CAMBRIDGE UNIVERSITY
REPORTER

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UNIVERSITY OF CAMBRIDGE

PUBLISHED BY AUTHORITY

NOTICES

Calendar

4 May, *Friday*. End of first quarter of Easter Term.
6 May, *Sunday*. Preacher before the University at 11.15 a.m., the Reverend Professor Paul Fiddes, Professor of Systematic Theology in the University of Oxford.
15 May, *Tuesday*. Discussion at 2 p.m. in the Senate-House (see below).
17 May, *Thursday*. Ascension Day. Scarlet Day.
19 May, *Saturday*. Congregation of the Regent House at 10 a.m.
21 May, *Monday*. Easter Term divides.

Discussions at 2 p.m.
15 May
29 May

Congregations
19 May, *Saturday at 10 a.m.*

Notice of a Discussion on Tuesday, 15 May 2012

The Vice-Chancellor invites those qualified under the regulations for Discussions (*Statutes and Ordinances*, p. 107) to attend a Discussion in the Senate-House, on Tuesday, 15 May 2012, at 2 p.m., for the discussion of the Joint Report of the Council and the General Board, dated 23 April 2012 and 18 April 2012, on the process for the redress of grievances under Statute U (*Reporter*, 2011–12, p. 552).

Amending Statutes for Jesus College: Notice

26 April 2012

The Vice-Chancellor gives notice that he has received from the Governing Body of Jesus College, in accordance with the provisions of Section 7(2) of the Universities of Oxford and Cambridge Act 1923, the text of a proposed Statute to amend the Statutes of the College. The current Statutes of the College and the amending Statute are available on the College's website: http://www.jesus.cam.ac.uk/about-jesus-college/college-charter/college-statutes/.

Paper copies may be inspected at the University Offices until 10 a.m. on 16 May 2012.

Members of the University Council in class (*e*) (external): Notice

Under the regulations for the appointment of members of the Council in class (*e*) (*Statutes and Ordinances*, p. 116), the Council, on the recommendation of the Proctors and the Deputy Proctors, has appointed Mr John Shakeshaft, *T*, a member of the Council in class (*e*), to chair the Nominating Committee until 1 October 2013.

The other members of the Nominating Committee are:

The Vice-Chancellor
Professor Dame Athene Donald, *R*
Professor Frank Kelly, *CHR*
Dr Colin Burrow, *CAI*
Dr Nick Holmes, *T*
Mr Jack Lang, *EM*
Dr Susan Lintott, *DOW*

The Registrary and the Head of the Registrary's Office support the Nominating Committee.

Retrospectivity concerning the LL.M. Degree: Notice

The Registrary gives notice that, under the provision of Statute T, 48 (*Statutes and Ordinances*, p. 74; see *Reporter*, 1984–85, p. 38), the following holder of the LL.B. Degree, who satisfied the Examiners for the LL.B. Examination before 1 October 1982, has now been redesignated as a holder of the LL.M. Degree:

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VACANCIES, APPOINTMENTS, ETC.

Electors to the Professorship of Statistics: Notice

The Council has appointed members of the *ad hoc* Board of Electors to the Professorship of Statistics as follows:

Professor Steve Young, *EM*, in the Chair, as the Vice-Chancellor's deputy

(*a*) *on the nomination of the Council*

Professor Iain Johnstone, Stanford University
Professor Frank Kelly, *CHR*

(*b*) *on the nomination of the General Board*

Professor Gareth Roberts, University of Warwick
Professor David Spiegelhalter, *CHU*
Professor Sara van der Geer, ETH Zentrum, Switzerland

(*c*) *on the nomination of the Faculty Board of Mathematics*

Professor Martin Hyland, *K*
Professor James Norris, *CHU*
Professor Dominique Picard, Université Paris VII

Electors to the Professorship of Sustainable Reaction Engineering: Notice

The Council has appointed members of the *ad hoc* Board of Electors to the Professorship of Sustainable Reaction Engineering as follows:

Professor Ian White, *JE*, in the Chair, as the Vice-Chancellor's deputy

(*a*) *on the nomination of the Council*

Professor Richard Darton, University of Oxford
Professor Andrew Woods, *JN*

(*b*) *on the nomination of the General Board*

Professor Daan Frenkel, *T*
Professor Lynn Gladden, *T*
Professor Johannes Lercher, Technische Universität, Munich

(*c*) *on the nomination of the Chemical Engineering and Biotechnology Syndicate*

Professor Adisa Azapagic, University of Manchester
Professor Howard Chase, *M*
Professor Nigel Slater, *F*

Electors to the Professorship of Virology: Notice

The Council has appointed members of the *ad hoc* Board of Electors to the Professorship of Virology as follows:

Professor Steve Young, *EM*, in the Chair, as the Vice-Chancellor's deputy

(*a*) *on the nomination of the Council*

Professor Wendy Barclay, Imperial College London
Professor Sir Patrick Sissons, *DAR*

(*b*) *on the nomination of the General Board*

Professor Christopher Gilligan, *K*
Professor Alan Rickinson, University of Birmingham
Professor Kenneth Smith, *PEM*

(*c*) *on the nomination of the Faculty Board of Biology*

Professor Anne Cooke, *K*
Professor Michael Malim, King's College London
Professor Geoffrey Smith, *EM*

Electors to the Directorship of the Fitzwilliam Museum: Notice

The members of the Board of Electors to the Directorship of the Fitzwilliam Museum are as follows:

The Vice-Chancellor (Chairman)

(*a*) *appointed by the Council*

Dr Jennifer Barnes, *MUR*, Pro-Vice-Chancellor
Mr Alan Davey, Chief Executive of the Arts Council
Professor Liba Taub, *N*, Director of the Whipple Museum

(*b*) *appointed by the Fitzwilliam Museum Syndicate*

Professor Paul Cartledge, *CL*
Sir Christopher Hum, *CAI*
Professor Carolyn Humphrey, *K*
Mr Neil McGregor, Director, The British Museum

(*c*) *appointed by the Faculty Board of Architecture and History of Art*

Dr Frank Salmon, *JN*

Vacancies in the University

A full list of current vacancies can be found at http://www.admin.cam.ac.uk/offices/hr/jobs/.

Clinical Lecturer in Gastroenterology in the Department of Medicine; salary: £30,992–£53,663; tenure: four years; closing date: 28 May 2012; further particulars: http://www.medschl.cam.ac.uk/jobs/?p=1526; quote reference: RC00214

Clinical Lecturer in Metabolic Medicine or Diabetes/Endocrinology in the Department of Medicine; salary: £30,992–£53,663; tenure: four years; closing date: 28 May 2012; further particulars: http://www.medschl.cam.ac.uk/jobs/?p=1547; quote reference: RG00216

NIHR Clinical Lecturer in Cardiology in the Department of Medicine; salary: £30,992–£53,663; tenure: four years; closing date: 28 May 2012; further particulars: http://www.medschl.cam.ac.uk/jobs/?p=1538; quote reference: RC00215

Category Managers in the Finance Division; one full-time and one part-time (60%); salary: £26,004–£30,122 (*pro rata* for part-time position); closing date: 16 May 2012; further particulars: http://www.admin.cam.ac.uk/offices/finance/vacancies/; quote reference: AG16062

The University values diversity and is committed to equality of opportunity.

The University has a responsibility to ensure that all employees are eligible to live and work in the UK.

Appointments and reappointments

The following appointments and reappointments have been made:

Appointments

University Lecturers

Law. Dr Richard Lynn Williams, M.A., *HO*, LL.B., LL.M., Ph.D., *Wales*, appointed from 1 August 2012 until the retiring age and subject to a probationary period of five years. Miss Amy Catherine Goymour, B.A., *DOW*, B.C.L., *Oxford*, appointed from 1 October 2012 until the retiring age and subject to a probationary period of five years.

Associate Lecturers

Clinical Medicine. Dr Padmanabhan Badrinath, M.Phil., Ph.D., *W*, M.B., B.S., *Madras, India*, M.D., *Mangalore, India*, M.P.H., *Birmingham*, FFPH, Dr Martin W. Besser, M.D., *Ulm, Germany*, MRCP, FRCPath, Dr Kathryn Margaret Fife, M.B., B.S., M.D., *London*, FRCR, FRANZCR, FRCP, Dr David Gilligan, M.B., B.Chir., *CL*, B.Sc., *Edinburgh*, MRCP, FRCR, FRCP (Edinburgh), Dr Peter Heinz, M.D., *Johann Wolfgang Goethe*, *Frankfurt*, MRCP, FRCPCH, Mr Asif Jah, M.B., B.S., M.S., *Lucknow*, *India*, DNB, FRCS, Dr Rames Kirollos, M.B., Ch.B., *Alexandria*, *Egypt*, M.D., *Leeds*, FMGEMS, FRCS, Mr Narain Moorjani, M.B., Ch.B., M.D., *Bristol*, FRCS, Dr Jesus Perez, M.B., B.S., M.D., Ph.D., *Salamanca*, *Spain*, Dr Michael Scott, M.Sc., Ph.D., *West of England*, FRCPath, Dr Jane Shapleske, M.B., Ch.B., *Otago*, *New Zealand*, FRCPsych, Mr Rikin Ajaykumar Trivedi, Ph.D., *JN*, B.Sc., M.B., B.S., *London*, LL.B., *Wolverhampton*, MRCP, FHEA, FRCS, and Dr Matthew Garnett Wallis, M.B., Ch.B., *Dundee*, FRCR, appointed from 1 March 2012 for five years.

Assistant Director (Head of Planning and Resource Allocation)

University Offices (*Academic Division*). Dr Malcolm Stuart Edwards, M.A., Ph.D., *F*, S.T.M., *Union Theological Seminary, New York*, appointed from 1 April 2012 until the retiring age and subject to a probationary period of nine months.

Assistant Registrary

University Offices (*Academic Division, with duties in the Research Operations Office*). Mr Philip David Cull, B.A., *London*, appointed from 18 June 2012 until the retiring age and subject to a probationary period of nine months.

Keeper

Fitzwilliam Museum. Dr Adrian Popescu, M.A., M.A., Ph.D., *Bucharest*, appointed from 1 April 2012 until the retiring age and subject to a probationary period of nine months.

Senior Technical Officer

Earth Sciences. Mr James Edward Rolfe, B.Sc., *Keele*, appointed from 1 April 2012 until the retiring age and subject to a probationary period of nine months.

Administrative Officers

University Offices (*Academic Division*). Dr Alison Ruth Carter, B.A., Ph.D., *Durham*, appointed from 10 April 2012 until the retiring age and subject to a probationary period of nine months.

University Offices (*Human Resources Division, with duties in the Health and Safety Office*). Dr Androulla Nicolaou Gilliland, B.Sc., Ph.D., *Exeter*, appointed from 1 May 2012 until the retiring age and subject to a probationary period of nine months.

