

Appendix 11 – 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 secure and 'actively promote' freedom of speech and academic freedom. Academic Freedom is defined in the Act as the freedom 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. Elements of the 2023 Act have gradually come into effect, with the most significant duties for Universities coming into effect on 1 August 2025. Other elements, such as an OfS Complaints Scheme for staff and visiting speakers, are still in development.

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 secure and 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 speech.
5. To support the drafting of any formal responses to the Office for Students (OfS) through the offices of the new Director for Freedom of Speech and Academic Freedom.
6. To ensure that the University has robust processes and governance arrangements which mitigate the risk of potential complaints by staff or visiting speakers to the Office for Students (OfS), or by students to the Office of the Independent Adjudicator (the OIA).
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 as a registered Higher Education Provider with the Office for Students (OfS), including its Prevent Duty and Access and Participation Plan.

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.
10. To advise, on a discretionary basis, on student-related freedom of speech issues when such issues are brought to the attention of the sub-Committee by a Head of Discipline (including individuals with an equivalent or more senior role) or OSCAR.
11. To track and provide an overview of complaints and risks related to freedom of speech and academic freedom for periodic presentation to Senate and to the Vice-Chancellor as necessary.

Membership

Chair

Provost & Senior Vice-President, Chair of Senate, or Designee

Ex-officio members

- University Secretary & General Counsel
- Chief Student Officer
- Pro-Vice-Chancellor, Education
- Pro-Vice-Chancellor, Research & Innovation
- Director of Human Resources
- President of the Students' Union
- VP Voice of the Students' Union
- University Academic Lead for Freedom of Speech
- Head of Equality, Diversity and Inclusion
- Head of OSCAR
- Head of Events

Nominated members

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

In attendance

- Executive Assistant to the Provost (Minuting 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 one academic Senator and one Student Union representative. Ex Officio members are able to send an alternate who reports to them, if they are unable to attend.

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.

Frequency of meetings

Biannually. 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