

BETWEEN:

DR NATHAN COFNAS

Claimant

And

**THE MASTER, FELLOWS AND
SCHOLARS OF EMMANUEL COLLEGE
IN THE UNIVERSITY OF CAMBRIDGE**

Defendant

Before Recorder McAllister

28–30 January 2026

Representation: Deshpal Panesar KC and Professor Alan Bogg instructed by Doyle Clayton appeared for the Claimant; Gemma White KC and Joshua Hillis instructed by Shakespeare Martineau LLP appeared for the Defendant.

Judgment

Introduction

1. On 1 September 2022, Dr Nathan Cofnas, the Claimant was appointed a post-doctoral university researcher in the faculty of philosophy at Cambridge University with funding from the Leverhulme Trust. The appointment was for 3 years, to 31 August 2025. His area of research was the biological basis of moral norms. In July 2023, Emmanuel College (‘the College’) appointed him as a College Research Associate (‘CRA’) with effect from 1 October 2023. He became a member of the College on 14 November 2023. His appointment was coterminous with his University position.
2. On 5 February 2024 Dr Cofnas published an article on his own website entitled ‘*A Guide for the Hereditarian Revolution: How to Win the Elites and Create a Better World*’. This article

has been referred to as ‘the Blog’ throughout the hearing, and I will continue to use this description.

3. Following the response within the College, particularly from the black students and members, the College instituted a formal process. The College Fellowship Committee and subsequently an Appeal Panel considered the Blog and detailed representations by Dr Cofnas and the representations from the Free Speech Union (‘FSU’).
4. At the conclusion of the internal process, the Master of the College wrote to Dr Cofnas terminating his CRA status on 2 July 2024.
5. On 20 November 2024, Dr Cofnas issued a claim against the College, claiming that the College had acted unlawfully contrary to ss 10 and 13 of the Equality Act 2010 and section 6 of the Human Rights Act 1998, and seeking a declaration to that effect.
6. In addition, Dr Cofnas seeks damages limited to £25,000. The parties agreed, at the outset of the trial, that the question of damages, if relevant, would be dealt with at a separate hearing.

The parties’ cases in outline

7. Dr Cofnas’ case can be summarised as follows. His beliefs, as set out in the Blog and considered in more detail below, are protected philosophical beliefs within section 10(2) of the Equality Act 2010 (EqA). The College is an association for the purposes of section 107(2) of the EqA, and the steps taken against him (namely the termination of his CRA status) were taken because of those beliefs contrary to section 13 of the EqA.
8. In addition, the College is a hybrid public authority for the purposes of the Human Rights Act 1998 (HRA), and Dr Cofnas’ rights under article 9 and article 10 to freedom of beliefs and expression have been breached by the College’s actions.
9. The College’s position is that it recognises and supports Dr Cofnas’ right to write about hereditarianism and related subjects, indeed it encourages and supports its members to engage in what have been described by Dr Cofnas as ‘*legitimate but taboo subjects*’.
10. The College accepts that it is an association for the purposes of the EqA, but disputes that it is a hybrid public authority for the purposes of the HRA. In the event whether or not the College is a public authority is of little practical significance. The analysis required for Dr Cofnas’ claimed interference with his rights under the European Convention on Human Rights (‘ECHR’) is the same as the analysis required for his EqA claim.

11. Although there are a number of legally distinct reasons why the claim under both Acts cannot succeed, and even if the Blog constituted a manifestation of a protected belief, the way in which this belief was manifested by the Blog was objectionable. The Blog did not constitute a serious discussion of the issues raised but was written in a tone which created a hostile, intimidating, unwelcoming and degrading environment for members of the College, particularly black students. The College's response was objectively justified and proportionate.

Dr Cofnas: background and beliefs

12. Dr Cofnas was born in Chicago in 1987 and grew up in what he describes as a liberal Jewish community on the Upper West Side of Manhattan. He studied at Columbia University, followed by his enrolment in a PhD programme at Lignan University in Hong Kong, where he continued his studies of the philosophy of biology, with a special focus on scientific and ethical issues connected to race.
13. In 2015 he left Lignan to become an MPhil student in the Department of History and Philosophy of Science at Cambridge University. In 2017 he went to the university of Oxford to do a DPhil. It was in this period that he began to write extensively about hereditarianism and was published in a number of journals. He graduated from Oxford in May 2021.
14. In September 2022, as stated above, he began a three-year Leverhulme Early Career Fellowship in the Philosophy faculty in Cambridge.
15. The philosophical beliefs he claims to be protected in these proceedings are:
 - (a) The hereditarianism belief, namely that it is morally and politically desirable to promote the empirical theory that genes play a non-trivial role in group difference, such as intelligence, and/or that hereditarianism should be researched and discussed even if controversial;
 - (b) The 'anti-woke belief', namely that it is morally and politically desirable to promote knowledge of hereditarianism because it undermines the premise of 'woke' ideology, that is to say the dominant philosophical belief in academia which holds white people to be morally accountable for all group disparities favouring whites;
 - (c) His lack of belief in 'woke ideology';
 - (d) The meritocratic belief, namely that it is morally and politically desirable for society to strive to become a meritocracy and in so doing to resist woke ideology;

- (e) The freedom belief, namely the importance of advocating for and supporting academic freedom and the need to oppose woke ideology in so far as it is inimical to such freedoms;
- (f) The gender-critical belief, namely that there are good and practical reasons for defining gender as we did or more commonly did before 2012; that teaching children that they can choose to be a boy, girl, or something else causes unnecessary confusion and that, given the pattern of average biological differences between XY and XX chromosome possessors, the traditional categories of ‘male’ and ‘female’ are socially important.

16. Dr Cofnas argues that whilst each of these beliefs are distinct in their own rights, they are intertwined both from an intellectual perspective and his own work.

The College and College Research Associates

17. The College is a college within the University of Cambridge, founded in 1584. As with other colleges, it is a self-governing community of academics. As Mr Chalmers, Master of the College, explained in his witness statement, the official fellowship, Research Fellows and Life Fellows (up to the age of 70), are specified as voting fellows and make up the governing body. A subset of the governing body is the Council, made up of executive officers and elected fellows from the governing body.

18. The University employs a number of post-doctoral researchers who are not automatically or necessarily affiliated with any particular college. There are currently some 4,000 post-doctoral research fellows in the University. In or about 2021 the College responded to a call from the University and decided that up to 100 post-doctoral fellows over a number of years would be offered College affiliation to foster a sense of belonging and to share in common facilities. The term of the CRA would be coterminous with the employment by the University. Within the College, those individuals are called College Research Associates. Dr Cofnas was one of the first cohort for this new group within the College.

19. As Mr Chalmers explained more fully in his witness statement:

‘The College does not receive any research grants, loans or fees from CRAs as those go to their employing Research Centre or Department. Neither do they pay any membership fee to the College. Neither do we employ them for any task: they are not asked to carry out any role within the College as a condition of affiliation. What we provide is a place for them to have a sense of belonging and a place which they can share in the common facilities, such as gardens,

and gather for formal dinners, two of which are provided free every year by the College. We currently have around 60 CRAs ... In summary this is an altruistic act on the College's part because the CRAs are not students, they don't do anything for our core outputs, we don't receive any income through grants and they don't pay us anything. At other colleges there is a membership fee but we have chosen not to levy one. Some CRAs do volunteer to supervise but as mentioned there is no formal requirement for them to do so. It is an affiliation not an appointment.'

