



Freedom of Speech – Code of Practice and External Speaker Procedure

1. The University of Sussex is proud to offer all our staff, students, members¹ and visiting speakers the opportunity to engage with a democratic teaching, learning and research environment that encourages rational debate and challenges received wisdom. Our distinctiveness and success are defined through our institutional values of kindness, integrity, inclusion, collaboration, courage, and openness², which underpin our education, research and engagement activities. The University values diversity of background, identity, belief, thought, discipline, and method and is committed to the principles of academic freedom and freedom of speech and expression. In support of these values, creating an atmosphere of tolerance, in which personal and academic growth might take place is fundamental. This enables open discussion of and debate about 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 and to the Higher Education (Freedom of Speech) Act 2023. 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, members and visiting speakers of 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 staff, students, members and visiting speakers 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 members and visiting speakers have the right to hold opinions and to receive and impart information and ideas as long as they do not break the law. The right may be restricted to protect the rights of other people if the restriction is proportionately justified. The University promotes the importance of freedom of speech and academic freedom, and will take such steps as are reasonably practicable to ensure those rights are secured. 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

¹ Members of the University are defined in Regulation 1 [file.php \(sussex.ac.uk\)](file.php(sussex.ac.uk)), save that in relation to freedom of speech, 'member' does not include a person who is a member solely because of having been a student of the University.

² "Openness" to be included subject to item [XX] being approved at the Council meeting on 12 July 2024

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 8 below outweigh the strong interest in promoting free speech).

5. 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 adversely affected (by losing their job or privileges at the University, or reducing their likelihood of securing promotion or a different job at the University). This 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. The right is enshrined in Article VII of the University Statutes. 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.
6. Complaints relating to freedom of speech or academic freedom may be lodged using the University's complaints procedures.³ Any appeal against a refusal of permission to hold an event involving an external speaker should be brought by the event organiser in accordance with the appeal process set out in the External Speakers' Procedure, as annexed to this Code.
7. 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, objective and timely risk assessments undertaken as required. We will be anticipatory, as far as possible, and proportionate in our assessments of risk, and in how we might manage identified risks.
8. Only in limited circumstances, and following objective assessment, will the University refuse permission for an event to be held. These may include:
 - 8.1 Where there are serious safety concerns for the speaker and/or others in this assembly, and the risks cannot be appropriately mitigated.
 - 8.2 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).
 - 8.3 Where there is evidence that a speaker is likely to:
 - 8.3.1 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

³ Staff may raise concerns with their immediate managers or may lodge a grievance under the [Regulation 30 Grievance Procedure](https://www.sussex.ac.uk/webteam/gateway/file.php?name=griev-proc.pdf&site=302) <https://www.sussex.ac.uk/webteam/gateway/file.php?name=griev-proc.pdf&site=302> . Students may lodge a complaint under the University's [Complaints Procedure](https://student.sussex.ac.uk/complaints/university/procedure) <https://student.sussex.ac.uk/complaints/university/procedure>. Members of the public may lodge a complaint under the University's [Public Complaints Procedure](https://www.sussex.ac.uk/ogs/complaintsappeals/other) <https://www.sussex.ac.uk/ogs/complaintsappeals/other>. See also paragraph 6.3 of the External Speaker Procedure.

speech or assembly;

- 8.3.2 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;
- 8.3.3 defame any person or organisation;]
- 8.3.4 spread hatred and intolerance⁴ (also known as ‘hate speech’);
- 8.3.5 encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism.

- 9. Organisations designated as ‘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 maintain a transparent recording system for requests to host events and/or invite external speakers. If there are any concerns, these shall be discussed and considered by the appropriate authority, as set out in the External Speaker Procedure document.
- 10. 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 have due regard to the need to avoid unlawful discrimination, victimisation or harassment, to advance equality of opportunity and participation in public life by those who are under-represented in it, and to foster good relations between those who share a protected characteristic and those who do not.
- 11. Our approach to safeguarding and to equality and diversity continues to inform our response to our “Prevent Duty”. . The Prevent Duty requires us to have “due regard to the need to prevent people from being drawn into terrorism” and is intended to be implemented in a ‘proportionate and risk-based way’. This is part of the risk assessment for holding events and the associated procedures.
- 12. Across campus, staff training in the Prevent Duty is accompanied by training in unconscious bias. The University will continue to handle events and speakers with a consistent and proportionate approach and in such a way that upholds University values.
- 13. The University will, at least once a year, bring its duty to take steps to secure freedom of speech, and this Code of Practice, to the attention of all students.

