

Professor Arif Ahmed  
Director for Freedom of Speech and Academic Freedom  
Office for Students  
Westward House  
Lime Kiln Close  
Stoke Gifford  
BRISTOL  
BS34 8SR

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Dear Professor Ahmed

## Compliance by the University of Bristol with OfS registration requirements

We're getting in touch, following the recent decision in the Sussex case, to ask the OfS to open an investigation into governance and management failures at the University of Bristol ('UoB'), which, *prima facie*, constitute non-compliance with the requirements of OfS registration.

Needless to say, it is not for us to prove that non-compliance has been, or remains, the case. Our purpose is simply to point out that there is more than sufficient evidence to justify an OfS investigation. In our view it is also likely that the problems in question at the University of Bristol have – as the OfS found with respect to Sussex albeit regarding different issues – resulted in the censorship of lawful expression with an ongoing chilling effect upon lawful and legitimate academic debate. In both cases those with the responsibility to take reasonable steps to protect the academics concerned from physical harm also failed to do so.

The OfS held in the Sussex case: 'The nature of the breach is serious because it constitutes a repeated failure of the university to follow its own governance processes, suggesting it is a sustained issue with the university's management and governance arrangements rather than a one-off failure.'<sup>1</sup> In our view this is precisely what has happened at the University of Bristol, as the BRISOC,<sup>2</sup> *Miller*,<sup>3</sup> and *Abrahart*<sup>4</sup> cases – the first two of which involved academic freedom, and the third, a tragic student suicide – indicate. However, while *Miller* and *Abrahart* have been settled by the courts, the BRISOC scandal has not. Nor have its chilling effects upon lawful and legitimate academic debate been effectively addressed in any other authoritative manner. Since those responsible have not been disciplined either, no incentive has been provided to deter further similar wrongdoing, itself an enduring lapse in effective governance and management.

The details of the BRISOC scandal and its consequences, have been well-rehearsed not least in Professor Steven Greer's book, *Falsely Accused of Islamophobia: My Struggle Against Academic Cancellation*. They were also authoritatively and comprehensively set out by William Mackesy (a retired solicitor and Director of Alumni for Free Speech) in a letter to the

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<sup>1</sup> [https://www.officeforstudents.org.uk/media/hcllxwx/university\\_sussex\\_free\\_speech\\_case\\_report.pdf](https://www.officeforstudents.org.uk/media/hcllxwx/university_sussex_free_speech_case_report.pdf).

<sup>2</sup> <https://affs.uk/wp-content/uploads/2023/04/AFFS-letter-to-Bristol-11-04-23.pdf>.

<sup>3</sup> <https://assets.publishing.service.gov.uk/media/6707c243366f494ab2e7b67d/Miller-judgment-1400780.2022-JDT...pdf>.

<sup>4</sup> <https://www.judiciary.uk/wp-content/uploads/2024/02/The-University-of-Bristol-v-Dr-Robert-Abrahart.pdf>.

Vice Chancellor and President of the UoB, Professor Welch, on 11 April 2023.<sup>5</sup> In a nutshell they were as follows: admission by the UoB of a manifestly false complaint by the University of Bristol Islamic Society (BRISOC) against Professor Greer in spite of the fact that it suffered from numerous fatal procedural flaws; failure to protect Professor Greer from BRISOC's potentially life threatening social media campaign by, for example, disciplining those involved; cancelling the Islam, China and the Far East module on his human rights course, as BRISOC demanded, after the UoB's own inquiry and a KC's opinion had found that their allegations about it were groundless; publicly announcing Professor Greer's exoneration while simultaneously stating that the UoB 'recognised' BRISOC's 'concerns' and that the module had been cancelled, amongst other things, to respect student 'sensitivities'.

The UoB's equivocation about Professor Greer's manifest innocence is also likely to have compounded the risk of physical attack, including murder, which he has faced and continues to face, since the crisis broke in February 2021. Others have lost their lives at the hands of fanatics for less, often as in the case of Sir David Amess MP, years after the event which provoked the baseless retaliation. Indeed, Professor Greer and his wife have already been forced temporarily to flee their home because of evidence-based fears about their safety.

However, apart from this, the most enduring systemic effect of the BRISOC scandal has unquestionably been the ongoing censorship – particularly self-censorship – of critical academic debate about Islam, not only at the UoB but at British universities generally and possibly others elsewhere. Whatever alterations to policy and procedure may have been introduced at the UoB in the past four years, there can be no doubt that the chilling effect upon critical academic engagement with Islam endures. Having retired in September 2022, Professor Greer has escaped any further repercussions of the BRISOC scandal on the part of the UoB itself. However, as things stand, other academics, particularly in early and mid-career, are unlikely to be able to follow suit. It would be a brave scholar who, in the aftermath of the BRISOC controversy, were publicly to make similar lawful and legitimate observations, and to raise similar lawful and legitimate questions, about the social, political, and legal implications of mainstream Islam, as those made by Professor Greer.

