

Code of Practice to Ensure Freedom of Speech and Freedom of Expression at City

Background

1. In accordance with Section 43 of the Education (No. 2) Act 1986, City, University of London has a statutory duty to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members (including all staff members and students) and visitors (including external speakers).
2. The Act requires City “to ensure, so far as is reasonably practicable, that the use of any premises at City or the use of the University’s Brand is not denied to any individual or body of persons on any ground connected with the beliefs or views of that individual, members of such body or the policies and objectives of that body”, including physical and online spaces.
3. City understands that in accordance with Article 10 of the Human Right Act (HRA) 2010, freedom of expression (including speech) is not an unqualified privilege, such rights have restrictions and penalties prescribed by law as “are necessary for a democratic society”¹. City recognises its responsibilities as a public body under the HRA and that lawful freedom of speech is essential to community cohesion on campus. Cohesion can only be attained if all those involved not only exhibit a degree of tolerance and patience towards views in opposition to their own, but support the concept of rational debate as well as artistic, scientific and commercial developments.²
4. City is subject to a range of legislation and obligations to safeguard the wellbeing of its members, including all staff members and students, visitors and the wider community. These legal obligations, in some instances, set limits on certain freedoms to preserve the rights and freedoms of others. City has due regard to the relevant obligations that need to be taken into account alongside its duty under Section 43 of the Education (No. 2) Act, Higher Education and Research Act 2017 and Article 10 of the Human Rights Act with respects of the following legislation:
 - i. Health and Safety at Work 1974
 - ii. Public Order Act 1986
 - iii. The Education (No. 2) Act 1986
 - iv. The Education Reform Act 1988
 - v. The Data Protection Act 1998
 - vi. Human Rights Act 1998 (Art. 9; Art 11; Art 14)
 - vii. Protection from Harassment Act 1997
 - viii. Proceeds of Crime Act 2002
 - ix. The Racial and Religious Hatred Act 2006
 - x. Terrorism Acts 2000 and 2006

¹ Human Rights Act, 1998

² [‘Freedom of Expression: a guide for higher education providers and students’ unions in England and Wales’](#)

- xi. The Equality Act 2010
 - xii. The Counter Terrorism and Security Act 2015
 - xiii. The General Data Protection Regulation 2018
5. The protection to lawful freedom of expression (including speech) does not extend to allowing a criminal offence to occur under the guise of free speech or free expression.

Scope

6. This Code of Practice to Ensure Freedom of Speech and Freedom of Expression at City applies to all physical and online meetings and events including but not limited to lectures, seminars, committee meetings, exhibitions and performances in any spaces, wherever situated, of which City has title or possession, by freehold, leasehold, licence or otherwise.
7. This Code applies to all of City's members, including all staff members and students of the University. The Code further applies to any other person in attendance at any meeting, event or activity authorised by City to take place on City's premises, off-campus and online, in the name of City, University of London or City's Students' Union. This includes external spaces (online or otherwise) and venues hired in or associated with City's name or that of City's Students' Union.
8. The principles set out in this Code include:
- i. City's position on the effective application of freedom of speech and freedom of expression;
 - ii. the procedure that members including all staff members, students and visitors have to follow in relation to meetings and other activities held at City or in association with City's Brand;
 - iii. the behaviours required of any persons (internally or externally) in relations to such meetings, events and activities whether physical or virtual/online.³
9. It is not intended for the Code to apply to lectures, seminars and tutorials that constitute an academic programme of study at City or academic research conducted by a member of City's staff.
10. Where there is ambiguity as to whether this Code applies, the Deputy President will determine whether such a meeting, event or activity falls within the scope of this Code.
11. Where it is decided that such a meeting, event or activity is within the scope of this Code, the organiser(s) should follow the process set out in this Code.
12. This Code should be read alongside City's:
- i. [Ordinance B4: Freedom of Speech for Meetings or Other Activities on City, University of London Premises](#)
 - ii. [Senate Regulation 26: Student Complaints](#)

³ [Freedom of Expression: a guide for higher education providers and students' unions in England and Wales'](#)

- iii. [Senate Regulation 13: Student Disciplinary](#)
- iv. [City's Student's Union - External Speakers Policy](#)
- v. [Safeguarding Policy](#)

13. Infringements of or any departure from this Code by City's members, including all staff members and students, could subject such a person to City's disciplinary proceedings. For actions involving breaches of the law, City may assist the prosecuting authorities to implement the processes of law and/or take legal action against any persons, including those who are not City's members.

