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UNIVERSITY OF BIRMINGHAM

COUNCIL

30th June 2021 at 2.00p.m.

MINUTES OF MEETING

Members present: Mr Mervyn Walker (Pro-Chancellor and Chair); Professor Helen Abbott; Ms Tobiloba Adeyemi (President of the Guild of Students); Ms Rebecca Cutler (Guild Postgraduate Officer); Professor Sir David Eastwood (Vice-Chancellor and Principal); Mr Tim Gardam; Professor David Hannah; Mr Malcolm Harbour CBE; Ms Rosie Harris; Mr Richard Haywood (Deputy Pro-Chancellor); Mr Steve Hollis; Dame Lin Homer; Professor Tim Jones (Provost and Vice-Principal); Mr Harjinder Kang; Ms Rachel Kentleton; Mr Mick Laverty; Mr Anthony Lilley; Professor Una Martin; Mrs Caragh Merrick OBE (Treasurer); Mr Richard Swann; Ms Jacqueline Taylor; Professor Nicola Wilkin.

Also present: Professor David Adams (Pro-Vice-Chancellor and Head of College); Professor Richard Black (Pro-Vice-Chancellor and Head of College); Mr Mikey Brown, President of the Guild of Students 2021/22 (Observer); Ms Nicola Cardenas-Blanco, Director of Legal Services - for Minute 21/61; Mr Wei-Lun Chen, Guild International Officer 2021/22 (Observer); Ms Erica Conway (Finance Director); Professor Andrzej Gasiorek (Pro-Vice-Chancellor and Head of College); Ms Cathy Gilbert, Director of External Relations for Minute 21/56; Professor Laura Green (Pro-Vice-Chancellor and Head of College); Professor Stephen Jarvis (Pro-Vice-Chancellor and Head of College); Professor Robin Mason (Pro-Vice-Chancellor (International)); Mrs Colette McDonough (Assistant Secretary); Mr Trevor Payne, Director of Estates - Minute 21/57(2); Dr Emma Robinson, Academic Registrar - Minutes 21/49(3) and 21/58; Professor David Sadler, Dubai Provost - for Minute 21/54; Mr Lee Sanders (Registrar and Secretary); Mr Mark Senior, Chief of Staff; Professor Tim Softley (Pro-Vice-Chancellor (Research and Knowledge Transfer)); Professor Mark Sterling, Deputy Pro-Vice-Chancellor (Staffing) - for Minutes 21/57(1) and 21/59.

Apologies: Mr Alan Davey CBE; Ms Deborah Cadman OBE; Professor Kathleen Armour (Pro-Vice-Chancellor (Education)).

Papers: The minute book contains copies of all written papers or reports to which reference is made below unless indicated otherwise.

21/45 Declarations of Interest

Noted: that there were no changes to the entries of members of Council in the University's Register of Interests or any interests declared in relation to any item on the agenda.

21/46 Minutes

Resolved: that the minutes of the meeting of Council held on 22nd April 2021 be approved (CO.21.06.02).

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21/47 Matters Arising from the minutes not addressed elsewhere on the agenda

Reported: that there were no matters arising.

21/48 Pro-Chancellor's Items

Reported: that planning would commence for the arrival of the next Vice-Chancellor in January, noting that members of Council would have the opportunity to meet Professor Tickell in due course.

21/49 Vice-Chancellor's Items

Considered: the report of the Vice-Chancellor (CO.21.06.03).

(1) Vice-Chancellor Selection Committee

Reported: that Council thanked the Pro-Chancellor and the other members of the Selection Committee for their significant time and work on the appointment of his successor.

