

Proposed Amendment 3 to Grace 2 of 28 September 2020

Change paragraph 8 of the proposed Statement from:

The University will not unreasonably either refuse to allow events to be held on its premises or impose special conditions upon the running of those events. The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a meeting or event. **Grounds for refusal, or the imposition of special conditions, would include, but are not limited to, a reasonable belief that the meeting or event is likely to:**

- **include the expression of views that risk drawing people into terrorism or are the views of proscribed groups or organisations;**
- **incite others to commit violent or otherwise unlawful acts;**
- **include the expression of views that are unlawful because they are discriminatory or harassing;**
- **pose a genuine risk to the welfare, health, or safety of members, students, or employees of the University, to visitors, or to the general public; or**
- **give rise to a breach of the peace or pose an unacceptable security risk.**

to:

The University will not unreasonably either refuse to allow events to be held on its premises or impose special or unreasonable or onerous conditions upon the running of those events. The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a meeting or event.

The University may only restrict speaker events given a reasonable belief that such events are likely to involve speech that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate speaker events to ensure that they do not disrupt the ordinary activities of the University.

These narrow exceptions to the general principle of freedom of expression are not intended ever to apply in a way that is inconsistent with the University's commitment to the completely free and open discussion of ideas.

Flysheet

Council's proposed text is open-ended and vague. It includes text from the Prevent Guidance that is restrictive, vague and now illegal.

1. **Open-ended:** Council's proposed text lets the University prohibit events as often as it likes for any reason at all, because of the phrase 'are not limited to' in the third sentence.

The first sentence offers little protection because it is entirely unspecific about what counts as a 'reasonable' refusal. Is it reasonable to threaten to shut down a perfectly legal panel discussion run by the Palestine Society? Officials of this University clearly thought so: they did just that in 2017¹, despite the fact that the University Free Speech policy included at that time a commitment only to prohibit events on 'reasonable' grounds.² Who is to say what they will consider reasonable tomorrow, or next year?

The proposed amendment replaces these completely open-ended grounds for refusal with a specific negative list. It prohibits the University from shutting down political events like the one just described.

2. **Vague:** The phrases 'risk drawing people into terrorism' in the first bullet point, and the term 'welfare' in the fourth, are both dangerously vague. Does 'risk' mean that the conditional probability, of terrorism given that the event takes place, is higher by any amount at all? If so, it shuts down discussion of everything from Palestinian rights to animal liberation. If not, where is the threshold and who settles it?

Similarly, anything that you dislike enough might reasonably be said to threaten your 'welfare'. Does this mean that the fourth bullet point can be used to justify shutting down anything controversial? If not, why is it there?

3. **Prevent:** The first bullet point is clearly taken from Paragraph 11 of the Prevent Duty Guidance for HEIs.³ That paragraph was ruled illegal by the Court of Appeal on the grounds of its unconditional formulation. It should not be included here.⁴

In its application and in the perception it creates, Prevent has been catastrophic for inter-religious relations and academic freedom. According to a recently published study 'Prevent has caused significant harm by reinforcing common stereotypes of Islam and Muslims and by curbing freedoms of speech and expression on campus... The evidence discussed in this report underlines the close relationship between belief in a narrative of suspicion about Islam, support for Prevent and patterns of Islamophobia.'⁵

In its comment Council only addressed the point about Prevent, writing that: '[a] such powers have been used very rarely. [b] The University remains subject to the Prevent Duty and is

¹ <https://www.standard.co.uk/news/uk/cambridge-university-slammed-by-senior-academics-over-crackdown-on-free-speech-at-student-palestine-a3685811.html>

² <https://www.governanceandcompliance.admin.cam.ac.uk/governance-and-strategy/university-statement-freedom-speech>

³ <https://www.gov.uk/government/publications/prevent-duty-guidance/prevent-duty-guidance-for-higher-education-institutions-in-england-and-wales>

⁴ [Court of Appeal \(Civil\): R -v- Butt -v- Secretary of State for the Home Department.](#)

⁵ Guest, M., Scott-Baumann, A., Cheruvallil-Contractor, S., Naguib, S., Phoenix, A., Lee, Y. and Al Baghal, T. (2020) *Islam and Muslims on UK University Campuses: Perceptions and Challenges*. Durham: Durham University, London: SOAS, Coventry: Coventry University and Lancaster: Lancaster University (p. 62): <https://www.soas.ac.uk/representingislamincampus/publications/file148310.pdf>

expected to make appropriate reference to it in relevant policies and procedures surrounding meetings and events, of which the Statement is one.⁶

But [a] the point that these powers are used rarely offers little reassurance that they will not again be used in an unjust and repressive way; and it ignores concerns about self-censorship. [b] Of course the University is obliged to implement Prevent. But the first bullet point reproduces an illegal part of the *Guidance*; and it is presented not as an externally imposed obligation but as a voluntary policy. The effect is to encourage self-censorship particularly amongst those Muslims who – understandably in the current climate – are anxious to avoid further victimization.⁷

We urge you to support amendment 3.

A. M. Ahmed	R. D. Hedley	J. Y. A. Pichon-Pharabod
O. E. Andersen	S. B. Holden	A. M. Pitts
R. J. Anderson	H. E. M. Hunt	D. Ralph
M. A. R. Arbabzadah	M. D. Hurley	O. Rath-Spivack
S. A. Bacallado de Lara	A. J. Hutchings	R. A. W. Rex
V. N. Bateman	G. E. Jarvis	D. S. Robertson
M. N. Beg	M. A. Johnson	P. Robinson
C. H. Braithwaite	E. J. Jones	A. B. Roman
E. J. Briscoe	D. Jongkind	A. F. Routh
D. J. Butterfield	A. P. A. Kent	S. J. Schaffer
A. P. Caines	R. R. Kerswell	L. Shmilovits
P. F. Candy	S. Keshav	Jack E. Smith
G. C. Carr	M. Kleppmann	Julie E. Smith
S. Conway Morris	M. Kraft	M. C. Smith
J. A. Crowcroft	P. J. Lane	M. S. Smith
M. R. Danish	I. J. Lewis	E. J. Soilleux
D. O. David	K.-C. Lin	M. L. S. Sorensen
R. Dervan	A. Marr	D. J. Spiegelhalter
M. P. Eisner	T. Meissner	J. P. Talbot
John Ellis	T. G. Micklem	A. Vlachos
D. J. Feldman	S. W. Moore	M. J. Waithe
S. J. Gathercole	J. E. Morgan	J. I. Warren
A. C. Gerrard	A. Mycroft	E. Wickham
D. J. Goode	A. J. Nickerson	P. J. Williams
G. R. Grimmett	C. J. O'Kane	J. D. Yallop
J. Grower	J. T. W. Orr	A. D. Yates
W. J. Handley	J. Pausch	J. A. Zeitler

⁶ <https://www.admin.cam.ac.uk/reporter/2020-21/weekly/6589/section1.shtml#heading2-9>

⁷ Guest et al. *ibid.*, p. 42.