



Senate

MEETING DATE	17/06/2024
REPORT TITLE	Assessment of Third-Party Suitability (Defence Industries)
CLASSIFICATION	Open
REPORT AUTHOR	Ian Bond, Pro Vice-Chancellor Science & Engineering Jon Hunt, Executive Director for Research, Enterprise and Innovation
SPONSORED BY	Judith Squires
PURPOSE	For Discussion
<p>Senate is asked to:</p> <p>DISCUSS the issues raised by the University's partnerships, present and future, with organisations operating in the defence sector. Questions for discussion are set out in section 4.</p>	
<p>Summary of Paper History and Onward Consideration/Decision Making Yes</p> <p>UEB considered an initial version of this paper, which was then shared with University Research Committee (URC), Joint Consultation And Negotiation Committee (JCNC) and the Students Union. This paper includes feedback from each of these groups. The full feedback from all the discussions is presented at Appendix 1. This feedback, and the discussion at Senate, will be considered by the Board of Trustees and UEB in July in order to agree appropriate protocols for agreeing external partnerships, particularly where they could be controversial or contested. The final decision on the protocol will be made by UEB.</p>	
<p>Does this report need to go to another body or Committee? Yes</p> <ol style="list-style-type: none"> 1. Board of Trustees: 5 July 2. University Executive Board 16 July 	
<p>Executive Summary</p> <p>The external and internal context for industrial and other partnerships has become increasingly complex. There is new legislation and new requirements to report on partnerships, particularly on those with non-UK based companies. There have also been long-standing requests from staff and student groups to see the University move away from working with external organisations who have links, major and minor, to defence industries and the production of armaments. This has become more acute in the context of ongoing global conflicts. For example, demands for full transparency and to cease work altogether with a range of companies are part of the demands of student and staff protestors supporting the encampment which appeared on 1 May 2024.</p> <p>It is important to have a structured discussion that allows for a considered view on this important issue.</p>	
<p>Strategic Outcomes</p> <ul style="list-style-type: none"> • Increasing the scale of high-quality, high-impact research • Attracting and inspiring students • Rigorously assessing the size, shape and organisation of our university • Accelerating and supporting innovation 	
<p>Key University Risks <u>Current KURR Risks</u> Yes</p>	

- 0A Change - If we do not effectively prioritise, scope, plan, deliver and manage change, we will not deliver the University strategy.
- 2H- Trusted Research Risk
- There is a risk that this topic could polarise negative opinions towards researchers working in areas of defence and dual use. Mitigations include education and conflict resolution.

Equality Impact Assessment (EIA) undertaken

No

An Equality Impact Assessment will be undertaken in relation to any process which is designed.

Appendices/Reading Material Attached

Yes

Appendix 1: Consultation and Feedback

Appendix 2: Definition of Defence and Dual Use

Assessment of Third-Party Suitability

Purpose of this paper

There is a growing need to assess the suitability of third-party entities with whom UoB interacts (including individuals and organisations, especially those operating at a global level where national legal and ethical frameworks may not apply) through a process of comprehensive due diligence. There is also a need, wherever possible, to be open and transparent about who we work with and why. Where UoB (including its subsidiaries e.g. NCC) can clarify and articulate a position, this can reduce the bureaucracy around undertaking extensive due diligence on a case-by-case basis and reduce questions around having a position as to who, what and why there is a relationship.

A review has been triggered by some key changes:

1. Developments in response to several Government drivers and new laws.
2. Increasing scrutiny and interest in UoB's partnerships from internal and external parties, including staff and student groups with a particular interest in defence industries.
3. The 'Assessment of Third-Party Suitability' project (SN/23-24/023) led by Alison Evans, DREI (Appendix 2 and 3), having concluded with recommendations, accepted by Operations Board, to establish a new due diligence function across education, global and research.
4. The Ethics Committee recognising its role needs to broaden and become more integrated across UoB activities.

