

UNIVERSITY OF KENT

CODE OF PRACTICE ON ACADEMIC FREEDOM AND FREEDOM OF SPEECH

1. Introduction

- 1.1 The University of Kent, as a leading education and research institution, is fully committed to the principles, and to the promotion, of academic freedom and freedom of speech.
- 1.2 This Code of Practice sets out the University's commitment to academic freedom and freedom of speech, outlines the legislative frameworks under which such freedoms must be upheld and may be circumscribed, and summarises the procedures used by the University to manage these issues.
- 1.3 This Code of Practice should be read in conjunction with the University Ordinance on Academic Freedom, which was approved by Council on 25 November 2022. The Code describes how the principles of the Ordinance will be implemented in practice.
- 1.4 As the supreme governing body of the University, the Council is responsible for upholding this Code of Practice, advised by the Joint Standing Committee on Academic Freedom and Freedom of Expression (SCAFFE).

2. Scope

- 2.1 This Code of Practice applies to:
 - 2.1.1 all members, staff and students of the University; and
 - 2.1.2 visiting speakers and all other persons invited or otherwise lawfully participating in University activities on University premises.
- 2.2 For the avoidance of doubt, the provisions and protections of this Code of Practice do not apply to purely commercial third-party meetings or events on University premises.
- 2.3 References in this Code of Practice to 'University premises' mean those premises over which the University exercises control, whether indoor or outdoor.

3. Key Concepts

- 3.1 Freedom of speech means the freedom, within the law, to impart and receive ideas, opinions or information by means of speech, writing or images (including in electronic form) without interference. The University holds that freedom of speech within the law and freedom of inquiry are fundamental; that the University is based on equality, diversity, and respect; and that as members of the University community, we value each other. It encourages its staff, students and visitors to engage in robust, challenging, evidence-based and civil debate as a core part of academic enquiry and wider University activity, even if they sometimes find the viewpoints expressed to be disagreeable, unwelcome or distasteful.

- 3.2 Academic freedom, in relation to academic staff and research students at the University, is the commitment to free and open inquiry without fear of reprisal for staff of the University who engage in teaching and/or research. As such, academic freedom is a foundational right and value of higher education, as enshrined by Paragraph 19 of the University Charter. The University's [Ordinance on Academic Freedom](#) sets out the rights and responsibilities of academic members of the University.
- 3.3 The University of Kent is committed under its Charter to freedom of speech within the law, and the protection of the rights of members of the University to put forward ideas, arguments, and hypotheses which may be deemed controversial or unpopular. The University is committed to fostering an environment where ideas and opinions are open to discussion and challenge and where the highest standards of academic rigour are applied.
- 3.4 The University expects its staff, students and visitors to be tolerant of the differing opinions of others, in line with the University's core value of freedom of expression. The University greatly respects human dignity and human rights, and all members of our community share the responsibility for maintaining an environment of mutual respect and civility. It also recognises the diverse identities, viewpoints, and narratives present in the University community. While debate and discussion among the individuals and groups making up the University may be robust and challenging, all speakers have a right to be heard when exercising their right to free speech within the law. Neither speakers nor listeners should have reasonable grounds to feel censored or intimidated.
- 3.5 The University expects all staff and students to engage with lawful ideas in a constructive, inquisitive, and peaceable way. Protest is a legitimate form of freedom of expression and speech. However, the right of staff and students to freedom of assembly, and to protest against certain viewpoints, should not obstruct the ability of others to exercise their lawful freedom of speech.

4. Legislative Framework

- 4.1 The Human Rights Act 1998 brought the European Convention on Human Rights into national law and incorporates freedom of expression (which includes freedom of speech) as a human right (Article 10 of the Convention). Freedom of expression is not an unqualified right, and the Convention acknowledges that it might be circumscribed in limited circumstances as necessary in democratic societies, including in the interests of public safety, to prevent crime or disorder and to protect the reputation or rights of others.
- 4.2 Section 43 of the Education Act (No. 2) 1986 requires the University to take reasonably practicable steps to ensure that freedom of speech within the law is secured for staff, students and visiting speakers.
- 4.3 The Higher Education (Freedom of Speech) Act 2023 requires the University, having 'particular regard' for the importance of freedom of speech in the context of higher education, to (1) take steps that are 'reasonably practicable' to secure freedom of speech, including academic freedom, within the law, for staff, students and visiting speakers, (2) publish

a Code of Practice (this document) setting out the University's approach to freedom of speech, and (3) promote the importance of freedom of speech and academic freedom.

