

# Code of Practice for Freedom of Speech and Academic Freedom

---

<b>Policy owner:</b>	<b>Pro Vice-Chancellor (Academic) &amp; Provost</b>
<b>Implementation date:</b>	<b>1 August 2025</b>
<b>Review date:</b>	<b>Annually</b>
<b>Related policies:</b>	<b>Please see Section 9</b>
<b>Related procedures:</b>	<b>Please see Section 9</b>

## Index

1. Purpose	2
2. Scope	2
3. Legislative context	2
4. Policy statement	3
5. Organisation of events	4
6. Responsibility	4
7. Complaints	6
8. Monitoring and Reviewing	6
9. Relationship with other policies	6/7
10. Definitions	7

## Version History

<b>Version</b>	<b>Approved by</b>	<b>Revisions made</b>	<b>Date</b>

## 1. Purpose

The University of Buckingham's Code of Practice for Freedom of Speech and Academic Freedom sets out the ways in which the stakeholders' rights and obligations in respect of freedom of speech and academic freedom operate at the University and how the balance of legal responsibilities will be achieved.

## 2. Scope

2.1 This policy applies to:

- staff members;
- students;
- trustees and co-opted members;
- the Students' Union, including its societies, clubs and associations; and
- visiting speakers and all other persons invited or otherwise lawfully on the premises.

## 3. Legislative context

3.1 Under Section 43 of the Education (No. 2) Act 1986, the University is required to take such steps as are **reasonably practicable** to ensure that freedom of speech within the law is secured for its students, employees and visiting speakers. Sub-section 43(3) requires universities to issue, enforce and keep up-to-date, a 'Code of Practice' with a view to facilitating the discharge of this duty.

3.2 Recent amendments to the Higher Education and Research Act 2017 made by the Higher Education (Freedom of Speech) Act 2023 both strengthen existing duties and add new obligations. The duty previously imposed on universities under section 43 of the Education (No. 2) Act 1986 has been expanded, with the placing of further responsibilities on universities to take steps to secure freedom of speech through the inserting of new provisions A1-A3 into the Higher Education and Research Act 2017.

3.3 Freedom of Speech and Academic Freedom are underpinned by the Human Rights Act 1998, which brings the European Convention on Human Rights into effect. Article 10 of the Convention protects an individual's right to hold opinions and to express them freely without interference. However, the University, may restrict this right if lawful, necessary and proportionate to do so.

3.4 Under the Equality Act 2010, staff and students must not be subjected to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, the provisions of the Equality Act 2010 are not to be interpreted to undermine freedom of speech and academic freedom. As a result, students' learning experience and the working environment of staff may include exposure to research, course material, discussion or speakers' views that they find offensive, contentious or unacceptable, but are nonetheless within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.

3.5 Section 26 (1) of the Counter-Terrorism and Security Act 2015 imposes a duty (the Prevent Duty) on universities (and other public bodies) to 'have due regard to the need

to prevent people from being drawn into terrorism'. The University's statutory obligations under the Prevent Duty are carefully balanced with the duty to secure academic freedom and freedom of speech.

- 3.6 The University has produced this Code of Practice setting out the procedures to be followed in connection with the organisation of meetings and other events and activities which fall within any class specified in this Code of Practice, together with the conduct required of staff and students in connection with such meetings and activities.
- 3.7 The University has also opted to appoint a 'Free Speech Lead', such lead to be appointed by the Vice-Chancellor from among the Executive Group on an ongoing basis co-terminous with their employment at the University.

