



# Library Note

## Freedom of Speech in Higher Education Institutions

The right to freedom of speech, freedom of expression and academic freedom in higher education institutions is enshrined in law. The Education (No 2) Act 1986 places a statutory duty on the higher education sector to uphold freedom of speech in their institutions as far as is practical within the law. Freedom of speech is therefore not an absolute right, and must be exercised within the limits set by the law.

Higher education institutions also have a duty of care for the welfare of their staff and students, which includes the responsibility to protect vulnerable members of their institution from radicalisation. The role of the higher education sector in preventing extremism on its campuses and its other premises has come under scrutiny following the involvement of a number of ex-students of UK universities in incidents of terrorist activity. This has also led to increased debate about the need to balance the right to freedom of speech with tackling extremism.

In 2011, the Coalition Government issued its Prevent strategy, which identified education as a priority area with regards to tackling radicalism. Prevent was placed on a statutory footing by the Counter-Terrorism and Security Act 2015. It requires certain bodies, including higher education institutions, to have due regard to the need to prevent people from being drawn into terrorism. This obligation is now referred to as the 'Prevent duty'. It also provided the Secretary of State responsible with the power to issue guidance to which the specified bodies would have to have regard to when fulfilling their duties.

The Prevent guidance relevant to higher education institutions was published in July 2015. The guidance was approved by Parliament, and the duty for the higher education sector commenced in September 2015. The guidance document included instructions on conducting risk assessments, Prevent awareness training for staff, and monitoring student behaviour. The document also contained guidelines on external speakers and events, providing guidance on when people or groups should be banned from speaking on campuses, while upholding the legal duty to protect freedom of speech. The Secretary of State also has the power under the Counter-Terrorism and Security Act 2015 to enforce the performance of the Prevent duty in situations where authorities have failed to do so.

This Library Note provides an overview of the statutory provisions governing freedom of speech in the higher education sector. It then briefly discusses the relationship between the duty to protect the right to freedom of speech and the obligation to protect staff and students from radicalism and preventing extremism on campuses. It summarises guidance that has been issued by the sector on this matter and outlines the Government's policy in this area. Finally the Note provides a short summary of the Prevent duty and the obligation it specifically places on higher education institutions in respect of external speakers and events, and provides wider examples of where external speakers have been banned from university campuses.

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## 1. Legal Framework for Freedom of Speech in Universities

The principles of academic freedom, freedom of speech and freedom of expression in the higher education sector are governed by a legal framework which consists of two components: a set of legislative provisions which establishes the statutory duty requiring institutions to ensure freedom of speech is protected; and legislation which covers the requirement that the duty is exercised within the law.<sup>1</sup>

### 1.1 Duty to Protect Freedom of Speech

Section 43(1) of the Education (No 2) Act 1986 places a legal duty on universities, polytechnics and colleges in England and Wales to take “steps as are reasonable practicable” to ensure that freedom of speech is upheld for “members, students and employees of the establishment and for visiting speakers”.<sup>2</sup> The duty also extends to student unions.

Section 43 also places an obligation on the governing bodies of the relevant institutions to issue a code of practice in relation to their duty to uphold freedom of speech. The governing bodies are responsible for ensuring that the code is up-to-date and is complied with. University codes of practice are published on university websites.

Section 202 of the Education Reform Act 1988 contains provisions on academic freedom. It states that university commissioners should have regard to the need to ensure that academic staff have the freedom, within the law, to question and test received wisdom, and to propose new ideas and controversial opinions.<sup>3</sup>

Universities UK (UUK) have argued that freedom of speech in universities “goes far beyond legal requirements”, and define their role as being one where debate is encouraged and a safe place for a “range of ideas to be considered” is created.<sup>4</sup> UUK has further suggested that by providing an environment for debate, universities create a forum for differing and difficult views to be discussed and challenged. It has contested that:

Indeed by being places of debate universities are one of our most important pillars of civil society, and represent a safeguard against forces that divide and undermine society. [...] This is a valuable part of university education as it is precisely through exposure to a wide variety of views that students have the opportunity to develop important skills in the analysis and refutation of accepted ideas, positions and modes of behaviour.<sup>5</sup>

### 1.2 Duty to Act within the Law

Freedom of speech is not an absolute right, and must be exercised within the limits set by criminal and civil law.<sup>6</sup>

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<sup>1</sup> House of Commons Library, [Freedom of Speech and Preventing Extremism in UK Higher Education Institutions](#), 20 May 2015, CBP-7199, p 5.

