

UNIVERSITY OF WARWICK

ASSEMBLY

Minutes of the meeting of the Assembly held on 11 March 2016

Present: Croft, Stuart (Vice-Chancellor (Chair)); Achinger, Christine; Adam, Duncan; Bisping, Christopher; Blagburn, Paul; Blindauer, Claudia; Bowskill, Jenny; Bryce, Carol; Budden, Yvonne; Burton, Lisa; Calvert, Alicia; Chan, Winnie; Chandra, Ajay; Chatwin, Ray; Coaffee, Jon; Cope, Joanna; Crouch, Ellie; Dancer, Claire; Davies, Jonathan; Davies, Marianne; Davis, Joanne; Docherty, Thomas; Donaghey, Jimmy; Donnelly, Trudie; Downes, Ceri; Doyle, Rosie; Drinkwater, Rosie; Dunn, Peter; Durham, Alison; Egginton, Sian; Ferrando, Tomaso; Freeloove, Carl; Freely, Maureen; Gabriel, Franck; Galetto, Manuela; Gosling, George; Gray, Katharine; Hall, Jenny; Hamer, Kevin; Harrison, James; Hatfield, Brigitte; Hawkes, Erika; Heath-Kelly, Charlotte; Hinton, Mark; Hodges, Sarah; Hogg, Bob; Hollingsworth, Mark; Horsburgh, Jo; Horton, Robert; Hough, Elizabeth; Hutton, Jane; Jacka, Saul; Jenainati, Cathia; Johansen, Adam; Jones, Cheryl; Jones, Hannah; Josey, David; Katz, Daniel; Kennell, Mark; Khan, Mia; King, Rachel; Klaassen, Katie; Kumin, Beat; Lawrence, Nicholas; Manley, Christopher; Matthews, Steve Luci; Maylor, Elizabeth; McArthur, Justin; McClure, Julia; McGladrigian, Steven; McQuillan, Anne; Meardi, Guglielmo; Mercer, Justine; Morrey, Douglas; Murphy, John; Nastoll, Barbara; Nayar, Jayan; Niblett, Michael; Nicolini, Davide; Panepinto, Alice; Pellis, Lorenzo; Pereira, Maria do Mar; Perrin, Liese; Pitman, John; Pratt, Nicola; Prescott, Paul; Purseigle, Pierre; Racko, Girts; Ray, Jo; Read, Christopher; Reinecke, Juliane; Richardson, Magnus; Riley, Samantha; Rivett, Alan; Roberts, Penny; Rupp, William; Ryan, Raymond; Salter Wright, Yvonne; Sanborn, Adam; Sandilands, Samantha; Sarkar, Aditya; Saunders, Jack; Schlaghecken, Friederike; Schwartz, Laura; Sealey-Huggins, Leon; Silver, Steve; Skinner, Jonathan; Smith, James; Stein, Claudia; Stewart, Ann; Strausz, Erzsebet; Tang, Nicole; Thomas, Pamela; Toner, Helen; Tucker-Abramson, Myka; Unwin, Patrick; Utili, Stefano; Wadia, Khursheed; Wall, Illan; Wall, Sarah; Wallis, Darren; Walls, Leonie; Way, Helen; Williams, Andrew; Wood, Sarah; Wooldridge Smith, Roberta.

In attendance: Birch, Emma; Fontan, Carolina; Glover, Philippa (Assistant Secretary); Gray, Claudia; Hasler, Louise; Hubbard, Monique; Jiao-Rashbrook, Hui; Lynch, Natasha; McKeown, Kirsty; Mills, Geraldine; Moore, Siân; O'Donnell, Liz; Pears, Katherine; Penny, Ruth; Pithouse, Ben; Rhodes, Mark; Roberts, Mike; Sloan, Ken (Registrar and Chief Operating Officer (Secretary)); Spencer, Sue; Stafford, Carla; Taylor, Wendy; Thomas, Alison; Tuersley, Sharon; Waddingham, Adam; Walker, Carol.

1/15-16 Confirmation of Quoracy

REPORTED: (by the Registrar and Chief Operating Officer)

That the meeting of the Assembly was quorate based on there being more than 50 members of staff present, as required in the Standing Orders.

2/15-16 Chair's Business

REPORTED: (by the Vice-Chancellor)

That the agenda and proposed motions on the Higher Education (HE) Green Paper and Prevent, together with the Standing Orders, had been made available to members online via Insite since the date of announcing the meeting on 1 March 2016.

3/15-16 Conflicts of Interest

REPORTED: (by the Vice-Chancellor)

That should any members or attendees of the Assembly meeting have any conflicts of interest relating to agenda items for the meeting, these should be declared.

