



**BISHOP GROSSETESTE UNIVERSITY**

**Document Administration**

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# **BISHOP GROSSETESTE UNIVERSITY**

## **Freedom of Speech Policy**

### **1. Scope and Purpose**

#### 1.1. This policy sets out:

- the University's duty to secure freedom of speech within the law in relation to meetings and events held on University premises;
- the procedure to be followed by members of the University in connection with the organisation of any public meeting or activity which is to be held or take place on University premises; and
- the procedure to be followed by members of the University in connection with the organisation of any University branded event taking place off University premises.

#### 1.2. All members of the University shall assist the University in securing freedom of speech within the law in the University and in promoting the principles set out in this Policy.

### **2. Fundamental principles**

"Freedom of speech lies at the heart of universities' missions. In fact, universities in England and Wales have an express legal duty to secure freedom of speech.

"Institutions are autonomous bodies with the freedom to determine their own external speaker processes. In order to make well-informed decisions, universities must ensure that they have effective procedures in place to consider each external speaker request."

External Speakers in higher education institutions (Universities UK, 2013)

#### 2.1. The statutory duty upon universities to ensure freedom of speech is described in:

- Section 43 of the Education (No 2) Act 1986, which places upon the University the legal duty to "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".
- The Human Rights Act 1998, which incorporates the European Convention on Human Rights into UK law – including the right to freedom of expression and the right to freedom of assembly and association. These freedoms may be restricted in very specific circumstances, where it is lawful, necessary and proportionate to protect the wider interests of society.

2.2. The Equality Act 2010 prohibits discrimination on the grounds of the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. Universities have additional duties under the Equality Act 2010 to promote equality, known as the “public sector equality duty”. In particular, the public sector equality duty requires universities, in the exercise of their functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and those who do not share it.

When promoting freedom of speech, and freedom of expression in any media, the University will consider how it can promote equality and minimise tension and prejudice on campus or at any University sponsored event.

2.3. The University is also subject to section 26 (1) of the Counter –Terrorism and Security Act, 2015, which places a specific duty on higher education institutions to: ‘have due regard to the need to prevent people from being drawn into terrorism’. (For further details, please see <https://www.bishopg.ac.uk/policies-procedures-regulations-forms/> for a copy of the University’s Prevent Statutory Duty Policy).

2.4. Under the Higher Education and Research Act 2017, the University is required to register with the Office for Students (OfS). Registered providers are subject to a number of ongoing registration conditions that include ensuring freedom of speech (as part of the public interest governance principles).

2.5. This Policy applies to all students, staff, and Members of the University Council, the Students’ Union, and visiting speakers across all University owned or managed premises. Respecting the laws of different countries, it covers all activities led or hosted/ co-hosted or branded by the University, irrespective of where they take place.

2.6. The University is committed to the principles of academic freedom, freedom of speech, and freedom of expression. It fosters an environment where all its members can participate fully in the life of the University, and where each member feels confident and able to research, question and test received wisdom, and to express new ideas and controversial or unpopular opinions, without fear of isolation, marginalisation or discrimination. The University believes that all staff and students should have the right to speak freely, without fear of disciplinary action or any other sanction, provided they do so lawfully, without malice and in the public interest.

- 2.7. The starting point for any event proposed to be held on University premises (the University's campus or off-campus where sponsored/ branded by the University) is that the event should be able to take place. However, there will be some situations where the University will need to use its judgement to consider and balance all of its legal duties. The University will only consider cancelling an event where no reasonable options to enable it to proceed can be found.
- 2.8. The Vice-Chancellor and Members of the University Council have a responsibility to maintain good order on University premises. They have both the right and the power to regularise and, if necessary, to impose conditions or restrictions upon the conduct of meetings and other activities upon University premises to ensure that study by students at the University is not interrupted, that property is not damaged and that good order and proper academic discipline is maintained. The University is subject to other legal requirements, such as health and safety requirements, to ensure the safety of students, staff and visiting speakers and have a responsibility to adhere to the Instrument and Articles of Government of the University.

### **3. Interpretation**

- 3.1. A member of the University includes Members of the University Council, all member of the staff and any student of the University.
- 3.2. The "University premises" shall mean premises owned or occupied by the University, or other premises which are being used for a public meeting or other activity where:
- the target audience is predominantly University staff or students; and/or
  - advertising for the event carries University and/or Students' Union branding.
- In accordance with Section 43(8) of the Education (No 2) Act 1986, any reference to University premises will also be taken as including references to University premises used by the Students' Union.
- 3.3. A "public meeting or other activity" to which this Policy applies shall mean a meeting, lecture, seminar, gathering, assembly, demonstration or other event of any description.

