

UNIVERSITY OF BIRMINGHAM

COUNCIL

4 July 2007

UNCONFIRMED MINUTES

Members: Mr F D Brooks; Mrs M Cass; Professor M G Clarke CBE (Vice- Principal); Dr J D Craggs; Mr R M Dancey (Deputy Pro-Chancellor); Mr M G Gilbert (Treasurer); Mr W J Glover (Pro-Chancellor, in the Chair); Professor J K Heath; Mr G Hughes (President, Guild of Students); Mr P Mason (Vice-President, Guild of Students); Professor J Michie; Councillor D Roy; Dr S Sahota OBE; the Rt Rev Dr M Santer; Professor M J H Sterling (Vice-Chancellor and Principal); Dr J S Taunque MBE; Mr R Taylor; Professor S C West.

Also present: Ms C M Abbott (Director of Planning and Acting Academic Registrar, for item 07/242 only); Mrs G Ball (Director of Finance); Ms S Bolt (Vice-President-elect (Welfare) of the Guild of Students); Mr A Buckley (Assistant Director of Human Resources (Strategy and Policy) for items 07/238 and 239 only); Mr J Piggott (Legal Services for item 07/238 only); Professor L A Clark (Pro-Vice-Chancellor); Miss S J Hordern (Minute Secretary); Ms T Lancaster (Director of Corporate Relations); Dr J W Nicholls (Registrar and Secretary); Mrs H Paver (Director of Human Resources, for items 07/237-239 only); Professor G E Petts (Pro-Vice-Chancellor); Dr N Price OBE.

Apologies: Professor J S Bale; Dr S Battle CBE; Ms B Blow; Mrs M C Davies; Mr D Hartnett CB; Ms C L McElroy.

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

07/229 Appointment of the next Vice-Chancellor

(Note: the Vice-Chancellor was absent for this item).

Reported:

That Statute 4(1) provides that:

'The Vice-Chancellor and Principal shall be appointed by the Council on the recommendation of a joint committee of the Council and the Senate consisting of three members of the Council and three members of the Senate with an additional member from among the lay members of the Council who shall chair the committee. This committee shall consult the Senate before making a recommendation to the Council.'

Received:

- (a) An oral report from the Pro-Chancellor regarding the outcomes of internal consultation regarding the role of the next Vice-Chancellor and the timetable for the search and appointment process.
- (b) An oral report from the Deputy Pro-Chancellor concerning arrangements for Council members who are not members of the Joint Committee to be involved in the appointment process on an informal basis.

Resolved:

That a Joint Committee of the Council and the Senate be established with the following membership in order to make recommendations to the Council regarding the appointment of the next Vice-Chancellor:

Chair

The Pro-Chancellor

Council members

Mrs Marilyn Cass

Mr Mike Gilbert, Treasurer

Mr Bob Taylor

Senate members

Professor Michael Sheppard (Dean of the Medical School)

Professor Judith Petts (Head of the School of Geography, Earth and Environmental Sciences and Pro-Vice-Chancellor-elect (Research and Knowledge Transfer))

Professor Shearer West (Head of the School of Historical Studies)

07/230 Minutes of previous meeting

Resolved:

That the minutes of the meeting held on 4 April 2007 (CO.07.07.01) be approved.

07/231 Matters arising from the minutes

The Muirhead Tower (minute 06/131 refers)

Received:

An oral report from the Pro-Vice-Chancellor (Estates and Infrastructure) confirming that Galliford Try had been awarded the contract for refurbishment of the Muirhead Tower and work was proceeding to an estimated completion date of 21 December 2008.

07/232 Membership of the Council

Reported:

That Statute 14 governing the Council composition provides for '*The President of the Guild of Students and one other student officer of the Guild of Students to be nominated by the Guild of Students in such a manner as it may determine, where normally either the President or the second officer shall be a postgraduate of the University.*'

Resolved:

That Ms Rhea Keehn (President of the Guild of Students) and Ms Sarah Bolt (Vice-President (Welfare) of the Guild of Students) be appointed as the two student members of Council for 2007/08; it being noted that Ms Bolt is a postgraduate student.

