

# University of Liverpool

## Policy and Code of Practice Regarding Freedom of Speech and Academic Freedom

<b>Executive Summary</b>	<p>This Policy was reviewed as part of work to prepare for the requirements of the Higher Education (Freedom of Speech) Act 2023 and the Office for Students Proposed Regulatory Advice 24: Guidance related to freedom of speech. A previous version of this policy was approved by Council on the 10<sup>th</sup> July in preparation for the 1<sup>st</sup> August implementation date. The implementation of this legislation has now been paused and direct references to the Act or specific obligations it would have introduced have been removed therefore the previous version of the Policy is no longer appropriate. However, much work had taken place to more formally align the work of the Guild and the University in this area ensuring that the Policy reflects the existing good practice and joint working and these elements have been retained.</p> <p><b>Summary of Changes</b></p> <p>For ease, the key changes to the Policy are summarised below. This section will be removed before publishing the Policy.</p> <p>Formalised position as a Joint CoP with the Guild and added Guild specific content to the following sections to ensure that the Guild can meet their obligations under the new Act:</p> <ul style="list-style-type: none"><li>• Guild principles</li><li>• Details for Guild processes under Procedures for the Organisation of Meetings and Activities Involving the Use of University or Guild Premises. Separating out these sections was considered but this would result in lots of repetition. This part of the procedures will be used by a small number of people who will be familiar with the processes.</li><li>• Conduct of Meetings and Activities Involving Use of University or Guild Premises</li></ul> <p>Added definition of Freedom of Speech.</p> <p>Added information about staff training and awareness raising and bringing the policy to the attention of students once a year.</p> <p>Added section, Academic Freedom - teaching and curriculum content. Previously, the Policy had focused on events and speakers, we now need to be clear that this covers all activity. This section provides a high-level</p>
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	<p>overview for academic colleagues and a route for colleagues to seek advice on disagreements in relation to freedom of speech and curriculum content.</p> <p>Removal of Appendices to make them available as links.</p> <p>Removal of the Overview of the Booking Process to make it available as a link.</p> <p>Terminology and Titles updated and document re-numbered.</p>		
<b>Version Number</b>	Version 5.1		
<b>Document Status</b>	Revised existing policy		
<b>Effective Date</b>	1 <sup>st</sup> November 2024		
<b>Review Period</b>	Following publication of regulatory advice and then June 2026		
<b>Responsible Department</b>	Student Life The Guild of Students		
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<b>Approval Route</b>	<b>Committee</b>	<b>Submission Date</b>	<b>Approved?</b>
	Council	16 September	Yes
	Guild Board of Trustees	10 <sup>th</sup> October	Yes
<b>Linked Documents</b>	<p>The following documents have been removed from appendices and will be made available as links.</p> <p><a href="#">Checklist for Accepting a Booking</a></p> <p><a href="#">External Speaker Due Diligence Checklist</a></p> <p><a href="#">Speaker Risk Assessment</a></p> <p><a href="#">Overview of the Booking Process</a></p> <p><a href="https://www.officeforstudents.org.uk/media/8a032d0f-ed24-4a10-b254-c1d9bfcfe8b5/insight-brief-16-freedom-to-question-challenge-and-debate.pdf">https://www.officeforstudents.org.uk/media/8a032d0f-ed24-4a10-b254-c1d9bfcfe8b5/insight-brief-16-freedom-to-question-challenge-and-debate.pdf</a></p> <p><a href="#">Room Bookings - Shared Teaching Spaces - Timetabling - University of Liverpool</a></p> <p><a href="#">Conference and Events Room Bookings</a></p>		

