



Code of Practice on Freedom of Speech

Originator name:	Ed Nelson
Section / Dept:	Business Support Services
Implementation date:	March 2016
Date of next review:	The Chief Operating Officer shall report annually to the regular summer meeting of the Council on the operation of this Code, such reports to include the number of activities which have been designated since the previous report and recommendations for amendments (if any) to this Code. Any changes in the relevant legislation will also trigger a review.
Related policies:	Equality, Diversity and Inclusion Strategy 2015-17 Dignity at Work and Study Policy Staff Disciplinary Policy
Policy history:	This version has been revised and updated for Equality Analysis purposes, includes an implementation plan and the latest practical guidance on managing events with external speakers.

Version History

Version	Author	Revisions Made	Date
1	Ed Nelson	First Edition	11 January 2011
2	Ed Nelson	Second Revision	19 December 2013
3	James Newby	Third revision – to incorporate Prevent requirements	November 2015

Approval History

Equality Analysis

Version	Reviewed by	Comments	Date
3	Equality & Diversity Jo McCarthy-Holland	Reviewed for equality impact – no negative impact identified, subject to ongoing review.	22 March 2016

Committee Sign Off

Version	Committee Name	Date of Sign Off
1	Executive Board	19 January 2011
2	Prevent Steering Group (under delegated authority from Executive Board)	March 2016

1	Introduction
	The University believes that a culture of free and open discussion is essential in its role as an academic institution. This culture can only be achieved if all concerned behave with necessary tolerance and avoid needlessly offensive or provocative action or language. The University expects all persons taking part in its activities to respect its values, be sensitive to the diversity of its community and to show respect to all sections of that community.
1.1	Purpose
1.1.1	The Council of the University has enacted the following Code of Practice to ensure that as far as reasonably practicable, freedom of speech within the law is secured for members, students and employees of the University as well as for visiting speakers.
1.2	Scope
1.2.1	The provisions of the Code apply to all Staff, Students & Visitors to the University of Surrey. The Code also applies as appropriate to outside organisations hiring University premises and to public meetings held on the premises.
1.3	Equality Analysis
1.3.1	It is not anticipated that this policy will have any negative impact on any protected groups. It complies with the public sector equality duty and requires all staff, students and visitors to respect the University's values, be sensitive to the diversity of the University community and to show respect to all sections of that community. Therefore, the policy could have a potentially positive impact in terms of all protected characteristics.
1.4	Definitions
1.4.1	<i>Designated Activity</i> is defined as any meeting, event or other activity due to take place on University premises where there is a reasonable expectation on the part of the Principal Organiser, Responsible Officer or other member of the University community that freedom of speech within the law may be compromised unless appropriate remedial action is taken. A comprehensive definition of activities is not practicable but these activities may include visits by public figures especially if their views have aroused controversy in the past or where the subject matter of the activity is likely to be regarded as controversial, objectionable or an incitement to terrorism by at least some of the participants.
1.4.2	<i>The Responsible Officer</i> is defined as the person responsible to the Vice-Chancellor and, through him/her, to the Council of the University, for ensuring compliance, as far as reasonably practicable, with this Code of Practice by all members, students and employees of the University, visiting speakers, hirers of University premises and organisers of meetings held on University premises. The role of the Responsible Officer will ordinarily be fulfilled by the Director of Traded Services and Business Support or his/her nominee.
1.4.3	<i>The Principal Organiser</i> is defined as the person nominated, by the organisers of any activity which in their view might reasonably be expected to be designated, to be responsible for informing the Responsible Officer of the existence of such an activity and for liaising with the Responsible Officer thereafter. The Principal Organiser shall perform such other duties as may reasonably be required by the Responsible Officer. If a Principle Organiser has not been nominated by the organisers of the activity, the person who requested the use of the University premises will be deemed to be the Principle Organiser.
1.5	Relevant Legislation
1.5.1	Section 43 of the Education Act (No 2) 1986 places a legal requirement on the University to issue a code of practice and requires the University to ensure its facilities are not denied to anyone on the grounds of their beliefs or views. The original code was first approved by Council in July 1987 and has subsequently been redrafted.
1.5.2	The Equality Act 2010 places a duty on the University to eliminate discrimination, harassment and victimisation and further to foster good relations between all members of the University community.
1.5.3	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 or 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.