City's Responsibilities

14. City has a duty of care to its members, including all staff members, students and to its visitors. The University has responsibility for upholding and maintaining the principles set out in this Code. This Code is issued in fulfilment of that duty and City's obligations.

15. The President or nominee will prescribe procedures to ensure meetings, events and activities (online or otherwise) conform to the terms set out in this Code, have oversight of the operation of this Code and its periodic review, in line with the powers delegated to the President by Council under Ordinance B4. Council, in accordance with the Office for Students (OfS) regulatory framework and as City's governing body will take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured at City.

16. It is essential to City that opportunities for free and open discussion within the law are safeguarded. As such, City starts from the position that all meetings, events and activities (online or otherwise) should take place and is dedicated to ensuring that proposed meetings, events and activities happen. However, there may be instances where City may need to balance the decision to allow a speaker to express themselves against the need to comply with other legal duties.

17. City will not stop an invited speaker from speaking at a meeting, event or during an activity (online or otherwise) unless:

- i. They are likely to express unlawful speech; or
- ii. Their attendance would lead the University to breach other legal obligations if no reasonably practicable steps can be taken to reduce these risks⁴; or,
- iii. Steps within the approval procedure have not been completed in sufficient time for the meeting, event or activity to proceed

18. City takes its duty of care seriously. When deciding whether or not to host a particular meeting, event or activity (online or otherwise) including hosting an external speaker, City will consider whether the views expressed, or likely to be expressed, are ones that could discriminate, cause harm, risk drawing people into terrorism or breach any of the University's legal obligations. Where City identifies risks which cannot be mitigated, the meeting, event or activity (including the speaker) will not be allowed to proceed.

⁴ [Freedom of Expression: a guide for higher education providers and students' unions in England and Wales'](#)

19. City may impose appropriated Campus Coordination conditions to mitigate potential risks which may otherwise prevent a meeting, event or activity (online or otherwise) from taking place. For examples of mitigations and how City may apply these, please see Appendix 3.
20. City reserves the right of final decision about admission or exclusion of any person in respect of any meetings, events and activities (online or otherwise) covered by this Code. The University reserves the right to refuse or withdraw permission for meetings, events and activities (online or otherwise) to take place as well as postpone or close such once it has commenced.
21. City will prioritise the allocation of its estate (that is physical and online spaces and facilities) to its members, including all staff members and students. However, permission may be given by the University for its estate to be used by outside persons or organisations.
22. City's Security Team are responsible for the security arrangements of all of City's meetings, events or activities. The Head of Security or their nominee and where relevant the Head of Occupational Health and Safety will act as the main point of contact for managing meetings, events or activities which pose a potential security or safety risk to any person, at or connected to City. In some cases, it may be necessary for the Head of Security or their nominee to liaise with the police about a meeting, event or activity taking place at City or connected to City's Brand.
23. Where security or Health and Safety decisions need to be taken at short notice (for example, once a meeting, event or activity is underway), the Head of Security and/or the Head of Occupational Health and Safety and their nominees have authority to and can cancel, postpone or close such a meeting, event or activity, and/or impose necessary restrictions to ensure physical or online security and safety.
24. City will ensure its members, including all staff members and students, are aware of this Code.

