NEWCASTLE UNIVERSITY
ACADEMIC BOARD
10 February 2010

Present: The Vice-Chancellor (in the Chair) and 94 members of the Academic Board.

There were insufficient members at the meeting to constitute a quorum (100 members).

NOTES

1. NOTES OF THE 13 MAY 2009 MEETING

The notes of the meeting of Academic Board held on 13 May 2009 were available at:
http://www.ncl.ac.uk/governance/internal/assets/documents/Notes2009.pdf

2. NOMINATIONS FOR HONORARY AWARDS 2011

2.1 Honorary Degrees

The Honorary Degrees Committee invited nominations in writing for next year’s Congregation. Any member of Academic Board, Court, Council and the Alumni Consultative Group may make a nomination and support for nominees for honorary degrees should be sought only from members of these bodies. Where several members made a joint nomination, one should be shown as the nominator and the others as supporters. The grounds on which the nomination was made should be clearly stated.

Principles for the award of Honorary Degrees could be found at:
http://www.ncl.ac.uk/congregations/ceremonies/honorary/nom_hongrad.php

Proposals should be sent in envelopes marked ‘Confidential - Honorary Degrees’ to Dr J V Hogan, Registrar, King’s Gate by Friday, 25 August 2010.

2.2 Honorary Fellowships of the University

Court invited nominations in writing for the award of this year’s Honorary Fellowships of the University. Any lay member of Court and Council, the Alumni Consultative Group and members of Academic Board may make a nomination. Where several members made a joint nomination, one should be shown as the nominator and the others as supporters. The grounds on which the nomination was made should be clearly stated.

Principles for the award of Honorary Fellowships of the University could be found at:
http://www.ncl.ac.uk/congregations/ceremonies/honorary/nom_honfell.php

Proposals should be sent in envelopes marked ‘Confidential - Honorary Fellowships’ to Dr J V Hogan, Registrar, King’s Gate by Friday, 17 February 2010.

3. MEMBERS OF COURT APPOINTED BY ACADEMIC BOARD

Reported that:

(a) The term of appointment of the following members of Court appointed by Academic Board would terminate on 31 July 2010. They were both eligible for re-appointment:

Professor E V Haimes
Professor M J Whitaker
(b) Members of Academic Board were invited to submit nominations in writing by not later than Friday, 18 June 2010 to Dr J V Hogan, Registrar, King’s Gate together with confirmation that the nominee was willing to be nominated. Nominees should be members of Academic Board.

4. **REPORT BY THE VICE-CHANCELLOR**

Received an oral report by the Vice-Chancellor on current business.

Noted that:

1. The 2008-09 academic year had been strong for the University in terms of income received from Research Council grants. The University was placed eighth in the country in terms of the income awarded by the UK Research Councils and second only to Imperial College for the value of award per FTE academic member of staff. The Vice-Chancellor thanked and congratulated the academic community on this achievement.

2. The University had recently undergone an audit by the Quality Assurance Agency (QAA) the result of which confirmed that confidence could be placed in the University’s current and likely management of academic standards and quality of learning opportunities available to students. The University had been commended on its efforts to improve the employability of its graduates and on the way in which the value of teaching was recognised through the reward system. The University had also received a commendation for the delivery of its research-led teaching.

3. The University’s satisfaction rating, as determined by question 22 of the National Student Survey (NSS), had improved for three consecutive years and the University was now placed in the top quartile.

4. The number of international students had increased by 20% in the last academic year and the first students had enrolled for the NUMed programme, the University’s satellite campus in Malaysia.

5. The University had undertaken a number of successful engagement activities during the past year, including its 10-Step Plan to Help the Regional Economy which was to be extended beyond the expected end point. The Great North Museum had received more than 650,000 visitors since it opened in May 2009.

6. The University was pursuing a number of Societal Challenge Themes, the first of which was entitled ‘Changing Age’. It had recently been agreed that ‘Sustainability’ would be pursued as the second theme and a third theme was to be identified.

7. The Science City Board had agreed to the University’s proposal to pursue ‘3 Themes in 3 Places’: Ageing at the Campus for Ageing and Vitality, Stem Cells at the International Centre for Life and Sustainability on the Science Central site. The University continued to collaborate with Durham University via the Angel Alliance.

8. The University was expected to complete its £200million building programme on time and on budget. The King’s Gate building had opened in October 2009 and many students had commented on the convenience of the co-located services. The landscaping work in the Armstrong quadrangle had also received positive feedback.

9. Significant improvements had been made in terms of recycling rates across the Campus. The amount of waste sent to landfill had reduced by 83% in two years and the recycling target of 40% by 2012 had already been achieved. The ongoing boiler replacement scheme would further reduce the University’s energy consumption. The Vice-Chancellor intended to write to staff in the near future to invite suggestions of other ways in which the University could reduce its environmental impact and improve its sustainability.

