



Royal College of Art

Code of Practice on Freedom of Speech

1. Introduction

1.1 One of the most fundamental responsibilities of the Royal College of Art (RCA) as an institution is to protect and promote freedom of speech and academic freedom.

1.2 This means that the RCA as a university must take all steps that are reasonably practicable to secure freedom of speech and academic freedom. This includes supporting the College's staff and students in sharing, researching and debating different topics and opinions.

1.3 It is the responsibility of the RCA's Council, as its governing body, to ensure that these freedoms are secured in accordance with the Higher Education (Freedom of Speech) Act 2023 (the Act).

1.4 As part of its obligations under the Act, the Council of the RCA is required to maintain a Code of Practice on Freedom of Speech. This Code of Practice sets out the RCA's commitment to freedom of speech and academic freedom within the law.

1.5 The aim of this Code of Practice ('the Code') is to ensure that freedom of speech within the law is promoted and secured for students, employees and other members of the College (including honorary and visiting staff), as well as for all persons authorised to be on College premises, including visiting speakers.

1.6 The Code also sets out the College's duty to promote and secure academic freedom for academic staff; so that no one is denied the use of the RCA's premises (whether online

or virtual) on the grounds of their ideas or opinions or, in the case of an organisation, the opinions and beliefs of its members.

1.7 The RCA is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the RCA community are respected. The RCA does not tolerate any form of harassment or victimisation and expects all members of the RCA community and visitors to treat each other with respect, courtesy and consideration.

2. The legal context for this Code of Practice

2.1 The Higher Education (Freedom of Speech) Act 2023 places a duty on the RCA to secure freedom of speech, within the UK law, for staff members, students, and visiting speakers.

2.2 Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech, in writing, images or in other forms of artistic expression (including digital and electronic forms), without interference. More information on when speech may be unlawful can be found in sections 2.3, 4.5 and 5.6.

2.3 The Higher Education (Freedom of Speech) Act 2023 also places a duty to secure academic freedom for academic staff. This means freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without academics placing themselves at risk of losing their jobs or privileges, suffering other punishment or penalties, or reducing their likelihood of being appointed or of securing promotion or different jobs at the College for reasons unrelated to their academic performance.

2.4 Unlawful speech is not permitted. Activity can be found to be unlawful under a range of legislative provisions, including (but not limited to) the Equality Act 2010 (incorporating protected belief, harassment and the public sector equality duty), the Public Order Act 1986, and the Counter Terrorism and Security Act 2015. Examples, which are not exhaustive, of unlawful activity include:

- Expression of racial hatred or religious hatred, or incitement to such hatred or to violence or other criminal acts

- Direct support of an organisation that is proscribed in the UK
- Contravention of counter-terrorism legislation
- Breach of the peace
- Public order offences
- Contravention of health and safety legislation
- Advocating that people with a particular protected characteristic should be excluded from opportunities, services, or participation
- Hosting or delivering content that significantly discourages the participation of people with a protected characteristic, without legitimate academic justification or measures to mitigate impact
- Moving from critical analysis of a belief or concept to hostile comments directed at people who share that characteristic

2.5 The RCA is not expected to secure or promote freedom of speech where doing so would conflict with legislative obligations - such as those under the Counter-Terrorism and Security Act 2015. Under the statutory duty derived from the Counter Terrorism and Security Act 2015, the RCA must “have due regard to the need to prevent people from being drawn into terrorism”, whilst also exercising our duty to ensure freedom of speech and academic freedom. The RCA’s legal duty under Prevent also means that the College has to “limit the potential harm and influence of radicalisers, as well as extremist narratives and content which can reasonably be linked to terrorism” as well as ensuring “any event spaces or IT equipment are not being used to facilitate the spread of extremist narratives which encourage people into participating in or supporting terrorism”.

2.6 Other key pieces of legislation which inform this Code of Practice are:

- Higher Education & Research Act 2017 (HERA): Requires registered institutions to uphold laws on freedom of speech and comply with the OfS regulatory framework.
- Human Rights Act 1998: Incorporates Article 10 of the European Convention on Human Rights, protecting freedom of expression.
- Protection from Harassment Act 1997: Establishes civil and criminal offences for harassment and provides protections against such conduct.
- Public Order Act 1986: Creates offences related to public order, including incitement of racial or religious hatred and control of assemblies.

