Policy on Court and Court committee membership (processes for the appointment, induction, training, development, review and removal of members)

October 2019

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<th>Approving authority:</th>
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<tr>
<td>Consultation via:</td>
<td>The Governance &amp; Nominations Committee</td>
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<tr>
<td>Approval date:</td>
<td>18 December 2015</td>
</tr>
<tr>
<td>Effective date:</td>
<td>From 18 December 2015</td>
</tr>
<tr>
<td>Review period:</td>
<td>Every three years from date of approval</td>
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<td>Responsible Executive:</td>
<td>Secretary of the University</td>
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<td>Responsible Office:</td>
<td>Corporate Governance</td>
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## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>3.1</td>
<td>5</td>
</tr>
<tr>
<td>3.2</td>
<td>9</td>
</tr>
<tr>
<td>3.3</td>
<td>11</td>
</tr>
<tr>
<td>3.4</td>
<td>12</td>
</tr>
<tr>
<td>3.5</td>
<td>13</td>
</tr>
<tr>
<td>3.6</td>
<td>14</td>
</tr>
<tr>
<td>3.7</td>
<td>15</td>
</tr>
<tr>
<td>3.8</td>
<td>17</td>
</tr>
<tr>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>5</td>
<td>18</td>
</tr>
<tr>
<td>6</td>
<td>18</td>
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<tr>
<td>7</td>
<td>18</td>
</tr>
<tr>
<td>8</td>
<td>19</td>
</tr>
<tr>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>10</td>
<td>19</td>
</tr>
<tr>
<td>Appendix 1</td>
<td>20</td>
</tr>
<tr>
<td>Appendix 2</td>
<td>21</td>
</tr>
<tr>
<td>Appendix 3</td>
<td>25</td>
</tr>
<tr>
<td>Appendix 4</td>
<td>27</td>
</tr>
</tbody>
</table>
1. INTRODUCTION

The University Court is the Governing Body of the University which, subject to the University's Charter, exercises all of the powers of the University. The University enjoys charitable status, regulated by the Office of the Scottish Charity Regulator. The Court members are also the Charity Trustees of the University, responsible for taking all final decisions on matters of fundamental concern to the University.

The responsibilities of the Court are wide ranging. The Court is responsible for ensuring the University's long-term success, for determining its future direction and its institutional values, and for fostering a suitable environment for the advancement of knowledge, learning, scholarship and research. In so doing, it must pay due regard to the interests of the University's many stakeholders. The Court must also ensure compliance with a wide range of applicable external legislation, regulations and codes and the University's own instruments of governance, as well as ensuring that all the relevant systems of control and accountability are in place and continually monitored. To help fulfil its responsibilities, the Court has established a number of standing committees of the Court. These represent the working arms of the Court, reviewing and monitoring in closer detail and providing assurance to the Court through structured terms of reference and regular reporting.

The Court recognises that its effectiveness in fulfilling its many responsibilities is dependent on the quality of its memberships, both of the Court and its committees, in terms of collective knowledge, skills and experience. Independent lay members bring with them a wide variety of skills and experience and offer differing and wholly objective perspectives.

The Court seeks to ensure that the memberships of the Court and its committees are strong as they can be in terms of the skills, experience and diversity of the individuals who are attracted to serve as independent lay members and that, following their appointment, investment is made in all Court and Court committee members to ensure that they are supported to be as effective as possible in their roles.

2. PURPOSE

The purpose of this policy is to ensure that the Court, supported by the work of the Governance and Nominations Committee (GNC) and the Chair of Court Selection Committee operate in ways which are consistent, fair and transparent in relation to the following:

a) the appointment of the Chair of Court in accordance with the requirements set out in the Higher Education Governance (Scotland) Act 2016;
b) appointments made to the twelve independent lay member positions on the Court described in Statute 4: The Court, paragraph 1 (a) ii
c) appointments made to the alumni independent lay member position on the Court described in Statute 4: The Court, paragraph 1 (a) iii;
d) appointments made to co-opted independent lay member positions on Court committees;
e) appointments made to the position of Deputy Chair of Court;
f) the programme of induction provided to all members of the Court and its standing committees;
g) the training and development made available to all members of the Court and its standing committees;
h) the review process conducted with all members of the Court and its standing committees annually; and
i) procedures relating to the renewal of terms of memberships, where members are eligible to have their membership considered for renewal.

3. OBJECTIVES

3.1 APPOINTMENTS TO INDEPENDENT LAY MEMBER POSITIONS ON THE COURT AND ON COURT COMMITTEES

3.1.1 Guiding principles

The appointments of individuals to independent lay member positions shall be conducted in ways which support fairness and transparency, which meet the future needs of the Court, and which promote the principles of equality and diversity across Court and Court committee memberships. Diversity shall be considered in relation to all the main characteristics such as gender, race, age etc.

The Court shall adopt the good practice guidance provided by the Scottish Code of Good Higher Education Governance (Scottish Code) in relation to appointments made to the independent lay membership of the Court and its standing committees. This Policy will be reviewed and updated in the light of any future changes that may be made to the Scottish Code, or changes to relevant legislation.

In reviewing this Policy, the Court should consider any other emerging good practice guidance of relevance to independent lay member appointments, where this is complementary to Scottish Code guidance. This Policy reflects current guidance provided in the Scottish Code.

Appointments shall be made in accordance with the terms of the University’s Statute 4: the Court and any relevant University Ordinances, and shall be made by the Court following a recommendation from the GNC with the exception of the appointment to the position of Chair of Court, provisions for which are set out in Section 3.2 of this Policy.

The process for appointing the alumni independent lay member of the Court described in Statute 4, paragraph 1 (a) iii is prescribed in Ordinance E3: Graduates’ Association. Where it is relevant and applicable to do so and the directions in this Policy do not contravene the requirements set out in Ordinance E3, the directions in this Policy must also be applied to arrangements for appointments in this category of membership.

3.1.2 Review of independent lay member vacancies

The following shall apply to the independent lay membership of the Court (with the exception of the role of the Chair of Court).

At its first autumn meeting in each new academic year, the GNC shall review any existing vacancies in the independent memberships on the Court and its committees and any vacancies which will arise in the forthcoming calendar year.

At this meeting, the GNC shall base its considerations on analysis of diversity and the full Court and Court committee Skills’ Matrix*, covering the current period and the period ahead, to determine the areas of skill and experience and other attributes which are required to be found to maintain a suitable balance across the
whole Court and Court committee memberships. This information shall be used to inform the development of advertising and further particulars information for the roles.

