

# Academic freedom in the UK

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Thomas Simpson and Eric Kaufmann





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# Executive summary

Britain's universities are world-leading. Yet there is widespread concern that, instead of being places of robust debate and free discovery, they are being stifled by a culture of conformity. Universities have a particular role in upholding free speech in society more broadly, with academic freedom central to this. The danger is that academic freedom is being significantly violated due, in particular, to forms of political discrimination.

There has to date been a lack of good evidence, specific to the UK, which confirms or disconfirms whether academic freedom is being infringed beyond a small number of high profile cases. In addition, beyond statements like the 'Chicago Principles', which affirm the value of free speech in universities, there is a relative lack of policies which would protect academic freedom. The link between academic freedom among faculty and freedom of speech amongst students has also not been thoroughly explored in a UK context.

New polling by Policy Exchange supports three key findings.

- 1. There is evidence of a chilling effect for undergraduate students.** For instance, on Brexit, only 4 in 10 (39%) of Leave-supporting students say that they would be comfortable espousing that view in class.
2. Despite such chilling effects, **a significant proportion of students are consistently supportive of academic freedom.** This figure is likely to be between 3 out of 10 to a half of students.
- 3. Support for academic freedom is significantly affected by the context in which one considers the issue.** In particular, it is affected by whether one is exposed to narratives that affirm either the need to create safe spaces for disadvantaged groups who have been subject to systemic oppression, or the value of free speech in preventing censorship and in promoting liberty and the free exchange of ideas. These findings reinforce the need for, and value of, policies which protect academic freedom.

This report outlines the evidence base to date and sets out a framework for policy development, by which universities, civil society, the UK government, and Parliament may address the problem of political discrimination. Statements of the importance of free expression in universities, like the 'Chicago Principles', are welcome. However, for academic freedom to be protected effectively, its principles need to be institutionalised in universities' day-to-day operations.

A future report will deepen the evidence base and develop the suite of policies in more detail.

## Summary of recommendations

### **Universities should:**

1. Adopt an academic freedom commitment, such as the Chicago Principles, that clearly states that ‘debate or deliberation may not be suppressed because the ideas put forth are thought by some or even most members of the University community to be offensive, unwise, immoral, or wrong-headed’.
2. Appoint an Academic Freedom Champion (AFC), reporting directly to the Vice-Chancellor, with the power to investigate complaints of political discrimination across the Higher Education Institution (HEI), and to recommend actions as appropriate.

### **The Office for Students should:**

3. Appoint a National Academic Freedom Champion who would have the power to investigate allegations of academic-freedom violations from academics and lead on enhanced monitoring requirements or other sanctions where appropriate.
4. Impose an obligation on HEIs to have a senior person responsible for protecting academic freedom in each HEI, and to have an Academic Freedom Code of Practice.

### **The Government should:**

5. Establish a statutory duty of non-discrimination for political and moral beliefs and judgments for the purposes of employment in higher education.
6. Extend the existing statutory duty to ensure freedom of speech and academic freedom to include students and Student Unions, as well as those involved in governance in HEIs.

### **Civil society should:**

7. Incorporate academic freedom as a criterion against which universities are measured in international rankings of universities.
8. Establish an Academic Freedom charter organisation, awarding kitemarks to HEIs for their demonstrated commitment to political anti-discrimination and viewpoint diversity.



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# Overview

Britain's universities are world-leading. They are in the international front-rank in terms of their academics' research, and in the quality of the education they offer to students. They make major contributions to the national economy, to local growth, and to social mobility. They enhance and support the creative, intellectual and cultural life of the country. Their long-term health is an issue of vital public concern.

Yet there is widespread concern that, instead of being places of robust debate and free discovery, Britain's universities are being stifled by a culture of conformity. Stories of 'campus censorship' provide steady copy for the media, in which events are cancelled because of security concerns or because permission is denied for a particular speaker; student societies are disaffiliated or prohibited from campus because their views are unpopular; research is forbidden because it may be detrimental to a university's reputation; and, at the limit, individual academics lose their job or position.

Such incidents raise the concern that academic freedom is being significantly infringed.

Additionally, such incidents may be only the visible face of a much wider and invisible problem. As well as the events that have been cancelled, and the people who have lost their jobs, it is unclear the extent to which people are choosing not to put events on, to avoid certain topics or viewpoints in their research, or not to make particular points in debate. These 'chilling effects' arise because of fear for one's reputation, and ultimately fear for one's prospect of a degree or a job.

There are a number of other possible threats to academic freedom. Concerns about academic freedom have been raised, most notably, on the basis of: the marketisation of higher education, which puts students in the position of consumers and universities in that of businesses; pressure from governments such as China on which universities may depend for overseas students or research partnerships; the PREVENT duty, which seeks to counter radicalisation; and the 'impact agenda' in the Research Excellence Framework, which makes funding in part contingent on the instrumental benefits of research. This report is not an exhaustive treatment of academic freedom. Instead, it focuses only on those threats which may arise from the chilling effects of a 'culture of conformity', and what policies may address them.

The above narrative of 'campus censorship' is now well established in public discourse in the UK. This is influenced in part by its prominence in the US. However, existing debate and policy suffers from two shortfalls.

**First, there is a lack of good evidence which confirms or disconfirms the above narrative.** Some think that concerns over academic freedom are overblown. It may be that a relatively small number of well-known cases are the tip of the ice-berg. Alternatively, critics suggest, these cases might be the result of a few moments of bad judgment, by people in positions of authority who unexpectedly found themselves in the glare of publicity. Or, sometimes, it is argued, the restrictions are in fact justified on the grounds that views which may offend minorities should not be protected by academic freedom. Critics may then go on to argue that these cases have been seized on and publicised for the purposes of a broader political conflict. On this view, such incidents do not reflect a wider reality in which research and teaching continues much as it always has.

There is a growing body of research which investigates the problem of political bias in academia. However, while this research provides data which would confirm the extent of the problem, the great majority of the research is focused on the US, where political polarisation is also more exaggerated than in the UK. The situation in the UK's universities merits specific attention.