- 4.4 The Higher Education (Freedom of Speech) Act 2023 (A1/11 and 12) requires that the University will not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying, or harassment.
- 4.5 Through its regulatory framework and Conditions of Registration, the Office for Students requires the University to comply with public interest governance principles, which include freedom of speech and academic freedom.
- 4.6 Under its Public Sector Equality Duty, as set out in the Equality Act 2010, the University must have due regard to the need to eliminate discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share 'protected characteristics' (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not.
- 4.7 The Prevent duty under section 26 of the Counter-Terrorism and Security Act 2015 requires the University 'to have due regard to the need to prevent people from being drawn into terrorism'. This necessitates the establishment of protocols and procedures by which to assess the risks associated with meetings or events that are University hosted, affiliated, funded, or branded. This Act also requires the University to have 'particular regard' to its other duties related to academic freedom and freedom of speech (section 31). Debate, discussion, and critical enquiry are, in themselves, powerful tools in preventing people from being drawn into terrorism.
- 4.8 Other relevant legal obligations which apply to the University in relation to this Code include: the prevention of discrimination, harassment and victimisation (including under the Equality Act 2010); maintaining public order; and the health and safety of students, employees, visiting speakers and visitors.
- 4.9 All speech is lawful unless it is restricted by law, and freedom of speech within the law is protected. Students' learning experience, and staff working environments, may include exposure to research, course material, discussion, or speaker views, that some students and staff may find offensive, contentious or unacceptable. Unlawful speech is not protected. Speech that amounts to unlawful harassment or unlawful incitement to hatred or violence (for instance) does not constitute free speech within the law and is not protected.

5. Steps the University takes to secure and promote Freedom of Speech and Academic Freedom

- 5.1 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 and the very high

level of protection for the lawful expression of viewpoints and for speech required in the context of higher education by the legislation noted above (4.1-4.4, 4.7), including but not limited to:

- its processes for programme development and approval, quality assurance and academic assessment;
- its processes for admission, appointment, reappointment and promotion;
- its policies relating to equality, diversity and inclusion (including the public sector equality duty) and the Prevent duty;
- its processes for facilitating research; and
- its codes of conduct and other behaviour policies, which will ensure no individual will be subjected to disciplinary sanction or other less favourable treatment by or on behalf of the University because of the lawful exercise of freedom of speech or academic freedom.

5.2 Academic freedom and freedom of speech in the University should not and must not be constrained or compromised through the terms of certain overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships.

5.3 The University will:

- ensure that the University Ordinance protecting academic freedom and this Code of Practice are brought to the attention of new students at registration and new staff during induction;
- draw the attention of students and staff to this Code of Practice annually, and ensure that it is referred to in other University documentation as appropriate;
- ensure that all relevant staff are aware of and/or receive appropriate training on freedom of speech and academic freedom;
- ensure that all relevant decision-makers, in making any decision or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, act compatibly with the University's free speech duties as they apply in the relevant circumstances;
- periodically seek feedback from staff, students and other stakeholders to secure their views on whether freedom of speech and academic freedom at the institution are being adequately protected and promoted and take the responses into account;
- ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;
- ensure that, when new policies and procedures are introduced, consideration is given to their impact on freedom of speech and academic freedom;
- ensure that it has appropriate processes for the holding of events and meetings (as set out in section 6 below);
- 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 and to address any lessons learned and draw

the attention of complainants to its processes for investigating complaints; and

- take steps to secure compliance with this Code of Practice, including where appropriate taking disciplinary action.