Responsibilities of Events Organisers including City's members, Staff and Students when organising events and external speakers

25. City's members, including all staff members and students, and visitors concerned with organising of meetings, events or activities (online or otherwise including those with external speakers) have a responsibility to ensure lawful freedom of speech is secured for all, in accordance with section 43 of the Education (No. 2) Act 1986.
26. Organisers of meetings, events or activities and external speakers who speak at any of City's premises or online spaces as well as at an external event organised in City's or City's Students' Union's name must:
 - i. Comply with the procedure within this Code;
 - ii. Where applicable, complete and submit the External Speaker Request Form to the relevant Officer within the specified timeframe. It is the organiser's

- responsibility to provide full details of their proposed meeting, event or activity (online or otherwise) including those of their proposed speaker(s) by the specified deadline. Where full details are not provided by the organiser, City will not be able to process the External Speaker Approval Form for the meeting, event or activity nor approve a prospective external speaker;
- iii. Cooperate with the mitigations City wishes to put in place for the organisation, publicity and management of the meeting, event or activity (online or otherwise) in order to facilitate full debate where views may be challenged and maintain physical and online safety.
27. Any person organising a meeting, event or activity (online or otherwise) and has grounds to believe that a breach of the peace, criminal offence or violation of any of City's legal obligations (such as breach of the Equality Act or Data Protection) may occur, must notify City's Security Team (securityops@city.ac.uk) at the time of seeking City's approval or as soon as possible.
28. Any speaker at the University can be questioned or challenged by the physical or online audience. Therefore, speakers and organisers should be receptive to any such challenge and conduct their meeting, event or activity in an orderly manner.
29. To comply with Health and Safety requirements, organisers may be required by City to identify sufficient stewards to assist with orderly conduct at their meeting, event or activity. This requirement may also be put in place by City for an online meeting, event or activity. Names and contact details of the stewards must be made available to:
- i. a City's Students' Union or the Business School's representative (for student meetings, events and activities which are online or otherwise) at least 48 hours before starting; or
- ii. a City representative (for other meetings, events and activities which are online or otherwise) at least 48 hours before starting.
30. Please note that in particular instances, and for Campus Coordination reasons, it may be necessary to share the names and contact details of the stewards with City's Security and/or Health and Safety Teams.
31. Organisers must ensure that nothing in the preparations for or conduct of their meetings, events or activities (online or otherwise) infringes the law. Organisers must also ensure that their meetings, events or activities (online or otherwise) are free from any form of segregation. Any physical or online donations/collections of monies at or for meetings, events or activities (including for charity) must be authorised by City, University of London or City's Students' Union before advertisement. Meetings, events, activities and external speakers cannot be advertised via any medium including in online spaces until the organisers have received approval to do so from City and/or City's Students' Union's responsible officer.
32. Organisers are required during meetings, events or activities (online or otherwise) to:

- i. maintain order and avoid disorderly conduct;
 - ii. allow reasonable heckling, but to require any person(s) heckling in such a manner as to prevent the conduct of business to desist from doing so.
 - iii. ensure that the behaviour of attendees and speakers does not infringe the law. Where necessary, organisers should call the University's Security Team on 02070403333 to remove any disruptive person(s) from the meeting, event or activity where such is on campus or send an email to securityops@city.ac.uk
33. The organisers may be required, after due consideration, to comply with any mitigation that the University considers appropriate. The following conditions aimed at mitigating meeting, events and activities (online or otherwise) may apply:
- i. Only City's members, including staff members and/or registered students, may attend.
 - ii. Only City's members, including staff members and/or registered students and other members of UK Universities (upon proof of identity e.g. via their student email address), may be allowed to attend.
 - iii. The public (upon proof of identity) may be permitted to attend.
 - iv. The public may not be permitted to attend.
 - v. Admission may be restricted and controlled by physical or online ticket, identity card or both.
 - vi. Other Campus Coordination arrangements for the checking of admission may be instituted.
 - vii. Where appropriate and for Campus Coordination reasons, a specified number of stewards may be required.
 - viii. The organisers may be required to brief stewards about their duties and responsibilities, including being made familiar with local fire and emergency procedures.
 - ix. City's Staff member may be in attendance to assist in the maintenance of good order.
 - x. Speaker(s) and or attendees may be required to enter and leave by specified routes and/or be escorted under specified arrangements.
 - xi. Speaker(s) and or attendees may be required to use particular online code or online verification links (issued by City or the Students' Union) to join or leave the meetings, events or activities.
 - xii. If relevant, food and/or drink, alcoholic or otherwise, or any other specified items (such as banners, flags, placards, etc.) may not be allowed.
 - xiii. If relevant, items likely to lead to injury, damage or cause a breach of the peace may not be allowed near and/or at the venue or online during the event.
 - xiv. The admission of representatives of the press, radio or television will be subject to prior approval of the University or be subject to any restrictions which may be specified by City.
 - xv. The Chair and/or organiser may be reminded of their duty to ensure that people present (including external speakers) should not infringe the law. The Chair may close the meeting, event or activity if such infringement occurs and continues after a warning.