07/233 Pro-Chancellor's Items

Received:

A report from the Pro-Chancellor containing a number of items for information and some recommendations for Council's approval (CO.07.07.02) together with a supplement summarising the outcomes of the Pro-Chancellor's two-way feedback meetings with all Council members during the last academic year.

Acquisitions and Disposals Group

Resolved:

That the Acquisitions and Disposals group be approved to continue for a further year to July 2008 under the chairmanship of the Deputy Pro-Chancellor, when the arrangement will again be reviewed by Council.

Council members completing their term of office

Resolved:

That the following Council members whose term of office was due to end on 31 July 2007 be thanked for their highly valued contributions to the Council and its committees:

Mr F David Brooks, lay member

Mr Gary Hughes, President of the Guild of Students

Mr Peter Mason, Vice-President (Welfare) of the Guild of Students

07/234 Vice-Chancellor's Items

Received:

A report from the Vice-Chancellor on a number of items for information and matters for consideration under the following headings (CO.07.07.03):

Dean of Life and Health Sciences

Resolved:

That Professor Peter Marquis be re-appointed as Dean of Life and Health Sciences for a further year from 1 August 2007 to 31 July 2008, notwithstanding the provision of Ordinance 3.9(3) which states that a Dean shall normally hold office for three years.

Pro-Vice-Chancellor (Research and Knowledge Transfer)

Resolved:

That Professor Judith Petts be appointed as:

- (a) Pro-Vice-Chancellor (Research and Knowledge Transfer) with effect from 1 August 2008 to 31 July 2010;
- (b) and, in the interim, as a Pro-Vice-Chancellor without a specific portfolio with 20% time commitment from 1 August 2007 to 30 November 2007, and 80% time commitment from 1 December 2007 until the end of the term of office of the current Pro-Vice-Chancellor (Research and Knowledge Transfer).

Head of the School of Health Sciences

Resolved:

That the appointment of Professor K Spencer as Acting Head of the School of Health Sciences be extended to 30 September 2007.

Head of the School of Mathematics

Resolved:

That the appointment of Dr D Hermans as Acting Head of the School of Mathematics be extended to 30 September 2007, with Professor J Blake resuming his Headship of the School from 1 October 2007.

The University of Central England

Reported:

That the University of Central England was considering changing its name and comments had been invited on three options: Birmingham City University, Birmingham Chamberlain University and Birmingham Metropolitan University

Resolved:

That the Vice-Chancellor be authorised to inform the University of Central England that Birmingham Metropolitan University was the alternative preferred by the University of Birmingham and that the Council considered the option of Birmingham Chamberlain University to be unacceptable on the grounds of the strong connection with Joseph Chamberlain in the foundation of the University and as its first Chancellor.

07/235 Discipline and Grievance Cases

Received:

A report on progress of disciplinary and grievance cases for which Council had appointed panels and notification of receipt of a grievance from an academic-related member of staff in Geography, Earth and Environmental Sciences (CO.07.07.04).

Considered:

The establishment of the following panel to hear the grievance from the academic-related member of staff in Geography, Earth and Environmental Sciences:

Ms M Cass (Chair)
Dr S Sahota
Prof J Michie
Prof J Heath (reserve academic member)
Prof S West (reserve academic member)

07/236 Re-organisation of the University

Considered:

A paper relating to the re-organisation of the University (CO.07.07.05) comprising:

- (a) a progress report from the Re-organisation Steering Group;
- (b) proposals for amendments to University legislation and related matters necessary to complete the first phase of the re-organisation.

Received:

An oral report from the Pro-Vice-Chancellor (Planning and Resources) and Programme Director for the re-organisation of the University, confirming that the key milestones for implementation of the re-organisation during 2007/08 had been identified and noting that the costs of the re-organisation had been incorporated into the University budget and approved by the Strategy, Planning and Resources Committee.

