

# **Freedom of Speech Code of Practice**

## **1 Introduction**

- 1.1 The University of Wolverhampton is committed to upholding academic freedom of enquiry in its education and research and believes that a culture of free and open discussion is essential. This culture can only be achieved if all concerned behave with tolerance and avoid needlessly offensive or provocative action or language. The University expects all those who take part in activities to respect its values, promote good campus relations and maintain the safety and security of staff, students and visitors of the University.
- 1.2 The University Secretary will have oversight of the operation of this Code and shall report annually to the regular summer meeting of the Board of Governors on the operation of this Code and the number of activities which have been designated since the previous report and recommendations for amendments (if any) to this Code. Any changes in legislation will also trigger a review.

## **2 Purpose**

- 2.2 The University has approved this Code of Practice to balance, where it is reasonably practicable, its obligations to secure academic freedom of speech with its duties to ensure the law is observed.
- 2.3 The Code identifies arrangements for the approval of events which are not directly related to or an integral part of the University's usual academic or administrative business, or do form part of the University's usual academic or administrative business but are open to members of the public who are not staff or students of the University.
- 2.4 The Code also identifies reasonably practicable steps that must be taken to ensure that freedom of speech within the law is secured for the University community.

## **3 Scope**

- 3.1 The provisions of the Code apply to:
  - all staff of the University
  - any persons using any premises of the University
  - any events that are held by UK partners working on behalf of the University to teach its students
  - all students of the University
  - the University of Wolverhampton's Students' Union
  - any events organised by other affiliates of the University
  - any events that are sponsored or subsidised by the University

## **4 Definitions**

- 4.1 “**University**” means the University of Wolverhampton and its subsidiaries.
- 4.2 “**Event**” means any meeting, activity or other function or gathering of people that is formally convened and not directly related to or an integral part of the University’s usual academic or administrative business, or does form part of the University’s usual academic or administrative business but is open to members of the public who are not staff or students of the University.
- 4.3 “**External Speaker**” means a person who is not a member of staff or student of the University.
- 4.4 “**Organiser**” refers to the overall person with responsibility for arranging and overseeing the event.
- 4.5 “**Nominated person**” refers to the dedicated member of the faculty/directorate who maintains the local register.
- 4.6 “**Premises**” refers to any premises owned or in use by the University.
- 4.7 “**Local Register**” refers to the register of events held by that particular faculty, directorate, subsidiary or Students’ Union.

## **5 Relevant Legislation**

- 5.1 Section 43 of the Education Act (No 2) 1986 requires all persons to 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 University and for visiting speakers. This includes the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with their beliefs or views. The University should keep an up to date Code of Practice setting out its procedures and ensure compliance with the Code.
- 5.2 The Equality Act 2010 places a duty on the University to eliminate discrimination, harassment and victimisation and to foster good relations.
- 5.3 The European Convention on Human Rights (ECHR), introduced into domestic law by the Human Rights Act 1998 (HRA), specifically:
  - 5.3.1 Article 10 of the ECHR which provides that everyone has the right to freedom of expression including the freedom to impart ideas without interference by a public authority.
  - 5.3.2 Article 9 of the ECHR which provides that everyone has the right to freedom of religion which includes freedom to manifest his religion.

- 5.3.3 Article 11 of the ECHR which provides that everyone has the right to freedom of peaceful assembly and association with others.
  - 5.3.4 Article 14 of the ECHR which guarantees the enjoyment of the rights and freedoms under the ECHR without discrimination on any ground.
- 5.4 The Public Order Act 1986 contains a number of criminal offences relating to violent conduct, speech or actions that threaten violence or cause fear, harm or distress. The Act also makes it an offence to use threatening, abusive, insulting words or behaviour either with the intention of stirring up racial hatred, or in circumstances where it is likely racial hatred will be stirred up.
  - 5.5 The terrorism Acts of 2000 and 2006 include offences relating to inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to property for the purpose of advancing a political, religious or ideological objective.
- 5.6 The Counter Terrorism and Security Act 2015 places an obligation on the University to have due regard to its duty to prevent people from being drawn into terrorism, (Prevent Duty).

