

**Meeting:** COUNCIL  
**Date and Time:** Thursday 25 February 2020 at 9.30am  
**Venue:** Virtual meeting via Zoom

**Present:**

Pamela Chesters	Chair
Maria Bond	Appointed member
Tim Ford	Appointed member
Christine Gibbons	Appointed member
Professor Dot Griffiths	Appointed member
Mesar Hameed	Elected by professional service staff
David Hardy	Appointed member
Dr Marion Harney	Elected by Senate
Mr Malcolm Holley	Elected by professional service staff
Tim Hollingsworth	Appointed member
Professor Tim Ibell	Elected by Senate
Francesco Masala	Student governor
Don McLaverty	Appointed member
Sujata McNab	Appointed member
Catherine Mealing-Jones	Appointed member
Dr David Moon	Elected from Senate by Academic Assembly
John Preston	Treasurer
Professor Ian White	Vice-Chancellor and President
Dr Jane White	Chair of Academic Assembly
Annie Willingham	Student governor

In attendance:

Professor Jeremy Bradshaw	Pro-Vice-Chancellor (International and Doctoral)
Richard Brooks (for items 7262 and 7266)	Director of Human Resources
Alex Butler (for items 7263 and 7268)	Executive Chair, EDI Committee
Corinne Evans	Director of Communications
Professor Peter Lambert	Pro-Vice-Chancellor (Learning and Teaching)
Professor Jonathan Knight	Pro-Vice-Chancellor (Research)
Professor Bernie Morley	Deputy Vice-Chancellor & Provost
Professor Rajani Naidoo (for item 7263)	Head of the Race Equality Taskforce
Mike Nicholson (for item 7261)	Director of Student Recruitment and Admissions
Anthony Payne (for items 7260 and 7264)	Director of Student Services
Martin Williams	Director of Finance
Dr Cassie Wilson	Vice-President (Student Experience)
Chris Young (for item 7266)	Deputy Director, Safety and Wellbeing Services
Keith Zimmerman	Chief Operating Officer

Secretariat:

Emily Commander	Secretary
Karen Gleave	Member of Secretariat
Clare Henderson	Member of Secretariat

Apologies:

Charlotte Moar

**7256 WELCOME AND QUORUM**

The Chair welcomed everyone and the attendance was noted.

**7257 DECLARATIONS OF INTEREST**

Don McLaverty declared an interest in item 7270, for the duration of which he would withdraw to the digital waiting room.

John Preston declared an interest in item 7273 as a former partner of the external auditor, PWC, from whom he received an annuity.

**7258 MINUTES OF PREVIOUS MEETING**

The minutes of the Council meeting of 26 November 2020 (paper C20/21 – 41) were approved as a correct record and would be signed by the Chair.

**7259 ACTIONS AND MATTERS ARISING**

- 1) 7242 (Provide additional information 1) to explain the drop in CO2 computed emissions between 2018/19 and 2019/20, and b) to clarify what constituted the end of the year for the purposes of meeting the target of a 5% reduction in scope 3 emissions) *Responses were available in Council Reading Room and as an annex to the minutes (item 7258). Complete*
- 2) 7244 (Council recommendations on the membership and functions of Court to be put to Court at its meeting on 28 January 2021) *See agenda item 7267. Complete*
- 3) 7244 (The University to trial hosting an Annual Public Meeting for a period of three years as an additional means of stakeholder engagement). *Timeframe under review in light of pandemic. Outstanding*
- 4) 7223 (Creation of a single University Scheme of Delegation, with substantive review of the delegations contained within it). *Council and Senate schemes had now been merged. The next step was a review. Outstanding*
- 5) Council noted papers C20/21 – 36 to 40, which related to decisions it had taken by correspondence between December 2020 and February 2021.

In relation to paper C20/21 – 38 (accommodation fee rebate), the Chair offered the one member who had not been supportive of the proposal the opportunity to share their perspective. Council heard that the concern was around the scale of the authorised rebate (up to £4 million) addressing what was perceived as a reputational risk and potentially a blank cheque and a belief that instead the University should engage its student population in a difficult conversation to help them understand the overall financial context within which such demands were made.