**Second, among those who share the concern that academic freedom is being significantly infringed, there is a lack of practical proposals for how the problem should be addressed.** The 'Chicago Principles', a report released by the Committee on Freedom of Expression at the University of Chicago in 2015, is often appealed to as the internationally-leading standard for free speech at universities. Those concerned by a climate of conformity argue that universities should formally adopt the Chicago Statement, or a document which endorses comparable principles. The presumption is that adopting the Statement will successfully protect academic freedom in those institutions.

This presumption is implausible. If not impossible, it is nonetheless difficult for a reasonable person to disagree with the Chicago Principles. That statement affirms that a given university is committed to 'free and open enquiry in all matters', guaranteeing to all members 'the broadest possible latitude to speak, write, listen, challenge, and learn. ... [It] is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.'

Nonetheless, it is one thing for an institution to state its commitment to free enquiry. It is another thing for its members actually to enjoy that freedom. Institutions generally, and universities in particular, have many policies which are formally adopted and which have little or no effect on how the institution conducts itself. Changing or influencing 'the DNA' of an institution requires more deep-rooted reform. While statements endorsing the value of free enquiry in universities are valuable, they must be supported by policies if academic freedom is to be protected effectively. This includes public policy.

The consequences of the loss of academic freedom would be serious. Institutions which restrict free and open enquiry will be the poorer intellectually. In the long-term, universities' influence on our wider society

will turn from being one of enrichment to one of impoverishment.

Towards preventing such an outcome, this report addresses these shortfalls in debate and policy, as follows.

- We **contribute to the evidence base**, with polling that indicates that a substantial proportion of students support free speech, but that some students are not able in practice to exercise it.
- We propose a **framework for policy development, by which universities, civil society, the UK government, and Parliament, may address the problem.**

This proposed framework will be developed in more detail in a future report. In the meantime, public discussion and feedback on the framework is invited. In addition, the same report will develop the evidence base in scope and depth, focusing the views and experience of permanent and non-permanent researchers and teachers in UK universities.

# Academic freedom in the UK: Students' views and experience

Academic freedom is a matter of concern for all members of the university community, including permanent faculty, temporary teachers and researchers, and students. While each constituency has specific concerns, the risk of chilling effects on speech and research is a danger that each is exposed to.

Some sensationalist reporting in the media would suggest that there is a free speech crisis on campus. Stereotypes abound of 'snowflake' students who are triggered by reading lists, lecturers, or other students who are insufficiently woke. In some initial polling, we examine students' actual views on and experience of free speech in the classroom.

Our results support three findings.

- A significant proportion of students are consistently supportive of academic freedom. This figure is likely to be between 3 out of 10 to a half of students.
- Nonetheless, there is evidence of chilling effects on students' speech, such that some mainstream political views cannot be comfortably discussed in the classroom.
- Support for academic freedom is significantly affected by whether one is exposed to narratives that affirm either the need to create safe spaces for disadvantaged groups who have been subject to systemic oppression, or the value of free speech in preventing censorship and in promoting liberty and the free exchange of ideas.

These findings provide some *pro tanto* support for the claim that there is a genuine problem. They also indicate that it is possible to change positively the 'speech culture' on campus.

## Purpose of polling

We collected a convenience sample of 505 UK university undergraduate students, aged 18-25, using the Prolific Academic survey platform. Responses have been weighted by gender to conform to the 57-43 female-to-male ratio among UK undergraduates. Future work will increase and augment the sample, applying weights for subject and university, but this is considered unlikely to affect the conclusions.

Existing research tends to find three groups of students, often of roughly

equal size: one that favours emotional safety over free speech, another that defends free speech over safety, and a third, undecided, group. Our results echo these findings.

However, we sought to move beyond abstract questions of free speech to concrete cases, exploring student opinion on the banning of Jacob Rees-Mogg, dismissal of Jordan Peterson from Cambridge, no-platforming of Germaine Greer, and the idea of having a dress code for costume parties.

We also probe students to see where they are getting their views on these questions. In addition, we ask whether students feel that Leave voters in their classes would feel comfortable expressing their support for Brexit, so testing whether there is a chilling effect on students' speech.

Finally, at the end, we ask a third of our sample to read a pro-free speech paragraph, another third to read a pro-safety paragraph, with a further third who do not read a paragraph. We then explore how much this moves student attitudes on the balance between free speech and emotional safety.

### Prior work

Previous work on the attitudes of undergraduates has focused on the fact that they have an abstract attachment to free speech, but many will sacrifice these principles if they conflict with the perceived imperative to be sensitive to the perceived feelings of disadvantaged groups based on race, gender and sexual orientation.<sup>1</sup>

In the UK, Nick Hillman's (2016) study for the Higher Education Policy Institute, based on a sample of over 1000 UK undergraduates, found that 60% of students agreed universities 'should never limit free speech' and only 11% disagreed. By a 45-23 margin, students agreed that universities should not be comfortable, but rather places for debate and challenging ideas.

However, once the survey introduced a trade-off between free speech and sensitivity to minorities, results shifted dramatically. For instance, 30% of students backed the idea that university publications, if 'offensive to certain groups of students' should be censored, with only 34% opposing censorship. By a 45-17 margin, they agreed that 'ensuring the dignity of minorities can be more important than freedom of expression'.

48% of students endorsed safe spaces and 67% favoured trigger warnings, with only 18% opposed. Only 55% disagreed with the statement that academics who teach material which 'heavily offends some students' should be fired. 38% endorsed the idea that student union shops not sell newspapers which 'display sexist views', with only 26% opposed. 27% wanted UKIP banned from campus and 36% endorsed the National Union of Students' (NUS) no-platform policies against organisations holding 'racist or fascist views'—with only 11% opposed. This said, just 11 percent endorsed a policy that would ban speakers who 'may cause some offence to some students'. Students split fairly evenly over whether universities 'should ever back down' from holding an event.

Overall, respondents leaned more toward students being protected from discrimination even at the expense of free speech (37%) than allowing

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1. Greg Lukianoff and Jonathan Haidt, *The Coddling of the American Mind*, Penguin, 2018; Jacob Poushter, '40% of Millennials OK with Limiting Speech Offensive to Minorities,' Pew, Nov 20, 2015.

unlimited free speech even if offence is caused (27%). Once again, there was a large group of non-committal respondents. The results of this study indicate that a plurality of students lean towards being sensitive to disadvantaged groups rather than defending free speech, with important minorities either non-committal or backing free speech.

