

**CONFIRMED MINUTES OF THE MEETING HELD ON TUESDAY 2 FEBRUARY 2020**

**PRESENT:** via Zoom

Lord Kerslake (Chair)	Prof C Kinsella
Ms J Allen	Mr N MacDonald
Mr A Adegbola	Dr J Morrissy: items 1 to 7.2
Prof J Bale	Ms M Munn
Mr D Bye	Prof J Patnick
Dr K Grainger: from item 7.3	Mr K Taylor
Prof Sir C Husbands	Ms P Thompson
Mr P Ishola	Prof P Wiles
Mr C Kenny	

**APOLOGIES:** Mr D Bradley, Ms A Foulkes and Ms K Finlayson

<b>IN ATTENDANCE:</b>	<b>AGENDA ITEM</b>
Ms M Boryslawskij, University Secretary and Clerk to the Board	All
Mr R Calvert, DVC Strategy and Operations	All
Prof R Eccleston, DVC Academic	All
Ms D Harry, Chief Finance and Planning Officer	All
Dr S Jackson, Chief People Officer	All
Prof K Kerrigan, PVC Business and Enterprise	All
Dr L Mooney, PVC Research and Innovation	All
Ms N Rawlins, Group Director for Recruitment, Communications and Marketing	1 to 6.1
Prof C Wiggington, PVC Global and Academic Partnerships	All
Ms T Goodwill, Minute Secretary, Governance, Legal and Sector Regulation	All

**Chair's Opening Remarks: 2 February update and development day**

Minute Ref BG/1/21/1

- 1.1 The Chair reported that at the 2 February update and development day the Board had:
- i) discussed the initial findings of the effectiveness review with Aaron Porter, Associate Director (Governance), AdvanceHE. The Board would receive the final report with findings from AdvanceHE at its meeting in March 2021.  
**Action:** AdvanceHE, Chair of the Board and Deputy Chair of the Board
  - ii) received a briefing from the Head of Policy and Strategy on the external policy landscape following the Government's announcements in January 2021. The briefing supplemented the summaries in the Vice-Chancellor's report.

Agenda item 2.

**Declarations of Interest**

Minute Ref BG/1/21/2

- 2.1 There were no declarations of interest.

Agenda item 3. BG/8/20/M BG/9/20/MC	<b>Minutes of previous meetings</b>	Minute Ref BG/1/21/3
<p>3.1 The Board <u>approved</u> the minutes of the meeting held on 25 November 2020 as a correct record.</p>		
<p>3.2 The confidential minutes of the special meeting held on 16 December 2020 would be made available to those Board members who were present at the meeting for approval by correspondence.</p> <p><u>Post meeting note:</u> in correspondence all members present at the December meeting approved the minutes except for one member who approved the minutes subject to the addition of a sentence to minute BG/20/177.4(iii) which captured an important aspect of the legal advice and which was a key point that allowed the Board to support the proposal.</p> <p>The December minutes with the additional sentence would be made available to members prior to confirmation of approval of the minutes as a correct record at the Board meeting in March 2021.</p>		
Agenda item 4. BG/8/20/action	<b>Matters Arising/Action Tracker</b>	Minute Ref BG/1/21/4
<p>4.1 The Board <u>noted</u> the action tracker.</p>		
Agenda item 5.	<b>Other Urgent Business</b>	Minute Ref BG/1/21/5
<p>5.1 There was no other urgent business.</p>		
Agenda item 6.1 Paper Ref BG/1/21/6.1	<b>Vice-Chancellor's Report</b>	Minute Ref BG/1/21/6
<p>6.1 The Board <u>noted</u> the Vice-Chancellor's report which summarised activity at the University and in the Higher Education sector since the November 2020 Board meeting. This included the implications for the University of Government guidance in relation to the pandemic and the January 2021 policy announcements. The following matters were discussed.</p>		
<p>6.2 <b>Student provision and quality:</b> The Vice-Chancellor reported that consistent with the guidance from the Department for Education on the return of students to campus in the context of the continuing pandemic (issued on 7 January 2021), the University was delivering teaching and learning online with the exception of certain designated courses including teacher education, nursing and allied healthcare. Students were the University's priority.</p> <p>The uncertainty and disruption owing to the pandemic created significant challenges. Managing a COVID-19 compliant and safe campus in accordance with Government guidance had led to a cumulative delay in teaching and learning delivery. Continuing some on-campus teaching would enable students to complete their course including practical work and projects for assessment. The immediate needs were in connection with students who graduate in 2021, students on a one-year masters programme and compliance with Professional, Statutory and Regulatory Bodies' (PSRB) requirements; the University was considering all options in relation to staff capacity to meet these needs. Arrangements for teaching and learning beyond 8 March were subject to further Government guidance which was expected on 22 February 2021.</p> <p>In discussion, it was noted that, the perceptions of staff included:</p>		

