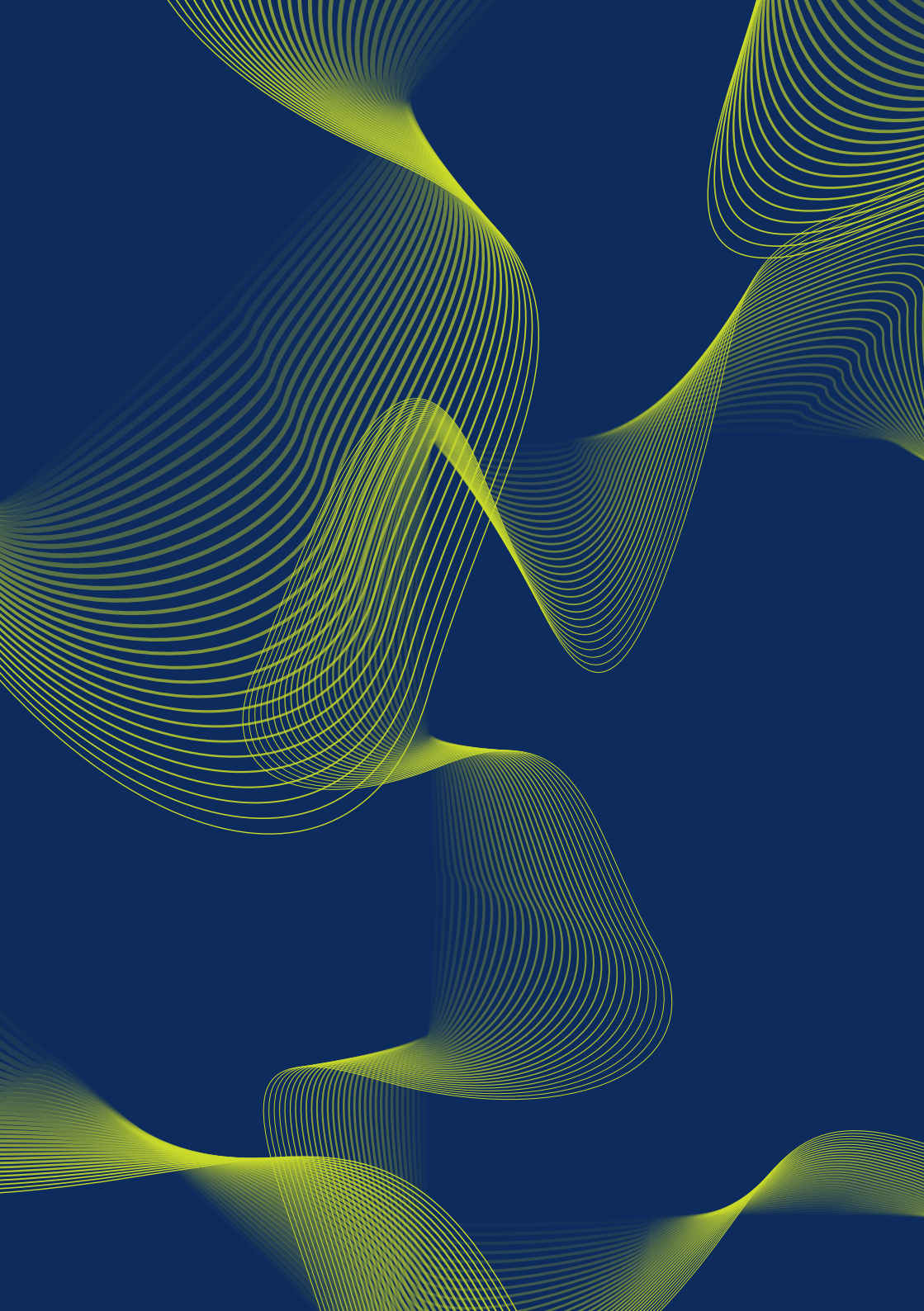King's College LONDON

Freedom of speech in UK higher education

Recommendations for policy and practice

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1. Attitudes towards freedom of speech in universities

There has been significant public and political debate on issues concerning freedom of speech in UK higher education in the last few years. Some commentary and reports suggest that there is a crisis of free expression in universities, with students being unable to express their views, visiting speakers being "no-platformed",[1] and staff feeling like they have limitations on their academic freedom (Simpson and Kaufmann 2019). Other reports challenge these views, arguing that such claims are overblown, and that universities are, for the most part, sites where freedom of speech is valued and protected (Perfect et al. 2019; OfS 2019, p. 10).

Our current research on this topic presents a mixed picture, where both sides could find evidence to support their case. But, in the end, there are enough signs of an increased sense of threat to free speech among significant minorities to warrant action to bolster it. The focus on free speech in universities cannot be separated from the wider issue of "culture wars" in the UK, as this sets the tone for an increased sense of threat to freedom of expression seen among some students. But, while the scale and causes of concern are less clearcut than some suggest, in the end, our focus should be on practical ways to bolster free speech and robust debate in universities, given how vital this is to the

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1   A recent report by HEPI found that 61% of students say that "when in doubt" their own university "should ensure all students are protected from discrimination rather than allow unlimited free speech" – this is up from 37% in their report from 2016 (Hillman 2022). The same study also found that 86% of students support the No-Platform policy of the National Union of Students (up from 76% in 2016).

functioning of higher education, and, in turn, how important that is to broader society, given the large proportion of young people who now attend university.

The Policy Institute conducted four focus groups with 25 current undergraduate students and five in-depth interviews in May and June 2022. We then carried out two large-scale representative surveys with UK undergraduates, and a comparative survey with the general public, in August and September 2022 (for methodological details, see the Technical Report at the end of this document).

We aimed to find out what student views are on freedom of speech in UK higher education, and, to the extent that they saw it as being restricted, what interventions they thought could enhance freedom of speech on campus. This report, first, presents some of our findings on student attitudes towards freedom of speech in UK higher education;[2] second, explores this with respect to the current legislation being brought into effect – the Higher Education (Freedom of Speech) Act (UK Government 2022); and third, considers a range of policy interventions universities could put into place to enhance freedom of speech on campus.
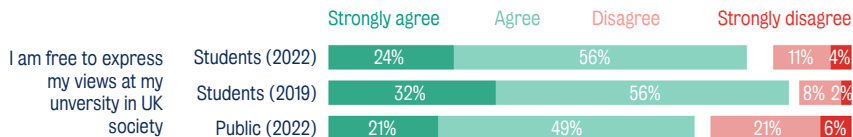
Freedom to express views

Many of the results from our recent survey (Duffy, Malcolm and May 2022) reveal a positive picture of student views towards freedom of speech. For instance, we found that 80% of students say they're free to express their views at their university. While this is lower than the 88% who said the same three years ago in a comparable survey run by the Policy Institute (Grant et al. 2019), it is higher than the 70% of the general public who say they feel free to express their views in UK society.

