

## Minutes of 7<sup>th</sup> Week Council Trinity 2001

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### OUSU 7<sup>th</sup> Week Council held on Friday 8<sup>th</sup> June at 2pm in the Harris Lecture Theatre, Oriel

**Apologies**      Nick Smith

#### Minutes of previous Council

Passed without any comment or objection

No matters arising from the minutes

#### Ratifications in Council

<u>Maths and Physical Sciences Divisional Board</u>	Emma Evans (Merton)	Ratified
<u>Life and Environmental Sciences Division Board</u>	Alice Wright (St Hilda's)	Ratified
<u>Social Sciences Divisional Board</u>	Sonia Sodha (St Hilda's)	Ratified
<u>Humanities Divisional Board</u>	Stuart Hudson (Jesus)	Ratified
<u>Medical Sciences Divisional Board</u>	Laura Wilkins (St Hilda's)	Ratified
<u>Target Schools Co-Chairs</u>	Jack White (Somerville)	Ratified
	Joanna Biggs (St Peter's)	Ratified
	Jonathan Faley (Mansfield)	Ratified
	Amber Arnold (Hertford)	Ratified
<u>Anti-Racism Co-Chair</u>	Angela Saini (Keble)	Ratified

#### Elections in Council

##### ESPC

Two nominations received, two positions available; one under-graduate, one graduate

##### Catherine Sangster (Merton)

Catherine Sangster (Merton) said that given that the ESPC (Education Standards and Policy Committee) requires one undergraduate and one graduate representative, it is appropriate for her as VP-Graduates Elect to take the position, as it will be her job to represent graduates next year.

##### John Craig (New)

John Craig pointed out that failing to elect the VP-Academic Affairs to sit on the ESPC would be counter-productive, given that it would be his job next year to deal with education standards and policy. In addition, the meetings are reputedly very long and dull

Justin Bates (Oriel) asked what the ESPC does

Catherine Sangster replied that it sets education standards and policy. It will be particularly concerned this year with implementing the recent report on graduate provision. It also deals with library provision and suchlike

Will Conduit (Magdalen) asked whether there is really any point holding an election for the positions if they're so integral to the posts of VP-Academic Affairs and VP-Graduates? Shouldn't the role be held within the constitutional job description for these posts?

The candidates asked that the question be put to the current VP-Academic Affairs, Rhodri Thomas

Rhodri Thomas replied that the University statutes require these positions to be elected, and therefore an election in Council was necessary in order to ensure representation within the Committee

#### Reports from the Sabbatical Officers

The Chair invited reports from Sabbatical Officers, adding that they were probably rendered superfluous by the publication of termly reports? No reports were offered

### **Reports from the Executive Officers who wish to make reports**

The Chair further invited reports from Executive Officers, and again none were offered

### **Emergency Motions**

No emergency motions submitted to Council by deadline

### **Passage of Motions Nem Con**

- |   |                          |
|---|--------------------------|
| 1. Disabilities Handbook                    | Questions and objection  |
| 2. OUSU Harassment Complaints Committee     | Passed <i>nem con</i>    |
| 3. University Discipline and the University | Questions and objections |

### **Other Motions**

#### **Disabilities Handbook**

James Rowlands (Pembroke) proposed the motion, stating that there were a large number of disabled students in the University, but currently only handouts and not a comprehensive handbook were produced and made available to these students by OUSU. He further added that in the past an (incomplete) attempt had been made to prepare a briefing of facilities in each college, which would be appropriate to include in the Handbook

Steph Gray (Pembroke) asked what format the VP-Welfare Elect had in mind for the handbook

James Rowlands replied that he intended that there would be some in large-print, some in Braille and some taped copies of the Handbook available for students

No more short factual questions

The Chair asked for a speech in opposition to the motion, and recognised Tony Lord (Wadham)

Tony Lord (Wadham) stated that the Handbook was a really good idea that he wholeheartedly supported, but that he had a very important amendment to make

Tony Lord (Wadham) moved that in Council Resolves, to replace the reference to the VP (Welfare) to read "VP (Welfare) 2001-2"

The Chair invited any objections to the amendment. None being received, then the amendment was incorporated into the body of motion and debate continued