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- i) a preference for a decision to be taken by the University to continue online teaching by default to the end of semester 2 as this would enable planning and give much-needed predictability to both staff and students (paper BG/1/21/6.3 refers);
  - ii) an understanding that most of the courses were capable of online delivery. The majority of students graduating online would meet PSRB requirements;
  - iii) a need to clarify the content of recent communications which mentioned staff working at weekends and the likely level of working hours needed to address the delay. It was reported that given the extent of the cumulative delay and the time remaining in which to address the needs of the students graduating in 2021, the University was not ruling out any options for working. The use of weekends was not top of the list but it was an option;
  - v) concerns for staff wellbeing including mental health.

In response it was reported that:

- i) the University's approach to its position was similar to that of its peers;
- ii) abandoning on-campus delivery would be a high risk. The immediate needs of students would not be addressed and it was likely that it could have an adverse impact on potential applicants;
- iii) the University's work to support staff wellbeing including mental health continued.

The Vice-Chancellor reported that the University's arrangements would not change until the Government guidance was published in February, acknowledging that there were some difficult decisions to be made.

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### 6.3 **UCAS deadline for applications for full-time undergraduate courses starting in autumn 2021 had been moved to 29 January 2021 because of the pandemic:**

- The Group Director for Recruitment, Communications and Marketing gave a headline summary of the University's position based on an initial review of the UCAS data. This included:
- i) the overall percentage reduction in applications to the University compared with January 2020. The reduction in English-domiciled applicants and EU-domiciled applicants were partly compensated by an increase from non-EU domiciled international students;
  - ii) the University's performance relative to the comparator data for the sector and a key competitor group. Competitors and the sector had seen significant increases in applications from key English markets. The complex series of factors which may have contributed to an improved competitor performance were outlined. One factor was that the demographic upturn was lower and slower in the Sheffield City Region compared to the regions in which competitors were based;
  - iii) the level of the University's recruitment in local markets had been maintained;
  - iv) the picture across the University's portfolio was mixed. Areas of significant concern and good performance were highlighted;
  - v) the next steps and planning included virtual open days in February, March and April 2021, campaigns to generate awareness and late applications. This included digital advertising campaigns and a second brand awareness campaign.

Governors thanked the Group Director for the headline summary immediately following the receipt of the UCAS data. It was concluded that the levels of recruitment were disappointing when compared to competitors' performance and that it was not possible to explain the reasons for this from the data. There were many complex factors, which included the disruption created by the pandemic and challenges which were institutional specific. Students from more disadvantaged groups were more likely to have digital deficit and concerns about applying. With a view to understanding the University's

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position and to inform the significant challenges to be addressed in the context of the Future Strategy programme, governors raised the following points for consideration in the further analysis of the UCAS data:

- i) a low number of applications at this point in the recruitment cycle was a feature of recent years' cycles. Why was this? Were potential students delaying their entry into higher education?
- ii) a low number of applications has previously been followed by success at Clearing. Could a greater number of students be recruited in summer 2021?
- iii) owing to the challenging recruitment environment some subjects have become difficult to recruit to and there has been a decline in recruitment to some subjects nationally. The performance of the University's portfolio over the past 3-5 years should be extrapolated over the next 3-5 years in the context of the Future Strategy programme development.

