

Free Speech Union briefing

The Higher Education (Freedom of Speech) Bill

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FSU
FREE SPEECH UNION

Executive Summary

This briefing outlines the main components of the Higher Education Bill, summarises the evidence showing why it's necessary and rebuts some of the most common criticisms of it.

The Higher Education (Freedom of Speech) Bill will strengthen protections for free speech and academic freedom in English universities by imposing more robust legal duties on Higher Education Providers and Student Unions. These include the duty to take reasonably practicable steps to protect the free speech of academic staff, non-academic staff, students and visitors to universities; to actively promote freedom of speech; and to protect academics' freedom to question and test received wisdom, put forward new ideas and express controversial opinions.

There are already several laws protecting academic free speech on the statute books, but they are more honoured in the breach than the observance and this Bill will create mechanisms for enforcing those laws, including allowing civil claims to be brought against Higher Education Providers and Student Unions, as well as creating an avenue of complaint through the Office for Students via a new "Free Speech Champion". These are positive steps that will further protect freedom of speech on campus.

We summarise the evidence that has already been compiled that free speech is in crisis in Britain's universities, citing research by the University and College Union, Policy Exchange and ADF International, and add to this by drawing on the FSU's case files. Of the 500 or so free speech cases we've been involved in over the past year, about 100 have involved university students or academics.

We also consider some of the most common criticisms of the Bill and do our best to rebut them.

The Higher Education (Freedom of Speech) Bill: FSU Briefing

The [Higher Education \(Freedom of Speech\) Bill](#) proposes stronger protections for free speech at universities, and will replace section 43 of the [Education \(No 2\) Act 1986](#) which imposes a duty on higher education providers (HEPs) to take “reasonably practicable” steps to ensure that freedom of speech within the law is protected for members, students, employees and visiting speakers. The new law will only apply in England, with Wales remaining under the old s.43 unless the Welsh Assembly introduces a parallel new law.

Duty to protect free speech

The Bill seeks to enhance free speech protections by increasing the scope of the duty on HEPs and, for the first time, making Student Unions (SUs) directly subject to an obligation to secure free speech.

The duty is, as before, to take reasonably practicable steps to protect the freedom of speech of students and staff, as well as visiting speakers – however, in fulfilling that duty, HEPs and SUs will now have to have “particular regard to the importance of freedom of speech”. Therefore, if an HEP or SU attempted to deny the use of their premises to any individual or society on the grounds of their lawful beliefs, ideas, views, policies or objectives, it would first have to factor in freedom of speech as a priority in the decision-making process. Decisions to cancel events should therefore be harder to justify.

One particularly welcome change will ensure that SUs cannot withhold affiliation from student societies on the grounds that they disapprove of their views, unless granting affiliation would be unreasonable. This is likely to be a welcome protection for student pro-life groups, for instance, who are prone to disaffiliation by SUs.

“Reasonably practicable steps” is a phrase open to a degree of interpretation. Its meaning in the context of s.43 has not been considered by a court during the 35 years it has been on the statute books. Despite this element of uncertainty, the government seems to

have decided, quite reasonably, that due to the institutional autonomy of universities, and the unpredictable range of circumstances in which this duty will apply, a degree of flexibility is called for. It seems likely that an obligation to “take reasonably practicable steps while having regard to the importance of free speech” will compel HEPs to cover reasonable security costs to allow events to take place even if there is a threat of protest, harassment or disruption.

The Bill also imposes directly on HEPs a new legal duty to secure academic freedom. The new law will require HEPs to protect academics’ freedom within the law and their field of expertise to “question and test received wisdom” and to “put forward new ideas and controversial or unpopular opinion” without being adversely affected – for example, by the loss of privileges or promotions.

This is intended to protect academics in speaking out about controversial topics that may provoke demands for repercussions from colleagues and students. The Bill should grant those academics a degree of confidence. Any HEP that gives in to such demands for repercussions may open itself to being sued by the affected academic. The new law will also provide tools to prevent discrimination in grants and promotions (see below).

Positive duty to promote the importance of free speech

The law will create a separate positive statutory duty for HEPs to promote the importance of freedom of speech and academic freedom. HEPs will have a degree of discretion in issuing policy documents on freedom of speech, but it is likely that the “duty to promote” will entail a requirement to prioritise freedom of speech and academic freedom as primary aims of their institutions.

Tools to hold institutions to account

The new law will create a number of new tools that could be used to hold HEPs and SUs to account.

First, and most importantly, it will allow students, academics, non-academic staff or visiting speakers to bring civil claims against HEPs and SUs that breach the duty to protect free speech. This is likely to be the game-changer. By creating a “right to sue” for compensation for any losses resulting from a breach of this duty, the new law will attach considerably higher risk to any decision to sanction or cancel nonconformist speech. This is the provision most likely to make HEPs and SUs prioritise free speech.

Second, the new law will create a new role within the Office for Students (OfS), the English higher education regulator, of Director for Freedom of Speech and Academic Freedom (dubbed the “Free Speech Champion” by the media). The Office for Students will be duty-bound to promote the importance of free speech and protect academic freedom. If a member of an HEP or an SU believes their speech rights have been breached they will be able to complain to this Director who will have powers to investigate and recommend a compensatory remedy, including payment of sums of money. While on the face of it a power to recommend a remedy seems somewhat weak, in practice HEPs almost always comply with such recommendations. It remains to be seen how SUs will respond.

The extension of this duty to SUs is particularly significant. At present, they are not accountable to the Office for Students and are regulated by the Charity Commission. This can cause problems when SUs no-platform external speakers or disaffiliate student societies that their elected officers disapprove of. Under this proposed legislation, complaints can be brought against SUs via the Office for Students, or through civil proceedings. The Bill will make it harder for SUs’ to claim they favour free speech, but are compelled to err in favour of protecting the emotional safety of their members by citing Charity Commission guidance. The OfS is likely to prove a more suitable and robust regulator than the Charity Commission in this regard.

FSU cases and the need for a Bill

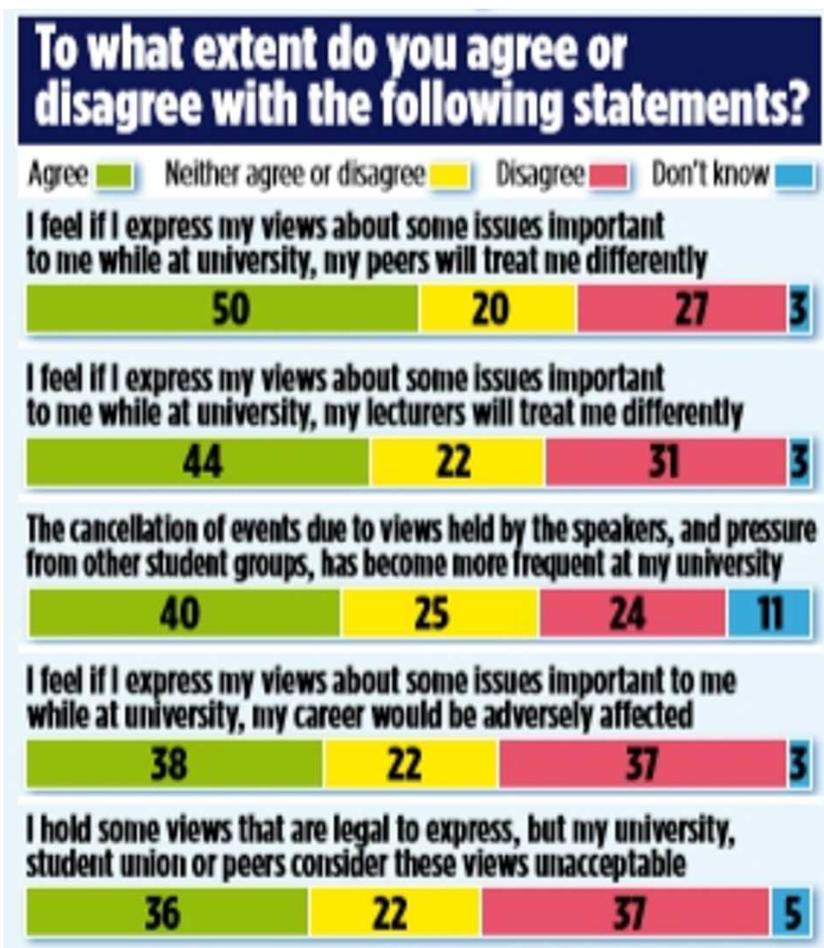
Since February 2020, The Free Speech Union (FSU) has intervened in over 100 cases involving students or academics; around two-thirds of these were in England. In almost every instance, these individuals would have been in a stronger position had the new law been in place (see Appendix).

