

# Alumni for FREE SPEECH

**Dame Denise Holt**  
**Chair of Council**

**Ms Rosemary Martin**  
**Vice-Chair of Council**

**University of Sussex**  
**Sussex House**  
**Brighton**  
**BN1 9RH**

6 April 2023

**BY EMAIL:** for the attention of **Dame Denise Holt** and **Ms Rosemary Martin** c/o [coo@sussex.ac.uk](mailto:coo@sussex.ac.uk)

Dear Dame Denise and Ms Martin,

## **Free Speech Compliance Issues at the University of Sussex**

Alumni for Free Speech (“AFFS”) exists to harness the assistance of alumni in safeguarding free speech and academic freedom at UK universities. Further information about AFFS can be found at <https://affs.uk>. I am one of the founders and directors of AFFS as well as being a practising KC with a longstanding interest in free speech, including at our universities.

I am writing to you as independent Chair and Vice-Chair respectively of Sussex University’s Council noting that, according to the document describing the role of independent Members of Council<sup>1</sup>, among your key qualities and responsibilities are to:

- Offer support and challenge to the management
- Use your critical skills to help the University to advance
- Be a critical friend to the University
- Be able to hold and justify an opinion/view (using evidence/analysis)
- Listen and learn in debate and discussion
- Be an advocate for the University
- Engage in the life of the of the University outside its committees – and to develop particular areas of interest in relation to the life and purpose of the University

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<sup>1</sup> <https://www.sussex.ac.uk/ogs/committees/council/membership/roledescription>

- Act with integrity
- Think laterally
- Use your network of relationships to support the University
- To hold the management to account
- To assess and sanction risk and risk appetite
- To act in a corporate manner for decision making (rather than as a representative of any constituency, or group).

Following concerns raised with AFFS by a current member of the University, I wrote to the Vice-Chancellor on 10 February 2023 raising a number of serious free speech compliance issue which I explained in detail over 14 pages. I attach a copy of my letter<sup>2</sup> which I invite you first to read. On page 13, I reserved AFFS right to bring its concerns to the attention of the University's external Trustees.

The Vice-Chancellor acknowledged receipt on 27 February. In response to an recent email chasing a response to my letter, this morning AFFS received the following email from the Vice-Chancellor:

"Thank you for your recent email. The University has taken the contents of your substantive letter very seriously. As with all of our policies, we keep our Code of Practice under periodic review, and we will do so again if and when the Higher Education (Freedom of Speech) Bill becomes law.

I must disagree with your position that there is problem with a single person holding leadership responsibilities for both equality, diversity, and inclusion and freedom of speech. Indeed, I think it is vital that we do not accept suggestions that protecting and advancing freedom of speech and equality, diversity, and inclusion are in conflict. I have full confidence in Professor Ruebain's ability to fulfil both sets of responsibilities at the University of Sussex.

Since I became Vice-Chancellor, I have repeatedly emphasised my personal commitment to meeting our legal and regulatory obligations to uphold academic freedom and freedom of speech, and to promoting diversity of thought, discipline, and method, which are, which are foundational elements of the academic enterprise and university life.

I hope this link to a recent UUK podcast about free speech with Professor Ruebain, and the article (attached) that I published in The Times Higher Education in September 2022 (<https://www.timeshighereducation.com/blog/sidestepping-challenging-texts-does-disservice-students>) substantiate these points. You might also wish to consider the evidence that I gave to the House of Commons Education Select Committee, at a session on free speech and research content in English universities, which took place on 7 September 2022.

<https://parliamentlive.tv/Event/Index/d17426b1-8c34-42db-b965-58f0b09de11b>"



AFFS letter to Vice Chancellor of Susse:



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Given that I had already referred to the Vice-Chancellor's general public statements, her article in the THES and her evidence to Parliament in my letter, it is surprising that she felt that it was a sufficient response to remind me of them again. Otherwise, the Vice-Chancellor's email, despite her assurance that the University had taken it "*very seriously*", wholly failed to engage with the detailed contents of my letter.

The Vice-Chancellor repeats her public statements to the effect that EDI and Free Speech issues are intertwined. This view (as already publicly stated by the Vice-Chancellor) was directly addressed in my letter which explained in some detail why it is wrong as a matter of law (pages 2-3). The Vice-Chancellor (who is not herself a lawyer) has not engaged with what I said, still less suggested that it was mistaken.

The Vice-Chancellor states her view that there is no problem with Professor Ruebain simultaneously holding positions as head of both EDI and Freedom of Speech. This position was, of course, already implicit in her decision to appoint Professor Ruebain to the second role but in no way addresses the concern raised with AFFS by a member of the University and by AFFS with the Vice-Chancellor. Again, what is wholly lacking in the Vice-Chancellor's perfunctory response is any attempt to address the detailed reasons I gave why Professor Ruebain has an obvious and untenable conflict of interest which makes him quite unsuitable to be the University's head of free speech (pages 4-6). None of the particular facts referred to there (e.g. that, under his leadership, the EDI team at the University had continued both officially to advocate one position in publicly contested areas and to post on the EDI website pages extreme and abusive criticism of those to hold the opposite opinion, notwithstanding that that opinion is itself protected under the **Equality Act 2010**). In the circumstances, the Vice-Chancellor's self-serving statement of her confidence in her own decision to appoint Professor Ruebain, while predictable, appears to be without any foundation.

The Vice-Chancellor does not engage at all with the concerns raised with and then by us about the detailed contents of the University's new Freedom of Speech Code of Practice (pages 6-12).

In light of above, I am now raising with you both the serious free speech compliance issues addressed in AFFS earlier letter. Unless a free speech lead completely independent of the EDI team (and so able to restrain its free speech breaches) is appointed in place of Professor Ruebain, it is impossible to see how the University can comply with even its existing legal obligations to take all reasonably practicable steps to secure freedom of speech and academic freedom, let alone the more rigorous obligations which are about to become law. The new Free Speech Code of Practice is flawed for the reasons we have explained and urgently in need of external expert review.

The complacency and lack of any substance in the Vice-Chancellor's reply is so troubling that AFFS intends now to take up the matter with the Office for Students and, possibly, the Charity Commission. AFFS will also be raising its concerns with its media contacts and with Sussex alumni. Both the Vice-Chancellor's email and this letter will be published on AFFS's website.

Given your oversight roles, we are sure that you would both wish to know about AFFS correspondence with the Vice-Chancellor. It is surprising to AFFS that the University is not more concerned about the risk of repeating the public relations disaster which attended the free speech debacle involving Professor Kathleen Stock. The only explanation for that we can think of is that the University's senior management has completely lost sight of the fundamental importance of institutional neutrality while, at the same time, becoming personally engaged with one side of highly contested matter of public controversy.

Yours sincerely

**Andrew Neish KC**

**Alumni for Free Speech**

[www.affs.uk](http://www.affs.uk)

[info@affs.uk](mailto:info@affs.uk)

Registered office: 27 Old Gloucester St, London W1N 3AX.