UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON FREEDOM OF SPEECH ON CAMPUS

Index of points

1. Preamble
2. Policy
   Appendix A
   Speaker Request Form

Code of Practice on Freedom of Speech on campus

1. Preamble

1.1 In accordance with the University regulations governing the use and observance of University Codes of Practice, this Code of Practice was approved and adopted by the Academic Policy and Regulations Committee at its meeting on 24 May 2007.

1.2 The University of Birmingham Charter states:

"No discrimination on the grounds of political opinion, age, colour, disability, ethnic of national origin, gender, marital status, race, religion or sexual orientation shall be exercised by the University in the admission of students, or the appointment or promotion of staff or the awarding of any Degree Diploma or Certificate, or generally, in the execution of any of its Objects as laid down by the charter."

1.3 Under the Education (No.2) Act 1986, although there is no legal obligation on the University to permit meetings, the University is now legally required 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 establishment and for visiting speakers.

1.4 The University is an academic community of staff and students. Central to this concept is the ability of all its members freely to challenge prevailing orthodoxies, query the positions and views of others and to put forward ideas that may sometimes be radical in their formulation.

1.5 It is a core right of the University's staff and students to work and study unhindered by hostility, offensive conduct or intimidation.

1.6 Universities do not function in a vacuum and wider conflicts and disputes, often involving ethnicity or religious faith, may sometimes find expression on campus amongst the student body or other constituencies. The challenge for universities is to identify when the pursuit of freedom of ideas and expression crosses a threshold and becomes extremism or intolerance.

1.7 General legal principles, and in specific areas legislation, provide that the proportionate and reasonable limitation of expression *is* permissible in order to maintain public order and safety or to ensure that there is no breach of the law. Therefore, the right to free speech is not open-ended or absolute. The University will, on occasion, have to weigh conflicting demands for free, public expression of ideas against concerns, on its part, regarding public order and safety, or the potential for breaches of the law to occur. The University acknowledges that it has both a legal and a moral responsibility to act in a proactive manner in order to minimise the possibility that extremism or intolerance will arise on campus whilst, at the same time, ensuring the general continuance of freedom of speech.

1.8 The University will ensure that the appropriate procedures are in place in order to allow all its stakeholders to report any instance (direct or indirect) of alleged hate crime, harassment, threat or intimidation and then to have their concerns investigated promptly and thoroughly, with the appropriate

measures taken in response, including, where necessary, reference to the Police.

1.9 The University has in place a Harassment Policy that underpins this approach. General student conduct on campus is regulated by the Student Conduct Regulations (Section 8) administered through Academic Services. Under the Ordinance there are a number of subsidiary offences that may relate to the general issue of public order and freedom of speech. Staff Terms and Conditions of Employment also set out relevant procedures should staff not adhere to the principles in this Policy or general procedures concerning freedom of speech.

1.10 The University will continue to work closely, within the confines of the relevant legislation, with local Police on all aspects of campus security.

1.11 It is anticipated that this Policy will be particularly relevant to the following areas (although this list is not exhaustive):

- public meetings arranged internally or externally;
- poster campaigns;
- infiltration of society meetings in order to cause disruption;
- outside pressure groups targeting campus;
- the display of audio-visual material;
- reaction to specific events; and
- presence of any proscribed organization on campus.

2. Policy

Part I: Principles

2.1 'Outside speakers' are defined for the purposes of this Code of Practice ("the Code") as persons who are not students, employees or other members of the University, who are to be invited to speak on University premises on occasions other than as a normal part of an existing academic programme of study authorised by the relevant academic budget centre, or as a normal part of a regular careers exhibition or similar event.

2.2 So far as is reasonably practicable, no access to, or use of land or buildings of the University shall be denied to any individual or body of persons on any grounds solely connected with: (i) the beliefs or views of that individual or of that body; or (ii) the policy or objectives of that body, always providing that the University takes account of the general law relating to incitement to unlawful conduct (including racial hatred), unlawful assemblies, the presence of proscribed organisations or individuals, and other similar matters which may require it to have regard to what is said on its premises.

