**University of Essex: Update on Council-agreed actions**

**December 2021**

| **Recommendations contained in the Report** | | | **University of Essex Council-agreed actions** | | | **Actions Required** | **Time frame** | **Status** |
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| 1 | The University should issue an open apology to Prof Phoenix for (1) failing to plan adequately for her seminar on 5 December 2019, such that the event had to be cancelled at the last minute because of a risk of disruption; (2) failing to undertake a timely investigation (and thereafter disciplinary action if appropriate) in respect of the flyer circulated on 5 December 2019 containing violent and profane imagery which was targeted at her; (3) inappropriately asking her on 10 December 2019 to provide a copy of her seminar for the purposes of vetting its content; (4) infringing her freedom of speech without justification by deciding on 11 December 2019 to (a) rescind the invitation to present a seminar and (b) not invite her to attend a future seminar in the Department of Sociology; and (5) thereby causing her distress | 1 | | The Vice-Chancellor, on behalf of the University, to issue an open apology to Professor XXXXXXX and to Professor XXXXXXXX sending them each suitably redacted versions of the report and links to the University Statement.     Apologies to also be published on the dedicated webpages. | Implemented immediately following the Council meeting on 17 May 2021. Apology letters were sent to the two Professors on 17 May and were published on our website on 18 May. | | May-21 | Complete | |
| 4 | The University should issue an open apology to Prof Freedman for (1) threatening to infringe her freedom of speech without justification between 9 and 27 January 2020 by rescinding the invitation to her to take part in the Holocaust Memorial Week roundtable debate on 30 January 2020; (2) causing her distress XXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXX |
| 2 | The Department of Sociology should declare void the decision taken on 11 December 2019 [note: date not as shown in report] to not invite Prof Phoenix to a future seminar | 2 | | The Department to set aside any decision not to invite Professor XXXXXXX to speak, and to reflect on the implications for future speaker invitations, including clarifying its policies and procedures in relation to external speaker invitations. | The required actions have been undertaken (and documented in the draft minutes from the relevant departmental meetings) and it has been confirmed that the University’s External Speaker Policy and procedures will be followed, and that the existing external speaker form will be used until a revised policy and documentation have been approved. | | Jun-21 | Complete | |
| 3 | Prof Phoenix should be invited to present a seminar in the Centre for Criminology. | 3 | | The Centre for Criminology, in consultation with relevant communities, to agree a way forward that will result in Professor XXXXXXX being invited to present a seminar. | An invitation was sent to Prof XXXXXXX on 15 June 2021 to present at an event in mid-July 2021. Following a response, a second invitation letter to attend a virtual event in Nov/Dec 2021 was sent on 24 June 2021.  A further invitation has now been issued offering two options for arrangements to deliver a research seminar at the University. The event will be conducted in accordance with all agreed University policies and procedures for speaker events. A follow up to the request was sent on 18 August 2021. As of 2 December 2021, we have not received a response from the Professor. | | Aug-21 | Complete | |
| 15 | The University should communicate to all members of staff that the external speaker notification procedure is mandatory and is not limited to cases which fall within the scope of the Prevent Duty. Staff should be warned that persistent refusal or failure to comply with it could result in disciplinary action. | 4 | | Implement a range of communications (including an email sent to Heads of Departments and Heads of Sections, Monday Management Meeting members and all staff) to reiterate the importance, and mandatory nature, of the University’s external speaker notification procedure.  Ensure this is included in all relevant essential and additional training.     All staff to confirm via iTrent (or suitable alternative mechanism) that they have understood the requirement and whether they require further clarification or training.      Work with the Students’ Union to extend training to students where appropriate.     Review existing procedure to ensure it is explicit in relation to blacklisting/no-platforming. | The Academic Registrar wrote to all University and Students’ Union staff on 23 June 2021, providing details of the current external speaker notification process. Equivalent communications were sent to student clubs and societies via the Students’ Union. The issue was discussed at a Monday Management Meeting on 7 June 2021 and the process was promoted through Essex Weekly and Essex Spirit.  Two-week online consultation with University and SU staff (to ensure SU society dimension covered) ran from 25 June to 8 July 2021.  The workstream group considered options for ensuring effective and impactful training on the external speaker process for staff and students. The group has concluded that it is crucial to signify the importance of the process and the wider University values and legal responsibilities underpinning it.  Training has been developed and is available via How We Work At Essex for both induction and booster training; this is part of the University's suite of essential training. Risk Reviewer training is being sourced. Training will be in place for all office holders within student clubs and societies. | | Jun-21 | Complete | |
