



Senate

Paper Title	Freedom of Speech Policy
Outcome requested	Senate is asked review Queen Mary's Policy on Freedom of Speech.
Points for Senate members to note and further information	<p>Senate last reviewed the Freedom of Speech Policy in October 2017.</p> <p>The Equality and Human Rights Commission (EHRC) has published legal guidance on freedom of expression. Members were invited to provide any comments on the Freedom of Speech Policy, or the EHRC guidance, by 9th May 2019. No comments have been received to date but members are invited to provide comments at the meeting of Senate.</p> <p>The Freedom of Speech Policy has been reviewed within ARCS and in the light of the guidance and operation of the Policy over the past year, no amendments are being proposed.</p>
Questions for Senate to consider	<p>Do Senate members have any suggested amendments to the Freedom of Speech Policy?</p> <p>Do Senate members have any comments in relation to the alignment of the Freedom of Speech Policy with the key points of the EHRC guidance, listed below?</p> <ul style="list-style-type: none">• Freedom of expression is a fundamental right protected under the Human Rights Act 1998 by Article 10 of the European Convention on Human Rights. It is also a fundamental right under common law.• Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply-held beliefs of others.• Any restrictions on freedom of expression must always be clearly set out in law, necessary in a democratic society for a legitimate aim, and proportionate.• Subject to these conditions, freedom of expression may be limited in certain circumstances, including in order to protect others from violence, hatred and discrimination• In particular, freedom of expression does not protect statements that discriminate against or harass, or incite violence or hatred against, other persons and groups,

	<p>particularly by reference to their race, religious belief, gender or sexual orientation.</p> <ul style="list-style-type: none"> • The boundary between the expression of intolerant or offensive views and hate speech is not always an easy one to draw. However, a number of factors are likely to be relevant, including the intention of the person making the statement, the context in which they are making it, the intended audience, and the particular words used. • Freedom of expression is protected more strongly in some contexts than others. In particular, a wide degree of tolerance is accorded to political speech and debate during election campaign.
Regulatory/statutory reference points	The Policy relates to a number of key pieces of UK legislation, as noted in the document.
Strategy and risk	The Policy is aligned with Queen Mary's values. Freedom of Speech and expression are central to the defining purpose of the institution and as such it underpins all academic activity.
Reporting/consideration route for the paper	<p>Senate to review and consider any proposed amendments.</p> <p>Any revisions will be approved by Senate and reported to Council.</p>
Authors	n/a
Sponsor	n/a

Freedom of Speech Policy

Policy Context

1. As an institution of higher education, which sees academic freedom as central to its activity (including, in particular, critical independence and creativity), Queen Mary University of London (QMUL) is committed to promoting and encouraging free debate and enquiry. This means that we encourage a wide range of views, political as well as academic, which might entail the airing of opinions and ideas that are unpopular, controversial or provocative.
2. QMUL's policy on freedom of speech¹ is set within the context of our values, which were confirmed in consultation with staff and students through the development of the institution's Strategy². These values note that our activities are shaped and influenced by the following commitments:
 - i. unequivocal adherence to our fundamental academic mission;
 - ii. acting with integrity and to the highest ethical standards;
 - iii. promoting a strong collegial community;
 - iv. promoting diversity and inclusiveness;
 - v. supporting and engaging with our local community.
3. QMUL's freedom of speech policy and approach must also be seen in the context of our legal obligations and duties. The institution has an explicit duty in law³ to take such steps as are reasonably practicable to ensure that freedom of expression within the law is secured for members, students, employees and visiting speakers. This duty includes in particular a responsibility to ensure that the use of QMUL premises is not denied to any individual or group on the grounds of the beliefs or views of that individual or any member of that group, or on the grounds of the policy or objectives of the group.
4. This does not mean, however, that the right to freedom of speech has no boundaries. A significant strand in the regulatory framework is the duty (under the Equality Act 2010) to promote good relations between persons of different racial groups. Freedom of speech must also take place in the context of laws⁴ to protect national security and public safety; to protect vulnerable individuals from being drawn into extremism; for the prevention of disorder or crime; for the protection of the reputation or rights of others; and to prevent the disclosure of information received in confidence.

¹ For the purposes of this Policy, 'freedom of speech' is interpreted to include the written as well as spoken word.

² <http://www.qmul.ac.uk/strategy/the%20strategy/values/index.html>

³ Under the Education (No 2) Act 1986.

⁴ The Policy is drafted with reference to the following legislation: The Education (No2) Act 1986, The Education Reform Act 1988, specifically section 43, The Human Rights Act 1998, specifically article 10, The Terrorism Act 2006, specifically section 1; The Counter-Terrorism and Security Act 2015, and the associated guidance for universities.

