

# Canterbury Christ Church University

## Code of Practice on the Freedom of Speech and External Speakers

### 1. GENERAL DUTY IN RELATION TO THE FREEDOM OF SPEECH

- 1.1 Canterbury Christ Church University ('the University') is an academic community of staff and students. Central to this concept, and the University's values as a Church of England Foundation, is the ability of all its members to challenge freely prevailing orthodoxies, to query the positions and views of others and to put forward ideas that may sometimes be radical in their formulation. The University recognises all forms of expression within the law.
- 1.2 The purpose of this Code of Practice ('Code') is to provide means of ensuring debate and challenge are not only permitted but promoted. It sets out the procedures and conduct required of those organising or attending University events.
- 1.3 Section 43(1) of the Education (No. 2) Act 1986 requires every individual and body of persons concerned in the government of the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students and employees of the University and for external speakers. Any employee or student of the University who intentionally or recklessly prejudices freedom of speech or lawful assembly may be subject to disciplinary proceedings.
- 1.4 As a general principle, and as far as is reasonably practicable, no access to, or use of land or buildings of the University, including the Students' Union, is to be denied to any individual or body of persons on any grounds solely connected with:
  - (i) the beliefs or views of that individual or of that body; or
  - (ii) the policy or objectives of that body.
- 1.5 The Code covers all events hosted by the University, the University Students' Union and events hosted by client organisations that take place on University premises. The Code extends to events taking place off campus where either the University or the Students' Union is hosting (or co-hosting) an event. This includes venues in the UK or overseas. While the law differs in other countries, all activities led or hosted/co-hosted by the University, irrespective of where they take place, are to comply with this Code unless to do so would breach that country's law. The Code also extends to those events where one or more external speakers, as defined 2.1, are participating in the event by any means of remote access, such as Skype, teleconferencing and audio conferencing.
- 1.6 In applying the Code, the University will take account of the general law relating to incitement to unlawful conduct (including racial hatred), unlawful assemblies, the

presence of proscribed organisations or individuals, and other similar matters which may require it to have regard to what takes place on its premises. In addition, the University will have due regard to the general duty placed on it under the Counter-Terrorism and Security Act 2015 in the exercise of its functions to prevent people from being drawn into terrorism. In addition, the University will take account of other relevant statutory requirements, particularly in relation to equality and diversity together with health and safety.

- 1.7 The Vice-Chancellor has oversight of all aspects of the Code. Responsibility for the implementation of the Code is delegated by the Vice-Chancellor to the University General Counsel, who may appoint another suitable person to discharge the responsibilities under this Code in relation to specific events. Any reference to the General Counsel within this Code is to be taken to refer to that nominee.

## **2. SPECIFIC DUTY IN RELATION TO EXTERNAL SPEAKERS**

- 2.1 The University welcomes external speakers as a means of bringing diversity of experience, insight and opinion to its work. It is valued as a means of promoting discussion and debate among the University community and its guests.
- 2.2 External speakers play an important role at the University as part of the timetabled academic experience, allowing students and staff to be exposed to a range of different ideas, beliefs and opinions. In addition, they contribute to the University's public engagement programme of activity and within the events and activities organised through individual clubs and societies and through the Students' Union.
- 2.3 'External speakers' are defined for the purposes of this Code as persons who are not students, employees (including visiting professors, visiting scholars, sessional members of staff and those engaged in a similar capacity) or Governors of the University invited to speak at University events. The University draws a distinction between those that are part of the planned teaching and support activities and those that are planned as being outside such activities, which is addressed in paragraph 3.4.
- 2.4 Some external speakers are known to hold contentious, even inflammatory or offensive, views. In some cases, their very presence on campus may be considered to be divisive and may lead to attempts by other groups to prevent the event taking place. Such speakers might include those subject to adverse media attention; and/or associated with a campaign or political pressure group; and/or a member of a group whose views may be deemed as being discriminatory or inflammatory to others. For the purposes of this Code, such speakers are regarded as controversial speakers, but their freedom of speech within the law is recognised.
- 2.5 While the law promotes and protects freedoms of speech and debate, there are limits placed on those freedoms. Freedom of speech does not extend to allow a speaker to break the law or breach the lawful rights of others through threatening,

abusive or insulting words or behaviour, particularly with a view to incite hatred or draw others into terrorism. Speakers proscribed by law are not to be permitted access to the University, its students, staff or visitors in any circumstances.

