

# IMPERIAL

## FREEDOM OF SPEECH COMPLAINTS PROCEDURE

### INTRODUCTION

1. This Freedom of Speech Complaints Procedure (“this Procedure”) is made to support the enhanced duties that apply to the University pursuant to the Higher Education and Research Act 2017. These include taking reasonably practicable steps to secure free speech within the law as well as promoting the importance of free speech. These duties also apply to academic freedom for academic staff. This Procedure may be invoked in circumstances where it is alleged that the University has breached its free speech duties. It reinforces Imperial’s commitment to the fundamental importance of free speech by seeking to ensure that timely and appropriate action may be taken in circumstances when a complaint is upheld.
2. The University’s [Freedom of Speech Code of Practice and Events Procedure](#) explains that when there are concerns that there has been a breach of the University’s duties in relation to free speech and/or academic freedom that a complaint should be submitted under this Procedure.
3. This Procedure sets out:
  - a) The process that will be followed upon receipt of a free speech complaint.
  - b) The circumstances in which the complaint will be routed to another University procedure or elsewhere for investigation if appropriate.
  - c) The process, following investigation, for referral to the Free Speech Complaints Panel.
  - d) The circumstances in which a reporting party may request a review of a decision of the Free Speech Complaints Panel where a complaint is not upheld.
4. Responsibility for establishing and maintaining this Procedure lies with the University Management Board.

### APPLICATION

5. This Procedure applies to staff, students, honorary staff and visitors of Imperial College London and external speakers (as defined in paragraph 6), where any of those people consider the University has breached its free speech duties in respect of them.

## DEFINITIONS

6. In this Procedure the following definitions apply:

**Academic Freedom:** the concept as broadly defined in sections VI and VII of *Recommendation concerning the Status of Higher Education Teaching personnel* adopted by the General Council of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on 11 November 1997 (as set out in the Appendix to Imperial's Ordinances); and protected in law, as in the Higher Education & Research Act 2017, so that academic staff are free within the law—

- i. to question and test received wisdom, and
- ii. to put forward new ideas and controversial or unpopular opinions,

without placing themselves at risk of being adversely affected through loss of their jobs or privileges by the university and/or the likelihood of their securing promotion or different jobs at the University being reduced (see [Academic Freedom at Imperial](#)).

**Event:** any activity or activities organised by students or staff of Imperial whether they are held in any venue or location in the UK for which Imperial is directly responsible, permanently or temporarily, on University premises, external premises (including outdoor spaces), or virtual spaces on any University provided online platform (such as Teams or Zoom when using University log in details). This includes events organised on a University campus by third parties e.g. those using the space on a commercial basis.

**Events Procedure:** section [5 to 7 of the Freedom of Speech Code of Practice](#).

**External speaker:** an individual or organisation –

- (a) who is not a current student, staff member, honorary staff member or visitor at the University;
- (b) has been invited or made a request to speak at an event; and
- (c) in respect of whom an assessment under the University's Events Procedure has been conducted, whether or not permission has been granted for the external speaker to speak at the event.

**Free Speech complaint:** means a complaint that the University has not acted in accordance with its free speech duties either as regards free speech and/ or academic freedom.

**Free Speech Complaints Panel:** (“the Panel”): the body established by the University to determine free speech complaints in accordance with paragraph 13.

**Free Speech duties:** the duties under Part A1-A3 of the Higher Education and Research Act 2017 and include the duty on governing bodies of higher education providers to take reasonably practicable steps to secure free speech within the law and the duty to promote the importance of freedom of speech and academic freedom.

**Investigation report:** the report produced by the investigator under paragraph 11.

**Investigator:** a person appointed by the Registrar & University Secretary pursuant to paragraph 10 to investigate the Free Speech Complaint.

**Reporting party:** any person or organisation listed in paragraph 5 who makes a complaint under this Procedure regarding their concern that the University has not acted in accordance with its free speech duties.

**Students:** enrolled undergraduate or post graduate students at the University.

**University:** Imperial College London (“Imperial”).

**Visitor(s):** an individual or organisation invited to the University who is not a current student or staff member or honorary staff member at the University or the Imperial College Union. This may include visiting researchers, visitors from partner organisations and consultants.

**Working day:** Monday to Friday not including bank holidays or University Closure Days.

## **PROCEDURE FOR MAKING A COMPLAINT**

7. Where a reporting party considers that the University has breached its free speech duties, a complaint should be made under this Procedure within 10 working days from the date of being aware of the circumstances that give rise to the complaint.
8. The complaint must be in writing (which includes email) and addressed to the Registrar & University Secretary at [University.Secretary@Imperial.ac.uk](mailto:University.Secretary@Imperial.ac.uk) and must:
  - a) Where applicable, provide details of the event at which the alleged breach of free speech duties occurred.
  - b) Where an alleged breach did not occur at an event, provide details of the circumstances in which it is alleged the breach of free speech duties occurred.
  - c) Explain why it is considered that the University has breached its free speech duties.
  - d) Include any supporting documentation.
  - e) Where known, provide details of any witness(es) who could provide evidence of the alleged breach.
  - f) Explain what is sought by way of remedy of any alleged breach.