| 16 | The University should ask all members of staff to confirm in writing that they are aware of the external speaker notification procedure, and to state whether they require any clarification or training in relation to the procedure. If they require clarification or training this should be provided to them promptly |
| 17 | The University should inform all staff that (1) decisions on whether to approve external speakers will be made on a case by case basis within the existing procedure, and must not be made outside the procedure (and in particular must not be made on a departmental basis and/or by way of any kind of vote); and (2) under no circumstances should an external speaker be blacklisted or no-platformed. |
| 6 | The External Speaker Code of Practice should be amended to clarify that speakers must not be asked to provide copies of their papers or seminars in advance for the purposes of vetting, other than in cases which appear to fall within the scope of the Prevent duty | 5 | | Review and amend as necessary:     the External Speaker Code of Practice;   the external speaker notification form and review process; and    the system of block-booking rooms     Secure specialist professional legal advice as necessary to assist in complex or difficult external speaker reviews and compliance requirements in relation to any proposal to rescind an approved invitation to an external speaker.      In undertaking the review (or when legislation comes into force) consider the impact of the Government’s proposed new legislation on: Higher education: free speech and academic freedom https://www.gov.uk/government/publications/highereducationfree-speech-and-academic-freedom      Review existing support mechanisms, consult on, and implement any additional support necessary to ensure appropriate and adequate support is in place. | The new University Speaker Code of Practice has been established and published during December 2021, to replace the current External Speaker Code of Practice.   The revised University Speaker Code of Practice and the current Policy on Academic Freedom and Freedom of Speech are embedded into the How We Work at Essex training and are standard features of essential training for University staff. Specialist training is to be provided for all staff considering activities deemed high risk and referred for a risk review and should become an established feature of induction and booster training for staff involved in risk reviewing.   Priority is attached to the development of University systems underpinning the new Code of Practice and associated processes to enable effective operation in the 2021-22 academic year and beyond.   Oversight of the operation of the new Code and associated processes is maintained by the Safeguarding Advisory Group during 2021-22 and a report on its impact is provided to the University Steering Group, Senate and Council by the end of the 2021-22 academic year. | | Dec-21 | Complete | |
| 7 | The external speaker notification form should be amended to add a section within which the organiser must properly set out any concerns they may have about potentially controversial or distressing topics or speakers. |
| 8 | The External Speaker Code of Practice should be amended to state that compliance with its provisions will be monitored and that persistent failure or refusal to comply with it may result in cancellation of events and/or disciplinary action. An effective mechanism for monitoring by Compliance should be put in place. |
| 5 | A facility should be implemented to send an automatic notification where a room has been block-booked to prompt both the organiser and the professional services staff team which manages room bookings that the external speaker notification form needs to be completed. |
| 9 | The external speaker review process should adopt a decision making structure to be used in cases of potential concern. It should be based on the questions set out in Appendix 6. The EHRC and UUK guidance should also be considered as sources of good practice. |
| 10 | The University should give consideration to engaging specialist professional legal advice to assist in complex or difficult external speaker reviews. |
| 14 | The External Speaker Code of Practice should be amended to add a requirement for Compliance to be notified of any proposal to rescind an approved invitation to an external speaker, and for reasons to be provided. Compliance should review any such proposal and satisfy themselves that it is not based on improper reasons. In difficult cases Compliance may refer this task to the Registrar |
| 11 | The external speaker review should in every case consider whether the event is likely to cause distress, and if so (1) seek to consult with any relevant staff or student groups as to what support measures might be put into place; and (2) work with Student Wellbeing and Inclusion Services, the Students’ Union and/or Human Resources to ensure that appropriate and adequate support is provided. |
| 13 | All marketing materials for external speaker events (including on social media) should be supervised by the event organiser(s) and not delegated to junior staff or interns. |