The Board would receive a report on student recruitment at its March 2021 meeting.

**Action:** The Group Director for Recruitment, Communications and Marketing.

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- 6.4 The Chair of the Audit and Risk Committee (ARC) reported that in the Board's consideration of the report on the Annual Report and Financial Statements for the year ended 31 July 2021 (paper BG/1/21/7.1 refers) the stress testing carried out in relation to student recruitment evidenced that the University's going concern assessment was comfortable.
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- 6.5 **Health and Safety Incidents - asbestos:** In addition to the report in paragraph 3.6 in the Vice-Chancellor's report, the Staff Governors report (paper BG/1/21/6.3 refers) had reported that '...it would be reassuring to know what measures are being taken to make buildings asbestos-safe.'

The Deputy Vice-Chancellor (Strategy and Operations) and Chair of the Gold Group reported on how the University had responded to the actions of a contractor who had not obtained an appropriate survey or consulted the University's asbestos database before commencing work to remove a partition wall. In response to questions it was reported that the:

- i) University had immediately suspended building work. Authorisation for the contractor to continue was subject to the advice of the Director of Estates and Facilities following a thorough review of the processes and arrangements in place;
  - ii) content of the University's database was clear and that it was known or suspected that asbestos was present in the area in which the contractor was working.
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- 6.6 **Leadership, remote working and future resilience:** Like all organisations, the University was simultaneously continuing to manage the pandemic as an extended incident and thinking about the implications for its future operation. Given this the Chair of the Board and the Vice-Chancellor had jointly commissioned a consultant to provide some external perspective. The review would focus on the University's Senior Leaders Group, as a body which acts as a catalyst and driver for change. The intention was to complete the work by Easter 2021.
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- 6.7 **Designation of higher education staff as critical workers:** The Vice-Chancellor responded to a question about the implementation of guidance from the Department for Education in connection with the designation of higher education staff as critical workers and who may therefore continue to send their children to school during the pandemic. The work, progressed by the Gold Group, was complex because of the circumstances of individual members of the University's staff, the local arrangements
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made by the schools which their children attend and the Government's guidance which had changed several times.

Agenda item 6.2 Paper Ref BG/1/21/6.2i & 6.2ii	<b>Research and Innovation</b>	Minute Ref BG/1/21/7
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**7.1 Research Excellence Framework 2021 (REF):** The Board received the report which summarised the University's preparations for REF 2021 including the timetable for the programme of work prior to final submission. Governors commented that the report indicated that the University was well placed to complete and make its REF submission by the 31 March 2021 deadline.

**7.2 University's Research Institutes and Centres:** The Board received the report. The PVC Research and innovation outlined the context in which the University's research was established and its organisation within distinct knowledge clusters, constituted across four Institutes and 14 Centres. The Institutes aligned the Transforming Lives agenda with a longer-term, sustainable plan of research and innovation. The Institutes drive an ambitious programme of work and act as the builders of large-scale networks of knowledge to leverage significant grants and awards, and support discipline specialists to develop interdisciplinary responses to key global challenges. Examples of collaborations and the purpose of research without borders were outlined. Governors commented that the report described exciting, inspiring and interesting areas of research.

It was reported that a separate, wider report would be circulated which would enable the Board to see the baseline from which the University would strengthen work in the context of the Future Strategy programme which was being developed.

Governors:

- i) commented that examples of the University's research in the wider report could be shared by governors in their ambassadorial role;
- ii) encouraged the University to explore potential research opportunities across as wide a spectrum as possible. In addition to reporting on the contribution that the University's research makes to societies and economies, future reports should cover the impact of research income, including grants received, in the context of the University's financial performance with other income streams. It was reported that an evidence-based research dashboard would include internal measures of performance and benchmarking;
- iii) noted that the Institutes were leading on a new governance structure for equality, diversity and inclusion in the context of research and innovation. The Board would receive a report on this in due course.

