

Statute XI

Working Group Proposals to Education Committee HT25

Overview

On 15 October 2024, Congregation approved a resolution to establish a Working Group to review proposed amendments to Statute XI, following concerns raised when the proposals were originally published in Trinity term 2024. The Statute XI Working Group, which includes representatives from the University, Divisions, Conference of Colleges, the SU, and relevant Professional Services staff, consulted widely with staff and students over a 9-week period (during the end of Michaelmas term 2024 and the beginning of Hilary term 2025). Overall, submissions were received from: Oxford Students' Union; Social Sciences Division; Department for Continuing Education; and two individual members of staff. Following careful consideration of the feedback received during the consultation, the Group is now recommending a number of further amendments to Statute XI.

Throughout its deliberations, the Group has been mindful of the need to strike a balance between upholding the University's objectives of both protecting and supporting students and staff, and of upholding their rights to free speech and, where relevant, academic freedom. The Group has also taken into account the requirements of the University's regulators and the desire to follow best practice guidance. The Group recognises that the principle of proportionality outlined in the draft Procedure is key: *"The Core Principle of this procedure is to deal with disclosures, Reports, and Referrals fairly and justly. This includes so far as practicable: (a) dealing with matters expeditiously; (b) avoiding unnecessary formality; and (c) dealing with cases in ways which are proportionate to the complexity and seriousness of the matter."* The Core Principle (above) is reinforced by the [OIA Good Practice Framework](#), which explicitly informs the application of the Statute and the way the University operationalises the Procedure.

In considering the feedback received, the Group has remained mindful of its remit - to review the proposed amendments to Statute XI previously submitted to Congregation on 11 June 2024, and recommend revisions to that proposal. It has not been tasked with extending or restricting existing provisions within the current Statute.

This summary is provided by VP Postgraduates at the Students' Union, who is the student representative on the Working Group. The below tables highlight, for each clause consulted on, a) the wording proposed for consultation b) what the working group has now proposed to Education Committee in Hilary Term 2025 and c) a summary of the main rationales regarding the new wording proposed. The proposals from the Working Group will now work their way through University

committees and Council, and may be amended along the way. The SU will be present at those committees and representing student interests throughout, but are not voting members of Council. Further communications on Statute XI will be presented from the University through the University Gazette.

Students with any queries may be directed to Lauren, VP Postgraduates at vppgeducation@oxfordsu.ox.ac.uk

Clause 1

Wording proposed by Working Group for consultation

3. (1) *Members of the University and student members shall:*

(f) 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, or been sentenced in respect of an offence and whether in the UK or abroad. However, there is no requirement to inform the Proctors where the behaviour in question is not also an offence under English law.

[currently covered in section 46 of existing [Statute XI](#)]

New wording proposed by Working Group to Education Committee HT25

3. (1) *Members of the University and student members shall:*

(f) in relation to student members only, and in relation to Specified Criminal Offences 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, face trial or a hearing, or been sentenced and whether in the UK or abroad, where the behaviour in question is also a criminal offence under English law.

Rationales

- In considering the feedback received, the Working Group agreed that, as worded, this section could cover a broad range of offences of varying seriousness. The Group discussed whether this clause could be limited to offences relating to sexual harassment, assault or misconduct, as suggested in the feedback. The purpose of reporting criminal proceedings to the Proctors was to enable the University to understand and assess the risk(s) to other staff and students, and to offer/implement support (academic/welfare) to the individual student to enable them to continue studying where appropriate. Limiting the scope of this clause to **only** sexual offences might mean that risks posed by student members who had committed other serious criminal offences (such as violence, terrorism or serious fraud) would not be identified or assessed. Requiring students to inform the Proctors about criminal proceedings in the UK or abroad would allow the University to put in place relevant protections and welfare support as needed.
- It was noted that the further detail provided in the Student Disciplinary Procedure (Non-Academic Cases) clarified that the indicative penalties for breaches of this requirement (i.e. not informing the Proctors) would be proportionate to the seriousness of the criminal offence.
- The Group discussed the possibility of including examples in the Statute itself. A full list of examples could be quite long and there was some caution around including a non-exhaustive list and including examples in this clause but not in others.
- The Group discussed the concerns raised in relation to students from situations outside of the UK experience and around the ambiguity about offences under English law. The Group felt that this clause was inevitably legalistic as it related to criminal proceedings, but that it was important to note that it was only about **reporting** those proceedings rather than determining any action that might be taken as a result. The caveat about not needing to report behaviour that was not also an offence under English law had been included to protect students who had been convicted of offences outside the UK that would not be considered crimes in the UK, such as homosexuality or public alcohol consumption. It was noted that criminal offences in England and Wales are well defined and that the rule of law is well established in the UK.

