

Policy and procedures on academic freedom and freedom of speech

Purpose

1. The purpose of this policy is to set out how the University of York and the University of York Students' Union meet their commitments to academic freedom and freedom of speech as set out in the University's [Charter](#), [institutional values](#) and [Strategy](#); and the requirements of the relevant UK freedom of speech legislation.
2. Together with Articles 10 and 11 of the Convention on European Human Rights as guaranteed by the Human Rights Act 1998, paragraphs 7 and 8 of the [University Charter](#), and the procedures listed in paragraph 17 below, this Policy constitutes the joint Code of Practice on Academic Freedom and Freedom of Speech of the University and the University of York Students' Union (York SU).

Scope

3. This Policy covers the University (including constituent bodies such as Centres, Colleges and overseas faculties of the University and wholly-owned or majority-owned subsidiary companies), and the York SU.
4. In respect of the different categories of persons, the Policy's scope (based on the definitions set out in paragraph 8 below) is as follows:

Who	What?
Academic staff	<ul style="list-style-type: none"> • The right to academic freedom. • The right to freedom of speech within the law.
Members of the University (defined below)	<ul style="list-style-type: none"> • The right to freedom of speech within the law.
Students	<ul style="list-style-type: none"> • The right to freedom of speech within the law.
Visiting speakers, visiting lecturers and visitors attending University and/or Student Union-led events	<ul style="list-style-type: none"> • The right to freedom of speech within the law. • If they are academics employed by another provider or body, the University has no obligation, and it is beyond its power, to ensure or promote the academic freedom of those individuals.

This Policy does not apply to anyone who is not listed in the above table.

5. This Policy applies to all activities on any part of the University's physical estate, or using the University's digital facilities; to all activities of staff or current students in any other location (physical or digital) when carried out in the name of the University or York Students' Union; or where members are using the University's physical or digital premises or engaged in activities organised or sanctioned by the University.

Definitions

6. The following terms are used in this document:
- a. **Academic freedom:** the freedom for staff engaged in teaching or research or directly supporting it 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, or the likelihood of their securing promotion or different jobs at the provider being reduced.
 - b. **Visiting Speaker:** a speaker (for example at seminars, meetings, lectures, staff or student society events) who is not a Member of the University, and who has been proposed and invited by staff and/or students of the University in line with the University's Procedures for designating and supporting Potentially Sensitive Events. It does not include a person who wanted or requested an invitation to speak but was not invited.
 - c. **Freedom of speech:** the freedom to impart ideas, opinions or information (referred to in Article 10(1) of the Convention as it has effect for the purposes of the Human Rights Act 1998) by means of speech, writing or images (including in electronic form).
 - d. **Members of the University:** as defined in [Ordinance 2](#), save for excluding for the purposes of these Policy and Procedures graduates of the University (unless they are also current students or staff of the University).
 - e. **Prevent Duty:** the obligations on the University as set out in [statutory guidance](#) issued under [Section 29 of the Counter-terrorism and Security Act 2015](#), to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism (see also the University's [Prevent Duty Policy and Procedures](#)).
 - f. **Public Sector Equality Duty (PSED):** the requirement under the [Section 149 of the Equality Act 2010](#) for public bodies (which include HEPs) 'to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities.'
 - g. **The University of York Students' Union (York SU):** the principal representative body for University of York students as defined in Part II (section 20) of the [Education Act 1994](#), and [Ordinance 19](#).

Policy statement

Values

7. At the heart of both the University and York Students' Union is the charitable objective of advancing learning and knowledge by teaching and research to the benefit of both students, and wider society. Central to this is our shared commitment that our joint and shared community should be a place of vigorous enquiry, discussion and debate. We believe that to ensure this, it is crucial that we support and promote academic freedom and freedom of speech within the law. Therefore, both organisations are fully committed to the obligations set out in the [University Charter](#):
- 7. The University shall take such steps as are reasonably practicable to secure freedom of speech within the law for members of the University, students, staff and visiting lecturers.
 - 8. The University shall uphold and protect academic freedom, and staff engaged in teaching or research or directly supporting it shall 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.
8. Consistent with this, the University of York and York Students' Union are committed to:

- a. Education that empowers our students to shape their futures and those of their communities, encouraging and promoting critical thinking and participation in constructive and critical debate. This may include exposure to content, discussions or views that are within the law, but which some may find offensive or unacceptable.
 - b. Creating, disseminating and discussing pioneering and ground-breaking research, which can include research which might be sensitive or controversial in nature or which might disrupt or challenge societal norms.
 - c. Creating a vibrant community without limits, underpinned by an inclusive environment and diverse community within a framework of ethical standards.
 - d. Engagement with diverse peoples and entities, and of and with different perspectives and views, in open and frank discussion and debate undertaken in good faith and in a spirit of mutual respect.
9. We seek to do these things balancing these commitments to robust academic enquiry and debate, and lawful speech, with the rights of all members of our community to a fair, welcoming and inclusive environment, free from harassment, bullying and hate incidents and where all members of the University community treat each other with dignity and respect.

