

University of Cambridge

COUNCIL

Minutes of a meeting of the Council held in the Council Room, The Old Schools, at 10.15 am on Monday 20 October 2014.

Present: The Master of Jesus, the Master of St Catharine's; Professor Davis, Professor Hopper, Professor Karet; Dr Bampos, Mr Caddick, Dr Cowley, Dr Good, Dr Lingwood, Dr Padman, Dr Oosthuizen; Dame Mavis McDonald (Deputy Chair), Professor Dame Shirley Pearce, Mr Shakeshaft; Ms van Gijn, Ms Hoogewerf-McComb; with the Registry, the Head of the Registry's Office, the University Draftsman, the Academic Secretary and the Director of Finance; the Senior Pro-Vice-Chancellor, the Pro-Vice-Chancellor (Education) and the Pro-Vice-Chancellor (Institutional Affairs).

Apologies for absence were received from the Vice-Chancellor, the Master of Christ's, the Warden of Robinson, Mr Lewisohn and Mr Jones. Professor Gay is on sabbatical leave.

The Senior and Junior Proctors were present. Professor Feldman, as a member of the Human Remains Advisory Panel attended for the item recorded as minute 18.

UNRESERVED BUSINESS

PART A: PRELIMINARY, LEGISLATIVE AND STRAIGHTFORWARD BUSINESS

10. Declarations of Interest

The Registry, as a member of the Employers Pension Forum (EPF) and the USS Group of the EPF declared an interest in respect of the matter recorded as Minute 16(a) (Finance Committee). It was noted that most, if not all, members of the Council were members of USS. Otherwise, no personal or prejudicial interests were declared.

11. Minutes

The unconfirmed minutes of the meeting held on 22 September 2014 were received and approved.

Action: Personal Assistant to the Head of the Registry's Office to web.

12. Procedure of the Council

(a) Arrangements for the chairing of agenda items

The Vice-Chancellor was away on University business. It was agreed that the Deputy Chair should chair the meeting.

(b) Business starred as straightforward

The Council approved matters for decision set out in the confirmed starred items.

***(c) Council Circulars**

The Council noted the issue and approval of the following:

Circular	Issue	Approval
24/14	19 September	29 September
25/14	26 September	6 October
26/14	10 October	20 October

13. Vice-Chancellor's Report

(a) It had been announced, on 25 September 2014, that the University had achieved an institutional Athena SWAN silver award. Bronze departmental awards had been given to: the Department of Biochemistry; the Department of Physiology, Development and Neuroscience; and the Wellcome Trust/Cancer Research UK Gurdon Institute.

(b) Professor Sir Stephen O'Rahilly had been awarded the K-J Zülch Prize for outstanding achievements in basic neurological research.

(c) Professor Marc Weller had been awarded the Halsbury Legal Award for his distinguished academic contribution to law.

(d) The Alumni Festival had taken place from 26-28 September 2014.

(e) The Vice-Chancellor had delivered his annual address to the University on the subject of 'Responsibility' on 1 October 2014.

(f) The Campaign had been announced at an event on the afternoon of 1 October 2014.

(g) The Vice-Chancellor had given an address at the Centre for Science and Policy Annual Reception on 2 October 2014.

(h) The Vice-Chancellor had been the speaker at the Leadership Foundation for Higher Education Annual Meeting Dinner on 7 October 2014.

(i) The Vice-Chancellor had chaired a meeting of the EU Advisory Committee on 8 October 2014.

(j) The Vice-Chancellor had visited Philadelphia on University business on 13 October 2014.

(k) The Vice-Chancellor was currently in Poland on University business.

14. Council, legislative and comparable matters

(a) Council Work Plan 2014-15

The updated Work Plan was received.

(b) Business Committee

The Business Committee had not met on 13 October 2014.

(c) The Council's Annual Report 2013-14

A further draft was received. There were various minor drafting suggestions. It was noted that some limited further work was required. A final draft would be brought back for signature on 24 November 2014.

Action: Head of the Registry's Office

(d) Strategic meeting 22-23 September 2014

The notes of the meeting were received.

It was agreed, in response to a point raised by Dr Cowley, that the minute of the discussion about University Information Services (UIS) and IT Strategy should be amended to record his view that the financial savings resulting from the proposed reduction, over time, in staffing numbers might, in the longer term, meet the proposed additional costs and that there was the potential for economies of scale. It was noted, as set out in the minutes, that the Council's discussion would inform the wider consultation process; the Council had not been asked, nor had it given, any formal endorsement of the strategy at this stage. The Information Services Committee was a joint Committee of the Council and the General Board and proposals concerning strategy would be brought back through that body. The question of additional resource would be taken forward through the usual planning round processes. In the course of discussion, it was noted that the proposals which the Council had discussed had been informed by input from UIS staff at every level. Union representatives had commended the consultation process about the restructuring. It was inevitable that there would be some unease and uncertainty at UIS and amongst the wider IT community about the proposed changes. The importance of retaining high quality staff through the restructuring process was re-emphasised.