20. In essence, the benefits of the CRA scheme were intended to be and were modest. The meals at College expense were limited to two per year. The emphasis was placed on the CRAs joining social and other extracurricular activities with other CRAs postgraduate and undergraduate students.
21. The only requirement is that CRAs abide by the College's 'Culture of Respect'. This describes the College as a community which '*values diversity of opinion, and encourages and celebrates freedom of thought and expression. We do that within a culture which is always courteous and considerate. We also recognise the impact that our actions and behaviours can have on each other.*'
22. The Culture of Respect document also states:

'There is language and behaviour that as a community we reject. Belittling, derogatory, humiliating, or inappropriate language, or behaviour which excludes, intimidates, coerces, or undermines others, has no place here. ... We maintain these same standards online when we use social media. Intimidating or degrading content or material which breaches the University Statement on Freedom of Speech is not tolerated.'
23. This document is given to all new students and distributed in a credit-card-sized version to act as an aide-memoire.
24. The intention behind the Culture of Respect document is that it should be strongly supportive of free speech, whilst promoting behaviour which would sustain respectful debate and disagreement.
25. When selecting CRAs it is not part of the College's function to judge their research or their academic weight, as would be the case with fellows or students. CRAs are not being asked to teach or supervise. The College is providing a space to socialise and share ideas. Any assessment as to their academic ability is made by the University and the funding body.

26. Mr Chalmers wrote to Dr Cofnas on 19 July 2023 informing him of the College's decision to appoint him as a CRA. The letter set out the opportunities available to CRAs and emphasised the College's 'Culture of Respect'.
27. Mr Chalmers' evidence is that in September 2023 his attention was drawn to the fact that there had been some online discussion about Dr Cofnas' past work and he was aware that some of his views could be seen as controversial. He thought nothing further of it since, as set out above, Dr Cofnas had been awarded a place in the University.

The Blog

28. The Blog is a lengthy piece, published on Substack and referred to in Dr Cofnas' Twitter feed. Dr Cofnas' website drew attention to his association with the College. The Blog expounded the thesis that '*any realistic path to victory over wokeism requires widespread acceptance of hereditarianism among the elites*'. 'Wokeism' is described as the belief that if all races and sexes have the same innate distribution of psychological traits, disparities in socioeconomic status must be due to environmental factors. In practice, that means that differences in outcomes favouring whites will be attributed to past or present white racism or sexism. This, it is said, in turn triggers an all-consuming crusade against the hidden forces of discrimination.
29. The Blog continues:

'Until we defeat the taboo on hereditarianism, our victories will always be temporary. Every time we cut off a tentacle of the DEI monster, it will grow back. Harvard President Claudine Gay will be replaced by someone worse.'
30. It is not enough, in Dr Cofnas' view, to change the law to demand colour blindness, even if this means that black people and other groups will be massively underrepresented in certain positions. He does not accept the thesis put forward by others that if conservatives are mobilised against DEI, it will be possible to stymie the 'rewokification' of the law.
31. As will appear below, certain passages in the Blog gave rise to a great deal of publicity, both in the University and the national press, and caused very real distress and anger in the College community as a whole, and in particular among the black members.
32. Dr Cofnas wrote:

'Under a colorblind system that judged applicants only by academic qualifications, blacks would make up 0.7% of Harvard students. (Even that might be an overestimate, since high-

school credentials are sometimes given a boost by affirmative action.) In a meritocracy, Harvard faculty would be recruited from the best of the best students, which means the number of black professors would approach 0%. Blacks would disappear from almost all high-profile positions outside of sports and entertainment. This is not the kind of crisis that people will forget about after the next news cycle. The elites who have adopted wokeism as their religion will launch a massive counterassault. The woke elite has far more collective intelligence than the conservative mob, and a thousand ways to outsmart and outmaneuver us.'

33. Further on in the Blog he wrote this:

'Whites are the ones who brought blacks out of Africa and created the conditions where they failed to develop a culture of homework, respect for the law, and strong nuclear families. So we'll need to take increasingly extreme measures to fix the 'culture' that produces bad outcomes in certain groups. Again, we're back to wokeism.'

'While race realism [a term used as an alternative to hereditarianism] may be less dangerous than we think, the DEI devil may be more dangerous. Brainwashing generations of children to believe that intractable group differences are the fault of a particular race (whites) that will soon be a shrinking minority can end in a dark place. ... White children are brainwashed to despise themselves because of their skin color. Anecdotally, white children are sometimes driven to transgenderism in an attempt to escape the shameful status of oppressor.'

34. And towards the end of the Blog:

'Those who truly value diversity should favor the preservation of racial distinctions. There must be some barriers set up between races in order for each one to express its own unique genius. And in the case of group conflict, racial tribalism can sometimes be the key to solving collective-action problems. If whites are attacked qua whites, it makes sense for them to fight back as whites.'

35. In evidence, Dr Cofnas was asked whether he believed that, in a meritocracy, all black people would disappear from all contexts except sport and entertainment. He replied by referring to the statistics found in book published by Russell Warne in 2020 which shows that although black people make up around 14% of the US population, they comprise 0.76% of Americans with an IQ of at least 135. In the United States a higher percentage of black people in academia and high-profile positions is maintained by affirmative action, and is much higher than it would be if there was a colour-blind meritocracy.

36. He also explained that he was trying to make the case that if affirmative action was simply removed, the resulting outcome (namely only 1% of black students) would be totally unacceptable: his aim was to convince conservatives to think differently, and not simply to adopt colour blindness.
37. Asked if his belief in hereditarianism was based on empirical evidence, and whether his views are susceptible to changing if the evidence changes, his answer was not entirely straightforward. He stated that hereditarianism was true, and all investigations show that it is correct. He also stated that the remarks in his blog were based on American studies, and that African immigrants in the UK are an elite group, in contrast with Caribbean black people.
38. Dr Cofnas explained that he wrote the article in a blog rather than a peer-reviewed journal because Substack has a greater reach, and free speech is diminished if writing has to be in 'academese'. His basic views have been published in peer-reviewed articles. But hereditarianism is seen as a taboo subject in any mainstream institution and anyone with these beliefs will face difficulties in their career. The *Journal of Intelligence*, for instance, refuses to publish any paper that addresses the issues raised in his blog.

Events following the publication of the Blog

39. There is little disagreement between the parties as to the events following the publication of the Blog. In particular, the evidence given on behalf of the College as to the effect of the Blog on the College community was not challenged. On behalf of the College I heard evidence from Mr Chalmers, the Master; Dr Corinna Russell, the Senior Tutor; Dr Mike Gross, part-time Secretary to the Governing Body; Professor Rankin and, briefly, Professor Hunter.
40. *Varsity* published an article about the Blog on 7 February 2024 headed: “*“Race realist” fellow argues for “preservation of racial distinctions”*”. The article was drawn to Mr Chalmers’ attention on the afternoon of Friday, 9 February. After discussing the matter with various senior members of the College, an email was sent to the student body on behalf of Mr Chalmers, and a further email sent to the fellows asking them to contact the Master if they had any concerns. The email to the students was as follows:

‘You may have seen reports in Varsity and in some of the national press about a blog written by Nathan Cofnas, a Leverhulme Early Career Fellow working within the Faculty of Philosophy. Dr Cofnas is a post-doc research associate of the College but receives no research funding from the College and is not employed by us. Although I and other members of the

College might personally disagree with the views, as they have been reported in the press, as a College, we retain our commitment to freedom of thought and expression in line with the University's policy ... While we acknowledge Dr Cofnas' academic right, as enshrined by law, to write about his views, I want to assure you that the College is committed to providing an environment that is free from all discrimination and affirms the right of all members to be treated with dignity and respect. We are committed to maintaining a safe, welcoming and inclusive community. Discrimination has no place here.'

