

Proposed amendments to university statutes, if strictly enforced, could **force gay Oxonians to out themselves, effectively expel financially disadvantaged students awaiting disciplinary hearings, and allow arbitrary withdrawals of access to IT facilities.**

Singing hymns in Corpus Christi processions, publishing research that would make drugs cheaper, and affixing posters to railings outside the Radcliffe Camera at a vigil—**these all could be banned under the proposals.**

This analysis explains how the drafting of these statutes could have such effects.

And it explains how the amendments, even if less strictly observed, could lead to **selective enforcement and perceptions of bias.**

The Complete Illustrated Proctors' Charter:

an analysis through examples of Council's proposals to amend Statute XI.

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„für gemäßigten Fortschritt in den Schranken
der Gesetze und Universitätsatzungen
bzw. -ordnungen.“

In brief.

Council proposes to amend Statute XI: University Discipline. The amendments are thoughtlessly and amateurishly drafted; some of their effects could not plausibly be intended.

What do the amendments do?

Under the amendments, it is plausible that some of the following **would be prohibited**:

- **dishonesty about one's sexual orientation to avoid homophobia;**
- **publishing research on a cheap lifesaving drug that causes funding for a more expensive one to be withdrawn from the university;**
- **lawful and orderly participation in orderly and lawful processions;**
- **temporary affixing of posters to the railings on the Radcliffe Camera; and**
- **briefly and inadvertently obstructing a visiting speaker whilst watching a commotion.**

The amendments could have other bizarre effects.

- They appear to introduce a **general power to remove access to IT facilities with no restrictions on who may impose these restrictions, for what purpose, for how long, and subject to what sorts of appeal.**
- They **remove important safeguards on the composition and procedure of disciplinary panels.** Perhaps most worryingly, they **remove limited existing guarantees to avoid undue delays.**
- They allow **unspecified 'precautionary measures'** to be imposed on student members.

The amendments would leave the Statutes a **Proctors' Charter of arbitrary and unworkable prohibitions and powers**, whose exercise would **leave Congregation impotent and neuter its legislative oversight.**

Wellington Square Watch supports the work of the proctors as neutral and impartial arbiters in university affairs. **Any action that undermines their position amounts to institutional vandalism.**

There is no way of exercising despotic powers fairly, and there is no way to be seen to be fair in exercising them.

Surely they wouldn't do that?

We agree that most of these actions are unlikely to be punished *in practice*. But **there is no good reason for the statutes to permit such absurdities, even if unlikely.**

And the examples given **illustrate the vast discretion the amendments create.** For good reason, the statutes do not simply read ‘the proctors may impose such penalty on such persons as they think fit’. **Overly extensive discretion invites selective enforcement and makes inevitable the appearance of bias.**

The undermining of relations between the community and the proctors would **permanently damage discourse and community relations in the university.** Political groups will inevitably **regard failure to exercise the vast powers created as tacit support.** Already tense community relations would be poisoned by the repeated institution of disciplinary proceedings against other members of the university on the basis of conduct that, strictly speaking, is prohibited; any prospect of genuine debate or deëscalation would be lost.

Our call to action.

Congregation must stop this Wellington Square stitch-up. Wellington Square Watch calls upon Congregation to **block Council's proposals** and form a Steering Group to ensure that the Statutes **remain compatible with academic freedom.**

Wellington Square Watch calls on other members of the university community to oppose these amendments through the usual channels.

The official rationale.

Council **commendably seeks to improve handling of sexual harassment cases.** But **these justifications are irrelevant to many of the amendments they propose—in respect of these, their justifications are irrelevant and tendentious.**

Council terms these amendments ‘legislative and procedural improvements... necessary to prepare for further increases [in investigations of serious misconduct] that we expect to receive’. **Substantive changes**

proposed must be justified on their merits, not played down as mere ‘improvements’.

Commendably and more meaningfully, Council proposes to consolidate regulations vis à vis harassment and sexual misconduct. **This worthy desire has nothing to do with the vast majority of the changes proposed.**

The organisation of the analysis.

Chapter I illustrates the effect of the amendments through examples. Chapter II explains the underlying structural problems with the regulations. Chapter III addresses some more general questions and gives a fuller case for opposition to the amendments.

About Wellington Square Watch.

Wellington Square Watch seeks to promote, through lawful means in the fullest conformity with the statutes and regulations of the university—

- academic freedom;
- the democratic usages of the university, including the powers of Congregation;
- administrative accountability; and
- sound governance.