The Vice-Chancellor agreed that it had been a difficult decision. He did not rule out a similar decision being required in future. The Chair of Council noted that any such decision would come back to Council at the appropriate moment.

## **7260 UPDATE FROM THE VICE-CHANCELLOR**

The Vice-Chancellor presented paper C20/21 – 42.

He announced with sadness the recent deaths through illness of two students, Noé Kohl and Anthony Evans. Council joined with the Vice-Chancellor in expressing condolences to the family and friends of the two students.

Updates were provided in the following areas:

### Learning and Teaching

The Pro-Vice-Chancellor (Learning and Teaching) noted that the government's Covid-19 roadmap provided that students unable to complete their courses without working on the practical elements would be able to return to campus from 8 March 2021. The return of all other students would be subject to a review by government before the Easter break on the premise that students should not be asked to return if their courses could reasonably be completed online. The University was awaiting further guidance before finalising its plans, but was hoping to return to regular, in-person teaching as soon as it was allowed to do so.

Members of Council asked questions and were answered as follows:

- 5,000 students had signed a petition, coordinated by the Students' Union, expressing concern about the University's no detriment arrangements. The Students' Union had worked with the University in an open way to find a feasible way forward. Some concerns remained, particularly in relation to a lack of provision to allow students to re-sit exams with no penalty. This was being addressed, in part, by an exam analysis being conducted by the Registry with a particular view to ascertaining whether or not the no detriment measures had worked sufficiently well for students from marginalised backgrounds. Adjustments would be made, if necessary, for Semester 2.
- The University was well-placed to act to modify the curriculum offering if needed once further information on the implementation of Auger and the outcome of the next Comprehensive Spending Review was known.
- In the next academic year, the University would offer additional access to laboratories, workshops and skills training for continuing students to catch up on anything they had missed. New students would be supported in making the transition to university through enhanced induction and skills training.

### Student issues

The Vice-President (Student Experience) said that student support was a primary consideration at each stage at which lockdown restrictions were lifted. It was hoped that Student Services would be able to offer in-person services from 12 April 2021.

The University was working closely with the Students Union to ascertain what activities could be provided from 29 March 2021, if restrictions were lifted.

Members of Council asked questions and were answered as follows:

- Consideration had been given to a possible increase in imposter syndrome as a result of the pandemic. This had already been an issue of significant concern at Bath. The University was working with the mental health and suicide prevention team and with other institutions to identify suitable interventions. It was important to maintain an open dialogue with students on this difficult issue.
- An upward trend in student mental health issues before the pandemic had been overlaid during the pandemic with additional issues of isolation and anxiety. Services were being adapted to deal with these changing problems and the different forms in which they presented. A Be Well, Talk Now service, for example, offered round-the-clock support in different languages, and there had been an increase in demand for group services.
- The University was seeking to implement the University Mental Health Charter, an approach agreed by UUK.
- The University was evaluating levels of demand for its student mental health services, as well as auditing current provision for BAME students. It was also providing training for staff in student-facing roles across the institution, helping them to identify risk and refer issues appropriately.
- Once a student came forwards, support services worked well. It would be critical to find ways to enable students to come forward in the first place.
- Work was underway to improve the University's relationship with the NHS, where referral levels were extremely high, particularly for eating disorders.
- The Student Experience Board had considered the issue of personal tutoring at its first meeting.

### Operations

The Chief Operating Officer noted that current government regulations restricted what could be done on campus and that this had had some impact on research given that staff were encouraged in general terms to work from home. However, on any given day there were about 600 staff, 1,600 undergraduates and 200 postgraduates on campus. Accommodation was at about 50% occupancy on campus, with similar numbers estimated for accommodation in the City.

The Government continued to emphasise the importance of asymptomatic testing and the University hoped to re-open its testing site on Dartmouth Avenue from 29 March.

Members of Council asked questions and were answered as follows:

- A lessons-learned report had been produced in November to draw upon lessons from the first lockdown. This had provided valuable insight for the future.
- A Business Continuity and Organisational Resilience Manager had been appointed.

