

# Freedom of Speech Code of Practice

Updated 1 August 2024



## 1. Statement of values

1.1 Royal Holloway and Bedford New College (known as Royal Holloway, University of London, hereafter 'the University') and the Royal Holloway Students' Union (hereafter 'RHSU') value freedom of expression as fundamental to higher education and are committed to the principles of free speech within the law. The University is also a signatory to the [University of London Freedom of Expression and Speech position statement](#).

1.2 Respectful debate and conversation can help us challenge discrimination, intolerance, and harmful attitudes, and build strong, positive communities. We acknowledge that sharing ideas is crucial for learning, critical thinking, challenging, and engaging with different perspectives, however unpopular or controversial. We also acknowledge that protection under Article 10 extends to expression of views that may shock, disturb, or offend the deeply held beliefs of others.

1.3 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 or public authorities, subject only to some narrow exceptions. The right to express views and ideas freely is a fundamental right protected under Article 10 of European Convention on Human Rights and an essential part of democracy.

1.4 Mindful of its legal obligations, the University will foster an environment in which all members of its academic staff can participate fully, feel able to question and test received wisdom, and to express new ideas, views, beliefs and controversial or unpopular opinions within the law, without suffering adverse consequences. Consideration of the importance of freedom of speech will extend to the planning and provision of teaching and the curriculum at the University.

1.5 However, just as freedom of expression is enshrined in law, the University and RHSU recognise 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.

1.6 All visitors to and members of the University community must be mindful of the following:

- No one can rely on the human right to freedom of expression to limit or undermine the human rights of others;
- Freedom of expression 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. However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom. As a result, students' learning experience and the working environment of staff may include exposure to research, course material, discussions or speaker's views that they find offensive, contentious or unacceptable, and this is unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.

- It is not always easy to draw the boundary between expressing intolerant or offensive views (which are afforded protection under freedom of expression) and speech which falls outside the law. In each situation consideration must be given to the particular circumstances, including the intention of the person making the statement, the context in which they make it, the intended audience, and the particular words and form of communication;
- 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;
- Universities are subject to the statutory "Prevent" duty under The Counter-Terrorism and Security Act 2015 "to have due regard to the need to prevent people from being drawn into terrorism", including all forms of terrorism; and
- Universities and Student Unions have other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation and the health, safety and welfare of employees, students, external speakers and visitors. In each case, these need to be balanced with the duty to promote and ensure freedom of expression.

1.7 Universities are also subject to the public sector equality duty under section 149 of the Equalities Act 2010 which requires them to have due regard to the need to promote good relations between different communities protected by equality law. In the context of their duties in relation to freedom of speech and academic freedom, they must consider the potential impact on staff and students who may feel vilified or marginalised by views expressed and ensure those staff and students feel included and welcome within the university environment and able to participate fully in activities and discussions.

1.8 Staff and students, both individually and in groups, have an obligation to respect other members and groups and not to interfere in or seek to hamper or curtail the legitimate activities or affairs of other individuals or groups. This mutual respect is fundamental in a university community and confers rights on members of the University community to be able to conduct their affairs free from unlawful or improper interference. Staff and students should ensure that they adhere to all relevant policies in this context.

1.9 The University will ensure individuals and groups are supported in participating in vigorous debate, even on topics they might find personally uncomfortable or offensive. In respect of external speaker events, the University and RHSU will approach these on the basis that they should proceed, in compliance with the law and this Code, and that all individuals and groups will not be denied the use of its premises or facilities based on their beliefs, views, policy or objectives. The only exceptions to this are [proscribed organisations](#), and the University and RHSU will not host these organisations, speakers connected to these organisations nor speakers who are likely to encourage support for these organisations.

1.10 The University and RHSU shall not, as a matter of principle, seek to require an event organiser to meet unusual costs relating to security and/or other health and safety issues related to running the event. In certain exceptional circumstances where, in the reasonable opinion of the University's Vice Chancellor or other nominated member of the University's Executive Board (having sought appropriate advice) the additional costs would be prohibitive, the University will discuss with the event organiser a proportionate sharing of some, or all, of the relevant costs.

## 2. Scope

2.1 This Freedom of Speech Code of Practice (“the Code”) is intended to ensure that freedom of speech within the law is secured for the staff, members, and students of the University, and for visiting speakers.

