

Alumni for FREE SPEECH

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Dear Professor Welch,

Free speech protection and governance failures regarding Professor Steven Greer

Alumni For Free Speech ("AFFS") is a non-partisan organisation whose goal is to mobilise alumni of UK universities to encourage high standards of compliance with institutions' obligations to protect the freedom of speech of their students, staff and visiting speakers. More information about AFFS can be found at www.affs.uk.

We are writing about the free speech and governance aspects of the treatment of Professor Steven Greer, with which you will be familiar. This letter will be made public including via AFFS's website and its communication with University of Bristol alumni.

Relevant events

The relevant facts set out below are derived from Chapter 3 of Professor Greer's book *Falsely Accused of Islamophobia: My Struggle Against Academic Cancellation*. For the purposes of this letter, we have assumed that the relevant facts are accurately stated there. Please inform us if the University contests any material facts as stated below, explaining which are contested and why.

As AFFS understands the position, from the late spring of 2018, Professor Greer became the subject of complaints and attacks for various things, but in particular stating that the UK government's Prevent strategy is neither racist nor Islamophobic, and for proposing a Law School blog about what to do about historical wrongs (the "Early Attack"). Even though all of Professor Greer's views were entirely lawful, these initial attacks included calls for his sacking and the effective silencing of his viewpoints. This was clearly contrary to the University's Free Speech Statement (the "FS Statement") and student misconduct rules (see below).

In November 2020, the University of Bristol Islamic Society (“**BRISOC**”) lodged a formal complaint against Professor Greer for alleged Islamophobia and racism (the “**Complaint**”). Given that he was subsequently unequivocally exonerated by the University’s inquiry, it is not necessary to go into detail about the allegations in this letter. Professor Greer writes that the allegations “include outright lies, distortion through tendentious paraphrasing, changing the meaning of statements by taking them out of context, exceeding reasonable inference about supposed underlying attitudes, and reproducing true statements of fact claiming they are false. In fact, the complaint [... was] is nothing but a toxic mix of lies, distortion, and misrepresentation”. Given his full exoneration, we assume that the University accepts that this statement is true. If not, please indicate any extent to which it does not, explaining why. Assuming the statement is true, however, the Complaint appears to have been a deliberate attempt to destroy Professor Greer, without concern for the truth of any allegations.

Professor Greer alleges multiple procedural defects in the Complaint: for example, that the Complaint should have been rejected as inadmissible because it was out of time. He also says that the University mishandled the matter by failing officially to inform him of its substance for three and a half months, limiting his ability to defend himself. Furthermore, Professor Greer also says that the University proceeded to investigate the Complaint even though it was based exclusively on anonymous and therefore unprovable and inherently suspect sources.

Professor Greer vigorously rejected the truth of the Complaint once he became aware of it.

On 15 February 2021, BRISOC launched a deliberately highly damaging and potentially dangerous social media campaign against Professor Greer (the “**Social Medial Campaign**”), which included a petition to have Professor Greer sacked as Professor of Human Rights at the University Law School and called for the cancellation of the Islam, China and the Far East module (“**the Module**”) he had taught for over a decade (the “**Module Cancellation Demands**”).¹

For the purposes of this letter, we collectively refer to the Early Attacks, the Complaint, the Social Media Campaign and the Module Cancellation Demands as “**the Attacks**”.

In February 2021, Professor Greer asked the University to stop the Social Media Campaign because of the risks it posed to his physical safety. He was told by a senior official that he should refer such concerns to the police officer with the Avon and Somerset Constabulary attached to the University, which he did. The officer took the whole issue seriously, and Professor Greer has no complaints about her. It appears that the University believed that their duties to protect his physical safety had been discharged by telling Professor Greer to contact

¹ In this regard, Professor Greer writes in the Preface to his book that: “BRISOC also insisted that the Islam, China, and the Far East module on my Human Rights in Law, Politics and Society (HRLPS) course—which I’d taught without significant alteration or difficulty, including to many Muslim students, for nearly a decade and a half – should be ‘scrapped’.” Professor Greer also states that the petition to have him sacked “quickly acquired over 2,000 signatures, rising [...] to over 4,100. This includes over 30 organizations, 17 of which are University of Bristol student societies”. If the University disputes the accuracy of these statements, please could it confirm what is disputed and why?

the police officer. What Professor Greer asked of the University, however, was that it intervene to put an end to BRISOC's campaign. His requests in this regard were simply ignored. Furthermore, the University's public responses to the Social Media Campaign failed even to state that Professor Greer strongly denied the various allegations made against him.