(2) League Table Performance

Reported that:

(a) to (b) **[NOT FOR PUBLICATION]**

(3) Covid-19 Update

Reported that:

- (a) the Government had delayed the move to step four of the national roadmap to 19th July. Along with several other areas of England, Birmingham had been identified as an enhanced response area on 14th June. This meant that the city was implementing surge testing and vaccination, and greater walk-in capacity at vaccination sites, focussed on 15 wards across the city (not including Edgbaston and areas closest to the University) with the lowest vaccine take-up and highest Covid rates. The government had also issued advice on travel, including minimising travel from visitors into and out of the city, although this did not apply to travel for work or education purposes;
- (b) plans for in-person open days for prospective applicants at the beginning of July had been rearranged for the end of July in light of the advice to restrict travel from large numbers of visitors into and out of Birmingham. The University would continue to offer smaller group visits for offer holders, as well as continuing to run virtual open days. The University had also confirmed with the Director of Public Health at Birmingham City Council that plans for Covid-safe graduation celebrations that were scheduled later in July could continue;
- (c) Council had approved the approach to planning for the academic year 2021/22 at its meeting in April. The University's Oversight Group for 2021/22 Planning had replaced SERT and was continuing to plan in accordance with the approach approved by Council. The plans would be flexible to take into account any changing government restrictions, but a base case was planned for a closer to normal year with a fuller on-campus student experience and more in-person teaching enriched by digital support, a normal timetable, research, and other activities and operations. The fall back plan, in the event of government restrictions such as social distancing, was for bi-modal and hybrid teaching and a 1m+ timetable. The expected government guidance for higher education for the 2021/22 academic year was likely to be delayed to coincide with the new date for

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- (d) easing restrictions in July;
the University continued to encourage regular rapid testing for all students and staff, having handed out over 2,500 kits from campus collection points. As a consequence of the increased take-up of home testing kits which could be collected by students and staff from campus and reduced numbers accessing the University's in-person facilities, the Great Hall testing facility would cease operation from 24th June having completed c.26k tests. The University had on stand-by an in person rapid testing facility in Staff House which could be operationalised if required;
- (e) a vaccination site had been established on campus for 29th June to 1st July operated by the NHS/University Hospitals Birmingham and in collaboration with local GPs. This was based in a marquee in the Green Heart and offered vaccinations to students and staff not yet vaccinated (or requiring a second Pfizer vaccination);
- (f) the arrangements for quarantine of international students arriving from red-list countries and support for international student arrivals in September were being finalised;
- (g) Council had agreed in April that UEB would consider and agree future staff working arrangements in light of the pandemic and would report any necessary changes to SPRC. Council noted that UEB had since approved a set of principles and framework for hybrid working, which had also been reported to SPRC. A key principle underpinning these staff working arrangements was that the University was an academic community of staff and students which required in person interaction, allowing shared learning, formal and informal interaction, social opportunities, creativity, and collaboration within and across disciplines and roles;
- (h) the Guild Postgraduate Officer expressed the Guild's appreciation of the benefits of their close partnership working with the University throughout the pandemic.

Resolved: that the arrangements for the operation of Council and its Sub-Committees, emergency powers and delegations during the Coronavirus Emergency approved by Council on 2nd April 2020 (and currently extended until 22nd April 2021) continue to operate until the first meeting of Council at the start of the next academic year (29th September 2021). This was similar to the standard Council process which would normally be used to deal with any urgent business during the summer period. It was hoped that a further extension of these arrangements would not be required from September, depending on Covid and Government guidance.

(4) Birmingham Health Innovation Campus

Reported that:

(a) to (c) **[NOT FOR PUBLICATION]**

Resolved that:

(i) **[NOT FOR PUBLICATION]**

- (ii) the Vice-Chancellor and Principal be added to the membership of the Council BHIC Sub-Group with immediate effect, noting that the membership of the Sub-Group would therefore consist of the Pro-Chancellor (Chair), Deputy Pro-Chancellor, Treasurer, Harjinder Kang, Vice-Chancellor, Provost, and the Pro-Vice-Chancellor and Head of the College of Medical and Dental Sciences.

21/50 Birmingham 2030 Strategic Framework

Considered: the Birmingham 2030 Strategic Framework (CO.21.06.04).

