Arts SU freedom of speech consultation response

Arts SU represents students at University of the Arts London (UAL). We support robust protection of freedom of speech within the law, including students' ability to organise, protest, debate and create politically engaged art. Free speech protections should not operate primarily as a mechanism for securing platforms for visiting speakers, while giving less attention to restrictions on students' own lawful expression. Nor should they be interpreted as displacing universities' obligations to respond appropriately to unlawful harassment, discrimination, or credible risks to safety.

Our observations draw in part on anonymised conversations with UAL students recorded during 2026. Students expressed support for political protest, including Palestine solidarity activism, while also describing uncertainty about safe participation without fear of institutional reprisals. We ask the OfS to consider the chilling effect of uncertainty and unequal institutional power, as well as formal prohibitions on expression.

Question 1: Proposed guidance for condition E11

We welcome the emphasis on governance arrangements that are effective in practice, rather than only formally compliant. In particular, Annex A, paragraphs 24(b), 26(g) and 29, recognise the importance of protection against harassment, intimidation and coercion, the student experience, and the risk that burdensome event procedures may discourage lawful speech. These commitments should be developed into clearer expectations for how universities consider the rights and experiences of student organisers and demonstrators, alongside those of visiting speakers.

We recommend that providers' governing bodies consider the full range of policies through which students' expression can be restricted, including:

- event approval and room booking processes
- protest and campus-space rules
- security arrangements and costs,
- student-led activities
- teaching and exhibition practices
- complaints or disciplinary procedures

Governance arrangements should consider how these policies operate in practice and whether they are applied consistently across different political viewpoints. Even a technically neutral policy may have a discriminatory or chilling effect in its application.

Arts SU is particularly concerned about invitations to external speakers associated with far-right movements or rhetoric that students may reasonably experience as hostile or intimidating. We recognise that an individual's political affiliation, or student opposition to their lawful views, does not

automatically justify excluding them. However, the duty to protect lawful expression does not remove universities' responsibilities to consider evidenced risks of harassment, threats, discrimination or harm.

We therefore ask the OfS to provide clearer expectations for how universities should assess these risks. This should include:

- meaningful and confidential engagement with affected students
- documented safety and equality assessments
- proportionate security arrangements
- protection for peaceful counter-protest
- consideration of less restrictive alternatives.

Student consultation should meaningfully inform decisions without operating as an automatic veto. More broadly, governing bodies should be accountable for decisions affecting student expression. This includes clear responsibility for decision-making, transparent reasoning, appropriate students' union involvement, and accessible routes to challenge restrictions. Governance arrangements should also protect students from retaliation or disproportionate academic consequences for lawful political participation.

Question 2a: Amendments to Regulatory notice 7

The proposed requirement to supply a free speech code of practice is appropriate, but assessing whether a code meets formal requirements is not sufficient to demonstrate that it is accessible or workable for students. We suggest that applicants should explain how they have consulted their students' union or student representatives when developing the code, how students will be informed of event approval and protest procedures, and what routes exist to seek explanations or timely reviews of decisions.

The OfS should also consider whether codes provide sufficient clarity on safeguarding, security costs, peaceful counter-protest and disciplinary procedures. This information could be incorporated into existing application requirements without creating an extensive additional reporting burden.

Question 3: Proposed guidance for condition E12

We welcome the proposal that compliance with E12 will be assessed through universities' decisions and practices, rather than simply the existence of policies. However, it is essential that the OfS applies this approach consistently, ensuring that restrictions on lawful student protests, campaigns, exhibitions, performances and society events receive the same level of scrutiny as those affecting academic staff or visiting speakers.

This is particularly important in relation to issues such as Palestine solidarity, of which the government’s approach has been unduly censorious. Lawful expressions of solidarity with Palestine,

criticism of Israeli government policy, and advocacy for Palestinian rights should not be treated as inherently impermissible. Equally, threats, unlawful harassment or antisemitism must not be excused as political expression. The same principles should protect Jewish, Muslim, Palestinian and other affected students.

The OfS's existing Regulatory advice 24 recognises these considerations, including an example cautioning against sweeping, viewpoint-specific restrictions on pro-Palestine protests (example 13), and another recognising that intrusive anti-Israel protests may discourage Jewish religious or pro-Israeli expression (paragraph 93). We therefore ask that E12 monitoring examines whether disciplinary processes, room booking procedures and security arrangements are applied fairly across different political viewpoints. Decisions should be assessed using the existing three-step framework, considering the evidence, alternatives available and proportionality of any restrictions.

