FREE SPEECH Understand your rights at English universities

English* universities and colleges are legally required to protect free speech and must

- **Take all reasonably practicable steps to secure your right to lawful free speech AND that of visiting speakers.** This is a demanding requirement. It includes making sure you can use its premises for meetings irrespective of your (or your organisation's) beliefs or views, and, in most cases, bearing the security costs.

- **Ensure that neither harassment nor discrimination occurs against you in educational or employment settings for holding or expressing viewpoints you have that are safeguarded by the Equality Act 2010 (EA).** This protection includes preventing such actions by employees. Protected viewpoints include holding gender-critical beliefs and challenging aspects of Critical Race Theory (CRT) and related decolonisation agendas. Harassment here includes actions which have the purpose or effect of creating an environment that is intimidating, hostile, or offensive because of your protected beliefs.

- **Respect your human rights to free speech and thought** as protected by the Human Rights Act 1998, which protects both popular and unpopular expression and the freedom to offend, shock and disturb.

In practice this means that your university or college must

- **Take effective action to ensure compliance with these free speech duties, and its own related rules**. This means it must **deal with controversies effectively**, including those on social media, and ensure that lawful meetings can be held whatever their subject-matter.

- **Get its own rules right, and not over-interpret & thus misuse "contrary" laws.** E.g., "harassment" under the EA is specifically defined (with an objective element), and the threshold is not low, whereas it is often presented as meaning merely causing subjective offence, which can lead to getting rules wrong.

- **Maintain sufficient institutional neutrality on controversial issues**. Otherwise it has an obvious risk of discriminating against or creating a hostile environment for people who hold other viewpoints.

- **Not unlawfully enforce controversial agendas.** This includes not applying pressure to acquiesce to certain viewpoints, e.g. aspects of CRT, as part of the curriculum, or compelling, contrary to a person's beliefs, the use of pronouns in speech, emails and other communications.

- **Ensure that any staff or student courses, "tests" or "training" do not wrongly inhibit or suppress free speech or dissenting viewpoints**, e.g. by misdescribing what is "protected" under the EA.

- **Ensure that EDI considerations applied, or information sought, in the application process for a job or funding do not contravene their obligations to protect free speech.**

What to do if you have a free speech problem

1. **Keep detailed records** e.g. screenshots of social media posts, gather relevant documents.
2. **Make a timeline of what happened, who said what and when and take witness details**.
3. **Immediately point out that your free speech is being suppressed to**
   a. the people who are causing you a problem, and require them to stop;
   b. the staff who are responsible for the relevant area;
   c. senior staff with responsibilities for protecting free speech, explaining that they have failed to protect your speech or are at risk of failing, and requiring them to take prompt action to deal with the issue.
4. **All:** inform **BFSP** briefly at **info@bfsp.uk**. **Academics:** Contact your local branch of **Academics for Academic Freedom.** Get in touch with the **Free Speech Union** if you are a member.

Visit Best Free Speech Practice's website https://bfsp.uk for high quality detail.
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* In Scotland and Wales the law is slightly different.

Important: This document is a short summary of a complex area of law and is not legal or other advice.

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