Reported that:

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- (a) the Birmingham 2030 Strategic Framework had been through a wide consultation process as part of its development, including at the Council Strategy Days in October 2019, September 2020 and April 2021 and feedback from the Council Reading Group;
- (b) a preview of the digital version of the Framework (which would be the primary form in which it would be shared with the University community and wider stakeholders) had been provided for members of Council;
- (c) following approval of the Strategic Framework by Council, the following work was planned:
[NOT FOR PUBLICATION]
The outcomes of this work would be considered at by UEB, SPRC and Council in September;
- (d) a session on the Strategic Framework for members of Council had been held earlier in the day. **[NOT FOR PUBLICATION]**

Resolved: that the Birmingham 2030 Strategic Framework and associated Measures of Success be approved as set out in Paper CO.21.06.04.

21/51 2021/22 Final Budget and 5 Year Plan

COMMERCIAL IN CONFIDENCE

- (1) 2021/22 Final Budget

Considered: the 2021/22 Final Budget (CO.21.06.05).

Reported that:

- (a) the Budget represented a partial recovery from the impact of the Covid-19 pandemic in 2020/21 and a return (in many areas) to a more usual level of business. With Council's endorsement, the University was planning to deliver a fuller campus experience next year, with more face to face teaching, research and other activities;
- (b) to (e) **[NOT FOR PUBLICATION]**

Resolved: that the Budget for 2021/22 be approved as set out in Paper CO.21.06.05.

- (2) 5 Year Financial Plan 2020/21 to 2025/26

Considered: the 5 Year Financial Plan 2020/21 to 2025/26 (CO.21.06.06).

Reported that:

- (a) the 5 Year Financial Plan set out the financial outlook for the University, based on the Budget for 2021/22 and the following 4 years. Using the 5 year plan submitted to the Office for Students in February 2021 as a baseline, it had been updated in line with the 2020/21 Q2 forecast and the Budget for 2021/22. It was being presented to Council to support the approval of the Capital and Digital Programme 2021-27 and as an update on financial scenario planning;
- (b) a full revision of the 5 Year Financial Plan was being developed over the Summer informed by detailed College plans in line with the development of the new Strategic Framework and would be presented to Council and SPRC in the Autumn;
- (c) **[NOT FOR PUBLICATION]**
- (d) Council had received a presentation on the 5 Year Financial Plan from the Finance Director earlier in the day. **[NOT FOR PUBLICATION]**

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- (e) members of Council thanked the Finance Director for her presentation and the assurance which it provided on the financial position of the University. **[NOT FOR PUBLICATION]**

Noted: the latest update to the 5 Year Plan (CO.21.06.06) which was in line with approval of the 2021/22 Budget and Capital and Digital Programme 2021-27.

21/52 Capital and Digital Programme 2021-27

COMMERCIAL IN CONFIDENCE

Considered: the Capital and Digital Programme 2021-27 (CO.21.06.07).

Reported that:

- (a) to (h) **[NOT FOR PUBLICATION]**

21/53 Managing Risks in Internationalisation: Security-related Issues – Assurance Report

Considered: the UUK guidelines on security-related risks related to internationalisation and the University's actions to manage these risks (CO.21.06.18).

Resolved: that the submission of an annual assurance report to Council in January be approved as set out in Paper CO.21.06.18.

21/54 University of Birmingham Dubai

COMMERCIAL IN CONFIDENCE

Considered: a progress report on the University of Birmingham Dubai (CO.21.06.08).

Reported:

- (a) progress with construction of the Phase 2 Campus which was positive. The safety record remained excellent, with over 4m working hours without life-threatening incident. **[NOT FOR PUBLICATION]**;
- (b) the arrangements for the opening of the Phase 2 Campus;
- (c) progress with development of the programme pipeline and growth of the staff base;
- (d) **[NOT FOR PUBLICATION]**
- (e) the establishment of the Dubai Advisory Board.

(2) Dubai Academic Strategy

Considered: the Dubai Academic Strategy (Appendix 2 to Paper CO.21.06.08).

