

# FREEDOM OF SPEECH AT LONDON METROPOLITAN UNIVERSITY

## Code of Practice

**February 2021**

**Created:** November 2015

**Revised:** March 2021

**Replaces:** All previous versions

**Owned by:** University Secretary's Office

**Approved by Board of Governors on:** 18 March 2021

**In effect from:** 18 March 2021

**Review by:** As necessary

## 1. Scope

1.1 This Code's *obligations* apply to:

- The University (which includes all bodies or persons with authority to determine any matter relevant to this Code);
- All staff of the University (whether academic staff or otherwise) and those whose normal place of work is on University premises;
- All full-time and part-time students of the University (including those intermitting their studies or under suspension);
- The Students' Union (which includes its constituent societies, clubs and associations);
- Any third party organisation that wishes to hold an event on University premises (whether or not at the invitation of a staff member or a student); and
- Events that take place on the premises of the University or the Students' Union, and off-campus events which are funded by the University or the Students' Union, affiliated to the University or Students' Union or branded in a way that associates them with the University or Students' Union (including online events and student society events held off campus).

1.2 The Code's *rights* apply to:

- All staff, students and visiting speakers;

And in relation to the holding of academic activities (see paragraph 3.2.1) or meetings or like events (see paragraph 3.3.1) on-campus or off-campus, to:

- Persons invited or otherwise lawfully at the event;
- Persons who, if it were not for the provisions of this Code, would have been invited to the event.

Nothing in this Code shall be deemed to affect the rights of anyone taking part in lawful industrial action or peaceful protest.

The University Secretary may publish such further guidance as is considered necessary to inform the implementation of the Code from time to time.

## **2. Purpose**

2.1 Section 43 of the Education Act (No 2) 1986 requires the University to take reasonably practicable steps to ensure freedom of speech within the law for its employees, students and visiting speakers. This includes the duty to ensure, as far as reasonably practicable, that the use of University premises is not denied to any individual or organisation on the grounds of their beliefs, views, policies or objectives.

2.2 Under the Act the University must also issue and keep up-to-date a Code of Practice on Freedom of Speech, setting out the procedures to be followed by students and staff regarding the organisation of meetings and activities which fall within any class specified within this Code, together with the conduct required of staff and students in connection with those meetings and activities.

2.3 Section 26(1) of the Counter-Terrorism and Security Act 2015 requires the University to have due regard to the need to prevent people from being drawn into terrorism when exercising its functions (the 'Prevent duty'). The University must have regard to statutory guidance issued by the government when carrying out the Prevent duty.

## **3. The Code**

### **3.1 Introduction**

3.1.1 The University embraces the principle of freedom of speech and expression within the law as a cardinal principle. It also has regard to:

- the need to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University; and
- the University's duty to safeguard its community and to ensure a safe environment for its students, staff and members of the public.

Every person employed at the University and the Students' Union, every student enrolling at the University, and every visitor to the University should be aware that joining the University community involves obligations and responsibilities which are consistent with this paragraph.

3.1.2 This Code of Practice sets out the rights and obligations inherent within the principle of freedom of speech. It is to be construed and applied in a spirit of upholding that principle wherever reasonably possible within the existing legal framework. The Code is also drafted to comply with the University's statutory obligations outlined above.

3.1.3 Staff and students of the University should bring this Code to the attention of any outside organisations who are providing speakers or who are responsible for organising meetings.

3.1.4 The Students' Union shall bring this Code of the attention of its employees and take steps to ensure that they comply with it in accordance with clause 3.1.5.

3.1.5 The Students' Union is required to ensure that the conditions of employment for its employees include a statement which stipulates that employees have an obligation and responsibility to comply with the provision relating to freedom of speech under the Education (No.2) Act 1986 and this Code.

3.1.6 Those under a duty to observe and uphold the principle of freedom of speech within the University must do so at all times while on University premises or otherwise engaged in University or Students' Union business, including business conducted off-campus.

### 3.2 Academic freedom

3.2.1 The principle of freedom of speech extends to the performance of the proper functions by academic staff (including associate, visiting and guest lecturers). It is contrary to this Code for any person or body to which this Code applies to take any action (other than by reasonable and peaceful persuasion or by peaceful protest) to prevent the holding or continuance of any academic activity.

3.2.2 Similarly it is contrary to the Code for any person or body to which this Code applies to take any action (other than reasonable and peaceful persuasion or by peaceful protest) to prevent any student or group of students from attending any academic activity.

