

UNIVERSITY OF DUNDEE

UNIVERSITY COURT

A meeting of the University Court was held on 2 September 2011.

(Note: this business meeting formed part of the annual Court Retreat.)

Present: Mr EF Sanderson (in the Chair), Principal Professor CP Downes, Professor RJ Abboud, Emeritus Professor A Burchell, Mr D Cathcart, Mr J Elliot, Mr M Kendrick, Mr IA Kennedy, Dr LI McLellan, Dr H Marriage, Professor GJ Mires, Ms CA Potter, Dr AD Reeves, Mr KA Richmond, Dr AM Roger, Professor J Taylor, Mr IDM Wright

In Attendance: Rector Dr BD Cox, Vice-Principals Professor DA Cantrell and Professor CA Whatley, Professor D Coates, Professor MP Hector, University Secretary, Acting Director of Finance, Secretary to the College of Art, Science & Engineering, Directors of Information Services, Human Resources, Strategic Planning, External Relations, and Policy, Governance & Legal Affairs

Apologies: Mr R Burns, Dr J Lowe, Mr KAC Swinley

77. SENIOR APPOINTMENTS

The Principal reported on progress in the appointment of the Vice-Principal & Head of the College of Art, Science & Engineering, the Dean of Humanities and the Director of Finance.

He congratulated Professor Mark Hector on his appointment as Dean of the School of Dentistry, Dr Neale Laker on his appointment as Director of Policy, Governance & Legal Affairs, and announced that Professor David Coates (Dean of the School of Life Sciences Learning & Teaching) would be taking on the interim role of Deputy Principal (Learning & Teaching) with effect from 1 October 2011.

Finally the Principal announced that Professor Irene Leigh, Vice-Principal & Head of the College of Medicine, Dentistry & Nursing, would be stepping down from these roles at the end of 2011, although she would continue as Professor of Cellular and Molecular Medicine. The Principal would consult upon the matter with colleagues in the College and would, he hoped, be in a position to update Court on arrangements for the appointment of a successor at its meeting in October.

78. GOVERNANCE INSTRUMENTS

(1) Charter, Statutes & Ordinances

The Court decided: (i) to ratify the following decisions, taken at the Court meeting on 13 June 2011, subject to

approval by, and any further changes required by, the Privy Council:

- a) to amend the Charter (Minute 68(3) refers);
 - b) to amend the following Statutes (Minutes 68(3&4) refer):
 - A. Statute 1 – Definitions;
 - B. Statute 2 – Members of the University;
 - C. Statute 3 – The Chancellor;
 - D. Statute 4 – The Rector;
 - E. Statute 5 – The Principal;
 - F. Statute 6 – The Secretary;
 - G. Statute 8 – The Auditors;
 - H. Statute 16 – Staff of the University.
 - c) to repeal Statute 7 – the Librarian.
- (ii) to ratify the creation of the following Ordinances, approved at the Court meeting on 13 June 2011 (Minutes 68(3&4) refer):
- A. Ordinance 59 – Academic Freedom;
 - B. Ordinance 60 – Members of the University;
 - C. Ordinance 61 – The Appointments of the Chancellor, the Principal and the Secretary;
 - D. Ordinance 62 – The Election of the Rector.

(2) Statute 9 – The Court

- The Court decided:**
- (i) to approve amendments to Statute 9, subject to ratification at a subsequent meeting and subject to approval by, and any further changes required by, the Privy Council, such that:
 - (ii) sub-paragraph (5)(g), relating to the now obsolete practice by the Court of electing representatives to sit on the General Medical and Dental Councils, be deleted; and
 - (iii) paragraph (6), cross-referring to a paragraph in Statute 16 which will be deleted, be therefore itself also deleted.

79. TUITION FEES: REST OF UK

The Court received a presentation from the Acting Director of Finance, the University Secretary and Professor Coates, setting out the factors that would require to be considered by the University in determining the level of fees to be charged to students from the rest of the UK, in light of the Scottish Government's decision to introduce legislation permitting such fees to be charged to UK students not domiciled in Scotland. The Court discussed the matter in detail and indicated its general support for the ideas being developed by the Senior Management Team,

noting that the University intended to make a public announcement around the end of September.

The Court decided: to await further communications from the Senior Management Team in due course and ahead of any public announcement.