41. On the same evening Mr Chalmers spoke to Dr Cofnas on the telephone. Mr Chalmers was anxious to ensure that Dr Cofnas was not too disturbed by the article. As he recalls, Dr Cofnas stressed that the Blog was about Harvard and not the UK.
42. Mr Chalmers' evidence, and that of Dr Russell, was that over the course of that weekend it became very clear that there was a sense of anger from the College community as a whole, and a feeling of hurt from the black students. As he put it, the black students felt absolutely 'punched in the solar plexus'. They assumed others would question whether they were at the College on merit. There were certain sentences which the black students found particularly hurtful, the most significant being the sentence which stated that, in a meritocracy, black people would disappear from all high-profile positions outside sports and entertainment. In addition, they referred to the sentences relating to the fact that black people had been brought out of Africa by white people, but the black people had not developed a culture of homework, respect for the law and nuclear families, and the suggestion that there should be barriers set up between races so that each could express its own genius.
43. The students explained that they found the term 'blacks' derogatory and dehumanising, and that the language of the Blog was overall threatening in tone. Several of the students Mr Chalmers met in the days after the publication of the Blog had taken part in the College's outreach work and expressed a belief that Dr Cofnas' continued association with the College was likely to deter future applicants from making the College their first choice.
44. Mr Chalmers telephoned Dr Cofnas again. He asked whether Dr Cofnas would consider redacting or qualifying his words. Dr Cofnas regretted the wording but did not, so far as Mr Chalmers recalls, acknowledge the hurt it might have caused, and refused to alter the Blog. Dr Cofnas' recollection differs: he recalls saying that he would do what he could to address the fact that people were upset.

45. On 10 February Dr Cofnas sent Mr Chalmers an email. He stressed that the article was about the United States, and that African immigrants to the UK are an elite group, and they may have outcomes which are similar to or better than native whites. The part dealing with Harvard resulted from a claim of racial discrimination brought by Asian students against Harvard. He concluded by saying that he felt terrible about drawing Mr Chalmers into controversy, and suggested that the students be allowed to meet him.
46. Mr Chalmers' evidence is that he suggested to the students that Dr Cofnas was prepared to meet them, but they stated it would not help. He also observed that the student body in the College is made up of students from the United Kingdom, the United States and elsewhere, so that the qualification that Dr Cofnas' blog was based on a Harvard study did not help.
47. Mr Chalmers and other senior members of the College began to receive complaints from undergraduates, postgraduates and fellows from outside the College. These were collated by Dr Gross. As he stated in his written evidence, some of the complainants were expressing political opposition to his views. But many expressed a clear sense of being belittled, of being made to feel unwelcome and having their legitimacy as members of the College community questioned.
48. Examples are:
49. *'It is impossible for us to support and advise minoritised students when a colleague promotes distinction on the basis of race, ethnicity and cultural background and frames this 'radical scientific idea' as the truth ... Beyond this, the extremist language of Cofnas' post (calling for a "sharper lance", the need to "blaze forward" and to "fight back [as whites]") creates a hostile, unsafe environment for students, Fellows and staff.'*
50. *'Mr Cofnas is entitled, I suppose, to think that black people are inferior to white people and to express his views online. But this does not mean that those views should be given any endorsement by the College. Any relationship with the College would suggest that the College felt that such views had sufficient weight to be worthy of debate. Not all views are worthy of debate or protection on the grounds of freedom of speech. The College would not associate itself with an astronomer who believed that the sun orbited the earth, or a medic who believed that scrofula could be cured by the touch of a king. The claim that black people are only fit to be sports stars and entertainers has no more validity than these beliefs.'*

51. And this: *‘As a Black student at Emma (more specifically, a Harvard-educated American Black student, which is the group he targets specifically in his meritocracy statement), I’m disturbed that this person is affiliated with our College.’*
52. Dr Cofnas sets out in his witness statement details of the private and public support he received from academics and alumni particularly in response to the letter sent to him following the Fellowship Committee meeting. The support was extensive and widespread.
53. At an early stage, Mr Chalmers contacted the Pro Vice Chancellor and the Philosophy Department. It became clear relatively early on that the position of the College and the University was not necessarily aligned. The University had an employment issue, and had received fewer complaints, whilst the College had a community issue which was causing considerable anxiety and distress within its members.
54. In late February 2024 Mr Chalmers recorded a short video blog (as he did on a regular basis) in which he said this:
- ‘Many of you, like me, will have been disturbed by a blog that circulated last week and the media coverage that followed it. I understand and respect his right to free speech but I want to make it clear that I strongly disagree with his argument, an argument that I thought had been successfully challenged by academics over the years, and frankly I found some of his words abhorrent. Over the last few days, the Senior Tutor and I have spent time with ECSU, the MCR and others to listen to the sense of hurt they feel.’*
55. On 18 February, the latest edition of *ROAR* was issued. This is a student magazine which, as Mr Chalmers explained, tends to lampoon everyone and the Master in particular. The guest writer was a black student. An article written by him is headed: *‘The Rs in ROAR stand for Racial Equalities’*. The article suggested that Dr Cofnas was in a homosexual relationship, and went on to add that Dr Cofnas was currently setting up the ‘Emma Skinhead Society’ where *‘he would “scientifically prove” in his “research” that “in a meritocracy all black friendship groups at Emmanuel College Cambridge will be replaced by skinhead gangs”’*. The article continued: *‘I for one am proud of Nathan for graduating from Victorian-era racism to 1960s racism. Progress is progress, lads.’*
56. The writer of the article had contacted Mr Chalmers before publication, stating that he wanted to check with him whether he had any issues with the draft. He stated that he had enjoyed being able to satirise the situation/the man especially since he had been talking about it in an

exclusively serious way the previous week. Mr Chalmers replied saying that he thought the writer had done a superb job in satirising this. He added that this was exactly what *ROAR* was for, and thanked the writer for taking it on.

57. In evidence Mr Chalmers stated that *ROAR* is a poorly written student magazine which could not on any basis be compared with the Blog which laid out an academic thesis. He accepted that the comments were, as he put it, on the line, if not over the line, but that he is numbed to this style of writing since, as he said, he was lampooned on a weekly basis. He agreed that the comment about skinheads was disgraceful and that he should have checked the article more carefully. But he said that the writer was a remarkable young man who was balancing his feelings and finding expression in humour, even if that humour was, on reflection, ill judged.
58. The article in *ROAR* caused offence and upset to Dr Cofnas. Another matter which caused Dr Cofnas great concern was the response of a small number of students. On 21 February 2024 Dr Cofnas sent Professor Bird, the previous chair of the Philosophy Department, and another professor not at the College, three screenshots from a group chat. In one of these a student told the group that he could be found at the College '*for anyone who wants to idk maybe drive by to fuck him up*'. A second suggested that the students wear ski masks when they '*jumped him*' and '*beat the shit out of him*'. In the third, the students stated that they planned to hang up flyers with pictures of him around Sidgwick Avenue, where the University's Philosophy faculty is sited. Posters of him were put up around the site.
59. The advice he received in reply was that it was wise to avoid the Sidgwick site for the time being. Dr Cofnas then stated that he would withdraw from all contact with students and as an A1 examiner. This decision was prompted in part by the concern expressed by the Philosophy Department as a result of the concerns expressed by students.
60. One of the students mentioned in the WhatsApp messages above was a student at the College, although not resident there. Dr Russell agreed that the messages were utterly unacceptable and were an incitement to violence. The matter was dealt with initially by the Office of Student Conduct, Complaints and Appeals (OSCCA) who recommended that the student should remain, and by what Dr Russell described as 'reflective conversation' with the student and another tutor.
61. A 'town hall' meeting was convened on 28 February. Mr Chalmers drafted opening remarks. He began by saying that his personal view of the Blog is that it described a thesis that felt Victorian, which he thought had been debunked by scholarship such as the human genome