A final feature of Hillman's study was the noticeable gender gap in the results. Depending on the question, men were between 5 and 20 points more likely than women to support free speech over safety. This was especially pronounced for questions that mentioned disadvantaged groups. However, women also backed more conservative forms of safety: women were 10 points more likely to endorse the monitoring of student groups believed to pose a safety risk and 14 points more likely to favour training staff to spot students 'who might support terrorism'.

Our results echo Hillman's insofar as they reveal the same three-way split between pro-safety, pro-free speech and undecided students. Women in our data are likewise much more inclined toward sensitivity to disadvantaged groups than men. We find that gender has about the same effect on one's leaning toward safety or free speech as being a Leave or Remain supporter. The gender gap is less tied to ideology—for instance, it does not hold for anti-immigration sentiment, and was not true of the Brexit vote.

### Main findings

Moving to our main results, we asked: 'Should Conservative MP Jacob Rees-Mogg, who supports a 'clean Brexit', be prevented by the university from speaking on your campus?' 52% opposed such a ban on Rees-Mogg, with 26% in favour and 22% saying they didn't know.

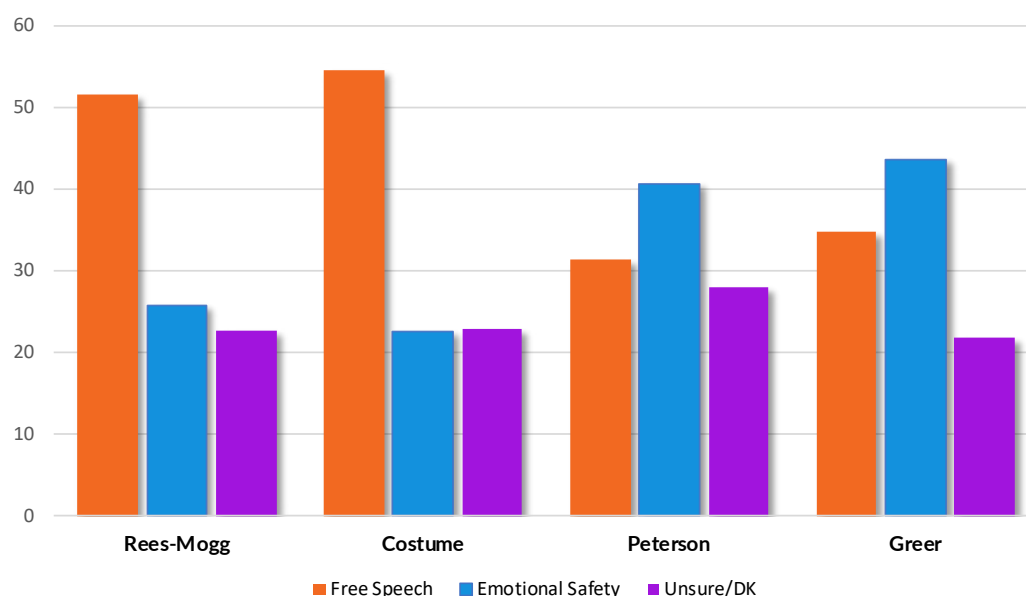
We asked whether students agreed that: 'Universities should regulate which kinds of attire people can wear to parties in order to protect people from cultural appropriation (such as wearing Mexican sombreros or Japanese kimonos), and set appropriate punishments for those who break the rules.' 54% of students disagreed, with 23% in support and 23% unsure.

We described a series of high-profile cases involving Jordan Peterson and Germaine Greer. By a 41-31 margin, students agreed with Cambridge University's decision to rescind Jordan Peterson's fellowship, with 24% undecided and 4 percent saying they didn't know. When asked whether Cardiff University should have overruled protesters to allow Germaine Greer to speak, just 35% agreed with the free speech position, while 44% did not agree that the University should have stepped in to overrule the anti-Greer campaigners and guaranteed Greer the right to speak. The rest were undecided or didn't know. In each case, a minimum of 30% of students backed free speech, while a minimum of 20% supported censorship. These numbers may be considered the core level of support for each position, with a large malleable middle ground which will shift its view depending on the precise situation.

When asked which policy their university should support, 'Prioritise

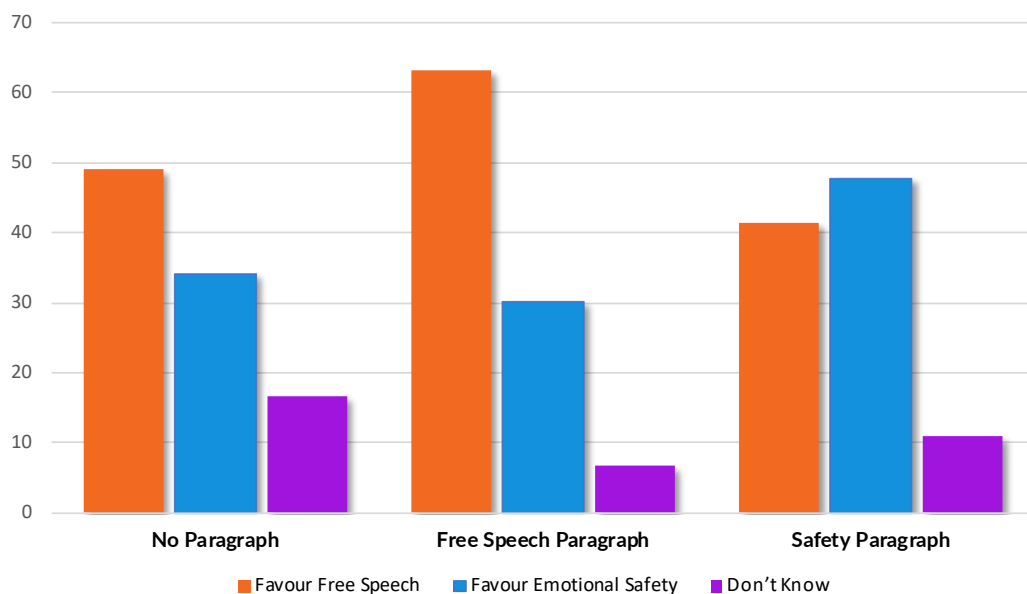
free speech, even if this makes people upset' or 'Prioritise emotional safety, even if this limits free speech', students broke 52-38 for free speech, with 11% not sure.

