

Gazette Supplement



Voting on amended legislative proposal (Statute XII, Statute XI and Statute XIV), and Resolution concerning Prevent

Congregation

31 May

The Vice-Chancellor: Good afternoon. Please take a seat. The business before Congregation today is, first, voting on the amended legislative proposal concerning Statute XII, Statute XI and Statute XIV; and, second, the resolution regarding the University's implementation of the Prevent legislation.

Now, the procedures for today's meeting will be as follows. We begin with a debate and a vote on the amended legislative proposal. In order to allow sufficient time for the second item on the agenda, I intend to call the vote between 3pm and 3.15pm. After the vote, which will be conducted by a paper ballot, members will be invited to re-enter the theatre to await the announcement of the result.

After the result has been announced, we will move on to the second item on the agenda, the resolution concerning Prevent, which Council has deemed acceptable. The resolution will be formally moved and seconded and a speech given on behalf of Council, following which the proposer will be given the opportunity to reply and the resolution will be put to Congregation. My intention is to declare that, in my opinion, the resolution is accepted, but if, at that point, six members of Congregation rise in their places, a vote will nevertheless be taken.

Debate on amended legislative proposal concerning Statute XII, Statute XI and Statute XIV

Let's now turn to our first item on the agenda, the amended legislative proposal. The legislative proposal was moved and

seconded at a meeting on 3 May, following which the six amendments were put to Congregation. All of the six amendments were approved, and the amended legislative proposal was republished on 26 May to show the amendments made. You should have received a copy of the *Gazette* supplement on the your way into the theatre.

As you will have seen in the supplement, there are two housekeeping matters with which we must begin. These are the two sets of inconsistent provisions that have been introduced into the legislative proposal as a consequence of the acceptance of all six amendments.

First, amendment two sought to amend subsection 12 (2), which amendment six sought to delete in its entirety. The recommendation is that this provision be deleted and, unless six members now rise in their places and demand that a vote be taken, I declare the recommendation adopted.

Second, amendment five sought to amend subsection 14 (6), which is within part B; however, amendment six states that a redundancy panel shall consist of three members. The recommendation is that subsection 14 (6) be amended in accordance with amendment five, such that the amended legislative proposal states that a redundancy panel shall consist of five members. Again, unless six members now rise in their places and demand that a vote be taken, I declare the recommendation adopted. Good; moving right along. Thank you.

We will now hear a series of speeches on the amended legislative proposal. Please could

speakers come forward and speak into the microphone, first giving their name and college or department. Speakers are asked not to speak for more than five minutes and to confine their remarks to themes relevant to the amended legislative proposal. The anti-loquitor device will indicate a speaker's final minute with an amber light and then turn red at the end of that minute. At that point, speakers should conclude their remarks, otherwise I will have to ask speakers to bring their remarks to an end.

At the end of the debate, I shall give Dr Goss a right of reply. I shall then take a division on the amended legislative proposal. When the vote is called, members will be invited to place their voting papers in a ballot box at one end of the voting stations at the exits of the theatre. A member may not leave the completed voting paper with another member: only a member's personal voting paper will be accepted. Any member who cannot stay until I call the vote in that case will not be able to do so.

The debate on the amended legislative proposal is now open to the house. Please could speakers come forward and speak into the microphone, first giving your name and college or department. Professor Roger Goodman.

Professor Goodman: Vice-Chancellor, Proctors, Assessor, student reps and colleagues: Roger Goodman, School of Interdisciplinary Area studies and fellow of St Antony's College. I have also, since April 2008, been Head of the Social Sciences Division, by dint of which I have been an *ex officio* member of both Council and Personnel Committee. Indeed, I believe that I am currently the longest-serving member

of both. This has been more rewarding than perhaps it sounds.

Oxford's Council probably reflects the composition of the community it serves better than any other university in the world, apart from Cambridge. 14 of its 25 members are elected either by Congregation or colleges. In everything that it does, it tries to balance the collective interests of the University with the interests of individual members.

On the one hand, Council worries that it needs to keep all of the University's practices under review to ensure that it remains a world-class university. Many of us feel that it would not take much for Oxford to slip out of the elite group of universities and once it did it is not clear that it would ever get back in again; as Isaiah Berlin called it, the Salamanca phenomenon, after the University of Salamanca which was the greatest university in the world at the end of the 17th century.

On the other hand, Council is aware that what keeps Oxford in the top league of universities is the dedication of its staff. This came through in the debate we had here four weeks ago. It is clear that there are many members of staff who are research-active or play a key role in teaching even though they do not have research or teaching in their contracts. We would lose their goodwill and dedication at our peril. That is why it is right that the amendment to include all staff above grade five under the same redundancy provisions was moved. That amendment was passed by a substantial majority.

Statute XII has not been reviewed for more than 20 years. What is conspicuous is that concerns about the current provisions have come to Council from all sides: both those concerned about the collective interests of the University and those concerned about the interests of individual members.

A broad consensus has built up that this current statute is too complex, too legalistic and too cumbersome. I have seen at first hand the huge impact that the statute's processes can have on people's work, their lives and their stress levels. Visitation Board processes in particular take a very long time. It can be alarming both for the subject of the complaint and any witnesses. It can seem to be disproportionate to the nature of the majority of the issues brought to the board.

Worryingly, heads of department tell us that they find other ways to tackle employment issues rather than subjecting themselves and their colleagues to the time-consuming,

stress-inducing processes within the statute. These other ways are often costly and result in sub-optimal outcomes, and that is not how we should be running our university.

In its current form, therefore, Statute XII does not provide a framework within which just outcomes can be reached in a timely fashion. It is also inconsistent with current employment law.

The package of proposals on which we are voting today therefore includes a number of improvements to the statute, which other speakers will describe in more detail. Let me summarise though the guiding principles of these proposals, which are set out in part A of the statute. These are:

- protecting academic freedom,
- enabling the University to undertake teaching and research efficiently and economically,
- applying the principles of justice and fairness, and
- the promotion of equality and diversity.

The main objective in proposing changes to the statute is to achieve processes that mean we can deal with staffing issues humanely and justly. I believe that the current proposals have - in no small part thanks to the work of Congregation - found that point where collective and individual interests intersect.

I sincerely hope, therefore, that Congregation will support the amended legislative proposal.

The Vice-Chancellor: Thank you, Professor Goodman. Professor Alistair Buchan.

Professor Buchan: Vice-Chancellor, colleagues: Alastair Mitchell Buchan. I'm a fellow of Corpus Christi College, I'm Head of the Medical Sciences Division, and therefore, *ex officio*, a member of Council and Personnel Committee also since 2008. I am also the Curator of the Libraries and, this afternoon, I am the grandson of Robert Mitchell, who saw action 100 years ago, more or less at this hour, this afternoon, on HMS Ajax at Jutland. Congregation, I think, should just take a moment to reflect on the sacrifices made by both sides in that division and mark that centenary this afternoon.

