

Freedom of Speech Code of Practice

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1 Introduction and Purpose

- 1.1 The University of Manchester's Policy on Freedom of Speech and Academic Freedom ('the associated University Policy') sets out the University's commitment to securing and promoting these fundamental rights and should be read alongside this Code of Practice ('the/this Code'). This Code identifies how the principles set out in the associated University Policy shall be applied in practice, and should be construed in the spirit of upholding those principles, within the law.
- 1.2 This Code is adopted in accordance with the University's legal duties under the Higher Education (Freedom of Speech) Act 2023¹ to secure and promote freedom of speech within the law and to protect academic freedom, and the Office for Students' regulatory advice² ('the OfS Regulatory Advice').

2 Scope

- 2.1 This Code is applicable to:
- a. The University, including members of the Board of Governors;
 - b. All members of University staff and/or those working on behalf of the University;
 - c. All registered students of the University (whether full or part-time);
 - d. All students studying at the University (whether full or part-time) under an agreement with a partner organisation of the University (e.g. a school, college or employer) even if not enrolled as students at the University;
 - e. The Students' Union, its associated buildings, and any Students' Union societies, clubs or associations which normally operate on University premises;
 - f. All societies, associations and clubs (for members of University staff or students) established at the University; and

¹ And to reflect other applicable laws relating to freedom of speech and expression, including rights under the European Convention on Human Rights incorporated into UK law through the Human Rights Act 1998, including Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion) and Article 10 (freedom of expression).

² Office for Students [Regulatory advice 24: Guidance related to freedom of speech](#).

- g. All persons invited to speak or otherwise take part in events to be held at or organised by the University in accordance with the provisions of this Code.

2.2 The Students' Union has agreed to adopt this Code notwithstanding the changes to the Higher Education (Freedom of Speech) Act 2023 which removed the requirement for students' unions to publish a code.

2.3 This Code and the Associated University Policy apply to all University related activities and events, including all aspects of teaching, curriculum content and research, the development and implementation of University policy and related documentation³, University decision making, and the conduct of all individuals and bodies identified in the categories at paragraph 2.1 above.

2.4 The procedures on the holding of events set out in this Code (section 6) must be observed by students, staff and other members of the University in respect of:

- a. any event to be held on University premises (including the University of Manchester Students' Union premises); and
- b. any event held away from the University campus or premises which is University/Students' Union organised, funded or branded, including events organised by individuals, groups or societies using the University/Students' Union name or resources.

3 Roles and Responsibilities

3.1 All individuals covered by this Code have a responsibility to uphold the University's commitment to securing and actively promoting the importance of freedom of speech and academic freedom within our community, and adhering to the principles, commitments and University values identified in the associated University Policy and this Code.

3.2 It is the responsibility of the Deputy Secretary and the Executive Director of Compliance and Risk to ensure publication and regular review of this Code and provision of guidance, advice and training in support of it.

3.3 Heads of School, Directors or equivalent are responsible for ensuring that all staff within their area act in accordance with the associated University Policy and this Code.

³ For example, the University's Statutes, Ordinances and Regulations, staff and student contracts, institutional procedures, codes and guidance, etc.

3.4 The General Manager of the Students' Union is responsible for developing processes within the Union to ensure that all events within the scope of this Code are considered by the Union, and by the University, in line with this Code and as directed by relevant legislation.

3.5 The references in this Code to named officers include their appointed nominees.

4 General Principles

4.1 As identified above, this Code and the Associated University Policy apply to all University related activities and events, including all aspects of teaching, curriculum content and research, the development and implementation of University policy and related documentation, University decision making, and the conduct of all individuals and bodies identified in the categories at paragraph 2.1 above.

4.2 The University shall take such steps that, having particular regard to the importance of freedom of speech, are reasonably practicable to secure that the obligations under this Code and the associated University Policy are complied with.

4.3 The University will act compatibly with this Code and the associated University Policy in reaching any decision or adopting any policy that may directly or indirectly, and positively or negatively, affect freedom of speech or academic freedom within our community.

4.4 All individuals covered by this Code have a responsibility to uphold the University's commitment to securing and actively promoting the importance of freedom of speech and academic freedom within our community, and adhering to the principles, commitments and University values identified in the associated University Policy and this Code.

4.5 Nothing within any University policy or procedure that may affect freedom of speech or academic freedom should be read as undermining or conflicting with this Code and the associated University Policy.

