

Newcastle University & Newcastle University Students' Union

Code of Practice for Freedom of Speech

1. Principles

- a. Newcastle University (the University) and Newcastle University Students' Union (NUSU) as co-authors of this code of practice encourage students and colleagues to share, debate and challenge views and positions on various topics. As part of our legal obligations, we uphold freedom of speech within the law, including allowing individuals or groups to host events or speakers that others don't agree with or wish to demonstrate against. Our commitment to freedom of speech and academic freedom is enshrined in the University's statute 3(4) and NUSU Constitution. The University is also a signatory of the Magna Charta Universitatum.
- b. Freedom of speech is an important part of academic life, the University and NUSU are committed to upholding and promoting lawful free speech for all colleagues, students, members and visiting speakers to do this we:
 - i. Recognise that free speech is not an unqualified right and must operate within the law,
 - ii. Encourage colleagues, students, members and visiting speakers, to express their views and opinions lawfully,
 - iii. Expect colleagues, students, members and visiting speakers to demonstrate respect for each other and tolerance of those with different views.

2. Introduction

- a. Council as trustees of the University, and NUSU Trustee Board, recognise that the legal duty of UK universities to protect freedom of speech is enshrined in legislation, including the [Higher Education \(Freedom of Speech\) Act 2023](#), Education (No. 2) Act 1986, the Human Rights Act 1998 and the Higher Education and Research Act 2017. Academic freedom is also protected by the Education Reform Act 1988.
- b. The 2023 Higher Education (Freedom of Speech) Act requires the governing body of the University to undertake a number of steps including the promotion of the importance of freedom of speech within the law, and promotion of academic freedom for academic colleagues of registered higher education providers and their constituent institutions, in the provision of higher education.
- c. Freedom of speech throughout this code applies to the freedom of all students, members, colleagues and visiting speakers to impart ideas, opinions or information by means of speech, writing or images (including in electronic form).
- d. Academic freedom throughout this code allows those colleagues on an academic contract to 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 at risk of being adversely affected by loss of their jobs, rights or privileges or the likelihood of their securing promotion or different jobs being reduced.
- e. This Code of Practice sets out how the University and NUSU discharge their responsibilities to secure freedom of speech, the promotion of freedom of speech and academic freedom.

3. Scope

- a. Newcastle University and NUSU must take "reasonably practicable" steps to secure freedom of speech within the law. There is no expectation to take steps that are not reasonably practicable. Newcastle University and NUSU may regulate lawful expression where this is required for their essential functions i.e. learning, teaching, research and the administrative functions that support these. Such regulation would be concerned with the time, place and manner of the expression and not the view being expressed.
- b. The requirement to take reasonably practicable steps includes refraining from taking steps that would have an adverse impact on freedom of speech without compelling lawful justification.

