



POLICY 069 FREEDOM OF SPEECH CODE OF PRACTICE

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Policy 069: FREEDOM OF SPEECH CODE OF PRACTICE

1. PURPOSE

1.1 ACM is committed to promoting an environment that upholds the principles of academic freedom and freedom of speech, as enshrined in the Higher Education (Freedom of Speech) Act 2023.

1.2 In accordance with the Higher Education (Freedom of Speech) Act 2023, ACM's objective through this Code of Practice is to secure freedom of speech within the law for staff, members and students of ACM, and visiting speakers.

1.3 'Academic freedom' for academic staff at registered higher education providers refers to their 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 the loss of their jobs or privileges at the provider, and without the likelihood of their securing promotion or different jobs at the provider being reduced.

1.4 This Code of Practice fulfils the requirements of section A2 of the Higher Education (Freedom of Speech) Act 2023. This Code will outline:

- (a) ACM's values relating to freedom of speech and an explanation of how those values uphold freedom of speech (see 1.5 and 2.2);
- (b) the procedures to be followed by staff and students of ACM and any students' union or similar organisation for students at ACM in connection with the organisation of (i) meetings which are to be held on ACM's premises and which fall within any class of meeting specified in the Code, and (ii) other activities which are to take place on ACM's premises and which fall within any class of activity so specified (see 2.16 to 2.22);
- (c) the conduct required of such persons in connection with any such meeting or activity (see 2.2);
- (d) the criteria to be used by ACM in making decisions about whether to allow the use of premises and on what terms (which must include its criteria for determining whether there are exceptional circumstances for the purposes of section A1(10)) of the Higher Education (Freedom of Speech) Act 2023 (see 2.13 to 2.15). Exceptional circumstances will normally arise only where no reasonably practicable mitigations would enable the event to proceed lawfully and/or safely.

1.5 ACM recognises that the free exchange of ideas and diverse perspectives is essential for intellectual growth, critical thinking, and the pursuit of knowledge. This Code of Practice outlines ACM's commitment to protecting and promoting freedom of speech while ensuring that it is exercised within the boundaries of the law. ACM expects members of its community to engage with one another with mutual respect and professionalism, while recognising that lawful freedom of speech includes the expression of differing, controversial, unpopular, offensive, shocking or disturbing viewpoints.

1.6 ACM recognises that freedom of speech includes the expression of ideas that others may find controversial, offensive, shocking or disturbing.

2. CODE OF PRACTICE DETAILS

2.1 The obligations and principles set out in this Code of Practice apply to ACM and, where relevant, to activities undertaken by any students' union or equivalent organisation operating in connection with ACM. ACM will work with any such organisation to support freedom of speech and academic freedom and to ensure that activities taking place on premises controlled by ACM are managed consistently with this Code of Practice.

2.2 Guiding Principles:

- (a) Academic Freedom: ACM is dedicated to maintaining an atmosphere where academic staff and students can engage in open and robust discussions, research, and exploration of diverse viewpoints, theories, and ideas. Academic freedom ensures the pursuit of knowledge is uninhibited by external pressures.
- (b) Freedom of Speech: ACM respects and safeguards the right to freedom of speech for all members of our community. This includes the right to express opinions, beliefs, and ideas, even those that may be controversial, unpopular, or challenging.
- (c) Respectful Dialogue: While ACM encourages free expression, it is also important that all discourse remains respectful and tolerant of differing viewpoints. ACM recognises that freedom of speech includes the right to express ideas that may be controversial, offensive, or unpopular. The offensive nature of speech does not, of itself, justify restricting expression, provided that expression remains within the law.
- (d) Lawful Expression: Freedom of speech within the law is protected. Speech that breaches criminal or civil law is not protected. The fact that speech is controversial, unpopular, offensive, shocking, disturbing or causes offence does not, of itself, justify restricting or penalising that speech. Where ACM considers whether to regulate or restrict lawful speech, it will have particular regard to the importance of freedom of speech and academic freedom and will take reasonably practicable steps to secure lawful speech.

