

# **Freedom of speech policy**

## **1 Introduction**

- 1.1 This policy is the University's code of practice on freedom of speech

## **2 Our values on freedom of speech**

Building on the University's core values of inclusivity and trust, our values on freedom of speech are:

- 2.1 Freedom of speech is a foundation of the enquiry and debate which is essential to the delivery of education. It supports our role in academic inquiry, our respect for diversity, and our engagement in society
- 2.2 Our University is a place of enquiry and learning. We encourage intellectual curiosity, critical thinking, innovation and the exchange of ideas through open and respectful dialogue
- 2.3 We support freedom of speech within the bounds of the law
- 2.4 We value diverse points of view. We are respectful and tolerant of the lawful views of others and their right to express them. We expect those expressing themselves in the environments under our control to show the same respect and tolerance
- 2.5 We encourage open discussion which allows a diversity of views to be heard
- 2.6 We recognise that a wide range of speech is possible within the bounds

of the law. Speech may be shocking, disturbing or offensive to some but nevertheless within the law. The inclusion of such speech within legal protection does not imply the University's endorsement of the content, but rather a commitment to the value we place on intellectual curiosity, critical thinking and the exchange of ideas. We have a shared responsibility to foster an environment of mutual respect and civility.

- 2.7 In an academic context, the University's staff have freedom within the 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 any privileges they may have at the University. The University affirms that applicants to academic staff positions at the University have the same freedom within the law without placing themselves at risk of being adversely affected in the recruitment, redeployment or promotion processes.

These values uphold freedom of speech because we acknowledge the importance of freedom of speech but recognise there are legal limitations to it. Through these values, we demonstrate a commitment to upholding freedom of speech.

### **3 Definitions**

Throughout this policy:

- 3.1 'University' means the University of Northampton
- 3.2 'Academic staff' means any member of staff employed on an academic contract
- 3.3 'Activity', 'events' and 'speech' are to be interpreted widely and include but are not limited to teaching, lectures, classes, seminars, assessments, meetings, demonstrations, protests, online environments, social media,

sporting fixtures, speech, writing, art and design, student placements as part of a course of study

- 3.4 'External speaker' means a speaker who is not a member of the University's staff or a current student of the University who is invited into a University environment to give a talk
- 3.5 'Premises' means any physical environment owned, leased or operated by the University
- 3.6 'Environments controlled by the University' means any and all physical premises and online environments hosted by the University

## **4 Who does this policy apply to?**

- 4.1 All University staff
- 4.2 All University students
- 4.3 External speakers in environments controlled by the University
- 4.4 Members of the Board of Governors, external members of the Board's committees, the Chancellor and Pro Chancellors
- 4.5 Any person using environments in the University's control
- 4.6 Staff and officers of University subsidiary companies

## **5 What does this policy apply to?**

- 5.1 Events and speech as part of academic programmes or the conduct of research
- 5.2 Events arranged by University staff or students outside the normal academic programme which are affiliated to the University and/or funded or branded by it
- 5.3 Events and speech in environments under the University's control, including physical premises and online environments

- 5.4 Events outside University premises which are affiliated to the University and/or funded or branded by the University
- 5.5 All other activities related to the University's conduct of its business, including but not limited to design and development of academic programmes and research projects, University policies and procedures, and the University's relationships with third parties

## **6 Policy statement**

- 6.1 The University supports freedom of speech and upholds UK law and the University's values on freedom of speech
- 6.2 All activity that takes place in environments under the University's control takes place in accordance with UK law and the University's values on freedom of speech. In accordance with our values, discussion and dialogue must be open, civil and respectful, even where expressions are considered by some to be shocking, disturbing or offensive
- 6.3 In upholding this policy, the University and all those in scope also respect and uphold rights and obligations under other applicable legislation, including but not limited to the Public Sector Equality Duty, the Human Rights Act, the Equality Act 2010 and relevant court judgements, and the Prevent Duty
- 6.4 The University will always consider freedom of speech and academic freedom when accepting external funding, and will refuse funding if its source presents a risk to its values
- 6.5 The University does not accept funding where this presents a risk to freedom of speech and/or academic freedom
- 6.6 The University does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment
- 6.7 The use of the University's premises is in accordance with the University's

values on freedom of speech. Where speech is lawful, use will not be denied on the basis of the ideas or opinions of an individual, or of the policy or objectives of a body, or the idea or opinions of any member of that body