**Figure 1. Attitudes towards free speech or emotional safety, by case**



We then asked one third of students to read a pro-free speech paragraph emphasising the importance of freedom of expression and Britain's place in the history of the struggle for this freedom. Another third read a paragraph emphasising the importance of protecting disadvantaged race, gender and sexual minorities from harm while a third—the control group—read no paragraph. Those who read the pro-free speech paragraph favoured the free speech option over emotional safety by a 63-30 margin, with 7% saying they didn't know, a 14-point increase in favour of the free speech option, albeit with this coming entirely from the ranks of the undecided rather than those who had opted for safety. Similarly, those reading the second passage about minority sensitivity broke just 48-41 for safety over free speech over safety, with 11% undecided, a 14-point gain for sensitivity, with half coming from former free-speech proponents and half from the undecided. All told these results support the finding that there is a large malleable middle ground with relatively impervious redoubts of pro-free speech sentiment and pro-safety feeling on either side.

Figure 2. Framing effects on attitudes to free speech



Gender, as expected, was important. Women leaned considerably more toward the protective/safety position. Men were 20 points more likely than women to oppose the banning of Jacob Rees-Mogg from campus, 22 points more opposed to dress restrictions at costume parties, 17 points more supportive of Jordan Peterson and 9 points toward Germaine Greer and nearly 20 points more likely to prioritise free speech over emotional safety. Leave voters of both genders—a minority of under 20 percent of the sample—were more pro-free speech than Remainers by a slightly larger margin as men compared to women.

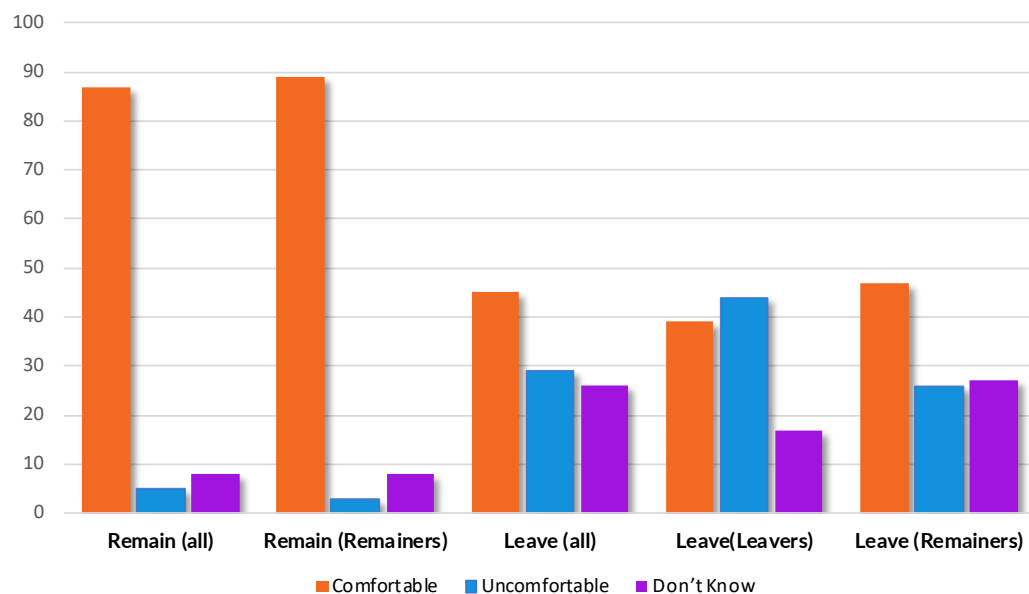
Relatedly, the pro-sensitivity paragraph made a greater impression on female respondents. The paragraph emphasising minority emotional protection shifted women 24 points toward prioritising safety over free speech while shifting men only 5 points. Indeed, even after reading a sensitivity paragraph, men continued to favour free speech by a 55-34 margin. The free speech statement had a statistically significant effect on both men and women, boosting support for free speech over safety by 11 points for women and 18 points for men. However, many of those who changed position came from the ranks of the undecided, with the flanks unmoved by appeals. Thus, 37% of women continued to favour safety over free speech even after reading the paragraph on the British struggle for freedom of expression.

Turning to the question of whether students felt comfortable expressing mainstream political views in class, we find an important ‘chill’ effect on conservative opinion. Respondents on all sides of the Brexit debate concurred that students in class were much more likely to feel comfortable expressing Remain (87% comfortable) than Leave (45% comfort) sentiments. In particular, under 4 in 10 (39%) of Leave-supporting students say that they would be comfortable espousing that view in class. This contrasts with Remain-supporting students, nearly 9 out of 10 (89%)



of whom say that they would be comfortable advocating their view.

**Figure 3. Who is comfortable expressing which view on Brexit (by Brexit stance)?**



### Are academics brainwashing students?

When asked how most students acquired their opinion on the Peterson and Greer cases, 68% said social media. This was by far the most important influence on student opinion on these issues, with parents well down the list at 14%. New partisan online news sites like *Vox*, *Buzzfeed*, *Breitbart*, the *Mail* or the *Guardian* came in at 8%. University lecturers and schoolteachers both scored a paltry 1%. This suggests that the content of what students are learning is not directly shaping their worldviews on the speech issue. A further data point in favour of this interpretation is that older students (those 20-25) were 19 points more likely than 18-19 year olds to back the free speech position over emotional safety. It must also be emphasised that more research is needed to test this finding as some of this effect may be due to mature students. While it is reassuring that students do not appear to be directly influenced by their University experience to oppose free speech, given the range of opinions on this issue, it is important for universities to consider how their policies, structures and culture can encourage support for free speech rather than inadvertently suppress it.

A limitation of this polling is that it does not probe the social influence that lecturers may exert on students, through the way that they speak about and present politically-salient topics in their teaching. For instance, it is unknown whether the 6 in 10 Leave-supporting students who do not say that they would be comfortable expressing that view in class are cautious of how other students would react, or of how their lecturers may react. Further work is needed on this too.

