

Freedom of Speech Policy and Code of Practice

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1. Introduction

“Freedom of expression is a key part of the higher education experience. Sharing ideas is crucial for learning, and allows students to think critically, challenge and engage with different perspectives.”¹

- 1.1 De Montfort University (the university) upholds and promotes the importance of freedom of speech and expression within the law as one of the cardinal principles upon which all institutions of learning should be founded. The university also has legal and regulatory obligations to take reasonably practicable steps to secure freedom of speech and academic freedom. All members of the university, including staff, students, members of the governing body, and visiting speakers to the university, should enjoy freedom of speech within the law, and should be aware that joining the university community involves obligations and responsibilities which are consistent with freedom speech principles and legislation.
- 1.2 The university also promotes the importance of academic freedom within the law, and is committed to ensuring that academic staff have the freedom within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the university, and without the likelihood of their securing promotion or different jobs at the university being reduced.
- 1.2 The university’s approach to freedom of speech and academic freedom aligns with its approach to equality, diversity and inclusion, and seeks to support staff and students to ensure these principles are captured in course design, associated learning materials and the environment created to facilitate debate and expression of differing views (within legal limits).
- 1.3 This policy and code of practice sets out the ways in which the university ensures that the rights and obligations associated with freedom of speech and expression operate, and how these principles are balanced with other legal obligations, including in respect of the safety of our staff, students and visitors.

¹ Equality and Human Rights Commission: Freedom of expression: a guide for higher education providers and students' unions in England and Wales

2. Scope

- 2.1 This policy and code of practice applies to all staff, students, members of the Board of Governors, visiting appointments and visiting speakers to the university.
- 2.2 This policy and code of practice applies at the university's Leicester, London campuses.
- 2.3 This policy and code of practice applies to all activities undertaken at the university.
- 2.4 This policy and code of practice is not intended to apply to speakers at acts of religious worship. Any speakers at such acts of religious worship should be referred to the university's Chaplaincy service and be in accordance with the provisions of the university's Use of Prayer and Faith Facilities Policy (add link).

3. Glossary

- 3.1 Academic Freedom: the freedom for staff to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing them at risk of losing their jobs or privileges at the university, or reducing the likelihood of securing promotion or different jobs at the university.
- 3.2 Freedom of Speech: the freedom to impart ideas, opinions or information by means of speech, writing or images (including in electronic form).
- 3.3 Non-Violent Terrorism: the promotion of extremist ideologies and narratives through non-violent means, such as propaganda, hate speech, or incitement to hatred, which can create an environment conducive to violence and terrorism. It is distinct from violent extremism, which involves the use of violence or terrorism to achieve political or social goals.
- 3.4 'No Platforming': the practice of denying individuals or groups known for controversial or harmful views the opportunity to speak at events within a university or students' union.
- 3.5 Prevent Duty: the duty on the university to have due regard to the need to prevent people from being drawn into terrorism.
- 3.6 Proscribed Organisation: An organisation that has been identified by the UK government as being concerned in terrorism, and of which it is a

- criminal offence to belong to, support, assist or promote. The list of proscribed organisations can be found here (add link).
- 3.7 Public Sector Equality Duty: a legal requirement for public organisations, including the university, to consider how their decisions and actions affect people with protected characteristics under the Equality Act 2010.
- 3.8 Protected Characteristics: nine ‘protected characteristics’ for which individuals are legally protected against discrimination under the Equality Act 2010: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

4. Responsibilities

Board of Governors

- 4.1 The Board of Governors is responsible for approval of this policy and code of practice, and for ensuring that the university actively promotes the importance of freedom of speech and upholds academic freedom.

Academic Board

- 4.2 Academic Board is responsible for recommending the policy and code of practice to the Board of Governors, and for ensuring that the rights to freedom of speech and academic freedom are enshrined in all academic policy and procedure.

Senior managers

- 4.3 Senior managers are responsible for promoting this policy and code of practice and ensuring that all members of the university community have a duty to assist the university in securing and promoting academic freedom.

Line managers

- 4.4 Line managers have a responsibility to ensure that their reportees are aware of their duty to uphold and promote the principles of freedom of speech and academic freedom.

Employees

- 4.5 All staff have a duty to assist the university in securing and promoting the principles of freedom of speech and academic freedom on university premises, including in lectures, tutorials, research and other activities, including peaceful protest. Employees also have a duty to ensure that any peaceful protest against an event is conducted without infringing the rights of others, including others' right to freedom of speech.