6. University Events and Meetings – Procedures and Conduct of Attendees

- 6.1 An active speaker programme is fundamental to the academic and other activities of the University and staff and students are encouraged to invite a wide range of speakers to engage critically and courteously with them. Recognising the University's duty to secure and promote freedom of speech and academic freedom, the starting point for any event is that it should be able to go ahead.
- 6.2 This Code of Practice is the only process by which the University can cancel or impose conditions on University meetings or events where this is deemed necessary because of the event's subject matter and/or speaker(s). This is to ensure that the use of University premises is not inappropriately denied to any individual or group on any ground connected with their beliefs or views or the policy and objectives of any groups (except for proscribed groups or organisations) of which they are a member. However, all speakers should anticipate that their views might be subject to robust, respectful debate, critique and challenge, including lawful protest.
- 6.3 This Code of Practice is binding on all members, students and employees of the University, including any member or society of the Kent Students' Union, in relation to the use of the University's buildings, estates or facilities to organise or sponsor an event, and to any events held elsewhere (including international events) that are described or branded as University of Kent or Kent Students' Union events. The Code also applies to bookings taken from sources external to the University for events taking place on University or Kent Students' Union premises.
- 6.4 All events in the University are governed by such University rules, regulations and booking procedures as may be in force, including the Terms and Conditions for Student Society Bookings. The provisions of this Code of Practice shall, where applicable, prevail over such rules, regulations or procedures in the event of conflict. Annex A sets out the procedures which apply to student and Kent Students' Union bookings.
- 6.5 The University reserves the right to decline a request to book an event or a speaker where there is a real risk of a contravention of the law. If any member of the University wishes to raise concerns that an event may be in this category, the Secretary to Council (or nominee) must be informed. Any decision to decline a request to book an event or speaker must be based on documented evidence, including reasons why the event is likely to result in unlawful speech. Such a decision will be taken by the Executive Group (or their nominee) and will be given in writing with a rationale.
- 6.6 Organisers of all events are required to designate an individual as the Responsible Organiser, who is responsible for the meeting or event and is a member, member of staff, or student of the University.

- 6.7 Permission is required for meetings and events to be held on University premises, whether indoors or outdoors. In the case of accommodation assigned to a single School or Directorate, the permission of the relevant School or Directorate authorities is required. In the case of accommodation not so assigned, permission must be obtained from the central University authority responsible for the accommodation concerned and, if a room is to be reserved, a booking must be made through that authority at least fourteen working days in advance of the proposed event. For meetings requiring Special Arrangements (see below and Annex B) permission should be requested at least twenty-one days in advance. It is anticipated that, in the vast majority of cases, the authority in question will straightforwardly consider the request as part of normal business; permission is presumed by default, and only reconsidered in exceptional circumstances.
- 6.8 In exceptional circumstances, Special Arrangements may be required to facilitate freedom of speech for events where there are reasonable concerns regarding health and safety or orderly conduct. A high-profile speaker, for instance, may be so popular that there will be a requirement to ensure the safety of large crowds. Some speakers may provoke a strong reaction from some members of the University community, and it will be necessary to adopt measures to ensure that everyone involved behaves in an orderly and tolerant manner and that an atmosphere of free and open discussion is maintained.
- 6.9 A Controlling Officer will be appointed for events that are deemed to require Special Arrangements. Guidance for events approved under Special Arrangements are set out in Annex B.
- 6.10 The University reserves the right:
- to control the frequency and timing of events organised by an individual person or group if, in its opinion, their frequency or timing would put an unreasonable burden on the resources of the University;
 - to decide which room(s) shall be used for a particular event and to take any other decision which may be necessary to protect the safety of people, property or premises;
 - to postpone or cancel a booking for an event or speaker if further information is received that there is a real risk of a contravention of the law, or there is a failure to comply with conditions set out by a Controlling Officer;
 - to cancel a booking for an event or a speaker if the organisers, the speaker(s) or external groups or individuals have misled the University about the nature of the event by falsifying or concealing information;
 - to require that the proposed text of any speech to be delivered by an external speaker is provided in good time to determine whether it is likely that Special Arrangements are required to facilitate free speech or there is a real risk of an infringement of the law.