project, and that he found his comments about black people abhorrent. He went on to note that he recognised that Dr Cofnas' words had hurt many of the people attending more than he would ever understand: *'the conversations I have had with groups of you have been frankly humbling in terms of your perspective, maturity and honesty.'* He concluded by saying that he also recognised freedom of speech, and that the College had been following the work of the University and Leverhulme, and would consider what to do once that process had been completed.

62. Mr Chalmers, and the other witness on behalf of the College, were repeatedly cross examined on the basis that the College, in reaching the decision to terminate Dr Cofnas' affiliation with the College, was motivated by 'animus towards his beliefs' and/or hostility to what was described as the 'non-objectionable expression' of those beliefs. I will return to this point below.
63. Mr Chalmers described the effect on the College community as a fire which the College had to either manage or allow to let rip. The College attempted to take a responsible approach and not to fan the flames. There were no press announcement and no comms campaign. The issue was what to do next. Once it was clear that the College would need to run its own process, Mr Chalmers decided, partly because of the anger felt by the College community, and partly because of the lack of contrition (as he saw it) on Dr Cofnas' part, to suspend Dr Cofnas' privileges whilst a process was followed. These were limited in any event: there was one dinner planned (which in the event did not go ahead). Dr Cofnas agreed to this.

Formal steps taken by the College

64. By the end of February/beginning of March 2024 the College had received a great number of complaints from students, staff and fellows. After discussing the matter with the Senior Tutor and the Bursar, Mr Chalmers took the decision to refer the matter to the Fellowship Committee to follow the appropriate procedure.
65. On 8 March 2024 Mr Chalmers wrote to Dr Cofnas, explaining the nature of the complaints against him. The letter concluded by saying that whilst the College's values include freedom of speech and academic freedom within the law, statements that could reasonably be understood by individuals to discriminate against them are not protected. Before terminating Dr Cofnas' status as a CRA, Mr Chalmers stated that he wished to take into account any representations that Dr Cofnas wished to make.

66. Dr Cofnas replied in detail on 15 March 2024. The letter refuted the points made by Mr Chalmers and made the argument that the termination of the CRA status held by Dr Cofnas would be a severe action, which would destroy his career and cause long-lasting reputational damage. He proposed that the College should wait for the outcome of the University investigation, or if not, should at least follow a procedure guided by principles of justice and fairness. He accepted that his Blog had caused concern amongst members of the College, but stated that he could not apologise. His letter was followed by a letter from the Free Speech Union dated 22 March 2024.
67. Mr Chalmers decided, given his engagement with the students and the comments he had made about the Blog, to recuse himself from any further formal steps.
68. The process followed by the College was a relatively new one, drafted to deal with affiliates to the College, such as honorary degree holders and CRAs. It is to be found within a document headed *College Benefits and Titles Extended to Those Who Are Not Fellows or Junior Members*. It is not a published document nor is it public. Much has been made of the terms of this document by Dr Cofnas so I will set out the relevant paragraphs of the document in full:

Principles

In considering any concern about the conduct or suitability of any person receiving social benefits and/or title from the College (being neither a Fellow, member of staff or junior member), hereafter referred to as the 'recipient', the following principles shall apply:

1. *All recipients are expected to observe the College's statement of values.*
2. *Ours is a community which values diversity of opinion and encourages and celebrates freedom of thought and expression. We endorse the University's Statement of Freedom of Speech and consider it critical to the preservation of academic freedom.*
3. *If a serious concern arises about a recipient's direct conduct towards a resident member of the College or of the University we would expect that, where jurisdiction permits, to be addressed through the use of the University or College complaint procedure. We would expect the recipient to cooperate with that procedure. At the Master's discretion, a recipient may be suspended from any College benefits until any such procedure, including any informal stages provided therein, has concluded.*
4. *If a serious concern arises about a recipient's conduct more generally, for example, within a different institution or in the public realm, the College will not have jurisdiction to investigate. Any response from the College will instead rely upon the outcome of any police investigation,*

or any formal legal, employment or disciplinary procedure conducted by others. At the Master's discretion, a recipient may be suspended from any College benefits and title until such procedures have concluded.

69. In relation to the Fellowship Committee procedure I heard evidence from Dr Gross, a life fellow of the College, Bursar between 1997 and 2023 and part-time Secretary to the Governing Body. He had also drafted the College's Culture of Respect, partly in response to a number of disputes between the students in 2021 which had become quite toxic. This document is given to all new students and distributed in a credit-card-sized version to act as an aide-memoire.
70. The Fellowship Committee is a standing committee of the Governing Body which usually considers matters concerning the duties, rights and benefits of Fellows. The extraordinary meeting of the Committee took place remotely on 25 March 2024. The Committee had been provided with all the relevant material including, of course, Dr Cofnas' response to the letter dated 8 March 2024 and the letter from the Free Speech Union.
71. The minutes, taken by Dr Gross, recorded that various statements made in the Blog could not be read simply as an academic critique or discussion of how DEI values should be interpreted, but as a polemical challenge to broad DEI values. The Blog amounted to a call for action encouraging others to reject these values. It repeatedly presented its assertion as 'facts' and 'truth' in contrast to alternatives which it presented as 'lies'.
72. Whilst the Committee reached no view as to whether the beliefs claimed by Dr Cofnas were protected beliefs, they noted that he presented his arguments in absolute terms claiming the unchallengeable truth and that the Blog appeared to be an explicit call for action and revolution. It concluded that the Blog dealt with matters of controversy in a careless manner with sweeping generalisations, blunt assertion and an absence of evidence or any concession that the conclusions might be disputed. The Blog would unavoidably be read as questioning the capability and attainment of students. The Committee noted that the tone and style read as confrontational and aggressive. Regardless of his beliefs, the style of the Blog was considered reckless. It showed no sensitivity to the impact of such aggressive language, including calling those with other views 'liars'. It also noted that there were reasonable and well-founded concerns that the College's outreach activities might be impacted.
73. The Committee noted that Dr Cofnas had been invited by the Master to amend or qualify his original Blog but declined to do so, which suggested that mediation was not a realistic possibility. The Committee did not support waiting until the outcome of the University

investigation. He was not employed by the College, and derived only minor benefits from the College. In the future in any event the benefits were likely to be non-existent (given the impracticality of him interacting with the College community) and there was therefore no significant loss to him through terminating the association whilst the adverse impact of any continuing relationship with the College was great. It was also noted that students would not necessarily understand the distinction between members of the academic community, but the fact that Dr Cofnas was employed by the University, and had been teaching and examining for the University, would lead to a perceived power imbalance between the students and Dr Cofnas.