### **4. Conduct of members of the University**

- 4.1 Whilst acknowledging that the Students' Union is a separate body, the University expects students, staff, Members of the University Council, the Students' Union and visitors on campus to ensure that freedom of speech within the law and freedom of expression are assured.
- 4.2 A member of the University who organises a meeting or other activity on University

premises shall be responsible for ensuring, as far as is reasonably practicable, that such a meeting or activity is conducted in a manner to promote freedom of speech and freedom of expression, whilst maintaining good order and academic discipline and shall not involve or lead to damage to property or an infringement of the law.

- 4.3 Members of the University are required to ensure that they do not wilfully engage in conduct that prevents, obstructs or disrupts the holding or orderly conduct of any meeting or other lawful activity that takes place on University premises.

## **5. Meetings or other activities organised by a member of the University**

- 5.1. The University will allow all public meetings and activities organised by a member of the University to proceed unless it has reasonable grounds for believing that:

- the event is likely to give rise to a breach of University discipline or of the peace; or
- the event is likely to incite those attending to commit a criminal act; or
- there is a genuine likelihood that the speaker may not be able to enter or leave the building safely and/or deliver his or her speech; or
- the event will be in direct support of a proscribed organisation whose aims and objectives are illegal or may lead to the expression of views contrary to the criminal law; or
- the event or the view likely to be expressed at the event will be in contravention of the of the University's constitution or the regulations made thereunder.

- 5.2. If the University becomes aware of any proposed public meeting or activity that it has reason to believe falls within the provisions of the above and the requirements of this policy have not been observed, and no reasonable practical steps or risk mitigations can be put in place, then the University shall be entitled to prohibit such meeting or activity.

- 5.3. The University shall be entitled to impose such conditions on the holding of all public meetings and activities on University premises as it considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of freedom of speech within the law.

## **6. Conduct of public meetings and activities**

- 6.1. The procedure set out in section 7 must be followed by members of the University in respect of:

- meetings or other activities which are to be held on University premises falling within the class of public meetings (as defined above);

- the conduct required of all persons in connection with any such defined meeting or activity; and
- any other related or ancillary matters that the University from time to time declares to fall within this Policy.

6.2. Infringements of, or departures from, the procedure in whatever respect may render those responsible subject to disciplinary proceedings. In addition to disciplinary proceedings, breaches of the law may give rise to prosecution. Every member of the University is under an obligation to assist with any investigation into any allegation of a breach of this Policy.

6.3. The University, in laying down the procedures, authorises the Vice-Chancellor to appoint an officer who shall act on its behalf to ensure as far as is reasonably practicable that all members of the University and visiting speakers comply with the provisions of this Policy.

## **7. Procedure for the holding of public meetings and activities on University premises**

7.1. The organisers of any public meetings or activities shall ensure that a member of the University is appointed as first point of contact for the event.

7.2. The person appointed as first point of contact shall be responsible for the booking and control arrangements and conduct of the event including stewarding and moderating, chairing, monitoring and entry, and risk assessment.

7.3. The person appointed as first point of contact for such an event shall ensure that at least 10 working days before the date proposed for the event, notice of the proposal is given to the Registrar (or the Head of Quality and Regulatory Compliance in their absence). Notice should be emailed to [regulatorycompliance@bishopp.ac.uk](mailto:regulatorycompliance@bishopp.ac.uk). Such notice shall contain a written statement of the name of the speaker(s), the subject of the event and the precise timing of the arrival and departure of the speaker(s). If a member of the University believes that an event they are organising may pose a risk under this Policy, they are required to highlight this in the notice and should discuss the matter in the first instance with the Registrar (or nominee) prior to submitting the notice. No advertising of the event is permitted until the Registrar (or nominee) has communicated a decision that the event can proceed in compliance with this Policy.

7.4. Permission to proceed with any event that falls under this policy, will be determined by the Freedom of Speech panel, consisting of the Registrar, Chief Operating officer, a Head of School and Head of Student advice (or their nominees). Designated nominees are: the Executive Dean: Learning, Teaching and Student Engagement, the Dean of Chapel and Chaplain, another Head of School or the Head of Quality and Regulatory Compliance. Within five working days of receiving the notice the Registrar (or nominee), advised by the Freedom of Speech panel, shall issue a

written statement that shall either grant (potentially subject to permissions) or withhold permission for the use of University premises for the conduct of the event. In the absence of the issue of a written statement within the said period permission shall be deemed to have been withheld. If the notice is received less than 10 working days prior to the proposed event date, consideration of such notice is subject to the discretion of the Freedom of Speech panel.

