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Durham SU Code of Practice on Freedom of Speech

The Higher Education (Freedom of Speech) Act (2023) requires Durham SU to say certain things in relation to freedom of speech. These are:

- Durham SU's values relating to freedom of speech and an explanation of how those values uphold freedom of speech.
- The procedures to be followed by Durham SU's staff and members in connection with the organisation of activities held in Dunelm House.
- The criteria Durham SU uses in making decisions about the support and funding provided for activities, including the policy for charging the cost of paid-for external security.
- The conduct Durham SU requires of such persons in connection with any activity.

Durham SU has reviewed relevant legislation and guidance carefully. The trustees have noted tensions between their duties in respect of freedom of speech and their other legal obligations, and inconsistencies and errors in the draft guidance published by the regulator as at 17 July 2024. This Code of Practice therefore reflects the trustees' current assessment as to the proper balance in their responsibilities, and has been approved on that basis. This Code of Practice will be reviewed at least annually, following clarification from the regulator, informed by Durham SU's experience of the regulations.

Our values in relation to freedom of speech are **Inclusivity, Responsibility, and Integrity**.

Durham SU's organisational values have been the basis for reflection as we set our values in relation to freedom of speech, and we've identified the actions and behaviours which we expect our members and partners to recognise as we do our work, led by our values.

Durham SU values **Care and Responsibility** so, in the context of freedom of speech, we value **Inclusivity**. We know that securing freedom of speech requires Durham SU to pay attention to every participant, and take an active approach to building the culture and embedding the practices which encourage more people to join the conversation.

The actions and behaviours we commit to are:

- We'll uplift students who haven't been heard.
- We'll help students to listen as well as to speak.

Durham SU values **Imagination and Collectivism** so, in relation to freedom of speech, we value **Responsibility**. We know that securing freedom of speech requires Durham SU to help every participant be ready and able to bring more people into the conversation, and we must hold every participant accountable for their behaviour and conduct, so that no other participant is shut out.

The actions and behaviours we commit to are:

- We would rather surprise and excite than shock and offend.
- We'll celebrate contributors and contributions.

Durham SU values **Ambition and Optimism** so, in light of freedom of speech, we value **Integrity**. We know that democratic membership organisations, like the students' union, are spaces where leadership matters. We won't encourage education, or strengthen democracy, if we pretend that leaders don't have views— but that means we have to care, deeply, about how we share them.

The actions and behaviours we commit to are:

- We'll start good conversations.
- We trust people.

Inclusivity, Responsibility, and Integrity are the foundation to freedom of speech at Durham SU
Durham SU's values will build the quantity and quality of contributions from more, diverse, students, by promoting positive regard for all people who join the conversation, and nurturing the context within which we speak. We know the view that 'freedom' is when people with a platform keep it until its forcibly taken away, but we're fairly sure that's nonsense: we have freedom of speech when more people *can* speak, and *do* speak, to each other, and minds open and change.

That's what education *is*.

Durham students know that the right to speak can't be separated from the responsibility to listen. We'll thoughtfully set parameters for our activities on the basis that they help students to challenge, and be challenged, in a way that also helps the *next* contribution to the conversation on campus.

We want students to contribute opinions and ideas, perhaps for the first time, and then have them continue to contribute. We must, therefore, create and maintain an environment where it's OK to take risks. That environment won't come about by chance, or without work. We'll invest in the creative and entrepreneurial activities that bring our students together.

Durham SU is a membership organisation, and our students discuss the important issues of the time and share their opinions. We want to inspire activities that surprise and excite, and help students discover and learn something new. It's in our DNA (as well as our charitable objectives) to start, lead, and influence events at Durham University, and keep the conversation going.

The procedure for organising student activities

Durham SU supports activities which further its charitable objects, which are to:

- Provide opportunities for the expression of student opinion and actively represent the interest of students;
- Act as a channel of communication in dealing with Durham University and other external bodies;
- Promote the interests and welfare of students at Durham University during their course of study, and representation, supporting and advising students;
- Facilitate the social, recreational and educational interests of students, through providing services and support for students
- Support the development of and cooperation between the Common Rooms;
- Work with other students' unions and affiliated bodies; and
- Raise and give funds for other charities.