- Terrorism Act 2006: Criminalises encouragement of terrorism and dissemination of terrorist publications.

3. Scope of this Code of Practice

3.1 This Code of Practice applies:

- To all members of staff (whether academic staff or otherwise) and registered students of the RCA
- To visiting speakers and all other persons invited or otherwise lawfully on the College's premise
- Teaching, research and curricular content
- To all forms of communication, whether written or verbal, and across all settings, including in-person/physical, remote, digitally live streamed or recorded and any other activities, meetings, conferences, assemblies or similar events using the RCA's facilities or online platforms or endorsed or approved by the RCA

3.2 This Code does not apply to purely commercial meetings or events on the RCA's premises (for example, external venue hire) where the content of the meeting is outside of the RCA's control - however, these events must be organised and conducted in accordance with the RCA's Event Hire Terms and Conditions.

3.3 References in this Code of Practice to 'RCA premises' means those premises over which the RCA exercises control, whether indoor or outdoor. This policy also covers RCA online or remote events.

3.4 This Code does not remove the obligation on staff to act all times in accordance with the RCA's various staff policies; nor does it remove the obligation on students to act at all times in accordance with the RCA's various student policies.

3.5 Should there be any conflict between this Code of Practice and the content of any other RCA codes, policies or procedures, the provisions of this Code of Practice shall take priority over conflicting provisions. This reflects the fundamental importance of the RCA's commitment to free speech within the law.

4. The RCA's principles on freedom of speech and academic freedom

4.1 The College's Statutes state that '... Academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions....' - meaning that freedom of speech is an important part of the RCA's foundational values. The College is committed to upholding the principle of freedom of speech (see 4.2) and encourages open and respectful debate on a wide range of topics, including those that may be controversial or unpopular, without fear of disciplinary action or reprisal.

4.2 All members of the RCA community should respect the rights of individuals and groups to hold different views. Political speech does not have to be measured, proportional, tempered, or reasonable to be protected under Article 19 of the Universal Declaration of Human Rights or Article 10 of the European Convention on Human Rights and other human rights instruments.

4.3 The RCA is committed to securing academic freedom within the law, which extends to any visiting or guest lecturer invited by the RCA. Individual academics must be able to teach and communicate ideas, unless it becomes unlawful speech (see 2.4), including those that may be controversial, unpopular or that others may find offensive

4.4 RCA staff, students and researchers should be free to undertake research within the law. Research will not be restricted or compromised in any way because of any perceived or actual tensions between the conclusions of any research and the RCA's policies or values.

4.5 Under the Equality Act 2010, the RCA has a duty to protect its staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom within the law.

4.6 The RCA does not tolerate any form of bullying, harassment or victimisation and expects all members of the community and its visitors to treat each other with respect,

courtesy and consideration. However, the expression of views which are unpopular, controversial or provocative or which cause offense, can still be lawful and will not constitute grounds for curtailing an individual's rights under this Code.

4.7 Students' learning experience and staff working environments may include exposure to research, course material, discussion or speakers' views that they find offensive, contentious or unpopular, but are nonetheless within the law.

4.8 The RCA is not under any obligation to secure or promote freedom of speech that contravenes any legislative requirements; and will take appropriate sanctions if staff or students are involved in illegal activities, under the relevant disciplinary procedures.

5. Events

5.1 An active speaker programme is fundamental to the academic and other activities of the RCA and staff and students are encouraged to invite a wide range of speakers and to engage critically but courteously with them.

5.2 The RCA's starting position is that academic events that promote freedom of speech within the law should always be supported to go ahead. Withholding or withdrawing permission for an event will only occur in exceptional circumstances where reasonable and practicable steps cannot be taken by the College to secure this. These principles apply to the full range of events hosted at the RCA, including but not limited to talks, seminars, exhibitions, shows, performances, readings and displays of student and staff art works, and also includes online and remote events.

5.3 All meetings and events, regardless of content, must be delivered in line with the RCA's event management policies. Guidance on speakers can be found in our Code of Practice: External Speakers.

5.4 Any member of staff or student who organises an event on the RCA's premises is responsible for ensuring, as far as is reasonably practicable, that the event is conducted in a manner which promotes freedom of speech whilst maintaining good order and

academic discipline and does not involve or lead to damage to property or an infringement of the law.