A [2017 report](#) into academic freedom in the UK commissioned by the University and College Union (UCU), Britain’s largest academic trade union, found that the constitutional and legal protections for academic free speech were weaker in the UK than in all but one other EU member state. (The UK was then a member of the EU.) The researchers, two academics at the University of Lincoln, assigned a score to all 28 member states, based on how well academic free speech was protected in each one. The EU average was 53 per cent and the U.K.’s score was 35 per cent, the second lowest. The researchers conducted a Europe-wide survey and 23.1 per cent of the UK respondents reported being bullied on account of their academic views, compared to an EU average of 14.1 per cent. Even more

alarming, 35.5 per cent admitted to self-censorship for fear of loss of privileges, demotion or physical harm (the EU average was 19.1 per cent).

A [2020 report](#) by the think tank Policy Exchange found a significant lack of viewpoint diversity at universities. It was co-authored by Professor Eric Kaufmann and Dr Remi Adekoya, both members of the FSU Advisory Council, as well as Professor Thomas Simpson, and was crucial in prompting the government to propose new legislation. The report found that fewer than 20 per cent of staff at British universities voted for right-leaning parties, with 75 per cent voting for left-leaning parties (2017–19). Only 54 per cent of academics said they would feel comfortable sitting next to someone at lunch who was known to have voted Leave in the 2016 referendum, while just 37 per cent would feel comfortable sitting next to an individual who expressed gender-critical views on trans rights. Academics' career prospects, through grant applications and promotion, were also seen to be adversely affected by discrimination based on their views.

A [2020 Surveyation poll](#) conducted on behalf of ADF International found that 27 per cent of students at British universities had “hidden” their opinions when they were at odds with those of their peers and tutors, with more than half of those self-censoring because of their non-conformist political views. A further 40 per cent withheld their opinions on ethical or religious subjects for fear of being judged negatively by their peers. Two-fifths of the respondents said “no-platforming” had become more frequent at their universities.



The FSU has intervened in a number of high-profile cases, including:

- Selina Todd, Professor of Modern History at Exeter College Oxford, who was [no-platformed by Oxford International Women's Festival](#) following pressure from trans activists who accused Todd of “transphobia”. Activists had also threatened to disrupt previous events Todd had been linked to, with another feminist speaker pulling out of an event citing the Professor’s involvement with an organisation concerned with women’s sex-based rights.
- Amber Rudd, Former Home Secretary, was [no-platformed when the UN Women Oxford UK Society](#) rescinded her invitation to speak 30 minutes before the event was due to take place in February 2020.

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- The University of Plymouth investigated science lecturer Mike McCulloch for tweeting “All Lives Matter” in June 2020.
 - A student at Leeds University was placed under investigation for comparing the BLM organisation to the KKK in a class discussion in June 2020.
 - A first-year student at the University of Kent was placed under investigation for questioning whether George Floyd deserved martyrdom status given his criminal record in June 2020.
 - Caroline Farrow, a Catholic campaigner, was [no-platformed by Exeter University Debating Society](#) in September 2020.
 - The Falmouth and Exeter Students’ Union expelled a University of Falmouth student in September 2020 for responding to an email from the Union inviting him to a series of events celebrating Black History Month by saying he would rather “jump down a mineshaft”.
 - Chris Williamson, the former Labour MP, was no-platformed by the Royal Holloway Debating Society in the autumn of 2020.
 - Durham University Students’ Union disaffiliated the Durham University Conservative Association and Durham University Free Market Association just weeks before freshers’ fair in 2020.
 - The University of Exeter and the Exeter Students’ Guild ordered all student societies to cancel the events they’d organised in the autumn of 2020 pending a review of the Guild’s speaker vetting procedures. In effect, the Guild no-platformed a term’s worth of external speakers at Exeter, although they were re-invited following the FSU’s intervention.
 - A group of LGBT activists tried to get a Labour Councillor who worked as a porter at Clare College, Cambridge fired for refusing to vote for a Cambridge Council motion stating “trans women are women” in October 2020.
 - Somerville College, Oxford introduced mandatory Unconscious Bias Training for students in February 2021 and the Principal sent an email to all of them saying that they would need to score 100 per cent in the assessment following the course.

Other high-profile examples include: [Germaine Greer being no-platformed by Cardiff University](#) in 2015 because of her “misogynistic views towards trans women”; gay rights campaigner [Peter Tatchell being no-platformed by Canterbury Christ Church University](#) in 2016

because, among other things, he'd signed a letter to the Observer in support of academic free speech; Cambridge University's Faculty of Divinity [rescinding its offer of a Visiting Fellowship to Professor Jordan Peterson](#) in 2019 after a photograph came to light of him standing next to a fan wearing a T-shirt saying "I'm a proud Islamophobe"; St Edmund's College, Cambridge [firing research fellow Dr Noah Carl](#) after students and staff signed an open letter attacking him for his alleged views on race and intelligence.

Most recently, a law student at Abertay University, Dundee was [placed under investigation](#) after saying during a seminar on gender, feminism and the law that women have vaginas and are not as strong as men.

The government's new proposals will provide more robust protections for free speech on campus that, in nearly all of the above cases, would have helped them stand up for their speech rights.

Responses to the Most Common Criticisms of the Bill

1. There is no problem with free speech at universities, or the problem is exaggerated

One of the ways in which the threat to free speech at universities is minimised, intentionally or not, is through a focus on so-called "no-platforming". Opponents of the Bill have cited [research by the Office for Students](#) which found that of the 62,000 requests by students for external speaker approval in England in 2017–18, only 53 were rejected, as well as a [WONKHE survey](#) showing that of almost 10,000 events involving an external speaker at an English university in 2019–20, just six were cancelled. Based on this, some have argued that the Bill is a sledgehammer to crack a nut – that no-platforming isn't a big enough problem to justify new legislation that will impose onerous compliance obligations on HEPs and SUs.

However, even though no-platformings are quite rare, that doesn't mean they aren't a serious problem. They have a chilling effect by discouraging other student societies from inviting similar speakers and by giving the official seal of approval to the notion that merely inviting such speakers on to campus "harms" those who find their views disagreeable. In addition, the fact that few external speakers are being no-platformed does not mean students and staff are not engaging in self-censorship, as the UCU, Policy Exchange and ADF International research shows.

