

Free Speech Code of Practice

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FREE SPEECH CODE OF PRACTICE

SECTION ONE: PRINCIPLES, SCOPE AND RESPONSIBILITIES

1. Summary

- 1.1 Regent's University London believes that freedom of speech and academic freedom foster an inclusive learning environment where diverse perspectives can be expressed and respectfully challenged. We recognise that there is a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context. The University has rules concerning the conduct of debate but does not seek to prevent speech that is lawful.
- 1.2 The University has updated its Free Speech Code of Practice in this document. Our values concerning the centrality of free, lawful speech have not changed. This updated Code of Practice incorporates our values concerning freedom of speech and academic freedom and it sets out how we will manage our activities and events to uphold those values, as far as reasonably practicable. The Code confirms our obligations to take steps to secure freedom of speech within the law for our students, staff, members (including our Directors) and visiting speakers. In addition, the Code provides information concerning events held to support our curriculum and as part of academic life at the University. It includes the steps we consider when making our buildings available for external hire. The updated Free Speech Code supports our compliance with the current obligations of the Higher Education (Freedom of Speech) Act 2023 and the Office for Students' Regulatory Guidance 24 ('OfS' Guidance').

2. The Legal Context

- 2.1 The Higher Education (Freedom of Speech) Act 2023 ('the Act') amends the Higher Education and Research Act 2017 (HERA). The Act protects free speech within the law. It does not protect unlawful speech. HERA does not require providers to take steps to secure freedom of speech in respect of their activities outside England.
- 2.2 The Act requires that providers:
 - a. take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to secure freedom of speech within the law for its staff, members, students and visiting speakers. This includes, in relation to academic staff, securing their academic freedom:
 - b. maintain a code of practice setting out matters relating to freedom of speech;
 - c. promote the importance of freedom of speech within the law and academic freedom in the provision of higher education.
- 2.3 Article 10(1) of the European Convention on Human Rights ('ECHR'), as enshrined into UK Law by the Human Rights Act 1998, states that:

"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. [...] 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.”

- 2.4 The University will refer to the OfS’ Guidance and its three-step framework in considering free speech matters:
- a. *Step 1: Is the speech ‘within the law’?*
 - b. *Step 2: Are there any ‘reasonably practicable steps’ to secure the speech?*
 - c. *Step 3: Are any restrictions ‘prescribed by law’ and proportionate under the European Convention on Human Rights?*

3. Definitions

- 3.1 In accordance with the Act and the OfS’ Guidance, the University recognises ‘freedom of speech’ to mean “the freedom to impart ideas, opinions or information (referred to in Article 10(1), ECHR) by means of speech, writing or images (including in electronic form). This right includes freedom of artistic expression, such as a painting or the production of a play.” (*OfS’ Guidance, paragraph 15.*)
- 3.2 In accordance with the Act and the OfS’ Guidance (paragraph 20), the University recognises ‘academic freedom’ to mean that its 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 at risk of being adversely affected in any of the following ways:
- loss of their jobs or privileges at the provider;
 - the likelihood of their securing promotion or different jobs at the provider being reduced.”
- 3.3 Academic freedom means that, whilst academic staff are required to teach within the boundaries of disciplinary relevance and disciplinary competence, in accordance with the essential function of teaching, they are not required by the University to commit to a particular viewpoint.

4. Values Relating to Freedom of Speech

- 4.1 The University’s promise, as set out in our Strategic Plan, is to deliver a premium, transformative education rich in global connections and to produce globally minded graduates that bring purpose and passion to people and planet.
- 4.2 The University works to create an equal and fair workplace where people thrive and feel valued, part of a vibrant campus community in which they take real accountability, collaborate with colleagues across the university, constantly learning and adding value.
- 4.3 In line with our purpose and the principles relating to academic freedom, the University is committed to creating a learning and working environment in which all members of the University’s community are free within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions.
- 4.4 The University is committed to promoting freedom of speech within the law, recognising that all speech is lawful unless restricted by a law made or authorised by the UK Government or the courts (see Annex A), and that free speech includes lawful speech that may be shocking, disturbing or offensive.

