

Freedom of Speech Code of Practice

Education (No 2) Act 1986

1. Under Section 43(1) of the Act, the Board of Governors is required to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for staff and students of the University and visiting speakers.
2. This requirement includes the duty to ensure, so far as is reasonably practicable, that the use of University premises, including those controlled by the Union of Students, is not denied to any individual or organisation on any ground connected with the beliefs or views of individuals or the policy or objectives of that organisation.
3. The Board of Governors is required under Section 43(3) to issue and keep up to date a code of practice setting out how it will fulfil its obligations under the Act.
4. The Board of Governors endorses the principle of freedom of thought and expression within the University and within the limitations of the law.

Scope

5. This Code of Practice applies to:
 - i) all meetings and similar activities (events) which take place on University premises or the premises of the Students' Union, or under the authority of the University or the Students' Union;
 - ii) all events that take place away from University premises which are affiliated to the University or are funded by the University or are branded as University events
 - iii) all employees of the University, students of the University and employees of the Students' Union.
6. In addition, all visiting speakers and all other persons involved in the organisation of events are expected to abide by those parts which apply specifically to them.

Legislation

7. The Human Rights Act also requires the Board of Governors to ensure freedom of thought, conscience and religion (Article 9) and freedom of expression (Article 10). The rights expressed in both articles, as with the Education (No2) Act 1986, are subject to 'such limitations as are prescribed by law'.
8. There are a wide range of limitations prescribed by law. They are to be found in equality legislation, health and safety legislation and aspects of the criminal law such as public order, criminal damage and anti-terrorism legislation. Most of this legislation operates on the basis that freedom of speech is protected as long as it does not infringe the rights of others, or cause others harm, or may cause others harm. Some equality legislation requires the University to positively promote equality and good relations between groups. Those duties may come into conflict with allowing expressions of views which are opposed

to equality or may lead to worsening relations. Anti-terrorism legislation has resulted in a list of proscribed organisations which are therefore outlawed in the UK. It has also resulted in a number of new offences including the offence of publishing a statement which is likely to be understood as directly or indirectly encouraging terrorism. The Counter-Terrorism and Security Act 2015 requires the University to have due regard to preventing people being drawn into terrorism. The University may need to exercise its authority under the Code to ensure that events and speakers do not misuse the University's premises, facilities or brand to promote extremist views where these are deemed likely to draw people into terrorism.

Criteria for use of premises

9. A request to hold an event will only be refused when in the view of the University:
 - i) the event, or the publicity for the event, is likely to include, or lead to, or incite, an illegal act, or make it likely that the University will be failing to act in accordance with duties imposed on it by law, or infringe the rights and freedoms of others;

(For the purposes of illustration, 9(i) may include, but not be limited to:
 - incitement of those persons attending to commit a criminal act;
 - the expression of views which may be contrary to the law, or the expression of views in a manner which may be contrary to the law;
 - organisation of the event, by, on behalf of, or in support of, a proscribed organisation;
 - any likely breach of the peace which may result from the event);
 - ii) the event is beyond the capability of the University to handle, including the protection of participants and University staff from harm and the security of University premises and equipment;
 - iii) the event has not been authorised through the relevant procedure laid down by the University for the authorisation of events.
10. In reaching a decision based on the criteria the University will give careful consideration to available evidence and all the relevant issues, and act proportionally.

It will balance the right to freedom of speech, and its duty to protect it, with any relevant legal limitations. It will also take into account relevant guidance that may be issued by appropriate bodies such as the government and UUK.
11. All organisers of events will have to undertake to comply with all lawful and reasonable instructions issued by authorised University staff in relation to the location, arrangement and conduct of such meetings including adequate stewarding, chairing and provision of adequate control over entry. Such instructions may be issued as conditions for allowing the event to go ahead or, subsequently, including during the event.
12. Permission to hold an event may be withdrawn, or an event which is underway may be terminated, if any aspect of it is found subsequently to breach the above criteria, or the organisers of the event are found to be in breach of the relevant contract, or they are found to have provided false or misleading information, or they fail to comply with lawful and reasonable instructions issued by authorised University staff.

13. The University reserves the right to seek advice from the police about any public order aspect of a proposed event, and to make police support at an event a condition for it to be allowed to go ahead.

Code of Conduct

14. Under this Code of Practice the conduct required by employees and students of the University and employees of the Students' Union shall be of such standard as to enable the University to meet its statutory duties to ensure freedom of speech.
15. In particular staff and students must not participate in activities which substantially disrupt the holding of any authorised meeting in University premises including those administered by the Students' Union, or the holding of any meeting authorised by the University or the Students' Union.
16. Any breach of this code of conduct by staff or students may be treated as a disciplinary matter and the University may take action in accordance with staff or student disciplinary procedures.

Procedures

17. The University reserves the right to have different procedures for different categories of event e.g. events organised by members of staff as part of their normal teaching or research activity, events organised by external bodies.
18. All relevant procedures may include, in addition to any other aspects:
 - specification of reasonable advance notice of the intention to hold the event,
 - a requirement that the organiser of an event provide all the information necessary for the University to reach a decision,
 - a schedule of charges and a requirement to sign a contract .
19. All procedures relating to events have to be authorised by the Deputy Vice-Chancellor (Strategy and Operations).