Resolved:

- (a) That the transitional protocol to facilitate and govern the transition to new organisational arrangements during the period to 31 July 2008 be approved as set out in appendix 1 of paper CO.07.07.05.
- (b) That the transitional protocol be hereby granted the force of University legislation and shall take precedence if there is any conflict with other Ordinances, Regulations, Codes of Practice, policies or protocols during the transitional period to 31 July 2008.
- (c) That the following amendments to Statutes be approved for the second time as set out in appendix 2 of paper CO.07.07.05, having taken account of the comments of the Senate and the Court, and be submitted to the Privy Council in autumn 2007 for final approval:
 - (i) Deletion of Statutes 5, 6, 9 and 15, governing the Vice-Principal, the Pro-Vice-Chancellors, the Librarian and Director of Information Services, and the composition of the Senate respectively, to take effect from 1 January 2008.
 - (ii) Minor amendments to Statute 10 to enable provisions concerning senior management offices and posts to be set out in Ordinances, to take effect from 1 January 2008.
- (d) That the amendments to the Charter and Statutes providing for appointment of more than one Vice-Principal, to take effect from 1 January 2008, be approved for the first time as set out in appendix 3 of paper CO.07.07.05, it being noted that the related amendments to Ordinances were approved and would take effect provided the amendments to the Charter and Statutes were approved on a second occasion in September 2007 and subsequently by the Privy Council.
- (e) That the amendments to the Ordinances and Regulations to implement the first phase of the re-organisation be approved as set out in appendix 4 of paper CO.07.07.05, to take effect from the dates indicated for individual provisions.
- (f) That, with respect to Ordinance 2.9 governing the University Executive Board, the Director of Finance and the Director of Human Resources be appointed as members of the University Executive Board to 31 July 2008 in the first instance.
- (g) That the terms of reference and mode of operation of the University Executive Board and the College Boards be approved as set out in appendix 5 of paper CO.07.07.05.
- (h) That the Appointment Boards established by the Council for appointment of the Pro-Vice-Chancellor (Resources)/Vice-Principal (elect) and the Heads of Colleges be granted the delegated authority of the Council to take decisions in respect of these appointments, subject to the final approval of the Pro-Chancellor.

07/237 Human Resources Strategy

Considered:

The proposed University Human Resources Strategy for 2007-2012 (CO.07.07.06), initially presented in draft to Council in April 2007, subsequently revised in light of consultation feedback and recommended for approval by the Strategy, Planning and Resource Committee.

Resolved:

- (a) That the Human Resources Strategy 2007-2012 be welcomed and approved as the basis of the University's long term plans around the procurement and development of its staff resources, as set out in paper CO.07.07.06;
- (b) That detailed project planning be initiated by Human Resources and the University leadership around the core areas contained within the Strategy;
- (c) That the Human Resources Strategy be communicated to all staff in the University.

07/238 Report from the Redundancy Committee

(CONFIDENTIAL)

Considered:

- (a) A report from the Redundancy Committee established to consider and make recommendations to the Council to put into effect the reduction in staff related to Community, Play and Youth (CPY) programmes in the School of Education (CO.07.07.07).
- (b) Correspondence between the University and the Commission for Racial Equality (CRE) dated 6, 15 and 25 June 2007 regarding the withdrawal of Community, Play and Youth programmes and the University's compliance with the Race Equality Duty (also CO.07.07.07).

Reported:

That the Birmingham branch of the University and College Union (UCU) had issued a press release on 26 June 2007 regarding the withdrawal of CPY programmes and the University's compliance with the Race Equality Duty, which the University considered to be inaccurate in a number of respects; the University had requested that the statement be retracted but UCU had not yet responded.

