurred, is occurring or is likely to occur;
- That the health and safety of any individual has been, is being or is likely to be damaged;
- That the environment has been, is being or is likely to be damaged;
- That a person has behaved in a way that would constitute academic or professional malpractice;
- That the conduct of an individual has been improper or unethical; or
- That information tending to show any matter falling into the above categories has been or is likely to be deliberately concealed.

This Policy is intended to supplement and not replace other University policies (including, but not limited to, the [Fraud Prevention Policy](#), the [Complaints Handling Procedure](#), the [Research Code of Practice](#), the [Dignity and Respect Policy](#), the Staff Personal Relationship Policy (forthcoming) and the [Disciplinary Procedure](#)). Rather, this Policy is intended to address concerns which relate to the public interest and may (at least initially) be investigated separately but might then lead to the invocation of such policies or procedures. Where appropriate, matters raised under this Policy may ultimately be considered under another University policy or procedure.

Concerns about an individual's contract of employment or personal circumstances at work would not normally be dealt with under this Policy. For further information about other relevant policies, please see:

- [Grievance Procedure](#)
- [Dignity and Respect Policy](#)

5 Safeguards

5.1 Protection

This Policy is designed to offer protection to those staff members of the University who disclose concerns in the reasonable belief that it tends to show malpractice and is in the public interest. The individual will also be protected if they make the disclosure to an appropriate person/body as identified in this Policy and Procedures. Individuals are encouraged to follow this Policy and the Procedures so that the matter may be dealt with appropriately.

All concerns raised will be taken seriously, treated fairly and managed appropriately. Individuals raising a concern can expect to be treated with respect, and will be informed of the officer who is handling the matter. The University will not tolerate harassment or victimisation of anyone raising a concern. Nor will any individual be disciplined as a result of raising a concern, even if they are mistaken. However, this assurance is not extended to someone who maliciously raises a matter they know to be untrue or should reasonably have known to be untrue.

5.2 Confidentiality

The identity of the individual raising the concern will be kept confidential so long as it does not hinder or frustrate any investigation, unless it is required by law, is unavoidable or unless they agree otherwise. The investigation process may, for example, reveal the source of the information provided. If it is anticipated that this will happen the person reporting the concern will be informed.

The individual making the disclosure may need to provide a statement as part of the evidence required. When making such a statement the individual may wish to be accompanied by a work colleague or a Trade Union representative.

The individual making the allegation has a responsibility to ensure that the disclosure and relevant details are kept strictly confidential.

5.3 Anonymous Allegations

This Policy encourages individuals to put their name to any disclosures they make. Where concerns have been raised anonymously (for example, through the University's [Report & Support](#) incident form), there is likely to be a limit to the extent of the investigation that can be performed, if any. In the case of Anonymous Allegations which are investigated, it will not be possible to provide feedback to the individual(s) raising the concern.

Concerns expressed anonymously will be considered at the discretion of the University. In exercising this discretion, the factors to be considered will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

When considering Anonymous Allegations made under this Policy, the advice of the Designated Person should be sought.

5.4 The Right of Response

Where an allegation or allegations are made under this Policy against any individual, that person will be informed of the allegation(s) and of the supporting evidence. They will be given the opportunity to respond to those allegations in writing.

5.5. Independent Advice

If anyone has concerns about raising a relevant matter, or if they wish further advice, then they can contact the Designated Person under the Policy, the University Secretary and Compliance Officer, or the Head of Internal Audit.

If they would prefer to speak to someone outwith the University then they can contact Protect, the free, confidential whistleblowing advice service 020 3117 2520. Or they may visit the [Protect website](#).

Further support and information can be found at:

- Government whistleblowing webpages: <https://www.gov.uk/whistleblowing> ;
- ACAS website: www.acas.org.uk ; and
- Various Trade Union websites.

6 POLICY REVIEW

This Policy will be reviewed every 4 years, or more frequently if required, for example in response to changes in legislation. Any feedback on the Policy content should be directed in the first instance to the University Secretary and Compliance Officer, who will consider this as part of the regular review.

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) PROCEDURES

To be read in conjunction with the Public Interest Disclosure (Whistleblowing) Policy

1 Procedure for Making a Disclosure

1.1 Provision of Information

Members of staff are encouraged to provide as much information as possible when raising a concern, preferably in writing. As a minimum the member of staff should provide:

- Details of the nature of the concern;
- Reasons why the member of staff believes this concern to be accurate with accompanying evidence; and
- The background / history to the concern.

While members of staff are encouraged to raise concerns, the raising of malicious, vexatious or knowingly untrue concerns will not be actioned under this Policy and may be regarded as a breach of discipline.

1.2 Raising a Concern

The individual should normally make the disclosure to their line manager in the first instance.

If the member of staff feels that they are unable to raise the concern with their line manager or the concern relates to their line manager, the concern should be raised with their Head of Department/School or Professional Services Director.

If the member of staff feels that they are unable to raise the concern with their line manager, Head of Department/School or Professional Services Director, or the concern relates to that individual, the concern should be raised with their Executive Dean, the University Secretary & Compliance Officer, Chief Commercial Officer, Chief Financial Officer or Chief People Officer, as appropriate.

In exceptional circumstances, where it is inappropriate to follow either of the routes above, the disclosure can be made to the Head of Internal Audit or the Convener of the Audit & Risk Committee. In these circumstances the advice of the Designated Person will be sought on the investigation process.