The Skills' Matrix or “Skills' Register” must be published on the University's web-pages.

The further particulars shall include a role description which sets out the responsibilities associated with membership of the Court or Court committee, and will include an assessment of the time commitment expected of members. This information shall also include advice on the requirement to be available at unexpected times and the additional expectations associated with the role, for example, that the successful candidate will share the values of the University and will add to the overall success and health of the University. The expectation that Court members will serve on at least one Court committee shall be made clear.

A list of all matters to be covered in further particulars information is provided in Appendix 1 to this Policy.

Information provided to prospective candidates shall include a copy of the letter of appointment including the terms and conditions associated with membership of the Court or a committee of the Court which a candidate must agree they will accept prior to their appointment being approved formally by the Court. The terms and conditions will form part of the selection criteria for the appointment to the Court or to a Court committee.

Wherever possible, the GNC shall approve the advertising material for the roles prior to its release, or delegate sign-off authority to the Secretary of the University.

3.1.3 Advertising to fill independent lay member vacancies

Adverts for Court and Court committee vacancies shall normally be placed in the following locations:

- the University’s job vacancy web page;
- national (UK-wide and /or Scottish) press (choice of press publications on each occasion to be agreed by the GNC); and
- any relevant professional body website or other UK or national publication (as agreed by the GNC).

Consideration should also be given to the use of any site for advertising which will help to support membership diversity aims.

It shall be normal practice for an advertised vacancy to remain open for at least fourteen days.

Not less than fourteen days before the public advert first appears, members of the Court and, by means of the University’s electronic newsletter, staff and students of the University, will be invited to provide the names of potentially suitable and interested candidates to be considered for one or more of the vacancies to be advertised for positions on the Court.

The names of individuals suggested by Court members, staff and students shall be notified as soon as possible to the GNC. The nominators shall be invited to contact the nominee, by means of an agreed form of communication, to draw their
3.1.4 Expressions of interest

Applications for vacancies arising in the independent lay member categories of the Court set out in Statute 4, paragraph 1 (a) ii and iii shall be made by way of a full curriculum vitae together with a covering letter from the applicant which describes their interest in and their suitability for the role of Court member.

3.1.5 Selection process

The GNC shall decide on the composition of the group charged with responsibility for reviewing the expressions of interest received and agreeing the short-list of candidates for interview.

The short-listing group may be the same group as will form the recruitment panel, or it may be a different group. In either case, the group shall include:

- at least two independent lay members of the Court (where the vacancy relates to a Court committee, the Chair of that committee should be included in the short-listing group); and
- the Secretary of the University.

The shortlisting process shall be led by the criteria established for the role in terms of skills and experience and other relevant attributes, recognising also the need to observe the principles of equality and diversity.

The GNC shall make the final decision on the composition of the recruitment panel for each set of formal interviews. The panel shall include:

- the Chair of Court or the Deputy Chair, or both;
- at least one other independent lay member of the Court (where the vacancy relates to a Court committee, this should include the Chair of that committee); and
- the Secretary of the University.

The selection process following formal interview shall be led by the criteria established for the role in terms of skills and experience and other relevant attributes, recognising also the need to observe the principles of equality and diversity.

The interview panel should assess each candidate for the role for which they have expressed an interest and also for their potential suitability for a role on another committee or on the Court, where they may be equally or better suited.

In addition to direct recruitment of successful candidates to current and forthcoming vacancies, the following shall be considered acceptable recruitment arrangements:

- a strong candidate who has been unsuccessful in a recent recruitment round to fill a Court committee vacancy can be asked whether they are willing to allow their details to be held on record for future consideration against vacancies arising;
- a strong candidate who has been unsuccessful in a recent recruitment round to fill a Court vacancy can be asked whether they are willing to allow their details...
Heriot-Watt University’s Policy on Court and Court committee membership: processes for the appointment, induction, training, development, review and removal of members

3.1.5 to be held on record for future consideration against vacancies arising. However, all vacancies arising in the membership of the Court shall normally be filled through a competitive process of selection which must include a formal interview which meets the criteria set out in 3.1.5, above. In the case where one or more individuals have been identified as suitable ‘pool’ candidates for the Court, the minimum procedure required shall be to arrange a call for nominees, as described in 3.1.3, above, and an invitation for expressions of interest from eligible co-opted lay members of Court committees;

- applicants who are deemed suitable candidates for a committee for which they have not applied, or for future membership of the Court, may be advised that they would be eligible in the future to present themselves for consideration for such positions;
- a candidate being interviewed for a position as a co-opted lay member committee may be offered that role on a different committee, if there is an appropriate vacancy; and
- where, following the advertising, short-listing and final selection processes, no suitable candidate with the relevant skills or experience has been identified to fill a particular vacancy on the Court or Court committee, it shall be acceptable to seek nominations of potentially suitable candidates for the role from the Court or Court committee membership. Any such person nominated in this way must be interviewed formally by a panel which meets the criteria set out in 3.1.5, above.

3.1.6 Approval process for appointments

The approval of the GNC shall be sought as soon as practicable following the last formal interview and the decision-making of the panel(s). The GNC shall be invited to consider the recommendations of the panel(s) and will receive copies of the CVs of the successful candidates, together with a report summarising the decisions of the panel(s) in relation to other candidates who reached the stage of formal interview.

Following GNC approval of the recommended appointments, it shall be acceptable to inform the relevant candidates in an initial letter that a recommendation relating to their appointment will be made to the Court on a future date. It shall be acceptable at this stage also to advise those candidates whose applications have been unsuccessful following interview, and to seek advice from other candidates who have been recommended to be held in a “pool” for future consideration as and when future vacancies might arise, about whether they would be content for their expression of interest to be held on file.

Formal letters of appointment should be issued to successful candidates as soon as possible following the meeting of Court at which the appointments have been approved.

3.1.7 Equality and Diversity

The Court shall observe the Gender Balance on Public Boards (Scotland) Act 2018 and the “gender representation objective” set out in the Act for 50% of the non-executive membership of the Court to be made up of female members by 2022.

The GNC and the Court shall review annually the gender distribution across the memberships of the Court and its committees in accordance with the above target,
and shall review annually and monitor progress in relation to achieving greater diversity across other main protected characteristics in accordance with information held.

