

Important information for UCU Members at Warwick University

Your union on campus

November/December 2014

Redundancies at Warwick – Who's next?

The spirit of Scrooge lives on. As you look forward to the start of the vacation and the chance to catch your breath after a hectic term, spare a thought for colleagues in Warwick Medical School who this week received a letter from the University that will start them on the path to unemployment. As yet no figures have been released, but over twenty colleagues are expected to be victims of this unjustified cull.

What is being passed off here as redundancy is in fact the retrospective introduction of a performance related criterion not supported by the terms and conditions of employment. It represents the establishment of precedents that will mean that no academic in Warwick will ever again be able to feel secure in their post. It is therefore vital to all our futures that we resist this move as vigorously as possible.

Why are the University's actions so worrying?

We all know that Higher Education is under threat and that universities need to adjust in order to survive in a harsh and unforgiving financial climate, but up to now we have at least had the reassurance of knowing that if the institution's finances are sound and we perform well in our work, we can feel reasonably secure. Warwick is now seeking to change that situation and its manoeuvres need to be exposed.

In preparing for the REF, the university spent £12m on recruiting new staff, a chunk of which went to WMS, a School already unable to meet its income-projection targets. Colleagues there who were entered for the REF and not alerted to any problem with their academic performance might reasonably have thought on this basis that the University found their contribution acceptable. However, with the outcomes of the REF still on the horizon, senior management decided that a termination of contracts would provide a quick and convenient means of getting the WMS books to balance, and to make things even simpler they settled on a single criterion: the generation of £90k average per year in research income over a four-year period. This decision alone should be enough to send shivers down the spine of any academic, but more deeply disturbing are some of the responses the University has made to challenges from the union.

Challenged to justify the use of a single selection criterion as a basis for dismissal in the light of the terms and conditions of academic contracts, the University brushed this aside on the following basis:

The role profile for an Associate Professor requires an individual to carry out independent research and act as principal investigator and project leader. It also requires an individual to apply for, negotiate and manage research funds to the benefit of the individual's or others' research activity and the research standing of the University. In order to achieve either of these principal accountabilities an individual requires funding provided through research awards. The target set of £90k average per year over a 4-year period, [sic] is not considered to be an unreasonable amount of funding for a Principal Investigator to be awarded.

The implications of this are chilling for any Associate Professor in Warwick not currently generating this 'reasonable' amount every year – and more broadly based academic achievement will serve as no protection. When the UCU asked why an excellent individual performance in the REF could not be considered as an additional criterion, this too was airily dismissed:

The criteria is [sic] not linked to the University's REF return. The reason for the Review was due to the financial deficit in the School. It is therefore entirely reasonable that the criteria is [sic] based around finance and, in particular, future research awards.

If the criteria are to be entirely financial it is hard to see why being included in a successful REF submission, which generates money for the university, should be excluded. Leaving aside the illogicality of management's position, the truly disturbing aspect of this is the way in which an important aspect of academic work and performance has been entirely set aside in favour of a single criterion chosen by the University.

Join us

There can be no illusion about what sort of future the University's actions in Warwick Medical School threatens. It has never been more important to enjoy the protection that union membership offers. The UCU has members, full- and part-time, from all areas of the university, including academics, researchers, administrators and librarians. Joining couldn't be simpler: just go to joinonline.ucu.org.uk and follow a few short steps. It could make a big difference to your future.

WMS – Why everyone is under threat

Management will argue that the level of research income is an important factor in the financial under-performance of WMS, but this does not alter the fact that a single aspect of academic performance has been chosen as the only basis for deciding which colleagues will lose their jobs. If Warwick is allowed to succeed in its attempt to make these cuts in WMS, they will have set a precedent that threatens the job security of all academics in the institution. Any department that the University identifies as underperforming against financial targets set in consultation with senior management will be vulnerable to actions of this sort, and with WMS as a precedent the University will be able to establish whatever single criterion it wishes as the basis for culling staff. It will be in position to buy in new staff, decide on what basis it wishes to get rid of established academics and simply go ahead with confidence.

If this seems exaggerated, consider the following:

- Performance in the REF counts for nothing.
- No warning of under-performance is needed.
- The University will choose the selection criterion.
- The University will determine what counts as an acceptable level of performance.
- The University has decided that an average of £90k per annum represents a 'reasonable' level of research income.
- These are not genuine redundancies because the University is still recruiting staff for WMS.
- Cuts in SLS mean this is not the first time a single criterion has been used and this makes it more likely that it will be used again.

What can you do?

This sets a dangerous precedent, making it easier for management to control staffing levels in the future, using its own arbitrary criteria to remove some academics while actively recruiting others. It is therefore absolutely vital that it be resisted as vigorously as possible. The local branch of the UCU is actively involved in fighting these cuts and has already brought it to national attention, but their success will depend on our support.

