

## SENATUS ACADEMICUS

### UNCONFIRMED MINUTES OF AN ORDINARY MEETING OF THE SENATUS ACADEMICUS

held online Wednesday 20 October 2021

#### OPEN SESSION

This section of the meeting is open to all members of staff. Approximately 250 members of staff attended.

#### 1. Convener's Communications

The Convener provided a short update.

The Convener made the key points below:

- The University Court recently held a half-day seminar on the topics of Freedom of Expression, and the University Superannuation Scheme (USS). They received a presentation on USS from a company called Mercer. [Secretary's note: the Court presentation was not available to be shared more widely, but Mercer held a briefing session open to all staff on 4 November 2021, and attendees at this Senate meeting were sent information on how to register for this briefing].
- Improving student satisfaction remains a key priority. The University outcomes for undergraduate student satisfaction in the National Student Survey are disproportionately low in comparison with other institutions. This year there is also information available to the University via the Enhancement-led Institutional Review (ELIR), which took place in 2020/21. The outcomes of ELIR include a requirement that the University demonstrates that it can bring about internal change effectively and in a timely fashion, and this includes evidence of effective progress on projects intended to improve student satisfaction. There are inter-related issues around staff experience.
- The University Executive and Court have approved investment into carbon-offset in the form of land and trees. This supports the University pledge on carbon neutrality.
- The implementation of the People and Money system has taken longer and been less smooth than had been hoped. Communications have been sent to all staff, but the Convener particularly wanted to note some changes to the governance of the project, and to thank those who have recently taken on governance roles: Vice-Principal Dave Robertson, Vice-Principal Catherine Martin, and Professor Anthony Finkelstein, acting as an external advisor.
- The University financial situation is better than the worst-case scenarios that were previously modelled, due to positive student recruitment and efforts to control expenditure, and this is thanks to the efforts of a wide range of staff.
- Recruitment processes are underway for four members of the Senior Team, including a Provost post, replacing what was previously a Senior Vice-Principal post.
- The Chancellor of the Exchequer has recently made comments on the role of AI in the future of the UK. The University is widely recognised as a leader in Artificial Intelligence, and has made a statement response to these comments that has been positively received by the sector.

- Building work has begun on the Usher Institute at the BioQuarter (Little France) and there is a proposal to seek a development partner to develop more on that site.
- There is more activity on campus following the beginning of semester, and there is a feeling of the campus 'coming back to life'.

To allow as much time as possible for the presentation and discussion, questions were held over until the main Q&A.

## **2. Strategic Presentation and Discussion Freedom of Expression**

Attendees received six presentations:

### **1. Introduction and overview of the University of Edinburgh statement – the Vice-Principal Strategic Change and Governance and University Secretary, Sarah Smith**

Key points:

- Freedom of expression is under debate in society at large, as well as in universities.
- The University has thought deeply about this issue, and a Statement on Freedom of Expression was published last year, which reasserted that freedom of expression is fundamental to the University's purposes.

### **2. Freedom of expression, academic freedom and other statutory obligations – What does the law say? – the Deputy Secretary, Governance and Legal, Leigh Chalmers**

Key points:

- An overview on the relevant law on freedom of expression.
- Freedom of expression is a universal but qualified right, and a number of legal factors apply to the exercise of the right to freedom of expression.
- Academic freedom and freedom of expression are related but distinct concepts. Academic freedom is defined in the Further and Higher Education (Scotland) Act 2005 (as amended). Academic freedom is freedom within the law. The precise definition is subject to debate.
- The purpose of universities to openly debate challenging ideas means that universities can set only limited restrictions on freedom of expression.
- Competing rights and complementary rights (such as the right to protest) may arise and can be challenging.
- Internal policies such as the Dignity and Respect Policy, Code of Student Conduct and HR disciplinary policies are also relevant.

