

# Alumni for FREE SPEECH

27 October 2022

Dear Professor Desai

We are a newly-formed, non-partisan organisation whose goal is to mobilise alumni of UK universities and other Higher Education Providers (“HEPs”) to encourage high standards of compliance with HEPs’ obligations to protect the freedom of speech of their students, staff and visiting speakers. More information about AFFS can be found at <https://AFFS.uk>.

We are writing to remonstrate about your recent ill-advised statements about the event at Gonville and Caius at which Helen Joyce was due to speak, in which you described the information about it as “potentially harmful material” and apologised for circulating it and stated a resolve not to share similar material again.

Dr Joyce has what is now often labelled as gender-critical views. These are very unpopular with trans and other activists.

You hold office as Head of Sociology in the University of Cambridge. Your views carry weight as such and were intended to carry weight. The University will be responsible for your email.

We understand from your email that the department regularly emails its students (and presumably other participants) about upcoming events and the like.

The clear import of your email is that:

- a. You regard certain viewpoints as unacceptable and not appropriate to put in front of your recipients (“**censored viewpoints**”) and that, by implication, holding these views is unacceptable within your department. By describing these protected views in the way that you did, you were likely complicit (we accept probably inadvertently so) in the creation of what reports indicate was a very hostile and intimidating environment for a visiting speaker with a protected characteristic (see below), i.e. Dr Joyce.
- b. You intend not to share information on upcoming events of certain natures which offend members of your community (“**censored events**”), whilst sharing information about other events. This clearly discriminates against people who have censored viewpoints or want to put on what would be censored events.

Since the landmark *Forstater* case, Dr Joyce's views count as within one of the various categories of 'protected characteristics' for the purposes of the **Equality Act 2010** (“**Equality Act**”). As a result:

- a. Your hostile comments about, and stated intention to discriminate against, this protected viewpoint are at severe risk of having caused the University to contravene the general provisions of the Equality Act.
- b. It must be that your actions are contrary to the University's **Public Sector Equality Duty** under section 149 of the Equality Act. In particular, we ask you: in what way do your public statements comply with Subsections 149(1) (b) and (c), which require that the University has due regard to the need to "advance equality of opportunity between persons who share a relevant protected characteristic [ie, Dr Joyce's views] and persons who do not share it" and "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 relatively disadvantage people with this protected characteristic (by inducing unpopularity for them and not sharing information about their events) and to create or inflame bad relations, setting or enhancing an atmosphere which is hostile to people with this protected characteristic.

As you will know, even in advance of the passing into law of the **Higher Education (Freedom of Speech) Bill** presently before Parliament, English HEPs are obliged under the **Education (No.2) Act 1986** (the "**Education Act**") to take such steps as are reasonably practicable to secure freedom of speech for its members, students and visiting speakers. This is a demanding requirement, limited only by reference to the speech being "*within the law*" and by what is reasonably practicable.

Your communication appears to be a clear breach of the University's legal duty to secure free speech, by:

- a. Treating certain viewpoints/events as not worthy of including/appropriate to include in a system designed for sharing information about upcoming events, thus meaning that the viewpoints you disapprove of receive no publicity through your department whereas the events you do approve of do receive publicity.
- a. Joining in creating or increasing a hostile atmosphere for people who hold this protected viewpoint, with the clear likely effect of deterring them from holding and even more expressing those viewpoints, and deterring others who sympathise with them from expressing that support.

Your email, with its hostile content and discriminatory effect, is wholly inappropriate for a person in a senior management position within the University to have sent. We urge you to:

- a. Issue a statement confirming that you are aware of your contraventions and setting out the measures you will take to set them right and apologising to those who have been disadvantaged by them.
- b. Show more care and judgement 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 sincerely

Alumni For Free Speech

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