No further questions or objections were raised to the motion

The motion passed without either a proposition or opposition speech in summary

#### **OUSU Harassment Complaints Committee**

Passed *nem con*

#### **University Discipline and the University Police**

James Rowlands (Pembroke) proposed the motion, claiming that the recent experience at Divinity Schools and consequent summons of students in front of the Proctors' Courts had highlighted serious problems with the University disciplinary procedure. He maintained that the Proctors' Courts claim to be equivalent to a Court of Law and use similar mechanisms which lead to a lack of accountability, transparency and fairness within the disciplinary system. Accountability is damaged by the lack of a distinction between the different roles of the Proctors. In both bringing prosecutions and deciding sentences they are performing the role of both judge and jury. This was illustrated by the Proctors' recent admission to several JCR Presidents that they decide level of fines not on whether the transgression constitutes a major or minor offence, but according to how much they want to fine the individual student. The fairness of the Court is further impaired by the low level of evidence required in order to secure conviction. This was illustrated by the cases of several students who had been summoned to appear in front of the Proctors' Courts, but who had not even attended the Occupation. He concluded that the aim was not to abolish the disciplinary system, but to reform it.

Peter Orlov (New) asked whether the writers of the report already had any ideas for possible alternatives to the existing structures of University discipline

James Rowlands (Pembroke) replied that that Sacha Ismail wished to see Proctors' Courts being held in front of Council. He emphasised that other input would be welcome during the consultation process

Jane Blumer (St Hildas) asked whether the writers of the report would be advertising the existence of the report and seeking others' views on the issue?

James Rowlands (Pembroke) replied that that would indeed be the case

No more short factual questions

Sean Sullivan (St Edmund Hall) offered a speech in opposition, claiming that it was unfair that the motion also condemned the University Police, though this aspect had not even been mentioned by the proposer in his speech. He further maintained that it was not appropriate to equate the University Police with the University disciplinary system. Further, why do the writers need to be endorsed by OUSU to commission a report, if only to give biased views some semblance of being official? Instead, he asked the proposers why they do not seek the facts first, and bring them before Council in a motion.

General debate on the motion follows

James Rowlands (Pembroke) apologised for the omission of the University Police in his proposition. He said that the Police are used to collect evidence, and are therefore entirely relevant to the University disciplinary system. He argued that University Police had been proven not to use appropriate methods of control, but had actually hurt students in the past. He concluded that his desire not to abolish the disciplinary procedure, but create a fair and equitable system. In response to the accusation that the report would be biased, he pointed out that it will return to Council so it can either approve or reject it

Robin Sivapalan (Somerville) argued that the University police can't be separated from the system. He reminded Council that the previous motion to commission the Sabbaticals to write a report in condemnation of the University Police was rejected, as the Sabbatical and Executive Officers had not considered it part of their remit. It should be welcomed that there were now volunteers to write the report

Sean Sullivan (St Edmund Hall) responded that the Exec refused to issue report on the matter because it was not appropriate; since the report must present divided arguments it is not fitting that a biased person write the entire report. He noted that there had already been mentions of Police harassment during debate, without evidence. He argued that if individuals were to find the necessary evidence, they should put it in a motion and bring it before Council

Rodrigo Davies (Wadham) commented that as the purpose of the report was to look for evidence, it was therefore entirely inappropriate that Council should mandate the writers to find in favour of a certain view. He therefore moved an amendment to strike Council Believes I. "*That the existing system of University discipline, including the University Police, is neither just nor democratic*" because it pre-empted the conclusions of the investigators

The Chair asked that the motion be submitted in writing, and then proposed again

Leonine Hanan (Pembroke) commented that there existed people who would like to write a report, who were not only equipped for the task having appeared before the Proctors, but were also willing to do so. She concluded that all those students summoned before the Proctors had been outraged by the unfairness of system, and they had all desired a report on the issue

Sacha Ismail (Somerville) considered it appropriate to produce report as the issue was a long-standing one. In the past, Sabbaticals had been elected on a pledge to abolish the University Police. He commented that opposition in Council had been contradictory. On the one hand the report had been condemned as a crusade by biased individuals, whilst on the other opponents were seeking to deny the very method by which a balanced report may be produced. Writing a report voluntarily, without resources or supervision, would necessarily result in a more biased report

Kirsty McNeil (Balliol) questioned the idea that writing the report lay outside the remit of the Sabbatical. She explained that it was very different from when the Executive was unable to write the report when mandated, because it was the structure of the Executive which made it impractical. This latest motion was subject to very different practical circumstances. Furthermore, Kirsty McNeil argued that there was plenty of evidence of harassment by the University Police, citing the photograph on front of Oxford Student showing a student injured by the police in protest in Michaelmas Term 2000. She said that she understood the point about pre-empting conclusion, but argued that opposition can be made clear in Council when report is finally submitted. She concluded that the motion only enabled those who have volunteered to write a report, to do so.