Our qualitative research with students highlights why these protections matter in practice. Some students have expressed concerns about the potential consequences of participating in activism, which may discourage them from exercising their freedom of speech. For example, one postgraduate student at UAL expressed support for Palestine solidarity activity on campus but feared that participating could affect their visa status. Another student wanted to engage in activism anonymously due to similar concerns, while others expressed uncertainty about how to protest safely. Students also described practical barriers to participation, including balancing campaigning with their studies.

While these accounts do not necessarily indicate that formal restrictions or sanctions have occurred, they demonstrate how fear and uncertainty inculcated by the current political climate across Higher Education may discourage participation in lawful political activity. This highlights the importance of accessible guidance on students' rights, confidential reporting mechanisms, safeguards against retaliation, and measures to identify barriers to political expression.

It is therefore important that student experiences are adequately reflected in how the OfS monitors compliance with E12. We are concerned that relying disproportionately on the OfS's dedicated free speech complaints scheme could create an imbalance in regulatory scrutiny. While eligible staff and visiting speakers can access this scheme, students generally must pursue complaints through their university's internal procedures before approaching the Office of the Independent Adjudicator (OIA). This risks giving restrictions affecting student protest, campaigning and political expression less direct regulatory attention.

We are also concerned about the OIA's capacity to respond to increasing demand. The OIA received 4,234 complaints in 2025, a 17% increase from the previous year. Although its case-handling times have improved, this growing demand raises questions about whether sufficient resources are available to maintain timely and effective redress. Delays may be particularly consequential for students seeking to challenge restrictions on political activity during their studies.

We welcome Annex B's recognition that information from the OIA may inform the OfS's regulatory assessments, however, we ask the OfS to clarify how it will ensure that students' experiences

receive equivalent consideration to complaints from staff and visiting speakers. This should include engagement with the OIA, consideration of anonymised evidence from students' unions and relevant third-party notifications, and monitoring of patterns in complaints, disciplinary decisions and restrictions on student expression.

Crucially, not all students experiencing barriers to freedom of speech will have the confidence, resources or opportunity to pursue formal complaints. Monitoring compliance with E12 must therefore go beyond complaints data to consider whether students can meaningfully exercise their rights in practice. Freedom of speech regulation should not create a system in which visiting speakers' complaints are more visible to the regulator than students' experiences of restrictions on lawful protest, campaigning or political expression.

Question 4: Proposed changes to Regulatory advice 24 / Annex D

We welcome proposed paragraphs 188A–188B, 193A–193F and 214–231 as opportunities to make free speech protections more meaningful to students. Our priority is that these provisions support student-led activity while recognising universities' equality, welfare and safeguarding responsibilities.

Students' unions and codes of practice

Under proposed paragraph 188A, procedures applying to students' unions should be clear, accessible, developed in consultation with student representatives and proportionate to the activities concerned. These should explain decision-making timescales, risk assessment criteria, security arrangements, peaceful counter-protest and routes to challenge decisions.

Relevant procedures should recognise student protests and creative expression, including exhibitions, screenings, performances and installations, rather than focusing predominantly on visiting speakers. Paragraph 188B should also clarify that securing compliance with a code of practice does not require automatic disciplinary consequences for lawful protest or transfer the provider's statutory responsibilities to its students' union. Students' unions should not be expected to police their members' political viewpoints.

Governance and accountability

Proposed paragraph 193C on governing body reporting should include greater consideration of restrictions affecting student expression. Alongside cancelled external speaker events, reporting could cover decisions to restrict or relocate student demonstrations, student-led artistic activity, security costs, and disciplinary action connected with political expression. Such reporting should examine the reasons for decisions, their effects on students and whether similar situations are treated consistently across political viewpoints, without assuming that every restriction is unlawful.

We also support proposed paragraph 193D's confidential reporting arrangements. These should explicitly recognise risks of monitoring, coercion or retaliation arising from institutional practices within the UK, alongside concerns about foreign interference. This is particularly important for students worried about immigration consequences or the effects of political participation on their studies.

