



Freedom of Speech & Academic Freedom Policy

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1. Scope

- 1.1. This policy applies to all NMITE staff, students, trustees, visitors and invited speakers.
- 1.2. It governs the protection and assurance of lawful Freedom of Speech and Academic Freedom across NMITE activities. It covers all NMITE premises, online spaces, events, and affiliated activities.
- 1.3. The policy sets expectations, responsibilities, and procedures for upholding these freedoms within the law.

2. Definitions

- 2.1. Freedom of Speech is defined as the freedom to impart ideas, opinions or information, by means of speech, writing, images (including electronic forms) and encompassing artistic expression, plays, etc.
- 2.2. Academic Freedom covers staff's right within the law:
 - 2.2.1. to question and test received wisdom;
 - 2.2.2. to put forward new, controversial or unpopular ideas without risk of loss of job/privileges, hindrance to promotion or future appointments.

3. Regulatory Context

- 3.1. Academic Freedom and Freedom of Speech are fundamental to the role and purpose of higher education institutions in the UK and NMITE is committed to ensuring that these freedoms are protected.
- 3.2. Enforced by the Office for Students (OfS), rights to Academic Freedom and Freedom of Speech are codified in the Higher Education (Freedom of Speech) Act 2023 and should



be considered in light of the broader legal framework in which this Act sits, including legislation such as (but not limited to) that which prohibits hate speech, incitement of violence, or discrimination¹.

- 3.2.1. The Regulatory advice 24 - Guidance related to Freedom of Speech (2025) also provides guidance on the context of this Code of Practice.
- 3.2.2. The Education (No.2) Act 1986, section 43 – this requires universities to take reasonably practicable steps to ensure that Freedom of Speech within the law is secured for staff, students and visiting speakers;
- 3.2.3. The Higher Education (Freedom of Speech) Act 2023;
- 3.2.4. The Higher Education and Research Act (HERA) 2017 and
- 3.2.5. The Human Rights Act 1998 (which gives effect in English law to the European Convention on Human Rights) – this states that freedom of expression is a fundamental, but qualified, right.

4. Freedom of Speech

- 4.1. NMITE recognises the right to freedom of expression within the law, and will aim to encourage respectful and balanced debate. NMITE seeks to assure Freedom of Speech for:
 - 4.1.1. All members of staff, trustees, and students
 - 4.1.2. visiting speakers within the curriculum and visiting speakers invited onto NMITE premises for events by NMITE staff or students.
 - 4.1.3. The Students' Union, including constituent societies, clubs and associations.
- 4.2. All persons to whom this Policy applies are under an obligation to take no action which would hinder freedom of speech within the law, or which would prevent the Institution from discharging its duty to secure freedom of speech within the law.
- 4.3. Freedom of speech applies not only to ideas and information that are favourably received but also to those that offend or shock. It applies to all who wish to solicit and share ideas of all kinds and includes the right to protest peacefully. Any views expressed by staff should never be presented as if they are endorsed by NMITE, especially where those views are contrary to NMITE's institutional values.
- 4.4. NMITE's commitment to the promotion of free speech and Academic Freedom does not require tolerance of abuse, threats, discrimination, incitement to violence or other unlawful acts. The Equality Act 2010 protects people from direct and indirect discrimination, harassment and victimisation on the basis of their protected characteristics.

¹ Including Higher Education and Research Act 2017, Education Act 1994 section 20, Education Reform Act 1988 (section 202), Public Order Act 1986, Public Order Act 2023, Protection from Harassment Act 1997, Human Rights Act 1998, Equality Act 2010, Terrorism Act 2006, Counter-Terrorism and Security Act 2015, Malicious Communications Act 1988 and the Online Safety Act 2023



4.5. In assuring Freedom of Speech, individuals and organisations included in 4.1 are reminded of their capacity to cause harm in exercising these freedoms and are expected to take accountability for this. Debates about controversial issues should be inclusive, peaceful and civil, and participants should not be intimidated.

