



BUCKINGHAMSHIRE  
NEW UNIVERSITY

EST. 1891



# Freedom of Speech Code of Practice and Procedure for Activities and Events that include External Speakers

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**Approved by:** Council

**Owner:** Dean of Students

**Date first published:** Jan-2010

**Date updated:** July 2025

**Review Date:** Jul-2030

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## Purpose

- 1 Buckinghamshire New University (BNU) promotes the importance of freedom of speech and academic freedom. This Code of Practice sets out how the University will ensure that as far as reasonably practicable, freedom of speech within the law and the importance of free speech and academic freedom is secured for staff, students, members and visiting speakers.

## Values

- 2 BNU is committed to creating a welcoming, diverse and inclusive learning and working environment where everyone has the right to be heard, understood and valued. The University values diversity of background, identity, belief, experience, discipline and practice and is committed to the principles of freedom of speech, academic freedom and expression within the law.
- 3 Core to its value is the ability to share views and ideas to challenge received wisdom, to learn, question and debate and contribute to an academic environment that hears views, advances knowledge and contributes to teaching, learning and research. Free speech and academic freedom are fundamental to this purpose. Freedom of speech within the law may include speech that is shocking, disturbing or offensive.

## Applicability and Scope

- 4 This Code applies to all staff, students, members and external visiting speakers in an activity or event, which has been authorised to take place on BNU premises. The Code applies to speech that is spoken as well as written speech, including email, social media, other digital communications, posters and leaflets. Speech that breaches civil or criminal law, or which amounts to unlawful incitement to hatred or violence, does not amount to lawful free speech and is not protected.
- 5 This code also applies as appropriate to outside organisations hiring BNU premises, to public meetings held on the premises, to BNU branded events held off campus and events held on-line.
- 6 Bucks Students' Union (SU) will work with BNU to encourage and promote freedom of speech within the law and is expected to encourage such freedom in accordance with this Code of Practice for its staff, students of BNU, members of the SU and external visiting speakers in an activity or event which has been authorised to take place as applicable in paragraph 4.
- 7 All staff, students, members and visiting speakers at BNU have the right to freedom of expression including the freedom to hold opinions and to receive and impart information and ideas without interference, other than as prescribed by law, by means of speech, writing, images (including electronic form) and artistic expression.
- 8 Academic staff at BNU also have the right to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of being adversely affected in loss of their jobs or privileges at the University, or the likelihood of their securing promotion or different jobs at the University being reduced. This applies to

all activities relating to academic life whether they take place on or BNU premises, including designing the curriculum, research and teaching.

- 9 Freedom of speech within the law is protected at BNU unless restricted by law. There are legislative provisions which may prevent freedom of expression, including in the non-exhaustive examples provided:
  - a. the Public Order Act 1986 (use of threatening, abusive words or behaviour with intent to cause that person to believe that immediate unlawful violence will be used);
  - b. the Terrorism Act 2000 (prohibited speech that invites support for a proscribed organisation or expresses an opinion or belief that is supportive of a proscribed organisation);
  - c. the Counter-Terrorism and Security Act 2015 ('The Prevent duty' noting that this duty is to have "due regard" to the need to prevent people being drawn into terrorism);
  - d. the Equality Act 2010 (unlawful discrimination, harassment, intimidation or threats of violence on the grounds of protected characteristics);
  - e. Harassment (Protection from Harassment Act 1997) a course of conduct comprised of two or more occasions, if the person in question knows or ought to know that it amounts to harassment of another;
  - f. the section 149 Public Sector Equality Duty, which imposes an obligation on BNU to have due regard to the need to promote equality and inclusion without restricting lawful free speech;
  - g. the Charities Act 2011 and BNU's regulatory obligations as a charity.
- 10 Whilst BNU has taken steps to secure freedom of speech under the Higher Education and Research Act 2017 (HERA). HERA does not require providers or constituent institutions to take steps to secure freedom of speech in respect of their activities outside of England.