University Offices (*Academic Division, with duties in the Research Operations Office*). Dr Tamsin Jane Ormrod Sayer, B.Sc., *Cardiff*, Ph.D., *Bath*, Licence de Chimie, *Unversité de Mons, Belgium*, appointed from 30 April 2012 until the retiring age and subject to a probationary period of nine months.

REAPPOINTMENTS

Associate Lecturers

Clinical Medicine. Dr Peter Marshall Schofield reappointed from 1 February 2012 for five years. Dr Robert Ian Ross Russell, *PET*, reappointed from 1 March 2012 for five years. Dr Robin Alfred Florian Crawford, *JN*, reappointed from 1 April 2012 for five years. Dr Jenny Isabelle Ogilvie Craig, Dr Dinakantha Suramya Kumararatne, Mr John Latimer, *CAI*, Dr Miles Parkes, Dr David Charles Pencheon, *CTH*, Dr Ruchi Sinnatamby, *MUR*, and Dr Robert Winter reappointed from 1 June 2012 for five years. Dr Leonard Melvyn Shapiro, *R*, reappointed from 1 July 2012 for five years. Dr Martin Paul Snead reappointed from 1 November 2012 for five years. Dr Trevor Patrick Baglin reappointed from 1 December 2012 for five years.

AWARDS, ETC.

Crane's Charity for the relief of poor sick scholars: Notice by the Distributors

(*Statutes and Ordinances*, p. 767)

John Crane, an apothecary in the city of Cambridge in the seventeenth century, made a number of bequests to the University (the Benefaction of John Crane, 1651; *Endowments of the University of Cambridge* (CUP, 1904), p. 565). Crane's Charity for the relief of poor sick scholars is the principal medical charity in the University; it exists to provide financial assistance to students who need treatment for physical or mental illness, or for injuries resulting from accidents.

The Distributors of Crane's Charity give notice that they will consider requests for assistance from individual students on the basis of an application made on their behalf by their College Tutor. Further information, including a downloadable application form, can be found at http://www.admin.cam.ac.uk/students/studentregistry/fees/funding/hardship/crane.html.

The following table summarizes the expenditure from Crane's Charity in 2010–11.

Year	Number of grants	Colleges represented	Average grant to students	Expenditure: grants to students	Expenditure: collective activities	Total expenditure
2010–11	21	14	£679	£14,251	£50,725	£64,976

Scholarships and Prizes, etc. awarded

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NOTICES BY THE GENERAL BOARD

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REGULATIONS FOR EXAMINATIONS

The General Board give notice that, on the recommendation of the Faculty Board or other authority concerned, the regulations for certain University examinations have been amended as follows:

Theological and Religious Studies Tripos, Part IIA

(*Statutes and Ordinances*, p. 402)

With effect from 1 October 2012

Regulation 18 has been amended so as to suspend Paper B3 (Judaism in the Greek and Roman periods) in 2012–13.

Regulation 18.

GROUP B

By suspending Paper B3 (Judaism in the Greek and Roman periods) until 1 October 2013.

The Faculty Board of Divinity have confirmed that no candidate's preparation for the examination in 2013 will be affected by this change.

ORDERS OF EXAMINATIONS

Examination timetable, Easter Term 2012

The timetable for Examinations for the Easter Term 2012 is now available online at http://www.admin.cam.ac.uk/students/studentregistry/exams/timetable/.

CLASS-LISTS, ETC.

Approved for degrees, diplomas, and certificates

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ACTA

Result of Ballot on Grace 3 of 22 February 2012

27 April 2012

The Registrary gives notice that as a result of the postal ballot held between 17 April and 27 April 2012, the following Grace of the Regent House was approved:

That the recommendations in paragraph 24 of the Joint Report of the Council and the General Board, dated 12 December 2011 and 30 November 2011, on a retirement policy for University staff (*Reporter*, 2011–12, p. 347) be approved.

The results of the voting on this Grace are as follows:

In favour of the Grace (*placet*)	1390
Against the Grace (*non placet*)	300

Congregation of the Regent House on 28 April 2012

A Congregation of the Regent House was held at 11 a.m. All the Graces that were submitted to the Regent House (*Reporter*, 2011–12, p. 556) were approved.

The Acting President of Murray Edwards College and the Praelector of Magdalene College presented to the Vice-Chancellor's Deputy, in the presence of the Registrary's deputy, WILLIAM OWEN SAXTON, M.A., Ph.D., of Murray Edwards College, and MARIA CHRISTINA SKOTT, Ph.D., of Magdalene and Wolfson Colleges, who have been nominated by Murray Edwards College and Magdalene College for the office of Proctor for the academical year 2012–13.

The following degrees were conferred:

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J. W. NICHOLLS, *Registrary*

END OF THE OFFICIAL PART OF THE 'REPORTER'

Fly-sheets reprinted

The following fly-sheets, etc., are reprinted in accordance with the Council's Notice on Discussions and Fly-sheets (*Statutes and Ordinances*, p. 112).

Joint Report of the Council and the General Board on a retirement policy for University staff

Placet Flysheet

The academic case for retaining a standard retirement age for Officers is simply stated. A large proportion of academic posts in Cambridge only become vacant on the retirement of the holder – very few of us leave in mid-career. If a significant number of officers were to delay their retirement, then the University would be unable to maintain even the present low rate of new appointments; the unpredictable timing of retirements would also make planning of recruitment by Faculties and Departments more difficult.

Younger academic staff bring new ideas, new approaches and new vigour. We need more new blood, not less. Recruitment of younger staff also serves to redress gender imbalance.

Retirement from office does not have to mean the end of academic life: we all know colleagues whose scholarship, teaching, research and other contributions have flourished, or even blossomed, after formal retirement. Furthermore, the proposed policy allows extended employment beyond the retirement age in an unestablished capacity when it is in the mutual interest of the University and the individual. There is also the continuing option of voluntary research agreements for active researchers. The combination of new recruitment with mechanisms for retaining exceptional researchers and scholars beyond the retirement age promotes fairness across the generations.

We believe that the proposed policy is in the best interests of the University. We therefore urge you to vote *Placet* to this proposal.

David Abulafia
B. Adryan
Michael E. Akam
N. Bampos
Graeme Barker
J. C. Barnes
R. J. Barnes
D. C. Baulcombe
H. K. D. H. Bhadeshia
William Brown
C. Brayne
T. K. Carne
D. A. Cardwell
H. A. Chase
M. R. Clark
Andrew Cliff
Sarah Coakley
E. H. Cooper
V. A. Courtice
A. C. Davis
Simon Deakin
N. A. Dodgson
A. M. Donald
R. J. Dowling
V. M. Draviam Sastry
I. M. Le M. Du Quesnay
Edith Marie Esch
A. C. Ferguson-Smith
P. J. Foreman
Simon Franklin
C. A. I. French
D. Frenkel
Richard Friend
Andrew Gamble
Moira Gardiner
Nicholas Gay
C. A. Gilligan
Lynn F. Gladden
D. A. Good
L. M. Haywood
Donald Hearn
N. J. Holmes
Andy Hopper
C. J. Howe
L. E. A. Howe
I. M. Hutchings
J. M. E. Hyland
James Jackson
Susan Jackson
Mary Elizabeth James
R. C. Kennicutt
T. W. Körner
R. S. Langley
A. Launaro
I. M. Leslie
Christopher H. Loch
Martin Lucas-Smith
J. P. Luzio
A. Martinez-Arias
A. C. Minson
T. N. Oakley
Tamsin O'Connell
C. J. O'Kane
S. M. Oosthuizen
Rachael Padman
J. M. Rallison
G. A. Reid
S. Russell
F. E. Salmon
R. J. Samworth
Jeremy Sanders
J. G. P. Sissons
J. Spence
J. R. Spencer
W. J. Stirling
D. K. Summers
S. .P. Summers
I. H. White
D. G. Whitebread
Joan M. Whitehead
P. M. H. Wilson
S. J. Young

Joint Report of the Council and the General Board on a retirement policy for University staff

Placet Flysheet

It has been suggested that the proposal to retain a normal retirement age of 67 (also referred to as an employer justified retirement age or 'EJRA') for the holders of established academic and academic-related offices is inconsistent with UK and EU law. We do not believe this to be the case. According to the Equality Act 2010, 'a person (A) discriminates against

another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others' (s. 13(1)). The Act immediately qualifies this rule by providing that 'If the protected characteristic is age, A does not discriminate against B if A can show A's treatment of B to be a proportionate means of achieving a legitimate aim' (s. 13(2)). Section 13(2) of the Equality Act implements the EU Framework Directive on Equal Treatment in Employment (2000/78/EC), which states that 'Member States may provide that differences of treatment on grounds of age shall not constitute discrimination if, within the context of national law, they are objectively and reasonably justified by a legitimate aim, including legitimate employment policy, labour market and vocational training objectives' (Art. 6). The Court of Justice of the European Union, in the course of several judgments on age discrimination over the past three years, has ruled that mandatory retirement can be justified under these and related provisions where it meets one or more of a number of legitimate employment and labour market-policy related goals, including the promotion of employment opportunities for younger workers, and where the implementation of a retirement policy is effected in a proportionate way by, for example, ensuring access to an appropriate pension and putting in place a procedure for dealing flexibly with individual cases.

The arguments for and against maintaining a retirement age were carefully considered by the Working Group which reported to the Council and General Board last year. The Working Group took the view that there were arguments to support both sides, but that there was, after taking all due considerations into account, a clear case for retaining the current practice. Retaining a normal retirement age of 67 would enhance the employment and promotion opportunities of those in early- and mid-career and help ensure the renewal of the academy. Further, maintaining an EJRA would minimise the need for capability-related disciplinary and dismissal procedures of the kind which would have negative repercussions for academic autonomy and freedom of expression. A retirement age would be a proportionate means of meeting these goals if it were combined (as in the case of this proposal) with access to pension provision and flexibility in the procedures for considering requests to carry on working beyond retirement age. The proportionality of the proposal is further reinforced by the commitment biennially to review the effect of the proposed policy.

The lawfulness of any EJRA will have to be judged in the courts. Thus, while we believe that the arrangements proposed by the Council and General Board are justifiable under UK law, the legal position cannot be definitively stated in advance of a court ruling. This is unfortunate but it is an unavoidable consequence of the approach recently taken to the implementation of Directive 2000/78/EC in the UK. We can, however, say, firstly, that we believe an EJRA to be in the University's interests; and, secondly, that a process of open deliberation and debate of the kind which the University has conducted, culminating in the current vote of the Regent House, is not simply the most appropriate way to resolve this issue in the light of the University's tradition of self-governance, but also offers the best prospect of demonstrating to a court or tribunal that the solution proposed by the Joint Report of the Council and General Board is a legitimate and proportionate one. On these grounds, we urge a vote of *placet*.

