

Freedom of Expression and Freedom of Speech Policy

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Linked policies/ documents	<ul style="list-style-type: none"> • Prevent Policy • Complaints Policy • Positive Behaviour Policy • Harassment and Sexual Misconduct Policy (Condition E6) 		

Policy Summary

Newbury College and University Centre Newbury uphold freedom of speech and academic freedom as essential to academic inquiry and community engagement, in compliance with the Higher Education (Freedom of Speech) Act 2023. This policy applies broadly to all members and activities of the College, promoting lawful expression while ensuring respect and safety.

Freedom of Expression and Freedom of Speech Policy

1. Policy Statement and Purpose

Purpose

This policy outlines the commitment of Newbury College and University Centre Newbury (UCN), collectively referred to as 'the College', to promoting and securing freedom of speech and academic freedom, as mandated by the Higher Education (Freedom of Speech) Act 2023. We recognize that these freedoms are fundamental to the pursuit of knowledge and the exchange of ideas, which are essential to our academic community.

The College recognises its legal duties under the Education Reform Act 1988, Equality Act 2010, Counter-Terrorism and Security Act 2015 (Prevent Duty), and OfS Condition E6: Harassment and Sexual Misconduct].

Scope

This policy applies to all members of the College community, including:

- Current and former staff and students
- Visiting speakers
- Members of the governing body
- Students' unions (where applicable)
- External organisations using university premises

It encompasses all university-linked activities, both on-campus and online, including lectures, seminars, research, student society events, conferences, and social media communications related to academic roles.

2. Definitions

- **Freedom of Speech:** All individuals have the right to express lawful views and opinions, even if those views are controversial, offensive, or unpopular. This includes the right to receive and impart ideas through speech, writing, art, or electronic media. However, speech must remain within the law and not constitute harassment, defamation, incitement to violence, or hate speech, including antisemitic or racist expression.
- **Academic Freedom:** The right of academic staff to question established knowledge, express new or controversial ideas, and research topics without fear of institutional censure, job loss, or other forms of disadvantage. Academic freedom applies equally to teaching, research, and public engagement.
- **Respectful Engagement:** The institution promotes a culture of rigorous yet respectful debate. Members of the community should engage with challenging ideas in a spirit of intellectual curiosity, courtesy, and inclusion. Protest is legitimate but must not suppress the rights of others to speak or be heard.

3. Responsibilities

- **Institutional Responsibilities:** The College will provide a safe and supportive environment for the exercise of freedom of expression and will take appropriate measures to protect individuals from harassment and intimidation.
- **Individual Responsibilities:** Members of the College are expected to exercise their rights responsibly, respecting the rights and dignity of others, and refraining from actions that could harm the institution's community or reputation.
- **Visiting-speaker responsibilities:** External, visiting speakers who provide talks, briefings, or related delivery to staff and students will be informed of our Safeguarding and Prevent expectations. The materials will be reviewed as part of our Visiting-speaker-process.

4. Procedures

4.1 Legislative Framework

This policy aligns with:

- Higher Education (Freedom of Speech) Act 2023
- Education Reform Act 1988 (academic freedom protections)
- Human Rights Act 1998 (Articles 9 and 10 of the ECHR)
- Equality Act 2010 (protected characteristics including belief)
- Counter-Terrorism and Security Act 2015 (Prevent Duty)

The College recognizes antisemitism as a specific form of racial and religious hatred. Any harassment, intimidation, or exclusion of Jewish or Israeli students or staff will be treated as a serious disciplinary matter.

Appropriate measures will be taken to protect Jewish and pro-Israel voices, ensuring that they can safely participate in academic and community life.

4.2 Institutional Duties

The institution is legally required to take reasonably practicable steps to promote, not just protect, freedom of speech and academic freedom. This includes reviewing all relevant policies, providing regular training, and embedding principles of free speech into university culture.

