

News story: Free speech to be protected at university

New guidance that will protect lawful free speech and empower students and universities has been unveiled by ten leading organisations today (2 February), to ensure campuses still remain a forum for open and robust enquiry.

The Equality and Human Rights Commission has collaborated with leading organisations from across the sector to develop new [guidance](#) to be used by all institutions and student unions, demonstrating the sector's commitment to upholding freedom of expression.

This guidance is the first time that legal rights and obligations around free speech have been defined so coherently, empowering institutions, student unions and individuals to stand up for free speech and creating a structure for them to work together. It clarifies the limited occasions where free speech can lawfully be limited, allowing it to flourish for current and future generations of students.

Sector leaders agreed to create new guidance during a Department for Education free speech summit in May 2018, which has been produced by the Equality and Human Rights Commission, with input from the National Union of Students, Universities UK, Charity Commission for England and Wales, Office for Students, Independent HE, Guild HE, Commission for Countering Extremism and Home Office.

Universities Minister Chris Skidmore said:

Free speech is a value integral to the independence and innovation that embodies the higher education sector in the UK, fuelling academic thought and challenging injustice. This guidance is a symbol of the commitment from across the sector to protecting freedom of speech.

The guidance provides a clear framework for institutions and student unions to work within, and provides additional clarity on the contentious issue of hate speech. It also sets out a clear benchmark of good practice around how these organisations can work together to facilitate and uphold free speech, alongside other requirements such as the Prevent Duty, which requires higher education institutions to safeguard staff and students from being drawn into terrorism.

I want to thank the EHRC and all the contributing organisations for their collaboration to make this vital feat possible.

David Isaac, Chair of the Equality and Human Rights Commission, said:

The free expression and exchange of different views without persecution or interference goes straight to the heart of our democracy and is a vital part of higher education. Holding open, challenging debates rather than silencing the views of those we don't agree with helps to build tolerance and address prejudice and discrimination. Our guidance makes clear that freedom of speech in higher education should be upheld at every opportunity and should only be limited where there are genuine safety concerns or it constitutes unlawful behaviour.

Sir Michael Barber, Chair of the Office for Students, said:

I welcome this important and timely guidance. Freedom of speech is one of our most cherished values, and our higher education system should be at the forefront of its promotion and protection. A key part of a quality higher education experience should be that students confront and debate opinions and ways of thinking which may be different to their own. This guidance ensures that universities and student unions are clear on their responsibilities, allowing them to ensure that our higher education system remains a place where passionate but civil debate thrives.

Alistair Jarvis, Chief Executive at Universities UK, said:

Universities are absolutely committed to promoting and protecting free speech. Universities host thousands of events each year – among a student population of more than two million – and the vast majority of these pass without incident.

Although there is little evidence of a systematic problem of free speech in universities, there is a legal duty on the higher education sector to secure free speech within the law and it is important that universities continually review their approaches.

This new guidance provides a useful tool that will help universities balance the numerous requirements placed upon them, including student safeguarding responsibilities, and supports their significant efforts to uphold freedom of speech.

NUS Vice President Higher Education, Amatey Doku said:

The Joint Committee on Human Rights in Parliament found that there was no widespread problem with freedom of expression at universities, and issues such as regulatory complexity or bureaucracy and reported self-censorship arising from the Prevent Duty were as much of a concern as the small minority of cases repeatedly cited in the media.

Students' unions are required to ensure freedom of expression is upheld within the law: they are adept at doing so and support many thousands of events each year. However, as the guidance rightly notes, the right to freedom of expression is not absolute and that students' unions and universities must balance that right with other legal duties. We were pleased to input into the drafting process in order to help identify where confusion can arise and to dispel some of the common myths around students' union activity.

We hope that this guidance is read not only by universities and students' unions but by anyone looking to understand or comment on freedom of expression in higher education – so that the future debate is informed and balanced, and ceases to be characterised by both misconception and exaggeration.

Dr David Llewellyn, Chair of GuildHE and Vice Chancellor, Harper Adams University said:

Higher education institutions are champions of free speech, places where ideas and views – even those that some might find offensive – can be rigorously discussed and challenged. Our staff, and others contributing to our educational and research activities, must be able to freely consider contentious issues.

We also have to be able to work with students to develop their ability to critically analyse what is being said, weigh up different arguments and contribute to the debate. That is why we welcome this new guidance, which will provide greater clarity on the rights and obligations for freedom of expression, particularly in areas such as the balance between our commitment to free speech and legislation to prevent radicalisation.

Alex Proudfoot, Chief Executive of IHE said:

Free speech is an essential ingredient of our sector and our civil society, but the average independent university bears little resemblance to the hyped-up image of higher education as a battleground for identity politics. Our members are too focused on providing a professional learning environment which support students from different backgrounds make the most of their abilities, and have yet to see any issues with freedom of expression.

This is a complex area of law for our members. While all institutions who register with the Office for Students have a duty to protect freedom of speech, those without public grant funding are subject to a different legislative framework, and they will welcome this comprehensive and accessible how-to guide on managing their legal responsibilities.

This timely guidance should help independent universities and colleges to navigate the existing bureaucracy, balancing any perceived risks to freedom of expression with their responsibilities under Prevent. At a time when the burden of regulation is rising, it is all the more important that any rules in this area be rigorously tested to ensure proportionality to the small and low-risk institutions in our membership.

Security Minister, Ben Wallace, said:

Free speech is vitally important to our democracy, and universities and students unions should continue to be an environment where people can discuss and share different viewpoints. "The Prevent duty is part and parcel of the wider safeguarding obligations all of us have towards people particularly vulnerable to grooming.

We welcome this document, which will support the higher education sector to think about the various issues they need to consider as they work to promote free speech.

Helen Stephenson CBE, Chief Executive of the Charity Commission for England and Wales, said:

Registered charities, particularly those with educational purposes such as students' unions, can play a vital role in providing space for discussion and debate. We are pleased that this guidance will support trustees in their decision-making, making it easier for trustees to understand how they can ensure emotive subjects can be discussed and debated in an open, accessible environment.

We hope this guidance will help trustees make good, balanced decisions in order to bolster the positive impact their charities have on society.