- Members of the Group queried whether this clause was, in fact, needed at all. Although not raised explicitly in the feedback, it was understood that, within certain departments, there were concerns about racial discrimination/profiling that might result from this clause. Providing the rationale for seeking the information in the Procedure aimed to address these concerns. It should also be made clear in any communications about the changes to Statute and ongoing communications about student disciplinary matters that profiling on the basis of any protected characteristic should be dealt with as a complaint (and would be taken very seriously). On balance, the majority of the Group considered that this clause needed to remain, given the University's duty to take reasonable care to protect and support students and staff, by identifying and assessing potential risks within a University context.

Clause 2

Wording proposed by Working Group for consultation

3.(2) No member of the University or student member shall (or shall attempt to):

(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;

[currently covered in section 2.(1)(a)-(b) of existing [Statute XI](#)]

New wording proposed by Working Group to Education Committee HT25

3.(2) No member of the University or student member shall (or shall attempt to):

(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 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. However, it shall not be a disciplinary breach to engage in protests permitted by the Proctors under the Code of Practice on Freedom of Speech;

Rationales

- The Working Group noted that the wording ‘intentionally or recklessly’ applied to the whole Code of Discipline in the existing Statute but that this was felt to be too legalistic because it aligned too closely with concepts derived from the criminal justice system. It was therefore proposed to remove the wording from the Statute but to make provision, in the Student Disciplinary Procedure (Non-Academic Cases), for the Proctor and the Student Disciplinary Panel/Student Appeal Panel to take into account a person’s state of mind when committing a breach of the Code of Discipline in deciding whether to take action under the Procedure and when determining penalties.
- In light of the concerns raised around the phrase ‘related activities’ the Group agreed that, on reflection, it was difficult to envisage exactly what this might cover and therefore proposed to recommend that this be deleted.
- The Group considered the concerns about infringing upon the right to protest and noted that, although protests were generally intended to be disruptive, they could be permitted by the Proctors under the Code of Practice on Freedom of Speech and that, as such, engaging in such protests in accordance with the Code, would not be a disciplinary breach. It would be helpful to make this clear in the Statute and thus a sentence has been added to emphasise that protest which follows Proctors guidance is permitted.
- A concern had been raised about the inclusion of ‘visiting speakers’ in this clause – the Group noted that visiting speakers were included in the current Statute and that it was not within the scope of this Group’s remit to restrict existing provisions. The Group also noted that the Higher Education (Freedom of Speech) Act, which the government had recently confirmed would be brought into force, did require universities to secure freedom of speech for visiting speakers. The Group therefore recommended that the reference to ‘visiting speakers’ should remain.

Clause 3

Wording proposed by Working Group for consultation

3.(2)(b) deface, damage, or destroy 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;

[currently covered in section 2.(1)(d)-(e) of existing [Statute XI](#) and in regulation 2.1 of the [Rules Committee Regulations 2 of 2017](#)]

New wording proposed by Working Group to Education Committee HT25

3.(2)(b) deface, damage, or destroy any property of the University or any college or any other person, or knowingly misappropriate such property, including by its unauthorised occupation;

Rationales

- In response to the concern about the phrase 'any other person' being too vague, it was noted that the existing Statute referred to 'any other individual'. 'Any other person' had been proposed in June 2024 to also cover damage to a company. The Group agreed to recommend that 'person' be retained.
- It was clearly not the intention of this clause to make ordinary University activities -e.g. chalking up boat race results- a disciplinary offence – concerns were around permanent damage, posters stuck on with super glue, repeated bill-posting, and potentially offensive content. It was noted, however, that this section did not relate to content – disciplinary measures for offensive/inappropriate content is covered elsewhere. Alternative forms of wording to cover permanent damage and/or excessive repeated bill-posting would be cumbersome. The key point was that any response would be proportionate – this could be covered in the Procedure. The Group agreed to propose deletion of the wording in brackets. This did not represent a material restriction of current powers, as it would still be possible to take disciplinary action in cases where damage or significant defacement had occurred but would provide assurance that it was not the intention to penalise ordinary University activities.

