



UCFB*

Freedom of Speech Policy

Owner:	Director of Student and Academic Services
Author:	Director of Student and Academic Services
Version Number:	1.1
Approved By:	Board of Directors
Approval Date:	22 nd May 2024
Date of Commencement:	22 nd May 2024
Date of Last Review:	April 2024
Date for Next Review:	September 2024

*UCFB is a trading name of University Campus of Football Business Limited

1. **Purpose**

- 1.1 UCFB is committed to upholding academic freedom and free speech in its teaching and research and ensuring that a free and open discussion can take place and that a diversity of views can be expressed and tolerated. This includes views that may be regarded as unpopular, controversial and/or provocative.
- 1.2 The key aim of UCFB is to foster an environment where academic freedom and freedom of speech within the law is ensured while respecting the views and rights of others.
- 1.3 Section 43 of the Education Act (No.2) 1986 (the “Act”) places a legal duty on the governing bodies of higher education providers to ensure freedom of speech within the law on campus as far as is reasonably practicable and states that the only constraints on that duty should be those imposed by law.
- 1.4 This duty under the Act includes a responsibility to ensure that UCFB’s facilities are not denied to any individual or group on the grounds of their beliefs or views or on the grounds of the policies or objectives of any group which they are members of.
- 1.5 The right to freedom of speech and academic freedom is not unfettered. It is limited by law including those intended to protect the reputation and rights of others, to protect national security and public safety, for the prevention of disorder and crime, to prevent vulnerable individuals being drawn into terrorism, the obligations under equality laws and the disclosure of information received in confidence.
- 1.6 As a Higher Education provider UCFB is required to balance the rights of its staff and students and visiting speakers and identify when the expression crosses a threshold and becomes unlawful or poses unacceptable risks to the health, safety or welfare of employees, students and visitors.
- 1.7 UCFB does not take a formal position on political or international issues and endeavours to provide a platform to facilitate discourse or discussion of contemporary issues by encouraging critical debate within the law where the views of all parties are tolerated.
- 1.8 Anyone who exercises their lawful right to free speech or academic freedom will not be censured by UCFB as a result.
- 1.9 This policy details how UCFB ensures as far as reasonably practicable that freedom of speech and academic freedom within the law is secured for all students, staff and visitors in the context of delivering higher education provision.

2. **Scope**

- 2.1 University Campus of Football Business Ltd Board of Directors delegates its authority to the Executive Leadership Team so that they can ensure it complies as far as reasonably practicable with the Act and the provisions of this policy.

- 2.2 This policy applies to all students studying at UCFB, both at Undergraduate or Postgraduate level, and attending any campus or via distance learning.
- 2.3 This policy applies to all staff of UCFB. For the purposes of this policy UCFB staff include colleagues from the following teams:-
- 2.3.1 Academic;
- 2.3.2 Professional Services;
- 2.4 This policy applies to all external or visiting speakers invited by UCFB or any affiliated body or society of UCFB not already covered at paragraph 2.5 of this policy.
- 2.5 This policy applies to all events (including meetings, lectures, seminars, committee meetings, conferences whether in person, live streamed or recorded) and any other activities (referred to as “events”) proposed, planned or due to take place at UCFB or using its facilities or externally and are UCFB organised, funded, or sponsored (including events organised by the Students Union or affiliated individuals, groups or societies in the name of UCFB or its staff or students) whether involving an external speaker or not.
- 2.6 This policy reflects the University of East London’s [Freedom of Speech Policy](#).
- 2.7 This policy should be read within the context of relevant legislation where UCFB operates globally, and alongside UCFB’s other regulations, expectations and guidance including, but not restricted to UEL’s Student Code of Conduct and Non-Academic Misconduct Policy. For the UK, the relevant legal framework set out at Appendix 1 to this policy.
- 2.8 Academic staff are protected in their teaching, research and speech by the provision on Academic Freedom expressed within UCFB’s regulations and contracts of employment and this policy.
- 2.9 Expressions of views that are unpopular, controversial or provocative or which cause offence do not, if lawful, constitute a breach of this policy or grounds for the refusal or permission for or the cancellation of an event unless exceptional other circumstances arise.
- 2.10 UCFB will ensure that appropriate procedures are in place for reports to be made about instances of alleged hate crime, harassment, threat or intimidation and for these concerns to be investigated promptly and thoroughly with appropriate measures taken in response where appropriate including, where necessary, referral to the Police and other external bodies.
- 2.11 Under the Counter Terrorism and Security Act 2015, UCFB has a legal obligation to consider whether the views to be expressed, or that are likely to be expressed, by a student, member of staff or an external or visiting speaker constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. Where events are concerned UCFB will not proceed except where it is entirely convinced that such risk can be fully mitigated without cancellation of the Event. However, the Counter Terrorism and Security Act does not in any way change the presumption in favour of free speech within the law.

