

## Summary of concerns about Statute XI.

27 January 2025.

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## 1 Background.

- The university's rules on discipline are contained in its Statutes—specifically, Statute XI: University Discipline.
- *23 May 2024*: University Council published proposals to amend the university's Statute XI and consequential amendments.<sup>1</sup>
- *June 2024*: a number of groups and members of the university opposed the amendments. Our report [link] suggested that the statutes were poorly drafted.

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.
- *11 June 2024*: Council withdrew the proposals.<sup>2</sup>
- *15 October 2024*: Congregation agreed to form a working group to redraft the proposals.<sup>3</sup>
- *December 2024–January 2025*: the working group [link; responses by 31 January 2025] and university student union [link; responses by 28 January 2025] announced consultations on a redrafted proposal.
- *January 2025*. We now assess that many issues remain. A full explanation can be found in the evidence we intend to submit to the working group [draft: link]. These are explained below.

## 2 Unobjectionable conduct still prohibited.

- Many forms of unobjectionable conduct would still be prohibited under the statute, including—
  - chanting at lawful and orderly protests if it might disturb a nearby tutorial;
  - singing at a college concert if it might disturb a nearby university meeting;
  - attaching a poster with twine to the railings of the Radcliffe Camera;
  - partaking in a dangerous sport after following all safety requirements;

1. *Oxford University Gazette*, 5422, 23 May 2024, p 465 [link].

2. *Gazette*, 5254, 13 June 2024, p 528 [link].

3. *Gazette*, 5433, 17 October 2024, p 66 [link].

- failing to leave a college room on very short notice due to injury;
- any form of dishonesty on university or college property, including cheating at cards (not necessarily for money) or on one's partner, or about one's sexuality to avoid outing oneself;
- encouraging breaking of rules through indirect means, e.g. by
  - \* publicly offering legal assistance to protesters who might be arrested;
  - \* joining a lawful and permitted protest in support of a cause that is also supported by people considering prohibited or unlawful means to support it; and
  - \* offering to help others exercise their rights under university statutes/regulations if they break them and are subject to disciplinary proceedings.
- The problem is not just that these extreme examples fall under the amendments. It's that there's a vast middle ground that is, almost by accident, entirely prohibited. If we consider dishonesty, it might seem reasonable that e.g. cheating at cards for lots of money could legitimately be a matter of university discipline. There's clearly a discussion to be had here, but the working group either hasn't had it or hasn't explained what it's thinking. Nor was the intention to improve the statute so generally clear when these amendments were first proposed.

The working group and Council have suggested—

- in some cases that there's no substantive change (which we think is clearly a misreading); and
- in other cases that such sweeping language is needed to anticipate as yet unknown future problems (for which they have not yet presented any evidence).

We think they can do better, and have made detailed proposals to that effect. (We also note that the two arguments are somewhat incompatible.)

### 3 **Delegating powers without accountability.**

- Many powers in the university are delegated (e.g. to specific committees or departments). This is obviously necessary to some extent. But delegation should be handled carefully.
  - The scope of the powers delegated should be clearly specified.

- Changes should be properly announced and subject to scrutiny. If necessary, Congregation should be able to amend or reverse the changes.

We suggest a way to delegate powers that still gives Council flexibility to make changes without unnecessary business in Congregation.

- The proposed amendments delegate numerous powers to Council to draft certain procedures. That's not necessarily a problem, but we now don't know how Council will use those powers and what those procedures will say.

The problem is that the amendments remove lots of safeguards from the current statute, without any guarantee that they'll reappear in those procedures when Council drafts them. This means the overall result could be very unfair for students. These safeguards include—

- minimum qualifications of members of panels that hear cases;
- a minimum term for members of the Student Disciplinary Panel, which prevents their premature removal and undue influence;
- independent appointment of the Student Appeal Panel by the High Steward (not the Vice-Chancellor or Council); and
- various forms of appeals.

We do not, as yet, know what will happen to these safeguards. There are a few limited replacements, but they are not adequate.

That risk is unnecessary. We suggest that a working text of the procedures could be used to assess the proposals.

- In one case, Council made proposals to use its delegated powers in a confusing and potentially unfair way.

The IT Regulations provided for temporary withdrawals of access to IT systems when certain types of disciplinary case were being heard. These withdrawals can now happen 'pending a determination'. What that means is wholly unclear, because 'determination' is never defined. If interpreted broadly, withdrawals might happen in all sorts of other unrelated circumstances.