

Appendix 9 – Academic Freedom and Freedom of Expression (AFFE) Committee

Terms of reference

General

The Higher Education (Freedom of Speech) Act of 2023 requires higher education providers to 'actively promote' freedom of speech and academic freedom and extend this duty to directly cover Students' Unions. Academic Freedom is defined in the Act as the right and privilege to question and test received wisdom and to put forward new ideas and controversial and unpopular opinions. In exercising their Academic Freedom, staff must not be adversely affected through either a loss of their jobs or privileges, and neither can their prospects for securing promotion be negatively impacted. The Act introduces a statutory tort, giving private individuals a right to bring forward a civil case as a result of a breach of the Act (Section 43). Elements of the 2023 Act have legal effect from 1 August 2024, with other provisions planned for September 2025.

Specific

The Sub-Committee provides advice to the Vice-Chancellor and Senate on matters relating to the Higher Education (Freedom of Speech) Act, 2023, specifically:

1. To comply with the general duty to 'actively promote' Academic Freedom and Freedom of Speech within the mandate of Senate.
2. To produce recommendations to Senate on changes to policies, procedures, and governance arrangements as a result of the Higher Education (Freedom of Speech) Act, 2023
3. To consider an issue or concern raised by a staff member implying that their Academic Freedom has not been protected and to produce a recommendation to the Vice-Chancellor or other relevant member of their Executive Board and Senate to inform a decision on the matter.
4. To consider referrals from other Senate committees where the Chair of those committees believes their activities raise questions for Academic Freedom and Freedom of Expression.
5. To support the drafting of any formal responses to the Office for Students (OfS) through the offices of the new Director of Free Speech.
6. To ensure that the University has robust processes and governance arrangements which mitigate the risk of potential complaints made to Office for Students (OfS) from students, staff, or visiting speakers.
7. To advise on the holding of events where a student or staff member has requested cancellation or postponement to a relevant University Executive.
8. In providing this advice and guidance, the AFFE Committee will be mindful of the University's standards and reporting requirements with regard to those outcomes and practices that enable the University to meet its regulatory requirements around Prevent Duty and the Access and Participation Plan as a registered Higher Education Provider with the Office for Students (OfS).
9. To advise the Vice-Chancellor, Senate and any relevant committee at the University on other matters covered by the Act but not explicitly captured by the above objectives.

Membership

Chair

Provost & Senior Vice-President, Chair of Senate

Ex-officio members

- University Secretary & General Counsel
- Chief Operating Officer
- Chief Student Officer
- Pro-Vice-Chancellor, Education
- Pro-Vice-Chancellor, Research & Innovation
- President of the Students' Union
- VP Voice of the Students' Union

Nominated members

Three academic representatives nominated from the pool of Faculty Academic Senators in the first instance¹

In attendance

- Executive Assistant to the Provost (Secretary)

Period of appointment

Ex-officio members remain a Member of the Senate Nominations Committee as long as they hold the relevant post.

The term for appointed members is two years or the period the person holds their representative role on Senate, whichever is the shorter. Appointed members can be reappointed for further terms.

Operation

Quoracy

The quorum shall be half of the members with a minimum of two Senators and one Student Union representative. Ex Officio members are able to send an alternate who reports to them, if they are unable to attend.

Frequency of meetings

Every 6 months. Exceptional meetings may be held at the discretion of the Chair.

Decision making outside the meeting

Decision making in meetings is generally by consensus unless a formal vote is requested. Decisions may exceptionally be taken by Chair's action on the advice of the President & Vice-Chancellor. At the discretion of the Chair, decisions may also be passed by email circular, or similar electronic means, provided that all members are copied into the electronic exchange. In such instances, for such a decision to be valid, not less than 75% of the membership must reply to the Secretary to confirm their agreement. The Secretary shall forward a compilation of responses to the Chair and shall confirm to all members that the decision has been passed. The date of the decision shall be the date upon which the Secretary confirms to all members that it has been passed. The Secretary shall be responsible for ensuring that decisions made by email are reported to the next meeting and for retaining an appropriate record.

Reports to Senate

¹ if all three posts are not filled by this route the Chair of Senate will liaise with the Executive Dean(s) of Faculty for nomination from the wider academic community