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**POLICY & CODE  
OF PRACTICE ON  
FREEDOM OF  
SPEECH**

2019 - 2021

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# Edge Hill University

## Policy and Code of Practice: Freedom of Speech

### 1. Introduction

- 1.1. Edge Hill University (“the University”) values academic freedom and is committed to promoting and positively encouraging Freedom of Speech amongst its Members and visiting speakers. Universities have a special role in promoting and encouraging vigorous debate, free speech and freedom of enquiry within the law.
- 1.2. This means that the University needs to be tolerant of a wide range of different viewpoints. Alongside this, Institutions have a legal duty to ensure that its Members and visitors who engage with the Institution are protected from discrimination, victimisation and harassment.
- 1.3. The purpose of this document is to specify the University policy on Freedom of Speech. This Policy and Code of Practice sets out the principles which will guide the University in the discharge of its corporate responsibilities (through the Policy) and the way in which those principles will be operationalised (through the Code of Practice).
- 1.4. The University is required under Section 43 of the Education Act (No. 2) 1986 to have a Policy in relation to Freedom of Speech. Under Section 43 of the Education Act (No. 2) 1986, whilst there is no legal obligation on the University to permit Meetings or Activities on its Premises, the University is under an obligation to take such steps as are reasonably practicable to ensure that Freedom of Speech within the law is secured for its Members and Visiting Speakers.
- 1.5. The Code of Practice sets out the procedures to be followed by Members of the University in connection with the organisation of:
  - 1.5.1. Any Meetings or Activities which take place on University Premises and which fall within any class of Meeting or Activity specified in the Code of Practice.
  - 1.5.2. Any Meetings or Activities which fall within any class of Meeting or Activity specified in the Code of Practice which do not take place on University Premises but are affiliated with or funded by the University or are branded as connected to the University.
- 1.6. This document has been developed to assist Members of the University who are involved in the organisation of Meetings and Activities that have the potential to compromise the University’s commitment to Freedom of Speech. It takes into consideration the law, the health and wellbeing of staff, students and visitors to the University and is intended to provide practical advice and guidance.

### 2. Definitions which apply to this Policy and Code of Practice

- 2.1. The term “**Activity**” means any means by which information is communicated, published and/or disseminated (including but not limited to the distribution of leaflets, displaying posters, electronic and social media, such as social networking sites, email, blogs and microblogging types of communication).
- 2.2. The term “**Application**” means the Application form contained in Appendix 3.
- 2.3. The terms “**Controversial**” means giving rise or likely to give rise to controversy or public disagreement. In the context of this Code of Practice, Controversial relates to any views expressed at any Meeting or via an Activity which would fall within The Objective Test set out in Section 6 of this Code of Practice.

- 2.4. The term “**Freedom of Speech**” means the right to express any opinions without censorship or restraint.
- 2.5. The term “**Meeting**” means any meeting, including but not limited to lectures, seminars, workshops, demonstrations, debate or event.
- 2.6. The term “**Members**” means all members of the University community (whether or not employed by the University) including governors, employees, volunteers, students, Students’ Union staff, officers and associates, and any person, organisation or group not falling within any of the above categories who wishes to hold an Activity or Meeting affiliated with the University.
- 2.7. The term “**Organiser**” means the person or persons who are primarily responsible for organising the Meeting or Activity.
- 2.8. The “**Principal Organiser**” means the person nominated by the University to be responsible for informing the Pro Vice-Chancellor (Student Experience) and University Secretary or their nominee (Responsible Officer) of the existence of such an activity and for liaising with them thereafter.
- 2.9. The term “**Premises**” means all property owned, occupied, managed, hired and/or used by the University including buildings, grounds, gardens, courtyards, other open spaces and any premises designated for student use and/or occupied by the Students Union.
- 2.10. The term “**Proscribed Organisations**” means organisations ‘proscribed’ under the Terrorism Act 2000 as detailed at [www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2](http://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2)
- 2.11. The “**Responsible Officer**” means the Pro Vice-Chancellor (Student Experience) and University Secretary or their nominee.
- 2.12. The term “**Risk Assessment**” means the Risk Assessment contained in Appendix 2.
- 2.13. The term “**Visiting Speakers**” means any person who is invited to speak at a Meeting or be involved in an Activity that is not a Member of the University.