As evidenced above, and detailed in the Appendix, speaker cancellation is only the tip of the iceberg. Media interest in no-

platforming episodes, such as the cancellation of Amber Rudd's appearance at Oxford, makes it easy for free speech sceptics to present it as the totality of the problem we face. In fact, it is a far deeper and broader malaise. Students and staff are routinely being placed under investigation for expressing nonconformist views, as the FSU case work shows. As many of our members can testify, the process is the punishment. The experience of being investigated for holding unfashionable opinions is not limited to conservatives. It is experienced by those with a range of views from across the political spectrum, including gender-critical feminists and pro-life Christians.

2. Legislation will be ineffective as it cannot tackle the roots of the problem

A second criticism of the Bill is that it is a blunt instrument because legislation can only deal with the symptoms, not the cause. Only argument can "[cancel cancel culture](#)"; as Lord MacDonald, the Warden of Wadham College, wrote: "[What is needed in higher education is intellectual exchange within a culture of robust civility.](#)"

These criticisms fail to acknowledge that in the current circumstances argument and intellectual exchange are not always possible. Students and staff are refraining from free intellectual exchange because the price of expressing the "wrong" views is too high or is perceived to be too high. Indeed, this is precisely why the Bill is needed. The legislation is not intended to be a silver bullet, and more far-reaching cultural change is of course necessary. However, it may make civil intellectual exchanges of the kind Lord MacDonald would like to see more likely. The Bill does not seek to change the opinions of academics or students. Its purpose is to deter discrimination against students and staff on the basis of their beliefs and to provide some remedies for those who are punished for expressing perfectly legal views.

It has been [suggested](#) that this legislation will not deal with the fear of social or professional rejection that leads to self-censorship. But it is a straw man to criticise the Bill because it isn't going to persuade academics with opposing views to sit next to each other over lunch; it is intended, in part, to stop students and staff being dragged through onerous disciplinary processes because they've expressed a view that others disagree with. The effect of this will hopefully be to "nudge" universities in the direction of more intellectual tolerance.

As the FSU's Chief Legal Counsel, Bryn Harris, has [argued](#), all the Bill can and should aim to do is create an opportunity for a culture of free speech to grow. The law can open up a space for free exchange, by

restraining those who try to close it down – but it is for academics and students to make that exchange happen, and to use and value their right to free speech.

The new law should enable members of HEPs and SUs – and visitors – to express themselves freely without fearing formal repercussions that can have a negative impact on their careers. In the absence of such protections, open arguments cannot always take place, making more robust protections for free speech on campus a prerequisite for the more wide-ranging cultural change the Bill’s critics desire. As the FSU’s Advisory Council member Professor Eric Kaufmann [wrote](#): “It is unjust to tolerate mob rule until such time (50 years hence?) as the intolerant can be convinced.”

Additionally, there is no reason to believe this legislation will discourage people from campaigning for a culture of free speech on campus. On the contrary, it is likely to encourage it. After all, the Equality Act 2010 has brought about significant cultural change in universities.

As the FSU Chair Professor Nigel Biggar [wrote](#): “By allowing academic staff to appeal beyond their own institutions it will support beleaguered individuals and render those institutions externally accountable. No one claims law will suffice to keep campus culture liberal. But it will give university authorities pause while encouraging intimidated staff and students to voice their dissent.”

3. Legislation will be counter-productive and have a chilling effect on free speech

Some have argued that the legislation will, as [Lord Finkelstein has put it](#), “harm the very cause it wishes to advance”. One [open letter to the Education Secretary](#), jointly signed by Article 19, Index on Censorship and English PEN, argued that the legislation and “imposition” of the Director for Freedom of Speech and Academic Freedom (the Free Speech Champion) would “[limit] what is deemed as ‘acceptable’ speech” and have a “chilling effect”. But it is not clear why the Bill would have this effect. It is entirely consistent with the rule of law in a liberal democracy that fundamental rights be protected by law. While the Bill does grant a degree of investigatory power to the government, via the OfS, any exercise of this power will be subject to the oversight of the High Court. More importantly, key cases will be brought before the courts under the new right to sue. It is perplexing that human rights campaigners should argue that judicial enforcement of a fundamental human right constitutes an improper intervention by the state.

The letter raises concerns about the “chilling effect” of the new law on campus protests – e.g. the right to protest could be curbed in the name of protecting the rights of the speaker who is the target of the protest. This concern has been [raised by others](#) – that the legislation might allow a controversial speaker to make a complaint to the Free Speech Champion, or take the HEP or SU to court, on the grounds that the protests outside their event made them feel bullied or harassed. Another reason the new law could chill free speech, according to the ex-Universities Minister Lord Willetts in a [letter to the Times](#), is that it could result in universities and student unions “play[ing] it safe” by not inviting controversial speakers for fear of subsequent penalties if students do protest.

These arguments don’t hold up to much scrutiny. The new law will protect the rights of the protesters as well as controversial speakers. It will simply mean that HEPs and SUs will have a duty to allow student activists to protest about events while also allowing those events to go ahead. Intellectual freedom will be prioritised over the hurt feelings of the protestors, but only to the extent that the protestors will not have a right of veto. Their right to protest will remain intact.

Universities and student societies will also be able to take more risks when inviting external speakers, introducing greater intellectual diversity onto campus, and protecting the societies that invite them from the pressure whipped up by protests, open letters and petitions. As the gender-critical feminist Professor Kathleen Stock [wrote](#), “The point is not to force certain speakers to be invited but to stop managers disinviting speakers who have already been invited, or otherwise censoring academics in light of complaints.”

It is certainly true that some universities may refrain from exercising the new rights, for fear of provoking a backlash from the offended. But such a fear would be irrational. The new law will furnish vice-chancellors with a solid defence – they will now be able to respond that, as much as they sympathise with hurt feelings, the law forces their hand in favour of free speech.

Nevertheless, it may indeed transpire that universities find themselves hogtied between either breaching the new law, or complying with it and thereby potentially breaching the Equality Act 2010. If this is the “chilling effect” being alluded to, there are other remedies available short of pulling the Bill.

4. Cultures of complaint harm free speech

Some have [suggested](#) that the crisis of free speech on campus has been exacerbated by the growing number of complaints, and they would only increase following new legislation. While the risk of a tit-for-tat exchange of complaints and counter-complaints should be managed, the Bill already [makes allowance](#) for this by making provision for the dismissal of frivolous or vexatious claims.

More fundamentally, the purpose of the Bill in allowing individuals to bring complaints against their university, or to seek remedy through the courts, is to protect individual rights. Universities already have a culture of complaint. Far from making things worse, the new law will allow those individuals who are unfairly penalised following a complaint to seek justice and remedy. At present, there are insufficient routes to doing so.

Proactive legislation is required to incentivise universities to protect the rights of those dissenters who might otherwise be censored or face discrimination. This legislation will allow non-conformist academics to voice their views without fear of reprisals. As Professor Eric Kaufmann [wrote](#), “Dissidents... will know that the Academic Freedom Champion, to whom they can turn if their university is hostile, will have their back.”

5. Interfering with the autonomy of universities is unjustified

Do the duties imposed on HEPs and SUs proposed by this Bill represent unjustified meddling by governments with the independence of those institutions? Is government intervention intrinsically a threat to freedom?

