

UNIVERSITY OF WARWICK

ASSEMBLY

Minutes of the meeting of the Assembly held on 12 May 2017

Present: Croft, Stuart (Vice-Chancellor (Chair)); Adelman, Sam; Akerlof, Robert; Alikhan, Nabil-Fareed; Anderson-Gough, Fiona; Arulampalam, Wiji; Balakrishnan, Geetha; Beale, Hugh; Becker, Sascha; Bivins, Roberta; Blanchard, Philippe; Blindauer, Claudia; Bourdua, Louise; Branke, Juergen; Britzolakis, Christina; Brownlee, Kimberley; Bruned, Yvain; Calvert, Alicia; Clarke, Chris; Clarkson, Guy; Cremona, John; Croydon, David; De Sousa Aguiar de Medeiros, Paulo; Dean, Deborah; Dedner, Andreas; Demeure-Ahearne, Ariane; Dias, Rosemarie; Dixon, Ann; Doan, Vinh; Docherty, Thomas; Donaghey, Jimmy; Doyle, Christopher; Doyle, Jennifer; Elias, Juanita; Erhard, Dirk; Everington, Judith; Faucher, Charlotte; Flynn, Tom; Forman, Ross; Francis, Emma; Bruno, Frenguelli; Galetto, Manuela; Gasparri, Stefano; Gilmore, John; Grant, Teresa; Guerriero, Marta; Gupta, Bishnupriya; Haddleton, David; Hammond, Michael; Harding, Maebh; Harris, Kirsten; Hodgson, Jacqueline; Holdsworth, Nadine; Homolar, Alexandra; Hopcroft, Nicholas; Howes, Andrew; Hutton, Jane; Isoni, Andrea; Jackson, Nicholas; Jackson, Stephen; Jenainati, Cathia; Jenkins, Simon; Johansen, Adam; Jurdzinski, Marcin; Kalvaka, Sara; Katz, Daniel; Kelly, Dominic; Kettell, Steven; Kispeter, Erika; Korica, Maya; Knowles, Graeme; Kokkinis, Andreas; Kostakopoulou, Dora; Kral, Daniel; Kuo, Ming-Sung; Lampard, Richard; Lees, Martin; Lockwood, Ben; Loomes, Graham; MacLean, Camilla; Mack, Peter; MacKay, Robert; Marsh, Andrew; Martin, Andrew; Massaro, Sebastiano; Maylor, Elizabeth; McConnachie, Kirsten; McDonald, Rebecca; McDowell, Wallace; Meardi, Guglielmo; Melkonyan, Tigran; Mercer, Justine; Mick, Christoph; Miller, Marcus; Mills, Christopher; Mokolatsie, Pontso; Mond, David; Mouthaan, Solange; Mukand, Sharun; Mukherjee, Upamanyu; Nayar, Jayan; Naylor, Robin; Nicolini, Davide; Niblett, Michael; Nieuwenhuis, Marijn; O'Brien, Frances; Ono-George, Meleisa; Owen, David; Page, Edward; Pancrazi, Roberto; Paredes Fuentes, Stefania; Pearson, Jonathan; Pereira, Maria do Mar; Fabienne, Peter; Pigott, Michael; Polemarchakis, Herakles; Prescott, Paul; Proto, Eugenio; Randau da Costa Carvalho, Henrique; Read, Daniel; Redoano Coppede, Michela; Reeve, Andrew; Reinecke, Juliane; Robinson, James; Roemer, Rudo; Roncoroni, Camilla; Rourke, Jonathan; Rutter, Carol; Safra, Zvi; Salem, Sara; Sarkar, Aditya; Schleimer, Saul; Schnurr, Stephanie; Schwartz-Leeper, Gavin; Sealey-Huggins, Leon; Sekalala, Sharifah; Sharp, Richard; Sheeha, Iman; Siles-Brugge, Gabriel; Skinner, Jonathan; Slavny, Adam; Smith, Paul; Spencer, Simon; Storey, Mark; Tan, Celine; Taylor, David; Toner, Helen; Topping, Peter; Troeger, Vera; Tzanakou, Charikleia; Ushioda, Ema; Van Rens, Thijs; von Muhlenen, Adrian; Vukotic, Maija; Wade, Kimberley; Wagner, Marcus; Walton, Charles; Wharton, Sue; White, Tim; Wild, David; Wilson, Paul; Wright, Chantal; Wyness, Michael; Zbyszewska, Ania.