As a first step, please ensure that you [sign and share the UCU petition against this divisive practice here](#). This newsletter and union bulletins will keep you up to speed with developments and suggest ways in which you can become involved in defending the right of all employees of the University to fair treatment now and in the future.

Where's the merit in merit pay?

The university management is currently looking at reworking the merit pay system, embarking on this at a time when many people across the university are receiving 'at risk' notices. This is at best deeply insensitive. As the system is discretionary, the University does not have to negotiate with UCU, nor does it have to engage us in the process. It has asked for feedback from the unions, though we will only know when the proposals are revised whether our practical concerns have been addressed. To be clear though, UCU is still opposed in principle to the system of individualised pay, though as there is to be a scheme, whatever our objections, we engage in the discussion to try to make the system as fair and transparent as possible. Here is union's position, as summed up by our branch president, Dennis Leech:

'The university management is going ahead with another round of merit pay awards without the agreement of UCU. We are completely opposed to individualised pay and have reservations about the system of merit pay. We believe it is divisive in the way that it sets one member of staff against another and fosters a culture of favouritism. We do not believe it leads to a better motivated work force, which would be better achieved by paying a fair rate for all.'

As is all too evident from the front page of this newsletter and the Thomas Docherty fiasco, Warwick has a miserable record when it comes to staff relations and a naïve faith in the efficacy of crude performance metrics. It is therefore unsurprising that it should promote a system based on the assumption that professional 'merit' is susceptible to objective measurement, blithely indifferent to the harm this might inflict on colleagues whose personal and professional self-esteem it undermines. If this scheme promotes anything it will not be greater commitment to professional excellence but increased cynicism about basis upon which rewards are bestowed.

Sexual orientation and gender identity equality survey

The UCU's Equalities Department has developed a survey about the experience of sexual orientation and gender identity equality designed to be completed by everyone, whatever their situation. It closes on 8 Dec. and is at: <http://www.cvent.com/d/r4qbx6>

You don't need to face it alone

If you're facing problems associated with your employment at Warwick and are a UCU member, you can rely on our help. We have a team of personal caseworkers, all volunteers, who are trained to provide support, advice and representation on a range of issues from contract renewal to potential disciplinary action or harassment. If you are being disciplined, or taking a grievance against another member of staff, you have a legal right to be accompanied by a union representative.

If you find yourself in this situation and would like to speak, in confidence, to one of our caseworkers, email our administrator, Claire Duffy at administrator@warwickucu.org.uk

Join your union online at: www.ucu.org.uk/join

A sigh is just a sigh...

The entirely predictable outcome of the case against Thomas Docherty leaves Warwick with the entertaining challenge of having to dip into its wallet to pay substantial legal fees with one hand while wiping copious deposits of egg from its face with the other. While we can now all sigh with relief at the result without fear that our motives will be misinterpreted and that we'll be frogmarched off the premises, the case does raise interesting questions about what it takes to dismiss an academic. In the spirit of celebrating the university's 50th anniversary, we decided to dip in to the archives. The result makes interesting reading.

Anyone straying from the straight and narrow when Warwick was first established would at least have had the opportunity to have their case considered by the University Council and could not have been dismissed unless two-thirds of the members thought this was warranted. They would also have had the right to for their case to be investigated by a committee of six: the Chair of Council, two members of Council and three members of Senate. In the three-member 'Tribunal' that has replaced this, the balance has subtly shifted to a Chair, one member from the Council and one from the Senate. Crucially, however, this Tribunal does not report to Council but to the Vice-Chancellor, who alone can act on its recommendation.

In a matter as important as this, it is hard to see the shift away from collective to individual decision-making as anything other than a retrograde step. Perhaps it's just our imagination but we suspect that a case as ludicrous as that against Thomas Docherty would never have been brought before a full Council and he would have been spared what must have been an agonising year. Some changes are more a cause for shame than celebration.

In the interests of transparency, here are the relevant extracts from the University statutes:

The statutes then...

Removal of Officers and Members

27 (2) The Pro-Chancellors, the Vice-Chancellor, the Treasurer, the Pro-Vice-Chancellors, the Registrar, the Librarian, and any member of the academic staff of the University may be removed from the office by the Council for what the Council after due consideration shall deem to be good cause, provided that the resolution for such removal be passed by a majority of not less than two-thirds of those present and voting.

The Council may, and if so requested by the person concerned, or by any three members of the Council shall, appoint before such removal a Joint Committee consisting of the Chairman of the Council as chairman, two members of the Council not being members of the Senate, and three members of the Senate appointed by the Senate, to examine the case and report to the Council thereon. No person shall be removed by the Council in exercise of the powers conferred by this paragraph unless he shall have been given a reasonable opportunity to be heard by the Council.