#### **4. Policy statement – The University's Values and Expectations**

- 4.1 The University of Buckingham is a seat of learning that nurtures criticality and independent thinking and is committed to pluralism and the tolerance of different perspectives and viewpoints. The University fosters free speech and the understanding of the importance of academic freedom amongst our students and staff. We believe that academic freedom and freedom of speech are fundamental to the enablement of our community to challenge prevailing orthodoxies, query the positions and views of others and to put forward ideas that may sometimes be viewed as radical or dissenting in their formulation. Our commitment to academic freedom and freedom of speech are reaffirmed in the Vision of Strategic Plan 2023-2028.
- 4.2 The University therefore supports the right of individuals to express controversial or unpopular views, provided that the expression of those views does not constitute racial hatred, religious hatred, sexual harassment or other activities which are likely to be considered a hate crime, cause a breach of the peace or public disorder, create a risk to health and safety or are otherwise unlawful.
- 4.3 The University reserves the right to determine that, where an event is allowed to proceed, speakers with extremist views can and will be challenged with opposing views as part of that same event and that all the speakers are of equal standing and profile.
- 4.4 Where the University has concerns that an event might draw people into terrorism, it has the authority to impose restrictions, including cancellation, on that event in accordance with Section 5 of this Code, the University's Prevent Policy and External Speaker Policy and Procedures.
- 4.5 The University shall take such steps as are reasonably practicable, including where appropriate the initiation of disciplinary measures, to secure compliance with individuals' obligations under this Code of Practice.
- 4.6 No person or group to whom this Code of Practice applies shall prevent or seek to prevent the holding or continuation of any event because of views which are held or expressed, which are reasonably likely to be expressed or which it is believed may be expressed.
- 4.7 No person or group to whom this Code of Practice applies shall prevent or seek to prevent the holding or continuation of any lecture, tutorial exhibition or other academic activity because of views which are held or expressed, which are reasonably likely to be expressed or which it is believed may be expressed.

4.8 Nothing in this Code of Practice shall prevent an individual from raising their concerns in relation to the holding of an event or academic activity in accordance with the procedures set out in Section 5.

4.9 Nothing in this Code of Practice shall be taken to prohibit the lawful exercise of the right to peacefully protest; however, protests against events must be conducted without infringing the rights of others, including the rights of others to freedom of speech. No protest should prevent any event permitted under this Code of Practice from proceeding as scheduled.

## 5. Organisation of events

5.1 An active speaker programme is fundamental to the academic and other activities of the University and staff and students are encouraged to invite a wide range of speakers and to engage critically but courteously with them. This Code of Practice provides the only mechanism by which the University can cancel or impose conditions on University meetings or events where this action is deemed necessary as a result of the event's subject matter and/or speaker(s). This is to ensure that the use of University premises is not inappropriately denied to any individual or body of persons on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member. However, all speakers should anticipate that their views will be subject to robust debate, critique and challenge.

5.2 The starting point should always be that the event should go ahead and that cancellation should be exceptional and undesirable.

5.3 It *may* be reasonable to refuse permission for a University meeting or event where the University reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the University or elsewhere) that:

- the views likely to be expressed by any speaker are contrary to the law;
- the speaker is likely to incite breaches of the law or to intend breaches of the peace to occur;
- the meeting will not permit contrary or opposing viewpoints to be held or expressed;
- the speaker and/or the organisation they represent advocates or engages in violence in the furtherance of their beliefs;
- the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations; or
- it is in the interest of public safety, the prevention of disorder or crime, the proper functioning of the University or the protection of those persons lawfully on University premises, that the meeting does not take place.

5.4 The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a University meeting or event, however if any speaker at a University event breaks the law, it is the speaker themselves - and not the University - who shall be culpable.

5.5 Where the University is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on University premises is likely to give rise to disorder or

threats to the safety of participants or the wider University community, the University shall consider what steps it is necessary to take to ensure the safety of all persons and the security of University premises. This may include, but is not limited to: requirements as to the provision of security/stewards, the speaker being part of a wider panel of speakers, ensuring that a member, or members, of staff are in attendance, or that the event or meeting should take place in alternative premises, at a later date, or in a different format. The University may impose such conditions and requirements upon the organisers as are reasonably necessary in all the circumstances, ensuring that the conditions and requirements go no further than is necessary to address the risks it has identified.

- 5.6 The University will only pass on the costs of security for using the premises to those arranging the relevant event or meeting in exceptional circumstances, such as where the costs are wholly disproportionate to the numbers likely to be attending the event and the event could be held in a more proportionate way, or where a visiting speaker could reasonably be expected to have their own security because of, for instance, a political or state office they hold.
- 5.7 Any request to a meeting or event organiser to pay security costs in exceptional circumstances will be in the form of a clear written summary of the University's calculation of the expected security costs and an explanation as to this calculation. Any request to pay security costs will not be influenced to any degree by the ideas or opinions of any individual involved in organising the event or meeting, or by the policy or objectives of, or views of any of the members of, anybody involved in organising the event or meeting.
- 5.8 These narrow exceptions to the general principle of freedom of speech are not intended ever to apply in a way that is inconsistent with the University's commitment to the completely free and open discussion of ideas.
- 5.9 Those attending events and meetings at the University are expected to conduct themselves in a manner consistent with the following principles:
- everyone has a right to free speech within the law.
  - the aim of events at the University is to expose members, staff and students to the widest possible range of viewpoints, within the law.
  - protest is itself a legitimate expression of freedom of speech, but protesters should recognise the rights of others participating in the event or meeting, and in particular not violate the rights of others to speak during the event. Protest must not shut down debate.
- 5.10 Arrangements for visiting lecturers and speakers visiting as part of the academic curriculum, or by invitation (including events organised by the Students' Union), shall be managed in accordance with the [University's External Speaker Policy and Procedure](#).