Article 19 and other organisations have [suggested](#) that it is “far from clear... that academic freedom will be strengthened by imposing more state control over universities”. However, it is not clear to us how stronger protections for free speech amounts to unacceptable intrusion by the state, particularly when academic freedom and free speech are intrinsic to a university’s proper functioning. The new law may rein in the jurisdiction of HEP and SU authorities when it comes to adjudicating in free speech disputes, but it will strengthen the rights of the members of those institutions. That’s a shift in the balance of power from bureaucratic authorities to individuals, not a net reduction in liberty in those institutions.

The evidence that the FSU has collated, some of which is included in the Appendix, shows that universities are failing to protect something

fundamental to their purpose by allowing people whose views fall outside a fairly narrow Overton Window to be silenced. Under such circumstances, the state can – and should – act as a guarantor of free speech, not least as these institutions are in receipt of public funds. Arguably, institutional (as well as individual) autonomy is threatened by activist students and staff who seek to censor those who disagree with them. Far from being unjustified interference in HEPs and SUs, this new law will provide individual members of those institutions with the tools to resist pressure from activists who seek to undermine the rights of others, or to “sacrifice academic freedom for emotional harm avoidance” ([Eric Kaufmann](#)).

6. The new legal duties will increase the bureaucratic burden on universities with already stretched resources

Relating broadly to point five, others have raised concerns that the new law will place an additional bureaucratic burden on universities – alongside the Public Sector Equality Duty and the Prevent Duty. However, as highlighted above, upholding free speech and academic freedom is not extraneous to a university’s purpose, but core to its mission, and it should be a priority when it comes to the allocation of resources. As the new duty will be incorporated into universities’ existing compliance obligations, the bureaucratic burden is not unjustifiably heavy – without it, universities will fail to serve their larger purpose.

7. There are already plenty of laws protecting free speech in universities

Yes, there are already plenty of laws on the statute books protecting free speech in universities, but those laws are more honoured in the breach than the observance. The new law will create something that has been missing in the legal framework protecting academic free speech until now – practical, realistic enforcement mechanisms. We know from our own experience, as well as the evidence compiled by UCU, Policy Exchange and ADF International, that the existing laws are not being properly upheld.

8. Students could challenge their grades on the grounds of free speech

It has been [suggested](#) that students could challenge their marks on free speech grounds, alleging that they have been penalised for their opinions, and that this would politicise and judicialize the “university experience”.

This is a weak argument. First, the university experience is already politicised and judicialized (see Appendix), and such challenges could have been brought under the previous legislation (but were not). Second, if a university sought to interfere, unjustifiably, in the autonomy of a member of staff when it comes to marking their students' papers, the new law would protect them. Third, such a claim would almost certainly be pointless and ill-advised – a court would demand evidence that the student's loss was caused by an improper interference with free speech, and such a claim would be hopeless if the loss was in fact caused by the essay being poor. Courts are well placed to make such determinations. As the Bill gives judges no new jurisdiction over questions of academic merit, courts are overwhelmingly likely to leave academic assessment firmly to the discretion of academics, unless there is strong evidence of a breach of rights.

9. Individuals may be encouraged by third party, ambulance-chasing organisations to bring legal action against universities

Some legal experts have [expressed concern](#) that opportunistic third-party organisations – such as the FSU – might encourage individuals to bring cases against their universities. But far from being a criticism, this is surely an argument in favour of the Bill. The fact that wronged students or academics might be supported by well-resourced third party organisations when it comes to defending their speech rights under the new law, and not have to rely on their own limited resources, means those rights are more likely to be upheld.

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The Free Speech Union

Appendix: Free Speech Union University Cases

DURHAM UNIVERSITY CONSERVATIVE ASSOCIATION (DUCA)
DURHAM UNIVERSITY FREE MARKET ASSOCIATION (DUFMA)
DURHAM UNIVERSITY

Background

A number of students loosely associated with the DUCA and the DUFMA participated in some unofficial group chats, which consisted of comments, jokes, and banter, none of which was unlawful or sent with any intention to offend, insult or disrespect anyone. All members of the chats knowingly consented to participate with the expectation of privacy. Five FSU members made some comments that were in keeping with the purpose of the group chats.

Summary of Process

Screenshots of the group chats were leaked on social media by other students who launched a public campaign to doxx (publicly identify) the participants.

On 17 September 2020, the Durham Students' Union published a statement entitled [No space for hate culture within Durham SU student groups](#), announcing the disaffiliation of both the DUCA and the DUFMA. The justification was that a student had shared screenshots of “disturbing conversations from the leadership” of these groups. These screenshots were variously described as “truly disgusting”, “repulsive”, and “horrific”, although no screenshots were included or referred to in the SU’s statement. It was not made clear in the statement what specific rules or policies the DUCA and the DUFMA had fallen foul of.

According to the SU’s [Standing Order G: Student Groups](#), paragraph 6: “Assembly may, with good reason, suspend or terminate the affiliation of any Student Group to the Union.” However, the decision was made unilaterally by the SU, no due process was followed, and

the two groups had no opportunity to defend themselves before the decision to disaffiliate them was made. With no reason being given for this decision, it was impossible to determine with it was a “good reason” or not.

The statement also said that the SU didn’t “have enough evidence to start disciplinary action against individuals” and yet referred to “sufficient evidence we have of a culture of hate within the leadership of some of our student groups”. The allegations made against the leaders of the two groups were serious, and included “fascism, racism, antisemitism and misogyny”. While the statement didn’t refer to any of the group leaders by name, it would have been obvious to anyone who knew anything about the two groups which individuals were in leadership roles.

Only one of the students who contacted us was investigated by Durham University over this matter. He was not subject to any detriment.

FSU involvement

Five of the students involved in the group chats contacted the FSU for help. Each revealed his contribution to the chats, which were mostly innocent and humorous comments, along with some off-colour jokes. They explained that the more offensive comments – the ones they believe prompted the SU to disaffiliate the two groups – were made by people who were former member of the DUFMA, but not active members of either group.

The FSU wrote to the Chief Executive of the SU to ask him to provide evidence for his decision, and followed up with letters to the Vice-Chancellor of Durham University, the Chair of the SU Trustees and the Charity Commission. The letters expressed concern over the lack of transparency and due process, and questioned whether the decision to disaffiliate the two groups was politically motivated, as it appeared to have been timed to ensure there would be no conservative presence at the 2020 Freshers’ Fair, which occurred the following week.

The FSU learned that a society at the University called the Womxn’s Association had been contacting employers or current universities of any former Durham students implicated in the group chats in the hope of getting them sacked or otherwise disciplined. The FSU helped individual members to make complaints to the SU and the University.

Conclusion

The SU and the Chair of Trustees responded to the FSU, standing by the decision. The Vice-Chancellor responded expressing satisfaction with how the situation was handled. The decision to disaffiliate the two conservative groups was upheld.

SHEFFIELD UNIVERSITY FREE SPEECH SOCIETY

Background

In February 2020, a group of students at Sheffield University tried to set up a free speech society, but when they applied for official recognition from the Students' Union it was declined.

Summary of process

The group appealed the SU's decision and won, but was then told by the SU that the society was a "red risk". That meant the officers would have to attend "risk assessment" training and couldn't invite any speakers on to campus without first having to submit a list of prospective speakers to the SU three weeks ahead of time for "full and final approval". (One of the co-founders of the society, Ewan Somerville, has written about the difficulties he and his colleagues have faced in the [Telegraph](#).)