<sup>2</sup> Education (No 2) Act 1986 s 43(1).

<sup>3</sup> Education Reform Act 1988 s 202.

<sup>4</sup> Universities UK, [Universities UK Freedom of Speech on Campus: Rights and Responsibilities in UK Universities](#), February 2011, p 11.

<sup>5</sup> *ibid.*

<sup>6</sup> House of Commons Library, [Freedom of Speech and Preventing Extremism in UK Higher Education Institutions](#), 20 May 2015, CBP-7199, p 5.

For instance, higher education institutions must comply with laws governing public order. The Public Order Act 1986 contains provisions on the prevention of racial and religious hatred. Institutions must also ensure that events do not cause public disorder offences, threaten violence, or cause fear, alarm or distress. Universities and colleges must also comply with the provisions in the Equality Act 2010 which prevent discrimination.

The Human Rights Act 1998 established that the rights to freedom of thought, expression, and assembly are qualified by the responsibility to act within the law in order to protect matters such as public order and safety, national security, and the protection of the rights and freedoms of others.<sup>7</sup>

## 2. Duty to Protect Against Radicalism

Higher education institutions have a duty of care to their students, which includes the need to protect vulnerable students from radicalisation.<sup>8</sup> The role of the higher education sector in preventing extremism on campuses, and the issue of whether individuals have been radicalised whilst studying at UK higher education institutions, has come under scrutiny following a number of incidents where ex-students from UK universities have been involved in terrorist activities.<sup>9</sup>

UUK have published a number of guidance documents which address the issue of preventing extremism on campuses and promoting tolerance. The documents have also considered the need to balance the duty to tackle extremism with the need to protect the principle of freedom of speech.

### Background

In November 2005, UUK issued the guidance document, [Promoting Good Campus Relations: Dealing with Hate Crimes and Tolerance](#), which provided advice on combating hate crimes and intolerant behaviour, including racial discrimination and political and religious extremism.<sup>10</sup> The guidance stated that by tackling hate crimes, institutions would ensure academic freedom could not be “exploited to damage the legitimate freedoms of others”.<sup>11</sup> Following its publication, Les Ebdon, who led the steering group that authored the report, stated that work on the guidelines had been taking place since 2003, and was not in reaction to the bombings that occurred in London on 7 July 2005.<sup>12</sup> However, he did state that its publication had been delayed to consider the implications of the London bombings. This guidance was updated in 2008 by the Department for Innovation, Universities and Skills in the document, [Promoting Good Campus Relations, Fostering Shared Values and Preventing Violent Extremism in Universities and Higher Education Colleges](#).<sup>13</sup>

In 2009, UUK established a working group to examine how universities could protect academic freedom whilst taking preventive steps against violent extremism. The report, entitled

<sup>7</sup> Universities UK, [External Speakers in Higher Education Institutions](#), November 2013, p 7.

<sup>8</sup> HM Government, [Prevent Strategy](#), June 2011, Cm 8092, p 71.

<sup>9</sup> Further discussion of these incidents and the question of whether students have been radicalised whilst studying in the UK can be found in the House of Commons briefing: [Freedom of Speech and Preventing Extremism in UK Higher Education Institutions](#), 20 May 2015, CBP-7199, p 7.

<sup>10</sup> Universities UK, [Promoting Good Campus Relations: Dealing with Hate Crimes and Tolerance](#), November 2005.

<sup>11</sup> *ibid*, p 6.

