



FSU

FREE SPEECH UNION

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Jeremy Miles MS
Minister for Education and Welsh Language
Welsh Government
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22 February 2022

By email to: Correspondence.Jeremy.Miles@gov.wales

Dear Mr Miles,

I am writing to you in my capacity as General Secretary of the Free Speech Union (FSU). The FSU is 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.

This letter concerns a campaign of violent threats and harassment against several of our members and their colleagues, who are all academics at Cardiff University. This has included suggestions from students that they be kneecapped, the distribution of a leaflet on campus with the names and photos of these academics with the caption "ACT NOW" and an image of a woman holding a gun, and a public call to "destroy the TERF¹ menace". Both the University and the police have failed to respond robustly to this orchestrated and prolonged campaign.

Timeline of events

On 17 June 2021 15 members of staff at Cardiff University signed an [open letter](#) calling on the university to review its membership of the Stonewall Diversity Champions scheme. The signatories noted their support for "the rights of transgender staff and students". Their concern, rather, was for the effect of Stonewall's scheme on academic freedom and the rights of staff and students, particularly women. A counter-letter was published on 19 June condemning the "transphobia" of the 15 signatories of the original letter. It was signed by over 100 academics at Cardiff.

On 21 June during a protest at Cardiff University with 40-50 participants, a menacing leaflet was distributed with the names and photographs of the 15 signatories under the heading "ACT NOW". The leaflet featured a cartoon of a woman raising a gun, with the caption: "Not gay as in happy, but queer as in fuck you." This document stated that the signatories were not free to "be a transphobic prick", said the signatories were disseminating "transphobic bullshit", and warned them of "repercussions", with the implication that if they continued to express critical views about Stonewall they would be the victims of violent reprisals. It also suggested that the academics "should be" concerned about being no-platformed. The threatening leaflet was independently reported to the police by two of the signatories of the 17 June open letter. The University also reportedly spoke to the police at this time. One of the signatories, Academic A, was promptly disinvited from a research event by a Cardiff student.

¹'Trans-Exclusionary Radical Feminist', a derogatory term for (usually) women who defend women's sex-based rights.

In response to the protest and the threatening leaflet, the University released a [statement](#) on 22 June saying its commitment to the LGBTQ+ community was “non-negotiable”. This statement also re-affirmed a commitment to academic freedom and “respectful academic debate”. It said that it was “entirely unacceptable” that “members of our community feel unsafe”, although this read like a reference to LGBTQ+ students – supposedly rendered “unsafe” by the original letter – rather than the 15 signatories.

On 24 June another signatory, Academic B, was alerted by a whistleblower to activity on the Cardiff University LGBTQ+ Society’s official Facebook group. This whistleblower said the messages:

contain threats of violence toward yourself and other nastiness from the student community since your Tweet... not one single person... said [these messages were] wrong – keep in mind that the LGBT society is one of the largest societies in the university. This is highly concerning, as it makes it evident that if you hate this violent rhetoric you cannot feel comfortable to speak up for fear of being ostracised. Most alarming is that all of the official secretaries of the society are also staying quiet and/or directly supporting/propagating this nastiness... indeed one of the [secretaries/officers] joined in. I do ask to not expose my Twitter account or I will be hounded too.

One member of this group threatened to “[weaken a signatory’s] knees manually with a 2x4” and another said they will “give them more than weak knees” and discussed the “urge to throat punch people when they’re being racist/transphobic/homophobic”. Other individuals made similarly aggressive comments:

- “Petition to make punching transphobes not only legal but rewarded”
 - o “I’d sign that”
- “I’ve literally had to ‘debate’ with transphobes in seminars before because ‘there’s two sides to every argument’ yes and the two sides are either you’re a transphobic asshole or you’re not”
- “everyone deserves respect and we should listen to each other” / “No fuck transphobes is my stance kiss my ass”
- “we have to explain to this ignorant fuckface what rotational inertia is”

Academic B immediately submitted documentary evidence of this to the University authorities.

The next day on 25 June, Academic A wrote to University authorities with evidence demonstrating the identity of the distributor of the leaflet containing the threats of violence, showing that this individual had informal connections to the University. That day the police replied to Academic A stating that no crime had been committed. Academic B received no reply from the police.

On 30 June the Vice-Chancellor publicly [criticised](#) the leaflet in an all-staff email.

On 16 September the group which published the leaflet, ACT Now, [proposed](#) an “offensive” to “destroy the TERF menace and secure Queer Liberation”. According to the group, “We can’t just bash back, we must strike first!”

On 29 September seven signatories of the letter, including Academics A and B, met with the Deputy Vice-Chancellor and Communications Director. At this meeting, Academic B raised the issue of the safety of the signatories to the original open letter, given the continuing violent rhetoric from groups/individuals targeting them. On 8 October, the Deputy Vice-Chancellor and Communications Director updated Academics A and B about action the university had taken in response to the leaflet and the social media posts in a group affiliated with the Cardiff Students’ Union. The Communications Director oversaw the investigation, but claimed they had been unable to identify the authors of the threatening messages or the distributor of the leaflet. This claim is implausible: the whistleblower’s evidence included names and photographs of those responsible for the threatening messages.