It was agreed that the minute of the discussion about financial strategy and capital planning should be amended to set out the reasons for the need to increase annual capital expenditure. It was important that individual PIs understood the financial implications of the current FEC recovery rates for the University as a whole: the scale of the under-recovery was significant and, if the issues were not addressed, would grow as the volume of research activity increased. It was recognised that the University's bottom-up model and culture meant that there was little management or oversight of research funding applications. Work was underway to establish financial mechanisms to encourage PIs to maximise indirect cost recovery. It would be necessary to establish an appropriate communications strategy to improve understanding of the nature and the severity of the position. The Senior Pro-Vice-Chancellor had been invited to make a presentation on the matter at forthcoming meetings of the Councils of the Schools: dissemination to a departmental level remained challenging.

It was noted, with regard to the minute of the discussion about CUSU's strategic plan, that the GU strategic plan was in development and would be discussed at the Council's spring strategic meeting on 16 March 2015.

Action: Head of the Registry's Office
(Amendments to minutes)

15. General Board

The unconfirmed minutes of the General Board's meeting on 8 October 2014 were received. The Council welcomed the review of the governance and organisation of the Centre for Applied Research in Educational Technologies (CARET).

PART B: MAIN BUSINESS

16. Finance, Planning and Resources (a) Finance Committee

The minutes of the meeting held on 8 October 2014 were received together with associated documentation. The Council particularly considered the following minutes:

Minute 9(ii): Affordable Housing Joint Venture

The Council welcomed the Committee's decision to support a proposal that the University consider whether to invest in affordable housing for low paid staff through partnership with local authorities and others.

Minute 10: USS

The Committee had received various papers about the USS/UUK consultation including the Pensions Working Group's response. It was noted that the Employers Pension Forum (EPF) had now put forward formal proposals. The Joint Negotiating Committee of the USS would meet during autumn 2014 with a view to agreeing a package which would be put to the USS Trustee. The final outcome would also need to satisfy the Pensions Regulator. There would then be a consultation exercise conducted over 60 days by the University with individual members on the USS's behalf when the formal proposals were issued. UCU had balloted its members on industrial action; the outcome would be announced later that day. The proposed changes to USS would be the subject of a Topic of Concern at a Discussion on 28 October 2014, chaired by the Vice-Chancellor.

The following is a summary of the points raised in discussion:

- It would be important to consider pensions in the wider context of the total remuneration package and the employment terms for staff at every career stage and salary point. Any degradation to pension provision was likely to result in calls for salary increases and might also reopen discussions about the EJRA. There were potentially significant cost implications for the University if it were to put in place additional and compensatory remuneration measures in order that it could continue to recruit and retain staff of the highest quality in a competitive international market. These implications should be considered as part of the wider discussions about financial strategy in order that the potential calls on the University's funds for remuneration purposes could be balanced against other demands.
- Changes to UK tax legislation and to salary structures meant that, even without the currently proposed changes to the scheme, many of its members would get a less positive pension package than they had anticipated when they joined. Increasingly, it was expected that individuals would need to take more personal responsibility for their pension provision than had hitherto been the case.

- It was important to consider the financial risks for the University associated with its contingent liabilities in USS.
- It was suggested that it was unfortunate that the EPF had put forward proposals before the outcome of the fund valuation was known and that the Trustee was being over-prudent.
- USS had committed to a consultation on the mutuality structure of the Scheme and its rules of exclusivity once agreement had been reached on the recovery plan arising from the current valuation.

(b) Planning and Resources Committee

The Planning and Resources Committee had met on 15 October. The minutes would be circulated for the November meeting of the Council.

17. Audit Audit Committee

The minutes of the meeting held on 2 October were received. Mr Shakeshaft, as Chair of the Committee, reported. The internal auditors had given an interim opinion of 'reasonable assurance' on the University's control processes. The internal audit process had been revised and would have an increased focus on priority risk areas as aligned with the University's Key Risk Register and a greater emphasis on self-assessment by Schools, Faculties, and Departments. It was also intended that communications and engagement with Schools, Faculties, and Departments on internal audit matters and more generally would be enhanced. The Committee had confirmed that the University's liquidity procedure and prudent approach to treasury management was appropriate.

