**University of Wolverhampton Freedom of Speech Code of Practice**

1. **Introduction**
   1. The Education (No 2) Act 1986 (section 43) requires universities to ‘take such steps as are reasonably practicable’ to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers[[1]](#footnote-1). This requirement has been reinforced by the Freedom of Speech (Higher Education) Act 2023.
   2. Freedom of speech is also a qualified right protected by the Human Rights Act, particularly Article 10 which states that “Everyone has the right to freedom of expression. This right includes the freedom to hold opinions and to receive and impact information and ideas without interference by public authority and regardless of frontiers”.
   3. The University of Wolverhampton values diversity and is committed to the principles of academic freedom and free speech. The Board of Governors have a responsibility to maintain a code of practice[[2]](#footnote-2) setting out:

* the University’s values relating to freedom of speech and how these values will be upheld;
* procedures to be followed by staff and students in relation to teaching and research, meetings and activities held in the name of the University (including the conduct required of people in connection to any such meeting or activity);
* the criteria to be used in making decisions whether to allow events to proceed and on what terms; and
* any other matters the governing body considers appropriate.
  1. This Code of Practice meets the duty outlined above and describes the University’s approach and procedures for balancing its responsibilities for freedom of speech with other relevant legal requirements, including laws that protect national security and public safety, for the prevention of crime and for the protection of the legal rights of others (e.g. in relation to harassment and discrimination). There is a presumption that the use of the premises of the University (physical or online) will not be denied to any individual or body of persons on any ground connected with their beliefs or views, or their policy or objectives, unless there is a lawful basis for doing so. Universities should be beacons of free discussion and debate, and defending free speech and academic freedom means that sometimes people will hear things that offend them. As long as that speech is within the law, the University will support it.
  2. The governing body has delegated responsibility for ensuring compliance with its code of practice to the University Secretary, who will put in place policies and procedures to embed this in University practice. This Code of Practice should be read in conjunction with the University’s policies as set out in Annex A.
  3. The Higher Education (Freedom of Speech) Act 2023 received Royal Assent in May 2023 and the Government has stated it will be implemented from 1 August 2025[[3]](#footnote-3). The regulations do not yet require us to implement changes to the Freedom of Speech complaints scheme but the University will review its complaints process as necessary.

1. **Scope**

2.1 This Code of Practice applies to all members of the University of Wolverhampton, including the Chancellor, Pro Chancellors, members of the Board of Governors, staff, registered students, temporary staff and contractors.

2.2 The principles outlined apply to all activities, meetings and events carried out in the name of the University, or affiliated thereto, whether on or off-site, face-to-face or online and whether or not external speakers are involved. The procedures outlined in this Code apply to all activities, meetings and events as defined in the procedures below.

2.3 This Code of Practice is accessible on the University’s intranet and website.

1. **Key concepts**
2. Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing[[4]](#footnote-4). A healthy academic environment is one where debate is positively encouraged, where a wide range of ideas can be considered and examined both in the academic curriculum and in the wider life of the University.
   1. Freedom of speech within the law is protected. This means that speech will not be protected if it contravenes laws, including those in relation to discrimination and harassment[[5]](#footnote-5). Illegal or unlawful acts will not be tolerated by the University.
   2. Academic freedom, as defined in the Higher Education and Research Act 2017[[6]](#footnote-6), means 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 in jeopardy of losing their jobs or privileges they may have at their institutions. An individual would be deemed to have been adversely affected if they had either lost their job or privileges at the University or experiences a reduction in the likelihood that they would secure a promotion or different job at the University. Academic freedom shall extend to all academic staff and to any visiting or guest lecturer invited by the University.
   3. The University also has duties, including under Article 9 of the European Convention on Human Rights when it is performing a public function; and to both staff and students under the Equality Act 2010. However, lawful speech is protected within this legal framework. There are likely to be elements of the academic and work environment of the University which could include exposure to views that some may find offensive, controversial or unacceptable, but are nonetheless within the law; these are unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.
   4. In addition to the legal responsibilities to protect free speech and academic freedom and the duties articulated at paragraph 3.4 above, the University is also subject to other duties such as the Public Sector Equality Duty. This is placed on the University for it to have regard to the need to (1) eliminate discrimination, harassment, victimisation and other conduct prescribed by the Equality Act 2010, (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The University must find a way to balance all its lawful rights and duties.
   5. While the University supports staff, students and visiting speakers in articulating uncomfortable ideas or opinions, it is crucial to note that freedom of speech is not absolute. Balancing the promotion and protection of free speech with legal boundaries is a challenge for universities. It involves recognising complex situations and making difficult judgments, often balancing conflicting rights. There will be a need, on occasion, to balance the right to freedom of speech against the need to protect the rights of others. The University will not unreasonably refuse to allow events to be held on its premises or networks unless there is a conflicting legal basis which is deemed to provide a compelling reason for refusal and/or restriction. However, the University is not a public square, and it is not obliged to host activities and events or provide speaking opportunities to anyone who desires one.
   6. In particular, grounds for refusal may include where the event is deemed likely to provide a platform for unlawful speech, such as inciting individuals to commit a criminal act (e.g in breach of the Terrorism Acts 2000 and 2006), give rise to a breach of the peace (in contravention of the Public Order Act 1986) or other potentially unlawful activities or expression of views (this list is for illustrative purposes only and is not exhaustive; queries should be directed to the University Secretary).
3. **Values**

4.1 The University’s core values, which support and uphold free speech and academic freedom, are as follows:

* **Ambitious:** We are imaginative, confident, innovative and deliver excellence.
* **Resilient:** We have a positive outlook, we are adaptable and recover from setbacks.
* **Inclusive:** We are welcoming, respectful, collegiate and supportive.
* **Accountable:** We take pride in what we do and how we do it, take responsibility for our actions and operate with transparency and integrity.

