



University of
Salford
MANCHESTER

Freedom of Speech Code of Practice

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Author: Director of Legal Services

Legal Services

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A Hartley M Collins	Redraft to comply with Higher Education (Freedom of Speech) Act 2023	3.0	Council: 5 July 2024
A Hartley	Minor revisions including updated links to associated documents.	2.5	1 May 2021
A Hartley	Minor revisions including department name and separating application form from policy 15/12/17. Council referred to GNEC 8/3/18 pending minor amendments.	2.4	VCET: November 2017 GNEC: March 2018 Council: March 2018
M Stephenson C Price	Included reference to Faith Centre, application form and Quiet Prayer rooms user guide	2.3	Director LPG: February 2016
M Stephenson C Price	General policy review and incorporation of Prevent Duty.	2.2	Director LPG: December 2015
M Rollinson C Price	Addition regarding gender segregation reflecting Equality & Human Rights Commission Guide	2.1	Operations Board: October 2014
M Rollinson C Price	Reformatted into template, general updates regarding University structures link with Conference Office.	2.0	Executive: January 2014 Council : February 2014
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Others with responsibilities (please specify):	All subjects of the Policy will be responsible for engaging with and adhering to this policy.		
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Legal implications (LPG)	2. Obligation in the Higher Education (Freedom of Speech) Act 2023		
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1.0 Purpose

Compliance with:

Section 43 of the Education Act 1986 (**the 1986 Act**).

Higher Education and Research Act 2017 (HERA)

Higher Education (Freedom of Speech) Act 2023 (**the 2023 Act**) to further strengthen this obligation and importantly to extend it to students' unions.

This Code of Practice sits alongside regulatory advice issued by the Office for Students.

2.0 Scope

This Code of Practice applies to the whole University, including staff, students, visiting speakers and members of its governing body.

3.0 Principles

Freedom of speech and academic freedom are fundamental rights which the University is committed to uphold.

Our core mission is the pursuit of knowledge, and the principles of free speech and academic freedom are fundamental to this purpose. They provide a necessary context for advancing new ideas, encouraging productive debate and challenging conventional wisdom.

All staff and students are entitled to teach, learn and research in a culture that values vigorous debate, including in relation to difficult, contentious or discomforting topics.

Students will have a high-quality education if that education is grounded in freedom of speech. That includes freedom of speech for themselves, for fellow students, for those who teach or supervise them and for visiting speakers.

One of our strategic goals is that we secure free speech within the law for our students, staff and visiting speakers. In seeking to achieve this, we will work closely and collaboratively with Salford Students' Union (SSU).

Freedom of speech compliance obligations on higher education providers, including the University, were consolidated and extended by the 2023 Act. This Code of Practice has been written to both reflect our commitment to free speech and to ensure that we remain compliant under the 2023 Act.

3.1 What is free speech?

Our starting point is that speech is permitted unless it is unlawful or it breaches legal duties, such as those under the Equality Act 2010 or the Counter- Terrorism and Security Act 2015. Free speech includes lawful speech that may be offensive and hurtful to some.

Free 'speech' includes written materials and other forms of expression. It is not limited to the spoken word. Freedom of speech 'within the law' is protected. Unlawful speech is not protected. Speech that amounts to unlawful harassment or unlawful discrimination does not constitute free speech within the law and is not protected.

3.2 Our duties

The University is required to take reasonably practicable steps to secure freedom of speech for its staff, members, students and visiting speakers.

This includes, but importantly is not limited to, securing that the use of any of our premises is not denied to any individual or body on the grounds of their, or their members', beliefs or views.

Individual staff members, students and visitors of the University have their own personal responsibilities under the law and under this Code of Practice.

These responsibilities include, but are not necessarily limited to, the following matters as appropriate to the individual's position and responsibilities:

- willingness to commit to training as appropriate and as directed by the University, in particular at induction or arrival at the University;
- assisting the University in promoting freedom of speech; and
- raising concerns about free speech and academic freedom through appropriate channels.

Everybody within the scope of this Code of Practice should observe it, in particular in relation to:

- the organisation of meetings, external speakers and activities on the University's premises;
- personal conduct reasonably expected in connection with any such meeting, external speaker or activity;
- the need to eliminate discrimination, harassment, victimisation and other conduct that is discriminatory based on someone's protected characteristics;
- engaging in unwanted conduct related to someone's protected characteristics which has the purpose or effect of violating someone's dignity or subjecting them to an intimidating, hostile, degrading, humiliating or offensive environment; and
- the need to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and persons who do not share it.

