



COUNCIL

**The 270th meeting of Council was held on Friday 14 July 2023
from 9.30am to 1pm in the Terrace Room, Bramber House**

MINUTES

PART 1 - PROCEDURAL MATTERS

1. Apologies for absence

- 1.1 Apologies were received from David Curley, Kirstin Baker, Jane Parsons and Rose Linehan. It was noted David Curley would join for the Audit and Risk Committee report.

2. Declarations of interest

- 2.1 There were no new declarations of interest reported.

3. Minutes

Resolved:

- 3.1 Council approved the minutes of the meeting held on 31 March 2023.
- 3.2 Council approved the minutes of the meeting held on 12 May 2023.
- 3.3 Council approved the minutes of the meeting held on 8 June 2023, subject to updating the attendance.

4. Matters arising

- 4.1 Council noted that all actions for this academic year were closed, the remaining actions related to items of business for next academic year.

5. Chair's Action and Report

- 5.1 Council noted that the Chair took action to agree that the Pro-Vice-Chancellor Global and Civic Engagement appointment could be considered and approved on 8 June 2023 outside of the normal cycle of business.
- 5.2 The Chair reported that she had met with a range of internal and external colleagues as part of her induction, including the External Auditors. The Auditors had reported that they believed that the University's Audit and Risk Committee was sector leading.

- 5.3 Council noted that the Chair was working with the Vice Chancellor and governance team to identify ways to structure Council meetings to ensure time was spent looking at the key priorities and relying more on the sub-committees to scrutinise the compliance items.
- 5.4 There had been a significant amount of work undertaken over the summer term including large alumni events on campus and overseas, procurement of services on campus and positive news in the global league tables. The Marking and Assessment Boycott was continuing to take a significant amount of executive resource to manage and minimise the impact for students. The Office for Students Investigation was ongoing and the Chair was continuing to support the executive as appropriate.

6. Student Engagement

- 6.1 Council noted that it was required to ensure that all students had opportunities to engage with University governance, and different perspectives were represented. To this end, a student engagement item had been included at the start of the agenda to identify which items on the meeting agenda would have the greatest impact on the student experience.
- 6.2 The Chair of Student Experience Committee reported that the University existed for students and for research; it was important to have these at the forefront of minds during Council discussions. Following discussions with the University of Sussex Students Union (USSU) Council member, the key agenda items for students were rent, fees, West Slope and student experience risk. The USSU officer shared the sabbatical officer priorities for the academic year which were: cost of living both in and outside of the university; supporting students to understand their rights particularly in relation to Industrial Action; and training and upskilling, ensuring students had the right training for their education and their future.

7. Vice-Chancellor's Report

- 7.1 Council received a report from the Vice-Chancellor. During the report the following points were made:
- 7.1.1 The University's new Student Centre had been awarded a Highly Commended Award in the Public and Community category at the Sussex Heritage Trust Awards.
- 7.1.2 The University had seen a 3.9% improvement in graduate outcomes data, with strong improvements particularly seen in the Schools of Engineering and Informatics and Law, Politics and Sociology.
- 7.1.3 University of Sussex Business School was the top in the UK for research income and had recently been awarded a £15MILLION grant.
- 7.1.4 The University's 12 new centres of excellence for research had been launched at a reception in the Houses of Parliament hosted by Caroline Lucas.
- 7.1.5 There had been a 7% participation increase in the National Student Survey (NSS) 2023 survey.
- 7.1.6 The University had risen 22 places in the Quacquarelli Symonds (QS) rankings to 218 in the world. This was the highest position the University had been in since 2017. The increase was predominantly as a result of the University's sustainability work. Sussex was 35th in the world for its work on sustainability. Improvements in employability and employer reputation

would be required to build on the University's position.

