

Gazette Supplement



Voting on proposed amendments to legislative proposal: Statute XII, Statute XI and Statute XIV

The following is the text of the debate in Congregation at 2pm on 3 May on proposed amendments to a legislative proposal on Statute XII, Statute XI and Statute XIV.

The Vice-Chancellor: Please be seated. The business before Congregation today is amendments to the legislative proposal concerning Statute XII, Statute XI and Statute XIV. The legislative proposal was placed on the agenda of this meeting in the *University Gazette* together with an explanatory note, published as a supplement to the 24 March issue. Six amendments have been proposed and will be put to Congregation today. These are set out in the supplement to the 28 April issue. Only the proposed amendments will be considered today. It is intended that Congregation will meet again on 31 May to consider the legislative proposal in light of today's decisions.

Now, the procedure for today's meeting will be as follows. I shall first call on Dr Goss to move the legislative proposal on behalf of Council. I will next call Professor Morgan to second.

Each proposed amendment will then be considered in turn, as set out in the *Gazette* supplement of 28 April. However, following a request from Professor Cooper and Mr Fopma, the speeches on their confidentiality and representation amendments will be taken together.

It is intended that today's meeting will end no later than 4.30pm, which will include voting. It may not be possible therefore to call every member who has indicated their intention to speak in advance. On the other hand, where time permits, and if we proceed faster than expected, speakers who have not previously given notice of their intention to speak in respect of a proposed amendment,

and who wish to raise new points, may be invited for a maximum of five minutes.

I would like to ask that speakers come forward and speak into the microphone, first giving their name and college or department. 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. And then there is a hole at the bottom in the floor into which people will fall if they continue. Speakers are also asked to confine their remarks to themes relevant to the amendment that they are speaking to. Let me say that one again: speakers are also asked to confine their remarks to themes relevant to the amendment they are speaking to.

At the end of the speeches on each amendment, the amendment will be put to Congregation. As explained in the *Gazette*, it may not be necessary to proceed to a vote on every proposed amendment. If, taking into account Council's response and today's speeches, I consider that a consensus may have been reached, I will then announce that, in my opinion, the proposed amendment is either accepted or rejected as the case may be. If, at that point, six members of Congregation rise in their places, a vote will nonetheless be taken.

All voting will take place by paper ballot at the end of all speeches on all amendments. Members of Congregation should have received voting papers as they entered the theatre. Any members who have not will have an opportunity to collect them at the exits as they leave.

When the vote is called, members will be invited to place their voting papers in a ballot box at one of the voting stations at the exits to 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 vote.

Finally, I would like to say that the stenographer, who is transcribing today's proceedings, is entitled to a break during the meeting. We will therefore have a five-minute break between the fifth and sixth amendments. I hope that is all perfectly clear.

I would now like to call upon Dr Goss to move the proposal on behalf of Council. Dr Goss.

Amendment 1: Equality and Diversity

Dr Goss: Stephen Goss, Fellow of Wadham and Pro-Vice-Chancellor for Personnel and Equality.

I am speaking on behalf of Council to move the legislative proposal. Vice-Chancellor, Proctors, members of Congregation, representatives of OUSU - I believe you're here - the version of Statute XII which is before Congregation today is the culmination of two years' work aimed at setting up new procedures for managing major aspects of employment in the University. The intention is that the working of the new statute should be more proportionate and efficient, and yet provide for just and fair decision-making and for the protection of academic freedom.

Most members of the University don't see the statute in use, but those who have used it or tried to use it have been constant in their support for the types of changes that Personnel Committee has been developing.

The statute governs the employment of all staff in grade 6 and higher and does so according to three guiding principles - which can be summarised as protecting academic freedom, enabling the University

to undertake teaching and research efficiently and economically, and applying the principles of fairness and justice.

Today, we shall be considering an amendment to add a fourth principle – the promotion of equality and diversity among University staff, and Council welcomes that.

In addition, there are five other amendments for us to consider. In opening the debate and formally proposing the revised statute, I should like to make a few remarks to set a context for our thinking this afternoon, and I'll do that within the frame of reference of the statute's guiding principles.

I will start by pointing out that, in considering the statute, Personnel Committee has tried to take a broad view of the application of the principles of justice and fairness. For instance, in a disciplinary case, the process should not only be capable of reaching a just and fair conclusion for the individual whose conduct is being examined, but it should do so without undue delay and without causing avoidable stress to the other parties involved. These considerations argue for procedures that are simpler, where that will suffice, than those of the present statute, and this is the basis for our proposal for the use of the new Staff Employment Review Panel and the University Appeal Panel, always provided, of course, that issues of academic freedom are not involved.

Otherwise, if it appears that academic freedom is relevant to a case, then the present Visitation Board and Appeal Court will continue to be used. The choice of which route to use in any particular case will be determined with reference to the new statute's definition of academic freedom, and we shall this afternoon be considering an amendment to improve the clarity of that definition and the intentions behind it.

To return for a moment to justice and to fairness, the procedures of the statute should be practical to operate so that it will be clear that the statute can and will be used when appropriate. Overly complex procedures do not support justice if, as a result, they are underused and employment problems are left unaddressed. Most staff do an excellent job, and they could reasonably feel aggrieved if they saw a colleague apparently being allowed to continue to behave or to work in a deeply unsatisfactory manner.

Turning finally to the statute's guiding principle relating to efficiency and economy, we see that this could be applied in many

ways. For example, it needs interpreting with respect to what the statute can achieve in supporting the development of new working practices where they are needed. It is incumbent on the University to ensure that we make the best possible use of public funds and the statute should support us in so doing. In addition, actually applying the statute should not in itself entail unnecessary costs, either in terms of money or staff time.

We believe that the proposed revised statute offers significant advantages over the present statute and, on behalf of Council, I commend this legislative proposal to Congregation. Thank you.

The Vice-Chancellor: Thank you. I now call upon Professor Morgan to second the motion.

Professor Morgan: Teresa Morgan, Faculty of Classics, Fellow of Oriel, elected member of Council.

Vice-Chancellor, Proctors, colleagues and OUSU representatives, as a historian of popular wisdom literature, I'm always struck that the processes of democracy – whether ancient or modern – rarely seem to generate proverbs or fables. Maybe they are too nuanced. So there isn't really a pithy way to describe the process that has brought today's proposal before us. It can't quite be said that many hands have made light work. On the other hand, I don't think that too many cooks have spoiled the broth either.

The proposal emerges from work by Personnel Committee of Council and its officers, three consultations of all University staff, a discussion in Congregation, and suggestions from individual members of Congregation and the UCU. We began with already quite a measure of agreement about how the statute needed updating, and improvements both large and small have been made along the way. Working with a statute as wide-ranging as this one is not easy, so Council is especially grateful to colleagues who have read successive drafts closely, identified problems and offered solutions.

The changes agreed to date are summarised in the explanatory note published with the proposal in the *Gazette* and today's proposal has elicited six further proposed amendments, all concerning the nature and work of the proposed panel, and so I would like, if I may, to describe those panels briefly as background to the debate.

Under the revised statute, there will be two routes by which cases for potential dismissal can be heard: the Staff Employment Review

Panel and University Appeal Panel, and the Visitation Board and Appeal Court.

The first will be used where academic freedom is not at issue; the second wherever it might be. Whether a case involves academic freedom will be decided by the Vice-Chancellor, but a member of staff may appeal the Vice-Chancellor's view to a panel of two elected members of Council and, if either member thinks that academic freedom might be at issue, the case will go to the Visitation Board.

Both the Staff Employment Review Panel and the Visitation Board will hear cases relating to medical incapacity as well as disciplinary cases and will have access to medical advice. Cases of potential redundancy, meanwhile, will be heard by a third panel, the Redundancy Panel.

All three panels are constituted so as to act as independent assessors of the matter before them. They are selected by lot from a pool made up of members of Congregation, elected by Congregation. They must comprise both women and men and they will receive training and guidance in their work. Today's debate has been made easier by the proposers of some of today's amendments who have very kindly worked with Council to iron out some technical glitches and unintended consequences of their proposals while preserving their original aims. As a result, Council has accepted four of today's six proposals, but it doesn't think that the other two will improve the statute, so they remain to be discussed this afternoon. And with that, I am pleased to second Council's legislative proposal.

The Vice-Chancellor: Thank you, Professor Morgan. I now call on Dr Gatome to move the amendment.

Amendment 1: Equality and diversity

Dr Gatome: Wairimu Gatome, Biomedical Services.

Vice-Chancellor, Proctors and Assessor, members of Congregation and members of OUSU, Statute XII is grounded in three guiding principles. We have heard that from the Pro-Vice-Chancellor. The first ensures the general freedoms of all staff, the second enables the University to perform its teaching and research functions, and the third requires observance to the principles of fairness and justice.

In its vision, according to the Strategic Plan of 2013–2018, the University sets out to ensure equality of opportunity in under-represented groups in recruitment, personal development and career progression in

all areas of employment. This reflects our commitment to equality and diversity at the highest level. The statute should support this vision in its procedures, the ones that it establishes. A fourth guiding principle is therefore suggested in promoting equality and diversity among all University staff.

I am pleased that this amendment has been accepted by Council and I am very encouraged as part of the BME staff by this show of commitment and that it will help to ensure that attention to equality and diversity is built into the University's disciplinary, redundancy, grievance and appeals procedures. The integration of equality and diversity in the guiding principles means that they will be given due regard and applied as consistently as the other three as the foundation for which all complaints will be heard, and by which the various bodies that will hear these complaints will be constituted.

There is a need to strengthen the University's approach to equality and diversity considerations and this should be at the heart of policymaking and the review systems. By wholly embedding equality and diversity into its procedures and practices, the University can ensure that opportunities for it to promote equality and to meet its equality duty are not missed.

I have to say that it is unfortunate that the University, in revising this very important statute, did not and has not conducted an equality impact assessment. This is despite concerns that were raised by an individual respondent and by the Black and Minority Ethnic Staff Network. The Black and Minority Staff Network shared concerns that the majority of BME staff at the University are administrative and professional staff, and therefore the changes to the statute are likely to have a greater impact on them. The individual respondent, Pamela Stanworth, was concerned that the group that receives reduced protection is likely to contain a disproportionate number of women and part-time staff members. In discussing this final legislative proposal, we should be conscious of the likelihood that there will be groups with protected characteristics that might be disadvantaged and, without having the information, it is likely that the University cannot discount the potential for unlawful discrimination or adverse impact on a particular group. And again, there is a missed opportunity here for equality. I would argue for an equality impact assessment being conducted before the legislative proposal is implemented.