4.2 These values underpin the policies and procedures that support this Code of Practice.

1. **Institutional neutrality**
   1. The University’s commitment to free speech and academic freedom means that, to ensure all members of our community feel free to express their ideas without fear of repercussions, we will take a position of institutional neutrality.
   2. Except where expressly agreed by the Board of Governors in line with advancing the University’s principal powers (as defined in section 3 of the University’s Instrument of Government), the University does not take an institutional position on political, cultural and religious debates to ensure that individuals are not discouraged from expressing themselves freely within the law. This does not prevent staff, including those in senior positions, from expressing their own views on these issues, provided they do not do so on behalf of the University.
2. **Steps the University takes to ensure freedom of speech within the law**
   1. The University will publicise this Code to all staff and students and seek ways to embed the protection of free speech and academic freedom into the work and culture of the organisation.
   2. 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:
3. Its processes for programme development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom;
4. Its processes for facilitating research will respect the rights of freedom of speech and academic freedom; and
5. no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the University solely because of the lawful exercise of freedom of speech or academic freedom. However, this will not preclude the University from taking disciplinary action against an individual where the relevant behaviour contravenes any applicable University policy.
   1. The University will not enter into non-disclosure agreements related to complaints about (a) sexual abuse, sexual harassment or sexual misconduct, and (b) bullying or harassment not falling into (a).
   2. The University will:
6. bring this Code of Practice to the attention of new students at registration and new staff during induction;
7. offer staff training on freedom of speech and academic freedom, as is appropriate to their respective roles;
8. periodically survey staff, students and other stakeholders for their views on freedom of speech and academic freedom at the institution and take the findings into account;
9. endeavour to ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;
10. put in place protocols so that when new policies and procedures are introduced or reviewed, consideration is given to their impact on freedom of speech and academic freedom; and
11. monitor any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practical and that any lessons learned are incorporated into a review of relevant policies practices and procedures.
12. **University events and meetings** 
    1. Where any individual or body subject to the obligations of this Code of Practice (as set out at paragraph 2.1 above) wishes to hold an event, meeting or other activity for the expression of any views or beliefs held or lawfully expressed on University premises or under the University name (in person or online), consent must be sought.
    2. It shall be reasonable to refuse consent where the University reasonably believes (e.g., from the nature of the speaker or from similar activities in the past whether held at the University or otherwise) that, without limitation:
13. the views likely to be expressed by any speaker are likely to be contrary to the law or the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
14. may give rise to an environment in which people will experience, or could reasonably fear, discrimination, or harassment, particularly on account of age, disability, gender reassignment, marriage or civil partnership status, pregnancy, maternity, race, religion or belief, sex or sexual orientation;
15. the speaker and/or the organisation they represent advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs;
16. the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations; or
17. it is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University, that the event does not take place.
    1. Organisations designated as ‘proscribed’ by H.M. Government will not be able to use University premises or speak at events held under the University name (in person or online).
    2. Where the University is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on University premises is likely to give rise to disorder or threats to the safety of participants or the wider University community, the University shall consider what steps it is necessary to take to ensure the safety of all persons and the security of the premises controlled by the University. These may include but are not limited to requirements as to the provision of security/ stewards, the speaker being part of a panel or ensuring that a member of staff is in attendance. The University may impose such conditions and requirements upon the organisers as it considers are reasonably necessary in all the circumstances, following a risk assessment and discussion with Security staff.
    3. The University will not usually but may pass on the costs of security for using the premises to those arranging the relevant event or meeting in certain circumstances, such as where the costs are wholly disproportionate to the numbers likely to be attending the event and the event could be held in a more proportionate way, or where a visiting speaker could reasonably be expected to have their own security because of the political or state office they hold.
    4. Where the University concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, and the University is satisfied that it has considered other alternatives, it may decline to permit the event to proceed, however this should only be done in exceptional circumstances and the rationale will be clarified to organisers.
    5. Where any person or body to whom this Code of Practice applies is seeking to hold an event or meeting outside of the normal academic curriculum (as determined by the University Secretary following consultation with relevant colleagues) or one to which an external speaker will be invited, the University’s External Speaker Procedure in Annex B will be followed.
18. **Conduct at events**
    1. The University is committed to taking reasonably practicable steps to secure free speech within the law for its staff members, students and visiting speakers. The University expects students, staff and visitors to ensure that freedom of speech within the law is assured.