## **6 Policy**

- 6.1 So far as is reasonable practicable, the use of any premises of the University is not denied to any individual or body on grounds connected with:
    - (a) the beliefs or views of that individual or of that body; or
    - (b) the policy or objectives of that body
  - 6.2 The University will take practical precautions and assess the risk of any event which includes an external speaker. (see definitions above at 4.2 and 4.3)
  - 6.3 Organisers have a duty to ensure that nothing in the preparations or conduct of a meeting or activity, where designated or otherwise, infringes the law. Events which have lawful purposes cease to be lawful if they cause serious public disorder or breach the peace.
  - 6.4 Organisers must provide the required details of all external speakers to allow an accurate assessment of the risk to be considered.
- 6.5 All Staff and Students of the University are required to ensure compliance with the terms of the Code. Disciplinary measures should be taken if required. Additionally, if such actions involve a breach in the law the University will assist the prosecuting authorities to implement the processes of the law.
  - 6.6 The granting of permission by the University for the holding of events on its premises to an individual or body does not imply any endorsement by the University of the policy or objectives of that individual or body.

## **7 Approval Procedures**

- 7.1 This section applies to all events which include external speakers (see above at 3 and 4) or that are open to members of the public who are not staff or students.

	<b>Closed to staff and students only and is part of the University's usual academic or administrative business</b>	<b>Closed to staff and students only but does not form part of the University's usual academic or administrative business</b>	<b>Open to members of the public who are not staff or students</b>
<b>The event has only speakers who are staff or students of the University</b>	<b>Approval not required</b>	<b>Approval not required</b>	<b>Approval required</b>
<i>Examples</i>	<i>A member of staff provides career guidance to a group of students</i>	<i>A group of students are going to hold a debate - only students may attend – students are the only speakers.</i>	<i>Graduation Ceremonies, Open Lecture Series</i>
<b>The event has an external speaker</b>	<b>Approval not required</b>	<b>Approval required</b>	<b>Approval required</b>
<i>Examples</i>	<i>A nurse practitioner comes to speak to a group of students in class about practical experiences</i>	<i>A group of students are going to hold a debate, all students are invited and a representative from NUS is going to speak</i>	<i>Annual Holocaust Memorial Lecture</i>
<b>The event is being filmed and will be made accessible to the public</b>	<b>Approval required</b>	<b>Approval required</b>	<b>Approval required</b>

- 7.2 Before a proposed event is advertised the Organiser must complete part A and B of the request for the approval of an external speaker for (below). All sections must be completed with as much detail as required. This must be completed at least 20 working days before the event.
- 7.3 The Organiser should then pass this to the nominated person within their faculty/directorate. An up to date list of these persons will be available here.
- 7.4 The nominated person will review the information and complete an initial assessment based on the information provided within 10 working days. An entry will be made in the local register.
- 7.5 Following a rating of 'very low' or 'low' risk, the nominated person has the authority to approve the event and will record their reasoning for the rating in the local register. They will inform the organiser of their decision and keep an electronic copy of the request form.

