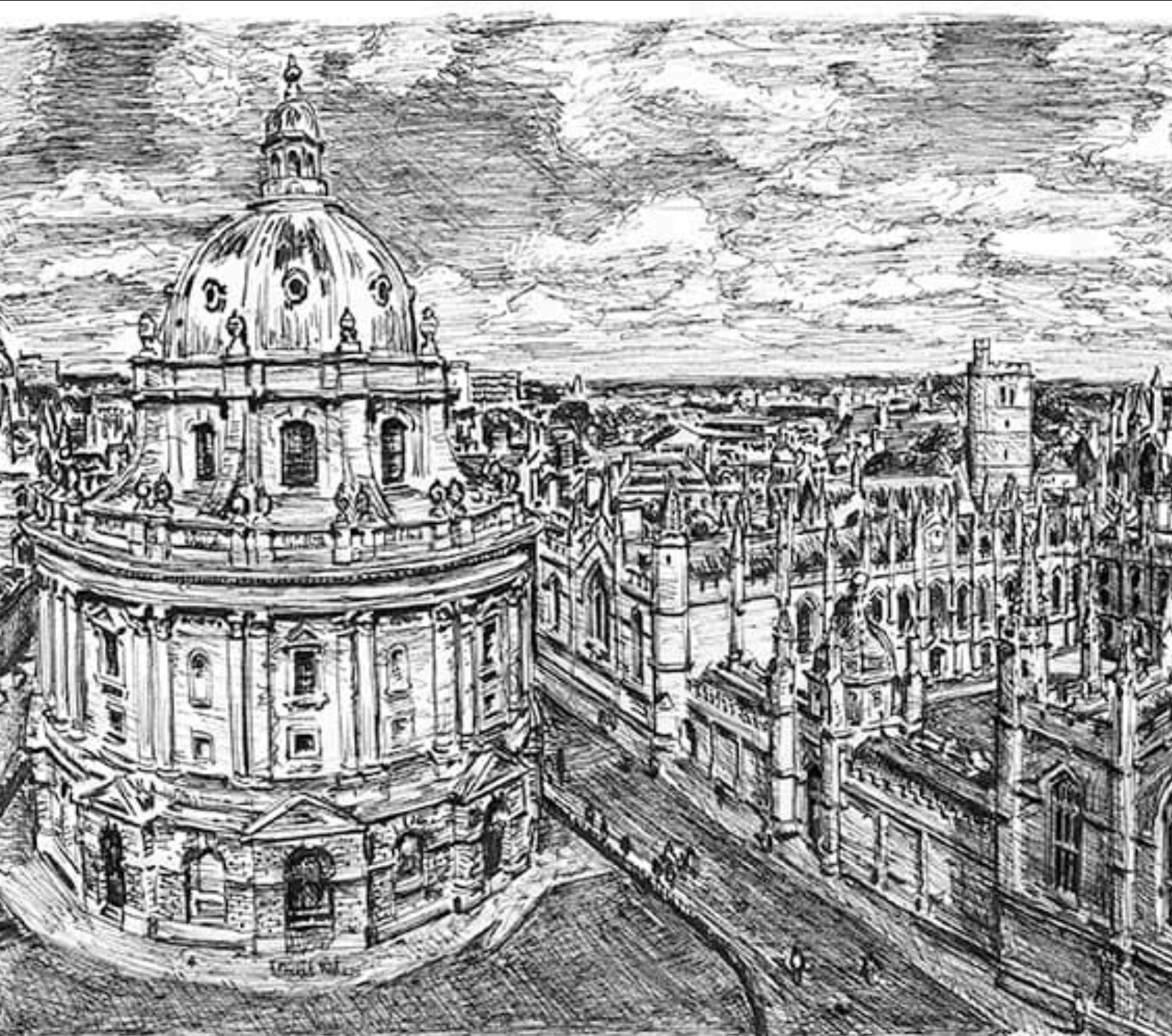


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OXFORD STUDENTS'  
UNION

OXFORD SU  
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# STATUTE XI

## STUDENT CONSULTATION



# TABLE OF CONTENTS

**WHAT IS STATUTE XI & BACKGROUND.....3**

**THE QUESTION.....4**

**THE CLAUSES.....5**

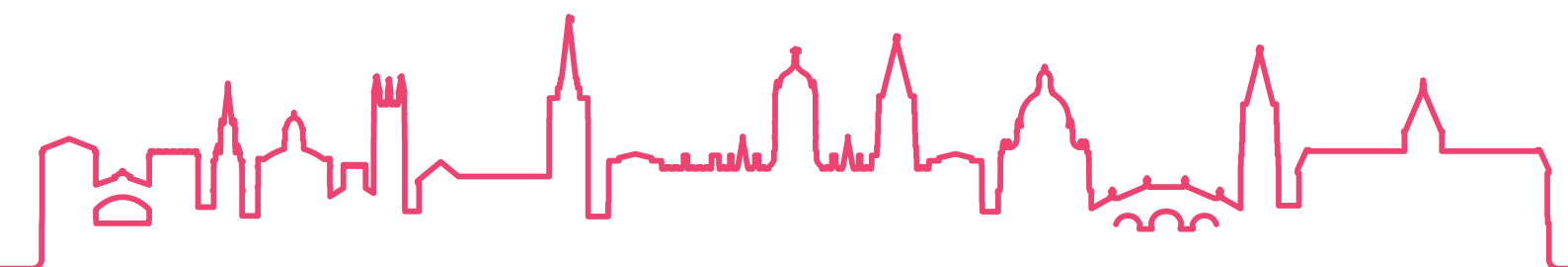
**MAKE YOUR VOICE HEARD.....9**

**STUDENT CONSULTATION TIMELINE.....10**

**WHAT HAPPENS NEXT.....11**

**FAQS.....12**

**LINKS.....13**



# What is Statute XI?

Statute XI deals with matters relating to University Discipline. It particularly concerns serious non - academic misconduct.

## Background

Proposed statute changes concerning serious non-academic misconduct have been under discussion since 2018 and have been developed through several University committees, with student involvement and College feedback, since 2022. The proposed changes are designed to produce a clearer, more accessible, more effective Statute with a new, accompanying non-academic disciplinary procedure that is easier for reporting and reported students to understand and navigate. They also bring the University into line with many of the colleges, and with external guidance from our regulators.

In Trinity Term 2024, the University proposed changes to Statute XI. Concerns were raised about freedom of speech and potential overreach, leading to the withdrawal of the original proposal. Congregation then formed a new working group to review the changes. The VP Postgraduate Education and Access is the student representative on this group.

The Working Group's task is to review the proposed changes to Statute XI, consulting widely with members of academic staff and professional services, as well as students and submit an amended proposal for legislative changes to work its way through the University's governance structures.

This group has now revised the proposals and seeks feedback from students and staff on its recommendations.

# **THE QUESTION:**

**“Do the proposed amendments adequately address the concerns raised during Trinity term 2024 regarding the potential creation of new powers, as well as the possible restrictions or tensions relating to the legal context in which the University operates, especially concerning free speech?”**





