

Draft Subject to Approval by the University Court at the meeting of 9 June 2023**UNIVERSITY COURT OF ST ANDREWS****MINUTE OF A SPECIAL MEETING OF THE COURT OF THE UNIVERSITY OF ST ANDREWS ON 24 MAY 2023 VIA TEAMS**

Present: Professor Stuart Monro, *Acting Senior Lay Member* (presiding); Professor Dame Sally Mapstone, *Principal*; Professor Brad MacKay, *Deputy Principal*; Adrian Greer, *Deputy Chair of Court and Chancellor's Assessor*; Stella Maris, *Rector's Assessor*; Iain Anderson, Jonathan Hewitt, *General Council Assessors*; Cllr Robin Lawson, *Provost of Fife's Assessor*; Professor Sharon Ashbrook, Dr Stephen Tyre *Senate Assessors*; Dr Lorna Dargan, *Non-Academic Staff Assessor*; Alex Duncan, Dr Malcolm Petrie, *Trade Union Nominees*; Juan Rodriguez, *President of the Students' Association*; AK Schott, *Director of Education Students' Association*; Tim Allan, Alison Johns, Ros King, Frank MacInnis, Professor Ewan McKendrick, Professor Anu Ojha, Jenny Stewart, *Non-executive Members of Court*.

In regular attendance: Derek Watson, *Quaestor and Factor*; Alastair Merrill, *Vice-Principal Governance*; Professor Tom Brown, *Vice-Principal (Research, Collections, and Innovation)*; Professor Monique MacKenzie, *Vice-Principal (Digital Education, Research, and Environment)*; Dr Rebekah Widdowfield, *Vice-Principal (People and Diversity)*; Ester Ruskuc, *Vice-Principal (Strategy, Policy, and Planning)*; Niall Scott, *Vice-Principal (Communications)*, Professor Ineke De Moortel, *Master of the United College*.

In attendance: Professor Frank Müller, *AVP Dean of Learning and Teaching and Provost*

Apologies: Dr Leyla Hussein, *Rector*, Dr Morven Shearer, *Senate Assessor*, Eve McCurrich, *Non-executive member*, (Ms McCurrich had indicated that Tim Allan would represent her views at the meeting).

PRELIMINARIES

The Acting Senior Lay Member formally opened the meeting. This was a Special Meeting of Court called under the provisions of the Court Operating Procedures, which allow for such meetings where urgent business needs to be discussed between normal Court meetings.

Members were thanked for making arrangements to participate at such short notice to consider an issue on fundamental importance to the University.

DECLARATION OF INTEREST

Professor Stuart Monro and Professor Ewan McKendrick declared former membership of UCU.

Both the Rector's Assessor and President of the Students' Association are students due to graduate in the June cohort.

PAPER COURT/22/65 – GRADUATION AND CLASSIFICATION ARRANGEMENTS

Court received the paper (on file, COURT/22/65)

Context

The Acting Senior Lay Member explained the purpose of this meeting was to discuss arrangements the University had developed in response to the marking and assessment boycott (MAB) to enable as many students as possible to graduate with classified degrees this June.

These arrangements had been circulated to Senate, which voted by a narrow margin (26 to 24, with five members not voting) to endorse them.

Senate was due to meet tomorrow (Wednesday 24 May) and there would be extensive discussion of the detail then. But timetable to graduation did not allow for any slippage, and students were due to receive their module results on Thursday 25 May 2023.

Therefore, after discussion with Principal, Deputy Chair of Court and Court Intermediary over the weekend, it was felt that it was important for Court, to consider the proposed arrangements and decide whether or not to approve them.

The issue

The Principal thanked members for attending the Special Court meeting at such short notice and introduced the paper.

The Principal explained the context of the MAB and the importance of graduating our students fairly, and to our normal timetable after years of disruption. A large number of schools were not substantially affected by the MAB, and many students will have all of their assessments marked and reported as normal. But without arrangements for an interim classification, a small but significant number of students risk not being able to graduate or having to accept an ordinary degree. The proposals had been developed within the context of existing regulations and were communicated to staff and students in mid-April. But in the light of questions raised two weeks previously by elected members of Senate, particularly in relation to quality assurance, no detriment, and alignment with University policies, Senate had been invited to endorse the arrangements and would have the opportunity to discuss them fully at its meeting on Wednesday.

The Principal's statement.