- 6.8 The University makes its facilities available to external organisations for commercial and non-commercial events. Such events must take place within the law. External and commercial clients must confirm that they will abide by the University's policy on Freedom of Speech. This confirmation must be sought when agreeing a contract with the client
- 6.9 When considering events with external speakers, the External Speakers and Events policy and procedure must be followed to ensure that the University's legal obligations on freedom of speech are met and its values are upheld. The External Speakers and Events policy is the University's code of practice on meetings involving external speakers
- 6.10 This policy is the University's code of practice on all other events and activities in environments under the University's control, in accordance with the section 5.
- 6.11 When considering any activity in an environment the University controls, organisers are expected to consider in good time the following questions:
  - 6.11.1 Is it lawful freedom of speech in accordance with the definition given at section 7 of this policy?
  - 6.11.2 Is it in accordance with the University's values and in particular its values on freedom of speech as set out in section 2 of this policy?

Where an organiser answers no to the above questions, or the answer is not clear, the organiser must refer the matter to a Freedom of Speech panel

- 6.12 The University has a right to ensure that its essential functions are carried out without undue disruption. The essential functions are teaching, learning, research and the administrative functions and resources that those three things require. This means that the University may have to regulate lawful expression in order to ensure that essential functions can be carried out without unreasonable disruption
- 6.13 The University reserves the right to halt an event at any time if there are reasonable grounds to believe that the Freedom of Speech policy has been breached
- 6.14 This policy will be brought to the attention of all students and staff at least once per year
- 6.15 The University supports and upholds the right of all those in scope of this Policy to freedom of speech within the law

## **7 Lawful freedom of speech**

- 7.1 Legislation protects freedom of speech within the law. This means that speech is protected unless it contravenes another law. It is not necessary to point to a specific legal basis for particular speech. Rather, the starting point is that all speech is permitted unless it is restricted by law
- 7.2 The following are restricted by law and are not permitted in the environments in the University's control:
- 7.2.1 Racially or religiously aggravated offences (Crime and Disorder Act 1998, sections 29-32)
  - 7.2.2 Threats to kill (Offences Against the Person Act 1861, section 16)
  - 7.2.3 Intentionally causing or provoking fear of violence – including
    - using threatening, abusive or insulting words or behaviour
    - distributing or displaying to another person any writing, sign or other visible representation which is threatening, abusive

or insulting

with intent to cause that person to believe that immediate unlawful violence will be used against them or someone else, or to provoke the immediate use of unlawful violence (Public Order Act 1986, section 4)

7.2.4 Intentional harassment, alarm or distress including:

- using threatening, abusive or insulting words or behaviour
- distributing or displaying towards another person any writing, sign or visible representation which is threatening, abusive or insulting

with intent to cause that person to believe that immediate unlawful violence will be used against them (Public Order Act 1986, section 4)

7.2.5 Causing harassment, alarm or distress without intent including:

- using threatening or abusive words or behaviour, or disorderly behaviour
- displaying any writing, sign or other visible representation which is threatening or abusive

within the hearing or sight of a person likely to be caused harassment, alarm or distress (Public Order Act, section 5)

7.2.6 The expression of views and opinions in a manner which amounts to harassment, discrimination or defamation

7.2.7 Acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation (Public Order Act 1986, sections 18-23, 29B – 29F)

7.2.8 Encouraging or assisting the commission of an offence (Serious Crime Act 2007, sections 44-46)

7.2.9 Incitement to commit acts of terrorism overseas (Terrorism Act

2000, section 59)

