

Freedom of Speech Policy and Code of Practice

Version 1.2

June 2022

Freedom of Speech Policy Statement

Freedom of speech within the law and academic freedom are fundamental to universities, as places where people push the boundaries of knowledge. At UWE Bristol we are not afraid to shape, challenge and tackle the big issues, to take the initiative and pave the way. We are a place where diversity of experience and perspective is encouraged. Free and open debate is absolutely crucial across all areas of the University's activity.

With this comes responsibility. The University is strongly committed to challenging discrimination at all levels. As set out in our Transforming Futures Equality, Diversity and Inclusivity Strategy, we are a University where there is zero-tolerance of behaviours that exclude or discriminate, and where everyone is expected to live behaviours that uphold equality, diversity and inclusivity. We are a University that prepares its graduates to be confident problem solvers, responsible global citizens and effective life-long learners.

We are committed to creating an open and inclusive environment that fully supports all our staff and students, and the communities that we serve, to thrive, flourish and succeed. We will demonstrate this through how we work internally, but also how we engage with our visitors and partners.

Steve West, Vice-Chancellor, President and CEO

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1. Introduction and Scope

The University expects students, staff, Governors, the Students' Union, external speakers and visitors to ensure freedom of speech within the law is assured – both through in-person interactions and those taking place online. The University is clear that ensuring its commitments are met in the online environment is just as important as in the in-person environment.

Freedom of speech should be upheld at every opportunity and should only be limited where, based on risk assessment, there are genuine safety concerns or where speech is unlawful. The University regards the following as examples of illegal speech:

- Speech that encourages or supports violence against specific groups or individuals.
- Speech that encourages support for or participation in terrorism as defined by the Terrorism Act 2001.
- Speech that encourages or supports any other form of criminal activity.

The University believes that a culture of free and open discussion is essential to its purpose as an academic institution. This culture can only be achieved if all concerned behave responsibly. The University expects all persons taking part in its activities to be tolerant of the diverse identities of others, in line with the University's core value of inclusivity, being sensitive to the diversity of its community and all sections of that community. While debate and discussion may be robust and challenging, all speakers have a right to be heard when exercising their right to free speech within the law.

Holding open, challenging debates, rather than silencing the views of those we do not agree with, helps to advance understanding and address prejudice and discrimination. This means students and staff will sometimes be exposed to views which they may find disagreeable or even deeply offensive. Such an environment is essential to develop a culture of intellectual enquiry, and the University is committed to creating the conditions where a range of different voices can be heard, challenged, and debated.

2. Code of Practice

This Policy and Code of Practice applies to all staff, students, Governors, the Students' Union and external speakers, and to all events and activities held within UWE Bristol's premises or virtual spaces.

3.1 Speakers and Events

The University will always seek to allow a speaker to speak and an event to go ahead with minimal mitigation, but we recognise that, in certain cases, it will be necessary to put in place arrangements to ensure fair and open debate within the law, a balance of viewpoints and the safety of our students and staff.

An event which creates an environment of fear, harassment, intimidation, verbal abuse or violence (or which encourages support for or participation in violent acts), particularly in relation to age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation, is likely to be unlawful and will not be permitted to go ahead.

Assessment of risk will include consideration of the safety of the speaker, attendees and the University's reputation through the External Speakers Process. A potentially high-risk event

may include where the speaker or topic of the event is controversial in any way (including, but not limited to, political or religious factors). Assessment of risk is holistic, involves relevant stakeholders where appropriate, and considers the potential risks of the event not going ahead.

The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include, but are not limited to:

- The event being considered to give rise to a breach of the [University's Standard of Conduct](#) expected of students or the terms and conditions of employment for a member of staff.
- The event being considered likely to incite those attending to commit a criminal act.
- The event being likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence, particularly because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- The safety of the speakers or attendees being compromised, before, during or after the event.
- The event being in direct support of a proscribed terrorist organisation or an organisation whose aims and objectives are illegal or of doubtful legality or in the view of the University lead to the expression of views contrary to the criminal law.

The University will withhold the right to use University premises if it fears there is a likelihood of this Policy and Code of Practice being breached.

To support and promote external speakers and associated events, the University and our Students' Union have developed an External Speakers process. This process serves to identify any potential risks and draws on expertise and insights in relation to safeguarding, security and risk, to inform any required escalation of decision making to the University's Registrar and Pro Vice-Chancellor Student Experience.

Anyone organising an event that involves a speaker or speakers to be hosted by the University must ensure that:

- The University's External Speaker process is followed.
- Any requested modifications are implemented before the event takes place.

Under no circumstances should an event be advertised or take place if the External Speaker process has not been followed or an event has not been approved. Please see Section 5 for the processes through which non-adherence to this policy may be taken forward.

The event organiser is required to ensure that all reasonable and practical measures are taken in relation to the arrangement of the meeting, event or activity and to its conduct, to prevent any breach of the law, or University policy and regulation.

The event organiser or designated lead is required to be present at the meeting, event or activity.

If a concern over freedom of speech is raised after arrangements have been made for a meeting or event through the set process, the organiser or any other individual should inform the Clerk to the Board of Governors as soon as is reasonably possible.

If during a meeting, event or activity an individual considers that the University's obligations concerning freedom of speech have been breached, they should inform the Clerk to the Board of Governors as soon as is reasonably possible. The Clerk, or nominee, may then carry out a subsequent investigation to establish whether or not there has been a breach of this Policy and Code and it may be referred through the related policies in Section 5.

The right of staff and students to freedom of assembly, and to protest against certain viewpoints, should not obstruct the ability of others to exercise their lawful freedom of expression. Any employee or student of the University who wishes to organise a meeting, event or activity who believes that the event is being frustrated on grounds connected with the beliefs, views, policies or objectives of any individual or body may refer the case to the Clerk to the Board of Governors and if it cannot be resolved it may be referred through the related policies in Section 5.

Any decision to not allow or terminate a meeting, event or activity in accordance with this Policy and Code shall be reported to the Board of Governors.

3.2 The Students' Union

The Students' Union actively encourages debate and political activity and supports the aims and objectives of this Policy and Code of Practice. As a representative body for all students at the University, the Students' Union has an equal opportunities policy to ensure that student-led events are conducted in a manner free from discriminatory and illegal activity. All affiliated student groups and Students' Union staff looking to hold an event with external speakers must complete an External Speaker Booking Form and follow the External Speakers process. Ultimately, it is the University's decision whether to allow an event to take place on its premises or in its name at an external venue or online and this includes the Students' Union building.

The risk assessment process for external speakers can impose control measures to mitigate the risk.

3. Academic Freedom

The University is committed to protecting and promoting academic freedom as a core part of academic enquiry:

- Driving forward research, innovation, and discovery.
- Providing students and staff with the opportunity to think critically, challenge and engage with different perspectives.
- Ensuring that UWE Bristol plays its role in national debates and discussions in wider society.

Academic staff at UWE Bristol 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 privileges. As an open and inclusive university, pushing the boundaries of knowledge, ideas should be subject to questioning and challenged by rational argument supported by relevant evidence. As stated earlier in this Policy and Code, holding open, challenging debates, rather than silencing the views of those

we do not agree with, helps to advance understanding and address prejudice and discrimination. This means students and staff will sometimes be exposed to views which they may find disagreeable or even deeply offensive. Such an environment is essential to develop a culture of intellectual enquiry, and the University is committed to creating the conditions where a range of different voices can be heard, challenged, and debated.

In doing so, the University expects all persons taking part in its activities to be tolerant of the diverse identities and viewpoints of others, in line with the University's core value of inclusivity, being sensitive to the diversity of its community and all sections of that community, treating everyone with mutual dignity, tolerance, and civility.

Views expressed by staff and students that are contrary to the values of the University must never be presented as if they were endorsed by the University.