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2   For full results from the surveys, see our report: The state of free speech in UK universities: what students and the public think (Duffy, Malcolm and May 2022).

To what extent do you agree or disagree with the following statements about your own experience at your university?

	Strongly agree	Agree	Disagree	Strongly disagree

I am free to express my views at my unversity in UK society

	Strongly agree	Agree	Disagree	Strongly disagree
Students (2022)	24%	56%	11%	4%
Students (2019)	32%	56%	8%	2%
Public (2022)	21%	49%	21%	6%

This view was confirmed by students who took part in the focus groups. A number of students agree that they, and others, feel free to express their views while on campus. During one focus group, a student said:

> "I feel like at [my university] in particular, students tend to be rather vocal. People don't generally seem to be reluctant or feel uncomfortable in expressing their views whatever it may be. And I think that it's a pretty healthy environment in that regard."

Our survey also shows that 65% of students say that free speech and robust debate are well protected at their institution, while 15% disagree with this view. And 73% report that debates and discussions in their university are civil, respecting the rights and dignity of others, with 10% disagreeing. Both sets of figures are largely unchanged from 2019.

Some students in the focus groups drew attention to their university's commitment to bringing diverse students together to help them learn how to navigate interactions between a range of different people:

> "[my university] has an ethos where they try to get as many people working with each other as possible. So, the whole university experience is about meeting and interacting with people who will be very different to yourself. In a professional working capacity, that's a key skill you have to have."
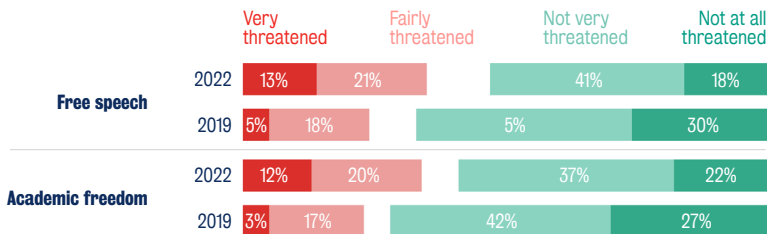
Regarding academic freedom, while the proportion of students who agree that academics are free to express their views at their university has declined slightly, it still represents a strong majority at 70% in 2022, compared with 77% in 2019. Universities are also seen to be doing (increasingly) well in handling protests: 55% of students say their university manages student protests fairly – up from 48% in 2019, while only 12% disagree with this view.

Challenges to freedom of speech

While these statistics paint a positive picture of freedom of speech in universities, at the same time, growing minorities of students feel freedoms are under threat in their institutions. 34% of students say free speech is very or fairly threatened in their university – up from 23% in 2019. Similarly, 32% of students now feel academic freedom is threatened at their institution, compared with 20% who felt this way three years ago.

Despite these increases, a majority of students still feel these liberties are not at risk – for example, 59% think free speech is either not very threatened or not threatened at all. And students are more likely to think free speech is under threat in UK society as a whole (53%) than it is at their university (34%).

How threatened, if at all, do you think each of the following freedoms are in your university today?

		Very threatened	Fairly threatened	Not very threatened	Not at all threatened
Free speech	2022	13%	21%	41%	18%
	2019	5%	18%	5%	30%
Academic freedom	2022	12%	20%	37%	22%
	2019	3%	17%	42%	27%

Yet there is also a growing perception that there have been specific cases where universities have fallen short on freedom of expression. 25% of students now say they very or fairly often hear of incidents at their university where free speech has been inhibited – double the 12% who said the same in 2019. However, a clear majority of 64% say they don't hear about such incidents very often, or haven't heard of them taking place at all.

In 2019, 37% said that students avoided inviting controversial speakers to their university because of the difficulties involved in getting those events agreed – but this has now risen to 48%. This figure echoes recent research by HEPI exploring the pre-emptive cancelling of events for fear of attracting controversy (Freeman 2022). On top of this, half of students (49%) think universities are becoming less tolerant of a wide range of viewpoints – similar to the public's perception (56%). And the belief that ideological tolerance is declining in higher education is much more common among students who say they'd vote Conservative (65%) rather than Labour (37%).

One area in which the left-right political split is particularly significant is among students who feel they need to self-censor their views while on campus. 43% of students report feeling unable to express their views in their university because they're scared of disagreeing with their peers – a large increase from 25% in 2019.[3] This figure is 57% among those who intend to vote Conservative, compared with 31% among Labour voters.

One student interviewed said:

"I feel like there's definitely a strong bias towards the left, politically at uni. I feel like, in a lot of circles, if you said to anyone that you voted the right or conservative or anything like that, even like

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3   The figure of 25% from the Policy Institute's 2019 report (Grant et al. 2019) was cited as evidence in the policy paper that introduced the Higher Education (Freedom of Speech) Bill (Williamson 2021).

Brexit, I feel like you would get shot down very easily, and maybe even excluded socially from those circles."

Reflecting on the impact of incidents in which politically conservative views have met with strong opposition on campus, the same student said: "it almost feels like you can't express those views, and you can't then go and vote that". Another student interviewed said this gave them the impression that in their university there is "a dominant viewpoint that everyone should ascribe to and only the people that share those dominant views are the ones that are allowed to speak their views."

During a focus group in which Conservative-supporting students explained these perceptions and experiences to the wider group, a Labour-voting student then reflected:

"I have not in three years heard a right-leaning perspective uttered in any of my English literature seminars...maybe that's further evidence that perhaps there is a problem."

The survey revealed that half (50%) of students now feel that those with conservative views are reluctant to express them at their university, compared with 37% who said the same in 2019. And this perception has grown in particular among students who say they'd vote for the Conservative party, rising from 59% to 68% over the last three years.

This issue of self-censorship also goes beyond political affiliation. One student who was interviewed said:

"I'm a Christian, I attend church, so I have friends who have quite conservative views, and I know... they don't feel comfortable sharing their views because they know they will get attacked and pounded on by a group of people."

Another student during the focus groups raised the need to have civil discussion on trans rights:

"I think it's important to protect the rights of women without taking away from the rights of trans people. But it's a debate I felt like you can't have on campus."

So, the problem of self-censorship and of debate over challenging topics affects a number of different issues on campus. The survey found that between a quarter and a third of students have held back their views on individual topics such as politics (36%), gender identity (34%) or the British empire (25%), because they feared what others might think of them. Overall, around two-thirds of students say they've refrained from voicing an opinion on at least one of the issues asked about.

It's not all about offence

One of the reasons students might hold back their views is for fear of causing offence. The survey found that 51% of students think the climate at their university prevents some people from saying things they believe because others might find them offensive, while 30% disagree that this is the case. However, perceptions of the situation beyond higher education are far worse: 80% of the UK public overall think the climate in UK society inhibits some people from speaking their minds, compared with 17% who disagree.

