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Dear [Accountable Officer]

Harassment and intimidation of Jewish students and staff

Thank you for your work towards ensuring that students have a higher education experience free from harassment within an institutional culture that values open dialogue and debate. I'm writing now to remind you about the steps your institution can take (if it is not already doing so) to protect Jewish students and staff on campus.

Some recent accounts have raised serious concerns about the experiences of Jewish and Israeli students and staff in universities, highlighting the need for institutions to respond decisively where necessary and appropriate.

Our guidance on freedom of speech (Regulatory advice 24 or 'RA24')¹ makes clear that the legal duty to take reasonably practicable steps to secure lawful freedom of speech does not prevent institutions from having in place robust anti-bullying and anti-harassment policies, including in relation to antisemitic harassment.²

¹ See [Regulatory advice 24: Guidance related to freedom of speech - Office for Students](#).

² RA 24 paragraph 99.

It also makes clear that the free speech duties impose no obligation to secure speech that amounts to unlawful support for a proscribed organisation.³

It also sets out that institutions should take appropriate steps to address any chilling effect. It may be appropriate in addressing intimidation of Jewish students, and/or chilling of pro-Israel speech, for institutions to regulate the time, place and manner of protests (including, for example, anti-Israel protests).⁴

Institutions should consider what appropriate and proportionate steps to take to address these types of conduct. These may include:

- moving a protest from the environs of a synagogue⁵
- moving a protest from the environs of accommodation for Jewish students⁶
- moving a protest or disruption taking place in or near a classroom⁷
- refusing permission for a speaker who has repeatedly stated support for a proscribed organisation and who is likely unlawfully to do so again⁸
- proportionately restricting the time, place and/or manner of a protest where this interferes with ordinary functions⁹
- enhanced security where necessary for Jewish or pro-Israel speakers, in accordance with the institution's statutory code of practice¹⁰

We would expect that these measures, in intent or effect, do not disproportionately restrict legally expressible viewpoints. In other words, any regulation of the time, place and manner of speech should be viewpoint-neutral. Any such regulation should not be framed so broadly that it may be used to punish or suppress a legally expressible viewpoint, including legally expressible pro-Palestinian viewpoints.¹¹

³ RA 24 paragraphs 50-53. For further information about the statutory Prevent Duty please refer to: Counter-terrorism - the Prevent duty - Office for Students.

⁴ RA24 example 6.

⁵ RA24 paragraph 112.

⁶ RA24 example 6, paragraph 111.

⁷ RA24 examples 11 and 12, paragraph 107.

⁸ RA24 example 2.

⁹ RA24 example 13.

¹⁰ RA24 paragraphs 181-188.

¹¹ RA24 example 13, paragraph 109.

In addition, our new condition of registration on harassment and sexual misconduct (condition E6)¹² requires institutions to take steps to address harassment. This includes taking appropriate disciplinary steps against students or staff who have been found to engage in (for instance) the stirring up of racial hatred against Jewish or Israeli students or staff.¹³

In line with the requirements in condition E6, institutions must also ensure that students benefit from clear reporting routes, credible and fair investigations, and appropriate support services.¹⁴ Support should be available to, and appropriate for, students with different needs and this may include counselling and liaison officers for affected groups. As part of your actions to prevent harassment, you should consider the potential needs of different groups of students.¹⁵ Staff must be appropriately trained, and this may include training on antisemitism.¹⁶

Managing live situations involving contested speech can be complex and doing so may involve making rapid decisions. We recognise that your institution will not always reach the same conclusions as the next institution, but we would expect you to ask the right questions – see for instance the three-step process in our guidance.¹⁷ That means carefully considering the legal and regulatory framework and the impact on affected communities.

We are open to discussing how the new free speech duties apply to your specific circumstances. You should feel free to contact my office if an informal conversation would be helpful. Thank you again for your continuing work in this area.

Yours sincerely

Arif Ahmed
Director for Freedom of Speech and Academic Freedom

¹² See Condition E6: Harassment and sexual misconduct - Office for Students.

¹³ RA24 examples 1, 4, 9, 10.

¹⁴ Condition E6: Harassment and sexual misconduct - Office for Students, paragraphs 29-32.

¹⁵ Condition E6: Harassment and sexual misconduct - Office for Students, paragraphs 23-25.

¹⁶ Condition E6: Harassment and sexual misconduct - Office for Students, paragraphs 28.

¹⁷ RA24 paragraph 24.