

Code of Practice on Freedom of Speech

1. The Importance of Freedom of Speech and Academic Freedom

1.1. Our Values

- 1.1.1. Freedom of speech and academic freedom are fundamental to the university, and to how we achieve our charitable purpose to be a centre of excellence in research and teaching relating to Asia, Africa and the Middle East. SOAS has a long-standing commitment to protecting and promoting freedom of speech and academic freedom, and to taking the steps which are reasonably practicable to secure freedom of speech and academic freedom within the law.
- 1.1.2. SOAS has adopted this Code of Practice ("the Code") to ensure that freedom of speech within the law is promoted and secured for our students, staff, and visiting speakers. It also supports the university's duty to promote and secure academic freedom for academic staff.
- 1.1.3. SOAS provides a wide range of settings where free and frank intellectual exchanges take place. Within this the diverse views of individuals are tolerated, as are the voices of those who wish to peacefully protest. This is central to SOAS culture and protected in law.
- 1.1.4. SOAS endeavours to provide a platform to facilitate discourse on contemporary matters by encouraging critical debate, within the law, where all parties are treated with respect.

1.2. Guiding Principles and Definitions

- 1.2.1. Free speech and academic freedom are protected unless they break the law. There is no need to point to a specific legal basis for permitting particular speech. Rather the starting point is that speech is permitted unless it is restricted by law.
- 1.2.2. The Code, and its requirement to have particular regard to the importance of free speech, must be considered alongside all other SOAS Codes of Practice, policies and procedures including but not limited to HR policies for academic staff and the Dignity and Respect Policy.
- 1.2.3. The expression of views which are unpopular, controversial or provocative or which cause offence is not, in itself, breaking the law.

- 1.2.4. While they are often used interchangeably, freedom of speech and academic freedom are different terms that relate to each other. There are several different definitions for each concept, but broadly speaking:
- 1.2.4.1. Freedom of speech means everyone's freedom to impart ideas, opinions or information by means of speech, writing or images (including in electronic form)
- 1.2.4.2. Academic freedom means the freedom of our academic staff to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of losing their jobs or privileges with us, or reducing the likelihood of them securing promotion or different roles at the university.
- 1.2.5. Threats to academic freedom can emerge from a variety of external stakeholders including governments, corporate bodies and not for profit agencies as well as internal stakeholders including management, academics and student groups.

1.3. Ownership of the Code

- 1.3.1. The Board of Trustees is responsible for the approval of the Code and for seeking assurance on its effective operation to ensure that, as far as reasonably practicable, freedom of speech within the law is secured for SOAS students, staff, and visiting speakers and that academic freedom is secured for academic staff. The Board of Trustees will ensure that the Code is brought to the attention of students and staff on an annual basis.
- 1.3.2. Responsibility for the interpretation and implementation of the Code is delegated by the Board of Trustees to the Vice-Chancellor.
- 1.3.3. The Executive Board will review the Code every three years and consult with Senate on any significant changes to it.

2. The Law

2.1. Freedom of Speech and Unlawful Speech

- 2.1.1. The Higher Education (Freedom of Speech) Act 2023, which amends the Higher Education and Research Act 2017, places a duty on SOAS to secure freedom of speech, within the law, for students, staff and visiting speakers. It also places a duty to secure academic freedom for academic staff.
- 2.1.2. A range of other legislation, including but not limited to the Equality Act 2010 (see SOAS Equality and Diversity Strategy for further detail), the Public Order Act 1986, Protection from Harassment Act 1997, and the Counter Terrorism and Security Act 2015, sets out when speech might be unlawful. Examples include the following:
- racially or religiously aggravated offences
 - threats to kill
 - endeavours to break up a public meeting
 - fear or provocation of violence

- intentional harassment, alarm or distress
- acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation
- encouraging or assisting the commission of an offence
- incitement to commit acts of terrorism overseas
- inviting or encouraging support for a proscribed organisation
- encouragement of terrorism including the glorification of the commission or preparation of terrorism
- encouragement of terrorism and dissemination of terrorist publications.

2.1.3. Exposure of students to course materials, and statements made, and views expressed by a person as part of teaching, research or discussions about any subject matter that is connected with the content of a course, are unlikely to constitute harassment, unless shown otherwise.

2.2. The Prevent Duty

2.2.1. Under the statutory duty derived from the Counter Terrorism and Security Act 2015 (the 'Prevent duty'), SOAS has a legal obligation to consider whether the views to be expressed, or that are likely to be expressed, by a speaker on campus constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups; and in such circumstances not to allow events to proceed except where SOAS is entirely convinced that such risk can be fully mitigated without cancellation of the event. However the Prevent duty does not in any way change the definition of free speech within the law or the presumption in favour of free speech within the law. Support for or promotion of terrorism is already illegal under previous legislation and as such SOAS will not allow it to take place on its premises.