There are, of course, a range of reasons that students may not want to express their views on a subject. For example, among those who said they'd held back their views on at least one of the topics asked about, 41% of students and 53% of the public say they've done this because they didn't want to get into an argument, and 21% of students and 18% of the public say they've done so because they were concerned for their safety if they expressed their opinions openly.
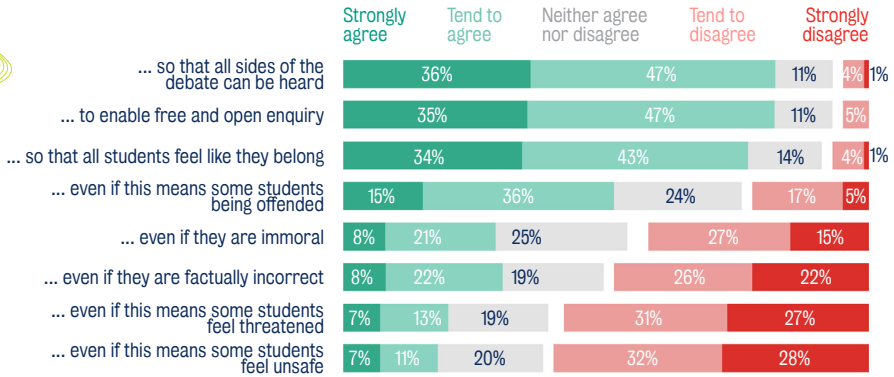
But 27% of students and 21% of the general public say they've held their views back because they felt shy. The fact that they didn't know enough about the topic was another key factor, identified by around three in 10 of each group. It's important to recognise, therefore, that reticence to express an opinion is more complex and varied than a pure "chilling" effect where the drive is to avoid adverse consequences.

"Offence" does, however, seem to be an important driver of reactions, as shown in questions where many say they want severe responses for those who offend others. For example, we found that 41% of students agree that academics who teach material that heavily offends some students should be fired, and 39% of students feel that students' unions should ban all speakers who may cause offence.

But the influence of "offence" specifically may be exaggerated or at least oversimplified. In a second survey that we ran with students (Duffy, Malcolm and May 2022, p. 15), large majorities agreed that all ideas and opinions should be expressed so that all sides of the debate can be heard (83%), to enable free and open inquiry (82%), and so that all students feel like they belong (77%).

Support for this did decline to 51% when the clause "even if this means some students being offended" was added. But the most powerful drivers of falls in support for ideas and opinions being expressed comes when we add clauses that suggest the ideas may cause some students to feel "unsafe" (18% support) or "threatened" (20%). Rather than students being overly sensitive to "offence" specifically, it's the more difficult and messier boundaries between offence, safety, threat and harm that any regulations and practice will need to engage with.

To what extent do you agree or disagree with the following statements... It is important for universities to allow for all ideas and opinions to be expressed...

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree
... so that all sides of the debate can be heard	36%	47%	11%	4%	1%
... to enable free and open enquiry	35%	47%	11%	5%	
... so that all students feel like they belong	34%	43%	14%	4%	1%
... even if this means some students being offended	15%	36%	24%	17%	5%
... even if they are immoral	8%	21%	25%	27%	15%
... even if they are factually incorrect	8%	22%	19%	26%	22%
... even if this means some students feel threatened	7%	13%	19%	31%	27%
... even if this means some students feel unsafe	7%	11%	20%	32%	28%

Taking a balanced view within the "culture wars"

Universities have become a key arena for free speech debates and "culture war" rhetoric. Where you stand on these broader issues often shapes what you choose to emphasise from the evidence on free speech in universities: belief and identity skew our perspective, and reality is bent to fit our already held views.

For instance, in reporting the results of our survey (Duffy, Malcolm and May 2022), The Guardian led with the headline: "Most students think UK universities protect free speech".[4] In contrast, The Daily Mail headline read: "One in three students say free speech on campus is under threat and open debate is being affected",[5] while The Telegraph led with: "Conservative students 'unable to openly talk about their views' on campus".[6] Each is correct, but partial, and demonstrates how two sides of a debate can

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4   https://www.theguardian.com/education/2022/sep/29/most-students-think-uk-universities-protect-free-speech-survey-finds

5   https://www.dailymail.co.uk/news/article-11260499/One-three-students-say-free-speech-campus-threat-open-debate-affected.html

6   https://www.telegraph.co.uk/news/2022/09/29/conservative-students-unable-openly-talk-views-campus/
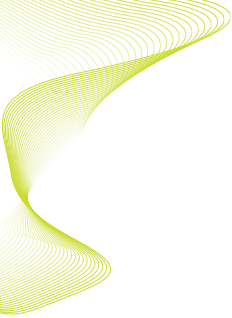
promote completely opposing messages from the same set of facts, particularly on highly identity-driven issues.

We therefore need to interpret our results with the hugely increased coverage of this highly polarised debate clearly in mind. Students' perceptions will be partly shaped by media reporting and high-profile incidents, including certain speakers having their events cancelled. More generally, there has been an extraordinary increase in media focus on "culture war" terms. For instance, the term "cancel culture" only had its first mention in newspapers in 2018, when it was used just six times in the whole year. Since then, there has been a staggering rise in coverage of the use of "cancel culture", to a high of 3,670 articles that included the term in 2021 (Duffy et al. 2022).

Number of articles mentioning "cancel culture" in UK newspapers, 2000–2021
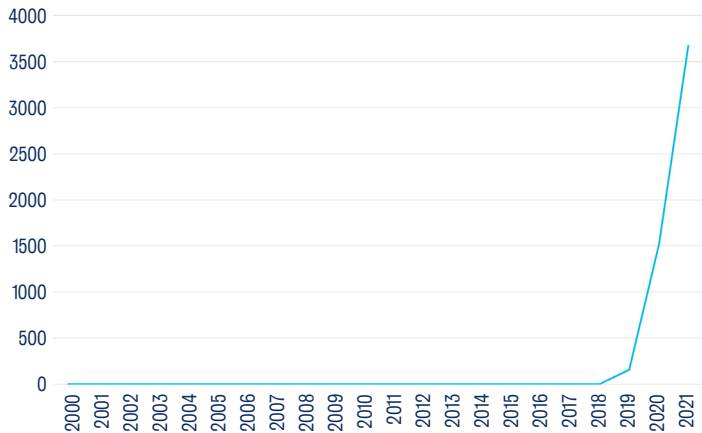
The impact of this could be leading the student population to believe this problem is worse than it really is. This would also partially explain the apparent mismatch between still positive personal experiences on free speech in their university among the large majority with an increased sense of general threat.

From a policy and practice perspective, these two issues need to be taken into account: first, that there are positive as well as negative aspects to our findings; second, that some of the negative findings may in fact be a result of shifts in the national narrative around culture wars. In the end, the most balanced assessment of the evidence we can manage is that the issue of freedom of speech in higher education is not as bad as is sometimes made out to be – but there are still worrying signs of a shift in which students increasingly think that some lawful views cannot be expressed in their universities. Whether this is a university-specific issue or more a reflection of an increased focus in the country as a whole is slightly beside the point: if we believe in universities as bastions of open inquiry and robust debate, there is enough in our findings to suggest we need to consider further measures to bolster those characteristics.

