

## Policy Coversheet

<b>Name of Policy:</b>	<b>Code of Practice on Freedom of Speech and Lawful Assembly in the University</b>
<b>Purpose of Policy:</b>	<b>To outline the code of practice for the use of University premises in relation to freedom of speech and lawful assembly</b>
<b>Intended audience(s):</b>	<b>All students registered on Staffordshire University awards and staff</b>
<b>Approval for this policy given by:</b>	<b>Academic Board</b>
<b>Last Review Date:</b>	<b>01/07/2017</b>
<b>Review Due Date: (3 years from last review)</b>	<b>01/07/2019</b>
<b>Individual responsible for review:</b>	<b>Registrar</b>
<b>Authorising department:</b>	<b>Student &amp; Academic Services</b>





## **Code of Practice on Freedom of Speech and Lawful Assembly in the University**

### **CONTENTS**

- 1 Introduction
- 2 General Principles
- 3 Procedures for Room Bookings
- 4 Events covered by this Code of Practice
- 5 Restriction on use of University Premises

### **APPENDICES**

Appendix 1 – Conditions for the use of University Premises

Appendix 2 – Room Booking Application Form

## 1. Introduction

This code of practice has been produced in accordance with Section 43 of the Education (No. 2) Act 1986, which requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its staff, students and visitors.

## 2. General Principles

2.1 Freedom of speech is fundamental to a University. As a result, staff and students of the University must tolerate and protect the expression of opinions within the law, regardless of whether these opinions are repugnant to them.

2.2 The law, however, also imposes limits on those freedoms in order to maintain public order and safety. As a result, there is a tension between the laws which promote freedom of speech and those which restrict it. Therefore, the University is required to establish a balance between minimising the possibility that extremism or unlawful conduct will take place on campus and ensuring that it satisfies its legal obligations to secure freedom of speech.

2.3 The University wishes its premises to be used to the full and, therefore, as far as is reasonably practicable and within the law, no University premises will be denied to any individual or organisation on any grounds connected with:

- a) the beliefs or views of that individual or organisation; or
- b) the policy or objectives of that individual or organisation.

The only restrictions to use which will apply are detailed in section 5 of this Code.

2.4 Whilst there is no legal prohibition on offending others, the University nevertheless expects students, staff, governors, the Students' Union and visiting speakers to demonstrate sensitivity to the diversity of the University community and to show respect to others. An event which creates an environment of fear, harassment or intimidation, with verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation is likely to be unlawful.

2.5 The University recognises the right of peaceful demonstration.

2.6 The University has the right and power to regulate and, if necessary, impose conditions or restrictions upon the conduct of events taking place on University premises. The conditions for the use of University premises are outlined in Appendix 1.

2.7 The University recognises that the Students' Union is responsible for managing its own affairs and this includes the general oversight of societies which the Union formally sponsors. However, in the event of the Students' Union Executive refusing to forward a booking for one of its societies the officer(s) of the society may seek the advice of the Clerk of the Board of Governors as to whether the Students' Union Executive is acting reasonably.

2.8 While the detailed provisions of this Code apply primarily to formal events held on campus, it should be understood that the principles also apply to protect freedom of speech and its associated rights during off campus, social, private and recreational events.

### **3. Procedures for Room & Space Bookings**

- 3.1 For each event a single principal organiser shall make an application to the Room Bookings Administrator in Student and Academic Services for use of University premises using the appropriate form (appendix 2). The application should, when practicable, be made at least 21 working days prior to the proposed date of the event. If any information submitted on the form changes prior to the event, the Room Bookings Administrator must be notified.

Once the application form has been processed by Room Bookings (within 5 working days) it will be forwarded to the Director of Library and Student Services (or nominee) for final approval.

- 3.2 The Director of Library and Student Services (or nominee) shall normally make a final decision on the application within 5 working days.

If the application is approved, the Director of Library and Student Services (or nominee) shall notify the Room Bookings Administrator who will inform the principal organiser in writing within 5 working days.

There may be circumstances in which the application is approved but with conditions in order to manage identified risks. Examples of mitigations which the University might decide to take include:

- requiring a particular individual to chair the event:
- mandatory attendance of specific senior University staff:
- restricting the numbers able to attend or restricting attendance to University staff and students only.

If the application is not approved, the Director of Library and Student Services (or nominee) will notify the principal organiser directly in writing.

