

# **Council Ordinance 17 – Code of Practice on Freedom of Speech and Academic Freedom**

## **Part 1 Introduction**

### **1. Statement**

Brunel University London (“the University”) has published a statement relating to freedom of speech and academic freedom on its website [Freedom of speech statement | Brunel University London](#) (“the **Free Speech Statement**”). It is the responsibility of students and staff at the University to familiarise themselves with this Statement. This Code of Practice has been put in place to meet the University’s obligations under section 43 of the Education (No.2) Act 1986 (“the **1986 Act**”), section 202 the Education Reform Act 1988 (“the **1988 Act**”) as it relates to academic freedom and sets out the procedures that the University will follow in furtherance of its statutory duties and the Free Speech Statement. This Code of Practice must therefore be read in conjunction with the provisions of the 1986 Act and the Free Speech Statement. However, if any inconsistency arises between the terms of this Code and the Free Speech Statement then this Code will take precedence.

### **2. Authority**

The University’s governing body, the Council, authorises the Chief Governance Officer to act on its behalf to ensure as far as is reasonably practicable that all members of the University (including all staff and students and visiting speakers) comply with the provisions of the Code. The ultimate accountable authority for the interpretation and implementation of the day-to-day operations of this Code is the Chief Governance Officer. The Chief Governance Officer shall appoint another appropriate member of staff or nominee to act on their behalf in their absence or in the event of any conflict or other reason by which they cannot directly exercise this duty personally.

### **3. General principles**

The University is bound by statutory duty to ensure freedom of speech. In addition, freedom of thought, freedom of expression and freedom of assembly and association are protected by law. The University operates with a presumption in favour of freedom of speech.

Higher education providers are often affected by wider conflicts and disputes relating to external issues, for example involving ethnicity or religious faith, which may sometimes find expression on campus amongst the student body or other groups. The challenge for the University is to identify when the pursuit of freedom of ideas and expression crosses a threshold and becomes unlawful or poses unacceptable risks to the health, safety or welfare of employees, students or visitors.

The University, as an institution, does not take a formal position on political or international disputes. Instead, it endeavours to provide a platform to facilitate discourse on contemporary issues by encouraging critical debate, within the law, where the views of all parties are treated with respect.

Academic staff are protected in their teaching, research, and speech by the provision on academic freedom expressed within the University's Charter and the 1988 Act. Staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.

Freedom of speech and academic freedom also has to be set in the context of the University's values, and the values of a civilised, democratic, inclusive society. The University expects internal and external speakers and those taking part in University activities to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community. This principle applies even in relation to the way which views are expressed and any form of protest activity.

The right to freedom of expression, freedom of speech, freedom of thought and freedom of assembly are safeguarded in Articles 9, 10 and 11 of the European Convention on Human Rights and given further effect by Schedule 1 of the Human Rights Act 1998. The Articles also outline the duties and responsibilities required to exercise these freedoms as follows: 'The exercise of these freedoms, since it carries 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 the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.' As such, freedom of expression, speech and assembly are protected by the law but are not absolute or unqualified.

#### **4. Purpose**

The Code ensures that as far as reasonably practicable, academic freedom and freedom of speech within the law are secured for members, students, employees of the University as well as visiting speakers.

#### **5. Scope**

This Code is divided into three Parts:-

- a. Part 1 contains an Introduction and provisions of general application;
- b. Part 2 applies to all concerns, complaints or queries relating to curriculum and programme content, or other academic, research or scholarly materials where they relate to or may impact the University's legal duties to promote (i) freedom of speech and expression on campus under section 43 of the 1986 Act and also the Human Rights Act 1998 (the "**HRA**"); and (ii) academic freedom under section 202 of the 1988 Act; and
- c. Part 3 applies to all meetings and events, including lectures, seminars, committee meetings and musical and theatrical performances (**Events**) on any premises wherever situated, owned or occupied by the University, by freehold, leasehold, licence or otherwise, including its halls of residence, Chaplaincy and prayer rooms. This also includes external venues hired in the name of the University or that of the Union of Brunel Students including Events which are organised, funded or

branded by them including Events organised by their individual groups or societies or members. Part 3 also applies to Events held via online platforms such as Zoom or Teams (not exhaustive). Part 3 applies to all staff, students and visiting speakers to the University and to any other person in attendance at any meeting or event which has been duly authorised to take place by the University or when using its facilities.