Durham SU can't and won't support any activities which don't further these objects so, to that extent, this Code of Practice confirms that we are unable to act without regard to the aims and objectives of activities, or the ideas and opinions of participants.

Requesting support for an activity

'Activities' is the term we use in this Code of Practice to mean diverse things such as events, publications, meetings, performances, campaigns, conferences, discussions, trips, and so on. Durham SU is proud to support one of the most diverse portfolio of student-led activities in the UK and this Code of Practice applies to the full range of Durham SU's activities.

A request for Durham SU to support an activity must be submitted using the forms on the ASK section of the Durham SU website and have a 'principal organiser'. This person will be responsible for ensuring that necessary, minimal, forms are completed properly. Durham SU will act on a request for support only when the corrects forms are completed properly.

The forms, for the main part, consist of a risk assessment further to [Durham SU's Risk Policy](#). The forms, when completed properly, will allow an authorised person to make an informed judgement about whether the activity is within Durham SU's risk appetite. There may also be other Durham SU policies with which the activity will need to demonstrate compliance. For example:

- A volunteering activity involving vulnerable people must be able to comply with the expectations of the Safeguarding Policy, regardless of the good cause.
- A society fundraising for a community affected by a natural disaster may need to ask for money in a way consistent with the Fundraising Policy, regardless of urgency of need.
- A student wanting to screen a film will need to ensure that this is covered by a relevant performance license, regardless of any content.

Durham SU will produce resources to help students to complete the required forms, and will offer regular training to student group leaders on risk assessment and relevant policies.

Students and student groups are directed to Durham SU's ASK service for all queries related to the support and delivery of activities at ask@durhamsu.com.

Criteria for decision-making about an activity

Durham SU will support an activity on the basis that it is:

- Consistent with Durham SU's charitable objects.
- Within Durham SU's risk appetite and is consistent with the Risk Policy.
- Has adequate resource for successful delivery.

Authority for decision-making about an activity

The Board of Trustees has delegated authority to the Chief Executive to judge risk appetite and resource commitment, in line with trustee decisions, and authorise support for an activity. The Board of Trustees has delegated authority to nominated trustees to facilitate prompt review, and decision-making, upon a request from the Chief Executive.

The Chief Executive will require appropriate risk controls to be in place as a condition of a decision to support an activity. The views of the principal organiser will be welcomed as part of the request process, but the Chief Executive may insist that a control is in place and may decline to support an activity if controls are not in place, or there is low confidence that a control will be effective. These controls may engage questions of freedom of speech.

- A request to start a magazine may require that an editorial review process is agreed with Durham SU before the first edition can be published.
- A request to organise a photography exhibition may require that participants are in advance made aware of, and comply with, intellectual property rules.
- A request to host an online meeting and share a recording will need to demonstrate how it protects the data protection rights of all participants.

Process for decision-making

This Code of Practice will be one of the points of reference for the Chief Executive in their decision-making, who will balance Durham SU's duties in respect of freedom of speech with its other obligations. Neither the aims and objectives of the activity nor the ideas or opinions of any participant is likely to be a relevant factor in decision-making, provided that the criteria set out above are met, but these are not the only relevant factors which inform a decision.

Durham SU will endeavour to make a decision to support an activity within four weeks of request but reserves the right to decline to support an event with less than four weeks' notice.

Most student groups undertake very routine activity, and it is likely that a single risk assessment at point of registration will suffice to inform a decision to support the group's usual, lower-risk, activity while the group is active, subject to a responsibility by the student group's leaders to monitor and report unusual developments on a rolling basis.

Extent of responsibility

Durham SU does not accept any responsibility or liability for any actions taken by any person in anticipation of a decision as to whether Durham SU will support an activity. No activity is considered to be a Durham SU activity until and unless it has been assessed using the process set out in this Code of Practice and appropriately authorised.

