

Censorship, Surveillance and Discrimination at Oxford University

Betraying academic freedom for the government's secret agendas

Kevin Mugur Galalae

2 February 2010

To hide its complicity in a covert program of surveillance and censorship of the academic environment, which routinely violates its students' expressional rights and privacy, Oxford University has debased its adjudication system, ignores its regulations, and denies the right to protest. Oxford's ethical, procedural, pedagogical, legal and professional breeches are laid out in this appeal document which was submitted to the Office of the Independent Adjudicator (OIA/08877/10) by Kevin Mugur Galalae.

Kevin Galalae vs. Oxford University

On the 3rd of June 2009, six weeks into a ten-week course, I, Kevin Galalae, was expelled from the online Political Philosophy course for allegedly breaching netiquette.

From the very beginning, I maintained that my expulsion was not only unfair but also motivated by ulterior motives and have appealed it. Nearly eight months and various adjudication bodies later, however, and I have little to show for it despite my sustained effort to seek justice and fairness from Oxford.

Five months into the appeal process and three adjudicating authorities later, the Disciplinary Panel assigned by the Proctors found the Continuing Education Department's decision to expel me from the course to have been "disproportionately severe". Despite this, the Panel considered redress beyond fee reimbursement unnecessary, adding insult to injury.

Throughout the process, the people entrusted with making fair and sound decisions have disregarded the rules and broken the letter and the spirit of the law. They have thrown me from the back of a moving train, crippling my spirit and reputation and affecting my family's well-being and my health; they have then forced me to the back of the bus, to suffer the indignities of prejudicial treatment; and finally they have slammed the door of justice on my fingers, just to show me that in their fiefdom no one can challenge them. As a final indignity, Oxford's idea of justice was to give me my fare back.

I believe the initial expulsion and all subsequent verdicts passed by Oxford's adjudicators reflect deep prejudice towards the socio-political ideas and ideals I have expressed and contempt for my Romanian ethnicity and person.

The following is an account of the proceedings. Given the complexity and duration of the case, it has taken me a great deal of time and effort to present it as clearly and honestly as possible.

The evidence speaks for itself.

It is my hope that your organization will be able to analyse the facts without bias and thus render an objective decision.

Sincerely,

Kevin Galalae

THE PROTAGONISTS

Kevin Galalae – expelled student
kgalalae@hotmail.com.

Dr. Giovanni de Grandis – Tutor of Online Political Philosophy Course
tutor.politicalphilo@conted.ox.ac.uk

Claire Kelly - Online Courses Manager, Department for Continuing Education
Oxford University, Ewert House, Summertown
Oxford, OX2 7DD
Tel: 01865 280973
Fax: 01865 280975
claire.kelly@conted.ox.ac.uk.

Marianne Talbot – Departmental Lecturer, Department for Continuing Education
marianne.talbot@conted.ox.ac.uk

Philip Healy - Director of Public Programmes
Oxford University Department for Continuing Education
Rewley House
1 Wellington Square
Oxford OX1 2JA
Tel: (01865) 270366
philip.healy@conted.ox.ac.uk

Professor Jonathan Michie – Director, Department of Continuing Education
University of Oxford
Department for Continuing Education
Rewley House, 1 Wellington Square
Oxford OX1 2JA
jonathan.michie@conted.ox.ac.uk

Dr. Brian Gasser - Clerk to the Proctors
University of Oxford
tel. 01865 280190
Brian.Gasser@Proctors.ox.ac.uk

Professor Martin S. Williams - Senior Proctor
senior.proctor@proctors.ox.ac.uk

Alasdair MacDonald - Private Secretary to the Vice-Chancellor

University of Oxford
tel. 01865 270252
alasdair.macdonald@admin.ox.ac.uk

Dr. John Hood – Vice-Chancellor of the University of Oxford

Dr. Hood finished his five-year term as Vice-Chancellor on the 30th of September 2009 and is no longer at Oxford

Dr. Peter Gambles - Secretary, Continuing Education Board

peter.gambles@conted.ox.ac.uk

Professor C. Gosden – Member of the Continuing Education Board

chris.gosden@keble.ox.ac.uk.

Dr. A. Hawkins – Deputy Director of International Programmes

angus.hawkins@conted.ox.ac.uk.

Emma Rampton - Head of the Council Secretariat

University of Oxford
University Offices
Wellington Square
Oxford OX1 2JD
++ 44 (0)1865 270002
Emma.Rampton@admin.ox.ac.uk

data.protection@admin.ox.ac.uk

Gloria Portella – student

gportella@hotmail.com

Ivor Middleton – student (possible secret debate facilitator for the Political Philosophy course)

conted.ox@m3w5.demon.co.uk
ivor@m3w5.demon.co.uk.

Max Tant – student (possible alias for Dr. De Grandis)

max.tant@sky.com

SEQUENCE OF EVENTS

20 April 2009

The ten-week-long Online Political Philosophy course begins.

1 June 2009

Six weeks into the course, Dr. De Grandis posts in the Common Room the indelicate question “Students where are you?” and words it in such a way as to invite students’ equivocation. He then conveniently departs for a conference leaving the forum unattended (Appendix 1).

1 & 2 June 2009

Dr. De Grandis’ incendiary question gives Gloria Portella the opportunity to insinuate that Kevin Galalae’s long postings have prevented her from keeping up with the course work load. This leads to a heated exchange between Gloria Portella and Kevin Galalae.

3 June 2009

Dr. De Grandis asks Kevin Galalae both privately and publically to apologise for breach of netiquette and to abstain from posting until a decision is made.

3 June 2009

Following a consultation between Dr. De Grandis, Claire Kelly (Online Course Manager, Department of Continuing Education) and Marianne Talbot (Departmental Lecturer), the decision is taken to suspend Kevin Galalae’s access to the course pending a decision by the Department’s Director of Public Programmes (Appendix 2).

10 June 2009

Mr. Philip Healy, Director of Public Programmes, upholds the decision taken by Dr. De Grandis, Claire Kelly and Marianne Talbot to expel Kevin Galalae from the course (Appendix 3).

17 June 2009

Kevin Galalae appeals his expulsion from the course to Professor Jonathan Michie, Director of the Continuing Education Department, by submitting a 50-page appeal document (Appendix 4).

24 June 2009

Professor Jonathan Michie, Director of the Continuing Education Department, does not support Kevin Galalae's appeal and upholds the expulsion (Appendix 5).

26 June 2009

Kevin Galalae appeals Professor Michie's decision to the Proctors office.

3 July 2009

The course ends.

27 July 2009

Professor Martin S. Williams, Senior Proctor, reaches the determination that the Department of Continuing Education "has not followed appropriate procedure in considering [Kevin Galalae's] appeal" and "that it should now do so by convening a Disciplinary Panel" (Appendix 6).

7 September 2009

The Disciplinary Panel (composed of Professor C. Gosden, member of the Continuing Education Board, Dr. A. Hawkins, Deputy Director of International Programmes, and Dr. Peter Gamble, Secretary of the Continuing Education Board) finds that Kevin Galalae did breach netiquette but that the decision to remove him from the course for this offence was "disproportionately severe" (Appendix 7).

28 October 2009

The Panel refuses to grant Kevin Galalae access to the course website and forums, which is necessary to prepare the final appeal (Appendix 8).

18 January 2010

Kevin Galalae submits *Appeal 2* document to the Disciplinary Panel's scrutiny and asks Vice-Chancellor Hamilton that the university answers within one week. Oxford fails to respond or to even acknowledge receipt of the Appeal 2 document (Appendix 29).

21, 26 & 28 January 2010

Kevin Galalae asks Dr. Gasser and Professor Williams to release a Completion of Procedures Letter without which Kevin Galalae cannot file a complaint with the Office of the Independent Adjudicator. They refuse to release the said letter and fail to even acknowledge receipt of Kevin Galalae's emails (Appendix 30).

4 February 2010

Following the instructions of the Equality and Human Rights Commission (EHRC), Kevin Galalae forwards two letters to Vice-Chancellor Hamilton (Appendix 31) and gives Oxford 20 days to respond (Appendix 31 & Appendix 32).

LIST OF APPENDICES

Appendix 1: “Students where are you?”

Appendix 2: Claire Kelly’s decision

Appendix 3: Philip Healy’s decision

Appendix 4: Kevin Galalae’s appeal to Professor Jonathan Michie, Director of the Continuing Education Department

Appendix 5: Professor Jonathan Michie’s decision

Appendix 6: Professor Martin S. Williams’ decision

Appendix 7: The Disciplinary Panel’s decision

Appendix 8: Dr. Peter Gamble’s reply

Appendix 9: emails sent by Dr. De Grandis to Kevin Galalae

Appendix 10: private emails between Dr. De Grandis and Kevin Galalae in regards to whether Kevin Galalae should step back from the forums

Appendix 11: private emails in which Kevin Galalae compels Dr. De Grandis to post their previous correspondence on the common forum so that students can know the truth

Appendix 12: Dr. De Grandis appears to post under Max Tant's name and in being confronted denies it

Appendix 13: email sent to Max Tant on the 9th of August

Appendix 14: further evidence that Dr. De Grandis impersonated Max Tant

Appendix 15: Department for Continuing Education Regulations 1 of 2007

Appendix 16: UNIVERSITY OF OXFORD STRATEGIC PLAN 2008–9 to 2012–13

Appendix 17: email sent by Dr. De Grandis to Kevin Galalae on the 5th of May

Appendix 18: email communications between Dr. Peter Gambles and Kevin Galalae

Appendix 19: further emails between Dr. Peter Gambles and Kevin Galalae

Appendix 20: email communications between Emma Rampton and Kevin Galalae

Appendix 21: letter sent to Professor Williams on the 28th of July

Appendix 22: email communications between Professor Williams and Kevin Galalae

Appendix 23: Dr. De Grandis' defence

Appendix 24: email correspondence between Kevin Galalae and Ivor Middleton

Appendix 25: why I believe Ivor Middleton is a secret debate facilitator for the online Political Philosophy course taught by Dr. De Grandis

Appendix 26: complete email correspondence between Kevin Galalae and Ivor Middleton

Appendix 27: emails sent by Dr. De Grandis to Kevin Galalae

Appendix 28: discrepancies between the email from Dr. De Grandis to Kevin Galalae and Mr. Healy's decision

Appendix 29: email to Vice-Chancellor Hamilton submitting the Appeal 2 document. Oxford has yet to reply to or to even acknowledge receipt of the Appeal 2 document.

Appendix 30: emails to Dr. Brian Gasser and Professor Williams requesting the release of a Completion of Procedures Letter necessary to lodge a complaint with the Office of the Independent Adjudicator. The emails and the request have remained unanswered and unacknowledged.

Appendix 31: EHRC letter 1 asking for Oxford University's race Equality Policy

Appendix 32: EHRC letter 2 asking for Oxford University's impact assessment of the Kevin Galalae case

APPEAL

Oxford's initial decision to expel me from the online Political Philosophy course is unjust on many levels and betrays prejudice towards my socio-political ideals and ideas, as well as an attempt by Dr. De Grandis to offload his failure to elicit broad student participation onto my shoulders. The succeeding effort to keep me out of the course is a clear case of obstruction of justice motivated by overt systemic discrimination and covert individual racism. In the process, Oxford has infringed my academic freedom, denied my right to free speech, and limited my rights and protections extended to student defendants by the university's regulations.

