UCQ UNIVERSITY CENTRE QUAYSIDE

Academic Freedom and Freedom of Speech Code of Practice

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1. Purpose

1.1 The purpose of this Academic Freedom and Freedom of Speech Code of Practice ('Code'), is to facilitate the discharge of the duties in the Higher Education (Freedom of Speech) Act 2023. This Code is intended to provide:

1.1.1 a shared understanding of UCQ's values and expectations around freedom of speech
1.1.2 a shared framework of how those values and expectations will be delivered in practice
1.1.3 a reference point to ensure that oversight of a wide range of activities includes appropriate consideration of those values and expectations
1.1.4 a relevant reference point where there is disagreement between members of UCQ
1.1.5 assurance for internal and external stakeholders and regulators that the statutory requirements are being met

2. Scope

2.1 This Code applies to all staff (including associates and members of the Academic Council), students, visiting speakers and all teaching and curriculum content funded, or branded by, University Centre Quayside.

3. Definitions

3.1 **Academic freedom**[1] 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 university.

3.2 **Freedom of speech**[1] means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.

3.3 The Office for Students (OfS) stand for the widest possible definition of freedom of speech: anything within the law. Free 'speech' includes written materials and other forms of expressions. It is not limited to the spoken word. Freedom of speech 'within the law' is protected. Unlawful speech is not protected. The OfS state there is no need to point to a specific legal basis for a particular speech. Rather, the starting point is that speech is permitted unless it is restricted by law. Free speech includes lawful speech that may be offensive and hurtful to some. Speech that amounts to unlawful harassment or unlawful discrimination does not constitute free speech within the law and is not protected.

[1] Universities UK https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2023-09/how-can-unis-prepare-for-the-HE-freedom-of-speech-act.pdf?utm_source=e-shot&utm_medium=email&utm_campaign=March2024NEPreventNewsleter

4 Related legislation and publications

4.1 UCQ has adopted this Code to ensure that it acts in accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023.

4.2 The Higher Education (Freedom of Speech) Act received royal assent in May 2023. The main duties on universities and constituent institutions of the Higher Education (Freedom of Speech) Act 2023 include:

- a duty to take reasonably practicable steps to secure freedom of speech within the law
- a ban on the use of non-disclosure agreements to silence victims of bullying, harassment or sexual misconduct onsite
- a requirement for all universities to have codes of practice to ensure the protection of free speech
- a duty to promote the importance of freedom of speech in higher education.

4.3 UCQ is also committed to upholding the Prevent Duty, a duty imposed under The Counter Terrorism and Security Act 2015 that aims to prevent people from being drawn into terrorism. UCQ will continue to uphold this duty during the management of events, guest speakers and It is use of UCQ premises.

5 Values

5.1 UCQ uphold the following values relating to academic freedom and free speech:

5.1.1 Commitment to Intellectual Freedom and Open Debate

UCQ believes that the pursuit of knowledge thrives on the free exchange of ideas. We are committed to fostering an environment where staff, students, and visitors feel empowered to express their perspectives, even when those views are challenging, controversial, or uncomfortable.

We uphold the right of our academic community to question established beliefs, introduce new and thought-provoking ideas, and engage in open, critical debate without fear of censorship, professional repercussions, or institutional penalties. Furthermore, we value the role of critical inquiry in shaping and improving higher education and affirm the right of staff to scrutinise and challenge institutional practices, including those at UCQ, without jeopardising their careers or standing.

We will not restrict lawful speech based on reputational risk, institutional values, external pressure (e.g. donors, media), or the perceived offensiveness of lawful views.

UCQ recognises the risk of a “chilling effect” where individuals may self-censor out of fear of institutional sanction. We are committed to fostering an environment where lawful controversial ideas can be debated constructively.

5.1.2 Culture of Respect and Inclusion

Respect and tolerance are fundamental to meaningful discourse. UCQ values a culture where differences of opinion are met with openness and intellectual curiosity rather than hostility. We are committed to ensuring that all members of our community—staff, students, and associates—engage with one another in a way that upholds dignity and fairness. Unlawful harassment, discrimination, or prejudice based on age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation have no place in our learning and working environments.