## **Steps to ensure Freedom of Speech and Academic Freedom**

- 11 BNU will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, as far as in reasonably practicable, freedom of speech and academic freedom is protected within the law.
- 12 BNU respects freedom of speech and academic freedom and recognises that on occasion, the views of some who exercise the right to freedom of expression may be offensive and hurtful to someone who does not hold those views. This, in itself, does not justify constraint and does not amount to breaking the law and as such is unlikely to breach this Code of Practice. Allowing opposing views to be heard will continue to be permitted with appropriate, objective and timely risk assessments undertaken as required. The University will be anticipatory, as far as possible, and proportionate in the assessment of risk and how identified risk is managed.
- 13 The right may be restricted if steps or speech (including permitting the speech) interferes with and prevents the continuation of essential functions such as teaching, learning, research and the administrative functions and resources that those functions require. This might mean, for instance, that it may in certain circumstances not be reasonably practicable to enable activities or events that prevent learning, teaching or research.

- 14 The starting point is that speech is permitted, unless otherwise restricted by law. Where reasonably practical steps can be taken to secure the lawful exercise of speech, the University will only restrict the right (for example, the time, place and manner of an activity, protest or demonstration) if it is legal and proportionate to do so. For instance, where there is a risk of unlawful intimidatory harassment, hate speech, or where there is credible evidence that it may give rise to concerns about physical safety.

## Policies and Procedures

- 15 BNU will ensure that there is no hinderance beyond the requirements of the law placed on staff, students and members of the University's right to freedom of speech through any relevant policy or procedure. This includes protests and demonstrations, posting or distributing written material (such as flyers) or recruitment activities. However, in certain circumstances restrictions may apply in accordance with paragraphs 13-14.
- 16 BNU will not enter into any non-disclosure agreements including those related to complaints about sexual misconduct, bullying or harassment.
- 17 There may, from time to time, be other policies at BNU, which could affect academic freedom or free speech. For the avoidance of doubt, this Code of Practice sets out BNU's definitive and up-to-date approach to freedom of speech and should be viewed alongside other BNU policies.

## Responsibilities

- 18 All staff, students, members and visiting speakers of BNU are expected to uphold the right to freedom of speech and the right to academic freedom and nothing in the Code of Practice should be taken to limit the right to academic freedom or justify unlawful interference with the right to freedom of speech.
- 19 Council (BNU's governing body) under Article 8 a) of the [Articles of Government](#) shall ensure that all employees of the University 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 any privileges they may have at the University, or the likelihood of their securing promotions or different jobs at the University being reduced.
- 20 Council having particular regard to the importance of freedom of speech, take steps that are reasonably practicable to ensure that freedom of speech within the law is secured for staff, members, students and visiting speakers of BNU this includes:
- a. securing that the use of any premises of the University is not denied to any individual or body on grounds such as, in relation to their ideas or opinions and
  - b. the terms on which University premises are provided are not to any extent based on grounds such as, in relation to a body, its policy or objectives or the ideas or opinions of any of its members.
  - c. that BNU will not enter into a non-disclosure agreement with a person in relation to a relevant complaint made to the University by that person.

- d. where a person applies to become a member of academic staff of BNU, that the person is not adversely affected in relation to the application because they have exercised their freedom within the law to do the things referred to in subsection (6)(a) and (b) of the Higher Education (Freedom of Speech) Act 2023 without placing themselves at risk of being adversely affected in ways described in subsection (7) of the Higher Education (Freedom of Speech) Act 2023.
- 21 The Vice-Chancellor is responsible for the fair and consistent operation of this Code and has delegated the management of this Code and accompanying procedure.
- 22 The Dean of Students is responsible to the Vice-Chancellor for reviewing this Code of Practice and accompanying procedure and may delegate this responsibility to a named nominee.
- 23 Day-to-day management of freedom of speech is devolved to the Colleges, Directorates and the SU through implementation of the approved Code of Practice and procedure. The Principal Organiser(s) will be responsible for organising an event with one or more visiting speaker. This includes monitoring and review to ensure that they are effectively managed and applied consistently. In planning events Colleges, Directorates and the SU must consider how they align with the principles of free speech and academic freedom.
- 24 The Director of Student Success is the University's Point of Contact for questions about the process relating to visiting speaker activities or events by emailing [externalspeakers@bnu.ac.uk](mailto:externalspeakers@bnu.ac.uk).

## Security Cost

- 25 BNU shall ensure that apart from in rare exceptional circumstances, use of University premises by any individual or body is not on terms that require the individual or body to bear some or all costs of security relating to their uses of premises. The University will only pass on the costs of security in exceptional circumstances, including where the costs are wholly disproportionate to the numbers likely to be attending an activity or event and the activity or event could be held in a more proportionate way, or where the speaker could reasonably be expected to have their own security because of the political or state office they hold.
- 26 Any requests to pay costs will not be influenced to any degree by the ideas, views or opinions of any individual or any members of any body involved in organising the event or meeting.