- c. Factors that are relevant to the assessment of whether steps are reasonably practicable may include, among other things, the following:
- i. The extent to which taking a step, or not taking it, would secure or restrict freedom of speech
 - ii. The practical costs (time, money, personnel, resources) of taking a step, or not taking it
 - iii. Financial constraints - We will take reasonably practicable steps not to pass on costs (such as security costs) for outside events except in exceptional circumstances.
- d. The Code shall be construed and applied for the purpose of upholding freedom of speech within the law and the statutory duty.
- e. The Code applies to all colleagues (academic and non-academic) of the University and NUSU; Students, members and all visiting speakers invited to speak in respect of:
- i. All meetings, events demonstrations and protests, virtual or in person, to be held on University or NUSU premises including those organised by third parties; and
 - ii. All meetings and other events that are organised or funded under the name of the University or NUSU wherever they may take place, including those online.
 - iii. Communications associated with the activity (see also section 5).
- f. The code does not apply to events organised on premises that the University leases to other organisations or events not organised by or in collaboration with the University. It is also not anticipated that prior approval of meetings will be required for normal teaching, other academic or administrative/operational meetings.
- g. Higher Education and Research Act 2017 requires Codes of Practice for Freedom of Speech to set out procedures to be followed by colleagues and students of the University and NUSU when organising activities that relate to academic life either on or off campus. Such activities relate to:
- i. Admission, appointment, reappointment and promotion
 - ii. Disciplinary matters
 - iii. Employment contracts (that may impact lawful speech e.g. a requirement to commit or give evidence of a commitment to a particular viewpoint beyond core competencies of the role)
 - iv. Equality or equity, diversity and inclusion, including the Public Sector Equality Duty
 - v. Harassment and bullying
 - vi. IT, including acceptable use policies and surveillance of social media use
 - vii. Prevent duty
 - viii. Principles of curricular design
 - ix. Research ethics
 - x. [Visiting] Speaker events
 - xi. Colleagues and student codes of conduct
- h. When engaged in such activities, colleagues and students of the University and NUSU must be mindful that nothing in other documentation related to these activities should be read as undermining or conflicting with the Code of Practice for Freedom of Speech and that in case of any conflict, the Code of Practice for Freedom of Speech will take precedence.
- i. The Council of the University and NUSU Trustee Board authorises the Registrar or the Registrar's nominee to act as the 'Designated Officer' to ensure that all members, students and employees of the University, NUSU and visitors comply with the provisions of this Code.
- j. Where colleagues and students are unable to resolve perceived conflict between their activities and free speech duties, they should contact the Designated Officer in the first instance.

4. Conventions

- a. The University and NUSU shall take such steps as are reasonably practicable to ensure that freedom of speech within the law and academic freedom must be protected (even if the speech is controversial or offensive)

b. The University has a legal obligation to secure freedom of speech within the law and is committed to create an inclusive culture that promotes equality, values diversity and maintains a working, learning and social environment where everyone can feel respected. Incitement to public disorder, insurrection, harassment and unlawful discrimination are not within the law. Freedom of speech does not include threatening, abusive or insulting words or behaviour that causes, or is likely to cause, another person harassment, alarm or distress. It is important to recognise that at times rights may need to be balanced and this can require difficult judgements. The appendix sets out additional legal context.

c. The University shall ensure, so far as is reasonably practicable, that the use of University premises is not denied to any individual or body of persons seeking to express freedom of speech within the law on any grounds connected with:

- i. those characteristics protected under the Equality Act 2010; or
- ii. the policy or objectives of such body.

d. Every person to whom this Code applies shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.

e. The University and NUSU shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to ensure that the obligations under this Code of Practice are complied with.

5. General Procedures

a. All colleagues, students, members of the University and NUSU, and visiting speakers must adhere to the provisions outlined in this code. When implementing policies and procedures related to the activities specified in section 3g, University and NUSU colleagues and students must ensure that these documents do not undermine or conflict with this code. In cases of perceived conflict, particular regard will be given to the legal duty to achieve compliance with this code this code will take precedence. If colleagues, students, or members encounter difficulties in reconciling their activities with this code, they should promptly contact the Designated Officer for assistance.

b. Planning academic activities (including teaching, seminars and research) which cover sensitive or controversial views should consider reasonably practicable steps to ensure freedom of speech and academic freedom is protected. An inclusive environment where students or participants are able to put forward alternative viewpoints and encouraging the ability to 'disagree well'.

c. Policies that regulate protests and demonstrations or the posting or distributing of written materials (such as flyers), should not restrict these activities because they express or support a particular legally expressible viewpoint.

