

Glasgow Caledonian University Court

Minutes of the University Court held on 11 November 2021 at 9am via Online Conferencing Facilities

Present: Rob Woodward (Chair), Amit Bhargava, Dr Douglas Chalmers (to item 11), Dr Morag Ferguson (to item 11), Campbell Fitch, Sylvie Freund Pickavance, Daniel Gallacher, Professor Pamela Gillies, David Halliday, Asif Haseeb, Ian Kerr, Sharon Lowrie, Meg Lustman, Neena Mahal, Bill McDonald, Dr Nick McKerrell, Tabitha Nyariki, Professor Ann Priest, Adil Rahoo, Austin Sweeney, and Jane Wilson.

Apology: Ellen Gibson

In attendance: Jan Hulme, University Secretary and Vice Principal (Governance)
Professor James Miller, Deputy Vice Chancellor
Susan Mitchell, Chief Operating Officer
Professor Andrea Nelson, Pro Vice Chancellor (Research)
Professor Alastair Robertson, Acting Pro Vice Chancellor (Learning and Teaching)
Paul Queen, Director of Finance
Fiona Campbell, Acting VP People and Student Wellbeing
Claire Hulsén, Director of Strategy, Planning and Business Intelligence
Deborah Donnet, Acting Head of Governance (Secretary)

Observer: Paul Brown, Director of Governance and Legal Services Designate

Chair's opening remarks

Ms Fiona Campbell was welcomed to her first meeting in attendance as VP People and Student Wellbeing. The Chair also welcomed Mr Paul Brown, who would be taking up post as Director of Governance and Legal Services on 1st December 2021, and who was attending as an observer.

As the Academic Staff Governor had to leave the meeting early, item 16 was moved up the agenda to facilitate his participation in the discussion on the adoption of the IHRA definition of anti-Semitism. Other items would be moved to facilitate the flow of business around scheduled breaks.

The Chair invited all present to join him in observing the two-minute silence to mark Armistice Day at 11.00am.

1. Minutes

- 1.1 Court noted that the minutes of the Court meeting held on 9th September 2021 had been approved by prior circulation.

2. Matters arising

- 2.1 There were no substantive matters arising.

3. Declaration of interest

- 3.1 A summary of the register of interests was included with the court papers. Court members were invited to advise the University Secretary or the Acting Head of Governance if any agenda items give rise to a conflict of interest.

4. Items brought by the Chair of Court

- 4.1 The Chair reported that he had spent a significant amount of time around COP26 and considered that the University had been exemplary in its wide range of activities and high profile around the event and congratulated all involved. He highlighted, as detailed in the University Secretary's report, it was intended to have a Court briefing on climate justice and the legacy of COP26, the challenges and opportunities it presented, and details would be circulated in due course.

Action: Court Secretary to schedule date for briefing.

- 4.2 In light of the cyber incident earlier this year, it was intended to provide cyber security training for governors, and further information would be provided in due course.

Action: COO to arrange appropriate training.

- 4.3 The Court Effectiveness Review report that was discussed at the last Court meeting will be referred to the Court Governance and Nomination's next meeting in January with a report back to the next meeting of Court on 17th February 2022.

Action: Court Secretary to refer to CG&NC then Court on 17.02.22.

5. Summary of Principal's Objectives 2021/22

- 5.1 The Court considered the Principal and Vice-Chancellor's Objectives for 2021/22, noting that these had been recommended to Court for approval by the Remuneration Committee.
- 5.2 It was highlighted that Objective 4 made reference to the University being at the forefront of technological advances in the delivery of HE. It was proposed, given the potential risks involved in technology, that it would be more appropriate to be an early adopter of new technology.
- 5.3 In response to a question how the Principal's achievement of the objectives would be measured, it was outlined that there was a suite of measures, including the KPIs and financial data regularly reported to the Finance and General Purposes Committee, which provided relevant information. It was acknowledged, however, that some essential areas of performance such as those relating to the University's reputation and esteem were less amenable to quantitative measures and demonstrated the importance of evaluative discussion between the Principal and the Chair.
- 5.4 Court **approved** the Principal's objectives for 2021/22 subject to the amendment of Objective 4 as outlined above.

ACTION: Chair and Principal to update objective 4.

