



The Scottish Parliament
Pàrlamaid na h-Alba

EDUCATION AND CULTURE COMMITTEE

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Dear Ms Dandridge

I write as convener of the Scottish Parliament's Education and Culture Committee to seek clarification from Universities UK on the recent guidance 'External speakers in higher education institutions'. In particular, the Committee has some concerns about the discussion set out in case study two on segregation.

The purpose of the guidance, as stated in the foreword, is "to map out the different factors that universities may wish to consider when drawing up policies and protocols for external speakers, reflecting both their legal obligations and their practical application".

The Committee fully understands, as you have made clear, that the guidance attempts to take account of sometimes competing rights and a complex legal framework. We note that the Equality and Human Rights Commission (EHRC) has stated that guidelines that endorse gender segregation are potentially unlawful.

Case study two of the guidance sets out factors to consider in determining whether a gender-segregated event in a university may be admissible. This has provoked considerable criticism and we would therefore be grateful if you could provide some additional information—

1. Could you confirm whether Universities Scotland was consulted in the course of preparing the guidance? If it was not, what were the reasons? Do you consider that the case study in question fully sets out the extent to which the discussion applies to Scotland?
2. Are there any other grounds, for example, religion, age, etc, on which you consider it possible that universities could segregate an audience? If not then

can you explain why it is permissible to segregate on one characteristic – gender and not permissible to segregate on other characteristics?

3. The guidance in question is clearly concerned with external speakers in higher education institutions (HEIs). Could any of the case study discussion on segregation apply to other HEI activity or forum e.g. lectures, seminars and societies?
4. On a broader note, the guidance and subsequent public debate makes clear the considerable issues in applying the current legal framework and accommodating different groups' views on equality and freedom of speech. Do you consider there is a need for further inquiry, reform or legislation in this area?
5. Given that the guidance suggests that it may be acceptable to segregate an audience;

"if imposing an unsegregated seating area in addition to the segregated areas contravenes the genuinely held religious beliefs of the group hosting the event, or those of the speaker, the institution should be mindful to ensure that the freedom of speech of the religious group or speaker is not curtailed unlawfully."

I would be grateful if you could explain in what circumstances you consider that an individual's beliefs usurp the wider rights of others in a public environment

I would be grateful if you could provide this information as soon as possible.

Yours sincerely

STEWART MAXWELL MSP
CONVENER