

<b>FREEDOM OF SPEECH CODE OF PRACTICE</b>			
<b>Department</b>	Board of Governors		
<b>Author</b>	Prevent Co-ordinator/Clerk to the Board		
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## 1. INTRODUCTION

- 1.1. The University is committed to upholding the principles of freedom of speech and expression within the law; and to ensuring staff and students have freedom of enquiry in education and research, to challenge received wisdom and put forward ideas and opinions without placing themselves at risk of losing their jobs or privileges.
  
- 1.2. A culture of free and open discussion is essential but can only be achieved if all concerned behave with tolerance and avoid offensive or unnecessarily inflammatory language or action. There will be times when some views and opinions which are expressed lawfully may be considered by others to be offensive. In such circumstances the University believes that its role is to provide opportunities to challenge those views and opinions, to widen rather than narrow debate, but also for those who take part in such activities to do so with respect, to promote good relations and maintain the safety and security of staff, students and visitors to the University.
  
- 1.3. Freedom of speech can be limited by law if necessary, for example, to prevent crime, for reasons of national security or public safety, or to prevent unlawful discrimination and harassment. The University will take such legislation into account when applying this Code.

- 1.4. The Board of Governors has a duty under Section 43(3) of the Education No.2 Act 1986 to issue and keep up to date a Code of Practice on Freedom of Speech. The Board will receive a report from the Vice Chancellor's Board on the operation of the Code together with any recommendations for its revision at intervals not exceeding three years.

## 2. SCOPE

In seeking to facilitate rather than restrict freedom of speech, this Code's obligations and rights shall apply to:

- 2.1 all governors, staff and students of the University; including if they deliver a speech at an event in another organization which might have reputational ramifications for the Glyndwr University;
- 2.2 visiting or guest speakers invited by the University or Students Union;
- 2.3 any alumnus invited by the University;
- 2.4 all events, led, hosted or co-hosted by the University, irrespective of where they take place (unless compliance with this Code would breach the law of the country where the event is to take place) or whether the event is held on-line/via video conference;
- 2.5 all premises owned, controlled, managed, leased by, licensed or otherwise occupied by the University;
- 2.6 all other events held on University premises including those organized by external individuals or organizations;
- 2.7 the Students' Union and its constituent clubs, societies and associations, employees and sabbatical officers;
- 2.8 any issues relating to events organized by or on behalf of the Students' Union or on premises controlled by the Students' Union, are subject to this Code of Practice and will be considered by the Students' Union in the first instance, and may then be referred to the University's Authorizing Officer.

This applies to both in person and online activity relating to the above.

## 3. RELEVANT LEGISLATION

- 3.1 Section 43 of the Education (No.2) Act 1986 requires the University's Board of Governors to *"take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members, students and employees of the establishment and for visiting speakers"* and issue a 'Code of Practice' to facilitate the discharge of this requirement. In accordance with section 43 (8) of the Education (No.2) Act 1986 any reference to the University's premises shall include those occupied by Wrexham Glyndwr Students' Union.

3.2 Section 202(2) (a) of the Education Reform Act 1988 requires universities to have regard to the need to ensure academic freedom.

3.3 The European Convention on Human Rights (ECHR) introduced into domestic law by the Human Rights Act 1998 (HRA), specifically:

3.3.1 Article 9 – which provides for the right to freedom of thought, conscience and religion for everyone;

3.3.2 Article 10 – which provides for the right to freedom of speech, hold opinions and receive and impart information and ideas without interference by public authority and which can extend to the right to say things which may shock or disturb the listener;

3.3.3 Article 11 – which provides for the right to freedom of assembly and association with others including the right to peaceful protest.

3.4 Section 149 of the Equality Act 2010 creates a public-sector equality\_duty which harmonizes the equality duties across the protected characteristics (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) to eliminate discrimination, harassment and victimization and to foster good relations.

3.5 Health and Safety at Work Act 1974 places a duty on the University to ensure as far as is reasonably practicable the health and safety and welfare of its employees and its activities do not expose people to health and safety risks.

