

## **Code of Practice on Freedom of Speech and Expression**

### **Preamble**

Section 43 of the Education (No.2) Act 1986 requires the University to “take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, staff and students of the establishment and for visiting speakers.” In furtherance of this requirement, The Board of Governors of Kingston University has, therefore, enacted the following Code of Practice.

### **Scope**

The provisions of the Code apply to all Staff, Governors, Students and Visitors to Kingston University. In addition, the Code applies to outside organizations wishing to hire the University premises and to hold public meetings on the premises.

Meetings or activities on University premises organised by persons not associated with the University may only be held with the consent of the University, and permission to hold such meetings is entirely at its discretion. There is no legal requirement for the University to make available its premises for such meetings or activities although, in the interests of engagement with the wider community, it would make every effort to accommodate such requests.

### **Principles**

The University believes that, as an institution of Higher Education which values academic freedom, an atmosphere of free and open discussion, debate and expression is essential to its life and work. Such an atmosphere can be achieved only if all concerned behave with necessary tolerance and avoid needlessly offensive or provocative action and language.

Freedom of Speech and Expression must also be set in the context of the University’s values, and the values of a civilized, democratic and inclusive society. The University expects participants to respect these values and agree to comply with them whilst on University premises, to be sensitive to the diversity of its community, and to show respect to all sections of that community.

Failure to respect the institutional values, or to comply with this Code of Practice may result in action being taken under the University’s Student Disciplinary Procedure and / or General Regulations, and may also jeopardise the individual / organisation from being able to book activities in the future.

So far as is reasonably practicable, no premises of the University or premises occupied by Students’ Union (hereinafter called "University premises") shall be denied to any individual or body of persons on any grounds connected with:

a) the beliefs or views of that individual or of that body;

or

b) the policy or objectives of that body.

Participants should be aware, however, that the right to freedom of speech and expression has limits as defined by those laws governing the protection of national security and public safety, for the prevention of disorder and crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence.

The University shall take account of these legal obligations which require it to have regard to what is said on its premises. It shall therefore refuse the holding of events on its premises which have the aim, or likely outcome, of:

- a) inciting those attending to commit a criminal act;
- b) leading to an expression of views which breach criminal law;
- c) being in direct support of an organisation whose aims or objectives are illegal;
- d) inciting a breach of the peace or causing serious public disorder.

## **Procedures**

By the authority of the Board of Governors, the following procedures shall be followed by governors, staff and students of the University in respect of:

- a) any meetings or activity (e.g. demonstration, protest) which are to be held on University premises; and
- b) the conduct required of all persons in connection with any such defined activities; and
- c) any other related or ancillary matters which the Board of Governors may from time to time declare to fall within this Code.

Infringement of, or departures from, these procedures in whatever respect may render those responsible subject to disciplinary proceedings as laid down by the Board of Governors.

Additionally, if any such actions involve breaches of the law, the University shall assist the prosecuting authorities to implement the processes of law and, if charges are preferred, may stay disciplinary proceedings pending the outcome of any such proceedings.

The Board of Governors in laying down these procedures authorizes the Vice-Chancellor to appoint an officer (the "*Designated Officer*") to act on his behalf in order to ensure as far as is reasonably practicable that all governors, staff and students of the University and visiting speakers comply with the provisions of this Code. The role of the designated officer shall normally be fulfilled by the University Secretary or a nominated representative of that office.

## **Meetings or other Activities to which this Code Applies**

(The Designated Officer shall ensure that a central record is held of any meetings or other activities which are proposed to take place on University premises. Where there is no reasonable expectation that freedom of speech will be compromised, then this shall be confirmed by the Principal Organiser, noted by the Designated Officer and no further action will be required under this Code.)

Any meetings or other activities (e.g. demonstration, protest) where there is a reasonable expectation on the part of the *Principal Organiser* (see below) that freedom of speech within the law may be compromised unless appropriate remedial action is taken, shall be deemed to fall within the requirements of this Code.

## **Preparation for and conduct of specified meetings and activities on University Premises**

The organiser(s) of any meeting or activity shall be responsible for reporting to the designated officer any proposed use of premises which may constitute a specified meeting or activity.

The organiser(s) of any specified meeting or activity shall ensure that a single person from the KUSU Officer or Staff Team is appointed as Principal Organiser of the meeting or activity. In the case of the meeting being arranged by a student or student club or society, then the Principal Organiser shall be a member of the KUSU (either a Sabbatical Officer or member of the KUSU management)

The Principal Organiser shall give notice, normally at least two weeks before the proposed date of the meeting or activity, to the designated officer. Such notice shall contain a written statement\* of the name of the speaker, a brief resume of the speaker, the name of the body arranging the event, the subject of the address, the name of the person who will chair the meeting, the timing of arrival and departure of the speaker and the proposed location of the meeting or activity. The Principal Organiser shall also ensure that the speaker has been made aware of the University's Values Statement and has agreed to respect this whilst on University premises. Failing such notice the meeting or activity shall not be permitted to take place on University premises.

