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Freedom of Speech

Policy

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Freedom of Speech

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Freedom of Speech

1. Introduction

- 1.1. This Policy sets out the University College of Estate Management (UCEM's) approach to freedom of speech for the benefit of all UCEM students, delegates and staff (includes employees and workers). It is applicable to UCEM events held:
- on UCEM premises;
 - through the Virtual Learning Environment, Online Academy and other online platforms.

The policy applies to internal and external events, including Continuing Professional Development (CPD) events.

- 1.2. UCEM's commitment to Freedom of Speech is stated in the [UCEM Royal Charter](#), as well as the [UCEM Code of Practice: Research and Scholarship](#):
- 'UCEM will provide opportunities for members of staff , including associate tutors, within the principle of academic freedom¹, to undertake their own research to ensure the development of a vibrant disciplinary and interdisciplinary culture.'*

2. Scope

- 2.1. This Policy applies to:
- a) UCEM trustees and staff;
 - b) UCEM students;
 - c) UCEM delegates;
 - d) visiting or guest lecturers invited by UCEM;
 - e) alumnus invited by the UCEM;
 - f) honorary fellows and honorary graduates.
- 2.2. The Policy applies to those parties listed above at all times irrespective of whether they are on property owned or controlled by UCEM.
- 2.3. The Policy also applies to any person or organisation wishing to hire premises controlled by UCEM for an event, including persons invited for the purposes of the event.

3. Fundamental Principles

- 3.1. As an education provider which values Academic Freedom, UCEM supports freedom of speech and expression within the law and holds this as a fundamental principal. UCEM is committed to the principle that students and staff should have Academic Freedom to question, test and to put forward new ideas and controversial or

¹ [1] In line with UCEM Royal Charter (section 11,3) and Section 43 of the Education Act 1986, as amended by the Further and Higher education Act 1992.

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- unpopular opinions, without placing themselves at any risk. UCEM promotes free debate and enquiry.
- 3.2. The above principle is consistent with the expectations of the Office for Students (OFS), which also upholds that staff at English Higher Education Institutions (HEIs) should have Academic Freedom within in the law, in line with the values set out in paragraph 3.1 above.
 - 3.3. It is also an expectation of the OFS that HEI's governing bodies take steps to ensure that freedom of speech within the law is upheld. This will include ensuring that its governing documents do not contradict obligations related to freedom of speech, and that a Freedom of Speech Policy which meets statutory and other requirements is both in place and adhered to.
 - 3.4. UCEM believes that a culture of free speech can only be achieved when all stakeholders show tolerance and respect, and do not behave in an unnecessarily offensive manner or use unnecessarily offensive language. UCEM expects all participants to respect its values and the diversity of its community.
 - 3.5. UCEM has a legal obligation, as set out in the [Education \(No 2\) Act 1986](#) (Section 43) to *'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers'*. This includes a requirement 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 - (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.'* In the context of UCEM, the requirement extends to the UCEM Virtual Learning Environment (VLE).
 - 3.6. It is also a requirement under the [Human Rights Act 1998 \(Article 10\)](#) that *'everyone has the right to freedom of expression'*. This includes *'freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.'*
 - 3.7. As stated in the [Human Rights Act 1998 \(Article 10\)](#) freedom of speech is, however, subject to *'formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals...'*
 - 3.8. UCEM will offer no platform to those who:
 - a) hold and disseminate views which prevent the maintenance of liberty under the rule of law in the UK;
 - b) advocate or engage in the violent overthrow of democracy in the UK or elsewhere;
 - c) advocate or engage in violence in the furtherance of their political, religious, philosophical or other beliefs;
 - d) are intolerant of the free speech of others both generally and where it includes the denial of the right to hold or express an opposing opinion, including those who engage in the active prevention of permitting others to speak. Those who offer no platform to others, without any reasonable or justifiable basis for doing so, should not benefit from the freedom to speak at UCEM.
 - 3.9. Freedom of speech must also be set in the context of [UCEM's Code of Practice – Safeguarding and Prevent](#) which, in line with the [Counter Terrorism and Security Act 2015](#), sets out that UCEM must *'have due regard to the need to prevent people*

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from being drawn into terrorism' (page 1). The UCEM Code of Practice – Safeguarding and Prevent states that that UCEM will champion the spirit of freedom of speech set out in this Freedom of Speech Policy, whilst upholding a commitment to the safety and wellbeing of staff and students, and taking steps to prevent them from being drawn into radicalism and extremism. These responsibilities are implemented in a proportionate and risk-based manner, as stated in the UCEM Code of Practice – Safeguarding and Prevent and [UCEM Prevent Procedure](#).

- 3.10. UCEM will not take any action (other than by reasonable and peaceful persuasion) to prevent the holding or continuation of, or participation in, any academic activity (such as a webinar or tutorial) because of views held or expressed, or views reasonably likely to be expressed, except under the circumstances outlined in section 4.2.

4. Permission to hold an event

In the context of this Policy, UCEM events may include meetings, webinars, lectures, external events and /or protests.

4.1 Matters which will not normally be considered as legitimate grounds to refuse an event

UCEM shall not reasonably automatically refuse permission or facilities for any event on the following grounds:

- a) The views likely to be expressed may be controversial or contrary to any policy of the UCEM, or Central or Local Government, except under the circumstances outlined in section 4.2.
- b) Opinions expressed are annoying, offensive, in bad taste, or ill-mannered, unless this would result in the UCEM failing in its wider legal duties (for example, to promote equality of opportunity and good relations between persons of different racial groups).
- c) The fact that disorder may result at any event, unless the creation of such disorder is the intention of the organisers of, or speakers at, any such event or public safety and order might be jeopardised.

4.2 Matters which will be considered as legitimate grounds to refuse an event

UCEM may refuse consent, or withhold facilities for any event to which this Policy applies, where it reasonably believes (from the nature of the speakers or from similar events in the past whether held at UCEM or otherwise) that:

- a) The views likely to be expressed by any speaker are contrary to the law (an event is likely to be contrary to the law if it generates fear, harassment, intimidation, verbal abuse or violence, particularly as a result of protected characteristics.²).

² Protected characteristics are: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation ([Equality Act \(2010\)](#)).

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- b) The views likely to be expressed, or the event itself, will discriminate against a person or persons.
- c) 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.
- d) The views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose.
- e) 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 Institution, that the event does not take place.
- f) The risks that people will be drawn into terrorism as a result of the event cannot be mitigated.

UCEM reserves the right to debar speakers or organisations where it reasonably believes that:

- a) their presence on UCEM property is not conducive to the good order of UCEM;
- b) it would offend the principles of scholarly inquiry;
- c) it would put at risk the safety of students, staff or the general public.

UCEM further reserves the right to list the names of individuals or groups which it debars.

UCEM will share with other institutions and partners as necessary information on external speakers.

4.3 Gaining permission to hold an event which poses a risk

If any person(s) or body believes that an event they are organising poses a risk, as per the criteria set out in this Policy, permission must be sought to hold the event as per the procedure set out in Appendix A.

No advertising of the event is permitted until permission has been granted.

A named Principal Organiser should be identified for each event. The responsibilities of the Principal Organiser are outlined in Appendix A.

5. External Speakers

UCEM has a separate [External Speaker Policy](#), which sets in place a governing framework for visiting speakers to ensure that debate, challenge and dissent are not only permitted but expected.

6. Responsibilities

It is the duty of all those to whom this Policy applies to assist UCEM in upholding the rights of freedom of speech set out in this Policy.

Where a breach of this Policy occurs, it is a duty of all to whom the Policy applies to take all reasonable steps to identify the persons involved in that breach. Any breach of the provisions of the Policy shall be dealt with under the UCEM's Disciplinary procedures where applicable. Where breaches of the criminal law occur, UCEM shall, where appropriate, assist

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the Police and the Crown Prosecution Service. In respect of any criminal charges, UCEM shall not, unless the Principal determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion of any ongoing criminal proceedings.

Section 43 (3) of the Education (No 2) Act 1986 requires that the Board of Trustees shall issue, and keep up to date, a Policy on Freedom of Speech. In order to comply with this duty, the Board of Trustees will periodically review the Policy.

7. Related Policies and Guidance

This chapter should be read in conjunction with the following documents:

[Section 43, Education \(No 2\) Act 1986](#)

[Human Rights Act 1998 \(Article 10\)](#)

[The Counter Terrorism and Security Act 2015](#)

[Universities UK Freedom of Speech on Campus: Rights and Responsibilities in UK Universities](#)

[UCEM Code of Practice Research and Scholarship](#)

[UCEM Code of Practice Equality and Diversity](#)

[UCEM Code of Practice – Safeguarding and Prevent.](#)

[UCEM Prevent Procedure](#)

[UCEM Safeguarding Procedure](#)

[UCEM External Speaker Policy](#)

This chapter has been benchmarked against the following policies:

[University of Exeter Freedom of speech policy](#)

[University of Birmingham Code of Practice Freedom of Speech on Campus](#)

[University of Leeds Freedom of Expression Policy](#)

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Appendix A: Process for gaining permission to hold an event which poses a risk

Stage 1: Submission of Request

- 1.1. If any person(s) or body believes that an event they are organising poses a risk, as per the criteria set out in the Freedom of Speech Policy, the event's Principal Organiser must submit a request to hold the event.
- 1.2. The request must be submitted in writing to the Deputy Principal via ExecSupportTeam@ucem.ac.uk using the form provided in Appendix C.
- 1.3. The proposal should usually be submitted no less than 20 working days prior to the proposed event.
- 1.4. No advertising of the event is permitted until permission to hold the event has been granted.

Stage 2: Consideration by the Deputy Principal

- 2.1. The Deputy Principal will consider whether the proposal is in line with the UCEM Freedom of Speech Policy.
- 2.2. In the absence of the Deputy Principal, the matter will be referred to an alternative member of UCEM's Executive.
- 2.3. Permission may be granted subject to conditions in order to ensure the safety of those involved the maintenance of order and the security of the premises. These may include, but are not limited to:
 - i) requirements as to provision of stewards;
 - ii) the appointment of an appropriate Chair with the power to end the event if necessary;
 - iii) a requirement to record the event;
 - iv) variation of location and /or time;
 - v) whether the event shall be open to the public at large.
- 2.4. Where the Deputy Principal concludes that imposing conditions would not be sufficient to prevent serious disorder, permission to hold the event may be declined.

Stage 3: Communication of Decision

- 3.1. The Deputy Principal or Delegated Executive member shall inform the Principal Organiser in writing within five working days of the date of the notice whether the meeting may go ahead.
- 3.2. If the Principal Organiser has been unable, for legitimate reasons, to comply with the normal requirement to provide 20 working days' notice to the Deputy Principal, the Principal shall, at their absolute discretion, have the right to vary this procedure in order to ensure that a final decision is provided to the organiser prior to the date of the meeting.

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Stage 4: Right of Appeal

- 4.1. The Principal Organiser has the right to appeal a decision taken to refuse permission to hold an event.
- 4.2. Appeals must be made in writing to the Principal via ExecSupportTeam@ucem.ac.uk within five working days of the date of the letter confirming the original decision.
- 4.3. The Principal shall consider the appeal and will confirm within five working days in writing whether the original decision is to be upheld or varied.
- 4.4. In the absence of the Principal, the decision will be referred to a member of the Board of Trustees.
- 4.5. Following the Principal / designated Board of Trustees member's appeal ruling, there is no further right of appeal.

Responsibilities of event organiser

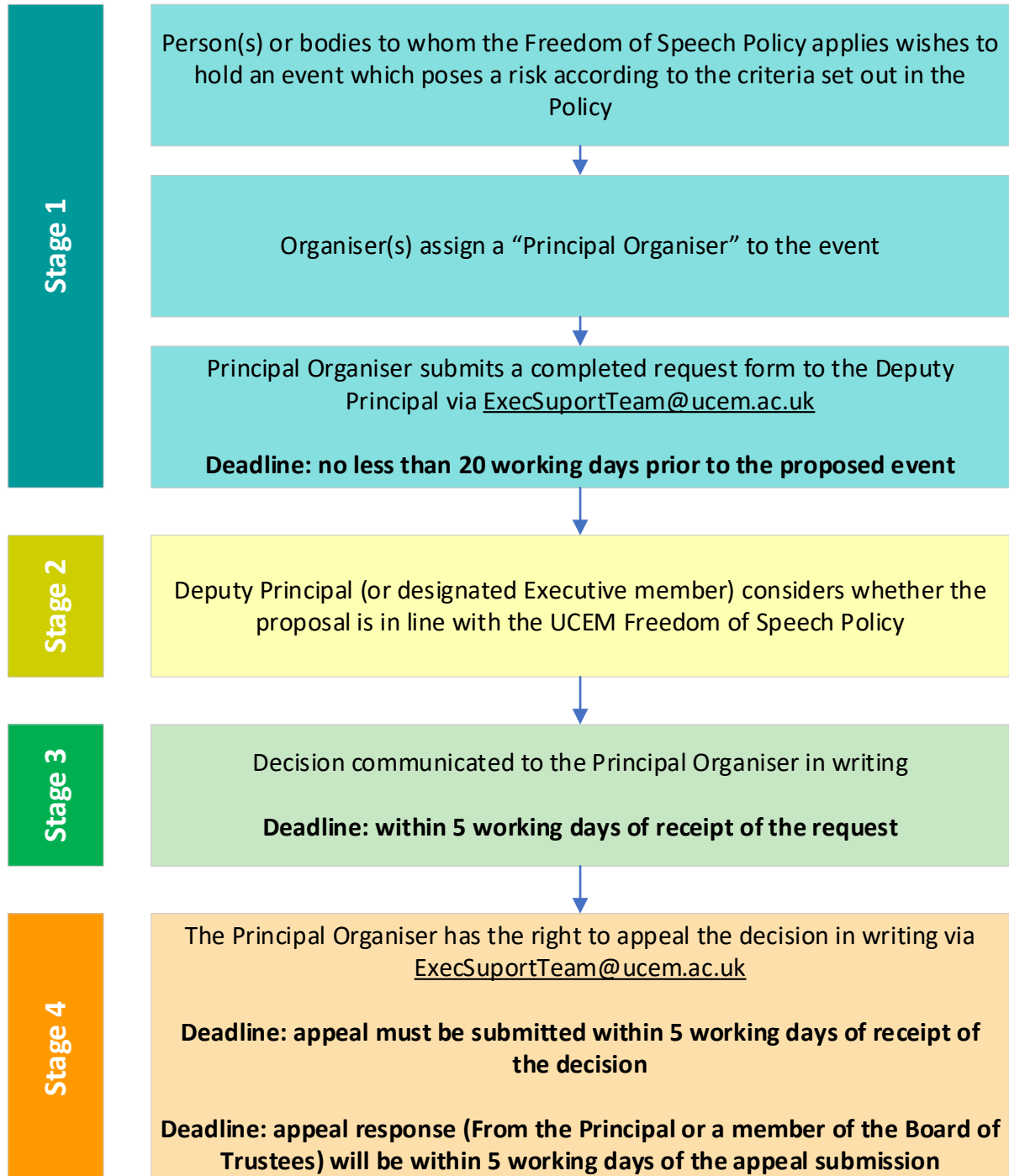
A named Principal Organiser should be identified for each event. The Principal Organiser is responsible for:

- i) maintaining the good conduct of the event;
- ii) monitoring entry to the event, including ensuring that no articles are brought in which may cause injury, damage, or breach of the law;
- iii) ensuring that control and order is maintained;
- iv) ensuring proper security and organisation of the event (including stewarding and chiring) the purpose of protecting the right of freedom of speech and maintaining order;
- v) ensuring that the audience and speaker act in accordance with the law during the event, so far as is reasonably practicable, by issuing warnings in the event of unlawful conduct, followed by ejection from the event if the conduct persists;
- vi) ensuring compliance with any conditions set by the Deputy Principal, or designated member of the Executive;
- vii) any extra expense incurred as a result of meeting any conditions set by the Deputy Principal, or designated member of the Executive;
- viii) accepting the terms of this Policy;
- ix) providing any further details of the event which may be requested by UCEM.

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Appendix B: Process Diagram

UCEM Process for gaining permission to hold an event which poses a risk under the Freedom of Speech Policy



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Appendix C: Request for permission to hold an event which poses a risk under the UCEM Freedom of Speech Policy

In the context of the Freedom of Speech Policy, UCEM events may include meetings, webinars, lectures, external events and /or protests.

Parts 1 and 2 should be completed by the Principal Organiser. Upon completion of parts 1 and 2, the form should be submitted to the Deputy Principal no later than 20 working days prior to the event via: ExecSupportTeam@ucem.ac.uk.

Part 1: Principal Organiser's Details
Name:
Position:
Contact Details (tel no. and email):

Part 2: Proposed Event Details
Proposed Event Title:
Proposed Event Date:
Description (including event format, and details of the presenter(s) and content):
Risk Posed (please refer to the UCEM Freedom of Speech Policy):

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Part 3 should be completed by the UCEM Deputy Principal , or a delegated member of the UCEM Executive in his/her absence.

Part 3: Approval	
From the nature of the speakers or from similar events in the past whether held at UCEM or otherwise:	
Are the views likely to be expressed contrary to the law (an event is likely to be contrary to the law if it generates fear, harassment, intimidation, verbal abuse or violence, particularly as a result of protected characteristics)?	Yes/No
Are the views likely to be expressed, or will the event itself, discriminate against a person or persons?	Yes/No
Is the intention of any speaker likely to be to incite breaches of the law or is to intend breaches of the peace to occur?	Yes/No
Are the views likely to be expressed by any speaker for the promotion of any illegal organisation or purpose?	Yes/No
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 Institution, that the event does not take place?	Yes/No
Do you determine that any risks that people will be drawn into terrorism as a result of the event cannot be mitigated?	Yes/No
<i>If the answer to any of the above questions is yes, UCEM may reasonably refuse consent, or withhold facilities for any event to which the Freedom of Speech Policy applies. In making a decision on whether to grant permission to hold an event, the Deputy Principal (or delegated member of the UCEM Executive) should refer to the UCEM Freedom of Speech Policy, which also outlines matters which will not normally be considered as legitimate grounds to refuse an event.</i>	
Decision:	
Permission to hold event granted?	Yes/No
Rationale:	
Conditions attached (if applicable):	
Signed:	
Name and Position:	
Date:	

The decision should be communicated to the Principal Organiser in writing within 5 working days of receipt of the request.