



Owner:	University Board
Version number:	1
Date of approval:	29 November 2024
Approved by:	University Board
Effective date:	30 November 2024
Date of last review:	November 2024
Due for review:	November 2025

Code of Practice on Freedom of Speech and Academic Freedom

1. SCOPE AND PURPOSE

- 1.1 This Code of Practice is for all BU staff, students, board members, visitors, contractors and volunteers. It also applies to the Students' Union at Bournemouth University ("SUBU") and to any societies, clubs or associations which operate on BU premises, and to persons external to BU who are invited to speak on BU premises. Any event taking place away from BU's premises (including overseas or online) which is held in BU's name, affiliated with or funded by BU (in whole or in part) must, as far as is reasonably practicable, be organised and managed in compliance with this Code of Practice and the Procedures set out in it, as if the event was being held on BU premises.
- 1.2 This Code of Practice must be followed to ensure that BU complies with its duties to protect **freedom of speech** under the [Education \(No. 2\) Act 1986](#). Section 43 of this Act places a duty on "every individual and body of persons concerned in the government" of BU "to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers".¹ It also imposes a duty upon BU to produce this Code of Practice.
- 1.3 The term "**academic freedom**" is shorthand for the principle originally articulated in the Education Reform Act 1988 and is set out in Article 8 of BU's Articles of Government which also requires: "In making policies and procedures under these Articles, the Board of Governors, Senate and the Vice-Chancellor shall have regard to the need to ensure that academic staff of the University

¹ The amendments to the Higher Education and Research Act 2017 effected by the Higher Education (Freedom of Speech) Act 2023 are not in force. If implemented, the Higher Education (Freedom of Speech) Act 2023 will replace the duty previously imposed under the Education (No.2) Act 1986, expanding it and placing further responsibilities on BU to take steps both to secure and to promote freedom of speech and academic freedom by inserting new provisions A1-A3 into the Higher Education and Research Act 2017.

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 in jeopardy or losing their jobs or any privileges they may have at the University.”

- 1.4 The Office for Students (**OfS**) regulates matters relating to free speech and academic freedom through the [conditions of registration](#) concerning management and governance. Failure to comply would constitute regulatory non-compliance.
- 1.5 There are other legislative requirements and/or considerations that may be relevant in particular cases and which must be taken account of when considering issues of free speech and academic freedom. These include, but are not limited to:- the Human Rights Act 1998 (which brings the European Convention on Human Rights into direct effect in national law), the Counter-Terrorism and Security Act 2015, the Equality Act 2010, the Terrorism Acts and the Public Order Acts, as well as statutory requirements relating to the holding of processions and assemblies.

2. KEY RESPONSIBILITIES

- 2.1 The University Board is responsible for approving this Code of Practice on the recommendation of its Audit, Risk and Governance Committee (ARG) and for ensuring that its decision making and that of its sub-committees uphold the Code of Practice and BU’s statutory and regulatory obligations.
- 2.2 Senate is responsible for ensuring that its decision-making and that of its sub-Committees upholds the Code of Practice and BU’s statutory and regulatory obligations. Senate is also responsible for providing assurance to the Board that the Code of Practice has been complied with in matters relating to teaching and learning, curriculum content and research.
- 2.3 The University Executive Team is responsible for ensuring day to day operational compliance with the Code of Practice and for reporting on complaints received to ARG and the Board.
- 2.4 The Pro Vice Chancellor - Education and Quality is responsible for the operation of the Procedures relating to Designated Activities (as set out at Section 5) and for reporting on it annually to Senate, ARG and the Board.
- 2.5 Individuals at 1.1 above are responsible for reading this Code of Practice and for ensuring that their conduct is compliant with it.
- 2.6 This Code of Practice will be reviewed annually, or more frequently if regulatory updates are required or issues are identified as part of a complaint.
- 2.7 This Code of Practice will be included in training and induction for BU staff and is brought to the attention of all students at least once a year as part of the

online registration process. This Code of Practice is also published on the BU website.

