

ACADEMIC BOARD Special Meeting

Wednesday 21 November 2012

MINUTES

*PRESENT*¹:

Professor David Price (*Acting Chair*)

Professor Jonathan Ashmore, Professor David Attwell, Professor Maria Balda, Dr Bob Barber, Professor Wendy Bracewell, Dr Ben Campkin, Mr Edwin Clifford-Coupe, Mr Ben Colvill, Ms Alice Dunbabin, Professor Anthony Finkelstein, Professor Margot Finn, Professor John Foot, Professor Adrian Forty, Professor Ian Freestone, Dr Martin Fry, Mr Kier Gallacher, Ms Abigail Garner, Mr Sam Gaus, Dr Jane Gilbert, Dr Hugh Goodacre, Ms Natasha Gorodnitski, Professor David Green, Professor Muki Haklay, Professor Sue Hamilton, Dr Mark Hewitson, Dr Mary Hilson, Dr Katherine Holt, Dr Elina Hypponen, Mr Rex Knight, Professor Susanne Kord, Professor Cecile Laborde, Professor Nicos Ladommatos, Dr Antonio Lazzarino, Professor Alena Ledeneva, Dr Chris Louca, Professor Robert Lumley, Dr Helga Lúthersdóttir, Ms Giulia Mari, Professor Karl Matter, Dr Saladin Meckled-Garcia, Mr Dante Micheaux, Professor Kevin Middlebrook, Professor Neil Millar, Professor John O'Keefe, Dr Nick Ovenden, Professor Barbara Pedley, Mr Frank Penter, Mr Tim Perry, Dr Hynek Pickhart, Professor Sarah Price, Mr Sahal Quazi, Professor Geraint Rees, Professor Jennifer Robinson, Ms Martha Robinson, Dr Kerstin Sailer, Professor Ralf Schoepfer, Dr Ernest Schonfield, Dr Stephanie Schorge, Dr Chris Scotton, Professor Sonu Shamdasani, Professor David Shanks, Professor Bob Sheil, Professor Richard Simons, Mr Joe Simpson, Professor Lucia Sivilotti, Dr Joy Sleeman, Dr Christina Smith, Dr Sarah Snyder, Professor Claudio Stern, Professor Sacha Stern, Professor Iain Stevenson, Dr Sherrill Stroschein, Ms Beth Sutton, Professor Peter Swaab, Ms Eszter Tarsoly, Professor Derek Tocher, Dr Andrea Townsend-Nicholson, Mr Ben Towse, Mr Andrew Turton, Dr Thomas Wilks, Dr Andrew Wills, Professor Matthew Wing, Professor Jo Wolff, Professor John Wood.

In attendance: Mr Jason Clarke (*Secretary*), Dr Beverley Clark, Mr Pete Hart, Mr Geoff Lang, Mr Michael Sainsbury, Mr Nigel Waugh, Mr Oscar Webb.

Apologies for absence were received from: Provost and President, Ms Julie Black, Mr Robert A. Blizard, Professor Bryony Dean Frankli, Professor Tariq Enver, Dr Francesco Lescai, Ms Cheryl Newsome, Mr Tony Overbury, Mr Andrew Pink, Professor Stephen Quirke, Professor Claire Warwick, Dr Gavin Winston, Dr Katherine Woolf, Professor Michael Worton, Ms Kuen Yip Porter.

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 scheduled meeting of AB.

Key to abbreviations

AB	Academic Board
ACAS	Advisory, Conciliation and Arbitration Service
HR	Human Resources (Division)
OCP	Organisational Change Procedure
SCAF	Standing Committee on Academic Freedom

16 REFORM OF STATUTE 18

Reported:

- 16.1 Professor Price opened the meeting by explaining that the Provost, who sent his apologies for the meeting, was away on UCL business and had therefore invited him to take the Chair in his place. This was a Special Meeting of AB which had been convened at the request of 10 members of AB in accordance with the Board's Standing Orders, the sole purpose of which was to discuss the specific proposition which had been submitted by those 10 members of AB with their request for the meeting. Professor Price explained further that as this was a Special Meeting called to discuss a particular matter, other items of routine business which would normally be taken at scheduled meetings of the Board (eg minutes of the last meeting, matters arising, any other business), would not be considered at the meeting. Having reminded those present that only those colleagues who were members of the Board or officers in attendance should remain, he then invited the signatories of the request for the Special Meeting to talk to the proposition which had been submitted.
- 16.2 Dr Saladin Meckled-Garcia, one of the 10 signatories of the request for the Special Meeting, introduced the proposition which they had put forward and which read as follows:

We, the below signed members of Academic Board call for a Special meeting of Academic Board (under Statute 7(6)) to be held after reading week on the following date: Weds 14 Nov. 2012², for AB to discuss, and express its views and advice to Council on the following proposition:

That the way forward, given the significant level of opposition displayed on Academic Board (24/10/2012) and the wider university to the current Statute 18 reform proposals, is:

- (i) That the Academic Board advises Council that its November meeting should **only** approve changes to the specific references to employment law in Statute 18, to update them or remove them altogether, thereby making the statute consistent with employment legislation, in the immediate future, whilst
- (ii) Academic Board establishes a working group, answerable and reporting back to Academic Board, consisting of members of Academic Board representing different constituencies of the university (professorial academic staff; non-professorial academic staff; fellows; non-academic staff; student union AB members; management; and the campus unions) selected by Academic Board to develop a future proposal for reform of the Statute that preserves and protects staff rights and considers the possibility of extending statute rights beyond the constituencies currently mentioned in the statute.

NB: Part i. of the matter to be discussed is in line with the function of Academic Board, Statute 7(10. B) of UCL's Statutes, part ii. is in line with the UCL Committees Code of Practice (3).

The proposition had been signed by the following members of AB: Professor Lucie Clapp; Dr Martin Fry; Professor Michael Gilbey; Dr Hugh Goodacre; Professor Susanne Kord; Professor Cecile Laborde; Dr Francesco Lescai; Dr Saladin Meckled-Garcia; Professor Jane Rendell; Professor Sonu Shamdasani.

² *Secretary's Note:* it had not been possible to arrange the meeting for 14 November for logistical reasons due to unavailability of a suitable venue.

- 16.3 In introducing the proposition, Dr Meckled-Garcia noted that it had been drawn-up in light of the concerns which had been expressed by members of AB at its previous meeting about the proposed reform of Statute 18. Those concerns related, in summary, to the following: the loss of the traditional right to legal representation in procedures which could result in the dismissal or redundancy of staff or in the loss of their privileges; there would be no requirement for the Chair of a panel to refer matters to the SCAF (this would be optional); the views of the SCAF would be purely advisory, even in cases relating to academic freedom; under the OCP where management was in dispute with trades unions on issues of academic freedom, the SCAF could make recommendations to the Provost but there was no commitment that the findings of the SCAF would be binding and the Provost could proceed to take OCP changes to Council; finally, while the current Statute includes an appeals process, there is no right of appeal against a decision of the SCAF enshrined in the proposed revised Statute. Taken together, the proposals for the reform of Statute 18 did not, in the view of the signatories to the proposition before the Board, address the concerns that had been expressed within AB at its previous meeting and would result in a loss of freedoms for staff. The proposition was intended to map out a way in which essential revisions to the current Statute could be made while the consultation within UCL about its reform could continue.
- 16.4 In conclusion, Dr Meckled-Garcia reminded colleagues that under UCL's Statutes, AB has a responsibility "*To advise Council upon conditions and tenure of appointment of Members of the Academic Staff*" and invited AB to make clear its views on the proposition so that the views of the Board could be communicated to Council.