Authorisation

20. The Deputy Vice-Chancellor (Strategy and Operations), is authorised to decide whether or not an event should go ahead and to decide if an event underway should be terminated. If the Deputy Vice-Chancellor (Strategy and Operations), is unavailable at the time the decision has to be made, the decision shall be made by such other person as is designated by the Vice-Chancellor.
21. The above authority covers events organised by the Students' Union or to take place on Student Union premises as well as events organised by the University or to take place on University premises.
22. Nothing in the above shall preclude bookings being refused or terminated on procedural or contractual grounds by other members of staff authorised to do so in the relevant procedure.

23. The refusal of any booking by the Deputy Vice-Chancellor (Strategy and Operations), or other person authorised by the Vice-Chancellor will be reported to the next meeting of the Board of Governors.

Issuing Authority: University Secretary

Paper GB/87/2, revised June 1993, July 2001, November 2007, February 2016, October 2017.
September 2018

PROCEDURE FOR EXTERNAL SPEAKERS, EXHIBITORS OR EVENT SPONSORS ON CAMPUS

If you're organising an event with external speakers, exhibitors or event sponsors you will need to consider your responsibilities under relevant legislation and ensure that your event speakers, exhibitors and sponsors adhere to The University's [Freedom of Speech Code of Practice](#). This applies to events you are organising on campus or at an external venue where the event has an association or link to The University.

YOUR RESPONSIBILITIES

It is not anticipated that a significant number of academic events will raise concerns or require escalation, i.e. where the events are part of the curriculum and/or there is a balanced debate of non-controversial subject matter. In some cases, however, public or visiting speaker events will require escalation to Directorate of Governance, Legal and Sector Regulation for review in order to ensure that the University can comply with all relevant legal duties. Directorate of Governance, Legal and Sector Regulation will provide advice to staff and where potential legal issues are identified will review the event, undertaking necessary due diligence. Where potential legal issues are identified by Directorate of Governance, Legal and Sector Regulation, the proposed event will be referred to the Deputy Vice-Chancellor (Strategy and Operations), for a final decision.

As a member of staff at the University you are **responsible** for ensuring that the external speakers, exhibitors and event sponsors attending any event that you organise are appropriate and the material which they are presenting complies with our Freedom of Speech Code of Practice and are also responsible for escalating an event proposal, if required.

ADVICE, GUIDANCE AND SUPPORT

If you are in any doubt or require any advice in relation to a speaker, exhibitor or event, e.g. where the individual/content might be perceived as controversial, then please seek advice from Directorate of Governance, Legal and Sector Regulation in the first instance and before publicising your event.

In reaching a decision the University will give careful consideration to available evidence and all the relevant issues, and act proportionally. It will balance the right to freedom of speech, and its duty to protect it, with any relevant legal limitations. It will also take into account relevant guidance that may be issued by appropriate bodies such as the government and UUK.

Directorate of Governance, Legal and Sector Regulation contact details: governance@shu.ac.uk
Tel. 0114 225 3361 or 2051

APPROVAL PROCESS

The University supports the principle of freedom of thought and expression and will seek to support, within the limitations of the law, all events brought forward by staff and students.

The [Freedom of Speech Code of Practice](#) provides information on the limited and specific circumstances in which an event, speaker, exhibitor or sponsor would not be approved. As a member of staff you should read the Freedom of Speech Code of Practice so that you have a thorough understanding of the whole document (see also further guidance and training information at the end of this document).

A request to hold an event will only be refused when, in the view of the University:

- i) the event, or the publicity for the event, is likely to include, or lead to, or incite, an illegal act, or make it likely that the University will be failing to act in accordance with duties imposed on it by law, or infringe the rights and freedoms of others; (For the purposes of illustration, (i) may include, but not be limited to:
 - incitement of those persons attending to commit a criminal act;
 - the expression of views which may be contrary to the law, or the expression of views in a manner which may be contrary to the law;
 - organisation of the event, by, on behalf of, or in support of, a [proscribed organisation](#);
 - any likely breach of the peace which may result from the event);
- ii) the event is beyond the capability of the University to handle, including the protection of participants and University staff from harm and the security of University premises and equipment;
- iii) the event has not been authorised through the relevant procedure laid down by the University for the authorisation of events.

In considering the above, the University will also be mindful of the public sector equality duty (Section 149 of the Equality Act) which requires us to foster good relations between persons who share a relevant protected characteristic (e.g. religion, race, sex, sexual orientation, disability) and persons who do not share it. In certain circumstances, this duty might require the University to specify additional conditions or controls for an event.

GUIDANCE AND TRAINING

To enable you to carry out your responsibilities when organising an event, you should carefully read the Freedom of Speech Code of Practice and associated University guidance and ensure that you have completed appropriate Prevent training.

- [Guidance on the Prevent Duty for University staff](#)
- [Information about Prevent training, including the online module for all staff:](#)
- [Information about Equality and Diversity at the University](#)
- [Information about mandatory Equality and Diversity training for University staff](#)
- [Universities UK Guidance on External Speakers](#)
- [Delivering the Prevent Duty in a Proportionate and Fair Way](#): A guide for higher education providers in England on how to use equality and human rights law in the context of Prevent:

PROCESS DIAGRAM