7 Appeals

- 7.1 Appeals against a decision to decline a booking, whether arising from the academic work of the University, a student or Kent Students' Union group, or other member or department of the University, may be made in writing by a member of the University through the Secretary of the Council within seven days of the decision. Appeals must be in writing. The Secretary will ask the Chairs of the Joint Standing Committee on Academic Freedom and Freedom of Speech to review the decision on the papers provided by the appellant and the Secretary to Council (or nominee). The Chairs will determine an appeal as quickly as reasonably practicable, based on the evidence provided. That should be within 14 days other than in exceptional circumstances. If they do not agree the matter will be decided by the Chair of Council. The decision shall be final.
- 7.2 Organisers should be aware that it will not generally be possible to resolve an appeal quickly and it is likely that a proposed event will need to be postponed.

8. Breaches and Complaints

- 8.1 Where the University receives a concern about the undermining or inhibition of academic freedom or freedom of speech, or where it has received a concern about a possible infringement of or departure(s) from the values and procedures set out in this Code of Practice, it will consider which of its procedures are most appropriate to consider the concern, making such enquiries and seeking such information as it considers necessary. Such consideration may lead to further investigation in accordance with the University's disciplinary procedures (staff or student), or the University's grievance or complaints procedures.
- 8.2 In the event of a whistleblowing concern pertaining to the alleged infringement of academic freedom, one of the Chairs of the Joint Standing Committee on Academic Freedom and Freedom of Speech will undertake the initial assessment in accordance with the University's Whistleblowing Policy.
- 8.3 When the relevant provisions of the Higher Education (Freedom of Speech) Act 2023 come into force the Office for Students (OfS) will operate its own free speech complaints scheme. At such time, information will be available on the [Office for Students website](#).
- 8.4 Any contravention of or departure from the provisions of this Code may render the registered student or employee responsible liable to disciplinary procedures. In the case of Kent Students' Union groups, any contravention or departure from the Provisions of this Code will be investigated under Kent Students' Union Disciplinary Procedure in the first instance. The University may also investigate such instances under its own disciplinary procedures. Possible sanctions, if a serious contravention of the Code is found to be deliberate or negligent, include dismissal, in the case of staff, or fines or terminations of registration, in the case of students, depending on the facts of the case.

9. Annual Report

- 9.1 An annual report will be made to Council by the Joint Standing Committee on Academic Freedom and Freedom of Speech on all decisions made under this Code of Practice, to comment on the implementation of its provisions, and to recommend any amendments or additions for consideration by Council. The annual report will be published.

Approved by Council: 27 June 2025

Annex A

Procedures for Student and Kent Students' Union Bookings

1. The Responsible Organiser of a student or Kent Students' Union event must complete a booking and risk assessment form that must be submitted when requesting a room booking. A standard form will be used by Kent Students' Union and its student groups. The booking form will include the following information:
 - a. Date and time of the event
 - b. Name of organiser and club or society
 - c. The nature of the event
 - d. The subject/theme of the event
 - e. The number of people likely to attend
 - f. Any particular seating arrangements
 - g. Whether the event will be open to the public or restricted to members of the University
 - h. The name(s) of the speaker(s)
 - i. The topic/title of the talk and brief background details of the speaker
 - j. A risk assessment
2. All visiting speakers for student or Kent Students' Union events will be risk assessed, and the University may decline or cancel a booking where the University (acting reasonably) considers there is a real risk of a contravention of the law, disorder or a threat to the safety of participants or the wider University community. The Secretary to Council (or nominee) will notify the Chair and Deputy Chair of Council, and the Chairs of the Joint Standing Committee on Academic Freedom and Freedom of Speech of any decision to decline or cancel a booking. It is recommended that organisers of events ensure that the Secretary to Council (or nominee) has 21 days' notice of a booking. Where the notice given is shorter than the recommended period, the Secretary to Council (or nominee) may require the event to be postponed pending consultation with the Executive Group. If a decision is taken to cancel or decline a booking, the organisers may follow the appeals process as set in the Code of Practice.
3. Where clubs or societies organise a series of events a risk assessment must still be provided for each event and speaker and provided to the Secretary to Council (or nominee) in good time, and at least 21 days in advance if there is a possibility that Special Arrangements may be required.
4. A Responsible Organiser is deemed by the University to be responsible for the event, for taking all reasonable steps to ensure that the University's property, furnishings and equipment are treated with respect and ensuring that all the requirements of health and safety are observed.
5. The Secretary to Council (or nominee) is responsible for reviewing the risk assessment, determining whether the level of suggested risk is appropriate

and whether any special arrangements might be required to mitigate any risk.