<sup>12</sup> Polly Curtis and Matthew Taylor, ‘[Law-breakers in the Library](#)’, *Guardian*, 8 November 2005.

<sup>13</sup> Department for Innovation, Universities and Skills, [Promoting Good Campus Relations, Fostering Shared Values and Preventing Violent Extremism in Universities and Higher Education Colleges](#), January 2008.

[Universities UK Freedom of Speech on Campus: Rights and Responsibilities in UK Universities](#), was published in 2011.<sup>14</sup> It found that universities took seriously their responsibility in regards to the safety and security of their staff and students, alongside their obligations to promote and protect freedom of expression and academic freedom.<sup>15</sup> It recommended that universities identified an appropriate senior person to lead on issues of campus security, and that all those involved in making decisions in relation to campus security, academic freedom, free speech and equality rights were familiar with the relevant legal requirements. The report also suggested that universities worked with the students' union to provide clear information to students and student societies about the rights and responsibilities of all relevant parties in relation to freedom of expression and equality rights. It further stated that existing protocols and policies on speaker meetings should be reviewed and aligned with the students' union protocols and policies.<sup>16</sup>

UUK provided further guidance on the subject of external speakers in higher education institutions in 2013.<sup>17</sup> The document, [External Speakers in Higher Education Institutions](#), set out the different factors that institutions needed to consider when drawing up policies and protocols for external speakers, providing information on the legal obligations and the practical application.

### 3. Government Policies on Extremism in Universities

#### 3.1 The Prevent Strategy

The Prevent strategy was initiated by the last Labour Government, following the London bombings in July 2005, as part of its wider counter-terrorism strategy, CONTEST.<sup>18</sup> The strategy set out how the Government intended to deal with community integration and cohesion, with individuals and groups promoting hatred, and with the factors which influenced individuals or groups to respond to terrorist ideologies.

In June 2011, following a review of the strategy conducted by Lord Carlile of Berriew (Liberal Democrat), the Coalition Government published a new Prevent strategy.<sup>19</sup> The document identified education as a priority area with regards to tackling radicalism.<sup>20</sup> The Prevent strategy document asserted that:

More than 30 percent of people convicted for Al Qa'ida-associated terrorist offences in the UK between 1999 and 2009 are known to have attended university or a higher education institution. Another 15 percent studied or achieved a vocational or further education qualification. About 10 percent of the sample were students at the time when they were charged or the incident for which they were convicted took place. [...] Some students were already committed to terrorism before they began their university courses. [...] Other students were radicalised while they studied at university, but by people operating outside of the university itself.<sup>21</sup>

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<sup>14</sup> Universities UK, [Universities UK Freedom of Speech on Campus: Rights and Responsibilities in UK Universities](#), February 2011.

<sup>15</sup> *ibid*, p 7.

<sup>16</sup> *ibid*, p 32.

<sup>17</sup> Universities UK, [External Speakers in Higher Education Institutions](#), November 2013.

<sup>18</sup> House of Commons Library, [Counter-extremism Policy: An Overview](#), August 2015, CBP-7238, p 6.

<sup>19</sup> HM Government, [Prevent Strategy](#), Cm 8092, June 2011.

<sup>20</sup> *ibid*, pp 65–76.

<sup>21</sup> *ibid*, p 72.

The strategy examined the need to establish a balance between protecting the right to freedom of expression and tackling radicalism on campuses. The document stated that the Government was “completely committed to protecting freedom of speech” and did not want to “interfere with the free flow of ideas” and debate which took place at universities and colleges.<sup>22</sup> However, it also highlighted:

Universities and colleges have a legal and moral obligation to staff and students to ensure that the place of work and study is a tolerant, welcoming and safe environment. Although it is vital that universities and colleges must protect academic freedom, it is a long-established principle that universities also have a duty of care to their students. Universities and colleges—and, to some extent, university societies and student groups—have a clear and unambiguous role to play in helping to safeguard vulnerable young people from radicalisation and recruitment by terrorist organisations.<sup>23</sup>