Robin Sivapalan (Somerville) maintained that whether or not people supported the Bodleian Occupation, there had been almost unanimous condemnation amongst students of the response made by the University and the University Police. He therefore argued that OUSU can quite safely take up issue whilst continuing to represent the views of students. He concluded that the issue has been present for ages and somebody was now volunteering to deal with it directly

James Rowlands (Pembroke) responded that if he brought a report to Council without first seeking a mandate for doing so, that could equally be attacked as being biased. It was therefore more appropriate to bring a motion to Council mandating individuals to write the report and debate the issue, rather than ignoring a serious problem

Peter Orlov (New College) responded to the idea of an amendment, saying that Council Believes I. "*That the existing system of University discipline, including the University Police, is neither just nor democratic*" accurately reflected the opinion of Council

Rodrigo Davies (Wadham) submitted an amendment to strike Council Believes I. "*That the existing system of University discipline, including the University Police, is neither just nor democratic*" in order to prevent Council from pre-empting the conclusions of the report

There being no short factual questions, Council immediately proceeded into debate on the amendment

Tony Lord (Wadham) maintained that the majority in Council believes that the current system is unfair. The amendment would do nothing to change views in room

Rodrigo Davies (Wadham) responded that it was irrelevant what everybody *thinks*, the point of the report was to bring fact to back up opinion

Jane Blumer (St Hildas) responded that *thought is* how Council forms policy on any issues, from tuition fees onwards

Sacha Ismail (Somerville) pointed out that 'Council Believes' does not force Council to do anything, it merely demonstrates what on balance the view of Council is at the moment

Andrew Small (Balliol) maintained that there was no point in writing the report if Council did not believe that "*the existing system of University discipline, including the University Police, is neither just nor democratic*". He pointed out that it was necessary to identify the problem before writing a report upon it

Rodrigo Davies (Wadham) conceded that he was fighting a losing battle, but maintained that in order to find solutions it was first necessary to look at the problem itself.

Move to a vote unopposed

No summary or opposition speeches

Amendment falls. Back in debate on main motion

Jane Blumer (St Hildas) cited a recent incident when two Sabbaticals engaged in discussion with the new University Assessor, who was dismissive about the significance of the size of fines for students as being illustrative of why it was important to examine the University disciplinary system. She was confident that the VP (Welfare) Elect would consult widely, ensuring that all the facts were put forward and forging a balance of opinion before bringing a motion to Council to make a final decision. Mandating a report does not mean that Council will accept final report, but it was necessary that Council is seen to be looking into a serious issue.

James Thompson (St Peters) asked why Council should commission a report at all when people have clearly made up their mind already? The proposers were too biased, having been intimately involved with the Proctors' Courts following the Occupation, to write a balanced report.

Mark Lease (Lady Margaret Hall) asked how could Council's mandating the report make it less biased?

Laura Santana (St Hildas) suggested a move to a vote, claiming that both sides of the argument had been discussed thoroughly and that most people already knew how they were going to vote on the issue

Antonio Orlando (University College) objected, saying that he had an amendment to make to the motion

The Chair reminded Council that a move to a vote requires a two-thirds majority to pass. Receiving only 32 votes to 22 it failed to do so and Council went back into debate

James Rowlands (Pembroke) pointed out that if there wasn't a problem with the disciplinary system, then there would be no need to write a report. Therefore, there clearly is a problem. He obviously had an opinion, but promised that the report would be a fair representation of the consultation process, with sensible and balanced conclusions.

Sacha Ismail (Somerville) countered that writing the report through official channels would make it less biased, by giving the writers access to OUSU resources to conduct a full consultation process. Furthermore, a Council Mandate makes the report more official and therefore more people are likely to co-operate

Nick Clark (Somerville) believed that most people think the University Police are a bad thing, therefore it would be very difficult to find an unbiased person to write the report. Someone entirely uninterested in the issue could not write the report. Anybody thinking the police are good are quite clearly mad and it would therefore be dangerous to commission them to write a report

James Thompson (St Peter's) stated that the proposers should first find the necessary data and then write report.

