

16 February 2022

Dear Victor Chu, Chair of UCL Council,

As co-directors and members of qUCL, UCL's queer and LGBT+ studies research network, we write to express our serious concerns to UCL Council regarding the recent UMC decision not to rejoin the Stonewall Diversity Champions Programme, or to make a submission to the Workplace Equality Index. Our concerns are with (i) the decision and its implications; (ii) the process through which these issues have been debated at Academic Board and UMC; and (iii) the content of the paper submitted to the Academic Board.¹

Context

qUCL is a university-wide initiative that brings together UCL staff and students with research and teaching interests in LGBT+ studies, gender and sexuality studies, queer theory and related fields. As co-directors and members, we are part of a vibrant research community at UCL in this area and are all actively engaged in teaching in LGBT+, queer, gender, trans and sexuality studies. As such our academic work at UCL has been directly impacted by the Stonewall decision.

We welcome UCL's stated 'unwavering commitment to upholding the rights of LGBTQ+ staff and students', and to 'working to ensure that UCL is a diverse community to which everyone can bring their whole self without fear of discrimination, bullying or harassment' (UCL press release, 2022). However, we consider these commitments to be in direct tension with the process that has been followed regarding UCL's Stonewall membership. We note that a lack of resources for equality, diversity and inclusion (EDI) activities was behind the EDI team's decision not to submit to the 2022 Stonewall schemes.

(i) The decision and its implications

We are deeply concerned that the Stonewall decision threatens to invalidate the hard work UCL has undertaken over the last several years to address issues of EDI, including the legacy of eugenics. UCL's 2021 formal public apology for its history and legacy of eugenics states: 'We operate in a climate of academic freedom, but we recognize that the right to freedom of expression is not unfettered.' The same responsible stance on informed academic freedom applies to issues of gender and sexuality because the study and history of LGBTQ+, queer and gender studies is inextricably tied to issues of eugenics, race and colonialism.² It impacts UCL's credibility as a world-class research institution if there is a change in the institution's understanding of academic freedom to one that is unfettered by considerations of rigour, evidence, method, ethics, and staff and student wellbeing. Debate and dissent are foundational to scholarly inquiry. However, false equivalence is damaging: to entertain uninformed positions that hurt marginalised peoples places UCL in the position of enabling the likes of the eugenics conferences that ran on campus through 2017.

The decision to withdraw from Stonewall was announced with unfortunate timing at the end of the year, when many staff and students were under additional pressures related to the pandemic. It has already caused significant damage to UCL's reputation as an employer and place of learning. In the weeks since the decision was announced, reports have appeared in major national

¹ 'UCL and Stonewall' which can be found at <https://www.ucl.ac.uk/foi/sites/foi/files/paper-2-13-ucl-stonewall.pdf>

² María Lugones (2007) Heterosexualism and the Colonial / Modern Gender System, *Hypatia*, Winter, 2007, Vol. 22, No. 1, (Winter, 2007), pp. 186-209

newspapers such as the *Guardian*,³ in the largest LGBTQ+ news outlet, *PinkNews*,⁴ and in the student press.⁵ UCL Students' Union have posted their own statement expressing concern that the decision 'has the potential to create an environment where gender prejudice and transphobic language is justified under the guise of academic freedom.' As academics who teach and supervise post-doctoral research in the areas of LGBT+, queer, gender and sexuality studies, we are extremely concerned about this negative publicity and its impacts, including on student recruitment. Such reports suggest to existing and potential students that UCL is not a safe or welcoming environment for LGBTQ+ people, and especially for trans, non-binary and gender non-conforming people, and that the institution does not value research in this area.

The negative impact of the decision on staff morale and academic debate is already apparent. In attempting to organise events for LGBT+ History Month this February, we have encountered external invited speakers requesting guarantees that events will include trans representation before they will agree to speak at UCL because they do not trust our institution to be genuinely inclusive. This shameful situation has been compounded by difficulties in recruiting internal speakers, as members of UCL academic staff have expressed concerns about participating in events as they do not feel safe being 'out' as LGBTQ+ at work. Informally, a number of staff have mentioned that, following the Stonewall decision, they have begun seeking employment elsewhere. Several prominent academics and organisations have publicly stated that they will boycott UCL as a direct result of this decision, refusing to give lectures, talks or host conferences here.⁶ As such, there is a risk that other scholars in the field will follow suit and that, moving forward, qUCL will meet further challenges in programming its events and other research activities as a result of the UMC decision.

