



# FSU

FREE SPEECH UNION

## KNOW YOUR SPEECH RIGHTS ON CAMPUS

A guide for students in England, from the Free Speech Union

*Last reviewed: September 2026*

This guide is a summary we have prepared for students at the start of the new academic year. Since August 2025 your university has been under a legal duty to protect freedom of speech. What follows sets out what that duty covers, what your university cannot do, and what to do if you find yourself in difficulty.

Everything here is drawn from the Office for Students' own guidance to universities, [Regulatory Advice 24: Guidance related to freedom of speech](#), which was updated on 5 August 2026. It runs to sixty-odd pages, so we have given paragraph numbers throughout in order that you can look up anything that applies to you and quote it back. The guidance is public, free and searchable, and it is the document against which your university is measured.

### **The short version**

Your university has a legal duty to protect your free speech, and that duty covers speech other people find offensive.

Your university's own rules cannot make your speech unlawful. Only the law can do that.

It cannot stop you saying something because it is controversial, unpopular, or embarrassing for the university.

The duty does not protect you from other students. It protects you from your institution.

If you get into trouble, contact us straight away and keep a record of everything: [assistance@freespeechunion.org](mailto:assistance@freespeechunion.org).

## **You have more freedom than you think**

The duty, which comes from the [Higher Education \(Freedom of Speech\) Act 2023](#), is to take reasonably practicable steps to secure freedom of speech within the law. What it covers is broader than almost anyone expects. The regulator puts the position in these terms:

*“Higher education providers and constituent institutions should have a high tolerance for all kinds of lawful speech. There should be a very strong presumption in favour of permitting lawful speech.”* para 9

*“Free speech includes lawful speech that may be offensive or hurtful to some.”* para 30

The protection is therefore not limited to opinions that people find agreeable. It exists precisely to enable the open discussion of controversial and contested subjects, such as religion, gender, race, immigration, foreign conflicts, and class, because those are the areas in which there is genuine and lawful disagreement.

This duty, which your university owes to you as a student, applies well beyond formal speaker events. It covers what you say in a seminar, what your society decides to debate, and what you write in your coursework, not just what happens at an event with a booked room and an invited guest. The regulator's own example is a student writing a criminology dissertation who uses language a blanket university policy would forbid, which it says is unlikely to amount to harassment (Example 35).

## **Your university's rules cannot make your speech unlawful**

This is one of the most useful insights in the guidance, and it is worth knowing before you need it. The regulator says:

*"All speech is lawful, i.e. 'within the law', unless restricted by law... It does not include rules made by a provider or constituent institution through contracts, its own regulations etc. (although see step 3 below on proportionate interference)." para 27*

Documents such as your student handbook, your code of conduct or your student hall's social media policy cannot make your speech unlawful. Your university may still attempt to restrict your speech under one of them, but that is a separate question, and any restriction has to be justified.

The regulator gives several examples of policies that go too far. An IT policy banning “offensive material” is likely to need rewriting, because a great many lawful views may offend somebody. A blanket rule requiring you always to use a person's preferred gender pronouns is likely to breach the duty, because it prohibits the expression of a lawful viewpoint, although the regulator notes that repeated and deliberate misgendering directed at a particular individual may be restricted. A promotion process that demands a statement of commitment to equality, diversity and inclusion may restrict lawful expression in the same way. These are Examples 32, 35 and 36 of the guidance.

## **Reasons your university cannot give you**

Your university may seek to block an event you have organised, or ask you to take down something you have posted on social media. If it does, the regulator lists the factors that are likely to be irrelevant to whether it should have protected your speech instead.

- The viewpoint you expressed
- Whether it fits the university's aims or values
- Whether it is controversial or offensive
- Whether staff, students, alumni, donors, lobbyists or a domestic or foreign government approve of it
- The reputational impact on the university

On the last of those the guidance is blunt, describing it as “very unlikely” that a university's reputational interests would outweigh your freedom of speech (paragraphs 62, 67 and 123). Threats of disorder from people outside the university who are not within its control are not a reason to cancel your event either (paragraph 122).

What your university may legitimately do is impose conditions on an event, such as a different room, a different time, or security arrangements, where there is a real and evidenced reason for doing so. Conditions of that kind are not automatically a breach of the duty. Cancelling an event because people objected to is likely to be.

If you would like guidance on where the line falls, do [contact us](#): we have helped students in situations where university authorities have become involved, including where security arrangements were the issue.

### **Find your code of practice**

Your university must publish a code of practice explaining how it handles decisions about events and speakers. It must also bring that code, and the free speech duties themselves, to your attention at least once a year (paragraph 167). Separately, the regulator says it would be good practice for the code to be published prominently on the website and accessible without any password or security check (paragraph 168).

It is worth finding yours now rather than when you need it. A good code of practice tells you plainly how to book a room, how a speaker gets approved and who takes the decision. If yours is unreadable, or if your university has not brought it to your attention this year, that is itself worth raising.

Your university is also under a duty to promote the importance of freedom of speech and academic freedom, rather than merely refraining from restricting them (paragraph 11). The guidance treats training and induction as areas where positive steps are expected, so your university should be doing something here beyond publishing a document, and it is fair to ask what that has actually amounted to.