NOTE: No declarations were made.

4/15-16 Standing Orders of the Assembly

RECEIVED:

An oral report from the Registrar and Chief Operating Officer on the Statutes relating to the Assembly and the operation of the Standing Orders.

REPORTED: (by the Registrar and Chief Operating Officer)

- (a) That whilst the Assembly was not a decision-making body, it could make recommendations to the Council or to the Senate.
- (b) That this meeting of the Assembly was being held to consider two motions which had been put forward: the first in relation to the Higher Education (HE) Green Paper; and the second in relation to the University's statutory duties under Prevent.
- (c) That members were reminded that they must address the Chair.
- (d) That any member who wished to speak must raise their hand and speak only on the invitation of the Chair.
- (e) That members were reminded that they must not speak more than twice upon any question, other than to speak on a point of order, information, or clarification of a point that they had previously raised.
- (f) That the decision of the Chair was final.
- (g) That there were limitations in the way that Assembly was constituted and prescribed, noting that where a motion had been proposed, the purpose of the Assembly was solely to debate and resolve on that motion.

(by the Vice-Chancellor)

- (h) That members of the Assembly would wish to debate the motions to reach a consensus view, noting that there were other opportunities to engage in debate with him in his capacity as Vice-Chancellor, however in this context his role was to Chair the meeting.

(by Dr Justine Mercer)

- (i) That members would wish give opinions for and against the motion, noting that the purpose of the Assembly was to debate.

5/15-16 Motion to the Assembly: Higher Education (HE) Green Paper

CONSIDERED:

A motion to the Assembly on the Higher Education (HE) Green Paper, proposed by Professor Gurminder Bhambra, Sociology, and seconded by Dr Laura Schwartz, History, as detailed in paper (A.01/15-16).

REPORTED: (by Dr Laura Schwartz)

- (a) That the Green Paper proposed reforms to higher education that included the introduction of a metrics-based Teaching Excellence Framework (TEF), an opening of higher education to private for-profit providers, and the exemption of universities from the Freedom of Information Act.
- (b) That the Vice-Chancellor, Professor Stuart Croft, had described these reforms as “nothing less than the most momentous changes in higher education that England has ever seen...a final move to a position in which students are all seen primarily to be ‘consumers’, rather than people striving to advance their knowledge and skills. The move from education as transformation to education as transactional is potentially the most very profound.”
- (c) That the University of Warwick's submission to the Green Paper consultation had been highly critical of the TEF, had expressed concern about the potential for insufficiently rigorous institutions to be granted Degree Awarding Powers, and had been supportive of the removal of universities from the Freedom of Information Act.
- (d) That the TEF proposals to measure teaching quality according to market-based metrics would potentially not only be inaccurate, but also fundamentally at odds with the central mission of higher education.
- (e) That it could be construed that the purpose of the TEF was not to improve teaching quality but to justify the proposal to raise the cap on tuition fees which was embedded within it.
- (f) That the exemption of universities from the Freedom of Information Act would make them less accountable as public institutions, denying student campaigners and trade unions an important tool currently used to ensure fairness and transparency.
- (g) That the Assembly was invited to resolve that the Vice-Chancellor release a public statement opposing the proposed Green Paper reforms, noting similar opposition had been expressed already by other Vice-Chancellors.
- (h) That 400 teaching, research and administrative staff and students had signed an open letter to the Vice-Chancellor, expressing opposition to the Green Paper and the proposed TEF.
- (i) That the proposals in the Green Paper, and particularly those in relation to the TEF, were fundamentally at odds with the public ethos of the University.

- (j) That the proposed introduction of market-based metrics to assess teaching excellence, including those on student satisfaction, and post-graduation and employment data, was considered to hold significant risk in terms of the validity and reliability of those metrics, particularly noting the potential for bias against gender, subject area, and minority groups.
- (k) That the proposed introduction of TEF represented a potential risk to the existing relationship between research excellence and teaching excellence, and research-led teaching.