In July 2021, a University inquiry exonerated Professor Greer "*completely and without equivocation*" and in relation to all of the allegations made by BRISOC in the Complaint. No official announcement of the findings of its inquiry was, however, made until October 2021.²

Despite the findings of the University's inquiry, in September 2021, the Law School removed the Module from the syllabus from the 2021-22 academic year onwards, expressly in order to avoid further complaints and citing "*student well-being*" and a desire to avoid Muslims students feeling "*othered*".

Following the unanimous upholding of its inquiry's findings on appeal, in October 2021, the University publicly announced Professor Greer's exoneration for the first time. Despite Professor Greer's complete exoneration (and inconsistently with the findings of its own inquiry that the allegations made against him were without foundation), the University's statement also "*recognis[ed] BRISOC's concerns*" and, despite BRISOC itself showing no interest in this, referred to "*the importance of airing different views constructively*".

As a result of the effects of the Attacks on his health, Professor Greer was signed off work by his doctor from September 2021 to the beginning of January 2022. He retired, as previously planned, on 30 September 2022.

Relevant legal and regulatory requirements and issues

The University's own Statement on Free Speech, rules regarding behaviour, enforcement, discipline

The University's relevant Statement on Freedom of Speech (the "**FS Statement**") included the following: "*Pluralism, tolerance and broadmindedness are essential components of a democratic society, and all views, including those that can be difficult to hear, should be able to be expressed and heard with tolerance and mutual respect.*"

Annex 1 of the University's [Student Disciplinary Regulations](#) identify the following types of misconduct:

² In relation to this, Professor Greer writes: "*On 2 August 2021 I reported the news of my exoneration to the Law School's senior management and asked when my Law School colleagues would be informed. I also pointed out that there was evidence that some of them had supported BRISOC's campaign and that these were matters of the utmost seriousness which required further investigation. Each request was simply ignored. The failure of the Law School to make any announcement regarding my resounding official vindication was not only disappointing; it also denied me protection against the ongoing risk of personal attack and deprived me of what could, and should, have been its official support*". Again, we invite the University to identify and explain any point of disagreement it has with Professor Greer's account.

- "a. Any conduct which constitutes a criminal offence;...*
- c. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University;...*
- e. Violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language, whether expressed verbally or in writing, including online behaviour in electronic form;*
- f. Bullying, harassment or unacceptable behaviour of any student or member of staff of the University, or any visitor to the University, on the grounds of ... religion or belief, ... including online bullying and harassment;...*
- m. Failure to respect the rights of others to freedom of belief and freedom of speech;*
- n. Breach of the provisions of any University code, rule or regulation, including any student code of conduct."*

AFFS, of course, accepts that publicly voicing strong disagreement with any viewpoint (including that held by Professor Greer) is itself protected free speech. However, personal attacks on any person quickly fall the wrong side of the line. Once they move beyond intermittent insult into serious abuse, they are likely to breach the University's rules relating to behaviour and, in some cases, to be illegal, especially where sustained and structured. Further, when the attacks are made because of disagreements with another person's point of view, they will soon be serious enough to breach the FS Statement. The University is required to put a stop to such attacks pursuant to its core obligation to take all reasonably practicable steps to secure free speech discussed in detail to below. AFFS recognises that it can sometimes be hard to decide whether and when the line has been crossed, but this was not the case with the Attacks.

AFFS considers that, in cases of disproportionate, vexatious or malicious complaints and allegations (like those involved in the Attacks), the University should have adopted the following approach:

1. If a complaint in connection with a person's lawful point of view turns out to be vexatious or malicious, it is (at the least) intolerant and therefore a breach of the FS Statement and misconduct rules referred to above. A complaint about a statement or viewpoint which appears to be based on untruths should be presumed to be vexatious or malicious unless the complainant can establish it was made in genuine error (having made reasonable efforts to establish the facts) or that there were special circumstances which indicate that it was reasonably made in the circumstances.
2. As a complaint will always have negative consequences for its target (ranging from mere annoyance and wasted time to distress and the threat of career ruin), any complaint (and any demands for action to be taken in response to it) needs to be expressed in temperate and balanced terms and be proportionate to the matters complained of.
3. Whether a complaint is to be regarded as disproportionate is to be viewed through the eyes of a reasonable person. Subjective and hypersensitive reactions to lawful statements cannot justify a making a complaint.