## **6. Non-compliance**

Infringements of or departures from the procedures set out in this Code may lead to University disciplinary procedures, which could be under the [Disciplinary Policy and Procedure](#) for staff or the [Student Disciplinary Procedure](#). In some cases, it may also be necessary to refer matters to the [Student Complaints Procedure](#) or to the [Grievance Policy and Procedure](#) for staff. If any action involves infringements of the criminal law which are being pursued by the police or other civil authorities, University procedures will normally be suspended pending the outcome of such procedures and the University will assist the prosecuting authorities to implement the process of the law. The Chief Governance Officer will report to University Council on the circumstances of any significant infringements of, and departures from, the provisions of the Code.

## **7. Social media**

This Code and the Free Speech Statement apply equally to the use of electronic and social media. The University requires responsible and legal use of the technologies and facilities available to staff and students of the University, including the use of the internet, email and social media. Please refer to the University's [Social Media Guidance 2015 \(brunel.ac.uk\)](#) for more information.

## **8. Free Speech Panel**

The University has formed a Free Speech Panel ("the **Panel**") which shall convene to determine all matters under Part 2 of this Code and to hear any appeals under Part 3 of this Code.

## **9. Approval and review of this Code**

This Code has been approved by the Council of the University pursuant to section 43(3) of the 1986 Act. The University has a duty under the 1986 Act to keep the Code and its operation under regular review. The Code shall be reviewed by the Council not less than once every three years.

## **10. Legal Context**

The Code is underpinned by both external legal requirements and an internal framework of statutes, policies and procedures. The principle elements of the legal requirements on the University are documented at Appendix C.

## **11. Data Sharing**

Where it is appropriate and legal to do so, the University may share data with third party organisations for the purposes of upholding or implementing this Code.

## **Part 2 Dealing with concerns, complaints or queries**

### **1. Introduction**

- 1.1 Part 2 takes effect where issues relating to freedom of speech or academic freedom are raised. Staff receive training and guidance on the types of issues that may be raised and it is the responsibility of all staff to notify the Panel when they are raised by emailing [FOS@Brunel.ac.uk](mailto:FOS@Brunel.ac.uk)
- 1.2 The Panel will operate in conjunction with existing University procedures (for example the student complaints, staff grievance or whistleblowing procedures) where issues of freedom of speech or academic freedom are raised. The Panel shall consider any implications for the University of the matter being raised in relation to the Free Speech Statement.
- 1.3 In the event that the Panel determines that any matter raised with it has adverse or potentially adverse consequences for the University's compliance with its statutory duties or the efficacy of the Free Speech Statement, it may make recommendations to any relevant person (which shall include committees of the University and any other panel convened under any University procedure) with a view to ensuring that the University adheres to the principles expressed in the Free Speech Statement.

### **2. Purpose**

- 2.1 The purpose of the Panel, at all times, is to ensure that the policies, procedures, practices and behaviours of the University community is consistent with its statutory duties and the terms of the Free Speech Statement and to provide relevant and timely advice (which may include recommendations to University committees) as it considers necessary to further this purpose.
- 2.2 The Panel may also provide guidance to members of staff in relation to responding to issues raised in a manner that is consistent with the University's statutory duties and the Free Speech Statement.
- 2.3 The Panel shall consider whether any matter referred to it should be referred to external legal advisors and if so, shall obtain such advice through the Head of Legal Services. The Panel shall consider measures necessary to preserve legal privilege where appropriate.
- 2.4 The Panel shall consider and determine appeals arising under Part 3.

### **3. Advisory capacity**

- 3.1 Save in relation to the consideration of appeals under Part 3, the Panel exists in an advisory capacity to bring relevant knowledge and experience relating to freedom of speech and academic freedom to assist proceedings that may be underway or contemplated across the University. The Panel does not replace or obviate the need for any other decision-making body at the University although it is expected that such bodies will consider advice received from the Panel.