If equality and diversity are at the heart of what we do, our current procedures and

practices must convincingly demonstrate this. This amendment that I am proposing is likely to take us in that direction. Thank you.

The Vice-Chancellor: Thank you, Dr Gatome. I now call on Professor White to second.

Professor White: Vice-Chancellor, Proctors and Assessor, members of Congregation, OUSU representatives:

On your way here today, you will have seen something familiar: bicycles resting against walls. But what exactly did you see?

Accompanying my son in his wheelchair around Oxford, what I sometimes see is an obstacle – a bike making the pavement unpassable. This doesn't happen because of *malice*. The person leaving their bike didn't set out to create an obstacle.

And it doesn't happen really because of *indifference*. If I talked to the person, they'd likely apologise and think twice next time.

This is an everyday example related to a specific disability but it carries a much wider lesson. *This is what can happen when decision-makers fail to see how the world is for those with particular characteristics.*

This amendment requires that the proposed Staff Employment Review and University Appeal Panels, which will handle some dismissals, '...shall take advice from an appropriate adviser in cases where a protected characteristic has been raised or at the request of the staff member concerned.'

By supporting the panels to get appropriate advice on protected characteristics, the amendment makes it less likely that panels will fail to see how the world is for people with these protected characteristics.

It will thereby help to make the panel's decisions more robust and fair.

I am very pleased that Council has accepted the amendment and I urge you all strongly to support it. Thank you.

The Vice-Chancellor: Thank you, Professor White.

So we have an amendment that has been proposed and seconded. Council, through its representatives, have indicated that they are very happy to accept this amendment. Would anybody else like to speak to this amendment at this time? If not, having heard the comments this afternoon, it seems clear to me that this amendment is therefore accepted. So unless six members now rise in their places, this amendment will be accepted. I am sure you agree with me, Proctors, that is fairly unambiguous.

If we could now move on to amendment number two on academic freedom and I call on Professor Cooper to move this amendment.

Amendment 2: Academic freedom

Professor Cooper: Susan Cooper, St Catherine's College.

I tried hard during the third consultation to find any problems in the draft statute, but some things only became apparent to me recently when discussion with other people about their worries led me to re-examine certain parts of the text.

The problem with 'academic freedom' is that it is used by different people for different things. Amid the assurances that academic freedom will be protected by the Visitation Board, I (and I suspect many other people) missed the fact that 'academic freedom' had been defined in a narrow sense in section 4 of the statute, and the wider freedom of expression granted in section 1 did not come under the protection of the Visitation Board.

When I asked why it didn't, I was told that the University would never bring a case against someone for using those wider freedoms because section 1 made it impossible. I have two problems with that argument. First, if we would obey all the rules then we wouldn't need any panels at all, but even Oxford isn't utopia. Second, real life is often complicated and freedom of expression can get tangled up with whether one is doing one's jobs properly.

To show you that such an entanglement could happen, I will tell you a story. The first part is true and only the end requires imagination. When I came to Oxford, I was given a piece of paper which stated some of the things I was required to do as a statutory professor. They were quite different from what the department seemed to need me to do, so I did what was needed instead, but with an occasional small worry in the back of my mind. That worry got larger when I became prominent in opposing a statute to change this University's governance about ten years ago. It would have been possible to bring a complaint against me saying I had to start doing everything on that piece of paper or risk losing my job. They would have had to give me some time to make that adjustment, but it would have been very difficult for me, even if I had given all of my energy to it and abandoned my work on governance. In my defence, I would have wanted to say that there had been no complaints before and I was being attacked now because of what I was saying on governance.

Now, in fact, no-one tried to do anything of the sort to me. My point is that it is not unthinkable. Proper protection of these freedoms requires giving such a case access to the Visitation Board, which our amendment does.

I therefore propose this amendment and recommend it to you for approval. Thank you.

The Vice-Chancellor: Thank you, Professor Cooper. I would now like to call upon Professor Thornton to second this amendment.

Professor Thornton: Patricia M Thornton, fellow of Merton College and a member of the Subfaculty of Politics and International Relations.

Congregation is asked to consider revisions to Statute XII, which guarantees academic freedom for University staff and determines how academic freedom should be defined, to which groups it should be extended, and what restrictions, if any, should circumscribe the exercise of academic freedom by members of the University staff.

The version of a legislative proposal published in the 23 March supplement of the *Gazette* states that it 'broadly follows the UNESCO definition' of academic freedom as presented in the 1997 *Recommendation concerning the status of higher education teaching personnel*. However, the published text both narrows the definition of academic freedom and restricts the types and numbers of University staff who are to be afforded this protection in a manner inconsistent with the UNESCO *Recommendation*. At the same time, the proposal introduced a new norm circumscribing the protective right of any 'holder of an academic post in the University' to 'engage in public discourse' by recognising their right to do so 'according to standards of professionalism reasonably expected of a holder of an academic post of the University'. These measures depart from the UNESCO *Recommendation* by narrowing the definition of academic freedom, restricting the scope of staff to founder under its protection, and by extending the right of the University to limit the exercise of free speech in a manner inimicable to the broader goals of academic freedom.

The amendment proposed by Susan Cooper corrects these problems by re-ordering the text in the proposed Statement of Freedoms such that it covers all University staff, in keeping with the spirit of the UNESCO definition. It guarantees its protection through the Visitation Board, and removes the restrictive stipulation regarding the

norm of professionalism and public discourse.

These new revisions bring the proposed legislative proposal closer to the guiding principles of the UNESCO *Recommendation*, and I am pleased that Council has seen fit to support it and I urge all members of Congregation to do the same.

The Vice-Chancellor: Thank you, Professor Cooper and Professor Thornton.

As indicated we have a proposed amendment. Council, speaking through its representatives, have agreed to accept this amendment. We have no members who have given advance notice that they would like to speak on this. Would anybody here present like to speak? In that case, I think it is fair to say that amendment two is carried. So unless six of you stand up in your places to protest, this decision will stand. This amendment is accepted. Thank you very much.

We are moving on now to amendments three and four, one on confidentiality and one on representation and, as I mentioned earlier, the speeches on both of these will be taken together. We will be voting separately but the speeches will be taken together as per the request of the proposers. So I call on Professor Cooper to move the amendments on confidentiality and representation.

Amendments 3 and 4: Confidentiality and representation

Professor Cooper: Hello, it's me again. In order to be more efficient, Johan and I have combined what we wanted to say into just one speech. These two amendments arose from discussions with my colleague Johan Fopma, who has served on the Visitation Board, and our concerns that people brought before the panels be treated fairly. Although we agree with the idea of trying to keep proceedings to a 'normal' level and avoid the use of lawyers, we felt that the combination of not allowing a person to hire a lawyer, nor to talk to more than one colleague about his case, could severely limit his ability to prepare his defence and also leave him isolated with no one to turn to for moral support.

The administration had some understandable objections to our first attempts, so we worked together to accommodate those without losing our original intention. We wanted to propose something that would not only protect people's rights to a fair hearing but also be workable in practice.

For the case of representation before the SERP, they accepted that it wasn't fair to

allow the Registrar to appoint anyone to present a case while limiting the academic's choice. They said they didn't intend to use lawyers, but there was no such assurance in the statute. We both tried various options to ensure a balance in representation, but they all had problems. Finally, I came up with the current text, which says the academic can ask the Registrar for permission to appoint a lawyer, and, if the Registrar says no, that information has to be given to the panel. The panel's job is to judge the case, so they can also judge whether the Registrar's decision was reasonable and, if not, decide what to do about it. We didn't want to tie down their possible actions, preferring to leave it to the panel's judgment in any particular case.

For the confidentiality issue, we were worried not by anything explicit in the statute but by experience. Since even the imposition of confidentiality tends to be confidential, we couldn't know for sure but strongly suspected that, at least in some cases, people were told to keep everything confidential about a disciplinary case that was being brought against them. In such a stressed case, they might even misinterpret the requirement to be stronger than it was meant to be. This can make it very difficult for them to prepare their defence. Especially if they don't have a lawyer or other experienced person, they may need to gather advice from several people. The administration said it wasn't reasonable to do away with confidentiality entirely, in particular because the documentation of the case, which they are required to supply to the academic, could contain things about other people that shouldn't be made public. This led to the current formulation, which allows the academic to discuss his case with others in confidence, with a strict understanding that information should not be transmitted further. This parallels what the administration does in preparing a case. We also thought it would be in the academic's interest that guidance be provided on the need to avoid any possibility of libel and to avoid influencing those who might be called on to give evidence.

We feel that the amendments that came out of these discussions do the job of improving the proposed statute to give the academic a fairer chance to prepare his case. I therefore propose the amendments and recommend them to you for approval. Thank you.

The Vice-Chancellor: Thank you, Professor Cooper. I am sure my colleagues will also thank you for your commendable efficiency in condensing four speeches into one. I do think we need Mr Fopma, though, to second the motion.

Mr Fopma: Mr Fopma, Department of Physics.

I herewith second these two motions. Thank you.

The Vice-Chancellor: Thank you both very much. Again, no members have given advance notice of their intention to speak. Council, through its representatives, have indicated that they are happy to accept both of these amendments. Would anybody here present like to speak to either of these amendments? In that case, unless six people stand up - I will take them one by one just to be procedurally correct. On confidentiality, I am going to take that as carried unless six people stand in their places to object. Thank you. And then on representation, I am going to take that as carried unless six people stand up and object. Thank you very much. So amendments 3 and 4 are also carried.

We are moving on now to amendment five, which is the size of the panel, and here I would like to call again on Dr Gatome to move the amendment.

Amendment 5: Panel size

Dr Gatome: Yes, here again, like Professor Cooper. Wairimu Gatome, Biomedical Services.

Vice-Chancellor, Proctors and Assessor, members of Congregation and members of OUSU, I am addressing an aspect of the proposed new statute that deals with important decisions on employment of University staff members. Three new panels have been proposed in the new statute: the Staff Employment Review Panel, replacing in many cases the Visitation Board, which I will refer to from now on as the VB; the University Appeal Panel, which in many cases will take on cases that will go to the Appeal Court; and the Redundancy Panel. In constituting these panels, a membership of three has been proposed: one chair and three members.