3.6 The Public Order Act 1986 contains several criminal offences relating to violent disorder, speech or actions that cause harassment, alarm or distress or threaten to cause violence including use of abusive threatening or insulting language words or behaviours.

3.7 The Counter-Terrorism and Security Act 2015 imposes a duty on universities to have due regard to the need to prevent certain individuals from being drawn into terrorism (the 'Prevent duty') (section 26). The University must also 'have particular regard to the duty to ensure freedom of speech' and 'to the importance of academic freedom' (section 31).

3.8 Charity Law – as a registered Charity (Charity number 1142048) the encouragement of free speech is an important element in furthering the University's charitable purposes within the law and for the public benefit. Governors must manage the University's assets responsibly which includes its reputation.

3.9 Higher Education (Wales) Act 2015 – provides a role for the Higher Education Funding Council for Wales (HEFCW) in ensuring that the University's policies and procedures in respect of freedom of speech and the Prevent duty strike an appropriate balance.

## 4. DEFINITIONS

- 4.1. **Authorizing Officer** – the Board of Governors has appointed the Executive Director of Operations or subsequent equivalent post, as the University's Authorizing Officer in relation to this Code, however the Authorizing Officer may delegate this authority in whole or in part to other employees of the University.
- 4.2. **Organizer** - within this Code this term indicates the person or persons who are responsible for a Notifiable Event either organized by themselves or others for either an internal event or one in which an external organization has hired university facilities, who must ensure that arrangements are in line with this Code of Practice.
- 4.3. **Notifiable event** – a meeting or event may be considered a Notifiable Event, if having undertaken appropriate due diligence, the organizer provides a 'yes' response to one or more of the questions in section 5
- 4.4. **Speaker** - this is anyone invited to deliver a lecture, speech or sermon, or to take part in a panel discussion. It also includes the recording or audio-visual streaming of a speaker, or the showing of a film that is designed to promote a particular point of view.
- 4.5. **External speaker** - this is anyone who is not a student or staff member of the University or is a staff member of the University invited to speak at an event not directly related to their post. It is not normally a person invited to participate in normal curricular teaching within a Faculty, in training or in provision of advice within a professional services department.

## 5. NOTIFIABLE EVENTS

- 5.1 A meeting or event may be considered a Notifiable Event if, having undertaken appropriate due diligence, the Organizer provides a 'yes' to one or more of the following questions.
- a) Is the Organizer aware of any previous controversy surrounding the speaker(s) or their views or raises any concerns relating to any matter covered in this Code of Practice?
  - b) Is there a likelihood that the speaker(s) may not be able to enter or leave the meeting or event safely and/or require specific security arrangements?
  - c) Is the Organizer aware of any threats of disruption to the proposed meeting or event, which may occur either inside or outside the venue?
  - d) Is the Organizer aware of any other meetings or events being proposed of a conflicting nature, any practical matters relating to health and safety and/or impact on the availability of resources?
  - e) Is the Organizer aware of any threats to the University's ability to ensure that freedom of speech within the law is secured for the speaker (s) and attendees?
  - f) Is the Organizer aware of any threats to the University's ability to ensure that speakers with extremist views that could draw people into terrorism are

challenged as part of the same event, in accordance with the Prevent duty.

- 5.2 If the Organizer or anyone involved in the organization of the meeting or event or in issuing the invitation is in any doubt whether the meeting should be classed as a Notifiable Event they should consult with the Authoring Officer at least 21 days prior to the date of the meeting or event.
- 5.3 It is possible that a meeting or event subsequently becomes notifiable due to changed circumstances, such as other meetings or events being proposed of a conflicting nature, practical matters relating to health and safety, or the availability of resources.
- 5.4 It is the responsibility of the Organizer to ensure that enough notice, at least 21 days is provided to the Authorizing Officer of any Notifiable Event which requires authorization. This is to provide time to consider the proposed Notifiable Event in accordance with the procedures set out in Appendix 1.
- 5.5 The University will not allow any Notifiable Events to proceed where insufficient prior notice and opportunity for due consideration has been provided by the Organizer.
- 5.6 Notifiable Events should not be promoted until they have been authorized to proceed.

