



FSU
FREE SPEECH UNION

THE FREE SPEECH UNION
85 GREAT PORTLAND ST.
LONDON W1W 7LT
[FREESPEECHUNION.ORG](https://www.freespeechunion.org)

Proctors' Office
University Offices
Wellington Square
Oxford OX1 2JD

11th May 2023

To Whom It May Concern:

I am writing to you in my capacity as General Secretary of the Free Speech Union, a non-partisan, mass membership public interest body that stands up for the speech rights of its members and campaigns for free speech more widely.

I wish to make a formal complaint about the decision by the Oxford University Students' Union (OUSU) to penalise the Oxford Union (OU) because it has invited Dr Kathleen Stock to speak. As reported in the [Telegraph](#) (10th May 2023), OUSU has blocked the OU from having a stall at the next freshers' fair because it has invited the former professor of philosophy at the University of Sussex to give a talk later this month. The President of the OU, Matthew Dick, told the *Telegraph* that OUSU's vote to cut ties with the OU was an attempt to "pressure" the OU into rescinding its invitation to Dr Stock, i.e., the OU will only be allowed to have a stall at freshers' fair if it no-platforms her.

The behaviour of OUSU is a clear breach of Oxford University's [Code of Practice on Meetings and Events](#), which applies to all meetings held on the premises of OUSU, as well as meetings "which are University funded, affiliated or branded regardless of location". Freshers' fair is therefore within scope of the Code, which "must be followed by all members, students and employees of the University" (5b). Section 3b of the Preamble quotes the following passage from the Education (No.2) Act 1986, which says that universities (and all those within scope of the Code) must:

ensure so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with

- a. the beliefs or views of that individual or of any member of that body; or
- b. the policy or objectives of that body.

Assuming the *Telegraph* story is accurate and the OU President's understanding of why OUSU has taken the decision is correct, OUSU is in breach of the Code since its officers have denied the use of OUSU's premises to the OU because they object to the "the beliefs or views" of Dr Stock.

OUSU's decision is also a breach of the Key Principles set out in the Code:

7. Freedom of speech and academic freedom must be protected.
8. The University believes that a culture of free, open and robust discussion can be achieved only if all concerned engage critically but courteously with each other.

Clearly, OUSU's actions will do the opposite of protecting free speech in that they will send a message to other student societies that if they invite people whose views OUSU's officers and members disapprove of, then they too will be banned from freshers' fair. In addition, the fact that OUSU has penalised the OU for giving a platform to Dr Stock is contrary to the University's belief in "a culture of free, open and robust discussion". Far from encouraging students to "engage critically but courteously" with one another or with external speakers, OUSU is encouraging them to no-platform those they disagree with.

Not only is OUSU in breach of the University's Code of Practice on Meetings and Events, but its actions are contrary to the University's [Freedom of Speech Policy](#), which states:

Free speech is the lifeblood of a university.

It enables the pursuit of knowledge. It helps us approach truth. It allows students, teachers and researchers to become better acquainted with the variety of beliefs, theories and opinions in the world. Recognising the vital importance of free expression for the life of the mind, a university may make rules concerning the conduct of debate but should never prevent speech that is lawful.

Inevitably, this will mean that members of the University are confronted with views that some find unsettling, extreme or offensive. The University must therefore foster freedom of expression within a framework of robust civility. Not all theories deserve equal respect. A university values expertise and intellectual achievement as well as openness. But, within the bounds set by law, all voices or views, which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument. As an integral part of this commitment to freedom of expression, we will take steps to ensure that all such exchanges happen peacefully. With appropriate regulation of the time, place and manner of events, neither speakers nor listeners should have any reasonable grounds to feel intimidated or censored.

Dr Stock's talk at OU is an example of members of the University being "confronted with views that some find unsettling, extreme or offensive", but, as the Policy says, that is not a good reason to no-platform her or punish the OU for inviting her. On the contrary, the Policy states that controversial speakers like Dr Stock, whose views are squarely "within the bounds set by law", "should be given the chance of a hearing". That is what the OU is doing. In addition, the OU has made it clear that it welcomes those who disagree with Dr Stock to come to her talk and engage in robust "questioning and argument" with her. Indeed, the OU's behaviour exemplifies the spirit of the University's Free Speech Policy, while OUSU's decision to punish the OU for inviting Dr Stock to speak is contrary to that spirit. If the Proctors do not use their powers to get OUSU to reverse its decision, the University's Free Speech Policy would be a dead letter.

