



### Freedom of Speech at the University of Bolton

The [Higher Education \(Freedom of Speech\) Act 2023](#) received royal assent on 11 May 2023. Freedom of speech, together with academic freedom, is fundamental to the academic pursuit of new knowledge and understandings at the University of Bolton. It allows staff, students and researchers to familiarise themselves with a diverse range of beliefs, theories and opinions. As a university, it is important to recognise the significance of freedom of speech and, while there are rules over the way debates should be conducted, lawful speech should not be prevented.

There may be occasions when members of the University of Bolton community are presented with views that are unsettling, extreme or offensive. Therefore, we must strive to foster free speech within a policy of robust respect. However, not all theories will receive equal respect. As a university, we value openness, expertise and

achievement and, within the parameters set by law, all views considered relevant by the university community should be heard. In that vein, students should be exposed to evidence, questioning of the same and healthy debates. As vital principles to support academic and personal development, we aim to ensure free speech is exchanged peacefully and respectfully.

This tutorial aims to develop your understanding of the central importance and specific roles of freedom of speech and academic freedom in higher education that underpins the detailed policies at the University of Bolton.

## **What is Freedom of Speech?**

As noted in the introduction, freedom of speech and academic freedom are fundamental to the academic pursuit of new knowledge and understandings at the University of Bolton. Similarly, it is crucial to ensure that we remain a democratic, civilised and inclusive society, and the individual freedom of those who take part is protected. The Office for Students (OfS) (2023, n.p.) adopts a broad definition of freedom of speech to include anything within the law, specifically:

'Written materials and other forms of expression. It is not limited to the spoken word.'

The definition presented by OfS (2023, n.p.) protects free speech 'within the law' and may include lawful speech that someone finds offensive and hurtful.

Students must note that unlawful speech is not protected, specifically unlawful harassment or unlawful discrimination.

Let's move on to look at this in more detail.

## **What is Academic Freedom?**

Part A1 of the Higher Education (Freedom of Speech) Act 2023 provides that academic staff have the freedom to:

‘question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without being at risk of being adversely affected, without placing themselves at risk of being adversely affected.’

Adversely affected is defined as either:

‘loss of their jobs or privileges at the provider, or the likelihood of their securing promotion or different jobs at the provider being reduced.’

The above Act also provides that universities must have ‘particular regard to the importance of freedom of speech’ when taking the ‘reasonably practical’ steps (Higher Education Freedom of Speech Act, 2023).

## **What does 'Reasonably practical' mean?**

Universities UK (2023) defines 'Reasonably practicable' as a:

'reasonably common statutory formulation, but case law has established that how it is construed within one piece of legislation does not necessarily mean it will be construed in the same way in another. There are at least two ways in which it can be construed. The first is within the context of health and safety law, where a duty is placed on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees at work and others who may be affected by their undertaking.'

## **What is the Legislation?**

New legislation protects free speech and academic freedom within the law. This means that speech is protected unless it breaches other law. Changes to the Higher Education (Freedom of Speech) Act (2023) now provides that the students' union, together with the university, are required to promote freedom of speech. On the legislative side, students should note some of the areas of criminal law that restrict the scope of speech, including:

1. Racially or religiously aggravated offences
2. Threats to kill
3. Endeavours to break up a public meeting
4. Fear of provocation of violence
5. Intentional harassment, alarm or distress
6. Acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation
7. Encouraging or assisting the commission of an offence
8. Incitement to commit acts of terrorism overseas
9. Inviting or encouraging support for proscribed organisation
10. Encouragement of terrorism including the glorification of the commission or preparation of terrorism
11. Dissemination of terrorist publications

## 12. Encouragement of terrorism and dissemination of terrorist publications through the internet

Students should also note that the expression of views and opinions that amounts to harassment, discrimination or defamation, is not regarded as free speech and can be limited by civil law. Universities UK (2023).

### **How Does it Impact on Students?**

Today's higher education climate continues to bear witness to a kaleidoscope of enthusiastic and polarised debate; the University of Bolton community must be supported to express their rights to lawful freedom of speech and academic freedom.

The university is committed to upholding freedom of speech and academic freedom by facilitating an environment where all individuals are free to enquire, study, and debate. The cornerstone of research and the student experience at the University of Bolton aligns with our strategy of 'Teaching Intensive, Research Informed' (TIRI) (University of Bolton, 2023, n.p.).

Within this environment, it is important to recognise that contrasting views and ideas are inevitable and, where these take place peacefully, respectfully and within the law, should be celebrated. Therefore, discussions should not become hostile. Instead, all members of the community have a responsibility to maintain an environment of reasoned enquiry, mutual tolerance and civility.

As a student, the most effective way to exchange views with others, ensuring that your ideas and knowledge are not suppressed, is mutual respect. Mutual respect also applies to exchanges where others may find those ideas unpopular or controversial, freedom of speech includes a commitment to facilitating debates that some may wish to oppose.

