



BISHOP GROSSETESTE UNIVERSITY

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BISHOP GROSSETESTE UNIVERSITY

Freedom of Speech Policy

1. Scope and Purpose

- 1.1. This policy sets out the University's duty towards freedom of speech in relation to meetings and events held on University premises.

2. Fundamental principles

"Freedom of speech lies at the heart of universities' missions. In fact universities in England and Wales have an express legal duty to secure freedom of speech.

"Institutions are autonomous bodies with the freedom to determine their own external speaker processes. In order to make well-informed decisions, universities must ensure that they have effective procedures in place to consider each external speaker request."

External Speakers in higher education institutions (Universities UK, 2013)

- 2.1. The statutory duty upon universities to ensure freedom of speech is described in two pieces of legislation:

- Section 43(i) of the Education (No 2) Act 1986 lays upon the University the 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 Establishment and for visiting speakers".

The University will not, therefore, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.

- The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.

The associated public sector equality duty requires universities, in the exercise of their functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and those who do not share it.

- 2.2. This policy applies to all students, staff, and Members of the University Council, the Students' Union, and visiting speakers across all University owned or managed premises.



2.3. The University is committed to the principles of academic freedom, freedom of speech, and expression. It fosters an environment where all its members can participate fully in the life of the University, and where each member feels confident and able to research, question and test received wisdom, and to express new ideas and controversial or unpopular opinions, without fear of isolation, marginalisation or discrimination. The University 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 lawfully, without malice and in the public interest. At the same time, all staff 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.

2.4. The Vice Chancellor and Members of the University Council have a responsibility to maintain good order on University premises. They have both the right and the power to regularise and if necessary to impose conditions or restrictions upon the conduct of meetings and other activities upon their premises and of being responsible to ensure that the study by students at the University is not interrupted, that property is not damaged and that good order and proper academic discipline is maintained. They also have a responsibility to adhere to the Memorandum and Articles of Association of the University and the regulations made thereunder.

3. Interpretation

3.1. A member of the University includes any member of the staff of the University and any student of the University.

3.2. The University means the Members of the University Council or such person or persons to whom the Council Members may from time to time delegate the powers and responsibilities hereinafter stated as belonging to the University.

3.3. Working day means any weekday from Monday to Friday inclusive but excluding any public holiday or any day on which the University is not open.

4. Conduct of members of the University

4.1 The University expects students, staff, members of the University Council, the Students' Union and visitors to ensure that freedom of speech within the law is assured. A member of the University who organises a meeting or other activity on University premises shall be responsible to ensure, as far as is reasonably practicable, that such a meeting or activity is conducted in a manner to maintain good order and academic discipline and shall not involve or lead to damage to property or an infringement of the law.

4.2 Members of the University are required to ensure that they do not wilfully engage in conduct which prevents, obstructs or disrupts the holding or orderly conduct of any meeting or other lawful activity which takes place on University premises.

5. Meetings or other activities organised by a member of the University



5.1. The University will allow all meetings and activities organised by a member of the University to proceed unless it has reasonable grounds for believing that:

- the event is likely to give rise to a breach of University discipline or of the peace; or
- that the event is likely to incite those attending to commit a criminal act; or
- there is a genuine likelihood that the speaker may not be able to enter or leave the building safely and/or deliver his or her speech; or
- the event will be in direct support of an organisation whose aims and objectives are illegal or of doubtful legality or lead to the expression of views contrary to the criminal law; or
- the event or the view likely to be expressed at the event will be in contravention of the Memorandum and Articles of Association of the University or the regulations made there under.

Any meeting or other activity which is described above shall fall within the requirements of this policy.

5.2. If the University becomes aware of any proposed meeting or activity which it has reason to believe falls within the provisions of the above and the requirements of this policy have not been observed, then the University shall be entitled to prohibit such meeting or activity.

5.3. The University shall be entitled to impose such conditions on the holding of all meetings and activities on University premises as it considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of freedom of speech within the law.

6. Procedures for events involving external speakers:

6.1. The following procedures must be followed by members of the University in respect of:

- meetings or other activities which are to be held on University premises falling within the class of meetings as defined above; and
- the conduct required of all persons in connection with any such defined meeting or activity; and
- any other related or ancillary matters which the University from time to time declares to fall within this policy.

6.2. Infringements of, or departures from, these procedures in whatever respect will render those responsible subject to disciplinary proceedings. In addition to disciplinary proceedings, breaches of the law may give rise to prosecution.