Part II: Procedures

2.3 The procedures in this Code must be observed by students, employees and other members of the University in respect of:

2.3 .1 meetings or any other activities ("the Meetings") which are to be held on premises of the University as specified in Part III;

2.3 .2 the conduct required of all persons in connection with any such Meeting;

2.3 .3 any other related or ancillary matters which the University Council from time to time may declare to fall within the remit of this Code.

2.4 Infringements of, or departures from, the procedures set out in this Code in whatever respect will render those responsible subject to disciplinary proceedings as adopted by the University.

2.5 Students (unless otherwise debarred by due process), employees and other Members of the University have the same rights to speak within the University as pertain to an outside speaker at an authorised Meeting, and any interference with those rights by such persons also constitutes a disciplinary offence.

2.6 Additionally, if any such actions involve breaches of the law, the University authorities will be ready to assist the prosecuting authorities to implement the processes of law.

2.7 In adopting this Code, the University Council has authorised the Vice-Chancellor to appoint an officer ("the Authorising Officer") who shall act on Council's behalf to ensure, as far as is reasonably practicable, that all students, employees and other members of the University and visiting speakers comply with the requirements of this Code. The Authorising Officer is the Director of Hospitality and Accommodation Services, or his/her nominee.

Part III: The Meetings to which this Code applies

2.8 Any Meeting involving an outside speaker (as defined in 2.1 above) will be deemed to fall within the procedural requirements of this Code.

2.9 Any Meeting not involving an outside speaker (as defined in 2.1 above) will be subject to the provisions of 2.5 above.

2.10 Any meeting subject to the terms and conditions of the Speaker Request Form.

Part IV: Preparation for and Conduct of Meetings on University Premises

2.11 This section applies to any Meeting falling within the meaning of 2.8-2.11 above.

2.12 The organisers ("the Organisers") of any such Meeting shall ensure that a single person from among their number is appointed as Principal Organiser. For student societies affiliated to the Guild of Students, this will be the Guild President or his/her nominee.

2.13 It is the responsibility of the Principal Organiser to ensure that the chairperson of a Meeting is fully aware of the requirements of the Code of Practice on Freedom of Speech.

2.14 Early on in the organisation of a Meeting, the Principal Organiser will be

expected to discuss any potentially controversial invitations to outside speakers with the Head of Budget Centre or equivalent, or with the President or General Manager of the Guild of Students where the invitation is to be issued by the Guild or its related bodies.

2.15 The Principal Organiser of such a Meeting shall ensure that, at least fifteen working days before the date proposed for the Meeting, the Authorising Officer is notified of the intention to hold the Meeting. The Authorising Officer will provide a pro forma ("Speaker Request Form") and guidance notes to be used by the Principal Organiser in securing approval for the Meeting in the manner advised in the guidance notes. The pro forma will require details of the name of the speaker, the subject of the address, the proposed venue, and the time of arrival and departure of the speaker. The pro forma will also require a counter signatory from the Principal Organiser's Head of Budget Centre in the instances where the Principal Organiser and the Head of Budget Centre are not one and the same person. The pro forma must be completed and returned to the Authorising Officer at least fifteen working days before the date of the Meeting.

2.16 In normal circumstances, the Authorising Officer shall, within five working days of receiving the completed pro forma from the Principal Organiser, provide the Principal Organiser with a written statement which shall either grant or withhold permission for the use of University premises as proposed for the Meeting.

2.17 Permission so granted may be subject to such conditions as the Authorising Officer considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning freedom of speech within the law, and to ensure as far as possible that the identified outside speaker or speakers may enter and leave University premises, and have the confidence of a safe environment.