    2. All persons to whom this Code of Practice applies are required to respect the principle of freedom of speech and expression while undertaking University work and shall show respect and tolerance towards the right of others to express their views, opinions and beliefs within the law, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.
    3. A member of staff or student who organises an event on behalf of the University (in person or online) shall be responsible for ensuring, as far as is reasonably practicable, that the event is conducted in a manner to promote free speech, whilst maintaining good order and academic discipline and does not involve or lead to damage to property or an infringement of the law. The University’s Management of Approved Events Procedure in Annex C will be followed.
    4. University staff and students are required to ensure that they do not wilfully engage in conduct that prevents, obstructs or disrupts the holding or orderly conduct of any event or other lawful activity that takes place on the University’s premises or under the University name.
    5. Nothing in this Code of Practice shall be taken to prohibit the lawful exercise of the right to peacefully protest. Protests against an event must be conducted without infringing the rights of others, including others’ rights to freedom of speech. No protest should seek to prevent an event allowed under this Code of Practice from going ahead as scheduled.
    6. Infringements of, or departures from, this Code of Practice may render those responsible subject to disciplinary proceedings; however, the code of practice is not intended to be punitive and issues arising with external speakers will initially be reviewed with a view to updating the processes. In addition to disciplinary proceedings, breaches of the law may give rise to criminal prosecution. All staff and students are under an obligation to assist with any investigation into any allegation of a breach of this Code of Practice.
19. **Teaching and research settings**
    1. This section applies to activities taking place in teaching, education, and research settings as well as other academic activities that take place within the University, whether organised by staff or students. All such activities should have an identified ‘Organiser’, for example, this may be the teaching module lead. The organiser is responsible for compliance with this Code of Practice.
    2. When teaching potentially sensitive or controversial views, organising activities such as research seminars, or other academic activities, the organiser should consider what steps they can reasonably take to ensure that free speech and academic freedom is protected. This includes creating an inclusive environment that ensures that all students or participants are given the opportunity to present and argue in favour of alternative viewpoints, and teaching students’ principles that enable them to ‘disagree well’, for example ways to provide evidence and rational argument for their views.
    3. Further steps could include, for example:
20. Identifying in advance any topics that may be reasonably considered to have an adverse impact on particular students or participants, making it difficult for them to participate in the activities in question, how this might manifest during the activity, and how this will be addressed if or when it does arise;
21. Speaking to participants at the start of a module that contains potentially sensitive or contentious topics and outlining how challenging issues will be discussed in a way that allows all points of view to be expressed and discussed rigorously and respectfully;
22. Providing information in advance about any sensitive or contentious content, to enable participants to prepare and to be able to articulate their point of view rigorously and respectfully during discussions, and to consider any ‘after care’ that some people may request or need; and
23. Reminding all participants of their obligations under this Code of Practice and expected student conduct as set out in regulations, policies and bye laws.
    1. Occasionally, situations may arise where the views expressed cause particular distress to some staff or students. Where possible, this risk should have been identified in advance and actions taken to mitigate the risk, such as those listed above. Should a particularly challenging situation arise, it will be up to the academic member of staff responsible to determine the most appropriate response. This could include providing those who are distressed with an opportunity to articulate their point of view, and to explore this with the rest of the group. It may also be helpful to take a temporary break in the session to provide time for reflection and to discuss the issue with the staff or students concerned. The University would not expect an activity to be cancelled in these circumstances as this may deprive other students of the opportunity to express their freedom of speech and to explore challenging issues.
24. **Procedure for dealing with breaches and complaints**
    1. The University may take steps to secure compliance with this Code of Practice, including, where appropriate, disciplinary action.
    2. If misconduct is allegedly committed at or in connection with an event or activity to which the provisions of this Code of Practice apply, in addition to any internal disciplinary procedures (staff or student) that may be appropriate, the University may also take steps to assist the police in identifying any persons allegedly committing criminal offences.
    3. Any concerns regarding this Code of Practice or the actions of the University in respect of it should be directed to the University’s Secretary at [freedomofspeech@wlv.ac.uk](mailto:freedomofspeech@wlv.ac.uk) in the first instance. For complaints relating to this Code of Practice, or actions taken in connection with it, please see the Freedom of Speech Complaint Procedure in Annex D below.
25. **Governance, review and advice**
    1. The University’s Secretary is authorised by the University’s Board of Governors to act on their behalf to ensure compliance with this Code of Practice and its review.
    2. The University’s Secretary will review this Code of Practice annually and, if they deem it necessary, recommend amendments to it for consideration by the Board of Governors. Any proposed changes will be made with appropriate consultation, and will be considered through the University’s governance structures including University Executive Board and Academic Board prior to consideration by the governing body.
    3. The University Secretary will provide regular reports on compliance through the Academic Board.

