

## 18. FREEDOM OF EXPRESSION

*This Regulation describes the framework within which staff and students of the University and visitors enjoy the right to freedom of expression. Reference should also be made to the University's Code of Practice for Freedom of Speech and Academic Freedom.*

### **Policy statement**

- 18.1** As an institution of higher education, which values academic freedom, the University is committed to promoting and positively encouraging free debate and enquiry. This means that it accommodates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative.
- 18.2** In any event, the University has an explicit duty in law<sup>1</sup> to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes a responsibility to ensure that the use of University premises 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. The University is, however, under no legal obligation to allow meetings to be open to members of the public.
- 18.3** This does not mean that the right to freedom of expression is unfettered. It is limited, for example, by laws to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. A speaker from an organisation proscribed by law would therefore not be allowed.
- 18.4** The Counter-Terrorism and Security Act 2015 also imposes a duty on the University to have due regard to the need to prevent people from being drawn into terrorism. This Regulation fulfils the requirement in the Prevent Duty for Universities to have policies and procedures in place for the management of events on Campus and use of the University's premises.
- 18.5** The University shall have regard to its legislative obligations relating to the following:-
- Equality and Diversity
  - Human Rights
  - Criminal Law (including anti-terrorism and public order)
  - Education
  - Civil law claims including those relating to libel, slander and defamation
  - Health and Safety
  - Harassment
- 18.6** Freedom of expression 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 speakers and those taking part in protest 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. These precepts include the way in which views are

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<sup>1</sup> Under the Education (N<sup>o</sup> 2) Act 1986 and the Higher Education (Freedom of Speech) Act 2023

expressed and the form of any protest activities.

- 18.7** In considering whether or not to permit its premises to be used for a particular event, the University has to consider:-
- whether the views or ideas to be put forward (or the manner of their expression)
    - ~ infringe the rights of others, or
    - ~ discriminate against them, or
    - ~ constitute views that risk drawing people into terrorism or are shared by terrorist groups. For the avoidance of doubt, the definition of terrorism above is that as set out in the Terrorism Act 2000 (or as subsequently amended).
  - whether the activity in question
    - ~ constitutes a criminal offence
    - ~ constitutes a threat to public order or to the health and safety of individuals
    - ~ incites others to commit criminal acts, or
    - ~ is contrary to the civil and human rights of individuals.
  - whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained.

#### **Authority**

- 18.8** The Council authorises the Vice-President (Community and Inclusion) to act on its behalf to ensure as far as is reasonably practicable that all staff and students of the University, and all visiting speakers, comply with the provisions of this Code.

#### **Procedure**

##### *Meetings*

- 18.9** Those booking rooms in the University are taken to have read and agreed to abide by the provisions of this Regulation. In addition, they are required to designate a 'Principal Organiser', who must be a member of staff or student of the University and who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Code of Practice. The Principal Organiser shall ensure that appropriate information is provided on the booking form about the nature and topic of the meeting.
- 18.10** The Principal Organiser is required to notify the Vice-President (Community and Inclusion) – as far as possible in advance of the meeting, and in any case at least two weeks before it – for any meeting to be held on the University campus if the subject matter of the meeting is or might reasonably be construed as 'controversial' (a 'controversial' meeting in this context being taken as a speaker who might reasonably be construed as having the potential to occasion protest from, or give offence to, any section of the University or wider community, or constitute extremist views, or any speaker from a political party).
- 18.11** The Principal Organiser shall on request provide the Vice-President (Community and Inclusion) with such information as the latter may require – including in particular the name of the principal speaker or speakers at the meeting, the theme(s) of the speech(es), the grounds for notification under section 9 and the extent to which the

speaker's past history suggests that they might infringe one of the criteria set out in paragraph 6 above, the name and experience of the person who will chair the meeting, the subject of the address or addresses, the names and experience of any stewards and other logistical information.

**18.12** The Vice-President (Community and Inclusion) shall grant or withhold permission for the use of University premises (including, as appropriate, space used by the Students' Union or Chaplaincy) for the meeting proposed. Permission will only normally be withheld on the grounds indicated in 6 above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Vice-President (Community and Inclusion). Such conditions may include requirements

- (a) that tickets be issued and/or restricting the number of persons attending;
- (b) that an adequate number of stewards be available, in addition to any University security staff that the Vice-President (Community and Inclusion) may feel should be present, to maintain safety and order;
- (c) as to the venue for the meeting and/or restricting banners or placards;
- (d) as to the admission or exclusion of press, television or broadcasting personnel, and, subject to licensing law, the sale or consumption of alcohol within the premises;
- (e) as to the arrangements for chairing the meeting, and as to the circumstances in which the meeting may or must be terminated prematurely;
- (f) that a speaker be balanced by one or more speakers with opposing views;
- (g) that the designated meeting or activity be restricted to staff and students of the University;
- (h) that University staff be responsible for all security arrangements connected with the meeting.

**18.13** It shall in all cases be open to the Vice-President (Community and Inclusion) to invite the Police to be present at any meeting on University premises. It shall also be open to the Vice-President (Community and Inclusion) to withdraw permission for a meeting if, having originally granted permission, they judge that the meeting will not in fact conform to University policy (as outlined in 6 above) or that safety or public order cannot be guaranteed or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Vice-President (Community and Inclusion).

**18.14** Premises used for meetings must be left in clean and tidy condition, in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay towards these costs may be required. In exceptional circumstances, the University reserves the right to re-charge the organisers of any meeting for any extraordinary expenditure it incurs as a result of that meeting. Exceptional circumstances may include where a high-profile politician is speaking at the event or where a speaker is likely to attract significant protest. The University will also take into account the current political and social climate relating to the issues and matters being discussed when considering if there are any additional costs. The University shall bring these costs to the attention of the organisers in advance of the event taking place.

*Protests and demonstrations*

- 18.15** Those arranging protests or demonstrations on University premises (whether in relation to a meeting covered by this Code or on any other matter) are taken to have read and agreed to abide by the provisions of this Code. They are also required to designate a ‘Principal Organiser’, who will be a student or member of staff, who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Regulation.
- 18.16** As long as is reasonably practicable in advance of the event in question, the Principal Organiser shall ensure that appropriate information is provided to the Vice-President (Community and Inclusion), normally through Security Services, about the nature and theme of the event. Wherever possible, this information shall be provided at least a week before the event. The Principal Organiser shall on request provide the Vice-President (Community and Inclusion) with such information as the latter may require.
- 18.17** The Vice-President (Community and Inclusion) shall grant or withhold permission for the use of University premises for the meeting proposed. Permission will normally be withheld only on the grounds indicated above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Vice-President (Community and Inclusion).

*Appeals*

- 18.18** Appeals against the rulings of the Vice-President (Community and Inclusion) may be made to the Vice-Chancellor, whose decision shall be final.

*Infringements*

- 18.19** The Vice-President (Community and Inclusion) shall report to the Council on the circumstances of any significant infringements of, and departures from, the provisions of this Code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the University’s disciplinary procedures.

*Amendments to these Regulations are approved by Senate. Any such amendments are identified above and will take effect from the date shown.*

*Date of Last Update: 1 August 2024*