



UNIVERSITY_{OF}
WINCHESTER

Freedom of Speech: Code of Practice

October 2025

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Summary: The Freedom of Speech Code of Practice (October 2025) outlines the policy and process for managing free speech and academic freedom at the University of Winchester.	

Introduction

The University is committed to creating an environment that promotes free speech within the law and the open exchange of ideas and their critical evaluation.

- 1.1. The University's values enshrine its belief that free speech is not undermined, but rather is strengthened, by the robust exchange of opposing views through civil, and peaceful debate. All students and staff should feel confident to study, explore and debate contentious questions.
- 1.2. The University of Winchester is committed through its values to the love of learning and core purpose of the pursuit of knowledge. This includes a commitment to protecting and promoting freedom of speech and academic freedom.
- 1.3. Freedom of Speech is the right of any individual member of staff, students or visiting speakers to hold and express lawful views without unjustified interference.
- 1.4. 'Academic freedom' is a term that applies to academic staff. It is their freedom within the law:
 - 1.4.1. To question and test received wisdom, and
 - 1.4.2. To put forward new ideas and controversial or unpopular opinions without fear of losing jobs, privileges, or promotion opportunities
- 1.5. The University promotes the importance of freedom of speech and academic freedom, and will take such steps as are reasonably practicable to ensure those rights are secured. This Code exists to support that commitment in practice.
- 1.6. In recognising that the University community is made up from individuals with a wide variety of experiences, perspectives and viewpoints the University has adopted a position of institutional neutrality. The University and its leaders will avoid issuing official statements about public matters unless those matters directly affect the institution's core function of teaching, research, and learning.
- 1.7. This position of institutional neutrality does not prohibit lawful statements made in an individual capacity by leaders, staff or students in line with the freedom of speech principles outlined in this code.
- 1.8. Nothing in this Code negates the University's commitment to high quality teaching, research and academic rigour. Neither does it mean that the University endorses any perspective being shared under its terms.

2. Approval

- 2.1. This Code of Practice has been approved by the University's Board of Governors and the University's Executive Leadership Team (ELT) to demonstrate the University's commitment to:
 - 2.1.1. secure freedom of speech within the law at the University of Winchester.
 - 2.1.2. promote freedom of speech and academic freedom within the law.
 - 2.1.3. protect the rights of staff and students at the University to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions.

3. Legislation and Scope

- 3.1. This Code of Practice complies with all relevant legislation, including the Higher Education and Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023.
- 3.2. This code applies to
 - 3.2.1. all members of the University. This includes staff and students but does not include University alumni; and
 - 3.2.2. visiting speakers and all other persons invited or otherwise lawfully on University premises, or to events organised by the University which take place off-campus or online.
- 3.3. This code applies to teaching, meetings and events. Room booking procedures and policies require particular regard of freedom of speech protections. When approval decisions are taken and these processes contain reference to this document and are applied in the context of this code.

4. Governance

- 4.1. The Board of Governors is responsible for ensuring that the University takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured.
- 4.2. The University has delegation arrangements in place setting out clearly and explicitly which committees or individuals are authorised to make decisions that are likely to have a substantial (positive or negative) effect on compliance with any free speech duties.
- 4.3. The Executive Leadership Team will monitor any complaints that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practicable and that any lessons learned are incorporated into a review of relevant policies, practices and procedures.
- 4.4. The operation of this Code of Practice will be periodically reviewed and monitored by the Free Speech Officer and the Executive Leadership Team who will (where necessary) update them. The changes will be approved by the University's Board of Governors.

5. Reporting

- 5.1. The University has appointed a Free Speech Officer, who is a member of the University Executive Leadership Team, and who is also a member of the University's Senate to oversee reporting on compliance with the Code of Practice.
- 5.2. The Free Speech Officer will provide to Senate, Executive Leadership Team and the Board of Governors an annual report of any complaints made in respect of academic freedom and freedom of speech. This will be anonymised but will include any conclusions reached and recommendations taken forward.