1.5.4	The Terrorism Acts of 2000 and 2006 define certain criminal activities relating to terrorism in terms of 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 a property for the purpose of advancing a political, religious or ideological objective.
1.5.5	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.
1.6	Health & Safety Implications
1.6.1	The University has duties under the relevant legislation to ensure the health & safety and welfare at work of all staff and that its operations do not expose students, external speakers and other visitors to risks to their health & safety. As such the normal principles contained within the University's Health & Safety Policy will apply.
2	Policy
2.1	Principles
2.1.1	So far as reasonably practicable, the use of any premises of the University is not denied to any individual or body of persons on any grounds connected with: <ol style="list-style-type: none"> 1. the beliefs or views of that individual or of that body; or 2. the policy or objectives of that body
2.1.2	Event Organisers have a duty to ensure that nothing in the preparations or conduct of a meeting or activity, whether designated or otherwise, infringes the law, e.g. by conduct likely to cause a breach of the peace or incitement to illegal acts, including terrorism. Assemblies of persons directed to lawful purposes cease to be lawful if they cause serious public disorder or breach the peace.
2.1.3	Event Organisers are expected to highlight at the earliest opportunity any grounds for believing that a speaker will be controversial or will potentially commit a criminal offence.
2.1.4	All members of the University are required to ensure compliance, through disciplinary measures if necessary, with the terms of the Code. Additionally, if such actions involve breaches of the law the University will readily assist the prosecuting authorities to implement the processes of the law. Any staff who become aware of an event or activity to which this Code may apply should follow the instructions on the attached checklists.
2.1.5	The granting of permission by the University for the holding of activities 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.
2.2	Procedures
2.2.1	This section applies to any meetings or activities falling within the meaning of section 1.4 above.
2.2.2	All persons within the University who have a responsibility for the use of premises shall report to the Responsible Officer any proposed use of premises which may constitute a Designated Activity. These persons will also be responsible for bringing this Code to the attention of those attempting to book University premises for any purposes which may constitute a Designated Activity. It is a mandatory requirement that Event Organisers indicate they accept the terms & conditions of this Code when booking any University premises.
2.2.3	At the earliest possible stage the organisers of any activity which may reasonably be regarded as falling within the terms of this Code of Practice shall appoint a Principal Organiser. The Principal Organiser of such an activity shall provide the following information in writing to the Responsible Officer at least two weeks in advance : <ol style="list-style-type: none"> 1. the nature of the activity, 2. the names and contact details of any visiting speakers, 3. the subject matter of their talks and the organisations which they represent, 4. what language the event will take place in 5. the proposed date, time and venue for the activity, 6. the estimated times of arrival and departure of any visiting speakers. 7. The numbers expected to attend

	<p>8. Their agreement that the event will not be advertised until it has been approved to go ahead</p> <p>9. if the event being sponsored and if so by whom</p> <p>Failing such notice, the event shall not be permitted to take place on University premises.</p>
2.2.4	As soon as reasonably practicable after being notified that a Designated Activity is scheduled to take place, the Responsible Officer will, after necessary consultation with the Principal Organiser and any other interested parties, either grant or withhold permission for the use of University premises as proposed by the conduct of the event. In the event that permission is declined, reasons will be provided why.
2.2.5	<p>Permission so granted may be subject to such conditions as the Responsible Officer considers reasonably necessary to secure fulfilment of the University's statutory responsibilities concerning the protection of free speech within the law. The Principle Organiser and all persons connected with the organisation of the event for which permission has been granted shall be required to comply with all conditions laid down by the Responsible Officer under the provision of this Code. Such conditions may include but are not limited to:</p> <ol style="list-style-type: none"> 1. the determination of the date, time, length and venue of the Designated Activity 2. how the event is to be advertised or marketed 3. the admittance or non-admittance of members of the public (declaring the event public would permit a police presence) 4. that a particular individual be appointed to chair the event to ensure that both the speaker and audience act in accordance with the law during the event. 5. the determination of the method of access and egress of the event participants and visiting speakers 6. eligibility for admission to the event, including the requirement that ID is required 7. arrangements for admission by ticket only 8. the attendance as necessary by specified senior members of the University, Security, porters and / or other suitable stewards who should be present to maintain order 9. arrangements to film the proceedings by Security 10. the refusal of admission of press, radio or television to the event 11. requesting an advance copy of the guest list for review before the event takes place 12. arrangements for a right of reply to challenge the views expressed at the Designated Activity 13. how any costs associated with policing the event are to be met
2.2.6	If the Responsible Officer is not satisfied that adequate arrangements are in place to maintain good order he or she may refuse or withdraw permission for the Designated Activity to take place.
2.2.7	The Responsible Officer shall also have the authority to take action as described above in relation to any activity that is brought to his or her attention whether the above procedures have been followed or not. The organisers of such an activity shall be regarded as being in breach of this Code and liable to possible disciplinary action.
3	Governance Requirements
3.1	Responsibility
3.1.1	The Vice-Chancellor is responsible to Council for the operation of this Code. Subject thereto, his or her authority for the administration shall be delegated to the Chief Operating Officer who may further delegate his or her authority in general or particular instances to other officers of the University.
3.2	Implementation / Communication Plan
3.2.1	<p>The following arrangements are in place to communicate, disseminate and implement this Code.</p> <ul style="list-style-type: none"> • The draft will be circulated for comment and debate at the Equality & Diversity Committee before final approval at Executive Board. • The revised Code will be circulated via a Leaders Alert • The principles in the Code and will form the part of the induction process for all new staff. • Individuals responsible for room bookings, timetabling and events will receive detailed guidance / training on how to apply this code.

