

## Royal Holloway Students' Union Code of Practice – Freedom of Speech

### 1. Purpose

This code sets out how Royal Holloway Students' Union (RHSU) will take reasonable and practicable steps to secure freedom of speech within the law for its members and staff, all students at Royal Holloway University of London (RHUL) and external speakers in accordance with the Higher Education (Freedom of Speech) Act 2023.

### 2. Statement of values

- 2.1 Freedom of expression applies to everyone and means that people are generally free to talk about, or write about, or otherwise express their ideas and opinions, without any censorship or interference from the state, subject only to some narrow exceptions. The right to express views and ideas freely is a fundamental right protected under Article 10 of the Human Rights Act 1998 and an essential part of democracy.
- 2.2 RHSU accepts that freedom of expression is a key part of the higher education experience and is committed to the principles of free speech within the law. Respectful debate and conversation can help to challenge discrimination, get rid of intolerance and harmful attitudes, and build strong, positive communities. RHSU acknowledges that sharing ideas is crucial for learning, and allows students to think critically, challenge and engage with different perspectives, however unpopular or controversial. It is also acknowledged that protection under Article 10 extends to expression of views that may shock, disturb or offend the deeply-held beliefs of others.
- 2.3 Mindful of the legal obligations, RHSU will foster an environment in which all of its members can participate fully, feel able to question and test received wisdom, and to express new ideas and controversial or unpopular opinions within the law, without fear of intolerance or discrimination. However, just as freedom of expression is enshrined in law, RHSU recognises that it is not an absolute but a qualified right, which means that the rights of the individual must be balanced against the interests of society. This means that freedom of expression may be limited in some circumstances and in particular does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their race, religious belief, gender or sexual orientation. No one can rely on the human right to freedom of expression to limit or undermine the human rights of others.
- 2.4 RHSU also recognises that the law in respect of illegal hate speech is complex and it is not always easy to draw the boundary between expressing intolerant or offensive views (which are afforded protection under freedom of expression) and hate speech or other very offensive communication so serious that it is not so protected. Whether a restriction on freedom of expression is justified is likely to depend on a number of factors, including the identity of the speaker, the context of the speech, its purpose and intended audience, as well as the actual words spoken or written. It is, nonetheless, a criminal offence to stir up hatred on racial or religious grounds or on the grounds of sexual orientation.
- 2.5 In exercising their right to freedom of expression, RHSU expects its members to be tolerant of the differing opinions of others. RHSU also expects its members to be tolerant of the diverse identities of others, in line with our core value of inclusivity, as well as the core values of a democratic society which should be free from discrimination.

### 3. Scope

- 3.1 This Code is issued in accordance with the Higher Education (Freedom of Speech) Act 2023, which requires RHSU to take such steps as are reasonably practicable to ensure freedom of speech within the law is secured for its members, staff and external speakers. It works in partnership (and should be read in conjunction) with the RHUL Freedom of Speech – Code of Practice. Students should also ensure that they adhere to the RHUL Dignity and Respect (Students) Policy.

- 3.2 This Code applies to the following students and external speakers:
- 3.2.1 All members of RHSU, where the purpose of the event is connected to their affiliation with the RHSU. This includes societies and sports clubs, student communities, elected representatives and recognised adhoc campaign groups.
  - 3.2.2 All external speakers to RHSU/RHUL, by invitation of one of the above identified RHSU affiliated groups.
- 3.3 This code applies to the following activities:
- 3.3.1 Meetings, events or gatherings of people to be held on Royal Holloway's premises (which includes all RHSU premises) in which an external speaker has been invited to attend.
  - 3.3.2 Meetings held online via social media or streaming services either using Royal Holloway facilities or by RHSU members from the above identified, affiliated groups.
- 3.4 This Code does not apply to events organised by groups who are not affiliated to RHSU. Nor does it apply to events being organised by individual students. RHUL's Code of Practice should be followed in these circumstances.

### **3. Roles and responsibilities**

- RHSU Board of Trustees have responsibility for ensuring a fit for purpose Code of Practice is in effect, that protects and promotes freedom of speech
- Senior Managers have overall responsibility for ensuring understanding of and compliance with the code across their areas.
- Line managers and employees are responsible for application of the code and promoting it to RHSU members.
- The CEO is responsible for reviewing this code, in partnership with RHUL's legal counsel every three years or upon introduction of new legislation, whichever comes first.