(by the membership, in summary)

- (l) That the proposal to include metrics on student satisfaction in TEF potentially risked the tradition of critical challenge for intellectual development that currently existed between staff and students.
- (m) That there was felt to be a lack of evidence supporting the TEF proposal, noting that the sector would benefit from further guidance as to the rationale for the proposal.
- (n) That the proposed exemption of universities from the Freedom of Information Act represented a concerning loss of transparency for students, noting that the cost of administering Freedom of Information requests, relative to the turnover of the sector, represented good value in terms of the cost of accountability.
- (o) That a strong institutional response to the Green Paper would signal Warwick's position of leadership on this matter within the sector.
- (p) That a strong institutional response based on the concerns and feedback of its staff and students would also have a transformative effect on the Warwick community.
- (q) That there was some reservation with the statement included in the motion that the purpose of TEF was to raise tuition fees, noting that while the link to TEF and the cap on tuition fees was seen as concerning, it should be recognised that there were elements of the TEF that would be seen as beneficial to those seeking to compare and assess provision across institutions.
- (r) That there was concern about the potentially narrow definition of teaching excellence that could emerge through the TEF, noting the need to consider the broader context within which excellent teaching was enabled, through the provision of suitable resources and physical space.
- (s) That there was concern about utilising the proposed electronic voting system, noting that point 17 of the Standing Orders of the Assembly stated that 'all questions put to the vote shall be decided by a show of hands...'.
- (t) That the electronic voting system enabled anonymous voting and provided greater opportunity for debate within the Assembly meeting, as counting votes by a show of hands required significantly more time.
- (u) That the Standing Orders of the Assembly required updating to reflect the agreement that electronic voting was permissible, noting that the objection to electronic voting was overcome.

RESOLVED:

- (a) That the Standing Orders of the Assembly be amended to reflect the permissibility of electronic voting, for ratification at the next meeting of the Assembly.
- (b) That the motion as set out in paper (A.01/15-16) be approved, with the following votes cast*:

In favour: 98

Against: 8

Abstentions: 11 (**17)

Notes:

*The votes detailed are as recorded in the meeting, totalling 117 votes.

**Reconciliation of numbers of votes and members present at the meeting identified that there were 123 members present at the time of the vote, and that six members present had not indicated their vote by using the electronic handset, and hence were deemed to have abstained, taking the number of abstentions to 17.

RECOMMENDED: (to the Senate and the Council)

That the motion as set out in paper (A.01/15-16) be considered by the Council and the Senate.

6/15-16 Motion to the Assembly: Prevent

CONSIDERED:

A motion to the Assembly in relation to the Prevent agenda, proposed by Dr Justine Mercer, Warwick UCU President, and seconded by Dr Myka Tucker-Abramson, English and Comparative Literary Studies, as detailed in paper (A.02/15-16).

REPORTED: (by Dr Justine Mercer)

- (a) That the Prevent strategy placed a statutory duty on all public bodies (including Higher Education Institutions) to comply with the requirements of the Counter-Terrorism and Security Act 2015 and Prevent agenda.
- (b) That the Prevent agenda requested that University staff report students they believed to be at risk of 'radicalisation'.
- (c) That University staff (including academic, administrative and support staff) at HE Institutions were not required to teach 'British values' as set out in paper (A.02/15-16), noting that this should be removed from any final motion considered by the Assembly.
- (d) That on the 9 March 2016, following publication of the motion, the University had made paperwork relating to its consideration of the Prevent agenda available online.
- (e) That in May 2015 the University and Colleges Union had passed a motion opposing the Prevent Duty.

- (f) That Warwick Students' Union had in Term 1, 2015/16, passed a motion entitled 'Counter Terrorism and Security Act: Students, Not Suspects', opposing the Prevent strategy.
 - (g) That there was concern that the broad definition of terrorism would stifle campus activism and that the monitoring of students and staff would destroy the trust needed for a safe and supportive learning and working environment.
 - (h) That there was concern that the Prevent duty was discriminatory in that it would encourage disproportionate surveillance of Muslim and BME (Black and Minority Ethnic) students.
 - (i) That the Prevent duty could threaten academic freedom in placing restrictions on what could be taught as part of the curriculum and on invitations to outside speakers.
 - (j) That the Assembly be invited to resolve that the Vice-Chancellor release a public statement acknowledging the University membership's strong opposition to the Prevent strategy on the grounds detailed in the motion.
 - (k) That the Assembly should resolve that the University comply with the minimum legal obligation in discharging its statutory duty under the Prevent agenda and the Counter-Terrorism and Security Act 2015.
 - (l) That the University should, with immediate effect, cease its engagement with the Home Office approved WRAP training for University staff, noting that where any safeguarding or more general duty-of-care concern was raised that may put a staff member or student at risk of harm, there were established procedures of prompt referral which relevant staff should be aware of and should be able to act on accordingly.
 - (m) That the University should, with immediate effect, engage in meaningful consultation with the Warwick community (staff and students) on its proposed implementation plans with the Prevent agenda prior to any final submission to HEFCE (incorrectly referred to as HEFEC in the motion) in April 2016.
 - (n) That the University should, with immediate effect, publish all materials linked to its compliance with the Prevent duty and the Counter-Terrorism and Security Act 2015, and resolve to be more open and transparent about how the University was engaging with Prevent, Channel and other similar initiatives.
 - (o) That the Vice-Chancellor should send a copy of the public statement to Jo Johnson, the Minister of State for Universities and Science.
- (by the membership, in summary)
- (p) That the Prevent agenda did not provide protection against terrorism as it was unable to predict when extremism would turn to violence.
 - (q) That Prevent posed a serious risk to threaten the culture of critical evaluation and discussion key to academic development and training at HE institutions.
 - (r) That the University's Prevent Working group would wish to be mindful of the potentially discriminatory risk posed by the Prevent strategy, noting the scope for individuals to self-censor in order to avoid being identified as suspicious, and hence for debate to be stifled.