The slogan of Wellington Square Watch is ‘für gemäßigten Fortschritt in den Schranken der Gesetze und Universitätsatzungen bzw. -ordnungen’.

Pointers on Council and Congregation.

Legislative power in the university rests with Congregation, which comprises its senior academic and administrative staff. Council has certain delegated powers, and other powers to enact regulations and make proposals subject to Congregation’s approval. It discharges much routine administrative work.

Disclaimer and acknowledgements.

The author of this advice is not qualified to give, and this is not legal advice.

I should like to thank several anonymous discussants.

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I The amendments illustrated.

1 Forced out of the closet by university discipline.

1.1 *The conduct prohibited.*

A is **gay, and fears homophobia** from parts of his junior common room. A, in his college bar, **denies that he is gay**. A therefore **violates university discipline**.

1.2 *How would the amendments prohibit it?*

A is on college property, which is ‘in a university context’¹ and is therefore subject to action under the Code of Discipline.

‘No student member shall...engage in behaviour which is dishonest.’² It is dishonest—although seemingly entirely reasonable and legitimate—for A to knowingly falsely deny that he is gay; this is straightforwardly prohibited.

1.3 *Examples.*

Not entirely unsurprisingly many people in the closet do not advertise this fact.

2 Publishing research on a cheap lifesaving drug prohibited.

2.1 *The conduct prohibited.*

Several departments of the university discover a promising new technique to produce new drugs. They have already received significant funding, and more is likely. A, a student member reading for a DPhil in the same field, **discovers and publishes a simpler and far cheaper approach**. The university **loses funding for the more expensive approach**. A therefore **violates university discipline**.

2.2 *How would the amendments prohibit it?*

Conduct in the course of academic university activity is in a ‘university context’³ and therefore subject to disciplinary action under the

1. s 1(1)(g), Statute XI as prospectively amended.

2. s 3(2)(a), *ibid*.

3. s 1(1)(g), *ibid*.

Code of Discipline.⁴ Publishing is academic university activity, and therefore subject to such action.

‘No member of the University or student member shall (or shall attempt to)...engage in any action which is likely to...cause the University to suffer a material financial or non-financial loss.’⁵ The publishing of the paper would be therefore be prohibited due to two of the changes proposed. The first is the removal of the proviso that prohibited conduct should be *intentional* or *reckless*. The publishing of the paper arguably would be neither: its purpose could well instead have been the advancement of learning and so on, in which case the loss of funding would hardly be *intentional*; and it is hardly reckless to publish this sort of scientific discovery.

The second is the introduction of the section quoted. Publishing the cheaper method clearly is likely to cause the university financial loss in funding for the more expensive method.

2.3 *Examples.*

All funded university research could, if successful, attract further funding; if superior alternatives are found, that funding is likely to be lost. Plausibly **the majority of university research**, in seeking to advance the state of the art, seeks to rebut at least some form of received wisdom, and therefore **may fall under the ambit of this section**.

3 **Singing hymns prohibited.**

3.1 *The conduct prohibited.*

A, a student member, participates in a **lawful and orderly procession** appropriately coördinated with the police and other municipal authorities, and in which many members of the university community participate. The members of the procession sing hymns, which briefly disrupt tutorials in neighbouring colleges. A sings whilst standing on university premisses (such as the plaza outside the Weston library). A therefore **violates university discipline**.

3.2 *How would the amendments prohibit it?*

Disciplinary action under the Code of Discipline may be taken only ‘in relation to conduct which occurs in a university context’.⁶ Conduct

4. s 2, *ibid.*

5. s 3(2)(c)(iii), *ibid.*

6. s 2, *ibid.*

‘on university or college premises’ is within the ‘a university context’.⁷ Since *A* is standing on university premises, *A* is in a ‘university context’. ‘No member of the University or student member shall (or shall attempt to)... disrupt teaching or study....’⁸ But in singing and/or chanting as part of the (orderly and lawful) procession, *A* disrupts teaching, actionably violating the Code of Discipline.

The Code of Discipline **formerly prohibited such disruption only when it was reckless or intentional**.⁹ Lawful and orderly participation in lawful and orderly processions would not *intentionally* have disruptive effect, and would not be *reckless*. The removal of this qualification prohibits a wide variety of conduct that would otherwise be permitted.