- 2.6 These restrictions do not create a broad right not to be offended; the expression of views which some people may find objectionable or offensive is not prohibited generally by law.
- 2.7 Employees acting as speakers at University events are to conduct themselves in accordance with the Staff Code.

### **3. PROCEDURES RELATING TO EXTERNAL SPEAKERS**

#### ***Nature of a Specified Event***

- 3.1 The following procedures are to be used when it is contemplated inviting an external speaker to a 'specified event', which is one
  - (a) involving an external speaker as defined in paragraph 2.3 except where this forms part of an organised programme defined in paragraph 3.4; and
  - (b) where there is a potential for there to be a breach of this Code, following an assessment under paragraph 3.10, without a suitable risk assessment and appropriate mitigation being in place.
- 3.2 Any specified event is to be organised in accordance of the requirements of this Code.
- 3.3 The General Counsel's nominee has the authority to decide, in consultation with Principal Organiser and other relevant individuals, whether any event is to be regarded as a specified event under the Code. Where there is any doubt about the classification of an event the Principal Organiser should consult the General Counsel's nominee on the application of the Code.

#### ***Arrangements for External Speakers as Part of a Programme at the University***

- 3.4 A member of staff inviting an external speaker to lecture, or to conduct a seminar or undertake another form of presentation, must consult the Head of School/Department, or nominee within the School/Department, in accordance with arrangements within the School/Department, where all the attendees are either
  - (a) students registered on the taught programme at the University; and/or
  - (b) research students registered on any research programme; and/or
  - (c) employees of University as defined in 2.3.

- 3.5 The Head of School or nominee will determine whether the activity should constitute a specified event under this Code, and for the procedures set out below to apply. Where the activity is not determined to be a specified event, any record will be kept in accordance with any arrangements within the School for visiting speakers. There are no University recording requirements in relation to events involving external speakers which are part of the organised curriculum of University as defined in 3.4 unless they are specified events.
- 3.6 It is expected very few events organised as part of a programme set out in 3.4 will be regarded as specified events. The circumstances under which it would be regarded as a specified event is where there is a potential for there to be a breach of this Code that following an assessment under 3.10 unless there is a suitable risk assessment undertaken and appropriate mitigation is put in place.

### ***Arrangements for the Organisation of a Specified Event***

#### ***Step 1 Appointment of a Principal Organiser***

- 3.7 The first step is to identify a 'Principal Organiser' for each event involving an external speaker. The Principal Organiser has responsibility for ensuring the request meets the University requirements.
- 3.8 In all aspects of the planning of a specified event, consideration is to be given by the Principal Organiser to the general duty relating to the freedom of speech and the specific duty relating to external speakers set out above. Appropriate training will be made available for Principal Organisers.

#### ***Step 2 Undertaking Due Diligence***

- 3.9 The Principal Organiser is to undertake due diligence, taking appropriate advice within and outside the University. The reason for undertaking due diligence is to identify factors that need to be considered in ensuring freedom of speech within the law, and to establish that the University would be acting within the law in inviting an external speaker, and to provide the basis for planning the event.
- 3.10 The following should be taken into consideration by the Principal Organiser to assess the actions required in preparing for and organising a specified event:
- (a) the speaker has previously been known to express views that may be considered controversial as outlined in paragraph 2.4, although it is to be recognised that views and opinions change and consideration needs to be given to timeliness; or
  - (b) the speaker has previously been prevented from speaking at another University or similar establishment, but the decision of another institution does not bind the University in its decision-making; or

- (c) the proposed title or theme of the event presents a potential risk that views or opinions expressed by speakers may be considered controversial; or
- (d) the proposed speaker/theme is likely to attract attendance from individuals/groups that have previously been known to express views that may be considered controversial; or
- (e) the extent to which there is a potential threat to the safety of the speaker or others, or to preventing the speaker from participating in the event.