Students

- 4.6 All students have a duty to assist the university in upholding and promoting the principles of freedom of speech and academic freedom on university premises, including in lectures, tutorials, research and other activities, including peaceful protest. Students also have a duty to ensure that any peaceful protest against an event is conducted without infringing the rights of others, including others' right to freedom of speech.

Contractors, Visitors and Third Party Workers

- 4.7 All contractors, visitors and those working on campus who not employed by the university are expected to abide by the principles of this policy and code of practice. For clarity, this includes staff working for the De Montfort Students' Union, and staff working for subsidiary companies of the university.

Visiting Speakers

- 4.8 Visiting Speakers have an obligation to abide by the principles of this policy and code of practice.

5. Policy Statement

- 5.1 The university promotes and upholds the importance of freedom of speech within the law as one of the cardinal principles upon which all institutions of learning should be founded. The university also promotes the importance of academic freedom within the law, and is committed to ensuring that academic staff have the freedom within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges

they may have at the university, and without the likelihood of their securing promotion or different jobs at the university being reduced.

- 5.2 The university supports the right of individuals to express unpopular and / or controversial views, provided that the expression of such views is not unlawful, for example does not constitute racial hatred, religious hatred, hate crimes, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, create a risk to health and safety or are otherwise unlawful.
- 5.3 Whilst upholding the principles of freedom to express potentially unpopular or controversial views, the university will not permit its premises or resources (including its virtual resources) to be used to promote or support violent or non-violent extremism. Where the university has concerns that an event or activity might draw people into terrorism, it will have due regard to its duties under the Prevent Duty in respect of preventing people from being drawn into terrorism, noting that the university will undertake its own due diligence to understand any risks around a particular speaker, and that speakers from proscribed organisations will not be permitted to speak.
- 5.4 The university does not allow or condone the 'no platforming' of speakers, organisations, events or activities which are permitted under this policy and code of practice. No member of the university shall prevent or seek to prevent any event or activity from taking place under the university's name (whether or not held physically within the university) because of the views held or expressed, which are reasonably likely to be expressed, or which it is believed may be expressed.
- 5.5 Nothing in this policy and code of practice shall be taken to prohibit the lawful exercise of the right to peacefully protest. However, protests against an event must be conducted in accordance with the law. The legal rights of others, including others' right to freedom of speech should be respected. No protest should prevent any event or activity permitted under this policy and code of practice from taking place.

6. Code of Practice

- 6.1 The University will:
 - i) ensure that this policy and code of practice and the principles within it are brought to the attention of staff, students, members of the board of governors and visitors on arrival at the University;

- ii) draw this policy and code of practice to the attention of students annually;
- iii) where relevant policies and procedures are introduced, ensure that consideration is given to their impact on freedom of speech and academic freedom;
- iv) ensure adequate and effective mechanisms are in place to raise concerns in relation to freedom of speech and academic freedom; and
- v) where concerns are raised regarding freedom of speech and academic freedom, ensure that, so far as is reasonably practicable, such concerns are addressed and any lessons to be learned are incorporated into a review of relevant policies, procedures and practices.

Teaching, Research and Academic Policies and Procedures

6.2 The university will ensure that its teaching, curriculum, and academic policies and procedures reflect its duty to secure freedom of speech and academic freedom within the law, so far as is reasonably practicable. In particular:

- i) no individual will be subjected to less favourable treatment or disciplinary action by or on behalf of the university as a result of the lawful exercise of their freedom of speech or academic freedom in teaching and research;
- ii) processes for programme development, approval and review, academic assessment and quality assurance will respect the rights of freedom of speech and academic freedom;
- iii) processes for facilitating research will respect the rights of freedom of speech and academic freedom.

Events

6.3 Events involving external speakers will be considered in accordance with the university's external speakers policy (add link) and with due regard to the Prevent Duty, as well as the duties to "secure" and "promote" Freedom of Speech, articulated above. The university will not unreasonably withhold approval for an event and any conditions imposed on the holding of an event will be kept to the minimum necessary to ensure that the event can proceed safely and within the law.