3. LINKS TO OTHER BU DOCUMENTS

3.1 This Code of Practice should be read with the following key BU documents:

- [BU Equality and Diversity Policy](#)
- [Dignity and Respect \(Harassment\) Policy and Procedures](#)
- [BU Prevent Policy](#)

Policy

4. FREEDOM OF SPEECH AND ACADEMIC FREEDOM

4.1 BU is committed to promoting freedom of speech within the law and academic freedom within the law.

4.2 BU has adopted the policy position that freedom of speech means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference. This means that speech is protected unless it contravenes some other law. It is not necessary to identify a specific legal basis for particular speech. The starting point is that all speech is permitted unless it is restricted by law. The criminal and civil law place certain restrictions on speech, for example, acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation or incitement to commit acts of terrorism. BU will consider whether the speech is “within the law” and will take legal advice where complex or difficult issues arise to ensure that decision-making is well informed.

4.3 As part of this commitment BU will ensure that use of its premises is not denied to any individual or body on the grounds of their ideas or opinions; or in relation to a body, its policy or objectives or the ideas or opinions of any of its members. BU will also ensure that the terms on which such premises are provided are not to any extent based on such grounds. This Code of Practice includes Procedures for Designated Activities set out at Section 5 below. BU does not charge for security in relation to such events other than in the exceptional circumstances set out at Section 5 below.

4.4 BU does not permit the use of non-disclosure agreements in relation to complaints about sexual abuse, sexual harassment or sexual misconduct, or other bullying or harassment.

4.5 BU will ensure that its processes for accepting overseas funding (whether from endowments, gifts, donations, research grants and contracts and educational and other partnerships) incorporate consideration of the risk presented to compliance with this Code of Practice and will ensure that all funding required to be reported to OfS is reported.

4.6 This Code of Practice must also be considered and complied with in processes for:

- a) Programme development, approval and delivery;
- b) Facilitating research;
- c) The wider administration of relationships with staff and students; and
- d) Establishing and maintaining relationships with third parties.

Procedures

5. PROCEDURES RELATING TO DESIGNATED ACTIVITIES

5.1 The organisers of a Designated Activity (see Section 5.2 below) shall ensure that one person, normally a student or employee of BU or a member of the relevant Students' Union society, is appointed as principal organiser ("Principal Organiser"). An event or meeting may be a Designated Activity even if the speaker is an employee, visiting academic or BU student and the Principal Organiser must complete a Designated Activity Request Form in accordance with Section 5.2 below.

5.2 Designated Activities are those meetings or other events which could possibly:

- Compromise freedom of speech within the law or academic freedom within the law; or
- Incite others to commit a violent or illegal act; or
- Cause a breach of the peace; or
- Cause problems, difficulties or disturbances

For example, Designated Activities may include visits by external speakers whose views have previously provoked a disturbance or where the subject matter of the activity is likely to be regarded as offensive, objectionable or controversial by some students, staff, and/or participants.

5.3 In those circumstances, at least 15 working days before the Designated Activity, the Principal Organiser must:

- a) Send a completed Designated Activity Request Form as set out in Appendix 1 to the Pro Vice Chancellor - Education and Quality at FoS@bournemouth.ac.uk.
- b) Not advertise or promote internally or externally the Designated Activity at that point.
- c) The Principal Organiser can be required to provide such other information as may reasonably be required by the Pro Vice Chancellor - Education and Quality.

5.4 If a Designated Activity Request Form has not been submitted to the Pro Vice Chancellor - Education and Quality but a member of staff designated to accept room bookings on behalf of BU believes that an event could be a Designated Activity, as defined in section 5.2 above, they can require a Principal Organiser to be appointed and that a Designated Activity Request Form is sent to the Pro Vice Chancellor - Education and Quality at FoS@bournemouth.ac.uk.