- 3.2 The Panel, as an advisory body, does not have authority to impose penalties or sanctions.
- 3.3 Concerns may be raised that curriculum content is sometimes offensive, shocking or disturbing. However, academic freedom means that academic staff at the University have freedom within the law to question and test common beliefs and traditional views and to put forward new ideas and controversial or unpopular opinions. In the event that concerns of this nature are raised by a student, for example, under the student complaints procedure, the member of staff receiving the complaint should refer the matter to the Panel as soon as possible by emailing [FOS@Brunel.ac.uk](mailto:FOS@Brunel.ac.uk). The Panel shall consider whether it is necessary to provide advice to the officers handling the complaint in relation to freedom of speech and academic freedom. If necessary, the officers shall await advice from the Panel before reaching an outcome.
- 3.4 Staff may also raise concerns about curriculum content. They may object to an element of the curriculum or they may feel that their academic freedom has been inhibited by a decision of the University. Concerns received from staff of this nature, which may be raised as a grievance for example, should also be referred to the Panel as soon as possible by emailing [FOS@Brunel.ac.uk](mailto:FOS@Brunel.ac.uk). The Panel shall consider whether it is necessary to advise the officers handling the grievance as to the University's duties in relation to freedom of speech and academic freedom.
- 3.5 Advice from the Panel should also be sought in the event that the University's media monitoring identifies external media that relates to the University and its compliance with statutory duties and its Free Speech Statement.

## Part 3 Events

### 1. Scope

- 1.1 The 1986 Act includes a responsibility to ensure that the use of the University's facilities is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.
- 1.2 Part 3 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. Each Event must be sponsored by an employed member of staff or a current registered student and where an Event is organised externally (i.e. not by a member of staff or currently registered student) it must be sponsored by a named individual (each an **Event Organiser**). Every Event Organiser has a duty to ensure that freedom of speech is protected on University premises, including in lectures, tutorials, research and other activities, including to which External Speakers are invited. Event Organisers also have a responsibility to assist the University in meeting its obligations under the [Prevent duty](#).
- 1.3 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 currently registered student.

### 2. Procedure for Events and External Speaker Bookings

- 2.1 The majority of Events involving External Speakers will be dealt with by Event Organisers following this procedure. In a minority of cases, where an Event is deemed to be not low risk, Event Organisers will need to use the referral procedure set out below.
- 2.2 The Event Organiser must 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. This must be done before any External Speaker is invited to any Event.
- 2.3 When the Event Organiser assess the risk of an Event to be "Low" as defined in Appendix B, the Event Organiser can invite the External Speaker to the Event and should ensure that they fulfil their responsibilities as Event Organiser under this Code.
- 2.4 When the Event Organiser assess the risk of an Event to be "Medium" or "High" as defined in Appendix B, an online form should be completed which notifies all the relevant teams. The online form is available 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.
- 2.5 The decision whether or not the Event should be approved, approved with conditions or rejected shall then rest with the Chief Governance Officer (or their nominee) who will consider the University's legal duties and obligations as well

as the principles and conditions laid down in the Statement and 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 and Head of Security & Emergency Planning. The Chief Governance Officer may, in circumstances where it is considered that a broader range of views must be taken into account before making an initial decision, refer the request to approve the Event to the Panel immediately.

- 2.6 The following list, which is not exhaustive, provides examples of the kinds of circumstances to consider when deciding whether to allow an Event to take place including whether mitigations might need to be taken, conditions applied or an Event modified or curtailed:
  - 2.6.1 Whether the views or ideas to be put forward (or the manner of their expression) will exceed the bounds of lawful free speech or thought likely to exceed those bounds such as by incitement to commit crimes or breach of the peace, or infringing the legal rights of others, or breaching legal protections against unlawful discrimination, or constituting a criminal offence;
  - 2.6.2 Whether physical harm to persons, damage to University property or a breach of the peace is taking place or thought likely to take place including likely risk of protest;
  - 2.6.3 Where there is or is likely to be a health and safety or campus security risk; including a risk to the External Speaker or attendees at the Event whether participants or protestors.
  - 2.6.4 Whether the frequency of bookings made by an individual or organisation seems calculated to inhibit access of others to the University's facilities;
  - 2.6.5 If unlawful acts are likely to take place, or indeed are taking place, as a result of the Event in question;
  - 2.6.6 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;
  - 2.6.7 Where the speaker has previously broken the rules and procedures of free speech requirements at the University;
  - 2.6.8 The cost, short notice, or difficulty of providing necessary mitigations which may be required to enable an event to go ahead without significant risk.

- 2.7 A key test is whether a proposed Event is likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence or threats of violence, with particular reference to the protected characteristics under the Equality Act 2010.
- 2.8 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.
- 2.9 The Chief Governance Officer (or nominee) will endeavour to ensure that Event Organisers receive reasonable notice of a decision not to approve 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 non-approval.
- 2.10 The Chief Governance Officer (or nominee) may cancel an Event if they are not satisfied that the Event Organisers are willing or able to comply with the conditions specified for that Event.
- 2.11 The Chief Governance Officer (or nominee) may be present at, and is empowered to 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.
- 2.12 The Chief Governance Officer (or 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 third party Event Organisers if there is found to be a breach of this Code.
- 2.13 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.