2.2 The Code applies to all events held on University premises (and any other land owned or rented by the University in the UK and throughout the world, whether indoors or outdoors), organised by staff or students.

2.3 The Code also applies to meetings held online via social media or streaming services either using University facilities or by staff or students or events held by RHSU affiliated groups wherever they are hosted.

## 3. Requesting the use of University premises for External Speaker events

3.1 The University’s External Speakers Procedure (Appendix 1) sets out the approval process for events within the scope of this Code of Practice (see section 2), which will be attended by external speakers.

## 4. Conduct

4.1 Attendees at all events (including those speaking at, chairing, or running the event) are always expected to conduct themselves in accordance with the values expressed in Section 1 of this Code of Practice.

## 5. Related Documents

5.1 This Code should be read in conjunction with the following documents, as necessary:

- Staff Disciplinary Policy
- Student Conduct Regulations
- Dignity at Work policy
- Dignity and Respect (students) Policy
- RHSU Constitution and Bye Laws

## 6. Appendices

- Appendix 1 - External Speakers procedure, including event request form
- Appendix 2 – Criteria to be used by the University and Students Union in assessing whether to allow a request to hold an event on University premises
- Appendix 3 – Roles and responsibilities document

Policy owner(s)	University Secretary, University, and Chief Executive, Students’ Union
Approving Bodies	University Council and the Students’ Union Board of Trustees

Approved on	Council 23 July 2024 Students' Union Board of Trustees 27 June 2024
Review deadline	October 2025

## Appendix 1

### External Speakers Procedure

#### Purpose of this Procedure

This procedure sets out the process by which approval for external speaker events to be held on University premises should be sought.

#### Scope

This procedure is intended to apply to all external speaker events within the Scope of the Freedom of Speech Code of Practice (see section 2 of the Code of Practice).

#### Speaker Event Request and Approval Procedure

Speakers may only be invited by a recognised collective body within the University (e.g. a School, a Department, the Students' Union or a Students' Union recognised society, a University-recognised trades union). **Speakers may not be invited to campus by staff or students acting independently** (ie. outside of a University-recognised group, society or academic department).

In the case of speaker events organised by external organisations on University premises, speakers at such events must abide by the provisions of the Code.

As the University grounds are private premises, all meetings which take place therein are classed as private (i.e. restricted to members of the University community and not open to members of the public), unless the public is expressly invited to attend.

Event organisers are responsible for all room booking, catering and security arrangements for approved events.

Requestors should refer to the flowchart at the end of this appendix for a diagram of the full approval process.

1. Having identified an intended date and proposed speaker for an event, the requestor should complete a [guest speaker request form](#) which should be sent via the appropriate channel (depending on if this is a student request or a staff request in accordance with the University/RHUL's external speaker/event policy).
2. The University will review the request against the criteria (Appendix 2). The

request will be escalated internally if necessary, and the decision whether to allow the use of University premises for the event will be communicated to the requestor in writing (including via email). The University aims to provide its decision two weeks from the date the request is received. The University's Security staff will be advised of the request outcome and will provide guidance on security matters as necessary.

3. University operations and security staff reserve the right to attend events approved via this procedure.

## Sample Event Request Form

Name of group / Academic Department:

Name of contact:

Email:

Event proposal

Event start date:

Event end date:

Event start time:

Event end time:

Is the event a small scale event, or large scale event?:

Small Scale Event – this would include events that require little planning, equipment or additional support, eg. film screenings, bake sales.

Large Scale Event – this would include events that might require external parties coming onto campus, tech support, a large number of people, hiring of an external facility etc.

Event location:

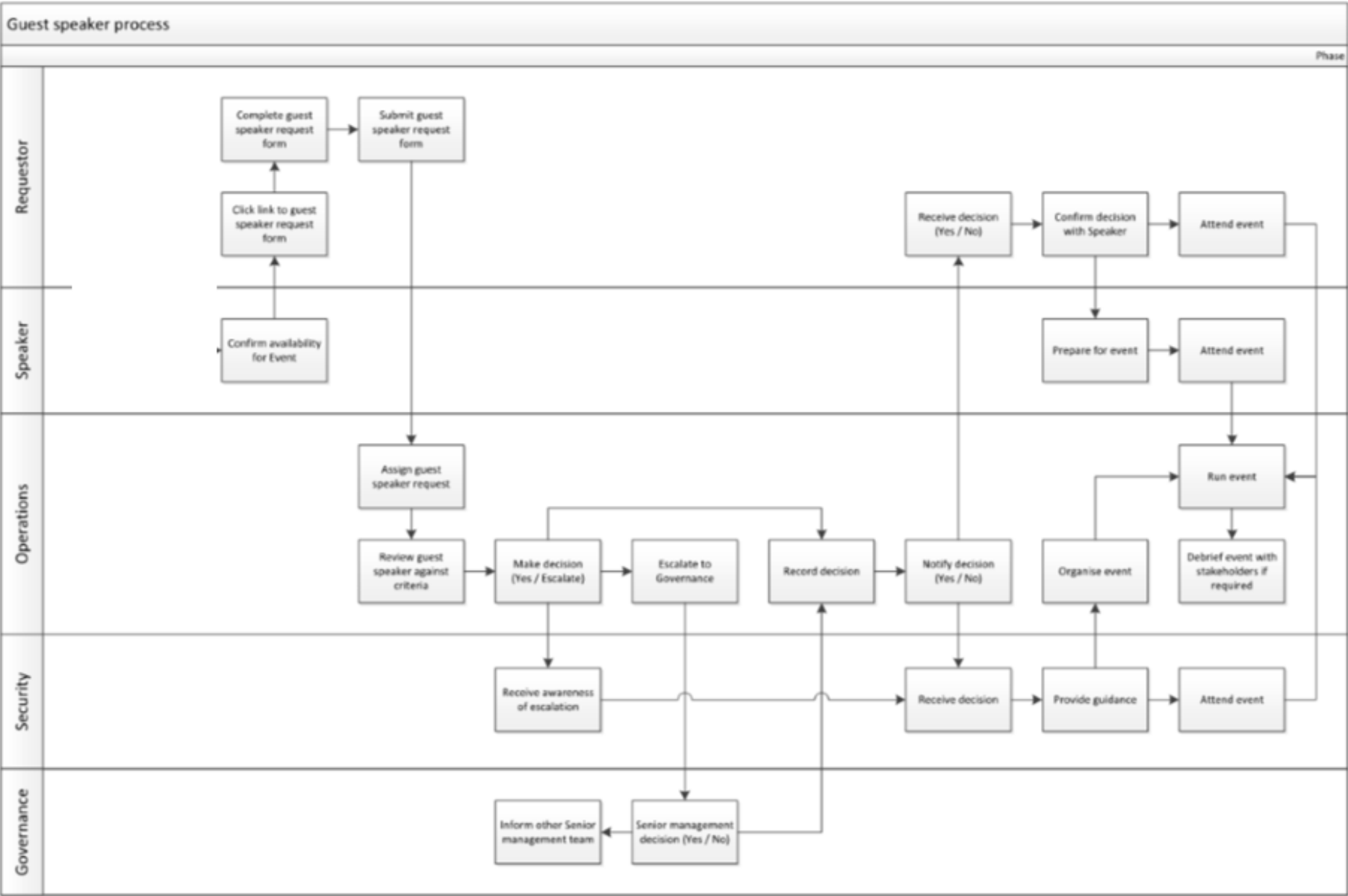
Event details (please describe the event):

Who is able to attend?: Students / Staff / Guests / External

Estimated attendance numbers:

Are you arranging food for the event?:

Is this event covered by your general risk assessment?:



## Appendix 2

### Criteria to be used by the University in making decisions about whether to allow the use of premises and on what terms

#### Introduction

The University 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 based on their beliefs, views, policy or objectives. The only exception to this are proscribed organisations, or speakers who are connected to these organisations, or who are likely to encourage support for these organisations.

Restrictions on freedom of speech may be imposed if it is lawful, necessary, and practicable:

- To prevent unlawful discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin, or immigration status)
- In the interests of national security or public safety (eg. to prohibit hoax bomb claims)
- For the prevention of disorder or crime (eg. to prohibit incitement to violence)
- For the protection of the reputation or rights of others (eg. as reflected in defamation law and the prohibition on harassment under the Equality Act 2010)
- For preventing the disclosure of information received in confidence (eg. trade secrets)