The following facts and trespasses committed by Oxford's faculty and staff substantiate my accusations:

I. ETHICAL

1. Dr. De Grandis' decision to expel me from the course was based primarily on ulterior motives (Appendix 4, pp. 2-18) and not on the alleged incident of netiquette breach:
 - (a) Dr. De Grandis and I came to disagree early in the course and maintained an uneasy relationship throughout,
 - (b) I am the only student to have successfully challenged his reasoning and arguments,
 - (c) I brought up the racist mood in Italy towards Romanians and, being Italian himself, this may have indisposed him,
 - (d) I brought up his article in HASSNERS (Humanist Atheist Scientific Secularist Naturalistic Evolutionary Rationalist Skeptics) which revealed his atheist convictions (that I openly share), but that unfortunately elicited a subtle yet clear reply from him that he was not happy about it.
 - (e) Dr. De Grandis' primary motivation for his decision to throw me out of the course was not based on the exchange between Mrs. Gloria Portella and me, but because he came to dislike the socio-political ideas and ideals my postings express. In his private emails to me after the incident, he reveals his distorted views about me and disdain for me by comparing my "*attitude*" to that "*of all religious fanatics and political repressive regimes*" (email sent on Wed, 3 Jun 2009 13:58:41 +0100) and by calling my postings "*too aggressive*" (email sent on Wed, 3 Jun 2009 11:56:52 +0100) (see Appendix 9).

That Dr. De Grandis' decision to expel me from the course was upheld by the Department of Continuing Education without regard for the facts is the consequence of:

- (i) Entrenched discrimination towards foreigners who do not share British values and who do not show unquestioned respect for British institutions, such as its hereditary monarchy and parliamentary democracy – both of which I criticized.
- (ii) My courage to challenge the prevailing orthodoxy of political correctness, to speak out against the political consensus force-fed as “liberal” ideology, and to disarm convention, orthodoxy and conservatism with well-reasoned arguments.
- (iii) Oxford's unwritten policy to discourage and then squash student appeals – regardless of their merit.
- (iv) The faculty members' mafia-like habit of closing rank, watching each others' backs, and lying on each others' behalf to safeguard their careerism and to defend their undisputed authority over the academic turf.

As a result, the adjudicating system that is in place to resolve conflict is merely a sham and serves only to discourage students from ever challenging the faculty on intellectual, ethical or regulatory grounds, rather than to serve justice, which is its stated purpose.

2. The exchanges between Mrs. Portella and I on the 2nd of June reveal that Mrs. Portella used the length of my postings as a pretext to control the content of my postings by limiting what I had to say, and that in fact it was her resentment of my socio-political ideas and ideals – to which she referred as “*nonsense*” (see Common Room, Students where are you? Tuesday, 2 June 2009, 06:45 AM in Appendix 1) – that motivated her to complain about my postings and in so doing to conveniently scapegoat me for her absence from the course. Furthermore, although her initial insinuation that the “length” of my postings had caused her to be unable to keep up with the course work load was proved not to be the real motive for her assault on me, Dr. De Grandis chose to ignore this fact as an attenuating circumstance for my self-defensive posture towards Mrs. Portella and chose to shelter her from any reproach and consequences of her attempt to scapegoat me for her failures. His willingness to close an eye to this rather glaring fact demonstrates that he was biased in his judgement by his own resentments that he harbours towards me. This is also borne out by the double standard he showed in expelling me from the course while allowing Mrs. Portella to complete the course even though she (1) initiated the conflict, (2) did so under false pretence, (3) for self-serving reasons, and (4) acted with the intent to limit my

freedom of expression (see Appendix 4, pp. 37-42). It could very well be that Dr. De Grandis' email account as course tutor contains evidence that shows collusion between Mrs. Portella, Mr. Ivor Middleton and Dr. De Grandis, as I suspect. The university's reluctance to release the evidence from the said email account confirms the suspicion of covert collusion as clearly as Dr. De Grandis' double standard in expelling me while protecting Mrs. Portella. Dr. De Grandis' inability to act impartially and fairly can only be explained by his biases.

3. Dr. De Grandis had been made aware by me two weeks prior – namely on May 18 – to the netiquette incident that perhaps my dominant participation in the forums inhibited others from posting. At that time, I asked whether I should step back from the forums to make room for others and he explicitly told me not to. More than that, he advised me to *“keep enjoying and contributing generously”* and made clear that *“I don't want you to step back or to reduce your contributions”* (see Appendix 10 or below). Reluctant to expose his own culpability in the netiquette conflict, he initially refused to release my communications with him to the students and I had to compel him to do so (see Appendix 11).

-----Messaggio originale-----

Da: kevin galalae [mailto:kgalalae@hotmail.com]

Inviato: lun 18/05/2009 19.06

A: tutor.politicalphilo

Oggetto:

Hi Giovanni,

I could not help but notice that Ivor and I have become too dominant in the fora discussions. Would you like me to step back to make room for the others? I don't want to be overbearing. On the other hand, I don't want to withhold valuable contributions. Please let me know how to proceed.

Kevin

Hi Kevin,

first of all I am sorry that I had not yet answer to your email from Friday. I have had some troubles with my connection over the weekend and it slept out of my mind. I am very glad that you are enjoying the course so much. I am not teaching online again until next year, but I hope you are still coming to Oxford in August and that we will be able to have a little philosophical chat.

As for your present question, *I don't want you to step back or to reduce your contributions*. My only suggestions would be two very minor tips. The first is to try not to write messages too long. Let me be clear, most of your message are not too long. A few are a little long and that might discourage those who don't have a lot of time. I also realize that sometimes it is very difficult to develop

one's argument in a short space. When you have a long reasoning, my advice is to write the complete argument in an attachment and to give a summary in your post. Those interested will certainly open the attachment and read the whole argument, those with less time or less philosophically minded will read at least the summary and get the essential. (By the way writing a short summary is always a difficult and extremely useful exercise). The other advice is that if you disagree with someone else, unless s/he is someone who is confident and keen on debate (like Ivor, Bruce, Gloria) do not shot all your arrows at them at once: that can be intimidating. Make one objection, trying to single out the one which is more likely to trigger some rethinking and to bring about the most serious difficulty in the position criticized.

Keep enjoying and contributing generously!

Best

Giovanni

4. It was Dr. De Grandis' inflammatory and leading question that precipitated the conflict in the first place. His decision to publicly ask absent students why they had stopped posting invited equivocation and misrepresentation. Since there is nothing to be gained by making this a public topic, and since Dr. De Grandis had already been made aware by me that my dominance in the forums may inhibit others, his action can only be understood as a deliberate act to incite conflict that he could then use for his own ends. More than this, Dr. De Grandis worded his question in such a way as to clearly lead disgruntled students to point fingers. The university's refusal to provide access to Dr. De Grandis' correspondence also supports this conclusion, which could have been further substantiated by direct evidence if the university had not deliberately chosen to obstruct justice and in so doing engaged in prejudice and double standards.



Students where are you?

by Giovanni De Grandis - Monday, 1 June 2009, 03:55 PM

I have noticed that apart from a small group of students who contribute regularly to the forums, the majority is not participating or not doing so regularly. I would like to understand the reasons of this limited participation, but I need your help to do so. I would greatly appreciate any clue or explanation of the reasons that are holding back the students who are not regularly present on the forums. [In particular, I would like to know whether there is any feature of the discussions that is disturbing you, or intimidating you or that is putting you off.](#)

If you would like the forums to be somehow different, this is the place to express your wishes, worries and complaints.

Thank you in advance for your help 😊

By adding *“In particular, I would like to know whether there is any feature of the discussions that is disturbing you, or intimidating you or that is putting you off”*, Dr. De Grandis was clearly pursuing his own agenda and was out to gather necessary ammunition to carry out a preconceived plan.

5. Dr. De Grandis may have misrepresented himself by using an alias, Max Tant, in order to accuse me of communism - an accusation that given my background and my family’s suffering at the hands of the communists in Romania (see <http://mail.mnir.ro/ro/publicatii/periodice/muzeul-national/rezumat/2006/nicoleta-konig.html>), of which he was aware, he knew would have elicited a strong response from me - and anarchism to incite me to overreact. When I asked him if he was Max Tant, he denied it and continued to deny it despite overwhelming evidence to the contrary (Appendix 12, Appendix 13 and Appendix 14). The Proctors’ refusal to hear my case, which would have entitled me to access the evidence contained in Dr. De Grandis’ email communications, and the Panel’s decision to hide the evidence behind the limitations of the Data Protection Act, seem to indicate that Dr. De Grandis did indeed misrepresent himself and lied about it when confronted and that several others in the department upheld Dr. De Grandis’ lies. If this is proven to be the case, then Dr. De Grandis’ decision to ask an inflammatory question can only be explained by his intent to cause an attack on me that he knew would elicit a strong reaction from me, which he then could use to either limit what I had to say or to throw me out of the course for breach of netiquette. Furthermore, the university’s decision to withhold this from me, if proven, constitutes an act of gross prejudice towards my socio-political ideas and ideals and my ethnicity and amounts to deliberate obstruction of my pursuit of justice leading to unfair punishment and thus to miscarriage of justice.
6. Dr. De Grandis carries responsibility for the degree to which the debate got heated because he:
 - a. specifically asked us to take positions contrary to our own views in order to develop our arguments and to deepen the debate and at no point did he instruct us to pull back or to stop debating when the arguments and the positions became entrenched and approached conflict (which is how I found myself defending utilitarianism in one module and direct democracy in another module), and

- b. asked that we each challenge one or two students which, in a course with many lurkers and few active participants, meant that those few participating students had to challenge me whether they liked it or not.

7. I, unlike Mrs. Portella, had the generosity of spirit to apologize for the heated exchange – despite being the one defending myself against false accusations and insults on my intelligence - and to do so without grumbling and posturing, as Mrs. Portella did. More than this, I refrained from making any further postings, just as Dr. De Grandis had asked me to (on 2 Jun 2009 20:23:41 +0100, see Common Room, Students where are you?), and unlike Mrs. Portella who continued to grandstand. This notwithstanding, Dr. De Grandis and the university deemed it appropriate to expel me from the course while giving Mrs. Portella a free pass. This reveals obvious and troubling double standards, which can only be explained by Dr. De Grandis' own prejudices and Oxford University's covert censorship practices.

