

UNIVERSITY OF ROEHAMPTON
CODE OF PRACTICE ON FREEDOM OF SPEECH

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1. Introduction and values

- 1.1 Roehampton University ('the University') is committed to the promotion and protection of freedom of speech; encouraging free debate and academic freedom. This Code of Practice ('the Code') sets out the University's approach to protecting the right of students and staff to question, test and put forward new, controversial, or unpopular ideas and options without risk to themselves.
- 1.2 The University expects members of its community to demonstrate respect for the rights of others to express themselves freely, including views that may upset or offend others, within the boundaries of the law. This includes written or visual forms of expression, images and symbols, in addition to spoken word both in person and in digital spaces.
- 1.3 In upholding the values of the University, we support our students to develop confidence and knowledge for the future and to champion curiosity and discovery.
- 1.4 The University is committed to ensuring academic freedom within the law. The University understands academic freedom to mean the freedom for academics to explore and test established ideas including the sharing of radical theories and opinions, without placing themselves at risk of negatively impacting their employment or benefits, including likelihood of securing promotion or alternative roles.¹
- 1.5 The University aims to create an environment in which freedom of speech and expression is protected and promoted, while identifying when freedom of speech unlawfully impinges on the rights of individuals. It is acknowledged that the University may need to take practicable steps to balance these complex matters, and that this may result in the perception of conflicting rights when making difficult judgements. In this context, the University notes the view of the Office for Students Director of Free Speech that institutions will typically have greater ability to regulate the manner and form of expression than they will its content.
- 1.6 The University would not usually adopt an institutional view on sensitive or politically contentious views, including those relating to cultural, religious or political debates, but accepts that staff and students are likely to have strong personal views which can be freely expressed lawfully.
- 1.7 The University's commitment to freedom of speech is codified in its [Articles of Association](#), which state;

*"The Council [of the University] shall ensure that **Staff** of the University have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University."*

*"The University shall take such steps as are reasonably practical to ensure that freedom of speech within the law is secured for its **students** and **staff** and for **visiting speakers**."*

"The University shall approve and regularly review a code of practice setting out the procedures to be followed by students and staff of the University with respect to meetings and other activities held on the premises of the University (including those occupied by the Students' Union)."

¹ [Higher Education \(Freedom of Speech\) Act 2023 \(legislation.gov.uk\)](#)

2. Legislative and regulatory context

- 2.1 Section 43 of the Education (No 2) Act 1986 lays upon the University “*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*”.² The 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.
- 2.2 Existing duties to protect freedom of speech have since been enhanced by the Higher Education (Freedom of Speech) Act 2023.³ The Act requires that higher education providers must take reasonably practicable steps to secure freedom of speech for staff, students, and visiting speakers, and to promote freedom of speech and academic freedom within the law. The Act additionally prohibits the use of non-disclosure agreements in relation to relevant complaints regarding sexual abuse, sexual harassment, sexual misconduct, bullying and harassment.
- 2.3 The Office for Students, under its Regulatory Framework established by the Higher Education and Research Act 2017, has a duty to promote the importance of freedom of speech within the law and academic freedom and to implement conditions of registration for Higher Education Providers to comply with freedom of speech duties⁴.
- 2.4 The University is aware that the Office for Students is yet to publish its regulatory guidance on Freedom of Speech. The University will ensure that it fully complies with its provisions.
- 2.5 There are other legal and regulatory requirements that the University must consider in its exercise of duties relating to freedom of speech, including those governing human rights. The Human Rights Act 1998 entrenched the European Convention on Human Rights in UK law, acting to safeguard freedom of expression⁵.
- 2.6 The University must give consideration to equality laws in exercising its duty to take reasonably practical steps to secure freedom of speech within the law including giving due regard to the need outlined in the Equality Act 2010 to eliminate harassment, discrimination and victimization and to advance equality of opportunity between people who do and do not share a protected characteristic.⁶
- 2.7 The Counter Terrorism and Security Act 2015 requires the University to comply with the ‘Prevent’ duty by having due regard to the need to prevent people from being drawn into terrorism whilst simultaneously having regard for the duty to ensure free speech and to the importance of academic freedom.⁷
- 2.8 The University has a number of other legal and regulatory responsibilities, including those relating to harassment, maintaining public order and health and safety.
- 2.9 The protection of freedom of speech and expression does not extend to those committing a criminal offence either (1) in the course of speaking or (2) in the production of written or visual materials.
- 2.10 This Code does not apply to those who are taking part in or in connection with an activity