- 7.1.7 A recent Oxford Economics report on the University's impact identified that the University made a half billion contribution to the economy each year, and provided c.8000 jobs which made a significant impact on Brighton and the surrounding area.
- 7.1.8 The Vice Chancellor had undertaken a series of visits on behalf of the University including to South East Asia, China, Hong Kong, Mexico and United States; during these visits she met a range of alumni and reported there was a huge passion for Sussex and their experiences.
- 7.1.9 The sector was in a long term industrial action dispute with University and College Union (UCU). The pay and conditions issues had resulted in periods of industrial action over the past 6 years. The union was currently undertaking a Marking and Assessment Boycott which was part of action short of a strike. The boycott was having a differentiated impact across the sector and within the University itself. A third of the sector was posting deficits and the frozen domestic fees meant that some institutions were clear they could not afford an increased offer. UCU argued that the offer did not keep up with cost of living and inflation. The Vice Chancellor had published a joint statement with the local branch asking that negotiations be reopened. UCU and Universities and Colleges Employers Association (UCEA) were meeting on 14 July 2023 for the first time. 44% of students would be receiving interim awards. The University had focused on maintaining academic standards and therefore there had been a greater impact on progression of students. The University had provided letters for employers, interim transcripts and were focusing on welfare and well-being support for affected students.
- 7.1.10 A series of senior appointments had been made and would take up post in the Autumn term. The appointments would be accompanied by changes in executive governance. The revised executive structures would provide greater clarity over responsibilities and accountabilities. One of the changes would be renaming University Executive Group to University Executive Team to indicate that the leadership were a team and needed to work as such. A new academic leadership forum would be established bringing together Directors of Student Experience, Directors of Teaching and Learning, Directors of Research and Knowledge and Heads of Department together to formalise academic leadership expectations and share institutional priorities.
- 7.2 Council discussed the University's challenges around staff: student ratios. The Vice Chancellor said it was an area the University needed to invest in. The University also needed to explore why it had a poor reputation with employers. Council discussed whether the analysis had been undertaken to identify the quantum increase the institution would need to make the improvements in the tables. It was reported that the analysis was being undertaken but there were a range of indicators that needed to be considered and there was not a quick fix to the challenges.
- 7.3 Council considered an update on the Office for Students investigation. At its meetings on 17 February 2023 and 31 March 2023, Council had received updates on the Office for Students' (OfS) investigation into the University's compliance with three Governance and Management conditions of registration: E1, E2 and E3, associated with perceived failures to uphold the freedom of speech and academic freedom, public interest governance principles and associated governance arrangements. Since the last meeting, there had been ten items of correspondence between the University and the OfS; seven relating to the ongoing investigation and three relating to the University's complaint about the process followed.
- 7.4 The University had submitted a request to the OfS for a review of the outcome of its complaint. The complaint related to the withdrawal of the settlement meeting and the OfS

approach to the investigation. The OfS had agreed to undertake a second review of the complaint, it would be undertaken by the Director of Fair Access.

- 7.5 The University had submitted a substantive amount of information in response to an additional F3 Notice. Whilst the complaint was being reviewed, the University did not expect to receive a response to this submission.
- 7.6 It was noted that the House of Lords enquiry into the OfS had demonstrated significant opposition to the OfS' regulatory approach.
- 7.7 The Executive was continuing to implement a range of proactive actions to address the areas of improvement that had been identified as a result of the investigation. Records management, policy overview and delegation had all been identified as areas for improvement. A project to collate, evaluate and streamline institutional policies was underway and alongside this the institution's schedule of delegation would be revised to ensure there was clarity on accountability and approvals.
- 7.8 It was confirmed that the University was keeping a track of the cost of the investigation to institutional resources.

PART 2 - MATTERS FOR DISCUSSION AND/OR DECISION

8. Senate

- 8.1 Council received a report from Professor Sasha Roseneil, Chair of Senate. The report summarised the business undertaken at Senate meetings since the last meeting of Council which included an additional meeting of Senate to discuss the interim regulations.
- 8.2 Council noted the assurance that the University remains compliant with the B Conditions of Registration. It was reported that at each meeting, Senate received a range of reports which provided evidence of the University's ongoing compliance with the Quality and Standard B conditions of registration. Senate provided assurance to Council and, if required, would report any issues to Council for information or consideration; there were no issues to report.
- 8.3 Council noted that Senate was responsible for "the direction and regulation of academic matters". At its meeting on 14 June 2023, Senate approved a proposal to update the regulations relating to part-time Postgraduate research students to improve the clarity and consistency of the regulations.
- 8.4 Council noted that Senate was responsible for the promotion of research. At its meeting on 14 June 2023, Senate had approved a Publications and Copyright Policy. The revised policy utilised a rights retention strategy in order to allow researchers to exercise greater sharing and reuse rights over their own research, whilst ensuring that they retained full freedom to publish in the journals of their choice.
- 8.5 Senate's composition included two posts for elected members of staff from each School of study. Elected senators were elected for a period of three years from 1 August 2023. All vacancies were now filled, the election from Senate to Council was underway.