Since the BRISOC scandal broke in February 2021, Professor Greer and many others, including the Free Speech Union and Alumni for Free Speech, have made numerous attempts to persuade the UoB publicly to draw a line under it, but to no avail. This, in itself, indicates yet further ongoing shortcomings in governance and management.

It is clear, therefore, that these and other failures in both the BRISOC and other cases constitute *prima facie* breaches of the UoB's initial and ongoing registration conditions with the OfS under Part 1 of the Higher Education and Research Act 2017 and as set out in the Regulatory Framework for Higher Education in England. Specifically, contrary to Condition E2 of the Regulatory Framework, the UoB has failed to maintain effective management arrangements to deliver the Public Interest Governance Principles of academic freedom (I) and freedom of speech (VII), and has not acted in accordance with its own free speech code.<sup>6</sup> The UoB recognises in its code that freedom of expression should be at the heart of its mission and expressly refers to the European Convention on Human Rights protecting controversial speech. In our opinion, the UoB has breached its code and only an OfS investigation can authoritatively determine whether or not this view is correct.

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<sup>5</sup> See n. 3.

<sup>6</sup> <https://web.archive.org/web/20220120212209/http://www.bristol.ac.uk/media-library/sites/secretary/documents/student-rules-and-regs/freedom-of-speech-code-of-practice.pdf>

According to Professor Greer's PR agency, Palamedes, the publication of *Falsely Accused of Islamophobia* triggered reports by media organizations with a global audience/readership of 231 million including many in the UK. Naturally, this has resulted in both a huge global public relations disaster for the UoB. It has also caused incalculable worldwide damage to the reputation of British universities in general. Any subsequent developments, including Professor Greer's forthcoming book, *Islamophobia and free speech* (Palgrave MacMillan, 2025), are also likely to be of considerable media interest.

We can see no good reason, therefore, for the OfS not to treat both the Sussex and Bristol cases alike. Indeed, since the individual complaints process to the OfS has stalled – with the date of its revival, plus the terms of its operation uncertain – it would, in our view, compound the ongoing injustices if it did not do so now. Furthermore, we believe that an OfS investigation is not only urgently required on the merits; it would also signal that your office remains steadfastly committed to its mission, undeterred by the threat of judicial review or any other attempt to thwart it. And since no other obvious 'BRISOC scandals' await resolution, an investigation would not open the flood gates to a torrent of similar complaints.

We very much hope that this letter has convinced you that the only way in which the ongoing governance and managerial failures at the UoB can finally be laid to rest would be for the OfS to launch an investigation into them now. However, should we have failed to do so, we would be very grateful for the reasons to be spelled out to us in detail.

We look forward to hearing from you soon.

Best wishes

*In alphabetical order*

Academics For Academic Freedom: Professor Dennis Hayes, [director@afaf.org.uk](mailto:director@afaf.org.uk)  
Alumni for Free Speech: William Mackesy, [info@affs.uk](mailto:info@affs.uk)  
Christian Concern: Tim Dieppe, [tim.dieppe@christianconcern.com](mailto:tim.dieppe@christianconcern.com)  
Committee for Academic Freedom: Dr Edward Skidelsky, [director@afcomm.org.uk](mailto:director@afcomm.org.uk)  
Council of Ex-Muslims of Britain: Maryam Namazie, [exmuslimcouncil@gmail.com](mailto:exmuslimcouncil@gmail.com)  
Don't Divide Us: Dr Alka Sehgal-Cuthbert, [team@dontdivideus.com](mailto:team@dontdivideus.com)  
Free Speech Union: Lord Young of Acton, [toby@freespeechunion.org](mailto:toby@freespeechunion.org)  
Global Hindu Federation Ltd: Pt Satish K Sharma, <https://www.globalhindufederation.org/>  
Network of Sikh Organizations: Hardeep Singh, [Hardeep@nsouk.co.uk](mailto:Hardeep@nsouk.co.uk)  
Oxford Islamic Congregation: Dr Taj Hargey, [admin@oibi.org.uk](mailto:admin@oibi.org.uk)  
Oxford Institute for British Islam: Dr Taj Hargey, [provost@oibi.org.uk](mailto:provost@oibi.org.uk)  
Project Resist: Pragna Patel, <https://www.projectresist.org.uk/>