5.1.3 Responsibility in the Exercise of Free Speech

While we champion the right to free speech, we recognise that this right carries responsibilities. UCQ upholds freedom of expression within the boundaries of the law, ensuring that open debate is protected, and that any limitations are imposed solely on the basis of time, place, or manner – not on the content or viewpoint – unless the speech is unlawful.

We are committed to maintaining a balanced approach where academic freedom and legal responsibility coexist, fostering a learning environment that is both intellectually rigorous and ethically grounded.

6. OfS Three-Step Framework for freedom of speech compliance

6.1 UCQ will assess any proposed restrictions on speech using the following framework:

1) Is the speech within the law?
2) Are there reasonably practicable steps UCQ can take to secure the speech?
3) Are any restrictions prescribed by law, and proportionate under the European Convention on Human Rights?

6.2 Decisions will be documented and must not be based on the content of views expressed unless unlawful.

7. Securing academic freedom and freedom of speech

7.1 UCQ's values of academic freedom and free speech will be reflected in all activities of the organisation, including:

a) The organisation of events and external speakers;
b) Programme development, approval and delivery;
c) Facilitating research;
d) The wider administration of its relationships with staff and students;
e) Establishing and maintaining relationships with third parties;

7.2 UCQ will take steps to secure academic freedom and freedom of speech by:

a) Ensuring that open debate is protected, and that any limitations are imposed solely on the basis of time, place, or manner – not on the content or viewpoint – unless the speech is unlawful.
b) Ensuring the Code and the principles set out within it are drawn to the attention of staff and students at induction
c) Ensuring that students and staff are made aware of the Code annually
d) Ensuring staff receive appropriate support (and additional training where required), to discharge UCQ's obligations in relation to freedom of speech
e) Enabling open dialogue on freedom of speech and academic freedom during meetings of the Staff/Student Liaison Committee
f) Ensuring that whenever relevant policies and procedures are introduced, consideration is given to their compatibility with this Code, including safeguarding lawful freedom of speech and academic freedom. No internal policy shall override the legal right to free speech within the law.
g) Ensuring any concerns raised are addressed and, so far as is reasonably practicable, incorporated when undertaking reviews of relevant policies, practices and procedures

7.3 UCQ recognises the risk of a "chilling effect" where individuals may self-censor out of fear of institutional sanction. We are committed to fostering an environment where lawful controversial ideas can be debated constructively.

8. Procedure for events

8.1 The procedure and criteria for event bookings on a UCQ premises or online platform will follow SA-015 External Speaker and Events Policy. This Code and SA-015 must be read in conjunction, and both must apply the OfS framework consistently. All enquiries should be made to Michelle Elliott (michelle.elliott@ucq.ac.uk) in the first instance.

8.2 Freedom of speech within UCQ needs to be set in the context of its values, and the values of a civilised, democratic and inclusive society. UCQ expect all members of the UCQ community to respect lawful freedom of speech while upholding a culture of tolerance and mutual respect. However, this does not mean restricting lawful views simply because they may cause offence.

8.3 UCQ will not permit its premises be used for a particular event, activity or discussion if the views, ideas or activity act in breach of the law, including but not limited to:

a) Speech that amounts to unlawful harassment, victimisation or discrimination
b) committing a racially or religiously aggravated offence
c) threats to kill
d) endeavours to break up a public meeting
e) fear or provocation of violence
f) intentional harassment, alarm or distress
g) acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation
h) encouraging or assisting the commission of an offence
i) incitement to commit acts of terrorism overseas
j) inviting or encouraging support for proscribed organisation/s
k) encouragement of terrorism including the glorification of the commission or preparation of terrorism

l) dissemination of terrorist publications
l) encouragement of terrorism and dissemination of terrorist publications through the internet

8.4 The expression of views that may be unpopular, contentious, or provocative does not justify the refusal or cancellation of an event or a speaker invitation, provided such expression is lawful.