9. Faculties proposal

- 9.1 Council considered a proposal to establish a faculty structure that would bring cognate schools of study together into higher level academic units of the University, each with executive level leadership. It was reported that changes in the academic structure of the University were a decision for Council. In making any such change, Senate's opinion must be sought. Senate was responsible to Council for 'academic standards and the direction and regulation of academic matters'. Senate had discussed the matter at an additional meeting on 30 June 2023. In addition, Schools have the right to discuss any matter relating to them and to report their views to Senate. An additional School meeting had been held in each of the ten Schools which the Vice Chancellor had attended to outline the proposal. The Schools had discussed the implications and provided a report to Senate to inform its discussion. An additional meeting of Senate had been held on 30 June 2023 to consider the proposal. A summary of discussion at Senate and the School reports considered at Senate had been included in the papers for this Council meeting alongside the proposal. It was noted that although School reports would not normally be shared with Council, they had been shared in the spirit of transparency and to evidence the range of views expressed by the community.
- 9.2 The Vice Chancellor presented the faculties proposal to Council. The faculty structure was designed to improve the resilience and agility of academic units, establish strong academic leadership and facilitate increased interdisciplinary opportunities. It would ensure there was accountable leadership at the executive level. It would provide representation to the medical school which was not currently represented formally or informally. All other research-intensive institutions had a faculty model to support their operations. A range of opinions had been expressed in response to the proposal in School meetings and at Senate. There was significant support for the proposal but not consensus. The Vice Chancellor considered there was sufficient support to recommend the proposal to Council.
- 9.3 The proposal would have implications for Senate and governance. A working group of Senate, chaired by the Deputy Vice Chancellor, would be established to consider the implications and potential changes. In addition, a bottom-up group would be established to consider and respond to challenges identified by colleagues throughout the process. To deliver the change it would need to be a collaborative process. During the consultation process, members of staff had expressed a desire for more information about how faculties would operate in practice but the Vice Chancellor had confirmed that the detail had to be worked through and ongoing engagement with staff would be key to this.
- 9.4 Council discussed the proposal and during the discussion the follow points were made:
- 9.4.1 If the proposal was approved, then it would be beneficial to align it with messaging around how the challenges experienced in Schools were being addressed or invested in alongside the move to faculties.
- 9.4.2 Organisational change was a key consideration to delivering the proposal, outlining to the community the workstreams and transparently setting out what would happen and what was up for discussion. It was important to clarify roles and responsibilities as a result of the change.
- 9.4.3 The proposal was strong, and it made organisational sense to establish units to deliver change. The process had been very consultative but there was a danger that change delivery could be too consultative as it can result in the change taking longer than required. Transparent timelines regularly communicated would support the process.
- 9.4.4 For Council it would be beneficial to understand performance on a faculty level and how it fed into institutional performance; then the Executive could look at the smaller unit performance.

