



QUALITY ASSURANCE DOCUMENT QA 67 – FREEDOM OF SPEECH CODE OF PRACTICE

ARDEN UNIVERSITY

FREEDOM OF SPEECH CODE OF PRACTICE

1. The Higher Education and Research Act 2017 requires providers of higher education to comply with a public interest governance condition. The Office for Students publishes in its 'Regulatory framework for higher education in England' a list of public interest governance principles, including the requirement that a registered provider's governing body must take "such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider".

2. This includes the staff and students of the University and visiting speakers. It places a duty on the University to ensure, so far as is reasonably practicable, that the use of University premises and facilities, including its online platforms, is not denied to any individual or organisation on any ground connected with the beliefs or views of individuals or the policy or objectives of that organisation.

3. This code of practice sets out how Arden University will fulfil its obligations in this respect. It should be read in conjunction with the University's Academic Freedom Policy and its Safeguarding and Prevent Policy.

4. The Academic Board endorses the principle of freedom of thought and expression within the University and within the limitations of the law.

5. This Code of Practice applies to:

- i. all meetings, classes and events that take place on University premises;
- ii. all dialogue, learning materials and synchronous or recorded online seminars and tutorials on the University's virtual learning environment (iLearn) and all other online platforms.

6. Visiting speakers or online contributors are expected to abide by this code of practice and must also be approved under the Procedure for the Approval of External Speakers.

7. There are a wide range of limitations prescribed by law. They are to be found in equality legislation, health and safety legislation and aspects of the criminal law such as public order, criminal damage and anti-terrorism legislation. The Counter-Terrorism and Security Act 2015 requires the University to have due regard to preventing people being drawn into terrorism. The University may need to exercise its authority under this Code to ensure that events and speakers do not misuse the University's premises, facilities or brand to promote extremist views where these are deemed likely to draw people into terrorism.

8. The University's Content Standards for online posts and contributions are set out in clause 9.10 of its Terms and Conditions. Content will only be removed where it breaches any of the following restrictions, as set out in the terms and conditions:

- i. It contains any material which is defamatory of any person.
- ii. It contains any material which is obscene, offensive, hateful or inflammatory.

- iii. It promotes sexually explicit material.
- iv. It promotes violence.
- v. It promotes discrimination based on race, sex, religion, nationality, disability, sexual orientation or age.
- vi. It infringes any copyright, database right or trade mark of any other person.
- vii. It is likely to deceive any person.
- viii. It is made in breach of any legal duty owed to a third party, such as a contractual duty or a duty of confidence.
- ix. It promotes any illegal activity.
- x. It is threatening, abusive or invades another's privacy, or causes annoyance, inconvenience or needless anxiety.
- xi. It is used to impersonate any person, or to misrepresent a person's identity or affiliation with any person.
- xii. It gives the impression that it emanates from the University, if this is not the case.
- xiii. It advocates, promotes or assists any unlawful act.
- xiv. It in any way endorses, advocates or promotes extremist views or seeks to draw others into terrorism or extremism.

For blended learning programmes in study centres, classroom contributions by staff and students and events on University premises are expected to comply with the above restrictions and, in addition, not to incite any breach of the peace.

9. In reaching a decision to remove online content or not to allow an event on its premises, the University will give careful consideration to available evidence and all the relevant issues, and act proportionally. It will balance the right to freedom of speech, and its duty to protect it, with any relevant legal limitations. It will also take into account relevant guidance and advice, for example from the police and from the Department for Education's Regional Prevent Coordinators.

10. Permission to hold an event may be withdrawn, or an event which is underway may be terminated, if any aspect of it is found subsequently to breach the above criteria.

11. Employees, lecturers and students of the University are required to conduct themselves in a manner that enables the University to meet its statutory duties to ensure freedom of speech. In particular, staff and students must not participate in activities which substantially disrupt the holding of any authorised meeting in University premises.

12. Any breach of this code of conduct by staff or students may be treated as a disciplinary matter and the University may take action in accordance with staff or student disciplinary procedures.

13. The refusal of any event on University premises and/or any staff or student disciplinary proceedings undertaken under the auspices of this code of practice will be reported to the next meeting of the Academic Board.

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