10. Other achievements during the last academic year included the University’s students achieving a top 10 position in the British Universities and Colleges Sports League table for the third consecutive year. This was considered to be a particularly good result since the University did not offer a sports degree. The University Library had been awarded the Charter Mark for the 5th consecutive year.
11. In terms of its finances, the University was in a good position. Strong surpluses had been generated during 2008-09 and the forecast for 2009-10 was good. The University’s cash balances were healthy and, unlike some institutions, it had not borrowed on the basis of future growth. Despite its strong position, there were a number of pressures which the University would face in the future. The Government was to cut higher education and science funding by up to £1bn over the next 3 years. An initial letter had been received from the Higher Education Funding Council for England (HEFCE) stating that there would be a 1.1% cut in funding in real terms for the next academic year and further cuts were expected following the election. Its response to these pressures, the University had identified the following priority areas:

- Protect core academic resources and student experience;
- Grow non regulated income: international students, EU research and commercial income;
- Generate non-pay efficiencies through centralised procurement;
- Generate savings through process efficiencies.

In his letter to staff, the Vice-Chancellor also intended to invite suggestions on areas where process efficiencies could be achieved.

12. It was confirmed that, while no guarantees could be given, there were currently no plans for a large-scale redundancy programme.

13. The University was in the process of preparing its response to two consultation documents from HEFCE. The first related to the Charities Act 2006, which had extended the Charity Commission’s monitoring, investigation and enforcement powers to exempt charities, including higher education institutions. HEFCE had been designated as ‘principal regulator’ of Higher Education Institutions (HEIs) to ensure their compliance with charity law. HEFCE had prepared a briefing on its role which institutions could respond to with their comments. Concern had been expressed that HEFCE would now be performing two roles, funder and regulator. It was considered more appropriate for these roles to be kept separate.

14. The second consultation document from HEFCE concerned proposed changes to the Financial Memorandum (FM), which sets out the conditions attached to HEFCE funding, with which institutions must comply. The proposed changes included HEFCE reserving the right to reject the nomination of an ‘accountable officer’, which, in virtually all institutions, was the Vice-Chancellor. The governing body of an institution was usually responsible for the appointment of the Vice-Chancellor and the above change was considered to represent a challenge to its position. The revisions also included a requirement for the governing body and the accountable officer to be able to assure themselves about their institution’s academic standards. It was noted that, at Newcastle, Senate was the body that was responsible for academic matters and there was concern that the proposed change could undermine Senate’s position.

5. **STATUTE CHANGES**

Considered proposed changes to the University Statutes, available at: [http://www.ncl.ac.uk/governance/internal/assets/documents/Newchanges-asat020210.pdf](http://www.ncl.ac.uk/governance/internal/assets/documents/Newchanges-asat020210.pdf)

An explanatory paper was available at: [http://www.ncl.ac.uk/governance/internal/assets/documents/CoversheetforAcadBd2.pdf](http://www.ncl.ac.uk/governance/internal/assets/documents/CoversheetforAcadBd2.pdf)

Noted that:

1. The Statutes were originally prepared as part of the 1963 Act of Parliament, which established Newcastle and Durham Universities as separate institutions. Traditionally, the Statutes contained a lot of detail and any changes required the approval of the Privy Council. In 2006, the Government had agreed that much of the detail could be removed from the Statutes and incorporated into procedures and regulations which could be amended locally.
2. In discussions with the UCU, two main areas of concern had been identified with regards to the proposed changes; the changes to the size and constitution of Senate and the proposed amendments to Statute 57, which governed the discipline and dismissal of academic staff.

3. Regarding the constitution, three common types of Senate had been identified within the pre-1992 university sector. The first was a large body, which, in some cases included all professors. The second was based on a large number of ex-officio members, typically all heads of schools or departments. The third type of Senate was based on representation. In the case of Newcastle, the Senate was based primarily on members elected either by faculties or by academic staff. It was noted that the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel (1997) stated that academic staff should ‘have the right to elect a majority of representatives to academic bodies within the Higher Education institution’.

4. The 2006 report from the Working Group on the Effectiveness of Senate, had recommended a reduction in the number of elected members from the nine professorial and nine non-professorial to seven professorial and seven non-professorial. In addition, it recommended that the members appointed by a faculty should be reduced from three to two. Senate had approved this recommendation in November 2006. A number of members of Academic Board had highlighted that the proposed changes would result in a dilution of the elected members which was counter to the UNESCO recommendation. It was noted that management did not have a strong view on this matter and it was recommended that Senate should be asked to give further consideration to this issue, taking into account the views of the academic community.

5. It was noted that it would be possible for the elected members to be in the majority under the new constitution if the faculty appointed members were elected. This suggestion was being discussed with UCU.

