

APPENDIX A: EXTERNAL SPEAKER CODE OF CONDUCT

Guidance and legal obligations relating to external speakers at Central.

1. Introduction

This code of conduct exists to ensure that all speakers taking part in a Central hosted or run event or activity, on campus or elsewhere, act in accordance with the Central's External Speaker Policy. It is the responsibility of the event or activity organizer from within Central to ensure that:

- this Code of Conduct is communicated to all external speakers (once approved and confirmed via the booking process outlined in the External Speaker Policy);
- all reasonable steps are taken to ensure that the requirements within it are upheld during the running of the event or activity.

2. Freedom of speech

Freedom of speech is fundamental to a higher education provider. The Education Act (No 2) 1986 requires Central to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers. The Board of Governors of the School therefore requires all employees and students of the School to tolerate and protect the expression of opinions within the law, whether or not these opinions are repugnant to them. However, whilst the law promotes and protects freedom of speech, it also places limits on those freedoms in order to maintain public order and safety and to ensure that there is no breach of the law. The School recognizes that in this context a conflict exists between the laws which promote freedom of speech and those which restrict it and consequently acknowledges that it has a legal responsibility to create a balance between minimizing the possibility that any unlawful conduct will arise on campus and ensuring that it meets its legal obligations in relation to securing freedom of speech.

3. Legal Context

Higher education providers operate in a complex legal environment and so it is vital that all individuals involved in the external speaker process, including the speakers themselves, understand the legal framework and context that governs this area. Examples of some of the relevant areas of law are given below:

- Private Rights – people are entitled to protection from harassment, defamation and unlawful breach of their human rights, as well as from unfair treatment under equality law. Health and safety law, data protection and contract law may also be relevant in this context.

- Criminal Law – hate crimes, harassment, breach of the peace and terrorism all come under criminal law. There is also legislation around public meetings, public processions/assemblies and public order which may be of relevance.
- Public law – Freedom of Speech and some duties under the Equality Act are captured under public law.

4. Conduct

Central expects external speakers to act in accordance with the law and not to breach the lawful rights of others. Set out below are some examples of Central's expectations. Please note that this is not intended to be an exhaustive list of unacceptable conduct by external speakers. Central reserves the right not to permit an external speaker to speak at or attend an event, to refuse to permit an event and/or to halt an event at any time if it reasonably considers there may be a breach of the External Speaker Policy or of any legal obligation.

During the course of the event at which they participate, no speaker shall:

- act in breach of the criminal law;
- incite hatred or violence or any breach of the criminal law;
- encourage or promote any acts of terrorism or promote individuals, groups or organizations that support terrorism;
- spread hatred and intolerance;
- discriminate against or harass any person or group on the grounds of their sex, race, nationality, ethnicity, disability, religious or other similar belief, sexual orientation or age;
- defame any person or organisation;
- raise or gather funds for any external organisation or cause without express permission of the School.

During the course of the event at which they participate, all speakers shall:

- comply with this External Speaker Code of Conduct.
- present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question;
- follow the Central's policy on and instructions relating to health and safety.

5. Segregation

Higher education providers have duties under the Equality Act 2010 as education providers, employers and service providers; thus they must not unlawfully discriminate against students, employees and other individuals to whom services are provided. Segregation by any of the protected characteristics is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the public or employees of the School or the Students' Union. Segregation is therefore not permissible for any event covered by the External Speaker Policy and this Code of Conduct. The only exception to this would be for events that are organised by, and specifically for, a group identifying under one of the protected characteristics who choose to 'self-segregate' (examples might include a BAME focus group or a gathering related to a particular form of protected religious worship); enforced segregation is never acceptable.

6. Complaints

An external speaker who wishes to complain about the application of this Code of Conduct can do so in writing to the Principal. Refer to the External Speaker Policy for more information.

7. Review

Central's External Speaker Code of Conduct will (along with the overarching External Speaker Policy) be reviewed annually and updated in response to legislative changes and other factors.

8. Further Reading

Equality and Human Rights Commission (2019), *Freedom of expression: a guide for higher education providers and students' unions in England and Wales*. Available at: <https://www.equalityhumanrights.com/en/publication-download/freedom-expression-guide-higher-education-providers-and-students-unions-england> (accessed 4 March 2019)