

# Code of Practice on Freedom of Speech and External Speakers

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## Code of Practice on Freedom of Speech and External Speakers

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## 1. GENERAL DUTY CONCERNING THE FREEDOM OF SPEECH

- 1.1 Canterbury Christ Church University (‘the University’) is an academic community of staff and students. Central to this concept, and the [University’s values](#) as a Church of England Foundation is the ability of all its members to challenge freely prevailing orthodoxies, to query the positions and views of others and to put forward ideas that may sometimes be radical in their formulation.
- 1.2 The University recognises all forms of expression within the law. It adopts the five core ideas set out in the Equality and Human Rights Commission (EHRC) [Guidance Freedom of expression: a guide for higher education providers and students’ unions in England and Wales](#) (2019):
- Everyone has the right to free speech within the law.
  - Higher education providers should always work to widen debate and challenge, never to narrow it.
  - Any decision about speakers and events should seek to promote and protect the right to freedom of expression.
  - Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others.

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- Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry. Providers of higher education should always aim to encourage balanced and respectful debate.
- 1.3 This Code of Practice ('Code') aims to ensure debate and challenge are not only permitted but promoted. It sets out the procedures and conduct required of those organising or attending University events. The Code extends to students as well as members of staff.
- 1.4 Section 43(1) of the Education (No. 2) Act 1986 (as amended) requires every individual and body of persons concerned in the government of the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students and employees of the University and for external speakers.
- 1.5 As a condition of registration with the Office for Students (OfS), the University is to adhere to a list of public interest governance principles. It includes the Governing Body taking 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.'
- 1.6 Any employee or student of the University who intentionally or recklessly prejudices freedom of speech or lawful assembly may be subject to disciplinary proceedings.
- 1.7 As a general principle, and as far as is reasonably practicable, no access to, or use of land or buildings of the University, including the Students' Union, is to be denied to any individual or body of persons on any grounds solely connected with:
- the beliefs or views of that individual or of that body; or
  - the policy or objectives of that body.
- 1.8 The Code covers all events hosted by staff and students of the University, the Christ Church Students' Union (CCSU) and events hosted by client organisations that take place on University premises. The Code extends to events taking place off campus where either the University or the Students' Union is hosting (or co-hosting) an event. This includes venues in the UK or overseas. While the law differs in other countries, all activities led or hosted/co-hosted by the University, irrespective of where they take place, are to comply with this Code unless doing so would breach that country's law. The Code also extends to those events where one or more external speakers, as defined in 2.3, are participating in the event by any means of remote access, such as Skype, teleconferencing and audio conferencing.
- 1.9 The Vice-Chancellor has oversight of all aspects of the Code. The Vice-Chancellor delegates responsibility for implementing the Code to the University Solicitor. The University Solicitor may appoint another suitable person to discharge the responsibilities under this Code. Any reference to the University Solicitor within this Code is to be taken to refer to that nominee.

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### Where does the law allow for limitations on freedom of expression?

- 1.10 In applying the Code, the University will take account of the general law relating to incitement to unlawful conduct (including racial hatred), unlawful assemblies, the presence of proscribed organisations or individuals, and other similar matters which may require it to have regard to what takes place on its premises. In making decisions, the University will pay particular regard to the advice in the Equality and Human Rights Commission (EHRC) Guidance Freedom of expression: a guide for higher education providers and students' unions in England and Wales Section 3.
- 1.11 Speech can be limited if it would break criminal law. Some of the criminal offences that may occur in relation to speech include:
- speech causing fear or provocation of violence;
  - acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation;
  - speech amounting to a terrorism-related offence; and
  - causing a person harassment, alarm, or distress.
- 1.12 The University will have due regard to the general duty placed on it under the Counter-Terrorism and Security Act 2015 in the exercise of its functions to prevent people from being drawn into terrorism. When considering speakers who express extremist ideas, the University considers the Prevent Duty relevant only if there is a risk of people being drawn into terrorism. The University will review carefully whether the views being expressed risk drawing people into terrorism and the type of actions that might be taken to mitigate this risk.
- 1.13 The University will take account of other relevant statutory requirements, particularly in relation to equality and diversity. In some situations, civil law protects against offensive or harassing behaviour. These include discrimination or harassment under the Equality Act 2010. It may be that certain views are lawful to express but are unlawful in certain contexts, such as in the workplace. The University needs to consider whether it is reasonable for the behaviour to have the effect of discrimination or harassment, as well as the circumstances. The University has to balance competing rights, including the right to freedom of expression of the person responsible. It will do so with reference to the EHRC Guidance.
- 1.14 The University will pay due regard to health and safety considerations. The University and the Students' Union have to take steps to ensure the safety of students, employees and visiting speakers under their common law duty of care and health and safety legislation. The Education (No. 2) Act 1986 s.43 duty does not require the protection of free speech at the expense of the safety of staff, students or speakers. The University would consider it reasonable to cancel or postpone an event if the participants would not be safe from physical harm, for instance, if there was a credible threat of violent protests. Nonetheless, the University would need to show that no reasonably practicable steps, such as increased security (within reasonable cost), could have been taken.

