PART A : STRATEGIC ISSUES

36. Freedom of Information Act – briefing

Received oral reports from Dr J V Hogan (Registrar) and Mr G Dane (Freedom of Information Officer) on the Freedom of Information Act.

After noting that:

1. Under the Freedom of Information Act, which came into effect on 1 January 2005, any member of the public could ask the University for any recorded information that it held and, with very few exceptions, the University would need to supply that information. The Act made it the University’s duty to provide advice and assistance to anyone requesting information or proposing to request information and, if the University did not provide this, the person would be entitled to make a complaint. If the University was unable to supply the information requested it would have to give the person making the request an explanation;

2. A request for information did not have to be channelled through a particular channel, any member of staff could be asked and a response would be required within 20 working days;
3. The Act would require a significant cultural change within the University and the one request which had been received to date had highlighted that there was a need to improve the way in which records were currently managed. A records management system, which included clear procedures for the creation, retention and destruction of material, was needed in order to allow information to be managed and retrieved quickly;

4. Guidance on good practice when writing documents was available on the Freedom of Information pages on the University’s internal website (www.ncl.ac.uk/internal/eo/FoI/);

5. Guidance would be welcomed on the disclosure of anonymised examination results as students sometimes asked for this information;

6. There was some tension between the rules operated by ethics committees and research governance committees on the retention of data and it would be helpful if this could be resolved;

7. There were exemptions to disclosing information. The three main exemptions to disclosing information were:
   
   • information received in confidence, such as contracts between the University and another body where disclosure would constitute an actionable breach of confidence at the time the request was made,
   
   • information which constituted a trade secret or which was likely to prejudice the commercial interests of any person;
   
   • personal information about somebody other than the person requesting it – information about the person requesting it would be subject to an access request under the Data Protection Act;

8. However, under the Act, the University could be required to disclose information, even when an exemption applied, if the public interest in disclosure outweighed the public interest in maintaining the exemption. The Act did not define public interest and so a judgement would be required on a case by case basis;

9. The University would need to ensure that it did not engage in a disproportionate effort when responding to a request. It should consider pragmatic approaches to the way it responded and give careful consideration to the costs which would be incurred in responding to a request. However the University needed to be aware that it might have to justify its response.

Resolved that Mr Gerry Dane be thanked for his useful briefing.
PART B : GENERAL BUSINESS

SECTION I
[Minutes & matters arising; Vice-Chancellor’s business]

37. Minutes

After noting that:

1. The following note should be added to Minute 25(a), The Shape of the Academic Year:

‘The new arrangements will not apply to clinical programmes, ie the MB BS and the BDS, which will continue under the existing exemptions from the normal academic year’;

2. The exemption of students on clinical programmes raised issues related to the availability of student accommodation and the timetable for first-year students on clinical programmes was consequently being reviewed;

3. There were some postgraduate students, such as those taking the postgraduate certificate in education, who had an earlier start to the academic year, but that the paper had been concerned with the academic year for undergraduate students.

Resolved that, subject to the amendment in note (1) above, the minutes of the meeting held on 16 November 2004 be approved as a correct record and signed.

38. Matters arising from the Minutes

(a) Progress of business

Received a business tracking form.

[Circulated with the agenda as Document B. Copy filed in the Minute Book.]

(b) Honorary Degree candidates

(Minute 24, 16.11.2004)

Reported that:

1. The following candidates had accepted Senate’s invitation to have conferred on them the honorary degrees shown at the congregation ceremony to be held on 6 May 2005:

   DCL  Dame Tanni Grey-Thompson, international athlete
   DLitt  Mrs Dorothy Heathcote, renowned expert in the field of drama
   DSc  Professor Steven Pinker, psychologist, Massachusetts Institute for Technology
   DLitt  Mr Alan Plater, writer for theatre, radio and television

2. Sir David King, Chief Scientific Adviser to the government, and Sting (Gordon Sumner), musician, songwriter and actor, had accepted Senate’s invitation to have honorary degrees conferred. However, they were unable to attend the May 2005 ceremony. In line with Senate Standing Orders, the other occasion on which they may have the degrees awarded is the equivalent congregation in the subsequent year.
Considered a recommendation from the Honorary Degrees Committee for the award of an honorary degree at the congregation ceremony to be held on 6 May 2005.

[Details filed in the Minute Book.]

Resolved that the above recommendation be approved.

[Note: Senators were reminded of the confidential classification of the recommendation until further notice.]

(c) Membership of Senate – casual vacancy

(Minute 18(b), 16.11.2004)

Reported that Dr T B Kirk, School of Historical Studies, had been elected to the casual vacancy in the non-professorial constituency of Senate with immediate effect until 31 July 2005.

