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Vice Chancellor and Pro-Vice-Chancellor for Equality and Diversity

University of Oxford

Dear Professor Richardson and Dr Surender,

I call on the University to withdraw from Stonewall’s Diversity Champions scheme and Workplace Equality Index. The University should not submit to an unelected organization which campaigns for a particular political agenda, which provides misleading information of the law, and which has a disturbing history of bullying individual women.

1. Although Stonewall claims to represent ‘LGBTQ+’ people, it is not a democratic organization. It is not comparable to the University and College Union, for example, which can legitimately claim to represent academic staff. One of Stonewall’s original founders, Simon Fanshawe concludes that it ‘has basically really lost its way’.<sup>1</sup> His view is shared by another founder, Matthew Parris.<sup>2</sup> Dissatisfaction with the organization led Beverley Jackson and Kate Harris to form the LGB Alliance, which has just been granted charitable status. Although Stonewall is a financial behemoth compared to the LGB Alliance, there is no evidence that it articulates the views typically held by lesbians, gays, and bisexuals any more than does the LGB Alliance.

2. Nancy Kelley, Stonewall’s Chief Executive, has just denounced ‘gender critical beliefs’ —the belief in the existence and relevance of biological sex— as akin to anti-

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<sup>1</sup> [https://www.holyrood.com/inside-politics/view,cofounder-of-stonewall-calls-for-calm\\_14648.htm](https://www.holyrood.com/inside-politics/view,cofounder-of-stonewall-calls-for-calm_14648.htm)

<sup>2</sup> <https://www.telegraph.co.uk/news/2021/05/24/stonewall-finally-paying-price-turning-back-gay-men-lesbians/>

semitism.<sup>3</sup> This contradicts the Equality and Human Rights Commission's recent statement that such beliefs 'are protected under the Equality Act', under the protected characteristic of philosophical belief.<sup>4</sup> In addition, the Equality Act 2010 enshrines sex as one of the protected characteristics, and so treating recognition of this characteristic as 'harmful' — the word used by Kelley — is absurd. Stonewall has every right, of course, to campaign to outlaw all mention of sex. The University of Oxford, however, must not align with this political campaign by submitting to Stonewall's Diversity Champions scheme.

3. Stonewall's guidance leads organizations to formulate policies that are unlawful.<sup>5</sup> Two examples are pertinent. Oxfordshire County Council's *Trans Inclusion Toolkit* was challenged by a 13-year-old girl, who argued that it made erroneous statements about the law. The Council is a Diversity Champion and the *Toolkit* had been drafted with guidance from Stonewall. The High Court gave the claimant permission to seek judicial review, leading the Council to withdraw the *Toolkit*.<sup>6</sup> Another Diversity Champion, the Office of National Statistics (ONS), wrote guidance for the sex question in the 2021 Census under the influence of Stonewall. It was challenged by Fair Play for Women, who convinced the High Court to grant an interim order requiring the guidance to be withdrawn. ONS accepted the interim verdict and agreed to pay the claimant's legal costs.<sup>7</sup>

4. Universities have escaped judicial challenge until now. Nevertheless, a warning comes from an independent report commissioned by the University of Essex. Akua Reindorf, a barrister specializing in employment and discrimination law, delivered a comprehensive indictment of the Essex's discrimination against two female academics for their beliefs about sex.<sup>8</sup> She found that the University's policy 'states the law as Stonewall would prefer it to be, rather than the law as it is'. One of her recommendations deserves to be quoted at length:

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<sup>3</sup> <https://www.bbc.co.uk/news/uk-57281448>

<sup>4</sup> <https://www.telegraph.co.uk/news/2021/04/29/gender-critical-beliefs-protected-law-says-equalities-watchdog/>

<sup>5</sup> Further examples are cited by Naomi Cunningham, a barrister who specializes in employment and discrimination law: <https://legalfeminist.org.uk/2021/02/01/submission-and-compliance/>

<sup>6</sup> <https://www.oxfordmail.co.uk/news/18434781.oxfordshire-council-transgender-guide-scrapped-girls-court-case/>

<sup>7</sup> <https://www.theguardian.com/uk-news/2021/mar/09/guidance-on-sex-question-in-uk-census-must-be-changed-high-court-rules>

