

UCU Bath Motion to UCU Congress 2024

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Motion to Congress

Proposer: Hedley Bashforth

Seconder: Hartmut Logemann

Congress notes the judgements in a number of recent employment, and employment appeal, tribunals, including the successful claims by Professors Miller (1) and Phoenix (2). These have involved potential conflicts between academic freedom and standards of conduct in the workplace.

In light of these judgements, Congress instructs the NEC and/or General Secretary to draw up and issue legally sound guidance for use by branches and members in cases where questions of academic freedom or free speech are raised, with particular reference to a branch's obligation to support members, and to the boundary between free expression and potential misconduct.

1 https://www.rllaw.co.uk/wp-content/uploads/2024/02/Judgment_Miller-v-BristolUni_Rahman-Lowe-Solicitors.pdf

2 https://assets.publishing.service.gov.uk/media/65ae82d58bbe95000e5eb1f7/Ms_J_Pheonix_v_The_Open_University_3322700.2021_other_FMH_Reserved_Judgment.pdf

Amendment

Proposed: Michael Carley

Seconded: Kate Ehrig-Page,

This amendment has been endorsed by the branch Committee.

Changes

- Paragraph one, delete ", including the successful claims by Professors Miller (1) and Phoenix (2).", replace with full stop.
- Delete second sentence and replace with "These have involved potential conflicts between academic freedom, free speech, and standards of workplace conduct. As a result, the rights and responsibilities of education staff are not clear, nor are the responsibilities of union branches in cases where there is a perceived conflict between academic freedom and contractual obligations."
- Insert new bullet point before "draw up and issue ...":
 - * commission expert advice on the law with regard to academic freedom, equalities, and conduct in the workplace, including the implications of recent decisions;
- Add final bullet point:
 - "* incorporate this guidance into statements of relevant policy."

Amended motion would read in full:

Congress notes the outcome of a number of recent employment, and employment appeal, tribunals. These have involved potential conflicts between academic freedom, free speech, and standards of workplace conduct. As a result, the rights and responsibilities of education staff are not clear, nor are the responsibilities of union branches in cases where there is a perceived conflict between academic freedom and contractual obligations.

Accordingly, Congress instructs the NEC to:

- * commission expert advice on the law with regard to academic freedom, equalities, and conduct in the workplace, including the implications of recent decisions;
- * draw up and issue legally sound guidance for use by branches in cases where questions of academic freedom or free speech are raised, with particular reference to a branch's obligation to support members, and to the boundary between free expression and potential misconduct;
- * incorporate this guidance into statements of relevant policy.