One key response to this is the Higher Education (Freedom of Speech) Act (UK Government 2022). In the next section, we will discuss the main features of this new legislation, and in the section that follows, we will propose a range of measures for promoting freedom of speech in UK universities.

2. The Higher Education (Freedom of Speech) Act

As introduced in an initial policy paper (Williamson 2021), the Act contains the following policy and legislative changes (p. 8, numbering not in original):

1. legislate for a Free Speech and Academic Freedom Champion with a remit to champion free speech, investigate infringements of free speech in higher education and recommend redress

2. legislate to require the Office for Students (OfS), the higher education regulator in England, to introduce a new registration condition on free speech and academic freedom, with the power to impose sanctions for breaches

3. strengthen the free speech duty under section 43 of the Education (No. 2) Act 1986 (the section 43 duty) to include a duty on [Higher Education Providers] to "actively promote" freedom of speech

4. extend the duty to apply directly to [Students' Unions]

5. introduce a statutory tort for breach of the duty, enabling individuals to seek legal redress for the loss they have suffered as a result of breach of the duty

6. widen and enhance academic freedom protections, including extending protections so that recruitment and promotion are also covered

7. work with [Higher Education Providers] to set minimum standards for free speech codes of practice (required under the legislation), making sure high standards become the norm across the sector.

Our survey research found that, once some of these elements are briefly explained to students, they are broadly supportive of this new legislation: 61% of students support it and only 11% oppose. During the focus groups, one student said they felt that "the government is responsible for ensuring that the university is effective in making sure every student is heard", and so would generally agree that some legislative measures were necessary.

When asked about specific elements of the Act, students were even more supportive. For instance, 73% of students support the idea that universities must promote the importance of freedom of speech and academic freedom for academic staff (point 3). Moreover, 71% support universities and students' unions maintaining a "code of conduct" that sets out their values relating to freedom of speech and making students aware of this code (point 7).

When interpreting these results, it's important to recognise the limitations of asking simple survey questions on complex legislative interventions, where views may be different if the consequences, risks and debates on both sides are explained. However, the questions clearly outlined these as "government" proposals, and given the low ratings of the government among this student population, we might have expected a more negative reaction. Overall, this suggests there is at least some openness to legislative approaches among students.

The Act's progress through the Commons and the Lords was lengthy and fraught, however.[7] It had its second reading in the Commons in July 2021, and only received Royal Assent in May 2023. After going through several amendments in the Commons, the Act was debated in the Lords, where some 70 amendments were tabled at committee stage. The key amendment debated at report

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7   For full details, see: https://commonslibrary.parliament.uk/research-briefings/cbp-9295/

stage in the Lords in December 2022 was the removal of Clause 4 from the Act. Clause 4 creates a new statutory tort to allow individuals to bring legal proceedings against a higher education provider, or students' union, if they were not complying with their duties to protect freedom of speech and academic freedom (point 5). An amendment tabled by Lord Willetts (Conservative) to remove Clause 4 from the Act was agreed with 218 in favour of the amendment and 175 against. However, in February 2023, the Commons tabled a motion to disagree with this Lords amendment that was passed with 283 votes in favour to 161 against. In March 2023, the Lords agreed to restore Clause 4, but amended the clause's wording so that a civil claim could only be brought by an individual if: they had suffered a loss due to a breach of the freedom of speech and academic freedom duties; and they had first exhausted an existing complaints scheme.

Our research is less focused on the legislative detail, but it does highlight the highly charged nature of the issue. This makes some elements of the Act extremely important to get right. For example, in line with the Lords' most recent amendments, our research suggests that we should think very carefully about how and when legal recourse through the tort measures can be called on, in an arena where the publicity of a legal case could in itself be seen as an objective, regardless of outcome. This amendment reflects concerns by universities that the tort could lead to "frivolous" and costly claims against them.[8]

Our research also highlights the pivotal role of the Director for Freedom of Speech and Academic Freedom. Professor Arif Ahmed of University of Cambridge has now been appointed to this role, and his interpretation of the new Act will be vital to how the legislation is enacted and how the sector reacts. The new Director will need to recognise

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8   Tim Bradshaw, "The draft free speech law needs big changes": https://www.thetimes.co.uk/article/the-draft-free-speech-law-needs-big-changes-m3p2vnmzg
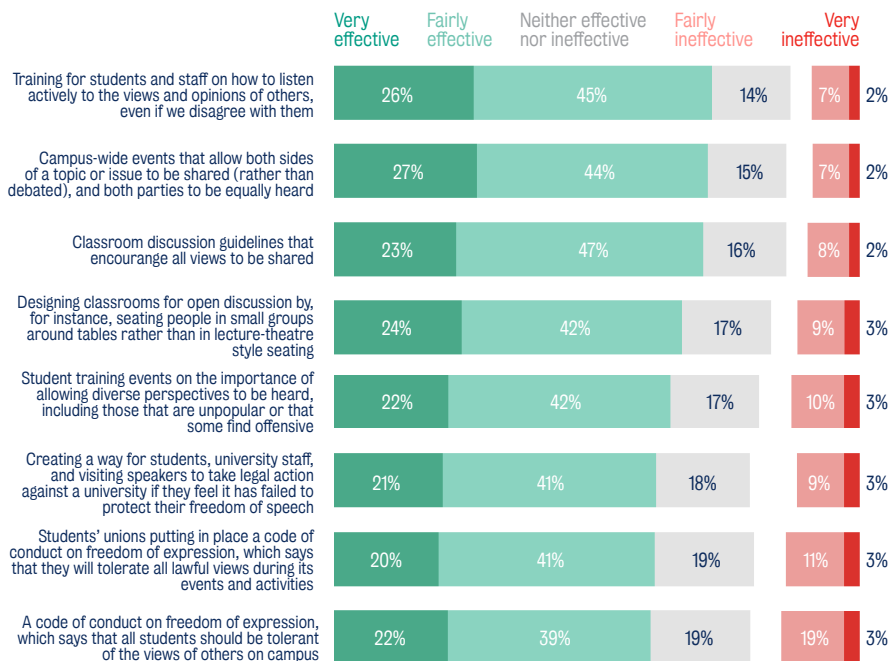
how deeply entrenched different identities are in this debate, and navigate very different perspectives on the same realities without being seen as captured by either. The Director will also need to engage carefully with the indistinct boundaries between offence, safety, threat and harm, which will be key to how we move forward on these issues. Carefully navigating these complex issues could provide a real step forward.
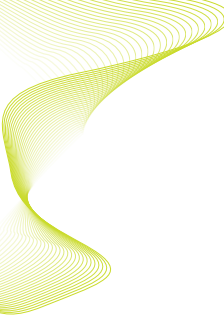
Just as importantly, we should not see the legislation as the only or sufficient response to protecting free speech in universities. There are a range of policy and practice interventions that universities could put in place to encourage lawful free speech on campus, but these have been barely discussed in the context of the legislation because the debate has been focused on regulation and enforcement. These interventions have been discussed more fully in the academic and policy literature, largely from the US, on how to manage disagreement and polarisation within universities and society at large. The next section outlines several of these potential interventions, and reactions from students in our research.