6. The Secretary to Council (or nominee) may determine the required Special Arrangements that are reasonably required. An indicative range of possible requirements is set out in Annex B.
7. Organisers of events should be aware that a significant lead time will be necessary if Special Arrangements are required. It is recommended that the minimum period of notice should be 21 days' clear notice. Organisers should provide a risk assessment as early as possible and should be aware that a proposed event may need to be postponed if Special Arrangements are considered necessary. Where a postponement is required the Secretary to Council (or nominee) will consult available members of the Executive Group before reaching a decision; and the Chair and Deputy Chair of Council, and the Chairs of the Joint Standing Committee on Academic Freedom and Freedom of Speech shall be notified of the decision.

Annex B

Guidance for Events Approved under Special Arrangements

1. Controlling Officer

- 1.1 The Secretary to Council (or nominee) may act as a Controlling Officer but will normally appoint a member of the University Executive Group (or other nominee) to be the Controlling Officer for an event taking place in a University building. The Controlling Officer will be the University's representative for the purpose of this Code. Kent Students' Union will be informed of the appointment of a Controlling Officer where the event is run by a Kent Students' Union group and the Controlling Officer will liaise with Kent Students' Union.
- 1.2 The Responsible Organiser must act as the channel of communication with the Controlling Officer and be responsible for ensuring compliance with requirements under this Code of Practice, the University's Charter, Statutes, Ordinances, Regulations and Policies, and the law.
- 1.3 The Controlling Officer shall have the absolute discretion to lay down reasonable conditions on the matters dealt with in this Code of Practice, and after discussing the arrangements with the Responsible Organiser, will communicate in writing the precise conditions to be observed.
- 1.4 Only when the Responsible Organisers' written acceptance of these conditions has been received by the Controlling Officer may the event proceed. If the Controlling Officer is not satisfied that the conditions will be met, he or she may cancel the event.
- 1.5 An event requiring special arrangements shall not be advertised without the Controlling Officer's prior approval, and the wording of notices advertising the event shall be subject to approval by the Controlling Officer.

2 Options for the Mitigation of Risk

The following is an indicative list of options that might be imposed to mitigate risks:

- 2.1 The Controlling Officer may specify that stewards are required, and their number, and be assured as to their suitability. The Controlling Officer may also liaise with Campus Security to arrange appropriate security for the event.
- 2.2 In exceptional circumstances, where the cost of security is likely to be unusually high, or disproportionate to the size of the event, in order to facilitate the event proceeding, the University may ask Organisers for a contribution towards the cost of security. Any such request would be explained by the Controlling Officer in writing, and would be subject to appeal through the appeals process.
- 2.3 The Controlling Officer may determine whether attendance at the event should be restricted or opened up:
 - 2.3.1 to University members only;

- 2.3.2 to University members and guests who are not members of the University, provided they have been individually invited by the organisers, or by members of the University who are members of the body organising the event;
 - 2.3.3 to persons known to the organisers;
 - 2.3.4 to the general public (which may require a police presence).
- 2.4 The admission of the media (other than media run by the University or Kent Students' Union) to any event governed by Special Arrangements may require the prior approval of the Controlling Officer who will act in consultation with the Head of Communications.
- 2.5 Admission may be controlled either by ticket, or by identity card, or by both, as required by the University. This checking process may be extended under certain circumstances to access to the building where the event is taking place.
- 2.6 The Controlling Officer may determine the access and departure route of the speaker.
- 2.7 The Controlling Officer may determine that the event should be recorded by an independent body.
- 2.8 The Controlling Officer may decide that a member of the University should be admitted to the event to act as an independent observer, and where appropriate to present a balancing view.
- 2.9 The Controlling Officer may appoint member(s) of the University to observe or to assist in monitoring an event to ensure that health and safety requirements are met, that order is maintained and that the speakers act within the law.
- 2.10 If a speaker appears to infringe the law or this Code during the event, the Controlling Officer (or nominee) will have a duty to warn them and, if they persist, to close the event. The Controlling Officer shall also be authorised to summon assistance from Campus Security and/or the police if necessary.