4.6 Every person to whom this Code's rights and obligations apply shall refrain from organising or engaging in or otherwise being associated with any conduct intended to prevent the enjoyment of rights under this Code and the associated University Policy.

4.7 Whilst peaceful protest is itself a legitimate expression of freedom of speech, protest must not shut down debate.

4.8 The University shall ensure, so far as it is within the law, that participation in University events is not denied to any individual or body of persons to whom this Code's rights apply on any grounds connected with:

- a. the ideas or opinions of such individual or any member of such body; or
- b. the policy or objectives of such body.

4.9 In order to secure freedom of speech, the University shall not enter into a non-disclosure agreement with any person to whom this Code applies in relation to a complaint relating to misconduct or alleged misconduct by any person (and if such a non-disclosure agreement is entered into it is void). Misconduct in this context has the meaning set out in the Higher Education (Freedom of Speech) Act 2023 and means sexual abuse, sexual harassment, sexual misconduct, bullying or harassment.

5 Freedom of speech within the law

5.1 Our commitment, in line with the Higher Education (Freedom of Speech) Act 2023 and the OfS Regulatory Advice, is to secure and promote freedom of speech within the law across all activities identified in paragraph 2.3 above. The associated University Policy includes further details about our commitment and, as it identifies, we recognise that this will not always feel comfortable because such freedom must apply not only to information or ideas that are favourably received or uncontroversial, but also to those that offend, shock or disturb.

5.2 As the associated University Policy introduces, our commitment to freedom of speech extends only to speech within the law. In other words, speech that breaches either civil or criminal law is not protected (and will not be permitted at the University). There are a range of laws that might be relevant in this respect, including:

- a. **Equality law** –The Equality Act 2010 prohibits discrimination, harassment and victimisation by reference to the characteristics protected under the Act. It also includes a duty (the Public Sector Equality Duty) to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all members of the University's community⁴.
- b. **Human Rights laws** – Under the Human Rights Act 1998, the University as a 'public authority' must comply with the European Convention on Human Rights. In addition to Article 9 (freedom of thought, conscience and religion) and Article 10 (freedom of expression), the rights under Article 8 (right to

⁴ The University is currently reviewing, and revising, its Dignity at Work and Study framework and a link to the revised policy and procedures (which will address these issues further) will be added once approved.

respect for private and family life) and Article 14 (which requires that all of the rights and freedoms set out in the Human Rights Act must be protected and applied without discrimination) apply.

- c. **Criminal law** - There are various criminal offences which may occur in relation to speech, including harassment⁵, acts intended to stir up hatred on grounds of race or religion⁶, malicious and offensive communications offences⁷, online safety offences⁸, public order offences⁹ and terrorism related offences¹⁰.
- d. **Anti-terrorism laws and duties** - Under the Counter Terrorism and Security Act 2015, the University is required to comply with the 'Prevent' duty to help prevent the risk of people being drawn into or supporting terrorism.
- e. **Charity law** - the University, as a charity, is subject to charity law, including acting in line with its charitable purpose.
- f. **Other applicable laws and legal duties** - there are a range of other laws and legal duties which may apply such as a duty of care to staff and students, duties under health and safety law¹¹, tort law, etc.

Whilst the Students' Union is not a public body for Public Sector Equality Duty and Human Rights Act 1998 purposes, it is a charity subject to the requirements of charity law and must have regard to its obligations under the Equality Act 2010, anti-terrorism and other criminal laws.

5.3 As the associated University Policy also introduces, freedom of speech is, under the law¹², a 'qualified' right, and there may be circumstances in which it is legitimate and proportionate for the University to restrict or regulate lawful speech (i.e. speech which is not unlawful under the above laws), in line with the principles established through the legal and regulatory framework. The University operates under a very strong presumption in favour of permitting lawful speech, but there may be circumstances where restricting or regulating lawful speech is necessary to achieve a legitimate objective/challenge (for example, to comply with a legal or regulatory duty, where speech risks significant interference with the

⁵ Protection from Harassment Act 1997

⁶ Racial and Religious Hatred Act 2006

⁷ Communications Act 2003 and Malicious Communications Act 1988

⁸ Online Safety Act 2023

⁹ Public Order Act 1986 and Public Order Act 2023

¹⁰ Terrorism Act 2000 and Terrorism Act 2006

¹¹ Health and Safety at Work etc. Act 1974

¹² In particular, applying the Higher Education (Freedom of Speech) Act 2023 and Article 10 of the European Convention on Human Rights.

essential functions¹³ of the University, where speech gives rise to concerns regarding physical safety or harm to others, etc.) and, importantly, the restriction/regulation is proportionate.