II. REGULATORY and PROCEDURAL

1. In prosecuting my case, the Department of Continuing Education breached its own rules:
 - a. Dr. De Grandis did not give fair warning or apply the customary three strikes rule, which is commonly observed in universities throughout the world. Conflict in a university setting is resolved according to due process. A netiquette offense is usually answered with an official warning, a second offence is followed by a temporary suspension, and a third by eviction from the course. Due process seems to have been suspended in this case. Section 7 b of the Regulations states that *“In addressing general disciplinary matters, there will in many cases be a less serious issue which reaches closure, which may for example include giving the student a warning...”* (Appendix 15).
 - b. The decision to apply the most severe punishment for an alleged offence is inconsistent with the department's common application of the rules and with the university's mission, values and objectives (Appendix 16). Oxford's stated mission is to *“achieve and sustain excellence in every area of its teaching”*. Expelling one of the course's best students on frivolous grounds hardly promotes this mission. Oxford declares that *“The most fundamental value, underpinning all of our scholarly activity, is academic freedom, defined as the freedom to conduct research, teach, speak and publish, subject to the norms and standards of*

scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.” Yet Oxford did not hesitate to violate my academic freedom. As part of its objectives, Oxford boasts to “*recruit the very best students*” and to deliver and manage services “*responsively for the benefit of ...students*”. By Dr. De Grandis’ own admission, I was “*a very able, enthusiastic, brilliant, generous and confident student*” as well as “*a driving force in the course*” (Appendix 17), but this did not prevent the university from subjecting me to expulsion and subsequently to discriminatory treatment that was certainly not to my benefit or responsive to my view.

- c. Once Dr. De Grandis asked me to apologise for the alleged breach of netiquette - and having received my unqualified apology – he still chose to expel me from the course, which flies in the face of common sense behaviour and can only be explained by his bias towards me and by his ulterior motives.
- d. Mr. Philip Healy, the Director of Public Programmes, who was the first adjudicator of the decision to expel me from the course, breached section 7 a of the Regulations, which states:

7. *The following procedure will be followed in relation to breaches of discipline:*

- a. *An incident will be reported as soon as possible to the relevant Deputy Director, who will consider whether there is a case to be addressed. The Deputy Director will investigate by seeking information, as necessary, from the student and the tutor (or other member of the Department as relevant) together with any other witnesses or persons thought to have relevant information”* (Appendix 15).

At no time did Mr. Healy contact me for information, as required by the Regulations. My point of view was obviously of no interest to him since he was rubberstamping the decision taken by Dr. De Grandis, Claire Kelly and Marianne Talbot.

- e. There is a serious discrepancy between how Dr. De Grandis described the process to be followed by Mr. Healy and what actually occurred. Dr. De Grandis wrote: “*the Director of Public Programmes will assess the situation by reading through all the course postings and the emails between you and I.*” By contrast, Mr. Healy declared that he based his decision by looking only at “*the postings on the Political Philosophy online course forum for 1 – 3 June 2009*” (Appendix 28). Either Dr. De Grandis deliberately misinformed me in order to enhance the credibility of Mr. Healy’s objectivity and the thoroughness of a process that he knew to be predetermined, or Mr. Healy once again failed to do his duty, just as he failed to follow section 7a of the Regulations.

- f. Professor Jonathan Michie, the Director of the Department of Continuing Education, went against the university's Regulations when he decided to act as the second level of adjudication instead of referring the case to a Disciplinary Panel. It is my contention that he did so in order to suppress the facts and thus to save the Department from embarrassment and that in his prejudiced estimation my right to justice – given that I am merely a foreigner and a Romanian citizen – was a small price to pay. But in so doing, he not only showed complete disregard for the evidence and for fairness, he also obstructed justice and breached due process. This was confirmed by Professor Martin S. Williams, acting Senior Proctor, who wrote (Appendix 6):

“when you appealed against Mr Healy’s decision, he took the view that this should be treated as a complaint and therefore handled under a different set of procedures, allowing the Department’s Director, Professor Michie, to act alone in reaching a decision. While I understand the thinking behind this approach, it would have been more appropriate to continue to follow the disciplinary regulations, Clause 7c. This clause requires the Director to ask the Secretary to the Continuing Education Board to convene a three-person Disciplinary Panel to consider the matter.

I have therefore decided that the Department has not followed appropriate procedure in considering your appeal and that it should now do so by convening a Disciplinary Panel. The membership should accord with Clause 8 of the Regulations, except that the Secretary of the Continuing Education Board should nominate a substitute with no prior involvement in the case in place of Professor Michie, who has already considered your case. The conduct of the panel should follow Clause 9 of the Regulations which, you will see, gives the student the opportunity to submit materials in defence or mitigation.”

2. *The Department for Continuing Education Regulations 1 of 2007* (Appendix 15), as pertain to the manner in which the Disciplinary Panel is to conduct its investigations, were only partially and selectively followed by the Panel assigned by the Proctors’ office. The Panel breached Section 9 ii of the Regulations, which states that the Panel must *“provide an opportunity for the student to provide further information in writing for the consideration of the Panel, including providing supporting information from third parties, subject to it being provided not less than three working days before the date set for the Panel”*. The Panel not only met before I could provide them with my appeal document, it also deliberately delayed the release of the evidence I requested from them so as to ensure that they could meet before I even had the chance of looking at the evidence, let alone writing my appeal. Although I made my displeasure known about their intention to meet before I had received and evaluated the evidence and written my appeal (and asked them to postpone their meeting) the Panel refused to do so (Appendix 18 and Appendix 19). This is particularly egregious since the senior proctor, Professor Williams, determined that the Department of Continuing Education had not followed procedure and that the

Disciplinary Panel he convened to correct this mistake should “*follow Clause 9 of the Regulations which, you will see, gives the student the opportunity to submit materials in defence or mitigation.*” (Appendix 6).

3. By hiding the evidence contained in the course tutor’s email account behind the limitations imposed by the Data Protection Act, the university engaged in an underhanded manoeuvre to deny me access to the evidence, access which I was entitled to by the very fact that my case was being heard by a Disciplinary Panel. The Data Protection Officer, Mrs. Rampton, admitted as much when she wrote that the information contained in Dr. De Grandis’ email account can only be accessed “*in connection with properly authorised investigations in relation to breaches or alleged breaches of provisions in the University’s statutes and regulations*” (email dated Fri, 9 Oct 2009 17:24:00 +0100, Appendix 20). By not releasing it, the university reveals that the Panel was not actually conducting a proper investigation but was merely carrying out a kangaroo court.

4. Last, Professor Williams, the acting Senior Proctor, engaged in a deliberate act of prejudice and in contravention of the rules when he dictated that,

“The hearing of the appeal by the Disciplinary Panel will constitute the final stage in the University’s disciplinary process, after which no further internal appeal procedures would be available to you.” (Appendix 6)

This was a discriminatory decision clearly designed to strangle the case at the Department level and to deny me rights of access to evidence available to defendants whose cases are heard by the Proctors (Appendix 21). This allowed the Disciplinary Panel to prevent me from accessing the evidence contained in Dr. De Grandis’ course email correspondence, and in the file presented by the Department to the Panel, by making my request to the evidence subject to the limitations of the Data Protection Act.

In refusing to hear my case, the Proctors failed to enforce their statute and thus breached section 11.2 of their Regulations, which states (see <http://www.admin.ox.ac.uk/proctors/info/pam/section11.shtml>):

11.2 Proctors' Powers

The Proctors’ duty to ‘generally ensure that the statutes, regulations, customs and privileges of the University are observed’ means that as well as overseeing the conduct of university examinations and acting in an ombudsman capacity to investigate complaints about matters outside colleges’ jurisdiction, they act as the officers who ensure that disciplinary regulations

are enforced. This duty is laid down in Statute IX and is reinforced in the Statute concerning University Discipline (Statute XI) which says that the Proctors shall take such steps as they consider necessary to enforce [specified] sections of this statute and to prevent any breach of them. The Proctors also investigate any complaint that a member of the University has committed a breach of the Statute; and identify the person responsible for any such breach.

Except in the case of less serious matters where the student is prepared to have the case heard by the Proctors (subject to a right of appeal), disciplinary hearings take place before the Student Disciplinary Panel of the University, as explained in section 11.3 below.

The Proctors' investigations are carried out under codified procedures, defined in regulations. Copies of these may be obtained from the Clerk to the Proctors (tel. (2)70090) or viewed on the University's web-site (go to www.admin.ox.ac.uk/statutes/regulations/ and see University Discipline.

In denying me the right to appeal the Panel's decision and to have my case heard by a Proctors' Disciplinary Hearing, Professor Williams breached section 11.3 of the Proctors Regulations, which states that students have the statutory right "to appeal against the outcome of proceedings" and that (see <http://www.admin.ox.ac.uk/proctors/info/pam/section11.shtml>):

"Unless an alleged offence involves harassment, serious injury to a person, serious damage to property, or a significant element of dishonesty, the Proctors can offer the student concerned the option to have the charges dealt with by the Proctors themselves. In that case, Pro-Proctors would usually preside so as to ensure that individuals hearing the case would be different from those responsible for investigating and prosecuting it. If the student exercises this option, he or she will be formally charged with breaching particular regulations and will be summoned to attend a Proctors' Disciplinary Hearing (at which he or she may be accompanied or represented by a member of Congregation). At this hearing, the evidence will be presented and the student has the right to make a defence against the charges or else to admit the offence(s) and to present evidence in mitigation. Witnesses may be called to attend, either by the Proctors or the student defendant."

Although I made my displeasure and reservations known to Professor Williams and asked him to reconsider (Appendix 22), he chose to proceed in contravention to the statutes of his office.

5. Despite being denied access to the evidence and being denied the right "to submit materials in defence or mitigation" for the Panel's consideration, according to Clause 9 of the Regulations and to Professor William's promise that I be allowed to do so (Appendix 6), I nevertheless managed to put together my *Appeal 2* document and to submit it to Oxford by email on the 18th of January 2010 (Appendix 29). Oxford has yet to respond to my *Appeal 2* or to even acknowledge its receipt, which is a clear breach of the conflict resolution process and an obvious demonstration that Oxford's officials are failing in their duties.

6. The final efforts by Oxford University to obstruct justice and to breach due process came on the 21st, 26th and 28th of January, when I requested from Dr. Gasser and Professor Williams that they release a Completion of Procedures Letter necessary to lodge a complaint with the Office of the Independent Adjudicator and they refused to do so. This shows that Oxford's officials are intent not only on obstructing justice and breaching due process within the university, but also that they are willing to abuse the power of their offices in order to obstruct justice beyond the university.

The above evidence of regulatory and procedural irregularities and abuses at all levels of the university, from the course tutor to the Proctors' office, demonstrates that the university of Oxford does not have an honest and functioning adjudication process, and that its officials have freely abused the letter and the spirit of the law so as to deliberately obstruct justice.

In prosecuting my case, the university has proven utterly disinterested in serving justice at any and all levels of adjudication. At no time have the people entrusted with rendering justice did so. Each level of adjudication has served a purpose that is contrary to justice and is merely self-serving: Dr. De Grandis chose to act on his wounded pride and to satisfy his prejudices, Mr. Healy to rubberstamp Dr. De Grandis' decision, Professor Michie to save the Department from embarrassment, the Panel to render a judgement that saves the university from liability, and the Proctors to ensure that the case is buried at the department level.

