



## Freedom of Speech: Policy and Procedure

### 1 INTRODUCTION

Under the Education (No 2) Act (1986) the Board of Governors of the University has a responsibility 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 University and for visiting speakers.

This responsibility includes the duty to ensure that the use of any premises of the University is not denied to any individual or body on any ground connected with:

- The beliefs or views of that individual or any member of that body
- The policy or objectives of that body

This Policy is issued in accordance with the requirements of the Act to set out:

- The procedures to be followed in the organisation of meetings or other activities which take place on University premises
- The conduct required of persons in connection with a meeting or other activity and dealing with such other matters as the Board of Governors considers appropriate

The UK government is also placing on universities specific duties under the Counter Terrorism and Security Act and this Policy forms part of the University's response to those duties.

Reference should be made to the following:

- The University's Prevent policy
- (Policy on the procedure for ad hoc room bookings and external speakers)
- *Organised Events: Event Management Policy and Guidance Notes* (Health and Safety)
- University *IT Policy* (usage restrictions)
- University *Equality and Diversity Policy Statement and Code of Practice* and *Racial Equality Policy*
- If appropriate, relevant SMSU policies and procedures governing external events

### 2 LEGAL BACKGROUND: FREEDOMS AND LIMITATIONS

The University is committed to the principles of academic freedom as set out in the Education Reform Act (1988) and stated in the University's Articles:

The Governors shall have regard to the need to ensure that academic staff of the University have freedom within the law, and the Articles, to question and test received wisdom, and to put forward new ideas and controversial and unpopular

opinions, without placing themselves in jeopardy or losing their jobs or any privileges they may have at the University (Articles 21.2).

The Human Rights Act (1998) also embodies certain freedoms including freedom of thought, belief and religion, freedom of expression, and freedom of association. However that Act also recognises limits to freedom 'as are prescribed by law and are necessary in a democratic society'.

Freedom of speech cannot include:

- Threatening, abusive or insulting words or behaviour intending or likely to cause harassment, alarm or distress, or cause a breach of the peace<sup>1</sup>
- Incitement to racial or religious hatred<sup>2</sup> or incitement to terrorism<sup>3</sup>

Freedom of speech has also to be set within the context of the University's values and within the legal Objects of the University which includes the advancement of education in such manner as befits a Catholic foundation.

### 3 RESPONSIBILITIES

The University seeks to conduct its affairs in an open and responsible manner and 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 within the law
- Within the broad scope of the University's Articles, Mission and Values
- And in accordance with this Policy and any other relevant University regulation

**The Board of Governors and the Vice-Chancellor** have a responsibility, whether the University's premises are being used in the normal course of University business or by the external organisers of an event, to ensure that:

- The law is upheld
- The Articles (including the Objects of the University as a charity) and any supporting regulations of the University are upheld
- Good order is maintained, and that the normal business of the University is not interrupted
- University property is not damaged or people (whether staff, students or visitors) put at any risk

**Staff and students** have a responsibility not to abuse this right so as to bring the name of the University into disrepute, nor as an alternative to agreed complaints and grievance channels.

**Staff, students and the external organisers of events** have a responsibility to be sensitive to the University's values and its Catholic foundation, to the diversity of its community and to

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<sup>1</sup> Public Order Act (1986)

<sup>2</sup> Race Relations Act (1976) incorporated in Public Order Act (1986) and Racial and Religious Hatred Act (2006)

<sup>3</sup> Terrorism Act (2006)

show respect to all sections of that community. While the University upholds the principles of freedom of speech it is under no obligation to allow the use of its premises for any event.

The University also expects staff and students to respect the University's values and its Catholic foundation when speaking as a member of the University or otherwise representing the University in an official capacity off campus.

