



Academic Freedom in Our Universities: the Best and the Worst

OBJECTIVE

This report has carried out an analysis of over three years of campus censorship (2017-2020), examining the policies and actions of all 137 registered UK universities¹ – including their students’ unions – to provide a detailed understanding of the state of free speech across UK academia. Civitas is grateful to the Nigel Vinson Charitable Trust for its support for this research.

This study employs a new and unique approach, methodology and data to measure restrictions on free speech. We would like to acknowledge previous studies on the separate *Free Speech University Rankings* by online magazine *Spiked* over four years (2015-2018), along with all its team, who deserve clear credit for the UK’s first annual nationwide analysis of campus censorship.

ASSESSMENT

In all cases, our policy analysis of each university is summarised by assessing 22 variables, including: controversies surrounding free speech censorship on or near campus; external pressure group involvement and university society groups in curbing free speech; the restrictive nature of the internal Policy on Free Speech on free speech itself; extreme curbs on free speech listed in harassment policies; through to the number of offensive ‘speech acts’ listed in student and staff Codes of Conduct. The number of restrictions imposed by specific university actions and policies are collated and aggregated into an overall **censorship score** for each university. For better understanding, each score is then provided with a category:

- Those universities which are graded as between 1 and 150 fall into the **MOST FRIENDLY** category;
- Those scoring between 151 and 300 fall into a **MODERATELY RESTRICTIVE** category and;
- Those scoring 301 or more come under the **MOST RESTRICTIVE** category.

Those three categories that we gave to free speech on campuses: MOST FRIENDLY, MODERATELY RESTRICTIVE or MOST RESTRICTIVE. We assess the policies and reported free

¹ Members of the representative organisation Universities UK as of June 2020. Data covers the period between January 2017 through to August 2020. All data was collated between March and August 2020.

speech restrictions imposed jointly by university and student unions in their policies and register an individual censorship score for each university.

It is intended that the findings summarised here – presented as a data table ([DOWNLOAD HERE](#)) – can help universities to compare experiences on their approaches to free speech and help academics, students and the public to observe the scale of censorship and differences in the treatment of free speech across UK academia. It analyses both the practical curbs on free speech within universities whilst also presenting a distinct focus on policies which can be used to explain and justify restrictions. The high level of restrictions strongly suggest that UK universities should adopt a US-style ‘Chicago statement’ on free speech or a version of the Academics for Academic Freedom (AFAF) statement, or, if not directly reaffirm the existing free speech commitments in section 43 (No. 2) of the 1986 Education Act (see Appendix). All UK universities should now sign up to a written statement to protect free speech. The magnitude of restrictions in policies merits further Government-level and parliamentary Select Committee investigation. Little research work has genuinely reflected on the state of the ‘auto-censor’ culture imposed by highly-vocal, sometimes aggressive activist groups or student networks in modern campus life.

KEY FINDINGS

- **MOST FRIENDLY**: 19 of the universities (14%) have allowed some restrictions to free speech in its actions and regular policies but **not** at the level which might warrant external intervention.
- **MODERATELY RESTRICTIVE**: 70 of the universities (51%) are not performing as well as they should and the Office for Students (OfS) should tell the university how it could improve.
- **MOST RESTRICTIVE**: 48 of the universities (35%) – including the three highest ranked UK universities – are performing badly on free speech and the government should take some action to resolve the issues by a change of policy and legislation.

Below, we summarise the findings by reporting the defining features of the MOST RESTRICTIVE, MODERATELY RESTRICTIVE and MOST FRIENDLY categories and what it means for censoring free speech in the 137 UK universities.

	MOST RESTRICTIVE	MODERATELY RESTRICTIVE	MOST FRIENDLY
Censorship score	301 or higher	151-300	1-150
No. of universities	48 (35%)	70 (51%)	19 (14%)
Example universities	University of St Andrews, University of Cambridge, University of Oxford, University of London, University of Liverpool, The University of Sheffield, University College London, University of Exeter, Imperial College London, Nottingham Trent University, Oxford Brookes University.	The University of Manchester, University of Sussex, Durham University, Queen's University Belfast, King's College London, University of Edinburgh, University of Birmingham, Cardiff University, Newcastle University, University of Essex, The LSE, SOAS, University of Bristol, University of Kent.	University of Hull, Aberystwyth University, University of York, Lancaster University, London Business School, Manchester Metropolitan University, The University of Buckingham, University of Northampton.
Free speech curbed by a perceived transphobic episode	65%	47%	36%
No. universities in which curbs to free speech are due to external pressure groups	33%	21%	5%
No. universities curbed free speech due to a 'cancel culture' of open letters/petitions	69%	48%	47%
No. universities in which curbs to free speech are due to social media activism	58%	40%	16%
Universities with cases of disinvitation or no platforming	16%	20%	0%
Universities with publicly available (yet restrictive) Free Speech Policy	73%	74%	58%
Average number of restrictions imposed on free speech in Free Speech Policy	12	10	5

	MOST RESTRICTIVE	MODERATELY RESTRICTIVE	MOST FRIENDLY
Censorship score	301 or higher	151-300	1-150
No. of universities	48 (35%)	70 (51%)	19 (14%)
Average number of restrictions imposed on speech by policy on bullying and harassment	182	90	15
Universities with IT Regulations or social media policy with over 50 levels of restriction	60%	30%	21%
Average number of restrictions imposed by 'Equal Opportunities policy'	27	22	18
Universities listing 30+ restrictions in their student and staff Codes of Conduct	81%	64%	26%
Universities with a Transgender policy defining gender offensive speech terms/pronouns	65%	63%	11%
Harassment policies defining gender offensive speech	52%	26%	5%
Universities without an External Speaker policy imposing restrictions	71%	51%	84%

BROAD FINDINGS ACROSS UK UNIVERSITY LANDSCAPE

When looking at all universities across the UK, we find overall:

- 93 of all 137 (68%) university institutions experienced a controversy relating to censorship of free speech.
- Of the 'Russell Group' of world-class universities, a concerning 42% were recorded overall as receiving the MOST RESTRICTIVE censorship score; over half (54%) came in

with an MODERATELY RESTRICTIVE censorship score, while just one registered with a MOST FRIENDLY score.