3.11 It is important that potential issues are identified at the earliest opportunity. The Principal Organiser is expected to identify at an early stage any grounds for believing an external speaker may be controversial, and to make this clear when submitting the External Speakers Planning Form (see 3.12).

### *Step 3 Review of a request for an external speaker event*

3.12 To allow for timely arrangements, the Principal Organiser is to complete and submit the External Speakers Planning Form, following appropriate consultation with any relevant Schools and/or professional services departments, to the Timetabling and Rooming team within Registry **at least four weeks in advance**. The Planning Form will be used to assess whether the speaker or event is likely to operate within the framework of the law, as well as the basis of planning the event. The Planning Form is central to the approval process.

3.13 The majority of event requests should be relatively straightforward and confirmation of the request is made by Timetabling and Rooming to the Principal Organiser within five working days of the request.

### *Step 4 Request for a specified event*

3.14 It is important to allow appropriate time to obtain relevant background information to enable an informed decision to be made on whether the specified event is likely to proceed and under what circumstances. Nonetheless, it is recognised there is a distinction between (a) making the decision in principle relating to the holding of a specified event and inviting an external speaker and (b) agreeing a specific time and date for the event according to the schedule of the external speaker.

3.15 The Principal Organiser is to inform the Timetabling and Rooming team within Registry of a specified event and whether the General Counsel has been consulted.

3.16 Where Timetabling and Rooming consider that the specified event may involve a controversial speaker, the request will be passed for review to the General Counsel, whether or not this has been identified by the Principal Organiser.

- 3.17 The purpose of the review is to assess whether mitigating actions are required and have been identified because the speaker has been identified as controversial. Confirmation of the request being received is made to the Principal Organiser within five working days of the request, including any conditions that apply to the event.
- 3.18 No specified event is to be advertised or held until approval has been given.

***Circumstances Under which an External Speaker Request might be refused***

- 3.19 There may be circumstances, where after full consideration of possible mitigating actions, there are grounds for the General Counsel, after consultation with the Principal Organiser and taking appropriate advice, to refuse a request for an external speaker.
- 3.20 If a refusal is related to the date or timing of when it is proposed that an external speaker attends rather than the event itself, there is an expectation the event will be rearranged to take place on a different date or a different time.
- 3.21 The circumstances under which a request for an external speaker might be refused include but are not limited to situations where:
- 3.21.1 the speaker professes to belong to a proscribed organisation<sup>1</sup>;
  - 3.21.2 following appropriate information gathering, it is believed the speaker intends to invite support for a proscribed organisation or its activities;
  - 3.21.3 having obtained and considered representations from relevant bodies within (e.g. from Security) or outside the University (e.g. the police or other security and emergency services), and following consultation with the Principal Organiser and the General Counsel, it is believed to be in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on University-controlled premises that the event should not take place;
  - 3.21.4 following appropriate representations from relevant bodies and consideration of available evidence it is concluded that reasonable steps cannot be taken to prevent the speaker from:
    - 1. expressing views that are contrary to law;
    - 2. encouraging, assisting or committing criminal acts;

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<sup>1</sup> The list can be found on [www.gov.uk](http://www.gov.uk) – listed as ‘Proscribed Terror Groups or Organisations’.

3. putting forward views or ideas that unlawfully infringe the rights of others or breach the University's equality duties.
- 3.22 Where the request is refused, the Principal Organiser is to be advised of the reasons in writing and the complaints procedure within ten working days of receipt of the request.

#### ***Step 5 Room Bookings for an External Speaker Request for a Specified Event***

- 3.23 Any event to be held or to take place on premises managed by the University or CCCU Students' Union requires prior booking through the appropriate agency in accordance with the booking requirements.
- 3.24 The Principal Organiser is to consult with the following as soon as possible before the proposed date of that event
- 3.24.1 the Security Manager, if there are security considerations; and/or
  - 3.24.2 the Corporate Communications Manager, if there is to be any University publicity for the event.