David Abulafia
J. H. Baker
C. S. Barnard
R. J. Barnes
William Brown
M. R. Clark
R. T. Coupe
Stephen Cowley
Stuart Dalziel
Simon Deakin
Athene Donald
R. J. Dowling
I. M. Le M. Du Quesnay
M. N. Dyson
David Feldman
E. V. Ferran
Paul Ffolkes-Davis
Simon Franklin
Moira Gardiner
Nicholas Gay
Christopher Gilligan
C. D. Gray
Ben Green
N. J. Holmes
David Ibbetson
G. A. Jermy
S. E. Lintott
Louise Merrett
Joanna K. Miles
Susan Oosthuizen
Emanuela Orlando
T. J. Pedley
Glen Rangwala
Orsola Rath Spivack
G. A. Reid
Jeremy Sanders
J. R. Spencer
Mark Spivack
Simon Summers
Jillinda M. Tiley
Graham Virgo
Michael Waibel
R. D. H. Walker
M. T. J. Webber
Joan M. Whitehead
A. D. Yates

Non-placet flysheet

The 2010 Equality Act (as amended by the 2011 Repeal of Retirement Age Regulations) eliminated the default retirement age in this country. Hence, the dominant issue here is compliance with the law. If the Regent House endorses the efforts of the General Board and the Council to flout the law by retaining a default retirement age, such a policy will be unlawful and will be challenged through litigation. Like the Council and the General Board, the Regent House is not empowered to release the University from legal prohibitions on discrimination. We therefore encourage you to vote **non placet**.

The General Board and Council have contended that the retention of a default retirement age is a "proportionate means" for the realization of the "legitimate aim" of keeping entry-level faculty positions available for younger scholars. As has been pointed out in the University Discussions on May 17th of last year and January 24th of this year (transcribed in the May 26th and February 1st issues of the Cambridge *Reporter*), the Council and General Board have not adduced any evidence to support the notion that the problem which they aim to avert is likely to arise through the elimination of the default retirement age. They have likewise gone no way toward showing that the retention of a default retirement age would be a proportionate means of addressing that problem. American universities have continued to lead the world two

decades after the elimination of the mandatory retirement age for academics in the USA. In so doing, they have devised numerous flexible arrangements to make retirement attractive without invidiously discriminating on the basis of age. There is no reason why Cambridge cannot and should not adopt a similar approach.

The Council and General Board have sought to frighten Cambridge academics into embracing the retention of a default retirement age, by warning them that such a policy is the only alternative to the introduction of a regime of performance-management. Several points should be noted in response:

First, under Cambridge's system of governance, the introduction of a regime of performance-management will itself be a matter for the Regent House to determine.

Second, whereas some of the signers of the Report from the Council and General Board were in favor of the heavy-handed regime of performance-management that was proposed by the University (and heavily defeated by the Regent House) in 2010, we were and are opposed to that proposal. No such heavy-handed regime will be necessary to deal adequately with the elimination of the default retirement age. The management techniques already in place for monitoring academics' proficiency in teaching and research are sufficient. After all, the requisite judgments are not fine-grained assessments of excellence, but are instead coarse-grained assessments of general competence. For such judgments, a light-handed system of performance-management is sufficient.

Third, the warnings sounded by the Council and General Board invert the actualities of the situation. Far from subjecting academics further to managerial control, the elimination of the default retirement age will expand academics' options. Instead of being reduced to the status of a supplicant who has to rely on the good graces of administrators, any capable academic who wishes to work past the normal retirement age will be entitled as a matter of right to do so. Moreover, although the vast majority of Cambridge academics will choose to retire at the normal age, they will indeed choose to do so – rather than being classified by administrators as unfit simply on the basis of age. The elimination of the default retirement age will induce the University to devise various flexible arrangements that will make retirement attractive, in line with what has happened at American universities. Academics' options will thereby be increased rather than constricted.

Fourth, as we noted at the outset, the matter of a default retirement age is primarily a legal issue. The University is required to comply with the antidiscrimination provisions of the 2010 Equality Act (as amended in 2011). In a response-to-consultation paper released in January 2011, the government made clear that – under the aforementioned Act – the avoidance of performance-management is not a legitimate aim for which a default retirement age can be retained.

In short, the Regent House should vote **non placet**. Cambridge academics will thereby keep the matter of the retirement age entirely within their own hands, instead of inviting the intervention of the courts.

Tom Blundell
Anne Cooke
A. P. Dawid
Gerard Evan
David M. Glover
Matthew H. Kramer
Dongfang Liang
Peter McNaughton
Roger Pedersen
Wolfram Schultz
Lawrence W. Sherman
Richard J. Smith
Annemarie Künzl-Snodgrass
David J. Tolhurst
Nicholas Treanor
Lorraine K. Tyler

Placet Flysheet on Grace 3 of 22 February 2012

Joint Report of the Council and the General Board on a retirement policy for University staff

Other flysheets explain the legal position of an Employment Justified Retirement Age (EJRA), and give the academic case for an EJRA based on the need for a mix of collaborators across a range of generations. This flysheet is concerned with a likely consequence if an EJRA is not adopted.

If there is no retirement age, then a mechanism will be required for ensuring that officers do not stay on past their use-by date; for while it is true that *most* will recognise when it is time to retire, it is highly unlikely that *all* will. One approach, often adopted across the pond, is financial inducement. While this might be in the best interests of the individual, it is far from clear that it is in the best interests of our institution (particularly in the current financial climate). Instead, some form of strengthened performance management (some might argue including salary, as well as job, review) is a more likely alternative. Further, the provisions in the Equality Act 2010 imply that this strengthened performance management would have to apply at all stages of employment, and not just as the pension age is approached.

To be effective performance management will need teeth. However, at present it is remarkably hard to dismiss an officer and, as the decision over the reform of Statute U demonstrated two years ago, there are strong, and widely accepted, reasons (centring on the preservation of academic autonomy and freedom) for maintaining Statute U in its present form. But without an EJRA and with performance management, at some point there would have to be a way of dismissing staff. The checks and balances deliberately built into Statute U would most likely have to be eased.

The relative freedom that we enjoy in our work and what we choose to do stand in stark contrast to 'performance management'. We currently square the circle by combining a very competitive selection to get an academic job in the first place with a permanent contract that ends at a definite retirement age. A selection panel can look at a person's accomplishments at, say, age 35 and take a reasonable gamble on expected average performance to age 67, but not when there is no limit. The competition at the beginning and the fixed retirement age at the end are the *quid pro quo* for the years of freedom in between.

We urge members of the Regent House to vote Placet to Grace 3 of 22 February 2012.

David Abulafia
Mustapha Amrani
Richard Barnes
Natalia Berloff
Richard Gale Bryan
Colm-Cille P. Caulfield
M. R. Clark
Stephen J. Cowley
Stuart Dalziel
Nilanjana Datta
Peter A. Davidson
A. C. Davis
A. M. Donald
R. J. Dowling
Peter Haynes
Nicholas J. Gay
B. J Green
E. J. Hinch
N. J. Holmes
R. Jozsa
E. S. Leedham-Green
J. R. Lister
Martin Lucas-Smith
James M. R. Matheson
Ann Mobbs
Saskia Murk-Jansen
Jerome Neufeld
John Papaloizou
G. P. Paternain
J. A. Peatfield
T. J. Pedley
Michael R. E. Proctor
Orsola Rath Spivack
I. Smith
J. R. Spencer
Mark Spivack
A.G. Thomason
P. M. H. Wilson

Statement on behalf of the Council

This statement is written on behalf of the Council in response to the flysheet opposing the recommendations of the Joint Report of the Council and the General Board on a retirement policy for University staff

There have been long and thoughtful discussions in the Working Group set up to consider the implications of the removal of a default retirement age in the 2010 Equalities Act and thereafter at General Board and Council. As a result it was decided to recommend retaining a normal retirement age of 67 (an employer justified retirement age, or EJRA) for established academic posts. Importantly, the legal position has also been carefully scrutinised, and it has been determined that the policy would appear to be consistent with the qualification in the Act (and recent European case law decisions) that allows an employer to have a mandatory retirement age when justified as a proportionate means of promoting employment opportunities for younger workers, as long as the actual age chosen can also be justified. With statistics showing that over the last 3 years as many as 50% of vacancies in established academic posts arise from retirement we would be unable to maintain a significant influx of new blood and improve the diversity in the academic workforce if we in effect stifle this route to turnover. Furthermore, the experience from the US, highlighted by data set out in the earlier Consultation Document, show that Harvard, as a comparator research intensive institution but without a default retirement age, has more tenured academics over 70 than under 40. We believe this provides compelling evidence that the removal of a retirement age would have a negative impact on our ability to appoint the brightest early career academics. On these objective grounds, with quantitative data to back up the contention, we do not accept the statement in the opposing flysheet, that the policy would be unlawful and flouting the law. We firmly believe this is indeed a proportionate means to achieve a legitimate aim. It should be noted that, as now, individuals will still be able to request to stay in employment in an unestablished capacity beyond the normal retirement age.

Secondly, it has been suggested that the University already has available to it sufficient management techniques to permit appropriate performance management of academics if the default retirement age was not introduced. We believe this is a misreading of the current Statutes and Ordinances, which are designed simply to deal with cases of misconduct or incapacity due to medical conditions. Likewise our current Staff Review and Development process is designed to develop careers not performance-manage them. Thus, it is hard to see what tools the University does currently have to deal with a situation that could have a significant negative impact on our reputation. The Regent House has indeed recently made clear its opposition to 'heavy-handed' performance management. Introducing an EJRA would avoid any necessity to revisit this debate. Voting against the recommendations would run the risk of reputational damage arising from under-performing staff, without any process in place to manage the situation.

In brief, we believe the recommendations are both lawful, and in the best interests of the University. We therefore urge you to vote Placet to this proposal.

A. M. Donald
On behalf of the Council

REPORT OF DISCUSSION

Tuesday, 24 April 2012

A Discussion was held in the Senate-House. Pro-Vice-Chancellor Professor John Rallison was presiding, with the Registrary, the Senior Pro-Proctor, the Junior Pro-Proctor, and thirty-seven other persons present.

The following topic of concern was discussed:

The selective and unreasonable punishment of a single student for a collective act of protest by students and senior members (*Reporter*, 2011–12, p. 516)

Dr J. E. Scott-Warren (Faculty of English and Gonville and Caius College):
Deputy Vice-Chancellor, the sentencing of a single student for his part in a peaceful collective protest raises many serious questions about the University's archaic and often arcane disciplinary procedures. High up on the list of questions in my mind are the following:

(1) Why has the University chosen to pursue only one individual in relation to this protest? For a system of justice to be credible, all of those who are guilty of breaking the law have to be pursued and brought to book. But the Proctors and the University Advocate have made no moves to prosecute the 74 individuals, including many senior members, who have openly declared themselves to have been involved in this protest. The decision to make one person suffer for the crimes of the many is doubtless a labour-saving device for the institution, but its injustice is palpable and utterly intolerable. The anger which it has caused among students, academics, and alumni must give the Council profound cause for concern.

