

Code of Practice on Free Speech

1. Introduction and Values

- 1.1 Queen Mary University of London ('the University') has a longstanding commitment to promoting and encouraging free debate and enquiry. This commitment is enshrined within the University Charter, which states that:

The University shall uphold freedom of speech within the law and academic staff shall have freedom within the law to question and test accepted ideas, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

- 1.2 The values of free speech are fundamental to the University's academic mission. The University:
- encourages members of its community, including staff, students and visiting speakers, to express themselves freely and to hold their own opinions, even if their views are unpopular or could upset or offend others;
 - expects members of its community to demonstrate mutual respect and tolerance of those with different views;
 - recognises that free speech must operate within the law.
- 1.3 This Code of Practice ('Code') refers to academic freedom and free speech. Free speech will include written materials and other forms of expression, including images, symbols and works of art; it is not limited to the spoken word.
- 1.4 Both free speech and academic freedom are bound by the requirement of lawfulness. Unlawful speech is not protected. However, there is no need to point to a specific legal basis for particular speech. Rather, the starting point is that speech is permitted unless it is restricted by law.
- 1.5 This Code replaces the previous 'Freedom of Speech Policy'.

2. Purpose

- 2.1 The purpose of this Code is to ensure that, as far as reasonably practicable, freedom of speech within the law is secured for students and staff of the University, as well as for visiting speakers, and that academic freedom within the law is secured for academic staff of the University.
- 2.2 This Code and the requirement to have particular regard to the importance of free speech must be considered in the implementation of all other codes, policies and procedures of the University.

3. Legislative Context

- 3.1 The University has adopted this Code to ensure that it acts in accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education and Research Act 2017 and the Higher Education (Freedom of Speech) Act 2023.

- 3.2 There are other requirements that the University must also consider to comply with various elements of legislation and regulation, as well as the requirements of any relevant judicial authority relating to free speech and academic freedom.
- 3.3 The Education Act (No 2) 1986 (Section 43) imposes specific obligations on higher education providers ('providers') to protect freedom of speech and requires that they: 'shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers'. The 1986 Act includes a duty on provider governing bodies to issue and keep updated a code of practice setting out the procedures to be followed by students and staff in connection with meetings on the provider's premises.
- 3.4 The Higher Education and Research Act 2017 makes it clear that all universities and colleges which register with the Office for Students must follow its regulatory framework. Under the framework the governing bodies of registered universities should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.' The 2017 Act also includes a general duty for the Office for Students to protect institutional autonomy, including academic freedom.
- 3.5 The Higher Education (Freedom of Speech) Act 2023 requires higher education providers ('providers') to have particular regard to the importance of freedom of speech and take steps that are reasonably practicable to secure free speech within the law for staff, students and visiting speakers. It also requires providers to secure academic freedom within the law for academic staff and places a duty on students' unions to secure free speech.
- 3.6 Freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10) are safeguarded by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998. However, these are qualified rights and subject to certain qualifications which are necessary in a democratic society.
- 3.7 The Equality Act 2010 places a duty on the University to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all members of the University's community. It also imposes obligations not to discriminate on the grounds of the relevant protected characteristics.
- 3.8 The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
- 3.9 The Public Order Act 1986 contains a range of criminal offences relating to violent conduct and speech or actions that threaten violence causing someone to fear for their safety or causing another person harassment, alarm or distress. The 1986 Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in circumstances where it is likely racial or religious hatred will be stirred up, as well as stirring up hatred on grounds of sexual orientation.
- 3.10 The Terrorism Acts of 2000 and 2006 define certain criminal activities including inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological cause. The Counter Terrorism and Security Act 2015 places an obligation on the University to have due regard to the need to prevent people from being drawn into terrorism ('the Prevent Duty'), whilst also having particular regard for the duty to ensure free speech and to the importance of academic freedom.

4. Scope

4.1 This Code is applicable to:

- a) the legal personality of the University;
- b) all staff of the University and individuals undertaking duties on its behalf, including members of the Council;
- c) all students of the University, including those who are registered, in association, or affiliates, and including those taking part in activities organised by the Queen Mary Student Union ('QMSU') and by its affiliated clubs, societies and other groups;
- d) all live and recorded activities, including events, meetings and all education and research activities, that are held, endorsed, organised, funded or branded by the University or QMSU, or by individuals, groups or societies using the name of the University or QMSU, or that use University or QMSU managed spaces or digital platforms, whether or not they involve an external speaker (referred to as 'events');
- e) visitors speaking at, taking part in and attending events on University or QMSU managed spaces or digital platforms.

4.2 QMSU has agreed to adopt this Code for the purpose of maintaining a code of practice to comply with the requirements of students unions' in the Higher Education (Freedom of Speech) Act 2023.

5. Principles

5.1 The University operates a presumption that exposure of students to course materials and statements made and views expressed by a person as part of teaching or research, and discussions about any subject matter that is connected with the content of a course, are unlikely to constitute harassment unless otherwise demonstrated that these matters do in fact amount to harassment.

5.2 The University Library will provide materials that illustrate and illuminate different views on controversial issues so that users may develop under guidance the practice of critical reading and thinking.

5.3 Except where expressly agreed by the Council in line with advancing the University's charitable objects (as defined in the University Charter), the University does not take an institutional position on political, cultural and religious debates to ensure that individuals are not discouraged from expressing themselves freely within the law.

5.4 Instead, the University endeavours to provide opportunities to facilitate discourse on contemporary issues by encouraging critical debate within the law, where expression of views within the law by different parties is tolerated.

5.5 As such, the University encourages a wide range of views which might entail the airing of opinions and ideas that are unpopular, controversial or provocative and foster an environment where academic freedom and freedom of speech and expression is secured within the law.

