

BRUNEL UNIVERSITY LONDON

Council Ordinance 17

Code of Practice to Ensure Freedom of Speech and Freedom of Expression

1. Principles

1.1 Lawful freedom of speech is essential to the life of a University, but can only be attained if all those involved not only exhibit a degree of tolerance and forbearance towards views in opposition to their own but also support the concept of rational debate. The University wishes to ensure that the use of its premises is not denied to any individual or body on any grounds connected with their lawful beliefs or views or their policies or objectives, and that staff and students of the University may go about their proper business without fear of intimidation. Legal obligations exist which may set limits on certain freedoms in order to preserve the rights and freedoms of others. The University will have due regard to its relevant obligations and commitments that need to be taken into account in respect of the following legislation:

The Education (No 2) Act 1986
The Education Reform Act 1988
The Human Rights Act 1998
The Equality Act 2010
Public Order Act 1986
Protection from Harassment Act 1997
The Racial and Religious Hatred Act 2006
Terrorism Acts 2000 and 2006
The Counter Terrorism and Security Act 2015

1.2 While the University is required under Section 43 of the Education (No 2) Act 1986 to protect and promote lawful freedom of speech and assembly. Article 10 of the Human Rights Act 1998 deals with Freedom of Expression, however, these have restrictions and penalties prescribed by law which are necessary in a democratic society. The Terrorism Act 2006 makes it a criminal offence to encourage terrorism (including to glorify terrorism), to disseminate terrorist publications, to prepare or plan to commit a terrorist act (or to assist others in doing so) and to give or receive terrorist training. The Racial and Religious Hatred Act 2006 ensures that protection is provided to people against harm because of their religious beliefs or lack of religious beliefs, focusing on those who stir up violence and hatred on religious grounds. Provisions of the Equality Act 2010 whereby the Equality & Human Rights Commission monitors the institution's duty to promote good relations amongst different communities. The Counter Terrorism and Security Act 2015 requires the University to have policies and procedures in place for the management of events on campus and the use of its facilities.

1.3 Permission to use University premises for a meeting will only be granted to those who undertake to comply with instructions issued by the University in relation to the location, arrangements for and conduct of such meetings, including adequate stewarding and control of entry. The details of such arrangements must be agreed in each individual case. The University reserves the right to withhold permission to use its premises if it has reason to believe that the meeting or the events leading up to it may be in breach of the law. It should be noted that a speaker who, for example, incites an audience to violence or to breach of the peace, or to racial hatred, transgresses the bounds of lawful speech.

1.4 All of the procedures noted below are subject to the normal legal and safety requirements relating to use of University premises.

2. Scope and Application

2.1 This Code applies to all meetings and events (including 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 its halls of residence, Chaplaincy and prayer rooms.

2.2 The Code also applies to any activities in which students, staff, visitors and other members of the University engage in, anywhere on the University's premises as defined above. This includes external venues hired in the name of the University or that of the Union of Brunel Students.

2.3 The Code is not intended to apply to lectures, seminars and tutorials that directly relate to a formal course of study or research conducted by members of the University staff. The Secretary to Council will determine whether any such event is outside the scope of this Code.

3. Responsibilities of the University

3.1 The University is responsible for upholding and maintaining the principles set out in Section 1 of this Code.

3.2 The Secretary to Council will prescribe procedures to ensure events conform to the terms set out in this Code.

3.3 The University reserves the right of final decision about admission or exclusion of any person, including press, television and broadcasting personnel, in respect of any event covered by this Code.

3.4 The University reserves the right to refuse or withdraw permission for an event to take place or close an event once it has begun.

3.5 The following list, which is not exhaustive, provides examples of the kinds of circumstances in which a decision to refuse or withdraw permission for, or to close, an event might be taken:

- i. Where the bounds of lawful free speech are exceeded or thought likely to be exceeded such as by incitement to commit crimes or breach of the peace;
- ii. where physical harm to persons, damage to University property or a breach of the peace is taking place or thought likely to take place;
- iii. where the frequency of bookings made by an individual or organisation seems calculated to inhibit access of others to the University's facilities;
- iv. if unlawful acts are likely to take place, or indeed are taking place, as a result of the event in question;
- v. where the speaker has a history of denying free speech to others or has otherwise engaged substantially in activities which are inimical to the values which this Code seeks to uphold, as set out in the principles.

3.6 In order to enable an event to proceed, the University may need to impose conditions. For example, in certain circumstances, measures such as the hiring of professional security staff or ticketing of an event may be required. Costs will in principle fall to the organiser of an event.

3.7 The Head of Security, or his or her nominee, will normally be responsible for the security arrangements for any event that he or she considers to pose a security or safety risk to any person, building or facility at the University. He or she will act as the main point of contact for any necessary dealings with the police. In addition, where security-related decisions need to be taken at very short notice – such as once an event is under way - the Head of Security or his or her nominee has delegated authority to cancel, postpone or close an event, or impose whatever restrictions are necessary to ensure security and safety.

3.8 The University has a duty to ensure that its facilities are not used to in a way that might run the risk of harming persons at the University, used to promote violent extreme views, provide a platform for a proscribed terrorist organisation or to facilitate other criminal or public order offences. When deciding whether or not to host a particular speaker, the University will consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that *inter alia* cause harm or risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event will not be allowed to proceed unless such risk can be fully mitigated.

3.9 One such circumstance where the event in question might be mitigated is where arrangements can be made to allow these views to be challenged with opposing views as part of that same event. Guidance on how such an event may be conducted is set out at Appendix A-Facilitating debate at the University.

4. Responsibilities of event organisers

4.1 Any event organiser, including any member or society of the Students' Union or other individual or group which wants to use the University's facilities to organise or sponsor an event, must:

- i. Comply with this Code and any prescribed procedures or measures which the University puts in place for the organisation, publicity and management of the event in question;
- ii. give the University's Events Office at least ten working days in advance of the date on which the event will take place, full details of the event, including an assessment of any risks - for example to free speech or security - envisaged. Tentative bookings may be made without details being supplied as soon as an event is conceived, but it is the organiser's responsibility to provide full details by the deadline. Where this is not done, events will in principle be automatically cancelled.
- iii pay any reasonable fee that the University may charge for the use of a room, facility or service, which may include the hiring of additional security personnel.

4.2 The organisers will be expected to co-operate with arrangements the University wishes to put in place to allow a full debate where views may be challenged as outlined in section 3.9. Guidance on how such an event may be conducted is set out at Appendix A-Facilitating debate at the University. It is expected that any speaker at the University can be questioned or challenged by the audience. Therefore, the speaker(s) and the organisers are expected to be receptive to any such challenge and allow the meeting to be conducted in an orderly manner.

5. Procedures

5.1 These procedures relate to meetings and other activities on University premises which might be deemed controversial by the nature of the speakers present or by the views which might be expected to be expressed.

5.2 Controversial is taken to mean a meeting or other activity where there is a real possibility that the speaker may not be able to enter or leave the building safely and/or deliver a speech properly unless special arrangements are made. If there exists any doubt about whether these procedures apply to meetings or other activities, organisers should consult the Secretary to Council in good time. The final judgement of those matters is vested in the Secretary to Council. Appeals against the ruling of the Secretary to Council may be made to a special committee comprising at least three members of Council. The advice of the Ethics Advisory Committee may be taken on whether a speaker or an event should be permitted on campus.

5.3 Bookings for meetings will be accepted from members of staff and registered students of the University, and should be made with the Secretary to Council or his/her nominee by completing the [Freedom of Speech form / Freedom of Expression form](#).

5.4 Bookings involving speakers from outside the University must be made no more than three months and no less than ten working days in advance of the meeting.

5.5 Organisers of meetings and other activities covered by these guidelines will be required at the time of booking:

- i. To notify the University of the names of all speakers;
- ii. to notify the University of the purpose of the meeting or activity and the title of any lecture/talk.

5.6 Organisers of meetings and other activities covered by these guidelines will also be required at the time of booking to specify whether the meeting or activity will be:

- i. restricted to members of the club, society or other identifiable group;

or

- ii. open to all members of the University only;

or

- iii. an open meeting with an external audience invited.

5.7 Details of how entry will be controlled must be given and must be acceptable to the University:

- i. To indicate the intended starting and finishing times of the meeting or activity;
- ii. to indicate to the best of their knowledge the likely numbers who will attend the meeting or activity;
- iii. to provide an outline of the activities to take place during the meeting;

iv. to designate a named person who should be a member of staff or student of the University who will liaise with the University authorities and be responsible for ensuring compliance with this Code, and any other regulations of the University, any instruments of government and with the law of the land.

5.8 Organisers will be required to appoint sufficient stewards to a number approved by the University to assist them to conduct an orderly meeting. Names and contact addresses of the stewards must be notified to the Secretary to Council at least one week before the meeting.

5.9 Organisers must ensure that nothing in the preparations for or conduct of a meeting or activity infringes the law. Additionally, the University has policies to ensure that events shall be free from any form of segregation which organisers are expected to adhere to.

5.10 Organisers will be required during the meeting:

i. To maintain order;

ii. to take steps to avoid disorderly conduct;

iii. to allow reasonable heckling, but to require any person or persons heckling at a meeting in such a manner as to prevent the conduct of business to desist from doing so, and, if necessary, to call the University's agents to remove such person or persons from the meeting;

iv. to ensure that the conduct of any person attending or addressing the meeting does not infringe the law and if necessary to call the University's agents to remove such person or persons from the meeting.

5.11 Any variation in the arrangements for the meeting or activity should be notified to the University in advance of the meeting in sufficient time to enable the University to satisfy itself that the revised arrangements are satisfactory. Any changes in the arrangements for the meeting which have not been notified to the University may be deemed to be a reason for cancellation by the University.

5.12 The Secretary to Council will endeavour to ensure that organisers receive reasonable notice of a decision to cancel a meeting or activity. It is the responsibility of the organiser of the meeting or activity to ensure that those who may have been expected to attend are notified of its cancellation.

5.13 No food or drink, alcoholic or otherwise, or any receptacle, containers or other implements which could be used as missiles may be taken into a meeting. Coats, bags, etc, must be deposited in the room provided for this purpose which will be under the control of a steward. Banners and flags on poles may not be taken into a building where a meeting or activity is taking place and must not be used elsewhere on University premises in a manner likely to cause injury or damage, or to incite actions leading to injury or damage.

5.14 No member of the press, radio or television shall be admitted to any meeting or activity without the prior approval of the Secretary to Council.

5.15 The University reserves the right to decide which room shall be used for a particular meeting and to make any arrangements which appear necessary for the security and safety of people, property or premises. The cost of any arrangements made by the University may

be charged to the organisers. The event shall only proceed when the University is satisfied with all arrangements relating to the security and safety of people, property or premises.

5.16 The Secretary to Council is empowered to cancel a meeting or activity if she is not satisfied that the organisers of the meeting are willing or able to comply with the conditions specified for that meeting or activity.

5.17 The Secretary to Council and/or her nominee may be present at, and is empowered to bring to an end, any meeting or activity if there is felt to be a risk to the safety of the speaker or any other person, or that the law has been or may be about to be breached.

5.18 The Secretary to Council or her nominee may summon assistance from other members of the University or from the police if this appears necessary to secure the orderly conduct of the meeting or activity or access to or from the meeting room. The cost of such assistance may be charged to the organisers.

5.19 In the event of any damage to University property arising out of the meeting or events connected with it, the cost of such damage may be charged to the organisers.

5.20 In addition to organisers of meetings or activities specified above, this Code covers the conduct of all persons connected with the meeting or activity. Infringements of or departures from these procedures will render those responsible subject to University disciplinary procedures. If any such action involves infringements of the criminal law which are being pursued by the police or other civil authorities, University disciplinary proceedings will normally be suspended pending the outcome of such proceedings.

5.21 The University reserves the right to limit the number of bookings accepted in any session for meetings or activities deemed controversial.

NOTE: If the staff designated to accept bookings on the University's behalf have any reason to think that there may be a breach of the peace or any problems, difficulties or disturbances if the event or meeting takes place, they shall immediately refer the matter to the Secretary to Council (or in his/her absence the Chief Operating Officer). The decision whether or not any particular application should be approved shall then rest with the Secretary to Council (or the Chief Operating Officer) who will take into account the requirements of the Education (No 2) Act 1986 and other relevant legislation, the principles and conditions laid down in this Code and the maximum capacity of the areas available for the event and other safety factors as advised by the University's Safety/PREVENT Advisor.

The University policies and procedures which relate to this Code of Practice include the following:

-Equality and Diversity Statement

http://www.brunel.ac.uk/_data/assets/pdf_file/0019/440056/Equality-and-Diversity-Strategy-2015-to-2020-.pdf

-Anti-Harassment Statement

<http://www.brunel.ac.uk/about/administration/equality-and-diversity/anti-harassment-statement>

-Room Booking Procedure

-Prayer Room Management Protocol

-Hire of Facilities Agreement

The University will regularly review these procedures and specific events to ensure that they serve the needs of the University community.