### **4. Definitions**

#### External speakers

Any individual or group, participating in or 'speaking' at, an event or activity who are not members or staff of Royal Holloway Students' Union nor students or staff of Royal Holloway University of London.

#### Members

RHSU has four categories of membership, as defined in the Constitution:

- i. Student members
- ii. Strategic members
- iii. Associate members
- iv. Honorary members

For the purpose of this code, 'members' refers to all membership categories of RHSU

### **5. Principles**

Seven principles underpin RHSU's compliance with the Act:

- 5.1 Everyone has the right to free speech within the law, and RHUL and RHSU should work in partnership to encourage and widen respectful debate and challenge, never to narrow it.
- 5.2 As a democratic organisation, RHSU aims for the maximum level of political diversity to exist and to be expressed by students on campus. It is for the individual members of RHSU, not for RHSU as an organisation, to make judgments for themselves and to openly contest any ideas that they oppose. Any protest, however, should be peaceful and should not be allowed to shut down debate or infringe the rights of others.
- 5.3 RHSU will approach all events on the basis that they should proceed, and that all individuals and groups will not be denied the use of premises or facilities on the basis of their beliefs, views, policy or objectives. An exception to this are proscribed groups or organisations that are banned under UK law, or speakers connected to these organisations or who are likely to encourage support for these organisations. A list of proscribed groups or organisations is maintained by the Home Office:  
<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>
- 5.4 RHSU has other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation and other behaviour that is prohibited by the Equality Act 2010, as well

as consideration for the health, safety and welfare of employees, students, external speakers and other visitors. Decisions made in respect of principle 5.3 will also be made in this context.

- 5.5 RHSU also has a duty to advance equal opportunities between people who share a relevant protected characteristic and people who do not, and encourage good relations between people who share a relevant protected characteristic and people who do not, including the need to tackle prejudice and promote understanding. It also has a duty to think about how it can promote equality and minimise tension and prejudice between different groups on campus. Even where it facilitates events and debate, RHSU must consider the potential impact on students who may feel vilified or marginalised by the views expressed.
- 5.6 The protection of freedom of speech does not extend to allowing a speaker to commit a criminal offence in the course of speaking; it is a criminal offence to stir up hatred on racial or religious grounds or on the ground of sexual orientation. Offensive or insulting language may also constitute harassment, either under the Equality Act 2010, or if directed at an individual under the Protection from Harassment Act 1997.
- 5.7 While RHSU is committed to freedom of expression, it reserves the right to refuse an organisation or external speaker where an assessment has been made that this freedom may be restricted in order to prevent violence or unlawful discrimination. It also has the right to refuse a request where due process, as set out in section 6, has not been followed. In such circumstances individuals or groups will have the right to submit a complaint to RHUL, as outlined in section 9 below.

## **6. Approval process for events within scope**

- 6.1 If an event or activity falls within scope of this code, it is the responsibility of the organisers to follow this process. It should be noted that RHSU receives hundreds of event requests every term, which means that it is crucial that timeframes are noted and strictly adhered to for the avoidance of disappointment.
- 6.2 All external speakers must come at the invitation of a committee member of a ratified student group, community, or elected representative. They may not be invited by a student or students acting individually.
- 6.3 A single point of contact should be appointed as the principal organiser in order to simplify communication between the organisers and RHSU and to avoid possible confusion.
- 6.4 RHSU should be the first party to be informed of the external speaker (over and above RHUL). The principal organiser should get in touch with RHSU via the Freshdesk Portal at least 20 working days in advance of the event, and have approval granted before the event is advertised in any form. A risk assessment will need to be completed, alongside providing the following details:
- 6.4.1 the day, time and place of the meeting or method if the event is virtual (please make sure you give full consideration to the venue, ensuring it is fit for purpose for the event)
  - 6.4.2 the name of the speaker
  - 6.4.3 the subject of the address
  - 6.4.4 a summary of its purpose
  - 6.4.5 the intended audience (committee/group only, staff, all students, public)
  - 6.4.6 whether there is space within the event for an alternative view point / speaker to attend.
- 6.5 The criteria used by RHSU in making decisions about whether to permit the event are as follows:
- 6.5.1 Whether the activity falls within the scope of the code (section 3)
  - 6.5.2 The potential for any decision to cause RHSU to be in breach of the Higher Education (Freedom of Speech) Act 2023.
  - 6.5.3 The potential for the event going ahead to cause reputational risk to RHSU, and the associated potential for the event not going ahead to cause reputational risk to RHSU.
  - 6.5.4 The potential for the speaker's presence on campus to cause harassment, alarm or distress to members of the student body or staff.
  - 6.5.5 The potential for the event going ahead to cause RHSU to fail in its wider legal duties.
  - 6.5.6 The potential for the speaker's presence on campus to give rise to breach of peace.
- 6.6 An RHSU staff member will respond to the principal organiser within 5 working days. Where permission is withheld, an explanation will be provided. Organisers have recourse to RHUL's

