

## **Consultation on the Draft Statement on Free Speech and Academic Freedom**

### **Introduction**

In the current climate, and given new pressures from government, University Executive Board determined that it was time to review the University's approach to and regulations governing free speech. A small group was therefore established to consider the current position and draft a new University statement on free speech to provide an appropriate framework for the future.

### **Background**

There is a range of regulations and legislation relating to free speech and the related issue of academic freedom. There is also a significant interest in free speech on campus on the part of Conservative ministers who see it, despite significant evidence to the contrary, as a major issue and an area ripe for further legislation and/or regulation.

Arguably the most significant issue here is around arrangements for meetings on University premises where [we have developed a Code](#) which sets out to meet the duties of the University in respect of freedom of speech as laid down in Section 43 of the Education (No.2) Act 1986. The Code seeks to take steps which are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the University and for visiting speakers. There is also the Prevent Duty which places legal requirements on the University to minimise the risk of individuals being drawn into terrorism and to ensure vulnerable individuals receive timely and appropriate support.

Other relevant legislation here includes the Human Rights Act 1998 and within the University our Social Media Policy and Dignity policies too. We also have the formal guarantee of academic freedom (as distinct from freedom of speech) which is enshrined in University Statutes.

### **Working Group**

The following group was appointed by UEB and has developed the attached statement for consultation:

Registrar (Chair)  
Professor Marko Milanovic Professor of Public International Law, School of Law  
Dr Zachary Hoskins, Associate Professor, Department of Philosophy  
University General Counsel, Kate Gallagher  
Campus Life Director, Andy Winter  
Students' Union Development Officer, Madeleine Fox

The Group met on a number of occasions since its establishment in December 2020 and is keen to ensure wide consideration of the draft statement it has prepared.

### **UNM and UNNC**

The attached statement has been drafted in the context of the legal and regulatory frameworks of England and Wales and does not apply in this form to UNM and UNNC where further discussion needs to be undertaken by both campuses taking into account the University's values as set out in our Strategy but also recognising the very different legal frameworks in China and Malaysia.

### **The Draft Statement**

Whilst the statement stands for itself there are a few observations to make about the approach. It is important to note at the outset that the values it espouses are the same as those set out in the University Strategy. Respect is a core University value and is an

important dimension of the free speech framework here, noting that in other universities it has been the subject of significant controversy as an underpinning concept.

It is fundamental to the approach here that the University will actively promote freedom of speech and allow for robust and civil debate within the law. This is very much in line with anticipated government requirements but also meets our expectations. Importantly though we will also aim to protect the freedom of speech of our staff and students from those external to our community who seek to interfere with it as far as we can. We also want to stress the importance of helping students learn through debate and exposure to new ideas while providing a supportive environment and infrastructure for them to ensure their wellbeing.

Academic Freedom is also core and, as noted above, is reflected in Statutes. It does not entail that every view has merit though and the approach here stresses that, whenever possible, controversial ideas should be subject to questioning and challenged by evidence and reasons.

The statement that the University is not a public square asserts that the University is a bastion of free speech, but it is not open to all comers. This is perhaps a distinctive aspect of this draft which stresses that we are not obliged to provide a platform to those with no relevant expertise or who espouse palpable falsehoods. Rather it is suggested that they should be directed to Nottingham city centre which has an [official speakers' corner](#), serving as a designated space for those who wish to air their views in public, or to other venues in which they could express themselves freely.

The University's policies are designed to ensure that debates about controversial ideas are peaceful and civil and take place within the law, and that participants in these debates are not made to feel intimidated or censored.

It is expected that the statement will be a living document which will be reviewed periodically and as it is stress-tested in operation. It is intentionally short but with references to other key documents, including relevant legal frameworks. We know that it cannot cover every case which will arise but it is hoped that it provides a strong starting point for addressing many free speech issues including the more challenging situations which may occur. There will inevitably be hard cases, especially those that involve balancing competing interests and considerations, on which reasonable people may disagree. All decision-makers within the University should, however, bear the principles in the statement in mind when making their decisions and take advice from the Registrar or other relevant officers as appropriate.

### **Action**

Individuals and teams are asked to consider the document and submit comments via the [online form](#). There is also intended to be an open meeting for any staff member to attend and raise issues with the working group members.

The revised draft will be submitted for consideration by the Senate at its June 2021 meeting.