



Free Speech Code

Guidelines for our community on our approach to managing Freedom of Speech and Academic Freedom on our Campuses



**University
of Exeter**

Contents

1. Purpose

This Code of Practice sets out the University of Exeter's approach to safeguarding freedom of speech on our campuses. The Code includes the institution's approach and expectations in relation to Freedom of Speech, explains the legislation that the University must operate under in this area, and outlines responsibilities. It sets out how the University's approach to protecting Freedom of Speech and Academic Freedom operates in practice across the University's activities, including events with visiting speakers, and in teaching and research settings. This includes, for example, teaching in classroom and online settings (including lectures and seminars), the curriculum, teaching and lecture materials, field trips, conferences and research seminars.

This Code of Practice applies to:

- All staff, students and members of the University; and
- Visiting speakers, partners and all other people invited to speak by the University or by its staff and students.

For this code, we follow the following definition of Freedom of Speech and Academic Freedom, as set out in the Higher Education (Freedom of Speech) Act 2023:

Freedom of speech is the freedom to impart ideas, opinions, or information through speech, writing, or images, including in electronic form, as protected under Article 10 of the European Convention on Human Rights.

- **Academic freedom** The Act defines academic freedom, in relation to academic staff at a registered higher education provider (or constituent institution), as their freedom 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 being adversely affected in any of the following ways:
 - loss of their jobs or privileges at the university.

- The likelihood of their securing promotion or different jobs at the university being reduced.

• Our Approach and Expectations

The University, to achieve its duty to protect Freedom of Speech for all, must exercise impartiality. Individuals and groups within the University community are free to express lawful views on any issue. However, as a diverse community with many viewpoints, the University will not typically issue statements about any matter not directly related to our core activities.

We are proud of the strong working relationship we have with our Students' Guild in Exeter, and Students' Union in Cornwall, who play a vital role in ensuring events proceed safely, supportively and within the law. In supporting freedom of speech, the University will take reasonably practicable steps to promote and protect the lawful speech rights of staff, students, and visiting speakers independently of the viewpoint being expressed.

The University will not typically adopt an official institutional position on sensitive or politically contentious matters. This does not prevent members of our community from taking stances on such issues: we recognise that staff and students will often have very strong views and are free to express them lawfully.

Our primary role is to ensure the safety of our students and colleagues and to safeguard the freedom of speech and academic freedom for all members of our community. In this regard, we listen carefully to all concerns and suggestions raised by our academic colleagues, students and other members of our community. Alongside this duty, we must champion dignity and respect for all within our community. The University is not a 'public square' – the University is not obliged to provide a platform simply because a particular individual or external organisation wishes to speak; rather, visiting speakers at the University, speak by invitation (from the institution or its staff or students), and their right to free speech within the law is protected under the procedures in this Code.

Our Campuses in Exeter and shared campuses in Cornwall are private land where activities must only proceed with appropriate notice, approval and risk assessment.

In developing this Code of Practice, we have considered the [Chicago Principles](#) and the Russell Group [principles](#) to protect free speech. A full treatment of the issues in this area is provided by the [Equality and Human Rights Commission](#). The Office for Students (OfS) has also published a [briefing](#) and dedicated guidance.

This code of practice should be read alongside appropriate policy and guidance documents, including but not limited to our Freedom of Speech Policy, Academic Freedom Statement, External Speaker and Events Framework and Community Guidelines on Demonstrations and Protest. This code outlines key responsibilities and considerations at a high level, and key policies and documents are linked through to offer further detail.

- **Freedom of Speech Complaints Process**
- **External Speaker and Events Policies**
- **Community Guidelines on Demonstrations**
- **[Academic Freedom Statement](#)**

2. Legislative and Regulatory Context

Freedom of Speech and Academic Freedom within the law are protected. This means that Speech or Expression will not be protected if they contravene some other law.

Universities in England have a range of legislative and regulatory duties in relation to free speech, including:

- **The Higher Education (Freedom of Speech) Act 2023**

This requires higher education institutions to protect and promote the importance of freedom of speech within the law for staff, students, and visiting speakers, and academic freedom. This includes in teaching and research settings. It requires that institutions have a Code of Practice (this document) setting out their approach to freedom of speech.