Promoting students' understanding of their rights

The new A3 'promote' duty should involve more than induction information or occasional panel discussions. Students need accessible, practical guidance explaining their rights and responsibilities when organising protests, the distinction between lawful political expression and unlawful harassment, relevant campus procedures, and how to challenge restrictions.

Where students have immigration-related concerns, universities should also signpost them to appropriately qualified, independent advice rather than leaving them to navigate potentially complex questions alone.

This information could be developed with students' unions, course teams and relevant advisers, refreshed throughout the academic year and made accessible to students with disabilities and those less confident navigating institutional processes. We particularly support paragraph 223's encouragement of student-led dialogue and paragraph 225's recognition of barriers experienced by students sharing protected characteristics.

Academic and artistic freedom

The examples in paragraph 221 concerning discussion or defence of controversial positions should not be interpreted as requiring students to personally endorse discriminatory views or participate in pedagogical exercises without appropriate consideration of their circumstances, particularly where discussions intersect with lived experiences of discrimination or trauma. Academic rigour, artistic freedom and respectful challenge can be protected together. Similarly, the optional suggestion of institutional neutrality in paragraph 231 should not be interpreted as requiring neutrality from students, academics or artistic work. An institution's decision not to make organisational statements on political issues is distinct from its responsibility to protect lawful political expression by members of its community.

Finally, we support the clarification of restrictions on non-disclosure agreements in paragraphs 193G–193H, including in relation to complaints of bullying or harassment. Confidentiality and support for complainants should not be confused with arrangements that prevent individuals from speaking about their experiences.

Question 5: Aspects of the proposals that are unclear

We would welcome further clarification on four areas to support consistent implementation of the proposed guidance.

1. External speakers and student safety: How should providers distinguish the impact of offensive but lawful expression from evidence of unlawful harassment, intimidation, threats or credible safety risks? How should affected students' concerns inform decisions, and what safeguards should be considered where an event proceeds?

2. Restrictions on student protest: How will the OfS assess whether restrictions are genuinely necessary and proportionate, rather than viewpoint-specific or excessively broad? Further examples distinguishing peaceful protest and counter-protest from disruption of essential university activities would be particularly helpful, including in relation to topics such as Palestine solidarity and politically engaged artistic expression.

3. Student complaints and regulatory monitoring: Given that students cannot use the OfS's dedicated free speech complaints scheme directly, how will evidence from students, students' unions and the OIA inform assessments of E11 and E12? What confidential reporting routes will be available, and how will the OfS ensure that students' complaints receive equivalent regulatory consideration?

4. Students' union responsibilities: How should paragraphs 188A–188B operate where university codes apply to students' union activities but the union is not itself subject to a direct statutory free speech duty? Further clarity is needed on consultation, responsibility for security costs, review arrangements and protection of students' union independence.

Clarification in these areas would help prevent inconsistent or overly cautious interpretations of the duties.

Question 7: Impact on people sharing protected characteristics

These proposals could provide important protections for students whose religious identity, ethnicity, nationality or other protected characteristics make campus political debates particularly consequential. However, they could also produce unequal outcomes if universities focus on protecting lawful expression without sufficient consideration of how to prevent unlawful harassment and discrimination. Freedom of speech protections must therefore be applied in ways that recognise the different experiences and circumstances of students, rather than assuming that everyone is equally able to exercise their rights.

The guidance should reinforce the distinction between lawful criticism of governments or political ideologies and conduct constituting unlawful harassment, discrimination, threats or incitement. In particular, criticism of Israeli government policy or advocacy for Palestinian rights must not

automatically be categorised as antisemitic, just as antisemitic conduct must not be excused as political criticism. Universities should assess evidence and context carefully, ensuring that Jewish, Muslim, Palestinian and other affected students can participate in political discussion and university life without intimidation. Students should not be assumed to hold particular political views because of their identities.

We are also concerned about barriers faced by international students. Our qualitative evidence indicates that some students fear that visible involvement in political campaigns or protests could affect their immigration status. Although immigration status is not itself a protected characteristic under the Equality Act 2010, nationality falls within the protected characteristic of race, and students' reported anxieties remain relevant to equitable participation. Providers should ensure that students can access accurate immigration advice and confidential support without suggesting that lawful protest automatically carries immigration consequences.

