

Code of Practice to ensure freedom of speech

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UNIVERSITY OF LANCASHIRE

CODE OF PRACTICE TO ENSURE FREEDOM OF SPEECH

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. Introduction

The University is committed to doing all that it reasonably practicably can to ensure, and promote the importance of, freedom of speech and academic freedom within the law. These concepts are foundational values of higher education, and core to the University's institutional values and its charitable objects to advance education and knowledge for the public benefit through academic instruction and enquiry.

In accordance with the requirements of the Higher Education and Research Act 2017, the University makes this Code of Practice (the "Code"), governing the conduct of staff and students, and prescribing procedures to be followed in order to maintain freedom of speech and academic freedom within the law, including in connection with the organisation of meetings and other events which fall within any class specified in this Code. The Code is set within the framework of relevant law, regulation and guidance. The Code is to be read in conjunction with the University's [Student Policies and Regulations](#), staff policies and the University's [equality, diversity and inclusion statement](#).

This Code shall apply to those persons and bodies listed at paragraph 4(a) of this Code.

2. General Principles, Values and Legal Duties

- a) Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference. 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.
- b) The University recognises the overarching value of freedom of speech within the law for higher education institutions and the very high level of protection required for the lawful expression of a viewpoint and for speech in an academic context. It greatly respects the rights and freedoms of individuals, and the principles of equality, diversity and inclusion, and all members of our community share the responsibility for maintaining an environment of reasoned enquiry. It is not the proper role of the University to attempt to restrict the discussion of ideas and opinions that are within the law, no matter how shocking, disturbing or offensive those ideas and opinions may seem to some. This is especially the case in relation to matters of academic and public interest.
- c) At the same time, association with the University, as an academic institution and charity with the express object of advancing knowledge, education and research for the public benefit, confers a degree of authority and legitimacy on views and provides privileged access to a scholarly audience for the speakers it hosts. In assessing what is reasonably practicable to do

to ensure and promote freedom of speech and academic freedom in any given case, the University does not regard itself as obliged to provide a platform to individuals who wish to promote views that are manifestly at odds with its charitable objects, that are without empirically verifiable objective facts or that are not susceptible to reasoned enquiry and debate. Staff and students making decisions about invitations to speakers should always carefully assess the contribution a discussion or event will have to the advancement of education in a university setting, and to what form the event should take to best deliver that outcome.

- d) The University has the right and power to regulate the use of its premises and is under no legal obligation to hold meetings on the campus which are open to the outside public. In compliance with its duties under legislation, however, the University will ensure, so far as is reasonably practicable, that the use of its premises is not denied to any individual or body of persons on any ground connected with:

- the ideas or opinions of that individual or of any member of that body; or
- the policy or objectives of that body,

so far as these are within the law.

- e) The University is committed to ensuring that academic staff have 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 any privileges that they may have at the University or experience a reduction in the likelihood of securing promotion or different jobs at the University. Academic freedom must be exercised within the law and is subject to this Code. The University will endeavour to uphold these rights for staff who work outside the UK; however, staff also need to have regard to the laws of the country in which they are working.

3. Limitations on Freedom of Speech

- a) 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 belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy and maternity. However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom within the law. As a result, students' learning experience and the working environment of staff may include exposure to research, course material, discussions or speaker's views that they find offensive, contentious or unacceptable, and this is unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.
- b) The University is subject to the public sector equality duty and when it is exercising its functions it must have due regard to the following three aims:
- (i) the need to eliminate unlawful discrimination, harassment and victimisation;
 - (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (iii) the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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 who may feel vilified or marginalised by views expressed and how to ensure those students feel included and welcome within the University environment and able to participate fully in activities and discussions.

- c) The University must comply with its specific obligations in relation to gender segregation pursuant to the Equality Act 2010. Gender segregation (i.e. the segregation of male and female attendees via seating or standing arrangements) is prohibited by law for all meetings and events except for meetings and events held for the purposes of religious observance undertaken by the adherents of a particular faith. Segregation is permissible in these circumstances only. In all other meetings and events, the University is legally obliged to take all reasonably practicable steps to prevent gender segregation.
- d) The University must also take account of other legal obligations which may require it to have regard to what is said on its premises, including complying with counter-terrorism legislation and criminal law. A speaker, for example, who makes slanderous statements or who incites an audience to violence or to a breach of the peace or to racial hatred transgresses the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace contrary to the law. The University is not under any obligation to secure or promote freedom of speech that contravenes any legislative requirements.
- e) In the context of academic freedom, it is expected that all statements, claims and predictions or similar, reflect the academic principles of, among other things, an accessible evidential base and a coherence of argument within the context of a recognised academic method or approach, in an area of the principal's recognised expertise.