2.18 All Organisers concerned with the organisation of a Meeting for which written permission has been given shall be required to comply with any and every condition laid down by the Authorising Officer under the provisions of this Code. Such conditions may include a requirement that tickets be issued for Meetings which are open to the public, that an adequate number of stewards is made available, or the relocation of the meeting to a specified venue. The suitability of the nominated stewards must be to the satisfaction of the Authorising Officer, who may decide that University security staff should be additionally present at the Meeting.

2.19 The University reserves the right to request a list of intended attendees for the Meeting, and a copy of any publicity material for distribution prior to the Meeting. All publicity material must comply with the Policy on Advertising and Displays on University Property (http://www.estates.bham.ac.uk/information/advertising.htm).

2.20 Permission for the use of public address systems during a Meeting will be at the discretion of the Authorising Officer who will indicate what constraints, if any, will be placed on their use, and what alternative facilities, if any, are available. The Authorising Officer has discretion to insist upon further conditions, namely:

2.20 .1 that the Meeting be declared a public meeting;

2.20 .2 that provisions be made for checking the identity of persons attending the Meeting;

2.20 .3 that University security staff be responsible for all security arrangements connected with the Meeting;

2.20 .4 that a member of security staff be appointed as "Controlling Officer" for the Meeting, to whose authority and jurisdiction the chairperson or leader of the Meeting shall defer.

2.21 Organisers of Meetings have a duty to see that nothing in the preparations for or conduct of a Meeting infringes the law, e.g.: incitement to illegal acts.

2.22 The chairperson and Principal Organiser of a Meeting have a duty to ensure as far as possible that both the audience and the speaker act in accordance with the law during the course of the Meeting. In case of unlawful or unreasonably disruptive conduct by members of the audience, the chairperson or Principal Organiser is required to give appropriate warnings and, in case of continuing unlawfulness or disruption, to require the withdrawal or removal of persons concerned by stewards or security staff. Such persons, if students, employees or other members of the University, may be liable to disciplinary proceedings under University regulations. If the speaker infringes the law, the chairperson or Principal Organiser shall be at liberty to curtail or end the Meeting. The chairperson or Principal Organiser, in the absence of a Controlling Officer (as defined in 2.20.4 above), is also responsible for calling for Police assistance to prevent serious disorder.

2.23 Any venue booked for a Meeting is subject to the terms and conditions listed on the Freedom of Speech room booking form.

2.24 The conditions prescribed by the Authorising Officer within this Code may include conditions concerning the admission or exclusion of external media and communications personnel.

2.25 If the Authorising Officer is not satisfied that adequate arrangements can be or are being made to maintain good order at the Meeting, s/he may refuse or withdraw permission for the Meeting. This may include involving Security.

Part V: Appeals

2.26 Appeals against decisions of the Authorising Officer should be made within seven working days and in writing to the Vice-Chancellor or authorised nominee, whose decision shall be final, and who may report the matter to the University Council.

Part VI: External Bodies or Organisations

2.27 Any licences granted to bodies outside the University to hold Meetings on University premises shall be dependent upon the same full disclosure of information as required for University organisations. The guarantee may be required by the Authorising Officer from the Licensee that satisfactory arrangements will be put in place by the Licensee for security and indemnity,

recovery of costs relating to damages, and other matters as may be required to be guaranteed by such bodies to the University through Authorising Officer.

Appendix A

List of relevant legislation

The following list is not exhaustive – is intended as a guide for members of the University community seeking further information.

Crime and Disorder Act 1998

Criminal Justice Act 2003

Data Protection Act 1998

Disability Discrimination Act 1995, as amended

Education Act 1986

Education Reform Act 1988

Employment Equality (Sexual Orientation) Regulations 2003

Employment Equality (Religion or Belief) Regulations 2003

Equality Act 2006

Freedom of Information Act 2000

Human Rights Act 1998 (incorporating the European Convention on Human Rights)

Race Relations Act 1976

Race Relations (Amendment) Act 2000

Sex Discrimination Act 1976

Public Order Act 1986

Protection from Harassment Act 1997