5.4 Assessing the proportionality of measures which restrict/regulate lawful speech involves considering a range of factors, including:

- a. whether the objective of the measure is sufficiently important to justify the restriction/regulation of speech;
- b. whether the measure is rationally connected to the objective;
- c. whether a less intrusive measure could have been used without unacceptably compromising the achievement of the objective; and
- d. whether, balancing the severity of the measure's effects on the rights of the persons to whom it applies against the importance of the objective, to the extent that the measure will contribute to its achievement, the former outweighs the latter.

5.5 This is a complex area which can involve considering the interaction of various (often competing) laws, regulations, rights and duties. In its [Regulatory Advice](#), the OfS provides its commentary in this area and offers a number of case studies to support institutions to navigate these issues¹⁴.

6 Procedures for Events

6.1 The University has the responsibility to maintain good order and safety of those involved or potentially impacted in respect of the events it organises and controls. It may, if necessary, impose conditions or restrictions upon events such as meetings and demonstrations held or proposed to be held by or at the University.

6.2 For the purposes of this Code, a "Potential High Risk Event" means any event which has the potential to give rise to unlawful speech/expression and/or concerns from a safety, security, wellbeing or equality/inclusion perspective (in relation to potential attendees or others).

6.3 These procedures will not normally apply to regular University-organised teaching (i.e. that is part of an existing University programme of study) or research seminars and/or debates, where such events are authorised by the relevant academic area (e.g. by the Head of School). However, in cases where such a teaching or research event constitutes a Potential High Risk Event, an application must also be submitted to the Deputy Secretary for consideration and formal approval (see paragraph 6.8 below).

¹³ Such as teaching, learning and research (and the administrative functions and resources they require).

¹⁴ The University will be offering further guidance to our community, including through training, in due course.

- 6.4 The details of all Student Society or Students' Union events involving external speakers or which constitute a Potential High Risk Event (whether or not external speakers are involved), must always be reviewed by the Students' Union, together with a referral to the Deputy Secretary. The Deputy Secretary shall meet regularly with relevant officers from the Students' Union to review requests.
- 6.5 Any event involving large numbers of people (more than 50), or the general public, requires a comprehensive risk assessment to be undertaken in advance of the event. This should be reviewed by the Students' Union (if applicable) and the University prior to approval being given for the event to proceed. A risk assessment must also be undertaken for any event which is a Potential High Risk Event.
- 6.6 No advertising or promotion of the event should be undertaken until permission for it to proceed has been granted.
- 6.7 Those seeking to organise events under this Code should be mindful that if they invite speakers who they may reasonably have suspected would have used their platform to break the law (for example, because they have done so previously), they may themselves risk breaching the law.

Applications for events

- 6.8 An application is required by staff and students for any Potential High Risk Event. For the Students' Union or student societies, an application should be made for all events that involve external speakers and for any that constitute a Potential High Risk Event. Applications from student societies should be made via the Students' Union's group management system. Individual students seeking to hold an event in the Students' Union should email the details of their request to societies.su@manchester.ac.uk. Staff and students organising other events at the University should use [the Events Application Form](#) when making an application and submit the form to deputysecretary@manchester.ac.uk.
- 6.9 Where an application is required for an event at the University, it should normally be submitted to the University not less than 14 calendar days before the proposed date of the event. The application should contain details of the proposed subject matter and format of the event, the name and identity of any speakers and the proposed timing and location of the event.
- 6.10 For student societies and individual students seeking to hold an event at the Students' Union, applications should normally be submitted to the Students' Union not less than 21 calendar days before the date of the event. This will allow for the Union's due diligence to be completed in time to enable the application to be referred to the University where required.

- 6.11 Any organisers of an event shall, if there is any doubt as to whether the event may be covered by this Code, consult the named contact within the Events Application Form at the earliest opportunity so that the correct procedures may be followed.
- 6.12 In all circumstances, a named Principal Organiser should be identified, who is responsible for the booking and control arrangements of the event, and for, as far as possible, securing compliance with this Code and the associated University Policy.

