

**UNIVERSITY OF WARWICK
ASSEMBLY
PUBLIC MINUTES OF THE MEETING HELD 12:00, MONDAY 18 OCTOBER 2021
VIA MICROSOFT TEAMS**

Present	Professor Stuart Croft	Vice-Chancellor (Chair)
	Sharon Tuersley	Secretary to Council
	Professor Maureen Freely	(Proposer of Motion 3 and Amended Motion 3)
	Professor Naomi Eilan	(Seconder of Motion 3)
	Dr Naomi Waltham-Smith	(Seconder of Amended Motion 3)
	Sophie Black	Assistant Registrar (Governance) (Technology Assistant)
	Elizabeth Gillick-Daniels	Administrative Officer (Governance) (Technology Assistant)
	Emma Tew	Assistant Registrar (Governance) (Minute-taker)
	Members of the Assembly (114 members present including the above-listed)	

Ref	Item
001	<p>Welcome and Introductory Remarks</p> <p>The Chair welcomed members of the Assembly, declared the meeting open and reported that:</p> <ul style="list-style-type: none"> • The membership of the Assembly included all staff employed on level 1-9 terms and conditions from the date of their employment. • As at 12:00, 61 members of the Assembly were present and the meeting was quorate. • The meeting was first announced on Insite on 6 October 2021, as a continuation of the meeting of the Assembly held on 21 June 2021 to consider Motion 3. The Motion and associated documents were published online on the same date. • An amendment to the Motion was received more than 72 hours prior to the meeting and was therefore published online on 8 October 2021 and publicised on Insite on 11 October 2021. <p>The Secretary to Council outlined the voting procedure, noting that an electronic polling function within Microsoft Teams would be used to vote on the Motion, with contingency measures in place should individuals encounter any issues. Verification of the vote count would take place after the Assembly meeting and the final outcome would be recorded in the minutes.</p>
002	<p>Conflicts of Interest</p> <p>Dr Naomi Waltham-Smith stated that they were the Chair of the Senate Working Group on Academic Freedom. It was concluded that this did not constitute a conflict of interest.</p>
003	<p>Chair's Business</p> <p>There were no items of Chair's business.</p>
004	<p>Minutes of the meeting of the Assembly held on 21 June 2021</p> <p>DECISION: The minutes of the meeting of the Assembly held on 21 June 2021 (004-A181021) were approved.</p>
005	<p>Matters arising from the meeting of the Assembly held on 21 June 2021</p> <p>The Chair reported that:</p> <ul style="list-style-type: none"> • Since the last meeting of the Assembly, a working party related to the handling of allegations of all forms of racism had been established and a schedule of tasks was being developed. • Membership of the working party, which had been reviewed by the Race Equality Taskforce, was currently as follows: <ul style="list-style-type: none"> - Professor Maureen Freely (Chair) - Dr Christine Achinger (School of Modern Languages and Cultures) - Professor Gabrielle Lynch (Politics and International Studies and UCU representative) - Dr Jane Bryan (School of Law) - Mark Hinton (Centre for Lifelong Learning and member of Race Equality Taskforce) - Professor Naomi Eilan (Philosophy)