(2) Why was the punishment in this case so severe and so far in excess of anything demanded by the University Advocate? Can we be reassured that the full implications of the sentence for the career of a graduate student were understood by the Court when it handed down the sentence? Can we be reassured that the Court has a full and clear set of sentencing guidelines that prevent its judgments from being merely arbitrary? Will the University Council please publish those guidelines so that the Court's activities can be scrutinized by the Regent House?

(3) To what extent, if any, is the University committed to protecting the freedom of its members to protest? Given that practically any protest against a speaker, whether inside or outside a lecture hall, might be taken to constitute an intentional or reckless attempt to impede free speech within the precincts of the University, what is to stop the Proctors from employing the current rules to impose a blanket ban on protest? As we have seen in recent years, the most powerful forms of protest are those that break the rules of polite academic behaviour. But so far as *Statutes and Ordinances* is concerned, there are no occasions upon which such transgressions might be justified in the interests of a greater good. At a time when the critical function of the academy is facing an unprecedented threat from government policies that cast all education as training, and all research as business entrepreneurship, it is dismaying to discover that this kind of disciplinarian narrow-mindedness lies somewhere near the core of the University.

(4) In the days after the sentence was announced, an anonymous 'Cambridge University spokesman' was hard at work, telling the press that:

> By statute the Court of Discipline is an independent body which is empowered to adjudicate when a student is charged by the University Advocate with an offence against the discipline of the University. The court may impose a range of sentences as defined in the statutes.[1]

Given that the Court of Discipline clearly is a part of the University, is it reasonable for the University to disclaim responsibility for its judgments in this way? And how does the Council propose to reconcile the Court's alleged independence with our need for it to produce results that do not embarrass the University's members and damage its reputation in the wider world?

[1] See for example http://www.cambridge-news.co.uk/Home/Student-suspended-after-hijacking-universities-ministers-speech-15032012.htm.

Dr B. K. Etherington (Churchill College) (read by Dr J. E. Scott-Warren):
Mr Deputy Vice-Chancellor, it is regrettable that the University's disciplinary procedures have been used unreasonably to punish a single individual for a collective act of protest. For such a miscarriage of justice to have been possible indicates that there must be flaws in the procedures, and I urge the Council to conduct a review of them so that such injustice cannot be repeated. It is likely that other speakers today will bring to your and the Council's attention the circumstances involved in the case that concerns this Discussion. I would like to bring to attention other worrying signs that some of those responsible for discipline within the University have been suppressing the right to assembly and to protest.

On 10 March 2011, several tens of students and staff walked onto the Senate-House lawn in front of the Old Schools to protest the Vice-Chancellor's decision to reject all amendments to last year's Grace raising student fees, which included measures to guarantee a certain level of funding for bursaries. From amongst this large group, a student was singled out and charged for failing to identify himself, and for failing to comply with instructions not to enter the Senate-House lawn. Not surprisingly, considering the risk to his degree prospects and future career, this student kept quiet, pleaded 'guilty', and was given two £100 fines. Compared to the seven term rustication handed to the student whose case concerns us today, and who pleaded 'not guilty', this may be considered a 'wrist slap'. Put alongside each other, these two cases may indicate the following worrying trends:

(1) That those responsible for discipline in the University have not decided to selectively punish in this one instance, but have adopted a strategy of targeting and isolating individuals. If this is so, then those responsible for discipline could be contravening the very statute which the student whose case concerns us today was charged under.

(2) The difference between the punishment meted out to the student who pleaded 'guilty' and the student who pleaded 'not guilty' is very large indeed. This seems to confirm that the interest of those conducting discipline has been primarily to make an example, not to dispense justice.

(3) Both the protests in question, on 10 March, and 22 November 2011, had in common the opposition to the higher education reform currently being undertaken by the Conservative–Liberal coalition government, and more particularly, the way in which this University has complied with those reforms. It may not be just that these two individuals were isolated in order to deter protest, but were isolated to deter protest specifically against the University's compliance with current government reform.

One would hope that this last possibility is paranoid speculation, and that the many illegal actions regularly committed by students participating in various kinds of University activities – the frequent public disorder under the influence of alcohol consumed at University sponsored functions, for example – will be stamped out and consistency in prosecution maintained.

There is, unfortunately, further evidence to corroborate the thesis that various actors within the University administration have, whether knowingly or not, targeted those within the University who have challenged recent higher education reform. Last July, a Grace was put to the Regent House which would have communicated no confidence in the Minister for Universities, David Willetts. The same whose speech was disrupted in the November protest. The result of this ballot was surprising: 681 for the motion, 681 against; it did not pass. Shortly afterwards, I sent an email to the Registrary requesting a recount, and inquiring into the circumstances of the vote collecting and counting. The Registrary had gone on holiday, so I addressed my inquiries directly to the officials involved in the count. My messages were scrupulously polite and phrased in an objective manner and regarded principally the scrutiny of marginal votes. My requests for specific details were turned away. Following these inquiries, I received a message from the Registrary requesting a meeting with me. I agreed, thinking that some of my questions might finally be answered. I asked that the meeting be minuted so that all information disclosed could then be passed on to those with concerns in the broader University community. It was only at this point that the Registrary informed me that the meeting would not concern the content of my inquiries, but their character. I was told that my inquiries could be interpreted to impugn the character of the presiding officer of this vote, though without a single specific reference to any aspect of my communication that could yield such an interpretation. The Registrary asked that I give reassurance that I had not meant to impugn the character of the presiding officer. I refused as the request had no justification.

Subsequent freedom of information requests have placed into the public domain the notes taken during the count for this ballot. By any reasonable electoral standard the process undertaken as indicated by these notes would be judged to be chaotic. It seems that not only were my inquiries justified, but also the initial request for a recount. Again, bad administrative practice has related to an action which had sought to protest government policy.

I have brought these matters before you, Mr Deputy Vice-Chancellor, because I believe that the case which has been raised for today's Discussion must be considered within the broader environment of the protests against higher education reform within the University and the response that these protests have elicited. I urge the Council to look concertedly into these matters.

Dr G. D. C. Oppitz-Trotman (Faculty of English) (read by Dr J. E. Scott-Warren):

Mr Deputy Vice-Chancellor, I would like to make several direct inquiries of the University Council. None of my questions are rhetorical.

My first question is this: whom does the Council believe responsible for the decision to prosecute only a single student and no-one else involved in the protest on 22 November 2011?

The Vice-Chancellor's position – as made clear in his response to letters from concerned Regents[1] – is that the University Advocate has statutory independence to decide whom to prosecute.

Similarly, the Court of Discipline has stated that the reason only one student was *punished* in connection with this protest is that only one student was *prosecuted* in connection with it.

The University Advocate's position – also made clear in various communications with concerned Regents[2] – is that she can only proceed with such a prosecution if a complaint has been made against someone, and that only individual prosecutions are permitted.

As I am led to believe, all of these arguments are correct according to the *Statutes and Ordinances*; and all of them defer responsibility to some other point in the quasi-judicial process of the University. In fact, these answers only pertain to a very narrow definition of responsibility: I believe that the leading officers of this University have a more basic duty to take swift action when the procedures of the University fail its members so badly.

Nevertheless, if we accept the legitimacy of the answers of the three parties already mentioned, the answer to my original question has to be: the person or persons who made the complaint against the student – that is, the University Proctors. Since the origins of the decision to target only one protester are so befogged, can the Council confirm that, given the duties of the office of the University Proctor, the responsibility for this decision lies with them?

The Proctors' duties are carried out in service to the Regent House and to the University community as a whole.[3] Does the Council believe it was in the University's interest to single out a lone protester in this way? If so, how does the Council define this interest?

In the recently leaked document of the Court of Discipline's proceedings in the case[4] – a document I will assume is authentic until the appropriate University officers state otherwise – we read that the only witnesses called against the Defendant were the Senior Proctor and the organizer of the event at which the protest occurred.

The Senior Proctor in his testimony described the protest as a 'tedious interruption'. The Court described the Senior Proctor as a 'witness of truth', and in its own words 'accepted his evidence without reservation'. However, the Court also described the Proctor's description of the protest as a 'tedious interruption' as improper. Presumably the Court felt that the Senior Proctor was *trying* to tell the truth, but was nevertheless inaccurate in his assessment of the protest's character.

Given that the members of the Court of Discipline were – presumably – not present at the protest and only witnessed the event via YouTube videos, does the Council believe that the Court was qualified or justified in deeming the Senior Proctor's assessment inaccurate?

Given the Court's dismissal of the Proctor's assessment out of hand, does the Council believe the Court treated the case with diligence commensurate with the gravity of the punishment it was willing to apply?

The defendant was charged with 'impeding free speech'. However, I understand that no-one other than the Senior Proctor and the organizer of the event were called as witnesses. For the Court legitimately to claim that the case was proved beyond reasonable doubt, it surely needed to establish that somebody felt their freedom of speech had been impeded. Apparently, neither the Senior Proctor nor the organizer of the event intended to say anything, and David Willetts left early without even trying to speak. Neither Mr Willetts nor any other member of the audience was called before the court to state that they had tried to speak but had been prevented from doing so.

Therefore, my next question is this: does the Council believe that the Court put itself in a position to judge that the case was proved beyond reasonable doubt? No doubt

this is an evaluation for the Septemviri to make in the first instance; however, it is for the Council to judge whether the processes on which the Court of Discipline relied were comprehensive and proper, seeing as they are statutory (or were at least assumed to be).

Also in the leaked document of the Court proceedings, I read the following:

> The Court considered with care the Defendant's request for anonymity and the submissions put forward by the Defendant's Representative in this regard. Nevertheless, the Court decided that because of the gravity of this particular case and the circumstances in which freedom of speech had been impeded, it was in the interest of the University and the public that the Defendant's name be published in the *Reporter* notice about the outcome of the case.[5]

It is not at all clear to me that this decision was in the interest of the University or the public: again, I invite the Council to define what this interest might be. But I have more specific concerns about the Court's decision on this point. I note that in the Court's 'reasoned judgment', it was explicitly decided that

> the sentence [...] should play a part in deterring others who might be tempted to act in a similar way in the future.[6]

I will not comment on the possibility that the Court was explicitly seeking to 'impede freedom of speech' in the University by attempting to deter other potential protesters, except to encourage the Council and others to consider this possibility in earnest, not least given that acting in a 'similar way' would cover most acts of noisy – but not necessarily *criminal* – protest.