1 Existing legal and regulatory requirements (incl. HE Free Speech Act, Counter Terrorism Act)

- 1.1 Freedom of Speech Act 2023: This allows Government oversight of HEI operations such as education, student activity and research collaborations to assess whether an institution has breached a right to free speech or academic freedom has been restricted. From August 2024, the OfS will have the power to consider research funding and donations in these contexts to determine if this has had a material impact on any relevant decision made by the institution.
- 1.2 National Security and Investment Act introduced to strengthen the UK's "ability to investigate and intervene in mergers, acquisitions and other types of deals that could threaten our national security". It covers "sensitive sectors" such as Defence, Space, Quantum, Artificial Intelligence, and Telecommunications. Government's screening powers would extend to "assets and intellectual property as well as companies".
- 1.3 Export controls: UK export controls restrict the export of goods or technology, with the aim of preventing proliferation of weapons of mass destruction (WMD) and countering terrorism. They apply to the physical movement of goods or the transfer of software, data, technology or know-how by any means (including by email and telephone) from the UK to a destination outside the UK. Failure to obtain an appropriate licence to export controlled goods could result in fines and custodial sentences. The Foreign Influence Registration Scheme (FIRS) was due to be implemented by Spring 2024 but will now be delayed due to the dissolution of parliament. We can expect any new Government to continue with the Scheme which would require universities to register instances of political and enhanced arrangements with international entities, (e.g. research collaboration, sponsorship programmes, Memoranda of Understanding), and other arrangements which the UK Government consider amount to "foreign influence". This will not be limited to any specific activity or area of **research and education** but allows the UK government a broad scope to mandate cessation of activities and relationships with very little notice.

- 1.4 Trusted Research (TR) is a government initiative relating to national security, with a much wider remit than 'research' including education, global engagement and cyber security. The initiative started as a voluntary set of principles but the inclusion in terms and conditions in UKRI has made it mandatory in the higher education environment. The requirements are now part of a [Trusted Research Evaluation Framework](#). These requirements highlight the risks to any engagements with any multi-national organisation and individuals for any activity (not just research) with links to nations whose democratic and ethical values are different from our own.
- 1.5 The Counter-terrorism strategy (CONTEST) 2023 is the United Kingdom's comprehensive approach to mitigating the risk of terrorism. It aims to safeguard citizens and interests both within the UK and overseas, allowing people to live freely and confidently

2 Existing University policies and procedures (including free speech and research ethics)

- 2.1 Our commitment to Academic Freedom is enshrined in our [Charter](#), specifically section 19:

“Academic staff shall have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

“The University will comply with its legal obligations to ensure that freedom of expression within the law is secured.”
- 2.2 This means that we do not limit what our academic staff work on, as long as it is legal and falls within agreed guidelines (e.g. Home Office, National Security). The Vice-Chancellor is, for example, regularly asked to ban particular types of animal research, often dealing with protestors who have disrupted a wide range of events. The role of the Vice-Chancellor is not to determine the type of research that Bristol academics undertake but to ensure it is undertaken safely and effectively within the law.
- 2.3 **Free speech code of practice** [freedom-of-speech.pdf \(bristol.ac.uk\)](#) . While Academic Freedom is exclusive to academic colleagues, Freedom of Speech is everyone's right. We will need to manage the tensions between colleagues' Academic Freedom to undertake lawful research and education with the external partners of their choice alongside the right to object to these activities and ask that they be banned.
- 2.4 **Research ethics policy:** [Research ethics policy](#). The University expects all researchers to consider fully the current and future ethical implications of their work. It is the responsibility of the principal investigator of a project to ensure that all researchers involved in the project (including external & international collaborators) are aware of and comply with the policies of the University.
- 2.5 **Research governance and integrity:** [Research Governance and Integrity Policy \(bristol.ac.uk\)](#). All staff, students and honorary staff members of the University of Bristol have a duty to the public, to themselves, to the University and funders to conduct research in the most conscientious and responsible manner possible. The aim is to set standards that enhance research quality, integrity, compliance and that safeguard the public in line with the requirements for the Concordat to support Research Integrity. This policy states that the University does not knowingly collaborate with, or accept any monies from, sources of funding where the aims of the bodies concerned are:
 - 2.5.1 illegal under UK law;
 - 2.5.2 contrary to the research, education or wider aims or objectives of the University or if, by so doing, the wider interests of the University, in particular its ability to raise funds or obtain grants, are likely to be materially harmed, this includes, but is not limited to, tobacco industry funding.