2.12 Support for or promotion of terrorism is already illegal under previous legislation and UCFB will take steps to prevent it taking place on its campuses.

3. **Definitions**

3.1 **Freedom of Speech / Freedom of Expression** may be defined as

“the freedom to express ideas, beliefs and views without suffering adverse consequences”.

3.2 **Academic Freedom** may be defined as an academic member of staff’s

“freedom within the law and within their field of expertise to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected by loss of their jobs or privileges at the institution or the likelihood of their securing promotion or different jobs at the provider being reduced”.

3.3 An **external speaker or visiting speaker** is defined as

“any individual or organisation who is not a student or staff member of UCFB, or one of its contracted partners, and who has been invited to speak to students and/or staff.”

3.4 An **event** is defined as

“any meetings and events (including lectures, seminars, committee meetings, conferences whether in person, online, live streamed or recorded) and any other activities proposed, planned or due to take place in the name of UCFB or using its facilities or externally or online and is UCFB organised, funded, or sponsored (including events organised by affiliated individuals, groups or societies in the name of UCFB or its staff or students) whether involving an external speaker or not.”

4. **UCFB Approach**

4.1 UCFB has a statutory duty under the Act to ensure freedom of speech within the law as far as practicable and operates with a presumption in favour of free speech. UCFB is committed to providing our students with a high-quality educational experience and that the learning environment is one where critique, challenge, debate and expression of perspectives can be nurtured within a safe and constructive space. Such activities may include:

4.1.1 holding and expressing opinions;

4.1.2 questioning and testing established ideas or received wisdom;

4.1.3 developing and advancing new ideas or innovative proposal;

4.1.4 presenting controversial or unpopular points of view;

4.1.5 exercising the right to reflect on practice within the institution as well as the wider HE sector.

- 4.2 UCFB also recognise that the representation of certain views and expressions may in themselves be offensive, yet not unlawful.
- 4.2.1 Offensive speech is not unlawful but may be rude and causes someone to feel resentful, upset, or annoyed.
- 4.2.2 Unlawful speech is that which promotes/incites violence or articulates hate speech on account of a person's/community's protected characteristics (colour, race, sex, disability, nationality (including citizenship), ethnic or national origin, religion, gender reassignment, or sexual orientation).
- 4.3 Within this context UCFB will seek to protect and promote balanced debate and progressive learning without offense, harassment, discrimination, or violence. Therefore, insofar that it is reasonably practicable and lawful, UCFB will not deny the access to or use of any premises to any member(s) of the UCFB community on any grounds connected with the beliefs or views of that member(s).
- 4.4 UCFB believe that open, challenging debates (including lawful protest) rather than silencing of opposing views, helps to educate, build tolerance, and address prejudice and discrimination. However, freedom of expression does not protect statements that constitute unlawful harassment or incite violence or hatred.
- 4.5 Therefore, it shall be contrary to this policy for any individual(s) to take any action other than by reasonable and peaceful persuasion or lawful protest, to prevent or disrupt:-
- 4.5.1 the lawful expression of views;
- 4.5.2 the holding of academic activity (lectures, classes, tutorials, seminar, practical's, etc);
- 4.5.3 the holding of an event with external party contributions,
- because of the lawful views held or expressed or which are reasonably likely to be expressed. UCFB will respond to any such unlawful prevention and/or disruption of activities, in order to enable freedom of speech and academic freedom.
- 4.6 UCFB seek to enhance this environment through encouragement and modelling of personal and professional courtesy, self-restraint and consideration of others. These may be demonstrated through the following UCFB values:
- 4.6.1 Fair play for all;
- 4.6.2 One team;
- 4.6.3 Bringing your best.
- 4.7 Within normal UCFB operations, it is recognised that Freedom of Speech and Academic Freedom is most at risk during:-
- 4.7.1 Regular Teaching, Learning and Assessment activities;

- 4.7.2 Events arranged by staff including external speakers;
- 4.7.3 Events arranged by students and/or the Student Union.