The recruitment, selection and reporting processes associated with independent lay members of the Court and its committees, including appointments to the role of Chair of the Court and Deputy Chair of Court, shall adhere, where appropriate, to the terms of the University’s policies covering matters of equality and diversity.

Advertising and further particulars information shall normally carry an equality and diversity positive action statement such as, “We value equality and diversity and especially encourage expressions of interest from women and those across a diverse range of backgrounds.”

Matters of membership equality and diversity shall be brought to the attention of the electorates and potential nominees in respect of the elected positions on the Court with particular emphasis where any significant imbalances exist.

Each time the process for filling the position of Chair of Court is undertaken, the Chair of Court Selection Committee must make publically available an overview report indicating, without disclosing individual identities or confidential information, the following information:

- the number of applicants for the position; and
- in so far as consent to disclosure has been received by the Committee from the applicants, the characteristics listed in section 149(7) of the Equality Act 2010 with respect to: i) the applicants, ii) the applicants invited to be interviewed for the position, and iii) the applicants entitled to stand as candidates in an election for the position following the interview.

The Court shall agree and maintain an Equality and Diversity Statement and use of an Equality and Diversity Monitoring Form. Completed forms will be requested from all applicants to independent lay member positions on the Court for monitoring purposes.

In September 2019 the Court approved a Court Equality and Diversity Strategy Statement for integration with this Policy. The Statement is included at Appendix 4 to the Policy.

3.1.8 International focus

The Court shall ensure that its independent lay memberships, whether on the Court, on a Court committee, or on another Board with reporting responsibilities to the Court, collectively serve to ensure that the objective input and oversight brought to the University’s governance by independent lay members is shared adequately across all campuses of the University.

This might be achieved, for example, through the appointment of independent lay members to appropriate boards and committees of the Dubai and Malaysia Campuses, or in the appointment of lay governors of Court who may based in the United Arab Emirates and Malaysia.

3.1.9 Confidentiality and security of information

The recruitment, selection and reporting processes associated with independent lay members of the Court and its committees, including appointments to the role
of Chair of the Court and Deputy Chair of Court, shall adhere, where appropriate, to the terms of the University’s policies and the prevailing relevant legislation covering matters of confidentiality, data protection, information security and records management.

The Chairs of respective selection and recruitment panels or groups shall be responsible for reminding members of the requirement to maintain strict confidentiality.

Candidate names and all information about candidates must be restricted to those individuals/groups involved in supporting the recruitment and selection processes on a legitimate need-to-know basis.

The Secretary of the University shall be responsible for ensuring that records created and managed by the University for the purposes of supporting Court and Court committee recruitment and selection processes are held securely and are managed in accordance with the relevant University policies and the prevailing relevant legislation.

All notes on candidates created by individuals in the course of selection and recruitment processes must be held securely by those individuals and destroyed by secure means as quickly as possible once the GNC has approved the panel’s recommendations for onward presentation to the Court.

A record shall be created which documents the outcomes of long-listing, short-listing and formal interview processes. This record shall record candidate names and the judgement made by the panel or group against the relevant criteria for selection. The record may include supplementary information of relevance and use, for example, a summary of the candidates’ areas of experience. The record shall be managed and retained in accordance with the University’s Records Management Policy and Record Retention Schedules.

3.2 APPOINTMENT OF THE CHAIR OF COURT

3.2.1 Governance matters

The Chair of Court shall occupy one of the fourteen independent lay member places within the composition of the Court which also includes twelve members appointed in terms of Statute 4, paragraph 1 (a) ii, and one member appointed in terms of Statute 4, paragraph 1 (a) iii from within the alumni association, the Watt Club.

The appointment must be made in the manner stipulated in the Higher Education Governance (Scotland) Act 2016 which sets out a process of shortlisting and election, and must pay full regard to the requirements set out in Statute 4 and in Ordinance B10: Appointment of the Chair of Court.

3.2.2 Job specification

Preparation of a job specification shall be as set out in Ordinance B10. The Secretary of the University shall make arrangements to consult through appropriate means with the University’s staff and students on the draft job specification before it is finalised. This consultation should remain open for at least ten days, following which the Secretary of the University should make a report on the outcomes of the consultation to the GNC. The Committee shall agree the final
form of the draft job specification, following review of submissions received in the consultation process.

The appointed recruitment consultancy firm (see 3.2.4, below) shall be invited to consider the draft job specification and provide its input to the development of the finished version.

All Court members shall be given the opportunity to consult with the appointed firm and input their views on the role of the Chair of the Court prior to the advertising material and candidate pack information being finalised. The Court shall approve the final job specification which shall include, inter alia, the responsibility of the Chair of Court to project the values of the University and to fulfil the role in ways that will add to the overall success and health of the University.

The criteria for selection in relation to the position of Chair of Court shall be prepared in accordance with Ordinance B10 by a Chair of Court Selection Committee appointed by the Court. The criteria for selection must form part of the advertising materials prepared and made available to all candidates with a potential interest in the role.

Information provided to prospective candidates shall include a copy of the letter of appointment including the terms and conditions associated with the position of member and Chair of the Court which a candidate must agree they will accept prior to that person being put forward for election. The terms and conditions will form part of the selection criteria for the role of Chair of Court and shall include, inter alia, the submission of two satisfactory references from professional sources.

3.2.3 Advertising

Advertising arrangements shall be as set out in Ordinance B10.

The position of Chair of the Court shall be widely advertised in national press publications, as agreed by the GNC. The Court shall agree the publications to be used to carry advertising.

3.2.4 Recruitment consultancy firm

The identification and selection of suitable candidates for the role shall be assisted by an appointed recruitment consultancy firm following a tendering process. The GNC should agree the composition of a sub-group drawn from its own membership which shall be responsible for drawing up the tender documentation with the support of the Secretary of the University and the Head of Procurement Services. The GNC shall approve the tender documentation prior to its release.

The appointed sub-group shall be responsible for reviewing tender bids received, agreeing the short-list of firms to be interviewed and, following interviews, for making a recommendation to the GNC on the firm that should be appointed.

The GNC shall approve the appointment of the recruitment consultancy firm, which should have demonstrated substantial relevant knowledge and experience of higher education appointments of this kind and a track record of success in securing such appointments. The GNC shall provide a timely report to the Court following its decision.

The appointed recruitment consultancy firm shall be expected to utilise its professional contacts to carry out an extensive search of suitable prospective candidates, to prepare and carry advertising for the role, to assist with the
development of a candidate pack of information, and to make recommendations as to the candidate short-list following an intensive process of due diligence, including reference checking.