Resolved:

- (a) That the University's response to the CRE dated 25 June to the matters raised by the CRE in its letter of 6 June be endorsed as set out in paper C0.07.07.07.
- (b) That the University officers be authorised to seek a swift resolution of the outstanding matters between the University and the CRE which would allow the current plans for the mitigation of the effects of withdrawing from the CPY programmes to proceed, including the possible transfer of the programmes and those staff not wishing to take voluntary severance to another institution, while respecting any legal powers that the CRE had in the matter.
- (c) That in view of the currently satisfactory arrangements being made with four members of staff who wished to take voluntary severance on agreed terms from the University, the considerations of the Redundancy Committee in regard to this case be suspended

for the time being, noting that concluding matters on the terms agreed was subject to meeting the conditions agreed under (b) above.

- (d) That the Council reserved its position with regard to any action it might take in response to the UCU press release concerning the withdrawal of CPY programmes.
- (e) That a progress report in relation to the discussions with the CRE and with the UCU concerning the withdrawal of CPY programmes be provided to the Council in September 2007, or if necessary, by correspondence during the summer vacation.

07/239 Ordinances associated with the Revised Model Statute

Considered:

An update on the drafting of Ordinances associated with the Revised Model Statute and summarising a number of points of principle on which the University and the Universities and Colleges Union hold different views (CO.07.07.08).

Resolved:

That the Assistant Director of Human Resources (Strategy and Operations) be authorised to conclude negotiations regarding the drafting of the Ordinances associated with the Revised Model Statute in accordance with the guidance provided by the Council, in order that the Ordinances be finalised for presentation to the Council in September 2007.

07/240 University Budget 2007/08

(COMMERCIAL IN CONFIDENCE)

Resolved:

- (a) That the University Budget for 2007/08 be adopted as set out in paper CO.07.07.09, with a forecast operating surplus of £10m.
- (b) That the procedure for transaction of business between meetings of Council be used for approval of the Five Year Financial Forecast, following its completion, prior to submission to the HEFCE.
- (c) That the Director of Finance and senior management team be encouraged to identify actions required to ensure the stability of the University's medium-term financial position, particularly in light of planned expenditure on the University's capital programme and re-organisation and the need for returns on recent significant investments in additional staff.

07/241 Guild of Students Five Year Financial Forecast

(COMMERCIAL IN CONFIDENCE)

Resolved:

- (a) That a block grant of £1,295,011 be allocated to the Guild of Students for 2007/08.
- (b) That the Five-Year Financial Forecast (2007-2012) for the Guild of Students be approved as set out in paper CO.07.07.10; it being noted that:

- (i) the Guild's contribution towards financing building refurbishments and potential increased earning opportunities were yet to be fully calculated;
 - (ii) a request for additional non-recurrent funding in the region of £154K over two years to support the Representation Department in the Guild of Students would be presented to Council in September 2007, following further discussions between the Guild and a group established by the Strategy, Planning and Resources Committee under the leadership of Professor A J Randall.
- (c) That the Guild of Students be congratulated on the significant improvements in its financial management in recent years and its presentation of financial reports.

07/242 University-wide Work Plan Model

Considered:

A report from the working group established to investigate the potential for development of a University-wide work planning model (CO.07.07.11), together with an oral report from the Director of Planning.

Resolved:

- (a) That the introduction of individualised work plans for academic staff across the University be approved in accordance with the workplan model set out in annex A of paper CO.07.07.11.
- (b) That a set of principles be developed for individualised work planning within which all College models must operate and that a single individualised work planning model be developed on the basis of these common principles and implemented within each College.

07/243 Report from the Senate

Considered:

A report from the meeting of the Senate held on 19 June 2007 (CO.07.07.12).