Reported that:

- (a) there had been an extensive process of consultation, with two extended discussion sessions held in Dubai early in 2021. The proposals from these sessions had been shared across Schools and Colleges at Edgbaston, and a draft of the Strategy had been out for wide consultation across Dubai governance groups, including student leaders;
- (b) the Dubai Academic Strategy covered the period to 2026, and was positioned as a supporting element to the Birmingham 2030 Strategic Framework. **[NOT FOR PUBLICATION]**
- (c) a small number of key performance targets would be set against key actions (though several of these were already embedded in the Dubai business case). A

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- (d) supporting Professional Services strategy was also close to completion; several versions of the Academic Strategy were planned for different audiences: a text-based version for internal purposes, a streamlined version with accompanying illustrations and photographs for external purposes, and a “pocket-book” sized summary for reference purposes, so that key messages were clearly and succinctly highlighted.

Resolved: that the Dubai Academic Strategy be approved as set out at Appendix 2 to Paper CO.21.06.08.

21/55 Audit Committee

Considered: the report of the meeting of Audit Committee held on 10th June 2021 (CO.21.06.19).

Noted: that the start date for Ernst and Young taking over as External Auditor from Deloitte had been slightly later than originally planned. However, their interim audit had now commenced and the Audit Committee was content with their plan for the audit of the University’s 2020/21 Accounts.

21/56 Recruitment and Admissions Update

COMMERCIAL IN CONFIDENCE

Considered: the Recruitment and Admissions Update (CO.21.06.09).

Reported that:

- (a) to (i) **[NOT FOR PUBLICATION]**
(j) the next update would be provided to Council in September 2021.

21/57 Strategy, Planning and Resources Committee

Considered: the report from the meetings of the Strategy, Planning and Resources Committees held on 11th May and 15th June 2021 (CO.21.06.10).

- (1) Birmingham Academic Career Framework

Considered: proposals to introduce a new 5 year Academic Development Programme (ADP) for newly appointed Assistant Professors (CO.21.06.11).

Reported that:

- (a) the ADP would comprise of a mixture of institutional development time, college development time and targeted self-development time. In addition, membership of a peer support group and the provision of an appropriate mentor were proposed. Management on the programme would consist of annual reviews of progress conducted by the School, College (and in years 3 and 5) the University. Successful completion of the programme would lead to promotion to Associate Professor;
- (b) consultation on the proposals had been carried out between mid-February and the end of March 2021 over April 2021. The outcome of the consultation with academic staff and the University of Birmingham branch of UCU (BUCU), together with the recommendations of Workstreams 3 and 4 members for adjustments to the original proposals, had been considered by UEB on 24th May 2021 and SPRC on 15th June 2021;
- (c) the key recommendations from the third stage of consultation were the

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introduction of:

- (i) a new 5 year ADP (with no requirement to complete a probationary year) which would apply to newly appointed Assistant Professors from January 2022, successful completion of which would lead to promotion to Associate Professor;
 - (ii) a provision whereby Assistant Professors on the Academic Development Programme who had a period of extended leave from the University (such as maternity leave or long-term sickness absence), would receive an automatic extension of 1.5 times the amount of time taken off;
 - (iii) a 12 month notice period for Assistant Professors who did not meet the requirements for promotion to Associate Professor at the end of the ADP;
 - (iv) a further review if requested by either the Assistant Professor or the School during the notice period. If it was determined that sufficient progress had been made during the notice period, then the notice would be rescinded and the member of staff would be promoted to Associate Professor;
 - (v) a separate performance management process for those on the ADP, which would sit outside of Ordinance;
- (d) SPRC on 15th June 2021 had recommended these proposals to Council for approval.

Resolved: that the proposed new Academic Development Programme and associated provisions for managing new Assistant Professors on the Programme be approved as set out in Paper CO.21.06.11 and as recommended by SPRC for implementation during the 2021/22 academic year.

