

Code of Practice for Freedom of Speech

Principles

Freedom of speech is an important part of academic life. The University will strive to ensure that it promotes freedom of speech for its students, staff and visiting speakers. On rare occasions, individuals might seek to express unlawful opinions or an event might lead to a breach of the peace. It is, therefore, necessary to have regulations, as described below, to deal with the situation. However, in assessing any necessary restrictions the University will always be mindful of the sacrosanct principle of freedom of speech.

1. Introduction

- 1.1. The University recognises the fundamental importance of freedom of speech within the law and has a particular statutory duty under Section 43 of the Education (No. 2) Act 1986 to take measures to protect freedom of speech within the law.
- 1.2. Section 43(1) of the Education (No 2) Act 1986 requires that 'every individual and body of persons concerned in the government of any establishment to which this section applies 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'.
- 1.3. This statutory duty extends not only to meetings or other activities on University premises but also, by virtue of section 43(8) of the Act, to meetings or other activities on Union Society premises.
- 1.4. Section 26(1) of the Counter-Terrorism and Security Act 2015 imposes a duty on Higher Education Institutions (HEI) when exercising their functions, to have due regard to the need to prevent people from being drawn into terrorism and to exclude those promoting extremist views or views that are conducive to terrorism, while having particular regard to the duty to secure freedom of speech.
- 1.5. This Code of Practice sets out the rights and obligations arising from freedom of speech within the law and the statutory duty. The Code shall be construed and applied for the purpose of upholding freedom of speech within the law and the statutory duty.
- 1.6. The Code's rights and obligations shall apply to:
 - 1.6.1. the University;
 - 1.6.2. all persons (whether academic staff or otherwise) working for the University or undertaking duties on behalf of the University;
 - 1.6.3. all registered students of the University;
 - 1.6.4. all students studying at the University under an agreement with a partner organisation;
 - 1.6.5. the Union Society and any societies, clubs or associations which normally operate on University premises; and
 - 1.6.6. all persons invited to speak or otherwise take part in events to be held on University premises in accordance with the provisions of this Code.

- 1.7. References to “University premises” include premises which are owned by the University, premises which the University does not own but over which the University exercises some degree of control, and premises occupied by the University’s Union Society whether or not the University owns or has control of such premises.
- 1.8. The Council of the University authorises the Registrar or the Registrar’s nominee to act as the ‘Designated Officer’ to ensure that all members, students and employees of the University, members of the Union Society and visitors comply with the provisions of this Code.

2. Freedom of Speech

- 2.1. The University shall take such steps as are reasonably practicable to ensure that freedom of speech within the law (even if such speech is controversial or offensive) is secured for every person to whom this Code applies.
- 2.2. The University has a duty to secure freedom of speech within the law. Incitement to public disorder, insurrection, racial hatred, religious hatred, harassment and unlawful discrimination are not within the law.
- 2.3. Every person to whom this Code’s obligations apply shall assist the University in upholding this Code of Practice.
- 2.4. The University shall ensure, so far as is reasonably practicable, that the use of University premises is not denied to any individual or body of persons seeking to express freedom of speech within the law on any grounds connected with:
 - 2.4.1. the beliefs or views of such individual or any member of such body; or
 - 2.4.2. the policy or objectives of such body.
- 2.5. Every person to whom this Code applies shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.
- 2.6. The University shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to ensure that the obligations under this Code of Practice are complied with.

3. Preparation for and Conduct of Meetings and Other Activities

- 3.1. The University has no legal obligation to hold meetings or other events on its premises that are open to the public. The University has the responsibility to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon events such as meetings and demonstrations held or proposed to be held on its premises. Any such events must comply with this Code of Practice on freedom of speech.
- 3.2. In order to comply with the duty set out Section 26(1) of the Counter-Terrorism and Security Act 2015, Newcastle University has developed specific policies and procedures for the management of events on campus and use of all its premises (see 1.6).

- 3.3. Organisers of events that will be addressed by external speakers are required to comply with Newcastle University's Policy for External Speakers. The policy is available at (URL here).
- 3.4. Organisers of external speaker events are required to comply with Newcastle University's Policy for External Speakers. The policy is available at:

<https://my.ncl.ac.uk/staff/assets/documents/3.ExternalSpeakerPolicy.pdf>

Where it appears that an event is not compliant with this policy, that the University may rule that the proposed event shall not take place on University or Union Society premises. This decision shall be communicated to the organisers in writing, with a copy to the appropriate sabbatical officer of the Union Society.

- 3.5. The University will not unreasonably refuse to allow events to be held on its premises. The expression of controversial or offensive views which do not breach the law will not of itself constitute reasonable grounds for withholding permission for an event. Reasonable grounds for refusal would include, but are not limited to, the fact that the event may, within the premises of the University:
 - 3.5.1. incite those attending to commit a criminal act;
 - 3.5.2. lead to the expression of unlawful views;
 - 3.5.3. be in direct support of an organisation whose aims and objectives are illegal; or
 - 3.5.4. give rise to a breach of the peace.
- 3.6. In determining whether the holding of an event on University premises might reasonably be refused, consideration should be given to:
 - 3.6.1. the safety of persons attending the event and persons on University premises who might foreseeably be put at risk;
 - 3.6.2. the security of University premises; and
 - 3.6.3. the good name and reputation of the University.
- 3.7. The University should permit the use of University premises only by organisers of events who undertake to comply with all lawful instructions issued by the University in relation to the location, arrangements and conduct of such events, including adequate stewarding, chairing and provision of adequate control over entry.
- 3.8. In cases in which it is reasonable to assume that there is a possibility of disruption at an event, the University may consult with the police. If the event is a public one the police may be prepared to be present throughout the event to minimise any disruption.
- 3.9. Any organisers of any event held on University premises shall be responsible for any costs involved in organising and holding such events and for ensuring, as far as possible, that nothing in the organisation and holding of such events infringes the law in any way.
- 3.10. Premises shall be left in clean and tidy condition, in default of which the organisers may be charged for the cost of any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay these costs may be required. Organisers may make reasonable admission charges to cover the cost of stewards or liabilities to the University or Union Society.

4. Appeals

- 4.1. Appeals against decisions or conditions issued by the Designated Officer may be made to the Pro-Vice-Chancellor appointed by the Vice-Chancellor to consider any appeal. The decision of the Pro-Vice-Chancellor shall be final.
- 4.2. Where a breach of this Code of Practice and an offence takes place at an event, the University may take steps to assist the police to secure identification of the persons committing offences with a view to appropriate action being taken against them.

5. Review and Amendment of the Code

- 5.1. The University acknowledges its duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a Code of Practice on freedom of speech.

6. Outside organisations and individuals

- 6.1 The University has discretion about accepting any booking requested by an outside organisation. The University may from time to time permit its premises to be hired by organisations or individuals outside the University. The booking of the premises by, or on behalf of an outside organisation or individual shall be made through the Conference Office.
- 6.2 Any hire made by the University will subject the organisation or individual to the regulations of the University including the application of this Code of Practice.
- 6.3 The University will refuse the use of its premises by any organisation or individual if the aims and objectives of the organisation or individual are deemed by the University to be incompatible with those of the University.

This policy is based partly on the Eversheds LLP *Template Code of Practice on Freedom of Speech and Expression 2008*.

Darrin Beattie
Designated Officer for Freedom of Speech
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