



**CODE OF PRACTICE TO ENSURE
FREEDOM OF SPEECH**

Sept 2016 - August 2018

**STUDENT REGULATIONS
AND POLICIES**

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UNIVERSITY OF CENTRAL LANCASHIRE

CODE OF PRACTICE TO ENSURE FREEDOM OF SPEECH

All students and staff of the University must familiarise themselves with this Code of Practice to ensure Freedom of Speech (“the Code”).

1. Introduction

The University is committed to ensuring freedom of speech. The concept is core to the University’s values demonstrated through its Strategic Plan 2015-2020, the advancement and protection of knowledge, freedom of speech and enquiry.

In accordance with the requirements of Section 43 of the Education (no. 2) Act 1986 the University makes the following Code, governing the conduct of staff and students, and prescribing procedures to be followed in order to maintain freedom of speech within the law on University premises. The Code is set within the framework of UK and European law and Guidance, including the Equality Act 2010 and the Human Rights Act 1998. It aims to assist the University in promoting good relations on campus.

The Code is to be read in conjunction with other University Regulations, including the Policy on Equality and Diversity and the Disciplinary Regulations, which it supplements but does not supersede.

This Code shall apply to those persons and bodies listed at paragraph 4(a) of this Code.

2. General Principles and Legal Duties

- a) The University values and practises equality of opportunity, transparency and tolerance. It believes in the advancement and protection of knowledge, freedom of speech and enquiry, in the protection of the rights and freedoms of individuals, and in respect for diversity. The University’s commitments to Equality and Diversity are detailed in the Single Equality Scheme.
- b) Section 43 of the Education (No.2) Act 1986 requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members, students and employees and for visiting speakers.
- c) The University has the right and power to regulate the use of its premises, and is under no legal obligation to hold meetings on the campus which are open to the outside public. In compliance with its duties under the above legislation, however, the University will ensure, so far as is reasonably practicable, that the use of its premises is not denied to any individual or body of persons on any ground connected with
 - i) the beliefs or views of that individual or of any member of that body; or;
 - ii) the policy or objectives of that body.
- d) The University is also required to produce this Code setting out the procedures to be followed by students and staff in connection with the organisation of meetings and other activities which fall within any class specified in this Code, together with the conduct required of staff and students in connection with such meetings and activities.
- e) The University has regard to the need to ensure that academic staff have freedom within the law to question and test perceived wisdom, and to put forward new ideas and controversial or

unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges that they may have. These rights must be exercised within the law and are subject to this Code. The University will endeavour to uphold these rights for staff who work outside the UK; however staff also need to have regard to the laws of the country in which they are working.

3. Limitations on Freedom of Speech

- a) Nothing in this Code shall interfere with the right to assemble, demonstrate, protest and speak within the law. However, hate crime and incitement to commit illegal acts will not be tolerated. The University has a duty to protect its staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, religion or belief, sexual orientation, disability and age.
- b) The University must comply with its specific obligations in relation to gender segregation pursuant to the Equality Act 2010. Gender segregation (ie the segregation of male and female attendees via seating or standing arrangements) is prohibited by law for all meetings and events save as for meetings and events held for the purposes of religious observance undertaken by the adherents of a particular faith. Segregation is permissible in these circumstances only. In all other meetings and events, the University is legally obliged to take all reasonably practicable steps to prevent gender segregation.
- c) The University must also take account of other legal obligations which may require it to have regard to what is said on its premises including complying with counter-terrorism legislation and criminal law. A speaker, for example, who makes slanderous statements or who incites an audience to violence or to a breach of the peace or to racial hatred transgresses the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace. Whilst upholding the principle of freedom of speech recognised in this Code, the University also has a right to take action to prevent damage to its property or reputation; such action will not be unreasonably taken.
- d) In the context of the broader notion of academic freedom, it is expected that all statements, claims and predictions or similar, reflect the academic principles of, inter alia, an accessible evidential base and a coherence of argument within the context of a recognised academic method or approach, in an area of the principal's recognised expertise.

4. Scope of the Code

- a) The Code shall apply to:
 - all members, staff and students of the University;
 - visiting speakers and all other persons invited or otherwise lawfully on the premises;
 - The Students' Union, including its constituent societies, clubs and associations. The Students' Union shall bring this Code to the attention of its employees and members and take steps to ensure that they comply with it.
- b) Subject to the limitations in paragraph 7.3 below, the Code shall apply to all forms of communication and expression utilising the facilities/assets of the University, irrespective of the medium employed, including:
 - Meetings and similar organised events arranged internally or by external organisations including by the Students' Union. The procedure to be followed in such cases is set out at paragraph 7.1;
 - The display of signs, posters and distribution of literature;
 - The display of internal / non-profit making advertising material;

- The display of audio-visual material;
- Social and recreational activities;
- University branded events taking place off campus;
- Any other activity which the University Board from time to time declares to fall within the Code.