Unlawful speech

2.3 Unlawful Speech: ACM will not restrict or penalise speech solely because it is controversial, unpopular, offensive, shocking or disturbing. Speech is not protected as freedom of speech within the law where it breaches applicable criminal or civil law. This includes, but is not limited to, speech that amounts to a criminal offence, unlawfully incites violence or terrorism, unlawfully stirs up hatred under relevant legislation, constitutes unlawful harassment or victimisation under the Equality Act 2010, or is otherwise prohibited by law.

2.4 Hate Crime: Hate crime is a criminal offence punishable under UK criminal law. The law recognises five types of hate crime on the basis of:

- Race
- Religion
- Disability
- Sexual orientation
- Transgender identity

Hate crimes can take the form of physical assault, verbal abuse or incitement to hatred and are covered by legislation (Crime and Disorder Act 1998 and section 66 of the Sentencing Act 2020) which allows prosecutors to apply for an uplift in sentence for those convicted of a

hate crime. The police and the Crown Prosecution Service (CPS) have agreed the following definition for identifying and flagging hate crimes:

"Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity."

2.5 Hate Incidents: A non-criminal hate incident is an incident which the victim, or any other person, perceives to be motivated by hostility or prejudice based on a person's race, religion, disability, sexual orientation or transgender identity, but which does not amount to a criminal offence. The reporting or recording of a non-criminal hate incident will not, of itself, determine whether disciplinary or other action is appropriate. ACM will assess the underlying conduct on its individual facts, taking into account its obligations under this Code of Practice, including the protection of lawful freedom of speech and academic freedom, together with its duties under the Equality Act 2010, safeguarding responsibilities, and other applicable policies. ACM reserves the right to report incidents to the police where there are reasonable grounds to suspect that a criminal offence may have been committed.

Harassment

2.6 Harassment: ACM does not tolerate harassment, bullying or other inappropriate conduct. Harassment has the meaning given to it by applicable law, including the Equality Act 2010. ACM may also take disciplinary action in respect of conduct that does not meet the legal threshold for unlawful harassment but nevertheless breaches ACM's policies or standards of behaviour, provided that any such action is consistent with ACM's obligations to protect lawful freedom of speech and academic freedom. In applying its policies relating to harassment, ACM will have particular regard to the importance of freedom of speech, academic freedom and tolerance for controversial views in an educational context. ACM will apply a rebuttable presumption that students being exposed to course materials, or to statements or views expressed as part of teaching, research or discussion connected with the content of a higher education course, is unlikely in itself to amount to harassment.

Protection from retaliation

2.7 Protection from Retaliation: ACM will not subject any member of the community to adverse treatment solely because they have expressed a lawful opinion, belief or viewpoint, including where that opinion, belief or viewpoint is controversial, unpopular, offensive, shocking or disturbing. This protection extends to academic, employment-related and disciplinary matters, subject to ACM's lawful duties and policies relating to conduct, performance and professional or educational requirements.

Balancing Legal Duties

2.8 Balancing Legal Duties: In implementing this Code of Practice, ACM will comply with all relevant legal and regulatory obligations, including its duties relating to freedom of speech and academic freedom, equality, human rights, safeguarding and the Prevent Duty. Where these obligations apply simultaneously, ACM will consider the specific facts and circumstances of the case and give particular regard to the importance of freedom of speech within the law and academic freedom. ACM will take reasonably practicable steps to secure lawful freedom of speech and, where a restriction of lawful speech is considered necessary,

will ensure that any restriction is prescribed by law and proportionate in accordance with applicable legal requirements.

Application of the Code of Practice

2.9 Classroom and Learning Environments: In academic settings, tutors have the autonomy to teach and discuss topics relevant to their courses, subject to applicable professional, legal and educational requirements. Students are encouraged to engage in thoughtful discussion and express diverse perspectives. ACM recognises that students may be exposed to course content, teaching, research and discussion of subjects or viewpoints that they find controversial, offensive, shocking or disturbing. The lawful expression of such views, including in teaching, research and academic discussion, will not, of itself, constitute misconduct or harassment.

2.10 Events and Guest Speakers: ACM values the diversity of ideas and viewpoints that guest speakers bring to its campuses. Subject to this Code of Practice, student groups and organisations may invite speakers of their choice. ACM will not refuse permission for an event, or impose conditions on an event, solely because of the viewpoint or anticipated content of lawful speech. Where an event presents risks to safety, the prevention of disorder or crime, or other legitimate legal or operational requirements, ACM will consider reasonably practicable mitigations and, where appropriate, regulate the time, place or manner of the event in a viewpoint-neutral and proportionate manner.