3. Practical interventions

To explore what practical interventions could be helpful, we conducted a literature review to investigate the theoretical and evidential basis for several practices, discussed their potential benefits and challenges with students in the focus groups and interviews, and then put them to students in the survey. Each of the interventions was deemed to be plausible, and when taken together, could create a mutually reinforcing suite of measures that universities could put into place to bolster lawful free speech on university campuses. The lowest degree of support for the measures in the survey was 61%, and the highest was 71%.

How effective or ineffective do you think the following actions would be in making people feel more comfortable expressing their views at your university?

	Very effective	Fairly effective	Neither effective nor ineffective	Fairly ineffective	Very ineffective
Training for students and staff on how to listen actively to the views and opinions of others, even if we disagree with them	26%	45%	14%	7%	2%
Campus-wide events that allow both sides of a topic or issue to be shared (rather than debated), and both parties to be equally heard	27%	44%	15%	7%	2%
Classroom discussion guidelines that encourage all views to be shared	23%	47%	16%	8%	2%
Designing classrooms for open discussion by, for instance, seating people in small groups around tables rather than in lecture-theatre style seating	24%	42%	17%	9%	3%
Student training events on the importance of allowing diverse perspectives to be heard, including those that are unpopular or that some find offensive	22%	42%	17%	10%	3%
Creating a way for students, university staff, and visiting speakers to take legal action against a university if they feel it has failed to protect their freedom of speech	21%	41%	18%	9%	3%
Students' unions putting in place a code of conduct on freedom of expression, which says that they will tolerate all lawful views during its events and activities	20%	41%	19%	11%	3%
A code of conduct on freedom of expression, which says that all students should be tolerant of the views of others on campus	22%	39%	19%	19%	3%

Below we outline and assess four groups of these measures that higher education providers could put into place.

1. Classroom discussion guidelines and geography

For students who feel unable to share their views in classroom settings, some academic literature argues that co-created discussion guidelines can help with disagreeing well, and general classroom civility (Hyde and Ruth 2002; Bjorkland and Rehling 2009; Myers et al. 2016; Pawlowski 2017; DeTemple 2020). The idea is that teachers and students together create a set of guidelines that set out the norms for discussion and debate within the classroom. These guidelines are established through a non-hierarchical "flattened network" (Owen and Buck 2020, p. 786), in which students and teachers are effectively peers. It is argued that by hosting discussions using a mutually agreed-upon code of conduct, students are better able to work out how to integrate their potentially divergent perspectives, and their perceptions of their colleagues' views on civil classroom behaviour are reshaped (ibid. 791). These guidelines need to be established early on as "encouraging civility is much easier than addressing it after the fact" (Pawlowski 2017, p. 9).

By collectively crafting explicit rules, classroom conflict should be minimised (Meyers, 2003). Students will feel more comfortable holding each other to account throughout the discussion or semester (Bjorkland and Rehling 2009, p. 18; Pawlowski 2017, p. 9) and discussion facilitators or teaching staff are able to intervene when necessary (DeTemple 2020, p. 764), knowing that students have a clear sense of their expectations (Meyers 2003).

Co-creation is an empowering technique; investigating students' perceptions of effective ways to handle classroom incivility (Bjorkland and Rehling 2009, p. 17) could help students to feel a greater sense of belonging and nurture feelings of attachment within groups. Helping students to

feel part of the collective will build trust between themselves and with the facilitator or teacher (Owen and Buck 2020), especially if guidelines include a note on confidentiality of discussions (Hyde and Ruth 2002). UK-based think tank Policy Exchange also suggests that the Chatham House rule be introduced as an institutional code for teaching and research seminars (Simpson and Kaufmann 2019, p. 14). In a polarised world, the rule "helps to bring people together, break down barriers, generate ideas and agree solutions" (Chatham House, 2022). In general, these tools can help to build trust between students – a vital step towards the successful discussion of difficult topics (DeTemple 2020).

Developing guidelines such as these was viewed positively in the survey. 70% of students said that discussion guidelines would be effective in making people feel more comfortable expressing their views at their university. A number of students in the focus groups also felt they would be effective. One student said that the guidelines would be effective at "directing [speech] in an easier way for others to be more open and learn more from others". Another student said that they would work, but only under certain conditions. For instance, only if it is clear "what is discriminatory", and hence, what speech is permitted in classrooms. Other students said that "the Code of Conduct should say, 'this is a debating arena, and it shouldn't go any further than the walls of the seminar room or the lecture theatre'" – much like adopting the Chatham House rule.

Other students were more critical of the effectiveness of the discussion guidelines, particularly if they were the only measure adopted by universities. The general concern expressed was that classrooms are not the main site of self-censorship on campus. As one student said:

"I feel like it might work in seminars and that kind of thing. But I don't think it would stop the sort of biased culture in general. And I feel like a lot of these kind of discussions happen in halls, or houses or societies, that kind of thing."
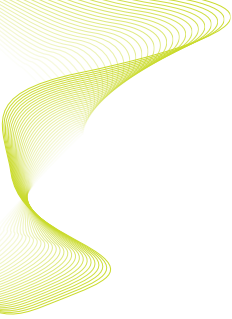
Other discussion during the focus groups noted that, expressing your opinion during a classroom session might be permissible, but that other students would still judge you for what you said, and take the judgment into the wider university context. One student remarked that they "think that lecturers do their best to create a safe space... But it does not stop the judgment of you... and people might become outcasted for expressing their views."

These critical points highlight the importance of universities introducing a range of measures that mutually support free speech across the campus more broadly. During one interview, a student said that "with my housemates there's a very strong left-bias and I feel like if anyone wants to say that they have deviated from that then I don't feel like they would be safe to say that." It's difficult to see how effective classroom discussion guidelines would be in supporting free speech in student houses, halls of residence and students' unions.

A further policy for teaching spaces covered in the literature is designing classroom geography to have students at the centre of the classroom. One way to implement this would be, for example, replacing forward-facing rows of tables with multiple circular tables around which groups of students will be seated and the teacher can move easily between (DeTemple, 2020). These groups can also be kept small to allow for in-depth discussion between groups (Barbour 2007). 66% of students in the survey said they thought measures such as these would be effective. One student interviewed said that "I think it's important the way the teacher sets up the lesson to allow everybody to speak", and classroom geography plays an important role in that.

However, these kinds of measures are now widely in place across universities, and so if there are still problems of freedom of speech, then they are unlikely to be a large part of the solution.