However, it does seem that the intention in denying anonymity to the accused student was to humiliate and therefore punish this student. It would be very reasonable to assume that such an act of publication would damage the student's future career, and the Court should have perceived such disclosure as a kind of punishment. The Statutes specify a number of punishments which the Court of Discipline may apply, as follows:

(*a*) deprivation or suspension of membership of the University, or, in the case of a person *in statu pupillari* who has not matriculated, exclusion from matriculation, either permanently or for such period as the Court shall decide,
(*b*) deprivation or suspension of degree, or postponement of, or disqualification from, admission to degree,
(*c*) rustication,
(*d*) a fine,
(*e*) an order to pay compensation,
(*f*) deprivation or suspension of the right to use University premises or facilities,
(*g*) any sentence considered by them to be lighter,[7]

I do not accept that 'humiliation in the University *Reporter*', an official document of public record, available online and indexed by *Google* and other public search engines, is covered by (*g*).

Therefore, my next question to the Council is this: does it believe that the Court of Discipline acted responsibly and correctly in denying the student's request for anonymity?

I anticipate that this question – along with a great many others today – will go unanswered by the Council on the basis that an appeal before the Septemviri is pending. However, it is my opinion that several more general but no less urgent issues have been thrown up by this case, issues relating to the rationality, fairness, and transparency of the institutional mechanisms involved in bringing this prosecution and applying this punishment. In other words, this is no longer a straightforward question of jurisprudence, or of the independence of the courts: there are several mechanisms or procedures involved in this case which are quite obviously deficient, and the University Council is directly responsible for their reform. In particular, I urge the Council to inquire into whether the Court of Discipline – in its current form – is competent to hear such cases.

I also deplore the deployment of the concept of 'free speech' throughout this affair in the service of ends which are not compatible with it. I do not believe the Septemviri can stitch this particular wound. Indeed, the Council's own statement on the protest made a shameless exhibition of the phrase 'freedom of speech'.[8] It seems to me that some of the University's most important representatives do it a disservice by insisting so adamantly on a principle they do not understand. My last question is this: what does the Council mean by 'freedom of speech'? This is not a rhetorical question.

Finally, I would urge members of the University not to restrict their concerns or inquiries to the matter of the sentence. It is plainly stupid and offensive, and it has brought the University and all its members into disrepute. However, the enormity of the sentence is certainly not the *only* thing alarming about the way this case has been handled. I think it is more accurate to see the punishment in the context of a larger confusion about the nature of protest and the legal status of protesters – a confusion which showed through just as clearly in the unreason of the Court of Discipline's 'reasoned decision', as in the authoritarian hysteria which followed the protest itself. The University's interpretation of the protest was a poisoned tree, watered in secret by obscure disciplinary processes. It should really not surprise us to find its bright apple so bitter.

1 http://tinyurl.com/8xvyv4v.
2 Ibid.
3 http://www.admin.cam.ac.uk/offices/proctors/.
4 http://www.tcs.cam.ac.uk/category/issue/news/.
5 This document was made available in full by *The Tab* last week: http://www.flickr.com/photos/cambridgetab/sets/72157629838870281/. A link to another copy of the document was also sent out on the ucam-cache mailing list: http://bit.ly/J30gGE.
6 Ibid.
7 Statute B, Chapter VII (11): https://www.admin.cam.ac.uk/univ/so/2011/statute_b-section6.html.
8 http://www.cam.ac.uk/univ/notices/council-statement-freedom-of-speech.html.

Dr A. T. Winter (Senior Proctor) (read by the Senior Pro-Proctor):

Mr Deputy Vice-Chancellor, I laid the formal complaint against an individual which led to this case being heard in the University's Court of Discipline, and hence to this Discussion. Beyond being called as a witness, I was not present at the hearing and therefore I am not qualified to comment on the sentence. The University's disciplinary process is not yet complete and I regret very much that this Discussion is being held at this time. Since it is being held, there are things which the Senior Proctor must say. I begin with a quotation from the statement on last year's occupation of the University Combination Room by the then Proctors, James Trevithick and Jane Spencer.

> It is the duty of the Proctors (under the Code of Practice issued under section 43 of the Education (No. 2) Act 1986) to protect freedom of speech and the

> right of peaceful and lawful assembly within the University. We are also required to maintain discipline and good order (*Statutes and Ordinances*, 2010, pp. 198–202, and the Proctorial Notices issued annually under these Regulations). We regard these two cardinal sets of duties as essentially linked: the protection of free speech, free assembly, and the right to protest requires the maintenance of discipline and good order: good order protects every person's rights.

I endorse this statement wholeheartedly, and I think the recent actions by the Proctors have been entirely consistent with it. The very least that can be said of the events on 22 November 2011 is that there was a serious breakdown of good order. To remind the Regent House, a University seminar was wrecked by perhaps thirty members of the University in front of an audience of, perhaps, two hundred. Thus a hundred and seventy articulate and well-informed members of the University were denied the opportunity to engage with a government minister on the topic of national policy for Higher Education.

The method employed was to chant in unison inside the lecture hall from before the invited speaker had said a word until after the speaker and most of the audience had given up and gone home – that is thirty minutes of uninterrupted unison chanting in a University lecture room. The stage at Lady Mitchell Hall was also occupied, roughly half-way through the period of chanting, and by perhaps half of the chanters. For the first twelve minutes the chanting followed a printed script available at the time in multiple copies and subsequently published on the internet. This phase was led by an individual, subsequently named in the press, who chanted each phrase before the others chanted it back.

The people responsible for this disruption have never expressed anything but satisfaction with the outcome of their action. The disruption has also found defenders from within the University. For example, in the days shortly before the hearing, a letter from junior and senior members of the University was sent to the Vice-Chancellor (copied to the Proctors) describing the disruption as 'Proportionate and justified'. To these, many of whom were not present at the seminar, I address the question of whether the disruption will have encouraged other influential people to accept invitations to talk in Cambridge in future. Or I can put the same question another way. Which seminar in 2012 will deserve the same treatment? Which two speakers in 2013 may be proportionately shouted down? Which four topics in 2014 will be justifiably ruled out for debate in the University? Which members of the University may, in proportion and with justification, be prevented from addressing you today?

It has not been easy for the Proctors to respond to these events, but one thing has been clear to us from the beginning. The individual who led the chanting at the start of the disruption must take responsibility for his own actions. Responsibility is increased, not lessened, by the fact that others followed his lead. It is not affected by the fact that other things happened after his own initiating part was completed. For the record, the Proctors have discussed laying complaints against others who took leading parts in later phases of the disruption, but we do not know enough names to make that possible without arbitrary discrimination among people who bear equal responsibility in our eyes.

So what of the right to protest? It is indisputable that members of the University have a right to protest. To me, equally, it is indisputable that there is no right to plan, prepare, and deliver an operation which is specifically intended to prevent an invited speaker from being heard and questioned. I hope that by the time the disciplinary processes and the discussions are concluded, the University will have made a very clear statement: it is our overwhelming collective view that Wrecking Seminars is Wrong.

Mr M. A. Wild (University Council and Education Officer, Cambridge University Students Union):
Mr Deputy Vice-Chancellor, as of this morning, nearly 3,000 members of the University – students, academics, and staff – have called for this student to be reinstated and this absurd judgment to be quashed by signing the CUSU *This Is Not Justice* petition. Thousands more have signed a petition, nationally and internationally, open to everyone. There is unprecedented student anger regarding the severity of this sentence – a sentence which unfairly penalizes a single student for the actions of many. The student's academic career will lie in tatters if this sentence stands.

Obviously, I understand, an appeal will be lodged and we must hope that the Septemviri is populated with more reasonable judges, who will be willing to reverse the excessive sentence the Court of Discipline has imposed, and reinstate the student. The public relations disaster that would follow from a failure to do so would dwarf the widespread outrage at the initial judgment.

However, much damage has been done already – both to this student's studies and to the wider public perception of this University. It is abundantly clear that something is very wrong indeed with the University's disciplinary systems if such a transparent injustice can occur.

The University must not attempt to fully divest itself of responsibility for this situation under the guise of maintaining judicial independence. Rather, it must take steps to ensure that such a situation never arises in future, which will require it to ask some very searching questions about its disciplinary procedures.

What, for example, is wrong with the selection process for Court of Discipline judges, if it appoints individuals so unreasonable that they consider a seven term sentence to be relatively lenient? Where might one find sentencing guidelines for the Court's decisions? Is an adversarial procedure the most appropriate way of guaranteeing fair outcomes in such cases? Why are students' union representatives not permitted to accompany students at their hearings?

These are just some serious questions regarding the current disciplinary processes that need answering if we are ever to avoid such a travesty in future. I seek assurance from University officers that they will be conducting an urgent review of the University's disciplinary procedures at the earliest possible opportunity, so that we can learn from this grave injustice, and prevent further injustices happening in the future.

Dr H. M. M. Lees-Jeffries (Faculty of English and St Catharine's College):
Mr Deputy Vice-Chancellor, I was one of those who called for this Discussion, and there is a grim irony in the terms under which it was called: the status of the actions of an individual in relation to those of a collective. The sentence imposed in this case 'by the University' has made us all responsible; all of us by default share in the ridicule, opprobrium, or indeed approval which it has occasioned. And those of us with a particular interest in admissions, access, and widening participation simply have to grit our teeth, as the task of explaining to prospective students, and their parents, that Cambridge isn't completely arcane and out of touch just got a little bit harder.

Last month, our newly installed Chancellor observed, in this Senate-House, that it was as a student of this University that he,

> gained the confidence to think for [himself] and to apply [his] knowledge and intellectual skills to the problems of the day. … It was at Cambridge that [he] learnt about the power of ideas.

It has become not uncommon for academics of my generation and older to lament the widespread political disengagement and ideological apathy of the current generation of students and their recent predecessors, yet in the last year or so there has been a climate of renewed political interest and engagement among our students, encompassing a broad spectrum of positions and interests. The protests which have recently occurred have, in the vast majority of cases, been thoughtful, principled, peaceful, and creative. If I might speak personally for a moment: although this is the first time I have attended, let alone spoken at a Discussion, I have for many years been an avid reader of the Reports of Discussions online – not an admission often heard or made, I would imagine – and when I was on sick-leave for much of last year, I was both cheered and at times profoundly moved by the passionate and eloquent commitment of my colleagues to the defence of education as a general and public good. In passing such an extreme sentence on a single student, 'the University' is punishing one of its brightest and its best, and, with what might fairly be called vindictiveness and savagery, punishing him for being thoughtful, for being principled, for being talented, for being brave. In such a scenario as this, one might reach for the tired metaphor of the butterfly broken on the wheel. But to use such a flighty image in relation to the student in question does him a grave disservice. I speak as his former director of studies, and as a Fellow of a College, whose symbol happens to be a wheel, whose members, both junior and senior, are in the main appalled and distressed by what has been done to a student whom we are proud to count as one of our own.