### 3. **Governance and Management**

- 3.1. This Policy and Code of Practice is approved by the Board of Governors, with the management and operational responsibility resting with the University Directorate.
- 3.2. The Pro Vice-Chancellor (Student Experience) and University Secretary is the Code of Practice owner on behalf of the University Directorate and has delegated responsibility for implementation of this Policy and Code of Practice and its communication to Members of the University.
- 3.3. In order to comply with the University’s duty under Section 43 of the Education (No.2) Act 1986 the Pro Vice-Chancellor (Student Experience) and University Secretary shall review the operation of the Code of Practice on an annual basis and following review, if appropriate, report any matters to the Board of Governors.

### 4. **Policy statements**

#### 4.1. **Freedom of Speech**

- 4.1.1. The University will protect the right to Freedom of Speech.
- 4.1.2. The University will seek to ensure that every Member of the University and lawful visitors are able to express their opinions and beliefs.
- 4.1.3. Every Member of the University has the duty to uphold the right of others to Freedom of Speech.
- 4.1.4. The University acknowledges that the right to Freedom of Speech is not unlimited. There are restrictions, for example, imposed by laws that exist to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation and rights of others, and to prevent the disclosure of information received in confidence.
- 4.1.5. Freedom of Speech has to be set in the context of the University's values and the values of a democratic and inclusive society and the requirement that Members of the University will express their views within the bounds of the law and other University policies.
- 4.1.6. The University expects lawful visitors to respect the values set out in this Policy and to be sensitive to its diverse and inclusive community and to maintain an environment free from unlawful intimidation, harassment or abuse.
- 4.1.7. Meetings and Activities determined by the University to come within the provisions of this Policy must be approved in advance and the names of Visiting Speakers must be approved by the University prior to invitation.
- 4.1.8. Meetings or Activities organised by a Proscribed Organisation or involving a Visiting Speaker from or on behalf of a Proscribed Organisation will not be permitted on University Premises.

## **4.2. Availability of Premises**

- 4.2.1. The University is under no obligation to permit Meetings or Activities on its Premises organised by outside persons or organisations.
- 4.2.2. The University's normal academic and administrative business will take priority over other usage.
- 4.2.3. At the absolute discretion of the University, permission may be given for accommodation to be hired by outside persons or organisations.
- 4.2.4. Subject to 4.2.1. to 4.2.3. above, the University will ensure that so far as is reasonably practicable, the use of any University Premises is not denied to any individual or body of persons on any ground connected with;
  - the lawful beliefs or views of that individual or of any member of that body; or
  - the lawful policy or objectives of that body.

## **5. Code of Practice**

### **5.1. Scope of this Code of Practice**

- 5.1.1. To identify reasonably practicable steps that must be taken to ensure that Freedom of Speech within the law is secured for Members of the University and for visiting speakers;
- 5.1.2. To identify reasonably practicable steps that must be taken to allow a Meeting or Activity at which 'Controversial' views might be expressed or to which a 'Controversial' Visiting

Speaker is likely to be speaking to take place.

- 5.1.3. This Code of Practice applies in respect of any Meeting or Activity taking place on University Premises and any University or Students Union Society, Club or Association that may operate on University Premises.
- 5.1.4. This Code of Practice applies to all Members of the University and any Visiting Speaker in attendance at any Meeting or other Activity which take place on University Premises or have been authorised to take place on University Premises.
- 5.1.5. Appendix 1 to this Policy and Code of Practice provides a checklist which outlines the legal responsibilities the University is under and is designed to assist the implementation of the Policy and Code of Practice.