The Chair of Court Selection Committee shall consider and agree the list of candidates who should be invited to attend for both informal meetings and for formal interview.

3.2.5 Expressions of interest

Applications for a vacancy arising in the position of Chair of Court shall be made by way of a full curriculum vitae together with a covering letter from the applicant which describes their interest in and their suitability for the role of Chair of Court. Applicants shall be asked to complete and to submit in confidence an Equality and Diversity Monitoring Form.

3.2.6 Pre formal interview stage

In accordance with the requirements of the Act and Ordinance B10, any person who has made an application in the correct form in response to an advertisement or through contact with a commissioned recruitment consultancy firm and whose application appears to the Chair of Court Selection Committee to show that the person meets the relevant criteria agreed for the position shall be offered an interview.

The Court, on the recommendation of the GNC, shall agree a programme of visits for candidates to be interviewed which includes an informal visit and meetings followed by a formal interview process. The programme should include, but may not be restricted to, the following (with details to be agreed by the Court):

- a tour of the Edinburgh Campus;
- an informal meeting with a selected group of independent lay, staff and student members of the Court, to which other staff and students may be invited. A pre-determined topic or topics for discussion should be agreed;
- an informal meeting with a group of Court members and senior officers of the University. A pre-determined topic(s) for conversation should be agreed; and
- following the above, a formal interview with the appointed Chair of Court Selection Committee.

The purpose of the above visits and meetings shall be to further inform candidates’ knowledge and understanding of the University, its vision and strategic aims, in terms of the criteria described in paragraph 4.2.5 of Ordinance B10.

3.2.7 Formal interviews

The formal interview shall be conducted by the Chair of Court Selection Committee established in terms of Ordinance B10. The Committee shall comprise:

- the Deputy Chair of Court;
- at least two other independent members of the Court, whose number must not include the incumbent Chair of Court;
- two staff members of the Court, one of whom should be an academic member of staff and one of whom should be a Professional Service member of staff;
- the President of the Student Union or the nominated alternative student member of the Court; and
- the Secretary of the University.
In addition, the Court shall have the discretion to include a senior and entirely independent assessor individual in the membership of the Chair of Court Selection Committee.

The Principal shall be invited to sit in attendance at the formal interviews.

The formal interview meetings shall normally include a short presentation to be delivered by each candidate on a previously advised topic. The topic shall be agreed by the GNC, after seeking advice from the Court.

A core set of interview questions, based on the experience and attributes set out in the job specification, shall be determined in advance by the Chair of Court Selection Committee and shall be applied consistently at each interview. The Committee, led by its chair shall adopt a common scoring system against each of the identified key criteria for selection to be used for each candidate.

Opportunities must be taken, in relation to each candidate who is formally interviewed, to gain assurance that no current or potential conflicts of interest or conflicts with the time commitment associated with the role would arise should the individual be appointed to the role of Chair of Court following an election process.

In accordance with Ordinance 10, following completion of the formal interview, if a candidate satisfies the Chair of Court Selection Committee that he or she meets the relevant criteria, the candidate shall be entitled to stand as a candidate in an election for the position of Chair of Court and shall be invited by the Chair of Court Selection Committee to confirm their intention to stand.

3.2.8 Election

The election held in terms of 3.2.7 above, shall be conducted in accordance with provisions within Ordinance B10 approved by the Court as the rules for the election to the position of Chair of Court.

In accordance with the requirements of the Scottish Code, consultation with stakeholders on the election rules and procedures to be applied shall be undertaken by the Secretary of the University.

The rules and procedures which relate to the election for the position of Chair of Court, along with information about the membership of the Chair of Court Selection Committee must be published on the University’s web pages and drawn to the attention of the electorate and prospective applicants for the position.

3.2.9 Election census: staff and student electors

The definitions to be applied to staff and students of the University for the purpose of being included in the census of those eligible to vote in the election for the Chair of Court position are set out in Appendix 3 to this Policy.

3.3 DEPUTY CHAIR OF COURT

3.3.1 Governance matters

In accordance with Statute 4: ‘The Court’, the Court shall elect a Deputy Chair of Court. Only appointed independent lay members of the Court may be elected by
the Court to the position of Deputy Chair; however, all Court members shall have the right to nominate an individual to the position of Deputy Chair.

The duties of the Deputy Chair shall be as prescribed in Ordinance B4: 'Deputy Chair of Court role and responsibilities'. This requires, inter alia, that the Deputy Chair shall assume the role of “intermediary”. The intermediary role is required by and defined in the Scottish Code.

3.3.2 Nominations process

At least three months before the end of the term of office of the serving Deputy Chair of Court, the Secretary of the University will issue advice to the Court membership on the role and time commitment associated with it and will seek nominations from members.

Nominations may be made by eligible individuals themselves, with confirmed support of two other members of the Court, or the nomination of an eligible member of the Court may be made by others, with the nominee’s consent. Each nominated individual shall be advised of the names of the other nominees.

3.3.3 Selection process

The nominated individual(s) shall be invited by the Secretary of the University to produce a written expression of interest, confirming the particular knowledge, skills and experience they could bring to the role, and their ability to meet the required time commitment.

The GNC shall receive nominees’ expressions of interest and shall be responsible, via the Secretary of the University, for arranging interviews with the individual(s) presented for consideration.

Among the considerations of key matters such as skills, experience and time commitment which are of especial relevance to the Deputy Chair role, the Committee shall consider the relationships involved, most importantly the three-way relationship that will exist between the Chair, the Deputy Chair and the Principal. It is vital that the personality and the approach taken by the Deputy Chair in their role have the qualities necessary to support effective and mutually supportive relationships with both the Chair and the Principal and between the Chair and the Principal.

The appointment panel, drawn from the membership of the GNC and agreed by the GNC, shall include the following:

- the Chair of Court;
- at least one other independent lay member of the Committee;
- at least one staff member of the Committee;
- a student member of the committee or the alternative student member of the Court;
- the Principal; and
- the Secretary of the University.

The GNC shall make a recommendation for appointment to the role of Deputy Chair to the Court for approval.
3.4 COURT INDUCTION

A programme of induction shall be offered to and is obligatory for all new members of the Court and Court committees. This shall normally be held before the first meeting of the Court in the new academic year.

Invitations should be made to all other longer standing members of Court by way of a ‘refresh’, as well as to Court and Court committee members who may have missed an earlier opportunity to attend a Court induction event.