On disciplinary matters, the view of my registering veterinary body is that 'All complaints must be proved to the highest civil standard of proof' - and it goes on to add 'so that the disciplinary committee is sure that the charge has been proved.' But how can we be sure that a charge has been proved and to the required standard? My regulating body does so by having a large panel, about 20 members, and constituting this panel so that you have independent members and you have a wide breadth of knowledge and expertise.

In contrast, it is proposed that here in Oxford there will be panels of just three, and they will decide on serious matters relating to

conduct, to performance, to mental and physical incapacity, redundancy and any subsequent appeals. And their decisions will not be required to be in accordance with any legal standard of proof, but will rest simply on the judgment of the panel. Complaints where the evidence is clear and robust will most likely be resolved before reaching a panel. The complaints that will most likely be heard by the new panels, the Staff Employment Review Panel and the Appeal Panel, are those where the evidence is tenuous or complex. These panels are likely to be dealing with mostly difficult complaints, and this argues for a larger rather than a smaller number of minds being applied to these issues.

It is vital that the decisions reached by these panels are as fair and just as they can because these decisions will potentially have life-changing consequences for staff members. They could mean a loss of a livelihood, a tarnished career, harm to physical and mental health. There is evidence from around the University of a widespread preference for larger panels. In the second of the third consultations there was strong opposition to three-member panels from individuals from the Black and Minority Ethnic Staff Network, from the Subfaculty of Politics and International Relations and the University and College Union. A panel size of five would give, it was thought, the benefit of retaining a 'fair and broadly based hearing', which should outweigh all other considerations.

Rightly, the earlier proposal to reduce the size of the VB to three was withdrawn, but the Staff Employment Review Panel, now the SERP, which is what I will refer to it as, proposed in the second consultation has retained a membership of three, as have the University Appeal Panel and the Redundancy Panel. The differences in the size of these panels compared to the VB now present an inconsistency that might be easily seen as according less importance to the cases considered by these new panels. The Personnel Committee offered no explanation of the reason for this decision. There is another existing panel that has five members. This is the Redundancy Committee that considers the possible termination of open-ended, externally funded contracts. Why, then, should the new Redundancy Panel have a membership of only three? It seems inequitable, and constituting the Staff Employment Review Panel, the Appeal Panel and the Redundancy Panel with a smaller membership erodes all confidence in the University's procedures and it cannot really be said to uphold the principles of

justice and fairness that ground Statute XII. If five members are right for one panel, then this should be right, surely, for all the other panels.

Most of the disciplinary complaints that, under current arrangements, would be referred to the VB in future now be referred to the new SERP. The Personnel Committee has agreed to about ten cases over the last six years that have been considered by the VB. Out of all these ten cases, 'only three might have involved an aspect of academic freedom.' In other words, you have two-thirds of the complaints that would previously have been heard by a five-member body now having lesser scrutiny by a three-member panel. And the importance of getting these decisions right is as great as getting it right with the academic freedom cases.

This larger panel of five would increase the degree to which panels are likely to reflect the diverse composition of the University staff. The BME Staff Network and the University and College Union expressed a strong preference for a larger panel size, feeling confident that this would make them as representative as possible of the University staff profile.

A larger panel size is more likely to achieve a diversity in the panel's knowledge, its background and experience and also achieve fairness or be perceived to be fair. This is the situation with the VB, with its membership of five, and it provides that reassurance that there will be sufficient rigour in disciplinary procedures supported by a diversity of views.

In conclusion, though many characteristics of these new panels are not clear, the discrepancy in the size of the membership of the new panels compared to the VB and the open-ended contract Redundancy Committee cannot be ignored or made subordinate to a desire to facilitate managerial action. I propose this amendment and I hope you will support it.

The Vice-Chancellor: Thank you. I would like now to call on Mr Fopma to second the amendment on behalf of Dr Upton.

Mr Fopma: Johan Fopma, I work in the Department of Physics.

Vice-Chancellor, Proctors and Assessor, members of Congregation, members of OUSU, the local UCU held a survey about Statute XII which included the following question:

'It is proposed to reduce the number of members of the Visitation Board from five to three, and to also use three as the number

of members of the Staff Employment Review Panel and of the Redundancy Panel.

The reasons given for reducing the number for the Visitation Board are to “reduce the potential for delays in scheduling hearings” and to “render the hearings themselves less intimidating”.

On the other hand, these boards and panels are most analogous to a jury of one's peers, and juries are usually a lot larger, with the idea that it is important to have a variety of viewpoints which would argue for keeping membership at five. Would you prefer, was the question, ‘three or five as the number for these boards and panel?’

76% of the people asked preferred five. Only 11% preferred three, with the remainder undecided.

My concern about this issue comes from my experience as a member of the Visitation Board. The cases I have heard have been of a disciplinary nature. Under the proposed new statute, these will instead be heard in a Staff Employment Review Panel. With its changed composition and size, I believe that this panel will struggle to do a good job, which may eventually lead to the, in my opinion incorrect, conclusion that its activities should be left just to professionals.

In my experience, the external judge brings a lot to the Visitation Board: independence, help with the structuring of arguments, a wider perspective and wisdom; and they also help in ensuring that all panel members feel able to express their opinions and even their doubts.

So no longer an external judge and fewer panel members! Can we just be more cautious, please, and limit it to just one change?

Without the judge, scheduling five people is probably not such a problem, especially as the hearing is often done in one or two consecutive days. The dates could be taken into account when choosing the panel, rather than afterwards.

Having just three people sit to hear a complicated disciplinary case and decide on its merits seems very minimalistic to me, as it is about someone's livelihood and career or academic future that we are talking!

In my experience, panels such as these will seek to make their decisions unanimously. I fear that, with only three members, potentially one dominating panel member could have an inordinate influence on the outcome. With three, you can't have an ally in opposition. With five, there is a better

chance that the differing viewpoint gets properly discussed.

For the person brought before the panel, the size of five brings a wider variety of experience which would give the person the feeling that there would be more of a chance that their point of view would be understood by someone. This is why I support and second amendment five. Thank you.

The Vice-Chancellor: Thank you, Mr Fopma. I now call on Ms Mortimer to speak against the amendment on behalf of Council.

Ms Mortimer: Vice-Chancellor, Proctors, members of Congregation and representatives of OUSU: Rosie Mortimer, Department of Chemistry.

I am the Head of Administration in Chemistry and have held similar roles in two other departments in the University. I am also a member of Personnel Committee. I would like to focus on the practicalities of the Statute XII process and, in particular, the issue of panel size and the importance of the third guiding principle of the legislative proposal ‘to apply the principles of justice and fairness’.

As an administrator, grumbles, grievances and complaints are one of the things one deals with regularly. One aims to resolve issues without recourse to formal procedures but, sadly, on some occasions this proves impossible and a formal complaint is made, most commonly, in my experience, under the policy and procedures on harassment and bullying. At that point, one wants a process for dealing with the situation which is fair to both the accused and the complainant and can be completed in a reasonable timeframe while ensuring thoroughness.

I have sadly had direct experience of taking a complaint through the Visitation Board and appeal process. It was a complex case, taking well over a year to resolve. During that time, all of those involved - the accused, the complainant and the witnesses - were under a great deal of stress with ‘the case’ hanging over them. In addition, a core part of the department's operation was affected, and the important consideration of keeping the matter confidential meant that the department more widely couldn't know why certain arrangements were in place. The preparation of witness statements and compiling evidence was in itself extremely time consuming, and done to a level that felt as if we were preparing for a court of law rather than an internal disciplinary hearing. It was an immense strain for all concerned.

All of this would have been worthwhile if the VB itself had felt like an appropriate arena for these issues to be considered in - but, if I'm honest, it didn't. As a witness, it felt and was intimidating - a large room, a lot of people arranged round a ring of tables, with the panel of five confronting one across the expanse of space and being cross-examined by barristers. For most of those involved, it was an ordeal both in anticipation and in reality. It did not feel like an internal process.

There is no doubt that it was thorough, but was it really necessary to put people, some of them in junior grades, through this ordeal? Did it have to be so overpoweringly legalistic and daunting in order to establish whether a complaint of bullying should be upheld? The panel of five was part of what made it daunting. Was it really necessary in order to reach a sound decision? Should there have been more consideration of the impact the process would have on those involved, including the witnesses? After all, employment tribunals have three members and one trusts that they are able to make sound decisions.

Reflecting afterwards, I thought there had to be a more proportionate way, and in the end a fairer way, of dealing with such cases, and, long before this current review of Statute XII started, I wondered whether there could be a body other than the Visitation Board to consider the matters which did not involve academic freedom.

I therefore welcomed the suggestion that Statute XII be reviewed and revised, particularly the suggestion that a new Staff Employment Review Panel should be used for those cases not involving matters of academic freedom. The suggested panel strikes me as a much more proportionate and ultimately fairer and less stressful forum in which to hear such cases. With recollections of what a Visitation Board is really like, I consider the reduction of the size of the panel from five to three to be a crucial part of the proposals. I consider that fair and robust decision-making would still be possible. I urge Congregation **not** to amend this part of the proposals.

The Vice-Chancellor: Thank you, Ms Mortimer. I now call on Dr Blackmon to speak against the amendment.

Dr Blackmon: Dr Kate Blackmon, Merton College and Saïd Business School.

Vice-Chancellor, Proctors and Assessor, members of Congregation and OUSU representatives, as a Senior Proctor during 2014 to 2015, I was involved in the discussion in Congregation and in Personnel Committee work on Statute XII, and I

commend all parties for working together to develop a much-improved proposal for the statute.

I shall now address the point raised in this amendment: seeking an increase in the panel size from three to five members for the Staff Employment Review Panel, the Redundancy Panel and the University Appeal Panel. Three-member panels are the norm for other processes involving dismissal, redundancy and appeals, such as the employment tribunals established by national legislation to hear individual employment disputes. I argue that increasing panel size above this number would make the Statute XII process slower and more complex, but not in fact lead to better decisions *ceteris paribus*.

First, increasing panel size would not reduce financial expense, work and stress for the parties involved, goals that had been universally agreed for revised statute. Having spent nearly 40 years in operations management, I would be particularly astounded if a five-person panel could be assembled as quickly as one of three. The complexity of making arrangements normally increases as a square of the number of people involved. This is amplified in the appeals process, where the proposal disproportionately increases the draw for a hearing and Appeal Panel combined from six members to ten, and the complexity goes on.

