

Code of Practice on Free Speech and Events

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Council Ordinance 17 - Code of Practice on Free Speech and Events

1. Principles

1.1 Lawful freedom of speech is essential to the life of a University, but can only be attained if all those involved not only exhibit a degree of courteousness and forbearance towards views in opposition to their own but also support the concept of rational debate. The University wishes to ensure that the use of its premises is not denied to any individual or body on any grounds connected with their lawful beliefs or views or their policies or objectives, and that staff and students of the University may go about their proper business without fear of intimidation. Legal obligations exist which may set limits on certain freedoms in order to preserve the rights and freedoms of others. The University will have due regard to its relevant obligations and commitments that need to be taken into account in respect of the following legislation:

- The Education (No 2) Act 1986
- The Education Reform Act 1988
- The Human Rights Act 1998
- The Equality Act 2010
- Public Order Act 1986
- Protection from Harassment Act 1997
- The Racial and Religious Hatred Act 2006
- Terrorism Acts 2000 and 2006
- The Counter Terrorism and Security Act 2015

1.2 While the University is required under Section 43 of the Education (No 2) Act 1986 to protect and promote lawful freedom of speech and assembly, these have restrictions and penalties prescribed by law which are necessary in a democratic society. The Terrorism Act 2006 makes it a criminal offence to encourage terrorism (including to glorify terrorism), to disseminate terrorist publications, to prepare or plan to commit a terrorist act (or to assist others in doing so) and to give or receive terrorist training. The Racial and Religious Hatred Act 2006 ensures that protection is provided to people against harm because of their religious beliefs or lack of religious beliefs, focusing on those who stir up violence and hatred on religious grounds. The Counter Terrorism and Security Act 2015 requires the University to have policies and procedures in place for the management of events on campus and the use of its facilities.

1.3 Permission to use University premises for a meeting will only be granted to those who undertake to comply with instructions issued by the University in relation to the location, arrangements for and conduct of such meetings, including adequate stewarding and control of entry. The details of such arrangements must be agreed in each individual case. The University reserves the right to withhold permission to use its premises if it has reason to believe that the meeting or the events leading up to it may be in breach of the law. It should be noted that a speaker who, for example, incites an audience to violence or to breach of the peace, or to racial hatred, transgresses the bounds of lawful speech.

1.4 All of the procedures noted in this Code are subject to the normal legal and safety requirements relating to the use of University premises.

2. Scope of Application

2.1 This Code applies to all meetings and events, including lectures, seminars, committee meetings and musical and theatrical performances (**Events**) on any premises wherever situated, of which the University has title or possession, by freehold, leasehold, licence or otherwise, including its halls of residence, Chaplaincy and prayer rooms. This includes

external venues hired in the name of the University or that of the Union of Brunel Students. This Code also applies to Events held via online platforms such as Zoom or Teams (not exhaustive).

2.2 The Code covers Events organised by University staff, students, Brunel Student Societies and the Union of Brunel Students, as well as Events organised by third parties that take place on University premises (**Event Organiser**). Every individual has a duty to ensure that freedom of speech is protected on University premises, including in lectures, tutorials, research and other activities. Individuals also have a duty to assist the University in meeting its obligations under the Prevent duty.

2.3 Except as provided in 2.4 below, where an External Speaker is invited to be involved in an Event under the remit of the normal academic curriculum, either for teaching and research purposes (**Academic Event**), the procedures set out in Section 5 of this Code will not apply. By '**External Speaker**' this Code means speakers invited to attend an Event (other than members of the audience) who are not current University staff members or a part of the University's student body.

2.4 Where the Academic Event involves an External Speaker and it is expected, or reasonably foreseeable, that the External Speaker will raise controversial issues which may risk infringement of or non-compliance with this Code, then the Event Organiser must seek approval of the external speaker in advance of the event through the external speaker procedure, outlined in Section 5 of this Code. In the case of any doubt as to whether a proposed External Speaker might require approval under this procedure, the Event Organiser shall consult the Chief Governance Officer at the earliest opportunity for their view on whether the approval procedure should be followed.