74. During a spirited cross examination, Dr Gross was repeatedly asked whether in effect the Committee was undertaking a root and branch analysis of Dr Cofnas' ideas (critiquing his ideas 'in a star chamber') but he repeatedly stated that whilst debate is welcomed, the Blog went beyond reasoned debate and critique, and that he disagreed with the tone and effect of the Blog.
75. Both he and Dr Russell were cross examined as to why the College dealt with the matter internally. It was their view that it was appropriate to deal with the matter within the College in accordance with the 'Principles', since the issue affected, in particular, the members of the College. The conduct and choices of Dr Cofnas, in the context of a failure to apologise or to reflect on the harm done to the community, was the reason the matter was kept in house, not because of any determination on the College's part to 'hound Dr Cofnas out of the College'.
76. Professor Hunter, who chaired the Committee, stated while the Committee did not agree with Dr Cofnas' ideas, the key focus of the Committee was the impact of the statements made in the Blog on the College community, and that the minutes were a good record of the discussion.
77. The Committee's recommendation to end Dr Cofnas' affiliation with the College was accepted by the College Council. Dr Gross wrote to Dr Cofnas on 5 April 2024 informing him of the decision taken by the Committee and of his right to appeal within 28 days.
78. On 3 May 2024 Dr Cofnas appealed against the decision by a lengthy letter from the Free Speech Union. The Appeal Panel had already been set up. It was chaired by Professor Susan Rankin, Vice Master and Fellow of the College. Two other fellows were appointed to the panel. None was a philosopher.
79. A further letter was received from the FSU on 14 June 2024, claiming the College lacked jurisdiction to deal with the matter having regard to the 'Principles', which apply to those members who are not Fellows or Junior Members. The conduct complained of was not within

paragraph 3 (direct conduct towards a resident member of the College or University) but was properly within paragraph 4, i.e. conduct in the ‘public realm’. The letter also raised a number of other issues by way of a substantive response to the Committee’s decision.

80. The Appeal Panel met on 24 June 2024. They considered (i) whether the decision by the Fellowship Committee and Council was one which no reasonable body could have reached, (ii) whether there was material evidence that had not been previously considered by the Committee or Council, (iii) whether there was any sign of bias in the records of those meetings and (iv) whether the penalty imposed was disproportionate in all the circumstances.
81. The Appeal Panel decided that paragraphs 3 and 4 of the ‘Principles’ does not prevent the College investigating whether an individual had breached the College’s own standards, that this document was a voluntary process which had not been published and that there had been no representation that that this would apply to Dr Cofnas. Accordingly this argument was rejected. The panel also agreed with the reasoning of the Committee that the issue was not Dr Cofnas’ beliefs but the manner of their expression in all the circumstances. Whilst Dr Cofnas was free to criticise the College’s values and was not compelled to speak contrary to his beliefs, he did not have carte blanche to challenge its fundamental institutional values to the detriment of its mission, ethos, students and others.
82. The other points raised by Dr Cofnas were considered in detail in the Appeal Panel’s report dated 26 June 2024. They concluded that it was reasonable to see the status of CRAs as honorary, with very limited benefits attached. The loss of benefits was not large and would not affect his academic standing or his ability to carry out future research. It would not be reasonable to expect Dr Cofnas to interact with others within the community in the manner intended by the CRA scheme. The Panel also said this: *‘The College’s decision reflected careful balancing of conflicting rights in very specific and exceptional circumstances rather than any failure to recognise the right of free speech or the critical importance of academic freedom.’*
83. In evidence Professor Rankin stated that she was not concerned that Dr Cofnas had not been heard by the Committee: there was no dispute about the publication of the Blog. The Panel had taken into account the representations made on his behalf by the FSU which did not include a complaint that he had not been heard.

The University's reaction

84. On 13 August 2025 OSCCA wrote to a student informing them of the outcome of the complaint made to the University regarding the Blog and its impact on the student and/or the wider University community. The initial investigation was carried out by Aileen McColgan KC as to whether the contents of the Blog were within the law. She concluded that a number of statements in the Blog could potentially encourage or incite others to discriminate against black students and staff on the grounds of their race and were capable of creating or contributing to an intimidating, hostile and humiliating environment on the grounds of their race. Apart from those statements (essentially those quoted above under the heading the Blog) the barrister concluded that the remainder of the Blog represented lawful free speech.
85. The University then proceeded to consider whether there was evidence to suggest publication of these six statements amounted to harassment or discrimination (as defined by the EqA) or was otherwise inappropriate conduct contrary to the University's expectations of conduct and Code of Behaviour and if so whether this was serious or sustained.
86. A further external investigator, Martin Cullus, an independent senior HR consultant, examined whether the six statements complained of caused the individual who had complained to feel harassed, and concluded that it was not the six statements that had caused the complainants to feel distress and upset but rather it was their fundamental objection to the ideas communicated and/or concern about the effect of these ideas on others at the University. The University could not therefore take any further action and the complaints were not upheld.
87. On 2 October 2025 the University published a Statement on Disciplinary Investigation (Dr Cofnas). This referred to the fact that the number of complaints received by the University prompted it, as his employer, to investigate them. *'A rigorous inquiry concluded that his published views, while seen by many as offensive, did not breach the law and did not contravene University regulations designed to uphold free speech.'*

Legal Framework

The Equality Act 2010

Discrimination

88. By s13(1) EqA: *'A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.'* Protected beliefs

as defined in EqA s10 (2) include ‘*any religious or philosophical belief and reference to a belief includes a reference to lack of belief.*’

89. Section 101(2) provides that an association (A) must not discriminate against a member (B) (a) in the way A affords B access, or by not affording B, access to a benefit, facility or service; (b) by depriving B of membership; (c) by varying B’s terms of membership; (d) by subjecting B to any other detriment. It is accepted by the College that it is an association within the meaning of section 107(2).
90. Discrimination requires the Claimant to establish that the College treated him less favourably than it treats or would treat others. Section 23(1) EqA requires there to be no material difference between the circumstances of the case and the circumstances of the comparator. ‘[T]he comparator required for the purpose of the statutory definition of discrimination must be a comparator in the same position in all material respects as the victim save only that he, or she, is not a member of the protected class. But the comparators that can be of evidential value, sometimes determinative of the case, are not so circumscribed. Their evidential value will, however, be variable and will inevitably be weakened by material differences between the circumstances relating to them and the circumstances of the victim’: ***Shamoon v Chief Constable of the Royal Ulster Constabulary*** [2003] UKHL 11; [2003] ICR 337 per Lord Scott of Foscote at [110].

Protected Beliefs

91. In ***Grainger plc v Nicholson*** UKEAT/219/09; [2010] ICR 360 Burton J held (at paragraph 24) that the criteria for a belief to fall within s.10(2) EqA are that: (i) the belief is genuinely held; (ii) it is a belief and not merely as in ***McClintock v Department of Constitutional Affairs*** [2008] IRLR 29, an opinion or viewpoint based on the present state of information available; (iii) it is a belief as to a weighty and substantial aspect of human life and behaviour; (iv) it attains a certain level of cogency, seriousness, cohesion and importance; and (v) it is worthy of respect in a democratic society, being not incompatible with human dignity and not in conflict with the fundamental rights of others.
92. Beliefs are also protected under Articles 9 and 10 of the European Convention on Human Rights (‘ECHR’) which provide, respectively, as follows:
- (i) Article 9 ECHR

‘1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.’

