



## 2. Principles

- 2.1 The University believes that higher education has a role <sup>1</sup>WR SOD\ LQ <sup>3</sup>VKDS LQ D GHPRFUDWLF FLYLOL\ The University of York is established by an inclusive community which recognises that people with different backgrounds, experience, skills, attitudes, beliefs and views bring fresh ideas and new perspectives.
- 2.2 The principle of academic freedom, which encompasses freedom of speech, vigorous and open debate, and the freedom to follow lines of enquiry, no matter how unpopular or controversial, is an essential requirement for the pursuit of higher level learning and research, which leads to the creation of new knowledge and understandings. The University affirms its commitment to ensuring that staff, students and visiting speakers can exercise their right to freedom of speech as guaranteed in UK law by the Education (No. 2) Act 1986 and by Article 10 Human Rights Act 1998; and the freedom of academic staff within the law to test received wisdom and to put forward new ideas and controversial or unpopular opinions as provided for under the Education Reform Act 1988. However, these freedoms come with responsibilities to ensure that they are exercised in an atmosphere of tolerance and respect for others and their views, within the law of the UK.
- 2.3 The law protects the rights of members of the University to engage in debate and argument about social, political, religious, economic and scientific ideas, provided that the views expressed are not contrary to the civil or criminal law. The University is not required to provide a platform for activity, for example, which is defamatory or in contempt of court, or may lead to violence, disorder or a breach of the peace, or incites racial or religious hatred, or encourages terrorism. A summary of the relevant legislation is set out in Appendix 1.

## 3. Procedures

- 3.1 Subject to the Principles set out above, so far as is reasonably practicable, no premises of the University shall be denied to any individual or body of persons wishing to use them for meetings on any grounds connected with:
- (a) the beliefs or views of that individual or that body; or
  - (b) the policy or objectives of that body.
- 3.2 The University is under no legal obligation to allow meetings to be held on University premises which are open to members of the public. Meetings

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<sup>1</sup> The National Committee of Enquiry into Higher Education, (1977) *Higher Education in the learning society*. NCIHE, London, p72

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 <sup>2</sup>

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

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<sup>2</sup> 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 and other 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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