- 5.5 The decision to approve a Designated Activity or not and/or whether approval should be granted subject to conditions will be made by the Pro Vice Chancellor - Education and Quality who will take account of the following:
- a) the need to promote Freedom of Speech within the law and Academic Freedom within the law in accordance with this Code of Practice;
 - b) the Counter Terrorism and Security Act 2015;
 - c) any other relevant legislation or regulatory guidance;
 - d) the maximum capacity of the areas available for the event and other safety factors as advised by BU's Head of Health, Safety & Wellbeing; and
 - e) any specific requirements of the Higher Education and Research Act 2017 as amended by the Higher Education (Freedom of Speech) Act 2023 (as may be in force).
- 5.6 To ensure that the activity can take place safely within the law, the Pro Vice Chancellor - Education and Quality will communicate openly and transparently with the Principal Organiser and other relevant parties. The Principal Organiser is also required to communicate openly and transparently to support informed decision-making.
- 5.7 The Pro Vice Chancellor - Education and Quality may, after full consideration of possible mitigating actions, decide there are grounds for refusing a request. These may include, but are not limited to:
- a) that the speaker has links to or represents a proscribed terrorist group or organisation or it is reasonably believed that the speaker is intending to invite support for such an organisation or its activities; or
 - b) that, having considered input from BU's Head of Health, Safety & Wellbeing and, where appropriate, other relevant parties (including, but not limited to, the Facilities team, Faith & Reflection Team, Students' Union, police, DfE Prevent Regional HE/FE Co-ordinator, community groups and other Institutions who are known to have previously hosted or refused the speaker) it is believed to be in the interests of public safety, the prevention of disorder or crime or the protection of those lawfully on BU's premises that the event does not go ahead; or
 - c) that following appropriate input from relevant parties, the consideration of available evidence and the requirement to promote freedom of speech within the law, the Pro Vice Chancellor - Education and Quality has concluded that reasonable steps cannot be taken to prevent the speaker from:
 - a. expressing views that are contrary to the law; or
 - b. encouraging, assisting or committing criminal acts; or
 - c. putting forward views or ideas that are likely to unlawfully infringe the rights of others or place BU in breach of its equality obligations.
- 5.8 If the Pro Vice Chancellor - Education and Quality has approved the Designated Activity, the Principal Organiser and any other organisers shall ensure that all

conditions imposed by the Pro Vice Chancellor - Education and Quality are complied with. Such conditions will be reasonable and proportionate and aimed at enabling the event to proceed safely within the law and may include, but are not limited to:

- a requirement for a limited number of tickets to be issued;
- that an adequate number of suitable stewards or security staff are made available;
- the relocation of the Designated Activity to an alternative venue;
- the admission (or non-admission) of members of the public;
- checking the identity of persons attending the Designated Activity;
- the admission or exclusion of press, television or broadcasting personnel;
- filming/recording an event to deter the use of unlawful speech;
- imposing conditions on how the event is advertised;
- requiring sight of any promotional materials before the event;
- restricting what materials are available at the event;
- making a translator available to BU staff attending the event;
- appointing a named individual as chairperson to facilitate the event and ensure that more than one viewpoint is heard;
- requiring a speaker with an alternative viewpoint to speak at the event to provide a balanced debate;
- training staff involved in the event on how to facilitate well-balanced debate;
- supporting and encouraging SUBU and the student body to host debates;
- providing any additional information which is requested; and/or
- postponing the event if necessary to enable one or more of the steps above to be taken.

5.9 Security arrangements would normally be at BU's cost and organisers would not be expected to contribute to the costs of security other than in exceptional circumstances. BU considers the following to be exceptional circumstances:

- a) Where event organisers have not followed the procedures set out in this Code of Practice and in the Designated Activity Request Form and/or have not given the required notice; and/or
- b) Where the estimated cost of security exceeds £5,000, this level of provision and cost will be discussed with event organisers in order to determine whether the event can take place safely and how that can be funded. This cost is considered exceptional by reference to the fact that BU has never had an event where security costs have exceeded £5,000.

5.10 The decision of the Pro Vice Chancellor - Education and Quality will be made within five working days of their receipt of the Designated Activity Request Form (or, where requested, the receipt of any additional information) and will be notified in writing to the Principal Organiser. The Designated Activity may only

be advertised or promoted internally or externally if permission for it to take place has been granted.

- 5.11 If a Designated Activity is approved, the Principal Organiser must inform the Pro Vice Chancellor - Education and Quality if there is a material change to an event booking. Such changes may include, but are not limited to:
- a different speaker;
 - the intended audience;
 - the number of people expected to attend the event;
 - a different venue;
 - a different sponsor;
 - substantive changes to the speaker's speech;
 - substantive changes to any promotional material.
- 5.12 Details of any material changes to event bookings should be sent by email to the Pro Vice Chancellor - Education and Quality immediately upon the Principal Organiser becoming aware of any such changes.
- 5.13 The Pro Vice Chancellor - Education and Quality may amend any conditions imposed or cancel a Designated Activity in light of changed circumstances or factors not known at the time of reviewing the application.
- 5.14 The Principal Organiser shall be responsible for ensuring the speaker and the Chair of the Designated Activity are aware of this Code of Practice and associated policies together with any conditions imposed by the Pro Vice Chancellor - Education and Quality that they need to know.
- 5.15 The Chair and Principal Organiser of the Designated Activity have a duty to ensure that, as far as possible, the audience and the speaker act in accordance with the law during the course of the Designated Activity. In the case of unlawful or potentially unlawful conduct by members of the audience, the Chair or Principal Organiser is required to give appropriate warnings and, should such conduct continue, require the withdrawal or removal of the persons concerned by stewards or security personnel. If such persons are students or employees of BU, they may be subject to disciplinary proceedings under the BU's regulations. If the speaker infringes the law, the Chair or Principal Organiser may curtail or end the Designated Activity. The Chair or Principal Organiser is responsible for calling for police assistance (via 222) to prevent serious disorder.
- 5.16 If the Chair and Principal Organiser decide that they do not wish to comply with the conditions set by the Pro Vice Chancellor - Education and Quality, they may not hold their event on BU's premises (or online) and they may not hold it away from BU's premises if it references BU, Bournemouth University, SUBU or its Clubs & Societies in any way (including, but not limited to using the name or branding of any of these organisations).