Resolved:

- (a) That the University Special Collections Policy be approved as set out in appendix 1 of paper CO.07.07.12.
- (b) That the proposed amendments to Ordinances 5.4 and 5.6 be approved as set out in appendix 2 of paper CO.07.07.12, to take immediate effect, in order to make provision for community service as one of the penalties available to a Discipline Committee.
- (c) That the academic promotions criteria for 2007/08 be approved as set out in appendix 3 of paper CO.07.07.12, without the amendments proposed by the Senate, on the understanding that a full review of the academic promotions criteria and process would be undertaken during the summer 2007, for implementation from October 2008, taking into account all the issues raised by the Senate.
- (d) That the proposed dates of academic terms for the period 2011/12 to 2013/14 be approved as set out in appendix 4 of paper CO.07.07.12.

07/244 Report from the Strategy, Planning and Resources Committee

Considered:

A report from the meeting of the Strategy, Planning and Resources Committee held on 19 June 2007 (CO.07.07.13).

Resolved:

That the Edgbaston Campus Development Framework be approved as set out in the appendix to paper CO.07.07.13.

07/245 Report from the Audit Committee

Considered:

A report of the meeting of the Audit Committee held on 5 June 2007 (CO.07.07.14).

Resolved:

That the Internal Audit Review of Risk Management be approved as set out in paper CO.07.07.14.

Received:

The HEFCE Assurance Service Annual Risk Assessment, which confirmed HEFCE's judgement that the University was considered to be 'not at higher risk'.

07/246 Report from Membership Committee

Considered:

A report from the meeting of the Membership Committee of the Council held on 19 June 2007 (CO.07.07.15).

Resolved:

- (a) That the Committee's recommendations regarding membership of and co-option to Council committees with effect from 1 August 2007 be approved as set out in paper CO.07.07.15.
- (b) That the Redundancy Committee be not stood down during 2007/08 until such time as approval is given by the Privy Council following a satisfactory conclusion to the current negotiations with the Universities and Colleges Union for the new procedures to be adopted under the Revised Model Statute and its associated Ordinances to replace Statute 28 and the current Ordinances relating to such matters.
- (c) That the University Strategic Management Committee be asked to conduct a review of the operation of the Scholarships Board and bring forward recommendations to the Council in September 2007.
- (d) That the University Hospital Birmingham NHS Foundation Trust / University of Birmingham Joint Strategy Committee and its constituent sub-committees (the Capital Planning, Estate and New Hospital Development Committee and the Research and Health Workforce Planning Committee) be dis-established with immediate effect, on

the understanding that the business would be more effectively carried out by means of an informal liaison group and supporting task groups reporting to the University Strategic Management Committee, as recently agreed between the Trust and the University.

- (e) That the principles for changes to the term of office and method of appointment of the Pro-Chancellor, Deputy Pro-Chancellor and Treasurer be approved as set out in paper CO.07.07.15 and that the Registrar and Secretary be asked to bring forward legislative amendments to put these changes into effect to the meetings of the Council in April and July 2008.

07/247 Admissions Update 2007/08

Received:

A report on undergraduate and postgraduate applications and acceptances in the 2006/07 applications round (CO.07.07.16).

07/248 International Strategy Update

Received:

An update on progress in implementation of the International Strategy (CO.07.07.17).

07/249 Capital Projects Update

Received:

A progress report on capital projects above £5M approved by Council (CO.07.07.18).

07/250 Environmental and Social Responsibility Matters

Received:

A report from the Sustainability Task Group regarding the University's progress in fulfilling its environmental and social responsibilities (CO.07.07.19).

07/251 Affixing of the Seal

Received:

A report noting the transactions which have required use of the University Seal since the last meeting of the Council (CO.07.07.20).

07/252 Arrangements for Transaction of Business between Meetings of Council

Resolved:

That the arrangements for transaction of business during the summer vacation be approved and implemented as set out in paper CO.07.07.21.

07/253 Any other business

Received:

A report of the meeting of the Audit Committee held on 13 March 2007 (CO.07.04.21).

07/254 Dates of meetings in 2007/08

Received:

That meetings of the Council were scheduled to take place on the following dates during 2007/08:

Wednesday 19 September 2007: Council Away Day
Monday 17 December 2007
Wednesday 9 April 2008
Wednesday 2 July 2008