**Action:** PVC Research and Innovation

**7.3** It was anticipated that an institution-wide review of Research Institutes, Centres and Groups' plans would begin in March 2021. The Board would receive a report in autumn 2021.

**Action:** PVC Research and Innovation

Agenda item 6.3 Paper Ref BG/1/21/6.3	<b>Report from Staff Governors</b>	Minute Ref BG/1/21/8
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**8.1** The Board received the report. The staff governors reported that the Health and Safety representatives of the University and College Union (UCU) met regularly with the University's Health and Safety Service and other senior colleagues. Concerns raised by the UCU in meetings with the University were in connection with COVID-19 mitigations,

wider staffing issues caused by the pandemic and the recent asbestos disturbance. The UCU Health and Safety representatives considered that the University was not sufficiently responsive to the concerns they raised and this was felt to be undermining effective partnership working,

- 8.2 A copy of the UCU Health and Safety representatives' letter to the Chair dated 26 January and his response dated 1 February 2021 had been issued to the Board. The Chair of the Board reported that in preparing a response to the letter he had looked in detail at the concerns raised and the University's work in connection with them. The Chair asked why, despite the exhaustive approach taken to resolve the concerns, the effective working relationships were felt not to be being maintained.

- 8.3 The Deputy Vice-Chancellor (Strategy and Operations) and Chair of the Gold Group reported that the disruption created by the pandemic created a challenging work context for everyone. The relationship between the University and the UCU was not considered to be as negative as alluded to. The discussions in meetings about health and safety concerns had been honest and open. Whilst individual perspectives and views, including disagreements had been expressed, the University remained committed to effective partnership working.

The Vice-Chancellor reported that the University's Health and Safety Service continued to ask challenging questions of management. Every issue raised had been reviewed and addressed to establish a COVID-19 safe campus.

- 8.4 Staff governors shared their experience of meetings and commented that there were disagreements. The fundamental issue was that the pandemic created risks for everyone's health. It was felt that good work had been completed in partnership with the University but the context in which employers and employees worked was difficult. In response to a question about whether the outcomes of meetings of the Health, Safety and Wellbeing Committee were being escalated appropriately, it was reported that the Gold Group received regular reports.

- 8.5 The Chair asked that the concerns raised by the staff governors be explored by the Finance and Employment Committee at its meeting in February 2021. The Board would receive a report on the outcomes of the FEC discussion.

**Action:** Chair of the FEC and Clerk to the Board

<p>Agenda item 6.4 Paper Ref BG/1/21/6.4i &amp; 6.4ii</p>	<p><b>Students' Union</b></p>	<p>Minute Ref BG/1/21/9</p>
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- 9.1 **Report from the Students' Union:** The Board received the report on the activities of the elected Officers and the Sheffield Hallam Students' Union (SHSU) Strategy. The President of the Students' Union and the Business, Technology and Engineering Officer summarised some of the key activities and priorities. They reported on the:
- i) work in partnership with the University on the priorities, because of the pandemic, for improved academic support and experience for students. In response to a question it was reported that the no detriment policy, which had been reported to the Board in 2020, had been developed into a policy on fair assessment outcomes;
  - ii) work with the University in connection with welcoming students back after the Christmas 2020 break and encouraging engagement with the SHSU. This included welcoming international students in January 2021 and making them aware of the support for them during quarantine;