- 5.3. The Executive Leadership Team will ensure, through annual monitoring, that adequate training, including induction/reinduction, on freedom of speech and academic freedom is in place and being completed.
- 5.4. The University will record decisions that are likely to have a substantial (positive or negative) effect on freedom of speech within the law. A summary of these will be included in the annual report to Senate, Executive Leadership Team and Board.

6. Operational application

- 6.1. The University acknowledges that some expressions of free speech may offend, shock, or disturb others, but this alone is not a ground for restriction and does not violate the law.
- 6.2. Debate is a central part of University life. If appropriate the University will undertake a risk assessment to identify any practicable steps required to facilitate lawful debate.
- 6.3. Only in limited circumstances, following objective review, will the University take prohibitive action under policy or refuse permission for an event to be held.
- 6.4. The University will:
 - 6.4.1. ensure that the Code of Practice is brought to the attention of new students at registration and new staff during induction.
 - 6.4.2. draw the attention of students to the Code of Practice annually.
 - 6.4.3. ensure that adequate training is in place for all staff involved in making relevant decisions to understand and exercise their responsibilities towards freedom of speech and academic freedom, recognising that some roles may require additional training and support.

7. Teaching and Research: Policies and Procedures

- 7.1. The University will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular
 - 7.1.1. processes for facilitating research will respect the rights of freedom of speech and academic freedom.
 - 7.1.2. processes for programme development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom.
 - 7.1.3. its disciplinary and other such policies and processes will respect freedom of speech and academic freedom.

- 7.1.4. not prejudice an application for employment or promotion because an applicant has exercised their freedom within the law to question and test received wisdom or put forward controversial or unpopular ideas.

8. Events and speakers: Process and Approval

- 8.1. The following section outlines the approach for approval of external speaker events and space bookings under the University's name and where the Students' Union procedure does not apply.
- 8.2. The Students' Union has a separately owned procedure which needs to be adhered to when a student, student group or staff member within the Students' Union is the organiser. This procedure is separate to this Code and can be requested from the Students' Union.
- 8.3. The University welcomes speaker events, guest speakers and booking requests, working on the presumption that they will be approved where they are in-line with the principles of this code.

Reasonably practicable steps

- 8.4. Reasonably practicable steps may be taken to secure lawful freedom of speech. These form part of the three-step framework for assessment outlined in 8.12.
- 8.5. Whether steps or speech interfere with the essential functions of higher education is likely to be relevant to whether the steps are reasonably practicable and can be applied.
- 8.6. 'Essential functions' means:
 - 8.6.1. Teaching
 - 8.6.2. Learning
 - 8.6.3. Research
 - 8.6.4. Administrative functions and resources that are required for the above.
- 8.7. Protection of ordinary functions of student life outside of those listed above may require regulation of speech but these will be narrowly tailored to that function and not restrict expression of any particular viewpoint.
- 8.8. Further guidance on reasonably practicable steps can be found in appendix 1 and by contacting the Free Speech Officer

Approval process

- 8.9. We aim to approve all events, speakers and booking requests quickly and fairly, with an identified contact who must be a member of staff and who will be the event organiser. All events must have a single identified event organiser with contact details for enquiries.

8.10. The event organiser has a responsibility to ensure that

- 8.10.1. the event complies with this code.
- 8.10.2. where relevant, e.g. for an additional or extra-curricular or external speaker event – complete and sign an event Booking & Risk Assessment Form and send to the Head of Security and the decision maker, in most cases the Dean or Director.
- 8.10.3. process room bookings as relevant and liaise in a timely manner with all relevant groups throughout and oversee all other requirements for the smooth running of the event.
- 8.10.4. Agree use of premises terms for any event run by an external body/person on University premises with that body/person.
- 8.10.5. inform the Head of Security of any disruption, disturbance, or incident arising from an event that was held, as soon as possible after the incident.