5. Academic Freedom

5.1. According to the OfS: 'Higher education should have a high tolerance for all kinds of lawful speech. There should be a very strong presumption in favour of permitting lawful speech.'

5.2. At NMITE, the principle of Academic Freedom offers specific assurances to staff on academic contracts and other colleagues engaging in academic research with the approval of the institution. This includes freedoms in:

- 5.2.1. teaching and discussion
- 5.2.2. carrying out research without commercial or political influence
- 5.2.3. disseminating and publishing one's research findings
- 5.2.4. expressing one's opinion publicly about the institution or the education system in which one works
- 5.2.5. participating in professional and representative academic bodies
- 5.2.6. conducting research and publishing without censorship
- 5.2.7. questioning and challenging
- 5.2.8. having autonomy within the NMITE model of teaching and curriculum design
- 5.2.9. having protection from discrimination and harassment for academic work
- 5.2.10. having protection against external and internal pressure

5.3. NMITE academics and colleagues engaged in academic research have freedom within the law to question and test received wisdom and to put forward new ideas or controversial opinions without risking their job, privileges or likelihood of promotion. This should not be taken to mean that all perspectives are equally valid, and academics should expect their statements to be subject to intellectual scrutiny.

5.4. NMITE expects its academics and colleagues engaged in academic research to share controversial opinions in a manner that is presented rationally and draws on evidence. Academic research should be conducted within the professional competence of the researcher, and uphold appropriate scholarly standards relating to the norms and standards of scholarly enquiry of the relevant discipline. In essence, Academic Freedom protects the freedom to conduct scholarship, not the freedom for NMITE staff to be unprofessional or irresponsible in their capacity as an employee of the institution.

5.5. Individuals applying for academic posts at NMITE must not be adversely affected in relation to their application because of any judgement of their outputs within the bounds of Academic Freedom.



6. Governance & Responsibilities

- 6.1. NMITE's Board of Trustees will ensure NMITE puts in place mechanisms to assure Freedom of Speech within the law, and in accordance with the Higher Education (Freedom of Speech) Act 2023 and the Higher Education and Research Act 2017. This will include but not be limited to promoting a culture of open dialogue and ensuring fair and transparent processes.
- 6.2. In line with the Regulatory Advice 24 (2025), NMITE will apply the three-step framework model to any decision impacting speech (Appendix 1 Framework for assessment Flowchart):
 - 6.2.1. Is the speech 'within the law'? Only speech unlawful under statute or common law (e.g. incitement, harassment, terrorism) falls outside protection.
 - 6.2.2. If lawful, are there any 'reasonably practicable steps' which could be taken to manage risks in its expression? If yes, you must take them and secure the speech. If you are interfering with the speech in any way go to step three.
 - 6.2.3. Are any interference "prescribed by law" and proportionate under the ECHR.
- 6.3. Interplay with Other Duties – Prevent, Equality, Safety
 - 6.3.1. Lawful speech even if offensive is still protected; only unlawful speech (e.g. harassment, incitement) can be restricted.
 - 6.3.2. Time/place/manner restrictions are permissible for safety or essential operations—but vague future-harm reasoning is insufficient.
 - 6.3.3. NMITE will balance lawful speech with duties under Prevent, equality legislation and safety but will not override lawful speech unless a clear legal obligation demands it.
- 6.4. Academic Freedom and Freedom of Speech complaints and breaches will be monitored and reported to the Audit and Risk committee and the Board of Trustees will receive a commentary on Academic Freedom and Freedom of Speech annually, through the Audit and Risk committee Annual Report.
- 6.5. The CEO/President is accountable for the development, review and implementation of the Policy, drawing on the expertise and support of NMITE staff at their discretion.

7. Students' Union

- 7.1. NMITE's Students' Union will be subject to NMITE's Academic Freedom and Freedom of Speech regulations, as required by Section A6 of the Higher Education (Freedom of Speech) Act 2023.
- 7.2. As a non-constituted Students' Union, NMITE retains the legal responsibility to support Freedom of Speech and take all reasonably practicable steps to secure free speech for members of the union (insomuch as the Union seeks to act as a representative body), NMITE students, NMITE staff, and visiting speakers.