## **6. BREACH OF THE CODE**

- 6.1 Breach of the provisions of this Code will result in disciplinary action under the relevant University procedure. Such breaches include intentionally or recklessly prejudicing the lawful exercise of freedom of speech, acting in a disruptive or intimidating manner for the purposes of preventing a speaker from being heard, or preventing the discussion or transaction of any other business for which the meeting has been held. This includes aiding or encouraging other persons in such actions and could also include breach of another organization's Freedom of Speech Code of Practice if there are proven reputational implications for Glyndwr University.
- 6.2 Legal action may be taken against external speakers or groups who have booked the use of University premises for meetings or events and who are in breach of this Code.
- 6.3 If any action by persons under this Code involves alleged offence(s) which could constitute breaches of the law, the University shall be obliged to assist the Police in any subsequent criminal proceedings.

## **7. REFERENCES**

The University's Prevent Policy and Strategic Equality Plan.

## **8. COMMUNICATION STRATEGY**

This Code will be made available on the University Website for all staff and students and drawn to the attention of key people who have specific responsibilities within the Code. This Code will also be brought to the attention of organizers of external events/meetings at the time of booking.

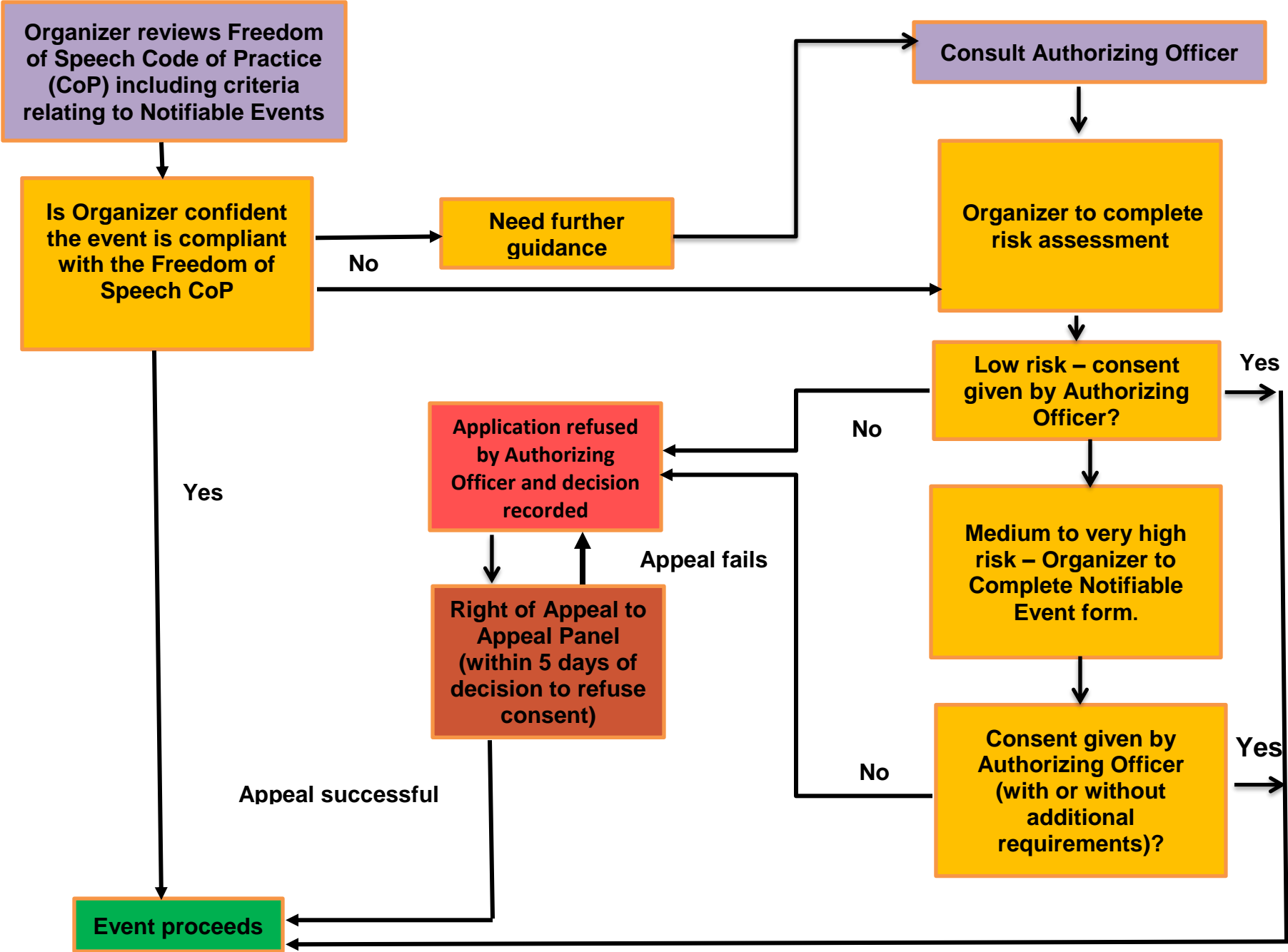
## **9. DATA PROTECTION**

Records of this Code should be kept for regulatory and monitoring purposes. In order to ensure compliance with the Data Protection Act 2018 and the General Data Protection Regulations 2016 personal information will only be held by the University for a period of one year after the event took place. For administrative and compliance purposes, the University will retain a record of the event title, speaker name, event date, and approval decision for a period of six years after the submission of the booking.