4. Application of the Policy and Code

The University recognises that its legal duties must on occasion be balanced against one another, particularly with regard to our general duty of care to staff and students. This is reflected in our policies and procedures:

- Our disciplinary procedures for staff [<https://intranet.uwe.ac.uk/tasks-guides/Policy/conduct-policy-and-procedure>].
- Our contractual arrangements for staff.
- Our disciplinary procedures for students [<https://www.uwe.ac.uk/life/health-and-wellbeing/staying-safe-on-and-off-campus/student-conduct-and-reporting-incidents>; also see UWE Policy for Bullying and Harassment of or by Students, Fitness to Study Policy and Professional Suitability Policy and Procedure].
- Our contractual arrangements with students.
- Our arrangements for the management of speakers and events on University property (External Speakers Process).
- Our processes for the reporting of concerns [<https://intranet.uwe.ac.uk/tasks-guides/Policy/dignity-at-work>; <https://www.uwe.ac.uk/life/health-and-wellbeing/staying-safe-on-and-off-campus/report-and-support>].

All employees and students are reminded of the general obligations relating to their conduct.

Any alleged breach of this Policy and Code by employees or students may be subject to the relevant disciplinary proceedings of the University.

Where an employee or student wishes to raise a concern about this policy or its application, please contact the Clerk to the Board of Governors by email, Jodie.Anstee@uwe.ac.uk.

5. Legal Principles

In ensuring the active promotion of freedom of speech within the law, the University will pay due regard to the following legislation:

1.1. Section 43 of the Education Act 1986

Which places a duty upon universities to take reasonably practicable steps to ensure freedom of speech on its premises. This duty also applies to student unions where university premises are being used to host a union speaker/event.

1.2. The Education Act 1994

Which places financial and governance oversight duties upon universities with regard to student unions.

1.3. The Higher Education and Research Act 2017 (HERA)

Which places a duty on universities to comply with the regulatory framework. Conditions E1 and E2 set out the duty on universities to uphold and deliver in practice their public interest governance principles:

- **Freedom of speech:** The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.
- **Academic freedom:** Academic staff at an English higher education provider 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 privileges they may have at the provider.

1.4. The Human Rights Act 1998

Which establishes the individual's right to freedom of expression in UK law.

1.5. Charity Law (mainly Charities Act 2011)

Which includes a duty placed upon charities to ensure freedom of speech within the law.

1.6. The Equality Act 2010 (including the public sector equality duty)

Which places duties upon public authorities to prevent discrimination on the basis of protected characteristics as set out in the Act. The University also has a duty to foster positive relations between communities.

1.7. Health and Safety Law

Which places duties upon public authorities to ensure compliant arrangements for safe and healthy working and operations within its premises.

1.8. The Prevent Duty

Which places a duty under the powers of the Counter-Terrorism and Security Act 2015 on relevant higher education bodies to prevent students and staff from being drawn into support for or participation in terrorism.

6. Ownership and Oversight

Document name:	Freedom of Speech Policy and Code of Practice
Version number:	V1.2 – updated following Directorate consideration. V1.1 – updated following consultation feedback. V1.0 – substantial revision from previous version.
Equality Analysis:	In place.
First approved by:	N/A – substantial revision to existing Code of Practice.
This version approved by:	Directorate - 27 June 2022. Academic Board to consider for endorsement 6 July 2022. Board of Governors to consider for approval 12 July 2022.
Effective from:	Approval date (TBC).
Next review date:	January – July 2025 (or before this time to reflect legislative or regulatory changes as required).
Senior Policy Owner:	Jodie Anstee, Chief of Staff and Clerk to the Board of Governors.
Policy Author:	Jodie Anstee, Chief of Staff and Clerk to the Board of Governors.
Overseeing committee:	Academic Board / Freedom of Speech Review Group (to be established to review status and issues twice a year).
Compliance measures:	Concerns about the policy or its implementation to be raised with the Chief of Staff and Clerk to the Board of Governors.
Related policies, procedures and codes of practice:	External Speakers process.
Related legislative and/or regulatory requirements	See section 5.

7. Version History

Version	Date	Summary of changes	Author
V1.2	27/06/22	Revised following Directorate consideration.	Jodie Anstee, Chief of Staff and Clerk to the Board of Governors
V1.1	14/06/2022	Revised following consultation feedback.	Jodie Anstee, Chief of Staff and Clerk to the Board of Governors
V1.0	20/01/2022	Substantial revision and repositioning in line with forthcoming Government	Jodie Anstee, Chief of Staff and Clerk to the Board of Governors

		legislation and the University's strategy and values.	
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