### Admissions

The Deputy Vice-Chancellor noted that difficulties with overseas recruitment at postgraduate level were linked to problems in China. In-country agents ascribed this to the pandemic. The University had increased the number of offers it made to

counterbalance a reduction in the number of applications and had increased the pool of universities it drew upon.

At undergraduate level, the University had been able to maintain the number of students from the EU post-Brexit and international student numbers had increased.

Grade inflation at A-level remained an area of significant concern. The University had responded by reducing the number of offers it made on certain courses with only limited capacity – architecture, for example. If lectures were conducted online, there could be increased flexibility to increase numbers on courses such as economics, where room capacity had been a limiting factor in the past. The University would base its approach on that of last year, and was confident that this would work, providing that there were no last-minute changes in government policy.

The overall picture was positive, with application numbers higher than usual, including for courses to which it was often difficult to recruit.

#### REF

The Pro-Vice-Chancellor (Research) noted that, under the new rules, the University would be submitting every member of staff engaged in research whereas the 2014 REF had not required this.

All research had been affected by Covid, in the particular area of research involving human participants, where the impact had been significant and varied between projects. This would need to be assessed and addressed on a case-by-case basis.

The Vice-Chancellor announced the success of two new bids still under embargo:

- The University, working with the University of Oxford and other partners, had secured development funding from Research England for a three-year project to create an Innovation Centre for Applied and Sustainable Technologies in Swindon. Additional funding had been granted by the Swindon and Wiltshire Local Enterprise Partnership.
- The Institute of Coding bids to the Department for Education for national and local skills bootcamps had bid for funding to maintain the central team and develop skills at a local level.

### **7261 ADMISSIONS AND WIDENING PARTICIPATION**

The Director of Student Recruitment and Admissions presented paper C20/21 – 43. Activity on widening participation had increased significantly, in part because the team had already made the move towards online provision and support. Take-up of the online offering had been good, with strong links to admissions. A new diagnostic tool enabled students to self-assess how ready they were to start university, which meant they could be triaged to address any gaps. Over 2,000 students had been identified in connection with the Access to Bath programme, with 290 students already participating.

The team was working to improve links with other parts of the University. There had also been a real interest from external partners in working with Bath.

Members of Council asked questions and were answered as follows:

- The Gold Scholarship Programme had reached maturity in the current year and was at capacity, with 200 students enrolled. Work was underway to address any shortfall in the experience resulting from the pandemic. It was hoped that the first cohort of graduates would sign up as mentors for incoming students, creating the peer-to-peer support network that Bath had been lacking in the past.
- Postcodes were used to assess students' place within the widening participation weightings because this was a key OfS criterion. The weightings also took into account students in the care system, those estranged from their families, refugees and those with caring responsibilities. Sometimes these students were hard to identify or were reluctant to self-identify and the team was working to build the confidence and reassurance needed to enable these declarations.
- There were some opportunities to integrate work being done in admissions with curriculum transformation, for example in the area of decolonisation.
- Consideration was being given to ensuring that the Bath offer was sufficiently well adapted to meet the needs of students from working class backgrounds, particularly in the area of placements and internships.

Council noted the report.

## **7262 WORKFORCE REPORT**

The Director of Human Resources presented the workforce report (paper C20/21 – 44).

Members of Council asked questions and were answered as follows:

- The University collected some data on diversity upon recruitment and tried to fill in the gaps later, although this relied on staff being willing to provide the necessary information.
- It was noted that there was no category within the HESA student data for transgender people and that this issue would need to be addressed.
- Thought was being given on supporting Heads of Department to enable them to deliver in their altered leadership roles. Staff development and succession planning should be key elements of this: the University recognised that the traditional rotating departmental leadership model may not best serve the institution going forward and greater recognition should be given to academic leadership as a distinct career stream.
- The Health and Safety Executive Management Standards survey was used by the University to highlight the factors that drive up wellbeing. This was being deployed in a targeted way within departments as the basis for drawing up action plans. It was hoped that the approach could be rollout out throughout the organisation.
- The University's response to the pandemic had driven increased survey sampling of the workforce, and the use of this tool would be extended.
- It was noted that workload was an important consideration in staff wellbeing.
- Council expressed its support for the review of professorial pay. This had wider implications for staff outside the professoriate, and was relevant to the issues of staff development, clarity on accountabilities and performance.

