

UNIVERSITY POLICY RELATING TO FREEDOM OF SPEECH

1. Preamble

- 1.1. The Education (No.2) Act 1986 (Section 43) places a duty on the University to ensure that freedom of speech is secured for students, staff and visitors, and so far as is reasonably practicable that no premises of the University (including those of the Students' Union) shall be denied to any individual or body of persons on any grounds connected with:
 - a) the beliefs or views of that individual or body; or
 - b) the policies or objectives of that body.
- 1.2. The University ensures 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 privileges (Academic Freedom) (Statute 7.4.1).
- 1.3. The legal duties on the University in relation to freedom of speech and academic freedom do not cover unlawful speech. There are a range of circumstances in which speech may be in breach of criminal law, including:
 - speech causing fear or provocation of violence;
 - acts intended or likely to stir up hatred on grounds of race, religion or sexual orientation;
 - speech amounting to a terrorism related offence; and
 - causing a person harassment, alarm, or distress, where this would constitute an offence under the Public Order Act 1986.
- 1.4. There are also circumstances in which speech may be found to be unlawful in respect of civil law or found to be defamatory. This can include defamatory material on social media.
- 1.5. The University is committed to promoting and encouraging free debate and inquiry that is lawful. It accommodates a wide range of views, even when they are unpopular, controversial or provocative.
- 1.6. To manage the safety of speakers, audiences and others and to maintain good order the University asserts its right to place special conditions on activities, events or meetings ("activity" or "activities") where it is appropriate to do and to prohibit them as a last resort.

2. Activities which are subject to this Policy

- 2.1. The activities which are subject to this Policy are those which:
 - a) involve a proscribed organisation; or
 - b) are likely to give a platform for views which are unlawful or where it is likely that others will be encouraged or incited to break the law; or
 - c) where there may be risks to public order or to the safety of individuals or property; or
 - d) there are risks that views will be expressed which constitute extremist views (in opposition to fundamental values of democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs), and which risk drawing people into terrorism or are shared by terrorist groups.

3. Notification

- 3.1. It will be the responsibility of the organiser of any activity that might fall within paragraph 2.1 and is thereby subject to this Policy (whether it takes place on or off campus or online) to

draw the activity to the attention of the person authorised by the Chief Resource Officer (the authorised officer*) at least ten clear working days prior to the activity. In addition:

- a) any room booking request outside of the normal procedures for time-tabling academic provision will require the organiser to assess whether the event falls within paragraph 2.1 and to always provide details of the nature of the event and any external speakers;
- b) the Students' Union will operate its own arrangements for reviewing activities and bookings on University premises made by its officers, staff, clubs and societies which are consistent with the obligations set out in paragraph 1 and which will be reviewed and agreed annually with the University. These will include an objective determination of whether an activity falls within paragraph 2.1 (with subsequent referral to the authorised officer) and identify the steps which could mitigate the risks identified in paragraphs 2.1c) and 2.1d).
- c) records will be kept of activities reviewed and the action taken.

4. Actions by the University

- 4.1. The University will prohibit activities that it determines fall within 2.1 a) or 2.1 b), deeming them to be unlawful, and may prohibit activities which it determines fall within 2.1 c) or 2.1 d) where it considers that the risks cannot be fully mitigated through special conditions and in so determining, will err on the side of caution.
- 4.2. The University will prohibit or place special conditions upon any activity off campus or online that falls within 2.1 and is associated with the University, insofar as that is practicable.
- 4.3. The University will use such means as are available to it to give effect to this Policy and to enforce any special conditions it imposes on particular activities. A breach of the Policy or any prohibition or special conditions may lead to disciplinary action.
- 4.4. In the case of any activity identified as falling within 2.1 the authorised officer will determine who is the principal organiser of the activity and will within five clear working days of the planned time of the activity, determine whether or not the activity should be allowed to proceed or whether it should be allowed to proceed on the basis that special conditions are adhered to. It shall be the responsibility of the principal organiser to ensure that such special conditions are met.
- 4.5. Where ten clear working days' notice of an activity found to fall within 2.1 is not given to the authorised officer permission will normally be refused for the activity to take place.

5. Special conditions for an activity to proceed

- 5.1. Any special conditions set by the authorised officer will aim to minimise the risks set out in paragraph 2 and may include inter alia the requirement that:
 - a) the principal organiser appoints a stipulated number of named stewards, as to whose suitability the authorised officer must be satisfied, in addition to any security staff that the authorised officer may feel should be present to maintain order;
 - b) the wording of leaflets and notices advertising the activity is subject to approval by the authorised officer;
 - c) admission to the event is confined to members of the University;
 - d) tickets are issued by the principal organiser/authorised officer;
 - e) admission is confined to ticket holders;
 - f) nominated senior members of the University are present;
 - g) the activity is recorded;
 - h) the admission of press, television and broadcasting personnel is restricted;
 - i) the access and exit routes of the speaker are subject to approval by the authorised officer;

- j) the authorised officer decides which room(s) are used;
- k) detailed arrangements are agreed between the principal organiser and a member of staff nominated by the authorised officer;
- l) there is adequate opportunity for a wide range of views to be expressed and challenged;
- m) an experienced and respected individual approved by the authorised officer chairs the activity.

6. General requirements

- 6.1. The Chair of any activity that is a meeting has a duty so far as possible to ensure that both the audience and the speaker act in accordance with the law during the meeting. In the case of unlawful conduct, the Chair is required to give appropriate warnings and, in the case of continuing unlawfulness, to require the withdrawal or removal of persons concerned by the stewards.
- 6.2. The Chair of the meeting also has a duty to terminate the meeting if order cannot be maintained and to protect the safety of people, property or premises.
- 6.3. No article or objects likely under the circumstances to lead to injury, damage or a breach of the peace may be used as part of any activity.
- 6.4. Premises used for an activity must be left in clean and tidy conditions in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance, or evidence of ability to meet such payment, may be required.
- 6.5. The University may require the organisers of an activity to bear the costs for any additional security that is required.

7. Appeals

Appeals against the rulings of the authorised officer may be made to the Chief Resource Officer whose decision shall be final.

8. Awareness

The University will draw this policy to the attention of all staff, students and the Students' Union annually.

Review of Policy	
2 June 2021	The Senate – 2021/06/02 Min.47