8.5 UCQ may impose necessary conditions on facility use, including restricting event access for individuals not affiliated with UCQ. Any conditions or restrictions will be based solely on time, place, and manner considerations necessary to ensure lawful operation, health and safety, or institutional functioning, and never on the content of lawful speech.

8.6 Conduct of speakers and event attendees

8.6.1 UCQ expects all event speakers and attendees to act in accordance with the law and not to breach the lawful rights of others. UCQ reserves the right to not permit an individual to speak at or attend an event, to refuse to permit an event and/or to halt an event at any time if it reasonably considers there may be a breach of this Code or of any legal obligation it holds.

8.6.2 During the course of the event, all speakers and attendees shall:

a) Comply with this Code and the External Speaker and Events Policy (SA-015).

b) Present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question.

c) Follow UCQ's policy on and instructions relating to security, health and safety and safeguarding.

8.7 Costs

8.7.1 UCQ reserves the right to decide that practical considerations such as the cost, short notice period or difficulty of providing the necessary mitigations may require an event to be modified. UCQ will bear the reasonable cost of appropriate security for approved events to uphold freedom of speech within the law. Any unanticipated costs incurred as a result of the event, including those related to security and health and safety are the responsibility of the organiser. Unanticipated costs refer to expenses that were not originally foreseen or budgeted for within the initial event booking application.

8.8 Security/recording

8.8.1 Event recordings or monitoring shall only be used to assess compliance with legal obligations and safety protocols, and shall not be used to penalise lawful speech retrospectively.

9. Complaints

9.1 UCQ is committed to upholding freedom of speech and academic freedom in line with regulatory requirements. Staff and visiting speakers who believe their free speech rights have been unduly restricted by UCQ may submit a complaint under the free speech complaints scheme administered by the Office for Students (OfS), subject to its discretionary review process. However, students seeking to raise concerns about free speech violations should direct their complaints to the Office of the Independent Adjudicator (OIA) if they remain unresolved through UCQ's internal complaints procedures. It is important to note that the OfS free speech complaints scheme does not cover students' unions, and complaints relating to such entities must be addressed through alternative mechanisms.

9.2 Where professional, regulatory, or accreditation bodies raise concerns regarding staff or student conduct, UCQ will ensure that freedom of speech within the law remains protected. Lawful expression will not be penalised under the guise of academic or professional standards.

10. Training and communication

10.1 As outlined in paragraph 6.2, steps are taken to secure academic freedom and freedom of speech at UCQ through ongoing training and communication with staff and students. Additional support will be provided by the Senior Leadership Team as required.

10.2 This Code will be made available on the website for all stakeholders to access.

11. Review and revision

11.1 This Code will be reviewed every two years, or earlier as required to ensure best practice.

12. Document history

ISSUE NO.	DATE	PAGE	REVIEWER	DETAIL OF AMENDMENT
04	28/03/24	All	Tara Henderson	The Academic Freedom and Freedom of Speech Policy has been revised following the enactment of the Higher Education (Freedom of Speech) Act 2023. This document is now a Code of Practice and aligns to updated best practice guidance. All paragraphs, except wording in 7.2, have been revised to better align with the Act. Document code changed from GP-009 to TLA-028
05	27/09/24	All	Tara Henderson	This Code has been revised following notification (26/07/2024) the Secretary of State for Education has stopped the implementation of the Higher Education (Freedom of Speech) Act 2023. The move to stop implementing the Act reflects widespread concern that the legislation is disproportionate, burdensome and damaging to the welfare of students while not addressing hate speech on campuses. Some sections (1.1, 4.1, 4.3, 6.2, 7.4 & 7.7) have been revised to reflect these changes.
06	28/03/2025	All	Tara Henderson	This Code has been updated following notification from the Secretary of State in January 2025 on the future direction for the HE (Freedom of Speech) Act 2023 legislation. Updates to this Code have also been underpinned by the OfS Update on Freedom of Speech guidance published 27/02/2025. Minor wording clarifications have also been made to 5.1.2 and 5.1.2 in response to the OfS press release issued on 26/03/25, concerning regulatory infringements related to non-compliance with academic freedom and freedom of speech laws.
07	25/07/2025	4-8	Tara Henderson	Sections 5.1.1, 5.1.3, 5.6, 7.2, 7.3, 8.1, 8.2, 8.5, 8.8 & 9.2 updated following publication of OfS Regulatory Advice 24 (https://www.officeforstudents.org.uk/media/1mvnscrl/regulatory-advice-24-freedom-of-speech-guidance.pdf) Paragraph numbering updated accordingly.