The Vice-Chancellor welcomed Dr Kirk to his first meeting of Senate.

(d) Redundancy Committee

(Minute 19(d), 16.11.2004)

Reported that it had not proved necessary to establish a Redundancy Committee.

(e) Fellowships of the University

(Minute 24, 16.11.2004)

Reported that Court, at its meeting on 13 December 2004, had resolved that approval be given to the concept of the establishment of Fellowships of the University to be awarded by Court and further work be undertaken on the operation of this scheme.

39. Vice-Chancellor’s business

(a) Deaths

Received a report on deaths recently announced by the University.

[Details filed in the Minute Book.]

Resolved that Senate record its deep regret and sympathy for the relatives concerned.

(b) Environmental research

Reported that the University had formed a strategic partnership with HSBC to help launch a new wave of environmental research. HSBC was putting £650,000 into a three-year collaboration with Newcastle University and the University of East Anglia to support research into sustainable solutions to some of the world’s biggest environmental problems, including climate change. The project was part of the ‘HSBC Partnership in Environmental Innovation’, a global programme to research climate change and other major forms of environmental damage, society’s awareness of the issues and to develop technologies to overcome some of the problems. The University would receive over £500,000 which would enable it to strengthen its environmental research. It was intended, among other initiatives, to establish the
HSBC Chair in Environmental Technologies and Geothermal Energy. This Chair would be filled through the secondment of an existing member of staff.

(c) **Research funding**

Reported that Lord Sainsbury, Science Minister, and Kim Howells, Higher Education Minister, had pledged increased funding to help universities cover the full costs of their research. 80% of the costs of projects would be covered, in place of the current 55%, rising to a planned 100% by the end of the decade. An extra £120m per year to support the move would be distributed to research councils from July 2005, rising to £200m per year from 2007-08. In addition, there would be a 6% increase in block grants over which universities had total control, which the Government hoped would lead to greater focus on blue-skies research and enable universities to cover the full cost of research for charities, the European Union and business. The Government had previously announced the creation of a charities’ partnership fund of up to £90m per year (in England) as an additional contribution to the costs of charity-funded research. The University welcomed the increase in the block grant and the support for charity-funded research, which was of particular importance for this University.

(d) **Chancellor’s pre-budget report**

Reported that the Chancellor of the Exchequer had announced in his pre-budget report that Newcastle had been awarded ‘Science City’ status, along with Manchester and York. Newcastle would gain its share of £100m, set aside by the three North of England regional development agencies over a six-year period to further the development of science. The money would be used by One NorthEast to work with partners Newcastle City Council, the NHS, Newcastle University and the Centre for Life to advance work in areas such as life sciences, nanotechnology and other key research fields. The funding would also help establish new facilities in the city to house research and development. The Chancellor had also stated in his report that the Government planned to change tax legislation which currently deterred universities from creating ‘spin out’ companies as, if academics owned shares in such a company, they had to pay income tax, even though their ability to cash in on the venture might be years away.

Noted that:

1. There appeared to be a lack of clarity over how much of the funding would be used for the development of Science City and how much to support the Northern Way project and detailed discussions were underway between the University, the City, the Centre for Life and the Regional Development Agency (RDA);

2. The Chancellor was committed to science exploitation and the University, in partnership with the City and the RDA, was working to raise its profile in relation to the application of science. Most research council money was invested in scientific research but much of that research did not culminate in its exploitation. This University was strong in the exploitation of its scientific research and worked closely with business partners on this;
3. The Labour Party conference in February was to be held at the SAGE in Gateshead and the University hoped to make the most of this opportunity to raise its profile in this area;

4. The announcement would allow regional development agencies to make selective investment, which would be of benefit to the University;

5. The University should use this opportunity to develop a few major themes of research and was looking at the development of research in health, molecular engineering and environmental issues, including building on the existing strength in earth systems. It would also be useful to show how these themes were related to society.

(e) Code of Practice and General Principles for Governance in Higher Education

Reported that:

1. The Committee of University Chairmen had published a revised Guide for Members of Higher Education Governing Bodies in the UK which included an updated code of practice and general principles for governance. This publication was intended to assist members of governing bodies in the performance of their duties and included guidelines on the conduct of effectiveness and performance reviews of both Council and Senate and their respective committees;

2. The University was setting up a Working Group, chaired by Mr Chris Hilton (a lay member of Council), to review the University’s system of governance arrangements and procedures in the light of this revised Code of Practice;

3. Since there were implications for Senate as well as Council, it seemed appropriate that there should be two members of Senate on this Working Group. The Chairman of Council had requested that at least one of these members should be selected from the Senate appointed members on Council as they had experience of the way both bodies operated.