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### 2. SPECIFIC DUTY IN RELATION TO EXTERNAL SPEAKERS

- 2.1 The University welcomes external speakers as a means of bringing the diversity of experience, insight and opinion to its work. This diversity is valued as a means of promoting discussion and debate among the University community and its guests.
- 2.2 External speakers play a significant role at the University as part of the timetabled academic experience, allowing students and staff to be exposed to a range of different ideas, beliefs and opinions. In addition, they contribute to the University's public engagement programme of activity and to the events and activities organised through individual clubs and societies and through the Students' Union.
- 2.3 'External speakers' are defined for the purposes of this Code as persons who are not students, employees (including visiting professors, visiting scholars, sessional members of staff and those engaged in a similar capacity) or Governors of the University invited to speak at University events. The University distinguishes between those events that are part of the planned teaching and support activities (other than for apprentices) and those that are planned as being outside such activities.
- 2.4 Some external speakers are known to hold contentious, even inflammatory or offensive, views. In some cases, their very presence on campus may be considered to be divisive and may lead to attempts by other groups to prevent the event from taking place. Such speakers might include those subject to adverse media attention; and/or associated with a campaign or political pressure group; and/or a member of a group whose views may be deemed as being discriminatory or inflammatory to others. For the purposes of this Code, such speakers are regarded as controversial speakers, but their freedom of speech within the law is recognised.
- 2.5 While the law promotes and protects freedoms of speech and debate, there are limits placed on those freedoms. Freedom of speech does not extend to allow a speaker to break the law or breach the lawful rights of others through threatening, abusive or insulting words or behaviour, particularly with a view to incite hatred or draw others into terrorism. Speakers proscribed by law are not to be permitted access to the University, its students, staff or visitors in any circumstances.
- 2.6 These restrictions do not create a broad right not to be offended; the expression of views which some people may find objectionable or offensive is not prohibited by law.
- 2.7 Employees acting as speakers at University events are to conduct themselves in accordance with the Staff Code.

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### 3. STUDENTS' UNION PREMISES

- 3.1 By Section 43(8) of the Education (No 2) Act 1986, any reference to the premises of the University includes Christ Church Students' Union (CCSU) premises. It is because the University has to take steps to ensure the lawful free speech of students, visiting speakers and staff on campus and that they are not denied use of Students' Union premises because of their views.

### 4. COMPLAINTS PROCEDURE

- 4.1 In the event that a member of staff, student, speaker or external visitor considers there to have been a breach of this Code, they may complain in writing to the Vice-Chancellor at the University. The Vice-Chancellor will appoint a suitable individual to review and respond to the complaint.
- 4.2 A complaint under the Code is restricted to allegations of:
- (a) being prevented from arranging, speaking at or attending an event covered by the Code;
  - (b) infringements of freedom of speech; and
  - (c) where an external speaker at specified event breaches or is likely to breach the Code.
- 4.3 The decision of the reviewer appointed by the Vice-Chancellor represents the final decision of the University. The expectation is that a response will be given within ten working days following the day of receipt. Where the complaint is complex or concerns particularly sensitive or controversial speakers or subject matter, the complainant will be told of the likely response period within ten days following the day of receipt.

### 5. PROCEDURES RELATING TO EXTERNAL SPEAKERS

- 5.1 The Procedures Relating to External Speakers, which accompany this Code, set out the requirements relating to external speakers. The Procedures are to be read in conjunction with this Code.

### 6. APPROVAL

- 6.1 This Code of Practice was approved by the Governing Body on 27 June 2023.
- 6.2 The next review will take place in July 2024.

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<b>Related University Procedures</b>	<p><a href="#">Procedures Relating to External Speakers</a></p> <p><a href="#">Advice to Principal Organisers: Steps to be followed in Organising an External Speaker to a Specified Event</a></p> <p><a href="#">Arranging for an External Speaker Flow Chart</a></p> <p><a href="#">External Speakers Planning Form</a></p>
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