



Senate

<b>Paper Title</b>	<b>Code of Practice on Free Speech</b>
<b>Outcome requested</b>	To review and comment on the Code of Practice on Free Speech.
<b>Points for Senate members to note and further information</b>	<p>Following the change of Government last year, the implementation (due last academic year) of the Higher Education (Freedom of Speech) Act 2023 was delayed. The changes have now been confirmed by the Government and in June the OfS published '<a href="#">Regulatory advice 24: Guidance related to freedom of speech</a>'. The changes to the Code reflect the regulatory advice document.</p> <p>The main changes to the Code are as follows:</p> <ul style="list-style-type: none"><li>• Moving the Code to the new policy template.</li><li>• Adding clear definitions of free speech and academic freedom.</li><li>• Reflecting the need for policies and decisions made under other processes and procedures to have appropriately considered relevant matters related to free speech and academic freedom.</li><li>• Updating references to the updated procedures for events. The procedures have been signed off by SET and are awaiting implementation as part of revised communication and events operations later this year.</li><li>• Refining and clarifying the principles section.</li><li>• Clarifying routes for appeals and complaints.</li></ul> <p>The main changes are reflected in the paper with a yellow highlight. More minor changes are not.</p>
<b>Questions for Senate to consider</b>	Senate members are invited to provide comments on the proposed revisions to the Code of Practice on Free Speech.
<b>Regulatory/statutory reference points</b>	<p>To ensure compliance with free speech legislation and the regulatory requirements of the OfS.</p> <p>The Code acts as a policy and governs behaviour in respect of ensuring free speech and academic freedom at the University.</p> <p>Universities are subject to a statutory duty to take reasonably practicable steps to secure freedom of speech and academic freedom, and must have <i>particular regard</i> to their importance. In contrast, the Public Sector Equality Duty requires institutions to have <i>due regard</i> to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different groups. The distinction reflects a stronger legislative emphasis on the protection of free speech and academic freedom within higher education settings</p>

<b>Strategy and risk</b>	Operational Risk: OFS compliance. The University has a low level of appetite for OFS compliance risk.
<b>Reporting/ consideration route for the paper</b>	The Code has been reviewed by the Policy Scrutiny Group. The Code is being submitted to Senate for comment before being submitted to Council for approval. The previous version of the Code included consultation with a working group of academic members.
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<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer and University Secretary

# Code of Practice on Free Speech

## 1. Introduction and values

- 1.1. Queen Mary University of London ('the University') has a longstanding commitment to promoting and encouraging free debate and enquiry. This commitment is enshrined within the University Charter.
- 1.2. The values of free speech and academic freedom are fundamental to the University's academic mission. The University:
- 1.3. encourages members of its community, including staff, students and visiting speakers, to express themselves freely and to hold their own opinions, even if their views are unpopular or could upset or offend others;
  - a) expects members of its community to demonstrate mutual respect and tolerance of those with different views;
  - b) recognises that free speech must operate within the law.
- 1.4. In this Code of Practice on Free Speech ('Code'):
  - a) 'free speech' is defined as the freedom within the law to impart ideas, opinions or information by means of speech, writing or images (including in electronic form) and includes freedom of artistic expression, such as a painting or the production of a play;
  - b) 'academic freedom' is defined as the freedom of academic staff within the law to question and test received wisdom, and 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 at the University or the likelihood of their securing promotion or different jobs at the University being reduced.
- 1.5. Unlawful speech that breaches either criminal or civil law is not protected under this Code. However, there is no need to point to a specific legal basis for particular speech. Rather, the starting point is that speech is permitted unless it is restricted by law.

## 2. Purpose

- 2.1. The purpose of this Code is to ensure that, as far as reasonably practicable, free speech within the law is secured for students and staff of the University, as well as for visiting speakers, and that academic freedom within the law is secured for academic staff of the

University. This Code also defines how the University has due regard to its legal and regulatory duties in relation to free speech and academic freedom.

