

FREEDOM OF SPEECH CODE OF PRACTICE

Including External Speakers on University Premises

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1. PURPOSE

- 1.1. This Code of Practice, (The Code) has been developed to assist staff and students who are involved with the organisation of activities that could potentially compromise the University's commitment to freedom of speech within the law and/or the health and well-being of Governors, staff, students and visitors to the University. It is intended to provide practical advice and guidance to be followed to ensure that activities on University premises that fall within the remit of this Code can be given due consideration, to ensure that the University's commitment in respect of freedom of speech and/or its obligations in respect of health and safety are not contravened.
- 1.2. It is a fundamental principle of Glyndŵr University ("the University"), as with all universities, that on its property and in its activities there should be freedom of speech within the law. This principle is reinforced by section 43 (1) of the Education (No. 2) Act 1986, which places a legal duty on the University 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".*
- 1.3. This duty extends to the responsibility to ensure that 'so far as is reasonably practicable', the use of University premises is not denied to any individual or group on any ground connected with the beliefs or views of the group or an individual within that group, or the policy or objectives of the group. The University does not, however, have any obligation to allow meetings to be open to the members of the public.
- 1.4. The Act imposes a duty to issue and maintain a Code of Practice setting out the procedures and conduct required of those organising or attending meetings or other

activities, and of external speakers. While the detailed provisions of this Code shall apply primarily to organised and/or to formal activities, it should be understood that the principles expressed in the Code are also intended to protect the right to freedom of speech and freedom of association during social, private or recreational activities on University premises.

1.5. Freedom of speech must be set in the context of the values of a democratic and inclusive society and must be within the law¹. Speakers are expected to respect those values and be sensitive to an increasingly diverse and inclusive community. The University must ensure that its staff and students are able to work, study and live in an environment free from unlawful intimidation, harassment, or abuse.

2. SCOPE

- 2.1. This Code applies to all members, staff and students of the University, visiting speakers and to all other visitors, to all premises owned, controlled, managed, leased by, licensed or otherwise occupied by the University.
- 2.2. Any issues relating to events organised by or on behalf of the Students' Union or on premises controlled by the Students' Union will be considered by the Students' Union in the first instance, and may then be referred to the University's Single Point of Contact for Prevent (Prevent SPOC) and ultimately the University (Director of Operations). The Students' Union follows the <u>NUS policy for external speakers</u>.

Authority:

- 2.3 This Code is issued by and with the authority of the Vice-Chancellor's Board, with a view to taking reasonable steps to ensure that freedom of speech within the law is ensured.
- 2.4 The University will take account of other legal obligations (including but not limited to) the Equality Act 2010, the Health and Safety at Work etc Act 1974, the Counter Terrorism and Security Act 2015 and the Compensation Act (2006).
- 2.5 In addition the Home offices bans certain organisations if they believe they are connected to terrorism and it is a criminal offence to belong to or invite support for a banned organization. Therefore the University must not allow anyone representing or associated with one of these banned organisations to speak on University premises.²
- 2.6 The Vice-Chancellor Board authorises the Prevent SPOC and ultimately the Director of Operations ("the Director"), or subsequent equivalent post, to act on its behalf to ensure, as far as is reasonably practicable, so that all Governors, staff and students of the University and external speakers, comply to the provisions of this Code.
- 2.7 The University reserves the right to refuse, cancel, prohibit or impose conditions on the holding of any meeting/activity on University premises, which, in the opinion of the Prevent

¹ It is a criminal offences to speak or behave in a threatening, abusive, or insulting way in circumstances where it is likely or intended that hatred will be stirred up against groups or individuals on the grounds of their race, gender, ethnicity or national origin, religion, belief, sexual orientation or disability and the University can be held liable if it allows such offences to happen on its premises. The University also risks being involved in a civil lay suite if it allows a speaker to defame another person.

²<u>https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/578385/201612_Proscription.pdf</u>

SPOC or the Director may result in a breach of law.