<b>Does this replace any previous policies?</b>	No
<b>Consultation</b>	Consultation has taken place with the Guild. The Safe and Welcoming Campus Board is being asked for its views on this Policy prior to going to the Freedom of Speech and Academic Freedom Working Group
<b>Equality Impact Assessment</b>  (Evidence of due regard to Public Sector Duty and Equality Act)	The Policy ensures that all groups are able to exercise Freedom of Speech and that the impact on others including those with protected characteristics is addressed as part of the Risk Assessment Process.
<b>Regulatory/ Compliance</b>	The Policy is designed to ensure the University meets our obligations under the Education Act 1986 and the Higher Education (Freedom of Speech) Act 2023. Further amendments may be required once the guidance to support the new legislation is available. The Policy continues to uphold the OfS Public Interest Governance principles.
<b>Data Protection</b>	There are no Data Protection implications.
<b>Communication</b>	The Policy will be updated on the website and those with responsibilities under the Policy informed. A brief update will be provided at a suitable Leadership Forum

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## **1. Introduction and Scope**

- 1.1. The University and the Guild of Students are committed to promoting freedom of speech and ensuring academic freedom. The University and the Guild of Students also have a duty to take reasonably practical steps to secure freedom of speech within the law under Section 43 of the Education Act (1986)).
- 1.2. Both organisations are committed to ensuring the safety of all members of the University and to meeting the requirements of the Equality Act (2010). The University also recognises that it has specific responsibility under Section 26(1) of the Counter-Terrorism and Security Act (2015) to have due regard to the need to prevent people from being drawn into terrorism.
- 1.3. All staff (including honorary staff), students and members of the University and invited speakers are required to assist the University in securing freedom of speech within the law.
- 1.4. The University and the Liverpool Guild of Students have agreed that a shared Policy and Code of Practice will ensure consistency for all members of the University community and therefore this Policy and Code of Practice also applies to the Liverpool Guild of Students and its staff, students of the University of Liverpool, members of the University or the Guild and visiting speakers.
- 1.5. Students will be made aware of the contents of this Policy at least once per year as part of the registration process. Staff will be made aware of this Policy as part of the staff induction process. Awareness raising of this Policy will be referenced where appropriate within existing training materials which all staff complete on a three-yearly basis.

## **2. Definitions**

- 2.1. Freedom of speech applies to all staff, students, members of the University community and visiting speakers, all of whom have the freedom to express lawful views, ideas, opinions or information by means of speech, writing or images, without interference.
- 2.2. Academic freedom applies specifically to academic staff including applicants for academic roles and is enshrined in the Statutes of the University. Statute 13.6.1 sets out the following principle:

“To ensure that academic staff have the 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 job or privileges.”

## **3. University Principles**

- 3.1. Freedom of speech applies to all elements of university life. The University is committed to ensuring freedom of speech within the law and academic freedom. We encourage students and staff, including honorary staff, to think critically and to disagree well, including about contentious topics. We recognise that members of our community may express views which other members of our community find offensive. We aim to facilitate effective discussion and debate in such circumstances and to provide support for those impacted by the discussions.
- 3.2. The Senate and Council have agreed that, so far as is reasonably practicable, the following principles shall apply within the University and to University branded events which take place off campus:
- 3.3. That any individual or body of persons shall be free, within the law, to hold meetings or engage in other activities on the premises of the University (including premises occupied

by the Liverpool Guild of Students), regardless of the beliefs, views, policies or objectives of that individual or body.

- 3.4. That where there are concerns about an event, the University will seek to facilitate an open and transparent dialogue with the event organisers to establish whether the event can take place whilst ensuring the University meets its legal obligations. Event organisers will be expected to take part in this dialogue in an open and transparent manner.

#### **4. Guild Principles**

- 4.1. Liverpool Guild of Students is a democratic, student-led organisation and a registered charity. The Guild's aims include a commitment to providing opportunities for students to express opinions through democratic structures and societies. The Guild also actively represents, supports and provides advice to students.
- 4.2. The Guild is committed to creating a vibrant culture on campus where students can engage in challenging and important conversations on a wide range of topics without fear of harassment or intimidation. This is reflected in the Guild's Mission and Values, which underpin the work of the organisation.
- 4.3. The Guild has a legal responsibility to protect Freedom of Expression under Article 10 of the European Convention on Human Rights, which is included in the UK's Human Rights Act (1988). We share this joint code with the University which specifically emphasises our responsibility and legal duty to protect freedom of speech.
- 4.4. The Guild takes its responsibilities to protect Freedom of Speech seriously. In situations where legislation may be conflicting, our approach has always been to work directly with students in a consultative, inclusive and transparent way to ensure events and speakers can go ahead in a respectful way within the law.