## Definitions

- 27 Definitions within this Code refer to the terminology used at BNU that align to relevant legislation and/or regulatory requirements.
- 28 **Academic Freedom** is freedom for academic staff within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of being adversely affected in loss of their jobs or privileges at the University, or the likelihood of their securing promotion or different jobs at the University being reduced.

- 29 **Freedom of speech** is the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form).
- 30 **Members** in relation to the University is a product of the legal constitutional arrangements of the University (member of provision in a Royal Charter or legislation) and/or contractual arrangement. A member does not include a person who is a member of the University solely having been a student of BNU.
- 31 **Principal Organiser(s)** is the person responsible for organising an activity or event with one or more external visiting speakers.

## Concerns and Complaints

- 32 BNU does not encourage staff or students to report others over lawful expression of a particular viewpoint and is unlikely to pursue vexatious complaints or trivial investigations into matters against an individual because of their lawful expression of a viewpoint. However, the University recognises that it is not always possible to determine that a complaint is vexatious at the onset of any investigation. Any concerns should be considered in accordance with the appropriate procedure as per paragraph 33.
- 33 Where BNU receives a concern about the exercise of academic freedom or freedom of speech or receives a concern about possible compliance with this Code of Practice, or other relevant procedures concerning freedom of speech in relation to staff and students. The University shall consider which procedure is most appropriate to consider the concern and will enquire and seek information as considered necessary. This may also include an assessment of risk to assess compliance with the secure duty. Such consideration may lead to further investigations in accordance with the University's disciplinary procedures ([Employee Disciplinary Policy and Procedure](#) or the [Student Conduct Procedure](#)) or the University's Staff Grievance Procedure or [Student Complaints Procedure](#).
- 34 In this context and where it is appropriate and lawful to do so, BNU may share data with third party organisations for the purpose of upholding this Code of Practice.
- 35 Any concerns regarding this Code of Practice or the actions of BNU in respect of it should be directed to the Associate Dean Education of the relevant College in the first instance.
- 36 Any appeals against a refusal of permission to hold an event involving a visiting speaker should be brought by the Principal Organiser(s) in accordance with the appeal process set out in the Procedure in respect of Activities and Events that include an External Speaker(s).
- 37 BNU will 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 practicable to address any lessons learned and signpost those who may seek to complain to the relevant procedure.

## Training and Induction

- 38 BNU shall ensure this Code of Practice is brought to the attention of new students at registration and new staff during their induction.

- 39 All relevant staff will be offered appropriate training on freedom of speech and academic freedom as part of their induction to develop an understanding of this Code and relevant legislation.
- 40 This Code will be drawn to the attention of students and staff in writing annually and referred to in other University documentation as appropriate.
- 41 Staff involved in decision making processes such as admission, appointment, reappointment, promotion, disciplinary matters, University processes and procedures relating to equality, equity, diversity and inclusion, fitness to practise, IT policies and processes and staff and student codes of conduct will be offered appropriate training on freedom of speech and academic freedom and how it applies to their role at BNU.

## **Monitoring and Review of this Code**

- 42 The University Strategy Group and Senate will periodically review the content and operation of this Code of Practice and report on its operation and recommend amendments to it for consideration by Council as appropriate and necessary.

# Procedure in Respect of Activities and Events that include an External Speaker(s)

## Purpose

- 43 This procedure is for the purpose of booking requests made by Buckinghamshire New University (BNU) staff, members, students and Bucks Students' Union (SU) events and should be followed whenever a visiting speaker external to the University is invited to activities or events held on BNU premises.
- 44 This procedure under the University's Freedom of Speech Code of Practice provides the only mechanism by which the University can approve, cancel or apply restrictions on BNU activities or events where this action is considered necessary. This is to ensure that the use of BNU premises is not inappropriately denied to an individual on the grounds of their ideas or opinions or a body on any ground connected with its policy or objectives, or the ideas or opinions of any of its members (with exception to proscribed groups or organisations).
- 45 The lawful expression of controversial or unpopular views will not in itself lead to BNU withholding permission for an activity or event being held. However, all speakers should anticipate that their views might be subject to robust debate, challenge and critique.
- 46 This procedure should be read in conjunction with the Freedom of Speech Code of Practice. The Code promotes the importance of freedom of speech and academic freedom and the steps BNU will take as reasonably practicable to ensure those rights are secured.