Good order includes, but is not limited to, refraining from behaviour such as:

- Preventing participants from accessing or leaving events safely “to more than a minor degree” (The right to peaceful protest is protected, see 7.3).
- Chanting or otherwise preventing speakers from being heard clearly
- Using abusive language, including racial or other forms of abuse
- Refusing reasonable requests from an Event Lead, Event Chair, Event steward, or other RCA staff member involved in managing an event
- Displaying placards, banners or signage that might limit freedom of speech within the room
- Throwing any item
- Acting in any other way that is threatening or abusive, or that denies to others their right to legal free speech

5.5 All events taking place at the RCA, whether external or internal, must be registered with the Events and Exhibitions Feasibility Group (EEFG) at least 10 working days before the event takes place. An 'event' is defined as any exhibition, gathering, conference or related activity taking place on RCA premises, or which takes place off premises under the Royal College of Art's name. The College's timetabled learning, teaching and research activities, examinations and other academic, administrative and operations meetings are not covered by this definition - unless an external audience is involved, when events must also go through the EEFG process.

5.6 In submitting event proposals to the EEFG, the event lead must confirm either that the event does not meet any of the criteria set out in section 5.7 (below), or highlight any additional support they might need to ensure it does not do so. Where additional support is needed, the Dean of the relevant School should be made aware in advance of the meeting in order to assess if and how that support can be given. EEFG has the right to question assumptions submitted, should they have reasonable grounds to do so.

5.7 It may be reasonable to refuse or withdraw permission for a meeting or event to go ahead where the RCA reasonably believes, based on clear evidence, that:

- The views likely to be expressed by any speaker are contrary to the law, or

- The intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur, or
- The event will include or is likely to include the denial of the opportunity at the event to express an opposing opinion, or
- The speaker and/or the organisation they represent advocates or engages in violence in the furtherance of their political, religious, philosophical or other beliefs, or
- The views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including [organisations listed on the government's list of proscribed terrorist groups or organisations](#), or
- It is in the interests of public safety, the prevention of disorder or crime or the protection of the health and safety of persons lawfully on premises under the control of RCA.

Clear evidence could include prior conduct or speech that has been determined to be unlawful or credible information suggesting intent to incite unlawful activity

The decision to refuse or withdraw permission can be taken by the Dean of the relevant School, with advice from other relevant staff members as appropriate. Appeals against this decision can be submitted to the relevant Pro Vice-Chancellor eg Pro Vice-Chancellor Academic for academic events, Research & Innovation for research events and Education & Student Success for student-led events within five calendar days, and their decision will be final.

5.8 These narrow exceptions to the general principle of freedom of speech are not intended ever to apply in a way that is inconsistent with the RCA's commitment to the completely free and open discussion of ideas within the law. The lawful expression of controversial, offensive or unpopular ideas and opinions does not ever constitute reasonable grounds for withholding or withdrawing permission for an event.

5.9 Should EEFG or the event lead highlight an occasion or event where the otherwise lawful expression of views at an event on RCA premises is likely to give rise to disorder or threats to the safety of participants or the wider RCA community, the College will consider what steps are necessary to ensure the safety of all persons and the security of RCA premises. This discussion will be led by the Dean of the relevant School, the Chief

Operating Officer, and the Director of Estates. Appeals against these decisions can be submitted to the relevant Pro Vice-Chancellor, as per section 5.7, within five calendar days, and their decision will be final.

5.10 Examples of steps the RCA might take to ensure safety could include: additional security/stewards, a speaker being part of a panel, ensuring that a senior member of RCA staff is in attendance, or requiring that the event takes place in a different place, at a later date or in a different format. The RCA may impose requirements upon the event lead that are reasonably necessary, but will work to ensure that the conditions and requirements go no further than is necessary to address the risks that have been identified.

5.11 The RCA shall only pass on some or all of the costs of security for using the premises to those arranging the event in exceptional circumstances.

5.12 Event speakers are responsible for their own compliance with the law, and should be made aware of this by event lead (through sharing this Code of Practice).

5.13 It is the responsibility of the event lead, working with the event chair if appropriate, to ensure that anyone who wishes to challenge or criticise the views of the speaker(s) in an orderly fashion is allowed to do so, in a way that is impartial in terms of facilitation of discussion and debate.

5.14 Event leads should bring this Code to the attention of any outside organisations who are providing speakers or are responsible for organising meetings or events. Such organisations/speakers are expected to uphold the principles of this Code, respect the RCA's values and be sensitive to the diversity of the RCA community.