80. **REVIEW OF HIGHER EDUCATION GOVERNANCE**

The Court considered a draft response by the University to the call for evidence for the review, which was being chaired by the Principal of the Robert Gordon University, Professor Ferdinand von Prondzynski. Court members supported the general tenor of the draft response and provided a number of useful comments and suggestions for incorporation by the Director of Policy, Governance & Legal Affairs in the version for final submission.

81. **GIFTS & HOSPITALITY POLICY**

The Court decided: to approve the policy as presented (**Appendix 13**).

82. **CAR PARKING REGULATIONS**

The Court decided: to approve the regulations as presented (**Appendix 14**).

APPENDIX 13

GIFTS & HOSPITALITY POLICY (Minute 13)

Introduction

1. This policy sets out the University's expectations of its staff and members of Court on the giving and receiving of gifts and hospitality. The policy should be read in conjunction with the University's Anti-Bribery Policy Statement¹.
2. The acceptance of gifts and excessive hospitality can cause damage to the University's reputation and may lead to prosecution under the Bribery Act 2010. This policy seeks to protect staff from the suspicion of dishonesty as well as from the perception that their decision-making may have been influenced as a result of the acceptance or provision of gifts or hospitality. By doing so, the policy aims to ensure staff are free from any conflict of interest.

Definitions

3. Gifts are items or services given or received for which no payment has been made in return or where the item or service has been accepted or provided at a level clearly below an appropriate market value.
4. Hospitality can be defined as any food, drink, accommodation or entertainment which has been provided either without charge or at a heavily discounted rate.

Principles

5. All staff and members of the University Court must not accept, solicit or offer any personal benefit as an inducement or reward for taking specific action or for showing favour or disfavour to any other person. This includes the acceptance or solicitation of benefits on behalf of other related parties, such as partners, spouses, other family members or colleagues.
6. Moreover, staff must not accept gifts or hospitality or benefits of any kind if it might be perceived that their personal integrity or professionalism has been compromised, or that their decisions may have been influenced, or if they or the University might be seen to be placed under an obligation.
7. These principles notwithstanding, the University accepts that there may be circumstances where the unsolicited acceptance of gifts or hospitality will be appropriate, or indeed where declining such gifts or hospitality may cause offence that is detrimental to the University's interests.
8. The University expects its staff and also the members of the University Court to exercise the utmost care when giving and accepting gifts and hospitality when on University business. In particular, care should be taken when accepting a gift or hospitality from a person who, or organisation which, has or hopes to have a contract with the University. Additionally, staff should take especial care when giving and accepting gifts or hospitality from a person who, or an organisation which, might be perceived to be seeking to gain academic advantage or influence. This will include, but is not limited to, such circumstances as acceptance onto a programme of study, assessing a student's work, or the interpretation or provision of favourable research results.
9. If, having previously accepted a gift or hospitality, a member of staff finds him or herself in a position where a decision might be construed as having been influenced by the acceptance of that gift or hospitality, the resulting conflict of interest should be declared to the Dean, Director or Head of College as soon as possible.
10. The guiding principle is that the gift or hospitality should be proportionate and appropriate to the circumstances in which it is offered or received. Staff should at all times avoid the risk of accepting or providing gifts or hospitality which might be perceived as immoderate, excessive or extravagant, whether by members of the University or the public.

¹ http://www.somis.dundee.ac.uk/court/policy/Anti-bribery_policy_statement.pdf, approved by the University Court, April 2011.

Guidance

General

11. Before accepting unsolicited gifts, hospitality or other benefits and irrespective of the guidance given below, staff have a personal responsibility to consider in every case whether acceptance might put them in breach of the principles outlined above. Where this is, or may be perceived to be the case, staff should politely decline.