2. Contact initiatives

Contact initiatives, where opportunities are created for polarised groups to come together outside of classrooms to discuss divisive issues and listen to one another, are another central method discussed across a wide range of literature. These proposals arise out of intergroup contact theory, which suggests that an individual will like a member of an opposing outgroup more if they have a positive contact experience. That liking will lead to reduced anxiety and increased empathy, in turn reducing prejudice held for contacts and unknown outgroup members alike (Pettigrew and Tropp 2006, p. 766; Pettigrew et al. 2011, p. 271). Contact cannot always overcome prejudice (Allport 1954) and nearly 70 years of research has found that other variables, like an individual's position in society, can lead to negative contact, which can increase prejudice and affective polarisation. It is, therefore, crucial to create ideal contact conditions to maximise the chance of positive contact between group members (Wang et al. 2020, p. 138). There are a large number of studies and initiatives on this, but just to take four that could have transferable lessons for the UK higher education context:

Bridging Differences: UC Berkeley has used intergroup contact theory to create its Bridging Differences initiative (Greater Good 2022). In a course they have designed, they ask affectively polarised groups to take the position of the other side by, for instance, reframing a policy idea (e.g. same sex marriage) around values held by their political opposite (Shashkevich 2017), understanding the position of a minority (Jilani 2020), or arguing the counterpoint to their own views or beliefs (Shigeoka 2022). Each of these tools can increase an individual's understanding of, and empathy towards, the outgroup member's ideas. The Greater Good Science Centre's findings also show, however, that a single meeting isn't enough when structural issues are at play – long-term efforts and consistently re-affirmed goals are required when discussions revolve around deep-rooted issues like structural racism (Flowers 2021).

Britain Connects: The Britain Connects project aimed to bridge the divide and reduce affective polarisation in post-Brexit Britain. To do so, they arranged single meetings between individuals of different political groups (Silva et al. 2021). Prior to the meetings, participants answered open-ended questions designed to introduce humour (a "funny" conversation starter) and shared experiences (about the impact of Covid-19 on their lives), among other "behavioural insights" (ibid., p. 9). Based on these meetings, people were more likely to have increased warmth for a political outgroup member, though they note that there was no evidence of increased social trust or a willingness to form friendships with other outgroup members (ibid., pp. 15-6).

Poles Apart: Goldsworthy et al. (2021) draw on examples from conflict research in Rwanda and the Democratic Republic of Congo that show that simply bringing people together is not always successful (ibid., p. 182). One approach, though, that has seen success in multiple different intergroup contact studies is emphasising similarity (ibid., p. 187). Goldsworthy et al. propose that discussions between opposing groups should emphasise shared goals and shared identity. Establishing "a shared identity before discussing beliefs...can offset 'us-and-them' thinking" (ibid., p. 220). Crucially, groups need to put their shared identity, as "students" or "colleagues", before their political identities. Establishing a shared identity and putting it first can build trust between members of opposing groups. In a university context, Lukianoff and Haidt recommend that universities work to foster "school spirit" to forge a group identity to increase trust between students (Lukianoff and Haidt 2018, p. 260).

The Poles Apart initiative could work effectively alongside co-creation of classroom discussion guidelines since these could be used as shared goals for bringing together groups of university students. Lukianoff and Haidt (ibid., p. 261) recommend that universities host civil, cross-partisan events for students, for example, facilitating joint events

run by different political groups. It's possible to see how the successful execution of shared events could act as a tangible shared goal for different political groups on campus.

Community of Inquiry: Through the Re/Presenting Islam on Campus project, conducted between 2015 and 2018, researchers found that "a minority of students feel unable to express their views on campus as freely as they wish to" (Scott-Baumann and Perfect 2021, 83). On that basis, the authors argue that universities should work to create open debate in the classroom by establishing "Communities of Inquiry" (CofI), to reduce and overcome polarisation on campus. The CofI project was established, in part, training students at SOAS in "running CofI sessions on topics where free speech and open dialogue have become problematic" (SOAS 2022a).

Scott-Baumann and her team at SOAS provide students with a "how-to" guide based on deliberative democracy (Scott-Baumann and Perfect 2021, 133-137), to help them "develop practical skills to facilitate 'difficult discussion'" (SOAS 2022b). The CofI model utilises a number of interventions proposed in other academic literature:

- Trust building: "participants come together over multiple sessions, building relationships of trust" (Scott-Baumann and Perfect 2021, 124).

- Co-creating discussion guidelines: The "ground rules for the discussion are established at the start by the participants themselves..., the participants [agreeing] in advance to follow a set of procedural values" (ibid.).

- Student-centred approach: students "are encouraged to ask each other questions, probing each other's and their own ideas and hidden assumptions" (ibid.).

The establishment of these "mini-publics" "can help participants to share risk, becoming risk-aware rather than

risk-averse – exercising their right to freedom of speech confidently, while also thinking responsibly about how it might affect others" (ibid.). The CofI model empowers students to make decisions on campus and could provide a safer means of helping students move away from the use of safe spaces, towards difficult discussions on campus. Scott-Baumann and Perfect note, however, that discussion of topics like race and religion can be sensitive, and it requires participants to, at times, hold back criticisms of others to allow the discussion to go ahead (2021, 136). While this appears to be a significant step away from the "safe spaces" approach, practice and training in the CofI model could help students move towards feeling comfortable during uncomfortable conversations.

The majority of students in our survey thought that contact initiatives such as these would be effective in enabling greater freedom of speech (71%). In addition to some of the suggestions discussed so far from the academic literature, some of the students in the focus groups emphasised the importance of open-mindedness among those taking part in contact initiatives:

"I think it would work as long as people came with open minds. I think if people come in with an idea in their head of what they're already going to say – what they already believe – then it wouldn't really work."

Other students emphasised the need for these initiatives to be organised by a neutral agent. Some said that they felt like students' unions were not neutral in their views, and so they wouldn't be the best organisation for setting up the initiatives:

"the problem with students' unions is...they have quite strong views themselves. And the students' unions tend to lean a particular way...which is why you need the neutral person."

In general, there was support for hosting some form of contact initiative to facilitate more free speech.

One higher education programme that has recently begun to utilise contact initiatives is the Project on Civil Discourse at American University.[9] They run student-led facilitated peer discussions, fora for disagreement between faculty and students, and talks with visiting speakers. Through these activities, the project aims to encourage "students to move from thinking only about what they have a right to say and to consider why and how they engage in conversations as speakers, listeners, and learners." Similarly, MIT have recently introduced their Dialogues Across Difference,[10] featuring discussions between philosopher John Tomasi, and MIT's Institute Community and Equity Officer. A number of universities in the US have also partnered with either Heterodox Academy or Constructive Dialogue Institute, to facilitate the discussion of complex and controversial topics on campuses.

While contact initiative events can reduce some polarisation and act as sites for safe discussion of challenging views, they may still not be adequate on their own for increasing freedom of speech overall on campus, particularly given that many of the conflicts happen in student housing. To help address this, we may also need to focus on training initiatives for staff and students.

