

We write as members of Council to explain why we believe the University is acting appropriately in continuing to operate the EJRA pending the EJRA Review, and why we consider that the Congregation Resolution to be debated on 17 May is unacceptable.

The EJRA is intended as a means of supporting a number of aims, including: safeguarding the high standards of the University; refreshing the workforce as a route to maintaining the University's position on the international stage; maintaining opportunities for career progression across the generations; and promoting equality and diversity. The University of Oxford's continuing success is dependent on its ability to recruit staff of the highest calibre, and to provide them with sufficient opportunities for career progression once they are here.

The EJRA policy ensures greater employment opportunities for scholars at the early stages of their careers, so encouraging them to continue to pursue an academic career. In addition, it enables our academic community to benefit from fresh ideas and greater diversity; it is worth noting that recent recruits are more diverse than the existing workforce. In short, we believe that the principle of fairness lies at the heart of the EJRA.

The concern of the Resolution focuses not on the desirability of these aims but on the University's proper governance. It is important to explain that the University Appeal Court's judgment is binding only in relation to the individual case. The Appeal Court is a body constituted by the University which hears individual appeals against dismissals of academic and academic-related staff including those who have reached the age of retirement. It is an internal process and is not part of the formal judicial system. Each case is judged individually on its merits and the Court decisions do not set a binding precedent for other cases. We would like to emphasise, however, that the judgment made by the University Appeal Court in September 2014 has not been ignored. Following the appeal, substantive changes were made to the exceptions procedure and changes were made to clarify the Aims of the policy.

Furthermore, additional legal advice was taken and it will inform the EJRA Review, which is due to report next year. Congregation will then be able to consider the Review's recommendations, which will include whether it is desirable to maintain an EJRA and what form it should take. The Review will put forward the arguments to support its findings, and it will then be possible to take an informed decision on future retirement policy in the University. We should avoid taking action now that would be prejudicial to that careful Review.

As members of Council, we are required to act in the best interests of the University and to ensure that good governance is promoted. We believe the University is acting appropriately in continuing to operate the EJRA policy pending the outcome of the Review, and that the policy, together with its revised procedure for allowing extensions in employment beyond the EJRA, does uphold the principle of fairness. We consider that the proposals in the resolution to be debated in Congregation are in some respects impractical and, in others, potentially detrimental to the good governance of the University.

For these reasons, we cannot support the resolution and ask that Congregation rejects it.

Signatories:

Dr Kate Blackmon, Merton
Professor Donal Bradley, Jesus
Professor Alastair Buchan, Corpus Christi
Professor Matthew Freeman, Lincoln
Professor Roger Goodman, St Antony's
Professor Richard Hobbs, Harris Manchester
Professor Neil MacFarlane, St Anne's
Professor Sally Mapstone, St Hilda's
Professor Helen McShane, Clinical Medicine
Professor Jonathan Michie, President of Kellogg
Professor Teresa Morgan, Oriel
Professor Lionel Tarassenko, St John's
Professor Anne Trefethen, St Cross
Professor Chris Wickham, All Souls
Professor Henry Woudhuysen, Rector of Lincoln