The matter in question is a very serious one for the University and we believe it falls under Court's specific constitutional responsibility 'to take the final decisions on specific matters of fundamental concern to the institution'. That is why we are seeking the approval of Court in relation to the University's arrangements for assessment and classification in the context of a marking and assessment boycott by members of the UCU

So the current situation is, as colleagues will know, that a national MAB is operating for UCU members. You need to keep firmly in mind that this was only confirmed just over a month ago on 18 April, and this has contributed substantially to the constrained timetable under which we are operating. Scottish universities are at the forefront of the immediate impact because of the early start date of our examination diet. We are now at the stage of examination boards meeting and final module results are being issued to students on Thursday of this week. The timetable for this thereafter, with Registry working flat out, then moves on to the release of classification outcomes from 31 May. And shortly afterwards this takes us into graduation week from 12 June. There is no slack in this system. Our students will also as you all know be coming from all over the world, with their families, to receive and celebrate their degrees.

We have two fundamental priorities.

Our first is fairly to graduate our students to our normal timetable. They deserve this; they have had two tough years with the pandemic, and we cannot and will not put them at further disadvantage. Denying students the ability to graduate is much more than denying them the right to celebrate with their friends and families. For those affected, the impact of the MAB unless mitigated would jeopardise their immediate plans for employment, or further study. Were the University to fail to act, the MAB would cause actual, lasting harm.

Our second, equally important, priority is to uphold the quality and standards for which the University is rightly revered.

From the start we have taken the approach that we would seek to graduate all our students, but that we might need to do so in some cases with an interim classification, and that we would also adopt a no detriment approach as outlined in the paper circulated. It is worth being clear that all students have their marks already up to this term, so what remains is their final term's assessment. In all instances where full marking cannot be undertaken we are ensuring that the piece of work in question is credit worthy but does not receive a finalised grade until that can be delivered when

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the MAB is over. This arrangement allows us to graduate students with a classified degree.

A communication on this went out to students in mid April, after extended discussion with DoTs; and it was also shared with Heads of Schools. I would like to add here that the Proctor is the Vice Chair of the UK standing committee on quality assessment; that Prof Muller is an expert in this area; and that it is also one in which I have long experience. Professor Peddie and Professor Muller are here today to speak on our arrangements in whatever detail you may require.

It is important to emphasise to you that in a large number of our Schools the arrangements that we have put in place will not be needed, because all of those students' marks will have been delivered and processed in the normal way. As the Proctor will convey to you, in a small number of Schools we do need to utilise our interim arrangements.

The origins of the paper that was circulated to Senate last week and is included in your materials are that some of our direct electees to Senate belatedly raised with VP Gov ahead of Senate this week some concerns about quality assurance in classification under this system, concerns about no detriment, and concerns about whether Senate would have the opportunity to discuss the matter. While we understand these concerns and have persistently engaged with them, and will continue to do so, we do not believe that any of them are of substance in relation to the processes we are operating. We also believe that many of the assertions that you will have seen in communications from UCU members in relation to these processes are uninformed and inaccurate and deliberately alarmist.

In fairness and for interests of transparency, but also with an eye to the tight stage of the timetable we have now reached, PO decided last week that we should give Senate the opportunity to endorse (not approve) our current proposals ahead of the meeting of Senate itself, as we were very conscious of the tight timeline under which we are operating. That vote was undertaken electronically, and the outcome was in favour of endorsement, though by a narrow margin of 26 votes to 24. For that reason, given the importance of this issue, and the tightness of our timetable, we are asking Court, as the University's supreme governing body, to approve the arrangements that have been put in place to enable a small but significant number of students to graduate who would not otherwise be able to do so.

As the Proctor will make clear to you, the interim arrangements we are putting in place are actually significantly less generous than those which we were obliged to put in place for classification during Covid. They are, as I believe you would expect from us, carefully and professionally thought out and proportionate. They are predicated on fairness to our students and again on maintaining the standards of quality you would expect from this University. Refusing to mark graduating students' work and denying them the degree for which they have done all that was required of them is not an acceptable approach to the Principal's Office or, we believe, the majority of our staff. Offering a fair system to receive their degrees on time, reflects the University's commitment to our students' wellbeing and our respect for them.