⁴ For the avoidance of doubt, “hatred and intolerance” is a conjunctive term that is to be applied objectively and in accordance with paragraph 4 above. In this context, “intolerance” is closely related to “violence” and “hatred” and refers to an actively repressive approach rather than simply a strong opposition or dislike (as explained in the Government’s “New definition of extremism” (2024).



External Speaker Procedure

1. Definitions

- 1.1 Event – any talk, public meeting, reception, conference, seminar, lecture or exhibition conducted, hosted or sponsored by the University. This includes those organised by the Students’ Union either on or off-campus (including events hosted by other organisations taking place on University premises), and includes any event held online.
- 1.2 Event Organiser – the individual responsible for the on-campus, off-campus or online event being organised.
- 1.3 External speaker – an individual or organisation who is not a current student or staff at the University of Sussex or the Students’ Union who has been invited to speak at an event.
- 1.4 University Premises – any venue or location in the UK for which the University is directly responsible, permanently or temporarily.
- 1.5 Working day (for the purposes of this procedure) – Monday to Friday not including bank holidays.
- 1.6 Risk Mitigating Conditions – conditions placed on an event that must be complied with in order for the event to be able to take place.
- 1.7 External Speaker’ Panel (ESP) – the Panel is responsible for making decisions on behalf of the University where prior assessments have highlighted significant concerns/risks. The Panel is chaired by General Counsel and Director of Governance and Compliance and has senior academic representation as well as representatives from Campus Security and the Division of Communications, Engagement and Advancement.
- 1.8 Online External Speaker Request Form – the formal record to be completed for each External Speaker.

2. When to use this procedure

- 2.1 This procedure is annexed to, and should be used in conjunction with, the [Freedom of Speech Code of Practice](#). The Code promotes the importance of freedom of speech and academic freedom. The University will take such steps as are reasonably practicable to

ensure those rights are secured.

- 2.2 The University of Sussex External Speaker Procedure should be followed whenever an external speaker is invited to an event being held on the University of Sussex owned premises, off-campus but under the University's name, online **and where** the Students' Union External Speaker procedure **does not apply**. (Please see below)
- 2.3 The Students' Union has an External Speaker Procedure which needs to be adhered to when a student, student group, staff member of department within the Union organises an event with an external speaker (i.e. an individual or organisation who is not a current student or staff at the University of Sussex or Sussex Student Union).
- 2.4 The Student's Union External Speaker Procedure applies to the following:
 - a. *Staff and volunteers:*
 1. *All Students' Union staff*
 2. *Any elected officers and representatives*
 3. *Students' Union volunteers and contributors*
 - b. *All students using the Students' Union activities, services and opportunities including visitors and associate members*
 - c. *All activities, events and projects organised by the Students' Union, elected officers, affiliated clubs and societies, Union-recognised student campaign groups, media groups, registered volunteers and approved volunteer projects/groups, or Student Reps.*
 - d. *Any event organised by the above groups which are Union-affiliated, funded or branded, held outside the Students' Union building, i.e. in the University, off campus or in another country.*
 - e. *Any event organised by the above groups where external speakers are streamed live into an event or a pre-recorded film is shown.*
- 2.5 If the Event Organiser falls into any of the categories outlined in 2.4 above, then the Student's Union External Speaker process should be followed.
- 2.6 If the Event Organiser does not fall into any of the categories outlined in 2.4 above, then the University of Sussex External Speaker procedure should be followed.
- 2.7 An external speaker or venue booking should not be confirmed until it has been approved by either the University of Sussex or the Students' Union. It is therefore important that the process is started at the earliest opportunity.
- 2.8 For every event involving an external speaker, the [online External Speaker Request Form](#) must be completed. This online form will be the formal record of the proposed event and evidences the process which has been undertaken in making the decision as to whether an external speaker can be approved.