- Over half (53%) of all 137 universities experienced alleged '**transphobic**' episodes that led to demands for censoring speech. To draw a comparison, just 7% of all universities experienced reported '**Islamophobic**' issues that led to active demands for censoring of speech or written material.
- Just under a quarter (23%) of all universities experienced episodes that led to demands for censoring speech due to the intervention of **external pressure groups**. Similarly, just under a quarter (24%) of the universities experienced episodes of free speech restrictions due to the intervention of their own **university societies**.
- Over half (55%) of all universities experienced a '**cancel culture**' of open letters or petitions which pushed for the restriction of views of staff, students or visiting speakers on campus.
- 50 of the 137 universities (37%) experienced incidents that led to demands for censorship of speech or written material due to **social media activism**.
- 22 institutions have been involved in direct instances of **disinvitation** and '**no platforming**' of external speakers. On the counter-terror Prevent strategy specifically, only one reported case was found of event cancellation, or disinvitation of an external speaker – or even of radical students or student societies on campus prevented from speaking – due directly to those counter-terror legislation duties.
- 98 of the 137 universities (72%) have taken steps to introduce a documented **policy on free speech/expression** that has by itself imposed a restrictive set of conditions on free speech. Overall, 45 universities had policies which placed 10 or more levels of restrictions on free speech in their own free speech document. This included the perceived offense or insult based on age or gender identity and, for example, sets out the right to debar speakers/ organisations where it believes that their presence on campus is 'not conducive to good order' or might 'offend the principles of scholarly inquiry.'
- 89% of universities have a **policy on bullying and harassment** in which speech can be curbed, for example, by claims to personal offence, unwanted conduct, or conduct which is reported as 'insulting', even in cases where it would 'undermine' an individual or create an 'offensive environment'. Harassment policies in universities can stifle students in their discourse, including through the perceived 'intrusive questioning' of a person's life, insulting jokes, patronising language, or unwanted conduct or perceived offensive environments. Overall, 68 universities (50%) had harassment policies placing over 100 levels of practical restrictions on free speech.
- 93% of universities host **IT Regulations or social media policy** in which written text is limited. A common example is a restriction on sending content which is deemed offensive in reference to someone's gender reassignment, sexual orientation, political beliefs, national origin or maternity. Overall, 115 universities (84%) had IT policies placing over 20 levels of practical restrictions on free speech.
- 81% of universities have an '**Equal Opportunities policy**' which is restrictive of speech deemed offensive.

- Approximately 87% of all the 137 UK universities do not have a current ‘safe space’ policy – well-publicised spaces which restricted free speech on campuses – which suggests that the policies devised by the previous government to remove those restrictions can have a beneficial effect when responding to free speech issues.
- 93% of universities list in their **student and staff Code of Conduct** a series of unacceptable speech acts. Overall, 83 of 137 universities (64%) had Codes of Conduct placing over 30 levels of practical restrictions on free speech.
- 58% of universities have a **policy for Transgender** persons defining the terms for referencing transgender persons – while it was found that some 31% had bullying and harassment policies defining gender offensive speech.
- In 22 universities, there was at least one reported allegation of hate crime in relation to speech acts.
- Over 50 institutions now host a **University External Speaker policy** – in most cases, designed to prevent disinvitation or no platforming of invited speakers – which have themselves become a cause for curbing free speech. For example, of some concern in those universities, undermining community relations, unacceptable risk to wellbeing, or challenge to equality criteria apparently constitutes an acceptable restriction. Others found reasons for curbing free speech where it might ‘spread intolerance’ or discriminate on grounds of sex or gender reassignment. Certain restrictions could be placed on speakers who are political, religious extremists or where it was claimed to be against fascism based on what it perceived as extremism, or prejudice.

‘MOST RESTRICTIVE’ UNIVERSITIES (48 universities):

University of Liverpool, The University of Sheffield, Coventry University, University of Bolton, Cranfield University, Queen Mary University of London, University College London, Leeds Beckett University, University of Exeter, Imperial College London, Brunel University London, Edge Hill University, Keele University, De Montfort University, Buckinghamshire New University, Goldsmiths (University of London), Heriot-Watt University, Nottingham Trent University, Oxford Brookes University, The Royal Veterinary College, Ulster University, University of Brighton, University of Central Lancashire, University of Chichester, University of Dundee, University of East Anglia, University of Glasgow, University of Gloucestershire, University of Huddersfield, University of Lincoln, University of Plymouth, University of Portsmouth, University of Roehampton, University of South Wales, University of Southampton, University of St Andrews, University of Stirling, University of Suffolk, University of Sunderland, University of Surrey, University of the West of England (Bristol), University of the West of Scotland, University of Westminster, University of Wolverhampton, York St John University, University of Cambridge, University of Oxford, University of London.

Of those universities categorised **MOST RESTRICTIVE**:

- Universities had experienced on average three reported controversies relating to **copyright of free speech**.
- 31 of the 48 MOST RESTRICTIVE universities (65%) had experienced at least one episode that led to demands of censoring speech due to the perceived offence or insult of **transgender persons**.
- 33% had experienced an episode that led to demands for censoring speech due to the intervention of **external pressure groups**.
- 33 of the 48 MOST RESTRICTIVE universities (69%) had experienced on average one occasion in which a toxic **‘cancel culture’** of open letters or petitions had pushed for the restriction of the views of staff, students or visiting speakers on campus.
- Over half of the MOST RESTRICTIVE universities (58%) experienced a case demanding the censoring of speech or written material due to organised **social media activism**.
- 35 of the 48 MOST RESTRICTIVE (73%) universities have taken steps to introduce a documented **policy on free speech/expression** that has by itself imposed a restrictive set of conditions on free speech. The MOST RESTRICTIVE universities had policies placing on average 12 levels of restrictions on free speech in their own free speech policy.
- All of the 48 MOST RESTRICTIVE universities have a policy on **bullying and harassment** in which speech acts are limited, for example, by claims to personal offence, unwanted conduct or which is reported as ‘insulting’, even in cases where it would simply ‘undermine’ an individual or create an ‘offensive environment’. The MOST RESTRICTIVE universities had harassment policies placing on average 182 levels of practical restrictions on free speech.