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- iii) work with the University in connection with the issues for students in rented accommodation and the challenges this created. The President was liaising with the Hallam Rent Strike campaign. The Vice-Chancellor reported that the University did not own any student accommodation and was not a landlord. The number of students either in third party accommodation or private rented accommodation was outlined in the context of the University's total student population. The University continued to offer support using the hardship fund. The Vice-Chancellor and the President of the Students' Union had written a joint open letter to student landlords and accommodation providers, encouraging them to consider providing refunds, discounts or flexibility with contracts due to the impact of the pandemic
  - iv) SHSU Strategy. This included an initiative called Coronavirus Community to provide students with details of the support available and how they could get involved with volunteering opportunities;
  - v) proposal for the late submission policy;
  - vi) continuing priorities in connection with student mental health and welfare support. It was a difficult and challenging time for all students;
  - vii) recruitment of ambassadors, mentors and mentees for the Black, Asian and Minority Ethnic Ambassador and Mentoring Scheme.
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9.2 Governors commented that given the size of the University's total student population, the Officer team was relatively small and although only in post for 12 months, was doing an excellent job on behalf of students. The SHSU Officers' engagement with the University on important issues which included support for students in a pandemic, the degree awarding gap and the system of student representative in the Colleges, was impressive.

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9.3 **Students' Union Trustee Board Annual Report and Financial Statements for the year ended 31 July 2020:** The Chief Finance and Planning Officer reported that the draft Students' Union Trustee Board Annual Report, Financial Statements and Audit Findings Report for the year ended 31 July 2020, which the Board received at its November 2020 meeting, were approved by the Trustee Board at its meeting on 14 December 2020. There were no substantive changes from the draft version considered in November 2020. The Finance and Employment Committee (FEC) had noted the key points in its consideration of the final, approved report at its meeting on 13 January 2021. The Board received the report.

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Agenda item 6.5

**Chairs' Reports**

Minute Ref BG/1/21/10

10.1 The Chair of the Audit and Risk Committee (ARC) reported that:

- i) the joint meeting of the FEC and ARC held in January 2021 had considered and recommended the draft Annual Report, Financial Statements and Grant Thornton's Audit Findings report for the year ended 31 July 2020 to the Board for approval. The report included letters of representation in relation to the 2019/20 external audit and the ARC's opinions. The ARC had noted the report on the going concern assessment. The Chair of the FEC reported that FEC had recommended to the Board that it was appropriate for the Financial Statements for 2019/20 to be prepared on the going concern basis. The minutes of the joint meeting were on the Board's agenda;
  - ii) in January 2021 he had conducted the usual pre-meeting with Grant Thornton which included discussion of their audit service delivery whilst working remotely. Grant Thornton had been complementary about the performance of the University's team in
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managing the University's response to the audit whilst working remotely. The pre-meeting had been attended by Jo Allen, Chair of the ARC from 1 February 2021.

- 10.2 The Chair of the FEC also reported that the minutes of the separate meeting of FEC held on 13 January 2021 were on the Board's agenda. At the meeting the Committee had received the OfS Financial Forecast and the SHSU Annual Report and Financial Statements for the year ended 31 July 2020. Both items were on the Board's agenda.

The Chair of the Board:

- i) thanked each of the following for their service as Chairs:
- Paul Wiles, Academic Assurance Committee Chair until 31 December 2020;
  - Meg Munn, Remuneration Committee Chair until 31 December 2020;
  - Neil MacDonald, FEC Chair until 31 January 2021;
  - Chris Kinsell, ARC Chair until 31 January 2021.
- ii) welcomed each of the following Chairs:
- Jeff Bale, Academic Assurance Committee Chair from 1 January 2021;
  - Penny Thompson, Remuneration Committee Chair from 1 January 2021;
  - Jo Allen, ARC Chair from 1 February 2021;
  - Meg Munn, FEC Chair from 1 February 2021.

Agenda item 7.1.  
Paper ref  
BG/1/21/7.1  
Confidential

**Draft Annual Report and Financial Statements and  
Subsidiary Companies Financial Statements for the year  
ended 31 July 2020 (ARFS)**