3. Responsibilities of the University

3.1 The University is responsible for upholding and maintaining the principles set out in Section 1 of this Code.

3.2 The University reserves the right of final decision about admission or exclusion of any person, including press, television and broadcasting personnel, in respect of any Event covered by this Code.

3.3 The University reserves the right to refuse or withdraw permission for an Event to take place or close an event once it has begun.

3.4 The following list, which is not exhaustive, provides examples of the kinds of circumstances in which a decision to refuse or withdraw permission for, or to close, an Event might be taken:

1. Where the bounds of lawful free speech are exceeded or thought likely to be exceeded such as by incitement to commit crimes or breach of the peace;
2. Where physical harm to persons, damage to University property or a breach of the peace is taking place or thought likely to take place;
3. Where the frequency of bookings made by an individual or organisation seems calculated to inhibit access of others to the University's facilities;
4. If unlawful acts are likely to take place, or indeed are taking place, as a result of the Event in question;

5. Where the speaker has a history of denying free speech to others or has otherwise engaged substantially in activities which are inimical to the values which this Code seeks to uphold, as set out in the principles;
6. Where the speaker has previously broken the rules and procedures of free speech requirements at the University

3.5 In order to enable an Event to proceed, the University may need to impose conditions. For example, in certain circumstances, measures such as the hiring of professional security staff or ticketing of an Event may be required. Costs will in principle fall to the Event Organiser.

3.6 The Head of Security, or their nominee, will normally be responsible for the security arrangements for any Event that they consider to pose a security or safety risk to any person, building or facility at the University. They will act as the main point of contact for any necessary dealings with the police. In addition, where security-related decisions need to be taken at very short notice – such as once an Event is under way - the Head of Security or their nominee may, under delegated authority from the Chief Governance Officer, cancel, postpone or close an Event, or impose whatever restrictions are necessary to ensure security and safety.

3.7 The University has a duty to ensure that its facilities are not used in a way that might run the risk of harming persons at the University, used to promote violent extreme views, provide a platform for a proscribed terrorist organisation or to facilitate other criminal or public order offences. When deciding whether or not to host a particular External Speaker, the University will consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that inter alia cause harm or risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the Event will not be allowed to proceed unless such risk can be fully mitigated.

3.8 One such circumstance where the risk in question might be mitigated is where arrangements can be made to allow these views to be challenged with opposing views as part of the same Event.

4. Responsibilities of Event Organisers

4.1 Event Organisers must:

1. Comply with this Code and any prescribed procedures or measures which the University puts in place for the organisation, publicity and management of an Event;
2. Pay any reasonable fee that the University may charge for the use of a room, facility or service, which may include the hiring of additional security personnel; and
3. Ensure that nothing in the preparations for or conduct of an Event infringes the law and that the Event is inclusive and in line with the University's objectives under its [Equality, Diversity and Inclusion Strategy 2021-2024](#).

4.2 Where the Event does not have a Debate Facilitator as provided for by Appendix A, Event Organisers will be required during an Event to:

1. Maintain order;
2. Take steps to avoid disorderly conduct;
3. Allow reasonable heckling, but to require any person or persons heckling at the Event in such a manner as to prevent the conduct of business to desist from doing so, and, if necessary, to call the University's agents to remove such person or persons from the Event; and

4. Ensure that the conduct of any person attending or addressing the Event does not infringe the law and if necessary to call the University's agents to remove such person or persons from the Event.

The University's Security Team will normally work with the Event Organisers to ensure the requirements of 4.2 are complied with, will normally be responsible for security arrangements for the Event as stated in 3.6 and will also arrange for Stewards to be present at the Event if considered necessary.

4.3 It is expected that any speaker at the University can be questioned or challenged by the audience. Therefore, the speaker(s) and the Event Organisers are expected to be receptive to any such challenge and allow the Event to be conducted in an orderly manner.

