



Freedom of speech complaints policy

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Freedom of Speech Complaints

Policy

Introduction

1. Essex is a university that values academic freedom and freedom of speech within the law. We see these as vital components of being an inclusive community. Academic Freedom is an essential part of academic and University life and flourishes where there is tolerance of a wide range of views and beliefs which are lawfully expressed. Promoting the lawful expression of diverse views on our campuses and through events that we hold, including the lawful expression of views that some may find objectionable or offensive, is an important part of our responsibility to be inclusive. It enables all members of the University to feel able to express their views and beliefs within the law and encouraged to be active members of our University community.
2. By exercising these freedoms with due regard to the values we share as a community, we can make our own contribution to the University flourishing as a place where new ideas are generated and different viewpoints are debated, in the context of being an inclusive community. As members of the University, we can do this by engaging in debate in a constructive manner that supports freedom of thought and expression within the law, promoting an enabling and inclusive environment which respects the rights of others.
3. We celebrate the passion of our University members and recognise that there may be occasions when different beliefs expressed lawfully by some members of our community (or visitors to our campuses) conflict with those of others. Through our policies and procedures, we acknowledge that counter-speech and protest are also characteristics of a university committed to academic freedom, freedom of speech within the law and inclusion. However, the right to protest against the expression of views should never prevent others from exercising their right to freedom of expression within the law.
4. The University has in place a set of policies and procedures designed to promote academic freedom, freedom of expression and inclusion and to create an environment in which knowledge can be advanced and debate and challenge can be widened, not restricted.

Freedom of speech complaints

5. The University is a large community engaged in many activities of both an academic and non-academic nature. This means that, in the course of its usual business, the University engages with staff, students and third parties from outside the recognised University community. The

University has obligations under the law¹ to take reasonably practicable steps to secure freedom of speech. The way in which the University delivers on these obligations is described in our Code of Practice: Academic Freedom and Freedom of Speech.

6. From time to time, students, staff and visiting, external speakers may feel dissatisfied with the University's compliance with these obligations and the application of our Code. When that happens, it is important that the issue is dealt with constructively and as quickly as possible without risk of disadvantage or recrimination.
7. This policy outlines our approach to dealing with complaints related to freedom of speech.

Roles and responsibilities

8. The Governance Office coordinates the administration and delivery of this policy across all University campuses, drawing in relevant staff members as appropriate.

Data protection

9. All complaints will be handled in line with the University's obligations as a data controller under the Data Protection Act 2018 and UK GDPR.
10. The provisions of the University's Privacy Notices² will be followed for the processing and/or sharing of any personal data in relation to complaints handled under this and related policies and procedures.

Eligibility

11. This policy is available to the following individuals:
 - a. a person who is a current student at the University of Essex
 - b. a person who was a student at the University of Essex
 - c. a current member of staff at the University of Essex
 - d. a person who has applied to become a member of academic staff at the University of Essex, or

¹ Currently through the Education (No. 2) Act 1986 and the Education Reform Act 1988 and, should its implementation continue, the Higher Education (Freedom of Speech) Act 2023

² <https://www.essex.ac.uk/disclaimer/privacy-statements>

- e. a person who was, or was at any time invited to be, a visiting speaker at the University of Essex

Making a complaint

12. In order to ensure that each complaint is dealt with appropriately, and consistently within the University's established policies and procedures, freedom of speech complaints are handled within the relevant business area of the University, as follows:
- a. current students who wish to make a freedom of speech complaint may do so under the terms of the Student Concerns and Complaints Procedure³
 - b. in line with the Student Concerns and Complaints Procedure³, students who have left a programme of study within three months of the conferral of an award or withdrawal from their programme, and who wish to make a freedom of speech complaint, may do so under the terms of the Student Concerns and Complaints Procedure. Students who had left the University outside this three-month period, and who wish to make a freedom of speech complaint, should contact the Alumni team in the first instance⁴
 - c. current members of staff who wish to make a freedom of speech complaint may do so under relevant employment policies and procedures⁵
 - d. individuals who have applied to become a member of academic staff at the University of Essex and who wish to make a freedom of speech complaint may do so in writing to the University's People and Culture section⁶
 - e. visiting speakers who had or have been invited to speak at the University in relation to an event or activity organised by the University of Essex, and who wish to raise a freedom of speech complaint, may do so under the terms of the Third Party Complaints Policy and Procedure (.pdf)
13. Staff and students at the University may also make freedom of speech complaints through the University's Report and Support system. While only complaints made by a named individual

³ <https://www.essex.ac.uk/student/voice/complaints>

⁴ alumni@essex.ac.uk

⁵ <https://www.essex.ac.uk/staff/employment-policies-and-procedures>

⁶ By email to resourcing@essex.ac.uk

can be investigated, all complaints, including any submitted anonymously, will be recorded, so that trends may be tracked and learning identified.

14. All complaints must be made in writing.

Internal review

15. If a complainant believes their complaint has not been handled properly or fairly according to the procedures relevant to their complaint, they may request an internal review. The processes and procedures should be followed within each complaint process (for students, staff and third parties).

External adjudication

16. The University is regulated by the Office for Students, which oversees and monitors the operation of policies and processes related to our freedom of speech obligations.
17. Students who remain dissatisfied with the outcome of the University's consideration of a complaint may submit a request for consideration by the Office of the Independent Adjudicator for Higher Education (OIA), the independent ombudsman service of last resort. All applications to the OIA must be made within 12 months of the date of the Completion of Procedures letter issued by the University to the student. For eligible complaints, the OIA considers issues such as whether the University followed its procedures, whether these procedures were reasonable, and whether the University's final decision was reasonable in all the circumstances. The [OIA's Scheme Rules and guidelines](#) are available on its website.

Monitoring and review

18. The University will review this policy every two years.
19. The University will analyse the number and substance of Freedom of Speech complaints and identify trends where these emerge. This will be reported to the University's Council as part of the annual assurance reporting.

Document Control Panel

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