Apologies: Dr Jonathan Davies

In Attendance: Antria, Yousef; Brandist, Derek; Castledine, Julie; Clark, Jamie; Cowling, Ally; Gallagher, Sean; Glover, Philippa (Secretary); Gregory, Sarah; Hasler, Louise; Hodgkins, Vicky; Ingram, Roland; Lewis, Dave; McGladrigan, Sharon; McKeown, Kirsty; Melia, Emma; Morrison, Emma; Pears, Katherine; Pithouse, Ben; Pitman, John; Robbins, Charlotte; Silvester, Carolyn; Slater, Fiona; Spencer, Sue; Taylor, Sarah; Taylor, Wendy; Thomas, Alison; Timms, Vicky; Toneva, Ruzha; Tuersley,

Sharon; Waddingham, Adam (Assistant Secretary); Walker, Carol; Wall, Sarah; Widdows, Katherine; Wightman, Claire; Wild, Gemma.

1/16-17 Confirmation of Quoracy

REPORTED: (by the Vice-Chancellor)

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.

2/16-17 Chair's Business

REPORTED: (by the Vice-Chancellor)

- (a) That the Assembly had been called under Article 15 of the University Charter, which defined the Assembly as a meeting of the members of the academic staff of the University, noting that the proposed reforms to statute 24 would impact primarily on the terms and conditions of academic colleagues.
- (b) That in 2011 the Senate had used its statutory power to extend the membership of the Assembly to all staff on grades 6-9, which included administrative and professional staff, noting that legal advice was that this extension of the membership by the Senate was legitimate and did not contravene the definition in the Charter.
- (c) That, rather than risk a procedural delay, he had agreed to call the meeting of the Assembly in line with the proposers' request, to ensure that the meeting could take place in time to inform consideration of the proposed reforms of statute 24 at the meeting of the Council to be held on 17 May 2017.
- (d) That the decision to call a meeting of the membership of the Assembly as defined under Article 15 on this occasion should not be regarded as setting a precedent for future meetings, noting that proposals to review the membership of the Assembly would be brought forward for consideration by the Senate later this academic year.
- (e) That administrative and professional staff who wished to do so had been permitted to register and attend the meeting, and academic colleagues were requested to respect the right of those colleagues to participate and to vote in the meeting.

3/16-17 Conflicts of Interest

REPORTED: (by the Vice-Chancellor)

That, should any members or attendees of the Assembly have any conflicts of interest relating to agenda items for the meeting, they should be declared in accordance with the Committee of University Chairs (CUC) Higher Education Code of Governance (2014).

NOTE: No declarations were made.

4/16-17 Standing Orders of the Assembly

CONSIDERED:

A proposal to amend the Standing Orders of the Assembly (A.02/16-17).

RESOLVED:

That the amendments to the Standing Orders of the Assembly, as set out in paper A.02/16-17, be approved.

5/16-17 Motion to the Assembly: Reforming the University of Warwick's Employment Statute (Statute 24)

CONSIDERED:

A motion moved by Professor Jimmy Donaghey, Warwick Business School, and seconded by Dr Jonathan Davies, History, as set out in the paper (A.01/16-17) .