Consideration of an Event (Also see Appendix A Summary version of the University External Speaker Procedure and Appendix B – full version flow chart)

STAGE ONE

3. Self-assessment

- 3.1 Using the online External Speaker Request Form, the Event Organiser must undertake an objective self-assessment to determine whether further consideration or support is required locally or from the University.
- 3.2 The Event Organiser must ensure that nothing is done to advertise, publicise or promote the event through any channel unless and until this self-assessment has been undertaken and no issues have been identified.
- 3.3 The self-assessment process involves answering the following two questions:
 - a) Are there any objective concerns about the event content which might breach [Freedom of Speech Code of Practice](#)?

For example:

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.)

Is the speaker representing an organisation proscribed by the UK Government?

<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations>

Is the speaker likely to raise concerns under the Prevent Duty guidance in terms of encouraging violent extremism or terrorism, or drawing people into terrorism?

<https://www.gov.uk/government/publications/prevent-duty-guidance>

Is it likely that the speaker could do any of the following?

- a) 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.
- b) 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.
- c) Defame any person or organisation.
- d) Spread hatred and intolerance.

- e) Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism.

b) Will the event attract media interest or have the potential to attract a large gathering, which might have [health and safety](#) or crowd control implications?

For example:

Has the speaker been refused to speak here or at any other educational establishment before?

Is the subject of their talk or the organisation they represent likely to mobilise significant opposition, such that there might be a risk to safety of the public or members of the University community?

Does the speaker, or the organisation they represent have a controversial profile in the media and therefore likely to attract a heightened media interest?

Is the event likely to attract unusual interest or unusually large numbers?

If you need any guidance or advice on ensuring the safety of speaker and attendees, please contact the Security Team on 01273 678234

- 3.4 The Event Organiser must make themselves aware of the background and reputation of the external speaker in order to be able clearly to consider the above two self-assessment questions. The first consideration should always be whether the event can be managed safely and whether any measures should be put in place to mitigate any identified risks, in order that the event can take place.
- 3.5 If the Event Organiser reasonably decides that there are no issues the event can go ahead. **It is anticipated that the vast majority of events organised will fall into this category.**
- 3.6 It is important to seek further advice if there are concerns but this does not automatically block the event taking place. 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 objective risk assessments undertaken as required.
- 3.7 The University looks to empower its staff, delegating decision-making to the most appropriate level within the institution. It is recognised within these procedures that significant responsibility is placed in the Event Organiser in assessing all potential risks

associated with specific events and/or speakers. With that responsibility comes accountability. Should an Event Organiser have any queries in completing their initial assessment of an event then they should seek advice from their Head of School or Professional Services Director who may choose to escalate the request to the Local and/or University-level process if considered necessary.

STAGE TWO

4. Local Assessment

- 4.1 If the Event Organiser answers YES to either of the self-assessment questions then they should raise these issues with the relevant person – Head of School (HoS) or Professional Services Director (PSD).
- 4.2 The relevant person will consider the self-assessment and the issues identified by the Event Organiser. They may approve the event if the case is straightforward and they assess the risks to be low.
- 4.3 The Event Organiser should not advertise or promote the event until the local assessment has been undertaken and the external speaker approved.