#### **5. Responsibilities**

All references to responsible officers include their nominees.

**The Council** is responsible for ensuring that appropriate procedures are in place to comply with relevant legislative requirements.

**Liverpool Guild of Students Trustee Board** is responsible for ensuring that appropriate procedures are in place to comply with relevant legislative requirements.

**The Director of Student Experience and Enhancement (SEE)** is responsible for confirming that appropriate risk assessments have taken place, and that appropriate mitigation is in place for events that are deemed high risk.

**The Chief Executive of the Guild** is responsible for ensuring freedom of speech within the Guild confirming that appropriate risk assessments have taken place and that appropriate mitigation is in place for Guild events that are deemed high risk.

**The Director of Student Life** is responsible for ensuring that this policy is updated to meet the requirements of relevant legislation. They are responsible for ensuring risk assessments take place for events which are escalated following initial screening. They will also act as appointed officer for any activities which are not covered by an appointed officer below.

**The Student Experience Manager (Timetabling and Examinations)** is responsible for ensuring that the Timetabling Team, who are responsible for the allocation of centrally bookable lecture theatres and teaching rooms, comply with this policy.

**Heads of Academic Schools and Departments** are responsible for ensuring that all academic staff are aware of the contents of and comply with this policy. They are responsible for ensuring freedom of speech within the daily activities of their Schools and Departments. They are responsible for informing the Director of Student Life if there are any concerns about an external speaker invited as part of an academic programme.

**Directors of Professional Services** are responsible for ensuring that staff within their areas are aware of the contents of and comply with this policy. They are responsible for ensuring that relevant policies and procedures within their area promote freedom of speech and do not conflict with this code.

**Heads of Operations** are responsible for ensuring that all staff who accept bookings for rooms controlled by Schools and Departments comply with this policy.

**Appointed Officers** are responsible for ensuring that:

- Due diligence is undertaken in relation to events within their area of responsibility and, if a risk assessment is required, the event is escalated to the Director of Student Life. A checklist which can help with this process is available here.
- Keeping a record of the number of event requests, risk assessments and outcomes. All relevant paperwork is completed.

Area of Activity	Appointed Officer
Events organised by registered student societies and events taking place in the Guild, or otherwise led by the Guild.	Director of Membership Services (Guild)
Commercial Bookings	Director of Facilities, Residential and Commercial Services
Corporate events on and off campus	Director of Communications and Public Affairs
Cultural events other than those organised by students which do not include an external speaker	Chair of the Heritage, Arts and Culture Committee
Events taking place in Libraries, Galleries or Museums	University Librarian
Events organised by clinical student societies	Chair of the Association of Clinical Students' Societies Board of Governance
Events taking place in Schools or Departments	Head of Operations

Where there is no relevant appointed officer, another appointed officer should fulfil the role.

## 6. Academic Freedom - teaching and curriculum content

- 6.1. Academic staff are free to test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their job or privileges. This applies to the development or curricula and teaching. Curricula should be designed to encourage students to develop critical thinking skills and students should be encouraged to develop academic critiques of ideas or opinions with which they disagree. Students should not be penalised for disagreement with the views of staff and staff remain free to express views with which students disagree.

- 6.2. Where a student or member of staff believes that the content of a module is in breach of the law, they should write to the relevant Head of Department, or Dean of School in Health and Life Sciences setting out their reasons for believing this. The Head of Department or Dean should seek advice from the relevant APVC Education who will liaise with senior colleagues to agree whether further consideration is required.