3. DESIGNATED MEETINGS: EXTERNAL SPEAKERS³ ON UNIVERSITY PREMISES

- 3.1. An event may be deemed to be a designated meeting that as such will fall within the requirements of this Code, where, there is a reasonable anticipation that:-
 - a meeting might be disrupted due to the status of the speaker, the nature of any subjects to be discussed or contained in written material, or the views and beliefs (whether or not related to the activity) of any person attending;
 - the personal safety or property of any person attending, proceeding to or leaving the meeting may be at risk by reason of their involvement in the meeting;
 - intimidation, duress or harassment might be applied to any person in an attempt to prevent their attendance; or
 - the event might attract demonstrations or pickets;
 - Damage to University property or premises might arise;
 - the name of the University may be brought into disrepute.
 - there may be adverse effects on the University's reputation and relations with the wider community.
- 3.2 The onus is upon the **Principal Organiser**⁴ of the proposed meeting or activity to identify if the planned purpose of the meeting or activity conforms to the above definition of a designated meeting.

4 PROCEDURAL STEPS

In all instances if it is unclear whether this procedure should be applied to an event or guidance in completing the procedures is required, staff should contact <u>prevent@glyndwr.ac.uk</u>.

Note that these procedural steps also apply to all institution-branded events which take place off-campus.

Stage 1 – initial review and decision

- 4.1 For an event involving an external speaker that is organised by an academic school or professional services department, a member of staff, the Students' Union, the Chaplaincy, conferencing and events or a recognised Trade Union:
 - a) if organised by another individual or group external to the University, it must be sponsored by a staff member from the relevant area and this 'sponsor⁵' must ensure that the Principal Organiser carries out their responsibilities under this Code of Practice.
 - b) if organised by a member of staff of Wrexham Glyndŵr University, that member of staff becomes the Principal Organiser and must ensure that they carry out their responsibilities under this Code of Practice.

³ See definition of external speaker in appendix 1

⁴ See definition of principal organiser in appendix 1

⁵ See definition of sponsor in appendix 1

- 4.2 The Principal Organiser or sponsor must refer to the **WGU Events and External Speaker Checklist (Appendix 2)** in order to satisfy themselves that the event carries no risk as it relates to this Code of Practice. They will then be fully responsible for the decision to hold the event and it can then proceed.
- 4.3 If the Principal Organiser is not fully satisfied that the event is risk free as it relates to this Code of Practice they should move to stage 2 below.

Stage 2 – if the event poses a potential risk

- 4.4 If the Principal Organiser or Sponsor believes there is any potential risk as it relates to this Code of Practice (i.e they have been unable to answer a categorical NO to any of the questions on the WGU Events and External Speaker Checklist), OR if they are unwilling to take full responsibility for the decision to hold the event, the Principal Organiser or Sponsor should contact either the Prevent Single Point of Contact (SPOC) or the Safety, Health and Environment (SHE) Manager:
 - a) to seek further guidance and/or
 - b) submit the completed WGU Events and External Speaker Checklist to prevent@glyndwr.ac.uk at least 21 days in advance of the event taking place to apply for agreement for the event to go ahead (see flowchart, appendix 3)
- 4.5 The application will need to be supported by:
 - a) a signed copy of the **WGU External Speaker Declaration** (Appendix 4) indicating that the speaker understands and accepts the University's requirements;
 - b) a signed copy of the WGU External Speaker Form for Medium and High Risk Events (appendix 5); and
 - c) if requested by the Prevent SPOC
 - copies of any literature, posters etc. that are to be used in publicising the event
 - samples of any materials (leaflets, CDs, free gifts etc.) that will be made available to those who attend the event.
- 4.6 The Prevent SPOC will consider the application, consult as appropriate, and make a decision, within 5 working days, as to whether the event can go ahead in writing. The event cannot proceed, nor be marketed or advertised, without this written agreement.

Stage 3 – if permission to proceed with the event is granted

- 4.7 The Principal Organiser and all other people connected with the organisation of the event must comply with any conditions upon which the booking has been agreed. They also have a general duty to ensure that the principles set out in Freedom of Speech Code of Practice, the Prevent Policy and this procedure are observed, and that nothing in the preparations for, or conduct of, the event infringes the law.
- 4.8 The Prevent SPOC or the Director has absolute discretion to impose such conditions as they consider appropriate.