## **5.2. Objective Test: Controversial**

- 5.2.1. The following test ('The Objective Test') will be applied to determine whether a Meeting or Activity could be classed as Controversial and should be referred to the Responsible Officer for approval to take place under this Code of Practice (only one criterion needs to be met for referral):
  - That the Meeting or Activity is likely to involve discussion of or dissemination of information which would be in breach of the law; or
  - Where there is a reasonable belief that a breach of the civil or criminal law may be committed; or
  - That it might not be possible for a Visiting Speaker to enter and leave the building safely and/or deliver properly his or her speech; or
  - That the Meeting or Activity is likely to pose a risk to the safety of any person on University Premises, or result in damage to University property; or.
  - That the Meeting or Activity is likely to cause public disorder on campus.
- 5.2.2. At the earliest possible stage the Organiser of any activity which may reasonably be regarded as falling within the terms of this Policy shall contact the Principal Organiser.
- 5.2.3. The Risk Assessment at Appendix 2 provides a tool which must be completed by the Organiser to assess objectively whether the proposed Meeting or Activity is objectively controversial. The Organiser would normally take responsibility for undertaking the Risk Assessment.
- 5.2.4. All Risk Assessments must be submitted to the Principal Organiser. The Risk Assessment will then be assessed and reviewed by the Principal Organiser.
- 5.2.5. If following completion of the Risk Assessment and its review by the Principal Organiser, the Meeting or Activity could be classed as Controversial, it will need to be referred to the Responsible Officer for approval.
- 5.2.6. The procedure which should be followed when referring a Meeting or Activity to the Responsible Officer is detailed in Section 3 of this Code of Practice and Appendix 3 provides an Application form to be completed. Appendix 1 shows a flowchart naming the Principal Organiser and the steps required.

### 5.3. Procedures

- 5.3.1. Under this Policy and Code of Practice an Application is required in all circumstances where the meeting or activity is likely to raise issues which may be considered Controversial in some way.
- 5.3.2. The Principal Organiser shall make the Application in writing to the Responsible Officer for permission for the Meeting or Activity to take place, when, having applied the Objective Test, it is anticipated by the Organiser of the event that the:
- Meeting or Activity may be Controversial; or
  - A Visiting Speaker is likely to be Controversial.
- 5.3.3. In addition, any Member of the University who wishes to express views that are likely to be Controversial must make an application to the Responsible Officer.
- 5.3.4. If in doubt as to whether or not any of the above may be Controversial, an application must be made to the Responsible Officer for permission for the Meeting or Activity to take place.
- 5.3.5. The procedure to make the application is detailed as follows:
- All applications under this section must be made in writing at least 20 working days before the intended date of the Meeting or Activity and before any commitment to a Meeting or Activity is made;
  - The written request must be made using the Application form in appendix 3 and must state full details of the Meeting, Activity and/or visiting speaker and why they are considered to be Controversial. The Application must be accompanied by the Risk Assessment, which demonstrates how any risks will be mitigated (see appendix 2);
  - The Responsible Officer will assess the risks identified in the Application and associated Risk Assessment and consider any proposed mitigating measures or other measures that may be suitable.
  - The Responsible Officer may consult with other University officers as appropriate to determine their decision.
  - The Responsible Officer may also, as part of their due diligence, consult with other external agencies including the Police, Local Authority or other third parties or organisations as is appropriate in the circumstances.
  - The Responsible Officer will provide in writing within 10 working days of the proposed Meeting, their decision on the request.
- 5.3.6. The Responsible Officer may, at their absolute discretion, make any of the following decisions:
- Allow the Meeting or Activity to take place with no restrictions.
  - Refuse to allow the Meeting or Activity to take place.
  - Place reasonable restrictions on the Meeting or Activity.

