



Council

Friday 24 March 2023, 9:00am

Council Room, South Wing with facilities to join the meeting online via Teams

Minutes

Present Members:

Victor Chu CBE (Chair); Hamza Ahmed; Deniz Akinci; Professor Stephanie Bird; Dominic Blakemore; Professor Jon Butterworth; Phil Clark; Dr Alun Coker; Dr Martin Fry; Tina Harris; Tania Holt; Lindsay Nicholson MBE; Turlogh O'Brien CBE; Christine Ohuruogu MBE; Professor Helen Roberts; Professor Ralf Schoepfer; Lord Sharkey; Dr Michael Spence; Dr Justin Turner QC; Sarah Whitney.

Attendees:

For Minutes 65-72 and 74-78: Charu Gorasia, Chief Financial Officer

For Minutes 65-72, 73.1-73.6 and 74-78: Dr Clare Goudy, Chief of Staff

For Minutes 65-78: Natasha Lewis, General Counsel

For Minutes 65-72 and 74-78: Andy Smith, Interim Vice-President (Operations)

For Minutes 65-72 and 74-78: Professor Anthony Smith, Vice-Provost (Faculties)

For Minute 70: Richard Jackson, Director of Sustainability

For Minute 70: Matthew Swales, Director of Finance Services

For Minute 72: Dr Patrick Ward, Interim Executive Director of Health and Safety

For Minute 72: Dr Neil Coutinho, Consultant Occupational Health Physician

For Minutes 73.1-73.6: Professor Jeff King, Chair of the Working Group on the Definition of Antisemitism

For Minutes 73.1-73.6: Professor Sacha Stern, Chair of the Executive Committee of Academic Board (ExComAB)

For Minutes 73.1-73.6: Fabio Pavoncello, President of the UCL Jewish Society (JSOC)

For Minutes 73.1-73.6: Elie Elmalem, Former President of JSoc

For Minutes 73.1-73.6: Samuel Goldstone, Former President of JSoc

Officer(s):

Anne Marie O'Mullane, Interim Secretary to Council

Olivia Whiteley, Governance Officer

Part I: Preliminary Business

65. Operation of the Meeting

- 65.1. Members of Council were participating in a hybrid meeting, using tools that enabled all members to see and hear each other simultaneously. Notwithstanding that the meeting was taking place on a hybrid basis, the Chair reported that the meeting was quorate and decisions would be ratified by Chair's Action after the meeting.

66. Declarations of Interest

- 66.1. The Chair of Council invited Council members to declare any new interests they may have or any interests they had in the items being considered at the meeting. Each Council member present confirmed that they had no interest in any way in the matters to be considered at the meeting.

67. Minutes of the last meeting (4-01)

- 67.1. Council approved the minutes of the meeting held on 16 February 2023 subject to the following change being made:
- a. Exempt from publication, please see confidential minutes.

68. Matters Arising (4-02)

- 68.1. Council received the Matters Arising paper.

Part II: Strategic Items for Discussion

69. Provost's Report to Council (4-03)

- 69.1. Dr Michael Spence, President and Provost, introduced the Provost's Report to Council.
- 69.2. The following points were raised during discussion:
- a. The Home Office quarterly immigration figures for the final quarter of 2022 showed that almost half a million sponsored study visas were issued to students last year, nearly double the number issued in 2019. EU students were now classified as international students; this had an impact on the number of sponsored study visas issued.
 - b. Council discussed its role in respect of matters of religion and belief, and EDI issues more generally. The Provost noted that UCL's founding principle was to be open to all and that therefore the institution was obligated to consider practical action to support staff and students so that they were able to profess their faith or express their beliefs in a climate of

respect and openness. It would be for the Advisory Group, once established, to make recommendations to the Equality, Diversity and Inclusion Committee. Although there was no formal requirement to do so, the Provost would be happy to bring updates to Council via the Provost's Report in the future.