### **Protest**

Peaceful protest is itself a form of expression and is protected. Your university should not restrict a protest because it disagrees with the viewpoint being expressed. The regulator's guidance says that any regulation of protest should focus on the time, place and manner of the speech rather than on the opinion, and that such regulation should be viewpoint-neutral (paragraph 109). Policies governing protests and demonstrations "should not restrict these activities because they express or support a particular legally expressible viewpoint" (paragraph 160), and where reasonably practicable steps can be taken to secure lawful protest, universities are expected to take them (paragraph 111).

What is not protected is using protest to prevent someone else from speaking. The guidance says it is "unlikely to be reasonably practicable for a provider or constituent institution to permit without restriction speech or protest that itself disrupts speaker events, including through the 'heckler's veto', and gives the example of speech delivered at such a volume and for such a length of time that nobody else can be heard (paragraph 111). A university may also regulate a protest that prevents teaching, learning or research from continuing (paragraph 107, and Examples 11 and 13).

One distinction is worth knowing. Requiring protesters not to intrude into classrooms is viewpoint-neutral and legitimate, but a requirement that protests "should not express views that undermine the university's values" may unlawfully suppress particular viewpoints (Example 12).

The principle is straightforward. You are free to protest an event. You are not free to stop it happening.

### **Where the duty stops**

It is worth being clear about the limits of the Act, because it is often described as doing rather more than it does.

The duty does not protect you from disagreement. Being argued with is not a breach of anything; rather, it is the point of the exercise. Nor does it protect you from being unpopular, and it does not force anyone to platform you, since a society that would rather not invite you is exercising a freedom of its own. It also does not reach other students, because the duty falls on your university rather than on your peers.

Most of what makes students go quiet falls into that last category. The cost is social rather than legal. The Act can protect you from your institution, but it cannot make a room want to hear you out, and that part is up to the people in the room.

### **What is genuinely off limits**

Unlawful speech is not protected. In practice that means threatening or abusive behaviour under the [Public Order Act 1986](#), harassment, incitement to violence, stirring up hatred, and offences under the terrorism and communications legislation. The FSU has raised concerns about how some of these provisions are now being enforced in society more broadly, particularly in relation to speech online, and we campaign on that separately. For the purposes of this guide, what matters is the boundaries as the law currently stands.

There are two points worth knowing. First, speech that is merely *insulting* is not an offence under section 5 of the Public Order Act (paragraph 40). Harassment under [section 26 of the Equality Act 2010](#) also has an objective element, in that a tribunal must ask whether it was reasonable for the conduct to have had the effect complained of, and not simply how it was received.

Further, the regulator adds that the Equality Act "does not require providers... to protect students or others from ideas that they might find offensive" (paragraph 85), and quotes the Equality and Human Rights Commission to the effect that exposure to "course material, discussions or speaker's views that they find offensive or unacceptable" is "unlikely to be considered harassment" (paragraph 84).

## Seeking help and support

If your university or students' union investigates you for something you have said, if an event you organised is blocked, or if you are simply unsure where you stand, contact the Free Speech Union as soon as you can and keep a record of all correspondence as you go. We have advised students in exactly this position and we can talk you through your options. Our case team can be reached at [assistance@freespeechunion.org](mailto:assistance@freespeechunion.org).

If your university's own process does not resolve matters, students can take a complaint to the [Office of the Independent Adjudicator](#). It can consider whether you were treated fairly and reasonably, although it will not rule on whether your university broke the law. Students cannot use the [Office for Students' free speech complaints scheme](#), which came into force on 1 September 2026 and is open only to staff, applicants for academic posts, members and visiting speakers.

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## Further reading and resources

**The regulator's guidance to universities.** [Regulatory Advice 24: Guidance related to freedom of speech](#) (Office for Students, updated 5 August 2026). This is the full version of what our summary draws on. Sections 1 and 2 explain what “freedom of speech” and “within the law” mean, while Section 3 gives more than fifty worked examples, several of which concern students and student societies.

**The law itself.** [Higher Education \(Freedom of Speech\) Act 2023](#), which inserted a new Part A1 into the [Higher Education and Research Act 2017](#). The duty is at section A1(1).

**The complaints scheme.** [OfS free speech complaints scheme rules](#), effective from 1 September 2026. Students are excluded from this scheme, so your route remains your university's own procedure followed by the Office of the Independent Adjudicator.

**Your own university's code of practice**, published on its website. This sets out how your institution says it will handle events, speakers and complaints, and it is the first thing to read if something goes wrong.

**On Liberty** by John Stuart Mill (1859). The regulator's guidance itself invokes Mill at paragraph 8, warning that even where conventional wisdom reflects the truth it must remain open to criticism, or what is left is “dead dogma”. Chapter 2 is arguably the best short account of why freedom of speech matters to anyone, and it is [freely available online](#).

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## About the Free Speech Union

We are a non-partisan membership organisation with over 48,000 members that defends and promotes freedom of speech. Since 2020 we have taken on more than 6,500 cases for people in trouble for something they said, from pro-Palestine protesters to gender-critical feminists and from Christian conservatives to communists. We do not ask whether we agree with you, only whether you were exercising your lawful right to speak.

Through the [Ian Mactaggart Programme](#) we support students to hold debates and bring speakers to campus, with grants of up to £1,500 a term for societies and smaller awards for individuals aged 16 to 30. You do not need to be a member to apply.

**Student membership is £14.99 until 31<sup>st</sup> October, half the usual student rate, using the code FRESHERS26.** [Join here](#).

*This guide offers general information about the law and is not legal advice. It applies to universities in England. Paragraph references are to the regulator's guidance as it stood in September 2026.*