

Freedom of Expression: Code of Practice

1. Introduction:

- 1.1 University College Birmingham has a proud record of being a multicultural and diverse community in which staff and students learn from and work with each other in a spirit of mutual respect and collaboration. The University promotes the search for knowledge and the questioning of ideas through open debate and investigation.
- 1.2 The University actively promotes the importance of freedom of expression as an individual right, which is fundamental to debate and challenge within the University's academic agenda.
- 1.3 This Code is written in compliance with the relevant statutory regulations, including but not limited to the Education (No2) Act 1986, Education Reform Act 1988, Human Rights Act 1998, the Equality Act 2010, the Counter Terrorism and Security Act 2015 (Prevent Duty), The Terrorism (Protection of Premises) Act 2025, and reflects the enhanced duties imposed by the Higher Education (Freedom of Speech) Act 2023. This policy has been written with due regard to 'Regulatory advice 24: Guidance related to freedom of speech', published by the Office for Students in 2025.
- 1.4 The University expects all employees and students of the University to tolerate and protect the expression of opinion within the law whether or not these opinions are agreeable to them. However, whilst the law promotes and protects freedom of speech, it also places limits on those freedoms in order to maintain public order and safety and to ensure that there is no breach of the law. The University recognises these limits and therefore acknowledges that it has a legal responsibility to create a balance between minimising the possibility that extremism or unlawful conduct will arise on campus and ensuring that it meets its legal obligations in relation to securing freedom of speech.
- 1.5 In accordance with the Articles of Government the Vice-Chancellor and Principal is responsible for the organisation, direction and management of the University and for exercising effective supervision and discipline over staff and students within the framework set by the University Council. The Vice-Chancellor and Principal is therefore authorised to exercise responsibility for implementing this Code within the guidelines set down, delegating responsibility as necessary.

2. Scope:

- 2.1 **What** is covered by the Code of Practice:
The promotion and safeguarding of freedom of expression for members of the University, visitors to the campus and any visiting speakers
- 2.2 **Who** is covered by the Code of Practice:
 - (i) All employees and those working on behalf of the University (including agency workers and contractors)

- (ii) All students of the University (whether full/part-time, including students enrolled on distance learning programmes and visiting (e.g. Erasmus) students) and including any students studying for a University award under an agreement with a partner organisation
- (iii) All other members of the University and including independent members of the Corporation and its subcommittees
- (iv) The Guild of Students and its affiliated clubs and societies
- (v) Any person, organisation or group not falling within any of the above categories who wish to hold an event hosted by the University (either on their premises, at a venue off-campus or online).

3 Key Definitions

- 3.1 **Freedom of Speech** is defined as the freedom to express views, opinions, and ideas within the boundaries of the law. This includes the freedom to receive and impart information and ideas without interference, but it is subject to legal restrictions. Although this policy (and the statutory duty) refers to freedom of 'speech', this includes written materials and other forms of creative expression. It is not limited to the spoken word. Freedom of speech within the law is protected. This means that speech will not be protected if it contravenes some other law. Unlawful acts will not be tolerated by the University.
- 3.2 **Academic Freedom** is the principle that academic, technical staff and all staff involved in the delivery of academic activity to students are free within the law to question, and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of losing their jobs or the privileges they may have at their university. Academic freedom is a component of, rather than being entirely distinct from, freedom of speech.
- 3.3 **'Within the law' and 'lawful'**: speech is 'within the law' and 'lawful' if it is not prohibited by law. When considering whether speech is 'prohibited by law', law means: primary legislation, legal precedent or court decisions, secondary legislation or byelaws. Law does not mean: University policy or regulations, University staff or student contracts.

4 Principles of the Code of Practice:

- 4.1 The University is committed to maintaining the rights of freedom of expression and academic freedom within the law.
- 4.2 The University has a duty to maintain safety and good order on its premises and to ensure that the statement of beliefs, points of view and opinion do not lead to the commission of criminal offences or to incitement to breaches of the peace, violence, terrorism, and/or racial/religious hatred.
- 4.3 The University will ensure that the use of University premises is not denied on grounds connected with the beliefs, views, policies, or

objectives of an individual or body of individuals, as long as such use is within the law at all times.