If the disclosure concerns the Designated Person, the advice of either the Chief Financial Officer or the Chief People Officer should be sought.

1.3 By or About a Senior Officer

If:

- a member of staff wishes to raise a concern about a Senior Officer of the University other than the Principal (Associate Principals, Associate Principals & Executive Deans, University Secretary & Compliance Officer, Chief Commercial Officer, Chief Financial Officer, Chief People Officer); or
- the member of staff is an Executive Dean or other Senior Officer of the University,

then the disclosure should be made to the Principal.

PUBLIC INTEREST DISCLOSURE (WHISTLEBLOWING) PROCEDURES

If the member of staff feels that they are unable to raise the concern with the Principal, the concern should be raised with either:

- the Head of Internal Audit;
- the Convener of the Audit & Risk Committee; or
- the Convener of Court.

If a member of staff wishes to raise a concern about the Principal of the University under this Policy, the disclosure should be made to the Convener of Court.

In these instances, the advice of the Designated Person will be sought on the investigation process.

1.4 Financial Malpractice

If a member of staff wishes to raise a concern about financial malpractice, the concern should be raised with the Chief Financial Officer, who will inform the Principal, as the University's Accounting Officer for public funding.

In exceptional circumstances, where the member of staff feels that they are unable to raise the concern with the Chief Financial Officer, the concern should be raised with either:

- the Head of Internal Audit;
- the Convener of the Audit & Risk Committee; or
- the Convener of Court.

The advice of the Designated Person, the University Secretary and Compliance Officer, will be sought on the investigation process.

Where relevant and under the terms of the Financial Memorandum, the University is required to inform the Scottish Funding Council (SFC) of any instances of financial irregularity involving SFC funds.

2 Procedure for Dealing with A Concern

On receipt of a disclosure, the following procedure will normally apply.

2.1 Review of Information

Receipt of the disclosure should be acknowledged, in writing, within 5 working days from the date of receipt. The Designated Person will consider the information made available by the discloser and will decide whether there are grounds for proceeding further with the case.

If the Designated Person considers there are grounds for proceeding further, the Designated Person will decide:

- (i) Whether an investigation should be conducted and, if so, who should undertake it and what form it should take; the appropriate body to conduct the investigation will depend on the nature of the matter raised and may be: -
 - an internal investigation (see 2.2 below); or
 - referral to the appropriate external authority e.g. Police, the Scottish Further and Higher Education Funding Council.
- (ii) Whether the matter should be referred directly to an existing policy or procedure as set out in Section 4 of the Policy.

2.2 Internal Investigation

Where the matter is the subject of an internal investigation, under 2.1(i) above, the Designated Person may ask the Head of Internal Audit Services or another University Officer to undertake an investigation to establish all the relevant facts and to report his/her findings. As the Designated Person is required to decide what action to take in the light of this report, the Designated Person must not personally conduct the investigation and must remain separate from it.

The purpose of an investigation is solely to establish the facts of the matter. Investigations will be conducted sensitively and without undue delay, bearing in mind the significance and complexity of the issues raised.

The Designated Person or nominee will contact the discloser, normally within 10 working days of receipt of the disclosure and will inform them of the name of the officer chosen to conduct the investigation. The individual raising the concerns has 5 working days to notify the Designated Person, in writing, if they have any reasonable objection to that officer carrying out the investigation.

The individual raising the concern may be interviewed as part of the investigation, as noted above. If this is necessary, they have the option to be accompanied by a work colleague or a Trade Union representative to the meeting.

Where concerns have been raised anonymously, they will be considered under section 5.3 of the Policy.

2.3 The Right of Response

Where an allegation or allegations are made against any individual under this Policy and an internal investigation is to be carried out, that person will be informed of the allegation(s) and of the evidence supporting them. They will be given the opportunity to respond to those allegations in writing.

3 Outcomes

Once the investigation has concluded, the Designated Person shall determine what further action, if any, is required (e.g. disciplinary action under the Disciplinary Procedure). The Designated Person shall take appropriate advice on the outcome and next steps, where required.

In some instances, it might be necessary to refer the matter to an external authority for further investigation. The Designated Person will consider the circumstances and take advice, as appropriate, before deciding if the matter should be referred to an external authority for further investigation.

3.1 Feedback

The Designated Person will inform the individual making the disclosure, in writing, of what action, if any, is to be taken (to the extent possible, bearing in mind the University's obligations in respect of confidentiality and data protection). If no action is to be taken, either because the Designated Person considers there is no *prima facie* case to be investigated, or after an internal investigation, then the individual concerned should be informed of the reason for this.

The Designated Person will inform that individual against whom an allegation or allegations were made under the Policy of the outcome and whether or not further action will be taken.

Where the concern was raised anonymously, it is unlikely to be possible to provide further information to the individual(s) raising the concern.

3.2 Reporting of Outcomes

A report of all disclosures and any subsequent actions taken will be made by the Designated Person. Such reports will be retained for a period of six years in the Office of the University Secretary and Compliance Officer. The Designated Person shall also prepare a summary report for the Audit & Risk Committee, which will use the report to:

- Monitor the effectiveness of this Policy; and
- Report to the University Court on cases dealt with under this Policy.

Process Chart for Raising a Concern



Estates Committee
[RESERVED ITEM]

Enterprise & Investment Committee
[RESERVED ITEM]