(ii) Article 10 ECHR

‘1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.’

93. The same criteria (the ‘*Grainger Criteria*’) apply in identifying when a belief qualifies for protection under Articles 9 and 10 ECHR: *Hibbert v Hall* [2024] EWHC 2677 (KB) per Steyn J at [163].

Direct Discrimination in Respect of Protected Beliefs

94. In *Higgs v Farmor’s School* [2025] EWCA Civ 109; [2025] ICR 1172 the Court of Appeal considered the requirements for establishing direct discrimination in relation to a protected philosophical belief.

95. In that case the claimant was employed by the school as a pastoral administrator and work experience manager. After complaints were received from a parent of pupils at the school relating to social media posts the complainant had made (mostly quoting from other sources), objecting to the government’s policy on sex education in primary schools because of its

promotion of ‘gender fluidity’ and its equation of same-sex marriage with marriage between a man and a woman, the claimant was suspended and then dismissed for gross misconduct.

96. The employment tribunal rejected her claim. The Employment Appeal Tribunal (‘EAT’) allowed her appeal on the ground that the employment tribunal had failed to engage with the question whether the school’s treatment of the claimant was because of, or related to, the claimant’s manifestation of her beliefs, and the matter was remitted to the employment tribunal to determine whether the school’s actions were because of or related to the manifestation of the claimant’s protected beliefs, or were due to a justified objection to the manner of that manifestation.
97. The claimant appealed on the grounds that the EAT had been bound to reach its own conclusion that the interference with the claimant’s rights could not be justified under article 9(2) of the Convention for the Protection of Human Rights and Fundamental Freedoms and to allow the claimant’s appeal.
98. The Court of Appeal allowed the appeal. The school did not dispute that the claimant’s belief that gender was binary and that marriage could only be between a man and a woman fell within the protected characteristics of ‘religion or belief’ but sought to justify the dismissal on the grounds that the posts were intemperately expressed and liable to damage the school’s reputation. However, the statements had to be read by what was said, and not by reference to a concern about what some readers might read into them. On the evidence neither the language of the posts nor the risk of reputational damage were capable of justifying the claimant’s dismissal in circumstances where she had not said anything of the kind at work or displayed any discriminatory attitudes in her treatment of the pupils.
99. Underhill LJ (with whom Bean and Falk LJJ agreed) set out the following principles:
 - (i) Adverse treatment in response to an employee’s manifestation of their belief is not to be treated as having occurred ‘*because of*’ their belief if it constituted an objectively justifiable response to something objectionable in the way in which the belief was manifested.
 - (ii) An objectionable way in which a belief is manifested is one to which objection could justifiably be taken.
 - (iii) The requirement for objective justification involves the same analysis as the classic four-stage proportionality analysis identified in *Bank Mellat v HM Treasury (No 2)* [2014] AC but expressed as (i) identifying a feature of the claimant’s conduct to

which the defendant could legitimately object; and (ii) an assessment of whether the defendant's response to that feature was proportionate.

100. Factors relevant to proportionality, in the context of employment, were set out as follows: (i) the content of the manifestation (ii) the tone used (iii) the extent of the manifestation (iv) the worker's understanding of the likely audience (v) the extent of the intrusion on the rights of others, and any consequential impact on the employer's ability to run its business, (vi) whether the views might be seen as a reputational risk, (vii) whether there is a potential power imbalance between the worker's position and others whose rights are intruded upon, (viii) the nature of the employer's business, and (ix) whether the limitation imposed is the least intrusive measure open to the employer.
101. Underhill LJ reached these conclusions by reference to corresponding ECHR obligations as follows:
 - a. In relation to Article 9(2) ECHR the European Court of Human Rights ('**ECtHR**') has held that there is a fundamental difference between the right to hold a religious belief and the right to manifest it because the former is in the nature simply of a characteristic whereas its manifestation constitutes conduct which is outward-facing and may have an impact on others. It is the right to manifest which may be restricted under Article 9(2). The ECtHR has held that, for there to be a manifestation of a belief, there must be a sufficiently close and direct nexus between the act and the underlying belief: [30]-[35].
 - b. Under Article 10(2) ECHR, the right to exercise the freedom of expression may be restricted in manner that is not materially different to Article 9(2).
 - c. As for the EqA, the phrase '*because of*' in s.13(1) connotes a causative link between the protected characteristic and the treatment complained of: [46].
 - d. Unlike Article 9 ECHR, s.13 EqA does not refer explicitly to discrimination on the grounds of the manifestation of a belief. However, '*because of*' in s.13 EqA must be read as extending to the manifestation of a belief as a result of the CJEU decision in Case C-188/15 *Bouagnaoui v Micropole SA* [2018] ICR 139 on the Council

Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, which was implemented in domestic law by the EqA.

102. The result of Underhill LJ's analysis summarised above is that there is no material difference between the substantive analysis required for the Claimant's claim for direct discrimination under EqA and his claim for breach of Articles 9 and 10 ECHR (as implemented in domestic law by the Human Rights Act 1998). See also *Smith v Man Manchester City Council* [2025] EWHC 2987 (KB) per Turner J at [101].
103. Under s 6(1) of the HRA it is unlawful for a public authority to act in a way which is incompatible with a Convention rights, which include the rights under Articles 9 and 10 above.
104. Section 6(3)(b) HRA provides that '*public authority*' includes '*any person certain of whose functions are functions of a public nature*'. However, under s.6(5): '*[i]n relation to a particular act, a person is not a public authority by virtue only of subsection (3)(b) if the nature of the act is private*'.
105. Certain public authorities are 'core' public authorities because they so obviously have the character of a public authority: see *R (Quark Fishing) v Secretary of State for Foreign and Commonwealth Affairs (No. 2)* [2005] UKHL 57; [2006] 1 AC 529 per Lord Hope at [85]. [Auth/21/380]. Examples include government departments, local authorities, the police and armed forces but not, for example, parochial church councils responsible for the financial affairs of the church and the care and maintenance of the church fabric: *Aston Cantlow and Wilmcote with Billesley Parochial Church Council v Wallbank* [2003] UKHL 37; [2004] 1 AC 546.
106. Organisations which are not core public authorities may be public authorities within section 6(3)(b) if they carry out functions of a relevant nature: *YL v Birmingham City Council* [2007] UKHL 27. Relevant factors in determining this question are whether the state had assumed responsibility for seeing that the task in question was performed, whether there is a public interest in having the task undertaken, whether there was provision for public funding in respect of the task undertaken and whether statutory coercive powers were involved.
107. By s.118(1)EqA a claim must be brought in the County Court within six months of '*the date of the act to which the claim relates*'. By s118(1)(a) EqA '*conduct extending over a period is treated as done at the end of the period*'. The claim form was filed on 14 November 2024.

