

LINCOLN BISHOP UNIVERSITY
Document Administration

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LINCOLN BISHOP UNIVERSITY

CODE OF PRACTICE ON FREEDOM OF SPEECH

1. PURPOSE

- 1.1. The Higher Education and Research Act 2017 (as amended by the Higher Education (Freedom of Speech) Act 2023) requires the University's governing body to take steps that, having particular regard to the importance of free speech, are reasonably practicable for it to take in order to:
 - a) secure freedom of speech within the law for staff, members and students of the University and for visiting speakers;
 - b) secure academic freedom for members of academic staff.
- 1.2. As part of this, the governing body is required to maintain a Code of Practice on Freedom of Speech. This Code of Practice sets out the rights and obligations inherent in supporting the principles of freedom of speech and academic freedom within the law, and the procedure to be followed by students and staff in connection with the organisation of events and meetings which fall under this Code of Practice.

2. SCOPE

- 2.1 This Code of Practice applies to:
 - a) all members, staff and students; and
 - b) visiting speakers and all other persons invited or otherwise lawfully on the University's premises.
- 2.2 This Code of Practice applies to all meetings and events (including tutorials, meetings, seminars, lectures, debates, workshops, committee meetings, conferences and musical and theatrical performances whether livestreamed or recorded) and any other activities (collectively referred to as "events") proposed, planned or due to take place on the University's premises.
- 2.3 References in this Code of Practice to the "University's premises" means all premises owned, leased or controlled by the University (including online or virtual classrooms and communication spaces).
- 2.4 This Code of Practice also applies to events hosted by or on behalf of the University on non-University premises.
- 2.5 This Code of Practice will be posted on the University's intranet and website.

3 KEY CONCEPTS

- 3.1 Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.
- 3.2 Freedom of speech within the law is protected. This means that speech will not be protected if it contravenes some other law, and illegal or unlawful acts will not be tolerated by the University.
- 3.3 The University has a duty to protect its staff and students from 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 should not 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 materials, discussions or speaker's 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.
- 3.4 Academic freedom means freedom within the law to question, and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without being at risk of being adversely affected. An individual would be deemed to have been adversely affected if they had either lost their job or privileges at the University, or experienced a reduction in the likelihood that they would secure a promotion or different job at the University.

- 3.5 The University is committed to ensuring that academic staff have the freedom to question, and test received wisdom and put forward new ideas and opinions without placing them at risk of losing their job, privileges or future opportunities. Academic freedom shall extend to all academic staff and to any visiting or guest lecturer invited by the University.

4 VALUES

- 4.1 The University recognises, supports and promotes freedom of speech and academic freedom within the law as a fundamental principle of a democratic society and one that is central to further and higher education.
- 4.2 The core mission of colleges and universities is the pursuit of knowledge, and the principles of free speech and academic freedom are fundamental to this purpose. Freedom of speech and academic freedom provide an environment to advance new ideas, encourage productive debate and challenge conventional wisdom. These freedoms help ensure that students develop the skills to question, debate, think critically and develop confidence in forming and discussing their own views and opinions. Freedom of speech and academic freedom therefore receive a very high level of protection.
- 4.3 The starting point is that speech is permitted, unless otherwise restricted by law. The University will ensure that the use of the University's premises is not denied on grounds connected with the beliefs, views, policies or objectives of an individual or body, as long as such use is at all times within the law. All events taking place on the University's premises are private, unless the public is expressly invited to attend.
- 4.4 All University staff and students are entitled to teach, learn and research in a culture that values vigorous debate, including in relation to difficult, contentious or uncomfortable topics. The University recognises that this may sometimes include speech that is offensive but otherwise lawful.

5 STEPS THE UNIVERSITY TAKES TO ENSURE FREEDOM OF SPEECH

- 5.1 The University will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular:
- a) its processes for course development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom;
 - b) its processes for facilitating research will respect the rights of freedom of speech and academic freedom; and
 - c) no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the University because of the lawful exercise of freedom of speech or academic freedom.
- 5.2 The University does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment.
- 5.3 The University is aware that the terms of certain overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships, from any overseas country, may present a risk to freedom of speech and academic freedom. Therefore, the University has processes in place to ensure that risks to freedom of speech or academic freedom are identified and appropriately managed.
- 5.4 The University shall:
- a) bring the provisions of section A1 of the Higher Education and Research Act 2017 to the attention of students annually; and
 - b) draw the attention of students to this Code of Practice annually.
- 5.5 The University shall also:
- a) ensure that this Code of Practice is brought to the attention of new students at registration and new staff during induction;
 - b) ensure that all staff receive training on freedom of speech and academic freedom;

- c) periodically survey staff, students and other stakeholders to secure their views on whether freedom of speech and academic freedom at the institution are being adequately protected and take the findings into account;
- d) ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;
- e) ensure that when new policies and procedures are introduced consideration is given to their impact on freedom of speech and academic freedom; and
- f) monitor any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practical and that any lessons learned are incorporated into a review of relevant policies, practices and procedures.