	<ul style="list-style-type: none"> The Policy Office will liaise with the Students Union to effectively communicate the policy to student societies.
3.3	Exceptions to this Policy
3.3.1	There are no exceptions to this Policy. Appeals against any decisions made by the Chief Operating Officer taken under the terms of this Code may be made to the Vice-Chancellor, whose decision shall be final.
3.4	Supporting documentation
3.4.1	Practical checklists for event organisers, timetabling staff and passers-by are appended to this policy.
3.4.2	Guidance from Universities UK on managing external speaker requests is available here .

Freedom of Speech at the University of Surrey	
	A guide for booking / timetabling staff
	The University has to balance its obligation to secure free speech with its duty to ensure the law is observed, which includes promoting good campus relations and maintaining the safety and security of staff, students and visitors.
	This practical checklist should be referred to when considering requests to book University premises [for speaking events] and should be read in conjunction with the University's Code of Practice on Freedom of Speech.
<input type="checkbox"/>	Have the Event Organisers given more than two weeks' notice of the proposed date of the event?
<input type="checkbox"/>	Have you made the Event Organisers aware that the Code of Practice applies?
<input type="checkbox"/>	Have the Event Organisers nominated a Principle Organiser?
<input type="checkbox"/>	Have the Event Organisers provided the name and details of the person (and any organisation they represent) that will speak at the event?
<input type="checkbox"/>	Have the Event Organisers provided details of the subject matter / topics that the Speaker will be talking about at the event?
<input type="checkbox"/>	Have you asked for details about the numbers expected to attend the event and how the audience will be made up (staff, students, members of the University, guests, general public)?
<input type="checkbox"/>	Have you asked for information about how the event is to be promoted and explained that this will not be permitted until the booking has been approved?
<input type="checkbox"/>	Have you asked the Event Organisers whether they have any reason to believe that there may be a threat of disruption caused by the proposed meeting or activity and what is the substance of that threat?
<input type="checkbox"/>	Have you asked the Event Organisers whether any issues may arise with a Speaker and if any controversy has been attracted by the Speaker in the past?
<input type="checkbox"/>	Have you explained to the Event Organisers that they are expected to highlight at the earliest opportunity any grounds for believing that a speaker will be controversial or will potentially commit a criminal offence?
<input type="checkbox"/>	Have you explained that the Event Organisers must notify you if an approved speaker is replaced or other material changes occur to the proposed event?
<input type="checkbox"/>	Have you explained that the University reserves the right to review an external speaker decision if further information emerges about the proposed event?
	<p>If any of the information provided by the Event Organisers gives you reason to believe that the Speaker's right to free speech is likely to be either:</p> <ul style="list-style-type: none"> a. Restricted or disrupted by others or b. Abused by the Speaker <p>Then you should escalate this issue (in confidence) to freedomofspeechequiries@surrey.ac.uk before accepting the booking.</p>