## **10. RESPONSIBILITY FOR MONITORING AND REVIEW**

Responsibility for monitoring the effectiveness of this Code lies with the Vice-Chancellor's Board, though its practical application is delegated to the positions named in this document. The Vice-Chancellor's Board will be advised of any Notifiable meetings of events, receive regular updates on the performance of this Code from the Executive Director of Operations and conduct a regular review of the Code as part of the cycle of Board business.

Wrexham Glyndŵr University Events and External Speaker Process - Appendix 1



## **APPENDIX 2**

### **PROCEDURE FOR AUTHORISING A NOTIFIABLE EVENT**

1. If a **Notifiable Event** as defined in section 5 of the Code of Practice on Freedom of Speech, is to be held on University premises, the Organizer must complete a risk assessment (see appendix 3) and if deemed a medium or high risk must submit to the Authorizing Officer in writing, at least 21 days in advance, the completed Notifiable Event form (see appendix 4).
2. Normally within five working days, following receipt of the Notifiable Event form from the Organizer the Authorizing Officer shall decide either:
  - a. That the Notifiable Event may proceed without any further directions as to its conduct, and confirm this decision to the Organizer in writing; or
  - b. That the Notifiable Event may proceed, subject to directions as to its conduct as specified by the Authorizing Officer, in accordance with section paragraphs 10 to 14 and confirm this to the Organizer in writing; or
  - c. That a breach of the University's Code of Practice on Freedom of Speech being possible, the Notifiable Event, shall not take place, and confirm this decision to the Organizer in writing, including the reasons for the decision.