2.11 Online and Social Media: The principles of freedom of speech extend to online platforms and social media where the relevant activity falls within ACM's legal or regulatory responsibilities. ACM will not restrict or penalise lawful expression solely because it is controversial, unpopular, offensive, shocking or disturbing. Members of the ACM community remain responsible for unlawful conduct and for conduct that breaches applicable ACM policies, provided that those policies are applied consistently with ACM's obligations to protect lawful freedom of speech and academic freedom.

2.12 Protests and Demonstrations: Peaceful protests and demonstrations are a legitimate form of freedom of expression. ACM will take reasonably practicable steps to facilitate lawful protest and will not restrict a protest solely because of the viewpoint expressed. Where necessary to protect teaching, learning, research, other lawful expression, public safety, access to premises or other essential functions, ACM may regulate the time, place or manner of a protest, using measures that are proportionate and, wherever reasonably practicable, viewpoint-neutral.

Events

2.13 Events: Where any person or body subject to the obligations of this Code of Practice wishes to hold an event for the expression of any views or beliefs held or lawfully expressed on premises controlled by ACM, consent shall not be unreasonably refused. ACM will have a strong presumption in favour of permitting lawful events and will take reasonably practicable steps to enable them to proceed.

2.14 Event Restrictions: ACM may refuse consent, withhold facilities or impose restrictions on an event only where this is justified by applicable law or where, having particular regard to the importance of freedom of speech and academic freedom, reasonably practicable steps cannot otherwise secure the event and any restriction is lawful and proportionate. Relevant considerations may include public safety, the prevention of disorder or crime, the protection of persons lawfully on ACM premises, or a reasonable and evidenced risk that the event would involve unlawful conduct. ACM will not refuse an event solely because of the

viewpoint, identity or lawful opinions of a proposed speaker or because the event may be controversial or cause offence.

2.15 Conditions on Events: ACM may impose conditions or requirements upon organisers where they are reasonably necessary and proportionate in all the circumstances to enable the event to proceed safely and lawfully. Such conditions may include requirements relating to stewards, security, location, timing, ticketing, capacity, access arrangements or whether an event is open to the public. Wherever reasonably practicable, conditions will regulate the time, place or manner of an event rather than its viewpoint or content.

2.16 Exceptional Circumstances: ACM may decline to permit an event only in exceptional circumstances where no reasonably practicable mitigation would enable the event to proceed lawfully and safely, or where permitting the event would itself be unlawful. Any decision to refuse an event must be supported by clear reasons and an assessment of the relevant risks, alternatives considered and reasonably practicable mitigations available.

Booking an external speaker

2.17 All references to external speakers must be made in accordance with ACM's External Speaker and Events procedure. The assessment and approval process set out in this section applies to all external speaker requests.

2.18 Most external speaker requests will be low risk and may be approved at departmental level following a proportionate risk assessment. Where concerns are identified, or where the proposed speaker or topic presents potential risks, the request must be escalated for further review in accordance with ACM's risk assessment process.

2.19 All external speaker requests must be submitted by the event organiser using the approved External Speaker Submission Form and must be received at least ten working days prior to the proposed event date. Requests submitted outside this timeframe may be declined where insufficient time is available to complete the necessary review.

2.20 External Speaker Information: A transcript, summary or detailed outline of an intended talk may be requested only where this is considered necessary and proportionate following a risk assessment. ACM will not routinely require speakers to provide transcripts or detailed content where doing so would unnecessarily restrict or deter lawful freedom of speech. All external speakers must be informed of their obligation to comply with applicable law and ACM's reasonable requirements concerning the safe and lawful conduct of the event. Where an event presents identified risks, additional information or mitigation may be required where reasonably necessary and proportionate.

2.21 Where a request to host an external speaker is refused, the decision will be confirmed in writing with clear reasons provided. The organiser may request a review of the decision, which will be considered by a senior member of staff not previously involved in the original decision. The outcome of the review will constitute the final decision within ACM's internal procedures, without prejudice to any external legal rights of challenge.

