

LANCASTER UNIVERSITY

Code of Practice on Freedom of Speech

Section 43 of the Education (No. 2) Act 1986 requires that each University establishes a Code of Practice, and imposes a duty upon every individual and body of persons concerned with the governance of the University 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”. The University also has a duty under the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism, and a duty under the Equality Act 2010 to eliminate discrimination, advance equality of opportunity and foster good relations between people who share protected characteristics and those who do not. The University therefore needs to balance its duty to ensure freedom of speech and academic freedom with that of protecting student and staff welfare and safety. This Code has therefore been reviewed and the University Council has approved the following revised Code of Practice on Freedom of Speech within the University’s premises:

1. General Principles

1.1 The University is committed to the principles of free enquiry and of free speech within the law. These principles mean that rigorous debate is perfectly proper and acceptable and we must therefore be tolerant of a wide range of views and opinions on social, economic, political and religious issues, however unorthodox, unpopular, uncomfortable, controversial or provocative. But any action, publication or speech must be lawful.

1.2 The University is obliged by law to take reasonable steps to ensure that freedom of expression is secured for students, staff and visiting speakers. The University is also obliged by law 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. However, the rights of members of the University and visitors must be exercised within the law and will therefore be subject to restrictions in the interests of promoting equality, diversity and the avoidance of hate speech, violence and damage to property. Any action taken by the University must be a reasonable response to the potential or actual threat of the expression of extremist views or to the rights of individuals and must be proportionate to the situation.

1.3 The principle of freedom of expression within the limits of the law requires that those expressing one viewpoint should also respect the right of others to express a contrary view.

1.4 In pursuance of its duties as laid down in Section 43 of the Education (No. 2) Act 1986 and Section 26 of the Counter-Terrorism and Security Act 2015, the University has adopted this Code with a view to taking steps to ensure that freedom of speech within the law is secured for members of the University and for all persons authorised to be on University premises including visiting speakers duly invited in accordance with this Code.

2. Range and Application

Other than events which are an integral part of the academic teaching of the University, this Code applies to all meetings and events (including public lectures, seminars, committee meetings and musical and theatrical performances) on any premises wherever situated of which the University has title or possession, by freehold, leasehold, licence or otherwise, including Colleges, Chancellor's Wharf and the Chaplaincy Centre, and any such other premises as appropriate. Notwithstanding that the Vice-Chancellor or his nominee may from time to time prescribe procedures for operation of the Code, which require formal arrangements with the University authorities for certain types of meeting or other event, the Code also applies to any lawful activities in which members of the University, and visitors duly invited to the University, may engage, anywhere on the University's premises as defined above. It also applies to all meetings or events taking place off campus but which are University-funded or -branded, or organised by bodies affiliated to the University such as student groups or societies.

3. Responsibilities

3.1 Responsibility of the University

3.1.1 The University is responsible for upholding and maintaining the principles of freedom of expression and academic freedom within the law and ensuring that staff and students are not at risk of being drawn into extremism.

3.1.2 So far as is reasonably practicable, the University will not deny use of University premises to any individual or body of persons on any grounds connected with the beliefs or views of that individual or any member of that body, or with the policy or objectives of that body provided that these beliefs or views are not liable to be expressed in ways which draw listeners into terrorism.

3.1.3 The University shall have the right:

(a) to refuse to provide accommodation and/or support any event:

- for any purpose which in its opinion is unlawful or likely to lead to an incitement to breach the law or promote or support an illegal organisation or lead to an expression of views which are contrary to the law, draw people into terrorism or lead to damage to University property or physical harm to persons or a breach of the peace; or
- where the accommodation requested is in the opinion of the University unsuitable for the purpose, on stated grounds; or
- if less than 14 days' notice is given of the organisational arrangements if external speakers are involved; or
- on any reasonable ground unconnected with the beliefs of the individual or the organisation seeking the booking;

- (b) to attach reasonable conditions, including charges for the use of such premises and the payment of a deposit, to such provision. Such conditions may include requirements that tickets be issued, that an adequate number of suitable stewards be available, that the designated meeting or activity be declared 'public' (which would permit a police presence), that arrangements are made for the views of the speaker(s) to be challenged at the event, and/or that a responsible officer of the University, selected by a Nominated Senior Officer of the University, shall attend the meeting.

3.1.4 Controversial, offensive or distasteful views which are not unlawful per se, nor liable to draw people into terrorism, would not normally constitute reasonable grounds for refusing an external speaker request.

3.2 Responsibilities of LUSU

3.2.1 The Trustees of LUSU are responsible for compliance with this Code in respect of all events which are organised, sponsored or booked by the Students Union, its affiliated societies or officers, which take place on University premises as defined in section 2 or the Sugar House.

3.3 Responsibilities of event organisers

3.3.1 Those who organise, sponsor or book events on University premises will, as a condition of booking, confirm their agreement to comply with all provisions of this Code, with the prescribed procedures and with such reasonable requirements as the University may make. The University will hold them responsible for the proper conduct of the event in accordance with this Code.

3.3.2 Organisers of events in the name of the University elsewhere in the UK will be responsible for the proper conduct of the events in accordance with the principles of this Code.

3.3.3. Event organisers should not advertise an external speaker event until the arrangements have been approved.

3.4 Responsibilities of members of the University and others admitted to the University's premises

3.4.1 Compliance with this Code is obligatory on all members of the University; and all persons authorised to be present on University premises.

3.4.2 All those attending an event, whether members of the University or not, must, as a condition of admittance to the event, observe good order. This means that the speaker(s) can be heard clearly. Any conduct which is engaged in with a view to denying the speaker(s) a hearing, including access to or egress from the event and interference with the conduct of the meeting, is contrary to the Code.

4. Procedure

4.1 Event organisers who wish to invite an external speaker to their event must apply for approval of the event at least 14 days before it is due to take place so that consideration may be given to whether any steps are needed to ensure that the speaker or event is likely to operate within the framework of the law and this Code.

4.2 Within 7 working days of receiving the form, the Nominated Senior Officer will advise the event organiser in writing of his/her decision as to whether or not the event/external speaker is authorised. The Nominated Senior Officer may consult with relevant colleagues and third parties before reaching a decision.

4.3 The Nominated Senior Officer will grant permission provided that it is shown that all reasonable steps can and will be taken to prevent any infringement of the Code or the law; and that such conditions as may be reasonably required will be complied with. This may include ensuring that people with opposing views will be able to express them in the meeting, or the recording of the event.

4.4 Where the Nominated Senior Officer requires the stewarding of a meeting, the organiser is responsible for all costs thereby incurred. The University will also determine the responsibility for any cleaning or repair costs arising from the meeting. Payment in advance or prior evidence of ability to pay towards these costs will be required.

4.5 In addition to the conditions set out in 4.4 above, the Nominated Senior Officer has discretion to lay down further conditions, if appropriate, after consultation with the police.

4.6 In normal circumstances, the person chairing the meeting or in charge of the event shall decide whether the situation at the meeting or event is such that the proceedings can continue or must be terminated.

4.8 Where the organiser has been informed that the Nominated Senior Officer has appointed a responsible officer of the University to attend that meeting the organiser must obey all the instructions regarding the conduct of the meeting given to him by the officer. The responsible officer has ultimate authority over the actual conduct of the meeting (e.g. he/she may specify what items can or cannot be taken into the meeting, require the removal of any person from the meeting, and if necessary terminate the meeting).

4.7 The organiser or chairperson will co-operate with the Nominated Senior Officer, if requested to do so, in facilitating protests without undue disruption to the event.

4.8 If not satisfied that adequate arrangements can be made to maintain good order, permission for the meeting, event or activity to take place may be refused or withdrawn by the Nominated Senior Officer.

5. Appeals against decisions made by the Nominated Senior Officer

5.1 If a person wishing to use University premises for the purpose of a meeting is aggrieved by any determination, or the imposition of any conditions, by the Nominated Senior Officer, he/she shall have the right to appeal in writing to the Vice-Chancellor. In exercising his/her appellate

responsibilities the Vice-Chancellor (or such other officer of the University as he/she may appoint) shall have the same power to impose conditions or refuse applications as the Nominated Senior Officer possesses. If the Vice-Chancellor is satisfied that the organiser(s) of the meeting has taken all reasonable steps to fulfil their financial responsibility for the costs of the meeting he/she may consider rendering appropriate assistance to ensure freedom of speech.

6. The Disruption of the Meeting or other Activity

6.1 Current staff and students of the University who wish to stage a protest should notify the Nominated Senior Officer of their intent in accordance with the Code of Conduct on Protests (q.v.). The Nominated Senior Officer will endeavour to facilitate protests in such a way or ways that the normal working of the University is not unduly disrupted.

This Code of Practice should be read in conjunction with the Approach to the Code of Conduct on Protests.

27 September 2006

(Amended 18 January 2012)

(Amended January 2016)