FSU involvement

The group reached out to the FSU because it was concerned that any controversial speakers they wanted to invite on to campus wouldn't be approved by the SU. We [wrote to the President of the SU](#), Jake Verity, copying in the Vice-Chancellor, reminding him that both the Students' Union and the University have a legal duty to uphold freedom of expression and asking him to reassure us that he wouldn't withhold approval from any speaker the society proposes to invite except in truly exceptional circumstances and when legally permitted to do so. The letter was dated 2nd April. Mr Verity didn't reply, so Toby Young managed to attend a Zoom meeting of the Council of the Students' Union as an "observer". At that meeting, he got a Council member to ask Mr Verity why he still hadn't responded to the FSU's letter. As a result, he did [respond](#) the following day.

Conclusion

Mr Verity's reply to our letter went part of the way to meeting our concerns, but only part of the way. The FSU [wrote back](#) asking for further assurances, but still hasn't received a reply.

ERIC SHEQI

POLITICS STUDENT, UNIVERSITY OF KENT

Background

Eric Sheqi, a first year politics student at Kent, participated in a group chat set up by students on his course. This WhatsApp group consisted of over 100 people and included banter, jokes, and lively discussions about political issues. Eric posted some comments about the killing of George Floyd and the Black Lives Matter organisation, calling BLM a Marxist organisation.

Summary of process

Eric was referred to a Student Discipline Panel for alleged breaches of the Student Discipline Procedure regulations. His remarks about BLM were categorised as abusive comments relating to an individual's protected characteristics or disorderly behaviour that could cause offense, both of which fall under the heading of "misconduct in relation to people". He was given a hearing date of 1 April 2021, but was not given 10 working days' notice which is a requirement of the Student Discipline Procedure. The University presented Eric with no evidence or documentation of the allegations against him before his hearing.

FSU involvement

The FSU wrote a letter to the University on behalf of Eric, pointing out the procedural error and asking that the hearing be rescheduled to give Eric the required time to prepare. The letter also asked the University to provide Eric with evidence of what comments he was under investigation for, without which he would not be able to prepare a defence. The Panel rescheduled the hearing, provided Eric with the comments under investigation and he was able to defend himself.

Conclusion

On 7 May, the University notified Eric of the Panel's conclusion: his comments were "a valid exercise of freedom of expression/speech". However, because of the offence caused by his comments to some

students the University recommended that Eric undergo some form of debate training with the Kent Union Debating Society or another debating group.

THOMAS INNS

FIRST YEAR STUDENT, FALMOUTH UNIVERSITY

Background

In response to an email invitation from the Falmouth and Exeter Students' Union to various events it had organised to celebrate Black History Month, Thomas Inns responded with an email saying: "I'd rather jump down a mineshaft."

Summary of process

The SU placed him under investigation, alleging six breaches of its Code of Conduct, bypassing Stage 1 of its standard disciplinary process, but neglecting to inform him of that, as it is required to by its own disciplinary procedure. The Stage 2 hearing found Thomas guilty on all counts and he was suspended from the SU. In addition, the SU notified the University of its findings.

FSU involvement

The FSU helped Thomas prepare a complaint about how he was treated and wrote a letter in his defence, arguing that he didn't breach the Code of Conduct, outlining the procedural errors committed by the SU, and suggesting Thomas's suspension be lifted. The Chief Executive of the SU responded, informing Thomas that an appeal would be heard by a Members Appeals Committee. The FSU's Chief Legal Counsel Bryn Harris accompanied Thomas to the hearing at which Thomas expressed regret about his email, but argued that his comments were within the bounds of acceptable speech, even according to the campus's own speech codes, and that the SU had treated him unfairly.

Conclusion

On 3 December 2020, the SU President and Chair of the Board of Trustees informed Thomas that his appeal had been upheld and there would be no further action. The whole ordeal lasted a month and a half, but the outcome was positive.

STUDENT A
ESSEX UNIVERSITY

Background

Student A was a participant in some SMS group chats, which consisted of comments, jokes, and banter, none of which was unlawful or sent with any intention to offend, insult or disrespect anyone. All members of the groups knowingly consented to participate with the expectation of privacy. Student A made some comments and shared some memes that were in keeping with the spirit of the group chats.

Summary of process

Screenshots of the group chats were put into the public domain on social media by unknown parties, taken out of context, and Student A was targeted, doxed (publicly identified), and subjected to online abuse. Student A was suspended from the SU, banned from participating in any activities organised by student clubs and societies, investigated by the University, put through a disciplinary process, and found guilty of a breach of the SU's Code of Conduct for distributing material considered threatening, abusive, insulting or which constitutes harassment or bullying. (A second alleged breach of harassment or bullying of an individual or group regarding protected characteristics was found to be unproven.) Student A was informed he could re-join the SU upon completion of a diversity training course, but warned that any further breach would result in expulsion from the University. Student A was made to wait more than two months for details of the training course, despite multiple requests, during which time his membership of the SU remained suspended. Student A was the victim of intimidation and harassment from other students during this time. When he complained to the SU about the behaviour of other students, the SU dismissed the complaint.

FSU involvement

Student A came to the FSU for help following the outcome of the University's investigation. The FSU helped Student A prepare a complaint about how he had been treated, pointing out that the individuals responsible for publishing confidential information from group chats for the purpose of targeting Student A may have been guilty of an offence. Their actions may have been contrary to the Protection from Harassment Act 1997 as well as the Serious Crime Act 2007. We expressed our concern that the SU and the University

would rely on evidence that, on the face of it, had been obtained unlawfully as the basis for an investigation into Student A's conduct.

Conclusion

Student A was eventually permitted to re-join the SU. He was pleased to put this behind him, and believed that the FSU's intervention was helpful in bringing it to a conclusion. Both he and the FSU remain concerned that the University had relied on a social media page, endorsed by the SU, which existed for the sole purpose of doxxing and harassing students for making supposedly unacceptable comments. The experience was traumatic for Student A, who lost many friends at the University because of it.

STUDENT B

CENTRE FOR TEACHER EDUCATION, WARWICK UNIVERSITY

Background

During an online class in October 2020, Student B objected to the suggestion of non-gendered classrooms for young children. He also commented on psychological differences between boys and girls, said he disapproved of imposing trans ideology on children and shared some statistics regarding transgenderism. Other participants in the class took offense at his comments and told him to "shut up" and "get in the bin".

Summary of process

Several students complained about Student B's comments and the University decided to refer Student B to a suitability panel, rather than put him through a disciplinary process. He discovered through a subject access request that University staff felt this would be a less time-consuming way to deal with the matter. He was suspended by the University in the run-up to the suitability panel hearing and the stress caused his mental health to deteriorate and he was placed on sickness absence. While absent, Student B submitted a counter-complaint to the University about how he had been treated.

FSU involvement

The FSU wrote a letter to the Vice-Chancellor on Student B's behalf, reminding the University of its statutory duty under Section 43 of the Education (Nº 2) Act 1986 to uphold free speech, pointing out recent

government guidance on free speech for Higher Education Providers, and referencing the University's own free speech code. The Vice-Chancellor responded saying he was unable to discuss the matter while the counter-complaint was being investigated.

Conclusion

This matter is ongoing. Student B remains on sickness absence and will have to appear before the suitability panel once he has recovered. He feels that he cannot return to the University because of how badly he has been treated. The ordeal has lasted seven months so far.