- xvi. The Chair may be instructed in advance about his or her duty to decide whether a meeting, event or activity should be terminated, and about procedures for requesting support from City's Security Team, where necessary.
- xvii. Organisers may be required to submit the speech for the event beforehand.
- xviii. Organisers may be required to take photographs or recording or may not be allowed to take photographs or recording.
- xix. Where necessary, organisers may be required to amend or withdraw any advertisements or notices about the meeting, event or activity such as restricting the publicity material on social media.
- xx. Organisers may be required to comply with any other instructions/mitigations as may be given about the conduct of a meeting, event or activity and the conditions in which such may be held.

External Speaker Approval Process

- 34. These procedures relate to meetings, events and activities at City which might be deemed controversial by the nature of the speakers present or by the views which might be expressed. These procedures also relate to instances where City's brand or its Students' Unions brand is used on and off Campus and online.
- 35. City - under the responsibility of the Designated External Speaker Officer - devolves initial consideration of external speaker requests to the Students' Union and the Business School, where their societies are not affiliated to the Students' Union.

Students

- 36. Students organising meetings and other activities (online or otherwise) involving an external speaker will be required to follow the Students' Union External Speaker Procedure as set out in their External Speakers Policy and submit a self-referral form to:
 - i. City's Business School (if they are a registered Bayes Student Club/Society);
or
 - ii. City's Students' Union (if they are a registered City's Students' Union Society)
- 37. Event organisers must follow complete the self-referral form for review by the Union or the Business School's Events Officer no more than three months and no less than 15 working days in advance of the proposed event.
- 38. The Union and the Business School will undertake their own review process and may refer speakers for additional evaluation in relation to risk in specific categories as set out in paragraph 4.5 of the External Speakers Policy.
- 39. External speakers who are not referred for further evaluation by the event organisers or the Union or the Business School will be approved.
- 40. External speakers who are referred for evaluation will also be passed onto the University for approval once the Union or the Business School has completed its review.

41. The University will conduct their own review process and inform the Union or Business School of its decision. If the University's regulatory steps for the proposed event are different to the Union or Business School, then a meeting will be held to agree a final position. This final position will be determined by the University.
42. The Students' Union or Business School will process all external speaker requests within 15 working days from the date it is received. Any requests submitted less than 15 working days to the proposed event may not be processed.
43. No meeting, event or activity (online or otherwise) involving an external speaker may be published until the External Speaker Approval Process is completed and the University is satisfied from its review of any additional evaluation that has been required.
44. The University reserves the right to cancel or prohibit any meeting, event or activity (online or otherwise) if the procedures provided within this Code are not followed.
45. Student clubs or societies dissatisfied with the outcome of the External Speakers Policy can submit an appeal to the University via the relevant Student Union Officer or Business School Officer.

Bringing an Appeal (Student)

46. A request to appeal should be submitted in writing (by the relevant Students' Union Officer or Business School Officer) to City's Designated External Speaker Officer within 21 working days of the date City notified them of the initial outcome of the request.
47. Please note that it may be necessary to postpone the date of a meeting, event or activity (online or otherwise) for an appeal to be heard. An appeal may take place online, in person or via correspondence.
48. Where a request to appeal is received outside of the timeframe set out in this Code, and no evidence of a good reason for the delay is presented by the organisers, the Deputy President may dismiss the appeal and close the matter.
49. In considering a student's appeal, City will seek the recommendation a Freedom of Speech Appeal Panel which will normally comprise:
 - i. A Vice-President, Dean of School or Director of a Professional Service who will chair the Panel;
 - ii. A Head of Professional Service/School, or nominee; and
 - iii. A representative member of the Student Union.
50. The President will appoint the Panel's Chair. The Chair will appoint a member of City's Staff to perform the secretariat function for the Panel. At least one member of City Staff on the Panel will be a member of Council or Senate.