The Communications Director said that they had never seen the evidence establishing the identity of the distributor of the leaflet. This is despite the fact that Academic A sent this evidence to the University in June. Academic B suggested the member of the public who distributed the leaflet, who is not a member of the University, be banned from campus.

At the meeting, Academic B asked the Deputy Vice-Chancellor whether they regarded the original letter suggesting that the University leave Stonewall as being as unacceptable as the threatening leaflet. The Deputy Vice-Chancellor refused to comment on this, but stated that the leaflet and its graphic were “unacceptable and wrong”.

Shortly after this meeting, on 11 October, another signatory of the letter, Academic C, found that their car window had been smashed. Academic C reported this to the University and the police.

In the days following this, Academic B corresponded with university authorities including the Deputy Vice-Chancellor, again supplying evidence that staff and students participated in the protest where the leaflet was distributed, even suggesting that these individuals be approached initially as witnesses for the investigation rather than suspects.

Despite the ongoing threats of violence, including the vandalism of Academic C’s car, and ample evidence supplied by the signatories, the University stated in an email of 29 October to Academic B that it would undertake no further investigation. This email stated:

The University is satisfied that it has acted appropriately in referring [the pamphlet and social media posts] to the police, and in case of the social media posts, to Facebook... If either organisation had informed us that Cardiff University students and staff had undertaken unlawful activity, or indeed were responsible for the posts, then we would have taken appropriate action via the Student Disciplinary Procedure or the Dignity at Work and Study policy. To contact staff and students based on no more than their signatures on a letter or presence at a protest – both legal activities – would not be proportionate.

On that same date, the Vice-Chancellor stated in an all-staff email that the university would continue its relationship with Stonewall.

The campaign against the 15 signatories continued in November, this time with stickers posted on campus with a similar image of someone holding a raised gun and the same “Not gay as in happy, but queer as in fuck you” caption. One sticker was posted on a lamppost outside the University’s main building, highly visible as people entered the premises. On 18 November, Academic B wrote to the Deputy Vice-Chancellor and Communications Director notifying them of these stickers, asking for their removal, and for a further investigation.

After four days the University reported to Academic B that security had been asked to remove the stickers and details had again been sent to South Wales Police. By 25 November these threatening stickers had been put back up, and again removed. On that day Academic B also wrote to the Deputy Vice-Chancellor and Communications Director to notify them that the individual who posted the kneecapping comment on the official Facebook page of the LGBTQ+ Society appears to have been, at the time the comments were made, a Cardiff student.

On 29 November, Academic B sent evidence that three other individuals who posted aggressive comments were current Cardiff students. Consistent with the statement of the whistle-blower, one of them also appears to be a senior official at Cardiff Student Union. Academic B also asked the Communications Director whether there was CCTV footage of the main gate, potentially enabling identification of the individual who affixed the stickers. As with a later query about CCTV footage of the June protest (see below), no reply was received.

On 3 December, Academic B reported the stickers to South Wales Police. The police did not respond.

Appeal to the Deputy Vice-Chancellor

In January 2022, nine of the original fifteen signatories wrote to the Deputy Vice-Chancellor expressing their dissatisfaction with the handling of this matter.

This letter stated that the University had overlooked crucial evidence, most particularly the 25 June email identifying the distributor of the leaflet. Yet this evidence did not feature in the University's brief investigation.

The signatories also identified links between members of the public involved in the campaign and Cardiff staff/students. But none of these individuals were interviewed as witnesses. The University also appears to have failed to review CCTV footage of the protest. The signatories asked about this issue, but received no response. Seemingly no attempt was made to identify the authors of the violent and aggressive Facebook posts, despite the fact that the whistleblower's evidence included names and photos and asserted that the authors of the posts were Cardiff students and members of the LGBTQ+ Society. Indeed, the signatories' own research quickly established the identities of several individuals.

Therefore, the Deputy Vice-Chancellor was asked to:

- 1) Re-open the investigation, with particular regard to establishing if current or former staff or students were involved in the threats against the 15 academics;
- 2) Issue an additional public statement guaranteeing the rights and safety of members of the University to express gender-critical points of view, modelled on that [issued](#) by the University of Sussex during the Kathleen Stock affair.

In response, the Deputy Vice-Chancellor provided a brief reply, stating that the distributor of the leaflet was not a "member of our community". However, the Deputy Vice-Chancellor gave no explanation for why a member of the public was permitted to enter the Cardiff campus and distribute material encouraging violence against members of staff, or why the University had made no attempt to ban this individual from entering the University grounds.

