

University of York

Constitution and Nominations Committee

Matters for note by the University Council arising from the meeting of the Constitution and Nominations Committee (CNC) held on 29 April 2026

CUC Code of Governance: draft for public comment

CNC considered the final draft of the CUC Code of Governance, which had been issued for public comment by 10 May, noting the following:

1. CNC was broadly comfortable with the Code's expectations, and the University was already compliant in most areas.
2. There was a need for Council to take the lead in relation to developing a proactive academic assurance framework. ARC had already initiated work in this area, with a focus on the business conducted in Senate's sub-committees, and it was agreed that the Chair of ARC should attend meetings of University Education Committee and University Research Committee over the next few months and report back to CNC on proportionate systemisation of assurance. Academic assurance reporting to Council would be developed iteratively, building on the existing executive summary from Senate, with enhanced reporting to Council in July and development of a suite of information for the October meeting.
3. Once the final version of the Code had been published, a light touch review against the requirements would be brought to CNC and Council in the autumn, wrapped up with actions from the Council Effectiveness Review and other development pieces.
4. Reviews of the CUC's Audit Committees Code of Practice and HE Senior Staff Remuneration Code were expected in due course.

Update on the Council Effectiveness review

CNC considered a one year progress update against the recommendations of the Council Effectiveness Review, noting that good progress had been made, with further focus needed on Council's relationship with the Senate, the way data was used to inform decisions and provide assurance, and communications about Council's work to the wider University community. The Committee further noted:

1. The CUC requirement for external review every three years: it was important to initiate appointing a reviewer without delay;
2. The need to strengthen reporting between Council and its subcommittees via the chairs, including reporting on priorities for the coming period;
3. The University Secretary would work with the chairs and the Director of Strategic Planning and Performance to review and develop the data sets provided to Council and its sub-committees

CNC recommended the table setting out progress against the Effectiveness Review recommendations to Council as an accurate assessment.

International Partnership Governance

1. CNC considered an update on the University's international campus and TNE initiatives, focusing on the proposed approach to ongoing governance. It noted the need for:
 - a. A more coherent articulation within the paper of the importance of aligning with the University's values as well as its strategic approach to new initiatives;
 - b. The next report to Council to set out proposed governance structures for staff and student matters in relation to Mumbai in the first instance.
2. Regarding the Council Reference Group:
 - a. The Committee agreed that it would be better for all members to engage on all initiatives with individual members focusing on different aspects, rather than designating one lead per initiative.
 - b. Regarding whether the Reference Group should become a formal committee of Council, CNC noted the benefits of building ongoing expertise and oversight across the University's TNE portfolio, whilst

noting the need for agility in this area. It agreed that the Group should continue as it was for the present, and to invite views from Council towards further consideration by CNC in due course.

3. CNC decided to recommend to Council proposals for the criteria requiring an initiative to be considered by Council, subject to referencing the thresholds for capital investment as set out in the Finance Regulations.

Working group on the implications of recent OfS and Supreme Court rulings

CNC considered an interim report setting out:

- An annual report for 2024/25 on implementation of the University's Code of Practice on Academic Freedom and Freedom of Speech; and progress with addressing the requirements of OfS Regulatory Advice 24 relating to this area;
- Responses to date to the implications of the Supreme Court judgment on the interpretation of the term 'sex' in the Equality Act.

In relation to the first, the Committee noted that, subject to delivery against its action plan, the University was in a sound position; however, there was a need to keep a watching brief on the short and longer term outcomes of University of Sussex appeal against the findings of the OfS investigation. It further noted the need to expedite Phase 2 of implementing the Institutional Policy Framework, which had been impacted by the HR/Finance Transformation project.

Further recommendations for Council approval (via Chair's action where appropriate)

1. Appointment of Hugh Edmiston from among Council's independent membership as a member of the Audit and Risk Committee (ARC) from 1 May 2026 to 31 July 2029.
2. Amendments to Ordinance 7 (Officer of the University) and its Appendix (Procedure for removal of an officer/member of Council), in order to clarify that:
 - The roles of Senior Independent Member and Vice-Chair of Council are not mutually exclusive and may (as is currently the case) be held by the same individual;
 - Procedures for the removal of the Chair of Council must not involve the Vice-Chancellor, and ensure that the route for appeal does not involve those involved in the initial decision.
3. Amendments to the Policy on non-academic honorary degrees and fellowships in order to:
 - Sharpen the focus on civic engagement and regional partnership in line with the University Strategy refresh;
 - Clarify the University's position regarding the eligibility of individuals with funded activity within a University department for nomination for an honorary degree.