The induction event will normally be held over two days. The matters to be covered in the induction event, or as soon as may be following the event, are listed in Appendix 2 to this Policy. The GNC may be invited by the Secretary of the University and or the Chair of Court to consider ways in which the induction process may be extended in its coverage beyond the established two day programme, depending on the priorities of the Court and the induction needs of members.

The induction programme shall be developed by the Secretary of the University and should be approved by the Chair of the Court.

New Court and Court committee members must make every effort to attend on induction days. Incoming new members shall be consulted on potential dates as far in advance of the event as possible. Invitations for the next available induction event will be issued to those who missed an earlier opportunity.

Court members who have had their term of membership renewed for a further period must re-attend a Court induction prior to embarking on their next period of membership.

In accordance with Ordinance B5: ‘Court Business’, the Court shall prescribe a programme of induction training for new members of the Court which shall be reviewed from time to time to ensure that it reflects current and future needs. The Governance and Nominations Committee should be invited by the Secretary of the University on an annual basis to review and approve an outline of the proposed forthcoming induction programme.

3.5 TRAINING AND DEVELOPMENT

3.5.1 Following the formal induction process, and to build effectiveness in their roles, members of the Court and its committees shall be provided with opportunities to increase their learning and development. These opportunities may take many forms, for example:

- seminars or workshops provided by Advance HE and other organisations;
- themed “Show and Tell” events at selected Court Away Days;
- themed Court dinner discussion events with invited presenters;
- presentations at ordinary meetings, which inform members about particular statutory requirements or other matters of topical relevance; paper briefings, for example, on external policy or legislative developments;
- visits or tours within the University;
- notice of and links to new external publications; and
- access to the University’s electronic newsletter and press news.
There is an onus on members to keep themselves informed and to consult with the Secretary of the University if they believe that they need more information to support themselves in their role.

3.5.2 New Court members and Committee members should be allocated to a more experienced member who might act as a mentor during the early stages of that person’s involvement, offering guidance on key issues and background to discussions etc.

The Secretary of the University shall have responsibility for facilitating mentoring arrangements.

3.5.3 Seminars and workshops provided by the LFHE and other organisations

The Secretary of the University shall make arrangements annually to publicise to Court members and to Court committee members the Advance HE Governor Development Programme.

The following criteria shall apply to annual training and development opportunities offered by the LFHE Programme with costs to be met from a budget held by the Secretary of the University:

- all Court members and lay members of Court committees shall be invited to take up the opportunity to attend at least one seminar of relevance to governing body members or committee members;
- student members of the Court shall be invited to take up the opportunity to attend at least one seminar focused on students as governors;
- staff members of the Court shall be invited to take up the opportunity to attend at least one seminar per year focused on staff as governors;
- in addition, the Chair, the Deputy Chair and the Principal shall be encouraged to take up the opportunities to attend any seminar in the Programme which is of particular relevance to their leadership roles.

In addition to the above, opportunities should be offered, as and when these arise, for relevant members to attend governance related seminars on specialised topics provided by other professional bodies and practices.

In order to maximise the value to the Court and its committees of participation in seminar and other similar type events, attending members are expected to provide a high level summary report of what they have learned which can be shared with other members.

3.6 REVIEW OF INDIVIDUAL CONTRIBUTIONS

3.6.1 Individual members of the Court

A meeting shall be conducted between the Chair of Court and each member of the Court at least every two years during their period of membership. The main purpose of this two-way discussion will be to discuss the Court member’s contribution to the work of the Court and to consider opportunities for personal development within the member’s role. In the case of student members of the Court, who typically serve on the membership of the Court for only one year, the Chair should hold such a meeting with those members before the end of the calendar year in the year that they were appointed.
The format for the meeting should include:

- the scale of the contribution that has been or is being made by the individual, i.e. in addition to their Court role any membership of Court Committee(s), any Chair responsibilities and any additional Court duties or responsibilities undertaken;
- a dual assessment of the overall effectiveness of the member’s contributions;
- past and continued ability to make the necessary commitment of time to meet all of the duties and responsibilities; and
- any personal development interests and opportunities that would assist the member.

Before the meeting the Chair shall take constructive soundings from the Chair of the Court committee of which the Court member is a member (unless the member is the Chair), to help inform the discussion.

Should a matter of conflicted interest arise, the Deputy Chair of Court may be invited to conduct a review meeting with a Court member.

3.6.2 Individual members of Court Committees

A meeting shall be conducted between the Chair of a Court committee and each co-opted lay member of that committee at least every two years during their period of membership. The main purpose of this two-way discussion will be to discuss the member’s contribution to the work of the committee and to consider opportunities for personal development within the member’s role.

The format for the meeting should include:

- the scale of the contribution that has been or is being made by the individual, i.e. in addition to their committee role any associated duties or responsibilities undertaken;
- a dual assessment of the overall effectiveness of the member’s contributions;
- past and continued ability to make the necessary commitment of time to meet all of the duties and responsibilities; and
- any personal development interests and opportunities that would assist the member.

Should a matter of conflicted interest arise, another serving member of the Court who is a member of the committee may be invited to conduct a review meeting with the committee member.

For the purposes of this Policy, the above shall apply to co-opted lay members of the following: Audit and Risk Committee, Campus Committee, Endowment Committee, Finance Committee, Global Student Liaison Committee, Remuneration Committee and Staff Committee.

3.6.3 The Chair of Court

The Deputy Chair of Court, as the appointed “intermediary” defined in the Scottish Code, shall meet with all Court members at least annually to gain feedback on the performance of the Chair of Court. Such meetings may be conducted with the Court membership as a whole, without the Chair being present, or with members individually. Where such a meeting is to be conducted with the Court membership
as a whole, the Deputy Chair should offer each Court member the opportunity to provide relevant feedback individually and in private.

The performance of the Chair should be assessed against the key roles and responsibilities associated with the position of Chair of Court and the quality of their leadership of Court meetings. The Chair should be assisted to identify professional development needs in relation to their governance responsibilities and seek opportunities to address these.

The Deputy Chair of Court, in consultation with the Secretary of the University, shall consider a framework of questions and criteria for assessment of the Chair. The Chair of Court should have an opportunity to consider and agree the framework of questions and criteria for assessment.

The Chair shall be given the opportunity, using the framework of questions and criteria for assessment to complete a self-assessment to feed into the appraisal process.