5.15 If a member of staff is speaking at a professional event **not organised by the RCA**, they should refer to the speaker code of the host organisation. Should staff have any concerns about this speaker code, or feel it is incompatible with freedom of speech, they should raise it with their line manager for further guidance. As a UK employee of the RCA, staff behaviour must not be in breach of UK law or in breach of RCA staff policies. Where an event is hosted outside of the United Kingdom, the host country's laws will also apply.

6. How the RCA will support Freedom of Speech

6.1 To comply with our duty to protect and promote freedom of speech and academic freedom, the RCA will:

Protect

- Ensure that no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the RCA due to their lawful expression of freedom of speech
- Ensure that staff, student, visitors, alumni and the general public can raise concerns about Freedom of Speech and academic freedom
- Take steps to secure compliance with this Code of Practice, including, where appropriate, disciplinary action

Promote

- Ensure that this Code of Practice is published in an accessible place and available to all staff and students, and promoted on an annual basis

6.2 In assessing its compliance with its duties, the RCA will apply all relevant regulatory and legal guidance. Breaches of, or departures from, this Code of Practice in whatever respect may render those responsible subject to disciplinary proceedings.

6.3 In addition to disciplinary proceedings, breaches of the law may give rise to prosecution. All students and members of staff are under an obligation to assist with any investigation into any allegation of a breach of this Code of Practice. If an offence is alleged to have occurred in connection with an event or activity governed by this Code, the RCA may cooperate with law enforcement authorities to identify individuals involved. Internal disciplinary proceedings may be suspended pending the outcome of any external investigation.

6.4 The RCA will not enter into non-disclosure agreements (NDAs) related to complaints about sexual misconduct, bullying or harassment. The RCA also acknowledges the rebuttable presumption in relation to free speech which applies to its regulatory duties to protect students from harassment under the Office for Students Condition E6.

6.5 The RCA will ensure that clear and accessible procedures are in place for reporting any alleged incidents of hate crime, harassment, threats, or intimidation. All reports will be investigated promptly and thoroughly, with appropriate action taken, which may include referral to the police or other external authorities where necessary.

6.6 The RCA is aware that the terms of certain funding, including from overseas, funding from endowments, gifts, donations, student scholarships, research grants and contracts, and educational or commercial partnerships, from any overseas country, may present a risk to freedom of speech and academic freedom. Therefore, the College has processes in place to ensure that such risks to freedom of speech or academic freedom are identified and appropriately managed. These processes are highlighted in our Donations Acceptance Policy and Research Ethics Policy.

7. Expected conduct and complaints

7.1 Everyone has the right to free speech within the law. Everyone covered by this Code of Practice must not take any actions that hinder freedom of speech within the law or academic freedom at the RCA, or which would prevent the RCA from discharging its duty to secure freedom of speech within the law and academic freedom.

7.2 The RCA seeks to expose its staff and students to different ideas and views. Everyone covered by this Code of Practice must observe the principle of freedom of speech within the law while on the RCAs premises. They must also show respect and tolerance towards the expression of views, opinions and beliefs of others, even if those views, opinions or beliefs run contrary to their own personal views, opinions or beliefs, or may be regarded as controversial, provocative or unpopular.

7.3 Nothing in this Code of Practice shall be taken to prohibit the exercise of the right to protest, or to lawfully take industrial action. The responsibility to secure freedom of speech also covers demonstrations, protests or marches. RCA staff and students must not wilfully engage in conduct that causes “serious public disorder, serious damage to property or serious disruption to the life of the community” as per the Public Order Act 1986, which includes situations where individuals, groups or organisations are:

- Prevented or hindered (to more than a minor degree) by physical obstruction from doing day-to-day activities (including travel).

- Prevented or delayed (to a more than a minor degree) in the delivery of a time-sensitive product to consumers of that product.
- Prevented or disrupted (to more than a minor degree), in access to any essential goods or any essential service.