- **The Education (No. 2) Act 1986 Section 43**

This places universities under a statutory duty to take reasonably practicable steps to ensure that freedom of speech within the law is secured for staff, students and visiting speakers.

- **The Human Rights Act 1998**

The act incorporated the European Convention on Human Rights (ECHR) in domestic legislation and includes the right to freedom of expression, which includes freedom of speech.

In addition to the law, the OfS, [through its Regulatory Framework](#), requires the University to comply with a set of **public interest governance principles, two of which are freedom of speech and academic freedom.**

The Framework also regulates free speech and academic freedom by means of Conditions E1 (public-interest governance) and E2 (management and governance).

The following duties must be considered in addition to freedom of speech, including:

- The protection of Freedom of Speech does not extend to speakers committing a criminal offence in the course of speaking.
- Compliance should be maintained with the Public Sector Equality Duty (PSED) as set out in the Equality Act 2010, which requires the University to have due regard to the need to eliminate discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share 'protected characteristics' and those who do not.
- Compliance with the 'Prevent' duty, which requires universities to have due regard to the need to prevent people from being drawn into terrorism.
- Other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation, maintaining public order, and the health and safety of employees, students, visiting speakers and visitors.

Specifically, for freedom of speech, the University **'must promote the importance of freedom of speech and academic freedom'** and must **'take such steps as are reasonably practicable'** to secure freedom of speech within the law.

For other duties, including PSED and the Prevent duty, universities are required to 'have due regard' to the need to achieve the aims of these pieces of legislation. Therefore, in balancing these obligations and making decisions, the University will be mindful that free speech requires particular regard (stronger duty), while Equality legislation requires due regard.



You may find it useful to run through the above framework for assessment provided in [Section 2 of the OfS Regulatory Advice in relation to Freedom of Speech](#)

What we would like our staff to know

The University is committed to securing and promoting freedom of speech and academic freedom within the law. Staff are entitled to express, discuss, challenge and debate ideas, opinions and information, including controversial or unpopular views, in the course of teaching, research, scholarship, public engagement and other University activities. Academic staff have the freedom, within the law, to question and test received wisdom, to develop and advance new ideas, and to express reasoned opinions without institutional censorship or detriment to their employment, promotion, academic standing or professional privileges. In exercising these freedoms, staff are expected to act in accordance with the law and the University's policies, and to respect the rights of others to engage in lawful expression, challenge and debate.

3. Maintaining Good Campus Relations

Our responsibilities under the Public Sector Equality duty require us to have due regard to the need to:

- eliminate unlawful discrimination, harassment, and victimisation.
- advance equality of opportunity between those with and without protected characteristics.
- foster good relations between these groups

Therefore, it is key that we continue to strive to build good relations within and across communities on our campuses. We will pursue these duties through training and development, embedding inclusive practice across all our work and facilitating initiatives that build

students' and colleagues' competence in dialogue, disagreeing well and identifying common ground.

4. Promoting and securing freedom of speech at the University

To deliver its responsibility to promote freedom of speech, the University has a range of actions in place. These include:

- Longstanding and established procedures for managing External Speakers and Events, as set out in our [External Speakers and Events Policy](#).
- Policies around Free Speech, Academic Freedom and the display of visual materials on our campuses across Devon and Cornwall.
- Drawing attention to this Code of Practice on an annual basis to staff and students.
- Providing appropriate training to staff, especially those with direct responsibility for managing and upholding freedom of speech and academic freedom.
- Ensuring that related policies and training reflect our freedom of speech commitments and do not curtail lawful free speech.
- Ensuring that our recruitment and selection practices do not curtail lawful expression and are grounded in our legislative duties.

The University will ensure that its teaching and research arrangements, curriculum development and review, and policies and procedures reflect its duties to promote and 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; and
- 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.