- 4.9 Responsibility for the cost of any additional security arrangements deemed necessary shall be agreed in advance of the event with the Head of Estates. The cost shall normally be the responsibility of the Principal Organiser who will in any case be responsible for confirming that appropriate funding is available.
- 4.10 The Principal Organiser must provide the Prevent SPOC or the SHE Manager with:
 - information about any subsequent changes of plan or further publicity material issued
 - any promotional activity of the event through e-mail or social media
 - any relevant new information that may come to light about the proposed speaker(s)/event.
- 4.11 In the light of any changed circumstances or factors not known at the time of application, or if the Prevent SPOC responsible for the decision to allow the event to go ahead is not satisfied that adequate arrangements are in place to maintain good order, they may withdraw permission for the event to take place, or amend the original conditions.
- 4.12 Permission may be sought and given for an external speaker to be invited more than once, or to be registered for multiple events within any one academic year so that permission does not need to be repeatedly applied for, provided that the Prevent SPOC is informed of;
 - the additional events at which the external speaker is to speak before the events take place and,
 - of any changed circumstances or new information coming to light, in which case the status may be withdrawn.

5 APPEAL AGAINST REFUSAL FOR AN EVENT TO GO AHEAD

- 5.1 In the event that permission for an event to go ahead is refused reasons will be given by the Prevent SPOC; and the Principal Organiser or Sponsor may appeal in writing to the University's Director of Operations giving full details of the grounds for appeal.
- 5.2 Any appeal must be made before the date for which the meeting was originally scheduled. In the event of an appeal being upheld the Principle Organiser may need to negotiate a new date for the meeting.
- 5.3 The decision of the Director of Operations or his/her nominee is final and shall be reported to the Vice-Chancellor's Board at its next meeting.
- 5.4 If the appeal is successful and the event is subsequently permitted to go ahead, the procedure and requirements in Stage 3, paragraphs 4.7 to 4.12 apply.

6 BREACH OF THE CODE

6.1 Any member, staff, or student attending a designated meeting shall be expected to comply with the rulings and requests of the Chair of the designated meeting, or any person so authorised by the Chair. Such requests may include a request to withdraw from the meeting.

- 6.2 Without prejudice to the right of peaceful demonstration no one should obstruct access to or egress from a designated meeting, and should not aid or encourage other persons to cause such obstruction.
- 6.3 Disciplinary action shall be taken against any staff member or student of the University who intentionally or recklessly prejudices the lawful exercise of freedom of speech or lawful assembly within its premises.
- 6.4 Disciplinary action shall be taken against any staff member or student of the University who acts at a designated meeting in a disruptive or intimidating manner, for the purpose 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.
- 6.5 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.
- 6.6 Where any actions by members, staff, or students, visiting speakers or other persons involved in alleged offences would be a breach of the law, the University will assist the police in any subsequent criminal proceedings.

7 LEGAL CONSIDERATIONS

Nothing in the Code shall affect:-

- The legal rights of any person(s) affected by actions under this Code
- The University's right to take appropriate action, including action at law and/or to seek redress for damages and/or loss of property.

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.

8 **REFERENCES**

The University's Health and Safety Policy The University's Strategic Single Equality Statement and Strategic Equality Plan

9 COMMUNICATION STRATEGY

This Code will be made available on the University Website for all staff and students and in particular drawn to the attention of key people who have specific responsibilities within the Code and/or who are most likely to come into contact with organisers of a designated meeting. This Code will also be brought to the attention of organisers of external events/meetings at the time of booking.

10 DATA PROTECTION

Records of this Code should be kept for regulatory and monitoring purposes. In order to ensure compliance with the Data Protection Act 1998 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 application form.

11 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 staff positions named in this document. The Vice-Chancellor's Board will receive regular updates on the performance of this Code from the Director, be notified of specific speaker applications where necessary, and conduct an annual review of the Code as part of the cycle of Board business.