5.3.7. Restrictions may include, but are not limited to:

- The advertisement of the Meeting or Activity.
- The Premises to be made available.
- The time of the Meeting or Activity, including when it may start and finish.
- Admission to the Meeting or Activity.
- Whether it will be restricted to University Members only.
- The number of people who may attend.
- The number of stewards or other security arrangements required.

## **6. Appeals**

6.1. Appeals against decisions of the Responsible Officer must be made within seven working days of the decision in question, in writing to the Vice-Chancellor or their nominee, whose decision shall be final.

## **7. Breach of this Policy and Code of Practice**

7.1. Breach of this Policy and Code of Practice will amount to a disciplinary matter within the meaning of the University Disciplinary Procedures where this is applicable (Students' Union staff and officers are not subject to the University Disciplinary Procedures).

7.2. Additionally, if any such actions may involve breach of the law, the University will assist the relevant authorities, as appropriate, to implement the processes of the law; any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

## **8. Related Documentation**

8.1. This Code of Practice should be read in conjunction with the following University Documents, as appropriate:

8.1.1. The Student Charter [www.edgehill.ac.uk/documents/student-charter](http://www.edgehill.ac.uk/documents/student-charter)

8.1.2. The University Equality and Diversity Policy [www.edgehill.ac.uk/documents/equality-diversity-policy](http://www.edgehill.ac.uk/documents/equality-diversity-policy)

8.1.3. The University Student Bullying and Harassment Policy [www.edgehill.ac.uk/documents/student-bullying-and-harassment-policy](http://www.edgehill.ac.uk/documents/student-bullying-and-harassment-policy)

8.1.4. The University Staff Bullying and Harassment Policy <https://go.edgehill.ac.uk/display/humanresources/Forms%2C+Policies+and+Documents>

8.1.5. The University Staff Code of Practice <https://go.edgehill.ac.uk/display/humanresources/Forms%2C+Policies+and+Documents>

8.1.6. The University Staff Disciplinary Policy and Procedure

<https://go.edgehill.ac.uk/display/humanresources/Forms%2C+Policies+and+Documents>

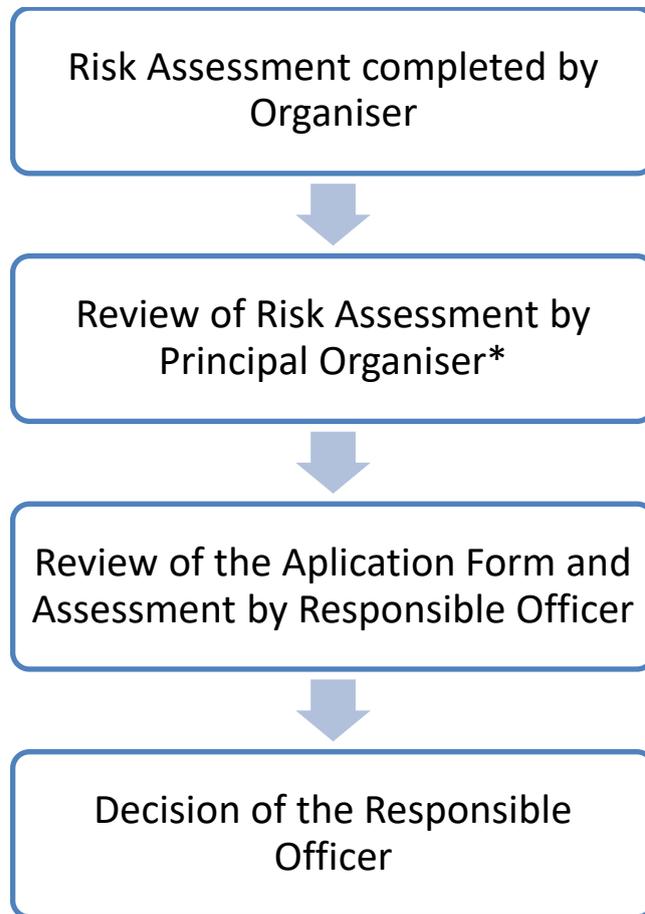
8.1.7. The University Student Disciplinary Regulations  
[www.edgehill.ac.uk/documents/student-disciplinary-regulations](http://www.edgehill.ac.uk/documents/student-disciplinary-regulations)

**Appendix 1:** Decision Procedure

**Appendix 2:** Risk Assessment

**Appendix 3:** Application form to apply for an objectively Controversial Meeting or Activity to take place on University Premises.