### **3. Legislative context**

- 3.1. The University has adopted this Code to ensure that it acts in accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education and Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023.
- 3.2. There are other requirements that the University must also consider to comply with various elements of legislation and regulation, as well as the requirements of any relevant judicial authority relating to free speech and academic freedom.
- 3.3. The Education Act (No 2) 1986 (Section 43) imposes specific obligations on higher education providers ('providers') to protect freedom of speech and requires that they: 'shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers'. The 1986 Act includes a duty on provider governing bodies to issue and keep updated a code of practice setting out the procedures to be followed by students and staff in connection with meetings on the provider's premises.
- 3.4. The Higher Education and Research Act 2017 makes it clear that all universities and colleges which register with the Office for Students must follow its regulatory framework. Under the framework the governing bodies of registered universities should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.' The 2017 Act also includes a general duty for the Office for Students to protect institutional autonomy, including academic freedom.
- 3.5. The Higher Education (Freedom of Speech) Act 2023 requires higher education providers ('providers') to have particular regard to the importance of freedom of speech and take steps that are reasonably practicable to secure free speech within the law for staff, students and visiting speakers. It also requires providers to secure academic freedom within the law for academic staff and places a duty on students' unions to secure free speech.
- 3.6. Freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10) are safeguarded by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998. However, these are qualified rights and subject to certain qualifications which are necessary in a democratic society.
- 3.7. The Equality Act 2010 places a duty on the University to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all members of the University's community. It also imposes obligations not to discriminate on the grounds of the relevant protected characteristics.
- 3.8. The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
- 3.9. The Public Order Act 1986 contains a range of criminal offences relating to violent conduct

and speech or actions that threaten violence causing someone to fear for their safety or causing another person harassment, alarm or distress. The 1986 Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in circumstances where it is likely racial or religious hatred will be stirred up, as well as stirring up hatred on grounds of sexual orientation.

- 3.10. The Terrorism Acts of 2000 and 2006 define certain criminal activities including inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological cause. The Counter Terrorism and Security Act 2015 places an obligation on the University to have due regard to the need to prevent people from being drawn into terrorism ('the Prevent Duty'), whilst also having particular regard for the duty to ensure free speech and to the importance of academic freedom.

## 4. Scope

- 4.1. This Code is applicable to:
- a) the legal personality of the University;
  - b) all staff of the University and individuals undertaking duties on its behalf, including members of the Council;
  - c) all students of the University, including those who are registered, in association, or affiliates, and including those taking part in activities organised by the Queen Mary Student Union ('QMSU') and by its affiliated clubs, societies and other groups;
  - d) all live and recorded activities, including events, meetings and all education and research activities, that are held, endorsed, organised, funded or branded by the University or QMSU, or by individuals, groups or societies using the name of the University or QMSU, or that use University or QMSU managed spaces or digital platforms, whether or not they involve an external speaker (referred to as 'events');
  - e) visitors speaking at, taking part in and attending events on University or QMSU managed spaces or digital platforms.
- 4.2. This Code and the requirement to have particular regard to the importance of free speech and academic freedom must be considered in the drafting and implementation of all other codes of practice, policies and regulations of the University. In addition, any individual who serves as a member of a decision-making panel in relation to the employment of an academic member of staff must ensure they have appropriately considered any relevant matters connected to free speech and academic freedom.

## 5. Principles

- 5.1. The University endeavours to provide opportunities to facilitate discourse on

contemporary **and other** issues by encouraging critical debate within the law, where expression of views within the law by different parties is tolerated. The University encourages a wide range of views which might entail the airing of opinions and ideas that are unpopular, controversial or provocative and foster an environment where free speech and academic freedom are secured within the law, noting that this may include speech that is shocking, disturbing or offensive to others.

