



ACADEMIC BOARD (Special Meeting)

Tuesday 10 July 2012

MINUTES

*PRESENT*¹:

President and Provost (*Chair*)

Mr James Agar, Professor Patrick Anderson, Professor Jonathan Ashmore, Professor David Attwell, Dr Bob Barber, Professor Michael Barlow, Mr Peter Cadley, Dr Ben Campkin, Professor Richard Catlow, Ms Maheema Chanrai, Professor Lucie Clapp, Dr Beverley Clark, Mr Edwin Clifford-Coupe, Professor Shamshad Cockcroft, Professor John Collinge, Dr Mark Cooper, Professor Brian Day, Dr Richard Day, Dr Sally Day, Dr Vanessa Diaz, Dr Snezana Djordjevic, Professor Annette Dolphin, Mr Luke Durigan, Professor Susan Evans, Professor Mike Ewing, Professor Anthony Finkelstein, Professor Maria Fitzgerald, Dr Martin Fry, Mr Samuel Gaus, Professor Marcus Giaquinto, Professor Michael Gilbey, Dr Hugh Goodacre, Professor Helen Hackett, Professor Mordechai Haklay, Mr Sean Hanna, Professor Michael Heinrich, Professor Kate Jeffery, Professor Shane Johnson, Professor Alan Jones, Professor David Jones, Mr Rex Knight, Professor Susanne Kord, Professor Cecile Laborde, Professor Andrew Leak, Professor Alena Ledeneva, Professor Robert Lumley, Professor Charles Marson, Dr Sajeda Meghji, Dr John Mitchell, Professor Gudrun Moore, Dr Tarit Mukhopadhyay, Ms Cheryl Newsome, Professor Richard North, Professor Michael Otsuka, Dr Nicholas Ovenden, Dr Ben Page, Professor Alan Penn, Professor James Penner, Mr Frank Penter, Mr Tim Perry, Dr Hynek Pikhart, Professor Sally Price, Professor Slavo Radošević, Professor Andrew Ramage, Professor Tom Salt, Dr Benet Salway, Professor Ralf Schoepfer, Dr Stephanie Schorge, Dr Chris Scotton, Professor Sonu Shamdassani, Professor David Shanks, Professor Lorraine Sherr, Dr Joy Sleeman, Dr Dave Spratt, Professor Kalia Srari, Professor Anthony Smith, Professor Iain Stevenson, Mr Simon To, Professor Derek Tocher, Dr Andrea Townsend-Nicholson, Mr Andrew Tranter, Dr Nalini Vittal, Professor Robert West, Dr Andrew Wills, Dr Astrid Wingler, Professor Henry Woudhuysen, Professor Ian Zachary.

In attendance: Mr Jason Clarke (*Secretary*), Mr Peter Hart, Mr Geoff Lang, Mr Nick McGhee, Dr Saladin Meckled-Garcia (for Dr Sherrill Stroschein), Mr Mike Sainsbury, Dr Phil Stanier, Mr Nigel Waugh, Mr David Weston.

Apologies for absence were received from: Professor James Bainbridge, Ms Julie Black, Professor Graziella Branduardi-Raymont, Professor Franco Cacialli, Professor Steve Caddick, Professor Susan Collins, Professor Tariq Enver, Professor Bryony Dean Franklin, Professor Dame Hazel Genn, Dr Arne Hofmann, Dr Katherine Holt, Professor Paul Longley, Professor Usha Menon, Professor Neil Mitchell, Dr Julie Olszewski, Ms Susan Parekh, Professor Barbara Pedley, Dr Matthew Piper, Dr Kerstin Sailer, Professor Stephen Smith, Dr Sherrill Stroschein, Professor Thilo Rehren, Professor Jennifer Robinson, Professor Gary Rubin, Professor Albert Weale.

¹ An attendance sheet was circulated for signature at the meeting. Any colleagues present who did not sign the sheet and whose names are therefore not recorded as present are invited to notify the AB Secretary's office (e-mail – h.lilley@ucl.ac.uk) so that their names can be included in the record when these Minutes are confirmed at the next meeting of AB.

