

Government Policy on Free Speech.

Submission from the University of Surrey Students' Union



The University of Surrey
Students' Union

Summary

University communities have to face an incoherent and inconsistent approach to freedom of speech on campus. Multiple regulators with differing opinions, as well as a variety of approaches from individual MP's leave a confused picture. It appears that MP's and newspapers may frequently determine who should be able to say what on a campus, however when students have this opinion they are branded as 'snowflakes' and 'fragile'.

Government Policy

Existing law is very clear that there is an 'academic' freedom within the law to challenge conventional wisdom on campus. Ministerial speeches have reinforced the view of freedom of speech on campus. The Prevent duty is the most obvious conflict with this policy, however the Charity Commission are also very active in this sphere – their guidance reinforces the duty to protect the charity reputation, which may clearly be damaged should an extreme speaker be allowed at a campus event organised by the Students' Union. The Charity Commission also believe no external body should have decision making influence over a charity and the board of trustees have full authority, however the DfE and the Home Office believe a University are able to compel a Union to allow a speaker, or indeed to reject a speaker.

The Office for Students

The only policy announcement on this topic so far from Sir Michael Barber has been an article in the Times Higher setting out his view on this subject. It is concerning that an organisation called the Office **for** Students which has not yet even taken over regulation has opened with a lecture to students on what *they* should think about freedom of speech on campus rather than ask the students the office is supposedly there to be a champion for. There is a real danger of a conflict between the policy of the Charities Commission and the OfS on this subject.

Existing restraint on Freedom of Speech on campus

Despite newspaper reports to the contrary there is practically no evidence of any speaker being denied a platform at a major UK University in recent memory. There **is** evidence of individuals refusing to share a platform with another speaker, and also of calls for speakers to be banned but this is very different from *actual* curtailment of speaker's rights. However, too much focus has been placed on the potential for the content of a controversial speaker, rather than the reputation of the speaker. This is not a new problem, Ken Clarke encountered this in 1961 when he invited Sir Oswald Mosley to speak at the Cambridge Union. By this time, Oswald Mosley projected a much calmer image, and denied any anti-Semitic views, however, it was not the speech he intended to make but *his reputation* as a purveyor of hate speech that caused the controversy. In many ways this is the bigger challenge, not what may be said on a University campus, but who may say it.



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What do Students think?

In a rather bizarre volte face, government policy in putting “Students at the heart of the system” has singularly failed to take into account the views of students on the issue of freedom of speech, and the limitations of hate speech. The concept of No Platform is largely driven by student groups, concerned at the effect on minority groups and the legitimisation that a University platform affords to a hate speaker. Students are *not* opposed to the limitation of academic freedom, on the contrary, students feel that academic views are in fact far too narrow and across the country Student Unions are calling on a diversification of their curriculums, and wanting to hear a greater diversity of views in the academic sphere.

Is it fair for students to dictate who they want to allow to speak on their campus? Yes, of course it is. A University campus is more than a place of learning, it is a home, and it is perfectly correct for those who live in that home to be able decide collectively as to who they do and do not wish to enter this home.

A key question should be, why would a government wish to remove the ability for a campus to deny a platform to someone wishing to cause harm through speech? How can it be fair that an elected member of parliament may lose their platform to speak for such a minor infraction as accusing another member of lying, yet the same chamber feels it is appropriate to remove that ability on a University community to do the same?

A no-platform policy is a relatively minor thing requiring very little work most of the time, if not all. It can however have a significant positive impact on students’ sense of belonging. Lastly, and crucially, removing a no-platform policy is not a win for morals, rather specifically a win for the hate that the policy is meant to protect against.