

The Courtauld

The Courtauld Institute of Art Code of Practice on Free Speech

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1.1 Scope and Purpose

The purpose of this Code is to ensure that, as far as reasonably practicable, free speech within the law is secured for The Courtauld's students, staff and visiting speakers and that academic freedom within the law is secured for our academic staff.

This Code and the requirement to have particular regard to the importance of free speech must be considered in the implementation of all other codes, policies and procedures of The Courtauld.

This Code applies to:

- all staff of The Courtauld and individuals undertaking duties on its behalf, including members of the Governing Board and its committees
- all students of The Courtauld, including those registered for short courses and learning
- all live and recorded activities, including events, meetings and all education and research activities, that are held in The Courtauld's name
- visitors speaking at, taking part in and attending events organised by The Courtauld, whether in person or online.

The Courtauld's Students' Union has adopted this Code of Practice in relation to Events organised by the Students' Union¹.

1.2 Context

The Courtauld aims to generate the world's most original and rigorous new thinking on the visual arts. To do so it seeks to provide an inclusive learning environment where intellectual debate and discussion flourishes and where staff, students and visitors are able to question, debate and challenge received information without penalty.

As a diverse community, we value and encourage approaches that support the co-existence of a wide variety of conflicting opinions and ideas so that challenging and unpopular speech is not stifled or feared. We support '[disagreeing well](#)' in this context.

Our curriculum seeks to expose students to a wide range of thoughts and ideas. Our commitment to academic freedom supports academics' freedom to express their views, even if controversial or unpopular, in the areas of their research and professional expertise.

The Courtauld recognises that free speech must nevertheless operate within the law. Unlawful speech is not protected, although the assumption is that speech is permitted unless it is specifically restricted by law. For example, a speaker who incites an audience to violence or radical hatred transgresses the bounds of lawful speech. The Courtauld will

¹ Student Parliament, 7 June 2024

balance its commitment to free speech with its duty to protect all members of its community. It recognises that freedom of speech within the law includes speech that may be offensive.

1.3 Definitions

This Code of Practice ('Code') refers to free speech and academic freedom.

'Free speech' means any lawfully expressed views and opinions and includes the spoken word, written materials and other forms of expression, including images, symbols and works of art.²

'Academic freedom' means academic staff are free within the law to question and test received wisdom, and put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or the privileges they may have.³

1.4 Legislative Context

This Code supports The Courtauld's compliance with legal duties arising from:

- Section 43 of the Education (No 2) Act 1986, as updated by the Higher Education and Research Act 2017
- the Higher Education (Freedom of Speech) Act 2023.

It also needs to be understood in the context of other legal duties outlined below.

The Equality Act 2010 requires The Courtauld to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between all members of our community. It also imposes obligations not to discriminate on the grounds of the relevant protected characteristics.

The Counter Terrorism and Security Act 2015 places an obligation on the University to have due regard to the need to prevent people from being drawn into terrorism ('the Prevent Duty'), whilst also having particular regard for the duty to ensure free speech and to the importance of academic freedom.

Freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10) are safeguarded by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998. However, these are subject to certain qualifications.

The protection from Harassment Act 1997 creates both civil and criminal offences for

² Adapted from OfS definition

³ OfS definition in public interest governance principles

harassment and makes provision for protecting persons from harassment and similar conduct.

The Public Order Act 1986 contains a range of criminal offences relating to violent conduct and speech or actions that threaten violence causing someone to fear for their safety or causing another person harassment, alarm or distress.

1.5 Roles and Responsibilities

The **Governing Board** is responsible for the approval of this Code and subsequent amendments. It will receive an annual report on its operation.

On behalf of the Märit Rausing Director, the **Director of Governance** is responsible for oversight and co-ordination of the Code and its effective operation.

Members of the **Senior Management Team** and **Operational Leadership Group** are accountable to the Director for the application of the Code to all activities under their management.

The **Students' Union President** is responsible for the application of the Code to all activities within the remit of the Students' Union.

2.1 Free speech procedures, governing academic life and including the approval of Events and External Speakers

The Courtauld has free speech procedures that govern all areas of academic life, including the approval of events and external speakers. Details are provided in appendix 1.

The Courtauld's position as a higher education provider gives authority and legitimacy to views expressed by those associated with it, including invited speakers. The Courtauld is not obliged to provide a platform simply because a particular individual or external organisation wishes to speak; visiting speakers do so by invitation from our staff or students; the rights of such speakers to free speech within the law is protected under the procedures in this Code.

2.2 Complaints

Students, staff and visitors who wish to raise a complaint about free speech (and/or academic freedom in the case of academic staff) should follow the procedure set out in appendix 2.

Complainants are encouraged to seek resolution under this complaint procedure in the first instance. The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its website.

2.3 Communication and dissemination

A statement on our commitment to free speech and academic freedom with a link to this Code of Practice is provided on our website.

The Code of Practice will be brought to the attention of all staff and all students at least once a year. It will also be drawn to the attention of all visiting speakers.

To support implementation of this Code of Practice, appropriate training will be provided to staff and officers of the Students' Union, in particular those with direct responsibility for managing and upholding freedom of speech and academic freedom.

2.4 Review

This Code will be reviewed at least every three years by the Governing Board. The framework for consultation on any changes is set out on page one.

This Code is next due for review on or before July 2027.

Adoption of this Code by the Students' Union will be reviewed at least every three years by the Student Parliament.

List of appendices

UNDER REVIEW FOLLOWING THE GOVERNMENT'S ANNOUNCEMENT OF JULY 2024 THAT IMPLEMENTATION OF THE HIGHER EDUCATION (FREE SPEECH) ACT 2023 WAS BEING STOPPED'

Appendix 1 –Free speech procedures governing academic life and including events and external speakers

Appendix 2: Free speech complaints procedure

Appendix 3: Additional guidance on protests

Appendix 4 : Free Speech Panel- guidance notes on operation

Appendix 5 : Event proforma

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