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Professor Adam Tickell – Vice Chancellor,
Sussex House,
University of Sussex

cc: Sheila Gupta, Caroline Lucas, Lloyd Russell-Moyle

9th May 2018

Dear Adam,

We write on behalf of UCU members at the University of Sussex to ask for clarifications and commitments regarding the University's approach to the rights of staff on visas. Over the past month, the Home Office's inhumane and racist "hostile environment" policy is finally receiving the widespread media attention that it demands. As you are no doubt aware, the hostile environment is ubiquitous throughout universities, as well; students on Tier 4 visas are particularly subject to racist and unevenly applied forms of state-mandated surveillance. This fact is likely receiving increasing media attention, and Sussex will doubtless not be exempt from such attention. We write this letter urging you to ensure that international staff and students are not being discriminated against at this university in contravention of EU or UK equalities and human rights laws. We will raise the issues below at the June meeting of the Sussex Joint Negotiating Committee as a matter of urgency, and this message should give you more than enough time to prepare clear and definite answers at that meeting.

We are well aware that the university is required to be compliant with Home Office directives in order to hold a license to sponsor Tier 2, 4, and 5 staff and students. However, we also know very well from our own experiences, from our own study of the relevant UKVI guidance, and from recent public scandals that such directives leave tremendous room for institutional interpretation.

With this letter we seek to address two currently pressing issues at Sussex in relation to staff on visas. First: in recent months the university has informed staff on Tier 2 visas that that it will be closely monitoring their whereabouts and making them report on their whereabouts, possibly on a daily basis, and in contravention of normal academic practice and of the treatment of staff that are not on visas. Second: in addition, the university has suggested to staff that it may revoke sponsorship based on participation in strike activity. We ask you to answer the following questions not only in conversation with us at the JNC but also **in writing and to all staff as soon as possible**:

1. Is the university committed to providing equal labour conditions and rights for colleagues regardless of citizenship status? If so, we request a written statement affirming that the university will interpret the exercise of full labour rights as "permitted" under UK immigration law (we believe this to be a valid interpretation of UKVI guidance). If not, we request a written acknowledgment of and explanation for the unequal treatment of staff.

If you are indeed committed to providing equal, respectful, and humane labour conditions for colleagues regardless of citizenship status, then we ask you to address the following questions, specifically, in writing, and in a message addressed to all staff at the university.

On the matter of absence monitoring:

2. Will you acknowledge that absence management is inappropriate in a university workplace, given the character of academic work that often requires staff not be at the university? Is it not the case that all out-of-office work undertaken as part of the job should automatically be permitted and require no notification or permission?
3. If absence management programmes are imposed only on staff on Tier 2 and Tier 5 visas, does this not violate equalities legislation? Can you provide clarification about fair promotion standards for staff on visas who are subject to the extra labour of documenting their whereabouts and and/or who face restrictions on their academic work subject to an absence management programme?
4. HR have informed Tier 2 staff, in private meetings, that they may be subject to home visits from HR. Can you acknowledge that this is an infringement on staff privacy and explore alternatives to this?

On the matter of striking, strike pay, and the threatened revocation of Tier 2 sponsorship, we would like to know how the University is interpreting UKVI directives:

5. The UKVI specify that unauthorised absences must be limited to '4 weeks' before sponsorship must be revoked. At Sussex, does this amount to 20 days or 28 days? The docking of pay for all striking staff on a 1/365th basis suggests the latter to be the case, and yet HR has failed to answer this question in spite of multiple public and private requests that they do so.
6. The phrase "Dropping beneath the salary threshold" has also been used by HR in communications with Tier 2 staff. Does this mean dropping below the individual salary as stipulated on certificate of sponsorship; or does it mean dropping below the lowest threshold salary for Tier 2 eligibility (£30k as set out in UKVI guidelines)? This is a crucial distinction that should be easily answered.
7. Will Sussex commit *not to dock pay* from Tier 2 and Tier 5 staff who are on strike? By doing so, you would avoid staff dropping below *any* threshold and thus safeguard their visa status. This is within your gift and would reflect your own repeated assurances that you respect the legal rights of all staff to strike without fear of reprisals. Being subject to deportation constitutes severe reprisal.
8. Do you endorse the Home Office's interpretation of striking as constituting "unauthorised absence"? If you do not, will you speak out publicly against this violation of migrant labour rights?

In general, we seek clarity and principled commitments from you, in precise, technical terms, about how you and Sussex are, in practice, respecting and indeed fighting for the labour rights and basic human dignity of staff on visas. We believe that a concrete commitment to the civil rights of international staff and students is a prerequisite for anyone who aims to lead a university that understands itself as globally engaged.

The distress that the university has already caused staff on visas through its handling of these matters is not to be underestimated – and is itself a scandal. We see this as a failure of senior leadership rather than simply a matter of administrative error. We ask that you rectify it with concrete action, immediately.

Sincerely,

Sussex UCU