3 Current Research and Education related relationships with organisations operating in the defence sector

- 3.1 In many discussions with staff and student groups, the importance of increased transparency around partnerships has been emphasised. This Senate discussion is designed to ensure that we do meet this need for openness. In discussing our partnerships, we want to be clear about whom we work with and why. While we aim for a high degree of transparency in our partnerships, and are proud of the work we do, there are sometimes commercial sensitivities and confidentiality agreements in place for our partnership contracts which need to be taken into account. There may be areas of national security which we would not be permitted to publicly disclose.
- 3.2 As a starting point, we have published further information about the University's position [here](#) and commit to further populating that page with additional information, further to the discussion at Senate.
- 3.3 In discussing partnerships with companies which staff and student groups have asked us to cut all ties with, due to their links with the defence industries, it is important to recognise that organisations operating in the defence sector usually do much more than arms manufacturing and development. For example, some also develop use of wind tunnels drag/noise reduction, create materials for lighter, more fuel-efficient cars and aeroplanes which will benefit the environment. Others create electric vehicle propulsion systems and improve mobile telecommunications.
- 3.4 Where we do have relationships with organisations operating in the defence sector, our work is either related to their civil sectors or some other socially beneficial purpose such as work to prevent the proliferation of weapons of mass destruction.
- 3.5 We do not invest in companies generating more than 10% of their turnover from the manufacture of anti-personnel weapons or manufacture or sell weapons and armaments to military regimes¹. However, we recognise that certain research areas have the potential for 'dual use' in defence applications. These include robotics, drones and broad digital technology domains such as artificial intelligence and cyber security.
- 3.6 We also acknowledge that the University has several wholly owned/majority share subsidiaries, including the National Composites Centre (NCC), which may have their own relationships with organisations operating in the defence sector. While the NCC is subject to oversight via a sub-Committee of the University Executive Board and operates within the University of Bristol's Subsidiary Framework, it is also a national asset and part of the High Value Manufacturing Catapult, with funding from central government. Its activities are directed to a large extent by national priorities, supporting UK national interest and capability, including in defence. Importantly, NCC's focus is on composite technology and innovation. It does not manufacture composite components for use by organisations operating in the defence sector.²
- 3.7 Since 2021, our core University partnership portfolio with organisations operating in the defence sector, and who have been the subject of concerns raised by students and staff, includes approximately £9m of direct income from such partners. This includes income related to research, services rendered, studentships, and donations (discretionary funds and non-endowments). However, the exact sums are difficult to provide because the partnership may be in-kind rather than in cash.
- 3.8 We also receive funding from the Engineering and Physical Sciences Research Council (EPSRC) part of the UK Research and Innovation agency (UKRI), in partnership with such organisations. For example (all information publicly available with links in footnotes):
- 3.8.1 EPSRC Fellowship on Adaptive Aerostructures for Power and Transportation Sustainability (in partnership with Airbus, Leonardo and others): EPSRC grant of £1,119,057.

¹ [Endowment Investment Policy Nov 2021 \(bristol.ac.uk\)](#)

² [Governance | National Composites Centre \(nccuk.com\)](#)

Early Career Fellowship to carry out a new approach to the design of aerostructures by harnessing the adaptability of compliance-based morphing to continuously optimise aerodynamic performance. This will allow for greener and more sustainable fixed and rotary wing transportation and wind turbine power generation through reduced aerodynamic drag, increased efficiency and improved resilience to changing operating conditions.³

- 3.8.2 EPSRC Centre for Doctoral Training in Trust, Identity, Privacy and Security in Large-scale Infrastructures (TIPS-at-Scale) (includes Airbus, Babcock and Thales as partners): EPSRC grant of £6,522,797.