5. Key Principles for Regular Teaching, Learning and Assessment Activities

- 5.1 In order to protect freedom of speech and academic freedom, teaching, learning and assessment activities are guided by a set of key principles that support how academic arguments are developed and environments are created in which academic freedom can develop:
 - 5.1.1 Academic team members are recruited on merit by a panel, based and supported by independent references.
 - 5.1.2 Teaching is provided within subject teams, with senior management oversight and external review.
 - 5.1.3 Academic and industry views are justified through supporting evidence and academic arguments.
 - 5.1.4 Academic arguments and professional proficiency is subject to ongoing self and peer reflection.
 - 5.1.5 Teaching is delivered responsibly, ethically and with engagement of students through informed consent.
 - 5.1.6 Learning is enabled through physical and digital spaces, designed to promote inclusive contribution and mitigate against fear.

6. Events Arranged by Staff Including External Speakers

- 6.1 UCFB prides itself as an institution that regularly welcomes external and visiting speakers. Our students regularly have the opportunity to hear from leading figures in the sports and business world as part of the academic and Employability and Career Planning offer at UCFB.
- 6.2 Such external and visiting speakers bring great diversity of experience, insight and opinion, enriching our events and activities and sparking discussion and debate amongst our students.
- 6.3 UCFB always requires external and visiting speakers to act in accordance with the law and this policy not to breach the lawful rights of others.
- 6.4 All events are promoted across institution communication channels and are notified to Executive Leadership Team (ELT). ELT has the ultimate accountability for the interpretation of this policy, with delegated authority from the University Campus of Football Business Ltd Board of Directors. The day-to-day operation of this policy is delegated to the Head of Employability and Career Planning.
- 6.5 All events are subject to ELT approval/refusal, monitoring and in extreme circumstances cancellation where there is likelihood of:

- 6.5.1 criminal activity;
- 6.5.2 breach of the peace;
- 6.5.3 civil unrest;
- 6.5.4 risk of safety to participants and organisers;
- 6.5.5 reputational damage;

and mitigations are not practicable to manage those risks.

- 6.6 The procedure for the management of events that include external or visiting speakers which is applicable to all staff and students (including the Student Union) is set out in the UCFB External Speaker Policy and accompanying Process/Request Form and should be followed when a booking is requested or made.
- 6.7 In considering whether or not to allow a particular event to take place under its authority, UCFB has to consider:
 - 6.7.1 Whether the views or ideas to be put forward (or the manner of their expression);
 - 6.7.2 infringe the legal rights of others, or breach legal provisions on non-discrimination
 - 6.7.3 Whether the activity in question;
 - 6.7.4 constitutes a criminal offence;
 - 6.7.5 constitutes a threat to public order or to the health and safety of individuals; or
 - 6.7.6 incites others to commit criminal acts.
- 6.8 A key test is whether a proposed event is likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence, with particular reference to the protected characteristics under the Equality Act 2010.
- 6.9 In a similar way, protests against an event must be conducted in a peaceful way without infringing the rights of others, including the right to freedom of speech. No protest should prevent an event from going ahead as scheduled.
- 6.10 Where there are concerns about an event or an associated protest UCFB must consider how risks can be managed or mitigated.
- 6.11 A register of external speakers is maintained by UCFB.

7. **Events Arranged by Students and/or the Student Union**

- 7.1 UCFB encourages and supports its student body to organise and host its own events aligned with the desires and needs of the students.
- 7.2 The Student Union (SU) is the key stakeholder of such event management. SU officers engage in regular dialogue with UCFB colleagues including the Employability and Career Planning team.
- 7.3 All student/SU administered events are subject to 6.3-6.6 above and the SU will be required to appoint a nominated SU team member to be responsible for the organisation and good management of the event including any required liaison with UCFB.