I would like to lodge a specific complaint against the officers of OUSU and ask that the decision to punish the OU for inviting Dr Stock to speak – with the implication that this decision will be reversed if Dr Stock is no-platformed – be investigated as a possible breach of the University’s Code of Discipline, as set out in [Statute XI: University Discipline](#), one of the University of Oxford’s Statutes. This Code states that “no member of the University shall in a university context intentionally or recklessly... disrupt or attempt to disrupt the lawful exercise of freedom of speech by members, student members, and employees of the University or by visiting speakers”.

The officers of OUSU are:

Michael-Akolade Ayodeji (President)
Jade Calder (VP Access and Academic Affairs)
Anna-Tina Jashapara (VP Charities and Communities)
Shreya Dua (VP Graduates)
Grace Olusola (VP Welfare and Equality)

The Proctors should investigate this matter urgently since Dr Kathleen Stock is due to speak at the OU on 30th May. The President of the OU is under significant pressure to rescind the invitation to her – not just from OUSU, but from other student societies, as well as the JCRs of several colleges – and if he did so that would be a calamity, not just for the OU but for Oxford University as a whole, damaging its global reputation as a bastion of free speech and academic freedom.

We believe that the University is in breach of s43(1) of the Education (No 2) Act 1986, which requires universities to “take such steps as are reasonably practicable to ensure freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers”. Specifically, under subsection 2 the University has a duty to ensure, so far as is reasonably practicable, “that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with – (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body”. Premises (in the form of a stall at freshers’ fair) are being denied to OU because of the policies/objectives of that body, which is to give everyone with lawful views a right to present their views and have them be subjected to criticism, debate and discussion.

Further, under subsection 4 the University has a duty to comply with its own Code of Practice which, as stated above, must be followed by all. As such, the University has a duty to take reasonably practicable steps to review and if necessary countermand OUSU’s decision. It must consider *all* reasonable steps it could take to ensure OUSU reverses its decision – for example, by withholding University funding if it does not.

Additionally, under the Education Act 1994 the University is under a duty to take reasonably practicable steps to ensure that OUSU’s procedure for allocating resources to groups or clubs is fair (s22(2)(i)). It is also under a duty to bring its s43 Code of Practice to the attention at least once a year (s22(4)(a)).

We therefore respectfully request answers to the following:

- 1) What reasonably practicable steps has the University taken to get OUSU to reverse its decision in relation to the granting of a stall at the freshers fair to the OU?
- 2) What reasonably practicable steps has the University taken to ensure the procedure for allocating resources to clubs and groups is fair?

3) Has the University brought the attention of its students to its [Code of Practice on Meetings and Events](#) this year?

Should the University's answers to the above be unsatisfactory, the Free Speech Union will consider applying to judicially review the University in the High Court for failing to comply with its legal duties as set out in the Education (No.2) Act 1986 and the Education Act 1994.

Finally, the University and OUSU should be aware that under the new Higher Education (Freedom of Speech) Bill, which will be receiving Royal Assent today, OUSU will be directly under a duty to take steps to secure freedom of speech. This duty includes "securing that affiliation to the SU is not denied to any student society" because of their relation to "an individual, their ideas or opinions" or its "policy or objections or the ideas or opinions of any of its members".

OUSU should behave in an exemplary way ahead of the Bill coming into force.

I look forward to your prompt response.

Yours sincerely,



Toby Young
General Secretary
The Free Speech Union
toby@freespeechunion.org

Cc: Professor Irene Tracy CBE, Vice-Chancellor, Oxford University
The Right Hon Gillian Keegan MP, Secretary of State for Education
Ms Claire Coutinho MP, Parliamentary Under Secretary of State for Children, Families and Wellbeing
Ms Susan Lapworth, CEO, Office for Students
Lord Wharton, Chair, Office for Students