



Code of Practice relating to Freedom of Speech and all Planned, Affiliated, Funded or Branded Events taking place Off Campus

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.

As an extension to the existing Code of Practice, the Board of Governors has approved this

- 1.4 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.

2. Principles

- 2.1 The University believes that higher education has a role
¹. The University seeks to establish 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,

(a)



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

Relevant legislation²

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 the use of any premises 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*

protection of health or morals, for the protection of the reputation or rights of others, or for preventing the disclosure of information received in confidence.

Article 11 Freedom of assembly and association Individuals have the right to freedom of peaceful assembly and to freedom of association with others, subject to limitations in the interests of national security or public safety, for the protection of the rights and freedoms of others.

Article 14

- x Incitement to racial hatred: using threatening, abusive or insulting words or behaviour, or displaying, publishing or distributing threatening, abusive or insulting material intended or likely to stir-up racial hatred. Racial hatred is defined as hatred against a group or persons defined by reference to colour, race, nationality or ethnic/national origins

The Protection from Harassment Act 1997

Under this Act harassment is defined as:

- x p

Terrorism Act 2006

This Act created offences which include:

- x 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;
- x 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;
- x 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;
- x attending at a place for terrorist training.

Counter Terrorism and Security Act 2015

This Act makes provision to counter terrorism by:

- x placing temporary restrictions on travel where a person is suspected of involvement in terrorism;
- x enhancing existing terrorism prevention and investigation measures to monitor and control the actions of individuals in the UK who pose a threat;
- x enhancing law enforcement powers to combat 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;
- x strengthening security arrangements in relation to the border and to aviation, maritime and rail transport; and
- x reducing the risk of people being drawn into terrorism, by enhancing the programmes that combat

APPENDIX 2

Anyone involved in organising a meeting or other activity should consider whether there is a possibility 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 interruption; or that a breach of the civil or criminal law may be committed.

The following is an indicative list of circumstances which might give rise to a reasonable apprehension that disruption or disorder may occur.

- (a) where the subject-matter of the meeting or activity includes in whole or in part
- x Animal experimentation
 - x Immigration and nationality policy
 - x The supposed superiority or otherwise of racial/ethnic/religious groupings

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