

Free Speech and Academic Freedom at the University of Nottingham

Freedom of speech and the free exchange of ideas, in pursuit of truth and knowledge, are central to the University of Nottingham's mission to enable students and staff to collaborate in learning, scholarship, and discovery. In all the University does, it values inclusivity, ambition, openness, fairness, and respect.¹

The University commits to promoting these freedoms so that students and staff can become acquainted with new information and ideas and with diverse viewpoints; the University will foster its students' and staff's wellbeing by providing them with a supportive environment in which they can challenge their own and others' beliefs and opinions and can scrutinise these on their merits.

Promoting Free Speech and Supporting Wellbeing

The freedom of expression applies not only to information or ideas that are favourably received, but also to those that offend, shock or disturb. It applies to all who wish to seek, receive or impart information and ideas of all kinds, and includes the right to protest peacefully. The University will actively promote freedom of speech and allow for robust and civil debate². By helping students develop the skills to engage critically with new ideas, the University seeks to prepare them for the challenges they will face once they graduate. At the same time we will continue to engage with and provide an environment and infrastructure to support the wellbeing of those who may object to a speaker or are for whatever reason concerned or offended by them.³ The University will also aim to protect the freedom of speech of its staff and students from any third parties who seek to interfere with it.

Academic Freedom

The University is also committed to protecting and promoting academic freedom. Academic staff at Nottingham have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges. But a commitment to academic freedom does not entail that every claim or viewpoint is equally worthwhile; some views will not stand up to any intellectual scrutiny. Whenever possible, controversial ideas should be subject to questioning and challenged by evidence and reasons.

The University is not a Public Square

The University is a bastion of free speech, but it is not a public square⁴. As a scholarly institution it confers authority and legitimacy on the views which attach to it and an audience to the speakers it hosts. It is not obliged to provide a platform to individuals who have no recognised expertise in a field of academic inquiry or who wish to promote views that are manifestly at odds with long-established, empirically verifiable objective facts. Similarly, not all views expressed by staff and students will be shared by the University; when views which are contrary to the values of the University are expressed and published, it must be made clear that the opinion is personal to the individual and not expressed on behalf of the University.

¹ These are the University's values as articulated in our Strategy which [can be found here](#).

² Within the law and under rules governing [Meetings or Other Activities on University Premises](#).

³ Also addressed by the [Arrangements for Meetings on University premises](#) rules.

⁴ Nottingham city centre is home to an [official speakers' corner](#), the first to be established outside London, which is a designated space for those who wish to air their views in public.

Civil Debate Within the Law

It must equally be recognised that a commitment to promote freedom of speech and academic freedom does not require tolerance of abuse, threats, incitement to violence, hatred, discrimination, or other unlawful acts and in exercising these rights, we must each be mindful of the potential to cause harm and of our own accountability. The University's policies are designed to ensure that debates about controversial ideas are peaceful and civil, and that participants in these debates are not made to feel intimidated or censored.

These are the commitments that inform all of the University of Nottingham's specific policies that have implications for the freedom of speech. Whilst it is recognised that it can be difficult in practice to balance competing rights and obligations, this statement provides a framework for any decision-making on behalf of the University that may have implications for the freedom of speech. The University is committed to keeping these policies and other parts of the regulatory framework under constant review, in particular as to how they are being applied in practice. The University will also revise and develop these policies transparently and in consultation with the wider University community.

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Endnote

This statement has been drafted in the context of the legal and regulatory frameworks of England and Wales, consistent with international human rights standards on freedom of expression, including those in the European Convention on Human Rights. The appendix below provides links to a number of relevant legal sources and materials. This statement does not apply in this form to UNM and UNNC where further discussion will be undertaken by both campuses to consider these issues taking account of the relevant legislation in Malaysia and China.

Appendix

University Policies and other Relevant Reference Points

The **University Strategy** including the statement on University values [can be found here](#).

Academic Freedom is addressed in the Statutes of the University, which are, after the Royal Charter, the highest level of University regulations. The statement on academic freedom, [enshrined in Statute 9](#), was approved by Privy Council in 2010.

Meetings on University Premises: Procedures are in place relating to [Arrangements for meetings or other activities on University premises](#). The [Code of Practice for Meetings or other Activities on University Premises](#) was prepared in relation to 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. The Code of Practice was updated in March 2016 to reflect the statutory requirements of the *Prevent* Duty and has been approved by the University's Council which has appointed the Registrar to act on its behalf to ensure as far as is reasonably practicable that all members, students and employees of the University, and visiting speakers, comply with the provisions of this Code.

The *Prevent* Duty, which came into force for universities in September 2015 as part of the Counter-Terrorism and Security Act 2015, 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. The University therefore needs to be able to demonstrate that we have appropriate processes and policies in place to comply with the Duty. This also includes visiting speakers and is therefore addressed as part of the procedure for [Meetings on University Premises](#).

The University's Equality Diversity and Inclusion policy [can be found here](#) and the full set of policies and procedures intended to ensure all staff, students and University representatives feel safe, included, comfortable and supported to be their very best in all that they do [are available here](#).

The **University's Social Media Policy** for staff [can be found here](#).

The University's approach to dignity, harassment and bullying can be found in the [Dignity at Nottingham](#) page which contains the Staff and Student Policy on Harassment, Bullying and Victimisation. Additionally there is a set of web pages on student behaviour including in relation to [harassment, bullying and victimisation](#).

Staff disciplinary procedures are set out in the [Human Resources web pages](#).

The [Code of Discipline for Students](#) is in place to ensure that good standards of communal life are maintained at the University of Nottingham. It stipulates that students are required to show respect for all members and property of the University and wider community and to behave in a manner that does not interfere with the proper functioning and activities of the University.

A Selection of Relevant External References

A [DfE publication from February 2021](#) sets out Government's proposals relating to free speech and academic freedom.

Full details of the **Human Rights Act 1998** [can be found here](#).

The Education Act 1994 - Although Students' Unions are generally independent, section 22 of the Education Act 1994 explicitly makes universities responsible for taking reasonably practicable steps to secure that their SU operates in a fair and democratic manner. Section 22 also specifically requires the governing body to bring to the attention of all students, at least annually, the provisions of section 43 and our code of practice.

The Charity Commission - Most Students' Unions are registered charities and are therefore regulated by the Charity Commission. This includes acting for the public benefit in a way that promotes their charitable purpose (e.g. "advancement of education").

The OfS is able to use its powers under the Higher Education and Research Act 2017 (HERA) to take action where a university has breached, or there is a risk that they might breach, one of the registration conditions related to free speech. All registered universities are required to comply with the ongoing conditions of registration set by the OfS in its Regulatory Framework that are applicable to them, with Conditions E1 and E2 applying to free speech and academic freedom. Condition E1 refers to the public interest governance principles which are applicable to all registered providers. These principles explicitly reference freedom of speech and academic freedom. Condition E2 makes reference to statutory duty on freedom of speech in section 43 of the Education (No.2) Act 1986.

The **Defamation Act 2013** [is available here](#).

[The 'Report of the Committee on Freedom of Expression' at Chicago University](#) has been widely referenced in the current discussions.

A statement on free speech was published by [Edinburgh University](#) following a review of the legal and policy landscape in Scotland and the UK.

The Russell Group has [also published a statement](#) which is intended to underline the determination of the UK's leading research-intensive universities to protect freedom of expression and academic freedom