6. Principal and Executive Board Report

- 6.1 The Principal presented her report which provided a summary of items arising since the previous Court meeting.
- 6.2 The Principal endorsed the Chair's sentiments regarding the University's contribution to COP26 and the extent of participation. Drawing attention to the particular roles played by the Communications and Events teams in projecting the University's contribution and building its profile, she warmly commended their outstanding performance. She also highlighted an event held the previous day involving Professor Tahseen Jafry and Dr Mary Robinson which had focused on the University's contribution to climate justice. Court welcomed the high profile role that the University had played and it was suggested that summary information bringing together the various strands of information about the University's input to COP26 would be a valuable resource for governors to share with their networks, and the Chief Operating Officer agreed to consider whether the material already available on the dedicated webpages and the COP 26 newsletters would be improved by repackaging for this purpose.

Action: COO to consider developing a summary resource on COP26

- 6.3 There had been strong indication from the Cabinet Secretary that there would, at best, be a cash flat settlement for universities, and further information was awaited. Universities Scotland would continue to lobby on behalf of the sector. Maintaining the teaching unit of resource and standards of quality while ensuring sustainability in the sector was essential. The academic staff appointed governor described the UCU ballots for strike action/action short of a strike to date in relation to pensions and staff pay and further ballots in prospect. UCEA had been requested to revisit the 1.5% cost of living increase that had been awarded. The EIS would shortly be balloting its members on the same issues.
- 6.4 In response to a question regarding the SFC review and the focus on developing regional collaborations, the Principal responded that whilst these were in place in the Edinburgh area, there was none yet in the west.

7. Chief Operating Officer report

- 7.1 Court **noted** a report from the Chief Operating Officer which included information on the work undertaken to support the continued safe return to campus and ongoing discussions with Scottish Government, ongoing work in relation to cyber security, and the preparation of the financial statements for 2020/21.
- 7.2 The issues that some students, especially those who had received a vaccination outwith the UK, had with obtaining the vaccine passport was raised, and the Chief Operating Officer advised that this had been raised with the Scottish Government and further information was awaited. Whilst there had been no outbreaks of Covid-19 attributable to an educational setting, students were a very mobile population and as such were considered a risk. It was reiterated, however, that on campus, restrictions on teaching room capacity and appropriate ventilation meant that risks were appropriately managed. This careful management also meant that

there were no concerns that students would be unable to access essential on campus classes or labs within an appropriate timeframe.

- 7.3 An Audit Committee paper on the cyber security incident earlier in the year would be placed in Convene for all Court members to access. A paper on future actions and the financial implications would be submitted to Finance and General Purposes Committee.

ACTION: Committee Secretary to place Cyber Security report on Convene

8. Student President Report

- 8.1 The Student President reported on the activities of the Students Association since the previous Court meeting drawing particular attention to activities during COP 26, the Association's Black History month contribution and work undertaken to tackle racism.
- 8.2 In discussion it was noted that engagement in the Student Voice had increased since it had been held online, and the Students' Association was exploring options for hybrid meetings. Overall, in person activity within the Association and clubs and societies was increasing.
- 8.3 Following concern raised by a lay governor about issues students from other universities had with their biometric resident permits (BRP), the Student President advised that whilst there had been a few similar cases within GCU, the University's VISA team had been able to assist. He agreed to raise the matter with the NUS to bring to the attention of the Home Office.

Action: Student President to raise BRP issues with the NUS.

- 8.4 Court **noted** the Student President's update.

9. University Secretary's Report

- 9.1 The Court noted a report from the University Secretary which provided information on the virtual stakeholder event, planned training for governors, information relating to forthcoming Court events and briefings and the Court calendar for 2022/23 and 2023/24 which would be refreshed and submitted to the Court's next meeting for approval.
- 9.2 Court **approved** the appointment of Mr Ian Kerr as Director of GCU INTO Ltd and GCU Nominee Company Ltd, both appointments with effect from 1st August 2021 and noted that Court had earlier approved, by circulation, his appointment as Director to GCU Academy Ltd and GCU Company Ltd, also with effect from 1st August 2021.