- 9.4.5 Some Schools were concerned that there would be a loss of Schools or roles over times. The Vice Chancellor responded that faculties did not have to be structured in the same way. There were governance processes in place which meant Senate and Schools would be involved appropriately.
- 9.4.6 The proposal would enable the University to be agile and future fit. It would be important that the Executive had clear and ongoing communication with the community about the changes and what they meant.
- 9.4.7 Assurance was sought that Global Studies would remain a special feature of the University and be part of the change process.
- 9.4.8 The University had had a faculties structure before and there had been pros and cons. The key thing was the centralisation of the budget and ensuring that when it was devolved there was transparency about decision making and controls in place.
- 9.4.9 The strong and substantial consultation process was welcomed.
- 9.4.10 The proposal would support the delivery of the new strategy.
- 9.4.11 Fully informed, executive academic leadership would be essential for true accountability and strong decision making.
- 9.4.12 The Executive needed to look holistically at the change. The Social Sciences had forged a strong sense of identity and belonging; it was important this work was not lost. There were concerns about adding a layer of bureaucracy. There was a concern there would only be downward management and it was important that Executive Deans were charged with establishing a mechanism for bottom-up communication too. The Vice Chancellor confirmed that good Executive Deans would ensure that there was bottom-up communication to ensure decisions were fully informed by the reality of their area. The right culture had to be established to enable the new structure to work.
- 9.4.13 The proposal was an opportunity to operate more strategically. The external alignment with UK Research and Innovation (UKRI) was appreciated. It would be good to establish the arguments about how the change would make the experiences of prospective students and researchers better.
- 9.4.14 Change was difficult so ensuring the capacity was available to deliver it was essential.
- 9.5 Council agreed it was important that the change was managed effectively and considered holistically.

Resolved:

- 9.6 Council approved the establishment of four new units of academic organisation named faculties in line with Regulation 5, 24.C.

10. Finance and Resources Committee

- 10.1 Council received a report from Tony Bullman, Chair of Finance and Resources Committee. The overarching message was that the University was in a good financial shape which was a testament to the work of the Director of Finance, his team and the Executive.

- 10.2 Council considered the tuition fee framework for 2024/25 entrants and the accommodation rents for 2024/25; in both instances it was reported that the University had reviewed its comparators and the recommendations were in line with other institutions. Finance and Resources Committee had endorsed the principle that rents should not be subsidised and should cover their own costs. The rents had been considered in line with the Affordable Rent scheme and a number of the rents were much lower than comparators or local rents. The proposals had been developed in consultation with USSU.
- 10.3 Council considered the Annual Capital Delivery Plan 2023/24. 32 projects were in flight, the 2023/24 plan had been developed to represent which projects should be prioritised, it had to be recognised that the University did not have the resources or capacity to deliver everything. Inflation and capacity was impacting the delivery of the plan. Council discussed the accessibility plan and when it was expected to be delivered; it was reported that the accessibility of all projects was being considered and it was an ongoing piece of work rather than a finite project. Council asked for clarity on smaller accessibility milestones within the project to monitor and evaluate progress. Council discussed how unknown risks or incidents were built into the plan, reinforced autoclaved aerated concrete (RAAC) and Cyber had already arisen this academic year, it was important to have some contingency built in. The greatest challenge was the amount of projects and the capacity and resource to deliver them. Council agreed it would be beneficial to have a communications plan alongside the Capital Delivery Plan to provide updates to the community on when projects were concluded or where milestones were achieved; these updates would provide a sense of momentum.
- 10.4 Council considered an update on the West Slope project. A further update would be provided at the September 2023 Council meeting to determine the likelihood of reaching financial close.
- 10.5 Council considered an update on the University's financial position. It was reported that the University remained on track with Council's plans and targets.
- 10.6 Council discussed the staffing underspend and it was reported that the University was undertaking a lot of recruitment and they were not able to fill posts at the same pace. The University's recruitment systems were not efficient and bringing forward the e-recruitment system would support the pace at which posts needed to be filled.
- 10.7 Council noted the Admissions Report for 2023 cycle and agreed it was positive to see the sustained growth whilst noting the differentiation across different subject areas.
- 10.8 Council noted the USSU 2023/23 budget.

Resolved:

- 10.9 Council approved the tuition fee framework for 2024/25 entrants.
- 10.10 Council approved the accommodation rents for 2024/25.
- 10.11 Council approved the Annual Capital Delivery Plan 2023/24.
- 10.12 Council approved the recommendation that the University continued to work towards closing the full deal on the West Slope project and that a further update would be provided at the September Council meeting.
- 10.13 Council approved the budget for 2023/24 and NOTE the financial monitoring for 2022/23 and the forecast for 2024/25.