- 7.6 Following a rating of ‘medium’, ‘high’ or ‘very high’, the nominated person will be required to escalate the request to the Offices of the University Secretary.
- 7.7 The University Secretary will re-assess the request and confirm the rating. The University Secretary may liaise with other member of the Corporate Management Team. A decision shall be made using the information provided on the request form and any other information available in the public domain and usually within 10 working days. The request shall be logged onto the institutional register of events.
- 7.8 The University Secretary shall either:
- Approve the request
  - Conditionally approve the request
  - Refuse the request
- 7.8.1 If the request is approved the University Secretary shall log the approval and inform the organiser.
- 7.8.2 If the request is conditionally approved the University Secretary shall list any conditions and inform the organiser of such, providing reasoning. These shall be logged onto the register. Conditions may include, but are not limited to:
- Limitation on numbers
  - The requirement of security personnel/stewards
  - Direct liaison with the Police and following all advice given
  - The event will be restricted to staff and students only
  - Admission shall be restricted and controlled by ticket, identity card or both
  - The text of the speech shall be provided in advance
  - How the event is advertised
  - Such other conditions as the University Secretary may deem appropriate
- 7.8.3 The University will not refuse permission or cancel an event unless:
- The organisers fail, or it is reasonably believed they will fail, to follow any conditions set out by the University
  - In the university’s opinion the event is likely to cause an environment where people will experience, or it is reasonably believed they could experience, fear, harassment, intimidation, verbal abuse or violence due to any protected characteristics.
  - in the University’s opinion the event infringes on the rights and freedoms of others
  - poses a significant health and safety risk
  - will result in, or is reasonably believed will, incite those attending to commit a criminal act
  - will result in or lead to the expression of views in a manner contrary to criminal law
  - be in support of an organisation, the aims and objectives of which are illegal
  - in the University’s opinion the event will result in or is reasonably believed to result in, a breach of the peace
  - in the University’s opinion the event will result in or is reasonably believed to result in, a breach of any other law.

- 7.8.4 If the request is refused the University Secretary shall inform the organiser of the decision and the reasoning for the refusal. This shall be logged onto the register. The University may share this information with governmental departments or other Higher Education Institutions, as it sees fit.
- 7.8.5 The University Secretary shall inform the governing body of any refusals.

## **8 Rejecting Speakers**

- 8.1 If a speaker is rejected, the University Secretary shall provide full reasoning to the organiser. The organiser may wish to notify the external speaker of the refusal themselves or may prefer that the University notifies the speaker formally. If the organiser and the speaker are the same, the University Secretary should make the notification.
- 8.2 The organiser or the rejected speaker has the right to appeal the decision. Any appeal should be put in writing to the Vice-Chancellor. The Vice-Chancellor may convene a small panel to consider the appeal. The panel would usually consist of an Independent Governor, a Dean or Director, a representative nominated by the Students' Union and the Dean of Students. The panel would not include individuals who had been involved in the original approval process (above at 7).

## **9 During the event**

- 9.1 The organiser is responsible for ensuring that the event, and in particular the speaker's material, is consistent with the original request.
- 9.2 If the organiser is not attending the event they should ensure that a staff member or student is responsible for monitoring the event and its contents.
- 9.3 The organiser or responsible person should ensure, where possible, that all attendees behave in a lawful manner.
- 9.4 The organiser or responsible person should ensure that during the event they have emergency contact details available in order to contact the security team (if present) and/or the Police in case of a breach of peace or any other criminal offence is committed.
- 9.5 If an incident occurs during an event, the organiser (or responsible person) should report this to the University Secretary as soon as possible, detailing what happened and what actions were taken. The University may use the information to assist in assessing similar types of events and may share information with the authorities, governmental departments and/or other institutions.

## **10 Speakers visiting as part of the academic curriculum.**

- 10.1 The above procedures do not apply to speakers visiting as part of the academic curriculum where the event is closed to members of staff and students only.
- 10.2 It is good practice for faculties to keep records of all speakers who fall into this category.
- 10.3 The University expects and requires these events be arranged and conducted in accordance with the spirit of this Code of Practice and with the principles of lawful tolerance and good order which it embodies.

## **11 Maintenance of Registers**

- 11.1 Each faculty/directorate/subsidiary/students' union will maintain a local register .This register shall contain all events (with the exception of those above at 10).
- 11.2 The University Secretary shall hold a register which contains all events that have been escalated (above at 7.6), as well as any events where an incident occurred (above at 9.5).
- 11.3 Annually, all local registers will be sent to the University Secretary to be held centrally.
- 11.4 The University Secretary may check local registers at any time to ensure procedures are being followed as above.