These proposals that we are discussing are the product of a very considered two years of consultation, discussion and refinement, and I would like to take a little time to talk about that process, about the changes to the proposals and what has resulted as a result.

I am going to be very brief and make three points about the process, the first being that we have had three rounds of consultation

with Congregation, and that has included all staff from across the collegiate University. The documents have been published in the *Gazette*, they have been on a dedicated website and attention has been drawn to all staff by serial email. The timetable, I think, has been very leisurely and has allowed everyone to consider calmly the sets of proposals and to formulate appropriately the responses.

Secondly, there has been discussion with UCU representatives and, throughout that process, it has been entirely constructive and their experience of operating with the current system has enabled them to contribute several new ideas to improve the proposals, particularly in relation to managing disciplinary issues.

Thirdly, there have been responses from individuals and stakeholders, all of which have been helpful and constructive, and many, many responses have drawn on the experiences of managing staff and serving on panels to make proposals as to how employment issues could be addressed in a positive and practical way in the future.

In the first consultation, there were over 76 responses from individuals and groups, but by the third round of consultation, with the revised draft statute, that number had dropped to less than a dozen. So, if you like biomarkers, this would indicate that the proposal refinement has resulted in improvement and I think that we are now ready to test in this formal legislative proposal that's before Congregation this afternoon.

Importantly, I would like to stress the extent to which the proposals we are discussing really reflect the feedback received during this consultation process.

And again, there are two broad matters of principle and some details of procedure. One of the ideas put forward for comment in the first consultation was a reduction in the coverage of the statute, where certain categories of staff would no longer be protected by its provisions. That idea was met with little support; Congregation made it clear it did not want to pursue that route, and the idea has been duly dropped.

Secondly, many comments were received which emphasised the paramount importance of academic freedom, and the next set of proposals were cast with that in mind. Indeed, the current proposals for handling disciplinary cases are built around the idea that academic freedom is the determining factor in which procedure will be used in any particular disciplinary case.

This has of course required, for the first time in this university, a definition of what it means to have academic freedom and, predictably, this has sparked much debate, both over the meaning of the phrase and over any precise wording required to convey that meaning. The version you have before you today has been through many, many stages of refinement, including the amendments from Congregation on 3 May.

In addition, procedural details have been adjusted. In particular, the selection of the membership of the new Staff Employment Review Panel, and the University's Appeal and Redundancy Panels, have been changed so that panels are drawn by lot in order to ensure their independence, and provision has also been made so panels will contain both men and women and that they all receive appropriate training in equality matters.

These are but a few representative examples of the changes that have been made as the will of members of Congregation has become increasingly clear throughout discussion and formal responses to the consultation.

Even after the publication of the proposals, the amendments proposed by members of Congregation have resulted in further improvements. The protections for equality and diversity are just one area in which provisions have been strengthened in direct response to amendments submitted at the start of term.

I believe that you have before you a set of proposals that provides for fair and efficient management of staffing issues. I commend them to you. Thank you.

The Vice-Chancellor: Thank you, Professor Buchan. Professor Alan Bogg.

Professor Bogg: Colleagues, Vice-Chancellor, Proctors, Assessor, representatives of OUSU: Alan Bogg, Hertford College.

In her opening remarks to the 3 May debate, Professor Morgan paid tribute to the democratic provenance of the proposal for reform of Statute XII, so I quote her: "The proposal emerges from work by Personnel Committee, of Council and its officers, three consultations of all University staff, the discussion in Congregation and suggestions from individual members of Congregation and the UCU. We began with already quite a measure of agreement..."

Reflecting on that powerful opening statement, should we regard the Congregation debate on 3 May as a fly in the democratic ointment? Had the 'general

will' of the University been vandalised by a minority of malcontents?

Events have proved otherwise. We should welcome the Vice-Chancellor's concern for democratic legitimacy in calling for the postal vote. The outcomes on the contested amendments provide a valuable lesson on the meaning of democratic governance. It would be nice to think that all of this was attributable to the blistering oratory on display that day. I certainly harbour private fantasies that the debate on 3 May would come to be known as the 'Oxford spring' when the histories are written of the University. Alas, the truth of the matter is more mundane but far more important.

It would seem that the carefully managed committee and consultation procedures failed to register an existing body of discontent with the direction of travel set out in the University's proposals. None of that is to cast any aspersions on those who have spent time and care in crafting the original proposals. That would be churlish and unjust.

It is, however, to make the point that the involvement of Congregation is a vital democratic safeguard. The echoes of democratic dissent may not reach the ears of those at the centre of the University administration. That is why Congregation performs an indispensable democratic role, a vital complement to the more bureaucratic procedures of the University. The architects of the Statute XII proposals take democracy as one of their guiding principles. As such, I am sure that they will welcome the new information brought to their attention by the Congregation debate and the subsequent postal vote.

It is also important to realise that something else was at stake in the debate over the contested amendments. It is tempting for all of us to think of employment protection as a private entitlement. The development of labour market reforms in the UK over the last 30 years demonstrates the fallacy of that understanding. Decent and secure employment is a public good. Once the thread starts to fray in one part of the protective web, for this group over here or for this set of entitlements over there, the entire edifice starts to degrade. That is why the debate about Statute XII was not simply a debate about redundancy protection or librarians. It is not the end of the conversation, but the beginning of a conversation. That conversation will need to address staggering levels of wage inequality in higher education, the gender pay gap, the growing use of fixed-term contracts and the

rise in the use of zero-hours contracts in the University.

The political philosopher Philip Pettit proposed the 'eye-ball' test for identifying the legitimate regime of rights and resources. The threshold is satisfied when all members of the community enjoy sufficient protection so that they may speak to each other without fear or deference. As I think back to the 3 May debates, it was very obvious that some people in this room – some of them very powerful people – felt a palpable disapproval for the propositions which I and others were putting forward. To speak plainly, we were as welcome as a bad odour in a space suit.

The disapproval of powerful people doesn't bother me. I am fortunate because my academic freedom is protected under the statutes of this university. What was really at stake that day was the ability of *everyone* sharing that platform to be subject to the equal protection of our statutes. The dignity of looking every other member of Congregation in the eye without fear or deference should be universally shared. Following the postal vote, we can be sure that we have achieved that for our academic community as a whole. All of us today can take great pride in the collaborative venture that led to this outcome.

I urge you to support the amended Statute XII, which should be regarded as the culmination of a collegial, respectful and democratic process of reform.

The Vice-Chancellor: Thank you, Professor Bogg. Dr Daniel Butt.

Dr Butt: Vice-Chancellor, colleagues: Daniel Butt, Department of Politics and International Relations and Balliol College.