² [Education \(No. 2\) Act 1986 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1986/20/section/43)

³ [Higher Education \(Freedom of Speech\) Act 2023 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2023/1/section/1)

⁴ [Securing student success: Regulatory framework for higher education in England \(officeforstudents.org.uk\)](https://officeforstudents.org.uk); [Higher Education and Research Act 2017 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2017/1/section/1)

⁵ [Human Rights Act 1998 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/1998/42); [European Convention on Human Rights \(coe.int\)](https://www.coe.int)

⁶ [Equality Act 2010 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2010/101)

⁷ [Counter-Terrorism and Security Act 2015 \(legislation.gov.uk\)](https://legislation.gov.uk/ukpga/2015/22)

or activities, including formal action, which is in compliance with the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Purpose

3.1 The purpose of this Code is to express the University's values and expectations in relation to freedom of speech and academic freedom, explain the legislation that the University must operate under in this area, and outline responsibilities.

3.2 The Code sets out how the University's approach to freedom of speech operates in practice across the University's activities, including events with visiting speakers, and in teaching and research settings.

3.3 This Code applies to:

- All members, staff and students of the University across all Roehampton Group companies and colleges.
- Roehampton Students' Union and its constituent societies, and student groups, employees and sabbatical officers.
- Visiting speakers and all other persons invited to speak by the University or by its staff and students.

3.4 This Code supersedes the previous 'Code of Practice' and should be considered in the development and review of institutional policies, procedures and practices.

3.5 The Roehampton Students' Union ('RSU') has agreed to adopt this Code for the purpose of maintaining a code of practice to comply with requirements of students' unions in the Higher Education (Freedom of Speech) Act 2023.

4. Roles and responsibilities

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

4.2 In adopting this Code, the University Council has delegated responsibility to the Vice-Chancellor for interpreting and implementing the Code and acting on Council's behalf to ensure that the Code is complied with, as far as reasonably practical and within the scope of the law.

4.3 Day-to-day oversight of the Code is delegated to the following:

- University Secretary, for activities involving visiting speakers, demonstrations, protests and similar events.
- Pro Vice-Chancellor responsible for student education, for education, teaching and student matters.
- Pro Vice-Chancellor responsible for research, for research matters.
- Executive Director of Human Resources, for staff matters.
- RSU Chief Executive Officer, for activities related to the students' union.

4.4 The post holders noted in 4.3 may nominate deputies to support their discharging of these responsibilities and take advice from the Senior University Lawyer and others as appropriate. General advice can be sought from the relevant Dean or Director by academic staff and students. Staff in Professional Services or Colleges should seek advice from their relevant Director or Head of College. All individuals covered by this code may refer to one of the above delegates if necessary.

4.5 To fulfil the duties to promote and protect freedom of speech, the University will utilise effective processes for considering requests for visiting speakers, draw the attention of

students and staff to this Code on a yearly basis and provide appropriate training and guidance to staff, in particular to staff with responsibility for advising on this Code and upholding freedom of speech within the University and Students' Union.

5. Events, meetings and other activities

The default position of the University is to permit all events to go ahead unless the University reasonably believes that:

- The views likely to be expressed by any speaker are contrary to the law.
- The intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur.
- The meeting will include or is likely to include the denial of the right to hold or to express an opposing opinion.
- The speaker and/or the organisation they represent advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs.
- In line with the University's responsibilities under the Prevent duty, the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations.
- It is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University, that the meeting does not take place.

5.1 Lawful expression of controversial, unpopular or offensive views does not constitute grounds for refusal or cancellation of event or visiting speaker. The promotion of balanced debate is often an effective way in which to encourage and protect free speech. The organisers and host of the event should give consideration to whether the event allows for free and equal debate.