# THE CLAUSES IN CONSULTATION

	Current Statute	Wording proposed in Trinity 24	Concern raised	Working Group Response to Concern	Proposed resolution
1	46. If a student member is the subject of criminal proceedings in respect of an alleged offence of such seriousness that an immediate term of imprisonment may be imposed on conviction, or if a student member has been convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (and whether or not such a sentence was in fact imposed on the student member), he or she shall promptly inform the Proctors in writing.	3. (1) Members of the University and student members shall: [...] (d) in relation to student members only, promptly inform the Proctors in writing if they have been arrested by the police and released under investigation (with or without restrictions), been charged with an offence, face trial or a hearing in respect of an offence, have been sentenced in respect of an offence, or if any of the foregoing appears likely to occur, and whether in the UK or abroad. However, no disciplinary action will be taken as a result of failure to comply with this section where the behaviour in question is not also an offence under English law	Requires students to disclose information that may not concern the University, particularly the reference to being arrested and released. Also questioned whether requirement to report events appearing “likely to occur” was reasonable or practicable.	Current section in existing Statute XI refers to “ <i>criminal proceedings in respect of an alleged offence of such seriousness that an immediate term of imprisonment may be imposed on conviction, or if a student member has been convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed.</i> ” This is considered to be unhelpfully vague and students could not be expected to judge the likelihood of a prison sentence being imposed	Propose to re-draft this section (becomes 3.1(f)) to address concerns to read:  “in relation to student members only, promptly inform the Proctors in writing if they have been arrested by the police and released under investigation (with or without restrictions), been charged with an offence, face trial or a hearing in respect of an offence, have been sentenced in respect of an offence, <del>or if any of the foregoing appears likely to occur,</del> and whether in the UK or abroad. However, there is no requirement to inform the Proctors <del>no disciplinary action will be taken as a result of failure to comply with this section</del> where the behaviour in question is not also an offence under English law.”
2	2. (1) No member of the University shall in a university context intentionally or recklessly:  (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social, cultural, or other activities of the University;	[...] <del>3.</del> (2)(a) “disrupt or obstruct any of the teaching or study or research or the administrative, sporting, social, cultural or other activities of the University or the related activities of its members, or its officers, employees, and agents including by disrupting or obstructing the lawful exercise of freedom of speech by any of those persons or by visiting speakers.	“related activities” is too broad and gives the University scope to impose discipline over an unknowable range of activities.	The term “related” clearly refers to the list of University activities earlier in the clause, and disciplinary action can only be instigated in relation to conduct occurring in a University context (see section 2 of the Statute).	Leave this section as drafted.

	Current Statute	Wording proposed in Trinity 24	Concern raised	Working Group Response to Concern	Proposed resolution
3	<p>3. (2) (1) No member of the University shall in a university context intentionally or recklessly:</p> <p>(d) deface, damage, or destroy or attempt to deface, damage or destroy any property of the University or any college or any other individual or knowingly misappropriate such property;</p>	<p>[...] 3.(2)(b) “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), or knowingly misappropriate such property, including by its unauthorised occupation”</p>	<p>The word “harm”, which is an addition to the current wording, lowers the threshold compared to the existing wording, “any other person” is too all encompassing and the wording “attaching any writing or advertising material” appears to make it a disciplinary offence to write on a wall in chalk or to put up posters</p>	<p>Agree to remove “harm”. The remainder consolidates existing wording in Statute XI and the Rules Committee Regulations. Writing on, or attaching any bills to, walls, fences or other structures is prohibited under the current Statute, as is displaying advertising material in a public place. The words “any other person” are not new (current wording is “any other individual”), and only apply to conduct in a University context.</p>	<p>Propose to re-draft this section to remove “harm”:  “deface, damage, or destroy <del>or attempt to deface, damage or destroy</del> harm any property of the University or any college or any other <del>individual</del> person (including without lawful authority by displaying or attaching any writing or advertising material upon it), or knowingly misappropriate such property, including by its unauthorised occupation;”</p>
4	<p>3.(2) No member of the University or student member shall (or shall attempt to):</p> <p>(g) engage in action which is likely to cause injury or to impair safety;</p>	<p>[...] 3. (2) No member of the University or student member shall (or shall attempt to):</p> <p>(c) “engage in action which is likely to (i) cause injury, (ii) impair safety, (iii) cause the University to suffer a material financial or non-financial loss; or (iv) in relation to student members only and subject to the overarching and protected principles of freedom of speech and academic freedom, significantly damage the University’s reputation among reasonable people.”</p>	<p>(iii) restricts freedom of speech – e.g. could a student publicly criticising a potential donor to the University, causing them to withdraw their funding, be caught by this clause? Similarly, (iv) has been argued as being anti whistleblowing, potentially making it a disciplinary offence to damage the University’s reputation by revealing immoral practice by the University which was previously unknown.</p>	<p>Intent of (iii) is clear but agree that it could be misinterpreted/misused. (iv) was added to address this concern but, as the protections apply to the whole Statute, not simply this section, this could be removed.</p>	<p>Delete (iii) and (iv) so 3.2(c) now reverts to the original wording: “engage in action which is likely to cause injury or to impair safety;</p>