Council noted the Report.

#### **7263 EQUALITY, DIVERSITY AND INCLUSION**

Council received an update from Alex Butler, Executive Chair of the Equality, Diversity and Inclusion Committee, and Professor Rajani Naidoo, Head of the Race Equality Taskforce (paper C20/21 – 45).

The Executive Chair of the Equality, Diversity and Inclusion Committee noted that work was underway to bring together the many positive initiatives in this area across the University. Resourcing constraints meant focusing attention on priorities, which would be gender and race equality in the coming year. The intention was to be brave, as this work was likely to encounter considerable challenges.

The Head of the Race Equality Taskforce said that her first task had been to start listening to members of the community on how they experienced racism and how it intersected with other issues. Bath had a long way to go in this area, but she paid tribute to colleagues, including the Head of Equality, Diversity and Inclusion, who had developed a number of innovative strategies in this area, creating a strong foundation to build on.

The Taskforce would be established within a month: the intention was to keep it small and agile, with a series of small advisory groups reporting in on different issues. The Taskforce would report with an action plan at the end of a year, putting into place a series of deadlines to be staggered over a three-year period. One of the first steps would be to sign up to the Advance HE Race Equality Charter, which would make it possible eventually to apply for a Charter award.

Council noted with pleasure that Prof Naidoo's UNESCO Chair that just been renewed for a further 4 years.

A number of Council members expressed an interest in supporting work in this area in a personal capacity if this would be helpful.

Council noted the Report.

#### **7264 STUDENT DISCIPLINARIES**

The Vice-President (Student Experience) presented Paper C20/21 – 46, which contained data in relation to the 2019/20 academic year. Data for the current academic year would differ substantially as a result of a significant increase in the number of disciplinary cases linked to the pandemic.

The University had moved disciplinary work into Student Services with a view to creating a more permanent structure in the future.

Members of Council asked questions and were answered as follows:

- Changes were being made to the appeals process to take account of the increase in the number of appeals.

- There was no intention to introduce a new set of rules in relation to Covid as this issue was already sufficiently provided for by the Health and Safety measures within the disciplinary system.
- Each disciplinary case was considered individually on its merits, which accounted for some apparent disparities in sanctions.
- The University would need to take into account the latest government guidance in relation to enhanced sanctions for Covid-related breaches in student halls of residence. It was thought these may be applied by the police.

Council noted the Report.

## **7265 REPORT ON COMPLAINTS TO THE OFFICE OF THE INDEPENDENT ADJUDICATOR**

Council received a report on complaints to the Office of the Independent Adjudicator for Higher Education in 2019/20 (paper C20/21 – 47).

Council noted the Report.

## **7266 HEALTH AND SAFETY**

*This item was taken after item 7267 (Court).*

The Deputy Director of Safety and Wellbeing Services presented the annual Health and Safety Report (paper C20/21 – 48).

The University had implemented a number of measures at pace during the pandemic, including a large-scale move towards home working. Managing the return to work on campus required an assessment of risks, and a recognition of human factors such as a lack of confidence and fear of disease.

The year had been atypical. There had been decreased uptake of the Employee Assistance Programme, which was counterintuitive but in line with trends at the Royal United Hospitals. However, those who had presented raised more substantial issues and often required more sustained support.

Members of Council asked questions and were answered as follows:

- Data showed a significant increase in slips, trips and falls. Analysis had not identified any single accident black spot. However, the campus had been used more heavily as a local amenity space during the pandemic, and there were two serious incidents due to the snow and ice experienced earlier in the year. Some preventative measures had been introduced, for example, new safety scalpels in response to increased injuries sustained during model-making.

Council noted the Report.

## **7267 COURT**

*This item was taken before item 7266 (Health and Safety).*

The Chair presented an update on Court (Paper C20/21 – 49). She thanked John Preston for his work as Chair of the Stakeholder Engagement Working Group (SEWG).

The three resolutions agreed by Court represented important reforms, particularly in relation to its membership.