4. A complaint which is not simply disproportionate but is malicious and intended to damage a person because of their lawful viewpoint may also be contrary to other rules and the criminal law (see further below).

Given the findings of the University's inquiry, it is hard not to conclude that that all students and student organisations (and any academics) who made, organised or took part in any of the Attacks were in clear breach of the FS Statement, and committed some or all of the types of misconduct set out above. This extends to all signatories to the petition to have Professor Greer sacked for his views or ideas stated who were Bristol Participants or societies.

It is an inexplicable and extraordinary feature of the free speech debacle involving Professor Greer that the University did not enforce its own FS Statement or student misconduct rules. Even leaving aside general principles of good governance in relation to the integrity, consistency and enforcement of its own rules and regulations, the University was legally obliged to do so under the provisions of the Education Act to which we now turn.

Section 43(1) of the Education Act (No.2) Act 1986 (the "Education Act")

English universities' governing bodies are required under **Section 43(1)** of the Education Act to take such steps as are reasonably practicable to secure freedom of speech for their members, students and employees ("**Participants**") and visiting speakers.³ This is a demanding requirement: it means all such steps and is limited only by reference to the speech being "*within the law*" and by what is reasonably practicable (which is to be judged objectively and not by reference to the subjective views or preferences of the managers of particular universities).

A wide range of actions is required in practice by this duty⁴, the most relevant of which fall under the following headings:

Avoiding and reducing an oppressive atmosphere

Research strongly evidences that an atmosphere exists at many universities or among their Participants (or some of them) in which many Participants (including both academic staff and students) feel intimidated about expressing their opinions. This can arise as a result of the

³ **"43 Freedom of speech in universities, polytechnics and colleges.**

(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers."

⁴ The OfS recently put it thus: "*this is likely to entail a wide range of steps needing to be taken in practice. In our view, it is unlikely to be sufficient for a university only to make public statements in favour of free speech*". *Insight publication Freedom to question, challenge and debate, December 2022*: <https://www.officeforstudents.org.uk/media/8a032d0f-ed24-4a10-b254-c1d9bfcfe8b5/insight-brief-16-freedom-to-question-challenge-and-debate.pdf> (the "**December 2022 OfS statement**")

attitude of colleagues or online aggression, or the fear that job prospects may be hindered, or assessments of performance may be downgraded, in connection with their expressing certain opinions. Given that the existence of such an atmosphere gives rise to obvious risks of self-censorship and very harmful effects on free speech at universities, universities are required by Section 43(1) to take all reasonably practicable steps which might stop such an atmosphere developing in the first place or persisting if it already has. This will involve being vigilant to prevent, identify and stop free speech transgressions; and firmly enforcing its FS Statement and rules. The facts as summarised above strongly suggest that the University was in breach of this aspect of its obligations under Section 43(1).

Dealing with controversies; protecting Participants; resisting pressure

How universities deal with controversies – as in social media storms, demands for disciplining or that meetings (or indeed courses) not be held and the like – will be the sometimes very public face of how well they are securing free speech in practice.

Where a Participant is under attack for expressing their lawful opinions, Section 43(1) requires a university to take such action as it can to bring a halt to various types of hostile actions that are being taken against the Participant because of their lawful viewpoint, especially where they are in possible breach of its own relevant rules and requirements. This is likely to involve some or all of: identifying the Participants who are, or may be, taking those actions, and informing them directly where they are or are likely to be in breach of its relevant rules and requirements and requiring them to stop taking the relevant actions; taking disciplinary action against the relevant Participants, where and to the extent appropriate, and such other action as is likely to help remedy the situation; and, if the relevant actions involve likely criminality, considering seriously (with advice) whether they should involve the police (see further below).