10. Strategy 2030 KPI report 2020/21

- 10.1 Court **noted** a report from the DVC on the Strategy 2030 following the first year of its launch and reviewed the University's performance against the associated Key Performance Indicators (KPIs) approved by Court. The report highlighted that the

University performed very strongly against a number of the Strategy 2030 KPIs, including

- a significant increase of 26% in new international enrolments across our Glasgow and London campuses and growth in recruitment of new UK postgraduate students;
- outstanding Graduate Outcomes performance, with 80% of our graduates in highly skilled occupations, the highest proportion of all Scottish modern universities;
- the maintenance of a high score in the 2021 THE Impact Rankings, with a ranking of 69th globally, despite an increase of almost 45% in the number of participating institutions to 1,118;
- continued excellence in the recruitment and retention of learners from the lowest quintiles of the Scottish Index of Multiple Deprivation, and degree completion;
- the very positive outcomes of the 2020 ELIR;
- continued development of impactful research in support of the SDGs with contributions to a number of major Covid-19 related research projects;
- maintenance of research income; and
- a positive budgetary outcome for 2020/21

10.2 The Court welcomed a presentation on the new KPI dashboard that would provide governors and all staff with a rich source of information about the University and the university's progress against the agreed KPIs. It was suggested that the dashboard could be enhanced by being expanded to include the 2030 supporting strategies and enabling plans, and it was **agreed** to explore this further.

ACTION: Director of Strategy, Planning and Business Intelligence

11. Consideration of IHRA definition of Anti-Semitism – Recommendation from Senate 20th October 2021

11.1 Contained within the report from the meeting of the University Senate held on 20th October 2021 (see item 13 below), was a recommendation from Senate that Court approve recognition of the IHRA definition of anti-Semitism in the following terms which made both the University's intolerance of anti-Semitism clear and ensured that its legal commitment to uphold academic freedom and freedom of speech was recognised:

"The University utterly rejects anti-Semitism and accepts the IHRA working definition of anti-Semitism. In accepting the IHRA working definition and noting that it is associated with examples presented by the IHRA as illustrations which guide it in its work, the Court and Senate of Glasgow Caledonian University reaffirm their absolute commitment to academic freedom and freedom of speech within the law. The Court welcomes the assurance within the IHRA's statement that 'criticism of Israel similar to that levelled against any other country cannot be regarded as anti-Semitic'. The acceptance of the IHRA definition by the Court accommodates the lawful expression of political criticism concerning, for example, the actions of the State of Israel or other individuals, organisations or nation states."

- 11.2 In discussion, the academic staff governor reiterated his opinion, previously expressed at Court on 17th June 2021 when the matter had been initially considered by Court, that the IHRA definition was irrevocably flawed and that recognition of it risked significant repercussions for academic freedom. He cited two instances from another Scottish university which he considered illustrated his point.
- 11.3 Court acknowledged the position put forward by the academic staff governor, whose position was also supported by Dr McKerrell, and the nature of his concerns, but also understood those arguments that spoke for recognising the definition. Court concluded that the concerns expressed by Dr Chalmers had been addressed in principle in the University's position statement accepting the definition. Accordingly, Court **agreed**, Dr Chalmers and Dr McKerrell abstaining, to recognise the IHRA definition of anti-Semitism as set out at 11.1 above.

12. Outcome Agreement 2021/22

- 12.1 Court **noted** a report from the DVC on 2021/22 Outcome Agreement and **endorsed** it for submission to the SFC on 30th November 2021.

13. 2021/22 Student Recruitment Summary

- 13.1 The Court **noted** a report from the DVC which provided an overview of students who have registered as at 22nd October 2021 as well as an early view of Trimester B recruitment. The report highlighted notable growth in the international student recruitment.

14. Draft Annual Financial Statements to 31st July 2021 and Supporting Documentation

- 14.1 The Chief Operating Officer presented to Court the draft annual financial statements for the University and its subsidiary companies for the year ended 31st July 2021. The covering report provided details of the consolidated headline results and the underlying operating surplus for 2020/21 which was £7.5m.
- 14.2 Court noted that the accounts and supporting documentation had already been considered at a joint meeting by the Finance and General Purposes Committee and Audit Committee. Both were satisfied that they should be presented to Court. The Audit Committee had also recommended them to Court for approval. Accordingly, Court **approved** the Annual Financial Statements 2020/21.
- 14.3 Court **noted** the GCNYC Financial Statements which were incorporated in the University's consolidated financial statements.
- 14.4 Court further **approved** the GCU External Letter of Representation, the Bank Financial Covenants Certificate both of which would be signed by the Principal and Vice Chancellor, and the GCU to GCNYC Letters of Support.
- 14.5 Court further noted the KPMG Audit Highlights Memorandum.

15. Annual Procurement Report 2019/20

- 15.1 Court **approved** the Annual Procurement Report for 2019/20 which summarised the activities that had been carried out in delivering the University's organisational Procurement Strategy in the period and which will be submitted to the Scottish Government as part of the University's public sector reporting requirements.