- 7.2.10 Inviting or encouraging support for a proscribed organisation (Terrorism Act 2000, section 12)
  - 7.2.11 Encouragement of terrorism including the glorification of the commission or preparation of terrorism (Terrorism Act 2006, section 1, sub-section 1(3))
  - 7.2.12 Dissemination of terrorist publications (Terrorism Act 2006, section 2)
  - 7.2.13 Encouragement of terrorism and dissemination of terrorist publications through the internet (Terrorism Act 2006, section 3)
  - 7.2.14 Unwanted behaviour related to age, disability, race, sex, gender reassignment, religion or belief or sexual orientation, which has the purpose or effect of violating a person's dignity, or creating for that person an intimidating, hostile, degrading, humiliating or offensive environment. (Equality Act 2010)  
(Note that this type of harassment is not a criminal offence but can constitute the grounds for a claim in the civil courts or an Employment Tribunal)
  - 7.2.15 Acting in a disorderly manner at a lawful public meeting for the purpose of preventing the transaction of business for which the meeting was called (Public Meeting Act 1908, s1(1))
- 7.3 The possession and dissemination of security sensitive material such as certain material on terrorism is unlawful in the UK. However, the law creates a defence if the information is used for academic research purposes. The University recognises that staff and students carrying out academic research, teaching and learning may have legitimate reasons to possess, view and otherwise work with security sensitive material. This policy and procedure does not proscribe such activity provided it is within



the law

## **8 Responsibilities**

- 8.1 All persons in scope of this policy have a duty to uphold it
- 8.2 Any person planning an event has a duty to work through the External Speakers and Events policy

## **9 Raising concerns**

- 9.1 If you have a concern that someone has breached or may be about to breach this policy, please report your concern to the Associate Director, Governance, Compliance and Risk at [governance@northampton.ac.uk](mailto:governance@northampton.ac.uk) who will arrange for the matter to be investigated further

## **10 Breaches**

- 10.1 Breaches of this policy by University students and staff will be addressed through:
  - 10.1.1 The University's Staff Disciplinary Policy and Procedure
  - 10.1.2 The Board of Governors' Disciplinary Policy and Procedure
  - 10.1.3 The Student Disciplinary Policy

## **11 Complaints**

- 11.1 If you believe that your rights or the rights of another person under this policy have been or will be infringed, the University would appreciate an opportunity to resolve this with you in the first instance
- 11.2 Please refer your complaint to the Associate Director Governance,

Compliance and Risk at [governance@northampton.ac.uk](mailto:governance@northampton.ac.uk) who will ensure that it is referred to a freedom of speech panel as described in the procedure in section 16 of this document

## **12 Ownership**

12.1 This policy is owned by the Associate Director of Governance, Compliance and Risk on behalf of the Board of Governors

## **13 Associated documents**

- External Speaker and Events Policy and Procedure
- Staff Code of Conduct
- Board of Governors' Code of Conduct
- Staff Disciplinary Policy and Procedure
- Board of Governors' Disciplinary Policy and Procedure
- Student Disciplinary Policy

## **14 Equality impact assessment**

An equality impact assessment has been carried out for this policy and can be found at section 17.

## **15 Approval and review**

Version: 1.1

Approved by: Board of Governors

Date of approval: 17 July 2025

Date of next review: May 2028

This policy will be reviewed every three years and also may be reviewed outside this timescale.

## **16 Freedom of speech panel procedure**

16.1 The role of the freedom of speech panel is to:

- 16.1.1 Consider matters referred by the organisers of activities and events, under section 6.11 of the Freedom of Speech policy
- 16.1.2 Consider complaints about infringements of the Freedom of Speech policy

### **Panel organisation**

- 16.2 The Associate Director of Governance, Compliance and Risk is responsible for convening freedom of speech panels
- 16.3 Each panel will be formed of five members
- 16.4 In constituting the panel attention will be given to ensuring a diversity of viewpoints by:
  - 16.4.1 Ensuring there is diversity of personal characteristics such as sex, age and race
  - 16.4.2 Ensuring there is representation from both academic and professional services colleagues
- 16.5 No one may sit on a freedom of speech panel unless they have received the University's approved training on Challenging Unconscious Bias, Working with the Prevent Duty and Equality and Diversity Essentials and this training is up to date
- 16.6 The panel will work by reaching a consensus decision. Where no consensus decision has been reached, a vote will be taken and the majority view will be the panel's decision
- 16.7 The panel makes its decision collectively, no individual views or opinions

