

CONFIDENTIAL

THE UNIVERSITY OF WESTERN AUSTRALIA

**MINUTES OF A MEETING OF THE SENATE HELD ON MONDAY 29 APRIL 2019
FROM 3.30PM IN THE SENATE ROOM**

MEMBERS OF THE UNIVERSITY SENATE – PRESENT

The Pro-Chancellor and Chair of Strategic Resources Committee (Mr Frank Cooper, AO) - Chair
Vice-Chancellor (Professor Dawn Freshwater)
Chair of Audit and Risk Committee (Ms Michele Dolin)
Chair of Academic Board (Professor Raymond da Silva Rosa) from 4.45pm
Governor Appointees: Dr Lynton Hayes
Ms Sue Murphy
Elected by Convocation: Mr Simon Dawkins
Adjunct Professor Warren Kerr, AM
Elected by Academic Staff: Dr Jamie O'Shea
Elected by General Staff: Mr Craig Williams
Elected by Students: Mr Conrad Hogg (Guild President)
Mr Alexander Tan (President, Postgraduate Students' Association)
Co-opted members: Mr Michael Byrne via Teleconference

INVITEES

Professor Colin MacLeod for agenda item 15
Mr Jonathan Cowper, Chief Financial Officer for agenda item 17.2
Mr Robert Webster, Executive Director Corporate Services for agenda items 17.3, 17.4
For agenda item 17.4 – Mr Paul Roberts, Turnberry Master Planning Consultant (via teleconference);
Mr Adam Scott (FreeState, Activation Consultant); Mr Trevor Humphreys, Director, Campus
Management

APOLOGIES

The Hon Robert French, AC (The Chancellor)
Dr Susan Gordon, AM

SECRETARIAT:

Acting University Secretary (Dr Kabilan Krishnasamy)

1. WELCOME AND APOLOGIES

The Chair welcomed all members to the meeting.

2. DECLARATIONS OF INTEREST

The Register of Members' Interests compiled from individual declarations was before members.
The Guild President declared his association with the work undertaken by the Freedom of
Expression Working Group in relation to agenda item 15.

3. CONFIRMATION OF MINUTES

RESOLVED - 11

that the minutes of the Senate meeting and the Senate Strategic Directions Seminar held on 11
March 2019 be confirmed.

4. SENATE TOUR OF EZONE

A tour of the EZONE was organised to occur from 1pm to 3pm on 29 April 2019.

5. APPOINTMENTS AND PROMOTIONS

In accordance with Senate Resolution 274/00 the information on appointments and promotions
was noted.

6. CONFERRING OF DEGREES, DIPLOMAS AND CERTIFICATES

In accordance with Statute 14 clause (2)(2) made under the UWA Act 1911, the Vice-Chancellor conferred degrees, diplomas and graduate certificates on a number of students on 26 March 2019. Members noted that a copy of the conferral list was available on request.

7. SENATE STANDING COMMITTEES & WORKING GROUPS

7.1 Report of the Audit and Risk Committee – Ref F13793

The Report of the meeting of the Audit and Risk Committee held on 7 March 2019 was noted.

7.2 Report of the Strategic Resources Committee – Ref F2586

The Report of the meeting of the Strategic Resources Committee held on 15 April 2018 was noted.

7.3 Report of the Academic Board – Ref F2586

The Report of the meeting of the Academic Board held on 20 March 2019 was noted.

7.4 MD Working Group

The report of an informal meeting of the MD Working Group held on 15 April was noted.

8. FINANCIAL DELEGATIONS REPORT – 1 January to 22 March 2019

As part of the reporting requirements on the monitoring of financial delegations exercised by Band 2 and Band 3 delegates, members noted a report that set out the transactions and funding allocations that were in excess of \$1.0 million.

9. RAINE AND HEALY MEDICAL RESEARCH FOUNDATION – MEMBERSHIP – Ref 01/16/003/005

The Raine and Healy Research Foundations are administered by a Research Committee appointed by Senate, and the membership of the Committee is set down in a Deed of Trust.

It was requested that for future such appointments or renewals a brief resume for the relevant person be included in the papers to assist members of Senate who may not know the relevant candidates.

[**Secretary's note:** An outline of the nomination process and a brief resume of Mr Peter Smith is provided at **Attachment A.**]

RESOLVED - 12

that Mr Peter Smith be re-appointed to membership of the Raine and Healy Medical Research Foundation Research Committee for a three-year term of office to December 2021, as representative of the Royal Australian College of Surgeons in accordance with Clause 3(c)(vi) of the Raine Medical Research Foundation Deed of Trust; and Clause 5(c)(vi) of the Healy Medical Research Foundation Deed of Trust.