- 5.2. Further to the principles in Section 5.1 above:
- 5.3. the University does not take an institutional position on political, cultural and religious debates, except where expressly agreed by the Council in line with advancing the University's charitable objects (as defined in the University Charter), to ensure that individuals are not discouraged from expressing themselves freely within the law;
- 5.4. the University operates a presumption that exposure of students to course materials and statements made and views expressed by a person as part of teaching or research, and discussions about any subject matter that is connected with the content of a course, are unlikely to constitute harassment unless otherwise demonstrated that these matters do in fact amount to harassment;
- 5.5. the University Library provides materials that illustrate and illuminate different views on controversial issues so that users may develop under guidance the practice of critical reading and thinking.
- 5.6. Any infringements or departures from the provisions of this Code, in whatever respect, may render those responsible liable to disciplinary action under the relevant code of practice, regulation or policy.
- 5.7. The University reserves the right:
  - a) to regulate the time, place and manner of free speech to safeguard the continuation of its essential teaching, learning and research functions and the administrative functions and resources these require;
  - b) to impose such conditions upon the use of its premises as are reasonably necessary for the discharge of its obligations relating to the health and safety of its students, staff and other persons lawfully upon its premises;
  - c) to decide that practical considerations such as the cost, short notice period or difficulty of providing the necessary mitigations may require an event to be modified, curtailed, postponed, or exceptionally, cancelled, noting that the University will bear the cost of appropriate security for approved events to uphold free speech.
- 5.8. Further to Section 5.2a of this Code, the University also reserves the right to impose conditions on the display of materials, symbols and images on University premises and online platforms, or during any University authorised activity or event, outside the context of essential teaching, learning and research functions and approved events. This is to signal neutrality in relation to political, cultural and religious debates and ensure that individuals are not discouraged from expressing themselves freely within the law on its premises, online platforms, or authorised activities or events.

- 5.9. Permission to use university premises or online platforms, or to use the University's name or brand events and visiting speakers may be withheld only where any of the values, principles or procedures referenced in this Code are not complied with, or if any of the restrictions in Section 7.4 apply, or if the organiser cannot or will not ensure compliance with any conditions set by the Designated Officer under Section 7.5. It shall also be open to the Designated Officer to withdraw permission for an event or a visiting speaker if, having originally granted permission, they so judge that the event or visiting speaker will not in fact conform to this Code. The expression of views which are unpopular, controversial or provocative or which cause offence, shock or disturb do not, if lawful, constitute grounds for the refusal or cancellation of an event or a visiting speaker.

## 6. Roles and responsibilities

- 6.1. Council is responsible for the approval of this Code and for seeking assurance on its effective operation.
- 6.2. The President and Principal is responsible for the interpretation and implementation of this Code and must report to the Council on the circumstances of any significant infringements of, or departures from, the provisions of this Code.
- 6.3. The Senior Executive Team is responsible for the approval of booking policies and procedures for events referenced in Section 7.2 below.
- 6.4. Senior Officers, Heads of Schools, Directors of Institutes, Directors of University Research Institutes, Directors of Professional Services and the President of QMSU have delegated responsibility from the President and Principal for the day-to-day implementation of this Code. They are therefore accountable to the President and Principal for ensuring that this Code and its principles are applied consistently across all activities under their management. In academic schools and institutes the responsibility of implementing this Code includes all events held, endorsed, organised or funded by the school or institute as well as its teaching, learning and research functions.
- 6.5. The University expects those attending events on university premises and online platforms to respect the values noted in Section 1 above and to show tolerance to all sections of its community. These precepts apply in particular to the way in which views are expressed and the form of events, including any form of protest activity.