## **12 Associated Policies and Statements**

- 12.1 Gender Segregation Statement
- 12.2 Staff Disciplinary Policy

## **Request for the Approval of An External Speaker/Event**

**Note:** If there is more than one speaker, then a separate form will need to be completed for each individual. All forms should be submitted at the same time.

### **PART A:**

EVENT DETAILS			
Event Title:			
Event Date:			
Event Timings:		Start Time:	End Time:
Location of Event:	Internal Location:	Campus:	
		Building:	
		Room or Area:	
	External Location:	Building or Venue Name:	
		Address: <i>(including post code)</i>	
		Room or Area:	
Name of Organiser:			
Organiser's Contact Details:		Postal Address: <i>(If external)</i>	
		Telephone:	
		Email:	
Name of Faculty / Department / Subsidiary / Partner / Society:			
Maximum Number of Attendees:			
How many Attendees are likely to be Members of the Public?			

Will there be Children (persons under 18 years of age) or Vulnerable Adults in Attendance?	Yes: <input type="checkbox"/> No: <input type="checkbox"/> If 'Yes', then please provide further details on numbers and categories below:	
How will the Event be advertised? ( <i>Social Media, Email, Radio, Newspapers, Posters, Flyers etc.</i> )		
Are there any of the following activities planned? ( <i>Please answer 'Yes' or 'No' to each item</i> )	An exhibition of a film or short video	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	The performance of a play	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	The performance of live music	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Any playing of recorded music	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	The performance of dance	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	An indoor sporting event	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Boxing or wrestling entertainment	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	Any other activities ( <i>please specify below</i> )	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Is the Event being sponsored?	Yes: <input type="checkbox"/> No: <input type="checkbox"/> If 'Yes', then please provide the sponsors' details below:	

Do you intend to sell tickets or charge an entrance fee with a view to making a profit?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	If 'Yes', then please provide details of the charges below:
Is the Event intended to raise money for charity?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	If 'Yes', then please provide details of the organisation(s) below: ( <i>including full name(s) and charity number(s)</i> )
Do you intend to be selling anything other than tickets at your Event?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	If 'Yes', then please provide further details of items and charges below:
Do you intend to have alcohol available or provide late night refreshment (hot food and/or drink after 11pm) at the Event?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
	If 'Yes', then please provide further details of items and charges (if applicable) below:
Will security be required?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>
Will the External Relations department need to be informed?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>

**PART B:**

SPEAKER'S DETAILS		
Speakers Name: <i>(include Mr/Mrs/Miss/Ms/Dr etc.)</i>		
Is the speaker a member of staff or a student?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
Is the Speaker known by any other names or aliases?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
	If 'Yes', then please provide further information below:	
Speaker's Organisation:	Full Name:	
	Address: <i>(including post code)</i>	
Speaker's Online Presence:	Full Name of Website:	
	URL:	
	Facebook:	
	Twitter:	
	Instagram:	
Speaker's Contact Details:	Telephone:	
	Email:	
Subject Matter:		
Title of Talk or Purpose of Meeting:		
In what language(s) will the speaker be delivering the talk?		

Does the Event have any contentious topics?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
	If 'Yes', then please provide further information below:			
Speaker Arrival:	Date:		Time:	
Speaker Departure:	Date:		Time:	
Has the Speaker previously spoken at the University of Wolverhampton (or any of its Subsidiaries), the University of Wolverhampton Students' Union, or any affiliated Partner organisations?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
	If 'Yes', then please provide further details below: <i>(including dates, locations, topics and any issues highlighted before, during and/or after the event or other meeting)</i>			
Has the Speaker previously been refused approval to speak at the University of Wolverhampton (or any of its Subsidiaries), the University of Wolverhampton Students' Union, or any affiliated Partner organisations?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
	If 'Yes', then please provide further details below: <i>(including dates, locations, topics and any issues highlighted relevant to the reason for refusal)</i>			
Has the Speaker previously been refused approval to speak at any other educational organisation or in a public environment?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
	If 'Yes', then please provide further details below: <i>(including dates, locations, topics and any issues highlighted relevant to the reason for refusal)</i>			
Has the Speaker previously created any media interest?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
	If 'Yes', then please provide further details below: <i>(including dates, locations, topics and any issues highlighted relevant to any media interest)</i>			