- 7.3. NMITE expects the Students' Union to support the institution in upholding these duties and to assist students in understanding their rights relating to Freedom of Speech.
- 7.4. The Director of Registry and Student Life shall bring this policy to the attention of incoming and returning students on an annual basis.

8. Freedom of Speech at Events

- 8.1. An 'event' in the context of paragraph 4.1 refers to any gathering of staff, students, or visitors in relation to the core purpose and activities of NMITE, and/or, for any purpose which is not part of NMITE's academic curriculum or official business.
- 8.2. Such gatherings include, but are not limited to:
 - 8.2.1. meetings, talks, debates or workshops arranged internally or externally;
 - 8.2.2. demonstrations and marches;
 - 8.2.3. informal or social activities, in person and online.
- 8.3. NMITE is committed to assuring Freedom of Speech at:
 - 8.3.1. events taking place on any property which NMITE owns, holds a lease or habitually uses by licence or permission.
 - 8.3.2. events taking place outside of such property as listed in paragraph 8.2.1 which are organised, affiliated, funded or branded in NMITE's name (including events organised by individuals, groups or societies using NMITE's name and/or resources).
 - 8.3.3. events taking place online, via mobile technology, or via other audio-visual technology which are organised, affiliated, funded or branded in NMITE's name - including those organised by individuals, groups or societies or online communities using the NMITE name and/or resources. These include but are not limited to webinars, online discussion forums and social networking.
- 8.4. Assuring free speech for visitors includes a responsibility to ensure that permission to use premises controlled by NMITE shall not be denied to any individual or body of persons wishing to use them for meetings on grounds connected with:
 - 8.4.1. the beliefs or views of that individual or of that body; or
 - 8.4.2. the policy or objectives of that body.
- 8.5. Under this policy NMITE will ensure its Students' Union understands its duties to ensure that a student society is not denied affiliation on any of the grounds specified in paragraph 8.3.1.
- 8.6. NMITE is committed to ensuring a welcoming and secure environment at events and is obliged to ensure that appropriate assessment of risks is carried out. The person organising the event, or co-ordinating an event booking, is required to log the event on the 'Event Registration' form on the Staff and Student Portal. This allows the event to be reviewed, and risk assessed by the Health & Safety Manager.
- 8.7. Where NMITE hosts speakers or external organisations on its premises as part of NMITE's activities and in furtherance of NMITE's objectives, it may impose conditions on



those events to mitigate any identified risks. In such cases, NMITE will meet the costs of those mitigations except in exceptional circumstances. Circumstances shall be exceptional when the security costs exceed £100.

- 8.8. Where NMITE is used as a venue for an external organisation or event, under a commercial arrangement, whether or not a hiring fee is charged by NMITE, NMITE may impose conditions on those events to mitigate any identified risks. Other than in exceptional circumstances, the costs of additional security relating to the use of premises shall not be passed to the person or organisation arranging the event. Circumstances shall be exceptional when the security costs exceed £100. In such cases, a condition of the hire will be that the hirer is responsible for meeting associated costs. This will apply even if NMITE staff and students are attending the event, as long as such attendance is as members of the public and not by virtue of their position at NMITE
- 8.9. Where the institution concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, it may decline to permit such events to be held. Before doing so, however, the institution will generally consult the police with a view to establishing whether serious disorder can be prevented or otherwise dealt with appropriately by attendance of police officers or alternative conditions.