51. Members of the Freedom of Speech Appeal Panel should not include individuals who have been involved in determining whether or not an event may proceed before it reaches the appeal stage.
52. Organisers will be informed of the decision of the Panel within 14 working days from the date City's Designated External Speakers Request Officer receives the appeal. An appeal can be brought on one or more of the following:
- i. That there has been a procedural irregularity.
 - ii. That there was bias on the part of the decision-maker or decision-making body.
 - iii. That the decision is unreasonable and/or that the mitigation is disproportionate.
 - iv. That there is new material evidence which the organisers can demonstrate was for good reason not previously available.
53. Where the Chair deems it appropriate, the Chair may invite the student(s) to a physical or online meeting to discuss their appeal. The Chair may request to meet with the student(s) on one or more occasions during the appeal and will normally:
- i. Inform the student(s) of the purpose of any such meetings in advance.
 - ii. Give the student(s) reasonable notice of any such meetings.
 - iii. Inform the student(s) of their entitlement to be accompanied to and/or represented at such meetings by a staff member or current student of the University, or a member of City's Students' Union/Union Advice Team.
54. City's decision about whether a meeting, event or activity (online or otherwise) can occur or speaker can perform following an appeal is final.
55. Any decision to cancel/mitigate a meeting, event or activity, or to reject an external speaker will be communicated in writing to the relevant student(s) via the Student's Union or Business School. City will provide the reason(s) for the cancellation, mitigation(s) or rejection.

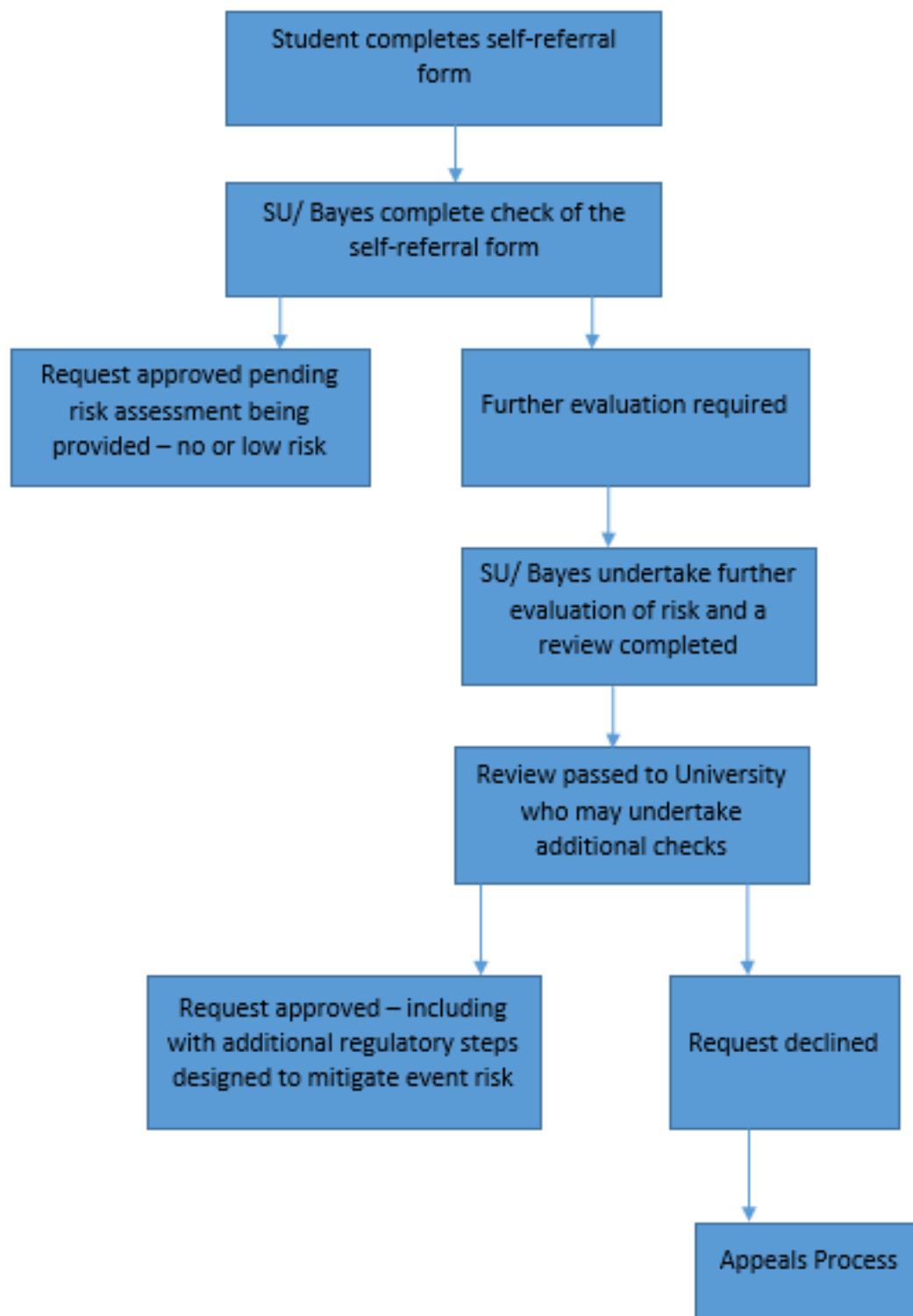
The Office of the Independent Adjudicator for Higher Education