7.4 Students and staff can raise complaints or concerns relating to freedom of speech and academic freedom via the procedures set out in our complaints and misconduct policies:

- Students wishing to raise complaints or concerns about a member of staff should refer to the Student Complaints Policy.
- Staff or students wishing to raise complaints or concerns about a student should refer to the Student Misconduct and Disciplinary Policy and Procedure.
- Staff wishing to raise complaints or concerns about another member of staff should refer to our Disciplinary Policy and Grievance Policy.
- Staff, students and visitors can also use our [Report + Support](#) tool to raise complaints or concerns relating to freedom of speech and academic freedom
- Students and staff can also raise areas of concern with the Freedom of Speech and Academic Freedom Working Group

7.5 The OfS does not currently have a direct role in dealing with disputes between individuals and universities or colleges about free speech or other matters. However, students, staff, or members of the public can [raise a notification with them](#) if they think that a university or college is not meeting their conditions of registration, including those relating to free speech and academic freedom.

8. Roles and responsibilities

The below is not exhaustive, but is intended as a reminder and helpful guide for where responsibility sits and where support can be found and decisions made relating to freedom of speech within the law:

Position/ individual/ Committee	Role
RCA staff (whether academic staff or otherwise) and researchers	To secure and promote freedom of speech and academic freedom at the RCA, and not

	to prevent others from expressing lawful views and opinions.
RCA registered students	To secure and promote freedom of speech and academic freedom at the RCA, and not to prevent others from expressing lawful views and opinions.
Visiting or honorary academic on RCA premises	To secure and promote freedom of speech and academic freedom at the RCA, and not to prevent others from expressing lawful views and opinions.
Event lead	<p>To deliver all events in line with the RCA's event management policies.</p> <p>To ensure events are conducted in a manner which promotes freedom of speech whilst maintaining good order and academic discipline.</p> <p>To ensure that anyone who wishes to challenge or criticise the views of speaker(s) in an orderly fashion is allowed to do so.</p> <p>To follow the correct principles for registration with and discussion at EEFG.</p> <p>To work with relevant RCA staff should there be queries about the event or mitigations needed.</p> <p>To ensure visiting speakers are aware of their obligations under the law, by sharing this Code of Practice.</p>

Visiting speakers	To uphold the principles of this Code, as well as any other relevant codes of conduct or guidance - such as the Code of Practice: External Speakers.
Deans of Schools	<p>To support event leads to ensure that wherever possible that academic events that promote freedom of speech within the law should be supported to go ahead.</p> <p>To refuse or withdraw permission for events, in line with Section 5.7 of this Code of Practice.</p>
COO	To work with the Deans to establish levels of support needed for academic events that promote freedom of speech within the law should be supported to go ahead; or whether permission for events should be refused or withdrawn.
Director of Estates	To work with the Deans to establish levels of support needed for academic events that promote freedom of speech within the law should be supported to go ahead; or whether permission for events should be refused or withdrawn.
Pro-Vice Chancellors	To act as points of appeal for staff and students if permission for an event has been withheld or withdrawn.
Events and Exhibitions Feasibility Group (EEFG)	To work with event organisers to ensure that wherever possible that academic events that promote freedom of speech within the law should be supported to go ahead.

Freedom of Speech and Academic Freedom Working Group	To act as an advisory group on freedom of speech and academic freedom at the RCA, as well as a forum for raising staff and student areas of concern.

For general queries in the first instance:

- Staff should speak to their line manager
- Students should speak to their Head of Programme
- Guests should speak to the person or persons who invited them on to campus

9. Monitoring and review of this Code

9.1 Decisions regarding guest/external speaker events will be recorded by the EEFG, including the risk assessment and outcome.

9.2 This Code will be reviewed annually to ensure that it is fit for purpose by the College Secretary.

9.3 The Director of Engagement, Brand & Marketing will ensure that this Code is brought to the attention of the RCA's students at least once a year. The Code is also published on the RCA website.

10. Related policies and guidance

Key policies and guidance related to freedom of speech and academic freedom are:

- Code of Practice: External Speakers
- Events Code of Conduct and Processes
- Anti-harrassment & Bullying Policy
- Equality & Diversity Policy
- Disciplinary Policy
- Grievance Policy
- Staff Recruitment Policy
- RCA Donations Acceptance Policy

- Research Ethics Policy
- Admissions Policy
- Public Exhibition of Work
- Academic Misconduct Policy
- RCA Student Charter 2024/25
- RCA Prevention of Harassment and Sexual Misconduct Policy for students
- Student Misconduct and Disciplinary Policy 2024/25
- Prevent Policy Statement
- Student Complaints Policy
- RCA Social Media Guidance