- 6.4 In accordance with the university's external speakers policy (add link), all speakers must be notified to the university ahead of any event being advertised. The university will undertake appropriate due diligence before approving a speaker.
- 6.5 The university may refuse approval for an event where:
- i) The speaker is a member of a proscribed organisation (i.e., the organization is included in the government's list of proscribed terrorist groups or organisations – add link), or the views they are likely to express are for the promotion of a proscribed or illegal organisation or purpose;
 - ii) The views likely to be expressed by a speaker are contrary to the law;
 - iii) The intention of any speaker or event is to incite breaches of the law; or
 - iv) The university cannot make adequate arrangements to ensure the safety of participants, other members of the university, or the public such that the event would breach Health & Safety laws.
- 6.6 The university will consider whether any mitigating actions can be put in place to enable an event to proceed before refusing to approve it.

Limitations on Freedom of Speech

- 6.7 Nothing in this policy and code of practice shall interfere with the right of members of the university to assemble, demonstrate, protest and speak or otherwise express themselves within the law. However, illegal and unlawful acts will not be tolerated.
- 6.8 The university has a duty to protect its members from unlawful discrimination, threats of violence, and unlawful harassment, on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, and gender reassignment,. However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom. As a result, students' learning experiences and the working environment of staff may include exposure to research, learning and teaching materials, discussion or speaker's views that they find offensive, contentious or unacceptable, but are nonetheless lawful, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.

- 6.9 The university is subject to the public sector equality duty and when it is exercising its functions it will have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and to ensure equality of opportunity. In the context of its duties in relation to freedom of speech and academic freedom, the university will consider the potential impact on staff and students to help all staff and students feel welcome and able to participate fully in university life, including in robust discussions and debates.

Raising Concerns

- 6.10 The university encourages the informal resolution of complaints wherever possible. Staff and students are encouraged to raise any concerns informally with their line manager or relevant members of staff wherever possible to support information resolution. Where it is not possible to resolve matters informally:
- i) Staff may raise concerns via the university's grievance policy (add link)
 - ii) Students may raise concerns via the Student Complaints Procedure (add link)
 - iii) Visiting speakers, staff working for subsidiary companies or other third party organisations, other visitors or members of the public may raise concerns under this policy in accordance with the university's Third Party Complaints procedure (add link)

Consequences of Non-compliance

- 6.11 The university has legal and regulatory obligations to take reasonably practicable steps to secure and promote freedom of speech and academic freedom. The university shall take such steps as are reasonably practicable to secure compliance with this policy and code of practice. Contravention of this policy and code of practice may lead to the initiation of action under the staff disciplinary policy (add link) and the student disciplinary policy (add link). Where a contravention is made by a member of staff of a subsidiary company, the matter will be raised with the subsidiary company, who may take action under their own disciplinary policy.
- 6.12 If an offence is allegedly committed at or in connection with an event or activity to which the provisions of this policy and code of practice apply,

in addition to any internal disciplinary procedures that may be appropriate, the university may take steps to assist the police in identifying any persons committing offences.

7. Monitoring and review

- 7.1 The Board of Governors is responsible for ensuring that this policy and code of practice is implemented effectively within the university. The Registrar (Academic) and Secretary to the Board of Governors will support the board in the oversight of the implementation of the policy.
- 7.2 This policy will be reviewed at least every three years.

8. Equality, Diversity and Inclusion

- 8.1 Freedom of speech supports equity, diversity, and inclusion (EDI) by creating a space where diverse voices and perspectives can be heard, respected, and valued.

9. Sustainability

- 9.1 Freedom of speech and academic freedom play a crucial role in supporting sustainability by members of the university to openly research, seek new knowledge, share information, raise awareness, and advocate for change. When people are free to speak out about environmental issues, they facilitate open discourse which fosters engagement, encourages research and policy reform, and supports the spread of scientific knowledge and sustainable practices.

10. Related policies and standards/documentation

- 10.1 Policy on External Speakers
- 10.2 Prevent Policy (will be incorporated into Safeguarding Policy)
- 10.3 Equality, Diversity and Inclusion Policy
- 10.4 Dignity at Work Policy
- 10.5 Staff Grievance Policy

- 10.6 Student Complaints Procedure
- 10.7 Third Party Complaints Procedure
- 10.8 Staff Discipline Policy
- 10.9 Student Discipline Policy

11. Document and version control information:

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Owner	Registrar (Academic) and Secretary to the Board of Governors
Author	Associate Director of Legal Services and General University Counsel
Approved by	Board of Governors
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Applicable statutory, legal, or national best practice requirements	Higher Education (Freedom of Speech Act) 2023 Higher Education and Research Act (HERA) 2017 Education (No 2) Act 1986 Human Rights Act 1998 Counter Terrorism and Security Act 2015 Equality Act 2010 Charity Law De Montfort University Instrument and Articles of Government
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