If permission is not granted, the principal organiser may appeal, in writing, to the University Vice-Chancellor giving full details of the grounds for appeal. The decision of the Vice-Chancellor shall normally be final. It will be made within ten working days and reported to the next meeting of the Board of Governors.

### **4. Events covered by this Code of Practice**

The following events are covered by this Code of Practice:

- 4.1 Events arranged by University staff outside the normal teaching, research and core business.
- 4.2 Events arranged by the Students' Union or societies thereof.
- 4.3 Events not covered under 4.1 and 4.2 and arranged by any individual or organisation covered by 2.3.

### **5. Restriction on the use of University Premises**

- 5.1 The University considers that it would be reasonable to refuse the holding of any event which in the reasonable opinion of the University could (this is not an exhaustive list):

- i) Lead to the expression of views which are contrary to criminal law.
- ii) Lead to the expression of views which might incite those attending to commit a criminal offence.
- iii) Constitute harassment or unlawful discrimination on the grounds of sex, race, disability, sexual orientation, religion/belief, gender reassignment, pregnancy / maternity, marriage/civil partnership or age.
- iv) Be in direct support of an organisation which is included on the Home Office proscribed list (see [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)).
- v) Give rise to any serious disorder or breach of the peace.

5.2 Consideration will also be given to the following factors in deciding whether or not to approve the holding of a particular event:

- i) The safety of persons attending the event and of persons in the vicinity who might personally be put at risk.
- ii) The security of University premises.
- iii) The potential damage to the reputation of the University and its business.

## **6. Segregation**

The University has a duty under the Equality Act 2010 to not unlawfully discriminate against students, employees and other individuals to whom services are provided.

As a result, segregation is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the public or employees of the University or the Students' Union. Segregation is therefore not permitted for any event covered by this policy. The only exception to this are events for the purpose of collective religious worship.

**Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.**

## **Appendix 1 – Responsibilities of Event Organisers**

1. A duty to ensure that nothing in the promotion and preparations for, or conduct of an event, infringes the law or Section 5 of the Code of Practice on Freedom of Speech and Lawful Assembly, and where appropriate that stewards and/or security staff are appointed.
2. No articles or objects likely to lead to injury or damage, may be taken inside University premises where an approved event is taking place, or taken or used elsewhere on the premises.
3. University premises used for meetings or activities must be left in a 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.
4. To ensure that they have read the University's Equality and Diversity Policy and accept that the event will operate in accordance with the Policy.

In addition, the University has discretion to apply further conditions, if appropriate, after consultation with the police. For example, the designated meeting or activity may be declared public by the organiser(s) which might then require the special services of the police, or it may be necessary for University staff to be responsible for all security arrangements connected with the meeting or activity.

If further conditions are laid down these will be notified, in writing, to the principal organiser at the time permission for the event is given, together with details of any additional costs which may be involved.



## APPENDIX 2 - ROOM BOOKING APPLICATION FORM

Please complete this form for all events covered by the Code of Practice on Freedom of Speech and Lawful Assembly in the University. Completed forms should be sent to the Room Bookings Administrator, tel: 01782 292741 e-mail: [roombookings@staffs.ac.uk](mailto:roombookings@staffs.ac.uk)

Name of Organiser:		Member of staff/student/external (please delete as appropriate)
Name / Address of organisation:		
Contact Details:	Tel:	
	Fax:	
	E-mail:	

Name of Event:			
Date / Time of Event:			
Room Requirements:	Campus / Building:		
	Size / Layout:		
	IT Equipment:		
	Special Requirements:		
Name of Speaker(s):		Organisation(s) represented by Speaker(s):	
Organisation(s) likely to be represented at the event:			



Who is the expected audience?		Is the event to be open to the public?	Y / N
I confirm that I can see no circumstances in which the event might violate section 5 of this Code? If the Code could be violated, please provide details:			
Please provide details on the publicity of this event (any publicity materials must be attached to the is application):			

If any information submitted on this form changes prior to the event, the Room Bookings Administrator must be notified.

I have read and agree to abide by the Code of Practice on Freedom of Speech and Lawful Assembly in the University.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

### Data Protection Statement

All the details supplied will be held securely and will be treated confidentially in accordance with the Data Protection Act 1998 for the benefit of Staffordshire University and its members.

FOR OFFICE USE ONLY:		
Date rec'd:	Room(s) Allocated:	Other details / special requirements:
Date forwarded to the Director of Student and Academic Services:		
Approved:	Y/N	
Signature:		
Date:		
Comments:		