complaints procedure, outlined in section 9, if they consider that permission was withheld in contravention of the freedom of speech requirements. Where permission is granted, conditions may be attached to ensure the fulfilment of RHSU's legal obligations. These may include, but are not limited to:

- 6.6.1 a requirement to issue tickets
- 6.6.2 that a second speaker holding opposing views must also address the event
- 6.6.3 that a question-and-answer session must be held
- 6.6.4 that the event must be chaired or moderated in another way agreed with RHSU
- 6.6.5 that RHUL security staff must be present to ensure order is kept
- 6.6.6 that the event be filmed by an independent body
- 6.6.7 that the event be observed by RHSU, RHUL or third-party officials
- 6.6.8 that an event closed to student group members only be opened to all members of RHSU
- 6.6.9 that a copy of any speech to be delivered by the speaker be submitted to RHSU
- 6.6.10 that any health & safety requirements are adhered to, including a risk assessment

6.7 RHSU may consult with RHUL and the police about any meeting under the scope of the code and, if appropriate, attach further conditions. This may include a requirement for the meeting to be declared public to allow for police presence.

6.8 If RHSU is not satisfied that adequate arrangements to keep order can be made, with the result that the speaker would not be able to enter or leave RHUL premises safely and/or deliver their speech, permission may be refused or withdrawn at any time.

## **7. Management of the event or activity**

7.1 During the event the chair or principal organiser has a duty to keep order and, so far as is possible, to ensure that both the speaker and the audience act in accordance with the law.

7.2 Attendees of the event must ensure they conduct themselves lawfully and are respectful of alternative opinion.

7.3 The chair/organiser should issue warnings if unlawful conduct such as violence is threatened or takes place and, where such conduct continues, should require the offenders to withdraw or to be removed by RHUL security if present.

7.4 Where RHUL Security are not present and the chair/organiser has made all reasonable efforts to keep order but the meeting continues out of control, any RHSU or RHUL representative present will take over responsibility. In the absence of RHSU or RHUL representative, the chair/organiser must seek help from RHUL's security staff as a matter of priority.

7.5 RHUL premises used for meetings must be left clean and tidy. The organisers may be charged for any additional cleaning and for any repairs which are necessary.

## **8. Breach of the code**

8.1 Any breach of this code or associated procedures may result in RHSU's statutory complaints or disciplinary procedures (Byelaw K and Byelaw L) being invoked.

8.2 Where any conduct constitutes a breach of RHUL's regulations, RHUL may decide to take appropriate action.

## **9. Complaints**

9.1 It is noted that sabbatical officers and senior members of RHSU staff may be involved in any decision to either grant or refuse an external speaker request, or to impose associated mitigations. It is noted, therefore, that RHSU's statutory complaints procedure (Byelaw K) is not appropriate in these circumstances.

9.2 Where organisers consider that permission to host an external speaker was withheld in contravention of Freedom of Speech requirements, they should have recourse to the RHUL Complaints Procedure.

9.3 Where students consider that permission to host an external speaker should not have been granted, they should have recourse to the RHUL Complaints Procedure.

## **10. Monitoring & Review**

10.1 There will be an annual review of the RHSU External Speaker Procedure to gather feedback from users to ensure that processes are kept as rapid in execution and as simple to understand as possible.

10.2 The RHSU Board of Trustees will receive an annual report, outlining how many events with external speakers have been requested and approved or denied.

## **11. Related Documents**

- RHUL Freedom of Speech Code of Practice
- RHUL Dignity & Respect (Students) Policy
- RHSU External Speaker Procedure
- RHSU Constitution

***Policy/Procedure title:*** RHSU Code of Practice – Freedom of Speech (Policy)

***Applicable to:*** All members & staff of RHSU

***Approved:*** June 2023

***Review due:*** June 2024

***Policy location:*** RHSU Teams / Resources/ Freedom of Speech