6. Additional procedures for visiting speaker and/or protest events

a. A visiting speaker is a person who is not a current colleague or student and is invited to speak at a registered higher education provider, constituent institution or relevant students' union. Newcastle University and NUSU will not deny use of its premises to any individual or body on the following grounds:

- i. In relation to an individual, their ideas or opinions
- ii. In relation to a body, its policy or objectives or the ideas or opinions of any of its members.

b. It may occasionally be consistent with the free speech duty for Newcastle University and NUSU to regulate which premises may be used for a particular event and at what time they may be used on grounds related (for example) to the policy or objectives of the body which it is making its premises available. Such mitigation should be coordinated and communicated to event organisers by the Designated Officer and be no more than is necessary to ensure that the event can proceed.

c. An event involving a visiting speaker or protest must clearly identify a student or colleague who will act as "Principal Organiser" (PO) for the event. The PO will be responsible for liaising with Newcastle University or NUSU before, during and after the event and as required. The University reserves the right to only consider requests to host events where a PO has been clearly identified. The Principal Organiser will:

7. Before the event

- a. Complete and submit a visiting speaker/protest notification/risk assessment form (link) a minimum of 10 working days before the date of the planned event.
- b. Respond to any requests from Newcastle University and/or NUSU for information in addition to that provided in the notification/risk assessment form regarding the event and/or visiting speaker
- c. Events should not be promoted until risk assessment has been concluded.
- d. NOTE: Should event organisers decide to rescind an invitation to speak for any reason including as a result of pressure exerted by a third party, then they must gain approval to rescind the invitation prior to notifying the affected individual(s). To gain such approval, event organisers must contact the Designated Officer in the first instance.

8. During the event

- a. Adhere to all steps established by Newcastle University and/or NUSU as being reasonably practicable for the event to proceed.
- b. Ensuring good order at the event and that both the audience and any speaker act in accordance with the law during the meeting or other activity and that this code is observed.

9. After the event

- a. Ensure premises are left in clean and tidy condition, in default of which the organisers may be charged for the cost of any additional cleaning and repairs that are subsequently required. Organisers may make reasonable admission charges to cover the cost of stewards or liabilities to the University or NUSU
- b. Report any disruption or potential breach of Newcastle University or NUSU free speech duties that occurred during the event to the Designated Officer and support any investigation into the reported matters.
- c. In cases in which it is reasonable to assume that there is a possibility of disruption at an event, the University or NUSU may consult with the police. If the event is a public event the police may be prepared to be present throughout the event to minimise any disruption.
- d. Notwithstanding 3cii, the organisers of the event will as described above be responsible for any costs involved in organising and holding such events and for ensuring, as far as possible, that nothing in the organisation and holding of such events infringes the law in any way.

10. Appeals and Complaints

- a. Appeals against decisions or conditions issued by the Designated Officer on behalf of Newcastle University or NUSU may be made to the Pro-Vice-Chancellor appointed by the Vice-Chancellor or the NUSU Deputy Chief Executive Officer, respectively. The decision of the Pro-Vice-Chancellor or the NUSU Deputy Chief Executive Officer shall be final.
- b. Where a breach of this Code of Practice takes place at an event and unlawful expression occurs, the University may take steps to assist the police to secure identification of the persons committing offences with a view to appropriate action being taken against them.
- c. A webform will be developed, however in the meanwhile any complaints relating to freedom of speech should be emailed to governanceoffice@newcastle.ac.uk marked for the attention of the Designated Officer.

11. Promotion and Amendment of the Code

- a. The University and NUSU acknowledge the duty to keep up to date a Code of Practice on Freedom of Speech. As part of the commitment to promote freedom of speech and academic freedom, colleagues and students will be reminded of this code at the start of each academic year.

12. Outside organisations and individuals

a. The University and NUSU have discretion about accepting any booking requested by an outside organisation and from time to time may permit their premises to be hired. The booking of University or NUSU premises by, or on behalf of an outside organisation or individual shall be made through the University Conference Office or NUSU Commercial Office respectively, who will act as PO in line with this Code for the duration of the booked event.

b. Any external hire will subject the organisation or individual to the regulations of the University and NUSU including the application of this Code.

Published date - 1st August 2025

Agreed by Executive Board – July 2025

Subject to ratification by Council 13 October 2025