| 12 | When a potentially controversial or distressing topic or speaker is approved through the external speaker review, the reviewers should seek to consult with staff and student groups who might wish to organise protests or counter-speech (where such groups are reasonably identifiable) and seek to ensure that assistance is provided to organise these appropriately, safely and peacefully. This consultation should form the basis for guidance on appropriate protesting which should be published in good time in advance of the event in a clear and accessible manner and via staff and student groups. | 6 | | Put in place a system to ensure that, when a potentially controversial or distressing topic or speaker is approved through the external speaker review, there is consultation with staff and student groups within a reasonable timeframe who might wish to express counter speech or to organise protests (where such groups are reasonably identifiable) and to seek to ensure that assistance is provided to organise or express these appropriately, safely and peacefully. | This work is being taken forward alongside the development and implementation of the new External Speaker Code of Practice. | | Dec-21 | Complete | |
| 18 | The University’s equality, diversity and inclusion policy documents, Charter and Strategic Plan should be standardised so that they all accurately describe the protected characteristics in the Equality Act 2010, namely age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Any additional characteristics in respect of which the University wishes to extend protection should be clearly identified as such | 7 | | Review the University’s equality, diversity and inclusion policy documents, Charter and Strategic Plan to ensure they all accurately describe the protected characteristics in the Equality Act 2010.      Any additional characteristics in respect of which the University wishes to extend protection to be clearly identified as such, and to take into account guidance provided by relevant public bodies. | The University committed to review its equality policy documents to ensure that these reflect accurately our legal obligations with respect to the Equality Act 2010 (and provide accurate guidance to our community on their legal rights and responsibilities). The documents included in the review were: the University Charter; University Strategy 2019-2025; Equality, Diversity and Inclusion Policy 2019-2025; Supporting Trans and Non-Binary Staff Guidance; and Zero Tolerance of Harassment and Bullying Policy. These documents are publicly available on the University webpages. The review was specifically focused on ensuring accurate reference to, and interpretation of, the Act.  The University's Charter may be amended through the carrying of a Special Resolution and by application to the Privy Council. An application of this nature has been made to the Privy Council, following consideration of the changes by the University's Council.  The Equality Diversity and Inclusion Policy 2019-2025 and the Zero Tolerance of Harassment and Bullying Policy are frequently referenced in other University policies and procedures; this includes extracts of text and paraphrasing, as well as cross referencing through web links. In addition, the documents in the review overlap to build understanding across University equality policies. Any revisions to the text used in the equality policy documents would also therefore need to be mirrored in all other relevant policies and procedures where there is an extract or paraphrasing of that text. | | Oct-21 | Complete | |
| 19 | The Supporting Trans and Non Binary Staff policy and Harassment and Bullying Zero Tolerance policy should be amended to accurately state the law, in particular with a view to ensuring that they are an authoritative source of information for the purposes of the external speaker review process | 8 | | Review and make required amendments, on the basis of legal advice, to the University’s:    Supporting Trans and Non-Binary Staff policy; and Harassment and Bullying Zero Tolerance policy. | Legal advice was sought on the policies and also on the validity and integrity of the University’s approach to both meeting the minimum legal requirements as set out in the Act and extending the reach of our institutional commitments to supporting and promoting equality more broadly within our published equality policy documents. The University will continue to seek to go beyond the minimum standards prescribed in law, reflecting the University’s inclusivity values, when it is permitted to do so and to the extent that this can be done without breaching its other obligations, including its legal obligations to uphold academic freedom and freedom of speech within the law. | | Jul-21 | Complete | |
| 20 | The Supporting Trans and Non Binary Staff policy should be reviewed by a specialist lawyer and if necessary amended to ensure that it offers adequate protection and is lawful. |
| 21 | The University should circulate a statement to staff and students (1) condemning the flyer circulated on 5 December 2019 containing violent and profane imagery; and (2) stating that any similar conduct will be dealt with by way of disciplinary action | 9 | | In the context of Action 12, prepare and communicate a clear statement to staff and students condemning the flyer circulated on 5 December 2019 containing violent and profane imagery, and stating that any similar conduct will be subject to formal investigation that may be dealt with by way of disciplinary action. | Statement was published on the Review web pages on 18 May 2021 | | May-21 | Complete | |
