

## ST. JOHN'S COLLEGE

**MINUTES**

A meeting of **GOVERNING BODY** was held on Wednesday 13<sup>th</sup> February 2019 at 2.00 p.m. in the Senior Common Room.

Present: The President, Professor C. J. K. Batty, Professor R. G. Compton, Professor S. J. Whittaker, Professor A. Grafen, Professor A. R. Weidberg, Professor A. J. Parker, Professor F. A. Armstrong, Professor S. Elston, Professor P. P. Craig, Professor Z. Molnár, Professor M. Cannon, Professor W. Mattli, Professor P. Maini, Professor C. A. Larrington, The Revd. Professor W. Whyte, Professor D. Martin, Professor A. Hills, Professor R. M. Harding, Professor H. Bouman, Professor N. P. Harberd, Ms. S. Layburn, Professor M. Omri, Professor H. Skoda, Professor N. Lübecker, Professor P. R. Hayes, Professor G. Gottlob, Professor J. Obloj, Dr. G. Kantor, Professor B. Murnane, Professor J. Bray, Professor K. Southwood, Professor C. Beem, Professor S. Kiefer, Professor N. Sugimura, Professor S. Toussaert, Professor A. Srinivasan

Apologies: Professor C. Whistler, Professor C. Newton, Professor G. Rose

In attendance: Dr. S. Campbell, Mr R. Crow, Ms. J. Roadknight, Dr. M. Nicholls, Ms. D. Cripps

**ACTION****AGENDA 'B'**1. Minutes and matters arising

The minutes of the meeting of Governing Body held on 9<sup>th</sup> January 2019 were **approved**.

2. Election to Official Fellowship in Classics

Dr Emma Greensmith was elected as Official Fellow and Tutor in Classics, with membership of Governing Body, with effect from 1st October 2019.

**PRESIDENT**3. Election to Professorial Fellowship of Paediatric Neuroimaging

The Vice-President (Academic) reported that Rebeccah Slater had been appointed to the Professorship of Paediatric Neuroimaging from 1<sup>st</sup> February 2019. Professor Slater was elected to a Professorial Fellowship of St John's College, with membership of Governing Body, with effect from 1st February 2019.

4. Educational Policy Committee

The minutes of the meeting held on 23<sup>rd</sup> January 2019 were received.

The Governing Body **agreed** a protocol for election to Research Fellowships in Mathematics and the Sciences which detailed the composition of the selection committee and the reintroduction of interviews.

The appointment of an eight-hour Stipendiary Lecturer for four terms, including Trinity Term 2019 and the academic year 2019/20, to cover the replacement teaching need arising from Revd. Professor Whyte's appointment as Assessor was also **agreed**.

**SENIOR TUTOR**5. Promotion of the Arts Committee

The minutes of the meeting held on 30<sup>th</sup> January 2019 were received.

The Governing Body **agreed** that an Oxford Lieder Festival event could take place in the Auditorium on 20<sup>th</sup> October 2019. It was also **agreed** that events of this kind could be held during term time.

#### 6. General Purposes Committee

The minutes of the meeting held on 30<sup>th</sup> January 2019 were received.

The Governing Body **agreed** that the Emeritus Research Fellowship of Professor R. Bush should be renewed from October 2019 for a third and final period of three years. It was also **agreed** that the Emeritus Research Fellowships of Professor K. P. Tod and Professor L. McDowell should be renewed from October 2019 for a second period of three years.

The Governing Body **agreed** that the donation received for an enhanced outreach programme for students in Years 9–11 from September 2019 to July 2022 should be used for that purpose.

#### **FELLOW FOR ACCESS**

It was also **agreed** that a working group (comprising a Fellow from each Division and the Fellow for Equality) should be set up to consider the constitution and remit of a Nominations Committee.

It was further **agreed** that Sir Keith Burnett should be invited to perform the opening of the new Study Centre in October 2019.

#### **PRESIDENT**

#### 7. Chapel and Patronage Committee

The minutes of the meeting held on 6<sup>th</sup> February 2019 were received.

The Governing Body **agreed** that a Choral Scholarship should be awarded to Nathaniel Robinson.

#### **FINANCE BURSAR**

#### 8. Finance Committee

The minutes of the meeting held on 6<sup>th</sup> February 2019 were received.

The Principal Bursar updated Governing Body on planning (including housing issues), the expected timetable and expenditure to date for the Oxford North project. It was **agreed** to allocate [] to take the project through to the end of May 2019.

The Principal Bursar also reported on the situation with the tax authority in Berlin and the possible impact of Brexit on the College's properties. The Governing Body **agreed** to instruct a formal independent valuation of all the German properties [].

The Principal Bursar briefed Governing Body on an investment opportunity. Governing Body **agreed** that, subject to further due diligence, authority should be given to the President, Principal Bursar, Acting Estates Bursar and Finance Bursar to proceed with the purchase by agreement of three and disagreement of none.