Ian Mulheirn (Somerville) called for a move for a vote, saying that either way it was obvious that the report would be written

Antonio Orlando (University College) objected as he still wished to make an amendment to the motion

The move to a vote failed to receive the necessary two-thirds majority, and Council returned to debate on the motion

Antonio Orlando (University College) agreed that it was a good idea to produce a report, but shared the concern of others over any potential bias of the proposers. He therefore suggested that an ad hoc committee be set up to produce a report

The Chair reiterated the amendment, to strike from Councils Resolves I. (*"To mandate the proposers of this motion to produce a report on existing structures of University discipline and possible alternatives, while making sure that this does not interfere with their responsibilities as OUSU officers"*) reference to the *"proposers of this motion"* and replace it with the words *"to mandate the OUSU Sabbaticals to set up an ad hoc committee to produce a report"*

Robin Sivapalan (Somerville) argued that the amendment raised the objection to the previous motion on the University Police, namely that the Sabbaticals could not be mandated to write a report

Kirsty McNeil (Balliol) commented that OUSU's Ethics Committee currently provided something of that role and proved that a unbiased report could be written on an issue referred by Council. She therefore believed that this represented an excellent amendment, but asked who would then be charged with writing the report, a role normally performed by the co-chairs of Ethics Committee?

Antonio Orlando (University College) said that it was not for the OUSU Sabbaticals to conduct the report, but to decide how to set up the Committee. The proposers of the motion may appear on the Committee, but alongside others holding different opinions

Ruth Hunt (St Hildas) proposed that the current Sabbaticals keep an eye on James Rowlands and Sacha Ismail whilst they write the report to make sure it is impartial and fairly represents all opinions on the issue

Peter Orlov (New) argued that this was an artificial way of doing the same thing. If you're going to mandate the Sabbaticals to monitor the progress of the report, you might as well set up a committee

Move to a vote on the amendment. Ian Mulheirn (Somerville) considered it immaterial if lots of people wanted to hear themselves speak

Sacha Ismail opposed the move to a vote, saying that clearly lots of people remained who wished to speak on the matter

The move to a vote received the requisite two-thirds majority, and Council proceeded to a vote on the amendment

Antonio Orlando (University College) passed on summing up in favour

James Rowlands (Pembroke) opposed the amendment, saying that it did detail how the Committee would work. He reiterated that the ultimate recourse is that the report may be rejected.

The amendment was passed and incorporated in motion. Back in debate on the amended motion

Move to a vote on main motion

No opposition. Requires simple majority

James Rowlands (Pembroke) in proposition maintained that despite the amendment it remained important to investigate the issue, and promised not to present Council with a biased report

Sean Sullivan (St Edmund Hall) in opposition claimed that the University Police should not be confused with the University disciplinary system. He maintained that the motion would leave the Committee and Council baffled and bemused

Motion passed

### **Any Other Business**

Catherine Wallis (Keble), Returning Officer, announced the results of the election to Chair of Council. Of 54 votes cast, 45 were cast for Daniel Johnson and 9 for RON, making a quota of 37 and therefore Dan Johnson was duly elected

Catherine Wallis (Keble) further announced the results of elections to the ESPC. She announced that as both candidates were running against RON and the ballot paper had been confusingly laid out, she had considered Second Preference votes to

represent a First Preference over RON. Both candidates passed the quota, and therefore John Craig (New College) and Catherine Sangster (Merton) were duly elected as the undergraduate and graduate representative to the Committee respectively

Dan Paskins (Magdalen) announced the creation of a support network run by and for dyslexic students. The first planning meeting was to be held Monday of 8<sup>th</sup> Wk at Corpus Christi, 6pm. He invited anybody who was interested to attend, believing that the network would provide a useful resource for dyslexic students

Peter Orlov (New) announced that next Monday the election of new co-chairs for OUSU's Queer Rights Committee would be held at Oriel JCR Annexe. He added that it was necessary only to turn up to nominate. Further, the last Queer Rights Committee discussion night of the term would be held on Tuesday 8<sup>th</sup> Week in Mansfield Old Bar at 7:30pm

Ruth Hunt wished to offer her thanks to the current Sabbaticals who had performed excellent work and established a difficult precedent to follow. Over the past year, Council had been reduced to a shorter time, representing not a depoliticisation of the Student Union but its increasing relevance to the students. Furthermore, Exec had been proven to be working effectively. She concluded that she was proud of OUSU and presented presents to the Sabbaticals to a round of applause from Council

Ruth Hunt further moved a vote of thanks to Melanie Marshall (Christ Church) as outgoing Chair of Council, to another round of applause

Election of bar = Union bar