2.22 Monitoring of External Speaker Events: A member of staff may attend an external speaker event, or alternative proportionate monitoring arrangements may be put in place, where this is reasonably necessary based on the outcome of the risk assessment. Monitoring arrangements will be used to support the safe and lawful delivery of the event and will not be used to monitor or restrict lawful viewpoints.

2.23 Speakers must be informed that ACM may record or film events for legitimate purposes including safeguarding, compliance monitoring, and institutional communications. Any recording will be carried out in accordance with applicable data protection legislation and ACM's data protection and privacy policies, and attendees will be notified where such recording is taking place.

Responsibilities

2.24 Responsibilities: All those subject to this Code of Practice have a responsibility to support ACM in securing freedom of speech within the law and academic freedom. Concerns about a possible breach of this Code should be reported through the appropriate ACM procedure. ACM will assess any alleged breach on its individual facts and, where appropriate, may take action under its disciplinary or other relevant procedures. No person will be subject to disciplinary action solely for expressing a lawful opinion, belief or viewpoint.

2.25 Where breaches of UK criminal law occur, ACM will, where appropriate, assist the Police and the Crown Prosecution Service (CPS). In respect of any criminal charges, ACM will not normally proceed with its own disciplinary proceedings on the same matters until the conclusion of any ongoing criminal proceedings. This does not preclude suspension of a person(s), where deemed appropriate, when actioned in connection with any part of an investigative process. Suspension is not viewed as a punitive measure.

2.26 This Code of Practice will be reviewed periodically to ensure its effectiveness and relevance. Changes or amendments to the Code will be made in accordance with UK law and the best interests of the ACM community.

2.27 By upholding the principles outlined in this Code of Practice, ACM aims to create an inclusive, intellectually stimulating, and respectful environment where freedom of speech is celebrated as a cornerstone of our academic and creative community.

Complaints

2.28 Complaints: Complaints relating to academic freedom and freedom of speech will be handled through ACM's normal complaints, grievance or other appropriate internal processes for staff, students and other persons covered by this Code of Practice. Staff should contact hrrequests@acm.ac.uk and students should contact complaints@acm.ac.uk. ACM will ensure that complaints relating to lawful speech are subject to appropriate and proportionate preliminary assessment and, where they are vexatious, frivolous or obviously unmeritorious, are dismissed promptly. Complaints processes will be concluded as rapidly as is reasonably practicable and compatible with fairness.

2.29 Academic Board: ACM's Academic Board will have a role in grievance and complaints processes where academic freedom is in question. Where a staff member raises a concern that their academic freedom or freedom of speech has not been protected, the Academic Board may consider the matter and provide a recommendation to the Executive Board (Senior Management Team), through the Chair, to inform the decision on the matter. Where appropriate, and subject to the requirements of the relevant procedure, such matters will be referred to the Executive Board before a final decision is reached in a complaint, grievance or disciplinary process.

2.30 External Complaints – Staff, Members and Visiting Speakers: Where a complaint relating to freedom of speech or academic freedom has not been resolved satisfactorily through ACM's internal procedures, eligible staff, members and visiting speakers may be able to refer the matter to the Office for Students under its free speech complaints scheme.

The OfS has discretion as to whether it will consider a complaint and will apply its published rules and requirements. ACM will provide information about the OfS complaints scheme through its relevant complaints and grievance procedures.

2.31 External Complaints – Students: Where a student complaint about freedom of speech has not been resolved satisfactorily through ACM's internal procedures, the student may, where eligible, refer the matter to the Office of the Independent Adjudicator for Higher Education (OIA) in accordance with the OIA's rules and requirements.

3. RELATED POLICIES AND DOCUMENTS

- Higher Education (Freedom of Speech) Act 2023
- European Convention on Human Rights, Articles 10 and 11
- Public Order Act 1986
- Equality Act 2010
- Human Rights Act 1998
- Counter-Terrorism and Security Act 2015
- Office for Students (OfS) Regulatory Framework
- Middlesex University Code of Practice on Freedom of Speech
- ACM Student Charter
- ACM Prevent Duty
- ACM Equality and Diversity Policy
- ACM Safeguarding Policy
- ACM Student Disciplinary Policy

4. CODE OF PRACTICE OWNER

4.1 The lead for this Code of Practice is the Academic Registrar, with oversight provided by the Senior Management Team, which retains ultimate responsibility for approval, strategic direction, and monitoring of institutional compliance.