(2) **[NOT FOR PUBLICATION]**

21/58 Senate

Considered: the report from the meeting of Senate held on 16th June 2021 (CO.21.06.13).

(1) Student Conduct Review Group and OfS Statement of Expectations

Considered: the report of the Student Conduct Review Group in relation to the OfS Statement of Expectations for Preventing and Addressing Harassment and Sexual Misconduct Affecting Students in Higher Education which had been approved by Senate, including the amendment of Section 8 of the University Regulations (CO.21.04.14).

Noted:

- (a) that the Office for Students had published its Statement of Expectations for Preventing and Addressing Harassment and Sexual Misconduct Affecting Students in Higher Education on 19th April 2021. These were not currently regulatory requirements, but the OfS had indicated it might consider incorporating them as part of its regulation in future. In the meantime, the OfS expected universities to review their policies and processes in light of the expectations before the next academic year;
- (b) the outcome of the assessment of the University's current practice against the OfS Expectations, plus further action proposed, noting that the University's overall position was positive in light of the many initiatives and actions undertaken in this area in recent years;
- (c) that the review of the OfS Expectations had confirmed that the University should consider the limitations on jurisdiction currently in the Student Regulations. The review of practice at other higher education institutions had also indicated that other universities had extended their jurisdiction to investigate incidents off

campus. Senate had approved the proposed amendments to Section 8 of the University Regulations, Student Conduct, to expand the University's jurisdiction to apply to the conduct of University Students regardless of location. For example, the Regulations now applied to incidences of misconduct as defined, whether on or off University premises, or by means of electronic communication.

- (2) Annual Report of Student Complaints, Appeals and Grievances to Council and Complaints to the Office of the Independent Adjudicator

Considered: the Annual Report of Student Complaints, Appeals and Grievances to Council and Complaints to the Office of the Independent Adjudicator (CO.21.04.15).

Reported that:

(a) to (f) **[NOT FOR PUBLICATION]**

- (g) fewer appeals had in part been prompted by two changes in 2019/20. Firstly, the change to the Extenuating Circumstances process which, recognising the burden placed on students and the NHS during the pandemic, adjusted the requirement for supporting evidence. Secondly, the introduction of the EAF resulted in most continuing students being permitted to progress at the end of the 2019/20 and so less likely to appeal;
- (h) the University's (and the sector's) approach to handling allegations of sexual misconduct continued to be subject to increased internal and external attention, most notably from the Office for Students (OfS). This remained a priority area for the Student Conduct, Complaints and Appeals team and the University as a whole.

Resolved: that the Annual Report of Student Complaints, Appeals and Grievances to Council and Complaints to the Office of the Independent Adjudicator be approved as set out in Paper CO.21.04.15.

- (3) Academic Year Dates

Resolved: that the proposed academic term dates for the period 2023/24 to 2025/26 be approved as set out in Paper CO.21.06.16.

- (4) Changes to Degree Congregations

Resolved: that delegated authority be granted to the Vice-Chancellor and Principal, as Chair of Senate, to decide, if necessary due to Covid-19 and Government restrictions, that the University not hold a degree congregation for the purpose of conferring degrees in 2021.

21/59 Annual Health and Safety Assurance Report

Considered: the Annual Health and Safety Assurance Report (CO.21.06.20).

Reported that:

- (a) good progress had made by the University Health and Safety Executive Group (UHSEG) with implementation of the revised University Health and Safety Policy and its associated arrangements;
- (b) the past year had been dominated by response to the continuing Covid-19 pandemic. Health and safety had been a priority consideration throughout to ensure appropriate measures were in place to sustain education and research. Safety and wellbeing were also important considerations within the detailed planning being undertaken for a phased return to increased campus operations.

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- Equally, the safety and wellbeing of those staff undertaking home working had been considered from the outset, and had been kept under review;
- (c) accident data for the reporting period was generally consistent with previous years.

Resolved: that the Annual Health and Safety Assurance Report be approved as set out in Paper CO.21.06.20.