I am sure that our conversation today will get into areas of trust - rightly given that we have to consider the possibility that today's paper has been deliberately leaked out with the meeting by one of our trustees. But the issues are obviously broader than that. I will always try to meet people at least halfway on any issue, and once we have our graduation arrangements secured, we will focus on the context of rebuilding damaged relationships. But trust also does work both ways. The tactics of intimidation which have been reported to us in the context of the MAB are unacceptable and need to be so identified.

The Principal's Office is united in our support for the measures we are adopting and in our request for your approval for them, and we ask you to take on board fully the significance of this request from me as Principal and my senior team and to approve the arrangements we have put in place to enable our students to graduate.

Following the Principal's remarks, the Proctor was invited to comment on the Quality Assurance aspects of the arrangements

The Proctor's statement

In my role as Deputy Chair of the UK Standing Committee for Quality Assessment a committee which provides sector-led oversight of higher education quality assessment arrangements, as a Senior Academic Reviewer for the QAA and the VP Education for the best University in the UK, I view the protection of the quality assurance of our degrees is paramount.

The Scottish Bachelors degree with Honours under the Scottish Credit and Qualifications Framework is allocated when a student achieves at least 480 credits of which a minimum of 90 are at Level 9 (3000, third year, JH level) and a minimum of 90 are at SCQF Level 10 (4000, fourth year, SH level). Our Senate regulations mirror this requirement. Meeting this credit requirement brings a student to a position of being

able to graduate with an Honours degree. Similar credit requirements exist for our Taught Masters and Integrated Masters degrees.

Classification of our degrees is defined in University of St Andrews policy and based upon the grade point average of modules completed. For Honours degrees this is normally modules completed in third and fourth year.

For the majority of students and in the majority of Schools, the reporting of grades for which the deadline reported has proceeded as normal and a significant majority will have a full complement of grades and credit such that the Honours degree can be awarded, and the final classification applied to that degree.

For some students, the reporting of grades is not concluded due to the MAB, however we have procedures to ensure that students who have completed and submitted credit-worthy assignments are awarded credit for their modules, but a grade will not be finalised until the MAB action is over.

In these cases, the Hons degree can be awarded because the credit has been verified but an interim classification will be calculated based upon the grades that have already been reported during third year and Semester 1 of this final year.

The final classification will be confirmed on a no detriment basis once the final grades are reported.

We have confidence in applying a no detriment policy in this situation as it is extremely rare (current estimations > 2%) for a student to obtain a lower final classification than the interim classification due to the normal improvement of grades in the final semester of a degree. The consequences of this no detriment promise is significantly and fundamentally different to the measures we put in place during COVID which supported a good (2.1 or 1st) significant circa 20%-degree uplift for our students.

When marking of the assessments affected by MAB is complete, the final grades will undergo all of our normal QA including oversight of by our external examiners.

These measures were communicated to all staff and students in early April and the AVP Dean of Learning and Teaching has had many communications with Heads of Schools and Directors of Teaching on the operational requirements of the MAB mitigations in place. And the arrangements were also communicated to all of our External Examiners in a letter from myself on the 5th May; the Directors of Teaching were copied in.

The consequences for students of not putting these measures in place would have been that most of our students would graduate as normal with a classified honours degree but that some students would have a highly inequitable and unfair experience and would have to either cross the stage for a General degree or a Diploma of Higher Education at graduation which would then have to be subsequently rescinded with the correct Honours degree awarded later or alternatively not graduate at all until the marking is complete possibly in December. The consequences of not graduating will also have a detrimental consequence for our international students who will lose their right to a post study work visa.

It is clear that some students will still be affected by the lack of a final classification for entry to Masters programmes or employment opportunities, however we will be providing them with letters to explain the situation and supporting these students in every way possible until their final classification is announced. But for many of these students, the degree award and the interim classification with the no detriment guarantee will enable them to progress with their next steps in life.

I want to reassure Court that I am confident that the processes we have introduced assure me that:

- 1. We are awarding Honours degrees only to students who have verifiably met the credit requirements defined in our regulations.*
- 2. The final degree award will be supported by a complete set of grades on a final transcript that has been graded by the marker, gone through our QA processes and is open to scrutiny by our external examiners, whether before graduation in the case of fully reported modules or when the marking is finally complete in the case of MAB affected modules. We have not changed the assessments or assignments associated with any modules because of the MAB.*
- 3. Our normal support mechanisms for students with extenuating circumstances remain in place. But aside from our normal mitigation policy, we are not condoning or discounting credit or changing in any way our mechanism for calculating the final classification.*
- 4. Each student will, in the end, receive grades on a transcript and a classification which accurately portrays their academic achievements, and our standards will not have been compromised by the marking and assessment boycott.*

The Vice-Principal (Governance) was then invited to comment on Court's role and authority and why Court is being asked to approve the proposals.