Receiving Gifts

12. Staff may accept gifts of low intrinsic value (generally taken to be below £30), such as tokens of gratitude; promotional and corporate gifts bearing the institutional or organisational logo or name of the giver; or books (including e-books) from publishers to academic staff where the books are relevant to the academic and/or professional interests of the staff concerned.
13. Gifts of greater than low intrinsic value should on the whole be declined or returned. All such gifts, whether declined or accepted, must be reported to the Dean, Director or Head of College, as appropriate, to be entered into a Register of Gifts & Hospitality (see below). Heads of College must report such gifts to the Principal, the Directors of Support Services to the University Secretary, and the Secretary, Principal and lay members of the University Court to the University Solicitor or Director of Policy, Governance & Legal Affairs (see Appendix 1 for detailed reporting structure).
14. Advice on whether a gift of greater than low intrinsic value can be accepted should be sought in the first instance from the relevant Dean, Director or Head of College, and thereafter from the University Solicitor or the Director of Policy, Governance & Legal Affairs.
15. Gifts of greater than low intrinsic value that are nevertheless accepted should normally be regarded as the property of the University and used or retained accordingly. It should be normal practice for such items, as well as any low value gifts of particular prominence, to be included within the University's museum collection, and contact should be made with the Curator of Museum Services to discuss whether this is appropriate. Such gifts should nevertheless be included on the Register of Gifts & Hospitality and note made of the action taken.
16. Personal gifts of money (or monetary instruments) should never be accepted regardless of amount. Gifts of money to the University should be received only if they are clearly charitable donations, co-ordinated through the Principal, the Director of Finance or the Director of External Relations.

Receiving Hospitality

17. Modest hospitality, provided it is reasonable in the circumstances, such as lunches or other meals in the course of working visits, is generally acceptable provided its acceptance is consistent with the principles set out above. Such hospitality should normally be similar to the scale of hospitality that the University would be likely to offer in similar circumstances.
18. Staff attendance at sporting, cultural or similar events at the invitation of suppliers, potential suppliers or consultants is not generally acceptable to the University. Similarly, the acceptance of invitations by suppliers, potential suppliers or consultants to participate in social, sporting and similar activities (for example golf days or activity days) is not generally acceptable to the University.
19. Regardless of whether it is accepted or declined, hospitality which falls outwith what is generally acceptable must be declared in the same way as for gifts as set out above and likewise entered into a Register of Gifts & Hospitality. In the same way, advice in cases of doubt should be sought from the relevant Dean, Director or Head of College and thereafter from the University Solicitor or Director of Policy, Governance & Legal Affairs.

Providing Gifts or Hospitality

20. Business gifts, including hospitality, may on occasion be provided by the University. This would normally be acceptable in circumstances where external or international visits take place and gifts are exchanged as a means of cementing goodwill, or as tokens of gratitude.
21. In this regard, gifts should normally be of a type and value which fall within the guidance set out above for the acceptance of gifts, and especially in accordance with the description given at paragraph 11.

22. Hospitality provided to external visitors should likewise fall within the description set out above for the receipt of hospitality, and in particular in accordance with paragraph 16.
23. Where gifts or hospitality are offered that fall outside the definitions and scope of the above principles and guidance, these must be entered into a Register of Gifts & Hospitality.

Register of Gifts & Hospitality

24. In the interests of transparency, Heads of College, Deans and Directors must ensure that local Registers of Gifts & Hospitality are kept within their areas of responsibility.
25. Each Register should record the following:
- Description and Nature of gift or hospitality;
 - Whether the gift or hospitality was received or provided by a member of the University;
 - Value or estimated value;
 - Name of individual/company providing the gift or hospitality;
 - Whether the gift was accepted or declined;
 - Date of receipt;
 - Name of individual/company who received the gift, and if a University employee, whether personally or on behalf of the University;
 - The circumstances within which the gift or hospitality was offered.
26. In the case of members of the University Court, gifts and hospitality should be recorded in the Register held by the Director of Policy, Governance & Legal Affairs.
27. Each local register shall be reported annually, or on request, to the Director of Policy, Governance & Legal Affairs for onward reporting to the University Audit Committee, as appropriate.
28. Failure to declare gifts or hospitality or failure to include them timeously on the Register of Gifts & Hospitality may constitute misconduct, particularly where acceptance or provision of such gifts or hospitality calls into question the integrity of the individual receiving or offering such gifts or hospitality or where as a result the University is brought into disrepute.

Annex

Recipient/Provider	Who to report to	Which Register
Staff within Schools	Dean	School level
Staff within Directorates	Director of Service	Directorate level
Deans	Head of College	College level
College Office staff	Head of College	College level
Directors of Support Services	University Secretary	Policy, Governance & Legal Affairs
Heads of College	Principal	Policy, Governance & Legal Affairs
Secretary	University Solicitor or Director of Policy, Governance & Legal Affairs	Policy, Governance & Legal Affairs
Principal	University Solicitor or Director of Policy, Governance & Legal Affairs	Policy, Governance & Legal Affairs
Lay Members of Court	University Solicitor or Director of Policy, Governance & Legal Affairs	Policy, Governance & Legal Affairs

Staff with dual reporting lines (for instance devolved professional staff in the Colleges) should ensure that gifts or hospitality are reported to both line managers.