### 3.3 Meetings

3.3.1 Where any person or organisation subject to this Code wishes to hold a meeting or like event subject to this Code for the expression of views as set out in Paragraph 3.2, the University or Students' Union (as the case may be) shall not unreasonably refuse consent.

3.3.2 In the case of students who wish to organise a meeting or like event in accordance with Paragraph 3.3.1 above, the student(s) must notify the Students' Union in writing using the prescribed form at least 21 calendar days in advance of the proposed meeting/event taking place. The Students' Union will then notify the University Secretary of the proposed meeting/event in order for the University Secretary to consider and take such steps as is considered necessary to ensure compliance with the terms of this Code in respect of the proposed meeting/event.

3.3.3 In the case of third party organisations that wish to organise a meeting or like event on premises controlled by the University or the Students' Union in accordance with Paragraph 3.3.1 above, the organisation must notify the University's Estates Department in writing using the prescribed form. Where required by the Estates Department's vetting procedure, the Estates Department will then notify the University Secretary of the proposed meeting/event in order for the University Secretary to consider and take such steps as is considered necessary to ensure compliance with the terms of this Code in respect of the proposed meeting/event.

3.3.4 In the case of members of University staff who wish to organise a meeting or like event in accordance with Paragraph 3.3.1 above, such staff are responsible for ensuring that they have obtained sufficient information regarding the content of the meeting/event and the topics to be discussed and that they are satisfied on the basis of that information that the meeting/event will take place in accordance with the rights and obligations contained in this Code. University staff must consult with the University Secretary if they need assistance as to how to ensure compliance with the Code and any guidance as published by the University Secretary from time to time. The attention of staff is specifically drawn to the requirements of Paragraph 3.3.6 below. When booking rooms for meetings or events involving external speakers, staff are required to specify details of speakers and their affiliations, and the booking form will be copied by the Timetabling and Academic Information Team to the University Secretary's Office in order for the University Secretary to consider and take such steps as is considered necessary to ensure compliance with the terms of this Code in respect of the proposed meeting/event.

3.3.5 It is not reasonable to refuse consent on the ground that the views likely to be expressed may be controversial or contrary to any policy, provided that the expression of such views is lawful. Expression of opinions which are annoying, offensive, in bad taste, or ill-mannered is not unlawful unless they amount to incitement to violence or hatred or they would otherwise constitute unlawful discrimination or harassment.

3.3.6 It is reasonable to refuse consent where the University or Students' Union reasonably believes (from the nature of the speakers or from events at similar meetings in the past whether at the University or otherwise) and/or reasonably anticipates that:

- a) The views likely to be expressed by any speaker are contrary to the law; or
- b) The intention of any speaker is likely to be to incite breaches of the law or is to intend breaches of the peace to occur; or

c) The views likely to be expressed by any speaker are for the promotion of any proscribed organisation or unlawful purpose (including views which are likely to be an offence under the Terrorism Acts); or

d) It is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University or the Students' Union or affiliated organisations that the event does not take place; or

(e) When required to do so by lawful order or advised to do so by a competent authority; or

(f) Where the views being expressed or likely to be expressed constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups, and it is not possible to fully mitigate the risk (e.g. by ensuring that extremist views are challenged by those with opposing views); or

(g) Where the event is likely to involve involuntary gender segregation (or other segregation which would be unlawful under the Equality Act); or

(h) When to allow the event to proceed would cause the University's insurers to withdraw cover.

By 'speaker' this Code means any organiser or other person invited to address the meeting other than members of any audience at that meeting.

Meetings or other related activities may be terminated early by the University where it becomes apparent in the course of them that any event under (a) to (h) above has occurred or is likely to occur.

The University Secretary may consult with other bodies (e.g. other universities, the police or Prevent co-ordinators) for the purpose of determining whether any of the circumstances in this paragraph are applicable to an event. Subject to the provisions of the Data Protection Act, the University Secretary may also share information on events and speakers with other bodies where this is necessary to promote compliance with legal requirements.

3.3.7 Subject to paragraphs 3.3.6 and 3.3.8, where the University or Students' Union is satisfied upon reasonable grounds that any meeting or event is likely to give rise to disorder, it shall consider steps to ensure the safety of persons and property and the maintenance of order. It may impose such conditions and requirements upon the organisers as it considers appropriate. These may include, but are not limited to, requirements as to provision of stewards, variation of location and time, and whether such a meeting shall be open to the public at large. The University reserves the right

to require the organisers of the event to meet any or all of the costs of such compliance.