5. DOCUMENT HISTORY AND NEXT REVIEW

Version	2.0
Approved on	16 September 2026
Approved by	Senior Management Team (Executive Board)
Next review	August 2027

APPENDIX

External Speaker Risk Assessment Checklist (ACM)

(For use with External Speaker Submission Form)

Instructions:

- Complete this checklist for all external speaker requests.
 - Tick all boxes that apply.
 - Use professional judgement, but base decisions on evidence where possible.
 - Escalate where medium/high risk indicators are identified, with the aim of identifying reasonably practicable measures that will enable the event to proceed safely and lawfully.
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1. Event & Speaker Details

- ☐ Speaker identified
 - ☐ Topic/title confirmed
 - ☐ Event format confirmed (lecture / workshop / panel / performance)
 - ☐ Intended audience confirmed (students / staff / mixed / public)
 - ☐ Date submitted at least 10 working days in advance
-

2. Content Risk Check

- ☐ Content is academic, professional, or creative in nature
- ☐ Content includes controversial or sensitive themes
- ☐ Content may be polarising or generate strong disagreement
- ☐ Content relates to politics, religion, identity, or social issues
- ☐ Specific risk of unlawful speech or conduct identified (e.g. incitement, threats, unlawful harassment or other criminal or civil offences)
- ☐ Evidence indicates a reasonably foreseeable risk that the event may involve unlawful conduct

Important: Controversial, unpopular, offensive, shocking or disturbing views are not, of themselves, grounds for refusing or restricting an event.

Notes (required if any box ticked other than first):

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3. Speaker Risk Check

- ☐ Speaker has previously been associated with credible evidence of unlawful conduct relevant to the proposed event
- ☐ Speaker is associated with an organisation whose activities or objectives give rise to a specific and evidenced legal or safety concern
- ☐ Safeguarding or other specific operational concerns identified
- ☐ No specific safeguarding, legal or operational concerns identified

Notes:

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4. Audience & Context Risk

- ☐ Internal audience only (students/staff)
- ☐ Mixed internal and external audience
- ☐ Open/public attendance
- ☐ Likely presence of vulnerable learners (e.g. FE cohorts)
- ☐ No significant risk of disruption identified
- ☐ Credible risk of disruption or protest identified
- ☐ Credible risk that disruption or protest may prevent the event from proceeding safely or lawfully

Notes:

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5. Safety, Security & Operational Risk

- ☐ No safety concerns identified
- ☐ Some manageable safety/security concerns
- ☐ Elevated safety/security concerns
- ☐ Event may require security presence
- ☐ Event may require controlled access/ticketing

Notes:

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6. Outcome Determination

Before determining the overall risk level, the following must be considered:

Have reasonably practicable measures to enable the event to proceed safely and lawfully been considered?

- ☐ Yes
- ☐ No - reasons recorded

If the event is to be refused, have alternative venues, timings, security arrangements or other reasonably practicable mitigations been considered?

- ☐ Yes
- ☐ No - reasons recorded

Based on the above, the overall risk level is:

- ☐ Low Risk → Standard departmental approval
- ☐ Medium Risk → Approval with conditions or other reasonably practicable mitigation required
- ☐ High Risk → Escalation to senior review required, with reasonably practicable mitigation considered before any decision to refuse the event
- ☐ Refusal required by law / exceptional circumstances → Event cannot proceed; reasons and alternative mitigations considered must be recorded

Notes / Decision rationale:

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7. Mandatory Mitigation (if applicable)

If Medium or High Risk, consider applying:

- ☐ Staff attendance / monitoring required
- ☐ Additional information about the proposed event required, where reasonably necessary and proportionate
- ☐ Specific materials requested where reasonably necessary and proportionate to an identified risk

- ☐ Restricted audience (internal only / ticketed)
 - ☐ Controlled Q&A or moderated session
 - ☐ Security presence required
 - ☐ Venue/time adjustment required
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8. Final Decision Record

- Decision made by: _____
- Role: _____
- Date: _____

- ☐ Approved
- ☐ Approved with conditions
- ☐ Escalated to senior review
- ☐ Refused (reasons recorded separately)

Summary rationale (mandatory):

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