

Code of Practice on Freedom of Speech

Version: 1.00
Status: Final
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Date: 11/07/2024

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1. Introduction and Values

UCEM has a clear commitment to actively promoting free speech and academic debate and enquiry. This commitment is set out in the UCEM Royal Charter:

'Staff shall have freedom within 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'.

The values of free speech are fundamental to UCEM's mission. UCEM:

- a) Encourages all members of its community to express themselves freely and to hold their own opinions, even if their views may be controversial or upset and offend others;
- b) Expects all members of its community to demonstrate mutual respect and tolerance of others' views and beliefs;
- c) Protects free speech operating within the law and protects against unlawful speech.

This Code of Practice covers both free speech and academic freedom (further information on the distinction between these can be found in [Section 3 Definitions](#)). Both free speech and academic freedom are only protected if they are within the law. The starting point that UCEM will take is that free speech and academic free speech are protected and permitted unless they should be restricted by law.

This Code of Practice on Freedom of Speech replaces the previous Freedom of Speech Policy.

2. Purpose

The purpose of this Code is to ensure that, as far as reasonably practicable, freedom of speech within the law is secured for students and staff of UCEM, as well as for visiting and guest speakers, and that academic freedom within the law is secured for academic staff.

This Code of Practice will be drawn to the attention of students and staff annually.

3. Definitions

The following definitions are based on the definitions included within the *OfS Regulatory advice 24 Guidance related to freedom of speech* and *UUK Guidance on How can universities prepare for the Higher Education (Freedom of Speech) Act?*.

Free Speech means everyone has the right to hold and express lawful views and opinions freely, in speech or in writing or images (including in electronic form), without interference.

Free speech includes lawful speech that may be offensive or hurtful to some. Speech that amounts to unlawful harassment or unlawful incitement to hatred or violence does not constitute free speech within the law and is not protected.

Academic freedom means protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in danger of losing their jobs or privileges or reducing the likelihood of them securing promotion or different roles at the institution.

4. Legislative Context

UCEM has a legal obligation, as set out in the **Education (No 2) Act 1986 (Section 43)**, to 'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This includes a requirement to 'ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with - (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.' In the context of UCEM, the requirement extends to the UCEM Virtual Learning Environment (VLE) and other UCEM online platforms.

The **Higher Education and Research Act 2017** states that all providers which register with the Office for Students (OfS) must follow its regulatory framework which also upholds that staff at UCEM should have academic freedom within the law. It is also an expectation of the OfS that institutions' governing bodies take steps to ensure that freedom of speech within the law is upheld. This will include ensuring that its governing documents do not contradict obligations related to freedom of speech, and that a Freedom of Speech Policy which meets statutory and other requirements is both in place and adhered to.

The **Higher Education (Freedom of Speech) Act 2023** requires higher education providers to have particular regard to the importance of freedom of speech and take steps that are reasonably practicable to secure free speech within the law for staff, students and visiting speakers. It also requires providers to secure academic freedom within the law for academic staff.

It is also a requirement under the **Human Rights Act 1998 (Article 10)** that 'everyone has the right to freedom of expression'. This includes 'freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.'

As stated in the **Human Rights Act 1998 (Article 10)** freedom of speech is, however, subject to 'formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals...'

The **Equality Act 2010** places a duty on UCEM to have due regard to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all members of the University's community. It also imposes obligations not to discriminate on the grounds of the relevant protected characteristics.

The **Counter Terrorism and Security Act 2015** places an obligation on UCEM to have due regard to the need to prevent people from being drawn into terrorism, whilst also having particular regard for the duty to ensure free speech and academic freedom.

5. Scope

This Code of Practice applies to:

- a) UCEM trustees and staff;
- b) UCEM students;
- c) UCEM delegates;
- d) visiting or guest lecturers invited by UCEM;
- e) alumnus invited by UCEM;
- f) honorary community (fellows and graduates).

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The Code of Practice applies to those parties listed above at all times, this includes all live and recorded activities including events, meetings and all teaching and research activities and all other education and research activities that are held, endorsed, funded or branded by UCEM. Any person or organisation wishing to use digital platforms or premises controlled by UCEM for an event, including persons invited for the purposes of the event.

Within the context of this Code of Practice academic freedom applies to all UCEM academics regardless of whether they are on an employee or worker contract or are visiting speakers. Members of academic staff applying for roles at UCEM will not be disadvantaged by the fact that they have exercised their rights to academic freedom elsewhere.

6. Principles

The starting point is that UCEM will take is that free speech and academic free speech are protected and permitted unless they should be restricted by law.