qUCL itself has, for some years, been operating in a climate of intimidation that runs counter to the stated ideals of academic freedom. Events focusing on trans lives and research have been the subject of FOI requests, whose purpose appears to be to intimidate scholars working in this field. The 'Trans Studies, Trans Lives' conference held at UCL in 2019, funded by Grand Challenges, was attended by a hostile attendee who, rather than engaging in honest dialogue, used social media to denigrate the research and personal creative work presented. One presenter, the only Black trans scholar on the programme, after being insulted by a security person when checking in, was subjected to online transphobic abuse by the aforementioned attendee, as was one of the conference organisers, understandably leading the scholar to withdraw from the conference. Such scenarios here and across HEI institutions more broadly,⁷ emphasise the importance of schemes such as Stonewall's Workplace Equality Index in helping UCL to ensure that it is in line with internationally recognised best practice in LGBTQ+ workplace policies and training and, crucially, supporting and protecting LGBTQ+ staff and students on campus.

(ii) The process through which the issues were debated at Academic Board and UMC

³ 'UCL becomes first university to formally cut ties with Stonewall' (21/12/21): www.theguardian.com/education/2021/dec/21/ucl-becomes-first-university-to-formally-cut-ties-with-stonewall

⁴ *PinkNews* reported in two separate articles on 23/12/21 that UCL had disregarded the views of LGBT+ groups in taking the decision and left students feeling hurt and excluded: www.pinknews.co.uk/2021/12/23/ucl-stonewall-lgbt/ and www.pinknews.co.uk/2021/12/23/ucl-stonewall-students-lgbt/

⁵ Student newspaper *The Tab* (23/12/21) reported that LGBTQ+ students at UCL 'felt less safe and supported' as a result of the decision: <https://thetab.com/uk/london/2021/12/23/ucl-cuts-ties-with-lgbtq-charity-stonewall-for-the-second-year-43869>

⁶ The renowned feminist, queer and postcolonial scholar Sara Ahmed inaugurated qUCL's annual lecture series in 2018 with a high profile talk in a packed Darwin Lecture Theatre. However, on 01/02/22 she announced that she would be boycotting UCL along with other organisations who disaffiliate from Stonewall on spurious grounds of 'academic freedom.' The Feminist Gender Equality Network, a global movement dedicated to countering misrepresentation of trans and gender-diversity issues at home and abroad, and spear-headed by academics in UK universities, announced on 05/01/22 that it has officially decided not to hold its conference at UCL due to the decision on Stonewall. On 08/02/22 the prominent human rights lawyer Jo Maughan turned down an invitation to speak at UCL citing the Stonewall decision and encouraged others to do the same.

⁷ See for example Pearce, R. (2021). Academic freedom and the paradox of tolerance. *Nature human behaviour*, 5(11), 1461-1461.

The process by which Academic Board (AB) considered the paper ‘UCL and Stonewall’ was deeply unsatisfactory. Alongside formal presentations and verbal contributions, the unmoderated chat created an atmosphere that was far short of the aspiration to create a culture of ‘disagreeing well’. While the speakers at AB discussed the safety concerns of those who argue for sex-based rights, there was no direct testimony from trans or non-binary speakers who would have been best placed to articulate the well-evidenced discrimination and violence marginalised members of LGBTQ+ communities experience. Although the paper raised six complex questions, these were reduced to a single vote. No proposals were tabled for any alternative structure to the Stonewall frameworks. None of the questions posed in the paper’s summary asked AB to consider how best the university can support its LGBTQ+ community. Although the paper purports to be balanced, the negative framing of these questions heavily implied a preconceived view of the correct answer and heavily directed the discussion.