**Annex A**

**Related policies and procedures**

Bye-law 3 – Student Conduct ([Bye-law 3 for website 2012](https://www.wlv.ac.uk/media/wlv/pdf/Bye-law-3.pdf))

Complaints framework and associated policies

Staff Grievance Procedure

Student Code of Conduct and Disciplinary Procedure

Staff Disciplinary Policy and Procedure

Equality, Diversity and Inclusivity policy

Dignity at work and study policy

Terms and conditions for students

Social Media policy

*Policies, procedures and related training materials will be kept under review in line with the updated Freedom of Speech Code of Practice.*

**Guidance and training**

Guidance to follow – under development, in line with Office for Students guidance.

Training and workshops will be provided to event organisers to help them understand the changes to the policy and help ensure consistency.

General training will be provided to staff and students to understand their responsibilities under the Freedom of Speech Code of Practice and the Office for Students Duty.

**Annex B**

**Event approval procedure**

*In order to comply with the Prevent Duty (the Duty) all Regulated Higher Education Bodies (RHEBs) should have policies and procedures in place for the management of events on campus and use of all RHEB premises. The policies should apply to all staff, students, apprentice learners and visitors and clearly set out what is required for any event to proceed. All RHEBs are required to balance their legal duties in terms of both ensuring freedom of speech and academic freedom and also protecting student/ apprentice learners and staff welfare. However, encouragement of terrorism and inviting support for a proscribed terrorist organisation are both criminal offences (see s7.3). RHEBs should not provide a platform for these offences to be committed.*

*In carrying out the Duty, further and higher education settings must have particular regard to their duties relating to freedom of speech and academic freedom. Freedom of speech is a qualified right, and it does not include the right for individuals to harass others or incite them to violence or terrorism (see s3.7).  The University of Wolverhampton is required to have policies and procedures in place for the risk assessment (see 7.4) and management of funded, affiliated or branded events, whether they are held on or off premises, or hosted online. This Policy sets out what is required for any event to proceed or the grounds on which it might be reasonable to not provide consent (see s.7). Every RHEB needs to balance its legal duties in terms of both securing freedom of speech and protecting learner and staff welfare.*

**1. When to use this procedure**

1. This procedure is annexed to, and should be used in conjunction with, the Freedom of Speech Code of Practice. The Code promotes the importance of free speech and academic freedom, in line with the University’s duty to protect and promote free speech. If the speech is within the law, the University will take any reasonably practicable steps to ensure those rights are secured.

1.2 The External Speaker procedure should be followed whenever an external speaker is invited to an event held in the University of Wolverhampton’s owned premises, off-campus but under the University’s name, or online and branded as a University of Wolverhampton event. Where the University is to provide commercial event hosting services to a third party, the relevant member of staff with responsibility for coordinating the provision of these services to the third party will be considered to be the organiser for the purposes of this procedure and will adhere to this procedure. Event organisers agree to abide by the Code of Practice.

1.3 This procedure should not be used for events being led by University staff, where there are no external speakers involved. All staff are expected to abide by the Code of Practice.

1.4 For events organised by a student, student group, or staff within the Students’ Union, please follow the Students’ Union procedure.

1.5 An external speaker or venue booking should not be confirmed until it has been approved by either the University or the Students’ Union. It is therefore important that the process is started at the earliest opportunity.

1.6 For every event involving an external speaker, the External Speaker Request Form must be completed. This form will be the formal record of the proposed event and evidences the process which has been undertaken in making the decision as to whether an external speaker can be approved.

Stage one – self-assessment

1.7 Using the External Speaker Request Form, the Organiser must undertake an objective self-assessment to determine whether further consideration or support is required locally or from the University. The online forms will provide information for a register of events which will enable the University to audit effectiveness of this procedure and whether the duty to protect free speech is being met. It will be managed by the Governance Team.

1.8 The Organiser must ensure that nothing is done to advertise, publicise or promote the event through any channel unless and until this self-assessment has been undertaken and no issues have been identified.

1.9 The self-assessment involves answering three questions:

1: Is the speech ‘within the law’?

2: Are there any objective concerns about the event content which might breach the Freedom of Speech Code of Practice?

3: Will the event attract media interest or have the potential to attract a large gathering, which might have health and safety or crowd control implications (e.g. a protest)?

(For example, is the speaker from a group proscribed in the UK? Could they incite hatred or violence? Does the speaker have a controversial profile in the media which is likely to attract media interest or attract large numbers requiring security support?)

1.10 The Organiser must make themselves aware of the background and reputation of the external speaker in order to be able clearly to consider the above self-assessment questions. The first consideration should always be whether the event can be managed safely and whether any measures should be put in place to mitigate any identified risks, in order that the event can take place. The assumption is that most events will proceed.

1.11 If the answer to the first question is no, seek advice from the University Secretary or Deputy University Secretary before proceeding.

1.12 If the Organiser reasonably decides that there are no issues the event can go ahead. It is anticipated that the vast majority of events organised will fall into this category.

Stage two – local assessment

1.13 If the organiser has answer YES to question 2 and/or 3, they should raise the concerns identified in the self-assessment form with the Faculty Registrar or Professional Services Director or their nominated deputy (‘local approver’). These people are responsible for ensuring that, in their absence, there are named staff who can deal with queries.

1.14 If the local approver believes the case is straightforward and assess the risk to be low, they can approve at the local assessment stage. They may consider various mitigations which will enable the event to proceed safely. Local assessors may seek advice from the University Secretary or Deputy University Secretary.

1.15 Mitigations may include (as necessary):

* Ticketing of the event
* Potentially limiting attendees or confirming details of attendees in advance, and limiting what attendees may bring to the event
* Limitations on promotion or advertising or restriction of where materials can be placed
* Supervisors to be provided by the organisation, with the presence of nominated University staff to ensure good order (which may include nomination by the University Secretary of an independent chair for the event)
* Not allowing banners, flags or place cards or similar items into the building or onto relevant parts of the site
* Closing down the event if there is a breach of the law or threat to safety, even if the event is underway
* Speakers being open to challenge and debate
* Facilitation of the attendance of those who may hold views contrary to those expressed by the speaker(s) at the event
* Stipulation that the event is recorded in order to provide a definitive record.

1.16 If security is identified as a necessary mitigation, this should be discussed with the Security team as soon as possible. As per the Freedom of Speech Code of Practice, the University will not usually pass on the costs of security for using the premises to those arranging the relevant event or meeting but may do so in certain circumstances, such as where the costs are wholly disproportionate to the numbers likely to be attending or where there are more proportionate ways of holding the event.

Stage three – University assessment

1.17 If the self- or local assessment process identifies significant concerns which are unable to be easily mitigated, the request should be escalated to the Governance Team for further assessment.