- 29 of the 48 MOST RESTRICTIVE universities (60%) host **IT Regulations or social media policy** in which written text is limited by a high (50+) degree of restrictions, for example, in sending content which is deemed offensive.
- 41 of the 48 MOST RESTRICTIVE universities (85%) had an **'Equal Opportunities policy'** restrictive of speech which it deemed offensive. MOST RESTRICTIVE universities had policies placing on average over 27 levels of restrictions on free speech via their own equal opportunities policy.
- 39 out of 48 MOST RESTRICTIVE universities (81%) list a series of highly restrictive (30+) conditions or unacceptable speech acts in their student and staff **Codes of Conduct**.
- 31 of the 48 MOST RESTRICTIVE universities (65%) have a **policy for Transgender persons** defining the terms for referencing transgender persons. It was also found that over half had specific bullying and harassment policies defining gender offensive speech. This could include the correct usage of pronouns in relation to a transgender person or gestures linked to an individual who is perceived to have undergone a gender reassignment.
- 34 of the 48 MOST RESTRICTIVE institutions (71%) did NOT have a **University External Speaker** policy – in most cases, designed to prevent disinvitation or no platforming of invited speakers but which have become a cause for curbing free speech.

MOST RESTRICTIVE universities – examples of reported issues

On 24th October 2017, Peter Hitchens was due to speak about the war on drugs at an event at the University of Liverpool which was organised by its Political Society. However, after refusing to sign what he called an 'intrusive' freedom of speech contract, Hitchens was not allowed to appear on university premises. The society then decided to rearrange the event to take place at a hall in Blackburne Place but, after the owners did not turn up, he gave his speech from a soapbox on Hope Street.²

In January 2017, a group of students from the Free Speech Society at Queen Mary University of London covered their student union building with tabloid newspapers and began handing out copies of *The Sun* in protest at the student council's decision to ban tabloid newspapers on campus. The Students' Union stated that the decision to ban the newspapers was because they did not stand by the union's values of 'diversity and inclusivity'. However, the Free Speech Society have argued that the decision is 'dangerous censorship' which threatens university life.³

On 1st February 2020, Woman's Place UK held a day-long event at University College London. The announcement of the event caused outrage at UCL due to what they perceived as the controversial nature of the group, characterised in their view as 'a transphobic hate

² <https://www.liverpoolecho.co.uk/news/outspoken-mail-sunday-journalist-gives-13812701>

³ <https://www.independent.co.uk/student/news/the-sun-ban-queen-mary-university-students-protest-free-copies-a7519646.html>

group'. The Students' Union released a statement which strongly criticised the university's decision to hold the conference and the Facebook page 'UCLove' said the news was 'disgusting and disheartening'.⁴ About 30 protestors were at the event as people arrived, claiming the organisers were trans-exclusionary.⁵

In May 2019, Professor Simone Buitendijk, Vice Provost of Education at Imperial College London, apologised for causing 'hurt and anxiety' after sharing articles and liking Twitter content which was alleged to be 'transphobic'. Over 80 students signed a letter urging Professor Buitendijk and Imperial College to publicly respond to their concerns. Professor Buitendijk then said she would stop engaging with accounts students identified as an issue.⁶

In April 2020, a member of the Free Speech Union (FSU) and a student at De Montfort University was investigated by the university and threatened with potential expulsion (for a repeat offence) after he entered into an argument on Twitter with an activist over the prosecution of Daniel Thomas (a colleague of Tommy Robinson)⁷ – which the FSU claims breach the university's own policies and Article 10 of the European Convention on Human Rights.

In January 2020, the University of East Anglia was accused of 'no-platforming' Kathleen Stock – a philosophy professor at the University of Sussex – who was due to address academics about philosophical issues surrounding diversity and inclusion. Stock was informed a week before the seminar was due to go ahead that it had been postponed in order to respect 'the views of members of the transgender community'. The university also said the event raised 'security and health and safety issues' and argued that allowing her talk to go ahead 'raised issues of academic freedom'.⁸

⁴ <https://londonstudent.coop/transphobic-organisation-to-hold-conference-at-ucl-sparks-student-outrage/>

⁵ <https://morningstaronline.co.uk/article/womens-liberation-bursts-back-scene-0>

⁶ <https://www.telegraph.co.uk/news/2019/05/31/imperial-college-professor-issues-grovelling-apology-promoting/>

⁷ <https://freespeechunion.org/letter-of-complaint-to-de-montfort-university-about-breaching-the-speech-rights-of-an-fsu-member/>

⁸ <https://www.telegraph.co.uk/news/2020/01/17/university-cancelled-seminar-feminist-speaker-following-threats/>

‘MODERATELY RESTRICTIVE’ UNIVERSITIES (70 universities):

The University of Manchester, University of Leicester, Royal Holloway (University of London), University of Sussex, Cardiff Metropolitan University, Bangor University, Staffordshire University, University of Greenwich, University of Warwick, Durham University, Queen's University Belfast, King's College London, Loughborough University, The University of Nottingham, University of Edinburgh, University of Birmingham, University of Reading, University of Leeds, Aston University, Bournemouth University, London Metropolitan University, Cardiff University, Canterbury Christ Church University, Bath Spa University, University of Bath, Sheffield Hallam University, Newcastle University, Leeds Trinity University, University of Essex, London School of Hygiene and Tropical Medicine, The London School of Economics and Political Science, Anglia Ruskin University, City – University of London, Teesside University, Queen Margaret University, Royal College of Art, Royal College of Music, London, Birkbeck, University of London, St George's, University of London, Birmingham City University, Bishop Grosseteste University, Edinburgh Napier University, Glasgow Caledonian University, Guildhall School of Music and Drama, Liverpool Hope University, Liverpool John Moores University, London South Bank University, Middlesex University London, Northumbria University, Plymouth Marjon University, Robert Gordon University, SOAS – University of London, Swansea University, The Royal Central School of Speech & Drama, The University of West London, Trinity Laban Conservatoire of Music and Dance, University of Aberdeen, University of Bedfordshire, The Open University, University of Bradford, University of Bristol, University of Cumbria, University of East London, University of Hertfordshire, University of Kent, University of Salford, University of Strathclyde, University of the Arts London, University of Winchester, University of Worcester.