#### **PRINCIPAL BURSAR**

The Finance Bursar reported on the financial situation of the Bainton Road Nursery. It was **agreed** to make [] available, to be treated as an increase in the intercompany loan. Access to these funds could be requested by the Nursery Directors and with the agreement of two and disagreement of none of the President, Principal Bursar, Finance Bursar and Home Bursar. It was also **agreed** to convert the intercompany loan to equity capital to regularise the shareholders' funds, the College being the sole shareholder. Such funds would be accessed by the Directors only with the agreement of the Principal Bursar or Finance Bursar.

#### **FINANCE BURSAR**

The Principal Bursar updated Governing Body, in its role as the Governing Body of the College, on the latest information about the USS pension scheme. He explained the ‘last man standing’ principle underlying USS and the possible implications for the scheme through the departure or financial failure of a member institution. He noted that he and the Finance Bursar would continue to monitor developments, both nationally and through discussion at the Estates Bursars’ Committee.

#### **PRINCIPAL BURSAR and FINANCE BURSAR**

The Principal Bursar tabled a response to Professor Pitcher’s Freedom of Information request on legal expenses incurred by the College in connection with his legal action against the College about retirement under the EJRA provisions. The Governing Body **agreed** the response (see Appendix One).

#### 9. Estates Committee

The minutes of the meeting held on 6<sup>th</sup> February 2019 were received.

The Acting Estates Bursar reported on the selection process for a minerals operator for the Wasperton Estate. The Governing Body **agreed** that the College should enter into an option agreement with Smiths Concrete, subject to agreeing appropriate restrictions on the siting of their processing works and appropriate land restoration obligations.

The Governing Body also **agreed** that the President, Principal Bursar, Finance Bursar and Acting Estates Bursar should be authorised to make a decision with regard to a five-year management agreement for the Lamb & Flag, by agreement of three and disagreement of none.

The Works budget for 2019/20 was **agreed**.

The Governing Body **agreed** expenditure [] for works to the Barn at Bagley Wood, subject to staff evaluating its efficacy over the next few months.

#### **KEEPER OF BAGLEY WOOD**

The Principal Bursar reported to Governing Body about a letter received from HMRC with regard to employer-provided housing, on which he was seeking legal advice.

#### **PRINCIPAL BURSAR**

#### 10. Research Committee

The Fellow for Research introduced a proposal from Revd. Professor Whyte for a two-year project to consider St John’s and its colonial past. The proposal had been externally reviewed and considered by the Committee.

The Governing Body **agreed** to support the proposal [].

#### 11. Any other business

The President reminded Governing Body that there would be an extra meeting from 2.00 to 4.00 p.m. on 5<sup>th</sup> March to discuss the College’s investment strategy.

#### **BELOW THE LINE ITEMS – TO NOTE**

#### 12. Development and Alumni Relations Committee

The minutes of the meeting held on 16<sup>th</sup> January 2019 were received.

#### 13. Domestic Committee

The minutes of the meeting held on 23<sup>rd</sup> January 2019 were received.

## **APPENDIX ONE**

### Professor John Pitcher – legal expenses

It is timely to report on the expenses involved in the College defending itself against the legal actions taken against the College by Professor John Pitcher in connection with his retirement under the EJRA provisions.

As a reminder, there was a collective Governing Body agreement in support of the EJRA, with Prof Pitcher being a member of GB at the time the decision was taken. The College decided to defend itself against Professor Pitcher's action, having regard to the overriding desirability of supporting the joint appointment system and the publicly stated aims of the EJRA. The College also has had regard to the future cost of continuing to employ Professor Pitcher, if it did not defend its position.

During the tribunal proceedings, Professor Pitcher was of the view that "the College ought to bear the full cost of his continuing in employment on a full-time basis, even if he did not continue to be employed by the University" AJP's witness statement to Employment Tribunal.  
[]

Professor Pitcher has not been consistent in stating precisely when he might wish to retire but at one point stated that he expected to be active until the age of 75, which would imply 7 years of additional costs (£824,383 in 2016 figures) if this case had not been contested by the College. Even if there is an adverse judgment and an order for settlement, the view is that the costs are not likely to be as high as this. The matter has been running for some time now, although it is likely to reach a conclusion from the Employment Tribunal in late Spring 2019.  
[]

An analysis of costs so far shows that the College has expended on legal costs generally 40.4% of the sum at risk, in the event that Professor Pitcher's claim against the College had not been contested. The sums involved include costs in preparing for and appearing at the Employment Tribunal, Counsels' fees, costs for the abandoned appeal (originally requested by JP on 25th May 2016, preliminary hearing 13th June 2016, formally abandoned in October 2016 after dates were set for hearing and papers prepared), but also include some items relating to general advice to the College. The sum therefore includes more than 2 years of very intensive legal activity but should be balanced against the claim made by Professor Pitcher.

In the event that the College successfully defends itself against Professor Pitcher's action, the College is not likely to be able to recover the expenses it has been forced to undertake.

AJP

13<sup>th</sup> February 2019

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