18. Human Remains Advisory Panel

The Council received a report and recommendations from the Human Remains Advisory Panel in respect of an item currently held in the Duckworth Collection.

Professor Feldman, as a member of the Panel, attended for this item and reported. The Human Remains Advisory Panel had been established under the University's *Procedure for handling claims for the transfer of stewardship of human remains* which the Council approved in 2008. The remit of the Panel was to give advice and make recommendations to the Council regarding claims for the transfer of stewardship of human remains held in the University's collections. The Panel had expended some time and effort developing principles and procedures to govern its consideration of claims. This was the first occasion on which the Panel had submitted formal recommendations to the Council. Further recommendations, in respect of rather more complex cases which were currently under consideration by the Panel, would be brought forward in due course. These related to a claim from the indigenous community of the Torres Strait Islands and potential claims from equivalent communities in Hawaii and Tasmania.

In this particular case, the University had received a request from a Nyoongar Elder of the Swan River in Western Australia for the return of remains in the Duckworth Collection which he believed to be those of his ancestor, Midgegooroo. The remains had been exhumed during excavations at the Deanery in Perth, Australia and had been sent to the University from the Archbishop of Perth's residence in 1923. The Panel, in considering the request for the return, had taken account of a number of considerations. First, there was the question of provenance: it was not possible definitively to establish whether or not the

remains were, in fact, those of Midgegooroo. The claimant had expressed objection to scientific analysis or DNA studies which might resolve this matter. Secondly, the export of the remains was apparently in contravention of a Proclamation on 20 May 1911 prohibiting the exportation of the remains of any Australian or Tasmanian individual without the approval of the Australian Minister for Trade and Customs. It therefore appeared to be the case that the remains had come into the University's possession unlawfully. Thirdly, while the remains were scientifically interesting, they were not of outstanding educational value nor did they add to the sum of existing knowledge about the evolution of human diversity. However, the Panel considered that the proper stewardship of the remains was important. It therefore recommended, as formally requested by the Australian Advisory Committee for Indigenous Repatriation, that the remains be transferred to the stewardship of that body and not to the original claimant.

The following is a summary of the points made in discussion and in response to questions:

- There was no evidence in any of the materials held either by the University or by the Australian government of an export licence for the remains. In any case, while the question as to whether an item had come into the University's possession illegally was one of the factors which the Panel would take into account, it was not the determinant factor. It would be balanced with the scientific importance of the item.
- The process of considering such claims was complex, multi-faceted and inevitably protracted. It was necessary for the Panel to engage with a number of constituencies including the representatives of the indigenous peoples, relevant government offices and the academic community. The matters under consideration were sensitive and potentially contentious. There was a need to reach a nuanced conclusion, taking into account all of the facts of the case and to determine whether there might be conditions attached to a decision in either direction. It was vital to consider claims on a case-by-case basis and not establish precedents.
- It was noted that it was possible that new or future technologies would enable scientific analysis and study which was not currently possible.
- There had been a recent ruling in respect of a claim for the return of remains held by the Natural History Museum. There was no ownership in law of human remains. Other items in the University's collection may well have been acquired entirely lawfully, either as gifts or by purchase. Most of the items of Australian origin which the Panel was currently considering had been acquired by the University prior to the 1911 Proclamation. The Panel was therefore taking into account considerations of morality as well as of strict legality.

The Council approved the Panel's recommendation that the human remains in question be transferred, without any conditions, to the stewardship of the Australian Government's Advisory Committee for Indigenous Repatriation. It also approved the recommendation that the Advisory Committee be asked to note the observation of Dr Lahr, who had provided a report to the Panel on the scientific, educational and historical value of the remains and that the remains are part of an Aboriginal Australian sample which will always be of great importance and is being rapidly depleted through reburial.

Action: Registry

19. North West Cambridge Project

The Pro-Vice-Chancellor (Institutional Affairs) reported. The project had won the 'Future Projects: Masterplanning' award at the World Architecture Festival in Singapore. There

continued to be good progress across all aspects of the development. There would be a groundbreaking ceremony for the Primary School on 14 November 2014 to which all members of the Council would be invited. The Finance Committee, at its meeting on 8 October 2014, had approved a budget of up to £4m to allow the North West Cambridge project team to secure the necessary support to produce plans for the scope and implementation of Phase 2 in the form of a Feasibility Report. It was likely that the rate of return would be marginally lower than that for Phase 1 but would still exceed 6%. It was noted, in any case, that the impetus and imperative for the project were not purely financial.

Vice-Chancellor
24 November 2014