APPENDIX 14

CAR PARKING REGULATIONS (Minute 82)

COMMENCEMENT AND CITATION

These Regulations may be cited as University of Dundee Car Parking Regulations 2011 and shall come into operation on the First day of October Two Thousand and Eleven.

INTERPRETATION

The following expressions in the Regulations shall have the meanings shown.

“Campus” means the University City Centre Campus and associated grounds in Dundee owned or leased by the University of Dundee, but specifically excluding Ninewells Campus.

“Charge” means any sum payable by any person leaving a motor vehicle on Campus during Charging hours

“Charging Hours” means the hours between 8am and 5.30pm, Monday to Sunday inclusive

“Period” means the Period or length of time for which the appropriate initial Charge has been paid and during which a person is accordingly permitted to leave a motor vehicle on Campus

“Permit” means a valid parking Permit issued in terms of Para 3 (ii) of the Regulations.

“Relevant position” means immediately behind and on the nearside of the windscreen of a motor vehicle with the obverse side of the Permit facing forwards.

CAR PARKING REGULATIONS

1.
 - (i) The University of Dundee Car Parking Regulations shall remain in force at all times.
 - (ii) No person shall park a motor vehicle on the Campus between the hours of 8 am and 5.30 pm Monday to Friday, without a permit referred to in Regulation 3 (ii).
 - (iii) Permit holders are permitted to park a motor vehicle on Campus on Saturday and Sunday without payment of a Charge.
 - (iv) Notwithstanding the generality of Section 1 (ii) above and subject to the University Car Parking Regulations non Permit holders are permitted to park a motor vehicle on Campus on Saturday and Sunday on payment of the appropriate Charge
 - (v) Motor Vehicles unlicensed in terms of the Vehicles (Excise) Act or derelict motor vehicles are not permitted to be parked on the Campus. The University reserves the right to treat such motor vehicles as abandoned and may take steps for their removal at the owner’s expense.
 - (vi) No one is permitted under any circumstances to camp overnight on Campus.
2.
 - (i) Permits are issued annually at the Charge shown in the Schedule to these Regulations (the Schedule).
 - (ii) Charges will be subject to annual or periodic revision.
 - (iii) A quota of Permits is allocated annually and may vary according to parking availability.
 - (iv) Permit holders may park in any designated parking space of the University car parks within the Campus excluding those spaces designated for “disabled drivers” or (v) below.
 - (v) Parking in Park Place south of the ramp between the Information & Communication Services and the Scrymgeour Buildings will be reserved for special categories (disabled, visitors).

3.
 - (i) Lay members of Court and other persons, not staff of the University, who voluntarily provide a significant service to the University may apply for a permit free of Charge.
 - (ii) Permits are issued in the following categories:
 - (a) Annual Permit
 - (b) Pay as you Go Permit
 - (c) Visitors' Permits
 - (d) Weekend Permits
 - (iii) Permits will be issued without Charge for University-owned motor vehicles on application by the Head of Department/Unit concerned.
 - (iv) Persons attending conferences and other functions may be issued with visitors' Permits free of Charge but the issue of such a Permit will not guarantee a parking space.
4. Permits must be displayed in the Relevant position and the University accepts no responsibility if a notice is affixed to motor vehicle bearing a Permit displayed elsewhere on the car.
5.
 - (i) In respect of a motor vehicle for which a Pay as you Go Permit is in force an initial Charge will be payable in respect of such a motor vehicle parked on the Campus during Charging Hours except on Saturday and Sunday.
 - (ii) The Charge for such a motor vehicle parked on the Campus shall be the sum specified for the appropriate initial Period specified in the Schedule.
 - (iii) The Charge shall be paid by telephoning a dedicated telephone number or online and giving information in respect of the intended duration of the period of parking
 - (iv) Any person who has paid a Charge shall be entitled, before the expiry of the Period in respect of which the Charge was paid, to pay one or more additional Charges in respect of additional Periods.
 - (v) The Period for which such a motor vehicle may be parked on the Campus shall be any one of the Periods specified in Part I of the Schedule.
6. The parking year will be from 1 October to 30 September.
7.
 - (i) Permits may be applied for by staff and students at the Tower Reception.
 - (ii) A Permit must be surrendered when the holder's appointment in the University expires or when the student is no longer matriculated.
 - (iii) Acceptance of a Permit is deemed to include the Permit holder's agreement to observe all University of Dundee parking regulations.
8. The issue of a Permit does not convey any right to a parking space, and the University has no liability for any lack of available parking spaces.
9. Staff not based on the City Campus may obtain visitor permits from main Tower Reception for each visit to the Campus, free of Charge. Clinical staff who wish to make more regular use of the car parks in the University than demanded by their duties may apply for a Permit for which payment will be required.
10. In the event of a change of motor vehicle within the parking year, changes must be notified to the Car Parking Administrator. A permit bearing a registration number other than that of the motor vehicle on which it is displayed will be invalid. Each Permit may record a maximum of two registration numbers.
11. All drivers are required to observe traffic and parking signs within the Campus and to comply with the directions of the University Traffic Wardens.
12. On-street parking restrictions are shown by double yellow lines and associated parking signs. The lengths of roadways affected by these restrictions are shown in the Schedule.