- c. The Provost advised that the proportion of staff completing all four 'critical compliance' courses was low. Andy Smith, Interim Vice-President (Operations), advised that the mandatory courses were being revised to make them more engaging. Attention was now turning to addressing non-compliance with the individuals concerned. The possibility of enabling external Council members to undertake the training modules would be explored.
- d. Exempt from publication, please see confidential minutes.
- e. Council was advised that the role of Director of Equality, Diversity and Inclusion would henceforth report to the Chief People Officer. The role of Pro-Provost (Equity and Inclusion) would be advertised this month to provide academic leadership in this area. The Provost outlined initial thoughts on how the team would be organised.
- f. A Council member noted that the People Committee would be a crucial body for taking forward matters of culture and equality, diversity and inclusion. The Interim Secretary to Council provided an update on Nominations Committee's filling the two remaining vacancies for a professional services member and an external member with HR expertise from outside the sector. Interview dates were required to progress the former vacancy and it was likely that Nominations Committee would need to partner with a recruitment agency for the latter.

69.3. Council received the Provost's Report to Council.

70. Confidential: Sustainability Bond Impact Report (4-04)

70.1. Exempt from publication, please see confidential minutes.

70.2. Exempt from publication, please see confidential minutes.

70.3. Exempt from publication, please see confidential minutes.

71. Confidential: January 2023 (P6) Month End Management Accounts (4-05)

71.1. Exempt from publication, please see confidential minutes,

71.2. Exempt from publication, please see confidential minutes.

71.3. Exempt from publication, please see confidential minutes.

72. Workplace Health and Safety Report (4-06)

- 72.1. Dr Patrick Ward, Interim Executive Director of Health and Safety and Dr Neil Coutinho, Consultant Occupational Health Physician presented the Workplace Health and Safety Report.
- 72.2. The following points were raised during discussion:
- a. Dr Ward advised that there was a substantial level of confidence in the reporting of RIDDOR incidents and near misses, but less so in the reporting of minor injuries as the reporting levels were low for an organisation of UCL's size.
 - b. The Interim Director advised that the normalised data for reported injuries set out in the appendix to the paper indicated a level of 9 per 1000 staff whereas in the last six months of 2019 it had been 16 per 1000.
 - c. It was noted that 27% of sickness absence was due to mental health issues and quite a proportion of this absence was related to stress. It was suggested that it would be useful for the Workplace Health and Safety Committee to consider this issue.
 - d. It was requested that for future reports sickness absence at UCL be compared against the national average. Dr Coutinho advised that there was underreporting of sickness absence at UCL and steps were being taken to improve recording on MyHR. Until those steps took place comparisons would be unreliable. Council asked for an update on when it would be possible to have comparison data.
 - e. In respect of the assessment of any reduction in lung function as a result of allergies in researchers working with animals, members queried the possibility of researching the impact of repeated contractions of Covid.
 - f. Dr Coutinho confirmed that menopause and dysmenorrhoea were conditions for which the Workplace Health team supported individuals on a 1-1 basis. In response to a question on whether there was a strategic approach being taken to the matter of menopause and dysmenorrhoea, Dr Coutinho advised that an update could be provided. A Council member noted that it was not always the case that biological conditions were the root cause of an individual's difficulties at work; it could also be the environment in which the individual worked. Dr Coutinho confirmed that workplace factors were taken into consideration as part of individual assessments.
 - g. Dr Coutinho advised that colleagues at Workplace Health had met with Equality, Diversity and Inclusion leads recently to discuss ensuring there was collaboration between the two teams and clear lines of accountability, as well as avoiding fragmentation in service provision.
- 72.3. Council received the Workplace Health and Safety Report.