Second, even if such arrangements were equally simple, increasing the panel size would dramatically increase the number of panelists needed from Congregation. Does Congregation really believe, contrary to the evidence of current elections, that there are 25 to 30 qualified members with free time who are willing to accept this duty?

Third, the most critical assumption is that five members would better represent the collective preferences of Congregation. This would make sense for increasing the diversity of ideas and opinions generated by the panel as in the process of brainstorming, but not for coming to consensus on a particular case.

Finally, to ensure quality and diversity representation, encouraging the election of a diverse group of members of Congregation to the pool from which panel members are selected, providing them with appropriate equality training and giving them access to trained equality advisers would be much more effective than increasing the size of each panel. In addition, the need to ensure that panelists are trained and supported in such ways has already been accepted.

In conclusion, an increase in panel size by itself would make the operations of the Statute XII procedures slower and more complex, increase their burden on all parties and fail to achieve the proposed goals of increased fairness and diversity. According to research, in fact, rather than panel size, what significantly influences the quality and fairness of panel decisions is:

- good overall process design
- effective case preparation and presentation
- clear decision-making criteria
- rigorous selection, training and induction of panelists, and
- appropriate support from trained advisers and expert witnesses (including the equality advisers mentioned above).

I therefore second the opposition. Thank you.

The Vice-Chancellor: Thank you, Dr Blackmon. No members have given advance notice of their intention to speak, but would anybody now like to speak? Dr Gatome, would you like to reply to what you've heard?

Dr Gatome: Vice-Chancellor, Proctors and Assessors, members of Congregation, members of OUSU, I think this is an extremely serious amendment that I am asking for you to vote on. The points that were raised about the intimidation, about how long it takes to organise members to participate in these panels - as Johan Fopma has said, a lot of that had to do with the legal professional that was involved in cases that were presented to the Visitation Board.

There is a very clear difference between the Visitation Board and the Staff Employment Review Panel. The Visitation Board still requires a legal professional of a certain standard and quality, having so many years of experience, but this is not going to be the case with the Staff Employment Review Panel. This is going to be based on a judgement call of members, us, three to five of us, making a decision about a staff member, and this decision is likely to lead to dismissal and all the other things that I've said: loss of livelihood, tarnished career, perhaps even a harm to your mental or physical health, so it is quite important.

Johan Fopma has also given some numbers about members who were sampled by the UCU, and these members considered having five people, who had at least a diversity of views and one of them might at least listen to your argument, being far more compelling than feeling intimidated just because the panel size was a little bigger. So there are differences between the

Visitation Board and Staff Employment Review Panel as constituted.

The pool itself, from which the panel members are selected: the number is already limited. I mean, of course, as Johan Fopma said in earlier discussions, if it was open to the whole of Congregation, there would never be a problem in scheduling delays, but actually this pool has already been limited to about 18. And the plan with this amendment in terms of the Council regulations was also to increase the size of that pool, and if that were to happen then I don't see any problem with scheduling delays and intimidation. Again, as I have said, I would rather be intimidated but be sure that my particular procedure was fair and just. Thank you.

The Vice-Chancellor: Thank you. It seems pretty clear that there isn't a consensus on this point, so I think we shall move this amendment to a vote. Voting will take place at the end of all today's debates. You may wish to mark your ballot paper now, but you should note that only those papers placed in the ballot boxes at voting time will be counted. We have moved at surprising alacrity this afternoon, but I still think our stenographer is entitled to a break. We said we would take one between amendments five and six, so I am now going to call a five-minute break.

Amendment 6: Part B, Redundancy

The Vice-Chancellor: I'd now like to call on Professor Bogg to move the amendment. This is amendment six: part B, on redundancy.

Professor Bogg: Colleagues, Vice-Chancellor, Proctors and Assessor and OUSU representatives.

It takes something momentous to get me to speak to such an audience in the Sheldonian. It also takes something momentous for me to wear a tie and a gown. I'm here today wearing a tie and in a gown because of the gravity of the University's proposal. The substantive matter is simply stated. The University's proposed measure would create two levels of redundancy protection. For academics, Congregation would continue to have a critical decisional role in the redundancy process. For those members of the University who are not engaged in teaching or research, Congregation will cease to have a decisional role.

Members of Congregation, let us not dress this up. Its effect is twofold. First, it constitutes a significant erosion of the democratic role of Congregation. Secondly, its effect is to create a two-tier workforce

within this University. There is no nice way of putting this. Those who are marginalised, and given diminished redundancy protection, are to become second-class citizens in our midst.

The proposed amendment is introduced to restore the principle of parity, and equal protection for academic and academic-related members of the University; and to reinstitute the democratic primacy of Congregation. This amendment would guarantee a unitary status for all of us, under a common democratic framework. For me, the arguments against such a divisive piece of legislation are compelling, so I shall set out what I see as the four principal arguments against the University proposal and in favour of my amendments.

First, there is the simple moral point that it is divisive to create different levels of employment protection and security, and in such an explicit form, for members of the collegiate University who work alongside each other in pursuit of shared academic goals. We work alongside our friends in the libraries and support services, we participate in committee work together, we debate academic policy and matters of University governance. It is demeaning to all of us to introduce status-based distinctions and to inscribe those into the protective statutes of this university. Matters have come to a pretty pass when a lawyer is moved to lecture Congregation on the ethically correct course of action. That should worry all of us.

Secondly, the definition provided in the University's proposed statutes is vague and will lead to arbitrary distinctions in practice. The statute requires the identification of a requirement to engage in 'teaching' and/or 'research' either as a written contractual matter or, I quote, 'by established and agreed practice'. How would this apply? Would it cover a situation where a librarian customarily provides guidance on the use of databases to graduate students but without explicit managerial authorisation? Lawyers would no doubt be delighted at the opportunity to argue about the tipping point for 'established and agreed practice' – so from a purely selfish perspective, it is not all bad. What we do know is that another librarian without any research or teaching duties is outside the zone of enhanced protection. There is nothing to commend this outcome, which seems wholly arbitrary. The two individuals are all but indistinguishable in substantive terms, and we are left in arid and legalistic arguments about 'established and agreed practice', whatever that might mean.

The third objection is that the animating value of 'academic freedom' fails to justify the excluded categories set out in the University's proposed legislation. In short, the provision is problematic in light of its stated rationale. Let us take the two groups excluded from enhanced protection. First, there are those on academic open-ended contracts but who are supported by external funding. The Proctors have ruled that it was inadmissible to propose an amendment to bring this group within the scope of full redundancy protection; hence I conceded that point in the drafting of this amendment. Let me make clear that this was a procedural and not a substantive concession. Such individuals are clearly within the full scope of the academic freedom principle and it is striking how cheaply academic freedom is dispensed with when it is expedient for the University to do so.

The same is also true of our friends in the libraries. Even if some librarians are not engaged in teaching or research, freedom of intramural or extramural expression (including the freedom to criticise academic governance) is vital and is a core element of the principle of academic freedom. Again, academic freedom seems to be ceded too cheaply. We should all worry about that, even those of us lucky enough to be left within the scope of Congregation's protection. For if it is given away cheaply today for our librarians, what is to say it will not be given away cheaply tomorrow for the academics? The slope may be slippery for all of us.

Finally, I have serious concerns about the consequences of this reform for gender equality in the University. Looking at the University's gender diversity data, it seems to me plausible to think that there may be a disproportionate impact on women, who seem to be disproportionately under-represented in 'core' roles within the scope of protection and disproportionately over-represented in academic-related roles. Given the fact that the EJRA is now unravelling before our eyes, the University can ill afford to open up another discriminatory challenge in the form of indirect sex discrimination claims in relation to this reform.

In the end, this boils down to a very simple decision. What seems remarkable to me is that the University is investing so much political capital in so divisive a measure on the basis of such thin justifications so early in the tenure of a new Vice-Chancellor. The scenario seems unnervingly familiar.

My amendment preserves flexibility for the University. If the University can present a compelling case for redundancies in

future cases, and if redundancies are not a disguised attack on academic freedom or a pretext for performance management, then the University has nothing to fear in submitting the proposal to Congregation. Congregation keeps us all honest.

It would be stretching the point, Congregation, to suggest that this constitutes a first step on The Road to Wigan Pier, tempted though I am. It does seem to me to be a further step on The Road to Sports Direct, that noble High Street purveyor of cheap sportswear and zero-hour contracts. As an aside, the Oxford city centre branch disappeared last year. The people of Oxford are evidently discriminating in their choice for sportswear retailer. I hope we are as discriminating in Congregation today too.

The two-tier workforce should not be the model of a world-leading University. I say to the leadership of this University: focus your energies on competitive remuneration commensurate to Oxford house prices, workload, affordable childcare and making this a wonderful place for the brightest and best to come and shine. You will not do that through breeding divisiveness and insecurity. We are better than that. I commend the amendment to you.

The Vice-Chancellor: I call on Dr Ramirez to second.

Dr Ramirez: Rafael Ramirez, Green Templeton College and Saïd Business School.

Vice-Chancellor, Proctors, Assessor, colleagues, OUSU representatives, I last spoke about this in November 2014, here in Congregation. I had co-authored a submission to the Personnel Committee consultation on Statute XII with Roger Undy, which also appeared in the *Oxford Magazine*.

We there said that the proposals from Personnel Committee were contrary to scholarly findings on the use of different flexible workforce models as deployed across a number of universities, and that the Personnel Committee confused findings from single commercial organisations with those found in universities, like Oxford, which operate in meta-organisational and pluralistic strategic contexts.

We also spelt out how and why the proposal did not serve what might be termed the 'business' activities of the University, including all its forms of value creation.

In other words, we argued that the proposal needed to be significantly revised if it were to be accepted.

Neither we nor the *Oxford Magazine* received any counterargument that the academic assessment we made of what was being proposed by Personnel Committee was in any way wrong.

It now appears, despite the existence of well-researched counterarguments, including those noted above, that Personnel Committee, with its latest proposed changes in Statute XII, continues to ignore what students of employee relations, organisational change and business strategy have to say as regards the different strategic choices which can be employed by universities when managing their own senior staff.

So instead of only resting on careful analysis to improve our University, one might instead detect the proposal to be partly ideological.

Moreover, the proposal bodes badly for the future situations it is supposed to serve. Since coming here in November 2014, I have been involved in a series of scenario planning engagements including several which looked at the future of scholarly research and education and how universities might need to re-organise their work. Of these, the following three examples are of particular interest.