Dr C. J. Gonda (Faculty of English and St Catharine's College):
Mr Deputy Vice-Chancellor, I am one of those who called for this Discussion. I have to declare an additional interest since I am also one of those who admitted this student to read English in the College of which I am a Fellow, and I have followed his progress with admiration ever since. He and I currently teach our first-year undergraduates together, so I have a particularly acute awareness of just how promising an academic career this savagely disproportionate sentence is calculated to wreck.

To put that disproportion into context, I refer you to the remarks made by the writer and political commentator Tariq Ali, one of the signatories of the online petition protesting against this sentence and calling for the student to be reinstated. In his comments on the online petition on 19 March 2012, Tariq Ali writes:

> Seven Oxford undergraduates (including myself) were rusticated for the last two weeks of Michaelmas Term in 1964 for 'violently protesting' the visit of the South African Ambassador. That was bad enough. This is an outrage![1]

When we look at the sentence before us – a sentence of seven terms' rustication imposed on a single student, for taking part in a collective, non-violent political protest – it is painfully clear that the difference between Cambridge in the twenty-first century and Oxford in the last millennium is not in Cambridge's favour.

What does the Council propose to do about this shameful and utterly disproportionate sentence?

[1]http://www.ipetitions.com/petition/support-suspended-cambridge-university-student/signatures/page/89, signature 4410.

Mr F. A. McRobie (Department of Engineering and St Edmund's College):
Mr Deputy Vice-Chancellor, I have been a member of this University for almost twenty years and I have not troubled these walls with the sound of my voice before, and I hope I shall not feel compelled to do so again. Mr Deputy Vice-Chancellor, my opinion is this.

I believe the punishment is utterly disproportionate to the crime, for indeed, there was no crime. At worst, there was a minor violation of some University regulation, which I would offset against the way that the voices of young people have not been listened to in the fees debate. Young people do not want the forthcoming fees, and the weight of that opinion is not properly reflected in the government's documentation, nor even in the weightings of our democratic procedures which naturally exclude the young. It thus gladdens me to see people – like the student who has been suspended – who will not be affected by the fee increase make altruistic protestations on behalf of those younger voices that have not been listened to.

But what appalls me is this. How can anybody inflate such a minor matter as the events of that evening by invoking the hallowed concept of 'freedom of speech' in the way that it has been done? The world is littered with the unmarked graves of newspaper editors, victims of state assassination. And as I speak, prisoners in ghastly cells are being tortured by vile regimes, and maimed for expressing an opinion. Amnesty International state simply that 'everyone should be able to say what they want, *without fear of persecution*'. As I see it, the lecturer invited to Lady Mitchell Hall had no fear of persecution. It is not the 'Freedom to Give a Speech'. There is no Article in the Universal Declaration of Human Rights that says that a Minister of State has the right to give an evening lecture without being interrupted. I think that nobody stopped the speaker from speaking, except for the speaker themselves. The irritation of a Greek chorus of disapproval has nothing to do with the bitterly-fought-for freedoms for which – even this second – there is blood. It seems inappropriate to relate the mild events of that November evening to the struggle for Human Rights – for that is what I think is happening with the damning phrase on the charge sheet, that the student 'impeded freedom of speech'. I think the invocation of that phrase in those circumstances belittles every prisoner of conscience. I would identify the use of those four words 'impeded freedom of speech' as the point of inflation, a not-so-subtle word-play that inflates a minor misdemeanour into a crime so apparently heinous as to be supposedly worthy of only the most draconian punishment. It is both inappropriate and embarrassing. Let us be clear, there was no violation of anyone's human rights that evening.

So, please can we put an end to this embarrassment immediately? This was a minor matter and the University makes its own rules, so howsoever it may be done, let us reinstate this student as quickly as possible, and let us do so with an apology, because, somehow, with our ancient procedures, we have ended up doing utterly the wrong thing here. And since we have somehow been foolish enough to get ourselves into this situation, maybe we should compensate with an appropriate donation to Amnesty, to remind ourselves how lucky we are. That is my opinion and I am grateful to many brave people that I feel free to say this here today without fear of persecution.

Professor G. R. Evans (Emeritus Professor of Medieval Theology and Intellectual History) (read by the Senior Pro-Proctor):

Mr Deputy Vice-Chancellor, this call for a Discussion is at best premature. The judicial process has not yet run its course. Is it thought that it could be constitutionally acceptable for the Regent House to create fresh legislation and seek to apply it retrospectively to the conduct of this disciplinary process? Or for the executive to interfere with the operation of the judicial process?

I speak simply to set out some basics for reference.

Is there anything wrong with the constitution and procedures of the Court of Discipline?

While I was a member of the Council some years ago, students nationwide were calling for there to be a student member of any body which heard a disciplinary charge against a student, if the student wished. Cambridge provides that option if a student requests it. Members of the University *in statu pupillari* are nominated to Panel (*c*) by the JCR of each College.

To the best of my recollection, there has been no call since by students for any change to the constitution or procedures.

These,[1] when compared with the procedures in student discipline codes elsewhere, are rigorous in their protections of the student charged.

The person charged is made aware that he or she 'is entitled to choose the composition of the Court', including having student membership. The student facing a disciplinary charge may object for good cause to any proposed member of a panel appointed to serve, as in the selection of a jury, and may opt for a student member. In this way, the requirements of the first rule of natural justice (*nemo iudex*) are met.

The charge is sent in good time to the person charged. The student charged is not left to face trial alone. He or she may be accompanied not only by a representative, but also by his or her Tutor and Head of House. There is no restriction on the choice of representative, who may be legally qualified (which is not allowed in some universities). Witnesses may be heard and examined on their evidence. The *audi alteram partem* rule of natural justice ('hear the other side') is thus observed.

The student charged may request a trial *in camera* so as to protect his or her privacy, and otherwise the hearing is public, so it cannot be claimed that the University is holding 'secret' hearings.

The standard of proof is 'beyond reasonable doubt', which is higher than the 'balance of probabilities' standard used at Oxford, and in many other universities.

There is a right of appeal, to the Septemviri. The same sound fundamental procedural protections of fairness apply. The appeal is, as is usual in appeals in the courts, not concerned with the original matters but with the conduct of the hearing in the 'court below', and it may include appeal against sentence. (Though as in any appeal against sentence, the appellant could find the sentence increased on appeal.)

By what authority are students subject to discipline?

When students matriculate and become members of the University, they consent to obey its Statutes and Ordinances. They thus consent to submit if appropriate to the disciplinary process set out in this domestic legislation. In fact they give that consent even earlier since it is a requirement of accepting an offer of a place through UCAS that a student undertakes to obey the Statutes and subordinate domestic legislation of the university offering the place.

What was the offence in this case?

Students also accept (to keep to the issues arising in this case) all the particular requirements embodied in the Statutes and Ordinances. Among them is the Code which the University and each of the Colleges is required to have in place under Education (No. 2) Act 1986, s.43.[2] This legislation was passed in response to a phase of student protest in the 1980s, when students in several universities protested to prevent invited speakers from giving talks and lectures on campuses because they did not approve of their opinions. This is therefore a protection of freedom of speech in universities, extending 'academic freedom' to academic guests as well as members, employees, and others.

This code requires students as well as others to respect the right of lawful freedom of speech in the University:

> This code of practice .... applies to all members, students, and employees of the University, in respect of all University premises, which for the purposes of this code includes the Union Society. Outdoor, as well as indoor, meetings, etc., on University premises are included.

Students wishing to express their own views on such occasions are free to do so, but if they act in such a way as intentionally or recklessly to prevent others exercising their right to freedom of speech that is a serious disciplinary offence.

What could 'collective action' mean?

I am puzzled by the phrase 'collective action' in the wording of this call for a Discussion. If a number of people are involved in a criminal act, for example, a burglary or a murder, they may all be charged. But each will be judged as an individual in any trial and they will be sentenced separately. Each person has an individual responsibility. It is common for sentences of different lengths to be imposed on different individuals in such a case.

If those who framed this call think everyone involved in the 'protest' should be tried by the Court of Discipline, the consequence could presumably be a series of sentences. It could not possibly mean dividing a sentence into small pieces and apportioning a little bit to each of the participants. As to the 'senior members', they would be disciplined under a different code and in a different court, and I am not sure anything is known about what is happening to any such participant in the protest in that respect.

[1] http://www.admin.cam.ac.uk/univ/so/2011/chapter02-section20.html#heading2-26; and http://www.admin.cam.ac.uk/reporter/2010-11/weekly/6210/section1.shtml#heading2-6.

[2] http://www.admin.cam.ac.uk/students/gateway/regulations/freedom.html.

Dr J. M. Robinson (Faculty of English and Queens' College):

Mr Deputy Vice-Chancellor, I am one of those who called for this Discussion. I should like to start by quoting three sentences from the 'Council Statement on the Principle of Freedom of Speech in the University' of November 2011. These sentences are as follows:

> The Council values diversity of opinion and view. It believes that freedom of expression and speech is a fundamental principle of the University. The action of the protestors violated this principle.

I should like, if I may, to put a few questions to Council.

The first question is how it is that an assertion by the principal executive and policy-making body of the University that the action of the protesters violated the principle of freedom of expression and speech – or in other words, that they impeded freedom of speech within the precincts of the University – might possibly be compatible with the claim that the Court of Discipline is independent.

My second question is that of what measures Council took to ensure that this assertion did not prejudice any disciplinary hearings before the Court of Discipline or other University courts.

Furthermore, I should also like to request that Council clarify what they mean by the assertion that the action of the protesters violated the principle of freedom of expression and speech, and provide the definition of freedom of expression and speech which underpins this assertion. I make this request for the particular reason that Council evidently accepts that the events that took place in Lady Mitchell Hall on 22 November of last year constituted a protest. Now, if it is the case that Council, as it asserts, 'values diversity of opinion and view' and 'believes that freedom of expression and speech is a fundamental principle of the University', then I should be grateful if Council would explain how it is that the assertion that the protesters' actions impeded free speech and were illegitimate – the assertion, that is, that these actions ought not to have taken place, ought to have been prevented, and/or ought to be punished – is not itself an appeal to, and defence of, violation of the principle of free expression and free speech.

I notice that a document purporting to be a leaked copy of the reasoned decision of the Court of Discipline justifies the sentence with reference not only to punishment of the Defendant, but also to his rehabilitation, and to deterring others from carrying out similar actions. I should like to ask Council to state, if necessary after consultation with any relevant bodies, whether this is a basis upon which it is appropriate for the Court of Discipline to make sentencing decisions.

I should also like further to discuss the matter of deterrence. The document to which I referred asserts that the sentence should 'play a part in deterring others who might be tempted to act in a similar way in the future'. Since Council has made clear that it 'values diversity of opinion and view', I should like to invite Council to demonstrate its commitment to diversity of opinion and view by issuing a further statement condemning the Court of Discipline's violation of the principle of freedom of expression and speech by seeking to deter other members of the University from participating in protests.