Consideration of an application

- 6.13 The Deputy Secretary will consider and assess all Potential High Risk Events brought forward by the Students' Union. This will include reviewing the due diligence and risk assessment prepared by the Union and, in consultation with the Executive Director of Compliance and Risk, undertaking any additional due diligence required under the University's legislative responsibilities. This may necessitate the organisation of a meeting to review the arrangements with the Principal Organiser, the Students' Union, Campus Support and Security Managers and other relevant staff. The Deputy Secretary will then report the decision taken on the event to the Students' Union.
- 6.14 For cases related to a teaching or research event, the Deputy Secretary will conduct the necessary due diligence, organise any review meeting required and will report the decision taken in respect of the event, liaising with the Principal Organiser as necessary.
- 6.15 For Potential High Risk Events, the Executive Director of Compliance and Risk and Deputy Secretary will assist in granting approval for the event and in determining the control arrangements that are required in order to allow it to take place. This may include consultation with appropriate third-parties, including the identified Regional Prevent Officer, and other agencies as necessary. Where required, this process will include the referral of the event to a scrutiny group, comprising relevant University staff such as the Registrar, Secretary and Chief Operating Officer, the Vice-President for Social Responsibility, the Executive Director for the Student Experience, the Executive Director of Communications, Marketing and Student Recruitment, the Executive Director of Compliance and Risk, the Executive Director of Equality, Diversity and Inclusion, the Deputy Secretary and, depending on the matter under discussion, any other member of the University required by the scrutiny group. The Registrar, Secretary and Chief Operating Officer will notify the University Executive of the decision reached following such escalation.
- 6.16 The University's starting point will be seeking to ensure that events may proceed, in recognition that refusing permission is undesirable and should be the exception. The University will not refuse to allow

events to be organised and held without reasonable grounds for doing so. The expression of controversial views which do not breach the law will not constitute reasonable grounds for withholding permission for an event. Reasonable grounds for refusal would include, but are not limited to, the fact that the event will or is likely to:

- a. Give rise to a breach of the peace.
- b. Incite those attending to commit an unlawful act.
- c. Lead to the unlawful expression of views.
- d. Be in direct support of an organisation whose aims or objectives are illegal.
- e. Infringe the legal rights of others, for example under equality law.
- f. Raise health and safety or security concerns that cannot be satisfactorily managed.

Event Arrangements and Control Measures

6.17 The University shall permit the use of University resources only by organisers of events who undertake to comply with all lawful instructions issued by the University in relation to the location, arrangements and conduct of such events, including adequate stewarding and moderating, chairing, monitoring, and the provision of adequate control over entry.

6.18 Where there is a possibility of disruption at an event, the University may consult with external agencies regarding the security arrangements required.

6.19 As part of the assessment process and in granting approval for an event the University may impose such controls as it deems appropriate and proportionate to ensure that the event can take place in a safe manner and in line with its legal and other responsibilities (see section 5 above). These may include:

- a. Appropriate stewarding, to be arranged and delivered by the Principal Organiser / Students' Union.
- b. Appropriate security measures.
- c. Limiting numbers.
- d. Requiring speakers to give an assurance that their speech will be lawful.
- e. Requiring external speakers to be made aware of this Code and the associated University Policy, and, where necessary obtaining direct confirmation that they will abide by the same.
- f. The approval of any publicity material circulated to promote the event.
- g. Restricting attendance to staff and students of the University.
- h. Controlling access to the event by ticketing.
- i. Requiring that nominated senior members of the Students' Union/the University are present.

- j. Stipulating that the event is recorded in order to provide an authoritative record.
- k. Taking measures to control the admission of press, television and broadcasting personnel.
- l. Venue and access and exit routes of the speaker(s) being subject to approval by the Executive Director of Compliance and Risk, Deputy Secretary and Campus Support and Security.
- m. Ensuring adequate opportunity for a wide range of views to be expressed and challenged including, as appropriate, requiring a debate format or the inclusion of a moderated Q&A.
- n. An experienced and respected individual approved by the Deputy Secretary chairing the activity.

6.20 Enforced segregation by gender is not permitted at events under equality law in universities' academic, teaching and research activities. Gender segregation is, however, permissible during collective religious worship. Therefore, for the purposes of this Code, gender segregation will not be permitted at events that do not include religious worship. If any event includes religious worship and involves gender segregation, then the principal organiser must provide full details and the seating arrangements that will apply across both parts of the event.

6.21 Any organisers of any event held through the University shall be responsible for ensuring, as far as possible, that nothing in the organisation and holding of such events infringes the law, or University regulations, in any way. They shall also be responsible for the costs involved in organising and holding such events.