Legal and regulatory contexts

10. The University and York Students' Union are committed to securing academic freedom and freedom of speech within the law, as required by the relevant UK legislation and noting that under the [Higher Education \(Freedom of Speech\) Act 2023](#) HEPs must have a 'particular regard' to this.
11. The University and York Students' Union also recognise their other legal and regulatory obligations that interact with their obligations in respect of academic freedom and freedom of speech. These include:
 - a. [Equality Act 2010](#): this Act has three key elements that potentially interact with the University's obligation to uphold freedom of speech and academic freedom:
 1. The requirement not to discriminate on the basis of one or more protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).
 2. The prohibition of harassment on the basis of a protected characteristic.
 3. The proactive obligation under the PSED to eliminate discrimination, promote equality and foster good relations.

As part of this Act the University has obligations under the Public Sector Equality Duty. The University's framework for addressing these obligations is set out in the [Dignity at Work and Study Policy](#)
 - b. [Counter-terrorism and Security Act 2015](#): the need to have 'due regard' to preventing people becoming terrorists or supporting terrorism, and implement the associated [statutory guidance](#).
 - c. [Education Act 1994](#): this places financial and governance oversight duties on universities in respect of students' unions.
 - d. [Charities Act 2011](#): this places obligations on both the University and York Students' Unions as charities, alongside other obligations under charities law.
 - e. [OfS Registration Condition E6](#): the condition of regulation on OfS-registered HEPs, relating to incidents of harassment and/or sexual misconduct affecting students on higher education courses.

The development and implementation of the University's policy and procedures in respect of academic freedom and freedom of speech therefore take account of these (and other) legal and regulatory obligations.

12. As well as being exercised within the law, academic freedom is exercised in the context of:
 - a. Intellectual rigour. A commitment to academic freedom does not entail that every claim or viewpoint is equally worthwhile; some views and/or findings will not stand up to intellectual scrutiny.
 - b. The University's commitment to a culture of academic excellence and intellectual challenge, and the respective responsibilities of the University, departments and staff to this end, as set out in the Statements on [Research](#) and [Teaching](#) Performance Expectations.
 - c. Reasonable availability of resources to support particular areas of academic activity.
 - d. The ethical frameworks and standards for academic practice collectively agreed both by the HE community and within the University itself (see the [Code of practice and principles for good ethical governance](#) and the University of York [Research Reputation and Social Responsibility Framework](#)).
 - e. The University's commitment, set out in its Dignity at Work and Study Policy, to being a welcoming and inclusive environment that is free from all forms of bullying.

Policy statements

13. The University and York Students' Union will ensure that they meet their commitments to academic freedom and freedom of speech, as set out in their own governing documents and the relevant UK freedom of speech legislation. It is therefore joint University and York Students' Union policy that:
 - a. They will ensure, as far as reasonably practicable, that all of their activities reflect their duties to ensure academic freedom and freedom of speech within the law.
 - b. Academic staff of the University will be made aware of the University's approach to, and their rights in respect of, academic freedom and freedom of speech; and be given opportunities to develop their knowledge and understanding of this area.
 - c. Students of the University will be made aware of the University's approach to, and their rights in respect of, freedom of speech; and be given opportunities to develop their knowledge and understanding of this area.
 - d. A student's right to freedom of speech extends to their academic work and they must not be penalised for exercising this right. This right to free speech does not override academic judgment in setting curricular content or the requirements for assessed work.
 - e. Members of the University and staff of York Students' Union will be made aware of the University's approach to, and their rights in respect of, freedom of speech.
 - f. The rights of visiting speakers, and those attending University- or Students' Union-led events, at the University (including online, and in-person events organised off-campus under the University's auspices) to freedom of speech within the law will be upheld.
 - g. All categories set out under paragraph 4 will have the right to submit a complaint to the University or York Students' Union (as appropriate), should they believe that they have experienced adverse consequences due to a failure by the University or Students' Union to meet their academic freedom and/or freedom of speech obligations.

