

University and College Union Higher Education

To: HE branch and LA secretaries;

Topic: Censure and Academic Boycott Policy

Action: **Branches and LAs are asked to discuss the attached policy before Sector Conference**

Summary: HEC has reviewed the current approaches to Greylisting and Academic Boycott. As a result of that review, HEC has submitted a motion to sector conference recommending the attached policy.

Contact: **Michael MacNeil, national head of higher education**

This proposed policy attached as Appendix 1 describes the principles underpinning the union's approach to censure and academic boycott; the staged approach to be followed prior to an institution being censured or subjected to an academic boycott. The policy also describes the proposed monitoring arrangements and process to cease use of the sanction.

The policy will be considered alongside the following motion from HEC to sector conference:

HE45 Censure and academic boycott Higher education committee

Conference approves the draft censure and academic boycott policy as detailed in circular UCUHE/56.

Michael MacNeil
National head of higher education

APPENDIX 1: DRAFT CENSURE AND ACADEMIC BOYCOTT POLICY

APPROVED AT THE HIGHER EDUCATION COMMITTEE ON 12 FEBRUARY 2010

1. INTRODUCTION

1.1 UCU was formed on 1 June 2006. The antecedent unions, AUT and NATFHE, both had policies to deal with instances of serious malpractice in employment relations, breaches of academic freedom, etc. In AUT the policy was referred to as the "Procedure for greylisting institutions"; in NATFHE it was referred to as the "Academic Boycott Procedure". Both policies were designed to disrupt the internal operation of academic life in an institution and to call the institution's bona fides into question.

1.2 With ever increasingly aggressive managements, it is recognised that taking a strong stance against employers is crucial. However, the sanctions practices of censure and academic boycott are sufficiently serious to warrant a tough internal process before commencement, not least because the sanctions can result in serious harm to an institution and so be damaging to the staff in it, however aggrieved they have become. These sanctions are thus not weapons of first resort. An institution's wish to avoid sanctions of this nature will arise both from the real potential effects and from unwillingness to be singled out as especially miscreant. It follows that UCU must be visibly capable of applying the sanctions to a reasonable extent, able to identify a route out of the sanctions as well as a route into them, and be sparing enough in the use of the sanctions to make the notion of singling out a reality. If the sanctions are used frequently, or if they would be hard to sustain, or if they are used with insufficient reason, their impact will be much reduced.

1.3 This policy describes the principles underpinning this policy; the staged approach to be followed prior to an institution being censured or subjected to an academic boycott. The policy also describes the monitoring arrangements and process to cease use of the sanction.

2. PRINCIPLES

2.1 This policy concerns one of the types of national action that can be taken in support of a local dispute. Branches and LAs can call upon other forms of support from their region and from Head office. Officials from regionally-based teams are frequently deployed to assist branches/LAs in resolving disputes; and a process already exists for the union to deploy additional campaigning and organising resources where a local issue is of national significance.

2.2 The sanctions outlined in this policy are not a substitute for local action. Other forms of industrial action are necessary before we tell the academic world that a place is not fit to work in. It is important to restate that censure and academic boycott are options in the union's armoury, but not the first option. A branch/LA too weak to take action locally will not be able to sustain the level of organisation needed to make censure or an academic boycott work over what may be long periods, whatever help the national union provides.

3. STAGES

UCU has a staged approach to naming and shaming miscreant institutions. This is designed to exert maximum leverage in the negotiating process.

Stage 1 – Censure list

The employer is placed on a list of employers who are subject to censure as a result of a particularly damaging approach to an industrial relations issue. UCU would publicise its list of censured institutions through appropriate media and to other academics.

The aim is to persuade the employer to take the necessary action to be removed from the list. The employer would be notified that refusal to deal with the issue in dispute may result in further action under this policy.

Stage 2 – Academic Boycott

Where the employer fails to take corrective action and it is believed an increase in the intensity of UCU national action may increase the likelihood of corrective action, an institution is placed on a list of boycotted institutions. This list will be circulated to academic associations world-wide and to the media. Anyone seeking information about a boycotted institution will be given full details on the reasons why the institution has been boycotted and will be advised to seek UCU's advice before engaging in any type of academic contact with the institution.

The specific types of academic contact to be considered as part of the boycott may include:

- Applying for any advertised jobs
- Speaking at or organising academic or other conferences
- Giving lectures
- Accepting positions as visiting professors or researchers
- Writing for any academic journal which is edited at or produced by the institution in question
- Accepting new contracts as external examiners for taught courses
- Collaborating on new research projects

The HEC executive team, appointed in accordance with section 4.5 of this policy, will recommend the exact range of activities based on the specific profile of the institution in question.