### Summary of initial findings

These results, based on concrete examples, show a high level of support for anti-free speech positions, but also, as in the Hillman study, reveal the presence of an important pro-free speech constituency among students as well as a significant undecided group. Indeed, these results seem to indicate a rough balance between the free speech and sensitivity positions, with a considerable intermediate group. The experiment of having students read passages in support of competing positions show that when confronted with the free speech argument, many undecided students come down in favour of free speech over safety. This suggests that there is an important role for public discourse in shaping worldviews. As expected, female students and Remain-supporting students are considerably more likely to prioritise emotional safety for disadvantaged groups over free speech than are male students or Leave supporters. This said, an important section of female opinion is consistently pro-free speech while an equally notable wing of male opinion is pro-safety.

# A policy framework for protecting academic freedom

While further evidence is required to substantiate the results of our initial polling, it is clear that, to the extent that academic freedom needs protection within the UK, policies will be needed to accomplish this. A key aim of this report is to develop a framework for such policies to be developed. There are three central insights which provide this framework, as follows.

## i. Political discrimination can be combatted in ways similar to other forms of discrimination

As noted, while further evidence is needed to establish how serious the situation is, the nature of the problem is nonetheless clear. The presenting issue is that the assertive advocacy of particular kinds of politics enable and supports a form of discrimination, namely that which is based on a person having ‘the wrong view’. Our initial polling indicates that significant chilling effects exist on political controversies, although we have not tested whether other axes of difference and disagreement are the basis for discrimination or other infringements of academic freedom. For instance, animus over moral and religious difference and disagreement cannot neatly be disentangled from that over political disagreement. We use the term ‘political discrimination’ to describe the attitudes and practices of any given political constituency, which is dominant within the University, which creates chilling effects for those who dissent from its consensus.

It is noteworthy that political discrimination is outside the explicit scope of the Equality Act 2010.

Significantly, in the last two decades, a considerable amount of expertise and energy has been invested in the challenge of combatting discrimination on the basis of other personal characteristics. This observation supports the following lesson, namely that **the policies and strategies which have been developed to combat other forms of discrimination are available to combat political discrimination in universities and colleges.**

## ii. Principles of academic freedom must be institutionalised

The second insight, which builds on the first, is that **effective change requires that principles of academic freedom should be ‘institutionalised’**. Statements of principle are valuable, in large part because they communicate to members of an institution what those norms and principles are that the institution takes to be binding. Nonetheless, by themselves such statements are inadequate to effect real change. For a set

of principles to be effective, there need to be procedures which ensure that individuals and committees actively comply. This requires oversight and enforcement mechanisms. For deep-rooted change, there also need to be multiple actors who independently adopt those principles, and thereby reinforce each other's compliance.

Such change often requires government, universities and civil society to work together in a mutually supportive manner. An important example of how this has been done in the past, with the goal of preventing gender discrimination, is the Athena Swan charter. Under the Athena Swan charter, kitemarks are awarded at Bronze, Silver and Gold levels, to both departments and HEIs, to recognise their commitment to gender equality. It is administered by the Equality Challenge Unit, a subordinate part of AdvanceHE, a professional membership organisation which aims to improve excellence in higher education. The Equality Challenge Unit has previously enjoyed significant financial support from government. The ECU depended on a block grant from the Higher Education Funding Council for England during its start-up phase (for instance, in 2012, this grant was £1.25m, supporting 21.65 full-time equivalent staff).

The Athena Swan kitemark affects reputation directly, by giving a public signal regarding a department or HEI's commitment to gender equality. In addition, Research Councils UK, while not requiring a kitemark to be eligible for funding, does require that those who wish to receive Research Council funding should 'provide evidence of ways in which equality and diversity issues are managed at both an institutional and departmental level'. In practice, the Athena Swan kitemark is a key piece of evidence for this. The attention to equality and diversity in the 'environment assessment', as part of the Research Excellence Framework, further embeds this principle.

For this reason, the framework for policy development outlined below identifies the opportunities that a number of different institutions have to protect academic freedom. In particular, the framework addresses opportunities that are specific to universities, civil society, the Office for Students, and Parliament, through primary legislation.

There are additional reasons for adopting a multi-strand approach. For one, while academic freedom includes the requirement that individual members of universities should be able to speak freely in their academic conduct, it is not limited to that requirement. In particular, academic freedom also requires institutional autonomy; that is, that universities are responsible for their own self-governance. This recognises that, ultimately, the best judges of academic standards, both in intellectual terms and in conduct, are academics. The need to maintain institutional autonomy means that the process by which change occurs is best led by universities, with support from a variety of other institutions, ranging across civil society and government.

Another reason for a multi-strand approach is more pragmatic. Those involved in the governance and administration of universities have many competing demands on their time and effort. Academic freedom is only one concern among many. Moreover, it is one that—unfortunately—

an active minority within the university are likely to oppose, given the incorrect but widespread perception that it is incompatible with equality and diversity. For university leaders, it is easier not to act if there are some costs to doing so, and the benefits are appreciable only in the long-term. As a result, other institutions need to act, in order to help ensure that the issue rises up the priority order within universities.

### iii. Academic freedom should be addressed separately from equality and diversity initiatives

The third insight derives from the perception that academic freedom is in tension with equality and diversity. A future report shall argue that this perception is incorrect. When correctly understood, the demands of equality, which ensure that people from diverse backgrounds are protected from discrimination, are wholly compatible with a full respect for individuals' freedom of research, teaching, and learning. It is overly expansive interpretations of the demands of equality that foster the impression that the value is in conflict with academic freedom. These interpretations should be resisted.

While it is a task for future work to argue for the above, nonetheless, the perception of conflict between equality and academic freedom is widely held. The initial polling supports this claim, in which making narratives of systemic oppression of marginalised groups salient makes students more likely to prioritise 'emotional safety, even if this limits free speech'. Independently of whether it is accurate or not, the perception is also held in particular among those who have invested time and effort in initiatives that support equality and diversity, and who have achieved considerable success in delivering these valuable goals.