6.22 The University will not pass on security costs for events except in exceptional circumstances. Circumstances are "exceptional" when the costs associated with bringing in additional security resource (to supplement the security resource which the University would normally have available for events) exceeds £1,000. In these circumstances the University will pass on the residue of security costs (i.e. any sum above £1,000) to the organisers. The cost of additional security would very rarely exceed £1,000.

6.23 The Students' Union offers several funding streams available to individual students and student societies, where the proposed activity is assessed in line with the individual criteria for each award. Access to such funding is not denied on the basis of the policy or objectives of the group itself, or the ideas or opinions of any individual student. Affiliation to the Students' Union and access to resources is not denied on the grounds of a student society's policy or objectives, or the views of any individual member, if those are within the law.

7 Conduct of Meetings

- 7.1 Anyone attending University or Students' Union events is expected to behave in a way that respects the University's values of supporting freedom of thought and speech, mutual understanding, respect and tolerance towards each other.
- 7.2 The individual acting as 'chair' of an event should be aware of this Code and the associated University Policy. The University's Chairs Guidance for Planning and Facilitating High Risk Events provides a procedure which can be employed when an event is being disrupted, for example by significant protest activity, disruptive repeated heckling, abuse or other conduct.
- 7.3 If there are concerns that an event is likely to attract protest or if there is prior notice that protest or disruption is planned at the event, then both the Deputy Secretary and Campus Support and Security should be alerted as soon as possible.

8 Complaints

- 8.1 Where a member of staff or student (and categories of other individuals – see 8.2 below) has concerns that their right to freedom of speech (and/or in the case of academic staff, their academic freedom), has been breached at the University, they may raise a complaint with the University. Any complaints will be considered having regard to the principles identified in this Code and the associated University Policy.
- 8.2 Upon receipt of a complaint, the University will consider which University procedure is most applicable having regard to the issues raised. In the first instance:
- a. Students may raise a complaint via the [Student Complaints Procedure](#).
 - b. Members of staff may raise a complaint under the [Grievance Procedure](#).
 - c. Former members of staff and students, visiting speakers (actual or invited) or unsuccessful applicants to academic posts at the University may submit a complaint to deputysecretary@manchester.ac.uk.
 - d. Any complaints from University staff or students in relation to Students' Union events or activities may be raised via the [Students' Union complaints procedure](#).
- 8.3 Where a member of staff or student has concerns about unlawful speech of another member of staff or student (as opposed to a complaint, as above, that their own right to freedom of speech/academic

freedom has been breached), those concerns may be reported to the University via [Report & Support](#) and appropriate steps will be taken having regard to the particular circumstances.

8.4 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members of staff and visiting speakers. Information about the complaints that the OfS can review is available on its website.

8.5 Students who wish to raise an external complaint regarding freedom of speech may do so with the Office of the Independent Adjudicator for Higher Education under (and subject to the rules of) its [student complaints scheme](#).

9 Monitoring Compliance

Audit

9.1 The Deputy Secretary and Director of Compliance and Risk will monitor compliance with this Code, working with Heads of School, Directors or equivalent and the Students' Union as necessary. The University and Union will also reflect on the review procedures for meetings brought forward via the Union periodically). Reporting arrangements are set out in 9.3 below.

9.2 This Code shall be independently reviewed by UNIAC every three years.

Reporting

9.3 The Deputy Secretary, in consultation with the Executive Director of Compliance and Risk, will report on this Code annually to the Board of Governors. A summary report will be provided, following review by University Executive comprising:

- a. Any events denied permission under the Code.
- b. Any events considered under the Code identified as high-risk but which were held and managed under the Code.
- c. The number of occasions where this Code has not been followed.
- d. Any lessons learned to improve the Code.

Breach of Code

9.4 A student or staff member in breach of this Code may be subject to action being taken against them under the relevant University procedure.

9.5 Where those responsible for the breach are students or staff of a partner organisation of the University the Registrar, Secretary and Chief Operating Officer (or nominee) shall inform the partner organisation to enable that organisation to assess appropriate action under its relevant procedures.

9.6 Where a breach of this Code takes place at an event and the police initiate an investigation, the University will engage with any police enquiries.

Communication and review

9.7 This Code and the associated University Policy shall be brought to the attention of all students and staff at the University at least once a year.

9.8 This Code will be reviewed at least every three years or earlier, if significant changes are required.

10 Policy Content

[Insert policy content here]		Version amendment history
Version	Date	Reason for change

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