6. The UCU had circulated a paper to attendees of the meeting (copy filed in the Minute Book) in which it was stated that Statute 57 was ‘entirely designed to protect academic freedom’. It was explained that Statute 57, the so-called ‘Model Statute’, had been introduced during the 1980s when the government abolished academic tenure in British universities allowing institutions to remove staff for financial reasons as well as for ‘good cause’. The original bill did not include any reference to academic freedom. This was a subsequent addition, made at the request of the House of Lords. The University’s management acknowledged that the inclusion of the academic freedom clause did extend particular safeguards to academic staff which did not apply to staff in other categories.

7. The grievance and appeals procedures included in Statute 57 contained details which were no longer applicable to the University. Some aspects of Statute 57 did not comply with employment legislation and recommended practice and it was necessary to address this. It was acknowledged that the main concern for staff and the UCU concerned the proposed changes to the procedures which governed redundancies. The Statutes required a redundancy committee to consider every member of staff who was to be made redundant at the end of a fixed-term contract, of which there had been 187 such cases during the last year. It was suggested that this was not the original intention behind the Statute and it was not connected to the issue of academic freedom.

8. It was suggested that academic freedom was not threatened by the proposed revisions to the Statutes. In response to a request from the UCU, a reference to academic freedom was included under new Statute 3(4) as well as in two places in new Statute 52 (sections (1)(a)(1) and (1)(e)). Reference to the UNESCO definition had also been added.

9. Under current procedures the University worked hard to prevent redundancies by ensuring staff were provided with careers advice at the appropriate stage. It was not possible to avoid redundancies entirely, as continuous funding for research projects could not be guaranteed.

10. It was suggested that improvements should be made to enable research staff to transfer to a teaching post at the end of their research contract. This would prevent many trained staff from leaving the University.

11. The UCU position was that any changes to the Statutes should not be to the detriment of academic staff. The clumsiness of the current Statute 57 was considered to benefit staff and increase their job security. UCU had previously campaigned to decasualise the position for research staff.
12. Concerns were raised that if dismissal, disciplinary, capability and grievance procedures were removed from the Statutes and included instead in local procedures, this would allow the University to amend the procedures more easily in future, potentially to the detriment of academic staff. It was noted that any changes to local procedures would require negotiations with UCU, consideration by Senate and approval by Council. The procedures set down in Statute 57 would apply even if the Privy Council agreed any change until alternative local procedures were agreed.

14. It had been confirmed that, while no guarantees could be given, the University had no plans to close any academic units during the next academic year. However, if it were necessary to make any closures, the estimated difference in timescale for this process when conducted under current procedures, as set down in the Statutes, compared with that under any new local procedures was requested. The current arrangement required redundancy procedures to commence 6 months before a contract ended. If it was necessary to consider closing a department an academic discussion would need to take place at Senate in the first instance and this would lengthen the timescale whichever procedure was used.

15. The comments from Academic Board on the proposed changes to the Statutes would be presented to Senate for consideration.

6. QUESTIONS

It was reported that the Vice-Chancellor would be pleased to answer questions at the meeting from members of Academic Board and would be grateful to receive notice of these as far as possible. Members had been asked to submit to him in writing details of any questions they wished to raise by noon on Monday, 8 February 2010.

Noted that the following questions had been submitted to the Vice-Chancellor from:

Mr Andrew Haxell, Careers Service:

1. Do you think government plans to cut funding will lead to a higher education ‘meltdown’ (as warned by Russell Group representatives in an article in The Guardian last month)?

2. From what we know at the moment, what are the implications for the University of the recently announced budget cuts – for priorities, for teaching, research and other activities, for student numbers and the quality of the student experience – particularly in the light of the very different opinions expressed recently – by student and staff representatives, Universities UK and Russell Group representatives, individual Vice-Chancellors, and Government Ministers – about the likely impact of these cuts?

Response to question 1:

It was the Vice-Chancellor’s opinion that the Government’s plans to cut funding for higher education would not lead to total ‘meltdown’ of the sector however, he expressed concern that, if funding was to be cut by the proportions discussed, the UK higher education sector risked losing the competitive position which it currently occupied internationally.

Response to question 2:

As mentioned in point 11 of the Vice-Chancellor’s report above, the University had identified a number of priority areas which it intended to focus on in light of the anticipated reduction in funding in future years. If necessary, changes could be made once further information was made available following the election, but the University remained confident about the year ahead.

Currently, there were no plans to close any schools or institutes and the University intended to maintain its current academic base. It was necessary to prepare for a further reduction in funding, however, which might occur following the election.

The questions below related to the proposed changes to the Statutes. The responses to these questions were incorporated in the discussion under item 5 above.
Dr Jonathan Aust, Institute for Cell and Molecular Biosciences:

Is the Vice Chancellor aware that the special employment procedures for academic staff that are contained in the Statutes were deliberately placed there in lieu of tenure so as to give some meaningful protection to academic freedom, and that the proposed removal of this last vestige of academic tenure will indicate that this University does not take seriously its obligations under UNESCO recommendations to provide meaningful protection of academic freedom?

