

# University Regulation on Freedom of Speech

*Code of Practice under Section 43 of the Education (No. 2) 1986*

*This Code of Practice, which has been endorsed by the University Council and by Hull University Union, describes the framework within which members of the University and visitors enjoy the right to freedom of speech.*

## Policy Statement

The University of Hull values academic freedom and is committed to promoting and encouraging free debate and enquiry. This means that it tolerates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative. However, the University believes that a culture of free, open and robust discussion which is within the law can be achieved only if all concerned avoid offensive or provocative action and language.

Although there is no legal prohibition on offending others, the University expects speakers and those taking part in meetings or activities on University premises to respect its values of respect and tolerance be sensitive to the diversity of its community and show respect to all sections of that community. Any event which is likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence, particularly because of their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age, is also likely to be unlawful.

Section 43 of the Education (No 2) Act 1986 imposes a duty upon every individual and body of persons concerned in the government of the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, (which includes its students and employees) and for visiting speakers. In accordance with section 43, the provisions of this Code also apply to Hull University Union and shall be read accordingly.

Section 43(3) of the Education (No. 2) Act 1986 requires the Council to issue and keep up to date a code of practice setting out:-

- (a) the procedures to be followed by members, of the establishment in connection with the organisation:-
  - (i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and
  - (ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and
- (b) the conduct required of such persons in connection with any such meeting or activity;

and dealing with such other matters as Council considers appropriate.

The Council has therefore resolved in accordance with section 43 that the following Code of Practice shall operate within the University.

## **1. General Principles**

So far as is reasonably practicable, no premises of the University shall be denied to any individual or body of persons on any grounds connected with

- a. the beliefs or views of that individual or of any member of that body; or
- b. the policy or objectives of that body.

The University expects its members to conduct themselves at all times in an orderly manner creditable to the good name of the University. Intentional disruption of any authorised activity or function (including the unauthorised occupation of University property) taking place on University premises is an offence which is subject to University discipline.

The conduct of students in lectures, laboratories and other facilities is subject to the control and direction of Deans of Faculties and their authorised agents and misconduct is an offence within the Regulations relating to discipline. Misconduct outside of the Faculty is covered by the University's Disciplinary Regulations. Additionally if any such actions involve breaches of the law, the University authorities will be ready to assist the prosecuting authorities to implement the process of law and, if criminal or civil charges are preferred, they will stay disciplinary proceedings pending the outcome of proceedings in the Courts.

The Chair or person responsible for organising the meeting has a duty, so far as is reasonably practicable, to ensure that both the audience and the speaker act in accordance with the law during the meeting. In the case of unlawful conduct the Chair is required to give appropriate warning and in the case of continuing unlawfulness either, where this can be achieved without excessive use of force, to require the withdrawal or removal of the person(s) concerned by the stewards or security staff, or to bring the meeting to a close.

The Council authorises the Vice-Chancellor to appoint the University Registrar and Secretary (the Registrar) to act on its behalf to ensure that as far as is reasonably practicable all members of the University, and visiting speakers, comply with the provisions of this Code, and authorises the Registrar to introduce such arrangements as she/he may deem necessary to ensure compliance with this Code.

This Code must be read in conjunction with:

- University Timetabling Policy
- Hull University Union's External Speakers Policy

## **2. Use of Premises**

The University shall have the right

- a. to refuse to provide accommodation for any purpose which in its opinion is unlawful;
- b. to attach additional reasonable conditions as deemed appropriate by the Responsible Officer, including charges for the use of premises and the payment of a deposit, to such provision;
- c. to move, postpone or cancel an event.

## **3. Procedures**

The following procedures must be followed by members of the University and visiting speakers, in respect of

- a. meetings or other activities which are to be held on premises of the University, which include any premises occupied by the Hull University Union and fall within the class of meetings specified in Section 4 below, and
- b. the conduct required of all persons in connection with any such meeting or activity; and
- c. any other related or ancillary matters which the Council from time to time declares to fall within the provisions of this Code (see Sections 4 and 5 below).

Infringements of, or departures from, these procedures, will render those responsible liable to disciplinary proceedings.

## **4. Meetings and Activities to which the Procedure Applies**

Any member, student or employee of the University wishing to reserve accommodation for a meeting, the speaker or subject matter of which is deemed by the Responsible Officer to be controversial, is required to comply with the provisions of section 5 . Any ruling by the Responsible Officer on the controversial nature of a meeting or function shall be subject to appeal to the Vice-Chancellor or his/her nominee. The Vice-Chancellor's decision shall be final.

“Controversial’ in this context means a meeting or function where it might not be possible, without special precautions, for the speaker to enter or leave the building safely and/or deliver properly his or her speech; where the safety of people might be unreasonably compromised or property damaged or where either the speaker or the content of their presentation may infringe freedom of speech or the Equality Act 2010”.

If the Registrar has reason to believe that any attempt may be made to disrupt any meeting or other activity, he/she shall inform the Chief Constable of Humberside or his representatives, stating the reasons for his/her belief, and act upon any advice which may be given by the Chief Constable or his/her representatives.