Of those universities categorised **MODERATELY RESTRICTIVE**:

- Universities had experienced on average over two reported controversies relating to **copyright of free speech**.
- Just under half (47%) had experienced at least one episode that led to demands for censoring speech due to the perceived offence or insult of **transgender persons**.
- Just over a fifth (21%) had experienced an episode that led to demands for censoring speech due to the intervention of **external pressure groups**.
- 34 of the 70 MODERATELY RESTRICTIVE universities (48%) had experienced on average at least one occasion in which a toxic ‘cancel culture’ of **open letters or petitions** pushed for the restriction of the views of staff, students or visiting speakers on campus.
- 40% of the MODERATELY RESTRICTIVE universities experienced cases of students or academics demanding the censoring of speech or written material due to organised **social media activism**.
- 52 of the 70 MODERATELY RESTRICTIVE universities (74%) have taken steps to introduce a documented **policy on free speech/expression** that has by itself imposed a restrictive set of conditions on free speech. MODERATELY RESTRICTIVE

universities had policies placing on average 10 levels of restrictions on free speech in their own free speech policy.

- All but three of the 70 MODERATELY RESTRICTIVE universities have a policy on **bullying and harassment** in which speech acts are limited, for example, by claims to personal offence, unwanted conduct or which is reported as ‘insulting’, even in cases where it would simply ‘undermine’ an individual or create an ‘offensive environment’. MODERATELY RESTRICTIVE universities had harassment policies placing on average over 90 levels of practical restrictions on free speech.
- 21 of the 70 MODERATELY RESTRICTIVE universities (30%) host **IT Regulations or social media policy** in which written text is limited by over 50 levels of restrictions – for example, in sending content which is deemed to ‘cause needless offence, ‘concern’, or an ‘annoyance to others’.
- 57 of the 70 MODERATELY RESTRICTIVE universities (82%) had an **Equal Opportunities policy** which is restrictive of speech it deems offensive. MODERATELY RESTRICTIVE universities had policies placing on average over 22 levels of restrictions on free speech in their own **equal opportunities policy**.
- 45 out of 70 MODERATELY RESTRICTIVE universities (64%) list in their **student and staff Code of Conduct** a series of highly restrictive (30+) conditions or unacceptable speech acts.
- 44 of the 70 MODERATELY RESTRICTIVE universities (63%) have a **policy for Transgender persons** defining the terms for referencing transgender persons. It was also found that more than a quarter (26%) had bullying and harassment policies defining gender offensive speech. This could include the correct usage of pronouns in relation to a transgender person or gestures linked to an individual who is perceived to have undergone a gender reassignment.
- 36 of the 70 MODERATELY RESTRICTIVE institutions (51%) did NOT have a **University External Speaker** policy – in most cases, designed to prevent disinvitation or no platforming of invited speakers – which have themselves become a cause for curbing free speech.

MODERATELY RESTRICTIVE universities: examples of reported issues

At the beginning of 2018, students from the University of Leicester began to hold sit-ins and protests after David Willetts was named as the university’s new Chancellor Elect. The protests were reportedly due to his expressed views on gay rights, feminism and his involvement in the tuition fee rise. One of the students who organised the protests said they had spoken to Vice Chancellor Paul Boyle but he said there was not going to be a change so they were going to continue to ‘occupy the building until Willetts is encouraged to step down’. A petition calling for a reversal of the decision was also set up.⁹

⁹ <https://www.leicestermercury.co.uk/news/leicester-news/university-leicester-david-willetts-conservative-1304292>

A transgender policy at the University of Sussex resulted in criticism from academics. The policy states that transgender people must be 'positively represented' in discussions but some academics argued that the inclusion of such clauses 'stifle debate' and warned against 'Orwellian' rules. Professor Kathleen Stock from the university claimed that it was 'repressive' and is 'not fit for purpose in allowing academics to explore issues responsibly.' The university responded to criticism by saying the clause 'is not at all about closing down academic debate...it's about making sure there is a balance and helping our students to look beyond stereotypical views or discussions'.¹⁰

In February 2017, the University of Sussex was accused of restricting free speech by its staff and students after one of its professors held a workshop for academic staff on 'dealing with ring-wing attitudes and politics in the classroom'. For instance, Professor Claire Annesley expressed concern over students feeling unable to express their conservative views in seminars.¹¹

Julie Bindel was due to speak at Durham University in January 2020 in a debate about prostitution laws. However, after she was invited to take part, she heard nothing from the university to confirm her invitation. She claims she was disinvited to speak and that nobody told her. After deciding to speak to the organisers of the event, she was told she would have to sign up to the Durham University Respect and Inclusivity Agreement, accept extra security measures, accept that the Union Society President would make contact with the Trans Society and accept a member of the EDI (Equality, Diversity & Inclusion) team would attend the event. She did not accept the conditions and believes she was disinvited in the first instance due to perceived 'transphobic' views.¹²

