



Senate

Paper Title	Freedom of Speech Policy
Outcome requested	Senate is asked to consider the current Freedom of Speech Policy in the light of the changes proposed by the Higher Education (Freedom of Speech) Bill that was introduced in Parliament on 12 May 2021.
Points for Senate members to note and further information	<ul style="list-style-type: none"> • Senate to note that the full review of the Freedom of Speech Policy will take place in tandem with the proposed changes to legislation proposed by the Higher Education (Freedom of Speech) Bill. • A working group will be established to consider the proposed legislative changes and the impact of these for Queen Mary. The working group will make recommendations for any changes to the Freedom of Speech Policy, and any related policies, for consideration by Senate. • The Freedom of Speech Policy was last reviewed by Senate in 2019, following the publication of the Equality and Human Rights Commission guidance for universities. The Policy was submitted to Senate in March 2021 for members' comment and is attached again here for members' information and comment. • An overview of the key changes proposed by the Higher Education (Freedom of Speech) Bill is provided with this paper; this is an extract from the Explanatory Notes which accompany the Higher Education (Freedom of Speech) Bill
Questions for Senate to consider	Do members have any comments or amendments to recommend in relation to the current Freedom of Speech Policy?
Regulatory/statutory reference points	Higher Education and Research Act 2017 Counter-Terrorism and Security Act 2015 Higher Education Act 2004 Education (No 2) Act 1986 Office for Students: Conditions of Registration
Strategy and risk	The Freedom of Speech 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 underpin all academic activity.
Reporting/consideration route for the paper	Senate to consider the implications of the Higher Education (Freedom of Speech) Bill on Queen Mary's Freedom of Speech Policy. Any proposed revisions will be approved by Senate and reported to Council.

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Sponsor	Jonathan Morgan, Chief Governance Officer and University Secretary

Overview of the Higher Education (Freedom of Speech) Bill (from the Explanatory Notes to accompany the Bill)

<https://bills.parliament.uk/Publications/41480/Documents/213/21012en.pdf>

This Bill includes a range of measures aimed at strengthening existing legislation on freedom of speech and academic freedom in higher education, including:

- a. Strengthening the duties regarding freedom of speech which are currently imposed by section 43 of the Education (No. 2) Act 1986 on higher education providers registered with the Office for Students (OfS), the higher education regulator in England.
- b. Creating a new duty for registered higher education providers to promote lawful freedom of speech and academic freedom in higher education.
- c. Creating new duties regarding freedom of speech for students' unions at approved (fee cap) providers (a category of registered higher education provider).
- d. Creating a new statutory tort for breach of specified freedom of speech duties, enabling individuals to seek legal redress for loss they have suffered as a result of breach of the duties.
- e. Enhancing academic freedom protections by extending coverage to include recruitment and promotion and making clear it applies to speech within an academic's field of expertise.
- f. Introducing new registration conditions for registered higher education providers on freedom of speech and academic freedom.
- g. Introducing regulation by the OfS of students' unions at approved (fee cap) providers in relation to their compliance with the new duties.
- h. Creating a new role within the OfS of a Director for Freedom of Speech and Academic Freedom, with a remit to champion freedom of speech and academic freedom on campus, and responsibility for investigations of infringements of freedom of speech duties in higher education which may result in sanctions or individual redress via a new complaints scheme.

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 (Queen Mary) 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. Queen Mary'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. Queen Mary'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 Queen Mary 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 Queen Mary will be considered within the context of Queen Mary'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 Queen Mary in particular.
6. Queen Mary 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, Queen Mary 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 Queen Mary 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 Queen Mary'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, Queen Mary will consider mechanisms which may be deployed to provide reassurance and safeguards.
10. These mechanisms are explained in more detail in Queen Mary'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, Queen Mary 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 Queen Mary 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 Queen Mary 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 Queen Mary.

Scope

16. The Policy is applicable to:
 - i. the legal personality of Queen Mary University of London (Queen Mary);
 - ii. all persons (academic or otherwise) working for Queen Mary or undertaking duties on its behalf;
 - iii. all students at Queen Mary, 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 Queen Mary or QMSU premises;
 - v. events and activities organised and publicised under the Queen Mary 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 Queen Mary 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
Reviewed in June 2019
Due for review in June 2020