## **5. Preparation for and Conduct of Meetings on University Premises**

This section applies to any meeting or function or other activity falling within the meaning of Section 4 above:-

- (a). Operational responsibility for overseeing implementation of this protocol in respect of meetings on University premises, and for ensuring that organisers of meetings comply with the provisions of the protocol, lies with a 'Responsible Officer'. For meetings held in the premises of Hull University Union, the Responsible Officer will be the Union's Chief Executive (or her or his nominee); for all other meetings on University premises, the Responsible Officer will be the University Registrar and Secretary (or their nominee).
- (b) Those booking rooms in the Union or University are required to signify that they have read and agree to abide by the provisions of this Code of Practice. In addition, they are required to designate a 'Principal Organiser', who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Code.
- (c) The organisers of any such event shall ensure that a single person is appointed as the Principal Organiser responsible for that event, and that his/her name is communicated to the Responsible Officer.
- (d) The Principal Organiser of such an event shall ensure that, at least two weeks before the date proposed for the event, notice of the proposed event is given to the Responsible Officer. Any notice shall contain, in addition to such particulars as the Responsible Officer may prescribe, a written statement of the name and date of birth of the speaker, the subject of the address, the precise times of arrival and departure of the speaker, a copy of all publicity material for distribution prior to the meeting must also be provided to the Responsible Officer.

- (e) Failure to provide the requisite notice of an event will empower the Responsible Officer, after consultation as necessary with the Chief Constable or his/her representative, to declare the booking of accommodation for the meeting as void.
- (f) The Responsible Officer will normally give notice of the grant or refusal of permission within seven days of receiving notice and may consult such other persons, including the Chief Constable of Humberside or his/her representative as she/he see fit.
- (g) Where a meeting is considered controversial appropriate consultation will take place between the University Registrar, or his/her nominee, the Security Manager and the Hull University Union's Chief Executive or his/her nominee prior to the notice of a refusal being issued.
- (h) Appeals against the rulings of the Responsible Officer may be made to the Vice-Chancellor or his/her nominee, whose decision shall be final.
- (i) Where permission is granted, it shall be granted subject to such conditions, including charges, as the Responsible Officer considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of freedom of speech within the law and the protection of members, visiting speakers and all other persons authorised to be on the University's premises. There shall be a right to appeal to the Vice-Chancellor or his/her nominee against the conditions and whose decision shall be final.
- (j) The Principal Organiser and any other person concerned with the organisation of a meeting or event for which permission has been granted must comply with any condition laid down by the Responsible Officer under the provisions of this Code. Such conditions may include the requirements that tickets must be issued for public meetings and that stewards should be available, of whose number and suitability the Responsible Officer must be satisfied, in addition to any security staff that the Responsible Officer directs the Principal Organiser to provide, at the expense of the Principal Organiser, to maintain order.
- (k) The University will make available, on request, a public address system if there is reasonable cause to consider this to be necessary to enable the speaker to be heard.
- (l) The Principal Organiser and every other person concerned with the organisation of an event shall have a duty to see that nothing in preparation for or in the conduct of a meeting or function infringes the law, and shall comply with each and every instruction given by the Responsible Officer or his/her representative, or by the Chief Constable of Humberside or his/her representative.

- (m) If, at any time, the Responsible Officer, or his/her representative, after consultation with the Chief Constable of Humberside or his/her representative, is of the view that the meeting or function cannot take place without risk of a breach of the peace or infringement of the Equality Act 2010, she/he shall have the authority to cancel all arrangements for a meeting or function. In such circumstances the Responsible Officer shall refund to the principal organiser such monies as have not been expended prior to the cancellation of the meeting.
- (n) Articles or objects likely to lead to injury or damage may not be taken inside the building where the meeting is taking place, or taken or used elsewhere in the University. The costs of any damage to the building where the meeting is held or to other parts of the University will be charged to the Principal Organiser. The University and the Union reserves the right to re-charge the organisers of any meeting for any extraordinary expenditure it incurs as a result of that meeting.
- (o) Premises used for meetings and activities must be left in a clean and tidy condition, in default of which the cost of cleaning may be deducted by the Responsible Officer from any deposit paid by the Principal Organiser. An invoice will be issued should costs of cleaning exceed the deposit paid.
- (p) The conditions prescribed by the Responsible Officer should include
  - (i) conditions concerning the admission or exclusion of press, television or broadcasting personnel.
  - (ii) such further conditions as the Responsible Officer considers appropriate after consultation with the Chief Constable of Humberside or his/her representative
  - (iii) a requirement that the meeting or activity be declared public,
  - (iv) a requirement that University staff be responsible for all security arrangements concerning the meeting (at the expense of the Principal Organiser), and
  - (v) the appointment of a member of University staff as the controlling officer for the occasion.
  - (vi) the right of the University to record the event

If, in light of police advice, the Responsible Officer is not satisfied that adequate arrangements can be made to maintain good order, she/he may refuse or withdraw permission for the meeting or activity to be held.

## **6. Decisions**

Decisions made by the Vice-Chancellor on appeal that permits an event to go ahead shall be communicated in writing to the Chief Constable of Humberside or his/her representative and shall be reported to the next succeeding meeting of the Council.

## **7. Infringement**

The Registrar and Secretary shall report to the Council on the circumstances of any significant infringements of, and departures from, the provisions of this code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the University's disciplinary procedures.

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