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We wish to inform Congregation that we, the Congregation-elected members afforded to the university's PREVENT Steering Group, resigned from that group in MT 2017. This briefing covers two issues: those responsibilities originally tasked to us through the motion which we were able to carry out; and those responsibilities which we were unable to perform, and which constitute the reasons for our resignation. We also make suggestions for next steps in light of our experience on the Steering Group.

Background

The University's Prevent Steering Group, and the Conference of Colleges (CoC) Working Group on the Prevent Duty (chaired by the Warden of Wadham), were established in response to HEFCE's decision to regulate and monitor the University and each Oxford college individually, given that they are separate legal entities. The Steering Group oversees how the Duty is implemented by the University, and ensures that this is in accordance with the University's **pre-existing statutory framework**, including the Education Act 1986, the Education Reform Act 1988, the Human Rights Act 1998, and the Equality Act 2010.

In its May 31st 2016 motion (passed unanimously and without division), Congregation noted that the University's regulations, policies, and procedures in response to the PREVENT legislation raised serious and profound challenges for academic freedom. It stipulated a harmonisation of both approach and policy across the collegiate University; as the Chair of CoC stated:

"Prevent must not be implemented in such a way that it overrides those existing rights without which the University of Oxford could not function as a place of higher learning. These existing rights include the rights to free expression, academic freedom, autonomy, confidentiality, privacy and equal treatment under the law – it is vital that the University continues to assert the importance of those rights."

This approach was embedded in the CoC 'Risk Assessment' and 'Action Plan' templates for the new Duty, designed by Lord MacDonald after wide consultation. Here, the overarching risks to be secured against lie in any over-reach of the new legislation, in turn leading to an encroachment on pre-existing legal obligations to human rights. The templates also determine that colleges – and now the University – have an active duty to 'secure and protect' these rights, in light of the risks posed by the PREVENT legislation. The motion tasked elected members to provide similar and equally necessary due diligence on draft policies and regulations emerging from the University PREVENT Steering Committee, in order to 'assist the Colleges and the University to act in unity to secure' the legal and civic rights of the members of these institutions (our academic freedom, freedom of expression, autonomy, confidentiality, privacy and equal treatment under the law), whilst minimising the potential harms of the PREVENT legislation.

Work of the Elected Members

Over the summer of 2016 and the course of the 2016-17 academic year, the University PREVENT Steering Group (PSG), met on numerous occasions. The Congregation-elected members, always adhering to the approach outlined in the risk assessment and action plan templates, worked on very detailed draft policies and procedures, in cooperation with the UCU and OUSU representatives, and gave extensive comments and suggestions on, amongst others, IT policies, policies governing the holding of meetings and events, staff and student welfare, and the training that members of the university and colleges were to receive. Many draft policies and documents were extensively revised after lengthy discussions and, although laborious and time consuming, these endeavours were, in the main, successful.

After an extensive review of the external resources available for trainings (which largely prioritised securitisation, undermined freedom of expression and academic freedom, and ignored the fabric of pre-existing legal obligations), and upon learning of several incidents of over-reach by those administering the new Duty at the University, the PSG agreed to design its own rights-based training materials. This was its most serious task, given our explicit requirement to secure and protect these rights for all members of the University against the risks posed by the new legislation.

Challenges to and Failures of the Elected Members to the Prevent Steering Group

However, there were also sharp differences. An agreement was reached whereby any irreconcilable views on implementation would be adjudicated by the Registrar until resolved. Instead, decisions were increasingly taken outside the PSG, without consulting it or allowing it to exercise due diligence. Such decisions concerned briefings to other university committees concerning Welfare, the continued use of

problematic terms and language explicitly rejected by the Group, the continued use of these terms in briefings to departments, and the creation of presentation slides by the administration that directly conflicted with rights clearly referred to in the templates. Our correspondence requesting discussion on completing rights training material went unanswered; our concerns about decisions taken that had not been agreed by PSG went unanswered; the draft rights-based training developed and agreed by the PSG went ignored; we did not receive notification of, or updates on, decisions being made; and certain key elements of the detailed recommendations, such as those to the new website, were ignored.

Despite repeated requests, there was no attempt at a sustained effort to coordinate a uniform or harmonised approach between the different legal bodies of the collegiate university. Some colleges began rolling out their own training, using external resources; others did not involve students in the design of their policies, as required, nor did they follow the templates in forming their policies. The PSG was unable to provide practical remedies, so that colleges might address their obligations positively, and protect against the current over-reach embedded in the guidances to the legislation, nor could they highlight the detrimental impact of these external trainings, as the university did not provide the rights based training that it had developed to the collegiate university; the PSG itself was not convened from the spring of 2017 until January 2018.

We resigned with great reluctance, having received no satisfactory response to these matters. We were increasingly concerned about negative practices emerging at various locations across the Collegiate University, and understand that key constituencies, in particular students and staff, remain unaware of their college policies on PREVENT, and cannot even establish what they are.

In 2017 the Student Union conducted an extensive though unpublished survey on PREVENT. We gathered that a sizeable minority of students are badly affected by it: society events have been cancelled or heavily securitised under a misapplication of the Duty; students' everyday behaviours are monitored excessively, creating a chilling effect on some. This effect, we later learned, is felt equally amongst staff. A core obligation outlined in the university templates is to 'secure and protect the rights of academics, students and staff to hold, articulate and act upon their political, religious and ideological opinions at all times, within the law'. The University's freedoms and protections are not being secured for all of its members, whilst those not targeted by the new legislation remain oblivious to this state of affairs. Accordingly, we have failed to ensure that these rights are protected against the risks to them inherent in this legislation.

Recommendations

BME, Muslim, and international students and staff must find the many spaces of the collegiate university equally welcoming, and must know that their views and opinions are equally valuable and equally protected. All members of the University must be confident that it is keeping to its core purposes.

Given the pernicious impact of the PREVENT Duty, which we have been unable to resist, we strongly recommend immediate human rights training across the collegiate university, we recommend its implementation with urgency, and that it include and involve all key constituencies in its processes and design, especially students. It must convey the overarching primacy of this legislation: the approach is conveyed clearly in the templates, such that our policies should 'remain subject to, and not undermine, existing legal rights, including under the Education (No 2) Act 1986, the Human Rights Act 1998, the Equality Act 2010 and data protection legislation', and should 'secure and protect free expression and academic freedom, recognising the primacy of these values in institutions of higher education'. Training should ensure understanding of specific Articles in the Human Rights Act (such as the nature of Article 10), relevant sections of the Education Act 1986, and an appreciation of the key elements of the Equalities Act. Finally, it should include anti-racism training. Only after a robust and proactive policy to secure our basic rights, which is what the University's own policies require, can we hope to reverse a quiet entrenchment of the racial, religious, cultural, and ideological profiling that is at the core of the PREVENT Duty.

Signatories:

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