5. Responsibilities

- a) The Vice-Chancellor shall be responsible to the University Board for the operation of this Code. Subject to this, his/her authority will be delegated to the Chief Operating Officer (COO) who may further delegate his/her authority in general or in particular instances to other members of staff of the University. This may include setting up a group to consider a 'designated event' (as defined in paragraph 6) and to make recommendations to the COO.
- b) Any such group shall comprise such representatives as the COO considers appropriate.
- c) In reaching any decision under this Code, the University will give careful consideration to the relevant issues and all available evidence, and act proportionately. It will endeavour to balance the right to freedom of speech, and its duty to protect it, with any relevant legal limitations. It will also take into account relevant guidance that may be issued by appropriate bodies.
- d) Any decision under the Code will be made as soon as reasonably practicable, and in any event, no more than **10 working days** after the COO receives notification of the 'designated event'.
- e) Only the COO, (or, in his/her absence, a member of the Executive nominated by the Vice-Chancellor) has the authority to ban a designated event, subject to appeal as set out in paragraph (f) below.
- f) Where there is a dispute about the COO's interpretation of this Code or his/her ruling in a particular instance, the matter may be referred to the Vice-Chancellor or in his/her absence, a member of the Executive nominated by the Vice-Chancellor who has had no previous involvement in the issue for final determination if time and practicalities permit. The appeal must be made within **3 working days** of the decision. Any such decision, whether made by the Vice-Chancellor or Vice-Chancellor's nominee will be final but must be reported to the next meeting of the University Board.
- g) Any instances where the Code has been invoked must be reported to the University Secretary and Legal Officer who will report to the Board as appropriate.

6. 'Designated Event' - Definition

A 'Designated Event' is defined as: any meeting, event or other activity due to take place on University premises or utilising University facilities (including the UCLan brand) which makes it likely that the University would be failing to act in accordance with duties imposed on it by law, or which would infringe the rights or freedoms of others if no action were taken in respect of the event. For the purposes of illustration only, the following is a non-exhaustive list of possible 'Designated Events':

- the expression of views which may be contrary to the law, or views which are expressed in a manner which may be contrary to the law;
- any meeting or other activity where it is likely that the speaker may not be able to enter or leave the building safely and/or deliver his/her speech (see para 7 below).
- any event at which a breach of the peace is likely to occur;
- the commission of, or incitement of persons to commit, an unlawful act;
- organisation of an event by, or on behalf of, any organisation or group which is outlawed under UK law;

- any meeting or event where there is a reasonable risk of unlawful gender segregation. For example any meeting or event that follows religious worship, where gender segregation has lawfully taken place, which is attended by non-adherents to the religion involved.

The University's Designated Events Procedure sets out information regarding how Designated Events are dealt with by the University.

7. Associated Policies, Regulations and Procedures

- Any breach of this Code and any conduct or course of action which prejudices the lawful exercise of freedom of speech or which causes the University to fail in its legal duties as set out in this Code will render those responsible subject to disciplinary proceedings as laid down by the University. In the event of a concern as to whether an activity falls within the definition of a 'designated event' (as defined in paragraph 6), advice should be sought from the Chief Operating Officer.
- Additionally, if any such actions involve breaches of the law, the University will be ready to assist the prosecuting authorities to implement the processes of law, and if charges are preferred, may stay disciplinary proceedings pending the outcome of any such proceedings.

7.1 Meetings and similar organised events

- All internal bookings of Facilities Management managed rooms on University premises should be made in accordance with Facilities Management's Room Booking Procedures; <https://intranet.uclan.ac.uk/ou/fm/Pages/Home.aspx>
- Any booking of University facilities by or on behalf of an external person or organisation must be made subject to the Conditions of Hire of University Facilities. Such bookings are administered by the Conference and Events Management Section of Facilities Management at: http://www.uclan.ac.uk/conference_events/conference_venues.php
- All bookings of rooms or use of spaces on University premises by both internal and external persons are subject to compliance with this Code.
- Organisers of meetings and other events are advised that room bookings and/or notification should always take place at the earliest possible date. Bookings may have to be refused, even where minimum times are complied with, if there is insufficient time in which to complete the necessary arrangements and procedures (including any appeal).
- It is the responsibility of those who organise meetings or similar events to ensure that the question as to whether a meeting may be a 'designated event' (as defined in paragraph 6) has been properly considered in good time by relevant University staff with all decisions appropriately recorded. In the event of doubt, advice should be sought from the Chief Operating Officer.

7.2 Display of Notices etc. and Distribution of Literature

Regulations governing posters, notices, temporary signs and the distribution of literature are available from Facilities Management: https://www.uclan.ac.uk/study_here/assets/images/governing-posters-temporary-signs-current.pdf

7.3 Advertising, Selling and Revenue-Generating Activity

Nothing in this Code shall be interpreted as affording an automatic right for third parties to use University premises for the purposes of advertising, selling or other revenue-generating activity.

7.4 Social and Recreational Activities

- a) Staff should take note of the University's Social Media Guidance.
- b) Staff and students should take note of the Rules for the Use of the University's IT Facilities
- c) Staff and students should make themselves aware of legislation and policies relating to the licensing of events and seek advice from Facilities Management for further information.

These documents and other policies can be found on the UCLan website.

7.5 Students' Union Code of Practice

The Code of Practice relating to the operation of the Students' Union is available from the Students' Union and on the UCLan website.

8. Review

This Code will be reviewed on an annual basis.

Date of last review: 18.3.16

Date of next review: 18.3.17