The Vice-Principal (Governance) explained that Court was established by statute as the University's supreme governing body. The Statement of Primary Responsibilities gives it the authority "to take the final decisions on specific matters of fundamental concern to the institution".

Endorsement meant the confirmation of a decision within the Executive's gift; and

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since these arrangements were developed to be consistent with existing regulations. Senate's endorsement was invited as a courtesy, and in a spirit of transparency, given the request from elected members earlier this month to be able to express their views.

Court was empowered by statute to review decisions of Senate. Although Senate voted to endorse the University's proposed arrangements for graduation, the narrowness of the margin made it appropriate for Court to review the Senate endorsement, and to be invited to give its approval to the proposals.

Discussion

The Chair then invited comments and questions from the floor.

Involvement of Court

A member expressed concern that Court was effectively being asked to pre-empt a discussion to be had by Senate the following day. Although the University considered the approach being taken to be perfectly fair and reasonable approach, the member considered the issue as extremely divisive (evidenced by a number of emails which they and other Court members had recently received expressing concerns). Additionally, the approach being proposed differed from the stance taken by Cambridge University where its equivalent of Senate had voted not to permit interim classifications to be awarded.

Although the impression was being given that not a lot of students would be affected, the member asked if any information was available as to how many.

The Vice-Principal (Governance) confirmed the constitutional position and reiterated the distinction between Senate being asked to endorse the arrangements rather than approve them. The University was not setting out radically new arrangements, rather setting out how it intended to use existing practices to deliver classifications.

In relation to numbers, the AVP Dean of Learning and Teaching explained it was expected that the majority of students would be unaffected, but that until module results had been uploaded at the end of the week it would be impossible to state with any accuracy how many students would be affected and to what extent.

Consultation and advice

Referencing the email messages that a number of Court members had received recently from academic staff, a member commented that there was an implication that the University had not adequately or properly consulted over these arrangements. The Paper noted that the arrangements had been developed in consultation with the Directors of Teaching, the Academic Registrar and the Chief Legal Officer, and endorsed by Senate. What were the consultation requirements in this scenario?

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The Vice-Principal (Governance) confirmed that, as the arrangements had been developed within the bounds of existing policies, there was not technically a requirement for approval by Senate. The arrangements had been extensively reviewed with the Chief Legal Officer, who had provided his legal opinion.

One member questioned whether the arrangements had genuinely been developed in consultation. There had been consultation with DoTs, but Senate had not been given the opportunity to discuss the arrangements before being asked to endorse them. The negative perception that Court was being asked to approve something not yet discussed by Senate, and to make a decision on matters of academic policy, pre-empting Senate was worrying. What was the need for Court to make the decision at this point, when it could wait until after Senate discussion?

In response, it was confirmed that the compressed timetable and the need for swift action due to this, drove the need for a decision by Court. The Vice-Principal (Governance) reminded the member that concerns about the arrangements and the desire for discussion at Senate had only been raised in the previous fortnight. With module results due to be published the day after the Senate meeting, and no room for slippage in the timetable thereafter to graduation, there had been no option but to call the Special Meeting of Court before that of Senate.

Another member commented that they were comfortable with the policy, and the no detriment approach had been well thought through and was in the interests of students. But they were concerned about communication and perception amongst staff; in many cases this was genuine misunderstanding rather than deliberate misrepresentation, but had had an unintentional negative impact on staff morale, and had damaged the perception of some academic staff of University leadership.

Quality Assurance

Another member believed that concerns as to quality had been raised by external examiners, and by staff concerned both about quality assurance and the no detriment policy (see below).

Although the perception that there had been a diminution of quality might only be held by a small number of people, any perception of this nature was damaging. Court should consider the impact of the external perception and appreciate that there would have to be good communication to negate the effect of this perception. Comparisons might also (wrongly) be drawn with institutions in England which have a three-year accelerated degree.

Accreditation

A member highlighted that caution should be taken in the use of language referring to accreditation: although accreditation had remained in the circumstances, a number of external bodies did not “approve” of the arrangements.