In the process, justice was made a mockery of and the damage done to me increased tenfold. I contend that were I an upper class member of the British establishment, the people involved would have observed every clause and sub-clause of the regulations that govern them. However, being a Romanian national, they chose to act on prejudice, bigotry and self-interest. The result is an act of prejudice, racism and injustice every bit as egregious as that perpetrated on my fellow citizens in Ulster (see *The Economist, Racism: From the streets to the courts*, June 27, 2009). For all intents and purposes, the treatment I received at Oxford is the academic equivalent of the treatment my fellow nationals received in Ulster.

III. PEDAGOGICAL

The reasons, timing, and manner in which Dr. De Grandis reached the decision to throw me out of the course, violate every pedagogical rule and sense.

1. Expelling one of the best students from the course, and one of only three who contributed regularly to the forums, did not improve the debates and served only to sap the remaining students of the courage to speak freely.

2. Using the language and tone to excoriate me that would have been hardly appropriate when addressing young undergraduate students let alone professionals in their middle years, showed a lack of respect and proportion that caused the course to fizzle out. I would also like to point out that I am older than Dr. De Grandis by several years and that cultural conventions dictate he should have used a more appropriate tone when addressing me after the incident.
3. Allowing a student, Mrs. Portella, who had fallen behind on the course work, to dictate in mid-course the length of the postings for all other students can only be described as an abysmal lack of leadership and judgement on Dr. De Grandis' part. Had he allowed me the same latitude, I, who had kept atop the course work load, would have been far more justified in demanding that all other students double their efforts in order to meet my requirements and expectations. After all, Oxford prides itself on academic excellence not academic mediocrity.
4. By not admitting his own culpability in causing the incident and by initially failing to tell students about the concern I expressed (two weeks before the incident) over the possibility that my dominant participation in the forums inhibited others from posting, Dr. De Grandis lost the respect of the students and interestingly of the very students who, in the absence of the facts, complained on the day of the incident about my responses to Mrs. Portella. Not surprisingly, not one of the four students here in question returned to the forums (with the exception of Nicola Conway who returned only for a short time and only to take issue with Mrs. Portella's hypocritical postings in support of free speech), and only five out of the twenty students who enrolled in the course seem to have finished it – three of whom posted sporadically at best.
5. Worse of all, Dr. De Grandis' behaviour runs counter to the very lessons and ideals he teaches as part of the course:
 - a. Dr. De Grandis trampled on the hollowed right of free speech, denying the wisdom of Mill, which he taught in Unit 7, Liberty.

“If all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind” (Mill, On Liberty, 142).

Goaded by the party of the malcontent and by his own prejudices, Dr. De Grandis had no difficulties denying me the right to free speech and going about in an underhanded way to achieve this.

- b. Dr. De Grandis used his authority to turn other students against me, thus misusing his free speech in the only way that Mill cautioned against.

“An opinion that corn-dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of the corn-dealer, or when handed about among the same mob in the form of a placard” (Mill, On Liberty, 184)

When asking the infamous “Students where are you?” question, which should have been discreetly posed in private to those absent students and not publically, and moreover doing so in an inflammatory and leading manner (see post of 1 June 2009, 03:55 PM, where he asks “*whether there is any feature of the discussions that is disturbing you, or intimidating you or that is putting you off*”), Dr. De Grandis was handing a placard to the angry mob. Gloria Portella took that placard and was the first to throw it through my window.

- c. Intent on encouraging Hobessian rather than Lockesian behaviour (perhaps to shake my belief that mankind is Lockesian rather than Hobessian in nature, a position that I fiercely defended), Dr. De Grandis encouraged in the students the kind of duplicitous and malicious behaviour Hobbes ascribes to mankind as a whole.
- d. Despite much ink being shed throughout the course in defence of democracy, Dr. De Grandis acted like a tyrant by denying the students the right to exercise their democratic vote on whether they wanted me out of the course or not – a choice that I offered them even though I did not have to subject myself to the majority’s will. Had Dr. De Grandis allowed students to decide for themselves, we would have indeed found out if “*removing Kevin from the forums is inevitable to restore relaxed and calm atmosphere*” (Appendix 23, p. 11). In so doing, Dr. De Grandis trampled on Rousseau’s ideal of participatory democracy.
- e. Dr. De Grandis expelled me from the course just before the discussion on free speech and Salman Rushdie’s case were to be the subjects of the week 7 forums. The ensuing dialogue was, not surprisingly, boycotted by most students, who would have felt embarrassed to discuss free speech when the course tutor just engaged in a blatant violation of my free speech and of my liberty to participate in academic discourse – and who did so by using an alleged breach of netiquette as a pretext to shut me out of the debates while also conveniently failing to take any responsibility for the incident. The parallel between Rushdie’s treatment at the hands of various mullahs who called for his death and my treatment at the hand of a scornful teacher and a malicious student did not escape any of the students, as evidenced by their refusal to participate in the forum.
- f. Dr. De Grandis expelled me, according to his own declaration, to re-establish calm by satisfying a vocal dissatisfied minority with axes to grind, thus to achieve a utilitarian

objective. Strangely, only a week or two prior to the incident, Dr. De Grandis boasted of his doctoral dissertation being a critical refutation of utilitarianism.

Given Dr. De Grandis' intelligence and training, what is the more likely rationale behind his decision to expel me from the course: (1) that he acted to the best of his abilities and in the interest of justice or (2) that he acted to satisfy his own ulterior motives and according to a preconceived plan to silence me? I believe the evidence points rather clearly towards the latter conclusion, for in making the decision he made he chose not only to trample on the most sacred ideals of political philosophy, the very subject he teaches, but also to misuse his knowledge for ill-meaning reasons.

IV. LEGAL

1. My expulsion from the course and the subsequent effort to keep me out of the course violate:
 - a. British and European anti-discrimination legislation covering nationality/ethnicity; specifically, the *Race Relations Amendment Act (2000)* which stipulates that public bodies have a statutory duty to promote the principle of equality and opportunity and to monitor the impact of their policies and practice on racial groups; and the *Race Relations Act 1976 (Amendment) Regulations (2003)*, which transposed the EU Race Equality Directive into British law, and which states that it is unlawful to discriminate on racial grounds in, among other areas, education, in the exercise of public functions, and in the provision of goods, facilities and services.
 - b. the s43 Education (No 2) Act 1986, which requires higher education institutions to “*take such steps as are reasonably practicable to ensure freedom of speech for students and employees*”, as well as
 - c. my expressional rights, as protected by the *Human Rights Act 1998* and by the *European Convention on Human Rights (ECHR)* – specifically Articles 9 and 10 regarding freedom of thought and expression.

2. Intent on obstructing justice, Oxford's administrators appear to have leaned on Mrs. Rampton, its data protection officer. Under pressure from the Department of Continuing Education (and possibly higher), Mrs. Rampton censored the evidence

I requested and postponed its release far beyond the legal limit and long enough to prevent me from preparing my appeal to the Panel. In so doing, Mrs. Rampton broke the law as it pertains to:

- a. the maximum days allowed to release information requested under the Data Protection Act 1998; a deadline which is set at 40 days and which she missed by 10 days for the first batch of documents and by 25 days for the second, and
 - b. in respect to communicating the requested data in an intelligible form. By redacting the text in white on white, Mrs. Rampton rendered the data partially unintelligible, since it is impossible to determine where or even if the texts she released had been redacted.
 - c. Furthermore, Mrs. Rampton concealed her identity and hid behind the title of her office communicating with me as the anonymous entity of the “data protection officer”. It was only after I contacted the university and asked for the name and contact email of Oxford’s data protection officer that Mrs. Rampton came out of hiding and admitted having communicated with me anonymously. One has to ask why Mrs. Rampton concealed her identity? Should transparency not be the first guiding rule for a data protection officer? Was she even the one who communicated with me as the data protection officer or did she allow someone else to masquerade as such?
3. I acted in self-defence, first to Mrs. Portella’s attempt to scapegoat me for her own shortcomings and secondly against her insults on my intelligence and intellectual competence (Appendix 4, pp. 36-42). The necessity of defending myself against false and offensive accusations should have acted as mitigating factors in the interpretation of the incident and in the decision to punish my alleged breach of netiquette with the most severe punishment possible. The fact that it did not, reveals prejudice and violates:
- a. my legal right to defend myself against false accusations made by Mrs. Portella; accusations made in bad faith and with malice and, by all indications, in collaboration with Dr. De Grandis and Ivor Middleton (There is circumstantial evidence to suggest that Dr. De Grandis and Ivor Middleton have exchanged information about me, which Dr. De Grandis should not have shared with another student [Appendix 24], unless that student happens to be the course’s secret debate facilitator, which Ivor Middleton, given the evidence, certainly is [Appendix 25]), as well as
 - b. my right to respond to insults directed at my person

4. Flaming is an ambiguous term that lacks a stable, precise, and consistent definition (O'Sullivan & Flanagin, 2003; Riva, 2001; Lea et al., 1992). As such, *"hostile and aggressive interactions"* in computer mediated communication (CMC) are best looked at from an *"interactional-normative framework that focuses on interpretations of messages from multiple perspectives in the context of norms of appropriateness"* (O'Sullivan & Flanagin, 2003). Furthermore, a more effective and acceptable definition of flaming is the one provided by Thompsen and Ahn (1992), namely that flaming is composed by computer-mediated communication (CMC) behaviours that are interpreted to be inappropriately hostile.

I argue that in light of the fact that I was being scapegoated and insulted by Mrs. Gloria Portella, and that Dr. De Grandis had invited equivocation and had deliberately set the stage for an attack on me with the ulterior motive of curtailing my rights to academic participation and free speech, my response was appropriate, proportionate and in self-defence. More than this, it was at no point "ranting" or "flaming" or "flying off the handle", as Dr. De Grandis self-servingly characterised it (Wednesday, 3 June 2009, 01:01 AM; see Appendix 1). No definition of flaming anywhere in the literature includes point form explanations, quotations, and references as constituent parts of a flaming episode.

When the interactional-normative context of the incident is properly, impartially and fairly analysed, Dr. De Grandis is revealed to be the initiator of the conflict (in collusion with Ivor Middleton and possibly also Gloria Portella), Ivor Middleton the enabler, Gloria Portella the aggressor, and I as the one defending myself against unfounded, malicious and premeditated accusations designed to limit or curtail my freedom of thought and expression.

Moreover, as experts in the field have recognised, what does or does not constitute flaming is a value judgment. I quote:

"in the absence of a clear definition of flaming, applying a value judgment to an entire category of messages can inject biases into observations and interpretations of those observations. Considering too early the issue of "What ought to happen?" can interfere with a clear assessment of the issue of "What is happening?" and can cause one to lose sight of the functions that such messages might serve" (O'Sullivan & Flanagin, 2003).

In light of the fact that the online Political Philosophy course here in question had students from different parts of the world, and that the alleged incident of flaming was between a Romanian and a Brazilian citizen, was judged by an Italian tutor

and browbeaten by British subjects, all with various personal axes to grind on top of their particular cultural and personal perspectives, the decision to make me the sole bearer of responsibility can only be described as an act of crucifixion.