3. Active listening training and coaching

Some interventions suggest that training staff and students on active listening can be effective in helping more people feel comfortable expressing their views. To this end, US-based non-profit, Essential Partners, have used Reflective Structured Dialogue (RSD) as "an approach to speaking

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9   https://www.american.edu/spa/civildiscourse/about.cfm
10 https://news.mit.edu/2023/mit-inaugurates-dialogues-across-difference-series-0324

and listening across differences" (DeTemple 2020, p. 756). RSD's "Dialogic Classroom" invites "productive discourse that works against the flattening effects of polarization", (ibid., p. 754), where, for example, a student becomes defined by their political identity alone: "the Tory", or "the Leftie".

At the core of the "Dialogic Classroom" is listening. It provides a structured format that "equalizes time to speak and listen" (ibid., p. 757). Listening helps participants to build trust and understanding, reducing conflict between them, and DeTemple's study confirms that students almost universally agreed that the Dialogic Classroom model invited listening (ibid., p. 760).

Other authors also put listening at the front and centre of their interventions. In Hill's (2020) work on safe spaces, "listening" is central to communication. Hill argues that a balance must be found "between the right to freedom of speech and the responsibility to hear the other" (p. 14), and developing listening skills is fundamental to that.

The development of skills in listening and discussing difficult topics requires training, not only for students, but for group facilitators and teaching staff. As a training organisation, DeTemple at Essential Partners recommends training facilitators in the Dialogic Classroom model (2020, p. 769). To reduce "classroom terrorism" and other forms of incivility, it is also suggested that "ongoing training should be available to identify and address disruptive behaviour" (Hirschy and Braxton 2004, p. 73). For Chamlee-Wright (2019) and Alberts et al. (2010), it is also up to faculty to learn how to support students and early career teaching staff to disagree well.

How this training is delivered, and by whom, would be for each university to decide. But one option could be to utilise "Deep Listening", which incorporates some of the techniques involved in active listening but is more
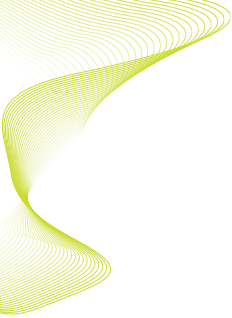
contemplative in quality. This has been tested by Emily Kasriel of the BBC, who ran a project recruiting 1,000 people in 119 countries, conducted in partnership with the British Council, to explore the impact that Deep Listening can make. The project found that participants who have been trained in the approach spoke about how it helped them build stronger links with others, including those that they had previously had difficulties finding common ground with (Kasriel 2022). 93% of participants who took the training agreed that they felt more likely to engage with someone who has a different opinion from them. Deep Listening can therefore work in sensitive and polarised contexts, and be used as a means of promoting social cohesion and reducing the effects of polarisation.

Universities could offer sessions of Deep Listening training, or similar, to students at the beginning of their studies. If all students were better at listening, then it might make students who feel like they must self-censor their views feel more welcome to share them in all university contexts, including housing. It would also give students useful skills for the workplace and life in general beyond the university.

Active listening training was also popular in the survey, with 71% of students saying it would be effective in making people feel more comfortable expressing their views at their university. During one of the focus groups, one student felt like "humanity progresses" when people learn "how to actually listen to someone and build on what they're saying and have a civilised debate". Others felt like the training would be important because:

"people need to be accepting of each other and learning to be open to accept other viewpoints. And if they are not open to accepting other viewpoints or other individuals, then they should be open to learning about it."

By becoming better at active listening, students should become more open-minded, and hence better at hearing out the viewpoints of others.

Another method for supporting students in developing responsible speaking and listening skills on campus is through reflection on personal values. The Project on Civil Discourse at American University have developed their "Building my Voice" resource to support students in identifying their goals, values, and challenges as speakers, listeners, and learners.[11] Students could be asked to complete a workbook such as this as part of their induction onto their programmes in order to reflect on the importance of sharing their own views responsibly, and learning to listen well to others.

4. Codes of conduct

Another policy option is to put in place university-wide codes of conduct on freedom of speech. In the survey, these were viewed to be effective, both in the university at large (61%) and for students' unions specifically (61%). This is a policy measure that comes out of the Higher Education (Freedom of Speech) Act (see point 7, §2 above), and so must be put in place by higher education providers.

A code of conduct could reflect the Chicago Principles (University of Chicago, 2014), which are used widely in the US to uphold free speech on college campuses. The principles state that "debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed." By allowing the expression of all ideas, "the University [of Chicago] is committed to free and open inquiry in all matters". Nevertheless, it is expected that "the University community share in the responsibility for maintaining a climate of mutual respect", and speech may still be restricted that

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11 https://www.american.edu/spa/civildiscourse/building-my-voice.cfm

"violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University".

The University of Chicago is renowned for its support of freedom of inquiry and expression in academia. The Chicago Principles have now been endorsed or adopted by 99 higher education institutions in the USA.[12] This makes the University of Chicago an attractive place for students and academics who are committed to free, robust, and uninhibited debate and deliberation (to use the words of President Emeritus Robert Zimmer). The University engages in a number of activities that supports the cultivation of an environment in which its free expression principles are upheld.[13] Incoming students attend academic addresses and discussions on the importance of free speech for their education,[14] and workshop hypothetical scenarios where they would be faced with challenging or offensive views. Students are also encouraged to listen to the perspectives of others, including when they seem absurd or offensive,[15] and to host their own conferences discussing free expression.[16] The University of Chicago also has in place a disciplinary policy for students and staff who attempt to disrupt talks,[17] and have persisted in hosting events despite calls for cancellation.[18] The implementation of their principles through policy

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12 https://www.thefire.org/research-learn/chicago-statement-university-and-faculty-body-support
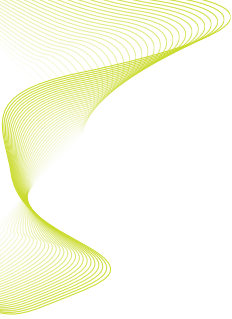13 https://chicagomaroon.com/37655/viewpoints/op-ed/advancing-uchicagos-distinct-culture-of-free-expression/
14 https://freeexpression.uchicago.edu/zell-event-anthony-julius-livestream/
15 https://president.uchicago.edu/from-the-president/messages/092122-fall-2022-college-convocation-address
16 https://news.uchicago.edu/story/uchicago-hosts-student-led-conference-free-expression
17 https://studentmanual.uchicago.edu/student-life-conduct/university-disciplinary-systems/disciplinary-system-for-disruptive-conduct/
18 https://safety-security.uchicago.edu/news-alerts/2022-10-21-update-on-security-measures

and action, and the promotion of their statement on free speech through its adoption by other universities, shows the University of Chicago's commitment to the advancement of free expression both within and beyond their institution.