The institution will ensure that it will:

- Promote, secure and not merely protect lawful free speech.
- Maintain a Code of Practice on freedom of speech (including criteria for room bookings, protest management, and conduct expectations).
- Draw attention to the Code annually for all staff and students.
- Avoid compelling staff or students to express or refrain from expressing contested views.
- Ensure no detriment occurs to staff or applicants due to exercising academic freedom

To prevent intimidation or disruption, the College may regulate the time, place, and manner of protests or demonstrations in a viewpoint-neutral and proportionate way.

Such measures may include:

- Moving a protest from the vicinity of a synagogue or Jewish student accommodation.
- Restricting protests near classrooms or teaching spaces.
- Requiring proportionate security arrangements.

Regulation will never be used to suppress legally expressible viewpoints, including lawful pro-Palestinian speech

4.3 Code of Practice

The governing body will maintain an up-to-date, legally compliant Code of Practice. This Code will:

- Outline institutional values related to freedom of speech
- Detail procedures for organising events, including use of university premises
- Set out expected conduct for staff, students, and visitors
- Establish criteria for when security costs may be passed on to event organisers

The College complies with OfS Condition E6, ensuring:

- Clear reporting routes for harassment and misconduct.
- Fair and credible investigations.
- Targeted support for affected communities, including counselling and liaison officers for Jewish students or others at risk.
- Training for staff, including specific awareness of antisemitism and related forms of discrimination.

4.4 Annual Notification

The College will notify all students and staff of this policy and the Code of Practice at least once per year through official communication channels.

4.5 Staff Recruitment

The College will ensure that ensure that applicants for academic roles are not adversely affected due to their lawful exercise of academic freedom.

4.6 Student and Staff Responsibilities

All members of the College must:

- Respect others' rights to free expression
- Avoid unlawful conduct including harassment, discrimination, or incitement
- Follow procedures for organising meetings, events, and public communications
- Report concerns via appropriate internal channels

The College recognizes antisemitism as a specific form of racial and religious hatred. Any harassment, intimidation, or exclusion of Jewish or Israeli students or staff will be treated as a serious disciplinary matter. The College will take appropriate measures to protect these groups and ensure that Jewish and pro-Israel voices can participate safely in academic and public life.

4.7 Meetings and Events

Event Planning

Events involving unsupervised external speakers or controversial topics must follow an event referral process. Organisers must:

- Submit referral forms 20 working days in advance
- Cooperate with security and risk assessments
- Ensure a balanced presentation of views when appropriate

Decision-Making Criteria

Events may only be restricted or cancelled if:

- They breach UK law (e.g. incitement, terrorism promotion)
- There is a credible threat to public safety
- Organisers refuse reasonable mitigation measures (e.g. balanced panels, security presence)

Security Costs

The institution will cover standard security costs unless:

- Costs exceed designated thresholds
- The speaker is a high-profile public figure requiring their own security

Where protests or demonstrations risk intimidation or disruption of teaching, worship, or residential life (for example, protests near synagogues or student accommodation), the College may regulate their time, place, or manner in a viewpoint-neutral and proportionate way.

4.8 Controversial Views and the Boundaries of Lawful Speech

General Principles

The College recognises that higher education is a space where controversial, uncomfortable, or minority views must be allowed to be aired and debated, provided they are expressed within the bounds of the law. Controversial views contribute to intellectual progress and societal development by challenging assumptions and encouraging rigorous scrutiny of ideas. Freedom of speech does not extend to speech that supports a proscribed organisation or incites racial or religious hatred.

Speakers or events promoting or appearing to condone unlawful violence, terrorism, or racial hatred will not be permitted.

Gender-Critical Views as a Lawful Example

The Equality Act 2010 and subsequent case law confirm that gender-critical beliefs, which is the belief that sex is biological and immutable, are protected philosophical beliefs. This was established in cases such as *Forstater v CGD Europe* and reaffirmed in *Higgs v Farmor's School*. As such, staff and students who express gender-critical views are protected from discrimination or sanction solely on the basis of holding or lawfully expressing these beliefs.

Expression of gender-critical views does not, in itself, constitute harassment, transphobia, or discrimination. The right to express these views must be balanced with others' rights not to be

harassed. Harassment would involve targeted, offensive, or intimidating behaviour—not the expression of a belief per se.

