



Know your FREE SPEECH rights at English universities

English universities and colleges must protect free speech, and in particular...

- **Take all reasonably practicable steps to secure the lawful free speech of staff, students and visiting speakers;** this includes academic freedom. 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 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 conduct which has the purpose or effect of creating an environment that is intimidating, hostile, or offensive because of your protected beliefs. Duties regarding harassment are extended to include students under regulatory requirements.
- **Act to protect your human rights to free speech and thought** as protected by the Human Rights Act 1998, which protects both popular and unpopular views 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,** including by enforcing its own rules. This means it must **deal with controversies effectively**, including those on social media (stopping pile-ons and organised ostracisms), and ensure that lawful meetings can be held whatever their subject-matter.
- **Get its own rules right, and not over-interpret and 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.
- **Not unlawfully enforce controversial agendas.** This includes not applying pressure to acquiesce to or give particular emphasis 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.
- **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 dissenting viewpoints.
- **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 any EDI considerations applied, or information sought, in recruitment or the allocation process for funding do not contravene their obligations to protect free speech.** For instance, asking for evidence of support for EDI as part of an application.

What to do if you have a free speech problem

1. **Don't rush to react**, think carefully about what to do, and **seek advice from AFAF** at enquiries@afaf.org.uk. **Keep detailed records** and copies, gather relevant documents, and **make a timeline of events**.
2. When appropriate, **point out that your free speech is being suppressed:** to the people who are causing you a problem, and to relevant the staff, including those responsible for free speech.
3. **All:** inform **relevant free speech campaigns** as appropriate – see our statement "**What to do if you have a free speech problem**" for details.

See our statement "**What to do if you have a free speech problem**" and other high quality information at Best Free Speech Practice's website <https://bfsp.uk>.

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