**Appendix 1: Decision Procedure**



<b>Department/Area</b>	<b>Principal Organiser*</b>
Academic Faculty/Department	Dean of Faculty or Director of Department
Facilities Management (External Conference/Hire)	Director of Facilities Management
Professional /Support Services	Director of Department
Edge Hill Students' Union	CEO of the Students' Union

A deputy or nominated other representative may act on behalf of the Principal Organiser where necessary and appropriate.

## Appendix 2: Risk Assessment

The University Policy and Code of Practice on Freedom of Speech should be read before completing this Risk Assessment.

If the response is YES to any one of the criteria in the objective test detailed below, an Application must be made to the Responsible Officer for permission for the Meeting or Activity to take place (following the procedure in Section 5.3 of this Code of Practice).

**Note: Meetings or Activities organised by a Proscribed Organisation or involving a Visiting Speaker from or on behalf of a Proscribed Organisation will not be permitted on University Premises.**

Organisers full name:					
Meeting or Activity title:					
Proposed date of Meeting or period of the Activity:					
Proposed Location of the Meeting or Activity:					
<u>Objective Test</u>	<u>Responsibility</u>	<u>Questions to consider</u>	<u>Yes/No</u>	<u>Rationale for judgement</u>	
1	That the Meeting or Activity is likely to involve discussion of or dissemination of information which would be in breach of the law;	Encouraging divergent views and debate	How will the activity encourage debate? Is there potential for the activity to interfere with the rights and freedoms of others?	<u>Yes/No</u>	
		Freedom of expression	How does the activity support the right to freedom of expression? Is the expression of views likely to affect public safety, lead to disorder or crime, or affect the rights and freedoms of others?	<u>Yes/No</u>	
		Protection against incitement to hatred	Is the activity likely to incite or otherwise stir up hostility towards people from a particular protected group? Is it likely to cause people to feel intimidated or to fear that violence will be used against them?	<u>Yes/No</u>	

		Protection against discrimination and harassment	Is the activity likely to discriminate against one or more particular groups, or lead to an environment that is intimidating, hostile, degrading or offensive? Is it likely to cause people to feel intimidated or to fear that violence will be used against them?	<u>Yes/No</u>	
<b>2</b>	Where there is a reasonable belief that a breach of the civil or criminal law may be committed;	Maintenance of public order and safety	Is the activity likely to cause public disorder on campus? Is there likely to be a threat to public safety as a result of the activity?	<u>Yes/No</u>	
		Protection against discrimination and harassment	Is the activity likely to discriminate against one or more particular groups, or lead to an environment that is intimidating, hostile, degrading or offensive? Is it likely to cause people to feel intimidated or to fear that violence will be used against them?	<u>Yes/No</u>	
		Protection against incitement to hatred	Is the activity likely to incite or otherwise stir up hostility towards people from a particular protected group? Is it likely to cause people to feel intimidated or to fear that violence will be used against them?	<u>Yes/No</u>	
		Protection against radicalisation and extremism	Is the activity likely to lead to radicalisation of individuals? Or expose participants to radical or extreme views?	<u>Yes/No</u>	