Decisions regarding events and speakers

8.11. Decisions about whether an event may be subject to mitigations or may not be approved (in the first instance) will be taken by the relevant Dean or Director of the event organiser. The decision maker should take timely advice from the Head of Housing and Security, the Security Manager, the Health and Safety team, the Director of Equalities, or other relevant staff.

8.12. The decision maker should follow the following process to determine each case:

- 8.12.1. Is the speech within the law? If so, working from a principle that if speech is lawful, the event should proceed.
- 8.12.2. Are there reasonably practicable steps needed to secure the speech? If so, these must be taken (see 8.4 and appendix 1 for further guidance).
- 8.12.3. Are any restrictions considered above prescribed by law and proportionate under Article 10 of the European Convention on Human Rights (ECHR)? (see appendix 1 for further guidance)

Responsibilities

8.13. The Dean or Director as decision maker has responsibility to –

- 8.13.1. consider the approval process in a timely manner according to section 8.7, and
- 8.13.2. maintain records of all decisions suitable for sharing with the Free Speech Officer, and
- 8.13.3. consider whether additional information is needed to make a decision, requesting this appropriately
- 8.13.4. provide approval in line with section 8.11, and appendix 1 or

- 8.13.5. where delay, additional or alternative arrangements are recommended, the decision maker should document these in detail and note reasons why they are necessary and proportionate.
- 8.14. Any recommendation to cancel, delay, not approve any event, or require alternative arrangements will be subject to the final decision of the University's Free Speech Officer or Executive Leadership Team nominee. If a decision is taken not to approve an event by the Students' Union, they will provide reasonable notice to ELT of any such decision, with written reasons.
- 8.15. Only in limited circumstances, and following objective assessment, will the University refuse permission for an event to be held. These may include:
 - 8.15.1. Where the speaker or organisation represents a 'proscribed group' by the UK Government.
 - 8.15.2. Where there are serious safety concerns for the speaker or others and the risks cannot be practicably mitigated.
 - 8.15.3. Where the speaker is from a political party during an election purdah
 - 8.15.4. Where the essential functions of the University or ordinary functions of the University cannot be protected by practicable steps.
 - 8.15.5. Where there is evidence that the speaker is likely to:
 - 8.15.5.1. Incite hatred or violence, use hate speech, cause breach of the peace or is likely to transgress the bounds of lawful free speech.
 - 8.15.5.2. Discriminate against or harass any person on the grounds of a protected characteristic.
 - 8.15.5.3. Defame any person or organisation.
 - 8.15.5.4. Spread hatred and intolerance (hate speech).
 - 8.15.5.5. Encourage or promote acts of terrorism or promote individuals or groups that support terrorism.¹

Additional Information and costs

- 8.16. In exceptional circumstances, to aid decision making the University may require that it is:
 - 8.16.1. provided with copies of all publicity materials for the event, together with an explanation of abbreviations, acronyms, alternative or coined nomenclature or any technical terms used.
 - 8.16.2. informed if there is any enhanced security or anonymity applied to the event, or a cryptonym or code name is used for the event and provided with a rationale to support any such approach.
 - 8.16.3. informed if representatives of the media are to be admitted or excluded.

¹ Our approach to safeguarding and to equality and diversity continues to inform our response to our Prevent duty that requires 'due regard to the need to prevent people being drawn into terrorism' and is implemented in a 'proportionate and risk-based way'.

- 8.16.4. In exceptional circumstances, where the cost of necessary and proportionate security measures (determined in-line with section 8.12.3 above) exceeds the average of the University's security costs for all events in the preceding academic year, proportionate to the ticketed audience size, the additional part of that must be met by the external body/person in advance of the event.