16. Risk Register

- 16.1 Court considered and **noted** the Corporate Risk Register which captured changes since last presented to Court. The Chair of the Audit Committee reported that his Committee had examined the risk register, noting that it was dynamic document under constant review and amendment to respond to the rapidly changing environment.
- 16.2 The decision to remove the risk relating to the University's ability to meet or improve on the 2014 REF result was queried given that the results and their impact were not yet known, as was the status of eight of the nineteen risks which remained as 'major/probable' after the application of mitigations, and it was **agreed** that this would be reviewed.

ACTION: Director of Finance to review risk register as per Court feedback.

17. Report from Senate on 20th October 2021

- 17.1 Additional to the discussion at item 11 above, Court **noted** the report from the meeting of the University Senate held on 20th October 2021.

18. Standing Committee Business

- 18.1.1 Court noted a report from the Audit Committee which updated Court on the issues discussed and decisions taken at its meeting on 18th October 2021. The Chair of the Audit Committee presented the Audit Committee's Annual Report which outlined the work of the Audit Committee in fulfilment of its terms of reference and compliance with SFC requirements. Court **approved** this report for submission as part of the annual information requirements of the SFC.

ACTION: Director of Finance to submit Annual Report to the SFC following Court approval.

- 18.1.2 The report from the Joint meeting of the Audit and Finance and General Purposes Committees held on 18th October 2021 was **noted**.
- 18.2 Court **noted** a report from the Court Governance and Nominations Committee which updated Court on the issues discussed and decisions taken by the Committee at its meeting on 5th October 2021. The Chair indicated the Committee had a valuable initial discussion around the civic university and an updated report would be submitted to the Committee's next meeting in January prior to coming to the next meeting of Court in February. Court was reminded that it was intended to recruit a lay governor with particular relevance to civic engagement, and members were invited to consider whether anyone within their network would be suitable, and if so, to contact the University Secretary in the first instance.

Court **approved**

- a) the reappointment of Campbell Fitch, Sylvie Freund Pickavance and Meg Lustman when their current terms of office came to a conclusion later in the academic year; and
- b) the continuation of Meg Lustman as Vice Chair of Court in her further term of office.

ACTION: University Secretary to issue letters of reappointment.

- 18.3 Court noted a report from the Finance and General Purposes Committee which updated Court on the issues discussed and decisions taken by the Committee at its meeting on 20th September 2021.
- 18.4 Court **noted** a report from the People Committee which updated Court on the issues discussed and decisions taken by the Committee at its meeting on 30th September 2021.
- 18.5 The Court considered and **approved** the annual Remuneration Report 2021. The Chair reported the key areas of work undertaken by the Committee, including its consideration of the Remuneration Philosophy, benchmarking data, and other contextual information. Noting that no pay movement had occurred since 2019, that no PRP had been awarded for some years, and on the basis of the University's performance and the contribution of individuals in the Committee's bailiwick, the Committee had approved a cost of living pay increase for senior staff of 1.5%.

The Principal then left the meeting. The Committee Chair reported that the Committee had also considered and recommended to Court the same cost of living increase for the Principal. Court subsequently **approved**, Dr McKerrell opposing, the recommendation to award the Principal a cost of living increase of 1.5% for 2021/22. The Principal then returned to the meeting.

ACTION: VP People and Student Wellbeing to implement the Principal's cost of living increase.

19. GCNYC Board of Trustees Report from Meeting on 14th September and 23rd October 2020

- 19.1 The Court **noted** a report from the GCNYC Board of Trustees which provided an update to the Court on the business discussed at the GCNYC Board of Trustees meeting held on 22nd October 2021. The Chair of the Board of Trustees informed that it was hoped there would be an update on Middle State accreditation for the next meeting, and that the modest recruitment target for the September 2021 cohort had been achieved.

20. Media Report

- 20.1 The Court noted the Media Coverage Analysis Update Report for September 2021.

21. AOB - #myclimatepledge

- 21.1 The professional and support staff appointed Governor invited Court members to sign up to #myclimatepledge and help the University achieve its target of being carbon neutral by 2040, and reducing emissions from business travel by 16% by 2025/26 by undertaking not to fly to destinations that could be reached by train in six hours. Details on #myclimatepledge would be circulated by the Department of Governance.

ACTION: Court Secretary to circulate information on #myclimatepledge

22. Date of next meeting

- 22.1 The next Court meeting will take place on Thursday 17th February 2022. The Chair indicated that it was his hope the meeting would take place in person, but this would be confirmed nearer the time.