



## **Freedom of Speech and Academic Freedom Policy**

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### Related Policies and Documents

- Prevent Duty Policy (E1E2.6)
- Complaints Handling Policy (C1.4)
- Student Code of Conduct
- Staff Code of Conduct
- Whistleblower Policy (E1E2.7)
- Speaker Request Form
- OfS Regulatory Guidance: Freedom of Speech
- Education (No. 2) Act 1986
- Higher Education (Freedom of Speech) Act 2023
- Human Rights Act 1998

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1.0	01/08/2023	Original version	Academic Board
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## **Freedom of Speech and Academic Freedom Policy**

### **Section 1: Policy Summary**

1. This policy affirms Mortha Halls of Ivy's commitment to upholding lawful freedom of speech and academic freedom as core principles of a democratic academic environment.
2. It outlines the regulatory and institutional framework within which staff, students, and external speakers may express views without interference, subject to the limits established by law.
3. The policy also sets out MHI's responsibilities under relevant legislation, including the Higher Education (Freedom of Speech) Act 2023 and the Education (No. 2) Act 1986. It complements the institution's duty under the Counter-Terrorism and Security Act 2015 (Prevent), which requires the management of risks associated with radicalisation, while protecting lawful expression.
4. Freedom of speech within the law is a condition of registration with the Office for Students (OfS) and a public interest governance principle. This policy supports compliance with OfS initial Conditions C1, E1, and E2.

### **Section 2: About This Policy**

5. This policy is issued to uphold Mortha Halls of Ivy's legal and regulatory obligations relating to freedom of speech and academic freedom. It provides staff, students, visitors, and external partners with a clear understanding of their rights and responsibilities in these areas.
6. The policy is structured in two integrated parts:
  - Part 1: Legal and Regulatory Compliance Framework – sets out the principles, rights, and duties that underpin MHI's approach to freedom of speech and academic freedom. It explains how these obligations are interpreted, communicated, and protected.
  - Part 2: Operational Framework – provides practical guidance for implementation, including procedures for managing external speakers, applying risk assessments, maintaining records, and providing training and institutional oversight.
7. Both parts should be read together as a single, coherent policy. The policy is reviewed annually and may be updated to reflect legal or regulatory changes, or to improve clarity and implementation.



### **Section 3: Scope and Application**

8. This policy applies to all activities, events, and communications under the auspices of Mortha Halls of Ivy (MHI) that may involve the expression of views, ideas, or beliefs.
9. It covers:
  - Teaching, learning, and academic research.
  - Assessment and academic feedback.
  - Public debates, conferences, and guest speaker events.
  - Use of MHI premises and facilities (physical and virtual).
  - Student society activities and affiliated events.
  - Official digital platforms, including websites and social media.
10. The policy applies to all MHI staff, students, governors, and visitors, including contractors, external speakers, and collaborative partners. It also applies where staff or students are representing the institution externally.
11. Freedom of speech and academic freedom must be exercised lawfully and about MHI's responsibilities under other policies, such as those relating to safeguarding, data protection, Prevent, and equality and diversity.

## **Part 1: Legal and Regulatory Compliance Framework**

### **Section 4: Legal and Regulatory Framework**

12. This policy is underpinned by the legal duties placed on higher education providers to protect freedom of speech and academic freedom within the law. These duties apply across all institutional activities, including education, research, public engagement, and governance.
13. The policy reflects the following legal and regulatory frameworks:
- The Higher Education (Freedom of Speech) Act 2023, which strengthens duties on registered providers to take reasonably practicable steps to secure lawful freedom of speech and requires procedures to assess, record, and respond to risks.
  - The Education (No. 2) Act 1986, which places a duty on higher education institutions to take reasonably practicable steps to ensure freedom of speech for staff, students, and visiting speakers.
  - The Counterterrorism and Security Act 2015 (Prevent Duty), which requires providers to prevent individuals from being drawn into terrorism, while balancing this with their duty to protect lawful expression.
  - OfS Regulatory Framework, including Conditions C1, E1, and E2, which require institutions to demonstrate integrity in information provision, uphold public interest governance principles, and maintain effective oversight and management of speech-related risks.
14. These duties are supported by guidance from the Office for Students, the Equality and Human Rights Commission, and good practice frameworks such as those developed by the OIA. MHI also recognises wider legal considerations, including the Human Rights Act 1998, the Equality Act 2010, and the law on harassment, defamation, and public order.