6 EVENTS

- 6.1 Where any individual or body subject to this Code of Practice wishes to hold an event on the University's premises for the expression of any views or beliefs held or lawfully expressed, consent shall not be unreasonably refused. Any conditions imposed on the holding of the event shall be kept to the minimum necessary in light of any risks identified in holding the event.
- 6.2 Where any individual or body subject to this Code of Practice is seeking to hold an event which involves a visiting speaker or which is outside the normal academic curriculum, the University's Visiting Speakers Procedure in Annex A shall be followed.
- 6.3 It shall be reasonable to refuse consent where the University reasonably believes (from the nature of the speaker or from similar activities in the past whether held at the University or otherwise) that:
- a) the views likely to be expressed by any speaker are contrary to the law;
 - b) the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
 - c) the meeting will include or is likely to include the denial of the right to hold or to express an opposing opinion;
 - d) the speaker and/or the organisation they represent advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs;
 - e) 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
 - f) it is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University, that the meeting does not take place.
- 6.4 Where the University is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on the 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 the premises controlled by the University. These may include but are not limited to: requirements as to the provision of security and/or stewards, the speaker being part of a panel, ensuring that a member of staff is in attendance or requiring that the event takes 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.
- 6.5 The University shall 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 the political or state office they hold.
- 6.6 Where the University concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to its control, it may decline to permit the meeting to proceed.

7 CONDUCT AT EVENTS

- 7.1 Everyone has the right to freedom of speech within the law. The University expects students, staff and visitors to ensure that freedom of speech within the law is assured.

- 7.2 All persons to whom this Code of Practice applies are required to observe the principle of freedom of speech and expression while on the University's premises and shall show respect and tolerance towards the expression of views, opinions and beliefs of others, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.
- 7.3 A member of staff or student who organises an event on the University's premises shall be responsible for ensuring, as far as is reasonably practicable, that the event is conducted in a manner to promote freedom of speech whilst maintaining good order and academic discipline and does not involve or lead to damage to property or an infringement of the law.
- 7.4 The University's staff and students are required to ensure that they do not wilfully engage in conduct that prevents, obstructs or disrupts the holding or orderly conduct of any meeting or other lawful activity that takes place on the University's premises.
- 7.5 Nothing in this Code of Practice shall be taken to prohibit the lawful exercise of the right to peacefully protest. Protests against an event must be conducted without infringing the rights of others, including others' rights to freedom of speech. No protest should prevent an event allowed under this Code of Practice from going ahead as scheduled.
- 7.6 Infringements of, or departures from, this Code of Practice in whatever respect may render those responsible subject to disciplinary proceedings. In addition to disciplinary proceedings, breaches of the law may give rise to prosecution. All students and members of staff are under an obligation to assist with any investigation into any allegation of a breach of this Code of Practice.

8 HIRE OF UNIVERSITY PREMISES BY EXTERNAL ORGANISATIONS

- 8.1 The University will decide whether to let any of its premises to external organisations. It may take into account the factors set out above, as well as other circumstances of the University when making such decision.
- 8.2 The University may impose such conditions on such lettings as it reasonably considers the circumstances warrant, including those referred to in this Code of Practice.
- 8.3 Any person or body hiring University premises shall be responsible for taking such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for persons attending or speaking at any meeting or other activity held on University premises, pursuant to this Code of Practice. The hiring conditions for University premises shall make this clear.

9 BREACHES AND COMPLAINTS

- 9.1 The University shall take steps to secure compliance with this Code of Practice, including where appropriate disciplinary action.
- 9.2 If an offence is allegedly committed at or in connection with an event to which the provisions of this Code of Practice apply, in addition to any internal disciplinary procedures (staff or student) that may be appropriate, the University may take steps to assist the police in identifying any persons committing offences.
- 9.3 Any concerns or complaints regarding this Code of Practice or the actions of the University in respect of it should be directed to the Head of the Vice-Chancellor's Office and University Secretary in the first instance.
- 9.4 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its website.