Action:

- 10.14 Develop a communications plan alongside the Capital Delivery Plan to provide updates to the community on when projects were concluded or milestones were hit.

11 Strategy and Performance Committee

- 11.1 Council received a report from Mark Devlin, Chair of Strategy and Performance Committee. It was reported the first meeting of the committee had provided members with the opportunity to hear about the Vice Chancellor's thinking around strategy development and when Council would have opportunities to input. The Committee had discussed the current KPI set, which ones remained effective indicators for measuring institutional progress and which ones could potentially be retired.
- 11.2 Council noted the termly KPI dashboard.
- 11.3 Council received an update from the Vice Chancellor on the Council level Key Performance Indicators/Targets and Strategy development process. The University had three core activities- education, research and engagement. Potential cross cutting themes would be people, planning and progress; environmental sustainability, human flourishing, data and digital. A Council Strategy Day had been scheduled on 29 September and updates would be progressed to Strategy and Performance Committee and Council throughout the year with the aim to sign off the revised Strategy in July 2024. There would be a series of stakeholder conversations as part of the process.

12 Audit and Risk Committee

- 12.1 Council received a report from David Curley, Chair of Audit and Risk Committee. The summer term meeting had focused on internal audit and risk controls. The Committee had reviewed the updated Institutional Risk Register. The Education and Student Experience risk had increased from 12 to 15 as a result of the increased likelihood of potential impacts arising from the ongoing period of industrial action and the associated marking and assessment boycott and the target date for mitigation had been extended by a year to July 2025. Following recent incidents, the Cyber Security risk mitigation date had been extended to January 2024 from June 2023. The mitigation date for the health and safety risk had also been extended to April 2024 from August 2023. The Staff Experience and Investment Capacity had both met their target ratings as a result of the mitigation measures. New target ratings for these risks would be considered to demonstrate ongoing improvement required, these risks would remain on the risk register until further notice, to enable continued monitoring.
- 12.2 The Committee had reviewed the six internal audit reports concluded since the last meeting, three received significant assurance with minor improvement opportunities, two with partial assurance with improvements required and one follow up; no high priority recommendations had been identified. The Student Experience Audit was a high priority audit and the recommendations would be taken forward in conversation with new Pro-Vice-Chancellor Education and Students and Chair of Student Experience Committee. Staff recruitment was the other high priority audit and the recommendations centred around systems and processes. The Committee had also received Executive responses to previous high priority risk reports- Safeguarding, Software Development, Health and Safety and Flammable Materials. These reports gave the Committee oversight of the longer-term view of the risks, where issues might arise in the future and how systematic cultural change was being addressed.
- 12.3 The Committee had considered an interim Office for Students (OfS) conditions of registration assurance report, no risks had been raised since the last meeting of the Committee. It was

acknowledged that the ongoing OfS investigation into management and governance (E) conditions might indicate that the University's assessment of compliance may not align with the regulators'. Three reportable events had been submitted to the OfS since the last meeting of Council:

- 12.3.1 16/05/2023 Appointment of new of Chair Council. The reportable event had been acknowledged by the OfS and no further action was required.
- 12.3.2 21/06/2023 The OfS had written to certain universities, including the University, to inform them that, in its judgment, the Marking and Assessment Boycott (MAB) negatively affects or could negatively affect the provider's ability to comply with its conditions of registration. A reportable event about the MAB had been submitted to the OfS alongside the letter reported in the Vice Chancellor's update to Council. The reportable event had been acknowledged by the OfS.
- 12.3.3 28/06/2023 Change of Prevent Lead. The reportable event had been acknowledged by the OfS
- 12.4 Council considered the new Internal Audit Plan 2023/24. As part of the regulatory requirements of its registration with the Office for Students (OfS), the University was required to have in place a comprehensive system of risk management, control and corporate governance. Internal Audit provided a mechanism to give internal assurance to the University. The annual plan was developed with reference to the institutional risk register to ensure priority areas were reviewed. There were opportunities to update the plan throughout the year if new priorities arose.
- 12.5 Council noted the External Audit Plan update.
- 12.6 Council noted the technical amendments to University Financial Regulations 2022/23. The University's Financial Regulations required that technical changes 'would be reported to the following meeting of Audit and Risk Committee and Council'. Audit and Risk Committee did not identify any risks with the technical changes raised.