First, with colleagues and participants, I have helped to examine how the University of California System might manage risks in the future. Second, I have collaborated with the United European Gastroenterology association of 22,000 medical doctors to ascertain possible futures of liver and digestive diseases and how medicine might address these. And third, we have worked with two Royal Societies on how their field might evolve and how their approach to scientific publications might be transformed.

In all of these instances a scenario where significantly more interdisciplinary work and/or where different forms of conducting education and research might arise – both involving support by many more specialists working together – has arisen as a specialist plausible future. For such futures, Vice-Chancellor, adopting the proposals the Personnel Committee has put forward would have significantly hampered the University's capability to attract and keep and support excellent scholarship, scholars and funding. It is because of these reasons that I urge those here present to vote for the amendment. Thank you very much.

The Vice-Chancellor: Thank you, Dr Ramirez. I call on Professor McKendrick to speak against the proposed amendment.

Professor McKendrick: Ewan McKendrick, UAS, Faculty of Law, Lady Margaret Hall.

Vice-Chancellor, Proctors, colleagues, I stand before you today in my capacity as the head of the central administrative services of the University to explain why it is that I believe that this amendment should be opposed.

Over the last six years as Registrar, I have seen at first hand the remarkable service that so many of my administrative colleagues provide to this university. An administration which is worthy of this university must be able to adapt if it is to serve the University effectively and enable it to maintain its standing as a world-leading university in terms of its teaching and research. Flexibility and adaptability cannot, however, be purchased at the expense of fairness and justice. Any process adopted by the University must be both fair and just. In my judgement, the legislative proposal under consideration today meets these criteria.

Before considering whether the legislative proposal should be applied to my fellow administrative colleagues, I first considered whether I would be content for them to apply to me in my capacity as an administrator, and I am so content. And before I give the reasons for it, I would like to respond to two points made by my colleague in the Law Faculty, Professor Bogg. Firstly, I do not see myself as a second-class citizen as an administrator, and I do not believe that the proposal under consideration relegates me to that category. I have walked the line from an academic to an administrator: as an academic I had academic freedom; as an administrator I performed different functions. This is a question of function not of value.

Secondly, the point that it is difficult to draw the line between the different categories does have its validity. It can be difficult at times to draw the line, but it can be difficult to draw the line between day and night at dawn and at dusk, but at many other times it is abundantly clear into which category a given individual falls. And from my perspective, the boundary issue here is not the pressing problem that some would have us believe.

So why, then, do I consider the legislative proposal as it stands to be fair and just? First, the process presently under discussion is unlikely to be invoked in many circumstances. The proposals are not being made in anticipation of any redundancy programme. Today we employ over 12,000 people in the University. This means that,

in most cases, should a post no longer be required, other employment can be found for the colleague concerned. In some cases this isn't necessary because the individual doesn't wish to be redeployed and other options are then explored, such as voluntary severance. Second, while its invocation will be rare, in those cases where it is necessary to resort to compulsory redundancy that process should be fair, proportionate and workable. Standing in front of this august body is, as I would testify, an intimidating experience and it is not one that I would wish upon anyone considering a proposal for compulsory redundancy.

And here it should be recalled that the most likely occasion in which it will be invoked is in the context of small-scale restructuring of the administration, where the chances of the individuals being identified is high. The process which requires a meeting of Congregation with its 5,102 members of the type we are having today seems to me to be disproportionate and, in all likelihood, unfair. Congregation can choose to exercise its oversight of a process in different ways, and here I think the central issue is: how does Congregation wish to exercise that oversight process? One way is to hold a meeting of this type. Another is to entrust that oversight to a small number of Congregation members who can exercise that oversight function on behalf of Congregation as a whole. This is what the legislative proposal does: the gatekeeping function is delegated to a panel of members of Congregation who are elected by Congregation. They can see and discuss the detail of any proposal in confidence and provide effective oversight in such cases which Congregation, in a meeting of this type, at least in my judgment, could not do. It is also important to remember that there is an additional safeguard: namely that if, for any reason, the panel forms the view that Congregation as a whole should be consulted, then it can propose that Council should consult with Congregation as a whole. With these safeguards in place, delegation of the oversight function to a panel of Congregation members gives us effective oversight of our processes, while enabling us to adapt our administration over time in order to give the University the administrative and support services which it both deserves and needs. For these reasons, I myself oppose the amendment and I ask you to do so too.

The Vice-Chancellor: Thank you, Professor McKendrick. I now call on Dr Harcourt.

Dr Harcourt: Vice-Chancellor: Edward Harcourt, Philosophy, Keble.

Vice-Chancellor, Proctors and Assessor, members of Congregation, officers of OUSU: in the proposed statute, if the potential redundancy involves staff contracted to undertake academic teaching and research, the appointment of a Redundancy Panel requires the decision of Congregation as a whole. As far as this staff category goes, this represents no change from the current Statute XII.

The proposers of amendment six object to this on two grounds: first, that in reserving decision on a Redundancy Panel to Congregation only in the case of this staff category it diminishes the direct powers of Congregation; and secondly, that by treating different categories of staff differently, the proposed new statute creates an unfairness.

As regards the first objection, note that a referral to Congregation is possible, as the Registrar has already argued, even under the new procedures, if the majority view on the Redundancy Panel is that the case raises issues, perhaps especially issues connected with academic freedom but not only those, which would make it inadvisable to proceed without Congregation's approval. That said, I am not going to argue with the fact Congregation has a direct power under the old Statute XII which would be qualified under the proposed new one. But I take it that qualifying Congregation's powers is no more automatically bad than augmenting them would be automatically good. The real question is what powers Congregation ought to have.

And so to the second objection: which differences make a difference? Is the difference within the broad category of academic staff covered by the proposed new statute, between those whose contract requires them to teach and to do research and those whose contract does not, enough to justify a difference in Congregation's powers in relation to redundancy?

Council's answer is that it is enough, on account of the special stringency of the need to protect academic freedom in research and teaching. Teaching and research posts are distinct from all others in the University in that they are the least defined with respect to their duties. Staff who hold them are rightly given the broadest freedom of choice in their work, in particular over what to research and over how to teach. For that reason, the question whether a teaching or research post should become redundant is an especially delicate one. The more open the definition of the job, the harder

it is to say when there is no longer a job for someone to do. So a department or division must have an objectively justifiable case for reducing or ceasing research in a particular area or teaching on a particular subject. Such a case might be made, but Congregation would rightly want the opportunity to test its robustness. Without that safeguard, there is the danger that the threat of redundancy might be used to deny staff their freedom in research and teaching. The proposed statute simply anticipates that, in cases involving academic staff contracted to teach or to do research, the elected panel would wish Congregation as a whole to examine the issues underlying the case, hence the automatic referral.

It might be imagined that, if an automatic reference to Congregation is ever needed, it must be needed in all kinds of case. That would be a mistake. The legislative proposal in which there is automatic reference to Congregation for staff contracted to undertake teaching and research strikes a proper balance between the need for proportionate means for handling the employment of staff in the University and the special protections called for by considerations of academic freedom. I therefore second the opposition to this amendment.

The Vice-Chancellor: Thank you, Dr Harcourt. I now have a long list of speakers who would like to speak in favour of the amendment and, depending on how speedy they are, we shall proceed through the list. The first name I have is Dr Martin Kauffmann.

Dr Kauffmann: Martin Kauffmann, Bodleian Libraries.

Vice-Chancellor, colleagues, I am a little uncomfortable having to refer to my own position in this debate. But in the circumstances, that's inevitable. Council wishes to make it easier for the University to make me redundant. I am the example I know best, but my position is that of a whole group of University staff who are affected by this proposal.

I am an academic-related member of staff working in the special collections department of the Bodleian, where for many years I have been a curator of medieval manuscripts. I'm now also the Head of Early and Rare Collections with oversight of the library's collections of early and rare printed books, maps and music, as well as early manuscripts. I am one of those who, according to the original consultation paper on Statute XII, 'it is arguable... should be treated on a par with all other non-

academic staff.' I wrote in response to the consultation pointing out that I'm a member of a faculty; that I supervise students at undergraduate, master's and doctoral levels; that I have acted as a doctoral examiner in this University and in others, and that I publish research articles - though none of these activities appears in my contract. In the proposal now before you, Council has modified its previous division of academic from academic-related staff by referring to those required to engage in teaching and/or research 'either by their written contracts of employment or by established and agreed practice'. This is an attempt to draw the academic net more widely. So why do I still object?

My point was not to argue that I and a few others should be entitled to special treatment. What I wanted to stress was the nature of an ordinary curatorial job. All the curatorial sections in my department contain dedicated and professional specialist staff who are responsible for some of the world's great collections in their respective areas - acquiring them, cataloguing them, exhibiting them and liaising with other specialists on their conservation, security and digitisation. They teach others the skills to use these collections, from palaeography to digital mapping. They interact not only with established scholars and with students, but also with the general public, as the libraries play a key role in the University's efforts to reach a wider community.

It is not clear to me which of these activities should be regarded as 'not academic' or how these activities differ from that of some other groups in the University, such as museum curators, who are counted as academic staff. The separation of academic sheep from academic-related goats seems out of touch with the range of activities of people working for the University in the 21st century. It is also of course divisive. If the University wants the people working for it to be highly motivated, it needs to make it clear that all are part of the same mission. In my experience, many colleagues in the libraries work much harder than they are obliged to because they feel part of a common academic enterprise. The sending of a signal that the University regards its academic-related staff as in fact no more academic than its cooks or its cleaners could only have a demotivating effect.

I and my curatorial colleagues are not independent scholars. We are part of a hierarchy. But if you want to go on recruiting the most able senior library staff, if you wish them to maintain their high sense of duty

to the University and its collections and to continue to express their expert opinions to those who manage them without fear, then you should continue to afford them the protections of Statute XII. Of course, the University could decide to sell off its medieval manuscripts if it chose to do so and could then make a good case for my redundancy, but that decision seems little different from closing, say, Philosophy or Physics, and it is a decision which should be made by Congregation.

So, dear colleagues, shall we still be colleagues after today? Perhaps not in the same way. That would be a great shame. Please support the amendment.

The Vice-Chancellor: Thank you, Dr Kauffmann. I now call on Dr Jeff Tseng.

Dr Tseng: Jeff Tseng, Department of Physics, as it happens, and St Edmund Hall.

