



## CHARTER FOR THE SENATE ACADEMIC FREEDOM COMMITTEE

### 1. NAME

The name of the committee is the Senate Academic Freedom Committee and hereafter referred to as SAFC.

### 2. STATUS

The SAFC is established by Senate as an ad hoc Senate Committee.

### 3. PRINCIPLES

- 3.1 Section 16(1) of the South African Constitution guarantees to everyone *academic freedom* and freedom of scientific research as a form of freedom of expression.
- 3.2 As is the case with all other rights in the South African Constitution, the right to academic freedom is not absolute, and may be limited in terms of Section 36 of the Constitution.
- 3.3 Except for scenarios outlined in Section 36 of the Constitution, the University will vigorously uphold and defend as academic freedom the freedom to engage in genuine and legitimate academic activities without interference. *Genuine and legitimate academic activities* are those which are conducted for an *academic purpose*, such as teaching, learning, research, discovering, inventing, increasing and applying knowledge, and the publication and dissemination of the results of academic activities.
- 3.4 Except for scenarios outlined in Section 36 of the Constitution, the University will vigorously uphold and defend the right of employees and students who engage in a genuine and legitimate exercise of academic freedom.
- 3.5 Activities which do not meet the requirements of Clauses 3.3 or 3.4, may be protected as another form of freedom of expression, or by any other right, and while recognising that the University has duties to respect, protect and promote all rights in the Constitution, the duties in regard to these other activities fall beyond the scope of this Charter.

### 4. MISSION AND GOALS

- 4.1 The SAFC collaborates with other structures in the University to respect, encourage and safeguard academic freedom.
- 4.2 The SAFC monitors International, National and University policy and practice with the aim of advising Senate on matters pertaining to academic freedom.
- 4.3 The SAFC responds to specific matters and concerns pertaining to academic freedom raised or brought to its attention by academic staff and/or students at the University, with the aim of advising, and if appropriate making recommendations to Senate on those specific matters.

## **5. COMPOSITION**

- 5.1 One member from each Faculty/College elected by the Faculty/College Board.
- 5.2 Four members elected by Senate.
- 5.3 A chairperson and deputy chairperson are elected from one of the above categories by the Committee.
- 5.4 Up to three additional members of Senate may be co-opted by the Chairperson of Senate to serve the purpose of ensuring continuity, expertise and commitment to academic freedom, diversity and gender balance.
- 5.5 All members must be full time permanent employees appointed as full Professors, but not be a member of the MEC, an Executive Dean, Executive Director, or a Senior Director.

## **6. FUNCTIONS**

SAFC functions in accordance with the authority delegated to it by Senate. The general functions of SAFC are:

- 6.1 To deliberate on the principles of academic freedom when necessary and to identify means for the promotion of academic freedom in the University.
- 6.2 To consider any potential violation of the right to academic freedom referred to it by any person with whose academic freedom it is charged with promoting and safeguarding as determined in paragraph 4 above and to draw this to the attention of the relevant structures of the University.
- 6.3 To report and if necessary, make recommendations to Senate on the matter.
- 6.4 The specific functions of the SAFC are threefold:
  - 6.4.1 to investigate, advise and where deemed appropriate make recommendations to Senate on specific matters pertaining to academic freedom that have been brought to its attention by UJ academic staff and/or research students regarding academic and administrative mechanisms, practices and policies **internal** to the University. Any person referring a specific matter for consideration by the SAFC would be required to make a case for the matter's relevance to issues of academic freedom. If there is agreement by the SAFC that it is relevant, the SAFC will consider it in detail, investigate it further if appropriate, and make recommendations to the Senate about any steps that should be taken..
  - 6.4.2 to advise and where appropriate make recommendations to Senate on matters pertaining to academic freedom related to broader issues of social justice and public scholarship external to the University. As with internal matters, a person drawing a matter to the attention of the SAFC will need to motivate its relevance and there will need to be agreement on the part of the SAFC in this regard before the committee takes up an issue. The SAFC may also initiate, discussions on and/or make recommendations to Senate with regard to any wider issues in relation to academic freedom related to broader issues of social justice and public scholarship external to the University.
  - 6.4.3 To host one or more annual lectures, seminars, webinars or conferences, as deemed appropriate, focusing on current and contemporary issues of academic freedom.

## **7. SCOPE OF AUTHORITY**

Senate delegates the scope of authority to SAFC as it deems fit.

## **8. MEETING PROCEDURE AND REPORTING**

- 8.1 SAFC meets at least twice a year, with ad-hoc meetings taking place as required during the academic year.
- 8.2 Meetings are administered in accordance with the Rules.
- 8.3 The meeting is quorate if a majority of the members is present.
- 8.4 The Chairperson may call a special or emergency meeting in accordance with the Rules.
- 8.5 Members of SAFC diligently execute their duty of care and fiduciary duty during deliberations and decision-making.
- 8.6 The University Secretariat provides the secretariat to administer meetings in accordance with the Rules.
- 8.7 The minutes of each meeting are considered at the next meeting.
- 8.8 A report is submitted to Senate after each meeting for noting or consideration of matters.

## **9. LIFESPAN AND DISSOLUTION OF SAFC**

The term of office of members of SAFC is as follows:

- 9.1 The members serve for a period of three academic years and are eligible for re-election for a second term only.
- 9.2 SAFC may be dissolved by Senate.

Approved by Senate 29 September 2010

Approved at SENEX 2/3/2011

Amendments approved by Senate on 17 November 2016

Approved as an ad hoc Senate Committee by the Senate on 27 March 2018

Amendments to the composition approved by the Senate on 14 March 2019

Amendments approved by Senate on 18 November 2021

Amendments approved by the Senate on 13 June 2022