

What to do if you have a FREE SPEECH problem?

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.
- 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*. Duties regarding harassment are extended to include students under regulatory requirements.
- Act to protect your human rights to free speech and thought.

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” is often presented as meaning merely causing subjective offence, which it is not. There is an objective test.
- Not unlawfully enforce controversial agendas. This includes not applying pressure to acquiesce to or give particular emphasis to certain viewpoints, as part of the curriculum.
- 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 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 a free speech group**.
2. **Keep detailed records** e.g. screenshots of social media posts, gather relevant documents. **Make a timeline of what happened**, who said what and when and take witness details.
3. If appropriate, **point out the problem and that free speech is being suppressed to:**
 - the **people who are causing the problem**, and require them to stop;
 - the **staff who are responsible** for the relevant area, and **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. Warn them you will escalate the matter if they fail to address the issue, including bringing in free speech campaigns to support you.
4. **All:** inform **Alumni For Free Speech** briefly at info@affs.uk. Get in touch with the **Free Speech Union** if you are a member.
5. **Academics:** Contact your local branch of **Academics for Academic Freedom** and/or the **Committee for Academic Freedom**, whichever you are a member of.

See also our statements “*Know your Free Speech rights*”, “*What to do if being attacked*” and other information at <https://bfsp.uk/universities-and-free-speech>.

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