- 7.5. The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include: incitement to commit a criminal act; unlawful expression of views; support for an organisation whose aims are illegal; or the creation of an environment likely to give rise to a breach of the peace.
- 7.6. Any permission may be granted subject to such conditions as the Freedom of Speech panel considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of freedom of speech within the law. The Freedom of Speech panel may require the organisers to put in place reasonably practical steps to minimise risk to enable the event to proceed. (Examples of such actions can be found in: [Freedom of expression: a guide for higher education providers and students' unions in England and Wales](#), Equality and Human Rights Commission, 2019). They may also require the organisers to record the event (e.g. with appropriate AV equipment), in order to ensure that there is no dispute afterwards about what is said by whom, and to make this clear to all attending. The University will work with event organisers to ensure appropriate safeguards are in place; however, if the event is being organised by an outside person or body, the organisers of the event will be responsible for any extra expense incurred.
- 7.7. Appeals against the rulings of the Freedom of Speech panel may be made within three working days to the Vice-Chancellor, whose decision shall be final but must be reported to the next meeting of the University Council. Appeals will be considered within two working days. In the Vice-Chancellor's absence, the appeal will be considered by the Deputy Vice-Chancellor or senior staff member on duty who has not been involved in decision taken by the Freedom of Speech panel.
- 7.8. The person appointed as first point of contact and every other person concerned with the organisation of any event for which permission has been granted shall be required to comply with any and every condition laid down by the Freedom of Speech panel.
- 7.9. The person chairing the event (or if none, the person appointed as first point of contact) should, so far as possible, ensure that both the audience and the speaker act in accordance with the law during the meeting. In case of unlawful conduct, the chairperson is required to give appropriate warnings and in case of continuing unlawfulness to require the withdrawal or removal of the person(s) concerned by the stewards or security staff.

7.10. In addition to any conditions that may be imposed by the Freedom of Speech Panel in accordance with Clause 7.7 above, an officer appointed by the panel [the appointed officer] may at any time prior to or during the course of the event impose such further conditions as he or she may, in his or her absolute discretion, consider necessary or appropriate, including police involvement.. The appointed officer may arrange for University staff to be responsible for all security arrangements connected with the event and appoint a member of staff as controlling officer for the occasion. If not satisfied that adequate arrangements can be made to maintain good order he may refuse or withdraw permission for the event. Such a step would normally only be taken on the advice of the police.

## **8. Hire of University premises by external organisations**

- 8.1. The University will decide on the letting of University premises to external organisations. It will take into account the factors set out above and the domestic circumstances of the University.
- 8.2. The University may impose such conditions on such lettings as it thinks the circumstances warrant, including those referred to in this Policy and any other conditions it considers necessary (e.g. including a restriction on the number of persons from outside the University who shall be allowed into the University).
- 8.3. Any person or body hiring University premises shall be responsible for taking such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for persons attending or speaking at any meeting or other activity held on University premises, pursuant to this Policy. The hiring conditions for University premises shall make this clear.

## **9. Register**

- 9.1. The University shall keep a log of all event/ meeting requests and bookings that fall within this Policy.

## **10. Concerns**

- 10.1. Any individual having a concern about the actions of the University in respect of this Policy should first raise it with the Registrar ([regulatorycompliance@bishopg.ac.uk](mailto:regulatorycompliance@bishopg.ac.uk)) or the Vice-Chancellor ([vicechancellor@bishopg.ac.uk](mailto:vicechancellor@bishopg.ac.uk)). If the response is unsatisfactory, a complaint may be made using the University's Complaint Procedures (see: <https://www.bishopg.ac.uk/policies-procedures-regulations-forms/>).
- 10.2. Any individual having a concern about a proposed speaker at a public meeting or



activity should contact [regulatorycompliance@bishopg.ac.uk](mailto:regulatorycompliance@bishopg.ac.uk) .

- 10.3. Without prejudice to the right of peaceful demonstration, members of the University shall not obstruct access to a meeting or activity where they have concerns about a speaker and shall not aid or encourage other persons to cause such obstruction.