#### Impact Assessment

1. A brief background check will be conducted by University staff into the Guest Speaker's history. This can be as simple as an internet search. The purpose is to establish if any of the above-listed impacts may be present.
2. The request will also be assessed to determine whether the following impacts may be associated with inviting the Guest Speaker:
  - The potential for the speaker's presence on campus to cause harassment, alarm, or distress to members of the student body or staff.
  - The potential for the event going ahead to cause the University to fail in its legal duties (ie. health & safety and/or unlawful discrimination)
  - The potential for the speaker's presence to give rise to a breach of peace.
3. Once this background check has been fulfilled if there is a potential impact associated with the speaker then an Impact Analysis (sample at the foot of this Appendix 2) must be completed.
4. If there is a concern regarding the speaker or the event, the Impact Analysis will be escalated within the University. The University Secretary, in consultation with relevant



operational areas, will determine whether conditions\* should be attached to the event, or, in exceptional circumstances, whether the event request is rejected.

5. Where it is deemed that escalation is not required, a member of staff will respond to the requestor as soon as possible to confirm that permission for use of the University premises has been granted.

\* It may be necessary for the University to apply certain conditions for the event to proceed, to ensure the health, safety, and wellbeing of our community as well as that of the guest speaker. For example, we may require that tickets are issued when a meeting is open to the public; or that an adequate number of security stewards be provided by the organisers; or that members of the University's security staff must be present to help in keeping order. The University will always ensure that it imposes the minimum restrictions required to manage the identified impact.

## Guest Speaker Event Impact Analysis

<b>Date of Event:</b>		<b>Title of Event:</b>	
<b>Organising group / department:</b>		<b>Speaker Name</b>	

### Restrictions to consider

Restrictions on freedom of speech may be imposed if it is lawful, necessary, and practicable for the following legitimate purposes:

- To prevent hate speech (forms of expression which incite violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status)
- In the interests of national security or public safety (ie. to prohibit hoax bomb claims)
- For the prevention of disorder or crime (ie. to prohibit incitement to violence)
- For the protection of the reputation or rights of others (ie. as reflected in defamation law and the prohibition on harassment under the Equality Act 2010)
- For preventing the disclosure of information received in confidence (ie. trade secrets)

Should a restriction be considered on one of the above grounds?

Yes  No

If yes, refer request to senior colleagues.

### Impacts to consider:

Impacts which may warrant the imposition of conditions to the event going ahead:

- The potential for the speakers' presence on campus to cause harassment, alarm or distress to members of the student body or staff.
- The potential for the event going ahead to cause the University to fail in its wider legal duties (ie. health & safety and/or unlawful discrimination)
- The potential for the speaker's presence to give rise to a breach of peace.

Are any of the following risks likely to be relevant in relation to the requested event?

Yes  No

If yes, please detail potential mitigation options:

<b>Mitigation</b> What conditions should be put in place to control the risk:	
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**Decision**

Is permission granted for the event to proceed on University premises?

Yes                       No     

Are any conditions attached to the event?

Yes                       No     

If yes, please detail:

Authorising officer name:

Signature

Date:

### Appendix 3

#### Speaker/event requests – Roles and Responsibilities

Responsibility	Accountable Officer			Comment
	Students' Union	School	Professional Service	
Receive speaker request from Event Organiser	Student Opportunities Manager or Designate	School Manager or Designate	Legal and Compliance team to support	<i>Comms and training being developed to explain this process.</i>
Review request in accordance with Decision Criteria	Student Opportunities Manager or Designate	Executive Dean or Designate	Legal and Compliance team to support	
Escalate request as required by the application of the Decision Criteria	Head of Membership Engagement or Designate	Executive Dean or Designate	Legal and Compliance team to support	<i>Escalation to go to: Senior Management Team for SU; University Secretary for University to make the decision on whether the event should go ahead.</i>
Notify Event Organiser of decision (whether escalated or not)	Student Opportunities Manager or Designate	Executive Dean or Designate		
Record Decision	Student Opportunities Manager or Designate	Executive Dean or Designate		<i>Record in new MS Teams space for Accountable Officers</i>
Organise event support (where required)	Student Opportunities Manager or Designate	Event Organiser	Estates, Security Conference Service, Media teams with consideration of proactive support from Wellbeing (e.g. Trigger Warnings, Support channels)	<i>Existing roles and processes to apply</i>
Review any complaint	Senior Management Team via Students' Union Statutory Complaints Procedure	Student & Academic Services Complaints Team	Student & Academic Services Complaints Team	<i>Existing roles and processes to apply</i>