

# Flysheet: Good Governance of the University in Relation to the Administration of the EJRA Scheme

## What the motion *is* about:

**The motion relates to the good governance of the University of Oxford.** The purpose in bringing the motion is to require the senior administration to apply the legal principles concerning the EJRA, as ruled by the University's Appeal Court, in a judgement delivered on 1st September 2014. In that judgement the Appeal Court ruled that the EJRA is not legally justified.

In the year and a half since the Appeal Court judgement, the administration has had ample opportunity to take whatever action is necessary to give effect to the judgement. Instead, the administration has taken various measures which seem intended more to avoid the judgement, and its obvious consequences for the EJRA, than to implement it.

Failure to accept the judgement of the University Appeal Court:

- Shows disregard for the general principles of the rule of law; and
- Presents grave consequences for the University and its academic staff. To continue to force staff to retire at age 67 through the EJRA, according to the judgement, constitutes unfair dismissal. It is therefore a violation of each member's rights under employment law. Forcing retirement under these circumstances puts the University at risk of mass legal actions for unfair dismissal.

Reasons for proposing the motion:

- To put an end to the notion that the University Appeal Court judgement can be ignored;
- To apply the judgement of the University Appeal Court;
- To restore fairness and lawfulness to the administration and governance of the University.

## What the motion is *not* about:

**The motion does not address the merits or demerits of compulsory retirement.** Nor does it address the question of whether some other scheme of compulsory retirement might meet any legal requirements.

Compulsory retirement, enacted through the EJRA, is a matter upon which opinions differ widely across the University. The diversity of opinion is a sign of a healthy democratic institution and will be particularly relevant to the review process proposed by the motion. However, it is critical that these issues, as important as they are, do not become part of the debate. They will confuse and obscure the real issue, which is centred on administration and governance and Congregation's constitutional role as the sovereign parliament of the University, to which all parts are ultimately accountable.

## The motion

The principal resolution is that the judgement of the University Appeal Court delivered on 1<sup>st</sup> September 2014 be respected. The other resolutions then follow from that principal resolution.

Above all, the motion is about the good governance of the University. The most fundamental responsibility is to make sure that the administration of the University meets the highest standards and respects the law. That responsibility applies whatever your views may be on the issue of compulsory retirement.

Anderson, Edward; Chemistry	Logan, David; Chemistry
Anderson, Harry; Chemistry;	Pitcher, John; English; St. John's
Ball, John; Mathematical Institute; Queen's	Russell, Angela; Chemistry/Pharmacology
Bayley, Hagan; Chemistry; Hertford	Roberts, Paul; Chemistry
Burton, Jonathan; Chemistry	Robertson, Jeremy; Chemistry
Compton, Richard; Chemistry; St. John's	Smith, Peter; Nuffield Department of Population Health
Davies, Steve G.; Chemistry; New	Thomson, James; Chemistry
Edwards, Peter P.; Chemistry; St. Catz	Xiao, Tiancun; Chemistry
Leftow, Brian; Theology; Oriel	