The Prevent strategy document stated that the Government was concerned that a number of institutions had failed to engage with the strategy, and stated that the lack of engagement would need to be addressed.<sup>24</sup>

In February 2012, the House of Commons Home Affairs Committee report, [Roots of Violent Radicalism](#), examined the review of the Prevent strategy, and discussed its implementation. It concluded that there was “seldom concrete evidence” to confirm where radicalism had taken place and that the emphasis on the role of universities was “disproportionate”.<sup>25</sup> The report recommended that the Government issued “clearer guidance to universities about their expected role in Prevent”, and stressed the need for college authorities and student bodies to:

Recognise that individuals or groups expressing hatred against any particular race or nationality is simply not acceptable on a British campus, and certainly needs to be challenged immediately.<sup>26</sup>

### 3.2 Counter-Terrorism and Security Act 2015

The Counter-Terrorism and Security Act 2015, which received royal assent on 12 February 2015, placed the Prevent strategy on a statutory footing.

Section 26 of the Act placed a duty on certain bodies, in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”.<sup>27</sup> This obligation is now referred to as the ‘Prevent duty’.<sup>28</sup> A list of bodies which are subject to the duty, known as “specified authorities”, is set out in Schedule 6 to the Act. Governing bodies of higher education institutions are included in this list.

Section 29 of the Act provided the Secretary of State responsible with the authority to issue guidance, to which the specified authorities would have to have regard to when fulfilling their

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<sup>22</sup> *ibid*, p 71.

<sup>23</sup> *ibid*, p 72.

<sup>24</sup> *ibid*, p 76.

<sup>25</sup> House of Commons Home Affairs Committee, [Roots of Violent Radicalisation](#), 6 February 2012, HC 1446 of session 2010–12, p 18.

<sup>26</sup> *ibid*, p 23.

<sup>27</sup> Counter-Terrorism and Security Act 2015 s 26(1).

<sup>28</sup> House of Commons Library, [Freedom of Speech and Preventing Extremism in UK Higher Education Institutions](#), 20 May 2015, CBP-7199, p 12.

duties. Section 30 provided the Secretary of State with the power to give directions to enforce the performance of the Prevent duty in situations where the authorities failed to do so.

On 12 January 2015, the Joint Committee on Human Rights published the report, [Legislative Scrutiny: Counter-Terrorism and Security Bill](#). The report had expressed concern about the impact the provisions would have on academic debate in universities and on freedom of association.<sup>29</sup> The report stated that:

In our view, universities are precisely the places where there should be open and inclusive discussion of ideas. Broad terms such as “extremist” or “radical” are not capable of being defined with sufficient precision to enable universities to know with sufficient certainty whether they risk being found to be in breach of the new duty and therefore subject to direction by the Secretary of State and, ultimately, a mandatory court order backed by criminal sanctions for contempt of court.<sup>30</sup>

The Committee recommended that universities be exempt from the Prevent duty.<sup>31</sup> At the Counter-Terrorism and Security Bill’s committee stage in the House of Lords, Baroness Lister of Burtersett (Labour), then a member of the Joint Committee on Human Rights, moved an amendment to exclude higher education institutions from the statutory duty.<sup>32</sup> Lord Bates (Conservative), responding for the Government, highlighted that freedom of speech in higher education institutions was not “open-ended or absolute”, and stressed that the Prevent duty would “ensure that all these institutions take seriously their obligations to ensure that people are not radicalised on campus”.<sup>33</sup> The amendment was withdrawn.