## Applicability and Scope

- 47 This procedure applies to booking requests for any form of non-teaching activity or event involving an individual or body which does not form an integral part of the normal academic and, or administrative business of BNU.
- 48 The procedure does not apply to academic activities, including lectures, seminars, graduation ceremonies, talks at career events and other activities that involve academic talks and lectures that are integrated into, and form part of the curriculum being delivered under the academic framework.
- 49 This procedure should be followed whenever an external visiting speaker is invited to an activity or event as stated in paragraph 4 of the Freedom of Speech Code of Practice. The term "*visiting speaker*" does not include associate lecturers.
- 50 The starting point for an activity or event is that it should go ahead and that the process should not take longer than necessary. Cancellation of an event is exceptional and undesirable. The University will take reasonably practicable steps to secure the lawful exercise of speech and will only restrict the right if it is legal and proportionate to do so.
- 51 This procedure should also be used in instances where other risks are raised by an activity or event in light of current political context nationally or internationally or because of the timing, physical location or any health and safety concerns raised by the activity or the event.

## Roles and Responsibilities

- 52 **Associate Dean Education** (or nominee) is responsible for the approval process of external visiting speakers attending an activity or event proposed by the Principal Organiser(s) in the College and is expected to liaise with the Director of Student Success if the activity or event is deemed to pose a risk or if the Principal Organiser(s) is unreachable. The Associate Dean Education is expected to have an up-to-date understanding of the Freedom of Speech Code of Practice and other relevant policies.
- 53 **Events Team** is responsible for acquiring and assessing commercial event bookings.
- 54 **External Visiting Speaker(s)** is a person, or more than one person, invited to attend an activity or event who is not currently staff or students at BNU.
- 55 **Director of Student Success** (or nominee) is responsible for reviewing an External Visiting Speaker Request Form completed by Colleges, Directorates and the Students' Union. The Director of Student Success will approve or consider steps that may need to be put in place if the activity or event is deemed to pose a risk. Wherever possible, steps will be implemented to ensure that the activity or event can go ahead.
- 56 **Principal Organiser(s)** is a person or more than one person, responsible for organising an activity or event with one or more external visiting speakers. It is their responsibility to complete the External Visiting Speaker Request Form and to provide sufficient detail in relation to the activity or event. The Principal Organiser(s) is expected to attend the event and to act as the primary contact at the event.
- 57 **Pro-Vice Chancellor Academic** (or delegated authorised nominee) is the person referred to for a final decision as to whether the activity or event can proceed if it is considered by the Director of Student Success (or nominee) that the steps that need to be put in place may not satisfactorily mitigate the potential risk(s) associated with the activity or event.
- 58 **Vice-Chancellor** (or delegated authorised nominee) acts as the point of appeal should the Pro-Vice Chancellor Academic consider the event unsuitable to take place on BNU premises.

## Procedure

- 59 An activity or event should have a least one Principal Organiser and should be a member of staff, student or a member of BNU. If an activity or event is proposed without a Principal Organiser, it may only proceed on condition that a member, member or staff or student is identified or nominated as the Principal Organiser(s) responsible for the activity or event.
- 60 The Principal Organiser(s) must complete an External Visiting Speaker Request Form for every activity and event involving an external visiting speaker. Booking requests should be completed and returned to [externalspeakers@bnu.ac.uk](mailto:externalspeakers@bnu.ac.uk) at least **four weeks** prior to the proposed date of the activity or event. Requests received within **four weeks** of the proposed activity or event will not be considered unless there is a good reason for the request not being made sooner.
- 61 Bookings for commercial events should be completed and returned to [duty.manager@bnu.ac.uk](mailto:duty.manager@bnu.ac.uk) at least **four weeks** prior the proposed activity or event booking.