The University's failure in the present case to take all reasonably practicable steps to secure Professor Greer's freedom of speech can only be described as catastrophic, and at the very heart of what went wrong. To the extent that they were even aware of the University's obligations under Section 43(1)⁵, the managers involved appear to have had no regard whatsoever to them when failing to take positive and firm steps to protect an academic who was under attack for his lawful opinions and the contents of the Module.

We address the particular steps the University should have taken in connection with the Attacks below under "*The University's Free Speech Failures*".

Resolving competing claims

⁵ AFFS would be interested to know what (if any) training the University provided to its relevant managers in this regard and in relation to its (and their) obligations to secure freedom of speech of academics employed by and students admitted to the University more generally.

Assertions and demands, such as those made by BRISOC and others in this case, can sometimes create potential problems in the context of universities' freedom of speech obligations. However, it is vital that they keep in mind that the requirement to take all reasonably practical steps to secure lawful free speech under Section 43(1) is effectively overriding. We are not aware of any serious assertion that there was anything unlawful about Professor Greer's views, the Module or his teaching. Even in cases where competing duties are asserted, it is only other legal obligations, as opposed to the agendas being selectively promoted by a university, which might affect the duty under Section 43(1). The Law School did not, in any event, make reference to any competing legal obligations when it cancelled the Module. Instead, it referred only to BRISOC's concerns and student wellbeing, neither of which would be relevant to the University's obligations under Section 43(1), let alone capable of overriding them.

The Human Rights Act 1998 ("HRA")

Under the HRA, all public bodies (including universities) must, among other things, not act incompatibly with **Articles 9 to 11** of the **European Convention on Human Rights**. Those articles protect people's rights to freedom of thought and to hold opinions and express them freely without interference. It is unlawful for universities to act in a way which is incompatible with any Convention right.

Academic freedom attracts enhanced protection under Article 10, over and above that afforded to freedom of expression more generally.⁶ Any sanction imposed on an academic in relation to the exercise of academic freedom is likely to be a breach of **Article 10**, since, however minimal, such sanction is liable to impact relevant rights of free expression and have a "chilling effect in that regard".⁷ Mere censure of an academic for expressing views (even without any form of sanction) was recently found to be a breach of **Article 10**.⁸

It is far from clear that either the University or the Law School paid any heed to Professor Greer's free speech protections under the HRA in taking the decision to cancel the Module. Given that Professor Greer had been teaching the Module for over a decade and that the Complaint was dismissed in its entirety, its peremptory cancellation, effectively as a result of the Complaint from a small group of vocal activists, looks like a form of censorship and an unreasonable and unjustified interference with Professor Greer's academic freedom.

⁶ In the *Sorguc* case in 2009⁶, academic freedom was recognised as enjoying very wide protection. In the *Erdoğan* case in 2014, the European Court of Human Rights ("ECHR") held that academic freedom protections apply beyond the teaching and research settings and extend "to the academics' freedom to express freely their views and opinions, even if controversial or unpopular, in the areas of their research, professional expertise and competence".⁶ In the same case, the ECHR also stated that **Article 10** guarantees freedom of "extramural" speech "which embraces not only academics' mutual exchange (in various forms) of opinions on matters of academic interest, but also their addresses to the general public".

⁷ See: *Kula v. Turkey*, App. No. 20233/09 (2018).

⁸ See: *Torres v Spain*, App no. 74729/17 (2022).

The Equality Act 2010 (the “Equality Act”) and the Public Sector Equality Duty

The Equality Act contains extensive provisions to prevent discrimination, harassment and other unlawful actions in respect of people with various specified “*protected characteristics*” which apply in contexts including employment and the provision of higher education by universities.

Holding (or not holding) a “*religious or philosophical belief*” is a “*protected characteristic*” under **Section 10** of the Equality Act. In establishing that so-called gender-critical views are protected as a “*philosophical belief*”, the *Forstater*⁹ case explained the process by which such a belief is to be identified. The law in this area is still evolving. However, holding (or not holding) views in respect of other currently contested areas must logically also be treated as protected beliefs and are very likely, in time, to be confirmed as such. More importantly for this case, views about, questioning of, or disagreement with, religious beliefs and dogma and their effect in practice are almost certainly religious or philosophical beliefs protected under **Section 10**.

Furthermore, the Public Sector Equality Duty (“**PSED**”) imposed on universities by **Section 149** of the Equality Act requires them to exercise their functions with due regard to the need: to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act; to advance equality of opportunity for people with protected beliefs; and to foster good relations between people who have a protected belief and those who do not.

