1. The University of Sussex is proud to offer all our staff, students 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. 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.

3. Article 10 of the European Convention on Human Rights (ECHR\(^1\)) provides that everyone has the right to freedom of expression whilst The Education Act (no.2) 1986\(^2\) and the Education Reform Act (1988)\(^3\) place duties on universities to secure freedom of speech “within the law” and to protect academic freedom\(^4\).

4. In the 1986 Act\(^5\) there is also a requirement for universities to maintain and update a code of practice that covers procedures for organising meetings and events which include external speakers, whether these are internally or externally organised. These include Sussex-branded events held off campus, as well as those held on-line. Ensuring freedom of speech and expression at these events is also a matter necessitating consideration of the health and safety of attendees.

5. Freedom of speech is not an absolute right and is to be exercised within the law. As such, there is a legal framework within which the University must operate, whilst securing both freedom of speech and academic freedom. This includes having regard to laws that govern public order as well as provisions in the Equality Act 2010.

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, as far as possible, and proportionate in our assessments of risk, and in how we might manage identified risks.

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\(^1\) ECHR 1950 Article 10 details the rights to freedom of expression along with restrictions and penalties as prescribed by law, in certain circumstances.

\(^2\) The Education Act (no.2) 1986 places a direct obligation on universities in England and Wales to ‘take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.

\(^3\) The 1988 Act requires pre-1992 universities to ensure that academic staff have freedom within the law to ‘question and test received wisdom’ and put forward ‘new ideas and controversial or unpopular opinions’ without fear of dismissal or losing privileges.

\(^4\) At the time of drafting the government proposes to strengthen and extend existing legislation on free speech and academic freedom in universities contained in the Higher Education Freedom of Speech Bill 2021 see https://researchbriefings.files.parliament.uk/documents/CBP-9215/CBP-9215.pdf

\(^5\) section 43(1).
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 ‘eliminate discrimination, harassment, victimisation’ and other conduct prohibited by the [Equality] Act. The Duty requires the University 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.