In particular, an invitation to a visiting speaker to visit or speak as part of a Durham SU activity can only be properly issued with the authority of the Chief Executive, who will do so after review of the forms required by this procedure for requesting support for an activity, which will allow an organiser to specify that a visiting speaker is proposed to be part of the activity. No 'visiting speaker' is considered to have that status without advance written confirmation as to the date, time, place, and purpose of their participation in a Durham SU activity, authorised by the Chief Executive.

Any activity which is proposed to include a visiting speaker will be assessed in the same four-week timeframe as any other activity but, to ensure that the invitation can be issued in good time, an organiser is advised to engage with the ASK team as soon as possible in the planning process.

Durham SU does not accept responsibility or liability for any losses incurred by any individual or body paid out in anticipation of a decision that an invitation will be issued to visit or speak.

Durham SU may take action to recover any costs incurred as a result of non-compliance with this procedure by an individual or group.

The Support and Funding Framework

Durham SU's support and funding framework is informed by our charitable objectives, our strategic priorities, and regulations set by external bodies.

Registered student groups and activities

Registered student groups have access to a range of support and benefits that are not available to unregistered student groups and individuals. The Student Group Agreement sets out the support and benefits to which every student group is entitled upon point of registration. This includes, for example, access to restricted grant funding, the opportunity to recruit from among Durham students at Freshers Fairs, access to digital and physical spaces, use of licenses, the ability to influence Durham SU's rules and regulations, training and development opportunities, and so on.

Criteria for registering a student group or activity

An application to register a student group, and thereby grant it access to support and benefits, is accepted if it meets criteria set out in the Standing Orders, which have been approved by the Board of Trustees and by Assembly. They are:

- The aims and objectives of the student group are consistent with Durham SU's aims and objectives.
- A Registration Risk Assessment has been accepted by the Chief Executive.
- The student group is committed to act in compliance with the Student Group Agreement.
- The Chief Executive confirms that Durham SU has capacity to support the student group effectively.

Unregistered student groups and activities

Unregistered student groups and individual students may, on request, access the support and benefits provided to registered student groups if, in the Chief Executive's judgement, to do so would be consistent with Durham SU's charitable objectives, strategy, and does not present unacceptable risk to the students' union.

Criteria for offering support and funding for a student group or activity

Durham SU will offer support and/or funding to a student group or activity on the basis that a request is:

- Consistent with Durham SU's charitable objects.
- Consistent with Durham SU's strategic priorities.
- Within Durham SU's risk appetite and is consistent with the Risk Policy.
- For a registered student group or activity.
- For an unregistered student group or activity, but the support or funding awarded supports delivery of Durham SU's charitable objects or strategic priorities and no suitable registered student group.

Authority for decision-making about an activity

The Chief Executive has delegated authority from the Board of Trustees to judge risk appetite and resource commitment, in line with trustee decisions, and authorise funding and support. The Board of Trustees will delegate authority to nominated trustees to facilitate prompt review, and decision-making, upon a request from the Chief Executive.

Process for decision-making

This Code of Practice will be one of the points of reference for the Chief Executive in their decision-making, who will also balance Durham SU's duties in respect of freedom of speech with its other obligations. Neither the aims and objectives of the activity nor the ideas or opinions of any participant is likely to be a relevant factor in decision-making, provided that the criteria set out above are met, but these are not the only relevant factors which inform a decision.

Financial contributions

Durham SU receives the lowest grant per capita among Russell Group students' unions (not including Oxford or Cambridge, which are funded differently) and can't raise commercial funds from services within its building due to the neglect of these facilities over decades. Durham SU also has one of the largest, most active, and most complex, portfolios of student groups and activities in the UK. The resource devoted to the support of student activities is already inadequate and overstretched. This means, regrettably, that there is no discretionary budget to support ad hoc student-led activities relevant to this Code of Practice.

Complex or large student groups or activities will, therefore, be required to cover some or all costs of an activity as a condition of an activity being supported by Durham SU. If the request comes from Durham students and is for the benefit of Durham students, however, Durham SU would seek to offset unavoidable costs only. Durham SU may also decide that the activity adds value to Durham SU's work and, at its discretion, waive any charge.