The University therefore had a statutory duty not to discriminate against, harass or victimise Professor Greer because of his lawful opinions about aspects of Islam and their implications and effects. It also had a statutory duty to comply with its PSED in relation to its consideration of the Attacks. The University was required to take steps to avoid any breach of its statutory duties, including by ensuring that staff did not take unlawful actions on its behalf, and therefore needed to ensure that they were properly trained.

It follows from the above that the University might well have a case to answer for discrimination, victimisation and harassment of Professor Greer under **Sections 39(2)** and **(4)** and **Section 40(1)** of the Equality Act. On the basis that it appears that it did not contemplate that the Equality Act could be relevant in Professor Greer’s case, it cannot have complied with its PSED in respect of him.

Protection from Harassment Act 1997 (the “PHA”)

Under the PHA, a person must not pursue a course of conduct which amounts to harassment and which he knows, or ought to know, is harassment of another person. Harassment in this context includes alarming a person or causing a person distress. A person ought to know a

⁹ *Forstater v. CGD Europe et al.* (Appeal No. UKEAT/0105/20/JOJ): https://assets.publishing.service.gov.uk/media/60c1cce1d3bf7f4bd9814e39/Maya_Forstater_v_CGD_Europe_and_others_UKEAT0105_20_JOJ.pdf

course of conduct amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to harassment of the other. The PHA gives rise to both civil and criminal causes of action. Intent does not have to be proven; nor is it a strict liability offence. The bar for committing this crime is, therefore, comparatively low.

The Complaint was based on false assertions. It appears to have been intended to harm Professor Greer. It clearly had the effect of both harming and profoundly upsetting him, as a reasonable person in possession of the same information as the Complainants would have realised even if (which itself seems unlikely) the Complainants themselves did not. Based on the information available to AFFS, therefore, it is possible that, in making the Complaint, some of the Complainants acted criminally under the PHA.

The Social Media Campaign, which included a photograph of Professor Greer which was deliberately shared and a petition to have him sacked, was intended to harm and upset Professor Greer. It had the effect of causing him to leave his home briefly. It, therefore, also appears to have constituted a potential offence under the PHA.

If a university discovers that criminal harassment (or other offences) has or may have occurred “on its watch”, it should consider bringing in the police. It will also, and in any event, need to comply with its duty to take all reasonably practicable steps to secure the lawful free speech of the Participant who is the target of the illegal activity.

In the present case, the University should have appreciated the actual or likely legal implications of the Complaint and the Social Media Campaign under the PHA and taken immediate action to stop them as soon as they became aware of the facts referred to above. We note in this regard that the University advised Professor Greer to report the concerns he raised with it to the police, but took no such action itself.

Governance issues

The University is required by its conditions of registration (E1 and E2) to have governing documents that uphold, and to have in place adequate and effective management and governance arrangements to deliver in practice, the public interest governance principles that apply to it. These include principles relating to securing freedom of speech and academic freedom.

The Office for Students (“OfS”) has publicly stated¹⁰ that, in considering whether a university complies with condition of registration E1, it may consider questions such as whether those governing documents provide for reasonable steps that facilitate securing lawful speech or include content that provides for steps that may undermine free speech. In the same publication, the OfS stated that, in considering whether a university complies with condition of registration E2, it may consider questions such as:

¹⁰ In December 2022 OfS statement.

- Does the university have robust decision-making arrangements, which require it to consider the impact of its decisions on free speech and academic freedom as part of the decision-making process?
- Does the university have checks and balances to ensure that its policies and processes do not adversely affect free speech or academic freedom?

The facts described by Professor Greer strongly suggest that the University signally failed to comply with registration conditions E1 and E2.

The spirit, if not the letter, of Statute 32 of the Statutes of the University of Bristol appears not to have been complied with in respect of Professor Greer.¹¹

We have not examined the University's governance and management structures and operations in detail. However, we set out below some questions which we believe the University ought seriously to consider if it is to avoid further significant failure of governance and leadership.

The University is facing a wide-ranging crisis in its governance, management and compliance as regards protecting free speech. Its instincts may be to avoid these issues raised and hope they go away. This would be a further significant failure of governance and leadership.