2.3. Non-disclosure Agreements

2.3.1. In line with the Higher Education (Freedom of Speech) Act 2023, SOAS is committed not to enter into non-disclosure agreements relating to complaints about sexual misconduct, bullying or harassment which prevent complainants from publishing or sharing information about their complaint.

3. Applying the Code

3.1. Scope

- 3.1.1. The Code applies to all activities on any premises which are managed and operated by SOAS.
- 3.1.2. The Code applies to all activities of staff or current students in any other location when carried out in the name of SOAS or of the SOAS students' union or its members if they are using the university's premises or engaged in events organised or sanctioned by SOAS.
- 3.1.3. The Code sets out rules for holding activities such as meetings and events, including public lectures, conferences, lectures, seminars, committee meetings

and musical and theatrical performances ('events'). These are provided in section 4 of the Code. The principles of the Code also apply to online events.

- 3.1.4. The principles contained within the Code apply to teaching and curriculum content and the facilitation of research, as well as external speaker events.
- 3.1.5. The Code, as with all SOAS policies and procedures, will apply equally to all internal and external stakeholders consistently at all times.

3.2. General Application

- 3.2.1. Determining what is acceptable in terms of freedom of speech or academic freedom can be a difficult and complex decision. There may be occasions when there needs to be debate and deliberation escalated through SOAS's governance structures.
- 3.2.2. Senior Officers across SOAS (including Heads of Colleges/Departments/ Institutes and Directors of Professional Services) are responsible for the day-to-day implementation of the Code and accountable to the Vice-Chancellor for ensuring that the Code and its principles are applied consistently across all activities under their management.
- 3.2.3. The Vice-Chancellor shall report to the Board of Trustees on the circumstances of any significant infringements of, or departures from, the provisions of the Code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the relevant SOAS policy or code.
- 3.2.4. The communications team – working together with the governance team – will be responsible for ensuring that there is a recurring communications plan at least once a year which (1) helps to build and maintain a shared understanding of freedom of speech and academic freedom; (2) shares the Code with students and staff (which is an annual obligation under the legislation); (3) shares the Code with any internal or external event organisers and (4) signposts how any concerns about freedom of speech and/or academic freedom should be raised by staff and students.
- 3.2.5. The governance team will ensure that whenever relevant policies and procedures are introduced, consideration is given to their impact on freedom of speech and academic freedom. This requirement will be documented within the SOAS framework for developing policies, procedures and guidelines.

3.3. Use of Premises

- 3.3.1. Subject to clause 3.3.2, the use of premises will not be denied to any individual or body of persons on any ground connected with:
 - a) the beliefs or views of that individual or of any member of that body; or
 - b) the policies or objectives of that body, except if there are reasonable grounds to suspect that unlawful activity is likely to occur.

- 3.3.2. SOAS may impose such conditions on the use of its premises as are reasonably necessary for the discharge of its obligations relating to the health and safety of its students, staff, members and other persons lawfully upon the premises (including external speakers) or for the efficient conduct and administration of its functions. Conditions for events may include, for example, restrictions on access by those outside SOAS, or the provision of appropriate security. Decisions on this will be made by the internal event sponsors (see section 4.2) and any appeals can be made to the Vice-Chancellor or one of the Deputy Vice-Chancellors.
- 3.3.3. SOAS will not pass on security costs for use of its premises except in exceptional circumstances. Circumstances are “exceptional” when security costs exceed £500 (such sum to be reviewed annually by the Board of Trustees). In these circumstances, SOAS will pass on the amount in excess of £500 of security costs to the organisers.
- 3.3.4. While SOAS will not decline a booking on the grounds set out at 3.3.1 above, there may be occasions when practical considerations such as the cost, short notice, or other difficulties in providing an appropriate level of security lead to SOAS having to modify, impose conditions on, postpone, decline or cancel an event or booking.