| 22 | The University should set up a Working Group to devise and implement a strategy for repairing relationships between trans and nonbinary University members and those with gender critical views, in particular women. In doing so it should bear in mind its duty to pay due regard to the need to foster good relations between people with particular protected characteristics and others. The Working Group should consult as widely as possible with individual members of the University, staff and student groups, the Inclusion Champions, Human Resources, Student Wellbeing and Inclusion Services and the Students’ Union. It should enable University members to contribute to the development of this strategy in a strictly confidential environment or anonymously | 10 | | Consult with the community to devise and ensure implementation of a strategy for repairing relationships amongst University members. | The University has identified and engaged with a range of communities from the outset through varied spaces and channels and this consultation will continue, enabling us to seek the views of all members of staff and all students. The University has acknowledged the need to listen and to take action in relation to issues raised by those interviewed but not covered in the final report.  As a means of seeking to strengthen our inclusive community and repair relationships amongst University members, we have reached out and sought to engage with as many different student and staff groups as possible. Our aim has been to have a wide range of conversations and to capture a diverse range of feedback and suggestions for how we can repair relationships. This has included, for example, reaching out to the Women’s Network, our Faith Centre, the Students’ Union, and through our general staff and student communication mediums.  A proposed strategy has been drafted giving consideration to the input and feedback provided so far from various groups and individuals and the proposed themes  i. Provide and expand wellbeing support with an inclusivity focus; ii. Deliver and coordinate equality, diversity and inclusion events as stand-alone sessions or included within existing programmes;  iii. Deliver introductory and greater-depth training to support engagement and understanding; iv. Review the governance structure for EDI staff networks;  v. Consider providing scholarship support for students researching equality, diversity and inclusion;  vi. Improve the digital presence for equality, diversity and inclusion information with specific reference to support, events and networks; and vii. Propose changes to the physical environment which reflect University’s commitment to inclusion and will respond to feedback captured through listening exercises and consultations. | | Ongoing | In Progress | |
| 23 | The University should implement at the earliest opportunity the measures identified in the meeting of 20 December 2019 between the Registrar and members of the LGBT Forum (XXXXXX). | 11 | | Review and seek to implement the measures proposed by the LGBTQ+ Forum. | Proposals are being taken forward as part of the broader work of the relevant workstream and will be included within the consultation and strategy arising following the consultation. Some of the agreed actions have been completed, with others requiring more detailed work being underway:  - A review of the Report and Support system has been implemented and included the report and support survey which closed on 26 November, with a report to USG due in the Spring term of 2022.  - Training has been provided to the SWIS team to build more confidence in the team when supporting our students from across our communities. - Wider training is being scheduled with Outhouse East, which will be offered to all staff and students to provide greater understanding of the trans and non-binary community.  - Gendered Intelligence hosted a listening exercise on 19 August with staff and students from the trans and non-binary community - The University has recently appointed a new Director of Inclusion to provide senior leadership and ensure that we are living up to our commitments in relation to inclusivity, listening to our community, taking action and making change happen. - The findings and recommendations of the work to ensure the correct use of student names and titles across all systems were completed in September 2021, with a Mandate to be issued to PCG to implement recommendations following project approach. | | Ongoing | In Progress | |
| 24 | The University should reiterate to staff and students its commitment to providing a supportive and inclusive environment within which people can expect to learn, grow and develop through challenge; that this means that they will be confronted with people who have different views which may be experienced as objectionable or offensive; but that a line will be drawn at conduct which is unlawful or contrary to the University’s policies. The University may wish to consider the wording of the University of Oxford’s freedom of speech policy (Appendix 7) in considering how best to communicate this message. | 12 | | Through an ongoing broad range of communications, reiterate to staff and students:   the University’s commitment to providing a supportive and inclusive environment within which people can expect to learn, grow and develop through challenge; that this means that they may encounter ideas or arguments which may be experienced as objectionable or offensive;  but that a line will be drawn at conduct which is unlawful or contrary to the University’s policies. | Our overall approach to communicating the follow-up actions arising from the review has been to publish information and relevant updates on dedicated web pages setting out the actions the University is taking. Each of the specific workstream consultation exercises are available via Moodle, and only accessible to staff and students. We have continued to make all of the information on the main webpages available to internal and external audiences.   