Vice-Chancellor, Proctors and Assessor, members of Congregation and OUSU representatives, I would like to make three points in support of the amendment. I should begin, however, by declaring some personal interest in the topic since my wife actually works as an administrator in one of our academic departments. This will actually come up later.

But to go to my points, my first point concerns one of the main reasons we have been given for having a standing Redundancy Panel, which is that small-scale redundancies can be handled while respecting confidentiality for those involved. This has been held to be inconsistent with the current requirement of a Congregation resolution to call on such a panel. At the same time, concerns about the lack of transparency were raised and the Personnel Committee, to its credit, made adjustments. We now have a 28-day advance notice to be published in the *Gazette*. The proposed regulations assert that 'this notice is to be drafted, following consultation with the affected member or members of staff, so as to be informative while protecting the identities of those who may be involved'; the third consultation in summary indicated that 'informative' should mean 'an indication of the nature and scope of the redundancies under consideration'. This is helpful, but one might be left wondering how this informative notice can respect confidentiality while a Congregation resolution, which often passes unopposed, cannot. One should also remember that regulations are more malleable than statutes, and in any case can be suspended in specific case by Council or its delegates. I actually would appreciate

learning of any further differences because otherwise the standing Redundancy Panel itself looks somewhat redundant.

My second point is related to the first, in that the justification makes me wonder about the nature of small-scale redundancies where confidentiality is said to be at issue. Is such a redundancy strategic? It seems to me that, if redundancy is the result of restructuring, rescoping and redirecting effort, then it needs to have a strategic context, and it is Congregation which is supposed to have the final say on strategy. Otherwise, Congregation may decide in support of continuing certain activities, only to find that the relevant people have already been let go, possibly because the advance notice requirement was suspended. Now, I don't believe that the current administration intends to play this type of game, but we don't revise statutes merely for the present but for future decades. Congregation oversight of redundancy is, in fact, not just about maintaining some previous privilege, which might or might not be good for it to have. Instead it is about maintaining Congregation's authority over strategy, which it definitely should have.

My final point, however, is that another reason for Congregation's continuing oversight of redundancy itself is the use to which redundancy can be put. Earlier I mentioned my wife, who in her administrative role very occasionally has to tell her superiors that something cannot or should not be done. This is never a comfortable thing to do and I can see why some of our staff might actually worry that they might run into difficulties for challenging the opinions and plans for those they work for, even though sharing the same goals.

I should mention that, fortunately, my wife has not run into such circumstances. Instead, this point is best illustrated by a recent example outside of Oxford. I am not sure how many of my colleagues keep track of events in Hong Kong, where a widely perceived erosion of civil society, and of the rule of law itself, has resulted in an increasingly fraught politically environment. If you have kept track, you are likely to have come across a newspaper called *Ming Pao*, which for many years was a highly respected source of independent news through years of British and, more recently, Chinese rule. Concerns, however, have been raised about this independence of late. According to the BBC Hong Kong correspondent Juliana Liu's blog of 28 April, the paper was bought by a billionaire with business interests in China and a newly

installed editor-in-chief was perceived by many to be more pro-Beijing than his subordinates. Two weeks ago, the executive editor, Mr Keung Kwok-yuen, was fired. This surprise move led to an extraordinary staff revolt where some of the paper's columnists have left their columns blank for a number of days in a row, many suspecting Mr Keung was fired for his less Beijing-friendly editing. Management, however, maintains he was fired for operational cost-cutting reasons. If you're interested, more English language coverage can be found on the website of the Hong Kong Free Press.

I don't really need to spell out why this is of concern here. One of the worst outcomes that could arise from revising Statute XII would be to damage the partnership we have with our staff in forwarding the work of the University. That we can do this at the same time as weakening Congregation's effective say in directing the University's strategy, for a procedure which does not actually seem to solve the problem which it is supposed to solve, does not seem to my mind to be a strategic move. Therefore, I intend to vote in favour of the proposed amendment to restore the requirement for Congregation approval for Redundancy Panels in the draft statute, and I respectfully ask my colleagues to consider doing the same. Thank you.

The Vice-Chancellor: Thank you, Dr Tseng. I would now like to call on Mr David Helliwell.

Mr Helliwell: David Helliwell, Bodleian Library.

Vice-Chancellor, members of Congregation, we are invited to debate the means by which our academic freedom might be preserved, with a suggestion that some of us don't need academic freedom at all.

In the same breath, we are also invited to discuss the means by which our colleagues might be made redundant, as if these two matters were somehow related.

If there is a logic to this relationship, it escapes me. Unless, of course, assuming us all to be asleep, those making it are using a Trojan horse to bring in one change inside the belly of the other.

We are all equally members of Congregation, but it seems that, in the matter of redundancy, two classes of membership are now to be distinguished. At a time when in society at large there is increasing impatience with the existence of one set of rules for one group, and another for the rest, Congregation is being asked to set up just

such an arrangement - two parallel worlds for its members to inhabit.

Redundancy shouldn't even be in the vocabulary of a properly managed organisation, and least of all a university; furthermore, the University must surely be aware of the immense reputational damage that would take place if redundancy proceedings against its senior members were ever to take place. Lesser institutions have been dragged into the mire by them and we have so much further to fall. But if we do plunge into the abyss, I am thinking of the first meeting of one of the proposed panels.

Those on it would almost certainly be secure in the knowledge that they could never appear before such a panel themselves. They would be the first-class members of Congregation, and would know that, should the axe ever swing in their direction, they would enjoy the full protection of their peers. Not so for those lined up for the chop. These would be the second-class members of Congregation, peers in name only, and ineligible for its protection.

Personally I am almost old enough to be safely out of harm's way. But I am deeply concerned for my younger colleagues, for whom things are already bad enough, without this further erosion of their security. And not only that, an attack on their position is an attack on mine.

As it stands, the proposal is fundamentally unjust, and the University should not be making it. We should be in the business of destroying injustice, not creating it.

I am therefore supporting the proposed amendment, and hope you will, too.

The Vice-Chancellor: Thank you, Mr Helliwell. I now call on Professor Tia Thornton.

Professor Thornton: Patricia Thornton, Subfaculty of Politics and International Relations and Merton College. As a joint postholder who has participated actively in the three rounds of consultation on the proposed revisions to Statute XII, both at the college and University levels, it has become increasingly clear to me that one of the most troubling effects arising from the current proposal is that it introduces new levels of inequality within the University's staff and therefore, into the ranks of Congregation itself.

This project has continued to unfold beneath repeated waves of reassuring language about the importance of 'identifying ways to improve the statute's fitness for purpose while respecting all

three of its guiding principles'. Those guiding principles are: to ensure academic freedom for members of the academic staff; secondly, to enable the University to provide education, promote learning and engage in research efficiently and economically; and third, to apply the principles of justice and fairness.

The current version of the legislative proposal cordons off certain categories of staff for 'special handling' in a redundancy process that takes place outside of the direct purview of Congregation, and affords certain groups lower levels of protection against redundancy and dismissal, and replaces the current role of Congregation in matters of redundancy with a more deftly managed process designed to expedite outcomes often preordained and determined behind closed doors. The proposed changes therefore in my view undermine all three of the principles that the statute purportedly takes as foundational.

The amendment put forth by Professor Bogg and Dr Ramirez represents, as they have said, an attempt to ensure that all academic staff retain the same level of protection against redundancy that they currently enjoy, and to ensure that Congregation retains its current oversight and powers without dilution or diminution. It is a valiant effort, at the 11th hour, to stave off the erosion of Congregation's powers of self-governance, and its ability to ensure that the administration's shifting of benchmarks of efficiency and economy do not override - and ultimately attenuate - principles of justice and fairness that should and must prevail in the conduct of University business.

The University's current strategic plan acknowledges that 'The success of Oxford as an academic community depends upon a broad spectrum of members of that community contributing to its educational mission.' Yet animating the current proposal's attempt to create two levels of redundancy protection - and two very different procedures for ensuring that protection - is the undeniably stark Orwellian assertion that some members of our community are more worth protecting than others. This, in my view, is a fool's bargain. Baldly put, those of us who are designated members of the 'academic staff' simply cannot do what it is that we are entrusted to do, which is 'to question and test received wisdom, and to put forth new ideas or unpopular opinions...[and] to provide education, promote learning and engage in research', without the support of those members of Congregation who have,

rather recently and, in my opinion, rather arbitrarily, been designated as 'academic-related' staff, some of whom do not have the words 'teaching' and 'research' appearing in their contracts. Yet their contributions to the academic mission of this University are no less important. I, speaking personally, can say that I cannot do my job without them, and I can say without hesitation that their collective efforts provide me with the support and protection that I require in order to do my duties at all, and I'm guessing that, judging by the numbers of people here today, many of you, if not the majority of you, feel the same. We are, as it now stands, all members of the same academic community, and all members of the same self-governing body, equally committed to the University's educational mission. I wish to close by asking - and even imploring - Congregation not to lose sight of that fact, and I ask that you vote to support the current amendment as a measure designed to prevent the further erosion of that shared ethos, which is so vital to the academic and scholarly purposes of this university. Thank you.

The Vice-Chancellor: Thank you, Professor Thornton. I now call on Mr Nick Hearn.

Mr Hearn: Vice-Chancellor, Proctors, Assessor, Congregation, members of OUSU, I am Nick Hearn, a subject specialist for French, Slavonic and Russian Language and Literature at the Taylor Institution Library, which is one of the Bodleian Libraries.

I want to speak to you today to tell you about the very negative impact that the proposed new draft text of Statute XII is having on me as a subject specialist.

I am talking about myself and my own post because these are the academic-related posts which I know most about, but I want to endorse the points that have been made already about the fact that academic-related staff also engage in teaching and research and deserve similar protections to those of their academic colleagues. I also want to pay tribute to the huge hidden contribution that so many academic-related members of staff make to the work and the success of the University. I would just like to point to one library example: the Scan and Deliver service, by which material held at BSF can be made available to academics, researchers and students when they are away from Oxford or if they need an express service.

Modern Languages is a subject area which is in retreat. Modern Languages departments are closing or being restructured up and down the country. The number of departments offering Russian has dwindled

to a mere handful. Library language specialists are being phased out of other universities. You will excuse me, therefore, if I was feeling beleaguered even before I found out about the proposed new draft of Statute XII.

The change to Statute XII could give rise to the perception that the University is reviewing its policy on redundancy to the detriment of particular groups of academic-related staff. Some staff may jump to the conclusion that some vast redundancy plan is imminent. They might recall a quotation from Joseph Heller's *Catch 22*, 'Just because you are paranoid does not mean that they are not after you.'