Clause 4

Wording proposed by Working Group for consultation
<p>3.(2)(c) <i>engage in action which is likely to cause injury or to impair safety;</i></p> <p>[currently covered in section 2.(1)(g) of existing Statute XI</p>
New wording proposed by Working Group to Education Committee HT25
<p>No change from current Statute i.e.</p> <p>3.(2)(c) <i>engage in action which is likely to cause injury or to impair safety;</i></p>
Rationales
<ul style="list-style-type: none">• The Group noted that no serious concerns had been raised during the consultation about this clause (77% of students who responded to the SU consultation felt that the amendments proposed by the Working Group (i.e. revert to the wording in the current Statute) had adequately addressed the concerns raised during Trinity term).• The Group agreed to recommend keeping the clause as worded in the current Statute.

Clause 5

Wording proposed by Working Group for consultation

3.(2)(e) engage 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);

[currently covered in section 2.(1)(i) of existing [Statute XII](#)]

New wording proposed by Working Group to Education Committee HT25

3.(2)(e) engage 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 they hold that membership, office, position or student place);

Rationales

- The Group considered that it was important to retain this addition as it did present a risk. The wording of this clause was not intended to cover minor, low-level dishonesty e.g. activity outside a University context, social bragging, disclosures about personal identity characteristics (sexual orientation, religion etc) – it would clearly not be appropriate for the Proctors to investigate such incidents, nor did they have the resources. It was proposed to include some examples in the Procedure and retain the wording proposed during the consultation.
- For consistency, a minor amendment is proposed to the wording circulated for consultation to use gender-neutral language.

Clause 6

Wording proposed by Working Group for consultation
<p><i>4. No member of the University or student member shall encourage another individual to engage in any of the conduct prohibited under this Part, or agree with another to do the same.</i></p> <p>[currently covered in section 3 of existing Statute XI]</p>
New wording proposed by Working Group to Education Committee HT25
<p>No change from current Statute i.e.</p> <p><i>4. No member of the University or student member shall incite or conspire with another individual to engage in any of the conduct prohibited under this Part.</i></p>
Rationales
<ul style="list-style-type: none">The Group noted the use of the word 'encourage' had been driven by the desire to use less legalistic language. Taking into account the feedback received- that "incite or conspire" is a higher bar and threshold to meet compared to encourage- the Group proposed reverting to 'incite or conspire' and removing 'agree with another to do the same' - the wording of this section would remain the same as in the current Statute.

Clause 7

Wording proposed by Working Group for consultation

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.

[currently covered in section 50.(1)-(2) of existing [Statute XII](#)]

New wording proposed by Working Group to Education Committee HT25

23.(3) The senior responsible owner and/or head of department in 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 a 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 harm to other users, may, as a precautionary measure pending measures under the Student Disciplinary Procedures, ban that student member from the land, building, facilities, or services in question for up to twenty one days.

Rationales

- It was important to note that the wording ‘up to’ meant any ban could be shorter. The person imposing the temporary ban would need to provide a justification for the ban and its length – these were subject to appeal to the Student Disciplinary Panel under clause 24 of the Statute (as in the current Statute).
- In thinking about the risks, it was clear that causing ‘inconvenience’ was not on the same level as harm or damage and therefore should be unlikely, in practice, to require a ban of up to 21 days. The Group decided ‘inconvenience’ should be removed from clause 23.(3) (relating to student members) and 26.(1) (relating to staff and members of Congregation) but retained in 27.(1) (relating to individuals who were neither students, staff, nor members of Congregation).
- The Group discussed who would be able to impose such a ban – this was likely to be the relevant Head of Department. It was agreed that this should be made clear in this section of the Statute as it was likely to reassure those who had concerns about the ‘person in charge’ having an appropriate level of authority. ‘Senior responsible owner and/or head of department’ plural is proposed.
- Concerns raised during the consultation were that the proposed new wording seemed to remove the important additional step of needing to make a complaint as a pre-cursor to instituting a ban. The new wording ‘as a precautionary measure’ had been intended to imply a further step, but the Group agreed that this should be made more explicit and proposed adding ‘pending measures under the Student Disciplinary Procedures’ to clarify that the measure cannot be used as a stand-alone ban but should be used when a complaint/disciplinary matter is being initiated.
- Some concerns had been raised in the feedback about the lack of an appeals process against the 21-day ban – the Group noted that the new wording (section 24) **did** allow for appeals to the Student Disciplinary Panel (as did the current Statute).
- There were concerns about racial discrimination/profiling that might result from clause 23.(3). It should be made clear in the Procedure, and in any communications about the changes to Statute and ongoing communications about student disciplinary matters, that any temporary bans were subject to appeal to the Student Disciplinary Panel under clause 24 of the Statute (as in the current Statute) and that profiling on the basis of any protected characteristic should be dealt with as a complaint (and would be taken very seriously).