#### ***Step 6 Event Organisation***

- 3.25 In all cases, the Principal Organiser is to prepare a risk assessment for the specified event. Health and safety obligations need to be taken into account, particularly if there are concerns about the potential safety of individuals involved in a speaker event (whether they are speakers, students, staff or visitors).
- 3.26 Entry to specified events may be restricted following discussion between the Principal Organiser and General Counsel for operational reasons. When control of entry is required, it may be by ticket, by invitation, by membership, by University identity card, or by other agreed means.
- 3.27 At specified events, the nominated Chair and the Principal Organiser are responsible, as far as is reasonably practicable, for ensuring that speakers comply with the law and with this Code and other University requirements.
- 3.28 In the light of changed circumstances, or factors unknown at the time of application, the General Counsel may amend the conditions imposed, or require the cancellation of an event. In cases where there is a cancellation of an event, there should be consultation by the General Counsel with the Vice-Chancellor's Office.
- 3.29 The General Counsel may decide, in consultation with Principal Organiser and other relevant individuals, that specified employees of University, or others who are external the University engaged for the purposes of security, are to be present at a

specified event. Where the event is organised by the Students' Union this is to be done in consultation with the Managing Director of the Students' Union or nominee.

### **Step 7 Review an external speaker decision on the basis of new information**

- 3.30 Sometimes decisions may have to be reviewed on the basis of new information or material changes occurring to the planned event, for example a change in speaker, increased risk of disorder or information from the police or community. This new information may determine whether the event is cancelled or whether further mitigating actions are required to address the new risks.
- 3.31 Principal Organisers are to notify Timetabling and Rooming of a material change to a specified event booking and any mitigating factors.

### **Record-keeping and Information Sharing**

- 3.32 A record of all specified events will be maintained by the University Solicitors Office.
- 3.33 The University Solicitors Office will share information relating to specified events both within the University and externally where this is deemed appropriate and where possible using established mechanisms for the sharing of information. This includes any requests made under the Freedom of Information Act 2000.

## **4. CONDUCT AT ALL EVENTS WHERE THERE IS AN EXTERNAL SPEAKER**

- 4.1 Every employee and student of the University has the obligation to refrain from any conduct or course of action that prejudices the lawful exercise of freedom of speech. It may constitute a disciplinary offence for any employee or student to:
  - (a) act in a disruptive or intimidatory manner for the purpose of preventing a speaker from being heard or preventing the discussion or transaction of any other business for which the event has been held; and/or
  - (b) to aid or encourage other persons in such actions.
- 4.2 Where any disruptive actions by members, employees or visitors involve alleged offences that may constitute breaches of the law, the University will assist the police in any subsequent criminal investigations and proceedings.
- 4.3 Employees and students of the University are required to comply with the requests of those organising the event. Such a request may include a requirement to leave the event.
- 4.4 Without prejudice to the right of peaceful demonstration, employees and students are not to obstruct access to or exit those attending, and not to aid or encourage other persons to cause such obstruction.

4.5 The Principal Organiser is to ensure, as far as is reasonably practicable, that conduct at the specified event is acceptable. The Principal Organiser has the authority to determine whether the event is to continue if the safety and wellbeing of individuals is put at serious risk through threatening, abusive or insulting words or behaviour.

## **5. STUDENTS' UNION PREMISES**

5.1 By Section 43(8) of the Education (No 2) Act 1986, any reference to the premises of the University includes Students' Union premises.

## **6. COMPLAINTS PROCEDURE**

6.1 In the event that a member of staff, student, speaker or external visitor considers there to have been a breach of this Code, they may complain in writing to the Vice-Chancellor at the University. The Vice-Chancellor will appoint a suitable individual to review and respond to the complaint.

6.2 A complaint under this Code is restricted to allegations of:

(a) being prevented from arranging, speaking at or attending an event covered by the Code;

(b) infringements of freedom of speech; and

(c) where an external speaker at specified event breaches or is likely to breach the Code.

6.3 The decision of the reviewer appointed by the Vice-Chancellor represents the final decision of the University.

## **7. APPROVAL**

7.1 The Code of Practice was approved by the Governing Body on 5 April 2016.

7.2 The Code of Practice will be reviewed every three years. The next review will take place in March 2019.