10. REPORT OF THE MEETING OF THE ACADEMIC COUNCIL HELD ON 3 APRIL 2019

On advice from the Academic Council, Senate

RESOLVED - 13

to approve the introduction of the following awards:

- Master of Renewable and Future Energy (Coursework)(62560) from 2020.
- Graduate Certificate in Minerals and Energy Management (43200) from 2020
- Graduate Certificate in Business Analytics (42270) from Semester 2 2019

11. PROPOSED GRADUATIONS SCHEDULE 2020 AND 2021

RESOLVED – 14

to approve the 2020 and 2021 graduation ceremonies dates in accordance with the schedule, as set out in the agenda attachment.

12. HONORARY DEGREES COMMITTEE – FILLING IN VACANCY

RESOLVED – 15

that Senate approve the appointment of Dr Susan Gordon on the Honorary Degrees Committee for a two-year term, expiring in December 2020.

13. AMENDMENT TO THE CONSTITUTION OF THE AUSTRALIAN MUSIC EXAMINATIONS BOARD (WA)

Senate's approval was sought for amendments to the constitution for the Australian Music Examinations Board (AMEB) (WA), as provided in the agenda attachment.

RESOLVED – 16

that Senate approve the proposed amendments to the constitution of the Australian Music Examinations Board (AMEB) (WA), as set out in the agenda attachment, effective immediately.

14. ELSEVIER SUBSCRIPTION AGREEMENT: SCIENCE DIRECT LICENSE

Elsevier has been the sole publisher/provider of significant collections of electronic resources for teaching, learning, and research across the University. The previous 3-year agreement concluded at the end of 2017 and negotiations carried through 2018 for a new 3-year agreement with a 3.6% annual increase amounting to a total subscription value of USD \$4,236,003.42 (amount greater than AUS \$5 million requires Senate's approval).

The Strategic Resources Committee resolved by R9/19 to recommend to Senate that the renewal of the 3-year Elsevier Subscription agreement valued at value USD \$4,236,003.42 be approved.

RESOLVED – 17

that Senate approve the University's renewal of the 3-year Elsevier Subscription agreement valued at value USD \$4,236,003.42, effective immediately.

15. UWA FREEDOM OF EXPRESSION – WORKING GROUP REPORT – Ref F19/785

In 2019, the Vice-Chancellor established a small working group, convened by Professor Colin MacLeod, charged with the responsibility of formulating policy recommendations concerning freedom of expression at UWA. Members had before them the Working Group's Report on the UWA Freedom of Expression (FoE) (March 2019).

In introducing the report, Professor MacLeod drew Senate's attention to the primary goal of the Working Group, which was to establish a principle-based policy position that was transparent, principled, practical, and could be broadly embraced across the UWA community. The Working Group had consulted widely across various constituents including the Academic Board, Convocation, Student body, academic and professional academic staff to develop a set of principles that guides the University on issues of freedom of expression in the future.

In considering the Report on UWA FoE, the following were amongst the clarifications offered in the ensuing discussion:

- a) The development of a University Policy on Freedom of Expression not only strengthens the University's commitment to an individual's right to speak freely on campus but also provides clarity in distinguishing between controversial ideas and malicious bigotry, and the best way in which those issues could be addressed.
- b) The size, composition and nature of the UWA FoE Panel was discussed and it was clarified that:
 - i. the panel should be a decision-making body rather than perform an advisory function to maintain accountabilities and will provide a recommendation for consideration by the Vice Chancellor.
 - ii. while the panel membership is specified in the draft policy (i.e., VC or nominee, the Chair of Academic Board or nominee, the Guild President or nominee, the Warden of Convocation or nominee and the Head of Central Services Delivery Centre or nominee), it is intended the choice of the nominee vary from time to time depending on the nature of the event and the expertise required.
 - iii. the panel membership was designed to enable it to operate effectively and in a timely manner.