Concern about the impact of the measures on the right to freedom of speech in higher education institutions was also expressed by those in working in the sector. On 2 February 2015, a letter signed by over 500 academics was published in the *Guardian*. The letter stated that:

One of the purposes of post-compulsory education is to foster critical thinking in staff, students and society more widely. Our universities and colleges are centres for debate and open discussion, where received wisdom can be challenged and controversial ideas put forward in the spirit of academic endeavour. [...] Universities take their duty of care towards students very seriously, and guidance is already in place to combat extremism in academic settings. This proposed legislation is both unnecessary and ill-conceived, and we are calling on the Government to urgently rethink its proposals and take appropriate steps to ensure that academic freedom remains uncompromised by any efforts to tackle extremism in the UK.<sup>34</sup>

In response to concerns expressed during the Bill’s progress through the House of Lords, at report stage the Government moved an amendment which required that any guidance issued to

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<sup>29</sup> Joint Committee on Human Rights, [Legislative Scrutiny: Counter-Terrorism and Security Bill](#), 12 January 2015, HL Paper 86 of session 2014–15, p 26.

<sup>30</sup> *ibid.*

<sup>31</sup> *ibid.*

<sup>32</sup> HL *Hansard*, 28 January 2015, [cols 224–5](#).

<sup>33</sup> *ibid.*, [cols 256–7](#).

<sup>34</sup> *Guardian*, ‘[Counter-Terrorism and Security Bill is a Threat to Freedom of Speech at Universities](#)’, 2 February 2015.

specified authorities on the Prevent duty had to be laid before Parliament to be approved under the affirmative procedure.<sup>35</sup> The amendment was agreed to.<sup>36</sup>

#### 4. Prevent Duty Guidance and Guest Speakers at Universities

The Home Office's *Prevent Duty Guidance: For England and Wales* was published in March 2015, following a consultation on draft guidance.<sup>37</sup> It contained specific guidance as to how higher education institutions should comply with the Prevent duty, including instructions on: conducting risk assessments to ascertain where and how students might be at risk of being drawn into terrorism; Prevent awareness training for staff; and monitoring student behaviour in order to remain aware of signs of radicalism. However, the section on external speakers and events, which was contained in the consultation document, was removed. It stated that guidance on the subject of external speakers would be published in the future.<sup>38</sup>

In response to the guidelines published in March 2015, UUK issued a statement which expressed the concern that if further guidance reflected the contents of the draft document, it would:

[...] place damaging restrictions on freedom of speech in universities, and undermine the particular role of universities in combating extremism—that is, to act as places where controversial ideas can be heard, debated and challenged in public.<sup>39</sup>

##### 4.1 Guidance Prior to the Prevent Duty Guidance

Guidance for universities about speakers on campuses had been published by various bodies prior to the Counter-Terrorism and Security Act 2015.

The 2013 UUK guidance on external speakers in higher education institutions stated that the duty enshrined in the Education (No 2) Act 1986 to secure the freedom of expression extended to ensuring, “within the law”, 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.’ For the purposes of the Act, the university’s duty extends to students’ union premises, even if the university does not own them.<sup>40</sup>

The National Union of Students (NUS) published guidance for student staff and managers in the document, [Mitigating the Risks Associated with External Speakers, Guidance for HE Students’ Unions in England and Wales](#).<sup>41</sup> The document explained the duties of student unions and other student

<sup>35</sup> HL *Hansard*, 4 February 2015, [col 737](#).

<sup>36</sup> *ibid*, [col 741](#).

<sup>37</sup> HM Government, *Prevent Duty Guidance: For England and Wales*, March 2015.

<sup>38</sup> *ibid*, p 16.

<sup>39</sup> Universities UK, [Proposed Statutory Guidance Relating to Events on University Campuses](#), 29 May 2015.

<sup>40</sup> Universities UK, [External Speakers in Higher Education Institutions](#), November 2013, p 6.

<sup>41</sup> National Union of Students, [Mitigating the Risks Associated with External Speakers, Guidance for HE Students’ Unions in England and Wales](#), July 2011.

societies and clubs with regards to freedom of speech. The legal right of ‘academic freedom’ only applies to university staff and academics.<sup>42</sup>

Student unions, as charitable bodies, are registered with the Charity Commission and are therefore also subject to charity laws and regulations, including those that relate to preventing terrorism.<sup>43</sup> The Charity Commission published guidance on the issue in 2013. It stated that:

Under charity law, all charities must work for the public benefit and must act to avoid damage to the charity’s reputation, assets and associated individuals. All charities, including higher education institutions, debating societies and student unions can be challenged on whether they have given due consideration to the public benefit and associated risks when they, or one of their affiliated societies, invite controversial or extremist speakers to address students.