3.3 Academic freedom

The freedom of speech protections under the 2023 Act are further extended to include the duty to secure academic freedom, but for our academic staff only. 'Academic staff' includes part time or casual academic staff members.

The University's academic staff should 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 privileges they have at the University.

An additional element of academic freedom is the duty on the University not to reduce the likelihood of academic staff securing promotion or different jobs at the University, on the grounds of those staff exercising their rights to academic freedom. The duty also applies to the recruitment of individuals who are applying for jobs as academic staff, and who may have exercised their rights to academic freedom elsewhere.

3.4 Promotion of free speech and academic freedom

The University will promote the importance of lawful freedom of speech, and academic freedom for our academic staff. How we promote free speech will be designed to meet current circumstances and changing conditions and demands.

3.5 Governance

The University's governing documents contain our commitment to upholding the principles of freedom of speech and academic freedom. Executive operational delivery of those principles will consist of some or all of the following which may vary to meet changing circumstances:

- an internal champion who is relatively senior and/or sits on a senior executive committee;
- an internal oversight group with membership from relevant areas of the University and which is empowered to make recommendations on freedom of speech policy and practice to the University Leadership Team (ULT) and/or Senate;
- periodic reporting by the champion and the working group of overall delivery of those principles and exceptional reporting of specific issues will be made to the ULT and /or Senate;
- the University's Council, either directly or through one of its standing committees, will have oversight of the University's delivery of those principles.

3.6 External speakers, events and room hire

The University will review requests for the use of its premises or the ability of an external speaker to visit or an event to take place in accordance with this Code of Practice .

The University has a duty to maintain safety and good order on its premises and to ensure that the articulation of beliefs, points of view and opinion do not lead to the commission of an offence or otherwise constitute or give rise to the potential to constitute incitement to riot or incitement to racial or religious hatred.

The University supports an environment in which all staff and students are treated with respect and in which a zero-tolerance approach is taken towards bullying, harassment or discrimination. This is in accordance with our Equality, Diversity & Inclusion Policy and the Equality Act 2010.

If you wish to hire a room, are planning to organise an event or to invite an external speaker, you will need to follow the procedures detailed in this Code of Practice. In doing this, you should note that the procedure applies time limits to your application for a speaker, event or room hire. Should you not adhere to these time limits, the University may withhold its permission.

3.7 Interplay between academic freedom, freedom of speech and harassment

One issue we anticipate is how the interpretation of our harassment policies needs to reflect the interaction between unlawful harassment under the Equality Act 2010 and the law protecting academic freedom and freedom of speech. It is particularly important to get this right when the University is considering disciplining a staff member or student for harassment. We will simultaneously need to consider their rights to academic freedom and free speech.

We also have duties under many other acts, including the Human Rights Act 1998, the Counter Terrorism and Security Act 2015, and the Equality Act 2010 (including the Public Sector Equality Duty).

Given these wide duties the University has a reasonable expectation that staff, students, and external speakers will actively support the maintenance of campus relations through, for example, providing advanced copy of the matters under discussion, language to be used, and specific location of any speech on campus.

Individual staff members and students are also reminded of their personal obligations as set out in the “Our Duties” section of this Code of Practice.

3.8 Appeals and complaints

If you are a staff member, a student or a visiting speaker at the University, and you are dissatisfied or disagree with the action, inaction or a decision of the University made under this Code of Practice, then you have the right to make a complaint or to appeal a decision to the University. The details of how to make such a complaint or to appeal a decision is set out in more detail in this Code of Practice.

In the first instance, our reasonable expectation is that such complaint will be made to the University. Only after your complaint or appeal has been considered and determined by the University, if you remain dissatisfied should you then refer the matter to the Office for Students, the Office of the Independent Adjudicator or some other court or tribunal.

3.9 Overseas funding

The University will review and assess any proposed overseas funding we may receive. We will do this to determine whether such funding presents a risk to freedom of speech and academic freedom in our institution.

“Overseas funding” will be given a wide interpretation and includes endowments, gifts, donations, research grants and contracts, and funding pursuant to an educational or commercial partnership. The overseas funding must have come from a government, incorporated or registered body, or a politically exposed person, from or in relation to, an overseas country other than a prescribed country.

“Overseas countries” means any country or territory outside the UK, and “prescribed country” means a country or territory specified in regulations made by the Secretary of State.

We have a duty under the 2023 Act to be more considered about our overseas funding, and any future overseas funding we are offered or are currently negotiating. We will also maintain detailed records about funding so that these may be audited by relevant authorities, including the Office for Students.