4. Booking Events

4.1. What Organisers Need to Do

- 4.1.1. Bookings are handled by the conference office which sits within the estates and programmes directorate. Organisers need to book at least twenty working days before the event. The Procedure for the Booking and Conduct of Events provides further detail about the booking process. Organisers need to provide all the information concerning the event, including completed risk assessments, at least ten working days in advance of the event for consideration by the conference office.
- 4.1.2. To book an event through the conference office organisers will need to have received sign off from an internal event sponsor before the booking is submitted. An ‘internal event sponsor’ will be the relevant Head of College/Department, or a Director of Professional Services or the Students’ Union Chief Executive. For any external bookings, sign off will be required from the Head of Safety and Security before the booking is made with the conference office. An alternative Head of College/Department, Director of Professional Services, or member of the Student’s Union management team will need to provide sign off when postholders are away from work.
- 4.1.3. The organisers of any event which is booked through the conference office are required to appoint an individual to act as ‘Principal Organiser’ of the event. The Principal Organiser is responsible, as far as is reasonably practicable, for ensuring that the organisation of the event and the conduct of those attending it, whether from the SOAS community or outside, is lawful and conforms to the provisions of the Code, to all relevant SOAS guidance and to any condition relating to the event

imposed under the Code. This includes ensuring that the chair of the event is properly briefed. The Principal Organiser is also required to be present at the event.

4.2. What Internal Event Sponsors Need to Do

- 4.2.1. Internal event sponsors will need to be able to make informed judgements about freedom of speech compliance as per this Code of Practice.
- 4.2.2. The internal event sponsors, will seek advice if necessary on matters related to free speech in the first instance from the Director of Governance (who may consult with the Vice-Chancellor or one of the Deputy Vice-Chancellors), especially in cases in which issues of principle in respect of free speech appear to arise, or if it is proposed that access to an event be significantly modified or curtailed or that it be postponed or cancelled. Any stipulation requiring one or more speakers not to participate in an event which otherwise goes ahead requires the explicit approval of either the Vice-Chancellor, or one of the Deputy Vice-Chancellors, who will have the right to take the final decision in respect of the operation of the Code.

4.3. Role of Security

- 4.3.1. The Head of Safety and Security, or their nominee, will provide security risk management advice to event organisers. Where the organiser, sponsor or security team identifies that an event poses a security risk to any person, facility or business process, the Head of Safety and Security or their nominee can be requested to provide or coordinate security arrangements for the event. They will act as the main point of contact for any necessary dealings with the police. In addition, where security-related decisions need to be taken at very short notice – such as immediately prior to an event or where an event is under way – the Director of Estates or the Head of Safety and Security has delegated authority to cancel, postpone or close an event, or impose whatever restrictions are necessary to ensure security, safety and the maintenance of good order. They will normally do so in consultation with the Principal Organiser and the chair of the event, as long as circumstances allow. The Director of Estates and the Head of Safety and Security will be held accountable for any such decisions by the Vice-Chancellor and the Executive Board.
- 4.3.2. Security and safety risks under 4.3.1 are defined as risks to the life or physical health of any person, or of damage to the premises, or of theft of or damage to property, or of disruption of an event to the point at which good order is threatened. Examples of contravention of good order are given at paragraph 4.5.2. The Head of Safety and Security or their nominee has authority over the conduct of all security activity conducted on the premises. Normally only SOAS security and officially-retained contractors may conduct security activity on the premises. The presence of any external security organisation on the premises, and their role and conduct while on the premises, must be authorised by the Head of Safety and Security or their nominee.

4.4. Decision-making and Conditions

- 4.4.1. In considering whether or not to allow a particular event to take place under its authority, SOAS has to consider whether the activity may be unlawful (see paragraph 2.1). In the first instance this responsibility sits with the Principal Organiser of the event. Where there are concerns about an event or an associated protest then SOAS must consider how risks can be managed or mitigated. The expression of views which are unpopular, controversial or provocative or which may cause offence does not, if lawful, constitute grounds for the refusal or cancellation of an event or an invited speaker.
- 4.4.2. SOAS reserves the right to impose such conditions upon the use of the premises as are reasonably necessary for the discharge of its obligations relating to the safety, health and welfare of its registered students, employees and other persons lawfully upon the premises or for the efficient conduct and administration of its functions. Conditions for events may include, for example, the issue and control of tickets, the provision of appropriate security, or compliance with advice received from the police. Event organisers may be required, in exceptional circumstances, to meet part of the costs of security (see paragraph 3.3.4).
- 4.4.3. Withholding or withdrawal of permission for an event will only occur in exceptional circumstances where effective measures cannot be put in place to secure freedom of speech within the law, or to discharge SOAS's obligations relating to the safety, health and welfare of its registered students, employees and other persons lawfully upon the premises or for the efficient conduct and administration of its functions. Wherever possible, the Principal Organiser and appropriate internal/external parties will be consulted by SOAS before such a decision is made.

