

FREEDOM OF SPEECH: CODE OF PRACTICE

1. Introduction

Freedom of speech is fundamental to a University. The Council of the University therefore requires employees and students of the University and those to which the University's External Speaker Policy applies, to tolerate and protect the expression of opinions within the law whether or not these opinions are repugnant to them. Accordingly, and as required by law, the Council has approved and adopted this Freedom of Speech: Code of Practice ("the Code").

All those to whom the Code applies are required to refrain from any action which is contrary to the specific provisions of it or which could in any other way be prejudicial to the proper discharge by the Council of the obligations placed upon it by Section 43 of the Education (No. 2) Act 1986, the relevant clauses of which are given in Annex I to the Code

2. Application of the Code

The Code is binding on all members of the Council and on all employees and students of the University as well as those to whom the External Speaker Policy applies.

For students the Code has the force of Regulations for Conduct.

Any alleged breach of the Code by employees or students may be the subject of relevant disciplinary proceedings as provided for under the Charter, Ordinances, Regulations and Policies of the University.

All employees and students are reminded of the general obligations relating to their conduct placed upon them by the Charter, Ordinances, Regulations and Policies of the University. These general obligations are additional to, and unaffected by, this Code.

3. Meetings and events

This part of the Code should be read in conjunction with the External Speaker Policy and related processes.

In this Code 'meeting or event' means any organised meeting, gathering or similar activity which takes place on the premises of the University (including the Students' Union Building) or which takes place elsewhere but is under the control of the University or any constituent part of it (including the Students' Union and clubs and societies affiliated to the Union).

If any individual or body intending to organise a meeting or event believes or has any doubt that by virtue of the meeting or event going ahead, the maintenance of freedom of speech cannot reasonably be assumed, but the External Speaker Policy does not apply, they must inform the University Secretary before any arrangements are made.

If a concern over freedom of speech is raised after arrangements have been made for a meeting or event, the organiser or any other individual should inform the University Secretary as soon as is reasonably possible.

Any individual may inform the University Secretary of a proposed meeting if he or she

believes that the maintenance of freedom of speech may be under threat. Individuals should do so as soon as possible and ideally well in advance of the proposed meeting or event.

In respect of any proposed meeting or event which is to take place in the Students' Union Building, or elsewhere but under the control of the Union (or any club or society affiliated to the Union), the requirement on the organiser to inform the University Secretary if the situation warrants it, shall also apply in addition to the President of the Students' Union and to the Student Activities Officer of the Students' Union.

4. Other concerns relating to Freedom of Speech

Should any person to whom the Code applies consider that any other activity of the University on its premises may or has breach the obligations details in this Code, he or she should inform the University Secretary.

5. Referral to the University Secretary

Once a matter has been referred to the University Secretary he or she will investigate as appropriate and decide what special measures, if any, are required.

Examples of the special measures which may be stipulated by the University Secretary are given in Annex 2. However, please note that this list is illustrative only and the University Secretary may impose such measures as he or she considers appropriate in order to meet the obligations set out in this Code.

5.1 Before the meeting, event or activity

In any case where the University Secretary stipulates special measures he or she shall, after consultation with the organiser where appropriate, appoint an 'Event Co-ordinator' who shall normally, but not necessarily, be the organiser or a member of the organising body of that meeting, event or activity. The Event Co-ordinator shall be required to ensure that all reasonable and practicable measures are taken in relation to the arrangement of the meeting, event or activity and to its conduct to prevent any breach of the law, of University Regulations or Policies and of special measures stipulated by the University Secretary. He or she shall be required to be present at the meeting, event or activity.

If at any time prior to the meeting, event or activity the Event Co-ordinator believes for any reason that he or she will be unable to fulfil the requirements laid upon him or her he or she shall immediately inform the University Secretary, giving the reasons, who shall decide what further action if any shall be taken.

Exceptionally and only after consultation and seeking appropriate advice the University Secretary may decide in the light of the obligations placed upon the Council under the Education (no. 2) Act 1986 that the meeting, event or activity should not go ahead. The decision of the University Secretary will be binding on all those concerned.