5.2 Events and activities including those involving visiting speakers, demonstrations, protests or other similar events should be organised in accordance with the procedures set out in Appendix A. These procedures apply to all events and activities held on University premises and on digital platforms, and events held elsewhere that are University organised, funded or branded, including events organised using University name or resources.

5.3 It is advised that all event organisers, in particular those where there are likely to be risks, engage at an early stage in preparation for the activity and if necessary seek guidance from their relevant key contact within the University (Dean, Director, Head of College, Students' Union or other official).

5.4 If legitimate concerns are raised regarding an event/activity, the University will, in the first instance, consider imposing reasonably necessary mitigation on the organisers in order to allow the event to go ahead. The University reserves the right to decide that practical considerations may require an event to be postponed or cancelled in exceptional circumstances, including considerations such as the cost, a short notice period or difficulty of providing appropriate mitigations. Mitigations may include provision of stewards or security, variation to the date/time or location and whether the event is freely open to the public.

6. Academic teaching and research settings

6.1 The University is committed to the protection and promotion of academic freedom in teaching and research settings, including academic activities organised by academic schools and faculties, either by staff or students.

- 6.2 If the subject of a teaching session or activity is likely to be sensitive, controversial or offensive to some, the organiser should consider taking steps to ensure that freedom of speech is protected, including ensuring that alternative viewpoints are represented, and free and open debate is facilitated.
- 6.3 In teaching sessions in which student attendance and engagement is required, the organiser may be required to take additional steps to safeguard freedom of speech and academic freedom. Steps may include providing information on sensitive or controversial topics in advance to allow time for students to prepare and articulate their views, making students aware of how sensitive topics will be addressed through debate and identifying how sensitive topics may impact student engagement in the session and giving thought to how this may be addressed.
- 6.4 The University acknowledges that there may be times in which a view expressed may be offensive or upsetting to students or staff. Steps may be taken to mitigate these circumstances either prior or during the session, such as those listed above, and it is at the discretion of the academic staff leading the session to determine the most appropriate response.
- 6.5 The academic lead or activity organiser may remind students of their obligations under this Code, and general expectations of student behavior, including those specified within the Student Contract.⁸

7. Appeals and complaints

- 7.1 The University has established a process for appeals and complaints to be considered related specifically to Freedom of Speech considered within this Code of Practice. This process is set out in Appendix B.

8. Monitoring and review

- 8.1 This Code will be reviewed on an annual basis by University Council. Minor amendments to the Code, including any amendments to incorporate changes to legislation or regulatory guidance, will be approved by the Nominations & Governance Committee. Significant amendments will be approved by Council, with the University Executive Board and RSU Management Team consulted as part of ongoing reviews and significant amendments.
- 8.2 Council will receive an annual report on the implementation of the Code, with other updates provided as necessary.

9. Appendices

- Appendix A: Process for the organising of events and activities.
- Appendix B: Code of Practice on Freedom of Speech Appeals and Complaints Process.

⁸ [University Policies and Regulations | University of Roehampton, London](#)

Appendix A: Process for the organising of events and activities

1. Purpose

- 1.1 This Appendix sets out the procedure for events and activities involving a visiting speaker on University premises or at University events to be followed by activity organisers. Activity organisers may be any staff member or student at the University. This process also applies to the Students' Union.
- 1.2 There must always be a Lead Contact from within the University (i.e. University/Students' Union staff), part of whose role it is to oversee any arrangements for the organisation of an event and any liaison with a Visiting Speaker as appropriate.
- 1.3 These procedures must be observed by staff, students, Visiting Speakers and event organisers. The procedures apply to all events and activities held on University premises and on digital platforms, and events held elsewhere that are University organised, funded or branded, including events organised using the University's name or resources.
- 1.4 In all circumstances, an Approving Officer is responsible for the approval of events involving visiting speakers, demonstrations, protests and similar events. Approving Officers include:
 - Deans
 - Deputy Deans
 - Directors of Professional Services
 - Heads of College
 - RSU Management Team

In a case where an individual leading on an event is typically an Approving Officer, they must not authorise their own events/activities.