4.5. Conduct

- 4.5.1. Freedom of speech and academic freedom mean that individuals must behave in a way which allows others to access teaching, classes or events, or their immediate vicinity, and allows them to hear a speaker and contribute to discussion, including questioning the views of those participating in the class or event.
- 4.5.2. Everyone who organises, speaks at or attends an event at SOAS is required to observe good order. Good order includes, but is not limited to, refraining from the following:
- preventing participants from accessing or leaving events safely;
 - preventing speakers from being heard clearly;
 - chanting or using foul or abusive language, including racial abuse;
 - refusing reasonable requests from the chair of an event, event steward or other SOAS staff involved in managing an event;
 - displaying flags, banners, placards or similar items in an indoor event;
 - using loud hailer in an indoor event;
 - throwing any item;
 - acting in any other way which is threatening or abusive, or which denies to others their right to legal free speech.

- 4.5.3. Organisers of online events are responsible for assuring the good order of remote participants who may join anonymously. The online event solution (such as Teams and Zoom) should be configured to vet attendees if necessary and moderate the conduct and behaviour of participants including muting microphones or disconnecting attendees should their conduct become abusive or disruptive.

4.6. Chairs of Events

- 4.6.1. Events that are open to people other than current SOAS staff or students should be chaired by a suitable and experienced figure who is fully familiar with SOAS, meaning in principle an established (not visiting) or emeritus member of the SOAS academic staff. Any exceptions to this must be approved by the Vice-Chancellor or one of the Deputy Vice-Chancellors. This may be requested by the Principal Organiser or the Director of Governance, even for a limited access event if appropriate.
- 4.6.2. It is the responsibility of the chair of an event to ensure that anyone who wishes to challenge or criticise the views of the speaker(s) is allowed to do so in an orderly fashion.
- 4.6.3. The primary duty of the chair of the event at all events is to uphold freedom of speech within the law. This means that the chair of the event must adhere at all times to this Code. The chair of the event also has important responsibilities in maintaining good order at events, and must follow the relevant guidelines. Chairs at SOAS events should therefore always act impartially in their facilitation of discussion and debate.
- 4.6.4. At events where discussion is likely to be highly polarised and provoke especially strong feelings and responses, chairs should take particular care to ensure that they act impartially and that they are seen to do so. At events of this type, chairs may pose questions to the speaker(s) but should not be a speaker at the event themselves or be expressing their own views on the subject matter of the event. Chairs for events of this type must be willing to undertake the relevant preparation, in coordination with the support of relevant SOAS staff, in the run up to the event.
- 4.6.5. The Vice-Chancellor, or one of the Deputy Vice-Chancellors, may reject a proposed chair of an event and require event organisers to find a different chair. The reasons must be communicated in written form to the Principal Organiser, and are limited to:
- the proposed chair is not a suitable and experienced figure who is fully familiar with SOAS;
 - there are reasonable grounds to believe that the proposed chair will not act impartially. Such grounds may include that they have not acted impartially when chairing previous events or have not upheld freedom of speech at previous events.

5. Appeals and Complaints

5.1. Internal

- 5.1.1. SOAS has procedures in place for members of the SOAS community to raise concerns and, where applicable, formal complaints in relation to their rights to free speech and academic freedom. SOAS also ensures that the appropriate procedures are in place in order to allow its stakeholders to report any concerns to be investigated promptly and thoroughly. The SOAS public complaints procedure is available on the SOAS website, or concerns can be raised via the Report and Support portal available on the SOAS website.

5.2. External

- 5.2.1. Students may apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of matters that have been decided under the SOAS student complaints procedure.
- 5.2.2. Any other third party can raise concerns via the SOAS public complaints procedure, available on the SOAS website, or through the Report and Support portal available on the SOAS website.

6. Version Control

Code of Practice on Freedom of Speech			
Document type:	Code of Practice		
Document number:	SOAS-281	Version:	01
Department:	Legal and Governance		
Approved by:	Board of Trustees	Date approved:	17/07/2025
Effective from:	18/07/2025	Review date:	18/07/2028
Publication:	SOAS website		
Related documents:	SOAS Equality and Diversity Strategy, SOAS Dignity and Respect Policy, SOAS Procedure for the Booking and Conduct of Events, SOAS Public Complaints Procedure		
Documents replaced:	SOAS-111 Policy on Freedom of Speech and the Conduct of Events		
<p><i>Note: All policies must be read in conjunction with all other SOAS policy, procedure and guidance documents. Printed copies of policies may not be the most up to date, therefore please refer to the policy pages on the SOAS external website or intranet for the latest version.</i></p>			