1.18 All relevant information from self-assessment and local assessment that is not included in the online forms should be forwarded to the Governance Team at [freedomofspeech@wlv.ac.uk](mailto:freedomofspeech@wlv.ac.uk) no later than 10 days before the event is due to take place. The University Secretary or Deputy University Secretary will consult as appropriate to consider the case in line with the Freedom of Speech Code of Practice.

1.19 The University Secretary or Deputy University Secretary will make a decision as soon as is practicably possible. If it is possible that the event can proceed safely with mitigations and there are practicable steps to take to protect free speech, they will approve the request. If they do not agree that it is possible to proceed without significant mitigations, they will decline the request.

Appeal

1.20 Where a request is declined, the University will provide reasons to the organiser who has the right to appeal any decision not to allow the event to proceed. An appeal should be made within 5 working days in writing to the University Secretary.

1.21 Any appeal will be considered by a panel of two members of the University Executive Board who were not involved in making the original decision.

1.22 The appeal will be considered as soon as is practicably possible in advance of the proposed date of the event.

1.23 The decision of the panel is final.

**Annex C**

**Management of approved events**

1.1. Following event approval, the Organiser shall be responsible for liaising with the relevant members of University staff to secure the use of the premises and all associated facilities and services which may be required to facilitate the staging of the event. The Organiser shall be responsible for compliance with all relevant promotion and advertising timescales, as are stipulated by the University, in respect of their event. The promotion and advertisement of an event by the University will be subject to the availability of relevant resource.

1.2. The University shall be entitled but not obliged to nominate a member of staff (the ‘Event Liaison Officer’) to act on its behalf during the planning and staging of an event. The Event Liaison Officer shall have authority to take any lawful action on behalf of the University and to issue reasonable instructions to the Organiser to ensure the good conduct of the event and compliance with the Code of Practice.

1.3. The Organiser must comply with all lawful restrictions stipulated by the University in relation to the location and management of the event including, without limitation, stewarding, control over proceedings and ensuring adequate supervision of those attending.

1.4. The Organiser will be responsible for meeting costs involved in organising and holding the event (for example, catering or marketing), and for ensuring as far as possible that nothing in the organisation and holding of the event infringes the law in any way. However, apart from in exceptional circumstances, use of University premises by any individual or body should not be on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises.

1.5. The Organiser will make all external speakers (if any) aware of the Code of Practice prior to the commencement of the event.

1.6. While an event is in progress, the University shall have the right to require the Organiser to terminate the event if the conduct of the event gives rise to concerns for the University that the safety of persons attending cannot be reasonably guaranteed, or that a breach of the law or a breach of the Code of Practice or any of the restrictions imposed pursuant to the event approval process occurs or is deemed by the University to be likely to occur.

1.7. The University may also withdraw its consent and terminate an event either during or prior to its commencement if it becomes apparent that the content/nature of the event or the identity or numbers of speakers previously notified to the University have changed and this raises concerns as set out in paragraph 1.6 above. This includes a situation where an attendee speaks at the event.

**Annex D**

**Complaint procedure**

1.1. This Freedom of Speech Complaint Procedure can be used by staff of the University, applicants for employment by the University and visiting speakers who wish to raise concerns relating to a breach of the Freedom of Speech Code of Practice (a “Complainant”). Students can continue to complain through existing routes, up to the Office of the Independent Adjudicator.

1.2. Complaints should be submitted to the University Secretary within 30 days of the incident or event occurring. The University will not normally accept complaints made outside of this timeframe unless substantial mitigating evidence is provided to show that engagement in the complaints during the procedural timescales was not reasonably possible.

1.3. Complaints should be submitted using the designated Freedom of Speech Complaints form, which is available on request from freedomofspeech@wlv.ac.uk, and supported by complete evidence. There is not normally a further opportunity to submit additional evidence, following initial submission.

1.4. Following receipt of a complaint form, a nominee, on behalf of the University Secretary, will consider the complaint to determine if the complaint falls within the scope of this procedure and whether to commence an investigation. Whilst complaints received from Complainants on an anonymous basis will be considered, it may not be possible for the University to effectively investigate these complaints and it may decline to investigate further. The starting point of any process will be that lawful speech will not be punished because of a viewpoint that it expresses.

1.5. The University may redirect the complaint in part, or in full, if it believes that concerns raised by the Complainant are better considered under another relevant University procedure. In this instance, the Complainant will be informed of this decision in writing and directed to the appropriate procedure and team. Where the Complainant is a member of staff, this may include the University’s Staff Grievance Procedure.

1.6 The University will reject vexatious, frivolous or obviously unmeritorious complaints relating to speech. This will be considered as part of the initial triage process. It may not always be possible to determine if a complaint is vexatious at the outset.

**2. Investigation**

2.1. Following consideration, and if it is determined that the complaint falls within the scope of this procedure, an investigator will be appointed (the “Investigator”). The Investigator, so far as reasonably possible, will not have had any prior involvement with the event, incident or persons raising the concerns, to ensure that a fair and impartial investigation can be undertaken.

2.2. The Investigator will aim to conclude their investigation within 20 working days of formal appointment. The intention is to conclude any investigation as rapidly as is reasonably practicable and compatible with fairness.

2.3. The Investigator will have access to the submitted complaint form and evidence. The Investigator may arrange a meeting with the Complainant to seek clarification of their concerns. The Investigator may also identify and speak to witnesses or seek further evidence.

2.4. If the Complainant is invited to meet with the Investigator, staff members may be supported in the meeting by a Trade Union representative or a colleague. As the Freedom of Speech Complaint Procedure is an internal procedure, focused on resolution, it is not normally expected that external or legal representation will be required/permitted to attend a meeting with the Investigator.