## 7. Procedure for Events

- 7.1. The following procedures apply when arranging events and inviting visiting speakers outside the context of essential teaching, learning and research functions in academic schools and institutes.
- 7.2. All events for which it is proposed to use university premises or online platforms must be booked in advance using the relevant booking policies and procedures and approved by

the relevant Designated Officer. Permission to associate the University's name or brand with all other external events and speakers must also be sought in advance from the relevant Designated Officer. The relevant Designated Officer in each instance will be:

<b>Designated Officer</b>	<b>Event type</b>
Head of School or Director of Institute	All events proposed by students or academic staff
QMSU President	All events proposed by QMSU societies and affiliated events
Director of Professional Service	All events proposed by staff within professional services
Director of Estates and Facilities	All other events not covered above

7.3. In considering whether to provide a platform for an event or visiting speaker, or to permit its name or brand to be associated with an external event or speaker, the University will uphold free speech within the law. In doing so, the University will consider whether the views or ideas to be put forward, the manner of their expression, or the event in question:

- a) constitutes a criminal offence and whether a participant has a previous conviction in relation to their speech;
- b) constitutes a threat to public order, including whether a participant is from an organisation that is officially proscribed by the UK Government;
- c) constitutes a threat to the health and safety of individuals attending the event or in the locality which cannot be satisfactorily managed;
- d) incites others to commit criminal acts;
- e) infringes the legal rights of others or breaches legal requirements in respect of non-discrimination;
- f) seeks to disrupt an authorised event or activity on university premises or online platforms, noting that any protest must be conducted without infringing the rights of others, including the right to free speech.

7.4. Any conditions or restrictions placed on events will be considered in line with the above (7.3) and with the values and principles referenced in this Code.

## **8. Appeals and complaints**

8.1. Appeals against the rulings of the Designated Officer may be made to the President and Principal, whose decision shall be final. The President and Principal may delegate the consideration of such an appeal to another Senior Officer. Such an appeal must be received within two working days of the decision of the relevant Designated Officer.

8.2. Complaints relating to the management of events by QMSU will be subject to the QMSU

## Code of Student Conduct, Complaints and Disciplinary Procedure (QMSU Byelaw 13).

- 8.3. Complaints from students relating to free speech in the context of teaching and learning will be subject to the Student Complaints Policy. Matters relating to the conduct of students under this Code will be considered under the Student Discipline Policy.
- 8.4. Complaints from staff relating to free speech, and from academic staff relating to academic freedom, will be subject to the Grievance Resolution Policy and Procedure. Matters relating to the conduct of staff under this Code will be considered under the Discipline Policy and Procedure. If a member of academic staff claims that disciplinary action is being taken against them in contravention of the principle of academic freedom, the matter will be considered by an Academic Freedom Panel.
- 8.5. Other concerns in relation to free speech and academic freedom may be raised under the Whistleblowing Policy.

## 9. Associated information

### 10. Review

- 10.1. This Code will be reviewed at least every three years by the Council. Senate will be consulted as part of any review and on any significant revisions of the Code.
- 10.2. Minor updates to this policy that do not affect the rules, principles or intent of this code may be approved by the Chief Governance Officer and University Secretary on behalf of Council.

## Policy Information and Document Control

<b>Policy title</b>	Code of Practice on Free Speech
<b>Version number</b>	Version 2.1
<b>Related policies and procedures</b>	If the policy refers to other policies, procedures or guidance, list the names of these here (and include hyperlinks?)
<b>Superseded policies</b>	This policy replaces the previous Code of Practice on Free Speech that was approved by Council on 23 November 2023
<b>Approval level</b>	Council
<b>Approval date</b>	TBC (27 November 2025?)
<b>Effective date</b>	Tbc
<b>Next review due</b>	September 2026
<b>Policy owner</b>	Chief Governance Officer and University Secretary
<b>Policy contact</b>	Jonathan Morgan, Chief Governance Officer and University Secretary Jane Pallant, Director of Governance and Legal Services Danny Hassell, Policy and Governance Lead

## Version Control

<b>Version</b>	<b>Date</b>	<b>Reason for updates/Summary of key changes</b>
<b>2.1</b>	November 2025	Updates to the Code to reflect the OfS regulatory guidance and changes to the events procedures.
<b>2</b>	November 2023	Updates to the code to reflect the legislative changes.