### **3. Responsibilities of the University**

- 3.1 The University is responsible for upholding and maintaining the principles set out in the Statement.
- 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 University has procedures in place to allow its staff, students and members of the public to report any instances of alleged hate crime, harassment, threat or intimidation and for these concerns to be investigated promptly and thoroughly, with the appropriate measures taken in response, including, where necessary, reference to the police and other external bodies. For students, the



[Bullying and Harassment Policy](#) may apply whilst for members of staff, the [Dignity at Work Policy](#) may apply.

- 3.5 The University should ensure that any protests against an event are conducted in a peaceful way without infringing the rights of others, including the right to Freedom of Speech. No protest should prevent an Event from going ahead as scheduled. Protests must comply with the University's Protest Protocol in Appendix D.
- 3.6 In circumstances where there are reasonable concerns about an Event or associated protest and in order to enable an Event to proceed, the University may need to consider how risks can be mitigated and managed and this may include the 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. The Chief Governance Officer may impose a restriction on food or drink, alcoholic or otherwise, or any receptacle, containers or other implements which could be used as missiles from being taken into an Event. Coats, bags, etc., may also be required to be deposited in the room provided for this purpose which may be under the control of a steward. Where the Event Organiser is a third party, these costs may be charged in addition to any agreed fee for use of premises.
- 3.7 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.
- 3.8 Under the Counter Terrorism and Security Act 2015 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 amongst other things cause harm or risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the presumption remains in favour of free speech, but an Event will not be allowed to proceed unless such risk can be fully mitigated, such as by making arrangements to allow these views to be challenged with opposing views as part of the same Event.

#### **4. Responsibilities of Event Organisers and attendees**

- 4.1 Everyone who organises, speaks at or attends an event at the University, or an externally held event is required to observe good order. Good order includes, but is not limited to, refraining from the following: preventing participants from accessing events; preventing speakers from being heard clearly; chanting or using foul or abusive language, including racial abuse; refusing reasonable requests from an event chair, or other University staff involved in managing an event; displaying flags, banners, placards or similar items in an event; acting in any other way which is threatening or abusive, or which denies to others their right to legal free speech.
- 4.2 Event Organisers must:
  - 4.2.1 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 including carrying out a risk assessment in accordance with paragraph 2.2 of this Part 3;
  - 4.2.2 Where the Event Organiser is a third party, 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
  - 4.2.3 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](#).
- 4.3 Where the Event does not have a Debate Facilitator as provided for by Appendix A, Event Organisers will be required during an Event to:
  - 4.3.1 Maintain order;
  - 4.3.2 Take steps to avoid disorderly conduct;
  - 4.3.3 Allow reasonable heckling, but in the event that such heckling is not in accordance with the University's Protest Protocol in Appendix D, to require persons to leave the Event and, if necessary, to call the University's Security Team to remove such person or persons from the Event; and
  - 4.3.4 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 Security Team 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 this Code are complied with, will normally be responsible for security arrangements for the Event and will also arrange for Stewards to be present at the Event if considered necessary.

- 4.4 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.
- 4.5 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. Guidance on how such an event may be conducted is set out at Appendix A.

## 5. Outcomes and Appeals

- 5.1 The withholding or withdrawal of permission for an Event will only occur in exceptional circumstances where measures cannot be put in place to secure freedom of speech within the law and wherever possible after consultation with the Event Organiser and appropriate internal and external parties as are deemed appropriate by the Chief Governance Officer or their nominee. The Chief Governance Officer or their nominee has the sole discretion to take this decision.
- 5.2 Appeals against the ruling of the Chief Governance Officer or their nominee may be made to the Panel. In circumstances where the Chief Governance Officer referred the request to the Panel to make the initial decision, there shall be no further right of appeal.

## Appendix A

### Conducting Events

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.
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, an independent Debate Chair will be appointed by the Event Organiser from a Debate Panel to oversee the conduct of the Event. The Debate Panel, will comprise staff members of the University who are experienced in chairing events and debates, who understand the importance of upholding freedom of speech within the law and who will act in accordance with this Code. Whilst the attendance of just one independent Debate Chair will be sufficient at each Debate, the Debate Panel will collaborate and share responsibility for preparing for the Debate, including reviewing the topic of the Debate and any possible views which may be expressed, researching the speakers, preparing their opening remarks and considering any questions that they may wish to pose to the speakers. Although the Chair may pose questions to the speaker(s), they should not be a speaker at the event themselves, or express their own views on the subject matter at the Event.