Members of Council asked questions and were answered as follows:

- Council's rationale for proposing the fourth motion considered by Court, on amendments to Charter, was that Court added limited value to an already complex process, which involved the approval of Senate, Council, Privy Council and now the OfS over a period of over a year. However, some members of Court had interpreted the proposal made by Council as being indicative a lack of good faith and as a threat to its continued existence. Council noted that it had never discussed the disbanding of Court and thus that this fear was ill-founded but recognised that it would be important to work to improve trust and confidence between Court and Council.
- The Halpin Review had made no specific recommendations on the functions of Court but had recommended that consideration be given to stakeholder engagement more broadly. This function had been discharged by SEWG, which had now been formally disbanded. Its minutes were available to all Council members on Convene.

Council:

- agreed to take the steps necessary to implement the reforms agreed to by Court in its resolutions 1-3; **HoSG**
- agreed to take no further action in relation to the reform proposed to Court in motion 4;
- noted the need for further work to strengthen trust between Council and a reconstituted Court; and
- noted the outline plan for implementing the reforms and agreed that Court should be informed about the outcome of its consideration. **HoSG**

## **7268 SENATE MATTERS**

Council's attention in papers C20/21 – 50A-50E was drawn to a number of issues raised by Senate.

The Vice-Chancellor introduced a statement recommended by Senate on the University's position on the IHRA definition of antisemitism. This had been the subject of considerable activity at government level, and universities had adopted a range of different positions. The IHRA definition was not legally binding.

The proposed statement made it clear that the University would adopt the IHRA's working definition as a reference point. The University already had in place policies to tackle antisemitism and the case for further change had not been made. If change was required in future this would be carried out in full consultation with the entire University community.

Senate had adopted the statement by a majority of 27 to 4 with 8 abstentions, having first clarified its stance on freedom of speech.

Council heard that Senate had reflected on number of points including:

- It would be important for the academic community to see that the governing body had not simply nodded through the agreement, but had taken their

concerns seriously, particularly in the case of those academics working on issues in relation to Israel and Palestine.

- The political context was challenging, particularly in light of the introduction of a Free Speech Tsar at the OfS.
- Controversy had focused around the examples provided as part of the working definition.
- The proposed approach did not entail any changes to the disciplinary process, which would require Trade Union approval.

Council discussed the points raised and shared the legitimate concerns of Senate members. They concluded that, if revised recommendation from Senate was adopted, it would be important that clarity was provided in due course on the way the issue would be taken forwards by the University.

Council then proceeded to vote on whether or not to approve the statement recommended by Senate. It approved the statement by a majority of 17 votes in favour, 2 against and 1 abstention.

Council amended the Standing Orders for joint committees of Council and Senate to specify that the quorum should include at least one member of Council and at least one member of Senate. It approved the Standing Orders as amended.

Council approved the changes in the membership of the Honorary Degrees Committee proposed by Senate.

Council approved the proposed amendment to Ordinance 14.12.

**HoSG**

Council welcomed Senate's support for the principle of a maximum term of nine years for members of Council and agreed that draft amendments to Statutes and Ordinances to bring this change into effect should be taken to the meetings of Senate and Council in April and May.

**HoSG**

## **7269 GOVERNANCE REVIEW**

Council approved paper C20/21 – 51 on the direction of travel for the forthcoming governance root and branch review.

## **7270 UNIVERSITY COMMERCIALISATION EXECUTIVE BOARD**

*Don McClaverty left the meeting for the duration of item 7270.*

Council considered paper C20/21 – 52 on the University Commercialisation Executive Board.

Council:

- approved the disbanding of the University Ventures Board (UVB);
- approved the formation of a University Commercialisation Executive Board (UCEB) reporting to Finance Committee and the University Executive Board;
- approved the proposed membership and Terms of Reference of the UCEB;
- approved the appointment of Don McClaverty as the Finance Committee member of UCEB and Professor Chris Jones as an external member of UCEB; and

**HoSG**

- noted that the process for appointing a further external member of UCEB was underway.

#### **7271 CLIMATE ACTION FRAMEWORK**

Council noted an update on the University's Climate Action Framework (Paper C20/21 – 53).

#### **7272 FINANCE**

The Director of Finance presented paper C20/21 – 54 on financial matters along with the minutes of the meeting of Finance Committee of 4 February 2021.

The government had announced about £750k in additional funding for some subjects.

The USS announcement was expected the following week, with the valuation of the technical deficit expected to have increased from £3.8 billion in March 2018 to £25 billion.

Members of Council asked questions and were answered as follows:

- The University did not accept cash payments for tuition fees and did not advertise that it could do so for accommodation fees.
- The University had identified several areas where there was an existing non-pay underspend or where it would be possible to make the necessary additional savings with relative ease.
- The focus of the IAAPS board had shifted from construction to business development, where the team had set itself challenging targets. This work would require monitoring.

Council noted the Report.

#### **7273 AUDIT AND RISK**

The Chair of the Audit and Risk Assurance Committee (ARAC) presented paper C20/21 – 55. He reminded Council that the University risk register provided a useful insight into the many moving parts that the University was currently contending with.

He also noted that there had been a data security incident reported to the Information Commissioner's Office. The issue was due to human error and had been dealt with effectively.

Council:

- noted the minutes of the Audit and Risk Assurance Committee meeting on 27 January 2021; and
- approved the appointment of PWC as the external auditor for the 2020/21 year-end.

DoF

#### **7274 REMUNERATION COMMITTEE**

The Chair of the Remuneration Committee presented paper C20/21 – 56. She noted that the Committee had decided not to retain the services of external remuneration

consultants on the basis that the Halpin Review reforms were well embedded and technical and legal advice could be obtained on an *ad hoc* basis as needed.

The Committee had reviewed the Framework for the Remuneration of Designated Senior Staff and recommended a number of amendments to Council. Specifically, it had updated the criteria to determine which staff fell within its remit and had drawn up a definitive list of posts: this represented a change in approach from using membership of University Executive Board or salary threshold as a proxy for inclusion. A number of amendments had been made to reflect current practice, including the provision by the Vice-Chancellor of a summary of the performance of staff within remit, and the practice discussing remuneration issues ahead of decisions in order to provide the Director of Human Resources with an envelope within which he could negotiate more precise terms.

Council:

- noted a report from the Remuneration Committee;
- approved amendments to the Framework for the Remuneration of Designated Senior Staff; and **HoSG**
- approved a proposal for the voluntary severance of a member of staff. **DoHR**

#### **7275 NOMINATIONS COMMITTEE**

Council noted the minutes of the Nominations Committee meeting on 25 January 2021 (paper C20/21 – 57).

Council approved amendments to the Nominations Committee Terms of Reference. **HoSG**

#### **7276 ETHICS COMMITTEE**

Council noted a report from the Ethics Committee (paper C20/21 – 58).

Council approved amendments to the Terms of Reference of the Ethics Committee. **HoSG**

#### **7277 COUNCIL APPEALS COMMITTEE**

Council approved amendments to the Terms of Reference of the Council Appeals Committee (paper C20/21 – 59). **HoSG**

#### **7278 ACADEMIC GOVERNANCE MINUTES**

Council noted the minutes of the Academic Governance committees (paper C20/21 – 60), namely:

- CCSU on 3 November and 3 December 2020
- Equality, Diversity and Inclusion Committee on 5 November 2020
- Senior Academic Appointments Committee on 11 November 2020
- Honorary Degrees Committee on 24 November 2020

#### **7279 PROGRAMME OF FORTHCOMING COUNCIL MEETINGS**

Council noted the programme of meetings of Council for the 2020/21 academic year and considered topics for the agenda of the meeting on 13 May (C20/21 – 61).

Wednesday 24 March 2021 (strategy day): 9.30am – 5.00pm

Thursday 13 May 2021: 9.30am – 12.30pm

Thursday 22 July 2021: 9.30am – 12.30pm

Unless specified otherwise, meetings would be preceded by a virtual dinner and development session the evening beforehand. Meetings would be online until further notice.

**7280 ANY OTHER BUSINESS**

There was no further business to consider.

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The meeting concluded at 12.22

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**NOTE** *Sections of two of the agenda items have been redacted either because they pertain to information relating to individual staff or students, or because they are still commercially confidential.*