Finally, I should also like to request that Council ask the Proctors, and if necessary the Advocate, why it is that charges were brought against only one of the many people involved in the protest against the Minister for Universities and Science.

Dr P. Gopal (Faculty of English and Churchill College):

Mr Deputy Vice-Chancellor, I wish simply to register my grave concern that at a time when universities and higher education have been under unprecedented attack, both academic freedom and the right to protest also appear to be in such danger at our institution. While we honour these fundamental rights and freedoms in name, the singling out of a lone student protester in a collective action for quite extraordinarily disproportionate and harsh punishment gives the lie to our protestations. Let us note that many other protestors have honourably stepped up and taken responsibility in letters to the University Advocate and to the Vice-Chancellor. It is simply not the case that they can't be identified by the relevant authorities.

The case of this student is, I fear, not going to remain an isolated one. While sending out a clear message that those who challenge the *status quo* will be harshly disciplined, this truly unjust and selective disciplinary action which has earned us international notoriety and brought us into disrepute, portends a larger evisceration, indeed an attack on what is surely the lifeblood of a truly vibrant academic institution. Every single one of us – academics, staff, and students – must be concerned about what this spells for our own current and future right to speak up and draw attention to historic injustices and to singular wrongdoing. Does Council intend to take measures, and if so what, to ensure that such exemplary and extraordinary punishment does not lead to a weakening of the right to protest within this University and thereby to a punitive culture of silencing dissent?

Mr M. B. Beckles (University Computing Service) (read by Mr R. S. Haynes):

Mr Deputy Vice-Chancellor, I am one of those who called for this Discussion. As anyone who has been following this issue knows, the University has received a lot of negative publicity as a result of the sentence imposed by our Court of Discipline in this case, and I think it is fair to say that the sentence, in the circumstances of the case, has inflicted a certain amount of reputational damage, both nationally and internationally. So I think it important that we ask ourselves two searching questions: (1) how did we get here?, and (2) how can we ensure this does not happen again?

To answer the first question properly, it will be necessary to utilize the services of someone empowered to ask difficult questions, in the expectation of proper answers, of our University officers and statutory bodies. I believe that the Council is well placed to do this for our statutory bodies, and, by virtue of Statute D, Chapter III, section 3,[1] the Vice-Chancellor, Chairman of the Council, is ideally placed to do this for individual University officers. Much of the remainder of my remarks are therefore specifically directed at the Council and the Vice-Chancellor.

In preparing my remarks for this Discussion, I was hampered by the University's refusal to provide me with any details of the Court of Discipline's reasoned decision. Fortunately for me, less so for the student concerned, it appears that some kind member of the University administration or the Court has leaked a signed copy of this document to various student newspapers, one of which seems to have helpfully made it available verbatim on the Internet.[2] I, of course, have no way of knowing whether or not this leaked document is authentic. However, in the absence of any official account of the Court's actions, and on the assumption that the document is authentic, I shall make extensive use of it in these remarks. If it is not authentic, the Council will no doubt have access to the actual document against which they can judge the accuracy of my remarks. I will note in passing that the Council might like to reflect on the futility, in general, of scheduling a Discussion and withholding crucial information from Regents prior to said Discussion (unless, that is, conveniently timed leaks to the press are to become the norm).

In what follows, it may help to keep in mind the following brief summary of what has happened to date.[3] An event was scheduled at the University for 22 November 2011 at which a government minister was due to speak. The event was disrupted by a noisy protest and subsequently

abandoned. Reports of the number of protesters vary, but media reports at the time, as well as video footage of the event, indicate that there were at least 20 individuals directly involved. Since then, 74 individuals, including myself, have come forward publicly admitting our involvement in this protest. However neither myself, nor any of my 73 other colleagues who have come forward, have been disciplined in any way for our part in the protest, nor, despite our request to the University Advocate and the Vice-Chancellor, have any of us been charged before the University Courts in connection with this event.[4] Instead, a single student has been charged before the University's Court of Discipline, which saw fit to find them guilty of

> intentionally imped[ing] the freedom of speech of [the scheduled speaker] and others within the Precincts of the University[5]

and to impose a sentence which included rustication for seven terms (about two-and-a-half years).

The most obvious question to ask, and I ask it of the Council, requesting that they consult the University Proctors and the University Advocate in answering it, is this: why was only a single individual charged in connection with the protest? Furthermore, why was a student charged when, by my count, at least 21 senior members of the University, including myself, have admitted to being involved? On the face of it, charging a student and ignoring the senior members involved seems to be a fairly straightforward case of victimization, and certainly seems to support the proposition that, in the great democracy our University claims to be, students have a status on a par with slaves in ancient Greece. I can't imagine such a position will serve us well either within our community or more widely.

I have no idea how the Proctors justify their actions in this situation, and await their reply with great interest. But I imagine that the University Advocate might reply that they can only bring charges against individuals where a complaint has been made against those individuals. That argument sounds reasonable until you realize that on 7 March 2012, just such a complaint was made, by the individuals themselves, in a letter sent to the University Advocate and the Vice-Chancellor[6] (and then sent again on 12 March 2012 with more signatures). So the question must be asked of the University Advocate as well.

But there is a much more important question that needs to be asked, namely, why were charges brought at all? Did anyone, in fact, impede anyone else's freedom of speech? And, if so, whose fault was it? One might expect that the question of whether or not anyone impeded anyone else's freedom of speech is one that would, and properly should, have been settled by the University Courts. Unfortunately, on 24 November 2011, the Council saw fit to make pronouncements in this area, announcing to the world in a statement that 'a small group of protestors [*sic*] prevented [the scheduled speaker] giving a lecture' the 'actions of the protestors [*sic*] violated [the principle of freedom of expression and speech]'.[7] Given that the members of the Court of Discipline are appointed by the Council and the Vice-Chancellor, and, in the case of this particular Court, at least three of them are employees of the University, even a Court that was *trying* to look objectively at what had occurred would now be hard pressed to do anything other than conclude anyone conclusively identified as a protester was guilty.

Cynically, one might observe that this pronouncement of the Council effectively diverted attention from the organization and security of the event. I feel it is significant, for instance, that when the same scheduled speaker spoke at the University earlier that year, on 3 March 2011, security was significantly tighter, with the event being ticketed, and those who, like the student in this case, first protested outside the venue, were denied entry to the venue even if they possessed valid tickets. There is also the question of whether the loss of a significant number of members of the University's security staff due to the Voluntary Severance Scheme – I believe, but could be mistaken, that this is about a third of the security team – meant that the University simply did not have an adequate number of staff available at the event on 22 November 2011.

The Court of Discipline, quite rightly, is not supposed to 'find a charge proved unless it is satisfied that the charge has been proved beyond reasonable doubt'.[8] This requires that the Court should be free to examine all the relevant facts of the case, unimpeded by the pronouncements of the Council about any of those facts. The Court should, therefore, have carefully scrutinized the claim that the scheduled speaker was prevented from speaking and that anyone's freedom of speech was impeded. In order to do this, the Court would, at a minimum have needed a clear, unambiguous account from the scheduled speaker as to why they left without speaking. Was it, as seems to have been tacitly agreed by the world at large, because the protesters drove them away? Or was it because they felt that this particular audience, or significant sections of it, would not be receptive to their speech and so there was no point giving it? Or was it because they felt that their political agenda would be better served by leaving without speaking and then claiming they'd been denied a platform than it would be by engaging publicly with the protesters? (It is significant that the witness statement provided to the Court by the organizer of the event says only that the scheduled speaker felt that they should leave after about ten minutes of the protest,[9] but it does not say what reasons, if any, the speaker offered for this feeling.) Without such an account, the Court cannot correctly have concluded, using the standard of 'beyond reasonable doubt' that the scheduled speaker's freedom of speech was impeded.

More importantly, to my mind, nowhere in the record of the Court's deliberations is there any indication that the Court considered the ramifications of applicable legislation such as the Human Rights Act 1998 (and the Data Protection Act 1998). This is particularly unfortunate as the University's Statutes must be interpreted in accordance with Section 3(1) of the Human Rights Act 1998[10] (as they are 'subordinate legislation' for the purposes of that Act). Thus, the Court should have first asked itself whether the prosecution of this student was compatible with their Article 10 right to freedom of expression as limited by Article 10(2), as is now routinely done in criminal courts dealing with charges that have arisen from incidents involving the defendant's exercise of their right to freedom of expression.[11] That the Court failed to do this is almost inexplicable given that its Chairman has experience of doing exactly this in the criminal courts.[12]

It thus seems to me that the Court handled this case improperly, and that's before we even consider that it imposed a sentence seven times greater than that asked for by the University Advocate. We may, and indeed I do, hope that the injustice in this particular case is remedied on appeal to the Septemviri. However, what this case shows is that our Courts are not operating as they should. Therefore I ask the Council to undertake a review of the operation of the University Courts, and, moreover a review which is conducted transparently, and in which all members of the University are invited to give their input. Failure to

do this opens us to the real possibility, that, as here, the Court may have caused the University to act unlawfully, since Section 6 of the Human Rights Act 1998[13] makes it unlawful for us to violate any of the rights granted by the European Convention on Human Rights, such as freedom of expression, freedom of assembly, the right to privacy, and the right to education.

[1] The relevant excerpt of which reads: 'He or she shall have power to ensure that all University officers duly perform their duties'; see http://www.admin.cam.ac.uk/univ/so/2011/statute_d-section3.html.

[2] http://www.flickr.com/photos/cambridgetab/sets/72157629838870281/, retrieved on 24 April 2012.

[3] For a more detailed summary, see the timeline I have compiled here: http://www-uxsup.csx.cam.ac.uk/~mbb10/thisisnotjustice/Discussion.html#timeline.

[4] As reported in *The Cambridge Student*: http://www.tcs.cam.ac.uk/?p=15859.

[5] Taken from the leaked version of the Court's Record of Proceedings and Reasoned Decision (see footnote 2).

[6] http://donsspeakout.wordpress.com/2012/03/08/letter-to-the-university-advocate-and-to-the-vice-chancellor-7th-march-2012/

[7] http://www.cam.ac.uk/univ/notices/council-statement-freedom-of-speech.html.

[8] Rule 5 of the Court's Rules of Procedure in Ordinances, Chapter II, COURT OF DISCIPLINE, Rules of Procedure (p. 204): http://www.admin.cam.ac.uk/univ/so/2011/chapter02-section20.html#heading2-27.

[9] Taken from the leaked version of the Court's Record of Proceedings and Reasoned Decision (see footnote 2).

[10] http://www.legislation.gov.uk/ukpga/1998/42/section/3.

[11] See, for example, *Dehal v Crown Prosecution Service* [2005] EWHC 2154 (Admin): http://www.bailii.org/ew/cases/EWHC/Admin/2005/2154.html.