REPORTED: (by Professor Donaghey)

- (a) That the proposed changes to Statute 24 represented, in the proposer's opinion, a regressive step which, if implemented, would make it easier for management to discipline and dismiss staff, and would decrease the job security and limit the opportunity for expression of freedom of thought for those affected by them.
- (b) That Manchester University, whose policies offered more protections to staff than the University's revised Statute 24 would do, had just announced the planned loss of 171 jobs, under the banner of 'organisational agility'.
- (c) That academic freedom was an essential part of an academic role within a university environment, noting that, in the proposer's opinion, this could not be subject to vague threats about damage to the institutional reputation.
- (d) That the proposed abolition of the five person Academic Redundancy Committee and the additional discretion in terms of decision-making power that this would afford to Heads of Departments would, in the opinion, of the proposer, be a negative development, noting that fair and equitable treatment was sought for all of the University's academic staff members.
- (e) That, in the proposer's opinion, the fact that other institutions were reducing their standards, in terms of the protections afforded to staff within their policies did not mean that the University's senior management team should be pursuing a race to the bottom, but instead should be looking at additional areas of fairness and equality for all staff, for example, in the areas of probation, promotion and hours of work.
- (f) That the provisions in the proposed Statute 24 reforms, around academic freedom, were only just slightly better than those in Section 202 of the Education Reform Act of 1988, which stated that academic staff have freedom within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions without jeopardy of losing their jobs or any privileges they may have at an institution.

- (g) That the provisions in the proposed Statute 24 reforms were of a limited scope and contained no provisions about freedom to pursue particular lines of enquiry, noting that, in the opinion of the proposer, they were designed to place academics in a position of fear.
- (h) That, in the opinion of the proposer, the University's senior management team should develop statutes that protected staff and afforded them the opportunity to be freethinkers.

(by the membership, in summary)

- (i) That it was positive that all parties were in agreement with respect to the importance of academic freedom, noting that the Provost had recently stated that 'academic freedom is fundamental to what this university is doing', in the context of which it would be helpful to understand the extent to which the proposed reforms to Statute 24 encouraged and extended the scope of academic freedom.
- (j) That if academic freedom was agreed to be fundamental, the University appeared to be acting in a manner which was at odds with its own proper functioning.
- (k) That at a time of growing tension between freedom of speech and political correctness, the University should lead the way in countering the direction of travel, noting that the proposed reforms to Statute 24 were a move in the opposite direction.
- (l) That there were a number of examples from the USA, including the University of Kansas's 2013 policy which enabled University staff to be disciplined or dismissed over improper use of social media, and the 2015 case of Professor Steven Salaita, whose appointment was not recommended to the Board of Trustees at the University of Illinois following his expression on social media of his political views, which illustrated the need for statutory protection, noting that colleagues were often encouraged to be active on social media and that those in their probationary period had a particular need for protection.
- (m) That the proposed changes would reduce the attractiveness of the University to global talent, noting that academic colleagues from universities in continental Europe sought assurance that the protection of academic freedom in the University was equivalent to their current institution, whilst other international colleagues whose academic freedom was compromised sought an institution that provided greater protection in order to pursue their academic endeavour without fear.
- (n) That a colleague who had moved from a post in Germany to the University of Warwick, reported that, under the proposed reformed version of Statute 24, he would not have made the same move.
- (o) That the School of Economics had recently interviewed a Professor from Moscow who had felt threatened by the current regime in Russia, noting the importance, as a university, of continuing to attract those who sought academic freedom.
- (p) That there was considerable respect amongst staff for the University's current management team, noting that the origin of some of the concern expressed around the proposed reforms was to do with what would happen to any safeguards in the event of a change of senior management.