56. The Office of the Independent Adjudicator (OIA) is an independent body set up to review student complaints. Decisions taken by City under this Code may be eligible for review by the Office of the OIA.
57. When City's internal procedures have been concluded students will be issued with a Completion of Procedures (CoP) letter. Where students remain dissatisfied with the final decision about their meeting, event or activity (online or otherwise) they may be able to apply to the Office of the OIA.
58. Guidance on submitting a complaint to the OIA and the OIA complaint form can be found on the OIA's website, <https://www.oiahe.org.uk/students/how-to-complain-to-us/>. More information about the OIA can be accessed at <http://www.oiahe.org.uk/>
59. The OIA can be contacted at 0118 959 9813 or enquires@oiahe.org.uk.

Reporting and monitoring

60. City complies with the requirements of the General Data Protection Regulation 2018 (GDPR) and the Data Protection Act 1998 (DPA). Anonymised statistical information relating to the number and type of events collected as part City's External Speakers Review process will be reported annually to ExCo, Equality Committee, Prevent Implementation Steering Group Council and the Office for Students annually. The will include the number of:
- i. Escalated speakers;
 - ii. Cancelled events;
 - iii. Reasons for cancellation;
 - iv. Reportable events to the OfS.
61. Complying with Freedom of Speech is an ongoing condition of registration with the OfS. Any event or circumstance relating to this Code that materially affects or could materially affect City's legal form, business model or ability to comply with the University's ongoing condition of registration will be deemed as a 'Reportable Events' and reported to the OfS in line with the University's regulatory requirement.

Overview of External Speaker Review Process



External Speaker Risk Management

Risk will be identified as low or high in relation to the following categories:

- a) The speaker is linked to a proscribed organisation as defined in the Terrorism Act 2000.
- b) The likelihood of the speaker's presence at the event resulting in a platform for the expression of promotion of extremism or radicalisation as defined in the Charity Commissions Guidance.
- c) The potential for the speaker's presence to cause breach of the peace and / or fear or alarm to students, staff or other members of the public.
- d) The potential for the speaker's presence at the event to cause the University and/ or Union to be in breach of its Equality, Diversity and Inclusion Policy.
- e) The potential for the speaker's presence to give concern for the health and safety of students, staff or members of the public.
- f) The requirement to uphold the freedom of speech as per this Code of Practice in relation to the Education Act
- g) The opportunities and risks to the University's/ Union's reputation of the speaker's presence at an event.
- h) The need for the University / Union to be seen to be and to be independent from party politics as defined in the guidance on Campaigning and Political Activity By Charities (CC9).
- i) Any other risk to the wider legal framework in which the University / Union operates.