The Designated Officer may utilize the resources of the University (e.g. Chaplain's Office) to undertake any further investigation as is deemed necessary in order to provide him / her with the information required to give consideration to the notice.

Within a maximum of seven days of receiving such notice the Designated Officer shall notify the Principal Organiser in writing \* that permission is or is not granted for the use of University premises as proposed for the conduct of the specified meeting or activity. The Designated Officer may lay down such conditions as he/she considers reasonable and necessary to secure fulfilment of the University's responsibilities concerning the protection of free speech within the law and may decide on the particular premises within which the meeting or activity may take place.

*(\* Technological developments currently under implementation are intended to facilitate an electronic exchange of notice, supporting statements and authorization)*

The principal organiser and every other person concerned with the organisation of a meeting or activity for which permission has been granted shall comply with any and every condition laid down by the designated officer under the provisions of this Code. Such conditions may include, but shall not be limited to:-

- methods of advertising the meeting or activity
- admittance or non admittance of members of the public
- issue of tickets (where appropriate)
- provision of means of identification by those attending
- provision of a specified number of suitable stewards, suitable to the Designated Officer
- presence of specified senior members of the University
- that the meeting be held in a venue other than that proposed by the organizers
- that the meeting or activity be declared 'public' or 'private'
- the admission of press, radio or television to the meeting
- the mode of appointment of a Chairperson for the meeting
- that University staff be responsible for all relevant security arrangements

Where the Designated Officer has indicated that the organiser's attendance is required, the organiser(s) of a specified meeting or activity shall have a duty to see that nothing in the preparation for or conduct of the meeting or activity is likely to infringe the law, e.g by conduct likely to cause a breach of the peace or incitement to illegal acts.

The chairperson of the meeting shall have a duty so far as is reasonably practicable to ensure that both the audience and the speaker act in accordance with the law during the meeting. In case of unlawful conduct, the chairperson shall give appropriate warnings and, in case of continuing unlawfulness, he/she shall require the withdrawal or removal by the stewards of the person(s) concerned.

No articles or objects shall be taken inside the building where the meeting or activity is being held, or taken or used elsewhere on University premises, in circumstances which are likely to lead to injury, damage or breach of the law. (Where appropriate, advice / legal interpretation will be sought)

Premises used for meetings or activities shall be left in a clean and tidy condition, in default of which the organiser(s) may be charged for any additional cleaning and repairs that are subsequently required. Payment or evidence of ability to pay towards these costs may be required by the designated officer.

In addition to the conditions set out in paragraphs above, the designated officer may in his/her discretion lay down further conditions after consultation (if necessary) with the police. He/she may, for example, require the meeting or activity to be declared public (which will permit a police presence); he/she may arrange for University staff to be responsible for all security

arrangements connected with the meeting or activity and appoint a member of staff as "controlling officer" for the occasion. If he/she is not satisfied that adequate arrangements can be made to maintain good order, he/she may refuse to grant or may withdraw permission for the meeting or activity. Such a step shall normally be taken on the advice of the police.

The cost of security arrangements deemed necessary by the designated officer shall be discussed between him/her and the principal organiser before the meeting or activity. In circumstances where the University agrees to bear a significant proportion of these costs, the organisers may be required to accept a limitation, on the number of specified meetings or activities they may arrange.

### **Appeals**

Appeals against the rulings of the designated officer may be made to the Vice-Chancellor (or in his absence, the Deputy Vice-Chancellor), whose decision shall be final and this decision shall be reported to the next meeting of the Board of Governors

NB Where a process is referred to in terms of time (e.g. days) these are working, as opposed to calendar days

Appendices below – Examples taken from UUK publication – to be modified for KU purposes and probably moved from a manual to an e-system of authorization using the HUB software, currently implemented as part of the SS&A PIF realignment.

**Event organiser to complete:**

Event title:	
Date:	
Organisers full name:	
Organisers contact details: [organisation/address/email/tel contact number]	
<b>n.b. if more than one speaker, please complete a separate form for each speaker.</b>	
Speaker's full name:	
Speaker's organisation: [Title and website url]	
Speakers contact details: [address/email/tel contact number]	
Title of talk:	
Subject matter:	
Has the speaker spoken at the University before? If so please provide date:	
Has the speaker been refused to speak publicly or at any other educational establishment before? If yes, please provide details:	
Are there any other details about the event that should be noted i.e. if the event is approved, is there a likelihood of Media interest? Does the event have any controversial subjects? If so please provide details:	

**ORGANISER TO READ AND SIGN:** I have read the University Values and Behaviours statement and confirm that this event and its speakers will adhere to the principles of the statement.

**SIGNED:**

**DATE:**