13. Any person who
- (i) parks a motor vehicle in a University car park between the hours of 8 am and 5.30 pm and fails to display a valid Permit
 - (ii) parks a motor vehicle displaying a Pay as you Go Permit on the Campus during Charging Hours and fails to pay the appropriate charge.
 - (iii) parks a motor vehicle displaying a Pay as you Go Permit on the Campus during Charging hours and exceeds by up to two hours the Period for which payment was made
 - (iv) parks a motor vehicle displaying a Pay as you Go Permit on the Campus during Charging Hours and exceeds by more than two hours the Period for which payment was made
 - (v) parks a motor vehicle in an unauthorised area
 - (vi) parks a motor vehicle in contravention of parking restrictions
 - (vii) parks a motor vehicle so as to cause obstruction or inconvenience
 - (viii) parks a motor motor vehicle in a Disabled Parking Bay without displaying a valid disabled person's badge
 - (ix) parks a motor vehicle in University car parks outwith marked parking bays
 - (x) parks a motor vehicle on a footpavement
 - (xi) fails to comply with a traffic sign
 - (xii) parks a motor vehicle on any of the lengths of roadways shown in the Schedule
 - (xiii) parks a motor vehicle on a Saturday or Sunday during Charging Hours without displaying a valid University Permit and fails to pay the appropriate charge.
 - (xiv) parks a motor vehicle on a Saturday or Sunday during Charging Hours without displaying a valid University Permit and exceeds by up to two hours the Period for which payment was made
 - (xv) parks a motor vehicle on a Saturday or Sunday during Charging Hours without displaying a valid University Permit and exceeds by more than two hours two hours the Period for which payment was made infringes these Regulations.
14. (i) Persons who park motor vehicles on the Campus without a parking Permit or otherwise infringe these Regulations will, subject to Regulation 14 (ii) be subject to a Charge of £30.00 on each occasion of offence. Unpaid Charges will be pursued by internal measures, by recourse to third party collection agencies and/or by recourse to the Courts. Pursuit of monies owed to the University may include any person's personal information being passed to third party collection agencies or to the Courts for this purpose.
- (ii) Persons who infringe Regulation 13 (iii) and Regulation 13 (xiv) will be subject to a Charge of £15.00 on each occasion of offence.
- (iii) Persons who infringe Regulation 13 (iv) will be subject to a Charge of £30.00 on each occasion of offence.
15. In cases of persistent failure to comply with the Regulations or with the directions of the Traffic Wardens the University Court may declare a Permit invalid for a Period or withdraw it altogether.
16. The University will only be liable for loss of or damage to motor vehicle or its contents while parked on University ground if the loss or damage has been caused by the negligence of the University and the motor vehicle is displaying a valid Permit. The liability of the University in such circumstances shall not exceed the market value of the motor vehicle in the case of its total loss or £500.00 (Five Hundred Pounds) in the case of any other loss.

17. The driver of a motor vehicle shall be deemed to be responsible for any offences committed in respect of that motor vehicle.

EXPLANATORY NOTE

This note is not part of the Regulations. These Regulations, which may be cited as the University of Dundee Parking Regulations, 2011, make the Regulations enforceable 24 hours a day but the core Charging Period remains 8 am to 5.30 p.m. The Regulations make it lawful for members of the public to park on the Campus on Saturdays and Sundays without displaying a parking Permit but they will require to pay the appropriate charge.