I am pleased to be able to support the revised version of Statute XII before Congregation today, with the disputed amendments from our last gathering having been backed decisively in the meeting itself and overwhelmingly in the subsequent postal ballot. These results are a clear vote of confidence in favour of keeping Congregation at the centre of University decision-making. Congregation has played an active role in considering and deliberating on this proposal: it has not rubber-stamped a decision taken elsewhere in the University, and I hope it will not proceed to throw the motion out today. Instead, it has proved that it can operate effectively without simply acquiescing or vetoing, but by acting as a transformative law-making assembly – considering legislative proposals and amending them in detail better to reflect the values of the University. Three values in

particular are key to the amended proposal: first, our dedication to academic freedom; second, our commitment to the sovereignty of Congregation and to the democratic government of the University; and third, our belief that we are a community of equals, that dividing lines between 'academic' and 'academic-related' staff are frequently arbitrary, blurred and unhelpful and do not reflect the reality of our different contributions to the University's teaching and research. The statute's guiding principles, indeed, now include the explicit aim of promoting equality and diversity among all the University's staff. The amended statute better reflects the gravity of decisions relating to redundancy and commits us to affording such decisions to the highest level of scrutiny. Statute XII has been updated but it has also been comprehensively reaffirmed, and we have seen that its central values are widely supported across the University. This is welcome indeed.

We should be careful, however, not to congratulate ourselves too quickly, even if doing so is itself something of an Oxford tradition. This has been a divisive process at times - that much is clear from some of the submissions made to the consultations which preceded today's discussion. Some colleagues feel ill-treated and undervalued, and that is deeply regrettable. My hope is that today's vote can help to rebuild these bridges. We should also be clear that much of Statute XII does not extend to all of those who work within the University. We all know how much Oxford depends on staff members in fixed-term, insecure positions, and we also know how stressful and precarious such employment can be. Once the reform of Statute XII is secured, it would be wonderful if the University's administration could focus instead on what can be done to enhance the job security and working conditions of these colleagues. This should be our priority, and such a project would find much support within the University as a whole. Let us put the current process to bed and concentrate on the well-being of the most vulnerable members of our community. I commend the motion to Congregation.

The Vice-Chancellor: Professor Jo-Anne Baird.

Professor Baird: Vice-Chancellor, Proctors, Assessors, student representatives and colleagues: Professor Jo-Anne Baird, Director of the Department of Education and fellow of St Anne's College.

Some of us have spent a proportion of our working lives outside of Oxford in other

institutions and in industry. I am not going to ask for a show of hands on that point, but to those of us who have, Statute XII and the lack of performance management system is really an anachrony. Most institutions introduced these last century, and any good employer has a proportionate process and ensures that it is operated within the spirit so that it is fair and measured. And having been in organisations that actually adopted these processes and went through that change process, my experience was that colleagues felt that it was a better working life, that it was much more fair, because they didn't have to shoulder the responsibility of those colleagues who really weren't pulling their weight - indefinitely, I should say.

So this is the third time that we have met in Congregation to discuss possible changes to Statute XII. There was a discussion late in 2014 and a debate focused on proposed amendments to the statute earlier this term. Inevitably much of the discussion thus far has focused on the more controversial aspects of the proposals.

For example, academic freedom - central to the issues that Statute XII addresses - is of fundamental importance to all of us, but it was difficult to define. So the text as now presented has been subject to much criticism and debate in order to reach its present form, and rightly so.

Similarly, the votes on the two contested amendments demonstrated there are differing views on how we should handle the initiation of redundancy procedures for administrative staff and the size of the panels that will make decisions on employment matters.

And these last two issues in particular have dominated the debate in recent weeks but they have now been decided. So the package of proposals under consideration today reflects the will of Congregation as reflected by the postal vote, and other speakers will address these issues further, but they should remain to the front of our minds.

But the wider package of proposals also needs thinking about. It's important not to forget that many of the changes being considered here today have been viewed by respondents to the consultation process as positive and welcome.

For instance, there has been general agreement that individuals and departments can only benefit from further encouragement for early and local resolution of grievances. Many of the responses spoke of a desire to see more mediation in the University, and the revised statute is designed to facilitate greater use

of this sort of informal conflict resolution tool. It's hoped that this will lead to swifter resolution of complaints, which means reduced stress for all involved and less damage to working relationships.

There has also been widespread support for the proposals to ensure that the statute is consistent with current employment law and that the language used in describing employment processes minimises formality and legalese.

One of the aims of Personnel Committee that has received broad support is to bring greater clarity to the statute. For the first time, the proposed statute specifies precisely which situations are covered and which are not. For example, there are, outside the statute, longstanding procedures, agreed between the University and the trade unions, for the management of the ending of fixed-term contracts. There is general recognition that Congregation could never meaningfully oversee the ending of these contracts due to the sheer volume of turnover in that group, but the statute has never previously stated transparently that its provisions don't apply in these circumstances.

Currently, the Medical Board has such disproportionate provisions that it hasn't been used in a decade and its role significantly overlaps with that of the Visitation Board. Its existence causes confusion for those involved in the process and the revised statute would see abolition of the Medical Board, with alternative arrangements for the Visitation Board and the Staff Employment Review Panel considering cases in which capability plays a part, with all of the necessary advice to ensure that medically related matters are given fair consideration.

I want to leave you with the thought that the majority of the changes proposed to Statute XII have received broad and sustained, in many instances enthusiastic, support from the divisional boards, departments, interested groups and individuals who have responded throughout the consultation process.

I urge you to vote for the legislative proposal.

The Vice-Chancellor: Professor John Wheeler.

Professor Wheeler: Vice-Chancellor and colleagues, broadly defined: I am John Wheeler from the Department of Physics and University College.

I speak as someone who served as a tutorial fellow for 25 years, has been Senior Proctor and, since 2010, the Head of the Department

of Physics. I welcome the draft Statute XII and in particular its treatment of academic freedom. In the past, we've not had a clear definition of 'academic freedom' in this university. It is high time that we did and a great deal of effort has gone into the new definition that is given in detail in section A.

In modern times, many universities have assigned different freedoms to different staff categories and indeed set up completely different process for handling employment disputes and disciplinary matters for those categories. The consultations conducted over the last couple of years show clearly that Congregation did not want to go down this path. Superficially such separations can appear clean and attractive; heads of department have academic freedom, but their financial administrators do not. The problem is twofold: firstly, a department such as physics, and I am sure many others, has many staff whose duties are not so clear-cut; secondly, in practice some cases, concerning people who everyone agrees have academic duties, have nothing to do with the 'academic' but simply the usual standards that we all expect to be upheld in the place of work. Just because we work in a university doesn't make inappropriate treatment of others or persistent failure to turn up for work an issue of academic freedom.

Employment issues that involve academic freedom as defined in the draft statute are rare. Indeed in my personal experience there have been mercifully few disputes of any sort - as an institution we are I think quite good at dealing with problems before they become acute, although of course we could be better - and none of them had anything to do with academic freedom, just the frailty of human nature.