Discussion:

- 16.5 A member of AB observed that the way in which the reform of Statute 18 had been handled raised broader issues of the structure of academic governance at UCL. The Acting Chair noted that this issue was not addressed in the proposition and asked that members focus their comments on the specific proposals contained within the proposition.
- 16.6 It was suggested that, in relation to the first clause of the proposition, simply changing specific references to employment law would not be sufficient as many of the detailed processes outlined in the current Statute were out-of-date and fell short of modern employment law, as well as ACAS best practice. Also, updating the employment law references in the Statute would only work as a one-off exercise as the Statute would immediately become out-of-date again if the law were to change in the future. Only by removing the procedural detail currently contained in the Statute could this be overcome. Furthermore, while AB had limited representation from other staff groups, it might be seen as inappropriate for a committee comprising mainly academic staff to consider employment-related matters relating to other staff groups. It was also noted that the provisions in Statute 18 did not form part of the contractual terms of employment of academic staff.
- 16.7 Professor Anthony Finkelstein noted that he had been invited to lead the consultation process on the reform of Statute 18. There had been a genuine and sincere attempt to reform Statute 18, and genuinely constructive discussions with the representatives of the campus trades unions. The views of AB on the latest proposals which had been submitted to the Board would be relayed to Council and treated with respect. However, he expressed a concern that the description of the proposals which Dr Meckled-Garcia had set out earlier in the meeting was not accurate. For example, the role of the SCAF could only be advisory as it would not have access to all of the material that had been made available to the employment panel; on the issue of legal advice, while staff had a right to obtain legal advice, ACAS guidance was that the

- involvement of legal representatives should be avoided. Professor Finkelstein also expressed a concern that the proposition which was before the Board was not a serious attempt to engage with the reform of Statute 18 and the employment issues that this entailed, but an attempt to delay meaningful reform indefinitely. UCL had a duty to its employees to ensure that its employment policies and procedures were consistent with employment law and that it has in place employment processes which are appropriate and fair, and which allow UCL as an employer to deal with cases of serious staff misbehaviour.
- 16.8 On a procedural point relating to the second clause of the proposition, the Convenor of the non-professorial academic members of AB commented that she had been asked by that constituency to clarify whether the Board had the authority to establish a working group to examine Statute 18. The Secretary and the Acting Chair advised that, as a committee of UCL and in accordance with the UCL's Committee Code of Practice, AB was entitled to establish working groups, although governance issues, including the reform of UCL's Statutes, were ultimately matters for Council as the governing body.
- 16.9 During the course of the discussion, the following members of AB asked that their support for the proposition be minuted³: Professor Iain Stevenson; Professor Susanne Kord; Martha Robinson; Professor Lucie Clapp; Professor Jane Rendell; Dr Kerstin Sailer; Professor Jennifer Robinson; Dr Martin Fry. (Dr Fry also read a personal statement to AB describing his previous experience of being under threat of redundancy and the impact that this had had on him and his family.)
- 16.10 The UCL Union's Postgraduate Association Officer and the Education and Campaigns Officer reported that the UCL Union supported the proposition before the Board.
- 16.11 A longstanding member of AB suggested that external legal advice should be sought as many staff understood that the provisions of Statute 18 were implied in the terms of their employment contracts with UCL. There also seemed to be a lack of clarity over the rights of staff to have legal representation or access to legal advice. It was clear that many members of AB were concerned about the proposals as currently framed and that while staff were open to the idea of reform, they were opposed to any measure which could weaken academic freedom.
- 16.12 In response to the above comments, AB was advised that staff would have a right of appeal and a right to legal advice, but, as had been explained in previous meetings of AB, this was a matter which should be incorporated in UCL's HR policies and procedures rather than enshrined in Statute. Also, those policies and procedures would be the subject of full consultation with the recognised trades unions *via* the established consultation processes.
- 16.13 It was noted that it would be helpful if the above advice could be included in the proposals that were submitted to Council at its meeting the following week.
- 16.14 In drawing the meeting to a close, the Acting Chair thanked members for their comments. In order to gauge the mood of the meeting, he asked for a show of hands

³ *Secretary's Note*: Paragraph 6.3 of UCL's 'Guidance on Servicing UCL Committees' (see <http://www.ucl.ac.uk/ras/acs/governance/committees/Guidance>) states that "Only in exceptional circumstances should statements in the Minutes be attributed to named individual committee members". However, an exception has been made on this occasion as this was a Special Meeting at which some members explicitly requested that their support for the proposition be recorded in the Minutes.

for and against the proposition which had been submitted to AB. Following the show of hands, the Acting Chair noted that the proposition had been approved by a very large majority of those present and asked that this be recorded in the Minutes of the meeting and relayed to Council.

JASON CLARKE

Secretary to Academic Board

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