Student unions and higher education institutions should also take an interest in the activities and views being expressed within affiliated societies, along with literature and other materials that are made available and promoted in bookshops/bookstalls, in prayer rooms, through electronic media, websites and using social media spaces to ensure compliance with charity legislation, which includes provisions relating to human rights, equalities and political neutrality.<sup>44</sup>

## 4.2 Revised Prevent Duty Guidance (July 2015)

In July 2015, the Government published revised guidance about how specified authorities must comply with the Prevent duty. The chapters on further and higher education were removed and new pieces of stand-alone, sector-specific guidance for those institutions were issued, and were subject to parliamentary approval.<sup>45</sup>

Moving the motion in the House of Lords to approve the revised Prevent duty guidance, Lord Ashton of Hyde (Conservative) explained that it included the original guidance which was published in March 2015, with an additional section on speakers and events.<sup>46</sup> He stated that the Government viewed the “issue of how universities and colleges balance the Prevent duty” with the “need to secure freedom of speech and have regard to the importance of academic freedom” as “extremely important”.<sup>47</sup> However he emphasised that the higher education sector was made “subject to the duty in recognition of the very real risk of radicalisation in those institutions”.<sup>48</sup> He further stated that:

Radicalisation on campus can be facilitated through events held by extremist speakers, while radicalised students can act as a focal point for further radicalisation through personal contact with fellow students and through social media activity. It is therefore

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<sup>42</sup> House of Commons Library, [Freedom of Speech and Preventing Extremism in UK Higher Education Institutions](#), 20 May 2015, CBP-7199, p 16.

<sup>43</sup> HM Government, [Prevent Duty Guidance: For Higher Education Institutions in England and Wales](#), September 2015, p 6.

<sup>44</sup> Charity Commission, [Protecting Charities from Harm Chapter 5: Protecting Charities from Abuse for Extremist Purposes and Managing the Risks at Events and in Activities: Guidance for Trustees](#), 5 January 2013, p 25.

<sup>45</sup> Home Office, ‘[Guidance: Prevent Duty Guidance](#)’, 18 September 2015.

<sup>46</sup> HL *Hansard*, 17 September 2015, [col 2050](#).

<sup>47</sup> *ibid*, [col 2051](#).

<sup>48</sup> *ibid*, [col 2050](#).

imperative that universities and colleges start to implement the duty as soon as is possible.<sup>49</sup>

Lord Rosser (Labour), Shadow spokesperson in the House of Lords for Home Affairs, expressed “support” for the guidance documents, but also stressed the “need to apply common sense and avoid stereotyping in their application” if the “widespread acceptance of the need for these regulations” was to be secured.<sup>50</sup> Baroness Sharp of Guilford (Liberal Democrat) also welcomed the guidance.<sup>51</sup>

Following Parliament’s approval of the guidance documents, the duty commenced for higher education institutions on 18 September 2015.<sup>52</sup> The new section on external speakers and events stated that all Relevant Higher Education Bodies (RHEBs) should have policies and procedures in place for the management of events on campus and use of all RHEB premises.<sup>53</sup> The policies apply to all staff, students and visitors. It further stated that institutions would be expected to have regular contact with the relevant Prevent co-ordinator in order to ensure that it complied with the Prevent duty.