Resolved:

- 12.7 Council approved the Internal Audit Plan 2023/24.

13. Chairs' Committee Update

- 13.1 Council considered the appointment of Mark Devlin for a third and final term. It was noted that Professor Paul O'Prey had agreed to join the Remuneration Committee and Katie Ghose had agreed to join the Finance and Resource Committee.
- 13.2 Council considered the nomination of Professor Kate O'Riordan for Pro-Vice Chancellor Education and Students.
- 13.3 Council noted the outcomes of the recent elections to Council. Pippa Robinson, Head of Professional Services for Law, Politics and Sociology; Education and Social Work and Global Studies, had been elected the Professional Services member of staff on Council. Josh Francis, a research student in the School of Psychology, had been elected the Postgraduate Research Student to Council. The Senate to Council election was underway.
- 13.4 Council noted the briefing on the (Higher Education) Freedom of Speech Act 2023 and considered the University's approach to compliance with its requirements. The Higher Education) Freedom of Speech Act 2023 (HEFSA) had received Royal Assent on 11 May 2023

and strengthened the statutory duty (already imposed by previous legislation) on English higher education providers (and their constituent institutions) to secure freedom of speech within the law. There would be new obligations for the University and the Students Union, the Students Union were considering the implications for their ways of working. Council noted the risks in relation to the new tort introduced by the Act and considered the implications for the University's ways of working. Council agreed it would be beneficial for updates to be regularly brought to Council when there was greater understanding of the implications of the Act in practice.

- 13.5 Council noted that throughout the academic year, it received interim assurance reports to confirm the University continued to pay due regard to the Prevent Duty. There were no risks identified in the report included in the papers for this meeting.

Resolved:

- 13.6 Council approved the appointment of Mark Devlin for a third final term.
- 13.7 Council approved the appointment of Professor Kate O'Riordan as Pro-Vice-Chancellor Education and Students for a period of five years from 1 August 2023, in line with University Regulation.

14. Student Experience Matters

- 14.1 Council received a report from Aleema Shivji, Chair of the Student Experience Committee. It was reported that the Committee had received an update from the Students' Union (SU) representative which included an update on the recent SU elections and an update on activities related to the student voice, policy work, sports and societies and support for students. The Committee had discussed its concerns about the pressures placed on the SU officers and part-time officers noting concerns about sickness and burnout. The Committee had received an update from the Pro-Vice-Chancellor Education and Students which included updates on Curriculum Reimagined, the National Student Survey 2023, the impact of the marking and assessment boycott and the internal audit of the Student Experience. Two reports were provided setting out how the student voice had been incorporated into key institutional decisions- the consultation into the University's future catering services and the Student Centre project.
- 14.2 The Committee was continuing to consider ways of working and how it could hear a range of student voices. It was reported that the conclusion of the Internal Audit on Student Experience had not aligned with the Committee's Summer Term meeting and therefore the Executive's response to the review would be provided to the Committee for its meeting in the Autumn term.

- 14.3 Council noted a report from the Students' Union.

Action:

- 14.4 Executive to provide response to Internal Audit to the November Student Experience Committee.

15. Remuneration Committee

- 15.1 Council received a report from Stephen Caddick Chair of the Remuneration Committee.

PART 3- MATTERS FOR INFORMATION

16. Joint Brighton Sussex Medical School Board

16.1 Council noted the draft minutes of the meeting held on 21 June 2023.

17. Any Other Business

17.1 Council thanked retiring members for their service and support to Council:

17.1.1 Kirstin Baker had completed nine years on Council and had supported a range of committees but not least as Chair of Strategic Performance and Resources Committee

17.1.2 Max O'Donnell-Savage had completed three year term as Professional Services elected member, and had supported Capital Programme Committee and the governance effectiveness review building relationships between Council and the community.

17.1.3 Alison Haig-Davies was finishing her term early to move to Australia.

July 2023