6. Roles and Responsibilities

6.1 Council is responsible for the approval of this Code and for seeking assurance on its effective operation.

6.2 Responsibility for the interpretation and implementation of the Code is delegated by the Council to the President and Principal ('the Principal Officer').

- 6.3 Senior Officers, Heads of Schools and Institutes, Directors of University Research Institutes, Directors of Professional Services and the President of QMSU are responsible for the day-to-day implementation of this Code and accountable to the President and Principal for ensuring that this Code and its principles are applied consistently across all activities under their management.
- 6.4 In academic schools and institutes the responsibility of implementing this Code relates to all events held, endorsed, organised or funded by the school or institute.
- 6.5 The President and Principal shall report to the Council on the circumstances of any significant infringements of, or departures from, the provisions of this Code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the relevant University policy or code.
- 6.6 For the purposes of procedures for events (Section 7, below), Heads of Schools and Institutes and Directors of Research Institutes are the 'Designated Officer' for events organised or sponsored by their respective school or institute, and the Director of Estates and Facilities, or their designated deputy, is the 'Designated Officer' for all other events.

7. Procedures for Events

- 7.1 The following procedures will apply when arranging all events.
- 7.2 All spaces to be used for events will be booked in line with the relevant booking policies and procedures.
- 7.3 In considering whether to permit its premises and online platforms to be used for, or its name to be associated with, a particular event, the University will uphold free speech within the law. In doing so, the University will consider whether the views or ideas to be put forward, the manner of their expression, or the event in question:
- a) constitutes a criminal offence and whether a participant has a previous conviction in relation to their speech;
 - b) constitutes a threat to public order, including whether a participant is from an organisation that is officially proscribed by the UK Government;
 - c) constitutes a threat to the health and safety of individuals attending the event or in the locality which cannot be satisfactorily managed;
 - d) incites others to commit criminal acts;
 - e) infringes the legal rights of others or breaches legal requirements in respect of non-discrimination;
 - f) seeks to disrupt an authorised event or activity on University premises or online platforms, noting that any protest must be conducted without infringing the rights of others, including the right to freedom of speech.
- 7.4 The expression of views which are unpopular, controversial or provocative or which cause offence, shock or disturb do not, if lawful, constitute grounds for the refusal or cancellation of an event or an invited speaker.
- 7.5 The University reserves the right to impose such conditions upon the use of its facilities as are reasonably necessary for the discharge of its obligations relating to the health and safety of its registered students, staff and other persons lawfully upon its premises or for the efficient conduct and administration of its functions. Conditions for events may include, for example, restrictions on access by those outside the University.

- 7.6 The University reserves the right to decide that practical considerations such as the cost, short notice period or difficulty of providing the necessary mitigations may require an event to be modified, curtailed, postponed, or exceptionally, cancelled. The University will bear the cost of appropriate security for approved events to uphold freedom of speech within the law.
- 7.7 The University expects those attending events to respect the values noted in Section 1 above and to show tolerance to all sections of its community. These precepts apply in particular to the way in which views are expressed and the form of events, including any form of protest activity.
- 7.8 Permission may be withheld only on the grounds indicated in Sections 7.3, 7.5 and 7.6 of this Code, 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 event on University or QMSU managed spaces.
- 7.9 It shall be open to the Designated Officer to withdraw permission for an event if, having originally granted permission, they so judge that the event will not in fact conform to this Code.
- 7.10 It shall be open to the Designated Officer to withdraw permission for an event to be held in association with the University name or brand, whether or not the event is being held on University managed spaces or digital platforms, if it does not conform to the requirements of this Code.
- 7.11 The University reserves the right to impose conditions on the display of materials, symbols and images on University managed spaces or digital platforms outside the context of education, research and approved events where the display of such materials, symbols and images is in conflict with Section 5.3 of this Code.

8. Appeals and Complaints

- 8.1 Appeals against the rulings of the Designated Officer in relation to events and speakers may be made to the President and Principal, whose decision shall be final. The President and Principal may delegate the consideration of such an appeal to a Senior Officer. Such an appeal must be received within two working days of the decision of the relevant Designated Officer.
- 8.2 Any complaints in relation to QMSU events will be subject to the relevant QMSU procedure.¹
- 8.3 Students may submit a complaint related to concern about matters that affect the quality of a student's learning opportunities or student experience via the Student Complaints Policy.² Matters relating to the conduct of students will be considered under the Code of Student Discipline.³
- 8.4 Staff may submit a complaint related to their freedom of speech (or for academic staff, their academic freedom) under the Grievance Policy and Procedure.⁴ If a member of academic staff claims that action taken against them under one of the HR Codes of Practice results from their exercising academic freedom, it will be considered by an Academic Freedom Panel.⁵
- 8.5 Any other complaints in relation to free speech may be considered under the Whistleblowing Procedure.⁶

¹ www.qmsu.org/governance/

² www.qmul.ac.uk/governance-and-legal-services/policy/

³ www.qmul.ac.uk/governance-and-legal-services/policy/

⁴ hr.qmul.ac.uk/procedures/policies/grieve/

⁵ hr.qmul.ac.uk/media/hr/docs/working-at-qm/policiesprocedures/Introduction-2010.pdf

⁶ www.qmul.ac.uk/governance-and-legal-services/policy/

9. Review

- 9.1 This Code will be reviewed at least every three years by the Council. Senate will be consulted as part of any review and on any significant revisions of the Code.
- 9.2 Minor updates to this Code that do not affect the rules, principles or intent of this Code may be approved by the Chief Governance Officer and University Secretary on behalf of the Council.

Approved by the Council on 23 November 2023