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No Detriment

Dealing with questions about the no detriment guarantee, the AVP Dean of Learning and Teaching explained that the no detriment policy was not new. It was a tool routinely used, and therefore perfectly appropriate for use in these circumstances.

Concerns as to the application of no detriment, in the specific context, centred around the numbers involved, and stemmed in part from a misunderstanding of what was being proposed. The work done by Professor MacKenzie had provided assurance that the number who might find they had benefited from the no detriment commitment was likely to be very small and probably in single figures. The no detriment policy was well thought through and in the interests of students.

Other than as detailed above, and noting all of the comments made and views expressed, other key points made during the course of the discussion related to

- the duty of care owed by the University to its students, generally and specifically to this cohort who had endured so much disruption in their time at the University, and who had done nothing to deserve this;
- the need to balance all risks, including reputational risks and the risk of grade inflation as result of the no detriment guarantee, and
- the need to take mitigating measures.

In essence what was before the Court was a decision as to what to do about the current cohort of students due to graduate in June. The arrangements provided a fair way in which this cohort of students could cross the stage with classified degrees.

The role of Court in this situation was to weigh 2 sets of opposing risks in the balance, both required a consideration of fairness and of the reputation of the University, but there was a duty of care to consider the impact of the MAB on those students affected. Although the numbers who might otherwise not be able to graduate with other than a general degree may be small, the effects were potentially devastating for those involved - including their ability to take up offers of employment offers or future study, and their mental health

In assessing the proposals Court had to weigh risks, the biggest of which appeared to be the risk of grade inflation as a result of the no detriment policy. Court, was being advised that this was a minimal risk, based on rigorous statistical analysis of the previous five years' graduating cohorts.

If the University wished to enable this cohort of students to graduate with classified degrees in June, then the question became how - the arrangements proposed seemed reasonable and proportionate and, although they could not eradicate risk, they did seek to reduce it. The risk posed by the no detriment guarantee had to be put in the balance set against the risk of not graduating a cohort of students with classified degrees.

Several members commented on the emails sent *en masse* directly to Court members. These had initially appeared to present genuine points of challenge, but were emotive

and appeared to be inspired by the wider considerations of the industrial dispute. The commentary that the Vice-Principal (Governance) had circulated to Court on the letter received from the UCU Branch Executive had provided a rigorous and powerful refutation of these points, and when the actual arrangements proposed were considered, the information available to Court evidenced that the University had gone through a rigorous process to devise arrangements which would maintain the quality standard but not preclude students from graduating, due to circumstances that were no fault of their own. This showed a high duty of care to this particular cohort of students.

The personal impact on the specific cohort of students was powerfully described by the Rectors' Assessor and affirmed by the President of the Students' Association.

The Director of Education of the Students' Association asked Court to consider the issue in the wider context of the pay dispute generally, and to note that the Students' Association and the SRC had consistently expressed support for the action, and for staff members taking it.

Court noted the comments made and the concerns relayed around communication and division. The importance of effective communication around this issue was emphasised, with the suggestion that this would have to be picked up by the PO.

It was also noted that approval by Court for these arrangements should not be taken as any indication that the University was not interested in seeing a resolution of the pay dispute.

Principal Concluding remarks

The Principal thanked colleagues for their comments including those relating to communication and engagement.

The Institution was requesting its governing body to reflect and to help take the decision about what to do in the unusual situation created by the MAB. The tightness of the timetable (created by the deliberately late announcement of the MAB) combined with the early graduating cycle meant that the time to discuss proposals had been limited. There was no slack in the timetable. If all the necessary arrangements for graduation were to be put in place, work had to continue to implement the proposed arrangements, there could be no delay. Court was therefore being asked for a decision today.

The Principal noted the comments about the creation of division but by way of perspective, reminded Court that out of a staff complement of 2000, only just over 100 were part of the MAB. The majority of staff were simply getting on with business as usual.

Noting the other comments made, the Principal confirmed that work would be undertaken to build bridges, and to communicate effectively to build a better understanding of the issues, and to dispel concerns about quality assurance.

Vote

At the end of the lengthy discussion, where all members of Court had been given an opportunity to express their views a formal vote was taken.

Court voted by a show of hands to approve the arrangements endorsed by Senate, and as set out in the paper Court/22/65.

22 votes were cast:

19 – Approve

3 - Not Approve

2 members present at the meeting abstained from voting.

Margaret Sinclair

Executive Office to the University Court and Senate,

Clerk to Court.

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