This CDT will fund 40 PhD studentships to train a new generation of interdisciplinary research leaders by educating PhD students in both the technical skills needed to study and analyse TIPS-at-scale, while simultaneously studying how to understand the challenges as fundamentally human too. The training involves close involvement with industry and practitioners who have played a key role in co-creating the programme, with a key focus on responsible innovation.⁴

- 3.8.3 UKRI AI Centre for Doctoral Training in Practice-Oriented Artificial Intelligence (PrO-AI): (includes Airbus and Thales as partners): EPSRC grant of £9,631,125.

The PrO-AI CDT pulls together the University of Bristol's proven track record in doctoral AI training and its unique and comprehensive strengths in AI applied to a range of science and research areas including health, environment and energy, and creative industries, to deliver highly-trained AI innovators with the transferable skills to deliver societal impact across domains.⁵

- 3.8.4 EPSRC Centre for Doctoral Training in Future Autonomous and Robotic Systems – FARSCOPE (includes BAE systems, Rolls Royce plc, Defence Science & Technology Lab as partners): EPSRC grant of £4,942,724.

Finishing in December 2024, this CDT focuses on medical and healthcare robotics, energy autonomous robotics, safe human-robot interactions, soft robotics, unconventional computing, experimental psychology, biomimicry, machine vision including vision-based navigation and medical imaging and an extensive aerial robotics portfolio including unmanned air vehicles and autonomous flight control. Throughout the four-year training programme industry and stakeholder partners will actively engage with the CDT, helping to deliver the programme and sharing both their domain expertise and their commercial experience with FARSCOPE students.⁶

- 3.9 All of these applications were scrutinised and subject to due diligence processes; however, in discussions (particularly with student representatives), there is a desire to co-create a more in-depth review process for work that involves such partners. Student representatives wish to be represented in any new review process and consulted on transparency requirements. In developing a new review process, consideration will need to be given to determining how decisions are made about what work we do, how and with whom. We are already well-equipped to make these decisions when considering, for example, working with animals or human participants. What would be the right format and constituency for determining partnership suitability?

³ <https://gov.epsrc.ukri.org/NGBOViewGrant.aspx?GrantRef=EP/S022465/1>

⁴ <https://gov.epsrc.ukri.org/NGBOViewGrant.aspx?GrantRef=EP/S022465/1>

⁵ <https://gov.epsrc.ukri.org/NGBOViewGrant.aspx?GrantRef=EP/Y030796/1>

⁶ <https://gov.epsrc.ukri.org/NGBOViewGrant.aspx?GrantRef=EP/S022465/1>

4. Questions for Senate to Consider:

- 4.1 Where there is controversy, how do we balance the core principle of Academic Freedom which allows individual academics and academic groups to undertake the research, methodologies and partnerships of their choice, with the concerns of members of our community and others who are opposed to such work?
- 4.2 Can we take an institutional approach to partnerships either on a sector-by sector basis, an individual company basis, or, does it need to be on a case-by-case, project-by-project basis, acknowledging the potential workload and bureaucracy?
- 4.3 What questions would we ask our ethics committee to review if we expanded their remit?
- 4.4 As an academic institution which does work of national and international importance, how do we balance transparency and openness with the need for commercial confidentiality and national security?

APPENDIX 1: Consultation and Feedback

A version of this paper was initially discussed at University Executive Board on the 23rd April and then shared with University Research Committee (URC), Joint Consultation And Negotiation Committee (JCNC) and the Students Union. Feedback from each group is presented below.