Implementation of the Policy

5. Activity at QMUL will be considered within the context of QMUL's values and the values of a democratic and inclusive society. We will wherever possible, practical and permissible within this Policy facilitate freedom of speech, scholarly enquiry and academic debate. In doing so we recognise these as fundamental and defining activities of a university and of QMUL in particular.
6. QMUL expects speakers and those taking part in activities to respect the values noted above, to be sensitive to the diversity of its community, and to show respect to all sections of that community. These precepts apply in particular to the way in which views are expressed and the *form* of activities.
7. In considering whether or not to permit its premises to be used for (or its name to be associated with) a particular activity, QMUL will apply a clear policy of **freedom of speech within the law**. In doing so, we will consider whether the views or ideas to be put forward or whether the activity in question:
 - i. constitutes a criminal offence (and whether a participant has a previous conviction in relation to words either written or spoken);
 - ii. constitutes a threat to public order (including whether a participant is from an organisation that is officially proscribed by the UK Government);
 - iii. constitutes a threat to the health and safety of individuals attending the event or in the locality, which cannot be satisfactorily managed;
 - iv. incites others to commit criminal acts;
 - v. is contrary to the civil and human rights of individuals.
8. The general rule is that QMUL would place a limit on freedom of speech and would not support or facilitate an event or activity **only** on the grounds indicated in Section 7 above.
9. Within this context it is important to note QMUL's legal duties, including those relating to preventing individuals from being drawn into extremism. As such, where events or activities might not fully trigger one of the clauses outlined in Section 7, but may still present some concerns in relation to these and other points, QMUL will consider mechanisms which may be deployed to provide reassurance and safeguards.
10. These mechanisms are explained in more detail in QMUL's Events Policy, but can include requirements concerning the composition of a speaking panel or the Chair; the presence of university officers at events to ensure this policy is adhered to; and specifications in terms of groups that can attend events.
11. In noting the above, we recognise the long-standing role of universities as places for the questioning of dogma, the dissection of prejudice and the challenge of unfamiliar and uncomfortable ideas. As such, QMUL views freedom of thought and freedom of speech as an essential component of efforts to counter violent extremism.

Authority

12. The ultimate authority for the interpretation and implementation of this Policy is the President and Principal on behalf of Council (the Principal Officer). The day-to-day implementation of the Policy shall be the responsibility of the Designated Officer, who shall be the President and Principal's nominee. The President and Principal, and the Designated Officer shall appoint another appropriate member of staff to act on their behalf in their absence. Procedures relevant to this Policy (such as those for booking

rooms or arranging events on campus) shall be published separately and may be subject to change as the need arises.

13. The Designated Officer shall grant or withhold permission for the use of QMUL premises (including, as appropriate, Queen Mary, University of London Students' Union (QMSU) premises) for proposed activities. Permission may be withheld only on the grounds indicated in Section 7, or if the organiser cannot or will not ensure compliance with any conditions set by the Designated Officer. It shall, in all cases, be open to the Designated Officer to invite the Police to be present at any activity on QMUL or QMSU premises.
14. It shall be open to the Designated Officer to withdraw permission for an activity if, having originally granted permission, he or she so judges that the activity will not in fact conform to the Policy.
15. It shall be open to the Designated Officer to withdraw permission for an activity or event to be held in association with the name of Queen Mary University of London where the meeting or event is being held on premises not owned or controlled by QMUL.

Scope

16. The Policy is applicable to:
 - i. the legal personality of Queen Mary University of London (QMUL);
 - ii. all persons (academic or otherwise) working for QMUL or undertaking duties on its behalf;
 - iii. all students at QMUL, including those who are registered, in association, or affiliates, and including those taking part in activities organised by QMSU and by its affiliated clubs, societies and other groups;
 - iv. visitors invited to speak at or take part in meetings, events or other activities on QMUL or QMSU premises;
 - v. events and activities organised and publicised under the QMUL name that are held off campus, whether in the UK or overseas.
17. The President and Principal shall report to Council on the circumstances of any significant infringements of, and departures from, the provisions of the Policy. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the relevant QMUL policy.

Appeals

18. Appeals against the rulings of the Designated Officer may be made to the President and Principal, whose decision shall be final. Such an appeal must be received within two working days of the decision of the Designated Officer.

Implementation and Review

19. Oversight for the implementation and review of the Policy shall belong to the Designated Officer and shall typically involve input from QMSU, Estates and Facilities, the Academic Registry and the Office of the Principal.
20. The Policy shall be reviewed not less than every three years from the date of the meeting when it was approved.

Updates approved by Senate in March 2016
Due for review in March 2019