STUDENT C

LEEDS UNIVERSITY

Background

During an online discussion in February about the portrayal of minorities in films, Student C shared some statistics about the racial composition of street gangs and expressed his opinion on the Black Lives Matter organisation, saying it was comparable to the Ku Klux Klan. Other students were offended, accused him of racism and complained to the University about his comments. Some of them said they felt unsafe being in the same (online) class as Student C. He told us he did not intend to insult, abuse, threaten or offend anyone, and although some of his classmates found his opinions unpalatable, they were not unlawful.

Summary of process

The University investigated and found there was a case to answer, classifying the offence as a non-summary offence, for which the possible penalties are suspension, a fine, or expulsion. Student C was put through a disciplinary process and defended himself at a hearing.

FSU involvement

The FSU helped Student C prepare his defence and wrote a letter to the Vice-Chancellor on his behalf, reminding the University of its statutory duty under Section 43 of the Education (N^o 2) Act 1986 to uphold free speech, pointing out recent government guidance on free speech for Higher Education Providers, and referencing the University's own free speech policy. The FSU also asked the University either to drop the investigation entirely, or conclude it quickly with no

detriment to Student C. The FSU asked Rebecca Butler, a barrister on its Legal Advisory Council, to accompany Student C to his hearing.

Conclusion

The disciplinary committee found Student C not guilty of any offence. Student C felt that the intervention of the FSU and the assistance of Rebecca Butler were essential to achieving this positive outcome.

STUDENT D

GKT SCHOOL OF MEDICAL EDUCATION, KING'S COLLEGE LONDON

Background

In response to a series of “solidarity” statements issued by the GKT School of Medical Education about the killing of George Floyd and Black Lives Matter, Student D wrote to members of staff at KCL expressing her disagreement with the School’s political messaging, which she felt had little to do with medicine. Later, Student D voiced her unhappiness in one of her classes about the anti-white racism and anti-conservative discrimination she’d witnessed in some of her other classes and made a series of complaints about this and other matters to the University authorities.

Summary of process

KCL was dismissive of Student D’s complaints, deciding instead to refer her to a fitness to practise panel, based on “a number of concerns from staff and students”.

FSU involvement

The FSU provided advice and support and sought legal advice on behalf of Student D. The FSU also provided a supporter to accompany Student D to the fitness to practise panel.

Conclusion

Student D avoided any further disciplinary action following her hearing. The University opted for a conciliatory approach, but asked Student D to comply with various demands as a condition of not punishing her. Student D remains concerned that the University did not taken her complaints seriously, and has done nothing to address the political bias of her course.

STUDENT E**POLITICS STUDENT, UNIVERSITY OF KENT**

Background

Student E is a first year politics student at the University of Kent who participated in a group chat set up by students on his politics course. This WhatsApp group consisted of over 100 people and included banter, jokes, and lively discussions about political issues. Student E posted some jokes and comments about the killing of George Floyd. He posted a video of Floyd's death and questioned the predominant narrative surrounding the incident. He also disputed the concept of white privilege.

Summary of process

Two complaints were made about Student E by students who were offended by his comments. He was called to a fact-finding meeting to determine if he had breached any Student Discipline Procedure regulations. The alleged breaches were categorised as abusive comments relating to an individual's protected characteristics or disorderly behaviour that could cause offense, both of which fall under the heading "misconduct in relation to people". The initial hearing concluded that he be referred to a Student Discipline Panel due to "the seriousness of the case".

FSU involvement

The FSU wrote a letter to the Vice-Chancellor on behalf of Student E, reminding the University of its statutory duty under Section 43 of the Education (No 2) Act 1986 to uphold free speech and pointing out recent government guidance on free speech for Higher Education Providers. The letter also pointed out that the application of the Student Disciplinary Procedure to Student E's case was unfair, as his comments were measured and respectful in contrast to some of the other, pro-BLM comments in the chat. The FSU argued that his comments were not only lawful, but fell well within the University's own rules about acceptable speech, and suggested that the University drop the case against him.

Conclusion

The University dropped the case and Student E's father has written to the Vice-Chancellor asking for an apology.

STUDENT F**STUDENT TEACHER, MANCHESTER METROPOLITAN UNIVERSITY**

Background

Student F is a trainee teacher who contacted his course leader earlier this year to express concern about the lack of support for the Batley Grammar School Religious Studies teacher who was suspended after showing his class a cartoon of the Prophet Mohammed. He thought the response from the teaching unions was cowardly and asked whether the University would stand up for one of its student who found themselves in a similar situation. He said the protests were an attempt to impose a blasphemy law on teachers, and added: "I would not hesitate to use drawings of any religious figure, including Mohammed."

Summary of process

Student F received no response from the course leader, but one month after sending his letter he was summoned to a "fitness to practise cause for concern meeting" by the head of the School of Teacher Education and Professional Development. He was told that his comment expressing his willingness to show a cartoon of Mohammed to a class of schoolchildren might be a breach Teachers' Standards, specifically the section about public trust in the profession. When he asked for further clarification, he was told that there were "particular sensitivities" surrounded drawings of Mohammed that didn't exist for other religious figures, such as Jesus Christ, and that showing a cartoon had the potential to cause a riot.

FSU involvement

Student F contacted the FSU before he attended the fitness to practise meeting. The FSU wrote a letter to the School of Teacher Education and Professional Development, arguing that Student F's behaviour wasn't contrary to the Teachers' Standards, and citing the Education Act 1986, guidance from the Office for Students, and the University's own Code of Practice on Freedom of Speech. The FSU provided a representative to accompany Student F to the meeting.

Conclusion

Following the "fitness to practise cause for concern meeting", at which he was accompanied by an FSU Case Officer, Student F was informed that no further action would be taken.

STUDENT G**MEDIA STUDIES, KINGSTON UNIVERSITY**

Background

Student G, who has a learning difficulty, gave a PowerPoint presentation as part of his Media Studies research project at a symposium, in which, among other things, he analysed Black Lives Matter protests and anti-lockdown protests. He was exploring how the coronavirus regulations affected the policing of protests, and did not intend to insult, abuse, threaten or offend anyone. The scope of his research was perfectly legitimate and was approved by his course supervisor. He did not harass, bully or victimise any individual or group; he merely stated his findings in the course of giving a presentation about his research project.

Summary of process

Student G's presentation at the symposium was construed as racist by some students who complained about it to the University. The University chose not to handle this as a formal complaint and, for that reason, did not follow a normal disciplinary process. Nevertheless, it took the complaints seriously, accepting them 38 days after the incident, despite the formal complaint procedure stipulating that any complaints have to be made within 15 days. The University gave the impression that it was following a novel procedure that it had invented to deal with this specific complaint, thereby causing Student G significant stress and confusion. He was denied the due process embedded in the standard procedure and instead the University invited the complainants to an online meeting with Student G where they would have an opportunity to air their grievances and Student G an opportunity to defend himself. During this event, Student G was muted repeatedly by the moderator who frequently referred to Student G's learning difficulty in a patronising and condescending way. As a result of this meeting, as well as the process leading up to it, Student G's mental health deteriorated. At one point, Student G was given feedback with a mark, which was then retracted, only for him to then be given a lower mark. As part of the process it invented to deal with this episode, the University asked a third party to mark his work, rather than his course supervisor.