The University's free speech failures

We have explained above some of the many and obvious ways in which the University failed to enforce its own FS Statement and rules, and to comply with its obligation under Section 43(1) of the Education Act to secure Professor Greer's freedom of speech and academic freedom. The same failures might also have given rise to breaches of the University's obligations under the HRA and Equality Act.

The great majority of the failures we have highlighted appear to have stemmed from the University's apparent failure to appreciate that its core obligation under Section 43(1) to take all reasonably practicable steps to secure free speech required it to do a great deal more than pay lip service to its general commitment to free speech. Whatever the reasons for them, however, the University's acts and omissions in the present case meant that, in AFFS's view, it failed even to enforce its own relevant rules and regulations (despite the possibility that some of their breaches may have involved criminal conduct), let alone to comply with its legal obligations in relation to Professor Greer's free speech rights and academic freedom.

¹¹ Statute 32 of the Statutes of the University of Bristol ("Academic Staff: Dismissal, Discipline, Grievance Procedures and related matters") states that it "*shall be construed ... to ensure that members of academic staff at the University have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges*" and that, in case of conflict, the provision shall prevail over any other provision of the Statute, Ordinance or procedure "*made under or to give effect to this Statute*" and over any contractual term. (Taken from the University's *Statement regarding freedom of expression and free speech*, 5 March 2021.)

More particularly, AFFS believes that Section 43(1) required the University to do the following.

1. As the Early Attacks were clearly contrary to Bristol's FS Statement and its student misconduct rules, the University should have taken prompt action. It should have contacted those responsible, informing them that they had contravened its rules, reprimanding them and requiring them to desist or face appropriate disciplinary action. Had it done so, it seems likely that the more serious conduct which followed could well have been avoided.
2. We of course acknowledge that it was the University's duty to give fair consideration to the Complaint when received, while being alert to the possibility of it being inappropriate, given that it related to a person whose viewpoints the complainants objected to. The University should have been much more even-handed throughout the process, during which it appears to have prioritised appeasing BRISOC over procedural and other fairness. Had the University followed its own rules and requirements, it would have dismissed the Complaint at an early stage for the procedural defects that Professor Greer identifies. Had the University correctly identified and complied with its legal obligations in relation to free speech, and therefore worked to investigate promptly the accuracy of the assertions in the Complaint, it would have become apparent that the Complaint was not founded in fact and no more than the aggressive expression of subjective disagreement with Professor Greer's lawful opinions and should therefore have been dismissed at a much earlier stage. In any event:
 - (a) once it became clear that the factual allegations in the Complaint were themselves strongly disputed, the University should have made it clear to the Complainants that if, as Professor Greer maintained (and as was subsequently found to be the case), the Complaint was based on untruths they would be in breach of the FS Statement, the student misconduct rules and possibly the criminal law; and
 - (b) once its inquiry had concluded that the Complaint was indeed factually unfounded, the University should have made that conclusion public immediately and seriously considered disciplinary action against the Complainants.

Instead, the inquiry's complete exoneration of Professor Greer was followed by the Law School's cancellation of the Module (as demanded by the Complainants) and the University's public recognition of BRISOC's (by implication, reasonable) concerns. Both these developments were inappropriate and completely inconsistent with the conclusions of the University's own inquiry.

3. The Social Media Campaign was atrocious and in profound breach of the University's FS Statement and student misconduct rules. The University should have acted to put a stop to it as soon as it became aware of its existence and nature. It should also have considered appropriate disciplinary action against any student or academic involved. Especially given that it advised Professor Greer to refer the matter to the police, it is very

surprising that the University took no effective steps to prevent the continuance of the Social Media Campaign and does not appear to have considered disciplinary action against those involved. The Social Media Campaign and related petition are still online, and the University should require them to be taken down immediately.

4. Finally, the University should not have succumbed to the Module Cancellation Demands. To do so was obviously inconsistent with the University's rejection of the Complaint. Furthermore, if, as Professor Greer says, the Module was generally well received by students (including Muslims) for more than a decade, principles of academic integrity as well as the protection of free speech and academic freedom, required that the unreasonable demands of a small group of activists be ignored.

If the University had complied with its obligations, and enforced its own FS Statement and rules, the outcome for Professor Greer would have been very different.