### **RIGHT OF APPEAL AGAINST THE DECISION OF THE AUTHORISING OFFICER**

3. If the Organizer does not agree with the Authorizing Officer's decision for the Notifiable Event, they may request an appeal. Such a request should be made within five working days of receiving the Authorizing Officer's decision.
4. The Appeal shall normally be heard within five working days of the request being received.
5. An Appeal panel shall be formed by the Vice Chancellor or her nominee and comprise of three members of the Vice Chancellor's Board and the Students' Union President. In convening the Appeal Panel due regard will be given to its gender balance and need for members with a variety of perspectives.
6. The Appeal panel shall consider the details of the Notifiable Event and may decide that the Notifiable Event may go ahead in accordance with either 2a or 2b above. However, if it is satisfied that no reasonably practical steps can be taken to ensure there will be no breach of the University's Code of Practice on Freedom of Speech or the law, it may decide that the Notifiable Event shall not be led, hosted, or co-hosted by the University, nor take place on university premises.
7. If the Appeal Panel's decision is that the Notifiable Event shall not take place the Authorizing Officer shall notify the Organizer in writing and include the reasons for the decision.
8. If the Appeal Panel's decision is that the Notifiable Event may proceed the Authorizing



Officer shall notify the Organizer in writing. The Appeal Panel may impose such requirements as are permitted in paragraphs 10 to 14 and the Authorizing Officer shall notify the Organizer in writing of the requirements.

9. The decision of the Appeal Panel shall be final and reported to the next meeting of the Vice Chancellor's Board.

## **REQUIREMENTS THAT MAY BE IMPOSED**

10. As part of their respective considerations, both the Authorizing Officer and the Appeal Panel have the power to vary at any stage any of their respective requirements in the light of further information about the proposed Notifiable Event.
11. Where the Authorizing Officer decides initially, or where the Appeal Panel decides subsequently, that the proposed Notifiable Event may proceed subject to directions as to its conduct and venue, they may direct the Organizer as to the way:
  - a. entry to the Notifiable Event is to be properly managed, including for example a requirement that identity cards or tickets be issues;
  - b. the conduct of the Notifiable Event is to be properly managed including for example, the conduct of any debate, or the nature of any seating or stewarding/security.
12. In addition to the requirements set out above, the Authorizing Officer or Appeal Panel have discretion to lay down further conditions to enable the Notifiable Event to proceed, if appropriate, after consultation with the police. Such conditions may include:
  - a. that a more suitable venue be found for the Notifiable Event;
  - b. that the Notifiable Event is declared public (which would permit a police presence);
  - c. arranging for University staff to be responsible for all security arrangements connected with the Notifiable Event;
  - d. the appointment of a member of staff as 'Controlling Officer' for the Notifiable Event;
  - e. stipulating the media must register in advance to be present in the location where the Notifiable Event is to take place;
  - f. requesting to see any promotional materials for the Notifiable Event, including any materials to be distributed at the Notifiable Event.
13. The cost of any measures required by the Authorizing Officer or the Appeal Panel shall normally be borne by the Organizer of the Notifiable Event.
14. If during the Notifiable Event the Authorizing Officer or the Controlling Officer believes that:
  - a. a person will be injured if the Notifiable Event continues, or
  - b. that damage to property will occur if the Notifiable Event continues, or
  - c. a break of the law will occur;

They shall adjourn or conclude the Notifiable Event.

### APPENDIX 3 – Risk Table

RISK LEVEL	DESCRIPTION
VERY LOW	<p>The speaker is a known expert in their field and is not known to be controversial or hold any contentious opinions and therefore their presence at the Event is unlikely to be perceived as provoking. The subject matter and title of the talk is not controversial nor is it likely to be considered as offensive in any way. Attendance to the Event is limited to staff and students only.</p>
LOW	<p>The speaker may hold strong opinions on their subject matter, but this is not considered as contentious. They may have an established reputation in their field and the talk is unlikely to be offensive or controversial. It is very unlikely that the speaker or talk will attract any negative media attention or the requirement for a security presence. Attendance to the Event could potentially be high but is only available to staff and students. Or the event is open to the public, but the speaker is a member of staff or is a known expert in their field and is not known to be controversial or hold any contentious opinions. Their presence at the Event is unlikely to be perceived as provoking.</p>
MEDIUM	<p>The speaker and/or subject matter may well be uncontentious; however, the Event is open to members of the public and there is a possibility that attendance will be high or will contain vulnerable persons. The topic could be considered as controversial, which could be concerning. Security presence may be required. The speaker’s online presence raises questions around their integrity.</p> <p><b>Complete Notifiable Event Form: Medium/High Risk Events</b></p>
HIGH	<p>The speaker and/or subject matter are controversial. There may be negative media attention and security and relevant staff should be in attendance. The speaker has previously been refused permission to speak at another organization or has an online presence that is concerning.</p> <p><b>Complete Notifiable Event Form: Medium/High Risk Events</b></p>
VERY HIGH	<p>The speaker and/or subject matter are regarded as highly controversial and will ultimately attract adverse media attention. The speaker has previously been refused authorization to attend an Event at the University. In addition, the Event may attract protest from staff, students, the general public or other organizations. High attendance is expected and is open to members of the public. Security and relevant staff presence are essential. The event should not take place unless strict controls are put in place to protect individuals and assets.</p> <p><b>Complete Notifiable Event Form: Medium/High Risk Events</b></p>