The fact that the perception exists, and who endorses it, has consequences for how policy to protect academic freedom should be delivered. **Principles of academic freedom must be institutionalised in a way that is separate to those organisations and individuals who are responsible for promoting equality and diversity. There must be clearly defined jurisdictional competences for the former.** If this principle is not respected, the clear danger is that expansive interpretations of the demands of equality and diversity, which in practice serve to legitimise political discrimination, will be given de facto priority.

Moreover, there is a clear need for universities to invest special effort and emphasis on protecting academic freedom. Equal treatment in the context of employment is a duty that organisations are subject to, and rightly so. But equality in employment is a general demand of justice, which applies to all employers, independently of the specific purpose of the corporation.

In contrast, academic freedom is a concern specific to universities. It concerns their core purpose, namely the pursuit of truth. Universities in which academic freedom is robust produce, in the long run, powerful research. Those in which it is fragile or compromised, in the long run, stagnate. Universities should be uniquely jealous to guard academic

freedom.

With these principles established, a suite of possible policies follow. Many of these policies could be implemented individually. However, many are also mutually supporting, such that the effect of them being collectively adopted would be significantly greater.

### How universities can promote academic freedom

By undertaking the following actions, a university would help effectively to protect the academic freedom of their members. The central proposal is that universities should establish an Academic Freedom Champion, who would report directly to the Vice-Chancellor, and would have a range of responsibilities and powers. The cumulative effect of these responsibilities and powers being exercised, with energy and commitment, would be to entrench habits of political anti-discrimination across the university.

Universities should:

1. Adopt an academic freedom commitment, such as the Chicago Principles. Central to that statement is the contention that ‘debate or deliberation may not be suppressed because the ideas put forth are thought by some or even most members of the University community to be offensive, unwise, immoral, or wrong-headed’. For those who take the view that such ideas are offensive, unwise, immoral, or wrong-headed, the appropriate response is not to seek to suppress such speech, but to contest ‘openly and vigorously’ the ideas they oppose.
2. Appoint an Academic Freedom Champion (AFC), who reports directly to the Vice-Chancellor, with support staff as appropriate. The AFC to be responsible for championing academic freedom in the Higher Education Institution (HEI), with powers as follows. The AFC would have power to investigate complaints of political discrimination across the HEI, and to recommend actions as appropriate. In addition, the AFC would have the power to investigate allegations, by whistle-blowers, of political discrimination on academic appointments and promotion committees; would be responsible for compiling an annual report on the state of academic freedom in their HEI; and to examine and as appropriate revise existing policies and codes of practice in force at the HEI, to ensure compatibility with academic freedom.

## How the Office for Students can promote academic freedom

The Office for Students (OfS) is the main regulatory body which oversees UK universities. Its role is to ensure that students' interests as consumers are protected, as the higher education sector has more explicitly come to work as a marketplace. Established under the Higher Education and Research Act 2017, a central power exercised by the Office for Students is that of awarding or rescinding from a given HEI the authority to issue a degree, necessary for that HEI to call itself a university. In addition, it has available to it other powers, such as the ability to impose enhanced monitoring requirements or to fine HEIs.

In overseeing HEIs on behalf of students, the OfS is required to have regard to a number of public interest governance conditions. These public interest governance conditions include the need for an HEI to ensure academic freedom, which is a statutory obligation (HERA 2017 s.14 (7)), as well as free speech, which is a requirement under statutory guidance.

In consequence, the OfS already has a secure statutory basis on which to undertake actions required to satisfy itself that HEIs provide a satisfactory level of academic freedom.

Policy proposals for the OfS would complement those for universities, and be in part parallel in structure.

The OfS should:

3. Appoint a National Academic Freedom Champion, to report to the Office for Students and discharging its responsibility for oversight of academic freedom in HEIs. The National Academic Freedom Champion would have the power to investigate allegations of academic-freedom violations from academics about their HEIs, who would have a direct right of complaint, with adjudication by civil tribunals in cases of dispute. The National Academic Freedom Champion would lead on enhanced monitoring requirements or other sanctions where there was evidence of a breach of the public interest governance condition related to academic freedom.
4. Impose an obligation on HEIs to have a senior person responsible for protecting academic freedom in each HEI, and to have an Academic Freedom Code of Practice. This person to be publicly identified within the HEI as the person responsible for protecting academic freedom, to whom allegations of violations can be made.

## How primary legislation can promote academic freedom

The definition of academic freedom in statute currently suffers from some shortfalls, primarily in terms of its scope, which an Academic Freedom Bill could helpfully remedy.

Such a bill should:

5. For the purposes of employment in higher education, establish a duty of non-discrimination for political and moral beliefs and judgments. HERA 2017 s.14(7) currently requires that academic staff should have ‘the freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges that they may have at their institutions’. This should be extended to ensure that the *failure to appoint, promote, or otherwise confer a benefit* is also included, and activities that fall within its scope should explicitly include research, teaching, and extra-mural speech.
6. Extend the existing statutory duty to ensure freedom of speech and academic freedom to include students and Student Unions, as well as those involved in governance in HEIs. The Education Act (No.2) 1986 s.43(1) restricts the duty to ensure freedom of speech to ‘every individual and body of persons concerned in the government of any establishment’. This should be extended to ‘members of HEIs, both staff and students’. Additionally, clarify that the duty to ensure freedom of speech specifically permits members of an HEI to criticise and contest views expressed on campus, but prohibits members from obstructing, disrupting, or otherwise interfering with the freedom of others to express their views.

### How civil society can promote academic freedom

As well as government regulation and primary legislation—which are covered below—universities are affected in important ways by two elements of the social context in which they operate. The first is their reputation. The second is their access to funding for research. Universities have a strong focus on ensuring that their reputation is undiminished, and that they consistently win research funding.

By establishing academic freedom as a vital factor in a university’s reputation, and as a condition on which research funding is disbursed, civil society organisations can help to prevent political discrimination and academic freedom is protected.

Civil society should:

7. Incorporate academic freedom as a criterion against which universities are measured in international and domestic rankings of universities. The key ranking system here is the Times Higher Education’s World University Rankings, with the QS World University Rankings also relevant. The THE’s ranking system allocates a 30% weighting to performance indicators that address teaching, and 60% to research, with a reputation survey being the



most significant component by weighting in each. The ranking system would be enriched and deepened by incorporating an academic freedom indicator, for both teaching and research (2.5% and 5% weight respectively, perhaps). How these performance indicators were defined would be an important task.