9. Anonymous complaints are not accepted under this Procedure.

### **INVESTIGATION OF COMPLAINT AND REFERRAL TO THE FREE SPEECH COMPLAINTS PANEL**

10. Following the submission of a complaint, within five (5) working days the Registrar & University Secretary will appoint a suitably qualified person to investigate the matter ("the investigator"). They may as part of their investigation:
- a) Conduct an initial paper-based review.
  - b) Determine whether the complaint ought to be dealt with under this Procedure or is more appropriately referred elsewhere (in whole or in part) including for example, to be considered:
    - i. under the Student Discipline Procedure;
    - ii. under staff procedures; or
    - iii. by any other body or partnership organisation.
  - c) Notify the reporting party if the free speech complaint is being routed elsewhere in accordance with sub-paragraph (b) and provide relevant contact details.
  - d) If the complaint is suitable to be dealt with under this Procedure, take such steps to investigate as required which may include arranging a meeting with the reporting party and/or other parties as appropriate.
  - e) Obtain any further evidence as may be considered appropriate, which may include representations from parties who may be affected by the complaint and any details of the event at which the alleged breach occurred, where applicable.
  - f) Consider the complaint and any information obtained as part of the investigation and determine whether there is substance to the complaint.
  - g) If the investigator considers that the complaint is without substance, the reporting party will be notified that the complaint is not being considered further under this Procedure and the investigator will provide reasons for their decision.
11. If the investigator determines that there is substance to all or part of the complaint, details of the complaint together with the evidence obtained shall be provided to Registrar & University Secretary in an investigation report no later than twenty (20) working days from being appointed as investigator by the Registrar & University Secretary.
12. No legal representation is permitted during any meeting the investigator may hold with a reporting party or any other witness(es).

## **CONSIDERATION OF THE COMPLAINT**

13. Upon receipt of an investigation report the Registrar & University Secretary shall establish a Free Speech Complaints Panel (“the Panel”) within five (5) working days of receipt of the investigation report.
14. The Panel shall comprise three members, including the Chair who will be the Registrar & University Secretary; other members of the Panel will normally include a University Consul or Pro-Consul and where the reporting party is a student, a student nominated by the President of Imperial College Union.
15. The Panel shall convene at an appointed time no later than ten (10) working days from being established to consider the investigation report and determine whether the complaint may be decided upon the papers.
16. If the Panel considers that there are questions that it wishes to put to any party before making a decision, the Panel may adjourn to a later date and cause the investigator to send those questions to any party.
17. Exceptionally, the Panel might require the reporting party, any witness(es), or other parties that it reasonably considers could assist it in determining a complaint to attend a future meeting of the Panel in person to answer its questions.
18. To avoid this Procedure becoming adversarial no legal representation is permitted at any meetings of the Panel where evidence is provided in-person.
19. When the Panel has considered the investigation report and any other information obtained through its enquiries, it shall decide on the balance of probabilities whether the free speech complaint is:
  - a) Upheld in full.
  - b) Upheld in part.
  - c) Dismissed.
20. The Panel may decide the complaint by a majority vote.
21. When the Panel has made its decision under paragraph 19 it will produce a written report (“the Panel’s Report”) in which it sets out its reasons for its decision; the Panel’s Report must be sent to the reporting party no later than sixty (60) working days from receipt of the free speech complaint.

22. Where the Panel upholds the free speech complaint in full or in part it must decide what if any action is appropriate by way of remedy and include this and the reasons for it in the Panel's Report.
23. The Panel may be advised by the University's Chief Legal Officer or their nominated deputy on procedural matters and/or interpretation of the law, as required.
24. Confidentiality shall be maintained so far as is necessary to comply with legal obligations, including data protection legislation.

### **APPEAL FROM THE PANEL'S DECISION**

25. A reporting party may seek a review of a decision where the Panel determines that a complaint is to be dismissed in full or in part only on one or both of the following grounds:
  - a) Procedural irregularity.
  - b) Evidence becoming available that it was not reasonably practicable to provide to the Panel at the time the Panel was considering the complaint.
26. A reporting party may seek a review of a decision on remedy only on the grounds of procedural irregularity.
27. The reporting party must submit a written appeal (Notice of Appeal) to the Provost [Provost@Imperial.ac.uk](mailto:Provost@Imperial.ac.uk) within five (5) working days of the date of the Panel's decision letter explaining:
  - a) Why they consider that there was a procedural irregularity; and/or
  - b) Detailing the new evidence and explaining why it was not reasonably practicable to make this available to the Panel when it was considering the complaint.

### **DETERMINATION OF THE APPEAL**

28. Upon receipt of a Notice of Appeal the Provost will cause the investigation report and Panel's Report to be sent to them.
29. The Provost shall consider the evidence provided under paragraph 28 and may:
  - a) Uphold the appeal in full or in part.
  - b) Remit the matter to the same Panel for further consideration, in which case the Panel's new decision shall be final.

- c) Remit the matter to the Registrar & University Secretary to be considered by a new Panel, in which case the decision of that new Panel may be subject to review.
- d) Substitute a different remedy to that imposed by the Panel.
- e) Dismiss the appeal in its entirety.

30. The Provost shall record their decision(s) and reasons in writing and send these to the reporting party within ten (10) working days of their decision.

31. Save where the Provost has remitted the matter to the Panel for further consideration, the Provost's decision shall be final.

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Division of the University Secretary

Approved by UMB June 2025