Lukianoff and Haidt (2018, p. 255) make adopting the Chicago Principles the first recommendation to universities, to ensure the protection of freedom of expression and academic freedom. They have also been recommended for adoption by UK-based leaders at the national students' union (Wonkhe/Kwarteng et al., 2021, p. 40).

Various recommendations have been made about specific clauses the code should include. Goals should be set to increase the volume and diversity of debates and political groups on campus (ibid., p. 27). This recommendation is echoed by Lukianoff and Haidt who show that even though universities have become more diverse in terms of race, gender and ethnicity, they have become less diverse in terms of political perspective, and including expectations about political diversity in the code of practice will ensure universities are committed to "avoiding political uniformity and orthodoxy" (Lukianoff and Haidt 2018, p. 258).

Some students we interviewed felt like a code of conduct such as this would be effective in helping to promote freedom of speech. This could particularly be the case if students were trained in this code from the outset of their studies. One student said:

"I think if they [said]... this is how we're going to structure our seminars and these are the events we're going to do and really set in stone on the first day of university... I think that would be a way to make sure that everyone feels welcome and feels like they can express their views."

64% of students that we surveyed said that student training events on the importance of allowing diverse perspectives to be heard, including those that are unpopular or that some find offensive, would be effective in making people feel more comfortable expressing their views in their university.

However, other students raised a note of scepticism. One student said: "We already have [a code of conduct] and it's unenforceable, so it just doesn't work." Another student said: "You have free speech policies already implemented and if they saw it from an authority kind of viewpoint people would laugh at it…and just mock it." So the onus would be on universities to strengthen the existing policies around freedom of speech to make sure students are aware of them and abide by those measures.

But without testing this and other interventions, it is not possible to show how effective they would be at enhancing freedom of speech in higher education. If the UK government is sufficiently concerned about freedom of speech in higher education to introduce new legislation, then there is a clear case for it to also invest in research into the effectiveness of different interventions. While universities can put these measures in place, only a clear theory of change that links interventions to expected outcomes, combined with randomised control trials to test their effect, will ultimately reveal what is effective.

Conclusions and recommendations

Our research shows that, while the issue of freedom of speech in higher education is not as bad as it is sometimes made out to be, there are still worrying signs of a shift, in which a growing proportion of students think that unpopular but lawful views cannot be expressed in their universities. The key element of the government's response to this, the Higher Education (Freedom of Speech) Act, has finally made it through parliament – but only after a record-breaking two years of scrutiny (under three Prime Ministers and an extraordinary six secretaries of state).[19] The new legislation potentially provides one way of addressing aspects of these concerns, while also bringing significant risks, as the tortuous debates on the Act have highlighted. Besides the possible unintended and negative effects of the legislation itself, one of those risks is that the focus on regulation has distracted us from a whole range of non-legislative practical measures universities could put in place, some of which we have outlined in this report. Implementing these measures will go much further in promoting freedom of speech in higher education than simply following the duties that arise from the Act.

However, our review also makes clear that individual, isolated initiatives are unlikely to achieve lasting support for free speech, because the challenge cuts across different activities and environments in universities, and is influenced by outside contexts, such as the UK's increased focus on "culture wars". Instead, we need a coherent programme of activities, where we can learn from examples such as the University of Chicago, in,

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19   https://wonkhe.com/wonk-corner/last-orders-for-the-freedom-of-speech-bill/

for example, the importance of emphasising commitments to free speech from the very first contact, in summer schools, induction and first classroom sessions, not just through statements and codes of conduct. However, there is still a dearth of evidence on exactly what impact each element of this programme has, and this will be difficult to ever fully unpick from looking at one institution: the reputation of UChicago in this space, built over decades, is likely to attract students who place a greater value on this aspect of university life, for example. This points to the central challenge: this is more a need to support a culture of free speech, where structures and initiatives can drive this culture change, but none will be sufficient on their own.

Our research therefore points to two main conclusions.

First, we need to recognise the highly charged and polarised environment in which the new legislation will be operating. We cannot see the debate and actions in universities as disconnected from wider "culture war" narratives, where perceptions among university students are shaped by external coverage as well as direct experience, and a number of actors are incentivised to exaggerate or downplay the extent of the challenge. This should, for example, make us particularly cautious in how and when legal measures are employed, as fractious, high-profile court cases may themselves shape perceptions and encourage division rather than improve outcomes on free speech. It also points to the central importance of the role of Free Speech Director as this role will to a large degree determine whether this is an important positive intervention in supporting free speech or another front in a culture war.

Second, in considering how to respond to the new legislation in a positive manner that attempts to promote a culture of free speech, universities should test and implement the measures we have outlined in this report (and others). However, this should not be through a series of disconnected individual initiatives. Instead, we need to

develop a clear theory of change, drawing on existing research and experiments, and implement a programme of testing to understand how each action contributes (or doesn't) to supporting free speech in universities. This would be particularly effective if the Free Speech Director and Office for Students have a core objective to not just regulate compliance with the legislation or achieve "minimum standards" but positively support universities through a programme of intervention design, testing and evaluation of "what works" in encouraging freedom of expression. While the Office for Students is a regulator, and therefore rightly focused on compliance with regulatory frameworks in HE, there is precedence for them to also identify and support best practice, for example, in their role in establishing and initially funding an independent charity, the Centre for Transforming Access and Student Outcomes in Higher Education (TASO), focused on widening participation and improving outcomes for students. A similar programme of evidence-driven testing, recommendations and support would be an important positive step in improving and maintaining freedom of expression in UK universities.

Technical note

The data in this report is taken from a range of sources, including multiple new representative surveys of both UK university students and the UK public more generally. The findings of these surveys have then been compared with those from surveys carried out in previous years, to reveal trends and differences between population groups. Full details of the surveys are as follows:

- A survey conducted online by OpinionPanel (YouthSight) of 1,537 current UK undergraduate

students, interviewed 31 Aug-8 Sept 2022. Based on HESA statistics, the sample comprises national representation of gender, course year, and university type. The data is weighted on these factors.

- A survey conducted online by Savanta: ComRes of 2,293 UK adults aged 18+, interviewed 26-28 Aug 2022. Data were weighted to be representative of the UK population by age, gender, region and social grade.

- A survey conducted online by Savanta: ComRes of 2,351 UK adults aged 18+, interviewed 18-20 Sept 2022. Data were weighted to be representative of the UK population by age, gender, region and social grade.

- A survey conducted online by King's College London of 896 current UK university students, interviewed 3-18 Aug 2022. Data were weighted to be representative of the UK university student population by gender, university type and course year.

- A survey conducted online by OpinionPanel (YouthSight) of 2,153 UK undergraduate students, interviewed 29 July-2 Aug 2019. Based on HESA statistics, the sample comprises national representation of gender, course year, and university type. The data is weighted on these factors.

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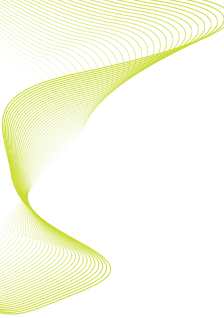
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