Facilitating debate at the University

1. As set out in section 3.8 and 3.9 of the Code of Practice to Ensure Freedom of Speech and Freedom of Expression, the University has a duty to ensure that its facilities are not used to in a way that might run the risk of harming persons at the University, used to promote violent extreme views, provide a platform for a proscribed terrorist organisation or to facilitate other criminal or public order offences. When deciding whether or not to host a particular speaker, the University will consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that *inter alia* cause harm or risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event will not be allowed to proceed unless such risk can be fully mitigated. One such circumstance where the event in question might be mitigated is where arrangements can be made to allow these views to be challenged with opposing views as part of that same event. Set out below is guidance on how such an event may be conducted.
2. There are many different debating formats each with their own rules. This procedure does not intend to issue guidance on precisely how a debate should be structured but the arrangements that need to be put in place in order for views to be formally challenged.
3. It is expected that any speaker at the University can be questioned or challenged by the audience. This will not require that a formal request is made to challenge a speaker or speakers with opposing views and the event organisers will be expected to ensure that such issues can be raised whilst maintaining the orderly conduct of the meeting as required in paragraph 5.10 of the Code of Practice to Ensure Freedom of Speech and Freedom of Expression.
4. In the event that a formal request is made to challenge a speaker or speakers with opposing views as part of that same event, the person(s) making the request is expected to:
 - i. To notify the Secretary to Council of the names of all opposing speakers;
 - ii. to notify the Secretary to Council of the purpose of making the request.
5. The organisers of the meeting will be notified of the request to challenge a speaker whether it will be necessary to make any changes to the plans for the event in respect of:
 - i. Changing the proposed venue;
 - ii. enhancing the stewarding or security arrangements;
 - iii. restricting attendance to members of the club, society or other identifiable group;
 - iv. restricting attendance to members of the University only.
6. For any meeting where there will be opposing speakers a Debate Convenor will need to be appointed to oversee the conduct of the meeting and, when appropriate and with the agreement of the organisers, act as Chair.
7. The Debate Convenor will be appointed by the Secretary to Council.
8. Those eligible to be Debate Convenors are listed below:

-Members of academic or professional staff;

-Students nominated by the President of the Union of Brunel Students;

-members of staff whose role within the University encompasses pastoral responsibilities for students.

9. The Debate Convenors will be expected to have undertaken some training on chairing meetings or hosting a debate.

10. The President of the Union of Brunel Students will provide the Secretary to Council with a list of those students s/he wishes to nominate to be Debate Convenors at the start of each academic year. This list will have to identify the training that the nominee has received on chairing meetings or hosting a debate.

11. The Debate Convenors will be required during the meeting:

i. To maintain order;

ii. instruct the organisers to take steps to avoid disorderly conduct;

iii. to allow reasonable heckling, but to require any person or persons heckling at a meeting in such a manner as to prevent the conduct of business to desist from doing so, and, if necessary, to call the University's agents to remove such person or persons from the meeting;

iv. to ensure that the conduct of any person attending or addressing the meeting does not infringe the law and if necessary to call the University's agents to remove such person or persons from the meeting;

v. draw the meeting to a close at an appropriate point.

12. Organisers will remain responsible for appointing sufficient stewards to a number approved by the University to assist them to conduct an orderly meeting.

13. Organisers must ensure that nothing in the preparations for or conduct of a meeting or activity infringes the law. Additionally, the University has policies to ensure that events shall be free from any form of segregation which organisers are expected to adhere to.

14. The decision as to whether a meeting can take place rests entirely with the Secretary to Council. The Secretary to Council and/his or her nominee may be present at, and is empowered to bring to an end, any meeting or activity if there is felt to be a risk to the safety of the speaker or any other person, or that the law has been or may be about to be breached.

Information on Debating

For information on British debating, see the [British Debate website http://www.esu.org/](http://www.esu.org/).

Further Guidance

The guidance issued by Universities UK in 2013 to support institutions to make decisions about hosting events and have the proper safeguards in place is available at:

<http://www.universitiesuk.ac.uk/highereducation/Documents/2013/ExternalSpeakersInHigherEducationInstitutions.pdf>

Gender segregation-outlined in the guidance produced in 2014 by the Equality and Human Rights Commission:

http://www.equalityhumanrights.com/sites/default/files/publication_pdf/Guidance%20for%20universities%20and%20students%20unions%2017-07-14.pdf