- iv. In recognition of the complexity of matters likely to come before the panel it is intended that on each occasion it exercise its powers to seek appropriate expert advice as objective input and to inform its deliberations.
- c) Queries were raised with regard to the idea of imposing the requirement that a fixed number of signatures should be required. While there might be some practical difficulties in obtaining the required number of signatures in time to make a submission, the need to quantify the voices of concern was necessary for operational purposes. Further, it was also necessary to streamline the avenues through which these submissions were lodged.
- d) It was suggested that use of the term 'marginalised' could in itself serve to "marginalise" certain groups within the university community. Further that limiting the application of the policy to "marginalised groups" would result in different rights for those not considered "marginalised" with the consequence that not everyone in the university community is being treated equally. While the proposed policy has been limited to providing institutionalised protection to marginalised / vulnerable groups it was argued that the laws of the land were the overarching instrument to provide protection to all members of society against the promotion of views and ideas that might cause them significant harm. In the ensuing discussion, the point was made that vilification could have particularly detrimental consequences for marginalised groups, by intensifying existing discrimination that disadvantages such members of society.
- e) A query was raised with regard to Recommendation 4 and the proposed UWA Freedom of Expression Affirmation Statement which read as follows: "UWA is committed to freedom of expression. Views and ideas expressed within UWA, or expressed elsewhere by members of UWA, are those of the individual and are not *necessarily* endorsed by the University". Although this was noted to be used as a disclaimer statement, it was suggested that the use of the term "necessarily" raised the question of when is a statement of an academic "endorsed by the university"? It was concluded that while this did raise a matter for broader consideration the proposed wording of Recommendation 4 was appropriate.
- f) At the request of the government the Chancellor has led an independent review into university freedom of speech, resulting in the delivery of the French [report](#) on 6 April 2019. Management have undertaken a review of this report and compared it to the proposed policy. No areas of contradiction warranting formal consideration and explanation were noted.

The Chair and members of the Senate commended the Convenor and the FoE Working Group for undertaking extensive consultation and in producing a comprehensive report that is intended to guide related operations of the University in the future.

RESOLVED – 18

that the following recommendations set out in the Report on the UWA Freedom of Expression be approved:

Recommendation 1: UWA Freedom of Expression policy should be introduced without change to the existing UWA provisions concerning Academic Freedom, as presently contained within the UWA Code of Conduct.

Recommendation 2: UWA Freedom of Expression policy should apply to the expression of views and ideas within UWA, regardless of whether these are expressed by members of UWA; and to the expression of views and ideas elsewhere by members of UWA, under circumstances inviting the perception that they are engaging in such expression in their capacity as a UWA member.

Recommendation 3: Judgements concerning the validity or invalidity of views and ideas should have no bearing upon an individual's freedom to express them within UWA, or upon UWA members' freedom to express them elsewhere.

Recommendation 4: A UWA Freedom of Expression Affirmation Statement should be included on promotional and supporting material for any UWA event that interfaces with the public. We suggest that statement could read "UWA is committed to freedom of expression. Views and ideas expressed within UWA, or expressed elsewhere by members of UWA, are those of the individual and are not necessarily endorsed by the University."

Recommendation 5: The University should consider creating a protocol through which it can visibly champion an approved subset of internally organised and publicly accessible events, mounted for the purpose of rebutting in a scholarly manner misleading ideas previously disseminated to the public on the UWA campus by an external organisation.

Recommendation 6: The capacity of views and ideas to provoke negative emotions, including indignation, annoyance, offence, or outrage, should have no bearing upon the freedom to express them within UWA, or

upon the freedom of UWA members to express them elsewhere. Again the UWA affirmation statement should be used, when events interface with the public to prevent misunderstanding that UWA necessarily endorses the views and ideas that evoke such emotions.

Recommendation 7: It should be unacceptable within UWA to dehumanise or vilify marginalised members of society, broadly defined, through promotion of views and ideas that incite hatred towards, contempt for, or severe ridicule of such people, and can reasonably be expected to cause them significant harm. Likewise, it should be unacceptable for members of UWA to engage in such dehumanisation or vilification elsewhere, under circumstances that invite the perception that they are expressing views and ideas in their capacity as a UWA member.

Recommendation 8: The commercial booking of UWA space by an external organisation, to host an event on the UWA campus, should require the documented commitment i. that this event will not involve the dehumanisation or vilification of marginalised members of society, and ii. that the event and its promotion will be conducted in a manner consistent with the UWA Code of Conduct. This documentation should indicate that the University reserves the right to cancel the booking if it considers there to be compelling grounds for confidently anticipating a breach of these conditions, or determines that such a breach has occurred.

Recommendation 9: When a substantial number of UWA members strongly believe there to be compelling grounds for confidently anticipating that a potential or upcoming UWA event will dehumanise or vilify marginalised members of society in the above described manner, then policy should permit argument and evidence supporting this contention to be formally submitted, in a timely manner, for evaluation by an independent UWA FoE Panel. Such submissions should be made using a pre-structured template, designed to enable the pertinent argument and evidence to be laid out clearly, in addition to showing the signatories.