## **Section 5: Institutional Commitments**

15. Mortha Halls of Ivy (MHI) is committed to creating an academic and professional environment where ideas can be freely expressed, debated, and contested within the bounds of the law. The institution recognises that open dialogue, including disagreement, is essential to learning, research, and democratic participation.

16. MHI will not restrict lawful speech or academic expression solely on the basis that it may be:

- Controversial or unpopular.
- Critical of the institution or government.
- Offensive to some, provided it does not breach the law.

17. Staff and students are entitled to express views in academic, professional, and public contexts without institutional penalty, provided that their conduct remains lawful, proportionate, and respectful of others' rights.

18. The institution distinguishes between:

- Lawful speech, which will be protected.
- Unlawful speech, such as incitement, harassment, or defamation, which may be subject to restriction.

19. MHI affirms that academic staff have the right to question received wisdom, express views in their field of expertise, and publish research findings without institutional interference or censure, subject to applicable laws and codes of practice.

20. References in this policy to sensitivity, respect, or community harmony will always be interpreted strictly within the limits of UK law. Speech that is lawful under existing legislation, including the Equality Act 2010 and the Public Order Act 1986, will be protected even if some may find it offensive or controversial.

21. The Governing Council supports this policy as part of its duty to uphold the public interest governance principles defined by the OfS, including those relating to academic freedom, institutional autonomy, and freedom of speech.



## **Section 6: Governance Oversight**

22. The Governing Council is ultimately responsible for ensuring that Mortha Halls of Ivy (MHI) meets its legal and regulatory obligations relating to freedom of speech and academic freedom. The Council:

- Approves this policy and reviews it annually.
- Receives regular reports on the implementation of this policy, including any complaints, appeals, or interventions.
- Oversees decisions that may have a material impact on freedom of expression or academic autonomy.

23. The Academic Registrar is the operational lead for freedom of speech and academic freedom. The Registrar:

- Coordinates institutional training, risk assessments, and complaints triage.
- Ensures that appropriate logs are maintained (e.g. speaker requests, complaints, policy breaches).
- Reports to both the Academic Board and the Governing Council on the application of this policy.

24. The Quality and Compliance Panel monitors procedural fairness in the application of this policy, particularly where moderation, restrictions, or complaints may impact freedom of expression.

25. Oversight arrangements are designed to uphold transparency, proportionality, and institutional consistency. Where a decision may materially affect a person's ability to exercise lawful freedom of speech, that decision will be recorded, reviewed, and escalated as appropriate.

26. Decisions that have a substantial effect on lawful free speech will be formally recorded by the Governing Council, with the rationale documented and reviewed to ensure alignment with the principles of academic freedom.



## **Section 7: Moderation and Events**

27. Mortha Halls of Ivy (MHI) provides a range of platforms, including physical spaces, online forums, and event venues, to facilitate academic, cultural, and intellectual exchange. These platforms are available to staff, students, and external speakers, subject to lawful use and reasonable conditions.

28. The institution applies a presumption in favour of lawful speech. Views will not be restricted or denied a platform based on their political, religious, or philosophical content alone.

29. MHI reserves the right to impose conditions or restrictions on the use of its platforms only where it is lawful, necessary, and proportionate to do so, including to:

- Protect the safety of staff, students, or the wider public.
- Prevent incitement to hatred or violence.
- Comply with duties under the Prevent strategy.
- Avoid unlawful harassment or discrimination.
- Safeguard the reputation or legal standing of the institution.