2. Preparation for Events

- 2.1 A Lead Contact for all events/activities must be appointed, to oversee the work of the event / activities organiser.
- 2.2 The Lead Contact is responsible for compliance with the Code of Practice and the process set out here.
- 2.3 Where an event is being proposed where there may be particular sensitivities or risks, the Lead Contact should discuss this at an early stage, ahead of the invitation being issued, with their relevant Approving Officer.
- 2.4 When preparing the agenda for an event, Lead Contacts should be aware that, in general, promoting balanced debate and challenge is one of the most effective ways to ensure the promotion and protection of free speech. Consideration should therefore be given at an early stage as to whether the programme for an event allows debate, whether all the speakers or views and perspectives to be expressed are similar, and how opposing sides of a debate may be facilitated.
- 2.5 In the event of a debate, the chair (who may not be the Lead Contact) has an important role in ensuring that freedom of speech is upheld. It is the responsibility of the Lead Contact to ensure that the chair of an event is fully aware of the requirements of the Code.
- 2.6 In the first instance the Activity Organiser should contact their relevant Lead Contact to discuss the invitation and consider any risks. Where no potential risks are identified in relation to the speaker, this will be recorded by the Lead Contact, and no further action is required. Where potential risks are identified, then this will require escalation to an Approving Officer. These risks might be due to the subject of the event or the nature of the speaker.

3. Application for permission to invite a Visiting Speaker

3.1 Where escalation to the Approving Officer is required, the Lead Contact of an event shall ensure that, at least 14 days before the date proposed for the event, a Speaker Request Form and a Risk Assessment is completed and submitted by the Activity Organiser to the Approving Officer.

4. Event risk assessment and authorisation

4.1 If escalated to an Approving Officer, they will consider the application and the risk assessment. Recognising the University's duty to promote and protect freedom of speech, the starting point for any event will be that it is able to go ahead. In some cases, the Approving Officer may need to use their judgement to balance the promotion and protection of lawful free speech with other legal duties such as those set out in section 2 of the Code of Practice. The Approving Officer will assess any risks and consider whether the Activity Organiser (supported by the Lead Contact) has proposed measures which would adequately address those risks. If adequate notice (14 days) has not been provided by the Activity Organiser, there may not be sufficient time to consider the risks and mitigations and the Approving Officer may decide that the event cannot go ahead on the date requested and should be rearranged to a subsequent date by which the risks can be considered.

4.2 The Approving Officer may consult University colleagues, the police or any other relevant third parties or organisations as is appropriate in the circumstances to determine whether such risk can be mitigated and the event appropriately managed without the cancellation of the event.

4.3 As part of the risk assessment, the Approving Officer may identify reasonably practicable steps that can be taken to ensure lawful speech is protected and require these steps to be put in place as part of the authorisation of the event, including any mitigations that may be necessary to ensure the safety of all persons and the security of the premises controlled by the University. These might include:

- Putting in place measures to ensure that opposing views can be put forward lawfully, (e.g. by considering the balance of the speakers, or requiring an independent chairperson to facilitate an event).
- Requesting to see promotional materials ahead of an event.
- Requiring specific levels of stewarding or putting additional security in place.
- Determining an appropriate location where the event may go ahead (for example, demonstrations).
- Ticketing an event that is open to the public or putting in place provisions to check the identity of persons attending the event.
- Determining the venue for the meeting, including that it be held in public, or by invitation.
- Measures for the management of the meeting, such as directing comments or questions to a chairperson, or placing constraints on the use of public address systems during an event.

This is not an exhaustive list, and the Approving Officer may impose such conditions as are considered reasonably necessary and appropriate.

4.4 If the Approving Officer is satisfied that:

- There are no risks associated with the event; or
- Risks associated with the Visiting Speaker, or event, can be adequately or fully mitigated they shall, normally within 5 working days of receipt of the completed Form, provide the Lead Contact with a written statement granting permission for the event.

5. Reasons why an event may not be authorised

5.1 If the Approving Officer is not satisfied that adequate arrangements can be or are being made to manage any risks associated with the event, the Approving Officer can decide to refuse or withdraw permission for the event. This includes where the Approving Officer concludes that imposing conditions would not be sufficient to prevent disorder within premises subject to their

control.

