

SECTION 5: CODE OF PRACTICE ON FREEDOM OF SPEECH

From: Education (No 2) Act, 1986, FREEDOM OF SPEECH IN UNIVERSITIES, POLYTECHNICS AND COLLEGES - CODE OF PRACTICE (A full copy of the act is available in the Library)

1. INTRODUCTION

1.1 Section 43 of the Education (no 2) Act 1986 provides as follows:

- a) every individual and body of persons concerned in the Government of the University 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.
- b) the duty imposed by a) 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 ground connected with
 - (i) the beliefs or views of that individual or of any members of that body; or
 - (ii) the policy or objectives of that body.
- c) the Governing body of the University shall issue and keep up to date a Code of Practice setting out:
 - (i) 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 the class of meeting specified in the code; (ii) of other activities which are to take place on those premises and which fall within the class of activity so specified; and
 - (ii) the conduct required of such persons in connection with any such meeting or activity.

1.2) The document sets out guidelines to cover three situations:

- a) events arranged by University staff outside the normal teaching programme
- b) events arranged by the students' union or a society thereof
- c) events arranged by any person or group outside a) and b) above.

2. GUIDELINES

- 2.1. The Governing body endorses the maintenance of freedom of thought and expression within the University. .
- 2.3 The University has a responsibility of maintaining good order on the premises. It has both the right and power to regulate, and if necessary to impose, conditions or restrictions upon conduct of meetings and demonstrations on its premises. However, it is not the intention to stifle lively debate or peaceful demonstrations.
- 2.4 The University should not unreasonably refuse the holding of events on its premises. The expression of controversial views which are not unlawful *per se* does not constitute reasonable grounds for withholding facilities for an event. Indeed where it is evident that the sponsors aim to present more than one side or point of view, a refusal would clearly be unreasonable.
- 2.5 Reasonable grounds for refusal would be that the aim of the event is likely to:
 - a) incite those attending to commit a criminal act;
 - b) lead to the expression of views contrary to criminal law;
 - c) be in support of, or organised by, an organisation whose aims and objectives are illegal;
 - d) give rise to a breach of the peace.
- 2.6 In determining whether the holding of an event might be reasonably refused, consideration should also be given to:
 - a) the safety of persons attending the event and of people in the immediate neighbourhood who might foreseeably be put at risk;
 - b) the security of the University;
 - c) the good name and reputation of the University.
- 2.7 Since the University is open and accessible to staff, students and members of the public and has no internal policing system, the prevention of disorder at events cannot be solely the duty of the University, except to ensure that efficient stewarding arrangements are made. The Police Authorities should therefore be consulted in any case where the possibility of disruption or disorder might reasonably be anticipated.

3. PRACTICE

- 3.1. It shall be a regulation of the University that in accordance with this code, staff and students of the University are required not to engage in any conduct which prevents, obstructs, or disrupts the holding or orderly conduct of any meeting or other lawful assembly in the University.. Any breach of this regulation will be treated as a

- disciplinary matter to be dealt with in accordance with the appropriate disciplinary procedure.
- 3.2 The use of the premises by outside bodies shall be granted only to those organisers of meetings who undertake to comply with all lawful instructions issued by the University in relation to the location arrangements and conduct of such meetings, including adequate stewarding chairing and any provision of adequate control over entry.
- 3.3 Members of staff, the Students' Union, or other student organisers shall be required to provide the Vice Chancellor with advance notice of any meeting or event to be held on University premises which might reasonably be supposed to be controversial.
- 3.4 In cases where it is reasonable to assume that there is a possibility of disruption, the University shall consult the Police. If the meeting is a public one, the Police may be prepared to be present throughout to minimise the risk of disruption.
- 3.5 Where offences are committed which break University disciplinary codes, all reasonable steps shall be taken to identify those responsible and the disciplinary system invoked.
- 3.6 Where a breach of criminal law occurs, University management shall be ready to assist in the prosecution of those responsible and disciplinary proceedings should be delayed pending outcome.
- 3.7 In accordance with the Articles of Government, the Vice Chancellor shall determine all questions relating to the use of premises, under the terms of any general policy direction of the Governors.

4. REVIEW OF CODE OF PRACTICE

- 4.1 The Vice Chancellor shall keep the code of practice and its operation under regular review and submit reports to the Governing Body on any required changes as they become necessary.

5. FOOTNOTE: GUIDELINES FOR ACTION BY STUDENTS

- 5.1 The Board of Governors have agreed that the Vice Chancellor should be given at least seven days notice of meetings which might reasonably be supposed to be controversial (Item 3.3).
- 5.2 Students including officers and members of the Students' Union and its clubs, societies, committees and other bodies should note this requirement. They may wish to notify the Vice Chancellor through the President of the Students' Union. In this case they must allow time for the President to be able to give the Vice Chancellor at least seven days notice.
- 5.3 If any student organising a meeting is in any doubt whether the meeting is subject to the requirements of the Code of Practice the student should consult the Vice Chancellor

informally in good time, i.e., more than seven days ahead of the proposed date of the meeting.