3.3.8 Where the University or Students' Union considers that its powers are insufficient to prevent serious disorder, it may decline to permit such meetings to be held. Before doing so, however, it may consult the police with a view to establishing whether the serious disorder can be prevented or otherwise dealt with appropriately by attendance of police officers or some other conditions. The University reserves the right to require the organisers of the event to meet any or all of the costs of such compliance.

3.3.9 Where the organiser of an event reasonably suspects that disorder is likely to occur, they must give the University Secretary 21 calendar days' notice in writing of such a proposed meeting. The University Secretary shall inform the organiser in writing, within seven days of receiving the notice, whether the event may go ahead.

3.3.10 Event organisers must ensure the proper security and organisation (including stewarding, chairing and implementation of online security measures such as password protection) of their event for the purpose of protecting the rights of freedom of speech. While the heckling of speakers is a right which should not be interfered with, it is contrary to the Code to seek, by systematic or organised heckling, disruption or other activity to prevent the lawful expression of views. It is also contrary to this Code to organise, or engage in or in any way to be or become associated with, any conduct with the intention of preventing (other than by reasonable and peaceful persuasion or protest) any meeting from being held or from continuing.

### **3.4 General**

3.4.1 Any breach of the provisions of this Code shall be punishable under the relevant Disciplinary Code of the University.

3.4.2 It is the duty of all those subject to the Code to assist the University in upholding the rights of freedom of speech recognised in this Code.

3.4.3 If any person or organisation believes that the actions of the University in refusing permission or facilities for the holding of any event, or the actions of the University or the Students' Union are unreasonable, there shall be a right to make representations. These shall be made to the Deputy Vice-Chancellor within seven calendar days of the date of the letter confirming the decision. The Deputy Vice-Chancellor shall consider such representations and, within seven calendar days, shall in writing advise the person or body making them whether the original decision is to be upheld or varied. The Deputy Vice-Chancellor may authorise another member of the Senior Staff of the University (other than the University Secretary) to exercise this function on their behalf.

The decision of the Deputy Vice-Chancellor or other member of the Senior Staff (as the case may be) on such representations is final.

3.4.4 Where a breach of this Code occurs, it is expected that everyone to whom this Code applies will assist in securing the identification of persons involved in that breach.

3.4.5 Where breaches of the criminal law occur, the University will if requested assist the authorities in prosecuting alleged offenders. The bringing of criminal charges against a member of staff or a student does not preclude the University from taking appropriate action against him/her under its own disciplinary codes once the outcome of criminal proceedings is known.

3.4.6 This policy should be read in conjunction with the University's [ICT Acceptable Usage policy](#), [the Equality and Diversity Policy](#) and [our Social Media Policy](#).

#### **4. Responsibilities**

See paragraphs 3.1.3 to 3.1.5, above.

The University Secretary will oversee the implementation and ongoing revision of this Code.

#### **5. Relationship with other existing policies / legislation**

This Code has been prepared primarily within the context of the following:

- Education (No.2) Act 1986
- Equality Act 2010
- The Public Sector Equality Duty
- Public Order Act 1986
- Education Reform Act 1988
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Terrorism Acts 2000 and 2006
- Racial and Religious Hatred Act 2006
- Criminal Justice and Immigration Act 2008
- Counter-Terrorism and Security Act 2015 and Prevent Duty Guidance for Higher Education Institutions in England and Wales

#### **6. Policy review**



In order to comply with the University's legal duty the Board of Governors will formally review the operation of the Code from time to time and as required. The Board may delegate this task to the Governance Committee.

## 7. Contact

For further advice concerning the content this Code and/or its implementation, please contact the University Secretary.

## 8. Revisions

<b>Section</b>	<b>Details of revision</b>	<b>Date of revision</b>
1.1, 3.3.6(c)	Amended	29 January 2015
3.3.2-3.3.4	Added	29 January 2015
1.1, 1.2, 3.1.1, 3.1.6, 3.3.1, 3.3.3, 3.3.6, 5	Amended	26 November 2015
2.3	Added	26 November 2015
	Review	18 March 2021

**Revised Code of Practice approved by the Board of Governors 18 March 2021**