10 GOVERNANCE AND REVIEW

- 10.1. The Head of the Vice-Chancellor's Office and University Secretary is authorised by the University's governing body to act on its behalf to ensure compliance with this Code of Practice.

- 10.2. The Head of the Vice-Chancellor's Office and University Secretary shall review this Code of Practice annually and recommend amendments to it for consideration by the governing body as appropriate or necessary.

Annex A: Visiting Speakers Procedure

1. The organisers of any public meetings or activities shall ensure that a member of the University is appointed as a first point of contact for the event.
2. The person appointed as a first point of contact shall be responsible for the booking and control arrangements and conduct of the event including stewarding and moderating, chairing, monitoring and entry and risk assessment.
3. The person appointed as a first point of contact for such an event shall ensure that at least 10 working days before the date proposed for the event, notice of the proposal is given to the Head of Campus Operations. Notice must be in writing and should be emailed to the Head of Campus Operations (rachel.crane@bishopg.ac.uk). Such notice shall contain a written statement of the name and position of the speaker(s), the subject and purpose of the event and the precise timing of the arrival and departure of the speaker(s). If a member of the University believes that an event may pose a risk under this Code of Practice, they are required to highlight this in the notice and should discuss the matter in the first instance with the Head of Campus Operations (or nominee) prior to submitting the notice. No advertising of the event is permitted until the Head of Campus Operations (or nominee) has communicated a decision that the event can proceed in compliance with this Code of Practice. The University reserves the right to refuse or delay any event with a visiting speaker if this procedure is not followed.
4. Permission to proceed with any event that falls under this Code of Practice will be determined by the Freedom of Speech panel, consisting of the University Executive Group (without the Vice-Chancellor) Within five working days of receiving the notice the Head of the Vice-Chancellor's Office and University Secretary (or nominee), advised by the Freedom of Speech panel, shall issue a written statement that shall either grant (potentially subject to conditions) or withhold permission for the use of University premises for the event. If the notice is received less than 10 working days prior to the proposed event date, consideration of such notice is subject to the discretion of the Freedom of Speech panel.
5. The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal are set out in section 6.3 of the Code of Practice.
6. Any permission may be granted subject to such conditions as the Freedom of Speech panel considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of freedom of speech within the law. The Freedom of Speech panel may require the organisers to put in place reasonably practical steps to minimise risk to enable the event to proceed. This might include:
 - recording the event (with appropriate AV equipment), in order to ensure that there is no dispute afterwards about what is said by whom, and to make this clear to all attending;
 - requesting submission of speeches, presentations, discussion topics or questions in advance of the event;
 - limiting attendees;
 - limitations on promotion and advertising of the event by approval of any advertising material, restriction of where material can be placed, or limitation of what types of material can be used;
 - declaration of attendees in advance of the event;
 - supervisors to be provided by the organisation;
 - presence of University staff to ensure good order;
 - limitation on what attendees may bring to the event;
 - not allowing banners, flags or place cards or similar items into the building or onto relevant parts of the site;
 - closing down the event if there is a breach of the law or threat to the safety of attendees or event speakers, even if the event is already underway; and/ or
 - limiting the presence of press/media or media production equipment.
7. Appeals against the rulings of the Freedom of Speech panel may be made within three working days to the Vice-Chancellor, whose decision shall be final but must be reported to the next meeting of the University Council. Appeals will be considered within two working days. In the Vice-Chancellor's absence, the appeal will be considered by a senior staff member on duty who has not been involved in the previous decision-making of the Freedom of Speech panel.
8. The person appointed as the first point of contact and every other person concerned with the organisation of any event for which permission has been granted shall be required to comply with any and every condition laid down by the Freedom of Speech panel.

9. The person chairing the event (or if none, the person appointed as the first point of contact) should, so far as possible, ensure that both the audience and the speaker act in accordance with the law during the meeting. Where the event involves unlawful conduct, the chairperson is required to give appropriate warnings, and in the case of continuing unlawfulness, to require the withdrawal or removal of the person(s) concerned by the stewards or security staff.

10. The University shall keep a log of all events, meetings, visiting speaker requests and bookings that fall within this procedure.