The Students' Guild and the Students' Union in Cornwall have their own legal duties in relation to Freedom of Speech, including the requirement to have their own Code of Practice on Freedom of Speech, and to take reasonably practicable steps to secure freedom of speech for their members, students, staff, and

visitors. Where an event or activity takes place under the auspices of the Students' Unions (for example, organised by a Guild or SU-affiliated society), this will be subject to the Guild or SU Code of Practice. Where the activity organised through the Guild or Students' Union also takes place on university premises or uses University resources (e.g. branding, funding), the University's Code will also be consulted to the extent applicable, for example, if any safety or security arrangements are to be provided by the University. In practice, the University, the Guild and the Students' Union work closely together on freedom of speech matters and follow similar procedures for their Codes.

4. Freedom of speech in education settings

This section covers activities related to teaching, learning, research, and other academic events held within a Department/ School or Faculty, whether led by staff or students. Each activity should have someone in charge—this is likely to be the organiser of the activity.

It may be that the organiser has delegated delivery of the teaching to another colleague, but the responsibility of ensuring effective consideration of our freedom of speech duties sits with the organiser. When planning activities that involve sensitive or controversial topics—such as certain teaching content, research seminars, or academic events—the person responsible (organiser) must think about how to protect freedom of speech and academic freedom. This includes making sure everyone feels included and has the chance to share different views, and teaching students and other participants how to disagree respectfully using evidence and reason. Please note that where academic events involve External Speakers, the appropriate [risk assessment process](#) must be followed.

Before the activity

Before running any academic activity—like a lecture, seminar, or research discussion—it's important to think about how sensitive topics might affect participants. Here are some steps the person in charge (the Organiser) can take:

- Try to identify topics in advance that might upset some students and participants or make it hard for them to take part. Plan how you'll deal with this if it happens during the activity.
- Let participants or students know ahead of time if sensitive or controversial material will be covered.

This gives them a chance to prepare and think through their own views and experiences.

- At the start of a module or session that includes difficult topics, talk to students or other attendees about how these will be handled. Make it clear that all viewpoints can be shared and discussed respectfully and in a thoughtful way.
- Remind everyone about their responsibilities under this Code of Practice.

During the activity

Sometimes discussions can cause real distress to some students or staff. If this happens and the risk wasn't completely avoided, the organiser (the colleague delivering a session or hosting an external speaker session) is responsible for deciding how best to handle the situation. This could involve:

- Giving upset individuals a chance to share their points of view and talk it through with the group
- Taking a short break to allow time to reflect and calm down
- Discussing the issue privately with those involved
- Signpost the individual to Support and Report to ensure they can seek support and raise any concerns they have

However, the University would not expect the activity to be cancelled. Doing so could prevent other students from exercising their right to free speech and engaging with difficult ideas.

If someone's behaviour crosses a line—such as expressing views that become harassment or incite hatred—this is likely not to be protected as free speech. In such cases, it will be addressed through the relevant Policies and procedures
Support and Report – [Students](#) and [Staff](#)

Please note that:

- The Organiser is responsible for making sure the activity follows this Code of Practice. If it seems the activity might raise concerns, the organiser must flag it to the relevant contact in Section 7 as soon as possible, and at least 7 working days before the planned activity.
- As part of this process, risks may be identified that require a more in-depth risk assessment and mitigation to be put in place.
- In case of a high-risk event, this should be escalated to the [Event Referral Panel](#) for review and approval.

- Events missing an appropriate risk assessment and mitigation plan may be paused or rescheduled to ensure activities proceed safely and in line with the law.

5. Freedom of speech in research settings

This code seeks to protect the ability of academics to research, teach, and put forward new or controversial ideas without reprisal. We have been and remain committed to ethical practice in research.

As necessary, freedom of speech considerations arising at Research Ethics Committees will be referred to the Free Speech and Good Campus Relations working group for advice and recommendations on any appropriate action.

The University has a robust policy and approach in relation to Research Ethics and Governance, and our ethical review process is well understood and consistent.

Typically, the University does not preclude Research from proceeding as long as this is within the law and the Ethics committee intervenes or suggests changes to ensure appropriate ethical standards are met.