3.10 Non-disclosure agreements

The use of non-disclosure agreements (NDAs) is prohibited in complaints relating to harassment and sexual misconduct. An NDA (sometimes known as a confidentiality clause or agreement) refers to any agreement which prevents complainants from publishing or sharing information about or talking about their complaint.

3.11 Students’ Union Responsibilities

Under Section A6 of the Higher Education and Research Act 2017, Salford Students’ Union (SSU) is legally required to take reasonably practicable steps to secure lawful freedom of speech for its members, staff, visiting speakers, and all persons lawfully on University premises.

Accordingly:

- SSU shall adopt and publish its own Freedom of Speech Code of Practice, reflecting these values and duties.
- SSU shall ensure that its governance processes and procedures relating to clubs, societies, events, and external speakers are fully compliant with the freedom of speech duties under the law.
- The University and SSU work collaboratively to promote a campus culture where lawful freedom of speech is respected and protected, with mutual accountability under the law.

4.0 Promotion of free speech

The University is committed to upholding and promoting lawful freedom of speech and expression on campus and the right to academic freedom.

We will promote free speech and academic freedom by:

- developing and formally launching this Code of Practice, and promoting it to both staff and students;

- maintaining a Freedom of Speech working group, with the ability to make recommendations to the University Leadership Team for improvements to the promotion of freedom of speech, expression and academic freedom;
- reminding staff and students of this Code of Practice and the relevant laws, including the 2023 Act, at least once a year,
- developing and maintaining a centralised online source of further information, advice and guidance about the application of the law related to free speech and academic freedom, and how it relates to other institutional policies;
- identifying a senior member of staff with appropriate credentials to champion and promote freedom of speech within the University,
- ensuring that changes in legal obligations associated with free speech and academic freedom, which result in modifications to the Code of Practice, are communicated to both staff and students when the updated Code of Practice is issued.

In the promotion of freedom of speech our endeavour is to foster positive cultural attitudes, encouraging constructive debate whilst avoiding a chilling effect on speech which may be achieved by the following:

- generate spaces for open dialogue and discussion;
- foster a sense of community and belonging across all groups on campus, to stimulate respectful debate;
- promote diverse perspectives across the curriculum, and in guest speakers;
- promote critical thinking through the curriculum and our pedagogy;
- evaluate our performance in fostering freedom of speech on campus, and make improvements accordingly,
- maintain management and communications strategies so that we may appropriately respond to emerging controversies around free speech and academic freedom.

5.0 Definitions

From time to time the University may adopt working definitions if this may aid in colleague and students' understanding of terminology that is used across campus.

Any such definitions must be fully compliant with the statutory right to freedom of speech within the law. Specifically:

- Definitions will not be used to restrict or sanction lawful expression, even where such expression may offend or challenge prevailing norms.
- Where there is a potential conflict between a proposed definition and the protection of lawful freedom of speech, the principle of free speech shall prevail.
- Prior to adoption, proposed definitions will be subject to review to ensure alignment with the University's duties under the Higher Education (Freedom of Speech) Act 2023 and Part A1 of HERA.
- We will periodically review existing definitions to ensure their ongoing compliance with the University's freedom of speech duties.

6.0 Oversight

The freedom of speech oversight group shall meet to review:

- the University response to duties and responsibilities relating to the 2023 Act, ensuring compliance, promote good community relations across campus and review ways in which any negative impact of freedom of speech may be mitigated.

The oversight group will be led by the Freedom of Speech Champion, currently the Pro-Vice Chancellor for Social Justice and Equity, to provide senior leadership on freedom of speech and academic freedom.

The Freedom of Speech Champion reports annually to the University Leadership Team and Council, chairs the internal oversight group, and serves as a key point of contact for freedom of speech matters.

7.0 Booking external speakers, events, and rooms or spaces for events

This procedure takes into account guidance from the Office for Students (OfS). The 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 the Office for Students website.

All externally organised events must be booked via the University's Conference Office. Internally organised events that may be deemed controversial must also follow this procedure. Compliance with this Code of Practice is a mandatory condition of booking, organising, or participating in such events

7.1 Permission

An external organiser must submit the completed Freedom of Speech Application Form to the Conference Office as soon as possible and in any event no fewer than 15 Working Days before the date scheduled for the Event. Failure to submit the completed Application Form on time or to submit a properly completed Application Form with sufficient information about the Event may result in permission being withheld.

Internal organisers must complete the application form adhering to the same guidelines set out for external organisers.