21/60 USS 2020 Valuation Update

Noted: the USS 2020 Valuation Update (CO.21.06.21), including that the Council USS Sub-Group would, on behalf of Council, approve the University's response to the UUK 5th July short consultation on the USS 2020 Valuation which had been announced last week.

21/61 **[NOT FOR PUBLICATION]**

21/62 **[NOT FOR PUBLICATION]**

21/63 Membership Committee

Considered: the report of the Membership Committee (CO.21.06.24).

Resolved that:

- (i) Mick Laverty be re-appointed as a member of Council for four years with effect from 1st August 2021.
- (ii) appointments to the vacancies in the membership of Council Committees for 2021/22 be approved as set out in Paper CO.21.06.24.

21/64 Effectiveness Review of Council Progress Update

Noted: progress with implementation of the recommendations of the 2019/20 Effectiveness Review as set out at Appendix 1 to Paper CO.21.06.25.

21/65 Capital Projects over £10m

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Received: the progress update on Capital Projects over £10m (CO.21.06.26).

21/66 Affixing of the University Seal

Received: a report noting the transactions which had required use of the University Seal since the last meeting of Council (CO.21.06.27).

21/67 Amendment of Guild Bye-Laws

Resolved: that the amendment of Guild Bye-Laws be approved as set out in Paper CO.21.06.28.

21/68 Amendment of Regulations, Section 3, Human Resources Matters

Considered: the proposed amendment of Section 3 of the Regulations, Human Resources Matters (CO.21.06.29).

Reported: that the proposed amendment was required as part of implementation of the

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Birmingham Academic Career Framework in order to:

- (a) allow for the introduction of new academic titles;
- (b) remove provision to appoint a new Reader, noting that Council in April 2020 had approved that:
 - (i) the title of Reader would not be used for new employees and new honorary staff with effect from 1st October 2021;
 - (ii) a final opportunity would be provided for existing employees to apply for a Readership in the 2020/2021 promotions round;
 - (iii) the title of Reader would remain in the University Legislation (Statutes and Ordinances) and would continue to be used by staff currently holding the title if they chose to do so;
- (c) reflect agreed changes to academic promotions processes;
- (d) remove an outdated paragraph in respect of the promotion of senior administrative staff.

Resolved: that the amendment of Regulations, Section 3, Human Resources Matters, be approved as set out in Paper CO.21.06.29.

21/69 Any Other Business

(1) Retiring Members of Council

Reported: that, on behalf of Council, the Pro-Chancellor thanked:

- (a) Professor Nicola Wilkin who had been an academic member of Council since 2017;
- (b) Tobiloba Adeyemi for her contribution as Guild President 2020/21;
- (c) Rebecca Cutler for her contribution as Guild Postgraduate Officer 2020/21;
- (d) Professor Tim Softley who was retiring from the University in August after six years as Pro-Vice-Chancellor (Research and Knowledge Transfer);
- (e) Caragh Merrick who had been a member of Council for eight years since 1st August 2013, seven of those as University Treasurer. Caragh had made a tremendous contribution to the University and had committed a huge amount of time to the University during her tenure. Her significant contribution to meetings, including Council, Strategy, Planning and Resources Committee, Council Sub-Groups and as Chair of Investment Sub-Committee, and her insight, support and wisdom had been much valued by senior colleagues and fellow members of Council.

(2) Plans for September 2021

Reported that:

- (a) the University was hoping to host a dinner for the former Pro-Chancellor, Dr Ed Smith CBE, on the evening of 28th September 2021 to which all members of Council and UEB would be invited;
- (b) the Council Strategy Day on the following day was planned to be held at The Exchange in Birmingham City Centre.

21/70 Programme of Meetings

Noted: the programme of meetings of Council for 2021/22:

Wednesday 29th September 2021
Wednesday 24th November 2021
Wednesday 2nd February 2022
Tuesday 5th April 2022

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Wednesday 29th June 2022