Minute Ref BG/1/21/11

- 11.1 The Chief Finance and Planning Officer introduced the draft ARFS, which had been reviewed by the FEC and the ARC in January 2021, and reported:
- i) that the cycle of financial reporting for 2019/20 had been extended beyond the usual December deadline by the OfS owing to the disruption created by the pandemic. The submission of the ARFS and the OfS Financial Forecasts (minute BG/1/21/12 refers) would complete the reporting cycle to the OfS.
- ii) that there were no material unadjusted errors;
- iii) the primary statements had not seen any considerable change since the report to the Board in November 2020. Key points were summarised from the:
- a) balance sheet including the change in net assets and the increasing pension liability compared to the previous year. The current and future impact of the liability had been reviewed by the FEC in autumn 2020;
  - b) income and expenditure reconciliation to the July 2020 internal performance report. Turnover was £290m compared with £287m in the previous year. The reported deficit of £8.5m compared with £17.6m in the previous year.
  - c) cash flow of £17.7m compared with £19.8m in the previous year. Cash balances of £130m were an increase on the previous year (£120.5m) owing to delays in capital expenditure.
  - d) Subsidiary companies' meetings had been held in January 2021;
- iv) the Vice-Chancellor had provided the letter of representation to the Board. The other letters including the letters of support for the subsidiary companies were in the appendices.

11.2 The Deputy Chair chaired the meeting in the absence of the Chair.

11.3 In response to questions about pensions it was reported that the Teachers' Pension Scheme was an unfunded scheme. The change in expected contributions for the Universities Superannuation Scheme was a valuation difference.



11.4 The Chair returned to the meeting.

11.5 Governors:

- i) commented that the report's overall excellent presentation, including the well drafted narrative, indicated that a huge amount of work had gone into its preparation. Governors wondered how many people read the report and asked what the benefit of producing the report was for the University. It was reported that it was not known how many people read the report and, although its content was retrospective, it was a key document which was used by the OfS, banks, potential suppliers and a wide range of other stakeholders;
- ii) asked what the likely impact of the pandemic would be on income and expenditure for the financial year ending 31 July 2021. It was reported that the FEC receive standing reports on financial monitoring and a report on period 6 would be made to the Committee at its meeting in February 2021. The 2021/22 budget would be considered by the FEC and the Board at the final meetings of 2020/21. The going concern assessment would be part of the year-end audit by the External Auditors.

11.6 The Board:

- 1. received the report that the FEC recommended to the Board that it was appropriate for the consolidated financial statements for the year ended 31 July 2020 to be prepared on the going concern basis.
- 2. received the report that the FEC and the ARC recommended to the Board that it should approve the consolidated financial statements for the year ended 31 July 2020 subject to final audit clearance.
- 3. resolved to approve:
  - (i) that it was appropriate for the consolidated financial statements for the year ended 31 July 2020 to be prepared on the going concern basis;
  - (ii) the consolidated financial statements for the year ended 31 July 2020;
  - (iii) that the Chair of the Board should sign the letter of representation to the external auditors in relation to the audit of the University's financial statements;
  - (iv) that the Chair of the Board should sign the letter of support for Sheffield Hallam University Enterprises Limited;
  - (v) that the Chair of the Board should sign the letter of support for Sheffield Hallam Innovation and Enterprise Limited;
  - (vi) that the Chair of the Board should sign the letter of support for SHU Law Limited.

11.7 The approved ARFS would be submitted to the OfS by the March 2021 deadline.

Agenda item 7.2  
Paper ref  
BG/1/21/7.2  
Confidential

**OfS Annual Financial Forecast**

Minute Ref  
BG/1/21/12

12.1 The Chief Finance and Planning Officer introduced the report on the OfS annual Financial Forecast and reported that:

- i) the approach and key high level assumptions in the OfS Forecast had been agreed by the FEC at its meeting in November 2020. The University was developing its Future Strategy programme which would bring operating improvements although it was not possible to quantify these precisely at this stage. The FEC had reviewed these and was content that the proposed improvements were credible and achievable;

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- ii) the inclusion of these assumptions results in a forecast that was compliant with banking covenants and which maintains acceptable levels of cash throughout the forecast period;
  - iii) it was important to notify OfS at this stage of the intention to increase borrowing. The forecast included a further loan amount which would be required to fund the existing Campus Plan. The Board was advised in September 2020 that the current Campus Plan was not affordable without further financing. The Campus Plan and associated financing were under review and relevant proposals would come forward to the Board's Refinancing for Transforming Lives Task and Finish Group, FEC and the Board;
  - iv) the 2021/22 budget would be considered by the FEC and the Board at the final meetings of 2020/21.
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12.2 The Board resolved to approve the final 5-year financial forecast for submission to the OfS by the March 2021 deadline.