...and now

(15) Institution of Charges

(1) In any case where the Vice-Chancellor has directed that a charge or charges be preferred under paragraph (14)(6)(d), he/she shall request the Council to appoint a Tribunal under paragraph 16 to hear the charge or charges and to determine whether the conduct or performance of the member of the academic staff concerned constitutes good cause for dismissal or otherwise constitutes a serious complaint relating to the member's appointment or employment.

...

(16) The Tribunal

A Tribunal appointed by the Council shall comprise:

(a) a Chair; *and*

(b) one member of the Council, not being a person employed by the University; *and*

(c) one member of the academic staff nominated by the Senate.

...

(19) Powers of the appropriate officer where charges are upheld by Tribunal

(1) Where the charge or charges are upheld and the Tribunal finds good cause and recommends dismissal or removal from office, but in no other case, the appropriate officer shall decide whether or not to dismiss the member of the academic staff concerned.

...

(20) Appropriate Officers

(1) The Vice-Chancellor shall be the appropriate officer to exercise the powers conferred by paragraph 19 and any reference to the appropriate officer includes a reference to a delegate of that officer.

**Don't miss the Annual General Meeting:
Wednesday 28 January 13:00-14:30
Room H0.58 Humanities Building**

Join your union online at: www.ucu.org.uk/join

UCU success on performance management guidelines

The UCU argued at a recent meeting of the Joint Consultative Committee that the university's performance management guidelines for academic staff are not fit for purpose because they contain no definition of underperformance. When a situation arises where a head of department argues that the academic's research is of poor quality because it has been published in the 'wrong' journals (i.e. journals the HoD thinks are low ranking), while the member argues that the HoD is simply wrong, there is no objective means of deciding the issue one way or the other. The fact is that one academic's judgment is as valid as any other's. Indeed it is fundamental to the academic life that new ideas come into conflict with old ones and have to fight for recognition and acceptance.

It therefore follows that that the so-called 'informal' or 'pre-statute' performance management guidelines, which can only work if the academic both accepts the premise of underperformance and agrees to targets set by the HoD, are in fact unworkable. This was apparent several times in the run up to the REF and Warwick UCU has pressed the university management to rethink. The Deputy V-C has agreed to do so and we look forward to a set of sensible and fair guidelines.

No movement on Living Wage

We reported on Warwick's laudable but sadly limited response to the outcome of the Assembly meeting in February that passed a motion moved by UCU members calling on it to become a Living Wage employer. The one-off payment made by the University to workers earning below the minimum wage should have been a first step, but as far as the institution is concerned it appears to have been the end of the matter. Warwick UCU supports the living wage because it is determined by a mechanism designed to reflect the cost of living and once established it is free from political influence, and we recently reminded management of the Assembly recommendation, pointing out that many other employers have already signed up. A list of employers currently putting Warwick to shame in this respect can found be at: <http://www.livingwage.org.uk/employers>

What's in a name? (100 citations, as a matter of fact.)

In the last newsletter we applauded the University's decision to change promotion procedures and our position on that remains unchanged, but we are concerned about the extent to which decisions depend so heavily on the discretion of the head of department and we have very serious reservations about aspects of the procedures for making probation decisions.

The union is pressing the University to develop regulations in order to determine the processes by which probation decisions are made at departmental level. As things stand, no such procedures exist and arguably the most important decision in an academic's career can be based on the subjective opinion of a head of department or the outcome of an unstructured vote at a meeting of the department's professorial staff.

What we would like to see is a recommendation that is based on the advice of a departmental committee of senior staff with in-depth knowledge of the probationer's work. This is not only fair to the probationer concerned but also in the interests of the University, ensuring that good academics are not lost to other institutions.

The advantages of such a system do not need to be spelled out, but the need for change was brought home to us by recent events in one department where professors were debating the merits of a particular case. One of those present felt it only fair to point out that he had been unable to find any citations for the probationer on Google Scholar. Things could have gone badly for the candidate had it not transpired that the professor had entered the wrong name – in fact, the probationer had close on 100 citations!

We all make mistakes and the professor can't be blamed for a simple human error, but this is precisely why we need to get regulations in place as soon as possible.

Hourly paid staff – no news is bad news

Nine months ago Rebecca Stewart wrote from the union's regional office to the Operations Director of Warwick's HR department with some key questions about the treatment of hourly paid lecturers. Her 10 questions addressed key issues such how the hourly rate is calculated, how teaching-related and administrative activities (preparation time, departmental meetings, etc.) and were also designed to get answers on some more general issues such as how many teaching hours are actually delivered by hourly staff. The following questions are typical of the ones she asked:

- In line with the University's Fixed Term policy, are hourly staff reviewed for permanent status after four years continuous service on two or more contracts?
- In the last 5 years how many hourly paid staff have converted to permanent posts?

These are important questions and it has now been over nine months since they were asked. What we would like to know is whether the absence of any response whatsoever from the University is the result of fear or indifference. Either way, we would like answers.