

## **Code of Practice on Freedom of Speech**

### **1. Introduction**

The University is fully committed to the principle and promotion of freedom of speech and expression.

Under s43 Education (No 2) Act 1986, universities have a positive and proactive legal duty to promote and protect freedom of speech on campus, subject only to the constraints on the duty to secure freedom of speech imposed by the law.

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.

This does not mean, however, that the right to freedom of expression is unfettered. It is limited, for example, by laws for the protection of the reputation or rights of others, to protect national security and public safety, for the prevention of disorder or crime, and to prevent the disclosure of information received in confidence.

In accordance with the University's duty under the Education (No 2) Act 1986, the Board of Directors have issued this Code of Practice.

### **2. Purpose**

This Code of Practice has been adopted to ensure that, as far as reasonably practicable, freedom of speech within the law is secured for members, students and employees of the University, as well as visiting speakers.

### **3. Authority**

The Board of Directors authorises the Provost & Deputy Vice-Chancellor to act on its behalf to ensure that as far as is reasonably practicable all members, students and employees of the University and all visiting speakers comply with the provisions of this Code of Practice.

### **4. Scope**

This Code of Practice applies to all members, students, employees of the University, to visiting speakers and any other person in attendance at any meeting or other event covered by this Code of Practice. This Code also applies, as appropriate, to outside organisations hiring University premises and to public meetings held on University premises.

This Code of Practice applies to all meetings and events, including lectures, seminars, committee meetings, conferences, talks, debates, workshops, demonstrations and musical and theatrical performances whether live, streamed or recorded. It applies whether or not an event includes an external speaker participating in person or by any means of remote access.

This Code of Practice applies to all events held on University premises; the term 'premises' means all University property including buildings, grounds, gardens, courtyards and other open spaces including any designated for student use. It also applies to:

- (a) events held off University premises which are University organised, affiliated, funded or branded, including events organised by individuals, groups or societies using the University name or resources; and
- (b) events taking place online, via mobile technology, or via other audio-visual technology which are University organised, affiliated, funded or branded, including events organised by individuals, groups or societies or online communities using the University's name or resources. These include but are not limited to: webinars, online discussion forums and social networking.

## 5. **Freedom of speech within the law**

The University will take such steps as are reasonably practicable to ensure that freedom of speech is secured within the law. In particular, the University will not, as far as is reasonably practicable, deny access to University premises to individuals or groups 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.

The University expects members, students, employees, visiting speakers and visitors to ensure freedom of speech within the law is assured. There is also an expectation that members, students, employees, visiting speakers and visitors will demonstrate sensitivity to the diversity of the University community and to show others respect.

However, freedom of speech is not an absolute right and there is no requirement to provide a platform for speech which amounts to a breach of the law, for example: speech which is defamatory or in contempt of court or which constitutes an incitement to violence or terrorism (or glorification or encouragement of acts of terrorism), incitement to religious or racial hatred, or harassment under the Equality Act 2010 (or other legislation as amended from time to time).

The public sector duty of equality (the '**Equality Duty**') requires universities, in the exercise of their functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and those who do not share it.

The University also has a statutory duty under s26(1) Counter Terrorism and Security Act 2015 when exercising its functions to have due regard to the need to prevent people from being drawn into terrorism (the '**Prevent Duty**').

The University must always adhere to its obligations under law and will not tolerate any unlawful acts against its members, staff, students, community, property or the University itself, whether through speech or physical action.

## 6. Ensuring a secure environment

The University is committed to ensuring a welcoming and secure environment for its members, staff, students and visitors.

Where the University is in any doubt about the personal safety of any person present at an event, or an associated protest, it is obliged to exercise caution and ensure that an appropriate assessment of the risks is carried out and to consider how risks can be managed or mitigated.

The University reserves the right to impose conditions on an event in order to mitigate any identified risks, or to refuse permission for the event to proceed should it determine that any identified risks cannot be appropriately and reasonably mitigated.

Protests against an event must be conducted in a peaceful way without infringing the rights of others, including the right to Freedom of Speech. No protest should prevent an event from going ahead as scheduled, unless there are other risks which cannot be appropriately and reasonably mitigated.

Unless agreed otherwise, the organisers of an event shall be responsible for any extra expense incurred in order to mitigate any identified risks.

In considering whether or not allow a particular event to take place on University premises or elsewhere under its authority, the University has to consider:

- whether the views or ideas to be put forward (or the manner of their expression) infringes the legally recognised rights of others or breaches provisions on non-discrimination; and
- whether the activity in question constitutes a criminal offence; constitutes a threat to public order or to the health and safety of individuals; or incites others to commit criminal acts.

This includes whether a proposed event is likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence, with particular reference to the protected characteristics under the Equality Act 2010.

Statutory guidance published under the legislation imposing the Prevent Duty states that when deciding whether to host a particular speaker, the University should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. Should such concerns arise, the statutory guidance states that the University should be “entirely convinced that such risks can be mitigated” (Prevent Duty Guidance: for higher education institutions in England and Wales (2015), paragraphs 10 & 11), for example, through such views being challenged by speakers with opposing views as part of the same event. Where the University is in any doubt that such risks cannot be fully mitigated, the statutory guidance states that the University should exercise caution and not allow the event to proceed.

In accordance with the statutory guidance and for the purposes of this Code 'extremism' is defined as meaning vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty, mutual respect, and tolerance of different faiths and beliefs. It also includes the call for the death of members of the armed forces.

The withholding or withdrawal of permission for an event on University premises or elsewhere under its authority will only occur in exceptional circumstances where measures cannot be put in place to secure freedom of speech within the law and wherever possible after consultation with the organiser and appropriate internal and external parties as are deemed appropriate by the Provost & Deputy Vice-

Chancellor. The procedures for booking events set out in section 7 provide more details on the requirement to notify the Provost & Deputy Vice-Chancellor.

The Provost & Deputy Vice-Chancellor has the sole discretion to take this decision. Appeals against the decision of the Provost & Deputy Vice-Chancellor may be made in writing to the Vice-Chancellor and Chief Executive whose decision shall be final, but must be reported to the next meeting of the Board of Directors and the next meeting of the Academic Committee.

The University reserves the right to take advice from external bodies on the appropriate and reasonable assessment and mitigation of risks related to any speakers.

## **7. Supporting procedures**

This Code of Practice is supported by the following policies and procedures to enable all members, students and employees of the University and its visitors to exercise freedom of speech whilst being respectful of the diversity of views in the wider community, ensuring a welcoming and secure environment for all, and remaining within the bounds of the law:

- Equality, Diversity and Inclusion Policy
- Student Code of Conduct
- Code of Conduct for Staff
- Procedures for approval of External Speakers
- Terms and Conditions for Events Hire

Any staff or student found to be in breach of this Code of Practice may face disciplinary action under the relevant University procedure.

## **8. Review and amendment**

The Board of Directors will receive a report from the Academic Committee on the operation of this Code of Practice, together with any recommendations for its revision, at intervals not exceeding 3 years.