In general terms, there is no expectation that an individual person covers any financial contribution, and the student group's operating account with Durham SU will be charged by internal transfer. Examples of activities which may require a contribution include:

- Where services are engaged, such as legal advice, and the benefit is only for that student group or activity. If the services may be of collective benefit, the Chief Executive may waive some, or all, of the contribution.
- When a particular piece of equipment is necessary for the activity. If the equipment may be of collective benefit, Durham SU may waive some, or all, of the contribution.
- If a fine or penalty is applied to the student group or activity by an external body.

Security costs

Durham SU has no budget to fund paid-for external security on behalf of a student or student group in the event that a risk assessment requires this as a control to support the safety of participants or the public. Durham SU's policy in response to an activity being risk assessed as requiring paid-for external security will be to implement controls which remove the need for the cost to be met by a visiting speaker, which will include, in order of consideration:

- A request is made for Durham University security services to cover the event at no cost to Durham SU or the individual or body speaking at an event.
- The event plan is adjusted such that a different place or time or other material factor reduces the risk and removes the need for paid-for external security.
- The event is moved to an online forum, such as Zoom, which can be made secure through oversight by a Durham SU staff member already within budget.
- The event is ticketed, at a price which covers the cost of any security only, such that the cost is covered through audience contribution and not by the individual or body speaking at the event. A condition of the event taking place may be that sufficient ticket income has been received by Durham SU in advance of the event and, if this is not the case, the event may be moved to an online forum.
- The student, student group, or visiting speaker, is invited to cover some or all of the cost of security

The decision as to which control is most appropriate will be made by the Chief Executive, who will consult with the principal organiser but is not restricted by their preference.

The behaviour expected of participants in Durham SU activity

Durham SU's Code of Conduct is the reference point for all people who participate in Durham SU's activities to understand what's expected of them. In this Code of Practice, we restate the 'standards of behaviour we expect' from the Code of Conduct, but the Code of Conduct has other relevant sections, and balances Durham SU's responsibilities under, for example, safeguarding regulations, charity law, data protection rights, and so on.

The Code of Conduct is [available on the Durham SU website](#), alongside Durham SU's disciplinary process for student members. The disciplinary process may be used in the event that behaviour is not consistent with the expectations of the Code of Conduct.

What standards of behaviour do we expect?

Durham SU expects that all people and groups will:

- Behave in a manner worthy of mutual respect and understanding.
- Respect the rights and dignity of other people and groups.
- Act lawfully, reasonably, and civilly.
- Promote Durham SU activity as open, inclusive, and supportive of all participants, in which no harmful or discriminatory behaviour is tolerated.
- Uphold the good reputation of Durham students, Durham student activity, and Durham SU.

Durham SU requires all people and groups will observe the rules and regulations relevant to their activity, including the Articles of Association, the Standing Orders, and appropriate policies and procedures. This will include, but is not limited to, this Freedom of Speech Code of Practice.

Complaints

Durham SU's members, and members of the public (by which, we mean any person who isn't a member of the students' union), are able to complain about any aspect of Durham SU's work, including matters regulated by this Code of Practice. The Durham SU Complaints Procedure is available online and describes the treatment of complaints in more detail.

Durham SU engages with all complaints under the same principles.

- We'll take all complaints seriously and act with integrity.
- We view complaints as opportunities to learn and prove from feedback.
- We'll deal with complaints promptly and sensitively.

Durham SU will accept complaints within 30 working days of the matter giving rise to the complaint. The Chief Executive has discretion to accept late complaints in exceptional circumstances.

Durham SU won't act on a complaint if it is anonymous, malicious, frivolous, or vexatious. We'll also usually reject a complaint if it's made on behalf of someone else, or it's about someone else's experience.

Complaints can be made in any written format including by email to info@durhamsu.com. Every complaint must, as a minimum, include:

- The complainant's name and contact details.
- An outline of the complaint.
- The impact that the issue being complained about has had.
- What Durham SU could do to resolve the complaint.
- Anything done already to try and resolve the complaint.