6. The Chief Governance Officer reserves the right to reject a proposed Debate Chair and require the Event Organiser to find an alternative, but only if the proposed Debate Chair is not a suitable and experienced staff member or if there is evidence that there are reasonable grounds to believe that they have not acted impartially when chairing previous events or have not upheld freedom of speech at previous events. The Chief Governance Officer must communicate their reasons for rejecting a proposed Debate Chair in writing to the Event Organiser.

6. The Debate Panel will comprise staff members with previous experience of chairing events and debates, including, but not limited to the following:

- 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. During the Event, the Debate Chair will be required to:

- i. ensure that anyone who wishes to challenge or criticise the views of the speaker(s) in an orderly fashion is allowed to do so;
- ii. maintain good order and instruct the Event Organisers to take steps to avoid disorderly conduct;
- iii. uphold freedom of speech within the law by adhering at all times to this Code and acting impartially in their facilitation of discussion and debate.
- iii. 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. 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.

8. 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.

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

10. 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 third party 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.

## Appendix B

### External Speaker Risk Assessment Guide

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

## Appendix C

### Legal Context

1. The Education Act (No 2) 1986 (Section 43) imposes specific obligations on higher education providers to promote and protect freedom of speech and requires that they: *“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.”* The Act includes a duty on higher education provider governing bodies to issue and keep updated a code of practice setting out the procedures to be followed by members, students and employees in connection with meetings on the higher education provider’s premises.

2. The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS’s regulatory framework. Under the framework the governing bodies of registered universities and colleges should take ‘such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.’ HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.

3. The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions

4. Freedom of thought, conscience and religion (Article 9); freedom of expression (Article 10) are safeguarded by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998.

5. The Equality Act 2010 places a duty on the University to eliminate discrimination, harassment and victimisation and further to foster good relations between all members of the University’s community.

6. The Public Order Act 1986 contains a range of criminal offences relating to violent conduct, speech or actions that threaten violence or cause fear, harm or distress. The Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in circumstances where it is likely racial or religious hatred will be stirred up as well as stirring up hatred on grounds of sexual orientation.

7. The Terrorism Acts of 2000 and 2006 define certain criminal activities relating to terrorism in terms of inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological objective.

8. The Counter Terrorism and Security Act 2015 places an obligation on the University to have due regard to its duty to prevent people from being drawn into terrorism.

9. The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.



## Appendix D

### Protest Protocol

#### Some dos and some donts:

##### Physical activities

- ✓ Attend Events and engage, but respect others and the normal rules for good order at meetings, debates etc.
- ✓ Speak outside an Event, leaflet, or use placards/banners in support or opposition, but avoid disrespectful or intimidating language including the chanting of baseless allegations, blocking access to the event, obstructing passers-by, damage, or littering
- ✓ Hold a booked event in a University building
- ✓ Follow instructions given by University staff, who are primarily concerned with safety
- X Disrupt authorized University Events; e.g. prevent speakers from talking or others from attending, or do anything designed to stop the event continuing
- X Occupy University buildings or sites without permission
- X Act against the law

##### Communications

- ✓ Send appropriate communications by permitted means, including use of media and social media to explain messages or campaigns
- ✓ Ensure that any communications are not threatening or disrespectful
- ✓ Remember that harm or damage caused is likely to have a negative impact
- X Intimidate or disrespect others, ignoring their freedoms or making untrue or unfounded allegations against them
- X Use fireworks or smoke canisters, or spray/paint on messages
- X Intentionally or carelessly damage property

**The University can take disciplinary action where staff or students breach this protocol.** Students and staff are responsible for knowing how to conduct a protest without committing a disciplinary offence, such as:

- Not obstructing lawful free speech or assembly in the University
- Not occupying or using University property without permission
- Not endangering the safety, health, or property of others
- Not engaging in harassment of others

- Complying with University Officers and others authorized to act for the University when doing their duty, e.g. by showing your University card when asked

Conduct such as that marked in red above may cause the University to start disciplinary proceedings, or in some cases involve the use of bailiffs or require referral to the police. The University can impose significant penalties, for example, expulsion, or suspension of a student from their study, or exclusion from campus for interfering with others' lawful freedom of speech.