13. Initial equalities impact assessment

Department: All	**Completed by:** Tara Henderson, Head of Policy & Governance	**Date of initial assessment:** 28/03/2024
Area to be assessed:	TLA-028 Academic Freedom and Freedom of Speech	
Existing or new policy/procedure:	Existing	
What evidence has been used to inform the assessment and policy? (please list only)		
External guidance and requirements: Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023. Prevent Duty, a duty imposed under The Counter Terrorism and Security Act 2015 Universities UK briefing published in October 2023 "How can universities prepare for the Higher Education (Freedom of Speech) Act"		

1. Describe the aims, objectives or purpose of the policy/procedure	The purpose of this Academic Freedom and Freedom of Speech Code of Practice ('Code'), is to the facilitate the discharge of the duties in the Higher Education (Freedom of Speech) Act 2023. This Code is intended to provide: • a shared understanding of UCQ's values and expectations around freedom of speech • a shared framework of how those values and expectations will be delivered in practice • a reference point to ensure that oversight of a wide range of activities includes appropriate consideration of those values and expectations • a relevant reference point where there is disagreement between members of UCQ • assurance for internal and external stakeholders and regulators that the statutory requirements are being met		
2. Which stakeholders/groups are intended to benefit from this policy/procedure?	All members of the UCQ academic community		
The Equality Act 2010 requires public bodies to have 'due regard' to the need to:- (1) Eliminate unlawful discrimination, harassment and victimization (2) Advance equality of opportunity between different groups; and (3) Foster good relations between different groups	**3. Could the policy/procedure have a disproportionately negative effect impact in terms of the aims set out in (1) to (3) of the Act on any of the protected characteristics?:-** **High** **Medium** **Low** **No effect**	**4. Briefly explain how the policy/procedure furthers or prevents the aims set out in (1) to (3).**	**5. If there is a disproportionately negative impact on any protected characteristics, can it be justified on the grounds of promoting equality or any other reason? If yes, please explain.**

Protected characteristics	**Age**	Low effect	These characteristics are protected by law and as such any speech that discriminates against them is considered unlawful and is not tolerated under this Code (5.1.2, 7.3). A 'low effect' rating has been applied due to possible impact on (3) during lawful discussions of the PCs.	Upholds the lawful rights of individuals to express academic freedom and promote free speech.
	Disability	Low effect		
	Gender	Low effect		
	Gender reassignment	Low effect		
	Marriage and Civil Partnership	Low effect		
	Pregnancy and Maternity	Low effect		
	Race	Low effect		
	Religion or Belief	Low effect		
	Sexual Orientation	Low effect		
What is the impact on academic freedom and freedom of speech?		No negative effect	Furthers the lawful rights of individuals to express academic freedom and promote free speech.	Not applicable

6. Has there been any consultation/engagement with the appropriate protected characteristics?		Not applicable
7. What action(s) will you take to reduce any disproportionately negative impact, if any?		Lawful free speech will be promoted. Staff and students will be signposted to this Code on an annual basis. Academic freedom and freedom of speech will be discussed during SSLC meetings.
8. Based on the information in sections 1 to 7, should this policy/procedure proceed to Full Impact Assessment? (recommended if one or more 'High' under section 2)		No
Assessor signature:	**Approved by:** **Michelle Elliott**	**Date approved:** 28/03/2024