- 1. University Executive Board (*extract from minutes*)**
 - 1.1 DISCUSSED the content of the draft paper with particular reference to intent, scope and broader content with a view to preparation of a finalised version for consultation. The Chair provided a verbal update on the background to the presentation of the paper to UEB.
 - 1.2 AGREED that when developing policy, position and approaches in these types of area, the University would use its existing/ usual processes and procedures. NOTED that there were parallels with the University's existing standardised approaches in other areas that involved the assessment of third-party organisations. For example, decision making by the Ethics of Research Committee and Health and Safety compliance and reporting. (Although noting the existing structures associated with these could not be used for this purpose.)
 - 1.3 AGREED that a high-level statement was required that focused on the University as an impartial organisation that assessed on case by case basis. The statement would essentially allow the University to engage "*on a position of not having a position beyond a commitment to high academic standards, free speech and robust due diligence processes*", whereby the University would "*expand on any specific explanation only if required*".
 - 1.4 NOTED that there would be consequences to the approach as defined by the statement, which would not reduce the growing bureaucratisation. Taking a positive or negative position could reduce due diligence. Moreover, the adequate monitoring and recording of decisions made was being requested, which was an additional non-resourced task. NOTED that if implemented, this approach would mean the University could provide information and answers as required and would also futureproof activity in this area against topics/ concepts that were as yet to materialise. NOTED that operationally, the data capturing and reporting requirements referred to above would need to be established.
- 2. University Research Committee (*written response*)**
 - 2.1 URC endorsed the need for flexibility with regards to the University's relationship with defence-related external organisations, and the requirement to perform due diligence (Assessment of Third-Party Suitability, ATPS) on a case-by-case basis. It is important to note that third parties could be alumni, visitors or entities like companies and international universities. URC stresses the importance of needing a single owner for this ATPS process, which will require new ways of working.
 - 2.2 URC felt that the use of the term "impartiality" wasn't appropriate or advisable, as the University already works with entities that are in or linked to the Defence industry, including for example the Heilbronn Institute, and Alan Turing Institute. Instead, the University's position could state that we do not have a blanket policy on working with the Defence Industry and assess all prospective activities robustly on a case-by-case basis.
 - 2.3 URC advised that the University aligns with, for example, UKRI on our approach to working with the Defence Industry, ensuring that this position is kept under review and adapted as required.

- 2.4 Defence research and innovation collaborations, as in all interactions, should be conducted in accordance with the commitments laid out in the Concordat to Support Research Integrity.
- 3. Joint Consultation and Negotiation Committee (extract from draft minutes)**
- 3.1 NOTED the recent staff and student concern about the University's relationship with any Defence-related external organisations in the context of ongoing global conflicts. NOTED that the three Trade Unions nationally had published their position around the conflict in Gaza and this agenda item had been requested in order to gain an understanding of the University's position on third-party suitability of Defence industries.
- 3.2 CONFIRMED that the summary position by the University was one of impartiality towards the Defence industries. NOTED that there was a requirement to assess the suitability of all third parties, through due diligence, and on a case-by-case basis. NOTED that it is the academic position to have an impartial stance.
- 3.3 CONFIRMED that the only industry where the University would not engage is with the tobacco industry; this was due to a significant funder stipulating that it would not provide funding if the University did so.
- 3.4 NOTED that UK government advice is adhered to.
- 3.5 The Joint Trade Unions asked if the University could take a partial position, on moral and ethical grounds. NOTED that this would enable the people involved on those projects to take a particular stance. NOTED the principle of academic freedom to choose which research academics undertook.

4. Students Union (written response)

4.1 Introduction

The full-time officers of Bristol SU were contacted by the University in April to provide feedback to the draft version of the paper entitled "Assessment of Third Party Suitability (Defence Industries)", referred to in this response as the "ATPS paper". Considering the [active policy](#) the Students' Union has on the matter, and discussions with relevant student groups and University stakeholders, the following constitutes Bristol SU's response to the paper.

