

Code of Practice on Freedom of Speech

This Code of Practice sets out the University of Worcester's approach to freedom of speech for the benefit of students and staff of the University.

1. BACKGROUND

1.1 Education (No 2) Act 1986

Section 43 of the Education (No 2) Act 1986 states that every individual and body of persons concerned in the government of universities 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.

This includes particularly 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

The Act requires that the University's governing body shall, with a view to facilitating the discharge of this duty 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. Additionally, the Act states that every individual and body of persons concerned in the government of the University 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 the University is complied with.

1.2 Article 10, Human Rights Act 1998

Article 10 of the Human Rights Act states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart

information and ideas without interference by public authority and regardless of frontiers.

The exercise of these freedoms, since it carried with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are 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 protection of health or morals, for the protection of reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of judiciary.

1.3 Counter Terrorism and Security Act 2015 (Prevent Duty)

The Counter Terrorism and Security Act 2015 means the University must “have due regard to the need to prevent people from being drawn into terrorism” (Section 26). The University must also “have particular regard to the duty to ensure freedom of speech” and “to the importance of academic freedom” (Section 31). Under Section 29, the University must “have regard to any such guidance in carrying out that duty”.

The University is complying with this duty in all its aspects, which in practice means striking a fine balance between concerns around extremism and concerns around censorship.

2. INTRODUCTION

2.1 The University supports the principle of freedom of speech and expression within the law as one of the fundamental principles upon which a University is founded. It also has regard to the need to ensure that students and staff have freedom to question, test and to put forward new ideas and controversial or unpopular opinions, without placing themselves at any risk. Every person employed at the University and Students' Union and every student enrolling at the University should be aware that joining the University community involves obligations and responsibilities, which are consistent with the above principle and law.

2.2 This Code of Practice sets out the rights and obligations inherent in supporting the principle of freedom of speech and expression within the law. The Code's obligations and rights apply to:

- a) the University (which includes all bodies or persons having authority to determine any matter relevant to this Code);
- b) all governors and staff of the University;
- c) all students of the University;

- d) the Students' Union and its constituent societies, clubs and associations, and employees and sabbatical officers;
- e) any visiting or guest lecturers invited by the University or Students' Union;
- f) any alumnus invited by the University;
- g) honorary doctors and fellows; and

h) any person or organisation wishing to hire premises controlled by the University for an event. In relation to the holding of any events on premises controlled by the University, the Code's rights shall also apply to:

i) persons invited or otherwise lawfully on the premises for the purposes of the event; and

j) persons who, if it were not for the provisions of this Code, would have been invited to the event.

2.3 Nothing in this Code will affect the rights of any person taking any steps pursuant to lawful industrial action.

2.4 Subject to Clause 2.2., those who are under a duty to observe and uphold the principle of freedom of speech within the University shall do so at all times, irrespective of whether or not they are on property owned or controlled by the University.

3. ACADEMIC FREEDOM

3.1 The principles of freedom of speech set out in this Code shall extend to the performance by all staff of their duties and responsibilities and to any visiting or guest lecturer invited by the University. It shall also extend to students presenting or exhibiting work produced during the course of their studies with the University.

3.2 Any person or body to which this Code applies shall not take any action (other than by reasonable and peaceful persuasion) to prevent the holding or continuation of any lecture, tutorial, exhibition, or other academic activity because of the views held or expressed or which are reasonably likely to be expressed (whether or not within the University) by the lecturer or tutor or student concerned, except as provided for in paragraph 4.3.

3.3 Any person or body to whom this Code applies shall not take any action (other than reasonable and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are enrolled because of the views or beliefs held or lawfully expressed

(whether or not within the University) by that student or because of the reasonable likelihood that such views will be expressed.

4. EVENTS

4.1 Where any person or body subject to the obligations of this Code wishes to hold any event for the expression of any views or beliefs held or lawfully expressed on premises controlled by the University or which are funded or endorsed by the University, consent shall not be unreasonably refused.

4.2 Save for the provision in paragraph 4.3, it shall not be a reasonable ground of refusal of permission or facilities for any event that the views likely to be expressed there may be controversial or contrary to the policy of the University or the Students' Union, provided that the expression of such views is lawful. Expression of opinions which are annoying, offensive, in bad taste, or ill-mannered is not automatically unlawful and should not be the sole ground for refusal unless this would result in the University failing in its wider legal duties (for example, to promote equality of opportunity and good relations between persons of different racial, gender and other protected characteristic groups). The fact that disorder may result at any event is not of itself a ground for refusal of permission or facilities unless the creation of such disorder is the intention of the organisers of, or speakers at, any such event or public safety and order might be jeopardised.

4.3 It shall be accepted as reasonable to refuse consent, or withhold facilities for any event to which this Code applies where the University reasonably believes (from the nature of the speakers or from similar events in the past whether held at the University or otherwise) that:

- a) the views likely to be expressed by any speaker are contrary to the law;
- b) the intention of any speaker is likely to be to incite breaches of the law or is to intend breaches of the peace to occur;
- c) the speaker is intolerant of the free speech of others both generally and where it includes the denial of the right to hold or express an opposing opinion. This also includes those who engage in the active preventing of permitting other to speak, such as the interruption - violent or otherwise - of meetings.
- d) the speaker and/or the organisation they represent advocate or engage in violence in the furtherance of their political, religious, philosophical or other beliefs.