The Deputy Chair of Court shall provide a timely summary feedback report on the outcomes of his discussion(s) with members to the Chair of Court, the Principal and the Secretary of the University. The report, which shall be treated in confidence, should include identified areas of strength and identified areas for further development.

The Chair of Court, in consultation with the Secretary of the University, shall be responsible for the timely development and implementation of an appropriate action plan in the event that there have been areas identified for further development.

### 3.7 MEMBERSHIP TERMS AND RENEWAL

#### 3.7.1 Membership terms

The maximum term of appointment of independent lay members of the Court shall be as prescribed in Statute 4: The Court.

At the end of each period of appointment, members of the Court and Court committees shall be eligible to be considered for an extension to their period of appointment, subject to them not having reached the end of the maximum length of service (nine years). Eligibility to continue for a further period for those in the elected categories of Court membership will of course be subject to the outcomes of elections held.

In accordance with guidance provided in the Scottish Code, there shall be no assumption of automatic extension of a member’s appointment to the maximum length allowable for any member of Court in the independent lay member category. The Scottish Code stipulates that appointment periods should be renewable “subject to satisfactory performance.” The future needs of the Court in terms of the mix of skills within its membership must be considered as a critical factor in decision-making about the extension of a person’s period of appointment.

A decision on whether to extend an independent lay member’s period of appointment on the Court should be made on the basis of an assessment against the following criteria:
• the mix of skills and experience that the Court will require over the period ahead, making reference to the Skills' Matrix;
• the overall contribution and quality of contribution that the individual has been able to make to date, including their Court role and any other contributions made (Court Committee membership, support for projects or other contributions)*; and
• the level of time commitment that the individual has demonstrated that they are able to make*.

In addition, in relation to the co-opted lay membership of the Remuneration Committee, a particular assessment should be undertaken to ensure that the member is continuing to demonstrate an especially high level of independence and objectivity in their role. Such an assessment should not be based solely on the length of the member’s service to the Committee.

*The Court’s Attendance and Participation Policy stipulates that the attendance and participation of a member in terms of the Policy shall form part of the criteria applied when considering renewal of membership when a member’s initial term of office comes to an end.

3.7.2 Renewal

Membership of the Court for the maximum permissible period of nine years should be considered an exception, rather than the rule. In considering the period of extension beyond the first period of three years for independent lay members of the Court the GNC should make a judgement against the criteria set out above, and should also give consideration to factors such as the benefit of new blood balanced against continuity in the membership, as well as the need to smooth the turnover in the membership and control the numbers of members retiring in any single year.

For each of the second and third period of extension of a membership under the provisions of Statute 4: ‘The Court’, the GNC should therefore consider the option to extend the membership by either three years, two years or one year.

The same considerations as above, should apply to the appointment of co-opted lay members of committees of Court.

In relation to Court members, at least three months before the end of a member’s current term of membership, the Chair of Court, using a standard form (to be provided and part-populated by the Secretariat) should make a submission to the GNC which includes the Chair’s recommendation in relation to the renewal (or otherwise) of the independent lay member’s appointment. The GNC will consider the Chair’s recommendation and the desired length of period of any recommended extension before making a recommendation to the Court.

In the case of an alumni member in the category described in Statute 4, paragraph 1 (a) iii, the GNC shall consult with the Watt Club Council via the Secretary of the Council, setting out the rationale for any recommendation that the GNC will wish to make in relation to that member’s continued appointment whether for a further full three year term, a period less than a three year term or no renewal.

In relation to members of committees of Court, at least three months before the end of a co-opted lay member’s current term of membership, the Chair of the relevant Court committee, using a standard form (to be provided and part-populated by the Secretariat) should make a submission to the GNC which
includes the Chair’s recommendation in relation to the renewal (or otherwise) of the co-opted lay member’s appointment. The GNC will consider the Chair’s recommendation and the desired length of period of any recommended extension before making a recommendation to the Court.

3.8 REMOVAL OF MEMBERS

3.8.1 The Court

The process conducted by the University for the removal of a member of the Court shall be as prescribed in paragraph 2 of Statute 6: ‘Removal from office or membership’, which states that any member of the Court may be removed from membership of the Court for reasons of good cause. No member of staff may be removed from the Court until any applicable disciplinary, removal and/or grievance procedures have been completed in accordance with Ordinance F5: Disciplinary, Removal and Grievance Procedures for Members of Staff.

It should be noted that the Office of the Scottish Charity Regulator (OSCR), under powers set out in the Charities & Trustee Investment Scotland Act, 2005 may, by notice, suspend any person concerned in the management or control of the charity or body who appears to it to:

a) have been responsible for or privy to misconduct,

b) have contributed to, or facilitated, misconduct, or

c) be unable or unfit to perform that person’s functions in relation to the property of the charity or body.

If OSCR were to deem the whole board to have been responsible for misconduct, it could suspend every member of the board. OSCR’s power under a) and b) does not apply if OSCR considers that the person has acted honestly and reasonably in relation to the misconduct concerned and ought fairly to be excused.

The Charities and Trustee Investment Scotland Act 2005 establishes the expectation that Trustee bodies will remove any governor who has been in serious and persistent breach of their ‘general duty’ under the Act. (A link to the Act is provided below.)

3.8.2 Court Committees

Through this Policy, the Court shall have the right to apply the same procedures as described in 3.8.1 above to remove a member from a Court committee.

4. SCOPE

This Policy is relevant to members of the Court and members of Court committees, which include [but are not limited to] the following: Audit and Risk Committee, Campus Committee, Endowment Committee, Finance Committee, Global Student Liaison Committee, Governance and Nominations Committee, Interim Business Committee, Remuneration Committee and Staff Committee.

5. LINES OF RESPONSIBILITY

It is the responsibility of the University Court to approve this Policy and any subsequent revisions to it, and to satisfy itself that the Policy is effective.
It is the responsibility of the **Chair of Court**, with the support of the **Secretary of the University**, to ensure that the arrangements made for the conduct of appointments, membership renewals, induction, training, development and member reviews comply with the terms of this Policy and, where relevant, the other University policies which are referred to in this Policy.

It is the responsibility of **GNC members** to review this Policy at least three yearly and to make recommendations to the Court for any required changes.

It is the responsibility of the **Deputy Chair of Court**, to adhere to the terms of this Policy when undertaking duties as the “intermediary”, as defined in the Scottish Code.

It is the responsibility of the relevant **Court committee Chairs** to adhere to the terms of this Policy in relation to review meetings undertaken with co-opted lay members and input to the process of review meetings with Court members as described in sections 3.6.1 and 3.6.2, above.