3.3 Examples.

When Oxford United was promoted to the premiership, a **victory procession** was organised through Oxford.¹⁰ The North Oxford Deanery organises **eucharistic processions** marking the Feast of Corpus Christi in which the Blessed Sacrament is carried from the Oxford Oratory to the University Catholic Chaplaincy, in which hymns are sung.¹¹ Trade unions in Oxford have **demonstrated in support of industrial action** in the public sector.¹²

Lawful and orderly participation in lawful and orderly processions is characteristic of university and municipal life. Many more examples of processions in which participation analogous to the sort above would be prohibited could be given.

7. s 1(1)(g), *ibid*.

8. s 3(2)(a), *ibid*.

9. s 2(1), Statute XI, unamended.

10. ‘Oxford United Celebrate with Victory Parade through City after Promotion’, in: *BBC News, Oxford* (20th May 2024), URL: [HTTPS://WWW.BBC.COM/NEWS/UK-ENGLAND-OXFORDSHIRE-69039020](https://www.bbc.com/news/uk-england-oxfordshire-69039020).

11. *Oxford’s Corpus Christi Procession*, The Dominican Friars in Britain, 9th June 2007, URL: [HTTPS://WWW.](https://www.english.op.org/godzdogz/oxfords-corpus-christi-procession/)

[ENGLISH.OP.ORG/GODZDOGZ/](https://www.english.op.org/godzdogz/oxfords-corpus-christi-procession/)
OXFORDS - CORPUS - CHRISTI -
PROCESSION/.

12. Miranda NORRIS, ‘Public Sector Workers Stage ‘March Together Strike Together’ Rally’, in: *Oxford Mail* (22nd Jan. 2023), URL: [HTTPS://WWW.OXFORDMAIL.CO.UK/NEWS/23268142.WORKERS-JOIN-MARCH-TOGETHER-STRIKE-TOGETHER-RALLY-OXFORD/](https://www.oxfordmail.co.uk/news/23268142/workers-join-march-together-strike-together-rally-oxford/).

4 *The amendments illustrated.*

4 **Arbitrary withdrawal of access to IT facilities.**

4.1 *Current provision for withdrawal of access.*

University regulations at present provide that access to IT facilities ‘may be withdrawn under section 48 or 49 of Statute XI pending a determination’.¹³ Those sections provide for punishment of disorderly behaviour during hearings before disciplinary panels. These decisions are subject to appeal.¹⁴

4.2 *How could access be removed under the amendments?*

It appears that **any university administrator could impose any form of restrictions**, and that **there would be no obvious right or form of appeal**.

4.3 *How would the amendments allow such restrictions?*

Council proposes to strike ‘under section 48 and 49 of Statute XI’, so that the section **simply reads that access ‘may be withdrawn pending a determination’**.¹⁵

The provision in question formerly applied to a very narrow circumstance in which a disciplinary panel could impose temporary measures in the event of disorderly conduct during its hearings. The amendments remove the restriction, and therefore permit removal of access without restriction; they also remove the restriction on *who* can impose the restrictions. Disciplinary panels’ decisions are subject to procedures vis à vis appeal; but administrators’ decisions are not, at least in the same way.

5 **Posters on railings at the Radcliffe Camera prohibited.**

5.1 *The conduct prohibited.*

A tsunami kills thousands in a country from which many student members come. **A affixes a poster mourning the victims and including details of charitable efforts to a railing outside the Radcliffe Camera. A violates university discipline.**

13. s 15(2), IT Regulations 1 of 2002 unamended.

14. s 13, Statute XI unamended.

15. *Gazette*, 23 May 2024, p 460; s 15(2), IT Regulations 1 of 2002 as prospectively amended.

5.2 How would the amendments prohibit it?

The railings of the Radcliffe Camera are ‘on university... premises’. It is plausible enough that affixing of posters thereto occurs ‘on university premises’ in that while a person may not *stand* on university land in affixing the poster, the person’s hands are on university land, and the poster so affixed is.¹⁶ Therefore, this conduct is ‘in a university context’ and so subject to disciplinary action under the Code of Discipline.

‘No member of the University or student member shall... deface, damage, destroy or harm any property of the University or any college or any other person (including without lawful authority by displaying or attaching any writing or advertising material upon it).’¹⁷ On its natural construction, ‘including...’ applies to ‘property of the University’. Therefore, it is prohibited to display or attach any writing or advertising material on the property of the University *without lawful authority*.