4. Scope of the Code

- a) The Code shall apply to:
 - all members, staff and students at the University;
 - visiting speakers and all other persons invited or otherwise lawfully on the University's premises; and
 - the organisation of meetings, conferences, assemblies, or similar events that take place on any University premises; as well as those that are organised by the University but held on other premises, whether for University staff or students; the public, or a discrete group or association.
- b) All persons to whom this Code applies are under an obligation to take no action which would hinder freedom of speech within the law or academic freedom, or which would prevent the University from discharging its duty to secure freedom of speech within the law and academic freedom.
- c) The Code shall apply to all forms of communication and expression utilising the facilities/assets of the University, irrespective of the medium employed, including:
 - Meetings and similar organised events arranged internally or by external organisations, including by the Students' Union;
 - The display of signs, posters and distribution of literature;
 - The display of internal / non-profit making advertising material;

- The display of audio-visual material;
 - Social and recreational activities;
 - University branded events taking place off campus;
 - Any other activity which the University from time to time declares to fall within the Code.
- d) A meeting, event or activity may take place without any of the participants being physically present, provided it is possible for the meeting, event or activity to be communicated. This may, for example, take place via electronic means such as Teams or Zoom.
- e) References in this Code to the “University’s premises” means all premises owned, leased or controlled by the University.
- f) For the avoidance of doubt, this Code does not apply to purely commercial meetings or events on University premises.
- g) This Code will be posted in a prominent position on the University’s intranet and website.

5. Responsibilities

- a) The Vice-Chancellor shall be responsible to the University Board for the operation of this Code. Subject to this and to paragraph 5b, their authority will be delegated to the University Secretary and General Counsel who may further delegate authority in general or in particular instances to other members of staff of the University.
- b) Responsibility for ‘Designated Events’ (as defined in paragraph 6) and the implementation of the Designated Events Procedure (available [here](#)) shall be delegated to the Deputy Vice Chancellor (Operations). Any group considering Designated Events shall comprise of such representatives as the Deputy Vice Chancellor considers appropriate.
- c) In reaching any decision under this Code, the University will give careful consideration to the relevant issues and all available evidence, and act proportionately.
- d) Only the Deputy Vice Chancellor (or, in their absence, a member of the Vice Chancellor’s Group nominated by the Vice-Chancellor), in consultation with the University Secretary and General Counsel as appropriate, has the authority to ban a Designated Event, subject to appeal as set out in Designated Events Procedure.
- e) Any instances where the Code has been invoked must be reported to the University Secretary and General Counsel who will report to the University Board as appropriate.

6. Events

6.1 Events and Events Procedures

- a) Subject to paragraph 2c, where any individual or body subject to this Code wishes to hold an event on the University’s premises for the expression of any views or beliefs held or lawfully expressed, the starting point will be that the event shall proceed and, if required, 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.

- b) The University will ensure that, so far as is reasonably practicable, and having regard to the particular importance of freedom of speech, no premises of the University shall be denied to any individual or body on any grounds connected with:

- the ideas or opinions of that individual; or
- the policy or objectives of that body or the ideas or opinions of any its members.

This shall be without prejudice to the other legal obligations of the University which may require it to have regard to what is said on its premises.

- c) An event shall not proceed where ideas, views or concepts to be put forward are contrary to law.
- d) Any meeting, event or other activity (in this Code, an 'event' or 'events') due to take place on University premises or utilising University facilities (including the University's brand) which makes it likely that the University would be failing to act in accordance with duties imposed on it by law, or which would infringe the rights or freedoms of others if no action were taken in respect of the event is defined by the University as a 'Designated Event'. The University's Designated Events Procedure (available [here](#)) sets out information regarding how Designated Events are considered by the University.

For the purposes of illustration only, the following is a non-exhaustive list of examples of factors that may indicate a proposed event is a 'Designated Event':

- where the views to be expressed are reasonably likely to be contrary to the law, or expressed in a manner which may be contrary to the law;
- where the content of the event is likely to include material which could encourage people to engage in or support terrorism;
- where a speaker may not be able to enter or leave the building safely and/or deliver his or her speech without serious risk of disruption or threat to the speaker's safety;
- where there is any danger to the safety of persons attending the event or those in the vicinity of the event;
- where any damage of University premises or property could be caused;
- where there is a risk that a breach of the peace is likely to occur at the event;
- where the event is likely to include the commission of, or incitement of persons to commit, an unlawful act;
- the organisation of an event by, or on behalf of, any organisation or group which is outlawed under UK law; and/or
- any meeting or event where there is a reasonable risk of unlawful gender segregation. For example, any meeting or event that follows religious worship, where gender segregation has lawfully taken place, where there are reasonable grounds to suspect that the gender segregation may continue.

Where there is a concern as to whether an event falls within the definition of a 'Designated Event', advice should be sought from the University Secretary and General Counsel.

- e) It is the responsibility of those who organise meetings or events to ensure that the question as to whether it may be a 'Designated Event' has been properly considered in good time by relevant University staff with all decisions appropriately recorded. In the event of doubt, advice should be sought from the University Secretary and General Counsel.

- f) Where the University is reasonably satisfied that the otherwise lawful expression of views at any event 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;
 - the maintenance of order; 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 / stewards, the speaker being part of a panel, ensuring that a member of University staff is in attendance or requiring that the event takes place in alternative premises, at a later date or in a different format.

