



## COUNCIL

### Minutes of the Meeting held on 29 June 2021

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**Present:** Sir Keith O'Nions (Chair), Vicky Bailey, Professor Dame Jessica Corner, Rebecca Craven, Lynette Eastman, Madeleine Fox, Professor Rachel Gomes, Ian Kenyon (until minute 3813) Professor Kevin Lee, Sonya Leydecker, Professor Andy Long, Professor Jo Lymn, Sherry Madera (save for minutes 3812 and 3813 and minutes 3820 – 3824), Dr Gabriele Neher (save for minutes 3822 to 3827), Richard Newsome, Professor Clive Roberts, Nora Senior Professor Sarah Speight, David Tilly, Professor Shearer West

**In attendance:** Dr Paul Greatrix, Rowena Hall, Margaret Monckton, Tim Watkinson (to minute 3834), Piyali Mitra (to minute 3834), Stephen Odell (to minute 3834), Professor Roshan das Nair (from minute 3818 to minute 3833), Dr Pearl Agyakwa (to minute 3833), Christopher Taylor (to minute 3833), George Sullivan (to minute 3833), Jason Carter (for minute 3812), Neil Hawthorne (for minute 3812), Professor Nick Miles (for minute 3813), Sally Blackamore (for minutes 3814 to 3816), Laura Clayton (for minute 3817), David Hill (for minute 3718), Edith Prak (for minute 3819), Stephen McAuliffe (for minute 3820), Andy Winter (for minute 3820), Professor Todd Landman (for minute 3824), Professor Sarah Sharples (for minute 3812).

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## STANDING ITEMS

### 3807 Welcome and Quoracy

The Chair reported that the number of external members in attendance at the meeting did not exceed the number of internal members. In order to achieve quoracy on items where Council approval was required, a number of the internal members present at the meeting would formally withdraw, acting only as observers and would not contribute to or vote on the relevant items. This corresponded to Professors Corner, Speight and Long and Dr Neher for Minutes 3815, 3816 and 3817, 3832 and 3835 and Professors Corner, Speight, Long and West and Dr Neher for Minutes 3820, 3821 and 3822.

### 3808 Declarations of Interest

There were no interests declared.

### 3809 Minutes

Council AGREED the minutes of the meeting held on 30 March 2021 as a true and accurate record of the meeting and NOTED the Action Log (C/21/37).

### 3810 Chair's Business

- 1 The Chair welcomed a number of observers to the meeting. Piyali Mitra and Stephen Odell were attending their first meeting of Council prior to their appointment as members of Council on 1 August 2021. Dr Pearl Agyakwa and Professor Roshan das Nair were attending their first meeting prior to their

appointment as Senate members of Council also on 1 August 2021. Finally, George Sullivan and Chris Taylor would take over the roles of Students' Union Development Officer and Students' Union Education Officer respectively from mid-July and become members of Council.

- .2 It was the last regular meeting of Council for a number of members. Dr Gaby Neher and Professors Clive Roberts and Kevin Lee would come to the end of their terms of office as Senate members on Council on 31 July. Maddie Fox and Becca Craven would be standing down as Students' Union Officers in mid-July. The Pro-Vice-Chancellors for Education and Student Experience, and Research and Knowledge Exchange, Professors Sarah Speight and Dame Jessica Corner would no longer sit as Council members from the beginning of the next academic session. Council expressed its enormous thanks to all those members retiring from Council for their considerable engagement and contributions.

#### UCU Branch 'Alternative Financial Strategy'

- .3 Council RECEIVED and NOTED paper C/21/41, circulated the day before the meeting, which set out email correspondence between the Registrar, on behalf of the Chair of Council, and the Vice-President of the University's UCU branch relating to a request by UCU to include its 'Alternative Financial Strategy' on the Council agenda. The request had been declined by the Chair of Council.
- .4 The Chair outlined the reasons for declining request which included that Chair and Council were both fully apprised of, and had complete confidence in, the financial positioning of the University and required no additional external input. Council, advised by Finance Committee, considered the key issues of the University's finances at each meeting. It was within the responsibilities of Finance Committee to look at the University's budget, progress against the Medium Term Financial Plan and financial performance indicators.
- .5 Council NOTED that the University's credit rating had been reconfirmed as A+ with a stable outlook, following an in-depth review of its financial arrangements by the credit rating agency Standard and Poors.
- .6 Council expressed its clear support for the approach to the financial management of the University.

#### Whistleblowing Submission

- .7 At the request of the Chair, the Vice-Chancellor provided details of a whistleblowing submission made to the Chair. It was REPORTED that a restructuring of professional services and technical staff had been underway in the School of Medicine for a number of months.
- .8 There had been significant discontent from some staff in the School which had been expressed through various channels, including at School meetings, on social media and through emails to UEB members. There was unhappiness about the course of events from both staff in favour of the changes and those against them.
- .9 A Whistleblowing submission had been received by the Chair alongside an open Whistleblowing letter. A collective grievance submission had also been made. It was confirmed that all of the issues were being considered for further investigation.

- .10 Additional interventions had been undertaken and were planned in School including a review of culture and a workplace stress survey. Further support from beyond the School was being considered to help progress and resolve matters.

### **3811 Vice-Chancellor's Report**

- .1 Council NOTED the Vice-Chancellor's Report (paper C/21/42) which covered Government policy initiatives including a Skills and post-16 Education Bill and the creation of the Advanced Research and Invention Agency, and the Skills for Growth White Paper. The report also provided an update on the latest position in connection with the USS pension.
- .2 It was confirmed that Senate had approved a new set of University principles on Free Speech and Academic Freedom which would see the University well placed to respond to the Higher Education (Freedom of Speech) Bill when more details were known.
- .3 Council NOTED the plans for the new academic year which had been designed with the scientific concerns of an autumn resurgence of COVID-19 in mind. Uncertainties remained around student recruitment for the 2021/22 session in connection with A-level results and international student arrivals.
- .3 The Vice-Chancellor was pleased to confirm that the University had achieved a Bronze Award in the Race Equality Charter and highlighted the leadership of the PVC EDI and People and the work of colleagues who had supported the activity.

### **3812 Update on Health and Safety**

- .1 Council RECEIVED and NOTED paper C/21/41 from Professor Sarah Sharples, Pro-Vice-Chancellor for EDI and People and Chair of the Health and Safety Committee.
- .2 An overview of an annual review of accident and incidents was NOTED alongside progress in the implementation of the Health and Safety remediation plan, specifically in connection with water hygiene.
- .3 Council also NOTED paper C/21/61, including minutes of the meeting of Health and Safety Committee held on 27 May 2021.
- .4 The Chair NOTED that this was the last meeting at which Professor Sarah Sharples would lead the update on Health and Safety. Professor Sharples had been appointed Chief Scientific Adviser at the Department for Transport with effect from July 2021. Council gave its thanks to Professor Sharples for her work as Chair of the Health and Safety Committee.

### **3813 UNNC Report**

- .1 Council RECEIVED a presentation (C/21/43) from Professor Nick Miles, UNNC Provost regarding operational developments at UNNC from November 2020 to June 2021, which included an overview of student and staff numbers, highlights in teaching and learning and research, the campus' financial position and major infrastructure and project updates.
- .2 It was reported that UNNC had received a total of 110 Chinese students who were scheduled to study overseas during 2020/21, but were prohibited from doing so due to continued travel restrictions, via the 'study local' programme. It was

anticipated that more students would join UNNC as part of the programme in 2021/22.

- .3 The launch ceremony of the China Beacons Institute had been held in May and a research exhibition had opened on campus celebrating UNNC's research achievements by showcasing a variety of research projects, with a particular focus on 'creating a sustainable world'.
- .4 The Innovation and Enterprise Building was in the final stage of its construction and would be ready for occupation in September. The Portland Building and Teaching Building were in the last stages of refurbishment design with work due to start in the summer. Updates on student accommodation refurbishment and sport facilities projects were provided.

## **FINANCE MATTERS**

### **3814 Latest Revised Forecast Report**

- .1 Council RECEIVED and NOTED paper C/21/53 which provided an update of the final financial forecast as at April 2021 for financial year 2020/21.

### **3815 Medium Term Financial Plan 2021/22**

- .1 Council RECEIVED paper C/21/54 which outlined the proposed Medium Term Financial Plan (MTFP) for 2021/22.
- .2 Council were reminded that the Financial Planning Group had been established by UEB in the summer of 2020 to develop and recommend a medium term financial plan. The process to update the MTFP for 2021/22 was again led by the Financial Planning Group with a focus on Size and Shape, cost base, research cost efficiency, speed of COVID recovery and ensuring the right levels of investment.
- .3 It was NOTED that a number of risks to the MTFP were emerging, but they were not yet quantifiable and therefore, not included in the MTFP. They included the outcome of the government's Fees and Funding Review, international student recruitment, pensions and research. Further work was being undertaken where possible to quantify the risks.
- .4 The proposed MTFP was recommended for approval by Finance Committee following approval at UEB and Planning and Resources Committee.
- .5 Council APPROVED the MTFP for 2020/21.

### **3816 Budget 2021/22**

- .1 Council RECEIVED paper C/21/55. The paper set out the proposed budget for 2021/22 which aligned to the first year of the 2021/22 MTFP.
- .2 The proposed budget would deliver a surplus of £21.9m which was a return to pre-COVID levels and would maximise the level of investment available at £81.5m following a significant pause.
- .3 The top strategic investment proposals had been outlined in the paper. It was NOTED that not all of the proposed investments had been fully approved and were at different stages of development.

- .4 The budget would flex with student numbers and included provision for a £10m cost increase in employer pension contributions to account for possible increases arising from the USS consultation and CPAS valuation, and all appropriate inflationary assumptions. Adherence to the budget would ensure borrowing covenants were not breached.
- .5 Council NOTED that Finance Committee had reviewed the proposed budget in detail and recommended its approval.
- .6 The 2021/22 budget was APPROVED by Council.

## SUBSTANTIVE ITEMS

### 3817 University Performance Framework

- .1 Council RECEIVED paper C/21/58 which was presented by the Deputy Vice-Chancellor and the Director of Planning, Performance and Strategic Change.
- .2 Council NOTED the approach to the development of the Performance Framework had been designed to manage University performance against the strategy and directly aligned to it.
- .3 Council NOTED the proposed Key Performance Indicators (KPIs) which included numerical, and composite indicators and criteria-based assessments. They were based on the principles agreed by Council in November 2019. Further work would be undertaken to agree the People KPIs and to develop a set of tri-campus indicators.
- .3 Further work would be undertaken to refine the Performance Framework, including its alignment with the University's Business Planning process. Council AGREED the direction of the Performance Framework's development and looked forward to receiving a complete version for approval in the autumn.

ACTION		Owner	Due
.4	To finalise the Performance Framework and submit to Council for approval in the autumn.	Deputy Vice-Chancellor	November 2021

### 3818 RESERVED

### 3819 Advancement at the University of Nottingham

- .1 Council RECEIVED and NOTED paper C/21/51 and received a presentation from the Director of Advancement.
- .2 The Campaign and Alumni Relations Office had moved from a centralised to a Faculty focussed model in 2019/20, aligning senior fundraisers and alumni relations and volunteering staff with each of the Faculties. The approach enabled the prioritisation of emerging opportunities for fundraising and volunteering.
- .3 Council's attention was drawn to the University's philanthropic performance which was measured by new funds secured as set out in the CASE-Ross Report. The University's reliance on a small number of large donations was highlighted. The restructure of the Campaign and Alumni Relations Office had provided additional fundraising staff and the introduction of the business partner model with Faculties were expected to support improvement.

- .4 Details of longer term initiatives were provided and included amongst others further development of the University's legacies programme and plans for a reputation campaign to celebrate the centenary of the establishment of the University on University Park in 2028.

**3820 Sexual Misconduct and the Office for Students' Statement of Expectations**

- .1 Council RECEIVED and NOTED paper C/21/45 which set out the new statement of expectations of the Office for Students regarding harassment and sexual misconduct amongst the University's student population and outlined the University's current position and range of activities and history of interventions to date.
- .2 A number of proposed actions were listed which would be undertaken in response to the statement to address limited gaps in the University's provision and further strengthen its position.
- .3 Council NOTED the work undertaken and APPROVED the proposed actions.

**3821 University Ethics Committee**

- .1 Council NOTED the proposal to establish an Ethics Committee as set out in paper C/21/52. The committee would report to Council.
- .2 The Registrar confirmed that the purpose of the Ethics Committee would be to advise on ethical matters arising in the conduct of the University's business across UNUK, UNNC and UNM. It would not replace well established structures and practices that were in place for areas such a research ethics and integrity matters, but would act as a body to which specific and particularly complex issues could be referred for guidance.
- .3 COUNCIL APPROVED the establishment of an Ethics Committee and the proposed Terms of Reference.

**3822 Council Effectiveness Review – Annual Report**

- .1 Council RECEIVED paper C/21/56 and NOTED the progress of the implementation of the recommendations made as part of the 2020 Effectiveness Review.
- .2 The Oversight Group was keen to understand the general thoughts of members on the collective impact of the actions undertaken to date and to seek further suggestions to supplement the action plan. A round of small focus groups was proposed to gather relevant information.
- .4 Council AGREED that focus groups should be held in the early autumn.

**3823 Council Diversity Annual Report**

- .1 Council RECEIVED and NOTED paper C/21/59 which provided an annual update on the implementation of recommendations made to improve the diversity of Council membership.
- .2 A review of the recruitment process used in the most recent round of Council member recruitment would be undertaken to evaluate its success.

## **COMMITTEE AND OTHER REPORTS**

### **3824 Faculty of Social Sciences Recovery and Renewal**

- .1 Council RECEIVED a presentation from Professor Todd Landman, Faculty Pro--Vice-Chancellor for Social Sciences (paper C/21/46).
- .2 The presentation included an overview of the size and shape of Faculty, its approach to planning and budgeting and external research funding successes. High student demand was anticipated in a number of schools particularly as a result of teacher assessed A-levels.
- .3 The impact of the spending review and recruitment volatility were likely to be significant future challenges.
- .4 Professor Landman provided an overview of the Growth and Recovery Strategy for the Business School.

### **3825 Student Processes Reports**

#### Complaints and Conduct Update

- .1 Council RECEIVED paper C/21/40 which set out data from the Student Complaint, Academic Appeal and Academic Misconduct processes and provided commentary on emergent themes.
- .2 Council NOTED the unsurprising rise in formal complaints attributable to the impact of the COVID-19 pandemic in relation to the delivery of teaching and learning and accommodation services. A high volume of appeals from students who considered their academic performance had been disrupted by the ongoing pandemic was anticipated.
- .3 The significant rise in academic misconduct cases which appeared to be due to the nature of online assessment was NOTED. The challenges of detection and investigation impacted on the number of proven cases.
- .3 The Registrar highlighted the work of the Students' Union Education Officer, within the University and at national level, to tackle the problems the University's students faced as a result of essay mill companies and contract cheating services.

#### OIA Cases Annual Report 2020/21

- .1 A summary of complaints received by the Office of the Independent Adjudicator between 1 June 2020 and 21 May 2021 was set out in the paper (C/21/47). The paper also included an overview of the number of complaints received by the Office of the Independent Adjudicator about the University and all providers since 2016.
- .2 Council NOTED that of the 46 cases received in the period. 60% of decided complaints were considered to be Not Justified, Not Eligible, Withdrawn or Terminated, 32% of complaints were settled and 8% were Partly Justified. No decided complaints were found to be Justified.

- .3 The Registrar confirmed that the majority of complaints found to be Partly Justified, involved multiple complex issues and circumstances where one aspect of the complaint had been found to be justified.

### **3826 Finance Committee**

- .1 Council RECEIVED and NOTED the minutes and reports from the meetings of Finance Committee held on 28 April 2021 (paper C/21/25) and 9 June 2021 (paper C/21/63).

### **3827 Audit and Risk Committee**

- .1 Council RECEIVED and NOTED the minutes and report from the meeting of Audit and Risk Committee held on 18 May 2021 (paper C/21/49).

### **3828 Nominations Committee**

- .1 The Chair reported that at a meeting of the Nominations Committee earlier in the day, a process was agreed for recruitment of a new Council member to fill the vacancy which would arise when David Tilly stood down as a Council member at the end of the year.
- .2 It was NOTED by a Council member that following the most recent round of Council member recruitment, a recommendation to appoint the successful candidates was made to directly to Council for appointment, rather by Nominations Committee. The Chair of Council and Registrar confirmed that as part of the next recruitment round, the outcome of the interview process would be submitted to Nominations Committee for consideration and recommendation of the appointments to Council.
- .3 An update on the progress of the Governance Apprentice Programme was provided by the Registrar. The shortlisting and interviews would take place later in the month.

### **3829 Senate Report**

Council received and NOTED the report from the meeting of Senate held on 8 June 2021, as set out in paper C/21/60.

### **3830 Council Agenda Forward Plan**

- .1 Council RECEIVED and NOTED paper C/21/57.

<b>ACTION</b>		<b>Owner</b>	<b>Due</b>
.2	To submit any suggestions for guest speakers for the first day of in person Council meetings in 2021/22 to the Registrar.	Council Members	Ongoing

### **3831 Suspensions/Discipline Cases**

The Registrar REPORTED that since the last meeting a student had been excluded from all parts of the University for indecent and offensive behaviour and harassment. One student had been suspended and excluded from all parts of the University due to involved in an incident at Nottingham Trent University halls of residence. One student had been excluded from Halls and all other University provided accommodation for



drug related offences. One student had been suspended and excluded from all parts of the University following a report into a Fitness to Study Stage Two Panel.

**3832 Degree Outcomes Statement**

- .1 Council RECEIVED and NOTED paper C/21/39 introduced by the Registrar.
- .2 The updated Degree Outcomes Statement was APPROVED.

**3833 Dates of Council Meetings 2021/22**

Council NOTED the dates of meetings scheduled in 2021/22.

**RESERVED BUSINESS**

**3834 Reserved Item**

**3835 Reserved Item**

Date of Next Meeting: 13 July 2021, 09.00-10.30 (Extraordinary Meeting)