One question that arises is whether ‘including... it’ is intended to elucidate ‘harm’ *alone*, or whether it also includes the other verbs—in particular, ‘deface’. Given that one part of the inclusion is *display upon* university property—that would not, *per se*, be harmful—we think that the inclusion applies to *all* the verbs, including ‘deface’. Therefore, it is not clear that non-harmful affixing of posters would be permitted.¹⁸

The question remaining is whether *A* really does lack lawful authority. There is perhaps an argument that *A* doesn’t. It may be that reasonable conduct has ‘lawful authority’ (absent any other bar).¹⁹ However, this concerned the construction of the Highways Act 1980; it is unclear whether the same principle of statutory interpretation would apply to the case of *A*; and it concerned the question of whether protesters had lawful *excuse* in obstructing the highway, rather than *authority*. The latter connotes some sort of positive permission; but no such positive permission, to my knowledge, has been issued by the competent bod-

16. In any case, it is little comfort to think that the Proctors might decline to pursue proceedings in this case if one’s feet are not on university premises’.

17. s 3(2)(b), Statute XI as prospectively amended.

18. Here we differ from Daniel TATE, Isabella CUERVO-LORENS and Lara HANKELN, *Public Statement on Pro-*

posed Amendments to the University of Oxford Statutes, 5th June 2024, p 2, in that we do not think that e.g. strong adhesives would be required to engage the ‘harm’ leg.

19. *Nagy v Weston* [1965] 1 WLR 280, per Parker CJ, p 284; *Director of Public Prosecutions v Ziegler and others* [2022] AC 408, ¶ 9.

6 *The amendments illustrated.*

ies (for example, University Estates Management), to, in general, affix such posters to the railings.

5.3 *Examples.*

Protesters mourning the death of A.A. Navalny have affixed posters in exactly the same way, as have those mourning the death of Brianna Ghey.

6 **Briefly watching a protest in a crowd prohibited.**

6.1 *The conduct prohibited.*

A, a controversial politician, is to give a **speech** in a university department, **opposed by a significant number of counterprotesters**. A large **crowd of students watches** from university property, over which the speaker and security are due to walk. B, a member of the University, **hears chanting and briefly joins the crowd to watch**, in such a way as to obstruct one path through to the auditorium where the politician is to speak. B leaves fairly quickly.

6.2 *How would the amendments prohibit it?*

B stands on university property, and so their conduct is ‘in a university context’ and subject to action under the Code of Discipline.²⁰

‘No member of the University...shall...obstruct any of the...activities of the University, or the related activities of its members...including by disrupting or obstructing the lawful exercise of freedom of speech by any of those persons or by visiting speakers.’²¹ B obstructs the lawful exercise of freedom of speech by the speaker in obstructing their path—admittedly briefly and without malice. But, since there is no requirement that the conduct in question should be *reckless* or *intentional*, as there formerly was,²² even this fairly innocuous and ordinary conduct is prohibited.

20. ss 1(1)(g) and 2, Statute XI as prospectively amended.

21. s 3(2)(a), Statute XI as prospectively amended.

22. s 2(1), Statute XI unamended.

6.3 *Examples.*

Protesters have opposed the visits of numerous speakers to Oxford, including Marine Le Pen,²³ Tzipi Hotovely,²⁴ and Kathleen Stock.²⁵ Such incidents are so commonplace as to be unremarkable.

7 **Unjustly handled appeals could effectively expel students.**7.1 *What could be permitted.*

A is (falsely) accused of vandalising university property, and banned from university property. A appeals, but the appeal takes so long that A can no longer, by reason of financial disadvantage, remain in Oxford; their scholarship is withdrawn. A eventually wins the appeal, but the scholarship is ceased due to funding constraints, and A never returns.

7.2 *How would the amendments permit them?*

The statutes at present provide that the Student Disciplinary Panel must not hear complaints by the Proctors ‘more than six months after the date of the first interview’.²⁶ Although the proctors have limited powers to impose fines in the first instance,²⁷ wider powers (e.g. to send students down or ban them from university premisses) may only be exercised by the Proctors *with the agreement of students*.²⁸ Therefore, A can, in insisting on a hearing before the Student Disciplinary Panel, guarantee a hearing within six months.

