

## Freedom of Speech Guidance and Code of Practice

### Background

Richmond American University London has a proud history of promoting academic freedom and celebrating diversity. We understand that academic freedom is at the heart of the pursuit of knowledge, as well as a fundamental aspect of enabling students to think critically whilst engaging with perspectives that are different to their own. The founding principle of the University is Unity in Diversity, and international education is at the core of Richmond's [mission](#) to educate and inform future generations by providing them with the knowledge and support to think critically, the freedom to challenge assumptions and the skills to work with others.

### Definitions

- **Freedom of Speech** means everyone has the right to express lawful views and opinions freely, in speech or writing, without interference.
- **Academic Freedom** means protecting the intellectual independence of academics<sup>1</sup> to question and test received wisdom, and to put forward new ideas and controversial or unpopular ideas, without placing them in danger of losing their jobs or otherwise being held back from progressing in their career.

### Legal Framework

All universities registered with the Office for Students have an obligation to adhere to the [Public Interest Governance Principles](#), which include supporting academic freedom and freedom of speech. In addition, the [Higher Education Freedom of Speech Act 2023](#) requires Governing Bodies of higher education providers to take reasonably practicable steps to secure freedom of speech within the law.

In addition, the University's By-laws include a Freedom of Thought clause (3.1): *It is the purpose of the University to discuss, critique, debate and educate in an open and positive manner. In particular academic staff and students of the University have freedom within the law to hold and express opinions, question and test established ideas or received wisdom, to develop and advance new ideas or innovative proposals and present controversial or unpopular opinions*

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<sup>1</sup> We will review whether to include students in a revised version of this document once guidance from the Office for Students is more clear on academic freedom as it applies to students.

*without putting themselves at risk of losing their jobs, or any privileges or rights which they may enjoy at the University, by virtue of such ideas, proposals or opinions.*

## **Code of Practice**

All members of the University community - staff, students and visitors, have the right to hold opinions and to receive and impart information and ideas, provided they do so within the bounds of the law. This right may be restricted to protect the rights of other people if the restriction is proportionately justified. In accordance with the Higher Education Freedom of Speech Act 2023, 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, and/or is deemed to fall under Prevent duties.

In addition, academic staff at the University have the right to (a) question and test wisdom and (b) put forward new ideas including controversial or unpopular opinions, without fear of being sanctioned for doing so long as it is within the law. This 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, as well as online activity through social media.

There are a number of processes that help us to ensure we protect these rights, listed below.

### **Ethical Considerations in Research**

*The Research Ethics Committee* has endorsed a statement affirming the right to freedom of speech. At the start of every academic year when the Ethics Committee meets to discuss application processing, ethical practice, and procedures, the Ethics Committee members are reminded that they are assessing a student's or faculty member's ethical use of research methods, the respectful treatment of their participants and/or primary sources of data, and compliance with the Data Protection Act 2018 / GDPR. It is not the place of the Ethics Committee nor its members to comment on the guiding theory, perspective, philosophy, or hypothesis of the student's research, nor is it within the remit of the committee to assess the ontology and epistemology the student or faculty member brings with their research project's application.

Ethics Committee members are assessing that students and faculty are compliant with child and adult safeguarding legislation, the UK government's PREVENT strategy, the Health and Safety at Work Act 1974. Applications may be turned down and referred back to the student if the study details are not compliant with these laws, policies, or guidance; however, applications are not rejected or referred for the selection of their theoretical overview or potential research conclusions. When new members join the Ethics Committee mid-term, they are trained to be

aware of these points and guidelines, ensuring freedom of speech and intellectual autonomy are respected during ethical research application processing.

## Harassment

The University is committed to creating a safe and respectful environment. The University takes seriously the *protection of staff and students from harassment* based on their beliefs or perspectives. The University believes that that all students and staff have the right to study and work in an environment in which they are respected for the contributions they make, free from any form of sexual and gender-based violence, abuse or harassment. The [Harassment and Sexual Misconduct Statement](#) provides information to students who have concerns about harassment, particularly directing them to the Student Code of Conduct which is updated annually.

The University has signed a pledge not to use *Non-Disclosure Agreements (NDAs)* in responding to complaints of harassment and sexual misconduct. The pledge, backed by campaign group 'Can't Buy My Silence' and the government, commits Richmond to not using legally binding NDAs against students and staff who come forward to report abuse or misconduct.

## External Speakers

The University welcomes *external speakers* as part of its range of annual events. These are usually events organised by Richmond's recognised Research Centres, and a process is in place to ensure speakers are aware of the University's obligations under the Prevent Duty and the Higher Education Freedom of Speech Act. An External Speakers' form (overseen by the Provost's Office) sets out the parameters under Prevent to which speakers agree to adhere when they sign it, and the completion of these forms is a key element of our Prevent data return.

Each year, the University Board and Board of Trustees reviews the Prevent Duty Risk Assessment and Action Plan, as well as the Prevent data return, to assure that the University has the appropriate processes in place to fulfil its obligations under the Prevent legislation.

This Guidance and Code of Practice has been developed with input from both staff and students. It will be reviewed annually by University Board, Academic Board and the Board of Trustees.

Version	Date	Notes
1.0	20.10.23	Draft to UB for comment
1.1	12.2.24	Final Version to UB for approval – review due in one year