More broadly, we encourage the OfS to consider how socioeconomic inequalities can intersect with protected characteristics to affect students' ability to exercise freedom of speech. Freedom of expression should not be understood solely as the absence of direct censorship or institutional interference, but also in terms of whether students have the practical means to participate in debate, protest and creative expression. Financial insecurity, disability-related costs, caring responsibilities, and the demands of paid employment can all shape students' opportunities to make their voices heard.

Arts SU's own research demonstrates how financial pressures already constrain students' educational experiences and creative opportunities. Our 2025 *Name Your Price* report, based on 941 student responses, found that 71% of respondents had scaled down or altered the vision of their academic projects because of financial limitations. Similarly, our 2022/23 Cost of Living Report highlighted the impact of financial pressures on students' time, with 81% of respondents engaged in paid employment agreeing that they could achieve higher grades if they were able to spend less time working and more time on their studies. While these findings do not directly measure restrictions on political speech, they demonstrate how unequal access to money, time and resources can constrain students' opportunities to participate fully in their education and realise their creative ambitions. We believe this has important implications for freedom of expression, particularly within arts education, where creative practice can itself be a form of political speech. A student may have the formal right to produce politically engaged artwork, organise a demonstration, or participate in campaigning, but lack the financial resources, time or access to facilities needed to do so.

These inequalities may be reinforced by university policies and procedures that appear neutral but have disproportionate effects in practice. For example, inaccessible event spaces may prevent disabled students from participating fully in demonstrations, while event arrangements may fail to accommodate religious needs. Similarly, disproportionate security costs, lengthy approval processes or unnecessarily restrictive access to facilities may further disadvantage students who already face financial or structural barriers to participation.

We therefore ask the OfS to recognise that meaningful freedom of speech requires more than ensuring that students are formally permitted to express themselves. While universities cannot be expected to eliminate every socioeconomic barrier, they should be encouraged to identify and minimise avoidable financial and structural obstacles within their control. Equality assessments should consider not only whether policies apply equally to all students, but whether students from different backgrounds have a meaningful and equitable opportunity to exercise their rights in practice. Any monitoring should use anonymised or aggregated information wherever possible and avoid unnecessary collection of sensitive information about individual students' political activity.

Question 8: Potential unintended consequences

Our principal concern is that the proposals could unintentionally create an imbalance in whose freedom of speech receives protection. If regulatory attention is driven primarily by cancellations of prominent speaker events or complaints from eligible visiting speakers, universities may feel greater pressure to facilitate controversial external speakers than to protect students challenging institutional decisions or engaging in lawful protest.

This risks overlooking the breadth of expression within arts education, where students exercise their rights through exhibitions, performances, research, campaigning and collective organising, as well as formal debate.

A further unintended consequence is that the proposals may reinforce existing socioeconomic inequalities in students' ability to exercise freedom of speech. Arts SU's research into the cost of living and cost of study has demonstrated how financial insecurity, paid employment and the costs of creative practice already limit students' opportunities to participate fully in their education. There is a risk that a regulatory approach focused predominantly on formal censorship fails to recognise how these material inequalities also shape who can participate in political debate, organise campaigns or produce politically engaged artwork. This risk may be compounded where universities impose additional costs or administrative requirements, including security charges, complex event approval processes or restricted access to spaces and resources. Students with greater financial security may be better placed to navigate these requirements, while those experiencing financial hardship or time poverty may effectively be excluded from participation. We therefore ask the OfS to recognise that protecting the formal right to speak is not necessarily sufficient to ensure an equitable opportunity to exercise that right, and to encourage providers to address avoidable financial and structural barriers within their control.

Finally, the proposed guidance risks undermining students' union independence if universities interpret paragraphs 188A–188B as requiring unions to enforce institutional restrictions on their members' lawful political expression. Similarly, institutional neutrality under paragraph 231 must not become a justification for limiting students' political or artistic freedom.

We therefore ask the OfS to ensure that its regulatory approach considers these unintended consequences and supports proportionate decision-making, meaningful student involvement,

students' union autonomy and scrutiny of how policies affect students in practice. Ultimately, freedom of speech regulation should strengthen students' ability to participate in university life and challenge institutional power, rather than introduce further barriers to lawful expression.