The proposed amendments remove this guarantee.²⁹ Instead, Council may in its discretion specify the procedure for hearing disciplinary appeals (‘Student Disciplinary Procedures’).³⁰

23. ‘Marine Le Pen Speech at Oxford Union Draws Protestors’, in: *BBC News, Oxford* (5th Feb. 2015), URL: [HTTPS://WWW.BBC.COM/NEWS/UK-ENGLAND-OXFORDSHIRE-31155755](https://www.bbc.com/news/uk-england-oxfordshire-31155755).

24. Ed HALFORD, ‘Oxford Journalists Threatened by Cops in Palestine Protest’, in: *Oxford Mail* (25th Feb. 2023), URL: [HTTPS://WWW.OXFORDMAIL.CO.UK/NEWS/23346291.OXFORD-JOURNALISTS-THREATENED-COPS-PALESTINE-PROTEST/](https://www.oxfordmail.co.uk/news/23346291.oxford-journalists-threatened-cops-palestine-protest/).

25. Matthew WEAVER, ‘Trans Activists Disrupt Kathleen Stock Speech at Ox-

ford Union’, in: *The Guardian, Society* (30th May 2023), ISSN: 0261-3077, URL: [HTTPS://WWW.THEGUARDIAN.COM/SOCIETY/2023/MAY/30/TRANS-ACTIVISTS-DISRUPT-KATHLEEN-STOCK-SPEECH-AT-OXFORD-UNION](https://www.theguardian.com/society/2023/may/30/trans-activists-disrupt-kathleen-stock-speech-at-oxford-union).

26. s 9(1), Statute XI as prospectively amended.

27. s 29(2), Statute XI unamended.

28. s 31(2), Statute XI *ibid*.

29. s 9(2) is struck: *Gazette*, 23 May 2024, p 470.

30. s 8(1), Statute XI as prospectively amended.

The proposed amendments impose some limited requirements on the content of the Student Disciplinary Procedures, but none would ensure a *timely hearing*. Although some provision must ‘comply with the principles of natural justice’,³¹ the principles of **natural justice conspicuously do not extend** to

- **the overall procedure of disciplinary hearings**—‘the procedure under which a Proctor, the Student Disciplinary Panel and/or the Student Appeal Panel shall hear and determine referrals of student members who are alleged to have breached section 3 or 4 of this statute...³² [or] committed Academic Misconduct’;³³
- ‘**powers and penalties** available to each [disciplinary] decision-maker...includ[ing] the power to ban, expel, or suspend the student member, amongst other penalties’;³⁴
- ‘requirements and procedures in respect of the members of [disciplinary panels], including their **appointment and removal**’;³⁵ and
- the ‘**hear[ing of] evidence**’;³⁶

Given that the timing of an appeal is a matter of procedure, the statute **imposes not even a cursory requirement for timely hearings, the qualifications of members,**³⁷ and **the scope of their powers.**

If the prohibition on entering university premises is a ‘**precautionary measure**’ imposed by the Proctors,³⁸ it is subject to appeal.³⁹ But **there is no limit to delays on appeals.** The Student Disciplinary Procedures **could allow interminable delays to the unfair disadvantage of the student punished.**

8 **And they could be gagged from talking about it.**

There is **no limit to the sorts of ‘precautionary measures’** that the Student Disciplinary Procedures could permit the Proctors to impose. It is quite conceivable that **the Procedures could prohibit a student even from publicly stating delays in disciplinary hearings that affect them.** And appeals could be so delayed as to be worthless.

31. s 17(2), *ibid.*

32. s 8(1), *ibid.*

33. s 8(2), *ibid.*

34. s 10, *ibid.*

35. s 11, *ibid.*

36. s 13, *ibid.*

37. cf s 8(1), Statute XI unamended.

38. s 23(1), Statute XI as prospectively amended.

39. s 24, *ibid.*

11 If you must: how to (partially) fix it.

9 Only prohibit intentional or reckless conduct.

s 2(1), Statute XI unamended; s 3(2), Statute XI as prospectively amended.

Many examples of behaviour illustrated above would not be *intentional* or *reckless*. For example, a researcher proposing cheaper lifesaving drugs could *cause the university financial loss*, but may well not *intend to do so*, and hardly acts *recklessly*. A student who in an orderly and lawful manner partakes in an orderly and lawful procession and chants may *disrupt university life* (in some small measure) but hardly does so *intentionally* or *recklessly*. And so on.