FSU involvement

The FSU wrote a letter to the Vice-Chancellor of the University on behalf of Student G, reminding the University of its statutory duty

under Section 43 of the Education (N° 2) Act 1986 to uphold free speech, pointing out recent government guidance on free speech for Higher Education Providers, and referencing the University's own free speech policy. The FSU also asked the University to apologise to Student G and assure him that his work will not be marked down as a result of the complaints about his PowerPoint presentation.

Conclusion

The situation is ongoing. The Vice-Chancellor has not responded to the FSU and Student G has heard nothing. His final course work was originally due by 13 May, but due to this ordeal causing him significant stress and aggravating his disability he has asked for an extension.

CAROLINE FARROW

SPEAKER, EXETER UNIVERSITY DEBATING SOCIETY

Background

Caroline is a Catholic writer and speaker. Her past articles on LGBT issues were cited by the Exeter University Debating Society as justification for retracting an invitation to a freshers' debate in September 2020 on sex work. The retraction, which was sent by the Chair of the Debating Society one day before the scheduled debate, read: "A number of articles have been brought to our attention concerning your widely-cited anti-LGBT activism. This is in direct contradiction to the inclusive culture we wish to promote, being an incredibly broad-church society both in our ideas and diverse makeup."

Summary of process

After being invited on the 18 of August 2020 to debate the motion "This house believes that sex work is real work" and then being disinvited on the morning 17 September, Caroline was then reinvited that evening, after the FSU had written to the Vice-Chancellor and the Vice-Chancellor directed the Debating Society to honour its original invitation. It then came to the FSU's attention that the committee of the Debating Society still planned to no-platform Caroline in defiance of the University's instruction. After the FSU brought this to the Vice-Chancellor's attention, Caroline was reinvited for a second time.

FSU involvement

Caroline contacted the FSU half an hour after receiving the first disinvitation on 17 September. The FSU [wrote a letter to the Vice-Chancellor](#) at 4.30pm, citing the University's Academic Freedom and Free Speech Policy, Event Management Policy, Agreement on Academic Freedom, and reminding the University of its statutory duty under Section 43 of the Education (N° 2) Act 1986 to uphold free speech and its responsibilities as outlined in the guidance document issued by the Equality and Human Rights Commission, Freedom of Expression: a guide for higher education providers and students' unions in England and Wales. At 9pm, Caroline received an email confirming her re-invitation and at 9.22pm, the Vice-Chancellor responded to the FSU to confirm the same.

Conclusion

After the second attempt to no-platform Caroline, a group of former senior committee members of the Exeter Debating Society wrote an open letter to the current committee condemning the attempt to no-platform a speaker because of her views. The debate proceeded as originally planned.

AMBER RUDD

CHRIST CHURCH, OXFORD UNIVERSITY

Background

Former Conservative Home Secretary Amber Rudd was due to speak at an event at Christ Church College called "In Conversation: Amber Rudd at Christ Church Oxford", which was cancelled at short notice. The UNWomen Oxford UK Society, which had invited her as part of the Society's UN Women 2020 Trailblazer Series, in the run-up to International Women's Day, reportedly pulled the plug after other students objected to Ms Rudd's involvement in the Windrush Scandal. The Society issued an apology "for all and any hurt caused to our members and other wom*n [sic] and non-binary people in Oxford over this event".

Summary of process

Ms Rudd was notified of the cancellation 30 minutes before the start of the event after she had already arrived at Christ Church College at her own expense. She tweeted: "Badly judged & rude of some

students last night at Oxford to decide to ‘no platform’ me 30 mins before an event I had been invited to for #IWD2020 to encourage young women into politics. They should stop hiding and start engaging. #FreeSpeech.”

FSU involvement

The FSU [wrote to Oxford University’s Proctors’ Office](#), alerting them to the fact that the no-platforming of Ms Rudd was a breach of the University’s Code of Practice on Meetings and Events, as well as Christ Church College’s Freedom of Speech Code of Practice. The letter asked for the decision to no-platform Ms Rudd to be investigated as a possible breach of the University’s Code of Discipline as set out in Statute X1: University Discipline, as well as investigated under the University Student Disciplinary Procedure: Non-Academic Misconduct.

Conclusion

The Proctors’ Office upheld the FSU’s complaint, deregistered the UNWomen Oxford UK Society and directed the Society to issue an apology to Ms Rudd, which it duly did. The FSU followed up with a [second letter](#) expressing concern that the University’s decision to take no action against the individuals involved would send the message to them and to the officers of other Oxford societies that disregarding the University’s procedures, codes of practice, and policies would result in no individual sanctions.

SELINA TODD

SPEAKER, EXETER COLLEGE, OXFORD UNIVERSITY

Background

Selina Todd, Professor of Modern History at Oxford, was no-platformed at a February 2020 event at Exeter College to commemorate the 50th anniversary of Ruskin College’s inaugural Women’s Liberation Conference. The decision to rescind her invitation was made by the event organisers the night before Professor Todd was due to speak at the request of other speakers who refused to share the stage with her due to her gender critical views, as well as pressure from trans activists and an organisation called Feminist Fightback.

Summary of process

Professor Todd had pointed out the previous October when she was first invited that some trans activists might object to her inclusion, but the organisers assured her they wouldn't be influenced by protesters, and said they wanted a variety of views to be represented at the event. After having helped to organise, fund and publicise the event, Professor Todd's invitation to speak was retracted at 6pm the evening before. Exeter College made no attempt to protect her freedom of speech, with a Fellow of the College introducing the event the following day, even after Professor John Watts, chair of the Oxford Faculty of History, withdrew in protest of the decision. The College posted a tweet after the event saying that it "played no role at any stage in the taking of decisions about the programme or its speakers". Professor Todd released a statement expressing her shock and disappointment, adding: "I refute the allegation that I am transphobic, and I am disappointed that the organisers have refused to uphold our rights to discuss women's rights – one that the original organisers had to fight hard for."

FSU involvement

The FSU lodged a [formal complaint with the Rector of Exeter College](#), citing the Exeter College Code of Practice on Freedom of Speech, and reminding the University of its statutory duty under Section 43 of the Education (No 2) Act 1986 to uphold free speech, and its responsibilities as outlined in the guidance document issued by the Equality and Human Rights Commission, Freedom of Expression: a guide for higher education providers and students' unions in England and Wales. The letter pointed out that the College had an obligation to ensure that, once invited, Professor Todd was not disinvited at the behest of people who disagreed with her views.

Conclusion

The Rector of Exeter College [replied to the FSU](#) to say that he had asked a panel of Fellows to investigate the FSU's complaint after investigating the complaint, the Complaint Panel concluded that Professor Todd's freedom of speech had been infringed but that they didn't think cancelling the event when the College learned of Professor Todd's no-platforming would have been the right response. Nevertheless, the Panel concluded that Professor Todd's freedom of speech had been infringed by the organisers of the event and asked the College to consider strengthening its procedures to minimise the risk of a repeat incident.

CHRIS WILLIAMSON

SPEAKER, ROYAL HOLLOWAY, UNIVERSITY OF LONDON

Background

An event at the Royal Holloway Debating Society featuring former Labour MP Chris Williamson was cancelled after objections were made by the local Labour Party and a number of student societies. He was accused of “hate speech”, a reference to allegedly anti-Semitic remarks he had made, but no specific examples of this anti-Semitism were given.

Summary of process

After the intervention of the President of the Students’ Union, the invitation to Williamson was rescinded and the event postponed. The Students’ Union claimed that Williamson “contravened our Guest Speaker Policy – a policy introduced following the October 2019 referendum on No Platform for Hate Speech”.