73. Report of the Working Group on a Definition of Antisemitism (4-07 and 4-08)

- 73.1. The Provost introduced the Report of the Working Group on Definition of Antisemitism and welcomed the following to the meeting: Professor Jeff King, Chair of the Academic Board Working Group on the Definition of Antisemitism; Professor Sacha Stern, Chair of ExComAB; Fabio Pavoncello, President of JSoc; Elie Elmalem and Samuel Goldstone, former Presidents of JSoc. The Provost thanked the Working Group for their extensive work in producing the report as well as the current and past presidents of JSoc for their commitment to the role. This was an issue that understandably generated strong feelings and a great deal of thought and consideration had been given to this matter by all stakeholders. All held a deep and shared commitment to tackling the problem of antisemitism at UCL.
- 73.2. Professor King introduced the report and the findings of the Working Group. The Group had been set up by Academic Board following a vote in 2021 to help facilitate an alternative definition for Council's consideration, undertaking to supply one that was more fit for purpose in a university context. Academic Board had voted to adopt a resolution accepting the recommendations of the Working Group Report and to advise Council accordingly. Details of the context for those votes and the background to Academic Board's concerns were shared in the report and in the papers for the meeting. The Working Group's report did not recommend revoking the IHRA definition (as Academic Board had originally intended to do) but instead recommended recognising a set of definitions that would be educative and not prescriptive in purpose; this set of definitions would include the IHRA definition. Following a vote of Academic Board on 8 February 2023, this recommendation was now presented to Council as advice from Academic Board. It was noted that concerns around the IHRA definition were centred around how the definition would be used in the university context. Noting that a number of Jewish community groups had written to Council to express concerns about the recommendation, Professor King stated that there was no uniform view on the IHRA definition among Jewish members of UCL or in wider society. He also noted the issue of the definition's impact on three different communities: the Jewish community; the academic community, who had expressed concerns about the implications of the definition for freedom of speech and academic freedom; and the Palestinian and Arab community. It was noted that these recommendations were presented to Council in the context of Academic Board's right to advise Council and the Provost on matters to do with academic freedom. It was further noted that Academic Board wished to support a proactive campaign on what antisemitism meant and how it should be tackled.
- 73.3. Fabio Pavoncello, Current President of JSoc, set out JSoc's concerns with the approach taken to the membership of the Working Group as well as concerns

with the recommendations of the Working Group itself. In a recent survey of members of JSoc, 98% of respondents supported only the IHRA definition. At a time of rising antisemitism in the community, he argued that adopting multiple definitions would make Jewish students feel unsupported and would create further hostility and a lack of trust in the system. This in turn would likely result in a lack of confidence in reporting incidents of antisemitism.

- 73.4. During an extended discussion on the issue the following matters were raised:
- a. JSoc's concerns with the UCU nominee to the Working Group, who had signed an open letter in support of Professor David Miller, a former staff member of Bristol University. This had been a primary driver for JSoc's declining to participate in the Working Group. Professor King stated that the nominee in question was a non-voting member who had marginal input into the report's findings. He also outlined the steps he had taken to try to involve the JSoc in the process. The Provost had asked UCU to reconsider their nominee but no change had been made.
 - b. Whether the proposed set of definitions were logically incompatible, so as to render the set of definitions unworkable as an educative tool.

Questions and Answers (Q&A) Session

- 73.5. Council undertook a question and answer session with presenters, who were reminded that this session was not a debate. The following issues were discussed during the session:
- a. Council had approved the IHRA definition in 2019 as one of a number of actions taken to address a serious problem with antisemitism on campus. This problem continued to exist, and Council had a duty to address the matter. The Provost noted the recent appointment of an Antisemitism Programme Manager. Academic Board had been approaching the matter from the perspective of academic freedom and this fell within the remit of Academic Board to advise Council.
 - b. Professor King confirmed the recommendation to retain the IHRA in the basket of definitions but without the Select Committee caveats which Council had adopted as part of recognising the definition in 2019.
 - c. The President and former Presidents of the JSoc highlighted recent examples of antisemitism that had taken place at UCL, including drawing on their own personal experience.
- 73.6. Council thanked the Chair of the Working Group and the President and former Presidents of the JSoc for their thoughtful and respectful contributions. Non-members of Council were then asked to withdraw.