<b>3</b>	That it might not be possible for a Visiting Speaker to enter and leave the building safely and/or deliver properly his or her speech;	Maintenance of public order and safety	Is the activity likely to cause public disorder on campus? Is there likely to be a threat to public safety as a result of the activity?	<u>Yes/No</u>	
<b>4</b>	That the Meeting or Activity is likely to pose a risk to the safety of any person on University Premises, or result in damage to University property.	Maintenance of public order and safety	Is the activity likely to cause public disorder on campus? Is there likely to be a threat to public safety as a result of the activity?	<u>Yes/No</u>	
<b>5</b>	That the Meeting or Activity is likely to cause public disorder on campus.	Maintenance of public order and safety	Is the activity likely to cause public disorder on campus? Is there likely to be a threat to public safety as a result of the activity?	<u>Yes/No</u>	

**Mitigation of Risks associated with the proposed Activity or Meeting**

Where risks have been identified, please provide details on how any risks will be mitigated, if the Activity or Meeting is allowed to take place:

**Appendix 3: Application - form to apply for an objectively Controversial Meeting or Activity to take place on University Premises.**

The University Policy and Code of Practice on Freedom of Speech should be read before completing this form.

This form should be completed and submitted by the Principal Organiser to the Responsible Officer along with the risk assessment a minimum of 20 working days in advance of any potentially Controversial Meeting or Activity taking place. No agreement should be made for such activity to take place until this process has been completed.

**Note:** Meetings or Activities organised by a Proscribed Organisations or involving a Visiting Speaker(s) from or on behalf of a Proscribed Organisation will not be permitted on University Premises.

Meeting or Activity title:		
Proposed date of Meeting or period of the Activity:		
Proposed Location of the Meeting or Activity:		
Organisers full name:		
Organisers contact details: (including address, email address and phone numbers)		
How will the Meeting or Activity be advertised?		
How many people are likely to attend the Meeting or be involved in the Activity?		
Please identify which elements of the objective test have been identified and provide further details as to why they have been identified		
Y/N	a) That the Meeting or Activity is likely to involve discussion which would be in breach of the law; or	
Y/N	b) Where there is a reasonable belief that a breach of the civil or criminal law may be committed; or	
Y/N	c) That it might not be possible for a Visiting Speaker to enter and leave the building safely and/or deliver	

	properly his or her speech; or	
Y/N	d) That the Meeting or Activity is likely to pose a risk to the safety of any person on University Premises, or result in damage to University property; or.	
Y/N	e) That the Meeting or Activity is likely to cause public disorder on campus.	
Mitigation of Risks associated with the proposed Activity or Meeting (where risks have been identified, please provide details on how any risks will be mitigated, if the Meeting or Activity or allowed to take place)		
If more than one Visiting Speaker will be involved, please complete a separate form for each one		
Visiting Speakers full name:		
Visiting Speakers organisation and website URL:		
Has the Visiting Speaker spoken on University Premises before? If yes, please provide further details (i.e. when and the subject)		
Has the Visiting Speaker been refused to speak at an event here or at another educational establishment before? If yes, please provide further details (i.e. when, where and the subject)		
Is the event likely to generate media interest? (either solicited or unsolicited) If yes, please provide further details		

**Principal Organiser to read and sign the following declaration:**

I confirm that I have made true statements about the proposed event.

I confirm that to the best of my knowledge the Visiting Speaker does not have any links to Proscribed Organisations.

I confirm that I have read the Policy and Code of Practice on Freedom of Speech.

I confirm that the Meeting or Activity and any Visiting Speakers will comply with the principles of the policy.

Signed:

Date:

**Decision notice:**

Allow the Meeting or Activity to take place	Yes / No
If yes, restrictions to be placed on the Meeting or Activity	Yes / No
If yes, please identify the restrictions on the Meeting or Activity <sup>1</sup>	
Signed:  Name:  Responsible Officer	Date:

<sup>1</sup> In relation to a Meeting or Activity, restrictions may include, but are not limited to:

- The advertisement of the Meeting or Activity;
- The Premises to be made available;
- The time of the Meeting or Activity, including when it may start and finish;
- Admission to the Meeting or Activity;
- Whether it will be restricted to University Members only;
- The number of people who may attend;
- The number of stewards or other security arrangements required