## **6. Responsibility**

- 6.1 The University's Free Speech Lead will oversee the implementation of this Code of Practice and this extent to which this is the case will be reviewed by the University's Council (see 8.2).

- 6.2 Members of the University's Executive Group are responsible for ensuring that the principles underpinning this Code of Practice are considered in the planning and implementation of activity (including learning and teaching activity) within their purview.
- 6.3 In accordance with the University's Scheme of Delegation, members of the Executive Group may further delegate their responsibility under the foregoing clause providing that in doing so they remain assured that the provisions of this Code of Practice will be upheld.

## **7. Complaints**

- 7.1 Any concerns regarding the implementation of this Policy may be lodged with the Free Speech Lead or via the University's complaints processes.
- 7.2 Student complaints pursuant to this Code of Practice will be investigated in accordance with the provisions of either the Student Complaints Policy (where they concern students' learning opportunities) or the Non-Academic Misconduct Policy and Procedure (where they concern students' conduct).
- 7.3 Staff complaints pursuant to this Code of Practice will be investigated in accordance with the provisions of the Grievance Policy and Procedure. Third-party complaints pursuant to this Code of Practice will also be investigated in accordance with this procedure.
- 7.4 Complaints from external speakers about the University's operation of its Code of Practice for Freedom of Speech and Academic Freedom should use the appended Complaints Process.
- 7.5 If a complainant is dissatisfied with the outcome of the University's internal complaints process in relation to freedom of speech or academic freedom, they may refer their complaint to the Office for Students under the statutory complaints scheme.

## **8. Review and Monitoring**

- 8.1 The University will review and, where necessary, update this Code of Practice annually, in accordance with statutory changes or guidance issued by the Office for Students, whichever comes first.
- 8.2 An annual report on the operation of the Code of Practice (together with any recommendations for its revision) and events approved in accordance with the terms of this Code of Practice, will be made to Council.
- 8.3 This version of the Code of Practice was approved by the Council.

## **9. Relationship with other policies/procedures**

- 9.1 This Code of Practice also takes into consideration and is in compliance with the following University policies and/or procedures (nothing in the following documents should be read as undermining or conflicting with this Code and that in case of any conflict, the principles of this Code will take precedence):
- Non-Academic Misconduct Policy and Procedure

- Anti-Bullying and Harassment Policy
- Student Complaints Policy and Procedure
- Safeguarding Policy

- Prevent Policy
- Donations Policy
- Grievance Procedure
- Disciplinary Policy
- Dignity at Work and Study Policy and Procedure
- Use of University Computers and Data Network Policy
- Social Media Policy
- External Speaker Policy and Procedure
- Equality and Diversity Policy
- Research Degree Handbook (s.7 Publication, Copyright, Data Protection, and Ethics)
- Academic Integrity Policy and Procedure
- New Programme and Module Approval Procedure
- Changes to Provision Procedure
- New Programme Approval (Validation Panel) Procedure
- Admissions Code of Practice
- Progression and Regrading Policy
- Academic Promotions Criteria Policy and Procedure

## 10. Definitions

- 10.1. **Academic Freedom:** means the freedom of an Academic within the law, 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 experiencing a reduction in the likelihood that they would secure a promotion or a different job at the University.
- 10.2. **Annual Report:** means a report presented to Council detailing all events conducted on University premises, invited speakers including topics of discussion and any or any recorded complaints in relation to these events.
- 10.3. **Course:** any programme, module, unit, research project or other form of curriculum construct whether delivered face-to-face, online, by means of work-based learning or any combination of these, whether assessed or not and/or whether leading to a higher education or other award or not.
- 10.4. **Employees:** means individuals or bodies currently employed or engaged, either for remuneration or otherwise, by the University itself or any other legal or charitable body associated or affiliated with the University.
- 10.5. **Event:** means an event, meeting or activity that is open to all members of the general public and those that are restricted to staff and/or students and external speakers.
- 10.6. **External Speakers:** means persons who are not members of the University who are invited to speak at an event (for example: a guest academic, politician or journalist). This may also include the use of generative artificial intelligence for the purpose of producing video and/or audio presentations talks or any form of speaker series.
- 10.7. **Freedom of Speech:** means the freedom to impart ideas, opinions, or information by means of speech, writing, images, or any other medium without interference, subject only to such restrictions as are prescribed by law and are necessary in a democratic society.