<b>SIGNED:</b> (Organiser)	
<b>PRINT NAME:</b>	
<b>DATE:</b>	

**PART C:**

COMPLIANCE APPRAISAL		
Compliance Lead Details:	Name:	
	Faculty / Department / Subsidiary / Partner / Other Name:	
	Office:	
	Telephone:	
	Email:	
Has the Event been logged on your Register of Events?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
	If 'Yes', then please provide log reference and date information below:	
What checks have already been carried out for the Speaker?		
What level of risk have you determined in relation to the Speaker? (please refer to the <i>table below</i> )		
Does this require referral to the University Secretary?	Yes: <input type="checkbox"/> No: <input type="checkbox"/>	
	If 'Yes', then please provide details of referral information below: ( <i>including date, method of referral and reasons for escalation</i> )	

RISK LEVEL	DESCRIPTION
<b>VERY LOW</b>	The speaker is a known expert in their field and is not known to be controversial, or hold any contentious opinions. Their presence at the Event is unlikely to be perceived as provoking. The subject matter and title of the talk is not controversial nor is it likely to be considered as offensive in any way. Attendance to the Event is limited to staff and students only.
<b>LOW</b>	The speaker may hold strong opinions on their subject matter but this is not considered as contentious. They may not have an established reputation in their field and the talk is unlikely to be offensive or controversial. It is very unlikely that the speaker or talk will attract any negative media attention or the requirement for a security presence. Attendance to the Event could potentially be high but is only available to staff and students. Or the event is open to the public but the speaker is a member of staff or is a known expert in their field and is not known to be controversial, or hold any contentious opinions. Their presence at the Event is unlikely to be perceived as provoking.
<b>MEDIUM</b>	The speaker and/or subject matter may well be uncontentious, however the Event is open members of the public and there is a possibility that attendance will be high or will contain vulnerable persons. The topic could be considered as controversial, which could be concerning. Security presence may be required and the Event is being held at an external venue. The speaker's online presence raises questions around their integrity.
<b>HIGH</b>	The speaker and/or subject matter are controversial. There may be negative media attention and security and relevant staff should be in attendance. The speaker has previously been refused permission to speak at another organisation or has an online presence that is concerning.
<b>VERY HIGH</b>	The speaker and/or subject matter are regarded as highly controversial and will ultimately attract adverse media attention. The speaker has previously been refused authorisation to attend an Event at the University of Wolverhampton. In addition, the Event may attract protest from staff, students, the general public or other organisations. High attendance is expected and is open to members of the public. Security and relevant staff presence is essential. The event should not take place unless strict controls are put in place to protect individuals and assets.

<b>SIGNED:</b> <i>(Compliance Lead)</i>	
<b>PRINT NAME:</b>	
<b>DATE:</b>	

**PART D:**

ESCALATION TO THE UNIVERSITY SECRETARY		
Referral Details:	Date Received:	
	Form of Receipt: <i>(i.e. email, internal post etc.)</i>	
Decision:	Approved	<input type="checkbox"/>
	Approved with conditions: Please list any conditions	<input type="checkbox"/>
	Rejected Reasoning:	<input type="checkbox"/>
Date of Decision:		

	Date Decision Disseminated:	
	Method of Dessemination: <i>(i.e. email, phone, internal post etc.)</i>	
Register of Events Reference Number:		

<b>SIGNED:</b> <i>(University Secretary)</i>	
<b>PRINT NAME:</b>	
<b>DATE:</b>	