Freedom of Speech Code of Practice

Definitions

The Counter-Terrorism and Security Act 2015 requires specific authorities, including Higher Education Institutions, to have '*due regard to the need to prevent people from being drawn into terrorism*' as articulated in the Governments' Prevent Duty Guidance with which the University must comply.

The Equality Act 2010 prohibits unlawful discrimination in relation to the 'protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Health and Safety at Work Act 1974 places a duty on the University to ensure as far as is reasonable practicable the health, safety and welfare it is employees and that its activities do not expose people not in its employment to health and safety risks. In the context of this code of practice such risks could occur if a controversial speaker attracts large scale or unruly protest.

Compensation Act 2006 specifies certain factors that may be taken into account by a court determining a claim in negligence or breach of statutory duty; to make provision about damages for mesothelioma; and to make provision for the regulation of claims management services.

SPOC - The Prevent Single Point of Contact is the person appointed by the University to be the external and internal single point of contact who has particular responsibility for advising staff on Prevent related issues and for coordinating and leading a University response should a concern arise.

A 'Speaker' 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.

An 'External' person is anyone who is <u>not</u> a student or staff member of the University, or any staff member of the University invited to speak at an event not directly related to his/her post. Nor is it normally a person invited to participate in normal curricular teaching within an Academic School, in training or provision of advice within a professional services department, or as a guest speaker at a University, School or Professional Services Department official function authorised by a senior manager of the University.

However, if a staff member invites a speaker to participate in curricular teaching within an academic School, in training or provision of advice within a professional services department, or as a guest speaker at a University, School or Professional Services Department official function but the speaker is covering a topic that is a) outside the normal field of the staff member who has arranged the speaker, b) likely to be controversial, c) raises any concerns at all relating to any matter covered by this Code of Practice or d) the staff member is in any doubt at all whether the speaker falls under this Code of Practice, the staff member organizing the event should seek guidance from the Prevent SPOC prevent@glyndwr.ac.uk

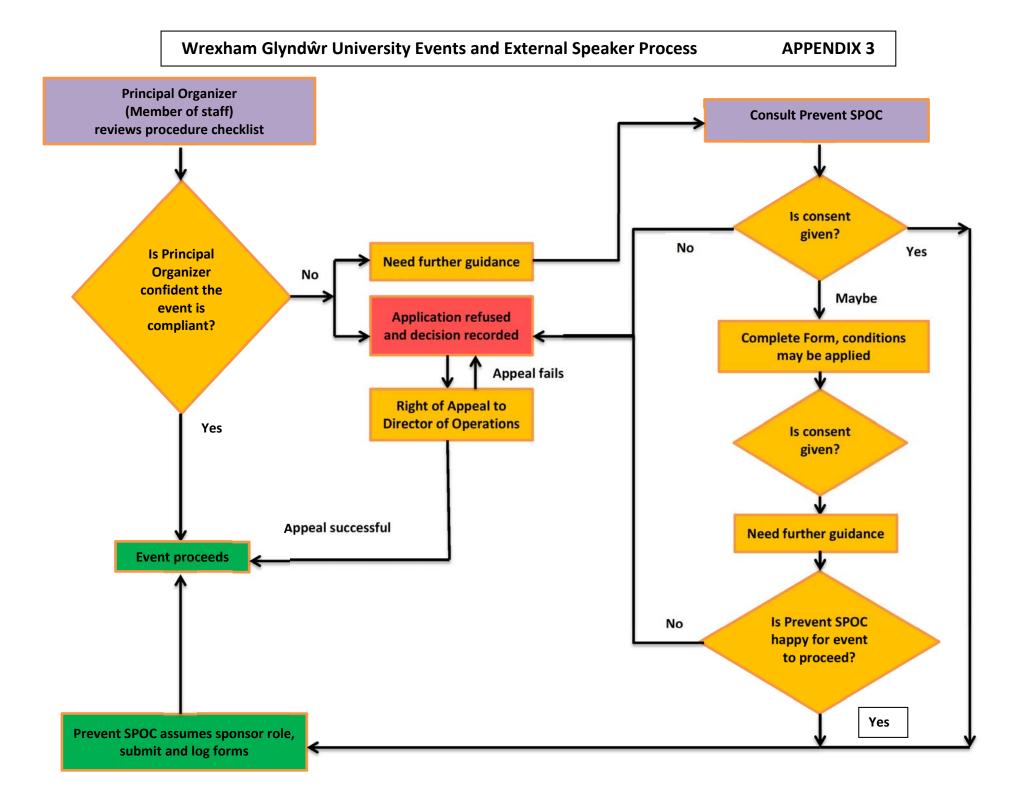
The Principal Organiser should be a member of staff who takes responsibility for an event either organised by themselves or others (internal or external), and who will ensure that arrangements are in line with University policies and procedures.