30. Speaker events must be requested in advance using the institution's Speaker Request Form. Where required, a risk assessment will be conducted by the Academic Registrar or nominee. Events will be approved, modified, or declined based on evidence and applicable legal thresholds, not anticipated controversy alone.

31. Event approval processes will be guided by the OfS's three-step framework:

- a. securing lawful freedom of speech as the starting point,
- b. assessing whether any restrictions are proportionate and necessary, and
- c. documenting the reasoning for decisions made.

32. This ensures consistency and transparency in the application of event-related checks.

33. MHI may refuse use of its premises or digital platforms where an individual or organisation is reasonably believed to present a serious and substantiated risk to safety, compliance, or lawful operation. All such decisions are logged and reported as part of institutional oversight.

### **Section 8: Limits to Freedom (Unlawful Speech)**

34. While Mortha Halls of Ivy (MHI) is committed to protecting lawful freedom of speech and academic freedom, it recognises that there are legitimate legal limits to these freedoms.
35. Speech or expression may be restricted where it is reasonably judged to:
- Incite violence or hatred.
  - Promote terrorism or support proscribed organisations.
  - Harass, threaten, or unlawfully discriminate against individuals or groups.
  - Defame or libel individuals or institutions.
  - Breach confidentiality or data protection law.
  - Jeopardise health, safety, or public order.
  - Breach other statutory duties, including under the Prevent Duty.
36. These thresholds are defined in law and will be interpreted by MHI in consultation with legal, academic, and safeguarding professionals as needed. Restrictions will always be:
- Based on evidence (not opinion or anticipated offence);
  - Applied proportionately and without bias.
  - Logged for audit and review.
37. Lawful speech will not be penalised or censored solely on the grounds that it is unpopular, offensive to some, or challenges the prevailing views of staff, students, or the public. MHI remains viewpoint-neutral in its application of this policy.

## **Section 9: Complaints and Protections**

38. Complaints about restrictions or penalties connected to academic freedom and freedom of speech will always be assessed against the principle that lawful speech must not be penalised based on viewpoint alone. Where relevant, such complaints will follow the procedure set out in the institution's overarching Complaints Handling Policy to ensure consistency and fairness.

39. Individuals who believe that their freedom of speech or academic freedom has been infringed may raise a concern or submit a complaint in line with MHI's Complaints Handling Policy.

- Complaints may relate to:
- Refused or restricted events or speaker invitations.
- Perceived penalties for expressing lawful views.
- Conduct by staff, students, or third parties that may have suppressed lawful expression.

40. All complaints will be:

- Triaged by the Academic Registrar or nominee.
- Handled with sensitivity, impartiality, and respect for confidentiality.
- Investigated in line with institutional procedures, with appropriate escalation where required.

41. MHI will not penalise individuals solely for expressing views that are lawful but unpopular, controversial, or offensive to some. Staff and students raising concerns in good faith will be protected from victimisation.

42. Where a complaint raises potential conflict with other legal duties (e.g. equality, safeguarding, public safety), decisions will be evidence-based, consistent with MHI's governance framework, and formally recorded.

## Part 2: Operational Framework

### Section 10: Roles and Responsibilities

43. Mortha Halls of Ivy (MHI) expects all members of its community to uphold the principles of freedom of speech and academic freedom. Specific responsibilities are assigned to key roles to ensure consistent and lawful application of this policy.
44. All Staff and Students
  - Respect the right of others to express lawful views, even where they strongly disagree.
  - Engage in debate and discussion constructively, professionally, and without personal attack.
  - Report concerns in good faith where they believe freedoms are being limited unlawfully.
  - Avoid behaviour that seeks to silence others through disruption, intimidation, or harassment.
45. Academic Staff
  - Exercise academic freedom responsibly within their area of expertise.
  - Ensure course content reflects legal duties and inclusive learning environments.
  - Protect freedom of expression in classroom discussion and academic assessment.
  - Inform students of their rights and responsibilities under this policy.
46. Line Managers, Programme Leaders, and Society Coordinators
  - Promote awareness of this policy among staff and students.
  - Support staff and students who express lawful views in good faith.
  - Identify and report any challenges to freedom of speech or academic freedom.
  - Cooperate with institutional reviews, investigations, and complaints handling.
47. Academic Registrar
  - Act as operational lead for the implementation and oversight of this policy.
  - Triage complaints and coordinate risk assessments for speaker events.
  - Maintain central logs and submit reports to the Academic Board and Governing Council.
48. Governing Council and Academic Board
  - Provide strategic oversight and institutional assurance that the duties in this policy are discharged.
  - Receive and act upon reports, data, and review findings from the Academic Registrar.



