

Alumni for FREE SPEECH

26 October 2022

Dear Professor Rogerson

We are writing to remonstrate about your and your Senior Tutor's recent ill-advised statements about (a) the views of Helen Joyce, the gender-critical author and free speech activist (we note that she is on the Advisory Council of the Free Speech Union), and (b) the meeting at your College at which she was due to speak.

You say that you consider Dr Joyce's views, which question aspects of trans ideology, as (inter alia) "hateful to members of our community".

These statements were in an email that purported to be from you and the Senior Tutor in your personal capacities. But it used email addresses for "Caiaans" which we assume can only have come from the College's database. So, the addresses must have been obtained, taken away and used either (a) with the knowledge and approval of relevant College officers (which would in the circumstances likely count as knowledge and approval of the College, but may not have been consistent with its data protection and privacy obligations), or (b) without that knowledge and approval, in which case that might well have involved unauthorised accessing and use of personal data held by the College, which must likely have been a breach of the College's rules and at least potentially unlawful.

You hold office as Master and Senior Tutor of your College, and your views carry weight as such and were intended to carry weight. We have to assume (unless you tell us otherwise) that you obtained the email addresses using your authority as Master/Senior Tutor and/or otherwise with the College's knowledge and consent. If so, while you purported to send your email in your personal capacity, there would seem to be sufficient connection between your email and the College for it to be regarded as being a communication of the College. If so, the College would likely be responsible for the email and its contents despite your attempt to distance it from your comments.

Since the landmark *Forstater* case, Dr Joyce's views count as 'protected characteristics' for the purposes of the Equality Act 2010. If, as we think likely for the reasons explained above, these clearly hostile comments about this protected viewpoint would be viewed as attributable to the College, it is at severe risk of contravening the general provisions of the Equality Act, and it appears to us to be in clear breach of its Public Sector Equality Duty under section 149 of the Equality Act. In particular, we ask you: in what way do these public statements comply with Subsection 149(1)(c), which requires that the College has due regard to the need to "foster good relations between persons who share a relevant protected characteristic [ie, Dr Joyce's views] and persons who do not share it". To the contrary, these statements appear calculated to create or inflame bad relations.

Further, even if your statements were not to be treated as attributable to the College for legal purposes, their immoderate nature and discriminatory content are wholly inappropriate for people who lead the College. These statements will have been taken into account by all participants who read them, and will have set or enhanced an atmosphere which is hostile to people with this protected characteristic.

By describing these protected views in the way you did, both you and very likely the College (a) sent a clear message that holding these views is unacceptable within your College and likely to be subject to negative consequences, with the clear effect of being likely to suppress the expression of those views within your College, and (b) were complicit in the creation of a hostile environment for a visiting speaker with a protected characteristic, i.e. Dr Joyce.

As you may or may not be aware, once the current Freedom of Speech (Higher Education) Bill becomes law, your College will be required to promote free speech, and to take all reasonably practicable steps to secure freedom of speech within the law for academics, students and visiting speakers at the College. Once these requirements are in effect, a communication such as yours would be a clear breach of your College's legal duties to promote and secure free speech. Even if these statements were found not to be attributable to the College, they would surely be regarded as having been deliberately issued in your private capacity with an intention to influence the recipients while circumventing the College's obligations.

We note that you prefaced your inappropriate comments with a statement in support of freedom of speech, which we applaud as far as it went, and that you have not so far as we know attempted to prevent the talk from happening. However, given the main thrust of your comments, the preface risks looking like lip service. We urge you to show more care and judgement, and use more moderate language, in your handling of equalities and free speech issues going forward.

Many alumni care about the protection of free speech and will have read about your remarks with great concern. We will be sharing this with our members.

Yours

Alumni For Free Speech

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