- e) the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose; this includes organisations listed on the government's list of proscribed terrorist groups or organisations
- f) it is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University, that the event does not take place;
- g) the views of any speaker are widely known and published and do not align with the values of the University, regardless of focus of the event in question. By 'speaker', this Code means any organiser or other person invited to address the meeting other than members of any audience at that meeting.

4.4 Subject to paragraphs 5.3 and 5.5, where the University is reasonably satisfied that the otherwise lawful expression of views at any event is likely to give rise to disorder, the University shall consider what steps it is necessary to take to ensure:

- a) the safety of all persons,
- b) the maintenance of order, and c) the security of the premises controlled by the University.

4.5 The University may impose such conditions and requirements upon the organisers as are reasonably necessary in all the circumstances. These may include, but are not limited to, requirements as to provision of stewards, variation of location and time, and whether the event shall be open to the public at large.

4.6 Where the University concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, it may decline to permit such events to be held. Before doing so, however, the University will generally consult the police with a view to establishing whether the serious disorder can be prevented or otherwise dealt with appropriately by attendance of police officers or alternative conditions.

4.7 Where any person or body to whom this Code applies is engaged in the organisation of any event on premises controlled by the University at which it is reasonably suspected that disorder is likely to occur, the organiser shall normally give the designated officer (see footnote) not less than 28 days notice in writing of such a proposed event. The designated officer shall inform the person or body organising the event in writing within 7 days of the day of the notice whether the meeting may go ahead.

4.8 If any person or organisation believes that the actions of the designated officer in refusing permission or facilities for the holding of any event, or the actions of the

University in imposing conditions are unreasonable, it shall have the right to make representations. Any representation shall be made to the Pro Vice Chancellor (Students) or nominee within 7 days of the date of the letter confirming the original decision. The Pro Vice Chancellor (Students) or nominee shall consider such representations and within 7 days shall confirm in writing to the relevant person or organisation whether the original decision is to be upheld or varied. If the event organiser has been unable, for legitimate reasons, to comply with the normal requirements to provide 28 days notice to the designated officer, the Pro Vice Chancellor (Students) or nominee shall, at their absolute discretion, have the right to vary this procedure in order to ensure that a final decision is provided to the organiser prior to the date of the meeting.

4.9 Any person or body wishing to hold an event on premises controlled by the University must complete the relevant room booking form and provide further details of the event if required. This requirement applies to both internal and external bookings for any venue controlled by the University. It will be a mandatory requirement that the organisers of any event indicate they accept the terms of this Code when making a venue booking.

4.10 All event organisers shall ensure proper security and organisation (including stewarding and chairing) of the event for the purpose of protecting the right of freedom of speech. Whilst the heckling of speakers is a right not to be disturbed, it shall be contrary to the Code to seek, by systematic or organised heckling or disruption of such activity, to prevent the lawful expression of views.

4.11 It shall be contrary to this Code for any person or body subject to the Code to organise, engage in or become associated with, any conduct with the intention of preventing (other than by The Designated Officer is reviewed on an annual basis. For 2016/17 the designated officer is Helen Johnstone, Acting University Secretary (h.johnstone@worc.ac.uk) reasonable and peaceful persuasion) any event subject to this Code from being held or from continuing.

4.12 The organisers of the event shall have a duty so far as is reasonably practicable to ensure that both the audience and the speaker act in accordance with the law during the event. In the case of unlawful conduct, the event organiser shall give appropriate warnings and, in the case of continued misconduct, the event organiser shall require the withdrawal or removal by the stewards or if necessary by the police of the person(s) concerned.

4.13 It shall be the responsibility of the organisers of the event to ensure that no articles or objects which are likely to lead to injury, damage or breach of the law shall be taken inside the venue where the event is being held.

5. GENERAL

5.1 Any breach of the provisions of this Code shall be punishable under the Disciplinary Procedures of the University where applicable.

5.2 It shall be the duty of all those subject to the Code to assist the University in upholding the rights of freedom of speech set out in this Code.

5.3 Where a breach of this Code occurs, it shall be a duty of all to whom this Code applies to take all reasonable steps to secure the identification of persons involved in that breach.

5.4 Where breaches of the criminal law occur, the University shall, where appropriate, assist the Police. In respect of any criminal charges, the University shall not proceed with any disciplinary proceedings in respect of the same matters until the conclusion of any ongoing criminal proceedings. 5.5 The operation of the Code shall be monitored by the Pro Vice Chancellor (Students)

6 REVIEW AND AMENDMENT OF THIS CODE

6.1 Section 43(3) of the Education (No 2) Act 1986 requires that the Board of Governors shall issue, and keep up to date, a Code of Practice on Freedom of Speech. In order to comply with this duty, the Board of Governors will review formally the operation of the Code on an annual basis.

6.2 The appointment of the designated officer shall be reviewed on an annual basis