

Durham University Policy Statement on Freedom of Expression

Durham University recognises that Freedom of Expression is a fundamental right, essential for upholding democracy, a free media, and political, artistic, and scientific development. It is a right protected under the Human Rights Act 1998, and by Article 10 of the European Convention on Human Rights. Protection extends to the expression of views which may shock, disturb, or offend the deeply held beliefs of others. It also extends to discussion of issues that are controversial and which challenge established statutory, legal and regulatory frameworks, for example assisted dying; the legalisation of drugs; climate change policy etc. It is a fundamental policy of the University, as an academic institution, that in its activities there should be freedom of expression within the law. Durham University values academic freedom and is committed to promoting and positively encouraging free expression and debate amongst its staff, students and visitors. The pursuit of knowledge and the exchange of ideas should be conducted within the University in a tolerant manner, and without interference from internal or external parties.

The University also has a legal duty¹ to take such steps as is reasonably practicable to ensure that freedom of expression within the law is secured for its staff, students and visiting speakers. This duty includes a responsibility to ensure that the use of University premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.

In some situations the University will, however, prevent forms of expression which spread, incite, or seek to justify hatred based on intolerance in relation to any of the protected characteristics² as set out in the Equality Act 2010. Freedom of expression has to be set in the context of the University's values and the values of a democratic and inclusive society. The University expects all its members and visitors to respect those values and to be sensitive to its diverse and inclusive community, and the University recognises its duty to promote good campus relations under the terms of the Equality Act. The University must ensure that its staff and students are able to work, study and live in an environment free from unlawful intimidation, harassment or abuse. Hate crime and incitement to commit illegal acts will not be tolerated, and the University recognises that the right of each person to be protected from discrimination and violence are fundamental human rights.

The University must therefore balance its legal duties in terms of ensuring freedom of expression with its need to ensure its duties under the Equality Act, and its responsibility to protect staff and student safety. For this purpose it has developed a Code of Practice on the Freedom of Expression at Meetings or Other Activities which is available [here](#).

The University will review its Code of Practice every 3 years and will ensure that it is benchmarked against the latest guidance issued by the Equality and Human Rights Commission³

¹ Under the Education Act (No. 2) 1986

² The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnerships, race, religion and belief, sex, or sexual orientation

³ <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>