



## FREEDOM OF SPEECH CODE OF PRACTICE

### Introduction

1. The Court of Governors of the University requires all members of staff and students of the University to tolerate and protect the expression of opinions within the law whether or not these opinions are repugnant to them. Accordingly, and as required by law, the Court of Governors has approved and adopted this Code of Practice.
2. This Code is binding on all members of the staff, on governors, and on students of the University (hereinafter referred to as members, employees and students). For students it has the force of the Student Disciplinary Code. Any alleged breach of this Code may be the subject of disciplinary proceedings.
3. The University is under no legal obligation to hold meetings or other activities on its premises which are open to the outside public. It must take account of its other legal obligations with regard to what is said on its premises which might lead to incitement to violence or breach of the peace or incitement of racial or religious hatred or which might otherwise transgress the bounds of lawful speech. As required by the Equality Act 2010, the University will not tolerate harassment of its staff and students.

### General requirements

4. All members, employees and students are required to refrain from any action which is contrary to the specific provisions of this Code or which could in any other way be prejudicial to the proper discharge by the Court of Governors of the obligations placed upon it by Section 43 of the Education (No. 2) Act 1986, the relevant clauses of which are given in **Annex 1** to this Code.
5. All members, employees and students are reminded of the general obligations relating to their conduct placed upon them by the University's Codes of Conduct for governors and staff, by contracts of employment and by the Student Rules and Regulations. These general obligations are additional to, and unaffected by, this Code.

### Specific requirements

6. In the following clauses of this Code 'meeting' means any organised meeting, gathering or similar activity which takes place on the premises of the University (including areas occupied by the Students' Union) or which takes place elsewhere but is under the control of the University or any constituent part of it or the Students' Union and clubs and societies affiliated to the Union.
7. Any individual or body intending to organise a meeting is required to inform the University Secretary and Registrar before any arrangements are made if, in any particular case, the proposed meeting is of such a kind that the maintenance of freedom of speech or of related general good order cannot reasonably be assumed. To ensure compliance with this requirement organisers of meetings are strongly advised in their own interest to inform the

University Secretary and Registrar in any case of doubt and to do so well in advance of the proposed meeting.

8. In addition:
  - a) In respect of any proposed meeting which is to take place in areas under the control of the Students' Union, or externally but under the control of the Union (or any club or society affiliated to the Union), the requirement which is placed upon the organiser under Clause 7 shall also apply in addition to the President of the Students' Union [or equivalent sabbatical officer] and to the Student Activities Management of the Students' Union, who shall each similarly be required to inform the University Secretary and Registrar;
  - b) Any member, employee or student of the University may inform the University Secretary and Registrar of a proposed meeting if he or she believes that circumstances so warrant.
9. With regard to any activity of which the University Secretary and Registrar is informed under Clause 7 or 8 the University Secretary and Registrar shall decide what special measures if any are required. Exceptionally, and only after consultation and advice, the University Secretary and Registrar may, in the light of the obligations placed upon the Court of Governors under the Act, require that the meeting not take place. The decisions of the University Secretary and Registrar shall be binding on all those concerned subject only to appeal to the Vice-Chancellor whose decision shall be final. As a guide to organisers examples of the special measures which may be stipulated by the University Secretary and Registrar are given in **Annex 2**. In any case where the University Secretary and Registrar stipulates special measures the University Secretary and Registrar shall, after consultation with the organiser, appoint a 'Meeting Co-ordinator' who shall normally, but not necessarily, be the organiser or a member of the organising body.
10. The Meeting Co-ordinator shall be required to ensure that all reasonable and practicable measures are taken in relation to the arrangement of the meeting and to its conduct to prevent any breach of the law, of University policy, procedure and regulations and of special measures stipulated by the University Secretary and Registrar. The Meeting Co-ordinator shall be required to be present at the meeting whether as Chair or otherwise.
11. If at any time prior to the meeting the Meeting Co-ordinator believes that for any reason he/she will be unable to fulfil the requirements laid upon him/her he/she shall immediately inform the University Secretary and Registrar, giving the reasons, who shall decide what further action if any shall be taken as provided under Clause 9.
12. The University Secretary and Registrar (or designated representative) shall have the right to attend any meeting and at their absolute discretion in the light of the obligations placed upon the Court of Governors under the Act to terminate the meeting if circumstances so warrant.
13. Any individual member, employee or student of the University or any body using premises within the University (including the Students' Union and any club or society affiliated to the Union) who wishes to organise a meeting and who believes that this aim is being frustrated on grounds connected with the beliefs, views, policies or objectives of any individual or body may refer the case to the University Secretary and Registrar. If the University Secretary and Registrar is unable to resolve the matter to the satisfaction of all parties

concerned, the Vice-Chancellor is empowered by the Court of Governors to take such action as he/she deems necessary and his/her decisions are final.

14. Any decision taken by the University Secretary and Registrar not to allow a meeting to take place or to terminate a meeting, and any decision taken by the Vice-Chancellor under Clauses 9 and 12 shall be reported to the Court of Governors.

Enquiries to [governance@arts.ac.uk](mailto:governance@arts.ac.uk)

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## **Annex 1**

Education (No 2) Act 1986

PART IV

MISCELLANEOUS

### **Freedom of speech in universities, polytechnics and colleges.**

43.- (1) Every individual and body of persons concerned in the government of any establishment to which this section applies 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.

(2) The duty imposed by subsection (1) above includes (in particular) 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 grounds 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.

(3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, 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; and dealing with such other matters as the governing body considers appropriate.

(4) Every individual and body of persons concerned in the government of any such establishment 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 establishment, issued under subsection (3) above, are complied with.

(5) The establishments to which this section applies are -

(a) any university;

(b) any establishment which is maintained by a local education authority and for which section 1 of the 1968 (No 2) Act (government and conduct of colleges of education and other institutions providing further education) requires there to be an instrument of government; and

(c) any establishment of further education designated by or under regulations made under section 27 of the 1980 Act as an establishment substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the 1944 Act.

(6) In this section -

'governing body' in relation to any university, means the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs (that is to say the body commonly called the council of the university); 'university' includes a university college and any college, or institution in the nature of a college, in a university.

(7) Where any establishment -

(a) falls within subsection (5)(b) above; or

(b) falls within subsection (5)(c) above by virtue of being substantially dependent for its maintenance on assistance from local education authorities; the local education authority or authorities maintaining or (as the case may be) assisting the establishment shall, for the purposes of this section, be taken to be concerned in its government.

(8) Where a students' union occupies premises which are not premises of the establishment in connection with which the union is constituted, any reference in this section to the premises of the establishment shall be taken to include a reference to the premises occupied by the students' union.

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## **Annex 2**

### **Special Measures**

Among the areas which may be covered by special measures stipulated by the University Secretary and Registrar are:

- Advertising (including all preliminary advertising).
- Venue.
- Timing.
- Publicity.
- Admission requirements including arrangements for guests.
- Stewarding.
- Payments for special services such as stewarding, security and cleaning.
- Safeguards against the availability of potentially offensive weapons.
- Arrangements for food and drink.
- Liaison with the police.
- Exclusion of admission of press, radio and television.
- Chairmanship (including, where necessary, the respective roles of the Chairman and the Meeting Coordinator).
- Opportunities for discussion and questions.
- Procedures for terminating the Meeting.