8. Establish an Academic Freedom charter organisation, awarding kitemarks to HEIs for their demonstrated commitment to political anti-discrimination and viewpoint diversity. This organisation should be a charitable corporation, and be independent of government, though might initially be supported by seed-corn funding from government.

## Conclusion

While many media outlets offer sensationalist reporting about students who cannot bear to hear views with which they disagree, our polling provides a more mixed, qualified picture. First, there is clear evidence of concern. We tested whether students are comfortable expressing their views on Brexit in class. As expected, there was a very significant difference between Remain- and Leave-supporting students. Not only so, but more Leave-supporting students reported that they would not be comfortable expressing that view than Remain-supporting students estimated. As so often, it is those who are actually in the minority who feel excluded, while those in the majority are less aware of the challenges faced. This supports the diagnosis that political discrimination is a danger in the UK's universities, and that more research is required to understand how serious the problem is.

While there is evidence of concern, however, our results show that, nonetheless, there is reason for optimism. For one, there is a noteworthy constituency of students who support free speech. It is not difficult to see why. They are paying for an education, and would like to receive one, in which they have the freedom to think and argue for themselves, without fear of social pressure. They may also be aware of the important role which free speech has played throughout history in supporting freedom and challenging unjust abuses of power. Indeed, this constituency is likely larger than another group of students, who consistently favour emotional safety over intellectual exploration.

The case for academic freedom does not depend on whether it is popular among undergraduate students. That case depends, rather, on academic freedom being an essential enabling condition for universities to fulfil their goal, namely advancing knowledge and advancing society. However, for those who are concerned to protect academic freedom, it is a welcome finding that there is also significant support for the value among students.

There is another reason for optimism, which supports taking policy action imminently. The polling shows that whether one supports academic freedom may be significantly affected by whether one is exposed to narratives that affirm either the need to create safe spaces for disadvantaged groups who have been subject to systemic oppression, or the value of free speech in preventing censorship and in promoting liberty and the free exchange of ideas. A policy agenda which seeks to protect academic freedom itself helps to create the conditions which ensure that the value will enjoy widespread support within universities.

## Future work

Future work will develop both strands of this report in both detail and scope, as well as some questions not addressed above. These will be the focus of a subsequent report.

This report has not addressed some important conceptual questions. One question is why academic freedom matters. Another, as noted above, is the question of the relationship between academic freedom on the one hand, and equality and diversity on the other. These remain to be explored.

Expanding the evidence base is another vital concern. More work with students is required to probe how chilling effects manifest themselves—do students choose what topics to write essays on, or conclusions to defend, based on concerns about political discrimination, for instance? Another important question is the source of the chilling effects—is it other students predominantly, or faculty? On what topics and questions are chilling effects felt most severely—are these political issues only, or wider clashes in moral, social, and religious worldview?

Another key constituency for which there is a striking paucity of data is the permanent and non-permanent teaching and research staff in universities. Within this group, permanent faculty are arguably the single most influential group able to sustain and set the culture within universities, and their views and experience need specific attention. Work here will investigate whether faculty—permanent and non-permanent—experience chilling effects, engage in self-censorship, and on what questions.

In addition, the above framework for policy development will be developed, by elaborating a detailed suite of policies, aiming to protect academic freedom.

## Appendix—Polling methods

### Polling questions

The following questions were asked.

1. [50%]: Professor Jordan Peterson has argued against a Canadian law which may make refusing to use a person's preferred pronouns (i.e. he/she/they/zhe) illegal. He is also known for strong stands against political correctness and the postmodernist left. In March 2019, after pressure and protests from some quarters, Cambridge University, which had offered him a 2-month visiting fellowship, cancelled its offer. What is your view of Cambridge's decision?

[50%] Feminist Germaine Greer, who believes post-operative transgender men are not women, sparked outrage in 2015 when she was scheduled to speak at Cardiff University. The university's Women's Officer created a petition which garnered over 2400 signatures and its women's society campaigned for her to be 'no-platformed'. Greer subsequently cancelled her appearance at the university. The university should have stepped in to overrule the anti-Greer campaigners and guaranteed Greer the right to speak.

Answers on a 1-5 scale: Strongly Agree, Agree, Don't know, Disagree, Strongly Disagree

2. 'Universities should regulate which kinds of attire people can wear to parties in order to protect people from cultural appropriation (such as wearing Mexican sombreros or Japanese kimonos), and set appropriate punishments for those who break the rules.'

Answers on a 1-5 scale: Strongly Agree, Agree, Don't Know, Disagree, Strongly Disagree

3. Would someone who supported Leave/Remain [swapped at 50%] in the 2016 Brexit Referendum be comfortable expressing this view in a classroom at your university?

Yes, No, Don't know

4. Should Conservative MP Jacob Rees-Mogg, who supports a 'clean Brexit' be prevented by the university from speaking on your campus?

Yes, No, Don't know

5. [Preceded by 1/3 seeing pro-free speech paragraph, 1/3 anti-free speech, 1/3 no message]

When in doubt, which policy should your university support?

Prioritise free speech, even if this makes people upset

Prioritise emotional safety, even if this limits free speech

Don't know

### **Pro-free speech**

Throughout the ages, those who have expressed unorthodox opinions—on religion, on the government, on homosexuality, socialism or capitalism—have been subject to persecution or censorship. Britain has an especially important history of resisting threats to freedom of expression from the authorities. Sometimes these threats take the form of being killed or jailed, while at other times they involve being turned into a social pariah, losing one's livelihood or being subject to reputational shaming. Many have died for our right to freely speak our minds and exchange ideas, our precious inheritance. The role of the university is to permit a wide variety of opinions to be expressed and debated, even if they challenge social convention or offend people's sensibilities.