Addressing the issue of the need to balance the requirement to protect freedom of expression with the obligation to protect staff and student welfare, the document stated:

The RHEB clearly needs to balance its legal duties in terms of both ensuring freedom of speech and academic freedom, and also protecting student and staff welfare [...] When deciding whether or not to host a particular speaker, RHEBs should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where RHEBs are entirely convinced that such risk can be fully mitigated without cancellation of the event. This includes ensuring that, where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum. Where RHEBs are in any doubt that the risk cannot be fully mitigated they should exercise caution and not allow the event to proceed.<sup>54</sup>

It also stated that institutions should pay regard to their existing responsibilities in relation to gender segregation.<sup>55</sup>

The guidance further explained that RHEBs would be expected to carry out a risk assessment for their institution which evaluated where and how their students could be at risk of being drawn into terrorism.<sup>56</sup>

In regards to the obligations that the Prevent duty would place on student unions and societies, the guidance stated that institutions should set out clear policies setting out the activities that were or were not permitted on campus. It stressed that student unions as charitable bodies

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<sup>49</sup> *ibid*, [col 2051](#).

<sup>50</sup> *ibid*, [col 2054](#).

<sup>51</sup> *ibid*, [col 2055](#).

<sup>52</sup> Home Office, ‘[Guidance: Prevent Duty Guidance](#)’, 18 September 2015.

<sup>53</sup> HM Government, [Prevent Duty Guidance: For Higher Education in England and Wales](#), September 2015, p 3.

<sup>54</sup> *ibid*, p 4.

<sup>55</sup> *ibid*.

<sup>56</sup> *ibid*, p 5.

would be subject to charity laws and regulations, including those relating to preventing terrorism.<sup>57</sup>

The Government's new [Counter-Extremism Strategy](#), which was published in October 2015, also explained that the Higher Education Funding Council for England had been appointed to monitor how universities were implementing the Prevent programme.<sup>58</sup>

## Reaction

In response to the new guidelines, the Chief Executive of UUK, Nicola Dandridge, acknowledged that universities had "an important role to play in preventing violent extremism".<sup>59</sup> She stated that the new duty was a continuation of the work that was already taking place in partnership between universities and the police and security services. However, Ms Dandridge emphasised that universities "must continue to be places where controversial subjects can be discussed openly, and flawed or dangerous ideas challenged".

The NUS has expressed concern about the obligations laid out in the Prevent duty. In April 2015, it passed a motion at its annual conference to oppose the Counter-Terrorism and Security Act 2015 and the Prevent duty.<sup>60</sup> In response to the motion, the Minister of State for Universities and Science, Jo Johnson, wrote to the NUS highlighting that "provisions for academic freedom" were part of the Prevent guidance for universities and colleges.<sup>61</sup> He stated that it was his "firm view" that "we all have a role to play in challenging extremist ideologies and protecting students on campus" and therefore he found it "disappointing to see overt opposition" to the Prevent programme. The NUS have stated that they have "legitimate concern" about the impact it will have on "student welfare".<sup>62</sup>

## 5. Speakers Banned from Campus

There have been several occasions in recent years where universities have banned speakers from their campuses on a range of grounds. For instance, in 2013, University College London banned an organisation known as the Islamic Research and Education Academy (iERA) from holding events on university premises after they segregated students by gender at a meeting.<sup>63</sup> The University of Oxford cancelled a debate on abortion, and the University of Southampton cancelled a conference on the state of Israel, because of concerns about disruption and public safety.<sup>64</sup>

In October 2015, an online petition was launched seeking to prevent Germaine Greer from giving a lecture at Cardiff University called "Women and Power: The Lessons of the

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<sup>57</sup> *ibid*, p 6.

<sup>58</sup> HM Government, [Counter-Extremism Strategy](#), October 2015, p 27.

<sup>59</sup> University UK, [Response to Prime Minister's Statement on Tackling Extremism in Universities and Colleges](#), 17 September 2015.

<sup>60</sup> Patrick Wintour, [Government Warns NUS to Stop Opposition to Prevent Strategy](#), *Guardian*, 17 September 2015.

<sup>61</sup> Prime Minister's Office, 10 Downing Street, Home Office, and Department for Business, Innovation and Skills, [PM's Extremism Taskforce: Tackling Extremism in Universities and Colleges Top of the Agenda](#), 17 September 2015.