## **Section 11: Speaker Procedures**

49. Mortha Halls of Ivy (MHI) welcomes guest speakers and external contributors as part of its academic and co-curricular life. Speaker events are encouraged where they enhance intellectual engagement and support MHI's educational mission.

50. To support legal compliance and institutional integrity, the following procedures apply:

### **Request and Approval Process**

- All proposed external speaker events must be submitted in advance using the Speaker Request Form, available from the Academic Registrar's office or the institutional intranet.
- Requests should include the name of the speaker, event purpose, expected audience, proposed venue (physical or online), and any known risks or sensitivities.
- A member of staff or a recognised student society must act as event sponsor and be present during the event.

### **Risk Assessment**

- Where a proposed event is likely to raise legal, reputational, or safeguarding concerns, the Academic Registrar or nominee will conduct a proportionate risk assessment.
- Considerations may include: the likelihood of unlawful speech, security requirements, Prevent concerns, or impact on community relations.
- Risk assessments will be used to inform a decision to approve, request modifications, or — in exceptional cases — decline an event.

### **Decision-Making**

- Decisions will be based on evidence and applicable legal thresholds — not on anticipated controversy or popular opinion.
- If an event is declined or modified, the reasons will be recorded and communicated to the event sponsor.
- All decisions are logged and reviewed annually to ensure procedural consistency and transparency.

### **Event Conditions**

- Conditions may be applied to approved events (e.g. stewards, disclaimers, changes to format or venue) where necessary to ensure lawful delivery.
- Participants must comply with MHI's Code of Conduct and institutional policies.

## **Section 12: Academic Content and Delivery**

51. Mortha Halls of Ivy (MHI) recognises academic freedom as a foundational principle of higher education and commits to protecting the rights of academic staff to express ideas and conduct research without undue institutional constraint.
52. Academic staff have the right to:
- Question and test received wisdom.
  - Put forward new or controversial ideas within their field of expertise.
  - Design, teach, and assess curriculum content in line with pedagogic principles.
  - Publish research findings, even where these may challenge prevailing views or institutional interests.
53. These rights apply across all modes of delivery, including lectures, seminars, assessments, research projects, publications, and conferences.
54. Academic freedom must be exercised responsibly. This includes:
- Complying with applicable law (e.g. defamation, hate speech, discrimination).
  - Respecting the dignity and inclusion of learners and colleagues.
  - Maintaining scholarly standards of evidence, attribution, and critique.
  - Avoiding use of academic platforms to promote personal, political, or religious agendas unrelated to course objectives.
55. MHI will not discipline or disadvantage academic staff for the lawful expression of views, whether inside or outside the classroom, where this expression does not breach the law or institutional codes of conduct.

### **Section 13: Training and Awareness**

56. Mortha Halls of Ivy (MHI) ensures that key personnel involved in the implementation of this policy are trained to understand and uphold the institution's legal and regulatory duties regarding freedom of speech and academic freedom.