## **7. Procedures for the Organisation of Meetings and Activities Involving the Use of University or Guild Premises**

- 7.1. Bookings which involve an external speaker should be made at least three weeks in advance. If a booking is received with less than three weeks' notice, the University reserves the right to reject the booking on the grounds that there is insufficient time to follow the appropriate processes. An overview of the booking process can be found [here](#).
- 7.2. All bookings and/or hire of University premises must be applied for by completion and submission of the relevant web room booking form.

[Teaching spaces](#)

[Conferences and Events](#)

- 7.3. All bookings and/or hire of Guild premises must be applied for as outlined on the [Guild website](#).
- 7.4. Each booking must identify a principal organiser(s) who will be responsible for making the booking and ensuring that any conditions are adhered to.
- 7.4.1. The appointed officer will ensure an initial review is conducted, including an internet search if there is an external speaker or activity to identify whether there are any initial concerns. Concerns may include that the event may incite violence or draw people into terrorism or may result in significant protest activity. Details of the search may be recorded using [this template](#). If concerns are identified, then an enhanced risk assessment should take place.
- 7.4.2. In most cases this review will not highlight any concerns which require a further risk assessment. In such cases, the specified individual or post holder will *either*:
- (1) accept the application and grant permission for the meeting or activity to take place, according to the requirements specified by the principal organiser on the form; or
- (2) if suitable premises are unavailable, decline the application.
- 7.4.3. If an enhanced risk assessment is required, the appointed officer will inform the Director of Student Life who will convene a risk assessment either in a meeting or by circulation. If the assessment is undertaken by circulation, all members of the panel will be required to confirm agreement with the risk assessment and proposed measures in writing (email from an official University email account is acceptable).
- 7.4.4. The Director of Student Life will determine membership of the panel based on the specific circumstances of the case. The panel should usually include the Head of Security, a member of External Relations. Where a student group, or other Guild activity, is involved, the Guild's Appointed Officer will work in conjunction with the Director of Student Life to determine a suitable panel. This would usually include staff member(s) and University colleagues as appropriate. If the initial assessment identifies that there may be a possibility of people being drawn into terrorism, or of a potential instance of hate speech or serious public disorder, or any other factor



- which may cause concern, a panel meeting will be required to discuss the risk assessment.
- 7.4.5. The aim of the risk assessment panel is to undertake a discussion that focuses on the need to facilitate free speech within the law, alongside other legal requirements. A pro forma for recording the risk assessment is available [here](#).
- 7.4.6. Wherever possible, the principal organiser should contribute to the risk assessment. When possible, representatives of groups that object to an event should also have an opportunity to contribute to the risk assessment. Encouraging dialogue at this stage may resolve concerns about the event.
- 7.4.7. If the event is deemed to be low risk following the implementation of measures agreed in the risk assessment, the Director of Student Life, or for Guild events the Director of Membership Services, will grant permission for the event.
- 7.4.8. For all other events, the completed risk assessment and associated recommendations will be forwarded to the Director of SEE for University events, or the Chief Executive of the Guild for Guild events. They will seek appropriate advice within their organisations, liaising with others as appropriate, and will grant permission provided they are satisfied that:
- (1) all reasonable steps can or will be taken to prevent any infringement of the law; and
  - (2) such conditions as are reasonably required within the risk assessment will be complied with.
- 7.4.9. If the Director of SEE, or Guild Chief Executive, withholds permission, they will explain in writing to the applicant the reasons for their decision.
- 7.4.10. The Director of SEE or the Guild Chief Executive has discretion to lay down further conditions, if appropriate, after consultation with the police and the organising body, and will make any reasonable assistance available to enable the event to go ahead.
- 7.4.11. If the Director of SEE or the Guild Chief Executive is not satisfied that adequate arrangements can be made to maintain good order, they may refuse or withdraw permission for the meeting or activity. Such a step will normally only be taken after the police have been consulted.
- 7.4.12. The University or Guild will meet reasonable security costs to enable events to go ahead. Where costs exceed this amount external organisations may be required to meet the additional costs.
- 7.4.13. Any appeal against conditions required by the Director of SEE or the Director of Student Life, or against the withholding, withdrawing or declining of permission, should be addressed to the Provost and Deputy Vice Chancellor for University events who will determine the matter in consultation with an appropriate member of the Senior Management Team. Appeals will usually be considered within 21 days of the date of receipt of the appeal. However, where decisions involve complex factors, the outcome of the appeal may take substantially longer than this. Any such decision will be reported to the following meeting of the Council of the University.
- 7.4.14. Any appeal against conditions required by the Guild, or against withholding, withdrawing or declining of permission, should be addressed to the Chair of the Guild's Board of Trustees who will determine the matter in consultation with an appropriate member of the Guild's Trustee Board. Appeals will usually be

