



FSU
FREE SPEECH UNION

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Professor David Maguire
University of Sussex
Sussex House
Falmer
Brighton BN1 9RH

7 October 2021

By email to: David.Maguire@sussex.ac.uk

Dear Professor Maguire,

Re. Professor Kathleen Stock

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.

This letter concerns the campaign of harassment that has confronted Professor Kathleen Stock upon her return to work for the new academic year.

Messages have been posted around the University and online denouncing and threatening Professor Stock because of her gender-critical beliefs. The posters read:

It's not a debate. It's not feminism. It's not philosophy. It's just transphobia and it's not on. Fire Kathleen Stock.

Kathleen Stock makes trans students feel unsafe. Sussex stills pays her.

We're not paying £9250 a year for transphobia. Fire Kathleen Stock.

dogwhistle, *noun* ... e.g. The transphobic shit that comes out of Kathleen Stock's mouth.

Sussex enables transphobes. Kathleen Stock must go.

Content posted on the Instagram account of a group calling itself 'antiterfsussex' (<https://www.instagram.com/antiterfsussex/>) includes a photograph of an ominous masked figure standing on the University campus holding a 'Stock Out' banner while a cannister at their feet emits blue smoke. The picture is accompanied by a manifesto entitled 'ANTI-STOCK ACTION 2021'. The manifesto is openly menacing:

Stock is a bigot, who uses her academic reputation to further wider transphobic movements....

Transphobes like Stock are **anti-feminist, anti-queer and anti-intellectual, they are harmful and dangerous to trans people.** They're spiteful bootlickers.... But guess what? **We are not up for debate. We cannot be reasoned out of existence. And we will not let people try to.**

We've fucking had enough.

We are **an anonymous, unaffiliated group of queers, trans and non-binary students** who will not allow our community to be slandered and harmed by someone who's [*sic*] salary comes from our pockets. If you care for our community like we do, spread the word, get people angry, angry enough to do something about it.

Our demand is simple: fire Kathleen Stock. Until then, you'll see us around.
[*Emphasis in original*]

This letter does not seek to persuade you that this conduct is unjustified and intolerable – I am sure you need no persuading of that. Instead, the purpose of this letter is to highlight the urgency of the situation for Professor Stock, and to ask what action the University will take to defend her welfare, safety and academic freedom.

To this end, we kindly remind the University of Sussex of its legal duties.

As you will be aware, section 43 of the Education (No 2) Act 1986 obliges the University to take such steps as are reasonably practicable to secure Professor Stock's freedom of speech.

Under Article 10 of the European Convention on Human Rights, with which the University as a public body must comply by virtue of the Human Rights Act 1998, the University has a *positive* duty to create a favourable environment for participation in public debate (*Dink v Turkey*, App. no. 2668/07 (2010), [137]). This positive duty assumes greater strength in light of the importance under the Convention of Professor Stock's right to exercise her academic freedom, and in light of the violence that is being threatened against her for exercising her right to free expression (*Özgür Gündem v. Turkey*, App. no. 23144/93 (2000), [42-43]).

In addition, in accordance with University statute VII.7, all regulations made under the statutes must be construed in every case to give effect to the following principle:

...to uphold the right of any member of staff to express political, religious, social and professional views, both privately and in public, provided that this is within the law and is done explicitly in his or her own name and not in that of the University.

We can see no justification for the harassment Professor Stock has endured which might inhibit the University from taking the strongest action possible in accordance with its student discipline regulation. The attacks against Professor Stock are far from the lawful free speech which we as a campaigning organisation defend and which Professor Stock herself exercises with notable courtesy and restraint.

The consistent, threatening attacks against Professor Stock go far beyond what is merely unattractive or unreasonable. The messaging amounts to a course of conduct that is oppressive and unreasonable, and thereby constitutes harassment under the Protection from Harassment Act 1997. As such, we

suggest that the University has a duty not only to secure Professor Stock's academic freedom, by taking the reasonable and proportionate step of enforcing its disciplinary regulations, but also, as an employer owing a duty of care, to protect her from tortious and criminal harassment by third parties at the University.

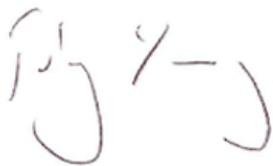
We remind you also that inaction by the University in response to the harassment of Professor Stock by third parties could potentially give rise to liability for harassment under the Equality Act 2010.

We, and doubtless many others at the University and in the country more widely, view the messages against Professor Stock as an unendurable torment. No employee could be reasonably expected to work amid such intimidation and open, outright malice, nor should any decent employer tolerate it.

We welcome and strongly commend the statement by Professor Tickell today defending the right to exercise academic freedom without harassment and intimidation, and pledging to take any action necessary to defend Professor Stock. It has assured us, and the many people currently scrutinising these events, of the University's good intentions.

The University must, however, be judged on its actions and not just its intentions. We ask you to set out publicly – but most importantly, directly to Professor Stock herself – the actions you will take to defend Professor Stock against this serious attack on her academic freedom, and to investigate and where appropriate punish those who have unlawfully harassed her.

Yours sincerely,



Toby Young
General Secretary, The Free Speech Union
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cc. Professor Adam Tickell
The Rt Hon Michelle Donelan, Universities Minister, Department for Education
The Rt Hon Kemi Badenoch, Parliamentary Under-Secretary of State for Equalities
Mr Iain Mansfield, Special Advisor, Department for Education
Lord Wharton, Chair, Office for Students
Ms Nicola Dandridge, CEO, Office for Students
Mr David Smy, Office for Students