

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

2. Principles

2.1 The University believes that higher education has a role to play in “shaping a democratic, civilised, inclusive society”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, 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 tl (of)-(ee TJE TQ.00000912 0 612 792

- (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.

3.3 Meetings or activities to which this Code of Practice applies are those which are likely to take place outside teaching time or relate to non-teaching activity. Any organiser must consider whether 3.2 above applies, and contact the Registrar if there is any possibility of a problem occurring. Guidance on the types of meetings or activities to which this Code of Practice may apply is set out in Appendix 2.

3.4 In the case of meetings or activities referred to the Registrar under 3.3, the Registrar shall make such enquiries as is necessary, and consult senior staff of the University and the Chair or Deputy Chair of the Board of Governors, if appropriate, in order to decide whether to grant or withhold permission for the

Practice. The Chair of the event has a duty to take all reasonable steps to ensure that both the speaker and the audience act in accordance with the law and that the principles of freedom of speech are upheld during the event. The Chair will be expected to use his or her best endeavours to provide any questions to a speaker, or contributions, are taken from a cross-section of those attending the event and are not confined to those of a particular view. In the case of unlawful conduct, the Chair is required to give appropriate warnings and if the conduct continues to require the withdrawal or removal of the persons by stewards or security staff.

3.11 University employees and University security staff designated by the Registrar are entitled to enter events taking place off campus to which this Code of Practice applies.

3.12 Stewards and/or security staff shall have the right to prohibit those attending an event from bringing any article or object likely to cause injury or damage.

3.13 Appeals against the decision of the Regis17.56 6isi xpect12(tm ad)3(gi)those RegiVon

Anti-Discrimination legislation

Legislation prohibits discrimination on the grounds of race, gender, religion or belief, age, sexual orientation, gender reassignment or disability in all HEI functions including terms of employment, the recruitment, retention and progression of staff and the admission, progression and assessment of students including benefits, facilities and services and the imposition of any penalty or detriment.

HEIs have a positive duty to eliminate unlawful discrimination and promote equality of opportunity in relation to race, sex and disability.

Public Order Act 1986

Racial and Religious Hatred Act 2006

The Act creates new offences of stirring up hatred against persons on religious grounds. The new offences apply to the use of words or behaviour or display of written material, publishing or distributing written material, the public performance of a play, distributing, showing or playing a recording, broadcasting or including a programme in a programme service and the possession of written materials or recordings with a view to display, publication, distribution or inclusion in a programme service. For each offence the words, behaviour, written material, recordings or programmes must be threatening and intended to stir up religious hatred. Religious hatred is defined as hatred against a group of persons defined by reference to religious belief or lack of religious belief

Terrorism Act 2000

Under this Act there is a positive duty to inform the police where a person has information that might be of material assistance in preventing another person from committing and act of terrorism or securing the apprehension, prosecution or conviction of another person in the UK for an offence involving the commission, preparation or instigation of an act of terrorism. There is also a duty to inform the police about information relating to offences concerning the funding of terrorism

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

- 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 agencies' ability to investigate terrorism and 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;
- strengthening security arrangements in relation to the border and to aviation, maritime and rail transport; and
- reducing the risk of people being drawn into terrorism, by enhancing the programmes that combat the underlying ideology which supports terrorism through improved engagement from partner organisations and consistency of delivery.

APPENDIX 2

Anyone involved in organising a meeting or other activity should consider whether

- Any person who has previously been prevented from delivering a speech or whose presence has threatened a breach of the peace at the University or any other Higher Education Institution
- Any religious cleric or representative

(c) where the subject matter might be considered to be of a blasphemous³ nature