#### **Staff Training**

57. Training is provided to staff whose roles include:
- Decision-making on speaker events (e.g. Academic Registrar, programme leaders);
  - Handling complaints or appeals (e.g. complaints officers, student engagement staff);
  - Leading student societies or co-curricular programmes.
  - Delivering teaching and academic supervision.
58. Training covers:
- The legal framework (Freedom of Speech Act, Education Act, Prevent Duty);
  - The difference between lawful and unlawful expression.
  - Institutional procedures for managing risks and complaints.
  - The importance of viewpoint neutrality and proportionality in decisions.
59. Training will explicitly cover:
- Admissions and recruitment decisions
  - Staff appointment, reappointment, and promotion processes
  - Harassment and bullying policies
  - Implementation of the Prevent duty
  - Staff and student codes of conduct
60. Training is refreshed periodically and reviewed as part of MHI's broader staff development and compliance framework.

#### **Student Awareness**

61. Students are informed of their rights and responsibilities relating to freedom of speech and academic freedom:
- At induction and via the Student Handbook.
  - Through student representative briefings.
  - When organising events or society activities.
  - When engaging with the complaints process.
62. MHI is committed to fostering a campus culture where students are confident in their right to express lawful views and to challenge ideas respectfully.

## **Section 14: Record-Keeping and Reporting**

63. Mortha Halls of Ivy (MHI) maintains appropriate records to ensure transparency, enable oversight, and support consistent implementation of this policy.
64. The following records are maintained by the Academic Registrar:
- Speaker Event Logs: A register of all speaker event requests, decisions made, risk assessments conducted, and conditions applied (if any).
  - Complaints and Appeals Logs: Details of all formal complaints relating to freedom of speech or academic freedom, including outcomes, escalations, and lessons learned.
  - Policy Exceptions: Any instance where expression was restricted or where access to a platform or event was denied, including the basis for the decision and its proportionality.
  - Training Attendance: A record of staff members who have completed training relevant to this policy, including refresher sessions and guidance updates.
  - Annual Reports: A summary report submitted to the Academic Board and Governing Council covering incidents, complaints, staff development, and procedural changes.
65. Records are retained in accordance with MHI's Data Protection and Records Retention policies and are made available to external regulators as required.

## **Section 15: Partnerships and Third Parties**

66. Mortha Halls of Ivy (MHI) ensures that its freedom of speech and academic freedom commitments are reflected in all partnership and third-party arrangements.
67. This policy applies to:
- Staff and students engaged in collaborative or franchised provision.
  - Events or teaching delivered at partner or external venues.
  - Programmes or modules jointly developed or co-delivered with other institutions.
  - Third-party agents or organisations operating on behalf of MHI.
68. MHI will:
- Inform all partners of its statutory responsibilities relating to freedom of speech and academic freedom.
  - Require partners to operate in ways that do not compromise these commitments.
  - Include reference to this policy and related responsibilities in Memoranda of Understanding, Service Level Agreements, or other contractual documentation where appropriate.
  - Reserve the right to review or withdraw from partnership arrangements that consistently undermine the rights protected under this policy.
69. Where there is a conflict between the practices of a third-party organisation and MHI's obligations under UK law, the institution will take reasonable steps to uphold its





statutory duties, including seeking clarification, revising arrangements, or applying internal controls.

## **Section 16: Annual Review and Improvement**

70. This policy is reviewed annually by the Academic Registrar in consultation with the Academic Board and Governing Council.
71. The annual review considers:
- Feedback from staff, students, and external speakers.
  - Records of complaints, appeals, and speaker-related decisions.
  - Legal or regulatory changes, including updates from the Office for Students (OfS), the Department for Education, or other relevant bodies.
  - Institutional audits or risk assessments that identify gaps or improvement areas.
  - Outcomes from student representative bodies, including the Student Council.
72. Any proposed revisions are submitted to the Governing Council for approval. Where appropriate, guidance and training materials are updated in parallel to reflect changes in policy wording or institutional interpretation.
73. MHI is committed to strengthening the implementation and understanding of this policy through transparent governance, regular communication, and constructive feedback from its academic community.
74. To ensure transparency and accountability, anonymised summaries of governance decisions that substantially affect freedom of speech or academic freedom will be published annually on the Mortha Halls of Ivy website. This will provide assurance to students, staff, and the wider public about how these principles are upheld in practice.