Recommendation 10: Submissions should be lodged with the UWA FoE Panel through the Academic Board Steering Committee (ABSC), the Student Guild Executive (SGE), and/or the Convocation Council (CC), depending upon whether the signatories are predominantly staff, students or alumni, respectively. In each case, a minimum of 15 signatories should be required before ABSC, SGE or CC can put the submission forward for evaluation, and when signatories exceed 100 then it should be obligatory for ABSC, SGE or CC to do so.

Recommendation 11: The UWA Executive should be able to seek evaluation by the UWA FoE Panel when it considers there to be compelling grounds for confidently anticipating that a potential UWA event, which may not yet have been confirmed, would dehumanise or vilify marginalised members of society in the above described manner, by directly lodging a submission requesting this evaluation without the need for additional signatories.

Recommendation 12: The UWA FoE Panel should comprise the VC or nominee; the Chair of Academic Board or nominee; the Guild President or nominee; the Warden of Convocation or nominee; and the Head of the Central Service Delivery Centre or nominee. Nominees should serve in the place of ex-officio members whenever this is necessary to ensure diversity across FoE Panel members. Panel decisions should be informed by invited input from the Inclusion and Diversity Manager, and by invited input from others recommended by the Inclusion and Diversity Manager on the basis of their relevant expertise and experience.

Recommendation 13: The UWA FoE Panel should consider the submitted case with reference to each of the pertinent criteria, critically evaluating the argument and/or evidence put forward to support claims concerning the marginalised status of the potentially targeted group, the probability such members of society will be dehumanised or vilified by promotion of ideas that incite hatred towards, contempt for, or severe ridicule of such people, and the contention that this justifies reasonable expectation of significant harm. Panel decisions should be based on the strength of the argument and evidence addressing these criteria, rather than on other factors such as the number of signatories.

Recommendation 14: *On the basis of its deliberations the UWA FoE Panel should reach one of the following three types of decision:*

- i. The Panel may decide that the case has been made successfully, leading to recommendation that the event should not proceed.
- ii. The Panel may decide that the case has not been made successfully, leading to recommendation that the event should proceed as normal.
- iii. The Panel may decide that the case has not been made successfully, but may consider there to be value in taking certain adaptive steps, leading to the recommendation that the event should proceed, together with one or more supplementary recommendations, which may include the following:
 - Recommendation that UWA provides cost-free access to an appropriate venue, and to the UWA media office, to enable the signatories to mount and effectively publicise a UWA Rebuttal Event, if motivated to do so.
 - Recommendation that UWA considers the need for heightened event security in anticipation of potentially disruptive protest.

- Recommendation that UWA services supporting students and staff well-being be alerted to the event, to permit consideration of tailoring their support provisions around the time of the event to meet potential need.

Recommendation 15: Protest against any views or ideas expressed at UWA should be protected by UWA Freedom of Expression policy, and should be conducted in a manner consistent with UWA Code of Conduct.

Recommendation 16: UWA should consider adopting the approach of imposing a fixed rate security levy at the time of event booking, when risk assessment determines that there will be a need to supplement normal security provisions to appropriately assure safety at an event. It is suggested that the price of this fixed security levy be set at a level consistent with the aim of annually recovering the supplementary security costs incurred by such events.

Recommendation 17: The UWA Freedom of Expression policy should be introduced for an initial period of 3 years, then reviewed and appropriately revised through a process that recruits input from staff, students and members of Convocation.

Recommendation 18: The candidate UWA Statement on Freedom of Expression prepared by the FEWG should be considered for adoption by UWA, as a means of publicly communicating and justifying this University's position concerning freedom of expression.

The Chair noted his strong support for the work done and the draft policy prepared by the working group. The Chair supported all recommendations except Recommendation 7 on the basis that it did not offer equal rights to all members of the university community.

16. 2019 SENATE COMMUNITY DINNER

Members considered a paper that proposed changes to the form, purpose and nature of the Senate Community dinner event in the future. It was further clarified that the nature and focus of the proposed 'The Chancellor's Dinner' would be a more targeted function, and that size of the targeted group may vary to fit in with the University strategic priorities and directions.

Notwithstanding this, a member expressed concerns that the proposed change could result in the University missing out on opportunities that it might otherwise have benefited from a more broader Senate community engagement.

RESOLVED – 19

that Senate approve the proposed changes to the direction, format and name change of the event from 'Senate Community Dinner' to 'The Chancellor's Dinner', and that the suggested 2019 theme be identified as follows: 'Disrupting Higher Education in a Global Context'.

Confirmed

CHAIR

/ /