Other Examples of Protected Controversial Views

Protected beliefs may also include:

- Ethical veganism
- Environmental activism
- Religious or atheistic worldviews
- Beliefs regarding national independence or political ideologies
- Philosophical frameworks such as Stoicism or pacifism

These views are lawful and must be accommodated within university discourse, subject to the boundaries of respectful and non-harassing conduct.

4.9 Managing Controversial Speech

Staff and students must be supported in expressing controversial views, including through academic work, public speaking, and social media, provided such expression:

- Is not unlawful
- Does not amount to targeted harassment
- Takes place in a respectful and reasoned manner
- Is open to challenge and debate

The College will not adopt or enforce policies that have the effect of compelling assent to contested beliefs or chilling the expression of lawful dissent.

The College will monitor and address any chilling effect where individuals feel unable to express lawful views—particularly Jewish, Israeli, or pro-Israel perspectives—due to intimidation or fear of reprisal.

When managing live or time-sensitive situations, decisions will follow a three-step framework based on OfS guidance:

- Assess legality.
- Ensure proportionality.
- Consider the impact on affected communities.

4.10 Prohibited Practices

- Non-disclosure agreements (NDAs) are banned in cases of harassment or sexual misconduct.
- Staff and students must not be compelled to endorse contested beliefs as a condition of study or employment.
- College policies are reviewed to ensure they do not indirectly chill lawful speech (e.g. equality statements interpreted as prescriptive belief systems).

The College complies with the OfS Condition E6: Harassment and Sexual Misconduct. Students and staff have access to clear reporting routes, fair investigation processes, and appropriate support, including counselling and designated liaison officers for affected communities. Staff receive training that includes recognising and addressing antisemitism.

5. Compliance and Enforcement

Internal Complaints

Complaints about suppression of speech or academic freedom must be handled according to designated staff or student complaints procedures. Unresolved matters may be escalated to the Freedom of Speech Complaints Procedure.

OfS Complaints Scheme

The OfS complaints scheme allows individuals (including former staff/students and speakers) to file complaints regarding free speech breaches. This can lead to investigation, recommendations, and financial penalties.

Disciplinary Measures

Breaches of this policy may lead to disciplinary action under:

- Staff Disciplinary Procedures
- Student Non-Academic Disciplinary Procedure

6. References

- Higher Education (Freedom of Speech) Act 2023

7. Supporting Documents

- Appendix A: Higher Education (Freedom of Speech) Act 2023 (the “Act”)

8. Review and Monitoring

This policy will be reviewed annually to ensure it remains in compliance with current legislation and continues to meet the needs of the College community. Amendments to this policy will be made as necessary and communicated to all members of the institution.

Reviewed: November 2025

Next review date due: November 2026

Appendix A: Higher Education (Freedom of Speech) Act 2023 (the “Act”)

Part A1 of the Act states that:

(1) The governing body of a registered higher education provider must take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective in subsection 2.

(2) That objective is securing freedom of speech within the law for—

(a) staff of the provider,

(b) members of the provider,

(c) students of the provider, and

(d) visiting speakers.

(3) The objective in subsection 2 includes securing that—

(a) the use of any premises of the provider is not denied to any individual or body on grounds specified in subsection 4, and

(b) the terms on which such premises are provided are not to any extent based on such grounds.

(4) The grounds referred to in subsection 3a and b are—

(a) in relation to an individual, their ideas or opinions.

(b) in relation to a body, its policy or objectives or the ideas or opinions of any of its members.

(5) The objective in subsection 2, so far as relating to academic staff, includes securing their academic freedom.

2.3 Part A1 (8) and (9) also require the University, having particular regard to the importance of freedom of speech, to take reasonably practicable steps in order to secure that, where a person applies to become a member of academic staff of the provider, the person is not adversely affected in relation to the application because they have exercised their academic freedom.

2.4 Part A2 of the Act states further that the governing body must maintain a code of practice setting out certain matters related to freedom of speech.