The questions for the University and any external reviewer referred to below to consider and resolve are urgent and, we believe, obvious. But we set them out below in any event.

A key question which applies to the whole episode is: why did the relevant managers mishandle the University's response to the Attacks so badly? What are the lessons to be learned, and steps to be taken to ensure its governance and processes work properly in future?

In relation to the University's failure both to enforce its own FS Statement and student misconduct rules and to comply with its obligations under Section 43(1) of the Education Act:

- If management did not appreciate any of the issues we have identified, why was this? If it did appreciate them, why did they take no action to protect Professor Greer's free speech rights?
- Why did they not identify and contact all individuals involved in the Social Media Campaign and stop this misconduct (and possible criminality) happening (if necessary, by appropriate disciplinary action against students or academics involved) once the relevant facts became clear)?
- What are the lessons to be learned and corrective action to be taken?

In relation to the Equality Act:

- What (if any) consideration was given to the need to comply with the Equality Act?
- If no (or insufficient) consideration was given to the University's relevant obligations under the Equality Act, why was this? What are the lessons to be learned and corrective action to be taken?

In relation to the HRA:

- What (if any) consideration did the University give to its obligations under the PHA, in particular in respect of the Module Cancellation Demands?
- If no (or insufficient) consideration was given to, why was this? What are the lessons to be learned and corrective action to be taken?

In relation to governance:

- In what ways did the University's governance, management structures and operations in practice fail, and why?
- What needs to be done to improve them?
- Who were the individuals most responsible for these failings? Does Bristol have the right people in relevant jobs?
- We would not normally raise this in a letter of this sort, but the failings in this case are so extreme that we believe that the University needs to consider whether any failings of individual members of staff involved in this case are such that they should face disciplinary or other action.

What the University should do about these failures

Given the seriousness of the free speech failures involved in this case, the University needs to take the following steps.

1. Self-report to the OfS that serious free speech protection failures have occurred, and that it is working to identify what these were and the appropriate remedies, and to set the failures right.
2. It should in any event appoint an external and unconflicted person of appropriate seniority and relevant experience to review the events referred to in this letter by reference to the University's relevant internal rules and regulations and existing and future legal obligations (see further below), and make recommendations for changes to its rules, procedures, practices and requirements to ensure its proper compliance with its legal obligations in the future.¹²
3. Implement those recommendations.

The University will need, in any event, to work to improve its free speech protections. In this regard, both Section 43(1) of the Education Act and best free speech practice more generally require all of the following to be done, urgently.

¹² We note in this regard that this step was taken at the University of Essex in relation to free speech failure much less serious than those involved in this case. You will probably be familiar with the resulting Reindorf Report.

- A review and revision of: (a) the University's relevant rules, procedures, practices and requirements relating to free speech ("**Relevant Requirements**") to ensure that they reflect and properly implement the University's legal and other obligations relating to freedom of speech and academic freedom; and (b) the University's other rules, procedures, practices and requirements to ensure that they are compatible with its legal and other obligations relating to freedom of speech and academic freedom.
- Establishing systems at all levels of relevant management to ensure the implementation and enforcements of Relevant Requirements promptly, firmly and effectively.
- Ensuring that both staff and students receive proper training and regular information about the importance of free speech generally and the Relevant Requirements more particularly. This will involve relevant staff (particularly those in the EDI function) understanding how the Relevant Requirements affect their work and responsibilities.
- Appointing a Free Speech Officer to be the University's internal advocate for free speech, with responsibility for ensuring that it complies with its legal obligations and follows and enforces its own rules appropriately. The Free Speech Officer should be appropriately senior and qualified, not subject to significant conflicts of interest, and appropriately empowered.

The above work could be done in conjunction with the work that is in any event going to be required to implement the enhancements of universities' legal obligations to protect free speech when the **Higher Education (Freedom of Speech) Bill** currently completing its passage through Parliament becomes law.

AFFS will be raising its concerns about the very serious free speech failures referred to in this letter with the OfS. AFFS may also report the above matters and failures to the Charity Commission.

We will also be recommending to alumni and potential donors that they consider whether to withhold funds from the University pending its satisfactory response to the issues which we have raised in this letter.

Yours sincerely

William Mackesy and Andrew Neish KC

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