

Middlesex University

Code of Practice on Freedom of Speech

Summary

To ensure its compliance with the statutory Prevent Duty, the University must be delivering in the following areas:

- Policies and procedures for approving external speakers and events on campus;
- Code of practice for ensuring freedom of speech within the law;
- Arrangements to protect the importance of academic freedom;
- Policies and procedures for approving branded events taking place off campus;

Following an initial consideration of the legal context, 'The Code of Practice on Freedom of Speech' describes how the university is meeting its statutory obligation by following a proportionate and risk-based approach. The code of practice makes a clear distinction between events that are deemed to be of low or very low risk and events that are deemed to be of higher risk. This code of practice describes

76.6 (id-46 (Nnp5)-2 (t)-6.6 (i)2912.6 (c)-2o3te59 (c)-291(f)

The Counter-Terrorism and Security Act 2015 also imposes a duty on the University to have due regard to the need to prevent people from being drawn into terrorism. This Code of Practice fulfils the requirement in the Prevent Duty for Universities to have policies and procedures in place for the management of events on Campus and use of the University's premises.

To comply with the Prevent Duty for Higher Education Institutions, the University needs to balance its legal duties in terms of both ensuring freedom of speech and academic freedom, and also protecting student and staff welfare.

Preamble

The University seeks to conduct its affairs in an open and responsible manner. The University endorses the principles of freedom of speech. The University holds that all staff and students have the right to speak freely, without fear of disciplinary action or any other sanction provided they do so lawfully, without malice, acting not against any public interest and so as not to cause public disorder or a breach of the peace.

The University has both the right and the power to regulate and if necessary impose conditions or restrictions upon the conduct of meetings or other activities on its premises. The University has a responsibility to ensure the safety of its students, its staff and employees, that students' study is not disrupted nor property damaged and that good order and proper academic discipline is maintained throughout. The University has a right to protect its good name and reputation.

The University has no obligation to hold meetings or events on its premises that are open to the public, but in its discretion may allow such meetings or events to take place and in doing so may impose such conditions as the University sees fit.

Principles

The following principles apply to the use of University premises in connection with meetings or other activities:

Freedom of speech and lawful expression is and remains a cardinal policy of the University.

The articulation of particular viewpoints shall not be prevented solely on the basis that they are deemed "unacceptable" by some or some part of the University community.

Any act of demonstration which diminishes the rights or liberties of others or endangers the safety of individuals, disrupts students' studies or is likely to lead to the damage of property or seeks to deny a fair hearing, is condemned and steps will be taken to prevent such act or activities.

Action will be taken to prevent any speech which constitutes, or in the view of the University is likely to constitute, a criminal offence, or incitement to commit a criminal offence.

If the University has reason to believe that a meeting or event will contravene the above principles, then the University will prohibit such meeting or activity.

The University will impose such conditions on the holding of all meetings and events on University premises as it considers, in its absolute discretion, are necessary to secure the principles stated above and in particular to fulfil its statutory responsibilities, the maintenance of law and order, the safety of its students, its staff and employees and the protection of the freedom of speech.

Scope and purpose

The Code of Practice applies to all staff and students of Middlesex University London

(hereinafter called T4(ed (i)2.6 (bi)2.6 (l)188-8 (,)4.3 (i)2 (4l)188-) (a)10.(4l)188- (5hP0(s)-815.9 (s)-2815

reasonably practicable, the use of the premises will not be 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.

Academic activities including use by clubs and societies will take priority over other usage but, at the discretion of the Director of Estates and Facilities Management Service, permission may also be given for accommodation to be hired by outside persons or organisations and permission may be given for meetings to be attended by members of the public subject to availability and purposes in accord with the University's Charter.

It is essential to the purposes of the University that opportunities for free and open discussion within the law should be safeguarded. Members of the University and all other persons attending meetings held on the premises must behave in a lawful manner.

In the case of meetings or functions that come within the provisions of this Code of Practice and are organised by members of staff, the names of visiting speakers must be approved by the University prior to invitation. This includes self-approval by the sponsor if deemed low or no risk following self-assessment.

Visiting speakers at meetings or functions organised by students must come at the invitation of a club or society recognised by Middlesex University Students' Union or the Trustee Board and Committees of Middlesex University Students' Union. Speakers may not be invited by a student or students individually.

Arrangements and procedures

The arrangements and procedures below apply to staff and, when stated, to students of the University and are for events on-campus, branded events off-campus and branded events on line where external speakers are involved. The procedure follows a risk based approach and adheres to Universities UK guidance on effective external speaker processes. When requirement arises for an external speaker, the procedure as outlined in flowchart 1 (attachment 1) should be followed.

Initial review of speaker request – events deemed to be low or very low risk

When a member of staff of the University wishes to organise a meeting or function that is not integral¹ to the University's academic or administrative business on the University's premises they must carry out a local risk assessment using flowchart 2 (attachment 2) to assess the speaker, subject matter, audience and risk factors. Local risk assessments can only be carried out by permanent employees of 0.6FTE or above². Should the organiser of the event not b(f)ØtT3byerm0.5 (e)1entademploy og f o. (k)T10.5 (E)110.5 (-5.9 (a8 (s)-2 (g)- Td(t)-6.3 (2)

f)

k) No food or drink, alcoholic or otherwise, or any other items which could be used as/or contain missiles shall be taken into a meeting and University security staff and/or stewards will be instructed to remove any such items prior to entry to the meeting or function.

l) No banners, flags, placards or similar items shall be brought into the building or used anywhere on the premises in circumstances likely to lead to injury or damage or cause a breach of the peace.

m) eo.w

v

.

6

A person or body which has made a request to book accommodation on the premises, if aggrieved by a decision made in respect of the booking, may make an appeal to the Vice-Chancellor. Such an appeal will be heard by the Vice-Chancellor or his nominee as soon as is reasonably practicable. The Vice-Chancellor's ruling shall be final.

In considering appeals the Vice-Chancellor may, with absolute discretion, seek the advice of a freedom of speech panel which will normally comprise:

A member of University Executive, who will chair the panel;

One member of academic staff;

One representative nominated by the Students' Union, normally to be the Chief Executive, President or other officer, or trustee;

A Director of Professional Services, or nominee,

and may conduct its business through a face-to-face meeting; through teleconference or video-conference; or by correspondence. The freedom of speech panel is not a statutory panel but a panel convened as and when required.

Members of the freedom of speech panel for each case should not include individuals who have been involved in determining whether or not an event may proceed before it reaches the appeal stage.

When an event is appealed there are two possible outcomes:

- Refusal upheld
- Appeal successful with conditions (follow 'Request Approved with Conditions') or without conditions (follow 'Request Approved – No Conditions')

The arrangements above apply equally to events organised in non-bookable University premises. In such cases the information set out above must be given in writing to the Director of Estates and Facilities Management Service or other designated officer with, in addition, details of the space which is to be used for the event.

In the case of events organised under the Students' Unions regulations and procedures for guest speakers, the Students' Union shall have responsibility for ensuring that the information set out above is obtained, and that necessary judgements are made about any additional arrangements. The Students' Union shall consult as necessary with the Head of

Security and in any event the Director of Estates and Facilities Management Service or other designated officer may determine the conditions under which such a meeting may proceed.

Date of review – October 2021 or earlier subject to legislative changes and/or an external speaker event not going to plan.

David Malpas,
Director of Student Affairs
1 July 2020