- 62 The name of an External Visiting Speaker(s) must be provided with the booking. If the details of the visiting speaker are to be confirmed (TBC) in any request form, their details must be confirmed at least **two weeks** prior to the activity or event and the booking will be treated as provisional until details of the speaker(s) are provided.
- 63 If details of an External Visiting Speaker(s) remain outstanding two weeks prior to an activity or event, this will result in the provisional request being cancelled. Such a request can be reconsidered at a later date, if required.
- 64 Where an activity or event requires security (or the Principal Organiser(s) is unsure) this should be clearly stated on the External Visiting Speaker Request Form. Estates, Facilities and Services will then be informed of the activity or event. The Principal Organiser(s) may be contacted for further information before any request is confirmed.
- 65 To assess the level of risk for any external visiting speaker(s), further information may be requested by BNU including:
- a. a draft copy of any proposed material announcing or advertising the activity or event;
  - b. whether the audience may include persons who are not members of BNU;
  - c. whether the activity or event is intended to be open to the public;
  - d. whether any external organisations will be sponsoring the event;
  - e. details of any circumstance(s) which gives rise to concerns in accordance with paragraphs 13-14 of the Freedom of Speech Code of Practice;
  - f. name and contact details of a person for communication and liaison in the absence of the Principal Organiser(s).
- 66 Event booking requests where all details have been provided will be assessed within 3-4 working days from the date of submission. This time may be extended where further and necessary information has been requested from the Principal Organiser(s) but will not take longer than necessary.
- 67 No booking request will be authorised until all information required to process the request has been received. Provision of insufficient information may require postponement of the activity or event, until the information has been provided.

## **Activity or Event Regulation**

- 68 Following a risk assessment, the Principal Organiser(s) may be required to implement one or more steps that may include, but are not limited to the following:
- a. only members, staff, students and the SU may attend;
  - b. the public may, or may not, be invited or admitted;
  - c. if guests are permitted to attend, only those whose identity is known by the Principal Organiser shall be admitted;
  - d. any visiting speaker shall enter and leave by specified routes and escorted under specific arrangements where specified;
  - e. admission shall be restricted and controlled, for instance by ticket and/or identity card;

- f. suitable security arrangements and/or stewards shall be provided and briefed by the Principal Organiser about their duties and responsibilities;
  - g. members of BNU staff shall be present to assist in the maintenance of good order;
  - h. the activity or event must have an independent Chair;
  - i. the Chair and/or Principal Organiser(s) shall be aware of their duty to ensure no speaker or those present at the activity or event should infringe the law and if in the opinion of the Chair/Principal Organiser(s), such conduct either takes place or is at a real risk of taking place, even after warning, the Chair has the duty to close the event;
  - j. the time or place that the activity or event occurs if it interferes or prevents the continuation of essential functions;
  - k. such other instructions as may be given about the conduct of an activity or event or regulate the manner in which it may be held.
- 69 In the vast majority of cases booking requests will be approved without restrictions being applied. The Principal Organiser(s)/person in their absence (if applicable) will be informed of the decision.
- 70 The external visiting speaker(s) for activities and events including SU events and societies should not be confirmed, advertised, publicised or promoted until the activity or event has been approved by the University. It is therefore important that the process is started at the earliest opportunity. Any Principal Organiser(s) found to be advertising external visiting speaker activities or events prior to approval may be subject to disciplinary action under the appropriate procedure.
- 71 If the press is invited to report on an activity or event, notification must be given to the University's Media Office by email to [media@bnu.ac.uk](mailto:media@bnu.ac.uk) within **5 working days** of the activity or event date.

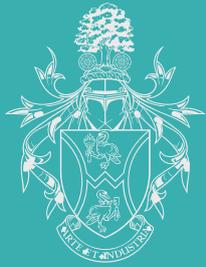
## Concerns

- 72 If there are any concerns raised at any point in the lead up to the activity or event, regarding the physical safety of attendees and potential breach of the Freedom of Speech Code of Practice, the University may take proportionate steps to regulate the manner of an activity or event before any continuation or approval of the activity or event.

## Appeal

- 73 An appeal against the decision of the Pro-Vice Chancellor Academic (or their delegated authorised nominee) may be made in writing to the Vice-Chancellor (or their delegated nominee), whose decision shall be final. Any decisions in relation to an appeal will be reported to the next meeting of Senate and Council.
- 74 Appeals can only made on the basis of new information not available at the time of the decision.

- 75 Appeals must take place at least **5 working days** before the event is scheduled to take place. Where the proximity of the event precludes this, consideration will be given to postponement of the activity or event until an appeal can be considered.



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