9. Complaints

- 9.1. Any concerns regarding the implementation of this Code of Practice or the actions of the University in respect of it should be raised in the first instance with the University Freedom of Speech Officer.
- 9.2. The University shall ensure that there are adequate measures in place to raise complaints about freedom of speech and academic freedom through the following processes.
- 9.3. Complaints that the University has breached its duties relating to Freedom of Speech can be made through the 'Report and Support' process found on the University websites.
- 9.4. Where the University receives a complaint about the exercise of academic freedom or freedom of speech or where it has received a complaint about a possible infringement or departure(s) from the procedures set out in this Code, there will be an initial investigation.
- 9.5. If a case is established that the complaint justifies further investigation, the matter will be considered according to the appropriate University procedure. Depending on the circumstances, this may be the Staff Disciplinary Policy and Procedure for staff or the Student Disciplinary Procedure for students, or other University Grievance or Complaints policies and procedures as relevant.
- 9.6. If the University becomes aware of any action which involves infringements of criminal law which are being pursued by the police or other civil authorities, University procedures will normally be suspended, save for any immediate safeguarding actions that may be required, pending the outcome of such procedures and the University will assist the prosecuting authorities to implement the process of the law.
- 9.7. Following a complaints appeal outcome, any person who considers that their right to freedom of speech or academic freedom has been unduly restricted will be informed of their right to escalate complaints to the Office of the Independent Adjudicator (OIA) (for students) or to the Office for Students (for staff and visiting speakers).
- 9.8. Any complaints about visiting speakers should be directed to the Freedom of Speech Officer. The Officer will report to the Executive Leadership Team on the circumstances of any significant infringements of, and departures from, the provisions of the Code.

Appendix 1

Appendix 1 proceeds on the assumption that all lawful expression and speech will be approved.

Unlawful speech means expression and speech prohibited by legislation, criminal or civil law, including case law.

If the speech is lawful – there should be consideration given to:

A. Reasonable steps to secure the speech:

Steps relevant here are:

- Ensuring that decisions around approval do not include concerns around the University's reputation; potential or likely clashes with the University's values; whether the subjects, viewpoints, or speakers are controversial or considered offensive; or whether the viewpoints or speakers are unpopular.
- Consideration of whether there are potential impacts on the learning, teaching, research or administration and resources of the University- identify and document what these are
- Considerations around physical safety - identify and document what these are

If there are any issues identified, then consider what steps the University might need to take to ensure that the potential effects of these are mitigated.

Mitigations might include:

- Getting further or expert advice on whether a restriction, mitigation or measure is allowed by law
- Ensuring that University processes are not invoked to prevent lawful free speech
- Providing security
- Ticketing the event, or restricting access to identified groups (e.g. University staff and students)
- Moving the event online
- Regulating the time, place and manner of any protests (while also managing the protestors' free speech rights)
- Providing expert facilitators for an event
- Issuing notices about the consequences of preventing an event taking place

B. Proportionate and necessary: mitigations and restrictions

If any restrictions or mitigations are identified under A above, then consideration should be given to:

- Whether the limitation is allowed by law
- Whether the reason for the measure/s considered sufficiently important to justify the limitation considered
- Whether the limitation proportionate to and rationally connected to that reason
- Whether the limitation the least impactful necessary

Equality Impact Assessment	
Summary of process undertaken to determine equality impacts:	Document origin is Freedom of Speech Code of Practice (July 2025) and Freedom of Speech Policy (May 2025) without substantial changes to principles or approach. Therefore the assessment has been made in line with that undertaken for those documents- i.e Legal review to ensure Code of Practice is fit for purpose considering equality needs.
University Committee (name/ date) where equality impacts discussed (may be Committee of approval, or another):	Board of Governors, ELT Spring Summer 2025
Has this policy been screened to ensure compliance with the University's Free Speech expectations?	N/A
Identified equality impact(s) on colleagues and students (i.e. any specific impacts related to this policy that may cause disadvantage for people due to one or more particular protective characteristic)	
Protected Characteristic	Impact(s) identified and any action(s)/mitigation(s) to address these impact(s), as necessary.
All	Protection and promotion of freedom of speech 'within the law' provides a culture where no protected characteristic should be disadvantaged by this code of practice
Age	None
Disability	None
Gender Identity	None
Marriage/Civil Partnership	None
Pregnancy and Maternity	None
Race (incl. nationality)	None
Religion and Belief	None
Sex	None
Sexual Orientation	None