8. **Event Management**

- 8.1 The UCFB External Speaker Policy details how events will be managed, and covers:
 - 8.1.1 Organising and external speaker
 - 8.1.2 Managing external speakers and attendees
 - 8.1.3 Conduct
 - 8.1.4 The Referral Panel
- 8.2 UCFB has implemented this policy to ensure that it complies with its legal obligations to promote free speech and academic freedom whilst also complying with its other competing legal duties and ensuring the smooth running of UCFB. UCFB reserves the right to withhold permission for an event or cancel or halt an event anytime if it feels there may be a breach of this policy or any legal obligation, but this will only occur in exceptional circumstances and where measures cannot be put in place to secure freedom of speech within the law. Before such steps are taken there will be proper consultation with the event organiser or sponsor and appropriate internal and external parties. The ELT will have sole discretion to take this decision.

9. **Appeal Against Withholding Permission or Cancellation of an Event**

- 9.1 Appeals against the rulings of the ELT may be made in writing to the University Campus of Football Business Ltd Board of Directors or their nominee, whose decision shall be final but must be reported to the next meeting of the Academic Governing Body].

10. **Penalties and Sanctions**

- 10.1 If any actions involve breaches of the law, UCFB will assist the prosecuting authorities to implement the process of law, and may suspend any internal disciplinary proceedings pending the outcome of any such processes.

10.2 Concerns about compliance with or breaches of this policy will be addressed by UCFB using its appropriate procedures including any staff or student disciplinary procedures.

11. Reporting in Respect of a Breach of this Policy

11.1 The ELT shall report to the University Campus of Football Business Ltd Board of Directors on the circumstances of any significant infringements of, and departures from, the provisions of this policy.

11.2 Where appropriate UCFB may share data with appropriate third parties but solely for the purpose of implementing and upholding this policy.

12. Review, Amendments and Monitoring of this Policy

12.1 UCFB has a duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a Code of Practice on Freedom of Speech. This policy meets that requirement. UCFB should therefore receive a report from ELT on the operation of this policy, together with any recommendations for the revision of it, at intervals not exceeding 3 years. This report shall be consulted with the Academic Advisory Body prior to consideration by the University Campus of Football Business Ltd Board of Directors.

13. Legal Context

13.1 This policy is underpinned by both external legal context as well as an internal framework of Statutes, policies and procedures. The principal elements of the legal context are documented at Appendix 1.

14. Social and Electronic Media

14.1 The principles of freedom of expression and academic freedom apply to the use of electronic and social media; however, UCFB requires responsible and legal use of the technologies and facilities available to staff and students of UCFB, including the use of the internet, email and social media. Please refer to UCFB's Social Media Policy for more information.

APPENDIX 1

Legal Context

1. The Education Act (No 2) 1986 (Section 43) imposes specific obligations on higher education providers to promote and protect freedom of speech and requires that they: *“shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.”* The Act includes a duty on higher education provider governing bodies to issue and keep updated a code of practice setting out the procedures to be followed by members, students and employees in connection with meetings on the higher education provider’s premises.
2. The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS’s regulatory framework. Under the framework the governing bodies of registered universities and colleges should take ‘such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.’ HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.
3. The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear 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 placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions
4. Freedom of thought, conscience and religion (Article 9); freedom of expression (Article 10) and freedom of association (Article 11) are safeguarded by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998. These are given further effect by Schedule 1 of the Human Rights Act 1998. The Articles also outline the duties and responsibilities required to exercise these freedoms as follows: ‘The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.’ As such, freedom of expression, speech and assembly are protected by the law but are not unqualified.
5. The Equality Act 2010 places a duty on UCFB to eliminate discrimination, harassment and victimisation and further to foster good relations between all members of its community.
6. The Public Order Act 1986 contains a range of criminal offences relating to violent conduct, speech or actions that threaten violence or cause fear, harm or distress. The Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in

circumstances where it is likely racial or religious hatred will be stirred up as well as stirring up hatred on grounds of sexual orientation.

7. The Terrorism Acts of 2000 and 2006 define certain criminal activities relating to terrorism in terms of inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological objective.
8. The Counter Terrorism and Security Act 2015 places an obligation on UCFB to have due regard to its duty to prevent people from being drawn into terrorism.
9. The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.