- will be documented unless a panel member specifically requests this
- 16.8 The panel may choose to appoint a chair for efficiency in carrying out its business. The views and votes of all panel members carry equal weight. The chair does not have a casting vote
- 16.9 The panel will document its decisions and the reasons for the decisions. This record will be available to all other panels to inform and promote consistent practice
- 16.10 In reaching its decisions the panel will have regard to relevant guidance published by the Office for Students, Universities UK, the EHRC, the UK government and will carry out an Equality Impact Assessment. An appendix provides links to documentation
- 16.11 In reaching its decisions the panel may choose to seek input and take further advice for example from the event organiser, speakers or proposed speakers, staff, student, stakeholder or community groups, the Students Union, legal advice, the Police, and University functions for example the Equality, Diversity and Inclusion or Estates and Campus Services team
- 16.12 In reaching its decisions, the panel must take all relevant legislation, University responsibilities and risks into account, including but not limited to:
- The duty to secure freedom of speech within the law
  - The Public Sector Equality Duty
  - The Human Rights Act
  - The Prevent Duty
  - Criminal law (including anti-terrorism laws)
  - Civil law claims relating to spoken words
  - The University's duty of care to staff, students, visitors and other users of the environments in its control

- Assessment of the risks

## **Complaints**

- 16.13 The freedom of speech panel is hereby given authority from the Board of Governors and University Leadership Team to investigate and decide the outcome of complaints raised under the Freedom of Speech policy
- 16.14 The panel will determine whether the complaint is, or is not, justified. If the complaint is justified, the panel will determine an appropriate resolution
- 16.15 The panel must ensure that its decisions are communicated clearly to the complainant. The panel may delegate one of its members or its clerk to communicate its decision
- 16.16 Where a complainant has reasonable grounds to believe that a Freedom of Speech panel has not followed this procedure, they have the right to appeal to the University Leadership Team. The University Leadership Team will review the panel's decision-making and report back. The University Leadership Team can decide to uphold or not uphold the appeal. The decision of the University Leadership Team is final

## **Activities**

- 16.17 The freedom of speech panel is hereby given authority from the Board of Governors and University Leadership Team to take such steps as are reasonably practicable to secure freedom of speech within the law whilst ensuring that the University's essential functions can be carried out without unreasonable disruption
- 16.18 Given the University's duty to have particular regard to the importance of freedom of speech and to take reasonably practicable steps to secure free speech within the law, wherever possible, the panel will seek to put in place mitigating steps that permit the activity to go ahead. The panel must not cancel activities solely on the basis of the lawful opinions or ideas that

may be expressed, or because objections or protests have been received. The panel must not interfere with free speech or academic freedom any more than is necessary to ensure that the activity goes ahead safely and within the law

16.19 In accordance with section 6.12 of the Freedom of Speech policy, the University may have to regulate lawful expression in order to ensure that essential functions can be carried out without unreasonable disruption. The panel will take into account the time, place and manner of the activity and the impact this may have. The following are illustrative examples where the time, place or manner may be restricted:

- protests that prevent learning, teaching or research
- speech or protest that disrupts activities for example speech that is delivered at such a volume and for such a length of time that it prevents any other persons from being heard or from engaging in an academic session, debate or discussion
- incessant shouting in, or outside, a class that prevents anyone else from speaking or being heard in the class, thereby preventing teaching and learning
- protests that create a risk of harassment of those attending a place of worship

16.20 The panel will assess the relevant impacts and risks, and will have due regard to the Office for Students' Regulatory Advice on this

## **Appendix – Documentation for reference by Freedom of Speech panels**

Advance HE:

- [Navigating protected beliefs and free speech in higher education | Advance HE](#)
- [Promoting good relations in higher education | Advance HE](#)

Office for Students:

- [Regulatory advice 24: Guidance related to freedom of speech](#)
- [Freedom of speech - Office for Students](#)

EHRC:

- [freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf](#)
- [20150318\\_foe\\_legal\\_framework\\_guidance\\_revised\\_final.pdf](#)
- Gender segregation: [guidance\\_for\\_universities\\_and\\_students\\_unions\\_17-07-14.pdf](#)

UK Government:

- [Prevent duty guidance: for England and Wales \(accessible\) - GOV.UK](#)
- [The leadership challenge: the Prevent Duty for governing bodies and senior leaders in higher education \(HE\) - GOV.UK](#)

Universities UK

- [Freedom of speech](#)

## 17 Equality Impact Assessment

### 1. Policy/ Practice (name and brief description)

Freedom of Speech policy

### 2. Reason for the EIA

- ☒ Proposed new policy/practice
- ☐ Proposed change to an existing policy/practice
- ☐ Undertaking a review of an existing policy/practice
- ☐ Other (please state):

### 3. Person responsible for the policy/ practice

Name: Miriam Lakin

Job title: Associate Director Governance, Compliance and Risk

Department/ Faculty: Governance, Compliance and Risk

### 4. Groups the policy, practice applies to:

Staff, students, governors, users of the University's physical premises and other environments we control

### 5. Data and evidence used to facilitate the screening of this policy/ practice including internal and external metrics and qualitative and anecdotal evidence

No data currently

### 6. Gaps in information/ evidence to allow proper assessment of the policy/ practice and how this will be addressed

### 7. Groups who have been consulted with in the development / review of this the policy/ practice:

- ☒ Unions
- ☐ Staff networks
- ☐ HR
- ☒ ULT



- ☐ Internal experts
- ☐ External experts
- ☐ Focus groups
- ☒ Other (please state): Senate, Research Ethics Committee

**8. Potential/actual impacts of the policy/ practice on the following characteristics:**

Reviewed characteristic	<b>Positive impact</b> <i>A positive impact is one in which a person or people will experience an advantage or benefit.</i>	<b>Negative impact</b> <i>A negative impact is one in which a person or people will experience a disadvantage.</i>	<b>Detail of impact</b> <i>If there is no impact – you do not need to fill in this section Explain how the proposal will disproportionately impact people who share the characteristic and/or what the effect of that impact will be on those people. This section should be completed whether the impact is positive or negative. With positive impact, detail the actions you will take to promote the positive impact to the university in the next column.</i>	<b>How will you mitigate or remove any identified negative impacts and/or promote any positive impacts?</b>  <b>Can any identified impact be justified for business reasons? If yes, please explain why.</b> <i>If an identified negative impact cannot be removed or mitigated, explain why this can be justified for business reasons. Where you identify negative impact which cannot be justified for business reasons, you should identify any changes you can make to your proposal which will mitigate or eliminate this.</i>
Age	x			The policy and procedure aims to ensure our compliance with our legal duty on freedom of speech, and to ensure it is balanced with our other legal requirements for example Human

				Rights Act, Equality Act 2010, Prevent. Assessment of complaints will take place through a panel. Provision has been made to ensure the panel has a mix of characteristics in order to decrease the possibility of bias
Disability	x			As above
Gender reassignment	x			As above
Marriage and civil partnership	x			As above
Pregnancy and maternity	x			As above
Race	x			As above
Religion or belief	x			As above
Sex	x			As above
Sexual	x			As above

orientation				
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**9. Does the policy/ practice eliminate discrimination, harassment and victimisation in relation to any of the protected characteristics?**

Yes – it should help to eliminate these by upholding the law on freedom of speech for example acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation are unlawful

**10. Does the policy/ practice have a positive or negative impact on advancing equality of opportunity in relation to any of the protected characteristics?**

It may have a positive impact by upholding an environment where the starting point is that all speech is protected unless it contravenes another law

**11. Does the policy/ practice foster good relations and address prejudice in relation to any of the protected characteristics?**

No

**12. Adjustments made to the policy/ practice to counteract potential or actual negative impact.**

None

**13. Outcome**

- ☒ No change required to the proposal– the assessment is that the policy/practice is/will be robust.
- ☐ Adjust the policy/ practice proposal – this involves taking steps to remove any barriers, to better advance equality and/or to foster good relations.
- ☐ Continue the policy/ practice proposal despite the potential for adverse impact, and which can be mitigated/or justified
- ☐ Stop the policy/ practice proposal as there are adverse effects cannot be prevented/mitigated/or justified.

**14. Approval**

Signed by policy/ practice owner: Miriam Lakin

Date: 04/03/2025

Signed by the faculty Dean/ Department Director

Date: