

Free Speech Code of Practice

This Code of Practice sets out Art University Plymouth's position and approach to what it considers are generally reasonable and practicable steps for it to take in order to secure freedom of speech and academic freedom in respect of activities which are likely to arise in the context of a university environment and provided those activities are themselves lawful.

There may be circumstances which arise which are not foreseen by this Code or where it may be difficult for Staff to assess and judge for themselves whether freedom of speech or academic freedom is engaged or to appreciate in what circumstances the University may need to act to secure these rights or limit them in its setting.

1 Scope

1.1. This Code of Practice applies to:

a) all members, staff and students of the University (to include Emeritus Professors);

and

b) visiting artists, presenters and educators to the University's premises.

1.2. All persons to whom this Code applies are under an obligation to not take any action which would hinder freedom of speech or academic freedom within the law, or which would prevent the University from discharging its duty to secure freedom of speech and academic freedom.

1.3. This Code also applies to informal or social activities as well as to any more formal meetings or lecture, in person and online. Examples include visiting lecturers invited by academic staff, religious or political representatives speaking on campus, and events such as debates, speeches and conferences taking place using the University's facilities that have been organised by staff, students and external bodies.

1.4. References in this Code of Practice to the "University's premises" means those premises over which the University exercises control (including online or virtual classrooms and communication spaces).

1.5. The Code of Practice also applies to events, activities and meetings hosted by or on behalf of the University on non-University premises.

1.6. For the avoidance of doubt, this Code does not apply to purely commercial meetings or events on the University's premises.

1.7. This Code of Practice is accessible on the University's staff and student portals and website.

2 Key Concepts

2.1. Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.

2.2. Freedom of speech within the law is protected. This means that speech will not be protected if it contravenes some other law. Illegal or unlawful acts will not be tolerated by the University.

2.3. The University has a duty to protect its staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of protected characteristics: race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity.

2.4. However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom. As a result, students' learning experience and the working environment of staff may include exposure to research, course material, discussion or speakers' views that they find offensive, contentious or unacceptable, but are nonetheless within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.

2.5. There are other legislative requirements that may be relevant in particular cases, such as offences under the Terrorism Acts if speech encourages terrorism or amounts to the incitement of religious or racial hatred on the grounds of sexual orientation under the Public Order Acts, as well as statutory requirements relating to the holding of processions and assemblies. The University is not under any obligation to secure or promote freedom of speech that contravenes any legislative requirements.

2.6 Academic freedom in relation to academic staff, as defined in the Higher Education (Freedom of Speech) Act 2023, means freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without being at risk of being adversely affected. An individual would be deemed to have been adversely affected if they had either lost their job or privileges at the University or experienced a reduction in the likelihood that they would secure a promotion or different job at the University.

2.7 The University is committed to ensuring that academic staff have the freedom to question and test received wisdom and put forward new ideas and opinions without placing them at risk of losing their job, privileges or future opportunities. Academic freedom shall extend to all academic staff and to any visiting or guest lecturer invited by the University.

2.8. The University understands that within its community and among its visitors, there may be differing and conflicting ideas and views. Some of these opinions may be considered disagreeable, disturbing or offensive by some or most of our community members. This can stem from wider conflicts involving ethnicity, religion, personal identity, or political convictions, which sometimes manifest on campus. While the University does not aim to shield individuals from uncomfortable ideas or opinions, it is crucial to note that freedom of speech is not absolute. Balancing the promotion and protection of free speech with legal

boundaries is a challenge for universities. It involves recognising complex situations and making difficult judgments, often balancing conflicting rights.

2.9. The University's trusted status as a facilitator of debate gives authority to the views of its members and invited speakers, providing a platform for discussion. However, the University is not obliged to host speakers simply upon request. Visiting artists, presenters and educators speak by invitation, ensuring their right to free speech is protected within the procedures outlined in this Code of Practice. The University is a defender and promoter of free speech, but it is not a public arena, and it is not obliged to provide speaking opportunities to those who desire one.

3 Values

3.1. The University recognises, supports and promotes freedom of speech and academic freedom, within the law, as a fundamental principle of a democratic society and one that is central to higher education.

3.2 The University is an academic community of staff and students which values open-mindedness, critical thinking, and knowledge sharing with a vision based upon sustainable growth, solution focused teaching and research, and a commitment to impactful social justice and ecological change through its people, culture and place. It's strategy, Creative Education for a Changing World, is built upon three pillars, Creative Endeavour, Sustainable Futures, and People & Place that provide the framework for three Operational Plans, each focussed on priority areas and designed to underpin our strategy with structural integrity and direction.

3.3 Known for delivering innovative and distinctive learning, teaching and research through our interdisciplinary ecosystem of materials, processes, technologies and knowledge exchange, the University prides itself on its inclusive approach to education and its respectful culture, with belief in the values of authenticity, fulfilment and kindness. These indexical qualities in the process of thinking, making and living are central to the University's concept of academic community, as is the ability of all its members to freely challenge prevailing orthodoxies, query the positions and views of others, and put forward views that may be understood by others as controversial or unpopular.

4 Steps the University takes to ensure freedom of speech within the law

4.1. The University ensures that its teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular:

- a) its processes for course development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom;
- b) its processes for facilitating research will respect the rights of freedom of speech and academic freedom; and

c) no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the University solely because of the lawful exercise of freedom of speech or academic freedom. However, this will not preclude the University from taking disciplinary action against an individual where the relevant behaviour contravenes any applicable University policy.

4.2. The University does not enter into non-disclosure agreements related to complaints about:

(a) sexual abuse, sexual harassment or sexual misconduct

and

(b) bullying or harassment not falling within (a).

4.3. The University is aware that the terms of certain overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships, from any overseas country, may present a risk to freedom of speech and academic freedom. Therefore, the University has processes in place to ensure that the risks to freedom of speech or academic freedom are identified and appropriately managed.

4.4. The University:

a) includes this Code, along with other policies and procedures such as the Freedom of Speech & Academic Freedom Policy in the Student Handbooks and on the University's website under the Reports & Legal section;

b) draws the attention of students to this Code of Practice and the provisions of the Higher Education and Research Act 2023 (and OfS Regulation 24) annually;

c) ensures staff receive training on freedom of speech and academic freedom, as is appropriate to their respective roles;

d) will periodically survey staff, students and other stakeholders for their views on freedom of speech and academic freedom at the institution and take the findings into account;

e) ensures that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;

f) ensures that when new policies and procedures are introduced or reviewed, consideration is given to their impact on freedom of speech and academic freedom;

g) will monitor any concerns that may be raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practical and that any lessons learned are incorporated into a review of relevant policies practices and procedures;

and

h) takes steps that are reasonably practicable to secure compliance with this Code of Practice, including, where appropriate, disciplinary action.

5 Events and meetings

5.1. Where any individual or body subject to the obligations of this Code of Practice wishes to hold an event, meeting or other activity for the expression of any views or beliefs held or lawfully expressed on University premises, consent must be sought. Consent shall not be unreasonably refused and any conditions imposed on the holding of the meeting shall be kept to the minimum necessary in light of any risks identified in holding the meeting.

5.2. It shall be reasonable to refuse consent where the University reasonably believes (e.g. from the nature of the speaker or from similar activities in the past whether held at the University or otherwise) that, without limitation:

- a) the views likely to be expressed by any speaker are likely to be contrary to the law;
- b) the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
- c) the event will include or is likely to include the denial of the right to hold or to express an opposing opinion;
- d) 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;
- e) 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;

or

f) 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 event does not take place.

5.3. Where the University is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on University premises is likely to give rise to disorder or threats to the safety of participants or the wider University community, the University shall consider what steps it is necessary to take to ensure the safety of all persons and the security of the premises controlled by the University.

5.4 The University may impose such conditions and requirements upon the organisers as it considers are reasonably necessary in all the circumstances. These may include but are

not limited to the provision of security / stewards and / or a staff member in attendance if the speaker is part of a panel.

5.5. Where the University concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, it may decline to permit the event to proceed.

5.6. Where any person or body to whom this Code of Practice applies is seeking to hold an event or meeting outside of the normal academic curriculum (as determined by the Deputy Vice-Chancellor, following consultation with relevant colleagues) or one to which an external speaker will be invited, the University's Procedure at Appendix 2 of the Freedom of Speech & Academic Freedom Policy will be followed.

6 Conduct at events

6.1. Everyone has the right to free speech within the law. The University expects students, staff and visitors to ensure that freedom of speech within the law is assured.

6.2. All persons to whom this Code of Practice applies are required to observe the principle of freedom of speech and expression while on the University's premises and shall show respect and tolerance towards the right of others to express their views, opinions and beliefs within the law, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.

6.3. A member of staff or student who organises an event on the University's premises shall be responsible for ensuring, as far as is reasonably practicable, that the event is conducted in a manner to promote freedom of speech whilst maintaining good order and academic discipline and does not involve or lead to damage to property or an infringement of the law.

6.4. University staff and students are required to ensure that they do not wilfully engage in conduct that prevents, obstructs or disrupts the holding or orderly conduct of any event or other lawful activity that takes place on the University's premises.