5. Responsibilities

- 5.1 The University's Board of Directors is responsible for the approval and monitoring of the Free Speech Code of Practice and, as the University's governing body, has overall responsibility for compliance with the Act.
- 5.2 The Vice Chancellor's Executive Team (VCET) is responsible for the implementation of this Code of Practice and for reviewing its effectiveness. In most cases, the relevant VCET members have ultimate responsibility for the approval of planned events and activities, where these are deemed to be high risk (see Section 2 below).
- 5.3 **All staff, students and visitors to the University** are required to comply with the Free Speech Code of Practice and to take reasonably practicable steps to ensure freedom of speech within the law, in all aspects of the University's activities, including but not restricted those listed at part 6 below ('Scope'). Staff, students and visitors should be mindful of the following **principles of conduct**:
- a. Everyone has the right to free speech within the law.
 - b. The University should seek to expose students to a wide range of views, including those that challenge commonly accepted ideas and conventional wisdom. There should be no limit in principle to the range of views within the law to which students, staff and members might be exposed across the full range of speaker meetings and other activities covered by the code. These may include views that some or all students might find shocking, disturbing or offensive.
 - c. If those organising an event invite speakers who they might reasonably have suspected would use their platform to break the law (e.g. because they have done so previously) they may fall foul of the law themselves.
 - d. Peaceful protest is itself a legitimate expression of freedom of speech. However, protest must not shut down debate.
 - e. Failure to comply with this Code of Practice may result in staff disciplinary or student misconduct action.

6. Scope

- 6.1 This Code applies to all aspects of the University's activities. This includes but is not limited to its policies and procedures in the following areas:
- a. admission of students to courses;
 - b. appointment, reappointment and promotion of academic and professional staff;
 - c. disciplinary matters;
 - d. employment contracts (that may include conditions on speech);
 - e. equality or equity, diversity and inclusion;
 - f. fitness to practice policies and procedures;
 - g. harassment and bullying policies;
 - h. IT, including acceptable use policies and surveillance of social media use;
 - i. the Prevent duty;
 - j. teaching and the principles of curricular design;
 - k. research and research ethics;
 - l. speaker events;
 - m. staff and student code of conduct.

- 6.2 This Code applies to all meetings and events, including lectures, seminars, committee meetings, conferences, talks, debates, workshops, demonstrations and musical and theatrical performances whether live, streamed or recorded. It applies whether or not an event includes an external speaker participating in person or by any means of remote access. In addition to speech, the Code also applies to freedom of expression in the form of research, writing, and the production of images such as a paintings and graphic design.
- 6.3 This Code applies to all events held on University premises; the term 'premises' means all University property including buildings, grounds, gardens, courtyards and other open spaces including any designated for student use. It also applies to:
- a. events held off University premises which are University organised, affiliated, funded or branded, including events organised by individuals, groups or societies using the University name or resources (with the University's approval); and
 - b. events taking place online which are University organised, affiliated, funded or branded, including events organised by individuals, groups or societies or online communities using the University's name or resources (with the University's approval).

SECTION TWO: PROCEDURES TO BE FOLLOWED FOR EVENTS AND ACTIVITIES

7. General Principles

- 7.1 The following sections of the Code set out the procedures to be followed in connection with the organisation of meetings and speaker events, as well as when organising teaching or research-related activities and other activities where freedom of speech duties will be relevant (see 'Scope' in paragraph 6).
- 7.2 In considering whether or not to allow a particular event or activity to take place on University premises or elsewhere under its authority, the University will consider that the starting point for any event is an assumption that it should go ahead, and that cancellation is exceptional and undesirable.
- 7.3 Decision-makers at the University, in making any decision or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, will act compatibly with the University's statutory free speech duties.
- 7.4 The University will take reasonably practicable steps to secure freedom of speech for visiting speakers and others. This objective includes securing that the use of its premises is not denied to any individual or body on the following grounds:
- 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
- and that the terms on which its premises are provided are not to any extent based on such grounds.
- 7.5 This does not mean that any group or speaker has a right to be invited to speak at the University's premises, but it does mean that a speaker who has been invited to speak at a meeting or other event will not be stopped from doing so on the grounds of their ideas or opinions.

- 7.6 Depending on the circumstances, it may occasionally be necessary for the University to prescribe which premises may be used for a particular event and at what time they may be used. In some circumstances, it may also be necessary to put in place mitigating steps to permit the event to go ahead. The University may consider a range of appropriate mitigations, not limited to considering the location or timing of an event. For example, these might include providing focused welfare support for students who might be affected by a particular topic rather than limit the topic from being discussed in an event.
- 7.7 The University will endeavour, in so far as is reasonably practicable, not to cancel any event in response to objections or protests, however widespread. Cancellation will only take place in extreme circumstances, such as in the event of significant safety concerns that cannot be mitigated, and cancellation will not be based on the opinions or ideas of any speaker at that event. The University will not interfere with free speech or academic freedom any more than is necessary to ensure that the event goes ahead safely and within the law.
- 7.8 The process for consideration and approval of events will be timely and will not take longer than necessary, however, the event organiser must obtain the relevant approval prior to advertising the event and should normally seek approval at least one month before the event is due to take place. The event organiser will not be required to submit an onerous amount of information but must provide adequate details in order for the relevant decision-makers (see below) to make an informed risk assessment and decision.