Considered a recommendation that the following be appointed as the Senate appointed members on the Working Group:

Dr H Berry  
Mr A M Wilton

Resolved that the recommendation be approved.

(f) The Chancellor

Reported that the Chancellor, Mr Patten, was to be elevated to the House of Lords on Wednesday 19 January 2005.

Resolved that the Vice-Chancellor write to congratulate the Chancellor on behalf of Senate.
The Chairman of Council and Pro-Chancellor

Reported that the Chairman of Council and Pro-Chancellor, Mrs O Grant, had been elected Vice-Chairman of the Committee of University Chairmen.

Resolved that Senate record its congratulations to Mrs Grant.

New Year’s Honours 2005

Reported that the following had been awarded Honours in the New Year’s Honours List 2005:

Professor Senga Bond – CBE
Professor William Dunlop – CBE

Access Agreement

Reported that:

A draft of the University’s Access Agreement had been sent to OFFA before Christmas and feedback had been received. The final version was being prepared and would be made available to members shortly. It would also be made available to all academic staff internally.

Office of the Independent Adjudicator for Higher Education (OIA)

Reported that from 1 January 2005, the Office of the Independent Adjudicator for Higher Education had been designated by the Secretary of State for Education and Skills as the body statutorily empowered to review complaints under the Higher Education Act 2004. From this date, the Lord Chancellor would, as the Visitor of the University, no longer have jurisdiction to consider either student complaints (whether brought by current or former students, or in relation to admissions) or the vast majority of staff complaints.

Senate minutes

With the implementation of the Freedom of Information Act, minutes of meetings of Senate would be freely available to the public. This raised certain issues about the style of minutes and members would be asked for feedback on this.

SECTION II
[Items of business]

Report from Executive Board

Considered a report from the meetings of Executive Board held on 30 November and 14 December 2004.

[Circulated with the Agenda as Document C. Copy filed in the Minute Book.]
(a) **Timetabling : Risk Management**

After noting that:

1. Timetabling had been identified as a ‘red risk’ following difficulties which were encountered during the 2003-04 academic session. As a result, Executive Board had asked the Syllabus Plus Co-ordinators Group to produce a set of principles to govern the academic timetabling process, which would then be submitted to Senate for approval;

2. The Syllabus Plus Co-ordinators Group had recognised that it would be necessary to examine the use of space during vacations as well as during semesters, and so it had considered the whole year;

3. Increasingly, blocked teaching was being used, particularly for masters’ courses, and the proposed principles made it difficult to timetable such teaching. It had been recognised that there were a number of conflicting priorities in this area but this issue should be taken back to the Group for further consideration;

4. In order to provide time for students to get from one teaching room to another, Senate had previously ruled that teaching should start at five minutes past the hour and end at five minutes to the hour. This principle was still essential and must be operated;

5. The late publication of the teaching timetable caused difficulties and had, on occasion, led to such unsatisfactory arrangements as long unbroken periods of teaching over the lunch period.

**Resolved that:**

(i) **The issues identified above be taken back to the Group for further consideration;**

(ii) **The timetabling principles set out in Appendix I to Document C be approved.**

(b) **Honorific Staff Titles**

After noting that:

1. Whereas the conferment of the honorary title of Emeritus Professor allowed the person concerned to continue to use the title ‘Professor’ as part of their name after retirement, this was not the case with such other academic titles as Reader and Senior Lecturer, which did not part of the form of address;

2. All retired staff who remained academically active should be granted the same rights of access to the campus and its facilities irrespective of what their title had been before retirement;

3. Some retired staff who remained academically active were given contracts by the University, which both retained their links with the University and allowed them to remain part of the University’s research profile;
4. There was a need to accelerate the process for awarding the title of Professorial Fellow which was currently often prolonged. The decision to award the title was generally strategic and there could be serious implications if the process took too long. It was therefore being recommended that a more streamlined process was introduced.

Resolved that:

(i) The title of Emeritus should not be made available to Readers as well as to Professors;

(ii) Consideration be given to clarifying the rights of access to the campus and all its facilities to retired, academically-active staff;

(ii) Senate grant delegated authority to the Vice-Chancellor to act on its behalf in considering and approving requests for the use of the title of Professorial Fellow, subject to such cases being reported to Senate.

(c) Chair in Paediatric Oncology

Resolved that the proposal for a Chair in Paediatric Oncology, as set out in Appendix III to Document C, be approved, subject to the agreement of Council.

41. Report from University Teaching and Learning

Considered a report from the meetings of UTLC held on 8 October, 3 November and 7 December 2004.