Key to abbreviations

AB	Academic Board
HEI	higher education institution
HR	Human Resources

38 **REFORM OF STATUTE 18**

Reported

- 38.1 The meeting had been scheduled in order to facilitate a continuation of the discussion from the meeting of 23 May 2012 [*AB minute 29, 2011-12*]. The reform of Statute 18 was consequently the only item of business.
- 38.2 The Provost summarised the history of Statute 18 in its current form and outlined the reasons for the proposed amendments. Statute 18 currently addressed issues of redundancy, discipline, dismissal and removal from office, removal for incapacity on medical grounds, and grievance procedures. In contrast to the remaining statutes, which were principally concerned with underlying principles, Statute 18 addressed matters of process in detail. Due to the need for Privy Council approval of any amendment of the statutes, it was also out of date with respect to current employment legislation. The proposed revisions sought to bring the Statute into line with employment law, and to guard against obsolescence by moving the detail of process into regulations which could henceforth be more efficiently updated.
- 38.3 The revisions were at the same time designed to preserve the underlying principles of the current Statute by retaining the existing wording in relation to academic freedom, *ie* ‘to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges’. Under current arrangements, if Council were to resolve on a reduction of the number of academic staff, a Redundancy Committee would be established and charged with selecting and recommending the requisite members of the academic staff for dismissal by reason of redundancy. The revised proposals maintained the strategic oversight of Council as a whole. The revision also proposed to extend the existing protection afforded by Statute 18 in respect of academic freedom to all research-active staff.
- 38.4 A consultation process had been announced in *The Week@UCL* on 11 May; approximately 100 responses had been received. A series of meetings had been held with the campus trade unions, as well as two ‘town hall’ meetings. The Provost thanked Professor Anthony Finkelstein for his leadership on the issue.
- 38.5 The Provost identified the following main themes arising out of responses to the consultation process:
- whether the role of Council in protecting academic freedom could be adequately maintained by retaining in the statutes only the broad principles, or whether it would be necessary to establish a committee of Council charged with overseeing matters of academic freedom whenever a redundancy process was taking place;
 - issues around legal representation and hearings;
 - requests for an extension to the consultation period.

Discussion

- 38.6 The Provost noted receipt of a written response from the non-professorial AB members' group. The Convenor of the group, Dr Andrea Townsend-Nicholson, reported their view that the protection of academic freedom was a strategic matter resting with the Council, in consequence of which the mechanisms for determining the legitimacy of the cause for dismissal of staff should be embedded explicitly within the Statutes. The group also believed that procedures for dismissal must apply equally to all staff, but that a further test should be put in place in respect of research active staff to guard against the use of redundancy as a tool for undermining academic freedom.
- 38.7 Individual AB members raised a number of specific concerns relating to the proposals, including:
- the ability of Council to retain oversight of issues of academic freedom in the absence of statutory requirements relating to the Redundancy Committee, to the handling of grievances, and to the availability of legal representation. A member of AB proposed that an alternative arrangement might be to relocate procedural detail to bye-laws which would be more easily amended than the current statutes, but which would still afford the necessary protection;
 - the removal of the need to establish a Redundancy Committee that was in effect difficult to convene, and to seek Privy Council approval of amendments to the process in these areas, effectively represented a weakening of the protection afforded to academic staff;
 - a perceived relationship between those HEIs which had reformed Statute 18 along the lines proposed, and those at which redundancies had occurred. The examples of King's College London and Sussex University were cited;
 - the role played by external funding bodies in strategic decisions regarding the long-term future of individual academic areas, and the possible impact of such decisions upon academic staff;
 - the perceived change to the relationship between academic staff and the Head of Department under the proposals.
- 38.8 Some AB members requested an extension of the consultation period. It was noted that matters of this kind were often discussed at departmental meetings, which were generally not held over the summer. Members queried what was to be gained by seeking to bring about the proposed changes on the current timetable.
- 38.9 The Provost noted that the proposed revisions embodied no fundamental change to the role of Head of Department, who would under the current arrangements be involved in any redundancy process.
- 38.10 The Provost confirmed that during his term of office only one disciplinary case had reached the point of a tribunal, and that issues of academic freedom had played no part in the case. AB debated whether this constituted evidence supporting the view that the

statutory requirements could be dropped without significant negative impact, or rather whether it demonstrated that the costs arising from this statutory requirement were sufficiently minor that they constituted no grounds on which to make a case for the need for reform.

- 38.11 Of the 19 Russell Group institutions, 11 had so far reformed Statute 18. A range of views were expressed about the extent to which these amendments reflected a separation of principle from detail of process, or the existence of a link between the reform of Statute 18 and the occurrence of academic redundancies. The Provost noted that Statute 18 was not a protection against redundancy but a guard against the misuse of redundancy as a means of attacking academic freedom. The Provost noted the proposal by the non-professorial group that a test be introduced to verify whether infringement of academic freedom had occurred, and confirmed that he would be happy in principle with the idea of establishing a Council committee charged with overseeing academic freedom if this could be achieved.
- 38.12 AB noted that the current Statute required any Tribunal panel to include 'one member of the academic staff nominated by the Academic Board'. The Provost expressed his view that the selection of a Tribunal panel member was not a proper matter for discussion at AB meetings.
- 38.13 Having verified that all AB members who wished to speak had done so, the Provost thanked AB for a useful discussion and confirmed that he would now reflect on the feedback with a view to working out a way forward. He noted in particular the support for the idea of a standing committee of the Council charged with protecting academic freedom. It would be necessary to liaise with HR colleagues and legal advisors concerning the legal implications of suggestions raised at the meeting, and to consult with Trade Unions on the detail of some of these suggestions. Consideration would then be given to extending the consultation period.

39 DATE OF NEXT MEETING

Noted

- 39.1 The next ordinary meeting of AB would be held on **Wednesday 24 October 2012 at 4.00pm.**

JASON CLARKE
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