

**Freedom of Speech – Code of
Practice**

1. The University of Sussex is proud to offer all our staff, students, members and visitors, the opportunity to engage with a democratic teaching and learning environment that encourages rational debate and challenges received wisdom. Our distinctiveness and success is defined through our institutional values of kindness, integrity, inclusion, collaboration and courage, which underpin our education, research and engagement activities. The University values diversity and is committed to the principles of academic freedom and freedom of speech and expression. In support of these values, an atmosphere of tolerance, where personal and academic growth take place is fundamental. This enables open discussion to debate a wide variety of ideas, some of which may be controversial. This Code of Practice exists to promote balanced and respectful debate.
2. This Code of Practice and the accompanying External Speakers' Procedure are issued pursuant to section 43(3) of the Education (No.2) Act 1986. The Code of Practice has been approved by the University's Council and will be reviewed annually by the Office of the General Counsel and Governance Services. The Code applies to all staff, students and visitors to the University. It applies to teaching, meetings and events on campus (whether internally or externally organised), Sussex-branded events held off campus, and events held on-line.
3. As a truly international institution we encourage all members and visitors to our campus and community to express opinions freely, within the law, and to enjoy open access to information. Sussex continues to build on its long tradition of offering scholarships and bursaries, employment and conference places to those who would not otherwise be in a position to enjoy the freedom to learn and to research without fear of restriction or reprisal.
4. All staff, students and visitors have the right to hold opinions and to receive and impart information and ideas so long as they do not break the law ("**the right to freedom of speech**"). The right may be restricted to protect the rights of other people if the restriction is proportionately justified. In accordance with section 43 of the Education (No.2) Act 1986, the University will take such steps as are reasonably practicable to ensure the right. In particular, the University will ensure, so far as is reasonably practicable, that no individual or body of persons is denied the use of any of its premises for reasons relating to their beliefs, views, policies or objectives. The University will only restrict the right (for example, by refusing to permit an event to take place on campus) if it is legal and proportionate to do so (for example, if risks of the kind identified at paragraph 7 below outweigh the strong interest in promoting free speech). In addition, academic staff at the University have the right to (a) question and test received wisdom and (b) put forward new ideas including controversial or unpopular opinions, without fear of being sanctioned for doing as long as they do not break the law ("**the right to academic freedom**"). The right applies to all activities that relate to academic life, whether those activities take place on or off the campus, including designing the curriculum and teaching. It is enshrined in Article VII of the University Statutes, pursuant to section 202 of the Education Reform Act 1988. Every member of the University is expected to uphold the right to freedom of speech and the right to academic freedom and nothing in this Code of Practice should be taken to limit the right to academic freedom or justify a disproportionate interference with the right to freedom of speech.
5. An appeal against a refusal of permission to hold an event involving an external speaker may be brought by the event organiser in accordance with the appeal process set out in the External Speakers' Procedure. Other complaints relating to freedom of speech or academic freedom may be lodged using the University's complaints procedures.¹

¹Staff may raise concerns with their immediate managers or may lodge a grievance under the [Regulation 30 Grievance Procedure](#). Students may lodge a complaint under the [University's Complaints Procedure](#). Members of the public may lodge a complaint under the University's Public Complaints Procedure [University's Public Complaints Procedure](#)

6. The University recognises that, on occasion, the views of some who exercise the right to freedom of expression may cause offence, shock or disturb others who do not hold those views. This, in itself, is not a matter for constraint and is not breaking the law. Allowing opposing views to be heard will continue to be encouraged by the University, with appropriate and timely risk assessments undertaken as required. We will be anticipatory
7. Only in limited circumstances will the University refuse permission for an event to be held. These may include:
 - 7.1 Where there are serious safety concerns for the speaker and/or others in this assembly, and the risks cannot be appropriately mitigated.
 - 7.2 When the speaker is from a political party during an election purdah (the time between the announcement of a General Election and the results of the election being announced).
 - 7.3 Where there is evidence that a speaker is likely to:
 - 7.3.1 incite hatred or violence; harass the assembly by using hate speech; cause a breach of the peace or is likely to transgress the bounds of lawful free speech or assembly;
 - 7.3.2 discriminate against or harass any person or group on the grounds of sex; gender reassignment; race, nationality or ethnicity; disability; religious or other similar belief; sexual orientation; marriage or civil partnership; pregnancy or maternity or age;
 - 7.3.3 defame any person or organisation;
 - 7.3.4 spread hatred and intolerance;
 - 7.3.5 encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism.
8. Organisations designated 'proscribed' by H.M. Government will not be able to use our premises (or speak on a University of Sussex "platform" off-campus, including at events hosted online). In all other circumstances, we encourage a transparent recording system for requests to host events and/or invite external speakers and if there are concerns, these shall be discussed and considered by the appropriate authority, as set out in the External Speaker Procedure document.
9. Underpinning all activities and central to the ethos of our community is the commitment to equality and diversity. The Equality Act 2010 and the Public Sector Equality Duty require us to prevent unlawful discrimination and promote equality of opportunity, fostering good relationships between different groups, including those with 'protected characteristics', as designated in the Act.
10. The duty of care to the University community and our approach to equality and diversity continues to inform our response to our "Prevent Duty". Under the Counter Terrorism and Security Act (CTSA) 2015, this existing duty was substantively reframed, and the Equality Act 2010 prohibits unlawful discrimination in relation to the nine 'protected characteristics', whilst the Public Sector Equality Duty set out in section 149 of that Act, requires the University to have due regard to the need to eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010. The University is required to integrate considerations of equality and good relations into its day-to-day business. Section 26 (1) of the CTSA 2015 imposes the Prevent Duty on universities, which is intended to be implemented in a 'proportionate and risk-based way'. As such, we are required to have "due regard to the need to prevent people from being drawn into terrorism". This is now incorporated into the risk assessment for holding events and the associated procedures.
11. Finally, across campus, staff training in the Prevent Duty is accompanied by training in Unconscious Bias and we are confident that in complying with the Prevent Duty, the University will continue to handle events and speakers with a consistent and proportionate approach and in such a way that upholds University values.

Document Control					
Document No		Version	3	Date Issued	January 2023
Author		Approved by	Council	January 2023	
	Senior Legal Counsel and Senior Manager, Governance and Compliance	Reviewed by	Interim Deputy COO, Governance and Compliance	Department	General Counsel, Governance and Compliance