Statute XI at present includes the proviso that the prohibitions it imposes only extend to intentional and reckless conduct.¹ The proposed amendments remove this proviso, and, indeed, prohibit mere *attempts* at prohibited conduct.²

Even then, this is at best an imperfect protection. A researcher could well *intend* to cause the university financial loss in causing the withdrawal of funding for some harmful or useless cause. That is perfectly legitimate behaviour, and to prohibit it would be philistinism of the basest order.

10 Don't ban undamaging 'damage'.

s 3(2)(b), Statute XI as prospectively amended.

A little twine on a poster on some university railings is not a threat. It can be taken off. It does not damage university property merely by having writing or advertising on it. *Permanent* damage is another matter.

11 End moral policing.

s 3(2)(e), Statute XI as prospectively amended.

Dishonesty, generally, is bad. But is it really sensible to ban *all* dishonesty? Even restoring the proviso that prohibited conduct must be

1. s 2(1).

2. s 3(2), Statute XI as prospectively amended.

10 *If you must: how to (partially) fix it.*

intentional and reckless, a gay in the closet who deliberately avoids homophobia by hiding his sexual orientation surely acts *intentionally*. That should not, we submit, be an offence under the Statutes.

It might also be dishonest to forget to pay back a friend for lunch, to cheat on a partner, or to mislead one's friend about how one thinks their hair looks. There is no good reason for these to be matters of university discipline.

12 Hold all disciplinary procedures and appeals to natural justice.

ss 8 and 17(2), Statute XI as prospectively amended.

Council may set out further procedures for disciplinary hearings under the proposed amendments.³ Those procedures must 'comply with the principles of natural justice'.⁴ Why not all those procedures in general? And why not make that commitment concrete?

- A concrete timeline for at least initial hearings should be imposed.
- The statute should explicitly require the Procedures to uphold the independence and impartiality of the panels, including so far as they provide for the appointment and removal of members of panels.

13 Limit and specify 'precautionary measures'

s 23(1), Statute XI as prospectively amended.

'Precautionary measures' would be far less worrisome if it were clear what they could actually be; it is not *per se* a problem that the Proctors have summary or first instance powers, but it would be a problem for the Student Disciplinary Procedures to specify overly broad ones.

14 Reputation is earned, not dictated by statute.

s 3(2)(c)(iv), Statute XI as prospectively amended.

One proposal we struggle to interpret prohibits student members only from 'engag[ing] in action which is likely to...significantly damage the University's reputation among reasonable people', 'subject to the overarching and protected principles of freedom of speech and academic freedom'.

3. s 17(1), *ibid*.

4. s 17(2), *ibid*.

We consider it plausible that this proposal is in fact one of the least dangerous considered so far, due to the rather robust latter proviso. But we struggle to think of conduct that would be prohibited under this section that would not otherwise be prohibited. Taking drugs, assault, and bribery are all criminal offences. Academic misconduct is prohibited. Perhaps the best example that comes to mind is **Council's proposing these poorly drafted amendments**—that, if anything, would, we submit, ‘**significantly damage the University's reputation among reasonable people**’. Alas, despite the amateurish drafting it has endorsed, Council's members are not student members, and so do not fall within the ambit of this section.

15 Publish draft Student Disciplinary Procedures.

s 8, Statute XI as prospectively amended.

The publication of draft Student Disciplinary Procedures would considerably allay fears as to their contents as stated above.

16 Restrict amendments to those Procedures.

s 8, Statute XI as prospectively amended.

If amendments can be guaranteed not to be overly hasty and properly consulted upon, the Statutes themselves reasonably constrain the contents of the Procedures, and Congregation is given sight of an initial draft procedure, there is nothing objectionable *per se* in Council's exercising the delegated power of specifying the Procedures.

17 Restrict the scope of those Procedures.

s 8, Statute XI as prospectively amended.

If, as the university says, much of the rationale for the consolidation of Student Disciplinary Procedures is the improvement of handling of sexual harassment cases, an explicit restriction to such cases at least in respect of some of the powers granted to Council would significantly allay concerns about the extent of their arbitrariness.

III Conclusion.

18 But surely this won't happen?

We (partially) agree; we don't think that many of the cases outlined are particularly plausible. But matters don't stop there.

First, even if the revised Statute were simply enforced along the lines of the old Statute, **it would be un-Oxonian and noxious for the Statute to be left in such a poor state.** There is no good reason for the Statutes to make less rather than more sense. In a university of all places we ought to try to **close the gap between word and deed**; ineptitude with the former is a poor excuse. Wellington Square occupies a considerable budget and space; it has one primary duty, which is effective administration. These amendments are unacceptably amateurish.