	Freedom of Speech at the University of Surrey
	A guide for Event Organisers
	The University has to balance its obligation to secure free speech with its duty to ensure the law is observed, which includes promoting good campus relations and maintaining the safety and security of staff, students and visitors.
	This practical checklist should be referred to when requesting use of University premises [for speaking events] and should be read in conjunction with the University's Code of Practice on Freedom of Speech.
<input type="checkbox"/>	Have you given more than two weeks' notice of the proposed date of the event? Your event booking may not be accepted if you have not given sufficient notice.
<input type="checkbox"/>	Have you read the University's Code of Practice on Freedom of Speech?
<input type="checkbox"/>	Have you nominated a Principle Organiser to liaise with the University over arrangements for successfully managing the event?
<input type="checkbox"/>	Have you provided the name and details of the person (and any organisation they represent) that will speak at the event?
<input type="checkbox"/>	Have you provided details of the subject matter / topics that the Speaker will be talking about at the event?
<input type="checkbox"/>	Have you provided details about the numbers expected to attend the event and how the audience will be made up (staff, students, members of the University, guests, general public)?
<input type="checkbox"/>	Have you provided information about how the event is to be promoted and explained that this will not be permitted until the booking has been approved?
<input type="checkbox"/>	Do you have any reason to believe that there may be a threat of disruption caused by the proposed meeting or activity and what is the substance of that threat? This must be communicated to the University.
<input type="checkbox"/>	Are you aware of any issues that may arise with a Speaker and if any controversy has been attracted by the Speaker in the past? This must be communicated to the University.
<input type="checkbox"/>	You understand that you are expected to highlight at the earliest opportunity any grounds for believing that a speaker will be controversial or will potentially commit a criminal offence.
<input type="checkbox"/>	You understand that you must notify the booking staff if an approved speaker is replaced or other material changes occur to the proposed event.
<input type="checkbox"/>	You understand that the University reserves the right to review an external speaker decision if further information emerges about the proposed event.
<input type="checkbox"/>	You understand that your booking may only be accepted subject to certain conditions as laid down in the Code of Practice.
<input type="checkbox"/>	You understand that if the procedures set out in the Code of Practice are not followed you will be regarded as being in breach of the Code and liable to possible disciplinary action.
	If any of the information known to you gives you reason to believe that the Speaker's right to free speech is likely to be either: <ul style="list-style-type: none"> a. Restricted or disrupted by others or b. Abused by the Speaker Then you should escalate this issue (in confidence) to freedomofspeechenquiries@surrey.ac.uk before proceeding with the booking.

	Freedom of Speech at the University of Surrey
	A guide for Passers-by
	The University has to balance its obligations to secure freedom of speech, assembly and expression with its duty to ensure the law is observed, which includes promoting good campus relations and maintaining the safety and security of staff, students and visitors.
	This practical checklist should be referred to should you witness any activity where you believe the right to an individual's freedom of speech is either under threat or being abused.
<input type="checkbox"/>	Is anyone substantially interfering with a Speaker's ability to communicate or the audience's ability to hear and see the speaker?
<input type="checkbox"/>	Are those involved in the activity using speech or actions that threaten violence or cause fear, harm or distress?
<input type="checkbox"/>	Are those involved in the activity using threatening, abusive or insulting words or behaviour either with the intention of stirring up racial hatred, or there are circumstances where it is likely racial hatred will be stirred up?
<input type="checkbox"/>	Are those involved in the activity displaying signs or distributing literature that would tend to promote or incite violence, fear, harm or distress?
<input type="checkbox"/>	Have you been or witnessed other Passers-by being obstructed in any way by the conduct or those participating in the activity?
<input type="checkbox"/>	Are those involved in the activity using speech or actions to discriminate, harass and victimise a particular group of people?
<input type="checkbox"/>	Are those involved in the activity displaying signs or distributing literature that would tend to promote or incite violence, fear, harm or distress?
<input type="checkbox"/>	Are those involved in the activity displaying signs or distributing literature that includes obscene words or language?
<input type="checkbox"/>	Are those involved in the activity committing any act likely to create an imminent safety or health hazard to themselves or others?
<input type="checkbox"/>	Are speakers using a public address or amplification system including but not limited to, megaphones and PA systems?
	<p>If anything you have witnessed gives you reason to believe that the Speaker's right to free speech is likely to be either:</p> <ul style="list-style-type: none"> a. Restricted or disrupted by others or b. Abused by that Speaker <p>Then you should immediately report this issue to Security on 01483 68 2002 and via the freedomofspeechenquiries@surrey.ac.uk email address.</p>