Discussion

- 73.7. During a discussion amongst Council members only, the following key points were made:
- a. Council considered whether it had received sufficient advice to enable it to determine whether the definitions were logically incompatible and whether

the adoption of multiple definitions would weaken UCL's capacity to fight antisemitism.

- b. Members discussed whether acceptance of the Academic Board resolution was in effect a decision to reverse Council's 2019 decision to adopt the IHRA or was an expansion of definitions recognised by Council. The Jerusalem Declaration on Antisemitism had been introduced since Council had taken its decision in 2019, thus the context of the conversation about definitions had now shifted.
- c. When Council approved the definition in 2019, it adopted it with two Select Committee caveats.
- d. No definition or definitions would protect students in the absence of a culture change at UCL, which must be led by Council. Everyone must be empowered to work towards this culture change.
- e. There was discussion about the formulation of the Academic Board resolution and whether or not the resolution fundamentally addressed the concerns of Council around tackling antisemitism at UCL.
- f. The lack of involvement of JSoc in the Working Group, and the membership of the Working Group, was considered by many Council members to be particularly regrettable.
- g. Council members understood the concerns of Academic Board around academic freedom. Any rationale for changing Council's position needed to be a powerful one, given Council's duty of care to protect the safety of its students and staff.
- h. Council members understood that Council was discussing a matter that had totemic significance for different stakeholders and any future decision taken would have a signalling effect.

Conclusion

- 73.8. Council concluded that it was not appropriate to take a decision at this time given the points raised at 73.7a above. It would be desirable to make an effort to bring the opposing views closer to a common ground in the interest of all stakeholders. To that end, it was anticipated that a further period of consultation and discussion would be needed before this matter could be revisited by Council, with this likely to include further consideration of the technical compatibility of any recommended definitions. The Provost agreed to consider how best to take this matter forward and to return to Council with recommendations.

Decision

- 73.9. Council:
- a. Received the Report of the Working Group on Definition of Antisemitism including the resolution approved by Academic Board.
 - b. Agreed that it should not reach a decision on the issue until it had received further information on (i) the opposing claims as to whether the five definitions could be held together as a matter of logic, or were inherently contradictory, and (ii) whether having more than one definition

would weaken UCL's capacity to fight antisemitism on campus. The Provost would test those claims, explore the potential for common ground, and come back with advice to Council for further consideration.

Part III: Other Business for Approval or Information

74. Student Protection Plan (4-09)

74.1. Council approved the Student Protection Plan for 2023-24.

75. Appointment to the Estates Committee (4-10)

75.1. Council ratified the appointment of Philip Clark to Estates Committee with effect from 1 May 2022 for the duration of his term as an External Council member.

76. To Receive the Following Reports:

OfS Standing Report (4-11)

76.1. Council received the OfS Standing Report.

Action Taken by the Chair (4-12)

76.2. Council received the report on action taken by the Chair since the last report to Council.

76.3. In accordance with discussions at the Council meeting of 16 February 2023, the following action had been taken by the Chair:

- a. Approval of the minutes of the meeting held on 15 December 2022 subject to a number of changes being made.
- b. Approval of the UCL Research Integrity Annual Statement 2021-2022.
- c. Approval of the mapping of conditions of registration and reportable events that have been determined across UCL's committee structure.

76.4. Exempt from publication, please see confidential minutes.

76.5. Exempt from publication, please see confidential minutes.

Confidential: UCL Seal Report (4-13)

76.6. Exempt from publication, please see confidential minutes.

Confidential: Current Litigation Summary (4-14)

76.7. Exempt from publication, please see confidential minutes.

76.8. Exempt from publication, please see confidential minutes.

77. To Receive the Following Committee Minutes:

Unconfirmed minutes of Academic Board, 8 February 2023 (4-15)

77.1. Exempt from publication, please see confidential minutes.

78. Date of Next Meeting

78.1. The date of the next meeting of Council would be **Friday 21 April 2023 at 2:00pm.**

Anne Marie O'Mullane, Interim Secretary to Council
March 2023