- h. As far as is reasonably practicable (including taking into account the full range of the University's legal obligations), use of premises in the University's or York Students' Union's physical estate or digital facilities will not be denied to any of individuals or groups listed in paragraphs 4 and 5 on the basis of any lawful ideas, opinions or objectives that they hold.
- i. Student groups contribute to a diverse and inclusive campus; affiliation of student societies to the Union will be dealt with in an equitable way for all members. Groups will not be denied affiliation on the basis of lawful opinions or ideas held by societies or their members.
- j. When new policies and procedures are introduced by the University or York Students' Union, and existing policies and procedures are revised, appropriate consideration will be given to their potential impact on academic freedom and freedom of speech within the law.
- k. The University will not use non-disclosure agreements in respect of complaints relating to sexual harassment, abuse or misconduct; or other forms of harassment and bullying.
- l. Regular assurance will be provided to the University's Council of the effectiveness with which its commitment to ensure academic freedom and freedom of speech has been met.
- m. The University will meet OfS requirements in respect of its duties under the [Higher Education \(Freedom of Speech\) Act 2023](#), including in relation to any process set out by OfS for receiving and considering specific concerns about academic freedom and freedom of speech at the University.

Procedures

14. To ensure the implementation of the Policy:

- a. The Director of Human Resources must ensure that:
 - 1. All staff are informed of their right to submit complaints raising concerns about academic freedom and freedom of speech at the University, through the process set out by OfS.
 - 2. Agreed policy on the use of non-disclosure agreements is implemented.
- b. The Pro-Vice-Chancellor Teaching, Learning and Students must ensure that resources on academic freedom, freedom of speech and the importance of debate, discussion and participating in these activities in a spirit of mutual respect and sensitivity to all involved, are made available to all students.
- c. The Academic Registrar must ensure that all students are informed about their right to submit complaints raising concerns about academic freedom and freedom of speech at the University, to the Office of the Independent Adjudicator for Higher Education.
- d. The University Secretary must ensure that:
 - 1. Appropriate procedures are in place and implemented to manage events covered by this Policy and its associated procedures in order to secure academic freedom and freedom of speech within the law, whilst ensuring that the University's obligations under the Equality Act 2010 (including the PSED) and the Prevent Duty are also met.
 - 2. Complaints processes are in place that explicitly provide for academic freedom and freedom of speech complaints (liaising with relevant process owners, for those complaints process where the University Secretary is not the process owner).
 - 3. Information is made available to visiting speakers to inform them of their right to submit complaints raising concerns about academic freedom and freedom of speech at the University, through the process set out by OfS.

- e. The York Students' Union Chief Executive Officer must ensure that:
 - 1. Reasonably practicable steps are taken by the York Students' Union to ensure compliance with this Policy and Procedures.
- 15. Implementation of the Policy is also supported by the following University and Students' Union procedures:
 - a. Procedures for designating and supporting Potentially Sensitive Events.
 - b. University complaints procedures making provision for complaints in respect of academic freedom and freedom of speech within the law.
 - c. York Students' Union complaints procedures.

Exceptions

- 16. There are no exceptions to this Policy, unless explicitly granted in line with paragraph 18.
- 17. If there are specific circumstances where an exception may be thought necessary, requests for such exceptions must be made in writing to the Policy Manager. The decision on whether to approve such requests sits with the Policy Owner, who may choose to escalate a request to the University Executive Board if significant issues of principle are raised by the request. University Executive Board may in turn choose to escalate a request to Council.

Monitoring and review

- 18. The University Secretary must provide UEB, Senate and Council with an annual report on the implementation of this Policy. Those members of the University responsible for the areas and processes covered by this Policy must provide, in a timely way, the relevant information requested by the University Secretary to allow this report to be prepared.
- 19. York Students' Union's Chief Executive Officer and Director of Support Services and Representation must provide the Board of Trustees of York Students' Union with a regular report on the implementation of this Policy.
- 20. This Policy itself will be reviewed no more than five years after it comes into effect, or earlier should the Policy Owner and Policy Manager decide that this is necessary.

Document control

Approval body:	University Council York Students' Union Board of Trustees
Policy owner:	Chief Financial and Operating Officer, University of York Chief Executive Officer, York Students' Union
Responsible Service:	Governance and Assurance Office, University of York York Students' Union
Policy Manager:	University Secretary, University of York Director of Support Services and Representation, York Students' Union
External regulatory and/or legal requirement addressed:	Higher Education (Freedom of Speech) Act 2023 / OfS Free Speech Complaints Scheme

Equality Impact Assessment:	Yes
Approval date:	23 July 2025
Effective from:	1 August 2025