considered within 21 days of the date of receipt of the appeal. However, where decisions involve complex factors, the outcome of the appeal may take substantially longer than this. Any such decision will be reported to the following meeting of the Council of the University and the Guild's Trustee Board

- 7.4.15. If an individual objects to a publicised event they should write to the Director of SEE for University events or the Guild's Chief Executive Officer for Guild events who will decide whether the objections affect any risk assessment which has taken place and, where appropriate, will ensure the risk assessment and related decisions are reviewed and amended as appropriate. The outcome of this review will be notified to all relevant parties in writing.

## **8. Sharing Concerns about Speakers**

- 8.1. If, during preparations for the event or during the event, the appointed officer or others have cause to believe that the speaker has incited violence against others and/or made statements which may draw people into terrorism, they must contact the Director of Student Life, who will in turn contact the Regional Prevent Coordinator and/or the Local Authority Prevent Coordinator with this information and seek advice on sharing the information further.
- 8.2. If the appointed officer is aware that the speaker is due to speak at another university, they should inform the Director of Student Life who will contact the Regional Prevent Coordinator and discuss appropriate approaches to sharing this information.

## **9. Conduct of Meetings and Activities Involving the Use of University or Guild Premises**

- 9.1. It is the responsibility of the principal organiser to ensure that all preparations for a meeting or other activity have been adequately made, in keeping with the provisions of any risk assessment. This includes:
- 9.1.1. The provision of a clear indication in any advertisement for a meeting or other activity as to whether it is open only to members of the University or to the wider public;
  - 9.1.2. Ensuring that no advertisement for a meeting or activity contains material likely to incite breaches of the Code;
  - 9.1.3. The regulation, where necessary, of drinks, flags or any other article; the admission of press, radio and television reporters; and arrangements for calling the police in the event of a breach of the peace;
  - 9.1.4. Ensuring that any seating plans which are in place do not require segregated seating other than during an act of religious observance (single gender events may be permissible if it is agreed that there is a need for positive action to address inequality);
  - 9.1.5. Ensuring that persons who would otherwise be entitled to attend the meeting or activity may only be excluded if there are reasonable grounds for believing that their admission is likely to lead to a breach of the Code;
  - 9.1.6. No article or object likely to lead to injury, damage or disruption may be taken inside the room (and/or building if appropriate) where the meeting or activity is taking place;
  - 9.1.7. The person chairing a meeting has a duty, so far as possible, to ensure that both the audience and the speakers act in accordance with the law. They shall start the meeting by stating this and explaining how the meeting should be conducted;