STAGE THREE

5. University Assessment

- 5.1 If the self and/or local assessment identifies significant concerns which are unable to be easily mitigated, then the decision in relation to the engagement of the external speaker will be referred to an External Speaker Panel.
- 5.2 The External Speaker Panel is chaired by the General Counsel and Director of Governance and Compliance (or designated nominee). Members of the Panel (totalling four) will include a senior academic, a senior leader from the Division of Communications, Engagement and Advancement, and from security operations.
- 5.3 All the relevant information in relation to the event and the external speaker must be forwarded to the Senior Manager, Governance and Compliance within General Counsel, Governance and Compliance (GCGC) via the online External Speaker Request Form (who will administer the process), no later than **10 working days** prior to the date of the event.
- 5.4 The Panel will consider the event and/or proposed external speaker. The Panel may consider information from (but not limited to):

- *Open source online search*
- *Previous booking rejected by UoS*
- *Previous security or media issues*
- *Liaison with Head of Security and Police/Community Safety*
- *Home Office list of proscribed groups*
- *HM Treasury list of designated persons and entities*
- *Concerned groups*
- *Student groups*
- *Chaplaincy*
- *External bodies e.g. NUS*
- *Association of University Chief Security Officers (AUCSO) colleagues*
- *Other events already scheduled for same time on campus*

- 5.5 Where the Panel grants permission for an event, that permission may be subject to certain risk mitigating conditions which the Event Organiser must ensure are complied with. These conditions may include (without limitation) instructions on the location, format and scheduling of the event, for example ensuring the counter argument is represented, prior approval of, and/or limitations on, any publicity material, or requirements for the security measures to be taken at the event.
- 5.6 The Panel will ensure that, apart from in exceptional circumstances, use of University premises by any individual or body is not on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises.
- 5.7 The Panel will aim to make their decision in relation to the event within five working days of receipt of all the relevant information.
- 5.8 The Event Organiser should not advertise or promote the event until the university assessment has been undertaken and the external speaker approved.

6. Right to Appeal

- 6.1 Where permission is declined, the University shall provide reasons to the Event Organiser. The Event Organiser has the right to appeal any decision not to allow the event to proceed within five working days by making representations in writing to the Pro Vice-Chancellor of Culture, Equality and Inclusion. If there is insufficient time to hear the appeal before the scheduled date for the event, the event may have to be postponed pending the outcome of the appeal.
- 6.2 Within five working days of receipt of the appeal, the Pro Vice-Chancellor of Culture, Equality and Inclusion shall review the original decision and will notify the Event

Organiser of the outcome of their appeal.

- 6.3 Eligible persons may have a right to complain to the Office for Students about the University’s action or inaction under the Freedom of Speech Code of Practice or this Procedure using the Freedom of Speech Complaint Scheme operated by the Office for Students.

7. Use of University branding at events outside campus

- 7.1 Authorisation must be obtained from the Director of Communications, Engagement and Advancement (or designated nominee) before the University’s name is used in connection with an event or activity being planned off campus.
- 7.2 Any use of the University’s name or logo without permission may be subject to legal action in the event of a breach of the University Copyright.

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Appendix A

Summary version of the University External Speaker Procedure

External Speaker (non UoS Staff/Student) to be invited to speak on University premises (or off-campus under UoS name, or online)

For events organised being organised by a student, student group, staff member of department within the Students’ Union, please follow the Students’ Union [External Speaker Procedure](#)

For **ALL other events** with an external speaker, please follow the University of Sussex External Speaker Procedure as summarised below:

Complete the UoS online External Speaker Request Form using the External Speaker Procedure as guidance.

In ALL cases please complete the online External Speaker Request Form. Complete Stages 2 and 3 as appropriate.