	Current Statute	Wording proposed in Trinity 24	Concern raised	Working Group Response to Concern	Proposed resolution
5	<p>2.(1) No member of the University shall in a university context intentionally or recklessly:</p> <p>(i) engage in any dishonest behaviour in relation to the University, the holding of any university office, or any application for any university membership, office or position or any student place at the university (in which case such dishonesty shall be understood to be continuing throughout the period when he or she holds that membership, office, position or student place)</p>	<p>[...] 3. (2) No member of the University or student member shall (or shall attempt to):</p> <p>(e) “engage in behaviour which is dishonest (including by forging or falsifying any document) or which improperly uses information for personal or academic advantage (either to themselves or others)”</p>	<p>Potentially creates an offence out of everyday personal behaviour, since people use information for personal advantage all the time and “improperly” is open to interpretation</p>	<p>Agree, noting that disciplinary action can only be instigated in relation to conduct occurring in a University context (see section 2 of the Statute).</p>	<p>Propose to re-draft this section to remove reference to improper use of information for personal or academic advantage but retain wording about falsifying documents and adding dishonesty causing another harm or loss (e.g. fraudulent behaviour):</p> <p><del>“(e) engage in behaviour which is dishonest in any dishonest behaviour, including by forging or falsifying any document (a) which causes any person loss or harm or (b), in relation to the University, the holding of any university office, or any application for any university membership, office or position or any student place at the university (in which case such dishonesty shall be understood to be continuing throughout the period when he or she holds that membership, office, position or student place) (including by forging or falsifying any document) or which improperly uses information for personal or academic advantage (either to themselves or others);</del></p> <p>To cover potential misuse of personal data/intellectual property, additional sections have been added at <u>3.1</u>(d) and (e):</p> <p>“(c) comply with the provisions of the University’s <del>current</del> code of practice in relation to freedom of speech as issued by Council at any given time; (d) comply with the provisions of the University’s code of practice in relation to academic integrity in research at any given time; (e) comply with the provisions of the University’s regulations relating to the use of the libraries or the information and communications technology facilities of the University at any given time;”</p>

	Current Statute	Wording proposed in Trinity 24	Concern raised	Working Group Response to Concern	Proposed resolution
6	3. No member of the University shall incite or conspire with any other individual to engage in any of the conduct prohibited under this Part.	4. "No member of the University or student member shall directly or indirectly encourage another individual to engage in any of the conduct prohibited under this Part, or to agree with another to do the same."	Wording "directly or indirectly encourage" widens the applicability of this provision beyond the current wording of "incite or conspire".	Change of wording was driven by the desire to use less legalistic language.	Delete the words "directly or indirectly" to read: "No member of the University or student member shall <del>incite or conspire with any other directly or indirectly</del> encourage another individual to engage in any of the conduct prohibited under this Part, or <del>to</del> agree with another to do the same."
7	50. (1) If a person or body having charge of any land or building of the University, or of any facilities or services provided by or on behalf of the University has reasonable grounds to believe that a member of University staff, a member of Congregation or a student who has the use of or access to the land, building, facilities, or services in question has caused or is likely or threatens to cause damage to property or inconvenience to other users, that person or body may immediately make a complaint under the provisions of this section.	23.(3) "Any person having charge of any land or building of the University, or of any facilities or services provided by or on behalf of the University, if they have reasonable grounds to believe that the student member who has the use of or access to the land, building, facilities, or services in question has caused or is likely or threatens to cause damage to property, or inconvenience or harm to other users, may as a precautionary measure ban a student member from the land, building, facilities, or services in question for up to twenty-one days."	Gives extensive disciplinary powers to any person "having charge" of a building or facility, "reasonable grounds" is too vague and twenty-one days is too long.	Wording is precautionary, not disciplinary - essential that those with responsibility for buildings and their users have the power to take immediate action in response to urgent risks. This section is near-identical to an existing one in the Statute (which provides for a ban of up to twenty-one days) and introduces no new powers.	Retain the proposed wording.