Submissions

Claimant

108. The Claimant's primary submission is that each of the claimed beliefs are protected beliefs. Mr Panesar points to the fact that, in evidence, the witness for the College accepted that the pleaded beliefs are permissible to hold, relate to important and fundamental issues and are permissible subjects of discourse. Each of the Grainger tests are satisfied. Protected beliefs can include political philosophies, and beliefs based on scientific foundations (by definitions susceptible to change) can be protected beliefs. This is particularly relevant to 'hereditarianism'.
109. Secondly (and this is the core of the submission on behalf of Dr Cofnas), on the basis of the evidence, it is an inescapable conclusion that Dr Cofnas was treated less favourably *because of* his beliefs. The attempt to 'thread the College's conduct through the needle of manifestation' cannot succeed in view of the written and oral evidence of Mr Chalmers, Dr Russell and Dr Gross, and others. His association was terminated because of an animus towards or hostility to the non-objectionable expression of those beliefs. His beliefs were variously described as 'pseudoscientific', Victorian, views which had been debunked by scholarship such as the human genome project, and a 'false narrative'. The negative attitude held by the College can be seen in the way in which the *ROAR* article and the behaviour of a group of students was dealt with: in the case of the article, the initial response was to find it amusing, and in relation to College student who had effectively incited violence, the response was merely to have a conversation with that student.
110. Thirdly, the College acted hastily, and did not offer Dr Cofnas any opportunity to meet the students or to engage in mediation, or to await the outcome of the University investigation, which was described as rigorous and which resulted in no action being taken by the University against Dr Cofnas. In the letter written by Dr Cofnas on 10 February 2024 he explained in more detail the background to his Blog and offered to meet the students or to respond to their questions in writing. This offer was not taken up.
111. Fourthly, the College abused its own procedure set out in the *College Benefits and Titles Extended to Those Who Are Not Fellows or Junior Members* set out above. The matter should have been dealt under paragraph 4, and the response of the College should have awaited the outcome of any the disciplinary procedure conducted by the University. The Blog was published in the public domain. It was a matter of 'serious concern'. The applicable law is the

same in the University as it is in the College. There is no relevant difference. In any event, the procedure adopted was in breach of the principles of natural justice. Dr Cofnas was not permitted to attend the Fellowship Committee or call witnesses.

112. Finally, applying the test set out in *Bank Mellat v HM Treasury (No 2)* [2014] AC 700, in the event that the College was entitled to take the view that the manifestation of Dr Cofnas' beliefs was such that objection could reasonably be taken to them, then it cannot be said it was not possible to adopt a less intrusive measure than terminating his status as a CRA. The College could have explored mediation; it could have asked Dr Cofnas to further clarify and explain his views; or it could have suspended Dr Cofnas pending the outcome of the University investigation. The impact on Dr Cofnas' career as a result of the College's decision was severe.

The Defendant

113. It is submitted that the definition of the six alleged beliefs are inconsistent and not clearly defined. 'Hereditarianism' as defined in the Particulars of Claim claims that it is morally and politically desirable to promote hereditarianism; in his witness statement the point is put more forcefully, namely the belief that different populations have different levels of traits for genetic reasons, and that socioeconomic disparities may be related to these differences. This was also the view stated in evidence.
114. The other stated beliefs (save the 'gender-critical belief') are all in opposition to 'woke ideology'. Again, there is a difference between 'woke ideology' as described in the Particulars of Claim (i.e. that white people are morally accountable for all group disparities that favour whites) and in his witness statement.
115. In any event, these views are opinions and not beliefs. In *McClintock v Department of Constitutional Affairs* UKEAT/0223/07/CEA, the EAT held that the view of a practising Christian and magistrate who refused to place a child for adoption with a same-sex couple was not a protected belief because the basis of this view was that the evidence that this might be in the child's best interests was unconvincing. The EAT held that it is not enough to have an opinion based on some real or perceived logic or information available.
116. The same can be said of the 'anti-woke belief'. It reflects what he believes to be the dominant philosophical view in academia. If this was no longer the dominant view, there would be no need to promote 'hereditarianism'.

117. All six alleged beliefs fall foul of Grainer (ii) and (iv). The gender-critical belief is on any basis irrelevant, and played no part in the dispute between the College and Dr Cofnas.
118. The College further submits that it did not act hastily or capriciously. In the initial conversations between Mr Chalmers and Dr Cofnas, Mr Chalmers raised the possibility that he might redact or qualify some of the text in the Blog and in particular the sentence: '*Blacks would disappear from almost all high-profile positions outside of sports and entertainment.*' There was no willingness on Dr Cofnas' part to redact or remove that sentence, as is clear from his email dated 10 February 2024.
119. There was no animus on the part of Mr Chalmers or anyone else. The Master was facing a crisis in the student community and it was his role to support that community and bring it back together again. He recused himself from all the formal steps. Mr Chalmers' and others' response to *ROAR* is not proof of any animus, but a reaction (since regretted) to a poorly written student magazine in which humour was used as a way of dealing with very real hurt.
120. Nor is it right to say that Dr Cofnas was denied opportunities to be heard. Both the Fellows Committee and the Appeal Panel correctly followed the process set out in the internal document approved by the Governing Body. He was given and took opportunities to make representations as to why his status as CRA should not be terminated.
121. If, contrary to its primary submission, all of each of the claimed beliefs are protected beliefs, the College's response was not '*because of*' the beliefs but was an objectively justifiable response to the way in which the views were expressed, and was proportionate. The Blog was a rejection of Diversity, Equality and Inclusion policies in their entirety. The tone and style of the Blog created a hostile, intimidating and degrading environment for members of the College, and was in breach of the College's culture of respect. It also undermined the College's commitment to outreach activities.
122. Dr Cofnas refused to change the wording of the Blog and displayed a lack of insight into the hurt and offence he had caused. He was not an employee of the College. He continued to be an employee of the University. It is unrealistic to argue that any lesser sanction was open to the College.

Analysis and conclusion

123. The issues which in my judgment need to be determined are the following:

- (a) Has Dr Cofnas brought his claim in time for the purpose of the EqA?
- (b) Is the College (i) an association for the purpose of the EqA and/or (ii) a public authority for the purposes of the HRA?
- (c) If the answer to either (i) or (ii) is yes, are Dr Cofnas' pleaded beliefs or any of them protected beliefs for the purposes of the EqA and his Convention rights?
- (d) If the answer is yes, was the decision to terminate Dr Cofnas' status as a College Research Associate genuinely and objectively an objection to the manifestation of the beliefs in issue rather than the holding of the belief(s)?
- (e) If yes, was there something objectionable in the manifestation of the belief(s)?
- (f) If yes, was the decision to terminate his status as a CRA proportionate?

124. As to the first point, in my judgment the claim under the EqA has been brought in time. It seems to me clear that this is a case where there was an ongoing succession of acts or a continuing state of affairs in which, on Dr Cofnas' case, he was treated less favourably, rather than his treatment being a succession of unconnected or isolated acts.
125. The College accepts that it is an association for the purposes of the EqA. The College is plainly not a 'core' public authority. It is, in my judgment, a hybrid authority. It receives public funding. The College's Code of Practice on Freedom of Speech states that its duties are underpinned by the HRA. There is a public interest in how its functions are performed. I do not accept that the decision to terminate Dr Cofnas' CRA status can sensibly be described as a private act, analogous to the termination of a tenancy. This decision, to use the term used in *R (Weaver) v London Quadrant Housing Trust* [2009] EWCA Civ 587, takes its colour from the character of the function of which it forms part, namely the provision of a research associate position as part of the overall educational function of the College.
126. In any event, as is clear from the authorities, if the College is a public authority for the purpose of this claim the substantive analysis required for Dr Cofnas' claimed interference with Convention rights is the same as the analysis required for his EqA claim (see Underhill LJ's analysis in *Higgs v Farmor's School*).
127. I turn now to the question whether all or any of Dr Cofnas six beliefs are protected beliefs. They have been summarised as the 'hereditarianism belief', the 'anti-woke belief', the

‘protected lack of belief’, the ‘meritocracy belief’, the ‘freedom belief’ and the ‘gender-critical belief’.