Further, the Deputy Vice-Chancellor stated that merely by contacting South Wales Police the University had fully discharged its responsibility to the 15 targeted members of staff. This disregards the university's duty of care to its employees, and its own Dignity at Work and Study policy. There was no explanation of why evidence submitted in June was not shared with the Deputy Vice-Chancellor and Communications Director until October.

The Deputy Vice-Chancellor then addressed the social media posts. Referring to the most egregious message – "We can [weaken a signatory's] knees manually with a 2x4" – the Deputy Vice-Chancellor wrote that the student "has left the university and is no longer subject to the university's policies and procedures". But at the time the signatories complained this individual was a student, and it is only the University's botched handling of this matter that meant a timely investigation and disciplinary process was not carried out. Now that opportunity has been missed, the University could at least consider banning this individual from campus. It has not done so.

The Deputy Vice-Chancellor disagreed with the whistleblower's assessment that the posts "contain threats of violence". The Deputy Vice-Chancellor asserted that "no individuals are identified; rather, the authors make general comments relating to those who hold transphobic or other discriminatory views".

But the comments were posted on social media in the immediate aftermath of the original letter, making it implausible that they did not refer to the signatories of the open letter. In any case, the whistleblower explicitly identified a social media post by Academic B as the trigger for the malicious and violently suggestive social media activity. Indeed, the author of the kneecap comment also posted the message which referred to

Academic B calling them “ignorant fuckface”. Another individual, who appears to be a student, also referred in a comment to Academic B. The comment was even made under an image of Academic B’s social media post, decisively disproving the claim of the Deputy Vice-Chancellor.

The Deputy Vice-Chancellor addressed the threatening social media posts made by individuals who appear to be current students/Student Union officials and claimed that these are merely expressions of opinion and that “we do not consider them to be inciting violence or harassment”. But the posts, as quoted above, are plainly aggressive. It is inconceivable that the university is unable to establish the identity of these individuals.

Given the whistleblower’s comments and the nature of the group, it is highly probable that the two unknown individuals were or are Cardiff students. Unfortunately, Facebook’s deletion of the group now means that there is no comprehensive evidence of the messages and their context. It was another failure of the University that these messages were not retained.

These messages go far beyond robust debate or criticism. They are not objectionable merely because they are “offensive”, as the Deputy Vice-Chancellor states in mitigation, trivialising the matter. Offensive speech is, and must be, protected. Intimidation of this kind, however, is unlawful and inhibits academic freedom.

That a student whistleblower felt fearful about being identified as condemning violent language targeting Cardiff’s employees is *prima facie* evidence that the University is failing to uphold its legal duty under section 43 of the Education (No 2) Act 1986 to secure freedom of speech. Worse, when serious and well-evidenced concerns about this hostile campaign were brought to the University’s attention, it neglected to act, misplaced evidence, failed to conduct a timely and thorough investigation and refused to re-open the investigation when the violent threats were repeated.

Despite the continuing campaign against these academics, the Deputy Vice-Chancellor concluded:

We do not consider it appropriate or necessary to make a further, more specific, statement. The senior management of the University continues to work to ensure that freedom of speech is upheld. I believe that the University has acted reasonably and taken practical steps to safeguard the health, safety and wellbeing of all staff and students involved in this matter.

In fact, a significant number of staff and an unknown number of students feel unable to speak about these matters openly; members of the public continue to be able to access Cardiff grounds to target the University’s employees; and the relevant Dignity at Work policy is not being enforced. The University is legally obliged to provide employees with a healthy and safe work environment. We do not believe it is upholding this duty.

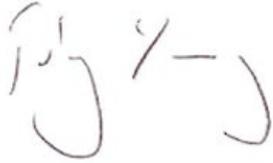
The last eight months have been exceptionally trying for our members and their colleagues, and have involved acute physical fear, extreme anxiety and illnesses such as depression, all as a result of this campaign of intimidation. Despite this, our members and their colleagues worked for an internal solution to these problems, believing that the University would deliver this. As this letter shows, they gave the University repeated chances to resolve this issue. Had the University made reasonable concessions, they would have accepted these. Our members and their colleagues repeatedly declined to speak with the media, not wanting to embarrass the University. To the greatest extent possible, all the people referred to in this letter, including the authors of the violent threats, have been anonymized; our members and their colleagues do not want *anyone* to face vitriol and/or retribution.

Further action

Our purpose in writing this letter is to alert you to the situation at Cardiff, and to ask that you consider what intervention you might make with the Vice-Chancellor or elsewhere that could have a material impact. In particular, we would welcome any action you could take to remind Cardiff of its legal duties under current legislation. The Free Speech Union will be assisting our members with a complaint to the police about its

handling of this matter. If necessary, we will also be assisting our members with a formal grievance against the University, and whatever legal action they deem necessary.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Toby Young', written in a cursive style.

Toby Young
General Secretary, The Free Speech Union
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cc. Rob Humphreys, Chair, HEFCW
Dr David Blaney, Chief Executive, HEFCW