4.2 Context

The ATPS paper comes at a difficult time for members of the student community. In May, the full-time officer team released a [statement on Palestine and Student Activism](#) to address the heightened tensions and increase in hatred based on race and/or religion seen across the sector, and to reiterate our support for students using their right to peaceful protest.

This, alongside the timing of the feedback process and the June meeting of Senate, has caused difficulties in supporting students to have their voices heard. The Friends of Palestine society have created a petition that is indicating a significant amount of student support for actions broadly aligned to the SU's active policy. Our active policy, the Friends of Palestine petition, student groups, and University stakeholders have shaped this response. We would urge the Executive Board to ensure students have the ability to meaningfully provide input into further stages of this process.

4.3 Response

Amongst the matters raised to us by our members include the discrepancy between the University's proposed position in the paper entitled 'Assessment of Third Party Suitability (Defence Industries)', and the current position of the University in relation to

working with tobacco industries. If this position is to be considered as not in conflict with Article 19.1 of the [University Charter](#) then it holds that other such positions restricting the ability of the University to partner with third parties are possible without conflicting with the relevant section of the Charter.

On its face, we agree with this. Future exploration of this subject must include a full discussion of the true legal context. It may be that Senate arrives at the same conclusion regardless of the actual position of relevant legislation or the University constitution, but the discussion must happen with Senators in possession of all of the relevant facts.

Bristol SU **agrees with the need for case-by-case due diligence** of proposed partnerships with third parties. It would expose the University to an unacceptable level of risk to have a blanket policy of acceptance, and a blanket policy of refusal would stymie the ability of the University to partake in partnerships where there is clear public benefit.

Use of the term 'impartiality' does not appear to Bristol SU to be the most appropriate in these circumstances. If the intention of the University is to partake in partnerships with the defence industry, it ought to be upfront about this fact.

Bristol SU considers that **there is a key need for the University to be as transparent as possible** with the University community on the partnerships that the University is undertaking, and the reasons why.

In line with the University webpage entitled 'Relationships with organisations operating in the defence sector' and specifically with respect to the quote "we do not facilitate the sale or manufacture of conventional weapons and armaments to military regimes", **Bristol SU proposes that the policy includes a specific prohibition on partnerships where the intended purpose of the partnership is wholly or predominantly concerned with matters of armaments or other such technologies intended to deprive life.** Whilst genuine dual-use partnerships may be acceptable, partnerships where defence is the sole use or is the overwhelmingly predominant use does not appear to be acceptable to the University, and is not acceptable to our members.

As the timeline for consideration of the ATPS paper was very short, it is clear that the details of any decision made by Senate will need to be developed at a later date. **It is essential that this process has the opportunity for student co-creation**, within the limits of the policy decided by Senate.

4.4 Summary

In summary, Bristol SU:

- Considers a position of impartiality is not tenable in these circumstances.
- Agrees with the need for case-by-case due diligence of proposed partnerships with third parties.
- Proposes that the policy includes a specific prohibition on partnerships where the intended purpose of the partnership is wholly or predominantly concerned with matters of armaments or other such technologies intended to deprive life.
- Proposes student co-creation in further stages of this process.
- Proposes the University is as transparent as possible with the partnerships it undertakes.

Appendix 2: Definition of Defence and Dual Use

In the UK, defence refers to activities, strategies, and resources aimed at safeguarding the nation's security and protecting its interests. It encompasses military forces, equipment, intelligence, and policies designed to deter or respond to threats from external forces, including potential adversaries.

Dual-use items include software, and technology that can serve both civil and military purposes. They have applications in both civilian industries and defence sectors. Examples of dual-use items include:

Advanced materials (e.g., composites, alloys) that can be used in both aerospace and civilian manufacturing.

High-performance computing software applicable to scientific research and military simulations.

Precision machinery that has applications in manufacturing and defence production.

Certain chemicals that can be used for industrial processes or in the production of weapons.

Some specific items can be categorised as single use e.g. atomic weapons, where the case for working in this area may fall clearly into the scope of ensuring safety and security, as well as non-proliferation.