<sup>62</sup> BBC News website, [Students Urged to Back Counter-radicalisation Programme](#), 17 September 2015.

<sup>63</sup> UCL News, [iERA Event at UCL on 9 March](#), 11 March 2015.

<sup>64</sup> House of Commons Library, [Freedom of Speech and Preventing Extremism in UK Higher Education Institutions](#), 20 May 2015, CBP-7199, p 16.

20th century”, claiming that her views on transgender people were “problematic”.<sup>65</sup> UUK’s Nicola Dandridge expressed concern about the “efforts to prevent” Ms Greer from presenting her lecture. She argued that the incidence highlighted a “worrying trend on university campuses to ban speakers”.<sup>66</sup> She further suggested that:

What we are beginning to witness on campuses is a more coordinated attempt by special interest groups to ensure that invited speakers with whom they disagree are shouted down and prevented from speaking.

However, notwithstanding the online petition, Cardiff University stated that the event would go-ahead, insisting that its commitment to freedom of speech meant that Ms Greer should be allowed to give the lecture.<sup>67</sup> Initially, Ms Greer announced she would not attend,<sup>68</sup> however, she did present the lecture on 18 November 2015.<sup>69</sup>

In February 2015, the *Guardian* reported that the online magazine, Spiked, had published its first [Free Speech University Rankings](#), which found that 80 percent of universities, as a result of their official policies and actions, had either restricted or actively censored free speech and expression on campus beyond the requirements of the law.<sup>70</sup> This has been contested by universities, who have pointed out that while a ‘red’ rating is given to banning an event, speaker or song, it is also given to equality policies that state homophobic, sexist and racist language will not be tolerated.

The NUS has also banned organisations and speakers from attending its events. It operates a ‘No Platform Policy’ which forbids any officer of the NUS from sharing a platform with a “racist” or “fascist” speaker. Its constitution states that:

In pursuance of the National Union’s aims and objects, any individuals or members of organisations or groups identified by the Democratic Procedures Committee as holding racist or fascist views shall not be allowed to stand for election to any National Union office, or go to, speak or take part in National Union conferences, meetings or any other National Union events, and Officers, Committee Members and Trustees shall not share a public platform with an individual or member of an organisation or group known to hold racist or fascist views.<sup>71</sup>

Organisations that have been subject to the ‘No Platform Policy’ include the British National Party, the English Defence League and the Muslim Public Affairs Committee.<sup>72</sup>

<sup>65</sup> Ben Quinn, ‘[Petition Urges Cardiff University to Cancel Germaine Greer Lecture](#)’, *Guardian*, 23 October 2015.

<sup>66</sup> Nicola Dandridge, ‘[A Ban on Germaine Greer Would be a Threat to the Universities’ Unique Role](#)’, *Guardian*, 13 November 2015.

<sup>67</sup> Ian Johnston, ‘[Germaine Greer: Author Gives Cardiff University Speech Despite Protests Against her Comments on Transgender People](#)’, *Independent*, 19 November 2015.

<sup>68</sup> *Economist*, ‘[Intolerance of Intolerance](#)’, 31 October 2015; and Lizzie Dearden, ‘[Germaine Greer Will Not Give Cardiff University Lecture because of Abuse Over Views on Transgender People](#)’, 24 October 2015.

<sup>69</sup> Ian Johnston, ‘[Germaine Greer: Author Gives Cardiff University Speech Despite Protests Against her Comments on Transgender People](#)’, *Independent*, 19 November 2015.

<sup>70</sup> Louise Tickle, ‘[Free Speech? Not at Four in Five UK Universities](#)’, *Guardian*, 2 February 2015.

<sup>71</sup> National Union of Students, *Articles of Governance and Rules: National Union of Students (United Kingdom)*, August 2011, pp 4–5.

<sup>72</sup> National Union of Students, *Report: No Platform Policy*, September 2014.