9. Breaches & Complaints

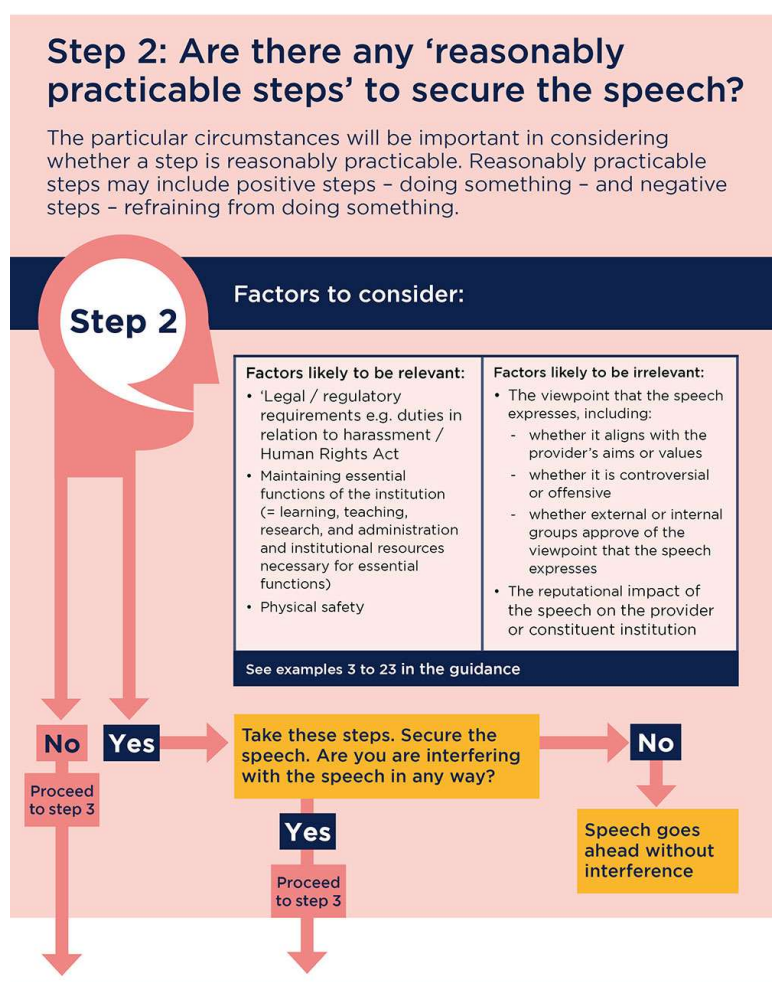
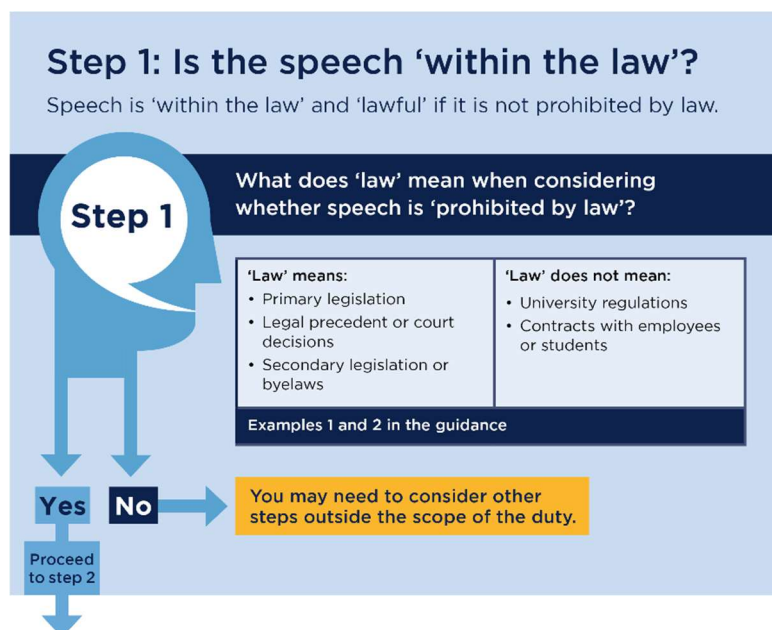
- 9.1. Any employee or student breaching this Policy will be subject to disciplinary action under the Staff Disciplinary Policy or the Student Disciplinary Policy.
- 9.2. Complaints:
- 9.2.1. Students who believe that NMITE failed in its duty to protect free speech can make a complaint through NMITE's Student Complaints Resolution Procedure.
 - 9.2.2. Individuals and organisations who believe that NMITE has failed in its duty to protect free speech can make a complaint under NMITE's Whistleblowing Policy.
 - 9.2.3. Staff, Trustees and volunteers under 4.1 who believe that NMITE has failed in its duty to protect free speech can make a complaint under NMITE's Grievance resolution Policy and Procedure.
- 9.3. OfS Freedom of Speech Complaints Scheme:
- 9.3.1. The OfS operates a free speech complaints scheme which applies to staff, applicants for academic posts, visiting speakers, and non-student members.
 - 9.3.2. <https://www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints/>
 - 9.3.3. To utilise the OfS scheme:
 - The issue that you are complaining about must have taken place on or after 1 September 2026.