In August 2019, Toby Young was invited to speak by the president of Durham Union, asking him to oppose the motion of 'This House Has No Confidence in Her Majesty's Government'. When one person (a local Momentum activist and fellow speaker at the debate) began to speak, she accused Young of being a 'misogynist' and a 'homophobe'. When students were allowed to speak, one young man, reported as the co-chair of the Durham University Labour Club, accused him of being a 'paedophile' and nothing was done to prevent the behaviour/language. He was also approached by students after the debate. Toby Young claims that this 'left-wing bias' on university campuses is putting conservative students and speakers at risk.¹³

On 28 September 2019, an event entitled 'Resisting whiteness' was held at the University of Edinburgh's Students' Union. The event caused controversy within the media as it barred

¹⁰ <https://www.telegraph.co.uk/news/2019/06/07/universitys-policy-sparks-backlash-saying-transgender-people/>

¹¹ <https://www.independent.co.uk/student/news/sussex-university-right-wing-attitudes-staff-workshop-classroom-lecture-seminar-a7593116.html>

¹² <https://www.spectator.co.uk/article/how-i-was-de-platformed-by-durham-university>

¹³ <https://thecritic.co.uk/issues/february-2020/the-free-speech-crisis-at-britains-universities/>

white audience members from asking questions during the panels, leading to the event being branded as 'racist'.¹⁴

In December 2019, it was announced that a seminar at the University of Edinburgh on schools and gender diversity – which was set to host speakers including Professor Michele Moore, Stephanie Davies-Arai and Dr Shereen Benjamin – had been postponed. The university said that the 'safety of speakers was at risk' after the university's Staff Pride Network branded the event 'transphobic' and said the seminar would have a 'harmful impact' on the trans and non-binary community.¹⁵

On 5 June 2019, the University of Edinburgh held an event organised by Dr Gale Macleod entitled 'Women's Sex-Based Rights' – which featured Julie Bindel, who had reportedly drawn criticism for using 'offensive language' against trans people. Protests were held by staff and students outside of the venue and Bindel also claimed she was attacked by a trans woman after the event. The holding of the event also drew criticism from the university's Staff Pride Network and caused the entire committee to resign after reportedly being told by the university that they could not comment on, or protest at, the event.¹⁶

¹⁴ <https://studentnewspaper.org/edinburgh-universitys-anti-racism-conference-attracts-national-media-scrutiny/>

¹⁵ <https://www.dailymail.co.uk/news/article-7754397/Edinburgh-University-axes-conference-transgender-school-pupils-amid-transphobic-fears.html>

¹⁶ <https://www.edinburghlive.co.uk/news/edinburgh-news/entire-edinburgh-university-lgbt-committee-16389812>

‘MOST FRIENDLY’ UNIVERSITIES (19 universities):

University of Hull, Aberystwyth University, University of York, Falmouth University, Lancaster University, Kingston University, London Business School, Manchester Metropolitan University, Norwich University of the Arts, Regent's University London, Solent University, The Glasgow School of Art, The University of Buckingham, University of Chester, University of Derby, University of Northampton, University of the Highlands and Islands, University of Wales Trinity Saint David, Wrexham Glyndwr University.

Of those universities categorised **MOST FRIENDLY**:

- Universities had experienced on average less than one or no reported controversies relating to **censorship of free speech**.
- Over a third (36%) had experienced at least one episode that led to demands for censoring speech due to the perceived offence or **insult of transgender persons**.
- Only one of the universities categorised MOST FRIENDLY experienced an episode that led to demands for censoring speech on campus due to the intervention of **external pressure groups**.
- Under half (9 of 19) of the MOST FRIENDLY universities (47%) had still experienced at least one occasion in which a toxic **‘cancel culture’** of open letters or petitions pushed for the restriction of views of staff, students or visiting speakers on campus.
- 16% of the MOST FRIENDLY universities experienced cases demanding the censoring of speech by banning certain written material or views due to organised **social media activism**.
- 11 of the 19 MOST FRIENDLY universities (58%) have taken steps to introduce a documented **policy on free speech/expression** that has by itself imposed a restrictive set of conditions on free speech. The MOST FRIENDLY universities had policies still placing on average 5 levels of restrictions on free speech in their own free speech policy.
- 7 of the 19 MOST FRIENDLY universities (37%) have a policy on **bullying and harassment** in which speech acts are limited, for example, by claims to personal offence or unwanted conduct. The MOST FRIENDLY universities had harassment policies placing on average 15 levels of practical restrictions on free speech.
- Only 4 of the 19 MOST FRIENDLY universities (21%) host **IT Regulations or social media policy** in which written text is limited by over 50 levels of restrictions e.g. in sending content which is deemed offensive.
- 13 of the 19 of universities (68%) had an ‘Equal Opportunities policy’ which is restrictive of free speech. The MOST FRIENDLY universities had equal opportunities policies placing on average 18 levels of restrictions on free speech.
- 5 of the 19 MOST FRIENDLY universities (26%) list in their **student and staff Code of Conduct** a series of highly restrictive (30 or over) conditions or unacceptable speech acts.
- Only 2 of the 19 MOST FRIENDLY universities (11%) have a **policy for Transgender persons** defining the terms for referencing transgender persons – while it was found that only one MOST FRIENDLY university had bullying and harassment policies

defining gender offensive speech. This could include the correct usage of pronouns in relation to a transgender person or gestures linked to an individual who is perceived to have undergone a gender reassignment.

- 16 of the 19 MOST FRIENDLY institutions (84%) did NOT have a **University External Speaker** policy – in most cases, designed to prevent disinvitation or no platforming of invited speakers but which have still become a cause for curbing free speech.