128. In my judgment, the ‘gender-critical belief’, as defined in the Particulars of Claim, can properly be described as an opinion and not a belief. It is not a belief based on religion that sex is biologically immutable. It is merely a statement that there is ‘no objectively correct way to carve up the world conceptually’ and that we are free to define ‘women’ as we please, although there are, it is said, good reasons to adopt traditional categories of male and female to avoid confusion, and in recognition of the social importance of those categories. More importantly, and in any event, the termination of Dr Cofnas’ status as a CRA had nothing to do with the single sentence on this topic in the Blog.
129. It seems to me, too, that the ‘meritocracy belief’ and the ‘freedom belief’ as described by Dr Cofnas in the pleadings are no more than instances of his anti-woke beliefs, and are peripheral to that belief. Moreover, as described, they are, it seems to me, such generalised beliefs as to be insufficiently coherent to satisfy *Grainger IV*. (See *AB v CD Ltd* [2025] EAT 73.)
130. In relation to ‘hereditarianism’ I see the force of the criticism made on behalf of the College that this must rest on an opinion dependent on information presently available as to genetic differences (if any) between different populations, and that it therefore falls foul of *Grainger I*. Asked whether his views were based on empirical evidence and whether those views were susceptible to change if the evidence changed, Dr Cofnas’ answer was far from clear, but appeared to be an assertion that ‘hereditarianism is true’.
131. To some extent, the same point can be made in relation to his ‘anti-woke belief’. This is a belief that it is morally and politically desirable to promote knowledge of hereditarianism because it undermines what he considers to be the premise of ‘woke’ ideology, i.e. the dominant belief in academia which holds white people morally accountable for disparities favouring whites. It follows, therefore, that if academia ceased to hold this belief, or that Dr Cofnas is wrong in this assertion, it would no longer be necessary to promote hereditarianism.
132. However, and with some reservation, it seems to be that both ‘hereditarianism’ and the ‘anti-woke belief’ are protected beliefs within the *Grainger* test. Mr Chalmers and Dr Russell accepted that Dr Cofnas genuinely holds those beliefs, and that they are legitimate subjects of study and discussion. The fact that, as Dr Cofnas says, these views are taboo in any mainstream institution and that no more than a dozen scholars are currently spreading

awareness of what he considers to be relevant facts, does not invalidate the protection afforded to those beliefs. As is well known, protected beliefs may be shocking, offensive or disturbing.

133. The central issue in this case is whether Dr Cofnas was subjected to less favourable treatment *'because of'* those beliefs contrary to section 13 of the EqA. I will start with some of the submissions made on behalf of Dr Cofnas.
134. I do not accept the submission that the College, or any of the senior members who gave evidence, was animated solely or predominantly by hostility towards Dr Cofnas' views in the way they reacted to the Blog and in reaching the decision to terminate his status as a CRA.
135. There is no doubt that both in the oral evidence given, and as expressed in emails and other written documentation, many members of the College found his ideas distasteful. But nothing in the oral evidence given comes close to establishing that the witnesses were motivated by *'animus'* towards his beliefs. I fully accept the evidence given by Mr Chalmers, Dr Russell and Dr Gross on this point. I do not see any inconsistency between disliking (or even, as is submitted on Dr Cofnas' behalf, having a deep disdain for) Dr Cofnas' views, and finding that the manner in which the views were expressed in the Blog was particularly objectionable and contrary to the values of the College.
136. In my judgment the College acted at all times with sensitivity and care in balancing the concern and hurt expressed by the students (particularly the black students) with its responsibility towards Dr Cofnas. Mr Chalmers, as he stated, found himself dealing with a very serious crisis in the College. He acted, initially, as a conduit between Dr Cofnas and the students. He asked Dr Cofnas to amend the Blog, in particular in relation to the sentence *'Blacks would disappear from almost all high-profile positions outside of sports and entertainment.'* Dr Cofnas refused to do so and has never recognised the hurt he caused. When it became apparent that the matter would go further, Mr Chalmers recused himself.
137. Dr Cofnas submits that the animus towards him was manifested not only by the views expressed by Mr Chalmers and others but by what is alleged to have been the endorsement and encouragement of student harassment of Dr Cofnas, and the way in which the College dealt with threats of violence by the students.
138. Mr Chalmers and Dr Russell accepted that parts of the *ROAR* article were disgraceful but held to their view that it is a poorly written satirical magazine (which regularly makes fun of senior members of the College) and that, in their view, humour is and was on that occasion an

appropriate response to the hurt and offence caused by the Blog. In the same way, the behaviour of the College student advocating violence in the WhatsApp messages was dealt with internally. I do not accept that either of these matters is evidence of the alleged animus against Dr Cofnas.

139. I also do not accept that the procedure adopted by the College was in breach of paragraph 4 of the 'Principles' referred to above. I do not read paragraph 4 as preventing the College from investigating the matter internally. This paragraph needs to be read in the context of the whole document. In any event, even though the Blog was published in the public domain (in evidence Dr Cofnas stated that he wanted his views to have a greater reach and did not want to write in 'academese') the main negative impact of the Blog was on the College community. The University process was entirely separate. Dr Cofnas was not employed by the College. It was for the College to decide whether, after investigation, it was appropriate to take any steps against Dr Cofnas.
140. The procedure adopted by the College was, in my view, entirely fair. Dr Cofnas had put his case in writing in a letter to Mr Chalmers on 15 March 2024, and the FSU wrote to the Fellowship Committee on 22 March 2024, then to the Appeal Panel (with a number of enclosures) on 3 May 2024 and again on 14 June 2024. He did not complain about not attending in person.
141. I do not accept the submission made on behalf of Dr Cofnas that this is a case where it is impossible to see any basis for the College's claim other than an objection to the beliefs held by Dr Cofnas. The Fellowship Committee explained their reasoning in detail in the minutes of the meeting held on 25 March 2024 and in the letter written to Dr Cofnas by Dr Gross on 5 April 2024. I cannot see any basis to go behind the reasons given by the Committee.
142. The question then arises as to whether the College's decision to terminate Dr Cofnas' CRA status was proportionate. Having regard to the guidance approved in *Higgs* (which, in my judgment, plainly applies to a case such as this) my view is that it was proportionate for the following reasons. First, the relationship between Dr Cofnas was not that of employer and employe but rested on a far looser association. The status of CRA is designed to provide a social affiliation with a college for the duration of the associate's employment by the University. The benefits are limited to the right to attend the College for social functions and to meet other researchers. Second, it is a requirement of those (limited) benefits that the associate abide by the College's culture of respect. That culture requires the associate to

behave with sensitivity towards other members of the College. In this case, no such sensitivity was displayed by Dr Cofnas.

143. Thirdly, the impact of the Blog was immediate and significant. This is not the case where there was a fear of possible harm or possible reputational damage. The harm and the reputational damage occurred, and is clearly evidenced. Fourthly, the College was entitled to be concerned about the effect of the Blog on its very important outreach programme. Fifthly, Dr Cofnas showed no or little insight into the effect of his writing. Sixthly, there is necessarily a power imbalance between undergraduates and a post doctoral researcher. Finally, it was not realistic to propose any other sanction. He had refused to apologise or alter the text he had written. Restricting his social interaction with other members would effectively mean removing his status.
144. For all the above reasons the claim is dismissed. I will ask Counsel to agree, if possible, the form of order.

Recorder McAllister

13 March 2026