- (q) That colleagues could perceive the proposed changes to be part of a wider plan to erode staff employment rights.
- (r) That the University's senior management team had not adequately set out the reasons why the existing Statute 24 was deemed to be inadequate, noting that the motivation for the proposed changes seemed to be the protection of the Warwick brand, which, it was felt, the University was overly focused on, furthermore noting that if adopted, the reforms could facilitate the dismissal of University staff.
- (s) That the proposed changes to Statute 24 fell short of the UNESCO Recommendation concerning the Status of Higher Education Teaching Personnel, that 'Individuals should have the right to appeal against the decision to dismiss them before independent, external bodies such as arbitrators or the courts, with final and binding powers'.
- (t) That the University management team had, in previous years, utilised the mechanisms of suspensions and injunctions to deal with staff issues, resulting in instances of poor staff-management relations, noting that the proposed reforms could exacerbate this situation.
- (u) That the proposed revisions to Statute 24 had been promoted as an act of clarification, but had failed to achieve this, noting that the description of misconduct in Annex 1 seemed vague.
- (v) That it seemed that the beneficiaries of the proposed reforms would be some members of the senior management team.
- (w) That current Disciplinary Procedures were not considered to be fit for purpose, noting that staff members needed procedures that were robust and would afford them appropriate protections.
- (x) That Lord Stern had proposed non-portability of publications, noting that there was a concern that the proposed reforms might provide, in due course, a mechanism for universities to dismiss or discipline staff for publications deemed to bring the institution into disrepute, only to then utilise the same publications for the Research Excellence Framework (REF).
- (y) That colleagues from the School of Life Sciences had participated in two restructuring exercises in the past ten years, with colleagues needing to rely very heavily on the appeals process in order to have their grounds for appeal heard independently.
- (z) That it had been concerning, at the all staff meeting on 10 May, to hear that the response to a colleague who had asked if it was permissible to publish research in a field where no four star journals exist, was provisional, on the basis that the University had to bear in mind the views of its funders.
- (aa) That it was unclear why this aspect of the governing instruments had been singled out for attention, noting that it had been troubling to hear the Vice-Chancellor state at the recent staff meeting that there was no value or legitimacy in continuing to argue for change now that the Higher Education and Research Bill 2016-17 had been enacted.

- (bb) That the results of the Pulse Survey in Warwick Business School illustrated that some staff members who participated in the survey felt secure and able to challenge managers, and some felt unable to report alleged bullying, noting that there had been hope that the 'new regime' would restore confidence and reduce fear, but that there had not been any discussion within Warwick Business School about the proposed reforms.
- (cc) That the School of Economics had held a staff meeting to discuss the proposed reforms, noting that there was a strategic aspect to be considered and that the University was competing for global talent and consequently needed to provide statutes and protections that were appropriate in order to maintain its research intensity.
- (dd) That there was a need for a more fundamental reform of the balance between the commitment to academic freedom and the economic interests of the University, noting that the proposed reforms were an example of a current imbalance, with the University seeming to always put economic interests first.
- (ee) That it was disappointing that no member of the senior management team had addressed the Assembly in defence of the proposed reforms to Statute 24.
- (ff) That the Vice-Chancellor was requested to set aside the process for the proposed Statute 24 reforms and instead lead the University in a focus on talent and scholars.
- (gg) That the Vice-Chancellor was known and trusted by University staff and had indicated that he wished to enter into dialogue with colleagues, noting that it was requested that he give his proper consideration to the feedback provided at today's Assembly in respect of the proposed reforms to Statute 24.

RESOLVED:

- (a) That the motion as set out in paper A.01/16-17 be approved, with the following votes cast:

In favour: 142

Against: 3

Abstentions: 1

Notes:

A total of 146 votes were recorded at the meeting. Recorded attendance at the time of voting was 164.

RECOMMENDED: (to the Senate and the Council)

That the motion as set out in paper (A.01/16-17) be considered by the Council and the Senate.

- (b) That the thanks of Professor Donaghey to the Executive Officer and all members of staff supporting the Assembly be recorded.

6/16-17

Next Steps

REPORTED: (by the Vice-Chancellor)

- (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 17 May and 14 June 2017, respectively.
- (b) That the debate at today's Assembly had been open and clear and the Vice-Chancellor wished to thank those present.

As at 30 May 2017