Cases that do not involve academic freedom must be dealt with sensitively and justly, as in any large organisation that sets itself high standards. They must also be dealt with promptly. A frequent cause of criticism by employment tribunals of the internal procedures of employers is that they have taken inordinately long. The Staff Employment Review Panel, consisting of five persons drawn from an elected and trained pool of members of Congregation, would deal with such cases ensuring proportionate and efficient consideration by a group of peers. This is a standard of openness and accountability not often seen in other institutions.

The Visitorial Board is left unchanged by the draft statute. It is a powerful mechanism designed to ensure the very highest level of protection for employment when

academic freedom is at stake. It is chaired by an experienced legal figure who is appointed by the High Steward, not by the University, and its membership consists of four members of Congregation drawn from a panel elected by Congregation. A Visitorial Board process is cumbersome with good reason; but that is itself a reason to use it for those issues for which it is designed and not for more general employment matters that are not specific to the special purpose of a university.

The mechanism for deciding whether academic freedom is involved is robust. The individual concerned may submit a written case that academic freedom is at issue following which the Vice-Chancellor will decide whether to refer the matter to a Staff Employment Review Panel or to the Visitorial Board. There is an appeal against the Vice-Chancellor's decision to a panel of two elected academic members of Council - and only one of them has to take the view that academic freedom is at stake for the matter to be referred to the Visitorial Board.

In the 20 years since Statute XII was last revised the number of employees of Oxford University has grown greatly to nearly 13,000 and national employment law has changed substantially. It's very important that the statutes that govern the conduct of business in the University reflect reality, both internal and external, and that the processes specified by them are proportionate, just and implementable with the minimum of delay. In my view the draft revised Statute XII satisfies those criteria and I commend it to Congregation. Thank you.

The Vice-Chancellor: Mr Boyd Rodger.

Mr Rodger: Boyd Rodger, Bodleian Libraries.

Vice-Chancellor, Proctors, Assessor, Congregation, student representatives: today I am speaking in favour of the legislative proposal. It has been a challenging period for many of us engaging with the Statute XII issues and now it is your opportunity to decide the final resolution of this two-year consultation programme.

When I first read the original legislative proposal, published in the *Gazette* in March, I was surprised at the optimistic statement in the preamble. It said that academic-related colleagues would be treated 'proportionally', 'efficiently' and 'promptly' in the case of redundancy. I thought, 'How nice that academic-related colleagues will be treated so favourably. But does this infer that academics would be treated

disproportionately, inefficiently and in a protracted way?'

I was reminded of the intrinsic trap in the language of optimism from a line in Voltaire's novel *Candide*. One of the characters, Cacambo, says, 'Optimism, what is that?' 'Alas!' replies Candide, 'It is the obstinacy of maintaining that everything is best when it is worst.'

The original proposal was divisive and flawed in many ways at a time when shared services and ways of working between departments and divisions are being promoted for efficiency reasons. I was aware that academics and academic-related colleagues work collaboratively in fulfilment of the University's objectives of teaching, research and public engagement.

In this context, I agreed with Professor Bogg and Dr Ramirez that only Congregation is best placed as the final arbiter in the name of the University to consider all redundancy proposals rather than a narrowly focused Redundancy Panel.

The way the original proposal was revised over the last month is a tribute to the constructive role of Congregation and to all those who sponsored amendments.

Amendments one to four, covering the inclusion of equality and diversity, on broadening the definition of academic freedom, confidentiality and representation, were all proposed by Congregation and approved by Council.

Amendments five and six were proposed by Congregation, approved by Congregation on 3 May, and again approved by Congregation in the recent postal ballot. I thank the Vice-Chancellor for requiring the broader input from Congregation on these amendments!

One veteran of Congregation informed me last week that the postal ballot result has possibly set a precedent in the history of Congregation in terms of the numbers of votes cast and the proportion of the majority. I now believe the number of votes are not the important issue. It is the fact that so many thought about what really mattered in revising Statute XII: namely, maintaining the community of practice that supports the academic enterprise.

I thank academics who offered me advice as I prepared for my speech on 3 May. They told me they do value the infrastructure and support from their academic-related colleagues and feel we are all part of the community of peers.

The Statute XII proposal before you today is the result of the University's extensive

consultation exercise, a benefit we can all be proud of in our unique academic democracy. Now is the time to draw a graceful conclusion to the patient endeavour led by the Pro-Vice-Chancellor, Dr Goss. I therefore encourage you to support the proposal.

The Vice-Chancellor: Ms Margaret Watson.

Ms Watson: Vice-Chancellor, Proctors, friends and colleagues: my name is Margaret Watson. I work in the Bodleian and my college affiliation is Wadham.

I am very glad to be here today speaking to you in support of the legislative proposal. It has been a long haul to reach this point, and I speak from my own experience: from February 2014 up until the end of August last year, I was one of the original team from Oxford UCU who engaged in discussion with the administration, wrote formal responses to the consultations and participated in the discussion in Congregation, and I am sure that I am not the only one of us involved to have felt every emotion from doubt, desperation and despair to confidence, hope and joy, but we always had the goal of working with the administration to arrive at a proposal that we could recommend to our members.

And I believe that on Thursday, when the postal ballot confirmed the overwhelming support for amendment five on the size of panels and for amendment six on redundancy, that we got there. I don't pretend to think that the legislative proposal, like Mary Poppins, is 'practically perfect in every way'. I acknowledge that it does not increase job security of fixed-term staff at the end of their contracts; however, many fixed-term staff are academic-related, and they will benefit in all other respects from being kept firmly within the scope of the statute, and that is something that was questioned by the original proposals.

So overall, I think that we, collectively as a university, have succeeded through our democratic process in arriving at a proposal that is just and fair and which respects all members of the academic staff. Moreover, it is a statute that will work and we should all be very proud of this. I believe that the consultation process has shown the University at its best, as a participative democracy, not a top-down authoritarian hierarchy. I have seen colleagues who never imagined that they would sign a flysheet or speak in Congregation stand where I am standing now, in this very beautiful building, speaking up for what they believe to be right.

The painting above our heads depicts an allegory of Truth descending on the arts and

sciences, while Ignorance is cast out of the University. And what setting could be more fitting for a vote in support of a proposal that preserves the sovereignty of Congregation, the institution that, to quote Professor Bogg, 'keeps us all honest'?

So I hope that now that we have a consensus that we should treat our academic staff equally with regard to discipline, dismissal and redundancy, now that we have publicly committed ourselves once more to the freedoms enshrined in the Education Reform Act, and now that we have also additionally dedicated ourselves to the promotion of equality and diversity among all the University's staff, that we can move on together, confident in our mutual respect and shared values.

All this is within our grasp: don't throw it away. Please vote for the legislative proposal.