Staff who have been threatened with redundancy in the past but were protected by Statute XII may jump to the conclusion that redundancy proceedings against them may be resumed. The worry and the uncertainty may be unnecessary but perception is all. Is the pain worth the gain? Is the cost in terms of staff trust and morale worth the possibly small benefit to be made in efficiencies?

Many subject specialists work in subjects which only Oxford and a few other universities I could mention support. We are already a species that is quite close to extinction, working hard to support subjects that are dependent on our knowledge, skills and dedication. We need job security because our jobs are so specialised.

I am proud to work in a university where democratic and humanistic values are upheld by Congregation. I am proud to work in a university which continues to employ library subject specialists. I feel sure that the Bodleian Libraries are committed to their model of the library subject specialist. My worry is about what will happen five years, ten years down the line if the new unamended Statute XII goes forward. This is your chance to save another endangered species, the library subject specialist, from extinction by voting in favour of the amendment.

The Vice-Chancellor: Thank you, Mr Hearn. I now call upon Dr Daniel Butt.

Dr Butt: Daniel Butt, Department of Politics and International Relations and Balliol College.

Vice-Chancellor, colleagues, the consultation on Statute XII has come a long way. The initial consultation was principally concerned with the management of disciplinary procedures. Much original impetus came from staff who had been involved in protracted and difficult

disciplinary cases who believed that our procedures were not working well. As the consultation has unfolded, however, focus has shifted and a new institution has emerged, the Redundancy Panel, tasked with ensuring 'that the University can respond to changing needs and... safeguard its continued operation by restructuring administrative units when required.' So we are no longer discussing the prior, difficult cases - we are now talking about members of the University, about colleagues, who are doing their jobs to the best of their ability. And the point of the newly structured Redundancy Panels is to make it easier to sack them.

I think we should pause and remember the human costs of redundancy. This country knows too well the devastating impact which involuntary unemployment can have - on communities, but also on individuals and on their families. Unemployment is hard enough at the best of times, and these are not the best of times - we are suffering a government which seems to be at times just a Brexit away from a reintroduction of the Poor Law. We want people to come and live in Oxford and work for the University, we want them to build their lives, to raise their children here, our eye-watering property prices notwithstanding. We want them to be a part of our community. And I think that means that we owe them - that we owe each other - the highest possible standard of care. If unavoidable cases of redundancy do arise, we should give those affected the fullest possible hearing. That means bringing the matter to Congregation. The decision to terminate the employment of our colleagues is a weighty one. We do well, as the sovereign body of the University, to maximise our ability to scrutinise those decisions and hold those who seek to make them to account.

Is this inefficient? Is it a waste of time? It is true there is no shortage of meetings in Oxford, and that such meetings can hold things up. This is well understood by anyone who has ever been a member of a governing body that has tried to elect a new head of house, to put up a new building or, above all, to choose a new coffee machine for the SCR. Such meetings can be cumbersome and time-consuming, they can be annoying, but they serve a vital purpose of ensuring that we preserve our status as one of the world's few truly self-governing universities. It may be that the amended procedure for redundancy will take longer in practice than the original proposal. This may be no bad thing. Those of us who have worked in other universities are well aware of how often administrations have dreamed up

short-term, misguided initiatives at huge cost, both in terms of economic and of human capital. Sometimes, sad to say, such initiatives have even occurred at the behest of newly installed Vice-Chancellors. I am sure you have no such intentions, Vice-Chancellor, but who knows what the future holds, and we must guard ourselves against your successors.

Today we are discussing two different approaches to our future direction in relation both to parity between staff and the centrality of Congregation to the life of the University. Two days ago we celebrated May Day. May Day is celebrated in different ways in Oxford by different members of our community. Let us take as our model today the spirit of comradeship and solidarity which infuses 1 May as International Workers Day. Let us not - and I hope this is only a slightly strained metaphor, and with apologies to OUSU - instead take as our model the reckless abandon of those of our students who leap off Magdalen Bridge into the swirling abyss below, risking their necks on the abandoned bicycles of forsaken collegiality and the submerged shopping trolleys of unforeseen consequences. I have quite a lot more material in this vein, but my light is amber so I had better stop. Colleagues, I urge you to support your colleagues across the University and to support this amendment.

The Vice-Chancellor: Thank you, Dr Butt. I now call Ms Angela Carritt.

Ms Carritt: Angela Carritt, Bodleian Libraries.

Vice-Chancellor, Proctors, Assessor, Congregation, OUSU, I stand here in considerable trepidation. However, I would, if I may, like to make two points in favour of this amendment.

Firstly, I believe that splitting Oxford's academic staff into two categories, 'research and teaching' on the one hand and 'professional and administrative' on the other, is both difficult to implement and highly undesirable.

It is difficult because many professional staff across the University engage in research and teaching. For example, a number of my colleagues in the library conduct and publish research in the field of Information Science, Digital Humanities, Conservation and Data Management. Moreover, many librarians, and particularly our subject and outreach librarians, frequently work alongside researchers. For example, it is not uncommon for librarians to contribute to systematic reviews (and indeed to be named as co-authors of these), or to

assist researchers by scouring the primary literature or by sourcing data to support a particular piece of research.

Subject librarians and indeed many other librarians also teach. Indeed, the Bodleian Libraries ran over 2,000 hours of workshops and tutorials during the last academic year. These sessions introduce students to the tools of their academic discipline, teaching them to source and use complex historical, legal, financial and government information sources, data and statistics.

My point is that these are staff who engage in research and teaching as part of their professional duties. If it comes to redundancies, will they be considered to be 'administrative and professional' or 'research and teaching'? It is not entirely clear.

There are of course librarians who are not directly involved in research or teaching; for example colleagues who drive hard bargains with publishers to secure the very best deals for our e-journals and public databases; those who write code and software algorithms to run Oxford's digital repositories and to bring digitised materials direct to your desktop; those who look after our physical collections, storing them carefully for future generations and making it possible to locate the item that you need within the Bodleian's 12 million volumes; and those who manage our library services, staff and finances, ensuring that the Bodleian Libraries are able to run efficiently as one of the very best libraries in the world. I put it to you that all of these people are vital to the University's research and teaching and that it is manifestly unfair that they should not be afforded the same degree of redundancy protection as those in more traditional academic roles.

The statute justifies this inequality on the grounds that only 'research and teaching' staff require the protection of academic freedom. However, librarians and indeed many other individuals across the University also require these protections. It is not uncommon for librarians to support research on inflammatory topics, for example around sensitive issues such as race, sexuality and religion. Of course, it will also sometimes be necessary for librarians to challenge the opinions of the management or, indeed, the library's donors. It is therefore important for librarians to have the protection of academic freedom in the same way as researchers.

My second point is that we do not yet know why the University has decided to revise Statute XII. Of course there is a great

deal of speculation about this amongst professional colleagues. Colleagues look to other universities and notice that many of them have outsourced part of their technical and IT operations to commercial contractors, often with no understanding or particular interest in research and teaching beyond their bottom line. Others comment on the student protests unfolding in the media down the road at the University of Reading as that university attempts to lay off its departmental administrators, and still others will note that a number of UK universities have made a portion of their subject librarians redundant in recent years, losing with them their vast experience of specialist literature and the research and teaching support they provide to academics and students. Hopefully none of these things could ever happen in Oxford. It is perhaps inconceivable. However, should such desperate measures ever seem necessary, I believe it would be important for Congregation as a whole, rather than a small Redundancy Panel, to have weighed the implications of such cuts to the University's academic endeavour.

I would therefore urge you to support this amendment, thus protecting the sovereignty of Congregation in determining the size of the academic staff and ensuring equality for all.

The Vice-Chancellor: Thank you, Ms Carritt. I call on Mr Boyd Rodger.

Mr Rodger: Boyd Rodger, Bodleian Libraries.

Vice-Chancellor, Proctors, Assessor, community: I have been a member of the University and Congregation for ten years and this is my first speech before you. Why today and why support this Part B amendment concerning redundancy?

To answer my own questions, I am reminded of the famous German joke about a couple who adopt a boy called Wolfgang who is silent. Wolfgang never speaks. One day, some years later, the boy speaks for the first time, complaining that 'The apple strudel is tepid.' The parents ask why Wolfgang has not spoken before. Wolfgang replies, 'Up until now everything has been satisfactory.'

Up until now, I have been very satisfied with five references in my academic-related contract to Statute XII. For me the most important part is the protection afforded by academic freedom, section 1 (1).

That freedom supported me during visits to Harvard, Princeton and Yale Universities to research how they stored library material

in high-density warehouses. I was 'advised' to 'Just bring back what they do, change nothing!' I was not entirely satisfied with what I saw. So, the design of the service model was fundamentally changed with the result that today researchers can request books from Swindon before 10.30am and have them the same afternoon in Oxford - only possible through the exercise of this freedom and the support of Richard Ovenden (the present Librarian of the Bodleian Library). '...everything was satisfactory.'

The same freedom operates within a peer community of academic and academic-related colleagues. Without engaging with like-minded colleagues in the social network that forms the community of the University, very little can be achieved. This is how daily business gets done in the University. For example, achieving carbon reduction or providing prompt access to research material for DPhil students, all noble objectives, is only possible through inter-departmental collaboration. Much of my own internal research involves collaborative experiments to improve these services.

Changes to Statute XII would treat that vibrant community not as a single entity, but split it through different procedures. Without this amendment part of that community would become subject to a Redundancy Panel who only consider procedure even though the outcome will impact on the whole community. Only Congregation - the whole community - is capable of taking an overview of the impact of losing posts. As a student of politics, I have learnt the only part of the body politic that can decide what is best is the sovereign parliament.

I, therefore, encourage you to support this amendment. It is a constructive and dignified alternative. Let any redundancy process be honourable for all, as befits the reputation of this University.

'Up until now everything has been satisfactory.'

The Vice-Chancellor: Thank you, Mr Rodger. I now call on Ms Margaret Watson.

Ms Watson: Margaret Watson, Bodleian Library.

