



Senate

Paper Title	Freedom of Speech: update
Outcome requested	Senate is asked to note the new legislation in relation to Freedom of Speech Higher Education (Freedom of Speech) Act 2023 together with an update on the work of the Freedom of Speech Task and Finish Group.
Points for Senate members to note and further information	<p>Senate requested the formation of a task and finish group to review Queen Mary's Freedom of Speech Policy with a particular focus on awareness raising and training to promote freedom of speech.</p> <p>The task and finish group met in January 2022 and then a smaller drafting group considered some proposed revisions to the existing Policy, before the final two meetings of the group in May 2023. The new legislation requires higher education institutions to have a Code of Practice on Freedom of Speech, and work has begun on the Code of Practice for Queen Mary.</p> <p>Following the feedback from members of the task and finish group, the Code of Practice will be closely aligned to the requirements specified in the Higher Education (Freedom of Speech) Act 2023. The draft will also be informed by external legal advice and will pay attention to the following:</p> <ol style="list-style-type: none">1. It will make clear the University's presumption in favour of freedom of speech; in particular, an explanation of how the University will balance other duties and risks to protect freedom of speech within the law.2. In accordance with the Higher Education (Freedom of Speech) Act 2023 A2 (2) (a) the Code of Practice will articulate the University's <i>values relating to freedom of speech and an explanation of how those values uphold freedom of speech</i>. The task and finish group was of the view that these values should be reflect the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.3. The duty placed upon the University's Council to secure freedom of speech, to include respect for and promotion of academic freedom within the law for academic staff.

	<ol style="list-style-type: none"> 4. The procedures to be followed by staff and students in relation to the organisation of meetings and other activities on University premises and online platforms. 5. The criteria to be used by the University in making decisions about the use of premises and on what terms, including the criteria for determining whether exceptional circumstances exist for passing on any security costs to an individual or body.
Questions for Senate to consider	<ol style="list-style-type: none"> 1. Senate members are asked to note the update on the development of a Code of Practice on Freedom of Speech. 2. Senate will receive the draft Code for consideration at the October 2023 meeting, together with a summary of the views of the task and finish group. Once Senate has provided feedback on the draft, the Code of Practice will be submitted to Council for consideration and approval. 3. To consider approaches for raising awareness and providing training in relation to freedom of speech.
Regulatory/statutory reference points	<p>The Higher Education (Freedom of Speech) Act 2023 The Education Act (No 2) 1986 The Higher Education and Research Act 2017 (HERA) The Education Reform Act 1988 The Equality Act 2010 The Public Order Act 1986 The Counter Terrorism and Security Act 2015 The Protection from Harassment Act 1997</p>
Strategy and risk	<p>Aligns with the Queen Mary Strategy 2030</p> <p>Excellence in Education Excellence in Student Engagement Excellence in Student Employability Excellence in Learning Environment</p>
Reporting/consideration route for the paper	<p>Senate June 2023 Draft Code of Practice for consideration by Senate in October 2023 Code of Practice to be considered by Council in November 2023</p>
Authors	Jane Pallant, Director of Governance and Legal Services
Sponsor	Jonathan Morgan, Chief Governance Officer and University Secretary