We will offer training and development opportunities for colleagues involved in ethics review processes to ensure that:

- Ethical review and requirements are focused on ethical issues and do not impose requirements related to the quality of the proposed research or reputational concerns.
- Decision makers have particular regard for the importance of academic freedom and for the risks to academic freedom of any decision.

We will continue to closely monitor the ethics review process for evidence of unnecessary suppression of research.

Colleagues may find it helpful to refer to points and examples 194-204 in the OfS Guidance on FoS in Research [here](#).

Our research and global partnerships will be governed by our partnership principles. Any considerations around EDI Impacts will be picked up through Equality Impact Assessments.

Freedom of Speech considerations will be catalogued based on the context and nature of the partnerships – ensuring absolute compliance with Legislative and Regulatory guidance.

It is important to note that when delivering our functions in another country or jurisdiction, we will ensure we have appropriate compliance with the in-country legal frameworks, which may be different to those in the UK.

6. Application to meetings, events and demonstrations

The responsibility to promote and protect free speech covers all meetings, demonstrations, protests and other events organised by a colleague or student at the University, including events organised by individuals or groups using the University name, funding, branding or facilities.

It is particularly relevant to the following activities (although this list is not exhaustive):

- public meetings, arranged internally or externally, and held physically or virtually.
- demonstrations, protests, displays or marches on campus.
- other forms of expressing freedom of speech.

The University has always facilitated lawful and safe events, demonstrations and gatherings on our campuses. If organising a protest, please refer to [our guidance here](#).

The procedures that must be followed by the organisers of these events are set out on [our webpages here](#). This includes the process for requesting permission for such events and the potential mitigations that may be required to protect lawful free speech.

The University will not unreasonably refuse consent to those who are subject to the obligations of this Code who wish to hold an event, meeting or other activity for the expression of any views or beliefs held and lawfully expressed.

Any conditions imposed on the holding of the event shall be kept to the minimum considered necessary to mitigate any risks identified in holding the event. Colleagues and students must follow the appropriate process based on the nature of the event.

Additional Considerations for Colleagues:

- Colleagues who use social media should be aware of their obligations under the University's [Social Media policy for employees](#).
- In relation to research more generally, academic staff are expected to exercise their academic

freedom in a way that is consistent with the [University's Code of Good Practice in the Conduct of Research](#).

7. Implementation of this Code and where to go for advice

Advice and guidance on freedom of speech matters can be sought from the Senior Coordinating Officers for this Code:

- Vice-President and Deputy Vice-Chancellor (People and Culture)
- Senior Vice-President, Registrar and Secretary.

They are supported by the Director of Legal Services, the Director of Campus, Residential and Commercial Services and the Assistant Director for Wellbeing, Inclusion and Culture. Please reach out to these colleagues in the first instance.

The Senior Coordinating Officers have a wide-ranging role which includes discussing potential affiliations with external bodies that may have implications for the University's freedom of speech obligations, or other matters relating to how these duties interact with other aspects of the Office for Students' Regulatory Framework

In adopting this Code, the University Council has authorised the President and Vice-Chancellor to appoint officers ("the Senior coordinating Officer(s)") who shall act on Council's behalf to ensure, as far as is reasonably practicable, that all students, staff and visiting speakers comply with the requirements of this Code. The following Authorising Officers are responsible for specific aspects of the Code and for authorising related activities:

- Vice-President and DVC People and Culture
- Senior Vice-President, Registrar and Secretary

These officers may nominate senior deputies to support them in discharging their responsibilities and take advice from the Director of Legal Services, Employment Counsel and others.

For general advice and guidance, students and staff in Faculties should contact their Faculty Pro-Vice-Chancellor in the first instance, who should refer to one of the above officers if necessary. Staff in Professional Services should contact their Divisional Director, who should refer to one of the above officers if necessary.

Pro-Vice-Chancellors have responsibility for upholding freedom of speech within their faculty and can seek advice from the officers mentioned above.

8. Complaints

Colleagues and students can use our Support and Report provision to raise any concerns and seek support.

9. Monitoring and review

The University will review periodically and, where necessary, update this Code of Practice with oversight from the Wellbeing, Inclusion and Culture Committee, with final approval of the University Executive Board.