4.4 Event Organisers will be expected to co-operate with arrangements the University wishes to put in place to allow a full debate where views may be challenged as outlined in section 3.8. Guidance on how such an event may be conducted is set out at Appendix A.

5. Procedure for Events and External Speaker Bookings

5.1 When a member of staff wishes to hold an Event, an online form should be completed which notifies all the relevant teams. The online form is available on IntraBrunel at [Planning your event](#). The form must be submitted as far as possible in advance of the projected Event date, and in any case no less than ten (10) working days in advance.

5.2 Tentative bookings may be made without details being supplied as soon as an Event is conceived, but it is the Event Organiser's responsibility to provide full details by the deadline. Where this is not done, Events will in principle be automatically cancelled.

5.3 Any variation in the arrangements for the Event should be notified to the University in advance of the Event in sufficient time to enable the University to satisfy itself that the revised arrangements are satisfactory. Any changes in the arrangements for the Event which have not been notified to the University in sufficient time may be deemed to be a reason for cancellation by the University.

5.4 All Event Organisers must notify the University that an External Speaker has been invited to an event by completing the External Speaker Form, at least ten (10) working days in advance of the date on which the Event is planned to take place. The Event Organiser must include in the form all information that they are aware of and which the University will require for their review.

5.5 On receipt of the External Speaker Form, the University shall review the information on the form and conduct an initial risk assessment to determine whether the proposed Event would be either low, medium or high risk, as set out in Appendix B. The request will then be either Approved, Approved with Conditions or Refused.

5.6 If the staff designated to accept bookings on the University's behalf have any reason to think that there may be a breach of the peace or any problems, difficulties or disturbances if the Event takes place, or the External Speaker Event is assessed as being high risk, they shall immediately escalate the matter to the Chief Governance Officer.

5.7 The decision whether or not any particular request should be approved, approved with conditions or rejected shall then rest with the Chief Governance Officer who will take into account the requirements of the Education (No 2) Act 1986 and other relevant legislation, the principles and conditions laid down in this Code and the maximum capacity of the areas

available for the Event and other safety factors as advised by the University's Prevent Coordinator.

5.8 The Chief Governance Officer will endeavour to ensure that Event Organisers receive reasonable notice of a decision to cancel an Event. It is the responsibility of the Event Organiser to ensure that those who may have been expected to attend are notified of its cancellation.

5.9 No food or drink, alcoholic or otherwise, or any receptacle, containers or other implements which could be used as missiles may be taken into an Event. Coats, bags, etc., must be deposited in the room provided for this purpose which will be under the control of a steward. Banners and flags on poles may not be taken into a building where an Event is taking place and must not be used elsewhere on University premises in a manner likely to cause injury or damage, or to incite actions leading to injury or damage.

5.10 No member of the press, radio or television shall be admitted to any Event without the prior approval of the Chief Governance Officer.

5.11 The University reserves the right to decide which room shall be used for a particular Event and to make any arrangements which appear necessary for the security and safety of people, property or premises. The cost of any arrangements made by the University may be charged to the Event Organisers. The Event shall only proceed when the University is satisfied with all arrangements relating to the security and safety of people, property or premises.

5.12 The Chief Governance Officer or their nominee is empowered to cancel an Event if he is not satisfied that the Event Organisers are willing or able to comply with the conditions specified for that Event.

5.13 The Chief Governance Officer and/or their nominee may be present at, and is empowered to bring to an end, any Event if there is felt to be a risk to the safety of the speaker or any other person, or that the law has been or may be about to be breached.

5.14 The Chief Governance Officer or their nominee may summon assistance from other members of the University or from the police if this appears necessary to secure the orderly conduct of the Event or access to or from the Event venue. The cost of such assistance may be charged to the Event Organisers.

5.15 In the event of any damage to University property arising out of the Events or any incidents connected with it, the cost of such damage may be charged to the Event Organisers.