6. DESIGNATED ACTIVITIES – APPEALS

- 6.1 In the event that the Principal Organiser of any event wishes to appeal against a decision of the Pro Vice Chancellor - Education and Quality such appeal is to be made in writing to the Clerk to the University Board, (boardclerk@bournemouth.ac.uk) on behalf of the University Board, whose decision shall be final. The appeal should be lodged at least five working days prior to the date on which the Designated Activity is due to take place.
- 6.2 Where the Designated Activity raises a complex issue, it may take longer than five working days to make a decision, particularly where external legal advice is required. It may therefore be necessary to postpone the Designated Activity pending a decision by the Clerk to the Board. The Principal Organiser will be informed if this is the case.

General

7. COMPLAINTS AND CONCERNS

- 7.1 Staff wishing to raise complaints or concerns about compliance with this Code of Practice should do so following the Staff Grievance Policy and Procedures. Students wishing to raise complaints or concerns about compliance with this Code of Practice should do so following the Student Complaints Policy and Procedures.
- 7.2 Third parties who are not staff or students should raise a complaint or concern about compliance with this Code of Practice in the first instance with the Pro Vice Chancellor - Education and Quality at FoS@bournemouth.ac.uk. Where the complaint or concern relates to a decision made by the Pro Vice Chancellor - Education and Quality it may be raised with the Clerk to the Board on behalf of the Board by email to boardclerk@bournemouth.ac.uk
- 7.3 Non-compliance with this Code of Practice may constitute a disciplinary matter for staff or students.
- 7.4 The Office for Students may establish a freedom of speech complaints scheme.²

8. REFERENCES AND FURTHER INFORMATION

- 8.1 The Education (No.2) Act 1986 s.43
<http://www.legislation.gov.uk/ukpga/1986/61/section/43>

² The OfS had planned to open its free speech complaints scheme on 1 August 2024. Given the government's decision to stop implementation of the remaining provisions of the Higher Education (Freedom of Speech) Act 2023, the scheme is currently not operational. For further information see: [Freedom of speech - Office for Students](#).

- 8.2 The Education Reform Act 1988
<http://www.legislation.gov.uk/ukpga/1988/40/contents>
- 8.3 Higher Education (Freedom of Speech) Act 2023
<https://www.legislation.gov.uk/ukpga/2023/16/enacted>
- 8.4 The Human Rights Act 1998:
<http://www.legislation.gov.uk/ukpga/1998/42/contents>
- 8.5 The Equality Act 2010:
<http://www.legislation.gov.uk/ukpga/2010/15/contents>
- 8.6 The Public Order Act 1986:
<http://www.legislation.gov.uk/ukpga/1986/64/contents>
- 8.7 Protection from Harassment Act 1997:
<http://www.legislation.gov.uk/ukpga/1997/40/contents>
- 8.8 Counter-Terrorism and Border Security Act 2019:
<http://www.legislation.gov.uk/ukpga/2019/3/contents>
- 8.9 Counter-Terrorism and Security Act 2015:
<http://www.legislation.gov.uk/ukpga/2015/6/contents>
- 8.10 “How Can Universities Prepare for the Higher Education (Freedom of Speech) Act?” Universities UK, October 2023. [How can universities prepare for the Higher Education \(Freedom of Speech\) Act? \(universitiesuk.ac.uk\)](https://www.universitiesuk.ac.uk/Higher-Education-Freedom-of-Speech-Act/)

9. APPENDICES

Appendix 1 Link to Designated Activity Request Form