Experts have also recognised the need to

“approach the issue of flaming (and related types of interactions) with a focus on how it occurs, why it occurs, and what function it serves, rather than with a preconceived value judgment. Just as there may be anti-social motivations for hostile messages, there may be a number of pro-social motivations and outcomes associated with aggressive or hostile messages. For example, harsh language could be used to provoke a reticent individual into a healthy, constructive conflict. A criticism could be used to establish the sender's credibility by demonstrating a willingness to offer critical comments and not just bland, agreeable feedback” (O’Sullivan & Flanagan, 2003).

That Dr. De Grandis failed to approach the alleged flaming incident from an open perspective is understandable given his wounded ego and ulterior motives. That the subsequent adjudicators chose to assess the alleged breach of netiquette from the same narrow perspective can only be explained by persistent institutionalised prejudice and self-serving individual blindness to fairness and justice.

Had institutionalised prejudice and self-serving interests not stood in the way of justice and fairness, Oxford’s adjudicators would have noticed the true nature and meaning of the incident.

They would have also noticed that the first respondent to Dr. De Grandis’ question, Sanda Galina, wrote *“I read all forums which I genuinely enjoy”* and *“I don’t think there is anything that I wish to change regards the forums, certainly I have no complaints”* (Monday, 1 June 2009, 09:26 PM; see Appendix 1). Concerned that the forum was not going in the direction it was intended to by Dr. De Grandis and his co-conspirators, Gloria Portella and Ivor Middleton, the latter two redirected the discussion towards the length of the forum posts thus implicitly laying the blame squarely at my feet. Unaware of the ulterior motives of Dr. De Grandis, Gloria Portella and Ivor Middleton, the rest of the students were manipulated to believe that I was the sole inhibiting force in the course and that shorter posts would miraculously bring everyone back into the forum discussions. The succeeding forum discussions, however, were attended by far less people and were far poorer in content after my expulsion than before, which proves that blaming me was not only unethical, it was also misguided. The proof, so to say, is in the pudding. The course, it is fair to say, was given a death blow with my

expulsion. If anything, what the evidence shows is that I was the one keeping the forums alive.

Other relevant aspects that Dr. De Grandis and Oxford's adjudicators have conveniently failed to consider before and after crucifying me is the issue of (1) cultural differences in interactional norms, (2) differences between individuals, and (3) experience with computer mediated communication. They should have considered that interactional norms applicable to one culture may not be applicable to other cultures since "*individuals are guided by communicative norms that help them to convey and interpret messages*" and "*norms can be identified at a cultural, local or group, and relational levels* (O'Sullivan & Flanagan, 2003).

Further to that, they should have considered my specific background since "*within broader cultural and local norm systems, individuals can also develop norms distinctive to specific relationships*" that "*might be consistent or inconsistent with local or cultural norms*" being "*based on previous relationships and other influences such as parents, peers, and other sources* (Planalp, 1985) (O'Sullivan & Flanagan, 2003)." Had they done so, my family's suffering at the hands of communists and the subsequent hardships of immigration would have thrown the forcefulness of my response to Portella's attempt to limit my academic and expressional rights into a different light.

Given the multicultural and multinational mix of the course, any perceived violation of the netiquette norms should have been treated with the greatest possible latitude, not the narrowest, if the benefits of computer mediated communication are to come to the fore. Experts have opined in favour of the greatest latitude:

"Although individuals typically avoid norm violations, rules can be broken. There is a range of goals that could motivate someone to intentionally violate interactional norms. For example, one may violate norms to attract attention, to display opposition, or to demonstrate independence. Norms, and their potential violation, can thus be seen as a resource that individuals can use in pursuit of their interactional and relational goals (Burgoon & Hale, 1988)" (in O'Sullivan & Flanagan, 2003).

To that I would add that defending oneself against false and malicious accusations is a perfectly good reason to push normative limits, whether intentionally or unintentionally.

They should have also considered my lack of experience with online courses, since they knew that Dr. De Grandis' political philosophy course was the first online course I had ever attended. On this subject also, the literature is perfectly clear:

“The emergence of computer-based interactions has also given rise to relatively codified rules of online conduct. For example, “netiquette” guides provide standards for acceptable interactional practices when conversing on the web (Crump, 1998; Glassman, 1998; Shea, 1994) and are intended to establish the bounds of what is appropriate and what is inappropriate in a variety of online interactions. In this regard, experience is crucial to recognize online norms and to act appropriately (McLaughlin, Osborne, & Smith, 1995).”

An equally important consideration that Oxford's various adjudicators seem to have conveniently overlooked as a mediating factor in my alleged breach of netiquette is the fact that CMC occurs in a social vacuum where personal identities fade, with the consequence that:

“People who interact via computer are isolated from social rules and feel less subject to criticism and control. This sense of privacy makes them feel less inhibited in their relations with others” (Riva & Galimberti, 1998).

As a result, this loss of personal identity encourages students to break social rules (Siegel, Dubrovsky, Kiesler & McGuire, 1986).

A further and important aspect of the alleged netiquette breach that seems not to have been investigated and factored in the adjudicators' verdicts is the identity of the students who have expressed their self-righteous indignation about my responses to Gloria Portella and whom Dr. De Grandis appeased by promising *“a calm, relaxed and constructive atmosphere quickly restored”* (Students where are you?, Wednesday, 3 June 2009, 01:17 AM, see Appendix 1). They are: Nicola Conway, Simona Vecerskyte, Sanda Galina, and Patrick Moran. As a consequence of their meddling in my confrontation with Gloria Portella I have baptised them the 'party of the malcontent', but subsequently I realized that the more appropriate name would be the 'party of lurkers' since the group is composed almost entirely (the exception being Patrick Moran) of individuals whom the taxonomy of participation in online courses calls lurkers.

A lurker is defined in the literature as someone who rarely or never sends contributions to the discussion forums and are content to read what others are writing (Riva, 2001). That Dr. De Grandis should have allowed spectators to the course to dictate who is allowed to post is beyond comprehension, especially

since these individuals came out of the woodwork and left their social loafing to intervene in a discussion that neither Gloria Portella nor I invited them into. The only way to understand Dr. De Grandis' readiness to give the complaining lurkers such special consideration is that he was satisfying his own biases and that he could use their voices to fulfill his premeditated plan to expel me from the course.

Interestingly, research has shown that the motivations for lurking "*are varied: having nothing to say, feeling "outclassed" by scholars who post frequently, or simply enjoying the exchange as a passive reader* (Riva, 2001)." The second of these motivations bears a rather striking resemblance to the first and part of the second reasons I gave in my reply to Gloria Portella, namely that people like Gloria have stopped posting because "*they find my superior intellect humbling*" and, respectively, have "*no moral or logical arguments to discount*" my socio-political arguments (Students where are you?, Tuesday, 2 June 2009, 08:03 AM, see Appendix 1),. These must have struck a nerve with the members of the party of lurkers in order for them to come out of the shadows with their arrows full of poison. Interestingly, the coalition of lurkers disintegrated as quickly as it formed once Dr. De Grandis – compelled by me to post our communication regarding my concern about my dominance in the forums and their possibly inhibiting effect on others – actually posted the revealing email. Once they learned that I was not the insensitive bully they had painted me as, they would have realized that they had been too rash to judge me and the remorse that would have ensued as a result of their culpability in my expulsion from the course would have weighed heavily on their consciences. They would have realized that their self-righteous and precipitated indignation rings rather hollow in retrospect when in full possession of the facts. The burden of their own consciences, the realization that Dr. De Grandis had tried to withhold vital information from them, and the anger they would have felt towards Gloria Portella for deceiving them by feigning to be a victim, led them all but Patrick Moran to leave the course.

Finally, the heat and length of the forum postings reached a peak in my exchanges with Max Tant, who is clearly none other than Dr. De Grandis, and would have contributed to the malcontent of some students. That Dr. De Grandis chose to engage in identity deception is rather puzzling. Identity deception, incidentally, is considered to be a serious offence in CMC. Initially, I attributed this to his attempt to direct the discussions without influencing students with his authority as a tutor. This, after all, backfired in the previous week when he posted in defence of utilitarianism and squashed the debate. I also saw it as a flattering sign that he deemed me worthy of far more effort than he would have dedicated to other students. That he chose to deny it, however, when I confronted him in a private

email could only mean that his motives were less than honourable. As a result, I have come to believe that Dr. De Grandis chose to impersonate another student in order to insult me with labels such as communist and anarchist. The studied restraint he showed in his comments to my exchange with Max Tant is rather uncharacteristic and points in this direction as clearly as the abnormal and conspicuous profile of Max Tant's participation in and disappearance from the course. In addition, had Dr. De Grandis not been Max Tant, he would have surely jumped on my back for being too forceful or accuse me of his favourite charge, attack *ad hominem*. It could very well be that by abstaining from criticizing me he was attempting to prevent any connection between the expulsion he was preparing for me (in collusion with Ivor Middleton and possibly also Gloria Portella) and his dislike of the form and content of my replies to Max Tant. If the evidence should support this deduction, then Dr. De Grandis' actions (i.e. posting a deliberately inflammatory question in the common room, inviting equivocation, provoking a conflict and then expelling me on grounds of netiquette breach) will be proven to have been either partly or fully premeditated and malicious. Moreover, the fact that the Senior Proctor and the Disciplinary Panel did everything possible to prevent me from accessing the evidence contained in Dr. De Grandis' email account as tutor of the course can only be explained as a deliberate attempt to hide incriminating evidence. Also, the fact that the Panel avoided any mention of my suspicion that Dr. De Grandis engaged in identity deception is highly suspect given the implications of such behaviour. Equally suspect is the fact that the Panel completely ignored my repeated calls for confirmation of Max Tant's true identity. The Panel members seem to have gone out of their way to avoid these subjects and this can only mean that they were hiding the truth.

That various adjudicators with impressive academic credentials and expertise in online courses should have missed all these considerations seems unlikely. The more logical explanation is that they chose to ignore them in order to achieve their intended goal, namely denying me justice.

Paradoxically, the main reason I contributed generously was because I felt sorry for Dr. De Grandis, whose course was dying on account of the very lurkers whom he decided to appease with my expulsion. To save him the embarrassment of silent forums I increased my output, bringing the forums back to life, which in turn brought me into dialogue with more students than I would have liked to and this may have led to more resentment towards me. In political matters, after all, regardless of what one has to say, someone or other is going to feel offended.

Given that flaming is an ambiguous term and subject to interpretation, that Dr. De Grandis invited equivocation, that I was defending myself against Mrs. Portella's

false accusations and baseless insults, that the coalition of the malcontent was composed of self-righteous lurkers with axes to grind, that this was the first time I had ever participated in an online course and was therefore unfamiliar with the conventions of online debate, that the university's netiquette document is vague and does not state what exactly constitutes a breach of netiquette, and that my cultural background and life experiences give me a different perspective on what is an appropriate response to hypocrisy and the attempt to curtail my constitutional and academic rights, Oxford should have applied the most lenient rather than the most severe punishment for my alleged breach of netiquette.