[12] See, for instance, the report of a case they dismissed here: http://www.telegraph.co.uk/news/uknews/1334383/Human-rights-invoked-over-blow-up-dolls.html.

[13] http://www.legislation.gov.uk/ukpga/1998/42/section/6.

Mr R. S. Haynes (University Computing Service):
Mr Deputy Vice-Chancellor, I am also one of those who called for this Discussion. Through one of those happy coincidences, today's my birthday! Please indulge mention of this and a brief diversion. However I wonder what we all celebrate whenever we remember each of our birthdays. Life? Health? Truth? Beauty? Family? Community? Our profession? Freedom? We perhaps do not often recall our early life memories. However, like most new-borns familiar to any of us, we will have begun our life with protest as our first gulps of air were mixed with cries of discomfort soon followed by adaptation. Not so long ago, we celebrated the significant birthday of the University as our 800 years of existence has much to be admired. Yet we should perhaps recall more often that this great institution was itself begun not only amidst protest, but largely because of it. And there were certainly cries of discomfort as part of the transition into life, and from the other place, to this locale.

One might well say that this University has a history of protesting as evidenced through the long held traditions of dissent from current trends, of critical thought and of academic freedom. The case we are considering is certainly about freedom and protests. It involves free speech but also freedom of expression, as well as a dissent from current trends. As ever, these various freedoms involve a balance of rights of all parties, of course accompanied by the appropriate responsibilities. A spokesman for the Department for Business, Innovation, and Skills said of the event, 'everyone has the right to peaceful protest'; he went on to add, 'however, the Minister is disappointed that he was not able to deliver his speech and answer questions'.[1]

While it seems all parties who agree that the sentence of rustication for seven terms is rather extreme, it seems unsupportable as anything other than excessive, and not in keeping with the community we have been or wish to be.

Several key questions seem unanswered, even amidst this extreme sentence, and I would like to add and reiterate to those already presented, as follows:

Why was there apparently no attempt to ask those protesting to give the Minister a chance to speak? Why was an MP, used to the Cabinet and the hurley-burley of the Commons, unable to stand his ground for even a few moments so that either he or his MC might attempt to quiet the protests, at least temporarily? Why were there no warning signs about the consequences of continuing to protest vocally or what the offence against the norms of law or the Statutes and Ordinances might actually be? Why was only one person charged, especially when so many have come forward as also involved in the protest? And finally for now, how can we proceed as a community with any effective and balanced rights of expression and protest against speech? As these and other key questions seem awaiting urgent answer, this case should be far from closed.

As it is my birthday, I would share one wish. That we return to our roots and previous commitment to proper protest by reinstating the rights and responsibilities of peaceful protests, which is what this case is clearly about, and why the extreme rustication must be overturned. In fact, let us extend this debate to include how best to balance the competing rights and responsibilities, and let us all learn some lesson from this, rather than ignobly and unfairly bear down on a single participant for a group act, which by the way, doubtless included sentiments that so many of us share.

[1] http://www.bbc.co.uk/news/uk-england-cambridgeshire-15855838.

Professor R. Geuss (Faculty of Philosophy) (read by Dr L. Finlayson):
Mr Deputy Vice-Chancellor, even if one adopts the most narrowly legalistic approach to this sentence, there seem to be at least two ways in which it is inappropriate:

First, there is an issue of fairness. One student, and one only, is being singled out and scapegoated. He is being punished for something many other people also did, and even more people, like me, approved of.

Second, there is the issue of the proportionality of the punishment to the action. No one has claimed that anyone was harmed or even that any property was damaged during the events in question. Whatever one might think of the action, it was a reasoned response to what many of us feel is a concerted attack by the government on the higher education system. Suspension seems a disproportionate reaction and one motivated by vindictiveness or loss of face rather than anything else.

The Editor, with the agreement of Dr Finlayson, has amended two passages in the following remarks made by her at the Discussion.

Dr L. Finlayson (King's College):
Mr Deputy Vice-Chancellor, I am one of those who called for this Discussion (and one of those 21 senior members of the University who have asked to be charged for their part in the protest, a request which the University Advocate has refused to consider). I would like to join the many others who have spoken in condemning the sentence imposed on [the student concerned], which has brought the University into deserved disrepute.

I am aware, in delivering these remarks, that the

University has already made it quite clear how little interest it has in our views. The Vice-Chancellor and University Advocate have ignored or summarily dismissed letters from dozens of its academics and students protesting the decision of its 'Court'.

There has been very little in the way of comment from the University in response to this criticism. The only notable 'defence' so far has been the argument that the University Advocate is 'independent'. May I draw the Council's attention to the word '*University*' in 'University Advocate'? It is true that the University Advocate and Court are 'independent' in the sense of having discretion to make certain decisions and to perform certain tasks as they see fit. Academics and other employees are also 'independent' in this same sense.[1] So are students, for that matter. This does not mean that the University has no power or responsibility to make certain interventions in response to their conduct. If a lecturer acts sufficiently inappropriately, the University cannot cite that lecturer's 'independence' as a reason for doing nothing about it. Come to that, we didn't try to defend [the student concerned] by pointing out that he is an 'independent body', and that therefore the University should not do or say anything in response to his conduct. We had plenty of better defences than that. (Almost anything would have been better than that.)

Finally, can the Council comment on the reports in the *TCS* and elsewhere, which appear to confirm the suspicions of many that the decision to impose this extraordinary sentence was motivated by the desire to set an example to others, i.e. to scare them off taking part in further acts of peaceful political protest? Does the Council not consider this improper and also a bit ironic, given the University's avowed concern for 'freedom of speech'?[2]

[1] See Bruce Beckles, 'INDEPENDENCE ≠ ABSOLUTION' for a conclusive trashing of the University's suggestion that it is not responsible for the official actions of the University Advocate or the Court of Discipline, 18 March 2012, http://donsspeakout.wordpress.com/2012/03/18/bruce-beckles-independence-does-not-equal-absolution/.

[2] Several articles by me and by others arguing against the University's and various commentators' implicit understanding of freedom of speech are available at http://donsspeakout.wordpress.com/category/freedom-of-speech/.

Mr S. C. James (Jesus College):

Mr Deputy Vice-Chancellor, I would like to make some remarks primarily on the severity of the sentence handed down to the student whose case is under discussion, rather than on the right of students and senior members of the University to protest matters of Government policy in the manner adopted on 22 November 2011. It seems to me that there may be room for disagreement about the latter issue, and therefore over the appropriateness or otherwise of prosecutions by the University Advocate, but that there is very little to be said in favour of the extent of the punishment to which the prosecuted student has been subjected.

The charge of which the student has been found guilty is that of 'intentionally or recklessly imped[ing] freedom of speech within the Precincts of the University'. It seems that the freedom of speech which is taken primarily to have been impeded on 22 November 2011 is that of Mr David Willetts, Minister of State for Universities and Science. The student prosecuted, as I understand it, led the call and response which delayed the beginning of Mr Willetts's lecture on 'The Idea of the University' at Lady Mitchell Hall. There was then an occupation of the stage, and subsequently the Hall itself, which, again as I understand it, led the event to be abandoned. As I further understand, the prosecuted student did not know that the stage was to be occupied, and did not lead the movement to occupy it. Insofar as Mr Willetts was *prevented* from speaking, rather than merely delayed in doing so, it seems to me that the prosecuted student cannot be held responsible even as the leader of a collective action. Here, the disproportion of the prosecuted student's sentence as against the absence of punishment for any other participants in the protest seems plainly unjust, quite apart from the legitimacy or otherwise of the protest itself.

Moreover, I think it is worth considering here the purpose of free speech principles. It seems to me that the moral and social purpose of such principles is to enable individuals to express their beliefs and sentiments candidly and publicly, without fear of victimization as a result of the content of such expressions. It is not, I think, to establish a rule whereby any person can say whatever they like on any occasion without fear of interruption or rudeness in response: what is important is that no persons are punished for the content of their expressed views, not that every person is able to say whatever they like on a given occasion. (To give an example, I have no 'free speech' right to deliver a speech in Westminster Abbey during a state occasion, and to prevent me from doing so is not to impede my freedom of speech.) In this perspective, the notion that a serving government minister is in particular need to have his freedom of speech protected from interruption by a single graduate student seems to me misconceived: it is hardly plausible to claim that Mr Willetts was rendered, as a result of the prosecuted student's actions, unable freely to express his views on universities. In any important sense, this is not a free speech issue.

It is true, however, that the collective action, in which the student was undeniably a participant, did prevent a scheduled intellectual event from going ahead. The question, then, is how central such an event should be taken to be to the primary purposes of the University. Certainly the holding of discussions on major political issues of the day is a valuable office for the University to perform, and it seems to me unwise to exclude even misliked political decision-makers from such discussions. But the University is first and foremost an institution of learning, and consequently the effective prevention of an outstanding student from pursuing his studies for at least the next two and a half years – and given the manner in which doctoral degress are funded, perhaps even permanently – seems to me a much more direct frustration of the core purposes of the University than does the 22 November 2011 protest itself, as well as a Draconian punishment to impose upon him as an individual.

AWARDS

Dorothy Garrod Memorial Trust

Grants will be made from the Dorothy Garrod Trust Fund to young archaeologists working abroad during the Long Vacation in 2012.

Applications should be made in writing to the Trustees, c/o the Graduate Administrator, Archaeology Division, Downing Street, Cambridge, CB2 3DZ, giving details of the excavation or expedition and the costs involved. The deadline for applications is Friday, 1 June 2012.

EXTERNAL NOTICES

Oxford Notices

Mansfield College: Fixed Term Stipendiary Lecturership in Philosophy; salary: £12,260; closing date: 25 May 2012; further particulars: http://www.mansfield.ox.ac.uk/about/vacancies.html

Somerville College, in association with the Faculty of History: Departmental Lecturership in Early Modern History; closing date: noon on 18 May 2012; further particulars: http://www.some.ox.ac.uk/jobs

University College: Stipendiary Lecturership in Classics; salary: £20,433–£22,982, with additional benefits; closing date: 25 May 2012; further particulars: http://www.univ.ox.ac.uk/news_and_announcements/vacancies/

Annual Fund Manager – Maternity Cover; salary: £26,004–£31,020, with additional benefits; closing date: 7 May 2012; further particulars: http://www.univ.ox.ac.uk/news_and_announcements/vacancies/

Notices for publication in the *Reporter* should be sent to the Editor, Cambridge University Reporter, Registrary's Office, The Old Schools, Cambridge, CB2 1TN (tel. 01223 332305, fax 01223 332332, email **reporter.editor@admin.cam.ac.uk**). Copy should be sent as early as possible in the week before publication; short notices will be accepted up to **4 p.m. on Wednesday** for publication the following Wednesday. Inclusion is subject to availability of space.