5.2 It will be reasonable to refuse consent where the University reasonably believes (from evidence about the nature of the event or relating to similar activities in the past whether held at the University or otherwise) that:

- The views likely to be expressed by any speaker are contrary to the law.
- The intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur.
- The meeting will include or is likely to include the denial of the right to hold or to express an opposing opinion.
- The speaker and/or the organisation they represent advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs.
- In line with the University's responsibilities under the Prevent duty, the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations.
- It is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University, that the meeting does not take place.

6. Conduct of the Meeting

6.1 The chair and Lead Contact of an event have a duty to ensure as far as possible that both the audience and the speaker act in accordance with the law during the course of the event. They have a particular responsibility to uphold the University's obligation to promote and protect lawful freedom of speech.

6.2 In case of unlawful or unreasonably disruptive conduct by members of the audience at an event, the chair or Lead Contact is required to give appropriate warnings and, in case of continuing unlawfulness or disruption, including stopping speakers from exercising their right to free speech, to require the withdrawal or removal of persons concerned by stewards or security staff. Such persons, if students, staff or other members of the University, may be liable to disciplinary proceedings under University regulations. If a speaker infringes the law (such as, for example, sexually harasses an attendee, or uses racial abuse, or does not have due regard to the need to prevent people being drawn into terrorism, or threatens physical violence) the chair or Lead Contact shall be at liberty to curtail or end the event, and refer the matter to the police

6.3 The chair or Lead Contact is also responsible for calling for police assistance to prevent serious disorder and to inform University Security.

7. Other terms

7.1 The University confirms that, apart from in exceptional circumstances, use of our premises by an individual or body will not be on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises. Exceptional circumstances may include very high-profile visits (for example, very senior politicians) or events with a speaker likely to attract very significant protest. The decision on this will be made by the Approving Officer as part of the application process set out above, and the costs made clear to the organisers.

7.2 So far as is reasonably practicable, the University will not deny use of University premises to any individual or group on any grounds solely connected with the beliefs or views, or the policy or objectives, of that individual or group.

7.3 Infringements of the procedures set out in this Code and Appendix may render those responsible subject to disciplinary proceedings. If any such actions involve breaches of the law, the University will refer the matter to the police and assist them to implement the processes of law.

Appendix B: Code of Practice on Freedom of Speech Appeals and Complaints Process

This process is for use by all individuals covered by this Code of Practice, including visiting speakers, who have a complaint about the implementation of the Code of Practice.

1. In the first instance, any complaint should be made in writing, addressed to the University Secretary and sent to vicechancellor@roehampton.ac.uk. The complaint should include all necessary supporting evidence and must be submitted within 20 working days of the event that the complaint is related to.
2. The University Secretary (or nominee) will consider the case and determine whether the complaint falls within the scope of this process:
 - a. If the complaint is determined to fall within scope, an Investigating Officer will be appointed to consider the case.
 - b. If the complaint is not determined to fall within scope, the complainant will be notified, and directed to the appropriate alternative route, such as those related to students or staff.
3. If the complaint falls within the scope of this process, the Investigating Officer will consider the complaint. This may include gaining clarification on any points.
4. The Investigating Officer will recommend a decision to the University Secretary (or their nominee). The decision will include whether the complaint is upheld, partially upheld, or not upheld. The decision will be communicated to the complainant in writing.
5. If the complainant is unhappy with the decision, they may ask for the decision to be reviewed. The review will be undertaken by the Deputy Vice-Chancellor.
6. The Deputy Vice-Chancellor (or their nominee) will consider the decision regarding the complaint, and evidence/documentation submitted at the time of the complaint. New evidence/documentation which could have been submitted at the first stage of the complaint will not normally be considered as part of the review.
7. The decision of the Deputy Vice-Chancellor (or their nominee) is final. Their decision will be communicated to the complainant in writing.
8. If the complainant remains unhappy and they are a student, they may contact the Office of the Independent Adjudicator.