#### **4 APPLICATION OF POLICY**

This Policy applies to:

- All persons (whether academic staff or otherwise) whose normal place of work is on premises of the University
- All registered students at the University (whether full-time or part-time)
- The St Mary's University Students' Union (SMSU), and any of its constituent societies, clubs and associations
- The officers and employees of the SMSU
- All bodies or persons not associated with the University who hire or otherwise use the University's facilities

This Policy applies for the following meetings and events:

- Meetings and events within the University which are arranged by staff or students but on a 'private' basis (where the member of staff is hiring University premises on the same basis as a member of the public)
- Meetings and events within the University or other uses of University facilities which are arranged by persons not associated with the University, whether by hire or any other arrangement
- Meetings and events arranged by SMSU or a SMSU society, club or association which involve an external speaker not associated with the University or SMSU

This Policy does not apply to the University Chapel, the Crypt or the 'Chapel in the Woods' to which separate rules apply under Canon Law.

This Policy does not normally apply to activities directly linked with the academic work of the University, committee meetings, official Trade Union activities and sporting, social or cultural events. However it may be invoked if the University becomes aware that an event is likely to lead to a situation set out immediately below.

The University will normally allow all meetings and activities to proceed unless it has reasonable grounds for believing that an event is likely to:

- Lead to incitement to commit a criminal act
- Lead to the expression of views in a manner which is contrary to civil or criminal law
- Lead to a breach of the peace
- Be in direct support of an organisation whose aims and objectives are illegal
- Lead to the expression of views incompatible with the Articles, Mission and Values of the University
- Be conducted in such a way as to infringe this policy or other relevant University regulation
- Adversely affect the reputation and interests of the University
- Endanger the security and/or safety of the University premises and people using the premises

- Contravene health and safety or other relevant regulations

The University may impose conditions on the holding of any event on University premises (section 5.2). The University must also reserve the right to cancel any event if it considers it reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of freedom of speech within the law.

## 5 PROCEDURE

### 5.1 Introduction

Reference should also be made to *Organised Events: Event Management Policy and Guidance Notes* produced by the Health and Safety Officer and the policy on ad hoc room bookings and external events. The Health and Safety Policy identifies an **Event Organiser** who may be a member of staff or a student, or a person hiring University premises.

That Policy requires the Event Organiser to provide notification of an event 28 days before it is due to take place. Key individuals identified in *Organised Events: Event Management Policy and Guidance Notes* include:

- The Director of Estates and Facilities
- The Health and Safety Officer
- The Head of Security
- The Conference Office (Event Organiser for most external events)
- The University Ceremonies and Timetabling Officer
- The President and the Chief Executive Officer of SMSU

As Heads of School also play an important role in having oversight of events in their Schools, the relevant Head of School must also be notified.

In addition to the requirements of *Organised Events: Event Management Policy and Guidance Notes* the Event Organiser will agree to abide by this Policy and Procedure and will undertake to inform **the University Secretary** if s/he believes that there is any potential threat to freedom of speech posed by an event.

Other individuals including but not limited to those identified above should inform the University Secretary if they believe that an event may pose a potential threat to freedom of speech.

### 5.2 Procedure

In consultation with other members of senior management **the University Secretary** will decide whether permission to hold the event should be withheld with reference to the principles set out in this Policy and to relevant legislation. Legal or other advice may be sought if necessary.

Permission for an event may be:

- Granted or
- Granted subject to certain conditions being met (below) or
- Withheld

Event Organisers are required to adhere to any terms and conditions of booking an event on University premises.

In considering whether an event may proceed, the University will take into account any risk that may be generated by the broadcast or report of the event to the wider community. Broadcast includes broadcast by social media or similar means.

Granting permission to an individual or body to hold an event on University premises does not imply that the University endorses any policy, views or objectives of the individual or body.