## APPENDIX 4

### Wrexham Glyndwr

#### Notifiable Event Form: Medium/High Risk Events

This form should be completed for a planned **Notifiable Event** by the Organizer at least 21 days before the proposed date. **The event may only be advertised when permission has been given.**

**Please ensure that you answer all the questions below in detail and submit all the information. Any uncompleted information may result in delay of the application being considered.**

Wrexham Glyndwr University is committed to the principles of freedom of speech and welcomes groups to use its facilities. The University is also committed to safeguarding the welfare of students and staff, and of the University itself. To achieve this, from time to time it may be necessary to share the information provided on this form with other partners and agencies which may include the Students' Union, the Chaplaincy, the Police and other Higher Education Institutions.

<b>Name of event – outline nature and topic of the event</b>					
<b>Name and address/contact details of the Organiser of the event</b>					
<b>Name of any visiting speaker(s) and of any organisations which they are to represent or with which they are associated whilst on university premises</b>					
<b>Date of Meeting</b>		<b>Start time</b>		<b>End Time</b>	
<b>Expected time of arrival and departure of the speaker</b>		<b>Arrival</b>		<b>Departure</b>	
<b>Place of Meeting/Event</b>					
<b>Is the meeting or event closed or open to the public?</b>					
<b>The number of university staff, students or members of the general public expected to attend.</b>					
<b>Steps taken by the Organiser intends to take to control admission, including, for example, the issuing of tickets, security</b>					

<b>Name of event – outline nature and topic of the event</b>
<b>The substance of any threats of disruption of the proposed meeting or event communicated directly or indirectly by the Organiser.</b>
<b>The nature of steps that the Organiser and those associated with them in the organisation of the meeting or event propose to take to ensure that freedom of speech within the law is secured for any speaker. Such steps could include arrangements to ensure that a debate is properly managed by the Chair of the meeting, the appointment of stewards, and/or providing an opportunity to express opposing view at that same meeting.</b>
<b>The nature of the steps the Organiser and that those associated with them in the organisation of the meeting or event propose to take to ensure that speakers with extremist views that could draw people into terrorism are challenged as part of that same event, in accordance with the Prevent duty;</b>
<b>Details of any proposed publicity such as booklets, free gifts, and whether members of the press, TV or radio will be permitted to attend.</b>
<b>If the issues raised are related to the Prevent duty, what is the Red, Amber, Green rating for the external speaker obtained from the Welsh Extremism and Counter Terrorism Unit. (See Prevent Co-ordinator for further information)</b>

<b>Name of Organiser</b>			
<b>Name or person completing the form if different.</b>			
<b>Organiser signature</b>			<b>Date</b>
<b>Approved by the Authorizing Officer</b>	Yes/No	<b>Date</b>	Signature:
<b>Approved by the Authorising Officer with conditions</b>	Yes/No	<b>Date</b>	Signature:
<b>If approved with conditions, what are the conditions?</b>			
<b>Declined by the Authorising Officer</b>	Yes/No	<b>Date</b>	Signature:
<b>If declined, what are the reasons?</b>			