### 6. MONITORING AND EVALUATION

The GNC shall monitor and review the effectiveness of this Policy every three years and shall make recommendations thereon to the Court.

The GNC may at any time make recommendations to the Court that changes be made to the Policy, for example, to ensure that it continues to accord with changes to governance best practice guidance or to legislation.

The Secretary of the University shall be responsible for continual monitoring of the practical arrangements in place to support the appointment, induction, training, development and review of members to ensure that these are compliant with the terms of this Policy.

The effectiveness of this Policy shall be evaluated against the following:

- the invited views of the GNC and the Court at the agreed review points;
- structured feedback from new members on induction arrangements and support; and
- timely reviews led by the Secretary of the University to ensure alignment of the Policy with any external changes in governance best practice guidance or any relevant legislation.

### 7. IMPLEMENTATION

The Chair of the Court and the Secretary of the University share responsibility for implementation of this Policy.

The Governance and Nominations Committee shall be responsible for reviewing this Policy and making recommendations to the Court on any future changes to the Policy as the Committee might deem appropriate.
8. RELATED POLICIES, PROCEDURES AND FURTHER REFERENCE

Ethical Business: Conflict of Interest Policy (for governors)
http://www1.hw.ac.uk/committees/court/docs/governor-conflict-interest-policy.pdf

Court Attendance and Participation Policy
https://www.hw.ac.uk/services/docs/court-attendance-policy-Ca-f02o7ITtEFnUVAgQUKjUDVVCUblelLqTvj_5c7Kg.pdf

Heriot-Watt Equality and Diversity (including policies and procedures)
https://www.hw.ac.uk/services/equality-diversity.htm

Court Equality and Diversity Statement and Monitoring Form
https://www.hw.ac.uk/services/secretariat/court.htm

Heriot-Watt Information security policies and guidance (includes Data Protection, information security and records management policies)
https://www.hw.ac.uk/about/policies.htm

Further reference

Higher Education Governance (Scotland) Act 2016

Scottish Code of Good Higher Education Governance
http://www.scottishuniversitygovernance.ac.uk/2017-code/

University Charter, Statutes and Ordinances
http://www1.hw.ac.uk/ordinances/charter-and-statutes.htm

Charities and Trustee Investment (Scotland) Act 2005

Gender Representation on Public Boards (Scotland) Act 2018

9. FURTHER HELP AND ADVICE

Advice or guidance on the application of this Policy may be sought from the Secretary of the University.

10. POLICY VERSION AND HISTORY

<table>
<thead>
<tr>
<th>Version No</th>
<th>Date of Approval</th>
<th>Approving Authority</th>
<th>Brief Description of Amendment</th>
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<tbody>
<tr>
<td>V. 1.5</td>
<td>[Sept 2019]</td>
<td>Court</td>
<td>The Court Equality and Diversity Strategy Statement was added to the report (Appendix 4).</td>
</tr>
</tbody>
</table>
APPENDIX 1 – FURTHER PARTICULARS FOR MEMBER OF COURT ROLE

Further particulars information prepared for candidates applying for Court vacancies shall include, but may not be restricted to, the following:

a) a statement confirming the Court’s equality and diversity aims
b) information about the University, its standing and ambitions and its performance (with links to relevant additional information, for example, Strategic Plan, Our Rankings page etc)
c) University Values and expected conduct (Standards in Public Life)
d) the expectation that the successful candidate will share the values of the University and will add to the overall success and health of the University
e) candidate skills, experience and attributes required and criteria for selection
f) link to Court Skills Register information
g) role and responsibilities of the Court (with link to the Court Statement of Primary Responsibilities and the Court Web page)
h) the role of Court committees
i) Charity and trustee responsibilities
j) Frequency of meetings and the total time commitment required of the role (including expectations about participation in at least one Court committee and occasional participation in events in the life of the University)
k) governor induction, training and development opportunities available
l) confirmation that memberships with the exception of the Chair of Court position are pro bono, although expenses will be reimbursed
m) links to useful information (University home page, Scottish Code of Good Higher Education Governance, Annual Accounts and Financial Statements etc.)
n) guidance on how to apply and confirmation of interview dates
o) contact details for the Secretary of the University as the primary point of contact for further information and advice
p) a copy of the letter of appointment including all terms and conditions associated with the appointment.
APPENDIX 2 – COURT INDUCTION INFORMATION

It is the responsibility of the Chair of the Court, working with the Secretary of the University to ensure that all members of the governing body, when taking up office, be fully briefed on the terms of their appointment and be made aware of the responsibilities placed on them for the proper governance. New members of the Court and its committees should receive the following information on appointment:

Information about the Court:

a) The Court’s Statement of Primary Responsibilities including the Principles of Public Life (Committee on Standards in Public Life) #
b) Information on the responsibilities of the Court with respect to the status of the University as a public body for example, equality and diversity and adherence to the Equality Duty #
c) Court Standing Orders and Court Committee Standing Orders
d) Ethical Business: Conflict of Interest Policy
e) Court Attendance and Participation Policy
f) Policy on Court and Court Committee membership: processes for the appointment, induction, training, development, review and removal of members

Information about the University:

a) Institutional status and key areas of accountability *
b) University Values Statement
c) Most recent Annual Accounts & Financial Statements publication
d) Financial overview and forecast and reporting *
e) University Strategic Plan and key supporting strategy documents, for example, for learning and teaching, research, human resources, estates … #
f) Key Performance Indicators and progress against targets *
g) Strategic and operational planning structures and processes # *
h) University-level and School-level strategic objectives, profiles, priorities and challenges*
i) Information on the University’s organisational and committee structures #
j) Constitutional framework (including Constitutional Framework Definitions document) # *
k) Management and committee governance structures # *
l) Recent and up-coming developments in the University’s governance *

Key Scottish Funding Council information:

a) SFC/Institutional Financial Memorandum #
b) HWU/SFC Outcome Agreement

Other external information:

a) The external environment and current and emerging governance issues *
b) The Scottish Code of Good Higher Education Governance
c) information on governor responsibilities in relation to the Charities & Trustee Investment (Scotland) Act #
d) information on the general structure and legal / accountability framework of higher education in Scotland # *
e) information on the funding of higher education and research within the wider United Kingdom #
f) the general structure and legal framework of higher education in territories in which the University has campuses
g) ‘Getting to Grips with being a Governor’ LFHE publication
General:

a) Court Handbook
b) link to Court Intranet site

# included in the Court Handbook
* included in presentations given at the Court induction event

Items which are not marked with a # or * shall be provided to members either in a hard or an electronic copy.

