

The case in favour of the resolution to convene a redundancy panel

The Governing Body of St Cross College has voted by an overwhelming majority for a restructure of its small team of professional staff to deliver future plans, requiring new skills. As university employees, we are fortunate in having enhanced protection under Statute XII – this applies to one of several posts put at risk at the college. A robust and transparent process, endorsed by Congregation in 2016, ensures our rights are applied fairly and tested by an independent Redundancy Panel.

Blocking the formation of this Panel would remove the rights of all of us to a hearing by a panel of our peers. It would over-turn the decision of a college Governing Body without proper scrutiny. It would set a dangerous precedent for Congregation to rule on an individual case or prevent a Governing Body from running its college on the basis of partial or potentially mistaken evidence. It would bypass a process which applies the safeguards of academic freedom in Statute XII. This is NOT as alleged a case of “hire and fire” where a senior academic is replaced by a junior one. The college seeks to remove duplication of effort and hire in new skills. Please vote FOR this resolution to uphold 3 important principles:

1) The voice of Congregation should be heard

We are a congregation of academics and senior people within the university. We are fair-minded, weigh the evidence and make intelligent judgements. In 2016, Congregation debated and voted by a large majority for the process by which the university handles redundancies. It is our collective responsibility to uphold the transparent process ratified by Congregation which guarantees our rights are judiciously exercised and validated by an impartial Redundancy Panel. Supporting this resolution ensures that process is followed in a case to which it properly applies. We are asking to see **fair play** in accordance with the rules.

Statute XII is a bastion of academic freedom. It ensures that every member of academic staff can pursue their scholarly endeavours without fear of undue influence or interference. The panel must apply Statute XII in testing the validity of any redundancy. It reinforces the pillars of academic liberty.

Key aspects of the endorsed redundancy process include: **Formation and Role of the Redundancy Panel under Statute XII:** Part B requires that a Redundancy Panel, composed of 5 members of Congregation, be selected by lot from a pool of members, themselves elected by Congregation, (Council Regulations 2 of 2017). Members of the pool are required to undergo training, including on equality and diversity. **Decision-Making Process:** the Regulations require that the Panel thoroughly scrutinise a proposal to ensure that it is based on objectively verifiable grounds which are covered by the University's definition of redundancy (r. 7(8)). **Appeal Mechanisms:** Part H of Statute XII gives the right to appeal against decisions made by the Redundancy Panel. **Consultation Requirements:** emphasizes the need for extensive consultation with staff and their representatives. This includes providing sufficient notice and information to allow for meaningful consultation and consideration of alternatives to redundancy.

The approval by Congregation of Statute XII in 2016 underscored the importance of having a clear, fair and transparent process for handling redundancies within the university, balancing the institution's operational needs with the rights and protections of its academic staff. The process we voted for should now be followed.

2) As University employees, we have the right to a full and fair hearing of our individual case

Under Statute XII, individuals at risk of redundancy will have a fair hearing in front of a panel of their peers. Is that not what each of us would want and expect? Full information on both sides of the argument are made available to the panel. All individual legal rights will be tested and upheld.

The opposers have argued that the case does not fall within the definition of redundancy in Statute XII. There is no dispute that the s.7 definition of redundancy applies - dismissal is attributable **wholly or mainly** to:

(1) the fact that the University has ceased, or intends to cease, to carry on the activity for the purposes of which the person concerned was appointed ...; or

(2) the fact that the requirements of that activity for members of the academic staff to carry out work of a particular kind, ... have ceased or diminished or are expected to cease or diminish.

Both requirements are fulfilled in the present case. The work has diminished and the need for academic staff to do it has diminished. This case is quite different from the process of 'hire and fire', referred to by the opponents, where a senior academic is replaced by a more junior one, hired to do the same job, in order to save costs. That scenario is not covered by s.7 because the numbers of academic staff do not reduce. This resolution would not set a precedent - each future case would be scrutinised under Stat.XII.

If members of Congregation wish the case to be examined further, the proper body to do so is the Redundancy Panel. The case should not be judged on the basis of partial and potentially mistaken information provided by the opponents of this resolution. They are not in possession of all the facts.

Let the panel – with full and proper advice and hearing directly from the individual – be the judge of the proposal's validity. It is not for us, as Congregation, to rule on an individual case.

3) The majority decision of a college Governing Body should be respected – it sets a dangerous precedent for Congregation to over-rule it, challenging any senior redundancy

Although St Cross is not a fully independent college, it is governed by its own Governing Body. An overwhelming majority of the college Fellowship voted to put the proposed restructure of its small team through the robust university process which ensures that the proposal is fair and legal.

This was not an arbitrary decision; it was a reflection of careful deliberation and foresight. A college Fellowship must be able to decide on what is in the best interests of the college's future. Voting down this resolution over-turns that Governing Body decision, without proper scrutiny, and makes it impossible for the college to function effectively. It sets a dangerous precedent for Congregation, which has no access to the evidence, to disrespect the majority of the governing Fellowship. Imagine if any proposed redundancy of staff of Grade 6 and above was blocked by a refusal ever to convene a panel.

Vote FOR this resolution because

- **Congregation has scrutinised and approved the process that this resolution seeks to implement. We should affirm that decision by voting to ensure integrity and fair play.**
- **As individuals we would all want a fair hearing in front of our peers – fully informed by the facts – rather than to be judged by a partially-informed congregation of over 5000 people.**
- **It is not the role of Congregation to second guess considered Governing Body decisions.**

Supported by:

Kate Mavor (Master of St Cross College)
Fellows of St Cross College:
Professor Kevin Marsh (Vice-Master)
Professor Sir Andrew Pollard
Professor Anne Trefethen
Professor Helena Hamerow
Professor Heather Hamill

Professor Fernanda Pirie
Professor Michael Parker
Professor Blanca Rodriguez
Professor Marina Jirotko
Professor Eben Kirksey
Professor Steve Strand
Professor Matt Jarvis

Professor Anna Lora-Wainwright
Revd Dr George Westhaver
Dr Sloan Mahone
Dr Elizabeth Frood
Gemma Donaldson (Bursar)

Professor Lord Tarassenko (President of Reuben College)