2.5. Following investigation, the Investigator will determine if the complaint is Upheld, Partially Upheld or Not Upheld. This will be communicated to the Complainant in writing and will be supported by the provision of rationale for the decision taken. The complaint process should be a learning opportunity; following the completion of investigation the University Secretary will consider the implications for the Code of Practice and whether the Event Approval Procedure needs reviewing and/or revising.

**3. Review**

3.1. If the Complainant remains dissatisfied following the outcome of the complaint, they may request a review of the complaint outcome. The Complainant should request a review in writing, making clear their grounds for escalation. The submission of new evidence is not normally valid grounds for requesting a review, unless it can be shown that it was not reasonably possible to submit the evidence for consideration as part of the initial investigation.  
  
3.2. Requests for review should be made no later than 10 days after the date of the investigation outcome letter.

3.3. If accepted, the review will be undertaken by a member of the University Executive Board.

3.4. The Reviewer will aim to complete the review within 20 working days following formal acceptance/appointment.

3.5. The Review will be a desk-based review of the complaint, available evidence/documentation, and the outcome of initial investigation. The review will not normally necessitate further investigation of the concerns; however, the review will seek to establish:

a) If the procedure was followed; and

b) Whether the previous investigation and outcomes were arrived at fairly and were proportionate.

3.6. The outcome of a review will be communicated to the Complainant in writing, providing details of their consideration and rational. The outcome of the review is final.

3.7. The University may take disciplinary action in relation to complaints that are found to be vexatious or malicious.

**Summary version of the University of Wolverhampton External Speaker procedure**

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| **External Speaker (non UoW Staff/Student) to be invited to speak on University premises (or off-campus under UoW name, or online)** |

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| For events being organised by a student, student group, or staff member of a department within the Students’ Union, please follow the Students’ Union External Speaker Procedure | For **ALL other events** with an external speaker, please follow the University External Speaker Procedure as summarised below: |

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| Complete the UoW External Speaker Request Form using the External Speaker Procedure as guidance.  In ALL cases, please complete the External Speaker Request Form. Complete Stages 2 and 3 as appropriate  **Stage 1 – Self-Assessment**  **Stage 2 – Local Assessment**  **Stage 3 – University Assessment**  **It is anticipated that the vast majority of events organised will not need to proceed beyond Stage 1.**   * If you answer **NO** to self-assessment question 1 you must seek advice from the University Secretary or Deputy University Secretary or you should not proceed. * You only need to move on to Stage 2 (Local assessment) if you answer **YES** to **EITHER** self-assessment question 2 or 3. * You only need to move on to Stage 3 (University assessment) if the local assessment cannot approve the event with or without mitigation. |

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| Where permission to host an external speaker is declined in Stage 3, the University shall provide reasons to the Organiser, who has the right to appeal any decision not to allow the event to proceed within 5 working days in writing to the University Secretary. |

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| **An external speaker or venue booking should not be confirmed until it has been approved by either the University of Wolverhampton or the Students’ Union. It is therefore important that the process is started at the earliest opportunity.** |

In the event being organised by a student, student group, or staff member of a department within the Students’ Union?

External speaker invited to speak on University premises, online, or off-campus under UoW brand

The Faculty Registrar or PS Director will consider the self-assessment and the concerns identified. They may approve the event if the case is straightforward and they assess the risks to be low.

Is the Faculty Registrar or PS Director able to approve the event, either with or without mitigation?

**Stage 1 self-assessment**

The organiser must undertake a self-assessment to determine whether further consideration or support is required from the University or locally.

Step 1: Is the speech ‘within the law’? If no, seek advice before proceeding.

Step 2: Are there any objective concerns about the event content which might breach the Freedom of Speech Code of Practice?

Step 3: Will the event attract heightened media interest or have the potential to attract a large gathering, which might have health and safety or crowd control implications (e.g. a protest)?

Where a request is declined, the University will provide reasons to the organiser who has the right to appeal any decision not to allow the event to proceed. An appeal should be made within 5 working days in writing to the University Secretary.

**EVENT DOES NOT GO AHEAD**

All relevant information is relation to the event and the external speaker must be forwarded to the Governance Team via the form, no later than 10 days prior to when the event is due to take place.

The University Secretary or Deputy University Secretary will consult as appropriate to consider the case in line with the Freedom of Speech Code of Practice and make a decision.

Is the request approved?

**Stage 3 University assessment**

If the self and/or local assessment identifies significant concerns which are unable to be easily mitigated, the request should be escalated to the Governance Team for further assessment

**Stage 2 local assessment**

The organiser should raise the concerns identified in the self-assessment with the Faculty Registrar or Professional Services Director (or their nominated Deputy).

Is the answer to question 2 or 3 YES?

