

FREEDOM OF EXPRESSION CODE OF PRACTICE

1. INTRODUCTION

- 1.1 This Code of Practice has been produced in accordance with statutory duties that include the requirement of [Section 43 of the Education \(No. 2\) Act 1986](#) for universities to have a Code of Practice to protect freedom of lawful speech and expression and academic freedom; and in compliance with the Conditions of Registration of the [Office for Students' \(OfS\) Regulatory Framework](#). The Section 43 duty includes, but is not limited to:
- issuing and keeping up to date a code of practice setting out the conduct and procedures to be followed by staff and students in connection with the organisation of meetings and activities taking place on the university's premises (including students' union premises);
 - taking reasonably practicable steps (including where appropriate the initiation of disciplinary measures) to secure that the code of practice is complied with; and
 - ensuring, so far as is reasonably practicable, that the use of the University's premises (including students' union premises) is not denied to any individual or body on any ground connected with their beliefs, views, policy or objectives¹.
- 1.2 The University has adopted the [Equality & Human Rights Commission guidance](#) on freedom of expression, which underpins the principles within this Code of Practice. There are several pieces of legislation relevant to the basis of this document which are referenced within section 7.
- 1.3 This Code of Practice should be read in conjunction with the [Speaker & Event Approval Procedure](#) and with the Gender Segregation Joint Code of Practice. These can be found at the University's Policy Zone: <http://www.keele.ac.uk/policyzone/>

2. SCOPE

- 2.1 The rights and obligations of this Code of Practice shall **apply to**:
- Students and staff and also to consultants, apprentices, and casual and agency workers;
 - The members of the University Council and its committees;
 - The students' unions of the University, its staff, members and the premises in which they occupy, including any societies, clubs and associations;
 - External speakers and attendees at events to be held on University premises in accordance with this Code and the Speaker & Event Approval Procedure.
- 2.2 **External speakers are defined as** persons who are not members of the University, who are invited to speak on University premises (or on premises hosted by the University) as part of the normal academic curriculum (teaching, research and its administration) **or** at other events, such as public lectures, student society events, meetings, debates and conferences.
- 2.3 **Events are defined as** any organised meeting, gathering or similar activities, which take place on University premises or off-site but are organised under the control of the University, including events held in the normal course of the University's teaching, learning and research programmes or its administration. The scope of this Code also includes events enabled by digital technologies, including video and teleconferencing.

¹ Unless mitigating action cannot prevent a likely breach of legislation, such as hate crime.

2.4 **University premises are defined** as any building, land or space owned or occupied by the University (including digital platforms in the University's name), including those controlled by Keele University Students' Union and Keele Postgraduate Association and their societies, clubs and associations.

2.5 **The freedom of expression can be defined** as both spoken and written word, as well as actions, gestures and the display of images intended to show meaning, extending to conduct online and on social media. For the purposes of this Code, freedom of expression includes 'freedom of speech'.

3. PRINCIPLES OF FREEDOM OF EXPRESSION

3.1 **The University is committed** to safeguarding freedom of expression throughout its community and upholding academic freedom of enquiry in its teaching, research and associated activities. The University values the rights, responsibilities and dignity of all individuals, accommodating their wide range of views even where they are controversial, unpopular and provocative. This includes ensuring free and open discussion can take place in an atmosphere of respect and tolerance, and in compliance with University policies and procedures and statutory duties, referenced within this document.

3.2 **The University adopts the principle** that freedom of expression is crucial for learning and allows individuals to think critically, challenge and engage with different perspectives and that it also supports artistic, scientific and commercial development. The University recognises the right to peaceful demonstration. The University is committed to working with event organisers to ensure freedom of expression is upheld and governing documents and guidance are transparent on our webpages.

3.3 **This Code enables** the University to take such steps as are reasonably practicable to ensure that the rights to freedom of expression within the law is secured for its members, external speakers and visitors to the University, even if such expression is controversial, contentious or provocative. This Code enables staff to be free 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 privileges they may have at the University.

3.4 **Freedom of expression is not absolute and without restriction.** While seeking to support freedom of expression, the University must also ensure that it complies with its overriding responsibilities under criminal and civil law, including the maintenance of public order and ensuring the safety of its members and the wider community. In accordance with University policies, members of the University **have the right to** work, study and be treated with dignity and respect, free from bullying, harassment, victimisation and discrimination; in a safe and supportive environment. The University may therefore need to balance between Freedom of Expression and protecting members of the Keele community through our established policies and procedures.

3.5 The University, so far as is reasonably practicable and within the law, **will not deny the use of premises** to any individual or organisation on any grounds connected with:

- a) The beliefs or views of that individual or organisation; or
- b) The policy or objectives of that individual or organisation.

3.6 The University expects **all** speakers and attendees, including those that may be involved in protest activities, to be sensitive to the diversity of its community and to show respect to all sections of that community.

3.7 The University reserves the right to monitor, regulate, impose conditions or restrictions upon any event on its premises and if necessary, decline to host an event or close an event and request all persons to leave University premises.

- 3.8 Students' Unions: The University recognises that the Keele Students' Union (KeeleSU) and Keele Postgraduate Association (KPA) have responsibility for managing their own affairs, however, they also have **an important role to play in protecting freedom of expression**, acting in the best interests of the students and in consideration of risks. Therefore, the University expects the students' unions to adopt and enforce this Code of Practice whilst complying with its own statutory duties, constitution and policies. The students' unions **must** also comply with the University's Speaker & Event Approval Procedure where any such event is proposed to take place on premises owned by the University or to be hosted in association with the University.

4. PROCEDURE FOR EVENTS

- 4.1 There is a requirement for the University to maintain a register of all events/external speakers, regardless of risk and whether they have been either approved or rejected under the Procedure. The register must also include where an external speaker is invited to the University to be involved in an event under the remit of the normal academic curriculum.
- 4.2 Formal approval by the University must be obtained in advance for **any event²** to be held on the University's premises, whether or not an external speaker is involved, **where it is expected, or reasonably foreseeable, that the event may risk infringement of or non-compliance with this Code of Practice.**
- 4.3 The expression of views or ideas that may be controversial or offensive which do not breach the law, will not of itself constitute reasonable grounds for withholding approval for an event/speaker. The expectation is that proposed events and speakers will be approved through the Procedure – a risk assessment will determine whether conditions should be applied and only in very exceptional cases, where those conditions cannot mitigate serious risk, will an event/speaker be refused. Further detail on the risk assessment, mitigation and approval process can be found in the Speaker & Event Approval Procedure.
- 4.4 In the case of any doubt as to whether a proposed speaker might require formal approval under the Speaker & Event Approval Procedure, event organisers should consult the Designated Officer (Head of Security or in the case of absence, the Director of Student Services) at the earliest opportunity so that the correct procedures can be followed, in consultation with the Deputy Vice-Chancellor.
- 4.5 The approval process is set out in full within the [Speaker & Event Approval Procedure](#) which can be accessed via the University's Policy Zone webpage: <http://www.keele.ac.uk/policyzone/>.

5. COMPLAINTS

- 5.1 Any individual that has **a concern or complaint about non-compliance with this Code of Practice** should report this to the Designated Officer in the first instance. If the individual remains dissatisfied, a formal complaint should be addressed to the [Secretary to Council](#). If an event is 'approved with conditions' or 'refused', the event organiser has the right to submit an appeal. Further information on such complaints and appeals can be found in the Speaker & Event Approval Procedure.
- 5.2 If the complaint relates to KeeleSU or the KPA, it should be reported via their respective complaints procedures. After exhausting the students' unions procedures, then it may be referred to the University's [Procedure](#).
- 5.3 The Office for Students operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from non-student members, staff, applicants for academic posts and visiting speakers (actual or invited). The scheme is free to use. Information about the complaints that the OfS can review is available on its website: [Free speech complaints - Office for Students](#).

² As defined within section 2.3.