### **3. Speakers and events – how does the UoE manage higher risk events? – the Deputy Secretary, Student Experience, Gavin Douglas**

Key points:

- The University has a Policy on Speakers and Events. This includes events held under the auspices of the University, including student events, but not the University's normal academic or administrative business, for example a research seminar organised by a subject area.
- The Policy includes an assessment process using established criteria aligned to previous Universities UK guidance.

- There is a strong presumption in favour of allowing events / speakers, with conditions if required to mitigate risks.
- To date, no events have been refused under the Policy.

4. **Freedom of Expression and Dignity and Respect** – the University Lead on Equality, Diversity and Inclusion, Professor Sarah Cunningham-Burley

Key points:

- Freedom of expression is not an unfettered freedom, and there needs to be consideration of our responsibilities to each other, to our institution and to society, prompting reflection not just on what we say, but when and how we say it.
- The University Dignity and Respect Policy aims to promote a positive culture, and a commitment to equality, diversity and inclusion. The policy asks us as a University to foster a positive culture for working and studying, which permits freedom of thought and expression, within a framework of mutual respect.
- Issues that arise cannot be settled only through policies, but must be attended to through scholarship and practices, including reflection, dialogue and support. This requires a recognition of inequality and processes of exclusion, taking relative power and context seriously, to find a way to use freedom of expression as an enabler, not an inhibitor, of our commitment to equality, diversity and inclusion.
- Our whole community needs to engage to promote inclusive, yet challenging, dialogue.

5. **Freedom of Expression: the student view** – Senate heard a recorded presentation from Ellen MacRae, the Edinburgh University Students' Association President.

Key points:

- Edinburgh is a global university with a vast diversity of thought and personal experience relating to freedom of expression.
- Students and Student Associations are often a focal point when media and government are talking about freedom of expression. EUSA has never cancelled an event due to a no-platforming policy: there is no such policy. There is a safe space policy, which is simply a code of conduct.
- Three main aspects were explored in this talk: the inclusion of marginalised voices; the recognition of the boundary between explorative discussion and factual analysis; the responsibility of power-holders in this debate.
- Universities are the best place for students to engage in discussion and debate, but we only have truly achieved this when everyone feels comfortable to participate and express their own views, and reflect on their own experiences. Students are at university to learn, and academics hold a lot of power in their platform as teachers

6. **Freedom of Expression and academic freedom** – Professor Richard Andrews, Head of Moray House School of Education and Sport

Key points:

- In consideration of freedom of expression, it is worth discussing the related concept of academic freedom.
- The presentation attempts to define academic freedom, and notes that freedom comes with responsibility.
- Toulmin's The Use of Argument used to diagram the process of making claims, providing evidence, and challenging claims.

- Argumentation is a key element of academic freedom, and argumentative rationality may be subject, in contemporary society, to challenges from narratives that are promoted without reference to argument or evidence.

Following the presentations, attendees were invited to take part in a Q&A. The key points raised were:

- Digital events held under the auspices of the University are also subject to the Policy on Speakers and Events.
- The decision to publish a Statement on Freedom of Expression was an important assertion of the University's values, but it could not be expected that such a statement, though necessary, would be sufficient to address these issues. The University will always need to ensure that it works within the law while also seeking to support colleagues and students. The University is often very constrained in what it can say publicly about individual cases due to duties of confidentiality.
- A suggestion was made that a procedure is required to enable challenges to freedom of expression to be resolved when they do occur. If an event is delayed temporarily to allow issues to be explored, there does not seem to be a process for ensuring that this discussion comes to a conclusion and decision.
- How does the University prevent only one side of an argument being platformed, and avoid the risk of a chilling effect that could lead to self-censorship or marginalisation of some views and people. Could academic freedom champions help to address issues as they arise?
- How do we build student and staff capacity for tolerating difficult discussions and good faith rebuttals and rational discussion of emotional issues: is this a curriculum challenge?
- How do we move to the next phase of the discussion on academic freedom and freedom of expression? Will this process listen to the voices of those who have had their academic freedom curtailed? Should this presentation be the start of a series of conversations, moving on to questions of practical action?
- An unreasonable burden may be placed on marginalised groups to contest ideas. Some argue that the position that it can be 'interesting' to debate some controversial topics is itself a position of privilege. Should the debate move from what academics may be permitted to do, to consideration of what academics should do with their academic freedom, in terms of their responsibilities to marginalised and under-represented groups?
- In the context of institutional partnerships with possible implications for academic freedom, the University has risk assessment and due diligence processes in place, and such issues are taken into consideration in the process of contracting with partner institutions.
- In relation to equipping students with abilities to contest dominant narratives and to counter narratives with argument and evidence, and the tools of academic debate, it was noted that this kind of skills development is key to the thinking involved in the Curriculum Transformation project.
- Are there plans to publicise the Statement on Freedom of Expression more widely to students, and to introduce this topic into the curriculum more broadly?
- The University has adopted the IHRA definition of anti-Semitism. The University was approached by the University Jewish Students Society, and the University did not have an existing definition of anti-Semitism. It is understood that the definition may be considered by some as controversial, but in practice to date there is no evidence of academic freedom or events being curtailed by the adoption of this definition.

- A question was raised on whether the University is for 'truth seekers' or 'social justice seekers'. Other attendees suggested that such a binary opposition was unhelpful.
- While this has been a valuable opportunity to share ideas and hear questions and insights, some people may not feel comfortable joining the conversation, and it will be important in the process of developing approaches to the issue of freedom of expression that opportunities are created that are accessible to all members of the University community.

It was noted that following the discussions at both Senate and earlier at Court, a paper and proposals would be taken to the University Executive for further discussion.

A recording of the presentations and discussion is available on request from [SenateSupport@ed.ac.uk](mailto:SenateSupport@ed.ac.uk)

The Convener thanked the presenters and all staff for their contributions to the presentation and discussion.

The Convener closed the open session of Senate, noting that Senate members were invited to join the formal meeting of Senate at 4.00pm.

## **FORMAL MEETING OF SENATE**

This section of the meeting is open to Senate members only.

**Present:** MATHIESON Peter (CHAIR), ANDREANGELI Arianna, ANDREW Ruth, ANDREWS Richard, BARAKAT Ammir, BARANY Michael, BENJAMIN Shereen, BENNETT Stuart, BLYTHE Richard, BRADFIELD Julian, BRANIGAN Holly, BUDD Adam, CALVERT Jane, CAMERON Ewen, CHAN Un Ieng, CHAPMAN Karen, CHUE HONG Neil, CONNOR Andrew, COOMBES Sam, CRANG Jeremy, CRUZ Juan, CUNNINGHAM-BURLEY Sarah, DANBOLT Jo, DONOVAN Kevin, DUNLOP James, EFERAKORHO Jite, ELLIS Heather, EUSA VP Activities, EUSA VP Community, EUSA VP Education, EUSA VP Welfare, EVANS Mark, FERNANDEZ-GOTZ Manuel, FISHER Bob, FRENCH Chris, GORDON Iain, GRANT, Liz, GRAY David, HAMILTON Lorna, HARDY Judy, HARMON Colm, HARRISON Tina, HAY David, HAYCOCK-STUART Elaine, HECK Margarete, HENDERSON Sarah, HIGHTON Melissa, HOLT Sophie, HOPGOOD James, HOY Jenny, HUNTER Emma, IBIKUNLE Gbenga, JACOBS Emily, JENKINS Kirsten, KENNY Meryl, KHATTAR Medhat, KINNEAR George, KIRSTEIN Linda, LAMONT-BLACK Simone, LLORENTE PRADA Jaime, LLOYD Ashley, LORETTO Wendy, MACIOCIA Antony, MARSLAND Rebecca, MAVIN Emma, MCCONNELL Alistair, MCMAHON Sean, MCQUEEN Heather, MEIKSIN Avery, MORRISON Tara, NAVARRO Pau, NGWENYA Bryne, NORRIS Paul, NOVENSON Matthew, OOSTERHOFF Richard, PATON Diana, PULHAM Colin, REYNOLDS-WRIGHT John, SCHMID Marion, SHIELDS Kirsteen, SIMPSON Hamish, SMITH Sarah, SORACE Antonella, STOCK Sarah, STORRIER Rachel, STRATFORD Tim, TAYLOR Emily, TAYLOR Paul, TERRY Jonathan, THOMAS Robert, TRODD Tamara, TUFAIL-HANIF Uzma, TURNER Adam, TURNER Jon, UPTON Jeremy, WAHI-SINGH Pia, WARRINGTON Stephen, WEIR Christopher, WHYTE, Moira, YILDIRIM Alper