- (s) That Prevent posed a serious risk to the trust between students, and staff and the institution, which might lead to an atmosphere of suspicion.
- (t) That there was concern about the vagueness of the terminology within the legislation, noting in particular the scope to interpret what might constitute a “radical” or “extreme” view.
- (u) That compliance with Prevent could conflict with pre-existing laws such as Article 3 of the 1986 Education Act, which established freedom of speech within the law, and the Human Rights Act of 1988 which established the right to freedom of expression.
- (v) That it was felt that the current membership of the Prevent Working Group was not fully representative of the diversity of the University community in terms of race, gender, and age, noting that it should be updated accordingly.
- (w) That a more open debate on the Prevent agenda was required before a university response was submitted to HEFCE by 1 April 2016.
- (x) That the recent Students’ Union resolution on non-engagement with Prevent did pose some difficulties in terms of ensuring full representation of the student body for future Prevent discussions, but that it was considered that this could be appropriately managed.
- (y) That concerns about Prevent had been highlighted by the student population at Warwick, noting that any future action on Prevent taken as a result of this Assembly meeting should be communicated to the student body.
- (z) That it was felt that the University of Warwick’s current level of compliance with Prevent was higher than necessary, noting that this was potentially at odds with the University’s tradition of cosmopolitanism and internationalisation.
- (aa) That there was concern about the content of initial training undertaken by relevant staff on Prevent in October 2015, which had taken place in advance of the Prevent action plan being approved by the Steering Committee in January 2016.
- (bb) That there was concern about the number of staff who had been identified to be trained on Prevent.
- (cc) That any further Prevent training, including relevant request and approval forms should be developed in-house in full consultation with the diversity of the University community.
- (dd) That Warwickshire County Council had invited relevant members of the Warwick academic community to advise on compliance with Prevent, noting that it could be considered short-sighted of the institution to not also make use of the academic expertise available to it in-house.

RESOLVED:

- (a) That the motion as set out in paper (A.02/15-16) be put to the vote, subject to the following amendments:
 - (i) Removal of the wording ‘and to teach ‘British values’’ from point 2 under ‘This Assembly notes’;

- (ii) Correction of the spelling of 'HEFCE' in point 4 under 'This Assembly resolves'.
- (b) That the motion as set out in paper (AC.02/15-16), subject to the modifications set out in (a) above, be approved, with the following votes cast*, noting that members of the Assembly had left and joined the meeting during its discussions:

In Favour: 96
Against: 5
Abstentions: 13 (**15)

Notes:

*The votes detailed are as recorded in the meeting, totalling 114 votes.
**Reconciliation of numbers of votes and members present at the meeting identified that there were 116 members present at the time of the vote, and that two members present had not indicated their vote by using the electronic handset, and hence were deemed to have abstained, taking the number of abstentions to 15.

RECOMMENDED: (to the Senate and the Council)

That the motion as set out in minute 6/15-16 resolution (a), be considered by the Council and the Senate.

7/15-16 Next Steps

REPORTED: (by the Registrar)

- (a) That the recommendations from this meeting of the Assembly would be considered at the next meetings of the Council and the Senate to be held on 18 May 2016 and 8 June 2016, respectively.
- (b) That, in the interests of expediency, and in light of the 1 April 2016 deadline for responses to the HEFCE on Prevent, the recommendation in relation to Prevent would be considered at the next meeting of the Steering Committee to be held on 21 March 2016, noting that the Steering Committee had operational responsibility between meetings of the Senate.

(by the Vice-Chancellor)

- (c) That he wished to thank members of the Assembly for the quality of the debate.
- (d) That, there being no further business, he declared the meeting closed.

(by Dr Justine Mercer)

- (e) That she wished to record thanks to the Vice-Chancellor for responding so promptly to the request for a meeting of the Assembly, and for the openness of the debate.