

Code of Practice Relating to Freedom of Speech and Meetings on University Premises

1. Preamble

1.1 The Education (No 2) Act 1986 requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees and for visiting speakers. This includes a duty to ensure, so far as is reasonably practicable, that use of any premises is not denied to an individual or group on grounds connected with their beliefs, views, policies or objectives.

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1.3 In order to facilitate the discharge of these duties, the Board of Governors of the University is required under the Act to issue and keep up to date a Code of Practice setting out the procedures to be followed by members, students and employees, and their conduct, in connection with the organisation of meetings and other activities to be held on University premises and which fall within the scope of this Code of Practice.

1.4 The Code of Practice shall apply to:

- (a) the University, including members of the Board of Governors;
- (b) University staff (full-time or part-time) and/or those working on behalf of the University;
- (c) University students (full-time or part-time);
- (d) WKH 6WXGHQWV¶ 8QLRQ LWV DVVRFLDWHG SUHPLVHV or associations; and
- (e) all persons invited to speak or otherwise take part in events to be held on University premises.

1.5 The Board of Governors authorises the Vice Chancellor to appoint the Registrar who will act on its behalf to ensure that as far as is reasonably practicable all members, students and employees of the University comply with the requirements of this Code of Practice. Failure to comply with the Code of Practice may result in action being taken against those concerned under the relevant University procedure, irrespective of any action which may be taken in law.

held on University premises shall not be open to those who are not members or employees of the University except by named invitations proposed by the organiser and approved in writing by the Registrar before such invitations or materials advertising the meeting are sent out.

- 3.3 The University will not unreasonably refuse to allow events to be held on its premises. Reasonable grounds for refusal shall include, but are not limited to, those events:
- (a) where there is a real likelihood that the speaker may not be able to enter or leave the building safely and/or have the freedom within the law to deliver their speech without disruption;
 - (b) where there is reasonable belief that a breach of the civil or criminal law may be committed;
 - (c) that are in direct support of an organisation whose aims and objectives are illegal;
 - (d) where views to be expressed constitute views that risk drawing people into terrorism or are shared by terrorist groups; or
 - (e) which give rise to a breach of the peace.
- 3.4 Meetings or activities to which the Code of Practice applies are those which are likely to take place outside teaching time or relate to non-teaching activity, and for which a room booking is required. However, if external guest speakers are invited to timetabled lectures and seminars, the organisers should consider whether 3.3 above applies, and contact the Registrar

3.6 In the case of bookings referred to the Registrar

APPENDIX 1

The following list is not exhaustive and is intended as a guide only in order to seek further information.

Relevant legislation ²

Section 43, Education Act (No 2) Act 1986

HEIs must take reasonable steps to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes taking reasonable steps to ensure that freedom of speech is not denied to an individual or group on the grounds of views or beliefs held by the individual/group, or the policy or objectives of the group.

Section 202, Education Reform Act 1988

HEIs must ensure 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 without placing themselves in jeopardy of losing their jobs or any privileges they may have at an institution. These rights must be exercised within the law.

Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law. As public institutions HEIs must carry out their functions in accordance with the rights guaranteed by the Convention. Relevant Convention articles include:

Article 9 - Freedom of thought, conscience and religion. The right to freedom of thought and conscience is absolute and cannot be limited. The right to manifest religion or belief is subject to limitations in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights or freedoms of others.

Article 10 ± Freedom of expression. Individuals have the right to freedom of expression, including the freedom to hold opinions and to receive and impart information and ideas. The right is subject to limitations including those set by law and necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the

² Extracted from *UUK: Promoting Good Campus Relations dealing with hate crimes and intolerance* (2005) and *DfES: Promoting Good Campus Relations: Working with Staff and Students to Build Community cohesion and Tackle Violent Extremism in the Name of Islam at Universities and colleges* (2006)

Terrorism Act 2006

This Act created offences which include:

- publishing or causing to be published a statement which is likely to be understood as directly or indirectly encouraging terrorism. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- disseminating terrorist publications. Dissemination includes distributing, circulating, selling, emailing or offering for download. A publication will be a terrorist publication if it contains matter which directly or indirectly encourages terrorism, or is useful in acts of terrorism and was included in the publication wholly or mainly for the purposes of being so useful. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- preparing to commit an act of terrorism or to assist others to do so if the defendant has the necessary intention to commit an act of terrorism or assist others to do so;
- attending at a place for terrorist training.

Counter Terrorism and Security Act 2015

This Act makes provision to counter terrorism by:

- placing temporary restrictions on travel where a person is suspected of involvement in terrorism;
- enhancing existing terrorism prevention and investigation measures to monitor and control the actions of individuals in the UK who pose a threat;
- enhancing law enforcement powers to investigate terrorism-related serious crime by extending the retention of relevant communications data to include data that will help to identify who is responsible for sending a communication on the internet or accessing an internet communications service;

APPENDIX 2

Anyone involved in organising a meeting or other activity, or processing a room booking should consider whether there is a possibility that the speaker may not

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