We have a communications plan to support the actions approved by Council. Following a series of staff and student email updates that immediately followed the release of the review, we have introduced a structured, regular approach to internal communications. This involves taking a “milestone“ approach to providing updates on the workstreams and agreed actions, and only doing so when we have specific points to share (for example, information about consultations; consultation outcomes; or, agreed policy changes or initiatives). We are using these to demonstrate how we are responding to the report and wider issues that have arisen as a result of it. | | Ongoing | In Progress | |
| 25 | The University should review the Inclusion Champion roles to ensure that they cover appropriate constituencies and that the postholders are able to work effectively together. | 13 | | Review the role of Inclusion Champions to ensure that they cover appropriate constituencies and that they feel empowered and supported to work effectively together. | A review and confirmation of the roles that members of USG will undertake as Inclusion Champions has taken place. The allocation of USG Inclusion Champion roles has been agreed through the allocation of strategic priorities to individual members of USG for the coming academic year. The information on the University webpages was updated to reflect the changes. On 13 July USG considered a proposed structured programme of development to promote inclusive leadership. Following the outcomes of the Meeting of Council on 22 September and the USG meeting on 28 September, the existing University webpages were reviewed and updated to ensure that they reflect any changes that are agreed. | | 22/06/2021 - Inclusion Champion Roles and Responsibilities 01/10/2021 Information updated 01/10/2021 Allocation of roles 01/10/2021 University web pages updated | Complete | |
| 26 | The University should review the mental health and welfare support provided to trans and nonbinary staff and students, and make such changes to it as are necessary to ensure that it is appropriate and adequate to meet existing need. | 14 | | Undertake a review of:  the mental health and welfare support provided to trans and nonbinary staff and students, making any changes necessary to ensure that it is appropriate and adequate to meet existing needs; and  the “Report and Support” system, making any changes necessary to ensure that it is appropriate and adequate to meet existing need. | Report & Support Survey has been published following the Council meeting on 22 September. It is due to close on 26 November and report to USG on 11 January 2022.  The following actions have also been taken as part of our new approach to communities outreach:  - establishment of the Diverse Support Group, run by the Student Wellbeing and Inclusivity Service, as a group to offer support and safe space to meet others from the non-binary/trans community. The group meets fortnightly and was designed in consultation with the LGBTQ+ society.  - development of a new role to lead on engagement with communities/particular hard to reach/at risk groups of students. LGBTQ+ will be one of the groups this role considers.  - training with Gendered Intelligence to help ensure our staff are sensitive to the challenges facing this group, and built links with the local specialist group to enable student referral as a source of support. | | Jan-22 | In Progress | |
| 27 | The University should review the “Report and Support” system, and make such changes to it as are necessary to ensure that it is appropriate and adequate to meet existing need. |
| 28 | The University should give careful and thorough consideration to the relative benefits and disbenefits of its relationship with Stonewall, bearing in mind the issues raised in this report. In particular, it should consider that this relationship appears to have given University members the impression that gender critical academics can legitimately be excluded from the institution XXXXXXXXXXXXXXXXXXXXXXXX); the potential effect of this on the University’s obligations to uphold freedom of expression; the effect on University members’ understanding of the values of the institution; and the effect on those members of the University who hold gender critical views. If the University considers it appropriate to continue its relationship with Stonewall, it should devise a strategy for countering the drawbacks and potential illegalities described above. | 15 | | Stonewall has been a valued University partner and we have been working with Stonewall across a wide range of issues.  We will review how we address the specific issues raised in the report.   We want to work with Stonewall and others, as the University takes steps, within the context of Action 10, to repair relationships amongst University members. | The consultation was launched on Tuesday 19 October via all-staff email and will close on Friday 17 December | | Jan-21 | In Progress | |
|  | **Additional Action** | 16 | | The University to issue an open apology to staff and student members of the  University regarding procedural failings that occurred and for the distress that this caused. | Implemented immediately following the Council meeting on 17 May 21 approving the actions that would be taken as a result of the findings of the Review. An all staff and student email was sent on 18 May 2021. | | May-21 | Complete | |