The Vice-Chancellor: Thank you, Ms Watson. Mr Nick Cooper.

Mr Cooper: Vice-Chancellor, Proctors and Assessor, members of Congregation, my name is Nick Cooper. I am the Vice-President for Graduates at the Student Union and a member of St John's College.

I would first like to offer our belated thanks to the Pro-Vice-Chancellor (Personnel and Equality) and to all others who addressed their speeches at the meeting of Congregation earlier this month to the *student representatives*, notwithstanding our unanimous absence from said meeting. We were unfortunately representing students elsewhere at the time, as much as I would have liked to have been there. In contrast, as the oldest member of the OUSU sabbatical team, it struck a little close to the bone to attend the meeting on the EJRA.

I would like to speak in favour of the proposals before Congregation this afternoon. It is not the Student Union's usual role to agree with the University so readily. However, now that members of Congregation have had the opportunity to shape these proposals in the way that Professor Bogg and others have already discussed, we feel confident that the new Statute XII provides a disciplinary procedure that both students and staff can have faith in.

We believe that academic freedom is important, particularly given the current plans to shoehorn 'teaching excellence' into a series of inappropriate metrics. However, we believe that the new Statute XII as amended protects academic freedom. Our primary concern when it comes to a staff disciplinary procedure relates to student

complaints of harassment and bullying. We know that, sadly, this type of complaint does occur, both here and at other universities.

Furthermore, one of my concerns, as the representative of Oxford's 10,000 graduate students, is where instances of bullying and harassment affect postgraduate students' willingness to continue in academia. Students - and of course other staff - should be assured that, if making such complaints (which are usually entirely unrelated to academic freedom), those complaints will be handled fairly, efficiently and, if upheld, with an effective remedy.

We are pleased that the amendment relating to equality and diversity was accepted by both Council and Congregation. It is crucial that equality is central to these procedures, and we hope that the University will continue to review the equality implications of these measures over time. And it is partly due to this that we support this move to fairer, clearer discipline procedures - if this provides a voice to under-represented and marginalised students and early-career researchers.

We do not, I should stress, support the use of the Statute XII reforms for redundancies, or for significant restructuring of the University's staff, particularly where this comes at a cost to student experience here at Oxford. We trust that the University will keep to their word that this is not the purpose of the reform, and that this is not the current plan.

And therefore, I would ask members of Congregation to support the proposed new Statute XII, with the amendments as already agreed. I hope you will agree that stamping out harassment and bullying, which should never be part of academic life, is crucial to the research community, and that you would agree that an efficient, fair and appropriate disciplinary procedure will help to do this. Thank you.

The Vice-Chancellor: Mr Richard Ovenden.

Mr Ovenden: Richard Ovenden, Bodleian and Balliol.

Vice-Chancellor, Proctors, Assessor, student representatives, fellow members of Congregation, my hats for this afternoon's debate are as Bodley's Librarian, a significant employing institution within the University, as a member of Personnel Committee, as a member of Congregation personally affected by the proposed changes, and as a colleague of a number of members of Congregation who spoke at the debate on 3 May. As other speakers have noted, Statute XII is a fundamental element of governance

of the University, an essential component in making Oxford the institution that it is today. Of that, there is general agreement.

Having listened to the points made in the earlier debate, and having discussed these issues with my colleagues at the Bodleian who spoke at the 3 May meeting, I am convinced that the proposed changes to the statute should be accepted by Congregation as the outcome of a successful dialogue between Council and Congregation. I would like to address a number of issues in more detail, however - in particular the procedures for redundancy and the proposed Staff Employment Review Panel as detailed in the amended statute.

Following the amendment of the proposal to revise Statute XII by Congregation, the structure of the Statute XII redundancy arrangements - and by redundancy, I don't mean the ending of a fixed-term contract on its planned end date, but the premature ending of someone's employment - remains the same for all staff. Congregation will consider outline proposals for any redundancy envisaged by a department, drawn up in a manner that protects individuals' confidentiality, of course, and their authorisation will be required before a redundancy panel is set up. The panel, though, will not be appointed by Council, as under the present statute, but will be drawn by lot from a pool elected by Congregation, an arrangement that I hope that Congregation will see as an improvement on the current situation. As now, in every case that it considers, the Redundancy Panel will first ensure that the case for redundancy is properly made out and that all reasonable attempts have been made to find alternative to redundancy. Only then would the panel proceed to identify which post-holders should be made redundant.

More significant changes are proposed to the disciplinary procedures. Professor Wheeler has already discussed the process that would direct any case involving academic freedom to the Visitation Board. The Staff Employment Review Panel, or SERP, will consider cases that do not involve academic freedom but which might lead to dismissal on disciplinary grounds. I support this twin-track approach and I believe that the SERP will provide a more proportionate way of dealing with the types of disciplinary issues that I have seen in my 13 years at Oxford. Research cited in the *Gazette* in October 2014 demonstrated that 75% of the Visitation Board cases in recent years did not involve academic freedom and would therefore have gone to the SERP had there been such a body. This would have resulted

in significantly less expenditure of time, resources and emotional energy by those involved. The proposed arrangements, with their less legalistic approach, would have made the experience less intimidating and stressful and resulted in a swifter outcome.

But, more importantly, would the process have been as fair? In my view, the answer is yes. This is a judgment by one's peers. As is proposed for the Redundancy Panel, the Staff Employment Review Panel is proposed to be made up of 5 members of Congregation drawn by lot from a pool of 24. They will be in that pool because they have sufficient interest in employment matters to stand for election, and because Congregation voted for them as having the right skills and experience. They will be trained in procedural and equality matters and supported by legal and medical advice whenever they need it. These panels will make informed, independent and balanced judgments.

There are further provisions to ensure the protection of those involved. The regulations guarantee gender balance on panels. Specialist advice on equality matters will be available to the panel whenever required. Individuals can be represented at panel meetings by a colleague or trade union representative, or in some circumstances by a lawyer. It is, I believe, a proportionate means of dealing with disciplinary matters that do not involve academic freedom.

I urge you to support the legislative proposal.

The Vice-Chancellor: The Revd Canon Dr Judith Maltby.

The Revd Canon Dr Maltby: Vice-Chancellor, Proctors, Assessor, colleagues, junior and senior: Judith Maltby, Chaplain and Dean of Welfare, Corpus Christi College, Reader in Church History and Vice-Chair of the Personnel Committee.

As a former Junior Proctor, I have had experience of dealing with difficult cases and the key to the Proctor's role is ensuring that *fairness* lies at the heart of any decision-making process. And this has led me in my role in Personnel Committee to a particular interest in seeing that our employment processes are *fair* and, with that in mind, it is the matter of equality and diversity I wish to address today.