5. Even accepting that a breach of netiquette was committed, the punishment (i.e. my expulsion) was "*incommensurate with the offence*", as the Disciplinary Panel finally and reluctantly admitted. Yet despite reaching this verdict, the Panel did not deem it necessary to address the issue of redress beyond the offensive and meaningless gesture of refunding my tuition fees, which had already been done months before by Professor Michie. In so doing, Oxford failed to take legal responsibility for the damage done to me.

6. I suspect that some of the animosity towards me evident in the actions of Oxford's various adjudicators is partly derived from their loyalty to the monarchy, an institution that I criticised with republican gusto in a few of my postings. If this is proven to be the case, then Oxford will have covertly punished me for breaching the Treason Felony Act 1848, which remains on Britain's statute books, by interpreting my writings for the online Political Philosophy course as being outside the protections provided by the Human Rights Act 1998, which would have exonerated me for engaging in peaceful republican activity. Given Oxford's legendary conservatism and longstanding loyalist allegiance, it could very well be that the university adheres to covert censorship of the academic environment in matters pertaining to the monarchy. If this is indeed the case, it would explain the discriminatory treatment I was subjected to at every level of adjudication at Oxford. Above and beyond the fact that this application of an archaic law is inconsistent with common modern law, it would also be an illegal act given that I am not a British subject and that I participated in the online course from Canadian and not British territory.

7. Oxford's refusal to respond to my Appeal 2 or to even acknowledge its receipt shows that its officials have no respect for the law and for the university's

regulations. Because the Appeal 2 presents irrefutable evidence that Oxford breached due process, obstructed justice, and engaged in censorship and discrimination, its officials have resorted to absolute silence as a means to avoid taking responsibility for their illegal and unethical actions.

V. PROFESSIONAL & ORGANISATIONAL

1. Overburdened by the work load imposed on tutors by Oxford University, Dr. De Grandis:
 - a. Did not read postings in their entirety (by his own admission, he did not read my entire posting on the theory I had formulated - and which I entitled the “Universal Equalizer Principle” – because it was too long)
 - b. Left the course unsupervised while on conference
 - c. Neglected the course for days at a time

2. Dr. De Grandis woke up too late to properly address the issue of poor forum participation. To avoid responsibility he decided to offload his professional failures on my shoulders by inciting students to blame someone other than him and leading them to point fingers at me by asking them “*whether there is any feature of the discussions that is disturbing you, or intimidating you or that is putting you off*” (Students where are you?, Monday, 1 June 2009, 03:55 PM). Trying to understand why students did not participate in the forums 60% into the course shows that he neither properly monitored the course nor sufficiently encouraged the forum discussions. This shows a lack of understanding and competence in managing online courses.

Had that not been the case he would have known that:

(i) “*A challenge for designers and instructors of online management courses is to be able to achieve a level of student participation that supports a learning environment where students play a central role. Pedagogy that is successful in eliciting classroom participation will not necessarily be successful in online courses* (Shivastava, 1999, in Bento, Brownstein, Kemery & Zacur, 2005)”.

Only three students played a central role in Dr. De Grandis’ course: myself, Ivor Middleton and Gloria Portella. With my expulsion and Gloria Portella’s

diminished contributions, Ivor Middleton was the only student left playing a central role.

(ii) In order to have “*a deeper understanding of online participation, its cause and consequences*”, one needs to be aware of the “*taxonomy of the types of behaviour typical of student in online courses*”, which consists of four types of students: (1) *active learners* (those whose contributions to online discussions are both substantive and frequent), (2) *social participants* (those whose contributions are characterised by high interpersonal interaction but low content), (3) *witness learners* (those who are actively engaged with the course materials, log in frequently and do all the readings, but do not actively contribute to the online discourse), (4) and *missing in action* students (i.e. those who are merely bystanders and do not actively participate in online discussions) (Bento, Brownstein, Kemery & Zacur, 2005).

“*A goal of professors in an online learning class is to maximize the number of students*” in the first category, that of ‘active learners’, which means that he/she will have to “*provide the leadership to move students*” in the ‘witness learner’, ‘social participant’ and ‘missing in action’ categories into the ‘active learner’ category. In order to accomplish this “*it will be helpful to think of the professor as a leader who must respond differently to each student, depending on their taxonomic location*” (Bento, Brownstein, Kemery & Zacur, 2005).

Dr. De Grandis not only failed to maximize the number of students in the *active learners* category, he even lost students from the *active learners* to the *witness learners* and *missing in action* categories. Given his lack of success, the eagerness with which he jumped at the opportunity to scapegoat me for other students’ absence from the forum discussions – to say nothing of the incendiary way in which he invited equivocation – betrays a need to scapegoat me for his failures as an online tutor.

(iii) “*Because reasons for these missing in action students differ, it is critical that the instructor communicate with them early in the semester in order to understand their needs*” (Bento, Brownstein, Kemery & Zacur, 2005).

Clearly, Dr. De Grandis failed to communicate early in the course with non-participating students, which is the true reason why so many students decreased their participation and most disappeared entirely.

(iv) Different types of students require different approaches and levels of involvement from the tutor.

“Those students who have reached Quadrant IV [i.e. active learners] – those with high content and high interaction are best poised to thrive in an online course. And, while it is important for an instructor to focus on the other students, it is also important to reinforce those in Quadrant IV. These students should be challenged to work towards even higher conceptual understanding” (Bento, Brownstein, Kemery & Zacur, 2005, p. 84).

Limiting the number of words to a predetermined figure in order to satisfy Mrs. Portella’s notion of what is or is not appropriate hardly serves the interests of students who fall into the ‘active learners’ category, a category to which I firmly and consistently belonged. Clearly, Dr. De Grandis did not have the best interests of Quadrant IV learners in mind when he decided to incite the course’s ‘missing in action’ students to explain their absence.

“It is crucially important, for pedagogical and fairness reasons, that online instructors take active measures to differentiate ‘witness students’ from those ‘missing in action’. By contacting them early and often the low visibility students, an instructor can help a student move from Quadrant I (“missing in action”) to Quadrant 2 (“witness learner”), and from there to the most desirable Quadrant IV (“Active learner”)” (Bento, Brownstein, Kemery & Zacur, 2005, p. 84).

Attempting to bring back the low visibility students at the end of week 6 in a 10 week-long course is too little too late, not to say anything about the ill-conceived method Dr. De Grandis used. Had the length of my postings been indeed the cause of the lurkers’ absence, they should have returned in troves to the forums once I was expelled. Alas, the opposite is the case.

3. Considering the limited time Oxford gives tutors for online courses – 10% of his workload, according to Dr. De Grandis – it is no wonder that Dr. De Grandis had difficulty keeping up with the work load and attempted to reduce the length of my postings in order to alleviate the pressure on him to keep up with the course work.

The literature is unequivocal about the effort required to carry out a successful online course.

“Fostering student online participation begins with the instructor (Bento, Brownstein, Schuster & Zacur, 2005). Most importantly, the instructor must approach the online communication course in a wholehearted fashion. Online courses take considerable more work for the faculty member than the same course taught face-to-face” (Bento, Brownstein, Kemery & Zacur, 2005, p. 83).

In light of the unreasonably heavy work load imposed by Oxford on Dr. De Grandis (and undoubtedly also on other faculty members), I can only applaud and admire Dr. De Grandis's level of engagement. No one can fault his efforts as a tutor, though he clearly has a lot to learn about effective online pedagogical methods. That Dr. De Grandis' efforts were not enough to get most students to be fully engaged as *active learners* is equally the result of the unreasonably heavy work load Oxford imposed on Dr. De Grandis. As such, the Department of Continuing Education bears direct responsibility for the course's failure and indirect responsibility for the conflict that arose as a result of some students' inability to keep up with the postings; inability that led Mrs. Portella to blame me for falling behind on her course work and that led others to resent me for my prolific postings.

4. More broadly speaking, forcing participants in an online Continuing Education course to use the excessively polite lingua and arcane conventions of academic discourse defeats the purpose of continuing education – which is to offer the opportunity to acquire knowledge to people from all walks of life – and monopolizes continuing education for the use of a privileged minority who can already negotiate an academic environment. If I as a foreign university graduate could not negotiate Oxford's netiquette and academic conventions, then what hope is there for someone who never set foot in a university and is a common labourer used only to rough and direct language? The nonchalance with which Oxford expels continuing education students such as me (or the one whom Dr. De Grandis refers to as “the fascist” – on this note, I guess in his mind I am “the fundamentalist”) on the frivolous ground of breaching the university's netiquette rules is but an underhanded way of weeding out those who do not speak and think in a manner consistent with university education. This amounts to misuse of public funds and class-discrimination, whereby the academics entrusted with using taxpayers' money to educate the broader masses appropriate those public funds for their own class.

RECONSTRUCTING THE EVENTS

In light of the evidence at hand, the events leading to and following my expulsion from the course are most likely to have occurred as follows:

1. Alarmed by my socio-political opinions – primarily by my republican stand on the monarchy and the division of labour I proposed for a hypothetical direct democracy – Dr. De Grandis consulted with his colleagues as to how best to remove me from the course absent a plausible cause. He received the green light to orchestrate my expulsion and to use Oxford’s covert mechanism of censorship to achieve this. The mechanism is based on the concept of triangulation: tutor (i.e. Dr. De Grandis) + secret debate facilitator (i.e. Ivor Middleton) + false identity to be used when needed (i.e. Max Tant) are activated in concord and according to a preconceived plan when Oxford needs to censor the academic environment.

In his angry replies to me post my expulsion, Dr. De Grandis reveals that one of the two reasons I have been expelled is that “*You have tried to turn the course into a tribune to express your ideas*” (email sent Wed, 3 June 2009 13:58:41 +0100, see Appendix 27).

In answer to my email outlining my course of action should the Director of Public Programmes decide to make my removal from the course final, Dr. De Grandis then wrote: “*nobody has silenced your political opinions, which are well visible in the forums and that you can express freely in several other ways*” (email sent Wed, 3 June 2009 15:09:47, see Appendix 27). The implication of his remark is that I can express my political opinions freely elsewhere but no longer at Oxford. What is also interesting is that he uses the phrase: “*Two things have not been accepted.*” This seems to indicate that he is not just referring to himself but to Oxford as a whole.