The university's Code of Practice Relating to Freedom of Speech (On Campus Events and Meetings) (2023, p.2), which will be shared with students on an annual basis, sets out how the University of Bolton will actively promote and protect freedom of speech and academic freedom. It is only through a community that shares the responsibility for maintaining an environment of 'reasoned enquiry, mutual tolerance and civility', that the university can achieve its vision of 'an inclusive community which recognises that people with different backgrounds, experience, skills, attitudes, beliefs and views bring fresh ideas and new perspectives....'

If you struggle to contribute to discussions, here are some useful tips to help you enhance your skills.

### **Discussion Skills Tips**

#### Tip 1: Classroom discussions

Enquiry and active participation in group discussions are key skills for studying at university. Discussions take place for several reasons, not least because it will help you to:

1. Develop your understanding of your topic area
2. Explore ideas that might be different from your own. By listening to the thoughts and ideas of other students, it may influence your attitude or idea on a topic
3. Develop your critical thinking and problem-solving skills
4. Improve your language skills and confidence in speaking

Some students, however, find it difficult to share their views in front of their peers for fear of being judged (Grieve et al., 2020) or offending others (Malcolm, 2023). In fact, the study by Malcolm (2023) found that 80% of the UK public believe that society discourages people from speaking their mind. However, students are encouraged to actively engage in discussions and have the lawful freedom of speech to offer their ideas.

If you find it difficult to contribute to discussions, or ask questions, why not consider the below strategies:

Observe your peers and ask yourself...

How do they contribute to the discussion? How do they ask questions? If they disagree with someone's point of view, do they offer a respectful counterargument? How do other students make a critical comment?

Listen to the discussion

Although you are encouraged to contribute to a discussion orally, you also need to listen to what is being said and process it. Therefore, don't let your attention sway, try to keep focused, listen with an open mind, consider how it fits in with your ideas and mentally paraphrase what has been said.

Be prepared

Make sure that you attend your lectures and complete any work set for you by your module tutor. This will help you to develop your understanding of the topic and develop your confidence in this area. If you need clarification on any aspect, don't be afraid to speak to your module or personal tutor.

Practice

Speak to others about the topic outside of the main classroom environment.

Participate

If you're still finding it difficult, perhaps set yourself realistic goals to help develop your confidence in speaking, such as: Agree with what a peer has said, ask them to expand on their thoughts and prepare a question before the discussion begins. Taking these small steps will help you to build up to answering a question put to the group by the tutor, providing examples to support your claims and disagreeing with someone's point of view.

Tip 2: Student society and workshops

By joining a student society or attending a [LEAP Live](#) workshop (e.g., Conversation Cafe), you will have the opportunity to discuss divisive issues outside the classroom environment, with polarised groups. Not only will these groups provide an

opportunity to socialise and boost your CV, but you can also develop academic and personal skills (e.g., debate and critical thinking skills) in a safe environment.

## **Conclusion**

The University of Bolton students should embrace freedom of speech and academic freedom with the principles of reasoned enquiry, mutual tolerance and civility. These freedoms will serve as a foundation for personal and academic growth, empowering you to lawfully challenge existing norms, explore diverse perspectives, and engage in critical thinking. By actively engaging in reasoned enquiry and respectful debates, you can cultivate the essential skills needed to navigate the complexities of the modern world free from unlawful opposition. Furthermore, the exercise of free speech and academic freedom not only fosters your development but also contributes to the collective enrichment of our community.

We must uphold and safeguard these freedoms as essential pillars of our community. The University will continue to promote and protect your rights, but it is important you also help to maintain the principles to ensure we can achieve our vision. By establishing a clear Code of Practice relating to freedom of speech, we can all uphold these principles, while fostering an inclusive and respectful university culture.

While we are committed to promoting and protecting freedom of speech at university, not only are we fulfilling our obligation to you, but we also reaffirm our commitment to academic excellence, intellectual integrity, and a Teaching Intensive, Research Informed university. In doing so, we help to cultivate a generation of informed and empowered individuals ready to contribute positively to society.



## You may be interested in:

The below policies can be found under [Student Policy Zone](#) for this academic year.

- Prevent Policy
- Dignity at Study (Bullying, Harassment, Victimisation, Discrimination, Sexual Misconduct)
- Non-Academic Conduct Policy and Procedure

You can also complete the following modules on LEAP Online:

- [Critical Thinking](#)
- [Oral Presentations](#)
- [Prevent](#)
- [British Values](#)

## References

University of Bolton. (2023) *Code of Practice Relating to Freedom of Speech (On campus Events and Meetings) 2023*. [Online] Available from:

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Universities UK. (2023) *How can universities prepare for the Higher Education (Freedom of Speech) Act?* [Online] Available from: <https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2023-09/how-can-unis-prepare-for-the-HE-freedom-of-speech-act.pdf>. [Accessed 1 March 2024].

Access LEAP Online at: [www.bolton.ac.uk/leaponline](http://www.bolton.ac.uk/leaponline)