



**FSU**  
FREE SPEECH UNION

THE FREE SPEECH UNION  
85 GREAT PORTLAND ST.  
LONDON W1W 7LT

[FREESPEECHUNION.ORG](http://FREESPEECHUNION.ORG)

Jake Verity  
President  
University of Sheffield Students' Union  
Western Bank  
Sheffield S10 2TG

18<sup>th</sup> May 2020

By email

Dear Mr Verity,

**The Free Speech Society at Sheffield University**

Thank you for your email dated 28<sup>th</sup> April 2020. I am particularly grateful for the seriousness and the detail with which you have addressed my letter of 2<sup>nd</sup> April 2020.

However, there were a few matters arising from your email which gave me continuing concern and which I would be grateful if you could also address. In this letter I adopt the terms defined in my letter to you of 2<sup>nd</sup> April.

1. You have not specifically responded to the five requests at the end of my letter. I would be grateful if you could do so.
2. In paragraph 7 of your letter you refer to preventing “unlawful speech” as the justification for the Union’s insistence that invited speakers be “researched” by the Union (which I take to be some form of vetting process). However, I am unclear as to what you had in mind by “unlawful speech”. The ways in which speech can be “unlawful” – particularly at events such as those proposed by the Sheffield University Free Speech Society – are very narrow (somewhat depending on the definition of “unlawful”, it is true) and the likelihood of any such speech actually being uttered strikes me as being extremely low. Moreover, in almost any conceivable situation, I cannot understand how the Union could meaningfully assess in advance the likelihood of any speaker uttering unlawful speech with sufficient certainty to justify preventing that person from speaking. For these reasons, I struggle to understand the purpose and likely efficacy of this “research”. Accordingly, I would be grateful if you could explain the following:
  - a. What do you mean by “unlawful speech”? Do you mean speech which is unlawful in criminal law or civil law or both (or something else)? And in either case, what are the particular categories of “unlawful speech” (if any) which are of concern?
  - b. Have there been any incidents in the recent history of the Union or the University of which you are aware where an invited speaker has made “unlawful speech”? If so, I would be grateful if you could provide details so that I can understand better what you have in mind. If not, why do you consider such a vetting process for speakers to be necessary?

- c. How do you believe that the Union can realistically assess in advance the likelihood of any particular speaker at an event organised by the Free Speech Society to utter “unlawful speech” and what competence does the Union have to make this assessment?

As you will understand, my concern is that the Union may seek to use the pretext of preventing “unlawful speech” either to prohibit or delay the approval of speakers whose views are simply inconsistent with those of the Union and its officers. Bearing in mind the points I set out above, I would be grateful if you could confirm that:

- a. the Union will only seek to prevent a proposed speaker attending an event on the grounds of a concern regarding the likelihood of “unlawful speech” where there are very strong grounds for believing that such speech will be uttered;
  - b. you anticipate this occurring (if at all) only in the most exceptional circumstances;
  - c. accordingly, you anticipate that in most cases the process by which invited speakers are to be “researched” by the Union will be completed extremely rapidly since in the vast majority of cases it will quickly be apparent that there are no very strong grounds arising in respect of the speaker for any prohibition; and
  - d. the concern regarding preventing “unlawful speech” will not be used as a pretext to prevent or delay the approval of speakers whose views differ from those of the Union and its officers.
3. Similarly, in paragraph 8 you refer to the objective of having “meetings chaired by an informed, experienced individual who can be impartial and ensure a range of viewpoints can be heard”. I was unclear what this meant in practice. In particular, if the Society invites a speaker, the speaker accepts the invitation, the Society designates a person to chair and students on that basis wish to turn up, on what basis does the Union consider it needs to intervene and alter the designated chair and what competence does the Union have to assess the suitability of the Society’s proposed chair? Also, I note that you suggest that being “experienced” is a proper criterion for the chair. Given that these are students at Sheffield University who are there to *gain* experience, that seems a surprising requirement and suggestive of an overly supervisory approach.
  4. In addition, at paragraph 8 you state as follows:

“In order to support the University’s s.43 duty, we take reasonable and practical steps to promote balanced debate...”

In fact, it is no part of the University’s duty pursuant to section 43 of the Education Act 1986 to promote what the Union considers to be “balanced debate”. Of course, as a matter of principle, I very much favour “balanced debate”. However, “balance” in this context is very subjective and I do not consider that it is acceptable for the Union to seek to scrutinise and intervene in the debates the Society proposes to organise to ensure they are balanced according to the Union’s definition of that term. That is not required by section 43. Indeed, it is inimical to it and to Article 10.

5. Finally, I am not sure this matters much but I note you contend that students’ unions are not public authorities. I am advised that that view is based on old law and is unlikely to be the position under the Human Rights Act 1998, at least as regards the Union. In any event, you seem to accept that the Union

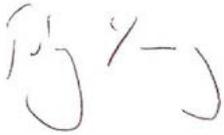
should act entirely compatibly with Article 10, for which I am grateful. For the avoidance of doubt, we consider that you have a direct legal obligation to do so.

Once again, thanks for your reply and I hope you do not mind me raising these further matters.

Finally, I am aware that your term as President of the Union will expire shortly. In light of that, I would be grateful if you could ensure that you apprise your successor of this correspondence.

I look forward to receiving your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Toby Young'.

Toby Young  
General Secretary  
The Free Speech Union  
[toby@freespeechunion.org](mailto:toby@freespeechunion.org)

cc: Koen Lamberts, President and Vice-Chancellor, the University of Sheffield  
Tim Bowell, Student Groups Coordinator (Societies) of the Union, University of Sheffield Students' Union  
The Rt Hon Gavin Williamson, Secretary of State for Education  
Michael Barber, Chair, Office for Students