FSU involvement

The FSU [wrote to the Principal of Royal Holloway](#), citing the University’s Code of Practice on Freedom of Speech, and procedure for inviting guest speakers, and reminding him of the University’s statutory duty under Section 43 of the Education (N^o 2) Act 1986 to uphold free speech, and its responsibilities as outlined in the guidance document issued by the Equality and Human Rights Commission, Freedom of Expression: a guide for higher education providers and students’ unions in England and Wales.

Conclusion

The SU [replied to the FSU](#) denying that Williamson had been no-platformed, claiming that the event had been postponed because the Debating Society had not followed the Union’s Guest Speaker Policy and Procedure by inviting the SU to vet the event in advance. The [Principal of Royal Holloway replied](#) claiming that there had not been any breach of the law or the University’s Code of Practice. To date, Mr Williamson has not been reinvited to the Royal Holloway Debating Society.

EXETER UNIVERSITY STUDENTS' GUILD
EXETER UNIVERSITY

Background

Following complaints by a number of student societies about the appearance of Claire Fox and Joanna Williams at an event organised by the Exeter Debating Society, the Exeter Students' Guild issued a directive to all student societies to cancel all events from 28 January while a more rigorous vetting procedure for external speakers was put in place.

Summary of process

All Exeter student societies received a letter on 27 January 2020, telling them to cancel all planned events beginning the following day, and then formally apply for approval of these events from the Students' Guild, which in the meantime was reviewing its Digital Events Protocol and External Speaker Policy. No date was given for when the new policy would be in place and in the meantime no events could be arranged. In effect, ever external speakers that had been invited to speak at Exeter was no-platformed.

FSU involvement

The FSU [wrote to the Vice-Chancellor](#), citing the University's Free Speech Code of Practice, as well as its Speakers and Events Policy, and reminded her of the University's statutory duty under Section 43 of the Education (No 2) Act 1986 to uphold free speech. The Vice-Chancellor and the President of the Students' Guild [responded jointly](#), saying that events were paused in order to develop a more robust risk assessment policy after concerns were raised that the current policy was inadequate. The FSU sent a [follow-up letter](#) requesting further details on what specific risks were identified to justify the embargo and asking when the embargo would be lifted.

Conclusion

The Vice-Chancellor and President of the Students' Guild [replied to the FSU](#) to say that all events would resume the following week.

KEVIN PRICE

CLARE COLLEGE, CAMBRIDGE UNIVERSITY

Background

Labour councillor and Clare College porter Kevin Price resigned from Cambridge City Council when he felt his conscience wouldn't allow him to vote for a Liberal Democrat motion that began: "Transwomen are women. Transmen are men. Non-binary individuals are non-binary." In his resignation speech he said that those sentences would "send a chill down the spines" of "many women".

Summary of process

Students LGBT activists learned of Mr Price's actions and, with the support of the Union of Clare Students, demanded he resign from his job. He was described as "unfit to hold public office and to be in a position of responsibility over students", called a transphobe, a bigot, and a "potential risk" to trans students. The Union said that Clare College's Senior Tutor would be meeting with Mr Price, with the implication that he would receive a reprimand for expressing his gender critical beliefs.

FSU involvement

The FSU [sent a letter to the Master of Clare College](#) asking him to issue a statement in support for Mr Price, making it clear his employment status was not in jeopardy. The letter also requested that the College consider disciplinary action against any students who continued to make derogatory and potentially libellous comments about Mr Price.

Conclusion

The Master did not reply, but Mr Price is still employed as a porter at Clare College and has not been disciplined.

SOMERVILLE COLLEGE, OXFORD UNIVERSITY

Background

Baroness Royall of Blaisdon, Principal of Somerville College, sent an email to students in February 2020 claiming that "there is irrefutable evidence that a number of systemic injustices in our society, such as institutional levels of racism, homophobia, transphobia, and disability

discrimination, grow, at least in part, from individual unconscious biases that many or all of us have”.

Summary of process

The email stipulated that in order to address these injustices, all students were required to undertake an online unconscious bias course and, at the conclusion of the course, take a test on which they would have to achieve a score of 100 per cent. They were given a total of 11 days to complete the online training.

FSU involvement

A student at Somerville notified the FSU of this email and the FSU [wrote to Baroness Royall](#), pointing out that the alleged link between unconscious bias and discriminatory behaviour is the subject of an ongoing debate in the social science literature. The letter cited a number of studies that cast doubt on this link and added that there is evidence that unconscious bias training can have the unintended consequence of increasing discriminatory behaviour. The letter highlighted that insisting that students achieve a perfect score on the course assessment was potentially a breach of the Equality Act 2010 and the Human Rights Act 1998.

Conclusion

[Baroness Royall responded](#) by dropping the insistence that all students would have to achieve a perfect score in the course assessment. “This is an area where I should have thought further,” she wrote, “and I thank you for bringing it to my attention.” But she added that failure to achieve a perfect score “will be seen as the opportunity for a chat about the issues involved”. The FSU wrote a [follow-up letter](#) raising concerns about this, suggesting the prospect of a chat would have a chilling effect, and drawing the Principal’s attention to the government’s plans to strengthen free speech at universities. Students were subsequently notified that the unconscious bias training would not be mandatory.

MIKE MCCULLOCH
PLYMOUTH UNIVERSITY

Background

Mike McCulloch is a lecturer in geomatics who liked posts on Twitter saying “All lives matter”, “Gender has a scientific basis” and others opposed to mass immigration.

Summary of process

An anonymous complaint was made to the University which accused Dr McCulloch of hating blacks, women and immigrants. After a second complaint was received, the School of Biology and Marine Sciences launched an investigation into Dr McCulloch. A meeting was scheduled to determine whether to proceed to a full disciplinary hearing.

FSU involvement

The FSU contacted Dr McCulloch to offer support and legal assistance. A barrister was appointed and he contacted the University to point out that Dr McCulloch’s was exercising his lawful right to free speech.

Conclusion

The University dropped the investigation. McCulloch later wrote: “This was an incredibly stressful period for me and my family. To think that I could have lost my career to a single complaint about my liked tweets shows just how hysterical the present social mood is.”

CAMBRIDGE UNIVERSITY

Background

In the w/c 17 May 2021, Cambridge University put a new reporting system in place whereby students and staff were encouraged to report on other members of the University for various “inappropriate behaviour”, including giving someone a backhanded compliment, turning your back on certain people or not using someone’s preferred gender pronouns, so it could be investigated. Complainants had a choice of filing a report under their own name or doing it anonymously.

Summary of process

One of our members alerted us to the existence of this new reporting system, along with the list of reportable offences, and expressed concern that it was a breach of the University's obligations to uphold free speech on campus as set out in section 26 of the Education (Nº 2) Act 1986.

FSU involvement

The FSU [wrote to Professor Stephen Toope](#), the Vice-Chancellor of Cambridge, alerting him to the fact that the new reporting system was probably unlawful and putting him on notice that the FSU was minded to apply for a judicial review of the system. In addition, we said that if a member of the FSU is disciplined for some of the offences listed on the reporting website, such as misgendering a trans person, we would help them sue the University once the Higher Education Bill has passed.

Conclusion

Cambridge University took down the website, with Prof Toope claiming that some of the items in the list of reportable offenses had been included in error. The reporting website has now been put back up, but the list of reportable offences has disappeared, it doesn't accept anonymous complaints and the site doesn't ask people to name the person they're complaining about.