Follow the UoW External Speakers procedure using the form

Follow the Students’ Union procedure

**Case studies from the Office for Students Regulatory Advice 24 Freedom of Speech guidance June 2025 (**[**Regulatory advice 24: Guidance related to freedom of speech - Office for Students**](https://www.officeforstudents.org.uk/publications/regulatory-advice-24-guidance-related-to-freedom-of-speech/)**)**

**Example: harassment through social media**

*Students at provider A participate in a seminar discussion concerning governing divided societies. During the discussion, student B lawfully expresses a controversial position relating to minority groups.*

*Following the seminar, student C publishes repeated comments on social media attacking student B, tagging them in the posts and encouraging other people to post responses to student B to tell them what they think of their views. Student C’s speech is so extreme, oppressive and distressing that their course of conduct may amount to harassment as defined in the Protection from Harassment Act 1997.*

*Provider A learns of the activity. It carries out an investigation of student C under its social media policy, which forbids unlawful online harassment. In doing so, it is unlikely that provider A has breached its ‘secure’ duty.*

**Example: speaker from a proscribed group**

*Members of provider A make a request to invite speaker B to talk at an online event about the cause of nationalist struggle in country C. Provider A carries out checks on the speaker and learns that speaker B has made repeated statements professing to be a member of proscribed organisation D in another jurisdiction. Provider A rejects the request citing the prohibition on inviting proscribed groups under section 12(2c) of the Terrorism Act 2000.*

**Example: Direct discrimination**

*Professor A at University B attempts to run a seminar series and a conference to explore issues of sex and gender. Professor A holds gender-critical beliefs: the belief that biological sex is real, important, immutable and not to be conflated with gender identity. Gender-critical beliefs are protected beliefs for the purposes of the Equality Act 2010.*

*Following protests about ‘transphobia’ from staff and students, the university requires her to cancel the seminar and the conference. Because of her gender-critical beliefs, the head of Professor A’s department instructs her not to speak to the department about her research, about a cancellation of her invitation to another university, or about the accusation that she is a ‘transphobe’.*

*In acting in this way, University B may have directly discriminated against Professor A. It is also likely to have breached its ‘secure’ duty. In doing this it is unlikely that provider A has breached its ‘secure’ duty. This is because it is unlikely that the measure is affecting lawful speech.*

**Example: Employment victimisation**

*Academic A witnesses what they consider to be sexual harassment by manager B against employee C. Employee C brings a complaint against B and A agrees to be a witness in the complaint. Manager D approaches A and explains that if they continue to support employee C in their claim A’s request for research leave is unlikely to be approved.*

*Depending on the facts of the case, the actions of D may victimise A as the threat to withdraw research leave may be a detriment to their employment as a result of a protected act. The detriment is likely to censor the speech of A and interfere with their academic freedom (for instance, by preventing them from pursuing research).*

*Reasonably practicable steps in this instance will likely include enabling A’s full participation as a witness in the complaint and considering the request for research leave on its merits.*

**Example: religious and political expression**

*A Jewish student puts up a mezuzah on their university accommodation doorpost. Following complaints from students alleging the symbol is politically provocative, the university requires the student to remove it to ‘maintain harmony’, and in light of the need as stated in the Equality Act ‘to foster good relations between persons who share a relevant protected characteristic and persons who do not share it’. The university does not assess whether the restriction was necessary or proportionate, nor does it consider that the student’s freedom of speech includes a right to religious expression.*

*By prioritising objections from other students over lawful expression, the university is likely to have failed to take reasonably practicable steps to secure freedom of speech within the law and therefore to have breached its ‘secure’ duty.*

*More generally, providers and constituent institutions should take appropriate steps to address any chilling effect. For instance, frequent, vociferous and intrusive anti-Israel protests across campus, including outside lecture blocks and accommodation, may have a chilling effect on pro-Israeli speech or Jewish religious expression. Students may self-censor support for Israel, and Jewish students might be chilled from expressing their religious beliefs on campus. Regulation of the time, place and manner of such protests may be a reasonably practicable step to take to secure the speech of students*

**Example: intruding into classrooms and university values**

*A requirement that protestors should not intrude into classrooms, or attempt to shut down debate and discussion, is suitably neutral as to the viewpoint expressed. By contrast, a requirement that protests should not express views that undermine the university’s values, may unlawfully suppress the expression of a particular range of viewpoints.*

**Example: maths lecturer expressing political views**

*A university lecturer in maths uses his lectures not to teach maths but to express his political views at length (but within the law). University B disciplines A because of the time and place of this speech However, it does not investigate, discipline or otherwise sanction the lecturer for expressing those views (again within the law) on social media.*

*In taking these steps it is unlikely that B has breached its ‘secure’ duty. The lecturer’s speech is preventing an essential function of the university, in this case teaching. Therefore it is unlikely to be a reasonably practicable step to permit the speech.*

**Example: speaker on a regional war**

*Dr A proposes to invite speaker C to university B on a regional war. Speaker C is strongly on one side of the issue on which they have been invited to speak. There are many international students at University B, including many from the region affected. Because of this, University B is concerned that the event may contribute to an atmosphere of religious and political tension on campus. However, there is no evidence that the event creates any immediate and specific threat to physical safety. Nonetheless, B refuses permission for the event.*

*Depending on the circumstances, University B may be in breach of its ‘secure’ duty. There is no direct and specific threat to physical safety from Dr C’s lecture. Physical safety concerns are therefore less relevant to the reasonable practicability of permitting the event.*

*In relation to broader concerns about the atmosphere on campus, University B might have taken steps short of refusing permission to Dr A. For instance, it might have offered additional seminars that take other perspectives on the same issue. It might have created additional platforms for constructive dialogue between speakers on both sides. It might have offered support to students who were affected by issues raised in the event. In taking these other steps, University B would have been unlikely to have breached its ‘secure’ duty.*

**Example: public statements by a visiting lecturer**

*Professor X has accepted an invitation as a visiting lecturer at University A. Professor X proposes to deliver a set of lectures on religion. Following the invitation, A is made aware of (lawful) public statements by Professor X that are strongly critical of Islamic attitudes towards women’s rights. These statements themselves provoke strong reactions from some student groups and staff networks. University A rescinds the invitation on the grounds that it is ‘antithetical to the value we place on inter-faith understanding’. There is no evidence that X’s lectures could include unlawful speech.*