Agenda item 7.3.  
Paper ref  
BG/1/21/7.3  
Confidential

**Adoption of the International Holocaust Remembrance Alliance (IHRA) working definition of antisemitism**

Minute Ref  
BG/1/21/13

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13.1 The University's Religion and Belief Working Group was formed in August 2020 with a membership that included a diversity of perspectives including the student voice. The University was committed to provide an inclusive culture for staff and students by agreeing a definition of antisemitism which would assist the approach to zero tolerance of harassment and discrimination in this area whilst preserving the strong commitment to freedom of speech.

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13.2 The Board received the report which, following work by the Group, set out options for the University both in terms of adoption of the IHRA definition or an alternative definition. The Chief People Officer and Chair of the Group summarised the outcomes of the Group's work:

- i) it had not been possible to agree collectively a single recommendation;
- ii) there were four possible options for the University;
- iii) whichever approach is adopted would not satisfy all parties;
- iv) in the absence of agreement the Chair of the Group and advisors to the Group recommended that option 2.5.1 be adopted (appendix 1) which was a statement on the adoption of the IHRA definition of antisemitism and freedom of speech.

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13.3 The recommendation to adopt the statement on the adoption of the IHRA definition of antisemitism and freedom of speech had been supported by the University Leadership Team, with full regard to the diverse range of views and information considered.

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13.4 The Board discussed the recommendation that the statement on the adoption of the IHRA definition of antisemitism and freedom of speech (appendix 1) be implemented by the University. Initial comments were made about the current political context:

- i) the Parliamentary and UK Government context of the Group's work. In October 2020, the Secretary of State for Education wrote to the Vice-Chancellors of universities which had not yet adopted the IHRA definition urging them to do so and expressing his disappointment that the majority of universities had not yet taken this step. His letter stated he had asked his officials 'to consider options that include directing the Office for Students to impose a new regulatory condition of registration and suspending funding streams for universities at which antisemitic incidents occur and which have not signed up to the definition';

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- ii) the Group was thanked for its thorough and thoughtful approach to the work in this difficult context. Governors commented that some people felt that discrimination and freedom of speech had been abused for political purposes. The Board should not get into the politics. The approach to zero tolerance of harassment and discrimination whilst preserving the strong commitment to freedom of speech should not be set against each other. The Board should keep its consideration of the recommendation in perspective and in the context of how the University felt about antisemitism and adopting a definition.
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13.5 Comments in support of adopting the statement included:

- i) the statement is not legally binding, does not affect freedom of speech and does not limit freedom to criticise a government.
  - ii) there was a minority that needed protection, the University should listen hard. Students had expressed their views to the Group that they would not currently feel protected and able to speak up if they came across antisemitism in the University. Some students did not identify themselves as Jewish due to their concerns around antisemitism;
  - iii) following the Group's comprehensive work there was no great value in further consultation;
  - iv) the international significance of the statement. Adopting it would signify to Jewish members of the University and wider community the University's commitment to an inclusive culture.
  - v) in recent years the media has reported on an increase in the number of antisemitic incidents. The University's reputation should be protected. The contemporary examples of antisemitism in public life serve as illustrations to guide the University;
  - vi) although considered to be a highly contentious subject it should not be. Identity was the issue, not religion. Consideration should be given to how students and staff could be educated about the definition following its adoption;
  - vii) the Board should also support the continuing work of the Group;
  - viii) the statement has been widely accepted in the UK by organisations including the Football Association, National Union of Students, Sheffield City Council and South Yorkshire Police;
  - ix) whether a pragmatic approach would help at this stage. It was suggested that the Board might agree the adoption of the statement in principle, then adopt it formally alongside further work on race, belief and religion.
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13.6 Comments against the adoption of the statement at this point in time included:

- i) there was no doubt that antisemitism was abhorrent and should be resisted.
  - ii) the definition was contentious. Was it widely accepted? How would it be applied?
  - iii) the University had a legal and moral duty to protect freedom of speech. Staff were concerned about the implications for freedom of expression and intellectual autonomy of adopting the recommended statement;
  - iv) the majority of universities in England had not yet approved the adoption of the definition. Some had decided not to adopt the definition and examples were given.
  - v) the University was acting under duress because of the Secretary of State's written request.
  - vi) the December 2020 resolution by the University's branch of the University and College Union (UCU) urged the University to reject the Secretary of State for Education's attempt to impose the IHRA definition of antisemitism at the University.
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- vii) the University would be unwise to adopt the definition at this time. Instead a full consultation of staff and students should take place on whether to adopt the recommended statement on the adoption of the IHRA definition or another definition.

13.7 The Chief People Officer commented that the points raised by Board members were indicative of those discussed by the Group. Further work including consultation would not alter the position. The legal advice in connection with a University definition was that it would take years to develop, incur significant costs and was unlikely to alter the current position. The adoption of the IHRA definition would support the University's continuing work in connection with its culture and values.

13.8 The Chair of the Board summarised the key points:

- i) the political context was noted but was set aside and the Board considered whether to adopt the statement on its merits. Many compelling comments had been made;
- ii) the Board's choices were either to adopt the statement or continue the work including further debate and consultation;
- iii) adoption of the statement would reaffirm the approach to zero tolerance of harassment and discrimination whilst preserving the strong commitment to freedom of speech;
- iv) the University' Working Group with a diverse membership had not been able to agree a recommendation;
- v) the examples in the IHRA definition serve as illustrations to guide the University.

13.9 The Board members present voted on the question of whether to adopt the recommended statement. Of the 16 members of the Board present, 14 voted to adopt the definition.

13.10 The two members of academic staff, Karen Grainger and Kevin Taylor asked that the minutes record that at this point in time they would prefer that the University consulted with staff and students on whether to adopt the IHRA definition or another definition.

13.11 The Board resolved to:

- i) approve the implemented of the recommended option 2.5.1 which was the statement on the adoption of the IHRA definition of antisemitism and freedom of speech;
- ii) support the continuation of the Working Group on Religion and Belief to develop a definition of Islamophobia and a wider religion and belief policy.

Agenda item 8.1  
Paper ref  
BG/1/21/8.1  
Confidential

**Task Group of the Board: Financing the Campus Plan**

Minute Ref  
BG/1/21/14

14.1 The Board noted the report on the Chair's Action taken on 12 January 2021 in connection with the amendment made to the covenants of the Santander loan facility agreement.

Agenda item 8.2.  
Paper ref  
BG/1/21/8.2i & 8.2ii

**Minutes of the Committees of the Board**

Minute Ref  
BG/1/21/15

15.1 The Board received the unconfirmed minutes of the:

- i) Finance and Employment Committee meeting held on 13 January 2021;
- ii) joint Finance and Employment Committee and Audit and Risk Committee meeting held on 13 January 2021.

Agenda item 9.1  
Paper ref  
BG/1/21/9.1

**Corporation Seal**

Minute Ref  
BG/1/21/16

16.1 The Board noted the report.

Agenda item 9.2 Paper ref BG/1/21/9.2	<b>The University's Subsidiary Company Reports</b>	Minute Ref BG/1/21/17
17.1 The Board <u>noted</u> the reports from each company.		
Agenda item 10 Paper ref BG/8/20/10	<b>Schedule of Meetings and Outline Annual Cycle of Business</b>	Minute Ref BG/1/21/18
18.1 The Board <u>received</u> the outline annual cycle of business and <u>noted</u> that the next meeting of the Board will be held from 3.30pm to 6.30pm on Tuesday 23 March 2021.		