8. Events and Activities Organised by Staff

- 8.1 If an event or activity is taking place and it informs the academic curriculum, this will be subject to the normal oversight/approval of the relevant Course Leader and the Director of Programmes. “Academic curriculum” includes both formally delivered teaching and academically organised events that inform or contextualise the curriculum, including interdisciplinary or cross-course activity. Where events are situated within a particular course or discipline, the event organiser should seek approval from the relevant Course Leader or Director of Programmes. The event or activity organiser is responsible for considering how freedom of speech can be secured, for identifying any risks and for suggesting steps that could be taken to permit the event/activity to go ahead. Where there is any remaining concern in relation to freedom of speech, the approval of the event/activity will be referred to the Provost and Deputy Vice-Chancellor. Any decision to cancel an academic event/activity, to delay indefinitely, or to put in mitigating steps, will be made by the Provost and Deputy Vice-Chancellor.
- 8.2 Where a staff member is planning an event outside of the academic curriculum, they must also consider how freedom of speech can be secured. The event organiser is responsible for identifying any risks and for suggesting steps that could be taken to permit the event to go ahead.
- 8.3 Where the event includes **external speakers**, the event organiser should refer to the ‘External Speakers – Risk Assessment Checklist’ and the results of this assessment should be documented and shared with the responsible Director (or staff member at Director level) who will confirm whether the event can proceed (in the case of low-risk events).
- 8.4 Regardless of whether or not an external speaker is invited, where there is any remaining concern in relation to freedom of speech, or where the event is deemed to

be higher risk (for example, owing to safeguarding or health and safety issues), the approval of the event will be referred to the relevant leader within VCET. Any decision to cancel an event, to delay indefinitely, or to put in mitigating steps, will be made by the VCET member.

- 8.5 In the case where a staff member or external speaker is unhappy with the outcome of this process, they may appeal in writing to the Vice-Chancellor and CEO. The Vice-Chancellor and CEO may appoint another member of VCET to consider the matter (avoiding any conflict of interest). The Vice-Chancellor or their nominee's decision on the matter will be final.

9. Events Organised by Students

- 9.1 Any student wishing to organise an event on behalf of the Student Union, a student club or other group of students, should submit a completed Events Form to the Student Union and Student Voice Manager. The event organiser is responsible for considering any risks and for suggesting steps that could be taken to permit the event to go ahead. Where the event includes **external speakers**, the 'External Speakers – Risk Assessment Checklist' should be completed and the results should be documented and shared with the SU and SV Manager.

- 9.2 On review, the SU and SV Manager may approve low-risk events. However, if the SU and SV Manager conclude that the proposed event poses a concern in relation to freedom of speech, or where the event is deemed to be higher risk (for example, owing to safeguarding or health and safety issues), the SU and SV Manager will review any risks, if necessary, with the relevant DoP and the Associate Provost, Student Experience & Academic Services for consideration. Any decision to cancel an event, to delay indefinitely, or to put in mitigating steps, will be made by the Associate Provost, Student Experience & Academic Services.

- 9.3 In the case where a student is unhappy with the outcome of this process, they may appeal in writing to the Provost & Deputy VC. The Provost & Deputy VC may appoint another senior member of staff to consider the matter (avoiding any conflict of interest). The Provost or their nominee's decision on the matter will be final.

10. Events Organised by Alumni

- 10.1 Where members of the Alumni Community are seeking to hold an event in the University's name and/or on the University's premises, they should submit the details to the Alumni team. The event organiser is responsible for identifying any risks and for suggesting steps that could be taken to permit the event to go ahead. Where the event includes **external speakers**, the 'External Speakers – Risk Assessment Checklist' should be completed and the results should be documented and shared with the Alumni team.

- 10.2 On review, the Alumni team may approve low-risk events. However, if they conclude that the proposed event poses a concern in relation to freedom of speech, or where the event is deemed to be higher risk (for example, due to safeguarding or health and safety issues), they will refer the proposed event to the Director of Corporate Engagement (Alumni and Careers) for consideration. Any decision to cancel an event, to delay indefinitely, or to put in mitigating steps, will be made by the Director.

- 10.3 In the case where the event organiser is unhappy with the outcome of this process, they may appeal in writing to the Provost & Deputy VC. The Provost & Deputy VC may

appoint another senior member of staff to consider the matter (avoiding any conflict of interest). The Provost or their nominee's decision on the matter will be final.