6.3. The University in laying down the procedures authorises the Vice Chancellor to appoint an officer who shall act on its behalf to ensure as far as is reasonably practicable that all members of the University and visiting speakers comply with the provisions of this policy.

7. Meetings and activities on University premises organised by members of the University



This section applies to any meetings or activities organised by a member of the University which fall under this policy, as defined above. If you are proposing to run an event and are concerned that it may fall under this policy, please contact the University Registrar and Secretary in the first instance.

- 7.1. The organisers of any such event shall ensure that a member of the University is appointed as first point of contact for the event.
- 7.2. The person appointed as first point of contact shall be responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry, and risk assessment.
- 7.3. The person appointed as first point of contact for such an event shall ensure that at least ten working days before the date proposed for the event, notice of the proposal is given to the Registrar and Secretary (or nominee). If the notice is received within the ten working day period, consideration of its acceptance is subject to the discretion of the Registrar and Secretary. Such notice shall contain a written statement of the name of the speaker, the subject of the address and the precise timing of the arrival and departure of the speaker. If a member of the University believes that an event they are organising poses a risk under this policy, they are required to refer the matter in the first instance to the Registrar and Secretary (or nominee). No advertising of the event is permitted until a decision is reached on its compliance with this policy.
- 7.4. Within five working days of receiving such notice the Registrar and Secretary (or nominee) shall issue a written statement which shall either grant or withhold permission for the use of University premises for the conduct of the event. In the absence of the issue of a written statement within the said period permission shall be deemed to have been withheld.
- 7.5. The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include: incitement to commit a criminal act; unlawful expression of views; support for an organisation whose aims are illegal; the creation of an environment likely to give rise to a breach of the peace.
- 7.6. The Registrar and Secretary (or nominee) may require the organisers to put in place safeguards such as extra security or a strong and well-informed Chairperson with the power to intervene or close the event down if there is a breach of this policy. They will also require the organisers to record the event (e.g. with appropriate AV equipment), so there is no dispute afterwards about what is said by whom. The organisers of the event will be responsible for any extra expense incurred.
- 7.7. Any permission may be granted subject to such conditions as the Registrar and Secretary (or nominee) considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of freedom of speech within the law.
- 7.8. The person appointed as first point of contact and every other person concerned with the organisation of any event for which permission has been granted shall be required to comply with any and every condition laid down by the Registrar and Secretary (or nominee).
- 7.9. The Chairperson (or if none, the organisers) of the event has a duty so far as possible to ensure that both the audience and the speaker act in accordance with the law during the



meeting. In case of unlawful conduct the Chairperson or organiser as above is required to give appropriate warnings and in case of continuing unlawfulness to require the withdrawal or removal of the persons concerned by the stewards or security staff.

- 7.10. In addition to any conditions which may be imposed in accordance with Clause 7.7 above, the appointed officer may at any time prior to or during the course of the event impose such further conditions as he or she may, in his or her absolute discretion, consider necessary or appropriate, including consultation with the police. After such consultation, the event may be required to be declared a public event so that the police may be present. The appointed officer may arrange for University staff to be responsible for all security arrangements connected with the event and appoint a member of staff as controlling officer for the occasion. If not satisfied that adequate arrangements can be made to maintain good order he may refuse or withdraw permission for the event. Such a step would normally only be taken on the advice of the police.
- 7.11. Appeals against the rulings of the Registrar and Secretary (or nominee) may be made to the Vice Chancellor whose decision shall be final but must be reported to the next meeting of the University Council.

8. Hire of premises by external organisations

- 8.1. The University will decide on the letting of University premises to external organisations. It will take into account the factors set out above and the domestic circumstances of the University. The University has a set of guidelines to assist the Vice Chancellor in exercising his responsibility on the use of University premises by external organisations including those of a religious nature.
- 8.2. The University may impose such conditions on such lettings as it shall think the circumstances warrant including those referred to in the Policy above and including restriction on the number of persons from outside the University who shall be allowed into the University.
- 8.3. The University authorises the Vice Chancellor to appoint an officer who shall act on its behalf to implement the provisions of these clauses.
- 8.4. Any person or body hiring University premises shall be responsible for taking such steps as are reasonably practicable to ensure that Freedom of Speech within the law is secured for persons attending or speaking at any meeting or other activity held on University premises, pursuant to this clause. The hiring conditions for University premises shall make this clear.