Second and perhaps more importantly, the vast scope of the conduct the amendments prohibit **leaves the Proctors unjustifiable discretion.** We suspect that the Proctors—whose office does not appear to have been wholly coöpted by Wellington Square—**may not even seek or desire such powers.** The existence of such vast discretion **must make any way in which they are exercised appear arbitrary and biased**, even if with the best of intentions. It **allows abuses of power through selective enforcement**, and **invites that perception even if untrue.**

The amendments create a vast grey area. We need more black and white. Council and Wellington Square, not unreasonably, seek wide authority under the Statutes and from Congregation in order to expedite and regularise complex administrative procedures unsuited to Congregation. **It must take responsibility for just which powers are delegated. The vast delegation of powers proposed strikes an implausible and bizarre balance.**

Third, **it would be impossible for the proctors to be seen to act fairly.** Even if the amendments to the statutes lead to no actual change in how the *proctors* act (or would act in a given situation), they will lead to changes in *perception* of their actions. When the proctors are bound by a tightly drafted statute that prohibits only a limited range of actions, there is only so much room for pressure on them to act *ultra vires*. Now, pressure even to act *intra vires* could have similarly destructive effect.

19 Council's (non-)response.

'The University', which title Council appears to have arrogated to itself, has responded to criticisms made in another statement.¹ Council has the right to a propaganda apparatus; it does not have the right to one that speaks in the name of the university, or one that fills the inboxes of all members of the university with no right of reply. We consider that the arguments made are unconvincing. (We also find objectionable the implication that members of Congregation and student members who oppose the proposed amendments are somehow not 'the University'.)

The statement **in its entirety** is notable for its **omission of detailed reference to the text of the amendments**. In the absence of concrete analysis of the effect of the amendments, the statement amounts to a series of assertions. Specific responses follow.

The first response is that the amendments were initially drafted 'by an external barrister' and included an extensive process of review. This is not a substantive response to the difficulties raised. And we find it implausible that such a poorly drafted set of amendments could have been approved in their totality by each of the bodies mentioned. **For this claim to be credible, the university must release the minutes of the deliberations in question.**

The second response is that the changes 'align with the approach already adopted by most colleges as well as the wider sector'. There is no elaboration of *how* the changes so align. If the 'wider sector' insists on poor drafting and astonishingly vast discretion, Oxford should insist, to the extent possible, on non-alignment.

The third response is that the university is subject to various statutory requirements to respect freedom of 'speech, expression and protest'. This is not an excuse for the statutes to *purport* to violate those requirements. It would be needlessly messy and complex for **freedoms under law to first be violated by university statute and then defended only by external appeal.**

The statement cites the involvement of the Students' Union. Their representatives are not usually elected for their forensic ability, have not been subject to accountability through (Student) Council following

1. Response to 'Public Statement on Proposed Amendments to University Statutes', University of Oxford, 6th June 2024, URL: [HTTPS://WWW.OX.AC.](https://www.ox.ac.uk)

UK/NEWS/2024-06-06-RESPONSE-PUBLIC-STATEMENT-PROPOSED-AMENDMENTS-UNIVERSITY-STATUTES.

their suspension, were generally elected on poor turnout, and were not, when (Student) Council was constituted, subject to particularly rigorous scrutiny due to poor turnout by common room representatives.

The statement, quite rightly, emphasise the disproportionate impact of harassment on disabled, LGBTQ+ and female students. **The amendments are disservice to their cause.**

20 **Our call to action.**

Council must withdraw and wholly redraft the proposals. They are so poorly drafted that only in a radically altered state would they be remotely acceptable.

Council must answer. It must explain either why the amendments it proposes would not have the effect suggested or why it considers that effect acceptable.

Council must stop pretending that these amendments are merely procedural. If Council does not want its amendments to be substantively challenged, it should not draft amendments that make substantive changes.

Congregation must force their hand. It should **vote down the proposals now**,² and vote to **form a committee to ensure** that Statute XI conforms to the principles of **academic freedom**.³

Common rooms, members of the university, and other organisations of its members should echo this call.

Wellington Square Watch stands **für gemäßigten Fortschritt in den Schranken der Gesetze und Universitätsatzungen bzw. -ordnungen.**

2. Resolution (1), 11 June, *Gazette*, 6 June 2024, p 510.

3. Resolution (2), 25 June, *Gazette*, 25 June 2024, p 512.