- 9.1.8. If unlawful or unacceptable conduct occurs, the person chairing the meeting will give appropriate warnings. If such conduct persists, the chairperson will require the withdrawal or removal of the person(s) concerned by stewards, security staff or police. The appointed officer must be informed of this as soon after the event as possible. If there is no appointed officer, the Director of Student Life should be informed;
- 9.1.9. If hate speech or speech which is likely to draw people into terrorism occurs, the chairperson (or, as appropriate, the principal organiser or designated responsible person) will endeavour to close the meeting. They will need to consider the potential impact of this action and whether this may result in a breach of the peace or increased risk of disturbance or distress to those present. In this case they may choose to postpone closing the meeting until appropriate police or other assistance can be obtained and/or decide not to close the meeting to ensure the safety of those present. The appointed officer must be informed of the concern and the action taken in writing as soon after the event as possible. The appointed officer must inform the Director of Student Life, and Guild Chief Executive for Guild events. If there is no appointed officer, the Director of Student Life should be informed directly;
- 9.1.10. Where a breach of the peace occurs, the chair (or, as appropriate, the principal organiser or designated responsible person) may close a meeting or activity and ask for police assistance to be called. The appointed officer must be informed of this as soon after the event as possible. The appointed officer must inform the Director of Student Life and Guild Chief Executive for Guild events. If there is no appointed officer, the Director of Student Life should be informed directly;
- 9.1.11. Premises used for meetings or activities must be left undamaged and in a clean and tidy condition, in default of which the expense of additional cleaning and repairs shall be met by whomsoever the Director of SEE or their appointed officer deems appropriate. Such person or body may appeal against such order to the Director of Facilities and Residential Services, who shall determine the matter in consultation with a member of SLT. In the case of Guild events, the expense of additional cleaning and repairs shall be met by whomsoever the Chief Executive or their appointed officer deems appropriate. Such person or body may appeal against such order to the Chair of the Guild's Trustee Board, who shall determine the matter in consultation with another member of the Trustee Board.
- 9.1.12. Where unlawful or unacceptable conduct, hate speech or speech which is likely to draw people into terrorism or a breach of the peace occurs, the Director of Student Life will inform the Director of SEE, the PVC Education, the Regional Prevent Coordinator (if appropriate) and/or the Local Authority Coordinator for HE/FE and any other relevant parties. In the case of Guild events, the Guild's Chief Executive will also be informed.
- 9.1.13. The Provost and Deputy Vice Chancellor will nominate a senior member of staff to investigate the circumstances surrounding the event to identify any improvements to practice for future events. In the case of Guild events, the Guild's Chief Executive will appoint a suitable person to carry out this role. In some cases, it may be appropriate for the review to be carried out collaboratively between the University and Guild.

## **10. Procedures for the Organisation of University Branded Meetings and Activities Off Campus**

- 10.1. Events organised by student societies which take place off campus will be considered by the Guild Director of Membership Services for Guild Societies or the Chair of the

Association of Clinical Students' Societies Board of Governance for Clinical Students Societies.

- 10.2. University branded meetings and activities which take place off campus must be organised in consultation with the Communications and Public Affairs Teams in External Relations.
- 10.3. The Communications and Public Affairs Team can advise on liaison with external venues and ensure that the event complies with the venue's terms and conditions.
- 10.4. External Relations will review the purpose and content of the event and conduct appropriate checks on external speakers.
- 10.5. External Relations will establish an event plan which will include appropriate measures to manage any risks associated with the event.
- 10.6. If External Relations representatives decide not to support an event initiated by another part of the University, the Director of External Relations will explain the reasons for this in writing to the relevant staff.
- 10.7. It is expected that all off-campus University branded events will be conducted in line with this Policy.

## **11. Discipline**

11.1. Any student or member of staff who:

- organises or participates in the organisation of a meeting or other activity without complying with the provisions of this Code of Practice; or
- deliberately disrupts or seeks to disrupt any meeting or other activity (save only for reasonable heckling); or
- fails unreasonably to comply with any obligation placed on him/her by the Code of Practice; or
- makes vexatious objections to events held by particular groups or individuals on campus and/or University branded events off campus may be considered to have committed a breach of this Code of Practice, constituting a disciplinary offence to be investigated under the relevant disciplinary procedure i.e. the University's Student Conduct Policy, the Staff Disciplinary Procedure or the Guild's Disciplinary Procedure.