# HOW TO MAKE YOUR VOICE HEARD:

## Online Submissions

[Click here to access the submission form](#)

Password: 6C9yl[9u

- Students can provide feedback on the proposed amendments via an online submission, using the link and accompanying password above
- The link will be open from 6 December 2024 - 28 January 2025

## Student Consultative Forum

When? Thursday, 23 January 2025 (Week 1 Hilary Term)

Where? Fitzhugh Auditorium in Cohen Quad, Exeter College

- The SU will be hosting an in person Student Consultative Forum
- The event will be free but ticketed
- The Working Group will present a summary of the proposed amendments, their justifications and proposed resolutions
- The Sabbatical Officers will then host a Q&A panel, allowing students to ask questions to members of the University leadership and the Working Group

# STUDENT CONSULTATION TIMELINE

Feedback will be collected through consultations with key student stakeholders (such as taskforces, common room presidents, divisional reps and campaigns) as well as the general student body through a Student Consultation Forum and an online submission form, culminating in a formal SU submission to the Statute XI Working Group.

**MT24(7)**

Postgraduate Taskforce consulted

**MT24(8)**

Postgraduate Div Reps consulted

Undergraduate Taskforce consulted

Undergraduate Div Reps consulted

Online submissions open (Friday, 6 December)

**HT25(1)**

MCR PresComm (Monday, 20th January)

Student Consultative Forum (Thursday, 23 January, an in person Q&A panel event open to all students)

It Happens Here campaign consulted

**HT25(2)**

Online submissions close (Tuesday, 28 January)

SU student submission to the Working Group (Friday, 31 January)

SU submission published publicly (Friday, 31 January)

\* JCR PresComm will be consulted, this date has not been provided yet

# WHAT HAPPENS NEXT?

The SU will collate all the feedback received through the online submissions, as well as other stakeholder consultations, to create a Student Submission to the Working Group. The below timeline explains the next steps and processes which the Working Group will follow in order to pass the new legislation.

<b>HT25(4)</b>	Provisional Working Group meeting (13 February) <b>The SU student submission will be considered here</b>
<b>HT25(5)</b>	Further revisions/drafting
<b>HT25(8)</b>	Working Group recommendations presented to Education Committee (13 March 2025) <b>Both SU VP sabbatical officers sit on this committee</b>
<b>TT25(2)</b>	Working Group recommendations presented to General Purposes Committee (6 May 2025) <b>The SU President sits on this committee</b>
<b>TT25(4)</b>	Final recommendations presented to Council (19 May 2025) <b>All 3 sabbatical officers attend Council</b>
<b>TT25(8)</b>	Final recommendations presented to Congregation ( 17 June 2025) <b>The SU President attends this meeting</b>

# FAQS

## Why is there such a short period for consultation?

In order for changes to be in place for the 2025-26 academic year, to coincide with the introduction of the Office for Students' (OfS) new condition (E6) of registration relating to harassment and sexual misconduct, the Working Group has to be complete and ready to progress through the University's governance structures in Hilary and Trinity term.

## If approved, when will these changes be implemented?

If passed, the changes will apply from the 2025/2026 academic year.

## What happens if these changes aren't approved?

In July 2024, the Office for Students (OfS) announced the introduction of a new condition of registration (Condition E6) that sets out expectations and requirements for universities to protect students from harassment and sexual misconduct. The condition comes into effect on 1 August 2025 and has implications for the whole institution as it affects all students and all staff, including those in academic and non-academic roles. Delaying or failing to take forward this work would place the University at risk of failing to comply with the new regulatory requirement in terms of harassment and sexual misconduct when it comes into effect in August 2025.



# Links:

[Current Statute XI](#)

[Working Group Terms of Reference](#)

## To note:

- The SU will only consider **student** feedback in its overall submission.
- Staff who wish to submit feedback are invited to submit any comments/views on the proposed changes to [sarah.cowburn@admin.ox.ac.uk](mailto:sarah.cowburn@admin.ox.ac.uk) by 12noon on Friday 31 January 2025, as per the Working Group cover paper.