Members who attended the meeting on 3 May will recall that one of the amendments accepted by Council aimed to strengthen the statute's provisions relating equality and diversity. It was agreed that an addition would be made to the principles

underlying the statute 'to promote equality and diversity among all the University's staff'.

Further, the training provided to the pool elected from Congregation, from which the panels making employment decisions will be drawn, will include training specifically on equality and diversity matters. In addition, those panels will take advice from an appropriate adviser in cases where a protected characteristic has been raised as an issue or at the request of the staff member concerned.

These all constitute positive improvements to the statute and Council rightly welcomes them.

Again, in the debate on 3 May, a speaker asked why an equality impact assessment on the proposals had not been carried out. I have been on Personnel Committee for three years and have observed the development of these proposals first hand. The committee, which has the benefit of advice from both the Advocate for Diversity and the Head of the Equality and Diversity Unit, who attend and speak at the meetings, has been acutely aware of its duties under the Public Sector Equality Duty, and the Equality Act more generally, throughout the process of developing and refining these proposals. I have been struck in our meetings *how often* equality and diversity issues are prominent in our discussions. It is clear to me that this is *not* just lip service.

The committee has not conducted a full equality impact assessment. First, the objective of an assessment would be to establish whether there is likely to be a disadvantage for *any particular group* as a result of a proposal. The committee does not anticipate that an analysis would reveal any discriminatory effect given the approach taken by the statute, which provides for a fair, thorough and timely decision-making process for all staff, with a full range of safeguards.

Further, it is difficult to see how a meaningful analysis of the impact of the statute's procedures could be carried out *before* the procedures were finalised. Even now it would be difficult since, by their very nature, the provisions will be brought to bear on only a small number of individuals within the staff groups to which they apply. Few staff will ever appear before a SERP or a University Appeal Panel and, in such small samples, there can be no expectation that those who do will be representative of the group as a whole.

Nonetheless, it will be good practice for the Personnel Committee to monitor carefully

the effects of the statute regularly, and the committee has undertaken to do that.

The committee believes that no staff group will suffer a detriment because of the proposed changes to the statute. Further assurance is provided by training and advice and will be provided to members of the pool to help them avoid any discrimination or unconscious bias. In addition, the size of the pool will increase the likelihood that it is representative of the population from which it is drawn.

Finally, the regulations for the SERP and the UAP will require there is a gender balance on panels. Consideration was given to whether the same provisions could be applied to other protected characteristics, but the small number of staff from minority groups currently don't make that practical.

So these proposals have been developed with equality and diversity firmly in mind. The aim is to provide fair and just processes for all, with additional protection for equality and diversity in the form of specialist advice and training.

Colleagues, I urge you to support the legislative proposal.

The Vice-Chancellor: Thank you. Dr Goss, do you wish to reply to the debate?

Dr Goss: Stephen Goss, Pro-Vice-Chancellor (Personnel and Equality) and fellow of Wadham.

Vice-Chancellor, Proctors and Assessor, members of Congregation and representatives of OUSU: I just have a few closing remarks.

Over many years, it has become increasingly apparent to us that the present statute is not best fit for purpose. When I opened the debate in 2nd week, I made the point that there is no justice in procedures that are seen by many as unusable, with the result that employment problems are not always properly addressed. That is simply unfair to the majority of staff who rightly take pride in doing a good job, and who maintain the highest standards of behaviour at work. Justice demands the fair application of standards to all.

Justice also requires procedures that avoid undue delay. We were told at the end of the debate in 2nd week that 'a *bit* of delay to ensure the correct decision is taken is acceptable'. Well, of course it is - but not *undue* delay. Just to give an example, let's consider an individual whose behaviour at work has come into question. Resolving the matter under the present statute can take a year or more, during which time working

relationships between colleagues are put under continuing strain, and all those involved end up being cross-examined by lawyers, under the present statute, as if they were in a criminal court: we have seen that the procedure and delays under the present statute are neither proportionate, nor are they acceptable.

The present statute has its origin in a very proper desire to protect academic freedom. But, as we've heard, having academic responsibilities does not imply a licence, for instance, to harass or bully other staff or students. The revised statute, which has been developed with great care and attention to detail, acknowledges for the very first time that academic freedom is not at issue in every case, and it provides a set of usable procedures suited in each instance to the nature of the matters under consideration. That will constitute a significant advance.

The amendments considered in Congregation at the start of term have all been accepted, and we have heard this afternoon a broad level of support for the amended legislation.

I just want to make a few remarks in connection with the wishes expressed by Dr Butt in connection with research staff, especially those on fixed-term contracts. I would just observe that Oxford's success in research means that we do have over 4,000 researchers and many of their salaries, of course, depend on grant funding, with the consequence that their posts can only run for a limited term. It is therefore regrettable but unavoidable that there is considerable turnover amongst these staff, and that is a matter of concern for all of us. The University holds quarterly meetings with the trade unions to review individual cases and also to look at initiatives for supporting carers and job security in research staff.

But there is more than that: our Personnel Committee has its own special dedicated committee, the Research Staff Working Group, which meets termly, and that is looking at a whole range of initiatives. It finds what to pursue by surveying staff regularly and, to give you an example of what it's doing at the moment, it has promoted the refounding of the Oxford Research Staff Society, which holds regular meetings for researchers where they exchange ideas and concerns, and they are now represented on major University committees. It is pursuing policies to facilitate arrangements around maternity leave and carer leave for research staff. It is looking at improving the transparency of arrangements by which research staff can

apply for their own grant funding. There has, over the last few years, been a huge increase in the amount of educational development provided for research staff so as to make them available through nationally accredited qualifications to apply for teaching jobs in other universities, as well as in this university, and on it goes. There are better approaches to mentoring being developed and we are working very hard now with Principal Investigators to help them understand how better to care for and manage their research staff.

So we are doing a lot. I am sure that it will really reassure Congregation to know that the University is now audited for this work externally by the European Union. I would hasten to add that, regardless of the outcome of the referendum in a month's time, we shall continue this work for research staff. They really matter to us.

Personnel Committee and Council see the proposed new statute as offering substantial improvements over the old one, and we believe that the time has now come to make a change.

In closing, I would remind you that Council has undertaken to review the statute after the new arrangements have been in use for five years, and you have just heard that we shall continue to monitor for equality impact.

And that leaves me with two points. One is very important: although the red light is on, I do just want to thank everybody - my personal thanks to everyone - who has worked on the revised statute and now I urge you to vote in favour of the amended legislation. Thank you.