(iii) Content of paper submitted to Academic Board

The paper itself is speculative, premised on a view that Stonewall membership ‘may have the effect of inhibiting academic debate within UCL’, which we reject. UCL is in no way bound by Stonewall’s recommendations and the central claim that membership of Stonewall’s schemes has any impact on academic research or freedom of speech is false. These schemes are there to help UCL, as an employer and place of study, first to ensure that the institution is doing more than the bare minimum to protect all LGBTQ+ staff and students, and second to send a signal to prospective staff and students that UCL is an employer that values the dignity and safety of LGBTQ+ staff and students, much as the Athena SWAN scheme does for gender equality. It is not made clear why, when the decision to temporarily withdraw from the Stonewall programmes had been based on resources, it was necessary for this membership to be debated by AB. The paper implies that the question was raised for discussion at AB by those for and against rejoining, which appears disingenuous. The scaling up of the resourcing decision to a ‘fundamental question of academic principle’ and academic freedom appears to be intentionally inflammatory, and therefore counter to UCL’s institutional obligations under the Public Sector Equality Duty to ‘foster good relations’ across protected minority groups.

The paper provides an overview of the history of the Stonewall schemes and UCL’s relationships with them. It also details UCL’s LGBTQ+ EDI work. It does not present evidence on how these are interrelated, as support for LGBTQ+ staff and students has advanced, in ways that we deem to have been positive and productive. The paper’s discussion of issues ‘for’ and ‘against’ Stonewall membership are supported largely with evidence to journalistic accounts, some of which are highly contested, such as the BBC’s *Nolan Investigates* podcast, which is heavily referenced.

The paper does not contextualise the phrase ‘no debate’ around which the idea that Stonewall is against academic freedom revolves. This comes from the media’s construction of a ‘trans debate’ which has been actively transphobic, questioning trans people’s rights to exist, and which has re-deployed older homophobic tropes in its unevidenced presentation of trans and non-binary people as threatening the social order and segregated spaces.⁸ It is this ‘debate’ that Stonewall rejects, rather than academic debate. The UK (alongside Poland, Russia and Hungary) was very recently criticised by the Council of Europe for its ‘extensive and often virulent attacks on the rights of LGBTI people’. The UK in particular was singled out for the growth in what the

⁸ Hasenbush, A., Flores, A.R. and Herman, J.L. (2019) ‘Gender Identity Nondiscrimination Laws in Public Accommodations: a Review of Evidence Regarding Safety and Privacy in Public Restrooms, Locker Rooms, and Changing Rooms’, *Sexuality Research and Social Policy* [Preprint], (1); Baker, P. (2012) ‘Bad wigs and screaming mimis’: Using corpus-Assisted techniques to carry out critical discourse analysis of the representation of trans people in the British press.’, in *In C. Hart and P. Cap (eds) Contemporary Critical Discourse Studies*. London: Bloomsbury, pp. 211–236; Baker, P. (2019) *Representing trans people in the UK press – a follow-up study*. ESRC Centre for Corpus Approaches to Social Science (CASS). Phipps A. Whose personal is more political? Experience in contemporary feminist politics. *Feminist Theory*. 2016;17(3):303-321. Phipps A. White tears, white rage: Victimhood and (as) violence in mainstream feminism. *European Journal of Cultural Studies*. 2021;24(1):81-93.

council says is ‘highly prejudicial anti-gender, gender-critical and anti-trans narratives which reduce the fight for the equality of LGBTI people to what these movements deliberately mischaracterise as “gender ideology” or “LGBTI ideology”.’⁹ Many of these attacks, which no doubt have also led to the huge increase in reported hate crimes against LGBTQ+ people in the UK,¹⁰ have been conducted via the mainstream media, and therefore the use of such content as evidence in the papers presented to AB should be treated with extreme caution.¹¹ We are deeply concerned that much of the evidence and rhetoric used in this paper both draws on, and contributes to, the hostile climate characterised above by the Council of Europe as the continent’s most significant human rights organisation. We would not wish for UCL to tarnish its reputation by giving legitimacy to such positions.¹²

In the paper, the distinction between Stonewall’s position, and the way that it has been used by others, seems intentionally blurred. The redacted email cited in the paper ‘as an example of Stonewall membership impacting on freedom of speech and academic freedom’ hardly provides evidence of this. Rather, it merely shows that the anonymous author of the letter at an undetermined university chose to signal Stonewall membership to underscore the university’s responsibility to ensure it is ‘an inclusive space, where people of all gender identities and presentations feel welcome and respected’. The issues around safe and segregated spaces and inclusivity are complex and have long histories – issues which many qUCL researchers address, providing evidence that could usefully be drawn upon to inform UCL’s strategic decisions.¹³ The discussions of safe space and the management of the campus need to be considered carefully against evidence rather than muddled with the discussion of Stonewall membership. As scholars in a prestigious university we would expect a paper on a serious topic such as this to be more rigorous and balanced in its use of substantial evidence.¹⁴