2. Thus empowered, Dr. De Grandis, as course tutor, and Ivor Middleton, as secret dialogue facilitator, decided to set up a trap for me by creating the conditions for a netiquette breach or at the very least for limiting the length and indirectly also the content of my postings. Possibly being in possession of a complaint by Gloria Portella about the length and perhaps even the nature of my postings, Dr. De Grandis decided to use this as the most promising fire to stoke. To make sure that I take the bait and that nobody will connect him to the ensuing conflict, Dr. De Grandis used Max Tant’s identity to forcefully debate with me and to aggravate me with accusations of communism and anarchism while also ensuring that his posts and therefore my rebuttals are very long (Appendix 25). The latter would ensure that Gloria Portella will openly complain about the length of my posts if provided with the opportunity to do so.
3. The opportunity came in the shape of Dr. De Grandis’ inflammatory and leading question posted in the common room and titled “Students where are you?”. He wrote:

I have noticed that apart from a small group of students who contribute regularly to the forums, the majority is not participating or not doing so regularly. I would like to understand the reasons of this limited participation, but I need your help to do so. I would greatly appreciate any clue or explanation of the reasons that are holding back the

students who are not regularly present on the forums. In particular, I would like to know whether there is any feature of the discussions that is disturbing you, or intimidating you or that is putting you off. If you would like the forums to be somehow different, this is the place to express your wishes, worries and complaints. Thank you in advance for your help 😊

Gloria Portella took the opportunity Dr. De Grandis provided her with and insinuated that the length of the posts prevented her from keeping up with the course work load. At 9:47 PM she wrote:

I'm learning a lot from this course, especially through text and posts readings. I love to contribute to the forums, and I've been doing my best to do so. Specifically this last week, I've been limited by a strong sinus infection (15 days of antibiotics, starting three days ago) but one thing that seems to be hard for me to deal with is the length of the texts posted. We usually have a lot of pages to read and keeping up with the posts definitely has been something difficult for me. I wish the posts were shorter so that we could interact in a more constant basis and move forward with different points quickly, instead of going deeper. This is what I expected, considering this is an undergraduate course. However, this has been a great learning opportunity for me, I promise I'll put more effort in participating at the forums.

To make sure that the finger pointing takes off, Ivor Middleton, followed Mrs. Portella's post less than one hour later, at 10:40 PM, and expanded the palette of possible accusations. He wrote,

The things that most likely put people off are:

- 1) Not wanting to appear ignorant;*
- 2) Behind on the reading, so as (1);*
- 3) Fear of flame mail (rude responses to posts);*
- 4) Expecting that you need to write a lot;*
- 5) Just plain shy.*

As we are mostly new to this, most of us going to appear ignorant. I'm sure I have. Two or three of the students are clearly quite erudite, but they might be useful to the rest of us, maybe even politely pointing us in the right direction - occasionally 😊

I don't like to post when I am behind on the reading - I've been quiet on last week's topic ! Just got to work harder at finding 15 minutes here, 20 minutes there to keep up.

Rudeness is a tricky one. Emails can look ruder than they are intended, especially when

topics are being debated. I quite like pointing out that there is an alternative point of view if I spot one. I relish seeing someone doing the same to me. It polishes up your thinking and exposes the blind spots. Or should that read "confirms your worst prejudices" 😊

To make sure that Gloria Portella and Ivor Middleton were referring to the length of my posts, I wrote the following at 11:47 PM:

Guilty as charged, Gloria and Ivor. Guilty as charged. Unfortunately, philosophy does not lend itself well to headlines. Also, think of it this way, while it takes me an hour or more to complete a lengthy response, it only takes you 5 minutes to read.

(I kept this one short, didn't I?)

The conflagration took off as planned and the rest is history. Having achieved his goal, Dr. De Grandis condemned my responses and exonerated Gloria Portella in a show of clear double standards. He wasted no time in shutting me out of the course. Since the ground had already been prepared, within hours of asking me to apologise and to also refrain from making further posts, he and his colleagues (i.e. Claire Kelly and Marianne Talbot) shut me out of the course on the 3rd of June, even though I apologised and refrained from posting. In so doing, they breached Section 7 b of the Regulations, which states that *"In addressing general disciplinary matters, there will in many cases be a less serious issue which reaches closure, which may for example include giving the student a warning..."* (Appendix 15).

4. Mr. Philip Healy, Director of Public Programmes, dutifully rubberstamps his colleagues' decision on June 10 while also conveniently omitting to follow proper procedure. Section 7 a of the Regulations states:

8. The following procedure will be followed in relation to breaches of discipline:

- a. An incident will be reported as soon as possible to the relevant Deputy Director, who will consider whether there is a case to be addressed. The Deputy Director will investigate by seeking information, as necessary, from the student and the tutor (or other member of the Department as relevant) together with any other witnesses or persons thought to have relevant information; (Appendix 15)."*

Instead of "seeking information ...from the student" he chooses to base his decision solely on information from the tutor while totally bypassing me.

5. In preparing my appeal (from June 11-17) to Professor Jonathan Michie, Director of the Continuing Education Department, I ask Mr. Philip Healy to confirm that Max Tant is a

real student and not a proxy for Dr. De Grandis. Both Claire Kelly and Philip Healy confirm that Max Tant is a real student and not Dr. De Grandis' proxy (Appendix 26) and thus knowingly uphold Dr. De Grandis' lie. They are aware that by revealing Max Tant's true identity, they risk exposing Oxford's mechanism of censorship.

6. By the time Professor Michie receives my appeal document, the Department of Continuing Education is fully committed to the fiction that I was expelled for breach of netiquette and not as an act of deliberate censorship. To save the Department the embarrassment of outside scrutiny, Professor Michie takes it upon himself to act as adjudicator instead of referring the case to a Disciplinary Panel, as the Regulations dictate. Eager to bury the case, he renders a verdict on the 24 of June that is entirely devoid of justice and fairness – he upholds the expulsion without reservations.
7. Two days later, on the 26th of June, I appeal Professor Michie's decision to the Proctors' office, which is Oxford's highest and final body of adjudication. It takes Professor Williams, the acting Senior Proctor, one month and one day to decide that Professor Michie "has not followed appropriate procedure in considering [my] appeal" because he should have referred it to a Disciplinary Panel. But instead of making a decision on the merits of my appeal, as I had requested and waited for, he orders the Department to convene an inter-departmental Panel to hear my case. This allows him to throw me back to the Department of Continuing Education to bury my case at the Department level. Professor Williams and his advisers are aware that if they allow me the mandated right to have my case heard by the Proctors, not only will they have to conduct a real investigation, they will also have to give me access to the evidence I need to defend myself and that I consequently requested; that is, access to Dr. De Grandis' email account for the course, and to the case document the Department would have presented to the Proctors. Since both contain incriminating evidence, the Senior Proctor hands the hot potato back to the Department of Continuing Education and to the three-person kangaroo court he orders the Department to convene for the task of burying my case once and for all. To make sure that the case does not come back to haunt him and expose the university's censorship and obstruction of justice practices, the Senior Proctor denies me any and all possibility of further appeal, thus breaching sections 11.2 and 11.3 of the Proctors' Regulations. He is aware however that should the case find its way into a court of law, this will allow Oxford to contain the damage by making the Department of Continuing Education solely responsible. Oxford's reputation, therefore, can be safeguarded.
8. Before the Proctors decide what to do with my case, they want to ascertain what kind of redress I expect (see Appendix 29). My answer scares them because they realize that should my case go to a real judge Oxford will lose. Furthermore, if they take the case and they prove to be as biased and unfair as the Department of Continuing Education, the potential damage to Oxford as a whole could be devastating when or if the case comes

under the scrutiny of a real judge. They therefore decide that it is too dangerous to tackle the case themselves and that the only safe solution for the university is to bury the case at the department level, which is why they appoint an inter-departmental Disciplinary Panel and then program it to be no more than a kangaroo court.

9. The Disciplinary Panel, led by Dr. Peter Gambles, deliberately delays the evidence I request in order to prevent me from preparing a new and improved appeal document prior to their scheduled deliberation of my case. They not only hide the evidence behind the limitations of the Data Protection Act, they also lean on Mrs. Rampton, the data protection officer, to make sure that she does not release the data before their meeting, which forces her to break the Data Protection Act's 40-day legal deadline. The data I finally receive from Mrs. Rampton's turns out to be no more than documents and correspondence I already possess. The Panel then meets and passes a verdict without offering me "*the opportunity to submit materials in defence or mitigation*"(see Appendix 6) according to clause 9 of the Regulations and as the Proctors had promised.
10. To seal the case, the Disciplinary Panel then denies me access to the course website and forums, which I request in order to prepare my final appeal once I know that no meaningful evidence will be released by Oxford.

CONCLUSION:

Having presented a bird's-eye-view of the process as it has unfolded thus far, one can arrive at two possible explanations about Oxford's adjudicators. Either they are:

1. Utterly incompetent and disinterested in fulfilling the duties of the offices they have been entrusted with, or
2. Supremely adept and experienced at circumventing and violating the Regulations governing their actions in order to satisfy their own deep-seated prejudices and deliberately obstruct justice so as to cover-up a preconceived and Oxford-sanctioned act of censorship.

However, in light of the fact that the individuals involved are highly educated and occupy positions of authority, it makes sense to conclude that they are not incompetent but rather very capable. In either case, they have failed to properly exercise the duties of their offices and have done Oxford University a great disservice. In either case, the damage they have done to me through their incompetence or racism must be addressed by an impartial judge, especially since the integrity of the academic environment is at stake.

This is particularly important since Oxford's lack of external supervision and control at the governance level is what ultimately enables the kind of unaccountable, self-serving and closed

circuit adjudication. Without reforming Oxford's governance system, its adjudication mechanism will remain irreparable. Reforming Oxford from within, as Dr. Hood, Oxford's previous Vice-Chancellor, has attempted proved to be a failure because Oxford's self-governing academics did not want to abdicate control of the university. Dr Hood has unsuccessfully proposed to reform Oxford's 900-year-old tradition of complete self-governance by introducing a number of external members to council, and by separating academic and financial boards. Had there been external members to Oxford's council, Oxford might have behaved differently towards me. But since everyone watches everyone else's back at Oxford, outsiders like me, regardless of the merit of their complaints, are being shortchanged.

FINAL PERSPECTIVE:

In juxtaposing my failings with those of the university, the extent of the prejudices animating the faculty and staff become fully revealed.

My offence:

1. I allegedly breached netiquette on the 2nd of June in my exchange with Mrs. Portella.

Oxford's offences:

1. Dr. De Grandis and his colleagues showed double standards in expelling me while giving Mrs. Portella a free pass.
2. Dr. De Grandis did not take responsibility for his own culpability in causing the incident and chose instead to make me solely responsible.
3. Dr. De Grandis applied the strictest punishment for my alleged breach of netiquette but reserved the right to misrepresent himself as Max Tant and to lie about it when confronted with it.
4. As part of an Oxford-sanctioned act of censorship, Dr. De Grandis and Ivor Middleton have staged my expulsion in order to prevent me from expressing my socio-political ideals and ideas.
5. Claire Kelly, Online Course Manager; Philip Healy, Director of Public Programmes; and Professor Jonathan Michie, Director of the Department of Continuing Education, have all backed up Dr. De Grandis' assertion that he did not post in Max Tant's name. They

did so in writing and in the probable knowledge that Dr. De Grandis and not Max Tant was the one responsible for the debate with me in Unit 5, Plato Against Democracy. Admitting this would have proven that Dr. De Grandis had ulterior motives when he decided to remove me from the course.