MOST FRIENDLY universities: examples of reported issues

In December 2018, the University of Hull announced it was planning to rename a lecture theatre after Jenni Murray – who had previously questioned whether transgender women should be considered as ‘real women’. Students announced they were planning protests and the Students’ Union stated they opposed the university’s decision.¹⁷ A motion was passed by the Union Council to oppose the renaming and said the university has shown ‘abhorrent disregard for all trans people’ by pressing forward with the naming decision. A petition was then set up by a student who supported the university’s decision, stating the university should not listen to protestors as they are an ‘unrepresentative cohort of politically active trans activists’.¹⁸

At the end of November/beginning of December 2019, Glasgow School of Art hosted a guest lecture from writer and photographer, Peter Paul Hartnett. Several students walked out of the lecture which allegedly contained racist and transphobic remarks and a member of staff later e-mailed the students at the lecture to apologise, saying Hartnett’s comments were ‘hurtful, outdated and offensive’. However, the school defended the holding of the lecture by saying it reflects its commitment in ‘encouraging robust debate’ and that they have long hosted guest speakers who have ‘sometimes controversial views and cultural reference points’.¹⁹

In May 2017, the Glasgow School of Art censored artwork by James Oberhelm, a Master of Fine Art student, from an interim show as it was deemed to contain ‘inappropriate content’. In November 2017, students enrolled onto the same course were issued a handbook which included provisions that would make similar censorship more likely to be enforced, as well as easier to enforce. For instance, it advised students to exercise caution regarding ‘offensive’ and ‘inappropriate’ material and warned against ‘bringing the institution into disrepute’. It also stated that the ‘right to freedom of speech is not absolute’, requiring students to adhere to the ‘highest ethical standards’ and ‘ethical good practice’. More than two thirds of the course’s students signed a petition which called for these rules to be removed to enable them to be able to work ‘free from the threat of being banned by GSA’.²⁰

¹⁷ <https://www.hulldailymail.co.uk/news/education/outrage-university-plans-name-lecture-2287135>

¹⁸ <https://thetab.com/uk/hull/2018/12/13/growing-pressure-on-university-from-both-sides-as-jenni-murray-lecture-theatre-naming-row-continues-12417>

¹⁹ <https://www.artsprofessional.co.uk/news/glasgow-school-art-defends-hurtful-outdated-and-offensive-lecture>

²⁰ <https://www.indexoncensorship.org/2018/04/students-glasgow-school-of-art-fight-censorship/>

In July 2019, the University of Buckingham became one of the latest universities to set up a free speech society after Peter Hitchens was no-platformed at the University of Portsmouth. James Oliver, the founder of Buckingham's Free Speech Society, said the treatment of Hitchens inspired him to organise the group and he said the society was 're-platforming the no-platformed'.²¹

²¹ <https://www.thetimes.co.uk/article/students-speak-up-to-join-campaign-for-free-speech-jlxsbmc8p>

CONCLUSIONS AND RECOMMENDATIONS

1. The findings point towards an essential broader UK policy recommendation – that all 137 (now, 140) UK universities sign up to a written statement to protect free speech. This report presents the solutions of signing up to an adapted US-style ‘Chicago statement’ on free speech, or to a UK Academics for Academic Freedom (AFAF) statement, or to the existing section 43 (No. 2) of the 1986 Education Act (see Appendix), which could all potentially reaffirm the commitment of universities to free speech in academia. UK universities should already protect freedom of speech within the law. Notably, English and Welsh higher education providers – under section 43 (No. 2) of the 1986 Education Act – are required to publish a Code of Practice, which sets out the procedures their members, students and employees should follow to uphold free speech.²² Various legislation already sets out then that lawful free speech should never be prevented or inhibited on campus. Universities should also protect freedom of speech across the campus. This includes on student union premises, even if these are off-campus and/or owned by the students’ union. Since the study shows that lawful free speech can often be prevented or inhibited on campus, a vital restatement of those principles by the governing bodies of universities in the UK university context is now well overdue.
2. We recorded the following findings which require attention from government:
 - That speech could be curbed by perceived transphobic episodes in up to 65% of the MOST RESTRICTIVE universities, just under half (47%) of MODERATELY RESTRICTIVE universities, and just over a third (36%) of even the best-ranked (MOST FRIENDLY) universities
 - That curbs to free speech are due to external pressure groups in 33% of the MOST RESTRICTIVE universities, over a fifth (21%) of MODERATELY RESTRICTIVE universities but only one MOST FRIENDLY university;
 - That curbs to free speech due to a ‘cancel culture’ of open letters and or petitions which remains relatively high across the spectrum of institutions – evidenced in 69% of the MOST RESTRICTIVE universities, 48% of MODERATELY RESTRICTIVE universities and 47% of the MOST FRIENDLY universities;
 - Just under a fifth of the MOST RESTRICTIVE and MODERATELY RESTRICTIVE graded universities experienced cases of disinvitation or no platforming.

The scale of this level of restriction in policies surely merits further government-level and parliamentary Select Committee investigation. Little research work reflects on the institutionalised state of the ‘auto-censor’ culture asserted by highly-vocal, sometimes aggressive activist groups or student networks. In that context, universities have accommodated to viewing fee-paying students as ‘customers’ whose claims ought not to be

²² Office for Students guidance, <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/freedom-of-speech/what-should-universities-and-colleges-do/#:~:text=Education%20Act%201986&text=Lawful%20free%20speech%20should%20never,owned%20by%20the%20students'%20union.>

questioned – and so therefore, few barriers of resilience are developed by university institutions which would benefit from governing their institutions with increased stability. In the previous government’s earlier response to the UK Parliament’s Joint Committee on Human Rights in its inquiry report into Freedom of Speech in Universities on 25 March 2018, it stated, ‘...what the inquiry did not consider is the culture in our universities.’²³ The matter has remained broadly unresolved.

Therefore, a simply devised measure which would monitor external pressure group involvement and contemporary social activism while ensuring resilience and stability against the background of extreme and vocal groups (who may or may not make personalised attacks/protests on speakers voicing an opinion) is required by both the Office for Students (OfS) and by universities in campus cultural life. Such a measure would ensure that, for example, activist academic or pressure group ‘say so’ is not simply impeding freedom of speech, or conscience, of academics and students on campus.

3. Two further inconsistencies in the universities producing a publicly available (yet restrictive) Free Speech Policy merits further consideration:

(i) The first is that although 73% of the MOST RESTRICTIVE universities, 74% of MODERATELY RESTRICTIVE universities, and 58% of the MOST FRIENDLY universities do have a Free Speech Policy, this has not only set out multiple curbs to free expression but the Education Act of 1986 explicitly requires one in each university.