6. ROLES & RESPONSIBILITIES

- 6.1 The University must abide by this Code of Practice as failure to do so constitutes non-compliance with the OfS's registration conditions (para. 451 of the [OfS Regulatory Framework for Higher Education](#)).
- 6.2 Members of the University are expected to **promote and encourage** compliance with the principles and spirit of this Code.
- 6.3 Individuals who fail to ensure that the provisions of this Code of Practice are adhered to may be liable to disciplinary action in accordance with University Regulations, policies and procedures, in addition to any possible prosecution for breach of the law.
- 6.4 The provisions of this Code apply primarily to events, however, it should be understood that the principles also apply to protect freedom of expression and its associated rights during social, private and recreational events. Therefore, **all members of the University should observe the principles at all times whilst on the premises and/or whilst acting on behalf of the University.**
- 6.5 The Council of the University authorises:
- The **Secretary to Council** with responsibility to ensure that the University complies with the provisions of this Code of Practice; and
 - The **Head of Security to act as the Designated Officer**, in the case of absence this is delegated to the Director of Student Services, to enforce the Speaker & Event Approval Procedure.
- 6.6 The University may refer cases to the Police or any other relevant external body where it is believed that a breach of criminal law may be likely.

7. RELATED POLICY DOCUMENTS, EXTERNAL GUIDANCE AND LEGISLATION

- 7.1 This document, along with the following related policy documents that members of the University must also adhere to, can be found within the University's Policy Zone (<http://www.keele.ac.uk/policyzone/>):
- Speaker & Event Approval Procedure
 - Gender Segregation Joint Code of Practice
 - Dignity & Respect Policy & Procedure
 - Equality, Diversity & Inclusion Strategy & Objectives
 - Bullying & Harassment Policies & Procedures
 - Safeguarding Policy
 - Social Media Policy
 - Third Party Access Policy
 - Whistleblowing Policy & Procedure
 - Data Protection Policy
 - Research Integrity Policies & Procedures
 - Estates & HR procedures, such as Fire Procedures, Health & Safety Procedures, etc.
- 7.2 Section 43 of the Education Act (No2)1986 which requires the University to have this Code of Practice is available here: <http://www.legislation.gov.uk/ukpga/1986/61/section/43>
- 7.3 The [Higher Education and Research Act 2017](#) outlines that all universities and colleges which register with the Office for Students (OfS), this includes Keele University, must uphold the existing laws around freedom of speech and follow the OfS' Regulatory Framework relating to academic freedom and ensuring freedom of speech.

- 7.4 The Equality & Human Rights Commission Guidance on Freedom of Expression, which underpins this Code of Practice, is available here: <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>
- 7.5 The University also has a legal duty under the [Human Rights Act 1998](#) when making decisions on matters pertaining to freedom of speech, including in relation to approval of speakers.
- 7.6 The University is also committed to discharging its positive duty under the [Equality Act 2010](#) to promote good relations within the University.
- 7.7 This Code of Practice also reflects the [Counter-Terrorism and Security Act 2015](#) that requires, as part of the Prevent Duty, that universities have policies and procedures in place for the management of events on premises belonging to the University or events hosted by the University on other premises.
- 7.8 The University also respects the [Public Order Act 1986](#), which determines the criminal offences relating to public order, controls public processions and assemblies and controls the inciting of racial hatred or abuse on the grounds of religion or sexual orientation.

8. REVIEW, APPROVAL & PUBLICATION

- 8.1 The University will review formally the operation of this Code of Practice at least every three years, led by the Secretary to Council, in consultation with key stakeholders internal and external to the University. There will also be an informal annual review.
- 8.2 The University Executive Committee (or its sub-group) shall have final responsibility for approval of any changes to this Code of Practice, in accordance with the University Policy Framework.
- 8.3 This Code will be available within the Policy Zone and will be communicated to students at least annually, as required by the Education Act. It will also be published, alongside the Speaker & Event Approval Procedure, on a dedicated Freedom of Expression webpage [link to be added].

9. DOCUMENT CONTROL INFORMATION

Document Name	Freedom of Expression Code of Practice
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Version Number	V3.2
Equality Analysis Form Submission Date	19/02/2020
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Approved By	Council
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Date for Next Review	01/09/2029
Related University Policy Documents	Speaker & Event Approval Procedure; Gender Segregation Code of Practice; Whistleblowing Policy & Procedure; Social Media Guidance; Group Social Events Code of Conduct; various Estates and Human Resources policies and procedures.
<i>For Office Use – Keywords</i>	