Professor Caroline Austin, Institute for Cell and Molecular Biosciences:

1. Statute 57 and the Concordat for Research Staff. I am concerned about the changes to Statute 57 to make it easier to make staff redundant. What effect will these changes have for staff funded on external research grants?
   
   We have just had a talk from HR explaining the university schemes to meet the concordat for "fixed term" research staff who are funded by external research grants. The proposed changes to Statute 57 to make it easier to make staff redundant was not mentioned at this talk.
   
   It is also unfortunate that in the Statutes the redundancy procedure is in the same section as capability and disciplinary procedures rather than having a separate clear section explaining the university procedures on redundancy. There are many very able staff in the University funded by external income and to lump redundancy procedures in with disciplinary and capability procedures suggests that the only staff that are considered for redundancy are those who are incapable or unwilling to do their jobs well.

2. Do the proposed changes mean that in future the redundancy procedures can be changed by the University without having to seek the permission of the Privy Council?

3. Change in number of Senate members. There is a suggestion to reduce the size of senate from 18 to 14 members, by reducing the number of representatives from the academic staff across the University. This seems a retrograde move in terms of diversity and equal opportunities. Since the executive has no strong opinion on this it would be much better to keep the current number of 18 on the Senate to better represent the diversity within the University. In the explanatory notes it states "the proposed reduction in membership is not a matter on which the University's Executive Board has any strong opinion. During our discussions with UCU, the UCU representatives expressed a preference not to reduce the number of elected members of Senate from 18 to 14."
   
   I also understand this reduction in representation by academic staff on Senate may be in violation of the UNESCO Recommendations on the Status of HE Teaching Personnel, to which the UK is a signatory.
   
   I was also surprised that there appears to be no requirement in the Statute to ensure the elected and co-opted academics fully represent the academic workforce, eg if 30% of academics are female should there be a requirement to ensure that at least one of the co-opted members from each faculty is female?

Professor Colin Brooks, Institute for Cell and Molecular Biosciences:

1. It is stated in the Explanatory Paper put before this Board that the existing "model" Statute, namely Statute 57, "confuses a commitment to academic freedom with details of employment procedures". Would the Vice Chancellor not agree that this is a mis-representation of the truth, which is that the employment procedures described in Statute 57 were imposed on the University in order to protect academic staff against summary dismissal and thereby strengthen the protection of academic freedom?

2. Would the Vice Chancellor not agree that the claim that the Statutes are being changed to make them compatible with current employment legislation is fallacious because nothing in any University document including the Statutes can take precedence over the laws of the land, and that the real reason for changing the Statutes is to remove the extra measures that they contain, over and above current employment legislation, that protect academic staff against dismissal?
Dr Diana Paton, School of Historical Studies:

There is considerable concern that if the number of elected members of the Senate is reduced there is a real danger that it will be dominated by senior management and appointees, and will no longer be able to properly represent the views of the academic staff in general. Will the proposals be amended or withdrawn to ensure the continued full representation of academic staff on Senate?

Dr Matt Perry, School of Historical Studies:

Does the Vice Chancellor agree that the changes proposed to the Statutes will make it easier for the University to dismiss academic staff and that this is in line with the desire to have a more ‘flexible’ workforce?

Dr Naomi Standen, School of Historical Studies:

1. Could the Vice Chancellor explain to the Board how the proposed changes to the Statutes will make the University a better place for academic staff to work and/or a better place for students to study?

2. Is the Vice Chancellor aware that the special employment procedures for academic staff that are contained in the Statutes were deliberately placed there in lieu of tenure so as to give some meaningful protection to academic freedom, and that the proposed removal of this last vestige of academic tenure will indicate that this University does not take seriously its obligations under UNESCO recommendations to provide meaningful protection of academic freedom?

Dr Jennifer Toomey, Institute of Cell and Molecular Biosciences:

1. The main change proposed in the revised Statutes document is the transfer of the procedures that govern the employment and dismissal of academic staff from their protected position in the Statutes of the University to the local procedures documents that can be amended whenever the University wishes. In what way will this improve the job security of academic staff and/or enhance the atmosphere of freedom and trust that is so essential to academic pursuit and academic freedom?

2. The trade union that represents academic staff, the UCU, is strongly opposed to the removal from the Statutes of the employment procedures that are designed to protect academic staff from summary dismissal and to protect academic freedom. Given the sensitivity and importance of these matters, is it right that the University is attempting to force these changes through and submit them to the Privy Council without first reaching agreement with the academic staff and trade union?

The Vice-Chancellor thanked all those who had submitted questions.