A University 'sponsor' in the context of this Code of Practice is a staff member who takes responsibility to ensure that the principle organiser of an event or conference being held on University premises complies with this Code of Practice

Wrexham Glyndŵr University Events and External Speaker Checklist

No.	Question	Yes	No
1	Freedom of speech must be within the law. It is a criminal offence to speak or behave in		
	a threatening, abusive or insulting way in circumstances where it is likely, or intended,		
	that hatred will be stirred up against groups or individuals on the ground of their race,		
	gender, ethnicity or national origin, religion or belief, sexual orientation or disability.		
	Could the University be held liable if it allows this to happen on its premises?		
2	The Home Office proscribes certain organisations if they believe they are connected to		
	terrorism. It is a criminal offence to belong to or invite support for a proscribed		
	organisation.		
	The University must therefore not allow anyone representing or associated with one of		
	these organisations to speak on University premises.		
	To your knowledge is this event connected to one of these organisations?		
3	The Counter-Terrorism and Security Act 2015 requires specific authorities, including		
	HEIs, 'to have due regard to the need to prevent people from being drawn into terrorism'.		
	This is spelt out in the Government's Prevent Duty Guidance, to which the University		
	must be compliant.		
	Is this event compliant with the Universities Prevent Policy?		
4	The University is required to have due regard to the need to prevent discrimination,		
	harassment and victimisation, and can be liable for the harassment of its staff by third		
	parties such as external speakers. The Equality Act 2010 prohibits unlawful		
	discrimination in relation to certain 'protected characteristics', namely age, disability,		
	gender reassignment, marriage and civil partnership, pregnancy and maternity, race,		
	religion or belief, sex and sexual orientation.		
_	Is this event compliant with the universities Equality and Diversity Policy?		
5	Could the University be involved in a civil law suit if it allows a speaker to defame another person?		
6	The University has a duty to ensure as far as reasonably practicable the health, safety		
	and welfare of its employees, and that its activities do not expose persons not in its		
	employment to health and safety risks. Such risks can occur if a controversial speaker		
	attracts large-scale or unruly protest.		
	Is this event liable to cause large scale or unruly protest?		
7	In addition to legal considerations would the University be at risk of:		
	a) unwanted media attention and/or extensive social media activities?		
	b) damage to its property?		
	c) disruption of its normal activities?		
	d) disturbance to students in their work?		
	e) adverse effects on the University's reputation and relations with the wider		
	community?		

If you have answered YES to any of these questions above please contact prevent@glyndwr.ac.uk





APPENDIX 4

Wrexham Glyndŵr University External Speaker Declaration

I respect the fact that Wrexham Glyndŵr University is a community in which people of many different races, cultures, faiths and beliefs live and work side by side, and is committed to building an affirming community among all its staff and students whilst securing freedom of speech and the encouragement of open and free debate.

By accepting an invitation to speak on University premises I undertake to:

- express my beliefs and views honestly and courteously
- respect the right of others to express their beliefs and views
- refrain from using undue pressure, manipulation or inducements to win others to my point of view or agenda or to silence them
- refrain from misrepresenting the views of others
- avoid language or behaviour that violates the dignity of people or creates an intimidating, hostile, degrading, humiliating or offensive environment for them on the grounds of their race, gender, ethnicity or national origin, religion or belief, sexual orientation or disability
- cease speaking immediately if requested to do so by an authorised member of University staff, and leave the University premises upon a request by that member of staff.