(ii) We found that even if universities do provide a Free Speech Policy, it can often have little significance for their overall Censorship score. This effect can be grouped with universities who do not have an External Speaker policy which itself imposes restrictions – as we found in 71% of the MOST RESTRICTIVE, 51% of the MODERATELY RESTRICTIVE and 84% of the MOST FRIENDLY universities. (We know that these policies can all impose restrictions because this study measured, for example, that the average number of restrictions imposed on free speech by the Free Speech Policy document was 12 for the MOST RESTRICTIVE universities, 10 for MODERATELY RESTRICTIVE universities and 5 for the MOST FRIENDLY universities). There has, in this sense, been a mounting ‘free expression bureaucracy’ which universities have devised but shares almost no connection to the lived realities of university experience.

4. At a regulatory level, given the scale of restrictions imposed by past UK government legislation, there is a similar level of concern for the overbearing demands of ‘equalities regulation’ on universities which has restricted free expression:

- The bullying and harassment policies are able to curb free speech by imposing on average 182 restrictions in the MOST RESTRICTIVE universities, 90 in the MODERATELY RESTRICTIVE universities and 15 in the MOST FRIENDLY universities.

²³ <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1279/127904.htm>

- 60% of the MOST RESTRICTIVE universities, 30% of MODERATELY RESTRICTIVE universities and 21% of the MOST FRIENDLY universities have IT Regulations or social media policies containing over 50 levels of restriction.
- The average number of restrictions imposed by Equal Opportunities policies on free speech totals 27 restrictions in the MOST RESTRICTIVE universities, 22 restrictions in MODERATELY RESTRICTIVE universities and 18 restrictions in the MOST FRIENDLY universities.
- 81% of the MOST RESTRICTIVE universities, 64% of the MODERATELY RESTRICTIVE universities and 26% of the MOST FRIENDLY universities have student and staff Codes of Conduct which list on average 30+ restrictions, including unacceptable speech acts.
- 65% of the MOST RESTRICTIVE, 63% of MODERATELY RESTRICTIVE and 11% of MOST FRIENDLY universities have a transgender policy defining gender offensive speech terms/pronouns.
- Over half of the MOST RESTRICTIVE universities, approximately a quarter of MODERATELY RESTRICTIVE universities and only one of the MOST FRIENDLY universities had a specific harassment policy defining gender offensive speech.

The need for the Government and the OfS to remedy the curtailment of free speech requires MPs and officials to return to first principles. Our UK-adapted Chicago-styled Free Speech Statement issued with this report helps return universities to ‘first principles’ of free expression and speech. But government needs to also answer to those principles. An environment now inhabits modern UK university culture which rejects any opinions that do not precisely conform to what is ‘fashionable’. Those individuals who therefore seek to express dissenting views have found themselves in the position of being shunned, removed or at worst, expelled from the sites on a campus. To reject free speech on campus is to reject the essence of learning and education, of freedom of conscience and of the diversity of thought which exists in modern society. And yet, free speech has been restricted in an almost entirely lawful manner.

The crucial features of liberty in speech and in everyday purposeful activity ought to be protected against subtle restrictions which exist in society. But the provision of liberty to speak freely in a country such as the United Kingdom means ‘living under equal laws intended to create the security to take personal responsibility for our own affairs.’²⁴ A free society for the individual should be defined by their right to be equal under the law and to enjoy their personal liberties, along with the chances to follow their own chosen path. Historically, a typically liberal government would not necessarily think all opinions of highly vocal groups are equally worth hearing, or all groups appealing to contemporary victimhood agendas are worthy of consideration, but that everyone should be heard so that the merits of their views can be judged impartially. The presence of so many identity groups inhabiting campus life and which so strongly appeals to a ‘victim culture’ status – as a plurality of groups exist today – is incompatible with past versions of liberties or democratic models. Such groups comprising students and academics have exercised the university’s own policies

²⁴ <http://www.civitas.org.uk/content/files/werealmostallvictimsnow.pdf>

and rules, if not with wider academic support, to eliminate the freedom of conscience, learning and of speech.

At the core of legislating to remedy the protection of free speech is a principle set out by David Green of the think-tank Civitas: the freedom for groups is not the same as freedom for individuals if a particular hostile group does not respect freedom of conscience. Moral equality in a democratic society is the belief that every individual has the potential for rational autonomy in making their own decisions. From this view, it follows for Green that people should not be treated differently solely because of inherited group characteristics – including race and gender, as well as the religion of parents and inherited status and wealth, or the lack of it.²⁵

Although there is a duty to promote free speech, universities remain subject to a range of other competing and cumbersome legal obligations. For example, the Equality Act 2010 (which is applicable in England, Wales and Scotland) prohibits unlawful discrimination in relation to certain ‘protected characteristics’, including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Public Sector Equality Duty also requires universities to ‘have due regard to the need to—(a)eliminate discrimination, harassment, victimisation;’ (b)‘advance equality of opportunity’ and (c) ‘foster good relations between persons who share a relevant protected characteristic and persons who do not share it.’²⁶ But the university institution is not created for the primary purpose of prohibiting discrimination – its founders do so for the purposes of providing places of higher education and learning.

As the Joint Committee on Human Rights put it during their Free Speech Inquiry of 2018, ‘Equality law can operate as a limiting factor on freedom of speech by making certain speech and conduct unlawful...’ before adding ‘...so universities have to balance their obligation to secure free speech with the duty to promote good relations between different groups with protected characteristics.’²⁷ The previous government asserted at that time, ‘It is ultimately up to institutions to determine how they balance their duty to promote freedom of speech with their other legal obligations.’²⁸ However, the balance of duties is now in question and it is for the government to respond.

