

Alumni for FREE SPEECH

Open letter to the Council of Gonville & Caius College

7.12.2022

Dear Council members

Free speech protection and governance failures

We writing further to our letter of 4 November 2022.

It is now a month since we wrote, and neither we nor, so far as we know, the public have heard anything constructive from the College about the free speech problems in connection with the Helen Joyce affair.

We have identified the following free speech problems:

- The Master's and Senior Tutor's first email may have caused the College to breach its Public Sector Equality Duty.
- the Master and Senior Tutor did not comply with the College's [Statement on Freedom of Speech](#).

Subsequent reports have indicated that the College refused to circulate information on the proposed talk, which was in effect discriminatory against people who hold the protected characteristic under the Equality Act of gender critical views by treating them less favourably than people who hold differing views. This is directly attributable to the College, so the question of whether the first "private" email should be attributed to the College does not arise in this case.

The following governance problems have also arisen:

- There appear to have been significant breaches of data protection laws in the use of the College's email list to send a "private" email, if that is what it was.
- In the case of the Master at least, she failed to act with the dispassion that her office requires: ie, to stay above the fray and act as a calming, not a divisive, figure. It was very inappropriate as a matter of governance that the Master took a lead role in a College controversy. Her position required a level head

and being available as a wise calmer of a storm and if necessary enforcer of rules.

- While the College is not *in loco parentis*, it is clearly in a position of responsibility in respect of its students and to an extent other participants, so it was very inappropriate that the Master (of all people) attacked opinions on a topic of genuine public controversy which must be held by a significant number of your own community and count as "protected characteristics".
- The Council has had all the above information before it, and appears to have done nothing. If its members were fulfilling their duties as trustees of the College:
 - It would have taken appropriate advice to ascertain whether there had indeed been contraventions of obligations relating to the protection of free speech and proper governance and behaviour in office.
 - If the conclusion was (as it must be) that material failures have happened, it would have accepted and acknowledged that and taken action to set them right, and ensure that they would never recur.
- It thus appears that the Council is defaulting on its governance obligations as well as the Master. It may be that it has taken appropriate steps but avoided any public mention of this. In our view, acting as if a significant issue has not happened is itself a failure of good governance.

We should say that we will be staying on this case. Assuming that there is no change in the College's approach, AFFS will report what has happened, and the failures of Caius' management and Council to do anything about it, to the appropriate authorities. We will submit to them that Caius's current management and governance, and rules and process, are not fit for purpose in this regard and urge them to take appropriate enforcement action.

Yours

Alumni for Free Speech

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