The Vice-Chancellor: Thank you to all our speakers. I now call the vote on the amended legislative proposal. I ask the Junior Proctor, the Assessor, the Pro-Proctors and the Clerks to the Proctors to move to the voting stations at each of the exits to the theatre. When they reach their positions, I shall invite members of Congregation to cast their votes. I must remind you that only members of Congregation are entitled to vote. And having completed your voting paper, those seated on the floor and semi-circle in the Sheldonian should leave via the south exit. Members of Congregation should place their voting papers in the ballot boxes under the direction of the voting officers. Any member of Congregation wishing to vote who did not receive a voting paper may collect them from one of the stewards immediately inside each exit. When invited, members may return to their seats to await the announcement of the vote, which is

expected to take about 15 minutes. We will then move on to the second item on the agenda, the resolution concerning Prevent. I now ask members of Congregation wishing to vote to do so by the exits.

Result of the vote on the amended legislative proposal

If you could take your seats, I'll read the result. On the amended legislative proposal concerning Statute XII, Statute XI and Statute XIV, there are voted for: 82, against: 4. The amended legislative proposal is therefore carried.

Resolution regarding the University's implementation of the Prevent legislation

The Vice-Chancellor: Let us now turn to the second item on the agenda.

The resolution concerning Prevent was placed on the agenda of this meeting in the University *Gazette*, first published on 12 May.

I shall begin by reading the resolution. I shall then invite Dr Sudhir Hazareesingh to move the resolution and Dr Kate Tunstall to second it. I shall then invite the Registrar, Professor Ewan McKendrick, to speak on behalf of Council. Dr Hazareesingh has been asked to speak for no more than eight minutes and Dr Tunstall and Professor McKendrick to speak for no more than five minutes.

I shall then give Dr Hazareesingh a right to reply to the debate, before putting the resolution to Congregation. As described at the beginning of the meeting, given that no notice of opposition has been received, my intention is to declare that, in my opinion, the resolution is accepted. If, however, at that point six members of Congregation rise in their places, a vote will nevertheless be taken by paper ballot.

The following is the text of the resolution:

'1. That any changes to regulations and procedures associated with PREVENT legislation be consistent with the spirit and substance of the templates as agreed by the Conference of Colleges, with the University's Statutes and Regulations, as well as consistent with UK legislation regarding the rights and freedoms of individuals, namely the Human Rights Act of 1998, the Education Acts of 1986 and 1988 and the Equalities Act of 2010.

2. That the PREVENT Steering Group present the University's proposed draft policies and procedures for the consideration of Congregation of 6th week of Trinity term 2016, and any proposed draft

training by 2nd week of Michaelmas term 2016.

3. That the University's PREVENT Steering Group be afforded with a minimum of five elected members of Congregation by 0th week Michaelmas term 2016.'

Dr Hazareesingh.

Dr Hazareesingh: Madam Vice-Chancellor, colleagues, student representatives: Sudhir Hazareesingh, Balliol College and Department of Politics and International Relations.

Madam Vice-Chancellor, the resolution calls on the University to share with Congregation how it plans to approach the implementation of the PREVENT duty, arising from the Counter-Terror Act of 2015, and asks that it follow the model adopted by the Conference of Colleges.

We are very pleased that Council has given its backing to the resolution, which has very strong support from across the University.

In the email dated 16 May from the Chair of Conference of Colleges and yourself, Madam Vice-Chancellor, you noted that the University would take an approach consistent with the full range of our legal obligations, including those protecting academic freedom, and our Public Sector Equality Duty. We are especially reassured by this reference to academic freedom and encouraged that, when approaching this new legislation, the University appreciates the necessity of being compliant with all the relevant legislation which you have just enumerated.

Respecting these obligations in the case of PREVENT, however, is likely to prove exceptionally challenging. It has become clear as we have started discussing the risk assessment templates in our respective colleges that minor-looking and negligible-sounding phrases and additions, inserted to update our existing codes of practice in completely good faith, can securitise our entire university in one instant. Only an approach that purposefully views this new legislation through the prism of compliance with our existing human rights legislation, and giving these rights primacy, can avoid this dangerous outcome.

This is because the PREVENT legislation is entirely different from other acts we have adopted and incorporated into our regulations and guidelines, such as the Equalities Act, for example, as this new PREVENT legislation directly encourages a compliance that can easily violate these wider obligations and duties.

Madam Vice-Chancellor, in your 16 May email you welcomed the approach taken in the model adopted by the Conference of Colleges and circulated to the different colleges in Hilary term 2016. This began as a set of draft templates to guide colleges in their approach to the implementation of PREVENT. And as a result of open, inclusive and sometimes robust discussion with all sectors of the University, including with students, governing bodies of different colleges and the UCU, the drafts evolved considerably, notably by removing all references to monitoring 'radicalism' and 'extremism' and all attempts to try to make us in this university distil something called 'British values'. So now the final versions are properly reflective of the values and the culture of our university and preserve its fundamental purposes.

The point of our resolution, Madam Vice-Chancellor, is to bring this transparency and due diligence into the University's Steering Group's work on the implementation of the PREVENT duty. This is so especially as members of Congregation are bound by the University's regulation on IT, speakers and events, and other procedures directly affected by this new legislation. In order to avoid an implementation of this new legislation which can easily translate into ideological, religious or cultural profiling, we encourage the University to work openly to develop an approach to the Counter-Terror Act that protects our rights, following the Conference of Colleges model both in spirit and in substance. We welcome, in this context, the Registrar's proposal to begin an immediate process of open consultation about the University drafts.

Madam Vice-Chancellor, the Conference of College templates are essential, because they give priority to the full range of academic and democratic freedoms when developing both University and college policies. The templates help us to create policies that will secure and protect the fundamental rights of academics, students and staff and ensure we adopt overarching actions to protect these rights - in particular:

- the right to free expression and academic freedom
- the right to hold, articulate and act upon political, religious and ideological opinions at all times within the law
- the right to confidentiality and privacy at all times, in the absence of a risk of serious crime, and of course
- the rights of all academics, students and staff to equal treatment under the law, regardless of racial or ethnic origin or religious belief.

In reference to booking events involving external speakers (whether these events are arranged by students, academics, conferences or summer schools) the templates invite us to 'secure and protect the primacy of free expression for external speakers'. The templates also call for policies that are proportionate, where the risk of individuals being drawn into terrorism is judged to be low and remains subject to and do not undermine existing legal rights.

Finally, because of grave concerns that individuals responsible for implementing PREVENT might not understand their duties and might not be aware of the resources available to them, the Conference of Colleges templates call for 'appropriate training, including rights protection training'. This training will provide some corrective against over-reaction and over-reporting, as well as possible racial and cultural profiling.

Madam Vice-Chancellor, these are not idle concerns: we have already felt the chilling effect of the new legislation in this university, with decisions in some cases driven by fear and by panic. Encroachments on the rights of academics and students have also unfortunately started to occur in other universities.

The real danger with PREVENT is that its practical implementation not only runs counter to our essential academic values, but it is also divisive: pitting staff against academics, students against tutors, colleges against the University, the peaceful and law-abiding majority of us against those dangerous Muslims and extremist Arabs. Such an outcome would be disastrous for our university, and I hope we will all work together to ensure that it does not happen.