Essentially, the balance has badly favoured those seeking censorship at every turn – and so it is for public authorities to fix the problem. Successive and progressive governments – including those welcoming of the practices set out in the Equality Act 2010 – have failed to acknowledge that legislation has led to an average level of free speech restrictions placed by regular harassment policies – amounting to 182 restrictions on the MOST RESTRICTIVE universities and 90 restrictions by MODERATELY RESTRICTIVE universities. Students and academics find themselves in educational institutions – which many in society would expect to champion learning and free speech – and yet they cannot speak honestly of the leading

²⁵ <http://www.civitas.org.uk/content/files/wereneearlyallvictimsnow.pdf>

²⁶ JCHR, <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/589/589.pdf>

²⁷ JCHR, <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/589/589.pdf>

²⁸ Government response to JCHR, <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/1279/127904.htm>

subjects of their day including on race, gender, the UK general election or US presidential elections, their views on religion, or on discrimination itself for fear of judgements that lead to eventual penalty or censorship. That negative outcome cannot solely be blamed on individual UK universities: it also remains true that government and parliament cannot mourn the loss of a liberty which it has itself authorised through legislation.

APPENDIX: A FREE SPEECH STATEMENT FOR UK UNIVERSITIES?

1. A UK-ADAPTED CHICAGO STATEMENT

The free speech statement is a set of principles the UK university community should aspire to achieve. Adopting the Chicago Statement demonstrates that the university hopes to cultivate an atmosphere of learning, free expression and debate – an objective for educational reform that is important even if university policy already nominally protects free speech.

The following resolution ought to be first adapted for all 137 (now, 140) UK registered universities. It is excerpted and adapted from the *'Report of the Committee on Freedom of Expression'* at the University of Chicago. It is designed for the purpose of all UK universities accepting its key principles:

Because [INSTITUTION] is committed to free and open inquiry in all matters, it guarantees all members of the [INSTITUTION] community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of [INSTITUTION], [INSTITUTION] fully respects and supports the freedom of all members of the [INSTITUTION] community 'to discuss any problem that presents itself.'

Of course, the ideas of different members of the [INSTITUTION] community will often and quite naturally conflict. But it is not the proper role of [INSTITUTION] to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although [INSTITUTION] greatly values civility, and although all members of the [INSTITUTION] community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. [INSTITUTION] may restrict expression that violates the law, or that is otherwise directly incompatible with the functioning of [INSTITUTION]. In addition, [INSTITUTION] may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of [INSTITUTION]. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with [INSTITUTION]'s commitment to a completely free and open discussion of ideas.

In a word, [INSTITUTION]'s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by

some or even by most members of the [INSTITUTION] community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the [INSTITUTION] community, not for [INSTITUTION] as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the [INSTITUTION] community to engage in such debate and deliberation in an effective and responsible manner is an essential part of [INSTITUTION]'s educational mission.

To preserve freedom of speech in universities and colleges in a manner consistent with the Education (No. 2) Act 1986 (s. 43), [INSTITUTION]'s commitment to protect and promote free speech should be supported by a variety of internal and external policies:

- *To rectify imbalances in the fundamental respect for the practice of free speech on campus being subverted by university policies that seek to prohibit all manner of speech interpreted as 'offensive', 'insulting' or 'demeaning' through the free speech Codes of Practice, student and Staff Codes of Conduct – including lists of prescriptive speech acts curbing speech and discussion – through to restrictive provisions in the Bullying and Harassment policies, IT Regulations, Equal Opportunities policies or declared 'Safe Space' policies;*
- *To avoid combative external pressure group campaigns' stigmatising of an issue, a group or individual on campus;*
- *To take extreme caution in supporting Open Letters or petitions from one vocal group to curb free speech on campus;*
- *To ensure university society clubs/groups in rightly exercising their own free speech rights do not advocate the curbing of the free speech rights due to others;*
- *To scrutinise aggressive social media activist campaigns which may have led to the stigmatising of an issue, a group or individual on campus;*
- *To avert any permission of internal requests for disinvitation or no platforming of external speakers.*

As a corollary to [INSTITUTION]'s commitment to protect and promote free expression, members of the [INSTITUTION] community should also act in conformity with the principle of free expression. Although members of the [INSTITUTION] community are free to criticise and contest the views expressed on campus, and to criticise and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, [INSTITUTION] has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

Source: This statement is an amended version of the original Chicago statement – all amendments made by the authors of this research. The original statement can be found here: <https://www.thefire.org/model-freedom-of-expression-resolution-based-on-university-of-chicago-statement/>

2. ACADEMICS FOR ACADEMIC FREEDOM (AFAF) STATEMENT

‘We, the undersigned, believe the following two principles to be the foundation of academic freedom:

(1) that academics, both inside and outside the classroom, have unrestricted liberty to question and test received wisdom and to put forward controversial and unpopular opinions, whether or not these are deemed offensive, and

(2) that academic institutions have no right to curb the exercise of this freedom by members of their staff, or to use it as grounds for disciplinary action or dismissal.’

Source: <https://www.afaf.org.uk/statement-signatories/>

3. RELEVANT EXCERPT FROM SECTION 43 OF THE EDUCATION (NO. 2) ACT 1986

43 Freedom of speech in universities, polytechnics and colleges.

‘(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.

(2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with—

(a) the beliefs or views of that individual or of any member of that body; or

(b) the policy or objectives of that body.

(3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out—

(a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation—

(i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and

(ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and

(b)the conduct required of such persons in connection with any such meeting or activity; and dealing with such other matters as the governing body consider appropriate.

(4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with.'

....

Source: <https://www.legislation.gov.uk/ukpga/1986/61/section/43>

First published

December 2020

© Civitas 2020

55 Tufton Street

London SW1P 3QL

All rights reserved

Independence: Civitas: Institute for the Study of Civil Society is a registered educational charity (No. 1085494) and a company limited by guarantee (No. 04023541). Civitas is financed from a variety of private sources to avoid over-reliance on any single or small group of donors.

All the Institute's publications seek to further its objective of promoting the advancement of learning. The views expressed are those of the authors, not of the Institute.