- 10.8. **Learning and Teaching:** any activity provided or facilitated by the University that is designed to enable the development and/or transfer of knowledge and/or understanding whether delivered face-to-face, online, by means of work-based learning or any combination of these.
- 10.9. **Premises:** means any building, land or other space occupied either wholly or in part by the University, including any premises for the time being occupied by the University.
- 10.10. **Resources:** means supply of materials, staff, premises, and or equipment the University may use in order to function successfully.
- 10.11. **Students:** means individuals registered full-time or part-time for any qualification or course at the University, or otherwise participating in any form of instruction provided by the University.
- 10.12. **Use of University Premises:** means the holding of a public or private meeting or event on the University's premises.

## **Freedom of Speech Complaints and Appeals Procedure for External Speakers.**

The purpose of this procedure is for the use by External Speakers who have a complaint about the University's operation of its Code of Practice for Freedom of Speech and Academic Freedom

### **Step 1**

To enable the University to investigate and provide a thorough response to your concerns, we will need to form a good understanding of the issues. We would welcome hearing from you by email or by post with a brief explanation of:

- Why you feel dissatisfied with the service you have received.
- How you would prefer to be contacted about your complaint going forward.
- If there is anything that you would like us to do to resolve your complaint.

Please address your concerns to the Registrar:

Via email: [Registrar@buckingham.ac.uk](mailto:Registrar@buckingham.ac.uk)

Via postal address:

Registrar and Chief Administrative Officer  
University of Buckingham  
Hunter Street, Buckingham  
MK18 1EG

If you would prefer not to, or would find it difficult to, send written details of your complaint in this way, please call: 01280 820 199 to speak to Chris Payne so that we can discuss the best way for you to give us an understanding of your concerns (for example, by phone, in a face-to-face meeting or teams call).

### **Step 2**

On receiving of a complaint, the Registrar can appoint a designated person to consider the case. The Registrar or their designated person will determine whether the complaint falls within the scope of this process:

The University will:

- Send a written acknowledgement of your complaint within five working days of receiving it.

- Investigate your concerns diligently, impartially, and fairly. This may include reviewing your matter file and related records and discussing the issues with the investigating team, [and arrange a discussion with you to try to agree how to resolve the issues within 10 working days of receiving your complaint].
- Let you know promptly if we need any further information from you to assist our investigation [and provide you with updates on the progress of your complaint [every two weeks].
- We will aim to conclude our investigation and provide our Final Response as quickly as possible. Although we will always aim for sooner, the process may take up to eight weeks from receipt of your complaint.
- In exceptional circumstances it may be necessary to extend these timescales. If this occurs, we will let you know in writing and will try to agree any variations with you first.

### **Step 3**

The University's Registrar or designated person will write to you to provide a formal Final Response to your Complaint setting out the conclusion of our investigation and any proposals to rectify or resolve the matter

- At the end of our complaints process we will remind you of what you can do if you are unhappy with the outcome, that you can refer your complaint to the Vice-Chancellor, or a senior member of the University nominated by the Vice-Chancellor who has not already been involved in the case.

### **Step 4**

The University's Vice Chancellor will review the outcome of the complaint together with the documentations submitted at the time of complaint. Any fresh documentations provided at this stage which could have been provided at the initial stage of complaint will not be considered as part of the review.

### **Step 5**

The University's Vice-Chancellor or their senior member may seek information from any other relevant persons or part of the University in relation to the review of the decision. Their decision will be communicated to the complainant in writing. This decision is final.

### **Step 6**

We will ask you to let us know whether we have succeeded in resolving your concerns and, if you accept any proposals made, we will fulfil the proposals promptly.

### **Step 7**

If you remain dissatisfied after receiving our Final Response, or in the unlikely event that you have not received a Final Response of receiving your complaint, you be entitled to complain to the Office for Students about our service. The Office for Students will normally expect you to have exhausted this complaints procedure before referring to them.