### **Anti-free speech**

Society has finally become more aware of the injustices experienced by disadvantaged groups such as racial minorities, women and the trans community. Historic oppression is compounded by continuing discrimination caused by structures of systemic racism, sexism and transphobia. In order for disadvantaged groups to overcome their systemic oppression, it is important to create safe environments where minorities, women and trans people can reach their full potential. This means universities must defend the principles of social justice and create a protective environment. Speakers whose views contravene the core values of social justice—equity, diversity, inclusion—should not be given a platform to spread harm on campus.

### **Limitations of polling methodology**

It is not possible to draw a random sample of UK students through existing survey firms. Thus we use a convenience sample like other research in this area. However, we have weighted for the most important demographic variable, gender. While, in our modelling, field of study and university type have a small impact on a minority of questions, we do not find ethnic or racial effects, and only modest age effects. In future work, we will weight for these variables, but this is unlikely meaningfully to alter the mean values for our observed free speech outcome measures.

It is also not the case that those who work on opt-in platforms such as Prolific or Amazon MTurk differ much from average students, as the

main differences from the population on opt-in platforms, in contrast to a random sample, is that workers are younger, more liberal and more tech-savvy—all qualities associated with young university students. As Connor Huff and Dustin Tingley report from a detailed comparison of survey samples, ‘Respondents on MTurk are not all that different from respondents on other [commercial] survey platforms. These differences are even smaller as we focus in on certain attributes of the worker pools such as among younger respondents.’<sup>3</sup> It should be noted that our results show a similar pattern (core of pro-free speech and pro-safety students, with an undecided middle) as the Hillman 2016 study. Another point of comparison are the 1,354 UK university students (weighted N of 2,417) aged 18-24 in the YouGov Profiles (2019-10-13) dataset, who, when asked ‘Thinking about political correctness, are you generally in favour of it (it protects against discrimination) or against it (it stifles freedom of speech)’, the students divide 50 percent in favour, 30 percent opposed, 20 percent neither/don’t know.

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2. Connor Huff and Dustin Tingley, “Who are these people?” Evaluating the demographic characteristics and political preferences of MTurk survey respondents, *Research and Politics* 2(3) 2015: 1-12 (p. 8).

## Data Tables

	TOTAL	MEN	WOMEN	LEAVE	REMAIN
Unweighted	505	152	349	64	401
Weighted by gender	505	217	288	64	401
	%	%	%	%	%
Prolific Academic	1-6 NOV, 2019				
1a. Professor Jordan Peterson has argued against a Canadian law which may make refusing to use a person's preferred pronouns (i.e. he/she/they/zhe) illegal. He is also known for strong stands against political correctness and the postmodernist left. In March 2019, after pressure and protests from some quarters, Cambridge university, which had offered him a 2-month visiting fellowship, cancelled its offer. What is your view of Cambridge's decision? (total weighted by gender)					
strongly agree	15	14	16	9	18
agree	26	19	32	18	29
neither	25	30	21	24	23
disagree	19	18	19	18	18
strongly disagree	11	17	6	21	7
don't know	4	2	6	9	3
1b. Feminist Germaine Greer, who believes post-operative transgender men are not women, sparked outrage in 2015 when she was scheduled to speak at Cardiff university. The university's women's officer created a petition which garnered over 2400 signatures and its women's society campaigned for her to be 'no-platformed'. Greer subsequently cancelled her appearance at the university. The university should have stepped in to overrule the anti-Greer campaigners and guaranteed Greer the right to speak. (total weighted by gender)					
strongly agree	9	15	5	26	5
agree	26	25	27	29	26
neither	17	21	14	10	16
disagree	25	19	29	16	28
strongly disagree	18	15	21	16	22

don't know	5	6	4	3	4
2. Universities should regulate which kinds of attire people can wear to parties in order to protect people from cultural appropriation (such as wearing Mexican sombreros or Japanese kimonos), and set appropriate punishments for those who break the rules. ((total weighted by gender)					
yes	23	13	30	16	26
no	54	67	45	72	48
don't know	23	20	25	13	25
3a. Would someone who supported leave in the 2016 Brexit referendum be comfortable expressing this view in a classroom at your university? (total weighted by gender)					
yes	45	45	45	39	47
no	29	28	31	44	26
don't know	26	27	24	17	27
3b. Would someone who supported remain in the 2016 Brexit referendum be comfortable expressing this view in a classroom at your university? (total weighted by gender)					
yes	87	89	86	84	89
no	5	3	6	8	3
don't know	8	8	8	8	7
4. Should conservative MP Jacob Rees-Mogg, who supports a 'clean brexit' be prevented by the university from speaking on your campus? (total weighted by gender)					
yes	26	22	29	11	22
no	52	63	43	69	48
don't know	23	15	29	20	30



7a. [Experiment] When in doubt, which policy should your university support? a) prioritise free speech, even if this makes people upset; b) prioritise emotional safety, even if this limits free speech; c) don't know (total weighted by gender)

	No paragraph	Free speech paragraph	Safety paragraph
Free speech	49%	63%	41%
Emotional safety	34%	30%	48%
Don't know	17%	7%	11%
Number of respondents in each treatment group	153	173	176

7b. When in doubt, which policy should your university support? a) prioritise free speech, even if this makes people upset; b) prioritise emotional safety, even if this limits free speech; c) don't know (amalgamation of three experiments above and weighted by gender)

free speech	52	63	44	64	47
emotional safety	38	28	45	30	41
don't know	11	10	12	6	12

Free speech is the lifeblood of a university, the guarantor of academic freedom and a critical measure of the intellectual health of institutions of higher learning. This timely Policy Exchange report examines the state of free speech in our universities, produces a useful evidence base and proposes convincing strategies to enhance the status of this foundational value in the academy. It is strongly to be welcomed.

Lord Macdonald of River Glaven Kt QC, Warden of Wadham College, Oxford

Freedom of speech and academic endeavour is one the UK's greatest gifts to the world, informing our democracy, literature and scientific achievements, making Britain a good place to live and influencing global debate. But this Policy Exchange research reveals ways in which cultural conformity can threaten to become 'campus censorship'. It is a wake-up call to academic leaders to ensure that our universities are always guardians of freedom in research, teaching and debate, respecting the disagreements that are the concomitant of freedom.

Dame Patricia Hodgson: former Principal of Newnham College, Cambridge; former Chairman of Ofcom

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