The Organiser must ensure that nothing is done to advertise, publicise or promote the Event through any channel (including, but not limited to, the display or distribution of any notices, posters or banners and the solicitation of media interest) unless and until permission is granted. Failure to comply with this requirement may result in permission being automatically withheld.

The University will notify the Organiser of the decision within 5 Working Days from the date of receipt by the University of the completed Application Form or, if later, the date on which the University receives the additional information or clarification it has requested.

Where permission has been granted for an Event, the Organiser must inform the University immediately if there is any change to that Event and/or to any of the information contained in the Application Form. Such a change may trigger a re-assessment of the decision to grant permission and the Organiser may be required to submit a further Application Form with appropriate amendments.

Where permission is granted for an Event, that permission may be subject to certain conditions or restrictions which the Organiser must ensure are complied with, including (without limitation) instructions on the location, format and scheduling of the Event, prior approval of, and/or limitations on, any publicity material, and requirements for the security measures to be taken at the Event. The University may also release a public statement setting out reasons for granting permission and disclaiming any connection between the University and the views expressed at the Event.

If the Organiser fails to ensure that any conditions and restrictions which apply to the permission are complied with the Event may be cancelled at any point including where the Event may have started.

If the University has reason to believe that any information contained in the Application Form submitted by the Organiser is untrue and/or misleading in any respect, then any permission which has been granted for the Event may be withdrawn.

The University has the right to reassess the Organiser's application for permission at any time prior to the Event and the Event may have to be postponed until such reassessment has been made. The University may seek to invoke this power on the basis of new information or where an objection is raised (See Right to Object below) or where any material change to the Event has been made.

In exceptional cases, the External Organiser shall be responsible for meeting:

- costs and expenses incurred in complying with requirements for holding the Event as deemed necessary by the University, the police and/or other appropriate authorities, such as security measures around the Event; and
- losses, liabilities, costs, and expenses which may be incurred arising from the postponement or cancellation of the Event in accordance with the Code of Practice. The Organiser shall indemnify and hold harmless the University from and against any and all such costs, expenses, losses and liabilities.

The freedom of speech oversight group will agree principles for determining the circumstances in which an Organiser will be responsible for the costs and expenses set out above. This may include agreeing a reasonable threshold above which costs must be met by the Organiser.

7.2 Withholding or withdrawing permission and the right to appeal

Where permission is withheld or withdrawn, the University shall provide reasons to the Organiser. The Organiser has the right to appeal the decision by making representations in writing to the University Secretary within 5 Working Days. If there is insufficient time to hear the appeal before the scheduled date for the Event, the Event shall be postponed pending the outcome of the appeal.

Where an event is refused, restricted, or cancelled due to the Organiser's own breach of this Code of Practice or other applicable University regulations, no appeal will be permitted.

Within five Working Days of receipt of the appeal, the University Secretary shall review the original decision and notify the Organiser of the outcome of the appeal.

If permission has been granted but is subsequently withdrawn, the Organiser must immediately stop advertising, publicising, and promoting the Event and (at its cost) must remove all advertisement and promotional materials from all channels, including taking down materials displayed on University Premises or for off campus University events.

7.3 Raising Concerns About Events

Concerns should be submitted to the Freedom of Speech Champion in writing as soon as they are known and must relate to the issues of security, safety, or potential unlawful speech.

7.4 Controversial and offensive notices, banners and literature

The University has the right to take such steps as it considers necessary, including confiscating any notices, banners, or other literature, that in the opinion of the University go beyond the mere expression of points of view and opinion upheld by the Code of Practice, or are otherwise unlawful.

7.5 Visiting speakers

In upholding the right of freedom of expression and academic freedom the University recognises and encourages the need for free debate, therefore all Visiting Speakers will be asked to take questions from those attending the Event, so that the opinions and theories expressed can be tested and challenged openly and within the boundaries of the law. The University reserves the right to remove any person attending an Event whose behaviour becomes disruptive, abusive, or otherwise unlawful and may, if appropriate report that person's behaviour to the police.

7.6 Information sharing

In following the requirements of the Code of Practice, there will be liaison and exchange of information between University departments / units and external bodies. These may include (but are not limited to) the Conference Office, Events Office, Legal & Compliance Directorate, Estates & Facilities Directorate, Salford Students Union, University of Salford Council (and its committees), Greater Manchester Police, and other universities.

7.7 Record keeping

In order to ensure that fair and lawful decisions, consistent with the Code of Practice, are made, comprehensive records of applications to hold events, consideration of those events and any other relevant documents shall be maintained by the University and retained for not less than six years.