- You must have already engaged with NMITE's internal complaints, appeals, disciplinary or grievance process and either received a completion of process or 90 days have elapsed since the internal process began.
- Free-speech complaints must be submitted to the OfS by 12 months after the date on which the issue being complained about last occurred.

9.4. To further protect free speech, the Chief Executive Officer shall ensure that where a person listed in section 4.1 makes a complaint relating to misconduct or alleged misconduct (including sexual abuse, harassment, or misconduct, bullying or other harassment), NMITE will not enter into a non-disclosure agreement (NDA) with that person. Any such NDA will be voided by the Higher Education (Freedom of Speech) Act 2023 paragraph A1 (11).

Appendix 1 – OfS Framework for assessment Flowchart



Step 3: Are any restrictions ‘prescribed by law’ and proportionate under the European Convention on Human Rights?

This step involves considering whether restriction or regulation of the speech (‘interference’) is compatible with the European Convention on Human Rights (ECHR).

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This step involves considering whether restriction or regulation of the speech (‘interference’) is compatible with the European Convention on Human Rights (ECHR). In practice, you may already have considered some of these factors at step 2.

Is the interference prescribed by law?

An interference is prescribed by law if:

- there is a specific domestic English legal rule or regime which authorises the interference;
- the person affected by the interference must have adequate access to the rule in question; and
- The rule is formulated with sufficient precision to enable the affected person to foresee the circumstances in which the law would or might be applied, and the likely consequences that might follow.

Is the interference proportionate?

To assess the proportionality of a measure to interfere in lawful speech, you must consider:

- whether the objective of the measure is sufficiently important to justify the limitation of a protected right,
- whether the measure is rationally connected to the objective,
- whether a less intrusive measure could have been used without unacceptably compromising the achievement of the objective, and
- whether, balancing the severity of the measure’s effects on the rights of the persons to whom it applies against the importance of the objective, to the extent that the measure will contribute to its achievement, the former outweighs the latter.

See examples 24 and 24A in the guidance

The proportionality test in Article 10(2) means that, in practice, it is difficult to restrict or regulate speech in a higher education context. This is because there is a high bar for limitation of a protected ECHR right in general terms, and the particular purpose of higher education is such that limitation of Article 10 rights would undermine that purpose.

Yes

No

Your restrictions are not consistent with your free speech obligations. You will need to revise your approach.

Your regulations or restrictions are likely to be consistent with your free speech obligations.

Regulations or restrictions should:

- use legal definitions where these are available
- incorporate objective tests where appropriate, for instance in relation to harassment
- avoid vague language or undefined terms
- include clear, adequate and effective ‘safeguard’ statements protecting academic freedom and freedom of speech within the law (for instance, to the effect that where a policy conflicts with academic freedom, the latter prevails).



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	November 2025	Biennial review (V2.0) Policy revised to align with OfS regulation and guidance on Academic freedom and Freedom of Speech implemented from 1 st August 2025.
	August 2026	Change to legislation
Summary of changes made to this version	• Addition of 9.3 OfS Complaints Scheme • Addition of Appendix 1 Framework for assessment flowchart	
Date for next review	August 2027	
Related Policies, Procedures, Guidance, Forms or Templates	Prevent Policy Student Complaints Resolution Policy and Procedure Staff Disciplinary Policy Student Disciplinary Policy Whistleblowing Policy	
Policies superseded by this Policy	Academic Freedom and Freedom of Speech Code of Practice.	