In addition to the above, all members shall be provided with access to more specialised information of relevance to higher education governance and the role of governors or committee members. This includes publications produced by AdvanceHE, for example, publications in the ‘Getting to Grips’ range. Specialised information should be supplied which is of relevance to the following Court committees: Audit and Risk, Campus, Finance, Global Student Liaison, Remuneration and Staff.
APPENDIX 3: ELECTION TO THE POSITION OF CHAIR OF COURT

In respect of elections to the position of Chair of the governing body, the Higher Education Governance (Scotland) Act 2016 (The Act), states: “The election process is to be conducted in accordance with rules made by the governing body of the institution.”

The Act (Part 7) states: “These persons are entitled to vote in an election under section 6 for the position of senior lay member of the governing body of a higher education institution —
(a) the members of the governing body,
(b) the staff of the institution,
(c) the students of the institution.”

The Act also states that in the Act, any reference to the students of a higher education institution “includes all persons holding sabbatical office in a students’ association of the institution (whether or not they remain as students of the institution during their period of office).” No other definition of students is provided in the Act.

The following guidance agreed by the Court defines the staff and student electorates with a franchise in such elections.

Voting Electorate: Staff

The electorate for voting in the election for the position of Chair of Court shall include:

persons who have a contract of employment with the University on the given census date* at:

• Heriot-Watt UK campuses
• Heriot-Watt Dubai Campus
• Heriot-Watt Malaysia Campus

and persons who have a contract of employment with the Edinburgh Business School.

(*the census date should not normally be set more than two calendar months before the intended date of the election)

Voting Electorate: Students

The electorate for voting in the election for the position of Chair of Court shall include:

persons who on the given census date* are captured on the student administration system and are registered active students (active being defined in terms of the University’s return to the Higher Education Statistics Agency) at:

• Heriot-Watt UK campuses
• Heriot-Watt Dubai Campus
• Heriot-Watt Malaysia Campus
• Edinburgh Business School
• At an institution with whom the University has a teaching agreement, such as an approved learning partner

such students above following a programme of study which has been approved by the Senate, and falling into one or more of the following categories:

a) a new or continuing student studying on a campus-based programme of study in the current academic year;
b) a new or continuing student following a campus-based programme of research study in the current academic year;

c) a continuing student following a campus-based programme of research who has “writing up” status in the current academic year;

d) a new or continuing student studying on a campus-based Foundation Degree programme in the current academic year;

e) a new or continuing student studying in the current academic year on a joint programme established between the University and another institution(s) where the University is one of the awarding bodies;

f) a new or continuing “associate” student studying in the current academic year for a Heriot-Watt award through a partnership agreement with another institution (whether that person is based at the University or the partner institution);

g) a new or continuing student following a programme of study in the current academic year with an Approved Learning Partner;

h) an outgoing exchange student studying in the current academic year;

i) an incoming exchange student or “non graduating” status student studying in the current academic year who is registered at the census point;

j) a person undertaking a pre-sessional English course, who is registered at the census point;

k) a person registered on a distance learning programme of study who has either enrolled for or taken an assessment in courseware for their programme of study within the previous twelve months of the given census date.

or, a person who on the given census date is captured on the student administration system in the category of Student Sabbatical Officer Bearer in the current academic year.

For clarification, the following persons shall be excluded from the student census:

1) a person classified in the student administration system in the current academic year as: out of the University with assessment resits; on an elected temporary suspension of studies; a person who has permanently withdrawn from the University;

2) a person undertaking a non-degree/non-diploma CPD or other short course which requires no student registration;

3) a “visiting” scholar who does not fall into the “exchange” or “non-graduating” student category in the University’s HESA return;

4) a person studying at the University as part of a partnership agreement where the award will be awarded wholly by another institution(s);

5) a person who might have purchased, enrolled for or taken an assessment in distance learning courseware within the period of twelve months before the given census date, but who in the current academic year and at the census date are not enrolled on a programme of study by distance learning. For example, the Edinburgh Business School provides the opportunity to persons to qualify for entry to the distance learning MBA programme through prior passing of three stand-alone courses;

6) a person enrolled on a postgraduate Academic Practice programme (such persons, being members of staff will be captured in the staff census record).
APPENDIX 4: COURT EQUALITY AND DIVERSITY STRATEGY STATEMENT

COURT MEMBERSHIP: EQUALITY AND DIVERSITY

The Court’s vision is for its position as champion of equality, diversity and an inclusive culture across the University to be reflected in its own membership. The Scottish Code of Good Higher Education Governance also expects institutions to establish appropriate goals and policies regarding the diversity of the members it appoints and to regularly review performance.

To achieve the above, the Court is committed to achieving and maintaining the following long term goals:

1. to achieve and maintain compliance with the Gender Representation on Public Boards (Scotland) Act 2018;
2. to achieve significant breadth in the age range of appointed Court members, so that the median age falls below its current level in 2019;
3. to achieve in its appointed member category a membership which is broadly reflective of the Scottish* community in relation to other key protected characteristics besides age and gender (disability, race, religion and belief, and sexual orientation) while ensuring that the required diversity of professional skills, experience and viewpoints are met as primary goals. Therefore, where candidates’ performance against the professionally focused criteria is equal the Court shall appoint the candidate who increases the diversity of the Court as defined by the protected characteristics.
4. to achieve as far as possible diversity in the elected staff membership of the Court which is broadly reflective of the make up of the staff population from which electable candidates are drawn.
5. to routinely use and refer to diversity monitoring information submitted by previous applicants, using the findings to refine and direct our recruitment policies and practices to achieve any necessary improvements.

The Court acknowledges that, as the groups of appointed and elected Court members are small, it is unlikely that every protected characteristic will be represented on the Court while at the same time appointing the essential breadth of professional skills and experience. However, advertising and recruitment activities will be managed such that opportunities are maximised to meet both aims.

The above principles will be applied where appropriate to the membership of Court committees.

*As the University is working in compliance with national legislation applicable in Scotland it is considered appropriate that equality and diversity goals in this case are reflective of the local community in Scotland, while recognising that the whole University is made up of different communities, each with a very different diversity profile. Where relevant and appropriate, equality and diversity aims will align to and reflect the community being served from the campus location.