- UCEM staff and students should be free to undertake academic research and debate within the law. UCEM operates on the presumption that exposure of students to course materials and discussions as part of teaching or research about any matter that is connected to a course is unlikely to constitute harassment under the Equality Act.
- UCEM promotes free debate and enquiry. UCEM actively promotes opportunities to facilitate discussion on contemporary issues by encouraging critical debate within the law, where expression of views within the law is tolerated.
- UCEM however believes that a culture of free and open discussion can only be achieved if all concerned are courteous to one another. UCEM therefore does not tolerate any form of harassment or victimisation and promotes an inclusive culture which promotes equality and inclusion.
- Unless expressly agreed by the Board of Trustees, in line with UCEM's charitable purposes (as defined in the Royal Charter) UCEM does not take an institutional position on political, cultural and religious debates to ensure that individuals are not discouraged from expressing themselves within the law.
- UCEM will assess overseas funding opportunities to ensure that the funding does not present a risk to free speech or academic freedom.

Support and guidance will be provided to staff and students on their rights and responsibilities around free speech and academic freedom.

7. Roles and Responsibilities

UCEM's Board of Trustees is responsible for the governance oversight and the review, approval and effective operation of this Code of Practice.

Responsibility for the implementation of this Code of Practice and for reviewing requests to hold events is with the Deputy Vice Chancellor (University Secretary).

It is the duty of all those to whom this Code of Practice applies to assist UCEM in upholding the rights of free speech and academic freedom set out in this document. Where a breach of this Code of Practice occurs those responsible may be liable to disciplinary action under the relevant UCEM policy.

The Deputy Vice Chancellor (University Secretary) shall report to the Board of Trustees any significant infringements or departures from that which is set out in this Code of Practice.

8. Procedures for Events

The following procedures will apply when arranging all events regardless of whether they are online or in person. Further detailed guidance on the process for seeking approval of events can be found in the [Process for gaining permission to hold an event which poses a risk \(opens new window\)](#).

In considering whether to permit the use of online platform or premises or for UCEM's name to be associated with a particular event, the starting point will be that free speech is allowed within the law. In doing so UCEM will consider whether the event or the ideas put forward will:

- a) Lead to views expressed that are contrary to law.
- b) Constitute a threat to public order, including whether a participant is from an organisation that is officially proscribed by the UK Government as a terrorist organisation.
- c) Incite others to commit criminal acts.
- d) Constitute a threat to the health and safety of individuals attending the event or in the locality which cannot be satisfactorily mitigated.
- e) Lead to views being expressed, or the event itself, discriminating against a person or persons based on their protected characteristics.
- f) Lead to a risk that people will be drawn into terrorism as a result of the event which cannot be mitigated.

The expression of views which are offensive or controversial or provocative or are likely to shock or disturb, if lawful, does not constitute grounds for permission to be denied or for events to be cancelled.

UCEM reserves the right to consider practical considerations such as cost, timeframe or difficulty in providing the necessary mitigations to ensure public safety and this may lead to an event being postponed, modified or in exceptional circumstances cancelled. To ensure certain events where high levels of security are required can proceed UCEM may pass on security costs to the individuals and groups organising the event.

UCEM expects all event attendees to respect the values of free speech and academic freedom and to show tolerance to all sections of its community.

Permission may be withdrawn for a previously approved event by UCEM's Deputy Vice Chancellor (University Secretary).

9. External Speakers

UCEM has a separate [External Speaker Policy \(opens new window\)](#), which sets in place a governing framework for visiting speakers to ensure that debate, challenge and dissent are not only permitted but expected.

10. Appeals and Complaints

Appeals against the rulings of the Deputy Vice Chancellor (University Secretary) related to procedures for events must be made in writing to the Vice Chancellor via ExecSupportTeam@ucem.ac.uk within five working days of the date of the letter confirming the original decision.

Any complaints in relation to UCEM events will be subject to the relevant UCEM procedure.

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UCEM students may submit a complaint about freedom of speech or academic freedom via the [Student Complaints Procedure \(opens new window\)](#). If the matter is related to student conduct it will then be considered under the Student Disciplinary Procedure (opens new window).

UCEM staff may submit a complaint related to their freedom of speech or for academic staff their academic freedom under the staff [Grievance Procedure \(opens new window\)](#).

Any other complaints in relation to free speech or academic freedom may be considered under the [Whistleblowing Policy \(opens in new window\)](#).

Non-disclosure agreements regarding complaints related to sexual misconduct, bullying or harassment are prohibited.

Any breach of the provisions of the Policy shall be dealt with under UCEM's Disciplinary procedures where applicable. Where breaches of the criminal law occur, UCEM shall, where appropriate, assist the Police and the Crown Prosecution Service. In respect of any criminal charges, UCEM shall not, unless the Vice Chancellor determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion of any ongoing criminal proceedings.

As outlined above, complaints should be highlighted to UCEM at the point that they occur and follow the UCEM procedures as set out above.

11. Monitoring and review

The Deputy Vice-Chancellor will monitor the implementation of this Code and will review any issues arising and propose any changes required.

The Code will be reviewed at least every three years by the Board of Trustees

Minor revisions to the Code that do not affect the principles or intent of the Code may be approved by the Deputy Vice-Chancellor (University College Secretary).