- 4.4 Everyone to whom this Code applies is expected to observe the principles of freedom of expression while on University premises or when engaged in off-campus University Events, and to show respect and tolerance towards the expression of views, opinions and beliefs of others, even if they happen to be contrary to their own.
- 4.5 The University has a legal duty to ensure that all students, staff and the community can access activity held on its premises without unlawful discrimination. For this reason, all those that the Code applies to must ensure that discrimination is avoided on the basis of protected characteristics as set out in the Equality Act (2010).
- 4.6 The rights of individuals or groups of staff and employees in pursuance of industrial action shall not be construed as being in any way inhibited by the Principles of the Code.
- 4.7 The right to freedom of speech is not absolute. The University will not permit activities or expression on its premises or under its auspices that constitute a criminal offence, are otherwise unlawful under civil law, are likely to incite others to commit criminal acts, directly support an organisation proscribed under terrorism legislation, pose a genuine risk to the safety or security of individuals or the University community, are likely to cause a breach of the peace that cannot be reasonably managed or which would unreasonably (by objective test) disrupt the core activities of the University
- 4.8 The University recognises its legal and moral responsibilities, including duties under the Equality Act 2010 to prevent unlawful discrimination, harassment, and victimisation, and duties under the Counter Terrorism and Security Act 2015 (the Prevent Duty). This policy operates alongside other University policies designed to ensure a safe, inclusive, and respectful environment, such as those concerning bullying and harassment. Steps taken to secure freedom of speech will be balanced with the University's other legal obligations.
- 4.9 The University acknowledges its responsibilities under the Higher Education (Freedom of Speech) Act 2023 concerning the transparency of overseas funding and the assessment of any potential risk such funding might pose to freedom of speech and academic freedom.

- 4.10 Any requests from the staff or student body for external speakers which are refused on these grounds or on the grounds that the event may incite a breach of the law, lead to the expression of views contrary to the law or promote an illegal organisation will be reported to the Corporation, via the Student Services and Standards sub-committee.
- 4.11 The University will pay due regard to the Prevent duty to prevent radicalisation on campus.

5 Organising events involving external speakers:

- 5.1 It is vital to ensure that the duty of the University to provide platforms for lawful free speech is not in any way restricted by any action or statement. Where there is a conflict with another policy and this one, it is this policy that will take precedence in all matters related to freedom of speech.
- 5.2 The procedure for academic/teaching events and off-campus University branded events should involve a proportionate risk assessment and escalation for approval to the relevant Head/Deputy Head of Department and subsequently a member of the Executive Management Team. This process is set out in the [External Speaker Policy and Approval Process](#).
- 5.3 It is the responsibility of the event organiser to ensure an event is compliant with this Code of Practice.

6 Contraventions of the Code:

- 6.1 Any action by a member of staff or student or an employee, whether individually or in a group which may be thought by the Vice-Chancellor and Principal to infringe or be contrary to the Code of Practice:
- (i) may be liable to such investigation as the Vice-Chancellor and Principal (or their nominee) may require to establish the prima facie facts;
 - (ii) and subsequently may lead to an informal or formal disciplinary process, in accordance with the established disciplinary procedures for staff and students, depending upon the seriousness of the alleged offence. Examples of such actions that the University considers as being contrary to Section 43 of the Act and in breach of this Code (not exhaustive) might include:
 - any action by members of staff or students individually or collectively to prevent or intimidate a member of staff or a
 - (iii)

guest lecturer from carrying out their teaching, research or other function in accordance with their contract of employment, or from having access to facilities which they may use as a member of staff or enrolled student;

- any action by members of staff or students individually or collectively to prevent a formally enrolled student from pursuing his or her studies, attending classes and other academic activities connected with his or her course, participating in curricular activities and the social and other activities provided by the University;
- any act designed to prevent the holding or continuance of any course lecture, tutorial or other academic activity or any meeting duly authorised within the provision of this code where disruption, intimidation or threats are uttered or implied.

- (iv) Individuals who believe their lawful freedom of speech or academic freedom, as outlined in this policy, the Code of Practice and relevant legislation, have been infringed by the University have recourse to the University's Complaints Procedure (for students) or through the appropriate employment policy, on which Human Resources can advise (for staff).