- g) Where security is deemed necessary for an event, the University shall only pass on the costs associated with security to those arranging the relevant event in exceptional circumstances. Whether the circumstances are exceptional in this context shall be determined by the Deputy Vice Chancellor acting reasonably. The University's decision on whether or not to pass on costs will not to any extent be influenced by:
- in relation to any individual, their ideas or opinions;
 - in relation to any body, its policy or objectives or the ideas or opinions of any of its members; and
 - in relation to the event, the ideas or opinions likely to be expressed at it,

provided these are within the law.

- h) Where the University concludes that imposing conditions for an event would not be sufficient to prevent serious disorder within premises subject to its control, it may decline to permit such events to be held.
- i) Organisers of meetings and other events are advised that room bookings and/or notification should always take place at the earliest possible date. Bookings may have to be refused, even where minimum times are complied with, if there is insufficient time in which to complete the necessary arrangements and procedures (including any appeal).

6.2 Conduct

- a) Everyone has the right to free speech within the law. The University expects students, staff and visitors to ensure that freedom of speech within the law is assured.
- b) The University seeks to expose its staff and students to the widest possible range of ideas and views. All persons to whom this Code applies are required to observe the principle of freedom of speech and expression while on the University's premises or at University organised events 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.
- c) 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. Speakers remain responsible for their own compliance with the law.

- d) 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 event or other lawful activity that takes place on the University's premises.
- e) Nothing in this Code 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 from going ahead as scheduled.

7. Securing Freedom of Speech and Academic Freedom

7.1 University Programmes, Associated Policies, Regulations and Procedures

- a) 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:
 - Its processes for programme development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom;
 - Its processes for facilitating research will respect the rights of freedom of speech and academic freedom;
 - 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; and
 - It will not restrict the exposure to students of ideas because they are controversial or unpopular or because some (or many) may find them offensive.
- b) The University shall take steps to secure compliance with this Code. Any breach of this Code and any conduct or course of action which prejudices the lawful exercise of freedom of speech or academic freedom, or which causes the University to fail in its legal duties as set out in this Code may render those responsible subject to disciplinary proceedings as laid down by the University. Additionally, if any such actions involve breaches of the law, the University will, where required, assist the prosecuting authorities to implement the processes of law, and if charges are brought, may stay disciplinary proceedings pending the outcome of any such proceedings.

7.1 Steps the University will take to ensure Freedom of Speech

- a) The University does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment.
- b) 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 will ensure that such risks to freedom of speech or academic freedom are identified and appropriately managed.
- c) To deliver its responsibility to promote and secure freedom of speech and academic freedom, the University will:

- bring the provisions of section A1 of the Higher Education and Research Act 2017 to the attention of students annually;
 - draw the attention of students to this Code annually; and
 - ensure this Code and the principles set out within it are drawn to the attention of staff and students on arrival at the University.
- d) Ensure that all staff receive training in helping to discharge the University's obligations in relation to freedom of speech and academic freedom.
 - e) Ensure that whenever relevant policies and procedures are introduced or reviewed, consideration is given to their impact on freedom of speech and academic freedom.
 - f) Utilise surveys such as the National Student Survey and staff surveys to consider student and staff views on whether freedom of speech and academic freedom at the University are being adequately protected and take the findings into account.
 - g) Ensure that there are adequate and effective mechanisms to raise concerns about freedom of speech and academic freedom and when concerns are raised about freedom of speech and academic freedom, ensure that, so far as is reasonably practicable, they are addressed and any lessons to be learned are incorporated into a review of relevant policies, practices and procedures.
 - h) Take steps to secure compliance with this Code, including where appropriate taking disciplinary action.

7.2 Display of Notices etc. and Distribution of Literature

Regulations governing posters, notices, temporary signs and the distribution of literature are available from Estates or [here](#).

7.3 Advertising, Selling and Revenue-Generating Activity

Nothing in this Code shall be interpreted as affording an automatic right for third parties to use University premises, facilities and / or systems for the purposes of advertising, selling or other revenue-generating activity.

7.4 Social and Recreational Activities

- a) Staff should take note of the University's [Social Media Policy](#).
- b) Staff and students should take note of the Rules for the Use of the University's IT Facilities. Available through the University's [Student Policies and Regulations](#)

These documents and other policies can be found on the University's website.

8. Concerns or Complaints about Freedom of Speech or Academic Freedom

Any concerns regarding the implementation of this Code or the actions of the University in respect of it should be directed to the University Secretary and General Counsel in the first instance.

Where the University receives a complaint about the exercise of academic freedom or freedom of speech or where it has received a complaint about a possible infringement or departure(s) from the procedures set out in this Code these will be investigated in accordance with our student and staff procedures, as applicable, and may result in disciplinary action. The University will where possible and reasonably practicable, triage complaints in respect of freedom of speech to ensure swift dismissal of complaints about speech that do not warrant further investigation.

9. Monitoring, Compliance and Review

The University shall record all decisions identified by the University as being likely to have a substantial effect on freedom of speech within the law.

Infringements of, or departures from, this Code 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.

This Code will be reviewed on at least an annual basis.