Vice-Chancellor, Proctors, friends and colleagues, I think the most useful thing that I could do now is to summarise very briefly the arguments in favour of the amendment. But first of all I want to say that I absolutely agree with Professor Bogg that it is morally wrong, with regard to such a vital issue as

redundancy, to impose an unnecessary and divisive distinction between colleagues, who up until now have been treated as equals. I also think that it is impractical, for how is the administration to be distinguish fairly and consistently between those staff who will continue to enjoy the current level of protection offered by the statute and those who will not? Some cases will certainly be clear but, as we have heard from other speeches today, many will be open to dispute. Further, by drawing arbitrary distinctions, the administration will lay itself open to charges of discrimination against individuals on grounds of gender, ethnicity, age, disability or one of the other protected characteristics. So I think we should all ask ourselves: do you want to see our University dragged through the courts or given a pasting in the press for this, because I certainly do not - and I think this is likely to be the result of the administration's proposals.

At this point, I should like to acknowledge the excellent amendment that came from Professor Cooper and Professor Thornton on academic freedom. However, we are still in a situation where the results of the administration's proposals, arising from a narrow redefinition of the freedoms protected by the Education Reform Act, are going to cause trouble, because we should note that the Act itself does not actually use the term 'academic freedom', and we are actually in fact depriving some of our staff in some of the freedoms that we are currently guaranteed in certain situations. Nor, as Mr Helliwell pointed out, is there any logical connection between academic freedom and redundancy anyway.

But moving on. As Dr Ramirez said, the administration has made no clear statement to explain what employee relations strategy underpins the proposed changes to redundancy procedures. Nor does the legislative proposal in its present form satisfactorily address the concerns expressed in the second consultation paper - if any of you can remember back that far, it is quite a long time ago, it has been going on for a very long time - but it expressed concern about 'breaching the confidentiality of staff'. But research and teaching staff will continue to be subject to a largely unreformed redundancy procedure, so if those concerns about confidentiality are significant, it is inconsistent for the statute to offer a higher level of confidentiality to some staff than to others, and this again I think will lay the statute and also the University open to challenge.

So despite the opposition of Council, I really do believe this amendment to be a friendly one in its intent and I do hope that you will agree with me. It will simplify the statute, it will remove confusion and doubt and it will ensure transparency and openness by preserving the role of Congregation in all redundancy cases. In our large and widely disbursed collegiate University, a decision made by one department or faculty can have a very unexpected impact on another - and to give you an example, you may remember the outcry in this very room when the Bodleian decided to move the Classics periodicals from the lower reading room, and I am quite sure that that was a decision that was made in very good faith, even if it turned out to be considered to be mistaken.

I value Congregation; I know that you value Congregation, and that is why we are all here today. I believe that Congregation is the only body that can see the full picture in the University because it represents all our interests, and I believe that it is Congregation alone that should make decisions about reductions in members of academic staff. I ask you then, please: vote for transparency, vote for fairness, vote for justice. Please support the amendment.

The Vice-Chancellor: Thank you, Ms Watson. I now call on Professor Trefethen.

Professor Trefethen: Anne Trefethen, Fellow of St Cross, Pro-Vice-Chancellor responsible for the gardens, libraries and museums, University Chief Information Officer and elected member of Council. Have I run out of time?

Vice-Chancellor, Proctors, members of Congregation and representatives of OUSU, before going on to the points that I'd like to make, I'd just like to reiterate some of the points that have been made by the previous speakers, and I would also like to pay tribute to my colleagues in the libraries, in IT Services, in the museums, for the very hard work that they do and for the time that they give to the University, and I would like to reiterate the fact that this is not about putting in place a process that will allow us to bring in a programme of redundancies. That is not what we are discussing today. We have heard from the Registrar that redundancy will always be a last resort. It is painful for both the organisation and any individuals involved, and we would not go there lightly. It is not something that we wish to do. There may be cases, though, where there are no other options, where we cannot redeploy staff, and in those cases it is absolutely essential that we have an effective and fair redundancy process that takes appropriate consideration and

scrutiny of the case and is completed in a timely manner without creating avoidable stress.

We are told that the proposed amendment has been made in order to ensure justice and fairness to all staff and to ensure that the powers of Congregation are not diluted or diminished.

I would argue that the amendment adds nothing in regard to fairness and justice and that the proposed new statute serves Congregation well in allowing the transparency and reporting that is actually an improvement over the present one.

On the question of justice and unfairness: as we have heard, there is a safeguard for academic freedom that any redundancy proposal involving individuals engaged in either research or academic teaching will require prior approval of Congregation as a whole, and this applies both to written contracts of employment or by established and agreed practice. This takes consideration beyond the job description and would, for example, include my colleagues in the library who teach graduate students how to read and interpret medieval manuscripts and others who conduct essential research into the provenance and nature of items in the University collections.

When teaching and research are not relevant to the case, then introducing prior approval by Congregation adds no additional scrutiny or consideration or protection, but merely a delay. It is not good nor helpful to anyone to introduce such a delay - I go as far as to say that the introduction of a delay is actually not fair to the individuals involved.

Regarding the potential dilution of power of Congregation, I find it hard to see how that argument can be made. The Redundancy Panel will comprise elected members of Congregation who, in the end, will be responsible for scrutinising the redundancy case, and there are always opportunities for Congregation more broadly to engage. In the case that Congregation has not provided prior approval 28 days before the panel is convened, the redundancy proposal will be published in the *Gazette* to allow Congregation to object should it wish to. In all cases, should the Redundancy Panel believe that Congregation as a whole should debate any matters raised by a proposal, it can require Council to consult Congregation on the issues raised. No proposal is out of the purview of Congregation.

The new statute is an improvement over the existing in that we will have both information about the specific and also trend data over time. Suitably anonymised

outcomes will be published, allowing Congregation to be more fully informed on areas of the University involved. Congregation will have sight of the frequency of Redundancy Panels and each year a summary report will be published. Congregation will be able to intervene at any stage, including if they were to see trends that concerned them. My contention is that the new statute as proposed provides more effective governance to Congregation and allows a good balance of protections for all individuals and the University as a whole. I urge you to oppose this amendment.

The Vice-Chancellor: Thank you, Professor Trefethen. That concludes the contributions from those who have indicated they would wish to speak. Professor Bogg, do you wish to respond to the debate?

Professor Bogg: Yes. Perhaps I should take this opportunity to say who I am. I was so overwhelmed by the occasion that I didn't say who I was the first time round, so: Alan Bogg, Hertford, Faculty of Law.

So I've got four points of response to what I have heard. I mean, the first point is it is a source of great comfort to me that the Registrar of the University of Oxford doesn't feel a second-class citizen in the face of the proposals. And actually, I am glad about that because I have great respect for Professor McKendrick. What I would say is that Professor McKendrick may occupy a rather unusual position in that respect.

Now, I wouldn't want Congregation to get the wrong idea about me. Some of you might look at me and think 'rabble rouser' – and that's not true, actually. I'm not a rabble rouser. The only reason I'm standing here today is because I was emailed by many members of the library services who were genuinely frightened by this measure and wanted somebody to stand up and act as an advocate on their behalf. That's why I'm here today. So whilst it might be a misperception that people feel like second-class citizens, I think we need to take seriously the fact that that feeling seems to be rather widespread and that's reflected in the speeches that we've heard today.

The second point is: I am not a rabble rouser and nor am I a kind of Marxist. I mean, it would be fine if I were, but let's just make this clear: I'm not. I am actually a reasonable centre-left character in my daily life and I don't think that redundancies should be barred. And there is nothing in my amendment that would ban the implementation of redundancies. So I fully accept the need for flexibility on the part of the University. The response back

is: the amendment preserves flexibility. The involvement of Congregation is only triggered when there is a proposal for a Redundancy Panel, and there are many steps leading up to that point where reorganisations and the like can be discussed and dismissed hopefully in a constructive way. So the involvement of Congregation comes quite late in the day and preserves a good deal of flexibility for the University if it's faced with the unthinkable. And actually, if the case is well made, I would reiterate my earlier point: what does the University have to fear from submitting the proposal to Congregation decision? If this is a good enough forum to discuss this issue, I cannot see why it isn't a good enough forum to discuss a proposal for redundancies. So that's my second point.

The third point is a short and simple point. I have heard it mentioned on a number of occasions today that the statutory procedures, as currently constituted, are cumbersome. Well, from a worker's perspective, let me say: that's the point. It is a good thing that they're cumbersome. Now, one of the speakers has said, well, delay helps no-one. Let me tell you, if I'm in a position where I am faced with redundancies, I will take a bit of delay to ensure that the correct decision is taken. Delay doesn't trouble me at all.

Finally, I've heard nothing on two points that I raised in my proposal speech. Nobody has engaged with the question of the compatibility of the University's measure with the Equality Act and its obligations under the Equality Act and the potential disproportionate impact of the University's proposal on those with particular protected characteristics.

The second thing is I've heard nothing to justify the tight correlation between teaching and research in a contract and the principle of academic freedom. There seems to me to be no tight overlap between those two ideas. The principle of academic freedom, properly understood, is much broader than teaching or research and I think we've heard enough today to vindicate that position. So I commend the amendment to you and I would like it to be put to the vote. Thanks very much.

The Vice-Chancellor: Thank you, Professor Bogg. It is clear that there is a disagreement on this proposed amendment so the amendment should be voted on. Members may wish to mark their ballot now but should note that only those papers placed in the ballot box when the vote is called will be counted.

So I now call the vote on amendments five and six. I ask the Proctors, the Assessor, the Pro-Proctors and the Clerks of the Proctors to move to the voting stations at each of the exits of 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. All members should tear off and complete the relevant voting papers before leaving their seats. Having done so, those seated on the floor and semicircle should leave via the south exit, those seated in the lower galleries should leave via the east and west exits. Members of Congregation should place their voting papers in the ballot boxes under the direction of the voting officers. Any members of Congregation wishing to vote who have not received voting papers may collect them from one of the stewards immediately inside each exit. As I explained at the beginning of the meeting, each member's own voting paper only will be accepted at the voting stations, as required by the regulations. After voting, members may return to their seats to await the announcement of the result, which is expected to take about half an hour.

Result of the votes

Ladies and gentlemen, if I can invite you to take your seats, I can tell you the result of the voting.

So the vote on the size of panels: those in favour of the amendment were 106, those against were 75. So the amendment is accordingly approved.

On amendment six, which is redundancy: those in favour were 120, those against were 67. The amendment is also approved.

So that concludes the business before Congregation this afternoon. I am now adjourning this meeting. The intention is for a second meeting to take place on 31 May and further details of that meeting will be published in the *Gazette* in due course. Thank you.