[Circulated with the Agenda as Document D. Copy filed in the Minute Book.]

(a) Revised constitution and terms of reference of UTLC

After noting that:

1. The amendments to the constitution and terms of reference to UTLC were being proposed in order to reflect changes following restructuring, to promote liaison with the central services and to allow for student representation. In addition, they formalised the Committee’s right to approve collaborative provision;

2. As it was rare that the Committee would need to ask for a vote to be taken and the officers currently only in attendance made a significant contribution to the work of the Committee, it was considered appropriate that those officers be made full members of the Committee. However careful consideration needed to be given to the balance of membership of a committee if it was likely that matters would require a vote.

Resolved that the revised constitution and terms of reference of UTLC be approved with immediate effect (Appendices I & II to Document D refer).

(b) Admissions to Higher Education Review

After noting that:
1. The Fair Access Group had the appropriate representation to take forward the University’s action plan in response to the Admissions to Higher Education Review;

2. The issue of a post-qualifications applications process was likely to arise again in the near future and there could be serious implications for certain universities if this was introduced.

Resolved that the Fair Access Group, reporting to UTLC, be asked to take forward the University’s action plan in response to the Admissions to Higher Education Review (Appendices III & IV to Document D refer).

Noted the remaining items in the Report.

42. Annual Report of the University 2003-04

Received the University’s Annual Report for 2003-04.

[Circulated with the Agenda. Copy filed in the Minute Book.]

After noting that the Report should be used to raise the profile of the work of the University and any assistance Senate members could give with this would be appreciated.

Resolved that:

(i) The distribution list for the Annual Report should be circulated in order to allow Senate to suggest any amendments;

(ii) The Annual Report be approved.

SECTION III
[Items of minor importance or items for information only]

43. Reported business

Received a report of action taken in accordance with agreed procedures, approved where necessary by the Vice-Chancellor on behalf of Senate and/or the Chairman of Council on behalf of Council, and by other University bodies and Chairmen.

[Circulated with the Agenda as Document E. Copy filed in the Minute Book.]
PART C : RESERVED BUSINESS

44. Senior staff appointments and confidentiality

Reported that Council, at its meeting on 13 December 2004, had considered a paper from the Director of Human Resources concerning senior staff appointments and confidentiality.

[Circulated with the Agenda as Document F. Copy filed in the Minute Book.]

and, after noting that:

1. the Statutes laid down certain procedures for the appointment of senior posts;

2. further work was still required on a number of aspects of the recruitment selection procedures for senior posts including the consultation mechanisms;

3. the Human Resources department would review the current selection mechanisms with a view to making a report to Council in due course;

4. as part of the review by the HR department, consideration should be given to the value of lay members of Council serving on professorial appointment committees;

had resolved that:

(i) Senate should be consulted on the proposed changes, where it was entitled to express a view.

(ii) Council should delegate authority to the Chairman of Council to confirm senior appointments (with the exception of the Vice-Chancellor and the Secretary to Council) which would then be reported as soon as possible.

(iii) Guidance should be provided to selection committees, applicants and all those involved in the process on the level of confidentiality that would be maintained during the process and the need for discretion in dealing with any applicant details. The chair of the selection committee should determine at what point the outcome of the process should become public.

Considered those changes in the paper from the Director of Human Resources which affected Senate.

After noting that:

1. The delegation of authority to the Chair of Council to confirm senior appointments (with the exception of the Vice-Chancellor and the Secretary to Council) would make existing practice official as the Chair frequently did take Chairman’s action in such cases;

2. It would be very difficult not to confirm the appointment of a candidate who had been selected after following the proper procedures in view of equal opportunities legislation;
3. Much greater care should be taken to keep the details of applicants and appointments confidential but, as there were often a great many people involved in the process, the risk of information leaking was always going to exist;

4. Clear guidance for both candidates and all those involved in the appointment process, in particular the chairs of appointing committees, was required so that the appropriate level of confidentiality was maintained. Training on this should also be provided so that people were made aware of the issues involved.

Resolved that:

(i) Senate note and endorse Council’s resolution to delegate authority to the Chair of Council to confirm senior appointments (with the exception of the Vice-Chancellor and the Secretary to Council);

(ii) Senate delegate authority to the Vice-Chancellor to approve senior appointments for approval by Council (with the exception of the Vice-Chancellor and the Secretary to Senate and Council);

(iii) Strong support be given to Council’s resolution that guidance should be provided to selection committees, applicants and all those involved in the process on the level of confidentiality which needed to be maintained during the process and the need for discretion in dealing with applicant details;

(iv) A paper which outlined the guidance to be provided be brought to a later meeting of Senate.