4. PROCEDURE

4.1 A request from a branch/LA for the national union to apply the sanctions listed in this policy should be sent via the regional official to the National Head of Higher Education. A form will be provided for this purpose and shall only be considered after a substantive act of industrial action at Branch/LA level.

4.2 No application should be made without a major demonstration of membership support either in a well-attended branch (or branches where there is more than one branch in an institution) /LA meeting which must be subsequently endorsed in a ballot. The ballot may be arranged on-line. The application form will have space to record the particulars of the relevant meetings and/or ballot. In wholly exceptional circumstances, the executive team (see section 4.5) may determine that a confirmatory ballot is unnecessary.

4.3 The application form shall require branches/LAs to include a brief statement setting out the matter in dispute, the objectives of applying national sanctions, the suggested criteria for measuring progress in the dispute and suggested criteria for calling off the dispute.

4.4 The National Head of Higher Education shall refer the matter to the Higher Education Committee (HEC).

4.5 The HEC will appoint an Executive team to consider the request. The Executive team will comprise the Vice-President (HE), the appropriate Vice-Chair of HEC (post-92 for a post-92 institution and pre-92 for a pre-92 institution), one other member of the HEC, plus the National Head of Higher Education (or nominee) and the National Head of Campaigns, Organisation, Recruitment and Training (or nominee). A HEC member shall not be appointed to the executive team appointed to consider a matter relating to their institution.

4.6 The executive team will meet with branch/LA officers and the regional official. The executive team is charged with:

- ensuring that local procedural agreements or the use of conciliation or arbitration as appropriate by an outside body has been attempted and been found to have failed to resolve the problem;
- checking that there is proven membership support;
- considering whether the branch/LA has demonstrated the capacity to sustain a long-term censure and/or academic boycott campaign;

- setting out viable terms under which censure and/or academic boycott would cease.

4.7 Sanctions under this policy may not be deployed unless the team has concluded that it has become an appropriate tactic. The threat of sanctions under this procedure should be issued with great care. The threat is intended to shape outcomes more favourably. It is recognised that the momentum in some disputes require some flexibility in approach, but the general criteria should be observed.

4.8 The executive team will report to the full HEC. The report should recommend what action, if any, should be taken and should explicitly state the circumstances in which sanctions will cease to apply. The role of HEC in the process is both an important safeguard and has the weight of a public announcement of position which can impact upon an institution. In endorsing any request for action, the executive team and HE officials shall work closely with the CORT team to aid in the preparation of a campaign strategy.

4.9 The timing of HEC meetings is fairly rigid and this can also be a disadvantage if it does not correspond to the state or momentum of a dispute within a university. The requirement for a full HEC to decide on the application of sanctions can encourage motions seeking contingency authority at a stage which is often too early. This means that we could appear to or actually escalate too rapidly and at a point when the sanction cannot readily be considered together with a route out.

4.10 Therefore, in the event that it becomes urgent to progress a request for action under this procedure between meetings of HEC, the National Head of Higher Education will refer the matter to the vice-President (HE). The Vice-President is authorised to convene an executive team, as described in paragraph 4.5 to deal with the request. This emergency process should always take account of whether an HEC meeting is sufficiently close at hand as to make this alternative procedure unnecessary.

4.11 The executive team is charged with making regular reports to HEC on the progress of disputes involving sanctions under this procedure. For as long as an institution is under threat or sanctions are being applied, the executive team shall provide to each meeting of HEC a report outlining:

- the actions which have been taken;
- the effect of any such actions;
- progress towards reaching an acceptable outcome.

The executive team shall also report the views of the branch/LA. Each time the report is made, the HEC will either affirm continuance of the actions, agree to make changes to the actions or decide to call off the process.

4.12 In the event that between meetings of HEC it becomes urgent to take other action in relation to an institution currently subject to sanctions under this procedure, the executive team shall have delegated authority to act. This emergency process should always take account of whether a HEC meeting is sufficiently close at hand as to make this alternative procedure unnecessary. Any such emergency process shall be subject to review at the next meeting of HEC.

4.13 Where steps are taken by the employer towards the establishment of an acceptable negotiated settlement, the executive team, in close consultation with the LA/Branch officers, may decide to lift or suspend the sanctions. In addition, where an institution is subject to stage two action and progress has been made, but insufficient to warrant lifting the sanctions in their entirety, the executive team may opt to change the status to that of an earlier stage.

5. RESOLVING INTERNAL DISAGREEMENTS

5.1 At all times, the intention of this policy is to ensure that the national union takes appropriate and effective action in support of members who are engaged with a particularly miscreant employer. The HEC through the executive team will seek to reach agreement with branches/LAs who are either seeking sanctions or who are already subject to such sanctions. When agreement is not possible, having taken into account the views of the branch, the decision of the HEC is final.