11. Events Organised by External Hirers via the Events Team

- 11.1 The University makes its premises available for external hire outside of its academic activities. The Events team will take account of the principles of this Code when conducting a risk assessment for any prospective external hire. This includes ensuring that the University can meet its obligations for freedom of speech as well as any other legal obligations.
- 11.2 On review, the Events team may approve low-risk events. However, if they conclude that the proposed event poses a concern in relation to freedom of speech, or where the event is deemed to be higher risk (for example, due to safeguarding or health and safety issues), they will refer the proposed event to the Director of Food and Drink for consideration. Any decision to cancel an event, to delay indefinitely, or to put in mitigating steps, will be made by the Director. For particularly high-risk events, or in the exceptional circumstances where it is deemed necessary that security costs are to be passed on to the hirer (see below) the Director will consult with the Chief Commercial Officer, prior to reaching a decision.
- 11.3 In the case where the hirer / event organiser is unhappy with the outcome of this process, they may appeal in writing to Vice-Chancellor and CEO. The Vice-Chancellor and CEO may appoint another member of VCET to consider the matter (avoiding any conflict of interest). The Vice-Chancellor or their nominee's decision on the matter will be final.

12. Criteria for passing on security costs

- 12.1 The University may, in exceptional circumstances, pass on the costs of additional security for using the premises to the external hirer arranging the event. Examples of 'exceptional circumstances' include, but are not limited to, where the costs are wholly disproportionate to the numbers likely to be attending the event, and it might be held in a more proportionate way, or there is a visiting speaker at the event who could reasonably be expected to have their own security because of the political or state office they hold.
- 12.2 Where exceptional circumstances have been identified, the hirer / event organiser will only be responsible for meeting the cost of any additional security, over and above the University's standard security arrangements for events.
- 12.3 The decision to charge additional security costs is connected to the practical and safe delivery of the event; the decision does not relate to the ideas or opinions of any individual hirer or group, nor the policy or objectives of any group, nor the opinions or information likely to be lawfully expressed.

SECTION THREE: PUBLICATION, REVIEW AND COMPLAINTS

13. Review and Publication

- 13.1 This Code will be subject to review by VCET every other year. If there are changes in legislation, this review will be brought forward. Any significant amendments to the Code will be referred to the Board of Directors for approval.
- 13.2 The Code will be published on the University's website and will be brought to the attention of all students and staff on an annual basis.

14. Complaints and Queries

- 14.1 Any students wishing to make a complaint in relation to freedom of speech may do so by using the Complaints form on the Student Hub. Students may also raise an anonymous concern about freedom of speech matters by using the Report + Support tool, available via the safeguarding section of our website.
- 14.2 Any staff members wishing to make a complaint in relation to freedom speech may do so by emailing hr@regents.ac.uk. Staff may also raise an anonymous concern about freedom of speech matters by using the Report + Support tool (see above).
- 14.3 Third parties (people external to the university) may raise a concern or make a complaint to the Governance Office, via governance@regents.ac.uk
- 14.4 Any general queries about this Code should be directed to the Governance Office, via governance@regents.ac.uk

ANNEX A: FURTHER LEGAL BACKGROUND

In addition to the legislation outlined in the Code above, the University has a responsibility to be mindful of other legal duties when considering whether speech is within the law and whether restrictions are prescribed by law. Examples of these legal duties are summarised below (decision-makers should refer to the original legislation when considering any specific cases):

- The **Public Order Act 1986**, which states that an offence is committed if a person:
 - a. uses towards another person threatening, abusive or insulting words or behaviour, or
 - b. distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,

with the intent to cause that person to believe that immediate unlawful violence will be used against them or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked.

- The **Terrorism Act 2000** which prohibits (among other things) speech that:
 - a. Invites support for a proscribed organisation, and the support is not, or is not restricted to, the provision of money or other property; or
 - b. Expresses an opinion or belief that is supportive of a proscribed organisation, and in doing so is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation.

It is also unlawful to address a meeting if the purpose of the address is to encourage support for a proscribed organisation or to further its activities.

- The **Counter-Terrorism and Security Act 2015**, which introduced a duty on higher education institutions to have due regard to the need to prevent people being drawn into terrorism – the Prevent Duty. In accordance with this Act, the University is required to place due regard to the need to prevent people being drawn into terrorism when it considers all the other factors, including having particular regard to the duty to ensure freedom of speech and academic freedom.
- The **Equality Act 2010**, which prohibits unlawful discrimination and places duties on the University and its staff in relation to harassment and victimisation. In addition, as part of its Equality, Diversity and Inclusion Policy, the University has due regard to the aims of advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- **Other relevant legislation and duties** which include the Protection from Harassment Act 1997; the Malicious Communications Act 1998, the Communications Act 2003, the Terrorism Act 2006, the Public Order Act 2023, health and safety legislation, data protection legislation, and common law on confidentiality and privacy.

The University is regulated by the Office for Students and must also be mindful of its **regulatory requirements**, such as the OfS' Conditions of Registration, and in particular Condition E6, which relates to harassment and sexual misconduct, as well as Conditions E1 and E2 which concern the public interest governance principles and the obligations for securing free speech.