6. Appeals

6.1 Appeals against the ruling of the Chief Governance Officer or their nominee may be made to a special committee comprising at least one member of Council and one member of the Executive Board. If there is insufficient time to consider the appeal before the scheduled date for the Event, the Event may have to be postponed pending the outcome of the appeal.

7. Non-Compliance

7.1 Infringements of or departures from the procedures set out in this Code will render those responsible subject to University disciplinary procedures. If any such action involves infringements of the criminal law which are being pursued by the police or other civil authorities, University disciplinary procedures will normally be suspended pending the outcome of such procedures.

8. Code Review

8.1 The University will regularly review this Code and procedures to ensure that they serve the needs of the University community.

Appendix A

Facilitating debate at the University

1. There are many different debating formats each with their own rules. This procedure does not intend to issue guidance on precisely how a debate should be structured but the arrangements that need to be put in place in order for views to be formally challenged.

2. It is expected that any speaker at the University can be questioned or challenged by the audience. This will not require that a formal request is made to challenge a speaker or speakers with opposing views and the Event Organisers will be expected to ensure that such issues can be raised whilst maintaining the orderly conduct of the meeting as required in paragraph 4.2 of the Code.

3. In the event that a formal request is made to challenge a speaker or speakers with opposing views as part of the same Event (**Debate**), the person(s) making the request is expected to notify the Chief Governance Officer of the names of all opposing speakers and the purpose of making the request.

4. The Event Organiser will be notified as to whether it will be necessary to make any changes to the plans for the Event in respect of:

- i. Changing the proposed venue;
- ii. Enhancing the stewarding or security arrangements;
- iii. Restricting attendance to members of the club, society or other identifiable group; or
- iv. Restricting attendance to members of the University only.

5. For any Event where there will be a Debate, a Debate Facilitator will need to be appointed to oversee the conduct of the Event and, when appropriate and with the agreement of the Event Organiser, act as Chair.

6. Those eligible to be Debate Facilitator are listed below:

- i. Members of academic or professional staff;
- ii. The President of the Union of Brunel Students or their nominee;
- iii. Members of staff whose role within the University encompasses pastoral responsibilities for students;
- iv. Members of Union of Brunel Students' staff

7. The Debate Facilitators will be required during the Event to:

- i. maintain order;
- ii. instruct the Event Organisers to take steps to avoid disorderly conduct;
- iii. to allow reasonable heckling, but to require any person or persons heckling at the Event in such a manner as to prevent the conduct of business to desist from doing so, and, if necessary, to call the University's agents to remove such person or persons from the Event;
- iv. to ensure that the conduct of any person attending or addressing the Event does not infringe the law and if necessary to call the University's agents to remove such person or persons from the Event;
- v. draw the Event to a close at an appropriate point.

Appendix B

External Speaker Risk Assessment Guide

Risk Level	Risk Description (Examples)
<p style="text-align: center;">Low</p>	<ul style="list-style-type: none"> - The speaker is a known expert in their field and is not known to be controversial, or to hold controversial views. - Their presence on University premises is not likely to be regarded as provocative in any way. - The topic of the talk is not controversial nor is it likely to be regarded as offensive by anyone. - Access to the event is limited to University students and staff only. - It is very unlikely to attract adverse media attention or require staff or security presence.
<p style="text-align: center;">Medium</p>	<ul style="list-style-type: none"> - The speaker and/or topic may be regarded as controversial and this could be a cause for concern even if attendance is likely to be low. - The speaker and/or topic may be uncontroversial but the event is open to non-University students and staff, including the general public and high numbers are likely to attend. - There may be adverse media attention and a member of security should attend. - The speaker has been refused permission to speak at another institution before. - The event is being held at an external venue.
<p style="text-align: center;">High</p>	<ul style="list-style-type: none"> - The speaker and/or topic are highly controversial and will definitely attract adverse media attention. - The speaker has been refused permission to attend an event at University and other institutions before. - High attendance is expected at the event. - The speaker and or topic may attract protest from other students/staff or outside organisations. - Security presence would be essential. - The event should not take place unless strict controls are put in place to protect individuals and property.