Stage 1 – Self-Assessment

Stage 2 – Local Assessment

Stage 3 – University Assessment

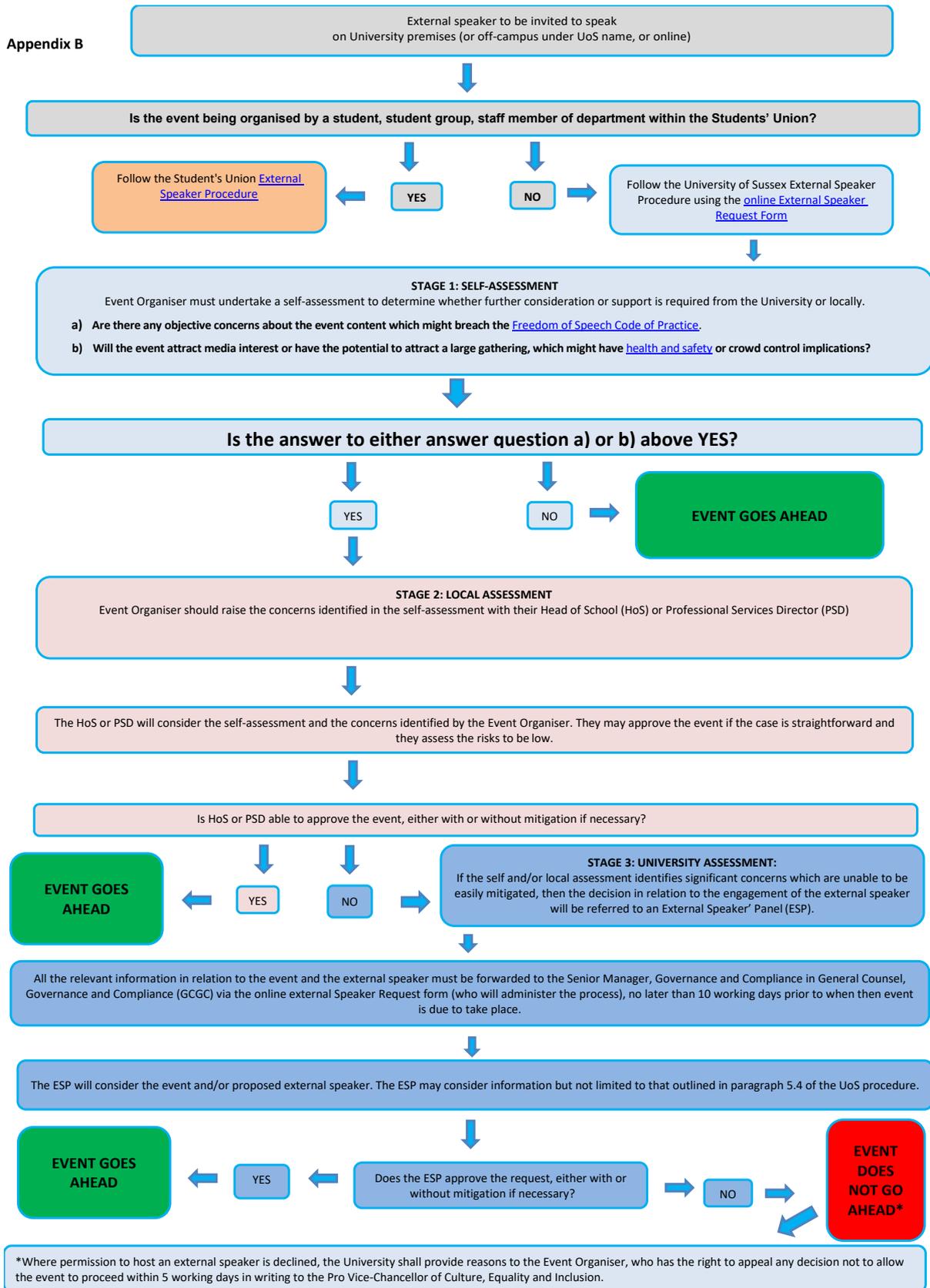
It is anticipated that the vast majority of events organised will not need to proceed beyond Stage 1.

- You only need to move on to Stage 2 (Local assessment) if you answer YES to either of the self-assessment questions.
- You only need to move on to Stage 3 (University assessment) if the local assessment cannot approve the event with or without mitigation.

Where permission to host an external speaker is declined in Stage 3, the University shall provide reasons to the Event Organiser, who has the right to appeal any decision not to allow the event to proceed within 5 working days in writing to the Pro Vice-Chancellor of Culture, Equality and Inclusion.

An external speaker or venue booking should not be confirmed until it has been approved by either the University of Sussex or the Students' Union. It is therefore important that the process is started at the earliest opportunity.

Appendix B



Approved by Council
July 2024