*University A has not taken the step of permitting X to deliver the lectures. This step would have secured Professor X’s speech. It is likely to be irrelevant to whether this step is reasonably practicable that X has endorsed, or may express, a viewpoint that is inconsistent with A’s values or unpopular among students and staff. University A is likely to be in breach of its ‘secure’ duty. It should now take the reasonably practicable step of renewing Professor X’s invitation.*

**Example: paper accusing Shakespeare of racism**

*A postdoctoral researcher, A, publishes a paper accusing Shakespeare of ‘systematic racism’ based on an analysis of the sonnets. It is clear and accepted by all parties that A’s speech is lawful and does not violate any lawful regulations or restrictions at A’s university, B.*

*A national newspaper accuses A of attacking a great national figure. It mounts a campaign calling for A to be fired. After two weeks of unnecessary delay, the vice-chancellor of B issues the following statement:*

*‘University B regards free speech as a fundamental value that is at the heart of everything we do. This extends even to views that we consider wrong and that many in our community reject. The views of A do not represent the views of university B. University B is proud of Britain’s literary heritage.’*

*The vice-chancellor of B did not intervene for two weeks. This period of uncertainty may itself have penalised A. Depending on the circumstances, the statement may have undermined A by criticising their position. The statement was not explicit that University B would not punish A. In these circumstances a clear, prompt and viewpoint-neutral response may have been a reasonably practicable step that University B should have taken.*

**Example: social media backlash against a lecturer’s blog**

*A lecturer, Dr C, writes a blog strongly defending the rights of trans people and claiming that these rights are under attack from activists. It is clear that C’s speech is lawful and does not violate any lawful regulations or restrictions at C’s employer, College D.*

*Dr C’s speech provokes an intense response on social media, including widespread calls for C to be fired. Dr C’s employer, College D, immediately issues the following statement internally, to the wider university community and publicly:*

*‘College D will not limit the views expressed by its staff or students beyond what the law prevents. College D will not require any apology from, or take any action against, its members, staff or students for their lawful expression of any viewpoint.’*

*This statement is likely to be helpful. It is prompt, categorical and neutral as to content. Depending on the circumstances, the statement may reduce pressure on Dr C. College D is likely to have taken some of the reasonably practicable steps that it should have taken to secure academic freedom for Dr C. There may be other reasonably practicable steps that College D should take.*

**Example: requiring a commitment to equality, diversity and inclusion**

*University A requires all candidates for academic promotion to submit a 500-word statement of evidence of commitment to equality (or equity), diversity and inclusion (EDI).*

*Depending on the circumstances, this requirement may be restricting the lawful expression of certain viewpoints. For instance, a lecturer might be sceptical of some aspects of EDI and may be deterred from applying for promotion, or may be refused promotion, as a result. Removing this requirement from promotion processes is then likely to be a reasonably practicable step that University A should now take.*

**Example 33: encouraging applications from underrepresented races**

*University B takes positive steps to encourage members of underrepresented races to apply for promotion. For instance, it invites members of those groups to special events related to promotion. It also publicises successful role models from within those groups. All applicants for promotion are evaluated solely on merit.*

*Assume that in the circumstances, the steps taken are a proportionate means of encouraging more people with a certain protected characteristic to apply for promotion and that, in the specific case, the steps are lawful under the Equality Act.*

*In taking these actions it is unlikely that University B has breached its ‘secure’ duty.*

**Example: campaign against a staff member with pro-life views**

*A member of catering staff at University A writes to the local newspaper lawfully expressing pro-life views. Students at the university start a petition to have the member of staff fired. Following an investigation, University A fires the staff member on the grounds that there are students who claim to feel unsafe because of the staff member’s continued employment.*

*Depending on the circumstances, this is likely to have been a breach of University A’s free speech duties. This is because there was nothing to suggest that the staff member’s speech was unlawful or that it violated any lawful regulations or restrictions at A. For instance, claims that the staff member’s employment makes others feel unsafe are not, by themselves, enough to make that member’s speech unlawful. In these circumstances, retaining (and not disciplining) the staff member is likely to have been a reasonably practicable step that University A should have taken. Reinstating the staff member may now be a reasonably practicable step that University A should take.*

1. [Education (No. 2) Act 1986](https://www.legislation.gov.uk/ukpga/1986/61/section/43) [↑](#footnote-ref-1)
2. University of Wolverhampton Articles of Government, Section 9 ([Policy and Procedure](https://wolverhampton.ac.uk/media/departments/office-of-the-vice-chancellor/University-of-Wolverhampton-Articles-of-Government-November-2022.pdf)) [↑](#footnote-ref-2)
3. [The Higher Education (Freedom of Speech) Act 2023 (Commencement No. 3) Regulations 2025](https://www.legislation.gov.uk/uksi/2025/528/contents/made) [↑](#footnote-ref-3)
4. As a qualified right proportionate interference (for example, on security or health and safety grounds) can be lawful. [↑](#footnote-ref-4)
5. For example, the Protection from Harassment Act 1997 - [Protection from Harassment Act 1997](https://www.legislation.gov.uk/ukpga/1997/40/contents) [↑](#footnote-ref-5)
6. [Higher Education and Research Act 2017](https://www.legislation.gov.uk/ukpga/2017/29/section/2) [↑](#footnote-ref-6)