### **5.3 Conditions for an event**

An Event Organiser may be required, after due consultation, to comply with certain conditions if it is considered that difficulties may be encountered. Those conditions may include but are not limited to the following:

- Approved arrangements for the chairing or other general management of the event are in place
- The event is ticketed and/or that attendance is monitored
- That an event promoting a particular view includes an opportunity to debate or challenge that view
- A copy of any speeches to be delivered be submitted for approval
- Approved stewards or security arrangements are in place
- Alcohol is not permitted at the event
- Special conditions for the admission of representatives of the press, radio or television are in place, or for the 'broadcast' of the event for example through social media
- Clearly stating in any publicity that the University does not endorse any policy, views or objectives of the individual or body

The terms and conditions of bookings must make it clear that:

- Any failure to disclose full event and/or speaker details may result in an event/booking being cancelled
- The University reserves the right to cancel any event for which permission may have been given if the potential risk increases
- The University must be informed of any changes to an event for which permission has been given, and that these will need to be considered by the process outlined above

An Event Organiser may be required to pay any costs necessarily incurred by the University to ensure compliance with this Policy or to make good any loss or damage caused as the direct result of the event being held.

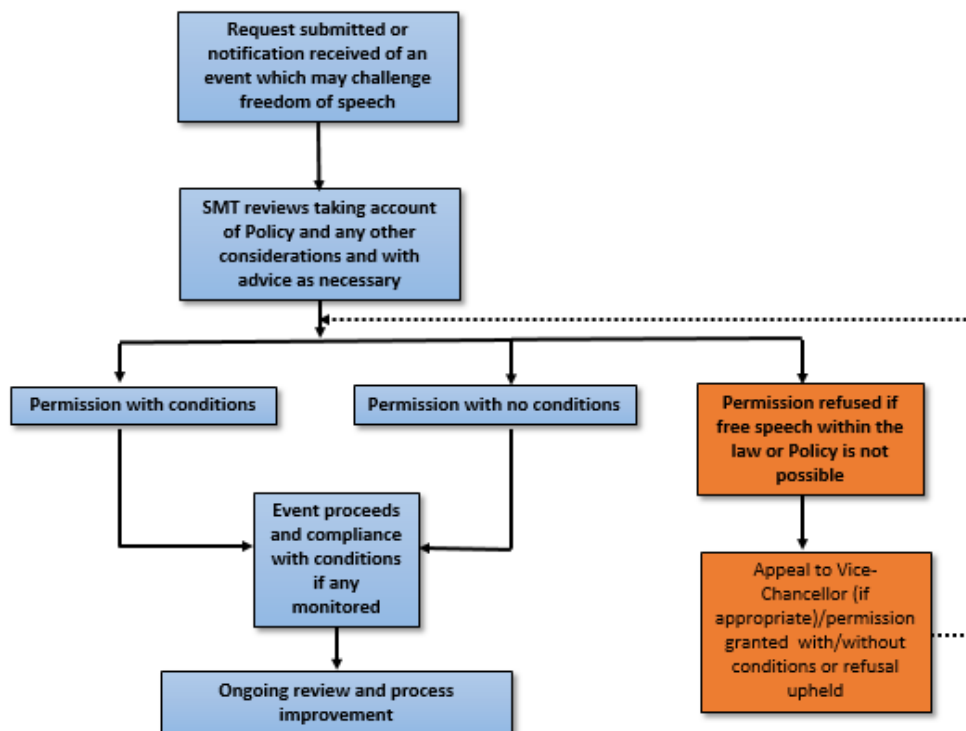
If permission is granted subject to certain conditions being met, the Event Organiser is responsible for ensuring that all conditions are met.

Should permission be withheld the Event Organiser will be informed of the reasons for the decision with reference to the principles set out in this policy and to relevant legislation if necessary.

If permission is refused, the Event Organiser may make an appeal to the Vice-Chancellor within 14 days of permission being refused.

Any appeal will be considered by the Vice-Chancellor (or his nominee) as soon as reasonably practicable. The Vice-Chancellor's ruling will be final.

## PROCEDURE: FLOWCHART



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