<sup>8</sup> <https://www.thetimes.co.uk/article/stonewall-gave-bad-advice-to-university-in-free-speech-row-z6b27jdkh>

The University should give careful and thorough consideration to the relative benefits and disbenefits of its relationship with Stonewall .... 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 [text redacted from report]; 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.<sup>9</sup>

5. Stonewall's leaders have a disturbing record of trying to silence individual women. A graduate of Oxford's Department of Sociology, Alice Sullivan is now Professor at University College London. As a social scientist she naturally understands the importance of recording and analyzing data on sex, and she was at the forefront of academic debate over the 2021 Census. She was due to speak on the subject at a seminar convened by the National Centre for Social Research (NatCen), alongside Nancy Kelley—then NatCen's Deputy Chief Executive (just before she was appointed to Stonewall). Sullivan was then disinvited from the seminar. Subsequent disclosures under the Freedom of Information Act reveal that Kelley took part in the telephone call that led to the no-platforming of Sullivan.<sup>10</sup>

6. Allison Bailey grew up in Oxford and is now a barrister. A black lesbian who moved to San Francisco, returned to Britain to pursue an undergraduate degree in Sociology, and secured a conviction of the man who sexually abused her as a child, her story is inspirational. Indeed, she is just the sort of person we would wish to invite to Oxford. When she tweeted in support of the LGB Alliance, Stonewall tried to punish her by pressuring Garden Court Chambers (a Diversity Champion) to deprive her of legal work. Bailey brought a case against her Chambers and Stonewall to the employment tribunal for discrimination on the basis of sex and sexual orientation. At a preliminary hearing, the judge found it 'plainly arguable ... that Stonewall sought to induce chambers to subject the

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<sup>9</sup> [https://www.essex.ac.uk/-/media/documents/review/public\\_version\\_-\\_events\\_review\\_report\\_-\\_university\\_of\\_essex---17-may-2021.pdf?la=en](https://www.essex.ac.uk/-/media/documents/review/public_version_-_events_review_report_-_university_of_essex---17-may-2021.pdf?la=en)

<sup>10</sup> <https://www.thetimes.co.uk/article/stonewalls-new-boss-nancy-kelley-let-census-expert-be-no-platformed-ljsnw6v3r>

claimant to a detriment because of her publicly expressed beliefs'.<sup>11</sup> This legal case is ongoing, but there is already sufficient evidence to demonstrate that Stonewall used its Diversity Champions scheme to bully a lesbian for believing (in Bailey's words) 'that there should be some exceptions to males being admitted into female spaces' — a belief that is perfectly lawful, and indeed one that is shared by the majority of the British public.<sup>12</sup>

7. Stonewall's mission is to impose a particular orthodoxy on gender, a 21<sup>st</sup>-century version of the theological tests that enforced Anglicanism at Oxford before 1854. Submission to Stonewall is not compatible with the University's obligation to uphold the law: the Education Act (No. 2) 1986, which ensures freedom of speech within the law, and the Equality Act 2020, which enshrines several protected characteristics including sex, sexual orientation, gender reassignment, and religion and belief. A number of public bodies have terminated their membership of Stonewall's Diversity Champions programme, including the Equality and Human Rights Commission.<sup>13</sup> It is time for the University of Oxford to follow suit.

8. Withdrawal from the Diversity Champions scheme need not reduce the University's engagement with Stonewall. But this must take place in the open rather than behind closed doors. Stonewall's Chief Executive should be welcome to speak at Oxford, to articulate her arguments and to answer questions. Organizations with other points of view, such as the LGB Alliance or Sex Matters, should likewise be invited.<sup>14</sup> As the University's statement on freedom of speech proclaims, 'all voices or views which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument.'<sup>15</sup>

All the best,



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<sup>11</sup> <https://www.legalfutures.co.uk/latest-news/chambers-and-stonewall-fail-to-strike-out-barristers-discrimination-claim>

<sup>12</sup> The 2018 Populus Survey provides information on public opinion: <https://fairplayforwomen.com/poll/>

<sup>13</sup> <https://www.telegraph.co.uk/news/2021/05/29/major-public-sector-bodies-quit-stonewall-diversity-training/>

<sup>14</sup> I should disclose that I have been recruited to the board of directors of Sex Matters.

<sup>15</sup> <https://compliance.web.ox.ac.uk/freedom-of-speech>

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