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## Ordinance 59 – Academic Freedom

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To note that following approval at the meeting of the Senatus held on 24 May 2017, the University Court, at its meeting on 5 June 2017, formally approved the updated Ordinance 59 – Academic Freedom - which reflected changes to the University structure since its original draft, and the requirements of the Higher Education Governance (Scotland) 2016 Act.

## Ordinance 59 – Academic Freedom

1. In determining and maintaining policies and procedures in relation to the University's staff, the Court, in accordance with Statute 16, must ensure the academic freedom of those members of staff engaged in teaching, the provision of learning or research. Academic freedom, as defined in Statute 16(1)(b), is the freedom to **hold and express opinions**, question and test **established ideas** or received wisdom, **develop and advance and to put forward** new ideas **or innovative proposals**, and **present** controversial or unpopular **points of view**, without placing oneself in jeopardy of losing one's job, **entitlements** or privileges, provided always that such freedom is exercised lawfully and respects the academic freedom of others.
2. This Ordinance sets out, in accordance with Statute 16(2), the procedure which applies to any such members of staff who believe that their academic freedom has been adversely affected.
3. Any member of staff engaged in teaching, the provision of learning or research who believes that their academic freedom has been adversely affected shall submit a written account of the specific matter to the University Secretary. The University Secretary shall arrange for the matter to be assessed to ascertain whether it should properly be investigated under this Ordinance.
4. Such an initial assessment shall be carried out by a committee of three senior members of academic staff, all of whom shall be members of the Senatus. The committee shall be known as the Academic Freedom Assessment Committee (the 'Committee') and its membership shall be drawn from a pool to be determined **annually as required** by the Senatus: Provided that its membership shall not include more than one member from any given **School College**, nor a Vice-Principal, ~~Head of College~~ or Dean.
5. If the Committee determines that the **matter does not fall within the terms of this Ordinance, member of staff's academic freedom has not been adversely affected**, then the Committee shall recommend that the matter be considered under the appropriate general **grievance** procedure as approved and maintained under Statute 16(3).
6. If the Committee determines that the member of staff's academic freedom may have been adversely affected, then the matter shall be considered by a panel which shall comprise:
  - a) a Vice-Principal with no prior involvement in the case, who shall be Chair;
  - b) a professor nominated by, but not necessarily a member of, the Senatus with no prior involvement in the case;
  - c) a member of staff engaged in teaching, the provision of learning or research who has an understanding of the area of expertise of the member of staff raising the matter and who has no prior involvement with the case. In cases where there is no suitable member of the University's staff, an external assessor may be appointed to the panel.
7. The member of staff raising the matter shall have the right to be accompanied by a work colleague or trade union representative at any meeting convened as part of the investigation under this Ordinance.
8. **The panel convened under paragraph 6 shall reach a decision on whether the academic freedom of the member of staff bringing the case has been affected and shall make such recommendations for resolution of the matter as it shall think fit to the University Secretary.**
9. **If the panel determines that the member of staff's academic freedom has not been adversely affected, that member of staff shall have the right of appeal against the decision of the panel** ~~established under paragraph 6 above~~. Such an appeal shall be heard by an appeal panel which shall comprise:
  - a) a lay member of Court with no prior involvement in the case, who shall be Chair;
  - b) a member of Senate with no prior involvement in the case;

- c) an external assessor with an expert understanding of the academic discipline of the member of staff raising the matter.
10. The procedures and timescales to be followed in determining the matter shall in all other respects be in accordance with those set out for the consideration of matters as approved and maintained under Statute 16(3).
  11. If the member of staff is subject to any other procedures as approved and maintained under Statute 16(3), these shall be suspended until the procedures under this Ordinance have been exhausted.