5.2 During the meeting, event or activity

The University Secretary (or his or her designated representative) shall have the right to attend any meeting, event or activity to which this Code applies and at his or her absolute

discretion in the light of the obligations placed upon the Council under the Act to terminate a meeting, event or activity if circumstances so warrant.

If during a meeting, event or activity an individual considers that the University's obligations concerning freedom of speech are being breached they should inform the University Secretary as soon as is reasonably possible. The University Secretary may then carry out investigations to establish whether or not there has been a breach of this Code of Conduct or the External Speaker Code of Conduct.

5.3 Appeals

If an individual is unhappy with any decision made by the University Secretary in relation to any special measures put in place or the cancellation of a meeting, event or activity under this Code he or she should contact the Vice Chancellor who shall make a final decision on the matter (unless the Vice-Chancellor has already adjudicated on this matter under the External Speaker Policy, in which case appropriate alternative arrangements shall be made).

Any decision taken by the University Secretary not to allow or to terminate a meeting, event or activity and any other decision taken in accordance with this Code shall be reported to the Council.

5.4 External Speakers and Freedom of Speech

If an individual considers that a decision made under the External Speaker Policy to prevent an external speaker attending a meeting or event is a breach of this Code or the obligations set out in the Act, he or she should inform the University Secretary in the manner set out in the External Speaker Policy.

6. Discrimination

Any employee or student of the University or any body within the University (including the Students' Union and any club or society affiliated to the Union) who wishes to organise a meeting, event or activity and who believes that this aim is being frustrated on grounds connected with the beliefs, views, policies or objectives of any individual or body may refer the case to the University Secretary. If the University Secretary is unable to resolve the matter to the satisfaction of all parties concerned the Vice-Chancellor is empowered by the Council to take such action as he or she deems necessary and, subject to the authority of the Council, his or her decision is final.

Annex I

Education (No. 2) Act 1986

PART IV MISCELLANEOUS

43—(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.

(2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with –

- (a) the beliefs or views of that individual or of any member of that body; or
- (b) the policy or objectives of that body.

(3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out –

- (a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation –
 - (i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and
 - (ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and
- (b) the conduct required of such persons in connection with any such meeting or activity; and dealing with such other matters as the governing body consider appropriate.

(4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with.

(5) The establishments to which this section applies are –

- (a) any university;
- (b) any establishment which is maintained by a local education authority and for which section I of the 1968 (No. 2) Act (government and conduct of colleges of education and other institutions providing further education) requires there to be an instrument of government; and
- (c) any establishment of further education designated by or under regulations made under section 27 of the 1980 Act as an establishment substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1) (b) of the 1944 Act.

(6) In this section – 'governing body' in relation to any university, means the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs (that is to say the body commonly called the council of the university); 'university' includes

a university college and any college, or institution in the nature of a college, in a university.

(7) Where any establishment (a) falls within subsection (5)(b) above; or (b) falls within subsection (5)(c) above by virtue of being substantially dependent for its maintenance on assistance from local education authorities; the local education authority or authorities maintaining or (as the case may be) assisting the establishment shall, for the purposes of this section, be taken to be concerned in its government.

(8) Where a students' union occupies premises which are not premises of the establishment in connection with which the union is constituted, any reference in this section to the premises of the establishment shall be taken to include a reference to the premises occupied by the students' union.

Annex II

SPECIAL MEASURES

The areas which may be covered by special measures stipulated by the University Secretary include but are not limited to:

- Advertising (including all preliminary advertising).
- Venue.
- Timing.
- Publicity.
- Admission requirements including arrangements for guests.
- Stewarding.
- Payments for special services such as stewarding, security and cleaning.
- Safeguards against the availability of potentially offensive weapons.
- Arrangements for food and drink.
- Liaison with the police.
- Admission of press, radio and television.
- Chairmanship (including, where necessary, the respective roles of the Chairman and the Meeting Co-ordinator).
- Opportunities for discussion and questions.
- Procedures for terminating the Meeting.

Keeper	Reviewed	Approved by	Approval date
University Secretary	As necessary	Council	July 2015