8.0 Complaints

8.1 Who may make a Complaint?

A student, member of staff, visiting speaker (actual or invited, and either an individual or an organisation) of the University, or anyone who has applied to become a member of academic staff at the University.

8.2 What a Complaint may be about?

Free speech complaints must relate to the free speech duties that we have set out in our Code of Practice, and decisions that the University (including relevant affiliate bodies) has made under this Code of Practice. The complaint must be about the University, our governing body or our management and decisions taken by the same.

The complaint must make a 'free speech claim'. The person making the complaint will need to explain that they have suffered adverse consequences (which need not be financial) because of something that the University has done or not done. The claim must also state that, or give rise to a question as to whether, the University's action or inaction was a breach of our duty to take reasonably practicable steps to secure free speech within the law.

There are other avenues that may be open to you to make a free speech complaint, however we ask that you use this complaints procedure before asking the Office for Students (OfS), a court or other tribunal to handle the matter. The OfS, a court or other tribunal may refuse to accept your complaint unless you have first tried to resolve the matter using our internal procedures under this Code of Practice.

8.3 Time Limits and Submission

You must submit a complaint in writing to the University Secretary within 3 months after the date on which the adverse consequences, that are alleged in the free speech claims in the complaint, last occurred.

A complaint should set out a description of why you are unhappy, including whether you have suffered adverse consequences (financial or otherwise) because of something that the University has done or not done. The description must be sufficient enough to allow us to investigate and review it properly. We may require you and/or others you complain about to provide us with information or documentation to enable us to review and investigate your complaint properly and effectively.

A complaint may include personal data (including special categories of personal data). We will process personal data, including special categories of personal data, in accordance with relevant data protection legislation. We may ask for further information to help us to consider your complaint and make a decision on it.

We will not consider anonymous complaints. We do not guarantee that we will be able to maintain complainants' anonymity during the complaints process.

We may consider two or more complaints together, if they are about the same subject matter or complain about the same circumstances. For example, this could be the case whether those complaints were submitted individually or as a group.

8.4 How we will review your Complaint.

When we first receive a complaint, we will consider whether it is one that is eligible for review under this procedure. We may share information with others to help us to determine matters of eligibility. We will tell you whether and to what extent we are able to review your complaint within 10 working days of receipt of your complaint.

We retain discretion to determine what activities to undertake to conduct a review. We will consider your complaint and any supporting documentation that you have submitted. We may ask you and/or others named in your complaint specific questions or request additional information. We may share some or all of the information that you send to us with others named in your complaint and may seek their views and representations on that information.

If we consider it appropriate, we may decide to have one or more face-to-face meetings with you, others named in your complaint, or other persons that we consider may have information or expertise that is relevant to your complaint.

Where we consider that a free speech complaint concerns academic judgment, we may seek expert academic views and advice to inform our review. We may also seek expert advice from persons with other forms of expertise, where we consider it appropriate.

We may decide to dismiss a complaint, during our review, if we decide that the complaint is not one that we can consider after all (that is, that the eligibility requirements are not met). We may do this where, for example, new information comes to light during our review.

We may also dismiss a complaint, without further considering its merits, where it becomes clear to us as part of our review and investigation that the complaint is frivolous or vexatious.

We may suspend our review of your complaint or withdraw it if you do not provide us with information as required or cannot be contacted using the contact details that you have given to us.

You may withdraw your complaint at any stage before we issue an outcome or dismiss the complaint.

8.5 Our decision

We will decide about your complaint as soon as reasonably practicable and will do this no later than three months after receipt of your complaint. If the extent of our review and investigation of your complaint requires more time, we will inform you of this and explain what new time limits may need to apply.

Our decision will confirm whether your complaint is justified, partly justified or not justified.

Our decision will depend on our assessment of whether the University, or someone acting on its behalf, has breached or is breaching one of our free speech duties; and whether you have suffered adverse consequences that are more than minor or trivial as a result of that breach.

We will notify you and others named in your complaint in writing of our decision and of our reasons for reaching it.

8.6 Appeal against a decision.

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](#).

9.0 Code of Practice Enforcement

Breaches of this Code of Practice may be considered in disciplinary action in accordance with the applicable disciplinary policy. See also Para 7.1 Permission; withdrawal of permission where there is breach of this Code.

Where the acts of individuals involve alleged breaches of criminal law, the University may assist law enforcement authorities in implementing the process of law and any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.