In attendance: HUME Roshni, MACGREGOR Sue

**Apologies:** ALIOTTA Marialuisa, BALTARETU Ioana, BOWD Stephen, CACAQUINEAU Celine, CAIRNS John, COOPER Sarah, COX Chris, DAVIES Mia Nicole, DESLER Anne, du PLESSIS Paul, EVANS Jay, EVENSEN, Darrick, EWING Suzanne, FORBES Stuart,

GRAY Gillian, HILLSTON, Jane, HOGG, Martin, HOLLOWAY Aisha, HOLT Sophie, KENWAY Richard, LIKONDE Samantha, MacPHERSON Sarah, MACRAE Ellen, MARTIN Catherine, McARA Lesley, MCKIE Linda, MCLACHLAN Gavin, MENZIES John, MIELL Dorothy, MORAN Nikki, MORROW Susan, NAYDANI, Cynthis, PHILLIPS Claire, REYNOLDS Rebecca, ROBBINS Jeremy, ROLLE Sabine, SECKL Jonathan, STOCK Sarah, TERRAS Melissa

### **3. Senate Members' Feedback on Presentation and Discussion Topic**

Senate members were invited to provide any further comments on the presentation and discussion topic.

## **SUBSTANTIVE ITEMS**

### **4. Report from E-Senate (S 21/22 1 A)**

The minute of E-Senate held from 21 – 29 September was not approved. Senate approved the motion: "The Principal's determination in item 7 regarding e-Senate paper F be withdrawn and the paper be reintroduced for deliberation and a vote by Senate." It was suggested that further discussion of items 6 and 7 (Senate Standing Committees, and the E-Senate Process) was required before a decision was made on paper F. [Secretary's note: the E-Senate Report and paper e-S 21/22 1 F were discussed at a Special Senate Meeting on 12 November 2021.]

### **5. Enhancement-Led Institutional Review (ELIR) Action Plan (S 21/22 1 B)**

Tina Harrison presented the paper and explained that two areas of priority were highlighted as a result of the Enhancement-Led Institutional Review. These were Assessment and Feedback and Student Support. It was highlighted that significant changes had to be implemented ahead of the next review in 5 years' time, and evidence of progress on some items is required within a year. Some commented on the fact that the immediate plans focus on studying and formulating rather than acting. It was highlighted that the initial stage of the process would be to consult with all Schools in relation to both areas to see what would be possible.

There was some discussion around the growth in student numbers and the impact that this has had on resources. It was noted that this would be considered as part of the consultation process. There was further discussion around improvements required in relation to Assessment and Feedback, including how to interpret and contextualise NSS results. The discussion was noted by Tina Harrison and Colm Harmon and would be taken into consideration as part of the planning process.

It was noted that in approving the paper, Senate was approving a direction of travel.

Senate approved the paper via a vote.

The agenda was not completed at this meeting, and therefore a Special Meeting was convened on 12 November to complete the business not closed at the meeting on 20 October.

It was agreed that a further review of how Senate meetings should operate was required.  
It was agreed that Academic Services would facilitate discussion in relation to this.

The meeting was closed at 5pm.