Madam Vice-Chancellor, I beg to move the motion.

The Vice-Chancellor: Thank you. Dr Tunstall.

Dr Tunstall: Colleagues, Vice-Chancellor, Proctors, student representatives: Kate Tunstall, Modern Languages, Worcester College.

I wish to second the resolution proposed here.

Once drafted, this resolution was immediately signed by nearly 100 members of Congregation - a fair reflection of the strength of feeling on this issue. It also signals the resolution's basic common sense - we wish simply to be compliant with rights law, and we do not wish to be subject to contrasting and conflicting legal regimes in college and at the University. That Council

has accepted this resolution is therefore to be warmly welcomed, and is much appreciated.

However, the next steps that must be taken to transform our Conference of Colleges templates into policy and, furthermore, to harmonise these college and University frameworks, are exceedingly fiendish. A number of areas must be solved together - key issues remain unresolved and continue to conflict. There are several such areas, but I will touch on just three in the time remaining.

First, there is the draft new freedom of speech policy. This was circulated to colleges just last week, but only those colleges that have held governing bodies since its circulation will have discussed it. Some may discuss it this week, some next, or in eighth week. Some not at all if their heads of house don't feel like bringing it to their governing body. Indeed some colleges have already dismissed it as inadequately drafted and missing references to key components of academic freedom. Certainly, several revisions will need to be suggested when it comes to Congregation for consultation. So, at present, we have a draft policy that has been brought to colleges for adoption, in a piecemeal fashion, which will soon be subject to substantial revision.

Second, there is the training. There is, so far, no common agreement on what training will consist of, how it will be done (at either college or at the University level), to whom it will apply and so forth. Yet the Conference of Colleges templates make it crystal clear that human rights training is the key to ensuring protection from religious, ethnic, racial or ideological bias when implementing the legal duties of the Counter-Terror Act of 2015.

Third is the real need for elected members of Congregation to be brought on to the Steering Group tasked with drafting these policies, so as to ensure they are in line with the spirit and substance of the Conference of Colleges templates and to ensure the protection of our academic and human rights. Without swift elections of members of Congregation to the Steering Group, the consultation process itself is not ensured.

So, at this point, the timing does not really work in favour of implementing a rights-compliant approach. If we were pessimistic, we would worry that we might soon find the Steering Group's work not harmonising with the Conference of College templates, that the submission to HEFCE in August has not had the due diligence, transparency and protections inserted into it, and that

elections do not get finalised until the end of Michaelmas term. At which point the elected members - and Congregation as a whole - might find themselves signing off on a policy they had no hand in making, had had insufficient input on, and were deeply unhappy with.

These are amongst the matters that must be addressed over the next three months. Positive resolution to them can only be achieved in this short time with good faith and good intent on both sides, otherwise this resolution will not have succeeded in its purpose, and we will be back here at the start of Michaelmas term with a new resolution to Congregation in hand. We hope not to see Council in that position.

In fact, we have good reason to thank Council, and especially the Registrar, for their careful consideration and serious engagement. And we do so here in a spirit of optimism about a shared understanding and commitment to the values, culture and purpose of a great university.

I second the resolution.

The Vice-Chancellor: Thank you. I call on Professor McKendrick, who will speak on behalf of Council.

Professor McKendrick: Ewan McKendrick, University Administration and Services, Lady Margaret Hall, Faculty of Law.

Vice-Chancellor, Proctors, Assessor, colleagues and representative of OUSU: at its meeting on 16 May, Council considered the resolution which has just been moved and seconded by our colleagues. As you will notice if you have read your *Gazette*, Council was supportive of the resolution and deemed it to be acceptable.

In my short speech today, I wish to make two brief observations. The first relates to the Prevent duty itself. While non-compliance by the University would be illegal and is not an option, the Vice-Chancellor and the Chair of Conference, in their recent communication to the community, sought to address the concern which has been expressed by many of us about the potential implications of the new Prevent duty, and to provide some reassurance about its likely impact on the University. As they observed, a proportionate and risk-aware evaluation of policies within a framework of existing rights is highly unlikely to require substantial changes to current policies and procedures, and this has indeed proved to be the case thus far.

The Prevent Steering Group has proposed two changes to existing policies and procedures, and these can now be seen in

a consultation paper issued last week via a link on the Congregation website. The first is a single change to the regulations relating to the use of information technology facilities, which provides that users are not permitted to use University IT or network facilities 'with the intention of drawing people into terrorism, contrary to the University's statutory duty under Prevent'.

The second change is, in my view, more significant and it relates to our existing code of practice on freedom of speech, which has been in place for some time and, irrespective of Prevent, was in need of revision. The question for us now is the form which that revision should take. The Prevent Steering Group would particularly welcome comment on the draft of the code of practice on meetings and other events, which it is intended will replace the current code of practice on free speech, by the deadline which has been set for the current consultation process of Friday, 17 June.

The second point relates to the role of the templates which have been prepared by the Conference of Colleges. Council, in its response to the resolution, has noted the close working relationship that exists between the University and the Conference of Colleges working groups on Prevent and, having myself talked to people leading both groups, I do not believe that there is a difference of substance between the two groups. The difference that does currently exist, however, is that there is no University equivalent to the templates that have been produced by Conference. The formal reason for this is that the templates were devised by Conference to provide a framework within which the individual colleges can work when drawing up their own policies. The University finds itself in a slightly different position in this respect. It does not require a template because it is not seeking to provide guidance to a number of legally separate institutions, and so can proceed directly to drawing up policies. But the resolution does not ask the University literally to adopt the templates. Rather, it asks the University to adopt 'the spirit and substance of these templates', and I understand this to include the need to place greater emphasis within the University documents to the protection of, and indeed the affirmation of, existing fundamental rights and to give overt consideration to the risk which the Prevent duty itself poses to the University and the values for which it stands.

For these reasons, the University draft risk assessment and action plan will be revised to reflect the spirit and substance of the templates, as agreed by the Conference of

Colleges, and it is also proposed that these changes will be reflected in the University's risk register when it is revised later in the calendar year.

In conclusion, may I thank those who have devoted considerable time and energy thus far to the response by the University and the Conference of Colleges to the Prevent duty; to the proposers of the resolution for the discussions we have had over the last couple of weeks; to ask for your responses to the current consultation exercise; to encourage you to engage with the training materials as they are developed; and to ask you to consider standing for election to the Prevent Steering Group when the elections are announced following the meeting of this Congregation in the *Gazette* next week.

The Vice-Chancellor: Dr Hazareesingh, do you wish to reply? I now propose to put this resolution to Congregation. Given that there is no opposition to this resolution, and having heard the speeches this afternoon, I am of the opinion that the resolution is accepted by Congregation, and unless any six members now rise in their places that decision will stand. Thank you.

That concludes the business before Congregation.