6.5. Nothing in this Code of Practice shall be taken to prohibit the lawful exercise of the right to peacefully protest. Protests against an event must be conducted without infringing the rights of others, including others' rights to freedom of speech. No protest should prevent an event allowed under this Code of Practice from going ahead as scheduled.

6.6. the University's Procedure at Appendix 2 of the Freedom of Speech & Academic Freedom Policy will be adhered to for any appropriate event.

6.7. Infringements of, or departures from, this Code of Practice in whatever respect may render those responsible subject to disciplinary proceedings. In addition to disciplinary proceedings, breaches of the law may give rise to prosecution. All students and members of staff are under an obligation to assist with any investigation into any allegation of a breach of this Code of Practice.

7 Teaching and research settings

7.1. This section applies to activities taking place in teaching, education, and research settings as well as other academic activities that take place within the University, whether organised by staff or students. All such activities should have an identified 'Organiser', for example, this may be the teaching unit lead. This organiser is responsible for compliance with this Code of Practice.

7.2. When teaching potentially sensitive or controversial views, organising activities such as research seminars, or other academic activities, the above mentioned organiser should consider what steps they can take to ensure that freedom of speech and academic freedom is protected. This includes creating an inclusive environment that ensures that all students or participants are given the opportunity to present and argue in favour of alternative viewpoints, and teaching students' principles that enable them to 'disagree well', for example ways to provide evidence and rational argument for their views.

7.3. Further steps could include, for example:

a) identifying in advance any topics that may be reasonably considered to have an adverse impact on particular students or participants, making it difficult for them to participate in the activities in question, how this might manifest during the activity, and how this will be addressed if it does arise;

b) speaking to participants at the start of a module that contains potentially sensitive or contentious topics and outlining how challenging issues will be discussed in a way that allows all points of view to be expressed and discussed rigorously and respectfully;

c) providing information in advance about any sensitive or contentious content, to enable participants to prepare and to be able to articulate their point of view rigorously and respectfully during discussions; and

d) reminding all participants of their obligations under this Code of Practice. It may also be appropriate to remind students of the University's Student Code of Conduct.

7.4. Occasionally, situations may arise where the views expressed cause particular distress to some staff or students. Where possible, this risk should have been identified in advance and actions taken to mitigate the risk, such as those listed above.

7.5. Should a particularly challenging situation arise, it will be up to the academic member of staff responsible to determine the most appropriate response. This could include providing those who are distressed with an opportunity to articulate their point of view, and to explore this with the rest of the group. It may also be helpful to take a temporary break in the session to provide time for reflection and to discuss the issue with the staff or students concerned.

7.6. The University would not expect an activity to be cancelled in the above circumstances as this may deprive other students of the opportunity to express their freedom of speech and to explore challenging issues.

7.7. This Code and the Freedom of Speech & Academic Freedom Policy should be referred to for further reference.

8 Breaches and complaints

8.1. The University may take steps to secure compliance with this Code of Practice, including, where appropriate, disciplinary action.

8.2. If an offence is allegedly committed at or in connection with an event or activity to which the provisions of this Code of Practice apply, in addition to any internal disciplinary procedures (staff or student) that may be appropriate, the University may take steps to assist the police in identifying any persons committing offences.

8.3. Any concerns regarding this Code of Practice or the actions of the University in respect of it should be directed to the University's Head of Compliance & Quality in the first instance. For complaints relating to this Code of Practice, or actions taken in connection with it, please see the Complaints Policy & Procedure for Students or the Grievance Policy for staff. Information on complaints is also included in the Freedom of Speech & Academic Freedom Policy.

8.4. The Office for Students (OfS) plans to operate a free speech complaints scheme. Under that scheme, the OfS is expected to review complaints about free speech from members, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS may review will be available on its website in due course. Students will continue to be able to escalate complaints for an external review to the Office of the Independent Adjudicator (OIA).

9 Governance, review and advice

9.1. The Deputy Vice-Chancellor is authorised by the University's Board of Governors to act on their behalf to ensure compliance with this Code of Practice and its review.

9.2. The Deputy Vice-Chancellor shall review this Code of Practice regularly and, if they deem it necessary, recommend amendments to it for consideration by the Board of Governors.

10 Related Policies and Procedures

- [Complaint Policy & Procedures for Students](#)
- [Equality, Diversity & Inclusion Policy](#)
- [Freedom of Speech & Academic Freedom Policy](#) (including External Speaker Procedure)
- [Safeguarding Policy Part 3 - Prevent](#)