To conclude, in light of these concerns, we ask that UCL Council reject Academic Board’s and the UMC’s decision to withdraw from the Stonewall schemes at this time and that it takes the questions raised in the paper back to the EDI Committee, and to appropriate networks and groups at UCL representing LGBTQ+ staff and students, including qUCL. A fully transparent,

⁹ <https://pace.coe.int/en/files/29712/html>

¹⁰ www.bbc.co.uk/news/uk-wales-60257602

¹¹ See <http://cass.lancs.ac.uk/representing-trans-people-in-the-uk-press-a-follow-up-study-professor-paul-baker/> which documents the rise of anti-trans coverage in the UK press.

¹² For an in depth examination of the emergence of anti-transgender debates in the UK see: McLean, C. (2021). The Growth of the Anti-Transgender Movement in the United Kingdom. The Silent Radicalization of the British Electorate. *International Journal of Sociology*, 51(6), 473-482. The potential for reputational damage is demonstrated by the recent submission to the Global Alliance of National Human Rights Institutions by 19 LGBTQ+ groups calling for the Equality and Human Right Commission to lose its ‘A rating’, which is connected to its anti-trans stance: <https://www.bbc.co.uk/news/education-60331962>.

¹³ See for example, Bonner-Thompson et al (2021) ‘Transgender negotiations of precarity: Contested spaces of higher education’ *The Geographical Journal*, 187(3), 227-239. "Departments, faculties, institutes, buildings, student unions, and social areas are imbued with power relations that shape everyday lives (Gieseking, 2007; Hopkins, 2012; Joshi et al. Sweet, 2015; Mearns et al., 2020). This research has contributed to knowledge concerning the ways in which HEIs are entangled in trans people’s marginalisation, highlighting the need for further understanding of how diversity, inclusion, and discrimination play out in these spaces". See also Marshall, L (2020), ‘Negotiating gender diverse realities built on binary expectations: Public Toilets, in Britain’, in N. Kalms, G. Bawden, T. Moore and J. Berry (eds), *Contention Cities: Design and the Gendered Production of Space*, Abingdon: Taylor and Francis; Marshall, L (2020), ‘The Kenwood Ladies’ Bathing Pond: Instrumentalizing spatial imaginaries in the ‘Trans Debate’ in Britain’, R. Ramos and S. Mowlabocus (eds) *Queer Sites in Global Contexts: Technologies, Spaces, and Otherness*, London and New York: Routledge; Campkin, B., and Marshall, L (2018), ‘London’s nocturnal queer geographies’, *Soundings: Telling political stories*, Issue 70

¹⁴ Use of the ‘Reindorf report’, commissioned by the University of Essex, as evidence is also very partial as it does not report their follow up actions made by the university, as laid out in an apology made by the VC of the University of Essex to trans and non-binary staff following its publication, in which he stated ‘that, in meeting our obligations to respect academic freedom and freedom of speech within the law, we have given the impression that we might not care about the lived reality of trans and non-binary people. As we revise our equality, diversity and inclusion policies and procedures we will continue to go beyond the minimum standards required by law, wherever we can, to ensure that we recognise, respect and protect the identities of trans and non-binary people’. Nor was it mentioned that the commissioning of this report and subsequent actions, embedded a commitment to continuing to work with Stonewall so that the University of Essex could improve their workplace practices and relationships between minority groups as a result; we believe that UCL is in danger of taking the wrong lesson from misrepresented evidence such as this and, crucially, falling behind in best practice in the sector, where we could be leading.

inclusive and better evidenced process¹⁵ would bring decision-making more in line with previous decisions on human rights and academic freedom on campus (e.g. IHRA antisemitism debate, eugenics inquiry).

Yours sincerely,

Members of qUCL

¹⁵ We note here further that UCL's LGBTQ+ Equality Steering Group (LESG) had already commissioned qUCL to carry out a large piece of qualitative research on LGBTQ+ staff experiences of UCL. This project has interviewed over 80 members of LGBTQ+ staff at UCL and will report publicly on its findings in the summer of 2022.