6. Dr. De Grandis, Claire Kelly and Marianne Talbot failed to observe due process and common sense by ignoring Clause 7b of the Regulations, which states that in less serious cases a student may be given a warning. Consequently, their decision to apply the most severe punishment was inconsistent with the department's common application of the rules and with the university's mission, values and objectives.
7. Mr. Philip Healy, the Director of Public Programmes and the first adjudicator of the decision to expel me from the course, breached Clause 7a of the Regulations, which required him to contact the student defendant for information regarding the alleged offence. He chose instead to conveniently disregard my point of view.
8. Professor Jonathan Michie, the Director of the Department of Continuing Education and the second adjudicator of the decision to expel me from the course, failed to follow Clause 7c of the Regulations, which required him to convene a three-person Disciplinary Panel to consider my case. He chose instead to conveniently assume the responsibility himself so as to bury the case without giving any regard to its merit.
9. The Disciplinary Panel – made up of Professor C. Gosden, member of the Continuing Education Board, Dr. A. Hawkins, Deputy Director of International Programmes, and Dr. Peter Gamble, Secretary of the Continuing Education Board – breached Clause 9ii of the Regulations, which gives the student the opportunity to submit materials in defence or mitigation.
10. Professor Williams, Oxford's Senior Proctor, breached Clause 11.3 of the Proctors Regulations by denying me the right to appeal the Panel's decision to a Proctors' Disciplinary Hearing and thus deliberately preventing me from having my case heard by individuals other than those responsible for investigating and prosecuting the case in the first case. This abrogation of responsibility enabled the Department of Continuing Education to deny me (1) access to evidence that would have been available to me had the Proctors acted as the last adjudicating body, and (2) an impartial judge.
11. Mrs. Emma Rampton, Head of Council Secretariat and Oxford's Data Protection Officer, broke the law by failing to observe the 40-day deadline imposed by the Data Protection Act for release of requested information, as well as the Act's stipulations relating to the intelligibility of the data, which she deliberately compromised by redacting in white on white. Her deliberate procrastination had the effect of denying me the ability to access the evidence in time to present my defence to the Panel. Conversely, her deliberate redaction in white had the effect of making it impossible for me to know where or even

if a text had been redacted. She also hid her identity by communicating with me as the “data protection officer”, which seems to run counter to her office’s requirement for transparency and honesty.

12. Despite finding that the Department of Continuing Education’s decision to expel me from the course was a punishment “incommensurate with the offence”, the Panel did not address the issue of redress (beyond the already refunded tuition fee), thus adding insult to injury and invalidating my four-month-old effort to see that justice prevails.
13. While applying the strictest punishment to my alleged breach of netiquette, the university’s Vice-Chancellor, Dr. John Hood, and his Private Secretary, Mr. Alasdair MacDonald, have consistently ignored my warnings that the adjudication mechanism at the Department of Continuing Education had broken down and that the Department’s continuing obstruction of justice ought to be investigated, as well as my subsequent appeals that the Vice-Chancellor ensures the evidence does not disappear from the record, and have arrogantly and rudely refused to reply to or to even acknowledge my emails. Ignoring relevant grievances and refusing to acknowledge my emails constitutes, given the circumstances and the potential consequences of such negligence, a far more egregious breach of etiquette than my alleged breach of netiquette.
14. Being at a loss of how to respond to the evidence I have presented in the Appeal 2 document (evidence of censorship, lying, obstruction of justice, prejudice, and breach of due process), Oxford has gone into hiding.
15. Bent on perverting the process and denying me justice even beyond the walls of Oxford University, Dr. Gasser and Professor Williams have refused to issue a Completion of Procedures Letter without which, they are well aware, I cannot file a complaint against Oxford with the Office of the Independent Adjudicator.

The insistence with which Oxford’s adjudicators have obstructed justice and have persisted in upholding and refusing to finally address the repercussions of the “disproportionately severe” punishment I was subjected to by the Department of Continuing Education merits investigation by the Equality and Human Rights Commission (EHRC). The fact that obstruction of justice was perpetrated across the board at Oxford can only be explained by systemic and personal prejudice against my ethnicity/nationality and against my socio-political ideas and ideals, which Oxford deemed necessary to censor.

Throughout this ordeal, my words and actions demonstrate not only that I, unlike Oxford, have always been sincere and have participated in Oxford’s system of conflict resolution in good faith, but also that despite being the aggrieved party, I, unlike Oxford’s faculty and staff, have held myself to higher standards.

1. I did not ask for anyone's expulsion.
2. I did not try to limit what or how much others want to say by using the length of postings as a pretext or by complaining about the style or strength of others' arguments.
3. I stood for my freedom of expression as firmly as I stood for everyone else's, including Gloria Portella.
4. I, unlike Dr. De Grandis, did not seek to have my own rights upheld at the cost of the rights of others, Dr. De Grandis' included. As such, I always insisted that should Dr. De Grandis be found guilty of lying and plotting, in addition to his obviously misguided judgement, he should not be fired (which would be the equivalent type of justice he subjected me to by expelling me from the course).
5. I did not write or act with ulterior motives in mind; on the contrary, I always told the truth and distinguished right from wrong as best I could and without self-serving calculation.
6. I did not make disparaging remarks about anyone's abilities or intentions, unlike Dr. De Grandis and Claire Kelly whose internal emails are peppered with contemptuous remarks about me. To this day, I stand by my view that Dr. De Grandis is an excellent teacher.
7. I did not ignore any of my fellow students' postings or challenges, and I always acknowledged and answered the emails and requests of Oxford's faculty and staff, regardless of how unjust I found them to be or how angry they would have made me.
8. I did not conceal my identity, as Dr. De Grandis did in posting under Max Tant's name, or like Mrs. Rampton who hid behind her title and signed her emails as the "data protection officer", or like Ivor Middleton whose participation in the course has the pattern of a dialogue facilitator, a role that both he and the university deny.
9. I did not make false promises like Emma Rampton, Oxford's data protection officer, who promised to release the data I requested long before the Panel's meeting and who instead did not even release the data within the legally binding deadline; or like Professor Williams, Oxford's senior proctor, who promised to give me the right to present evidence to the Panel only to break that promise along with the three members of the Panel.
10. I did not refer Mrs. Rampton's lawbreaking to the Data Protection Commissioner because I did not want her to lose her job and because there is enough evidence to suggest that she has been under pressure from her superiors to act in contravention to the Data Protection Act in order to prevent me from gathering the data necessary to prepare my appeal.

The most one can accuse me of is forcefully and freely expressing my opinions. By comparison, the behaviour of Oxford's various faculty and staff can at the kindest be described as unbecoming an institution dedicated to the pursuit of knowledge and truth. Without shame and in the absence of external controls, Oxford's adjudicators have cherry picked the university's rules and broke national and international laws. Rules and laws that serve their cause were strictly enforced and upheld while those that did not were discarded at will.

APPROPRIATE REDRESS:

What the Panel failed to address is redress for:

1. A decision to expel me from the course that was "*incommensurate with the offence*" and that has denied me the right to complete the course, thus:
 - a. invalidating my six weeks of participation and effort
 - b. and robbing me of access to my own intellectual property and of my rights to do with it as I please
2. Committing an act of censorship that has infringed my constitutionally protected rights to freedom of thought and expression.
3. The damage I suffered as a result of the university's initial expulsion and succeeding obstruction of justice, damage to my:
 - a. academic reputation
 - b. intellectual reputation
 - c. and consequently my professional credibility as analyst/consultant/writer
4. The hardship I suffered as a result of the cruel and unusual punishment I was subjected to and the prolonged appeal, hardship that has placed tremendous strain on my:
 - a. marriage

- b. time and resources
 - c. ability to fulfill my duties as father and the consequent hardship to my son
 - d. ability to meet the demands of my work
 - e. physical health and state of mind
5. The humiliation of being treated unjustly and with prejudice, for being thrown out of the course on frivolous grounds and for dubious reasons, and for being denied justice to safeguard the arrogance and satisfy the prejudices of Oxford's faculty and staff.

COURSE OF ACTION

In the spirit of transparency and sincerity, which has always guided my actions throughout the adjudication process, I am hereby informing Oxford of my intended course of action. Should Oxford fail to act within one week from the time it receives this file, I will proceed as follows:

1. I will charge Oxford with non-compliance with the *race equality duty*, as required by the Commission for Racial Equality (CRE) – now the **Equality and Human Rights Commission (EHRC)**.

*“As stated in the **Race Relations Amendment Act (2000)** public bodies have a statutory duty to the principle of equality of opportunity and to promote good race relations. Public bodies need to be pro-active and to monitor the impact of their policies and practice on racial groups.”*

According to the **Race Relations Act 1976** *“It is unlawful to discriminate on racial grounds in employment, education, housing and planning, the exercise of public functions (public and private bodies), and in the provision of goods, facilities and services.”*

2. Having exhausted Oxford's internal complaints procedures, and since my complaint has not been satisfactorily resolved, I will simultaneously take my case to the **Office of the Independent Adjudicator** by charging Oxford with censorship, obstruction of justice, collusion, discrimination, abuse of authority, and with violating articles 9 (the right to freedom of thought) and 10 (the right to freedom of expression) of the **European**

Convention on Human Rights. I will also charge Oxford with breach of the s43 Education (No 2) Act 1986, which requires HEI to “*take such steps as are reasonably practicable to ensure freedom of speech for students and employees*”

3. If once all domestic remedies have been exhausted I will still be dissatisfied with the outcome, I will take my case to **The European Commission of Human Rights.**

4. Finally, I will take Oxford University and its various faculty members, staff and adjudicators to court to seek compensation for the damage done to me by their discriminatory treatment.

BIBLIOGRAPHY

Bento, Regina; Brownstein, Barry; Kemery, Edward & Zacur, Susan Rawson (2005). A Taxonomy In Online Courses. *Journal of College Teaching and Learning*, Vol. 2, No. 12, December 2005.

Lea, M.; O'Shea, T.; Fung, P. & Spears, R. (1992). 'Flaming' in computer-mediated communication: Observations, explanations, implications. In M. Lea (Ed.), *Contexts of computer mediated communication* (pp. 89-112). New York: Harvester Wheatsheaf.

McLaughlin, M., Osborne, K., Smith, C. (1995). 'Standards of Conduct on Usenet', in Jones, S. (ed.) *CyberSociety: computer-mediated communication and community*. Sage: Thousand Oaks, California, 90-111. Mailbase (2000a). <http://www.mailbase.ac.uk/lists/writing-dev-he/>

O'Sullivan, Patrick B. & Flanagin, Andrew J. (2003). Reconceptualizing 'flaming' and other problematic messages. *New Media & Society*, Vol. 5, No. 1, 69-94 (2003).

Riva, Giuseppe (2001). Communication in CMC: Making Order Out of Miscommunication. In L. Anoli, R. Cicero and G. Riva (Eds.), *Say not to Say: New perspectives on miscommunication*. IOS Press, 2001.

Riva, Giuseppe & Galimberti, Carlo (1998). Computer-mediated communication: identity and social interaction in an electronic environment. *Genetic, Social and General Psychology Monographs*, 124, pp. 434-464 (1998).

Siegel, J.; Dubrovsky, V.; Kiesler, S. & McGuire, T.W. (1986). Group processes in computer-mediated communication. *Organizational Behaviour and Human Decision Processes*, 37, pp. 157-187.

Thompson, P. A. & Ahn, D. K. (1992). To be or not to be: An exploration of E-Prime, copula deletion and flaming in electronic mail. *ETC: A Review of General Semantics*, 49, pp. 146-164.