	<ul style="list-style-type: none"> - Professor Stephen Shapiro (English and Comparative Literary Studies and member of Race Equality Taskforce) - Professor Victor Tadros (School of Law) • Outstanding vacancies on the working party remained and expressions of interest should be directed to Professor Maureen Freely. Representatives from Professional Services and individuals holding diverse views on the definitions of antisemitism were welcome to join.
006	<p>Standing Orders of the Assembly</p> <p>The Secretary to Council reported that:</p> <ul style="list-style-type: none"> • The Assembly was not a decision-making body of the University. It could make recommendations to Council and Senate. • As the meeting was taking place on Microsoft Teams there were a number of the procedural elements under the current Standing Orders that did not apply. • That the Standing Orders were last approved by the Assembly on 15 December 2020.
Items for Discussion	
007	<p>Motions of the Assembly (papers 007a-A181021 and 007b-A181021)</p> <p>a) Motion 3</p> <p>The original wording of Motion 3 was as follows:</p> <p><i>“This Assembly calls on the University to:</i></p> <p><i>(a) uphold its commitment in its Statute 11(7)a to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs and privileges</i></p> <p><i>(b) make clear that the protection of academic freedom and freedom of expression is not limited to opinions within academics’ field of study; they should not be put at risk on the grounds of the exercise of their right to freedom of expression, within the law, on any social or political issue in which they take an interest;</i></p> <p><i>(c) make clear that it is not the role of the university to investigate expressions of opinion by its members on social or political issues in which they take an interest, provided that they do so within the law; the university differs from other organisations, for example political parties, which may seek to ensure that their members align with their policies, whereas a university must seek to protect and encourage a diversity of views.”</i></p> <p>b) Amendment to Motion 3</p> <p>An amendment to Motion 3 was received 72 hours prior to the meeting and the amendment had been published online and publicised on Insite. The wording of Amended Motion 3 was as follows (amendments outlined in <u>red, underlined</u> text):</p> <p><i>“This Assembly calls on the University to:</i></p> <p><i>(a) uphold its commitment in its Statute 11(7)a to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs and privileges</i></p> <p><i>(b) make clear (i) that the <u>enhanced</u> protection of academic freedom and freedom of expression is not limited to <u>the expression of</u> opinions within <u>an</u> academic’s field of study <u>but extends to the intramural and extramural expression of opinions in the areas of their research, professional expertise and competence more broadly, including opinions about the institution or system in which they work;</u> (ii) that all staff, not only academic staff, they should not be put at risk <u>by virtue of exercising on the grounds of the exercise of</u> their right to freedom of expression, within the law, <u>to impart information or ideas on political questions and on other matters of public interest on any social or political issue in which they take an interest;</u> (iii) that <u>institutional autonomy and academic self-governance are necessary for the securing of individual rights.</u></i></p> <p><i>(c) make clear that it is not the role of the university to investigate expressions of opinion by its members on social or political issues in which they take an interest, provided that they do so within the law; the university differs from other organisations, for example political parties, which may seek to ensure that their members align with their policies, whereas a university must seek to protect and encourage a diversity of views.”</i></p>

Professor Maureen Freely (proposer of Motion 3 and Amended Motion 3) and Dr Naomi Waltham-Smith (seconded of Amended Motion 3) presented an overview of Amended Motion 3, with key points highlighted as follows:

- The amendments proposed to Motion 3 aimed to clarify the Assembly’s position on academic freedom and freedom of expression, recognising the nuances of each and the differences between them. By drawing on relevant legal caselaw, the intention of Amended Motion 3 was that enhanced protection of academic freedom should be extended beyond an academic’s expression of their opinion within their field of study to include broader professional expertise and competence. It was additionally intended that all staff (not just academics) would not be put at risk by exercising their right to freedom of expression.
- It was acknowledged that Amended Motion 3 was a starting point that might need to evolve in line with developments in academic freedom and freedom of expression. A particular development, which had been closely reviewed in preparation for this Assembly meeting and which would require ongoing scrutiny, was the Higher Education (Freedom of Speech Bill) that was currently being considered in the House of Commons.
- It was asserted that it should be the role of the Assembly to keep at the forefront of developments in academic freedom and freedom of expression to inform the University’s stance on these matters.

Numerous expressions of support for the amendments were provided by members. Comments were then invited from the floor, summarised as follows:

- The wording of Amended Motion 3 could be perceived as more limiting in terms of academic freedom than the original Motion 3. It was responded that the enhanced specificity of the amended wording was grounded in real-life examples drawn from caselaw and it was felt that this would have more strength in challenging perceived breaches of academic freedom, as opposed to a wider definition that was less clear.
- There would be inevitable ambiguity around what constituted an academic’s field of expertise and broader areas of professional competence. This was acknowledged. A considered interpretation had been made in line with caselaw, however, this would be kept under ongoing review and developed as necessary.
- The definition of freedom of expression was less clear than academic freedom, particularly in relation to the unmodified sections of the Motion (points a and c). Currently there was less caselaw precedent in this area, and less discussion more generally on how freedom of expression could impact on Higher Education, meaning that it would be more challenging to articulate the Assembly’s position on this matter.
- Further thought would be needed on how the principles of Amended Motion 3 would be embedded into the operational infrastructure of the University.

A vote was taken on Amended Motion 3, with the results outlined in the table below:

Voting Outcome of Amended Motion 3	Vote Count		
	Electronic Poll	Contingency Measure	Total
For	90 (92%)	2 (100%)	92 (92%)
Against	3 (3%)	0 (0%)	3 (3%)
Abstain	5 (5%)	0 (0%)	5 (5%)
Total vote count =			100
Individuals present at time of vote =			114

**Note – percentages have been rounded to the nearest whole number*

The Chair thanked members of the Assembly for attending and declared the meeting closed.

Meeting Closed 12:47