I am aware that it is a criminal offence:

- to use threatening, abusive or insulting words or behaviour in circumstances where it is likely, or intended, that racial hatred will be stirred up
- to invite support for a proscribed terrorist organisation.

I recognise that in the event of the law being broken by a speaker on University premises, the University will report the matter to the police and give them all necessary assistance.

I recognise that the University reserves the right to cancel or terminate an event without notice if it has reason to believe that it will lead to public disorder, danger, damage to property, or undue distress to individuals or groups.

Name:

Contact details:

Signed:

Date:

Please note that the above details need to correspond to the details on the External Speaker/Event Application Form

For Office use only				
Sponsor Signature				
Second Authorisation (if applicable)				
Date				



Wrexham Glyndŵr University Event/External Speaker Form: Medium/High Risk Events

This form should be completed for planned External Speaker events which the Principal Organiser or Sponsor deems medium to high risk 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 your application being considered.

Wrexham Glyndŵr 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.

Name of event – outline nature and topic of the event						
Date of		Start time	End Time			
Meeting						
Expected tim	e of arrival and	Arrival	Departure			
departure of	the speaker		-			
Place of Mee	ting					
Name and co	ntact details of principa	l organiser				
Name and contact details of sponsor						
Society or group (if any) in whose name the meeting or activity is to be publicised						
Name(s) of any other organisation(s) outside Wrexham Glyndŵr University which are involved						

Name and details of main visiting speaker				
Name				
All other names by which the person has been known				
Address and contact details including e mail address				
What organisation (if any) do they represent				
Is the speaker affiliated to any other organisation(s)?				
Are you aware that this person spoken at Wrexham Glyndŵr University before, or at another higher education institution? If so which?				



Are you aware of any controversy, issues or concerns raised on previous occasions when they have spoken?	
Is anything known about the speaker that might cause concern? If yes, please specify	

A brief biography of all speakers should be attached on a separate sheet

List other participants, speakers, chair and principal guests. If there is more than one external speaker, please complete Additional Speaker forms		Chair		
		Other Speakers		
		Guests		
(a) invited guests only, (b) any students and staff, or (c) the general public		If (a), please specify the category of people to be invited		

What language will the event take place in?			
Is the event ticketed?	Yes/No	Number of people expected	
Is there a possibility of controversy and disturbance?	Yes/ No	If yes, what plans are in place for dealing with this issue?	
Will the speaker need protection?	Yes/No	If 'Yes', how what arrangements have been made?	
Are the press or other media expected to be present?	Yes/No	If 'Yes', please give details	

Will any group/organisation/company be promoted at the event? If so, please give details.	
Will there be any fundraising and if so for whom or what?	
What materials (booklets, CDs, free gifts etc.) will be available to those who attend? (On receipt of the application, you may asked to submit copies)	
What stalls will there be and who will be providing them?	



The event must be sponsored by one of the following:	 the Students' Union the Chaplaincy a member of University staff Operational Department Conferencing and Events Academic School Recognised Trades Union 					
Contact name of	of sponsor					
Contact details of sponsor						
Please note that in agreeing to sponsor this event you are sharing responsibility with the Principal Organiser						
Please sign below to confirm your agreement						
Principal Organiser Print and Sign		nd			Date	
Sponsor Print and Sign				Date		
Prevent SPOC and/or SHE Manager Signature				Date Authorised		

Please Note:

The sponsor is responsible for the accurate completion of the application form. If it is found that any relevant information has been omitted, permission for the event may be withdrawn.

The sponsor is also responsible for ensuring that the prospective speaker understands the University's commitment to free speech within the context of an inclusive community and signs the attached 'External Speakers Declaration'.

The application form must be submitted to the Prevent SPOC and/or SHE Manager <u>prevent@glyndwr.ac.uk</u> at least 21 days before the planned date of the event, and the authorising persons should be informed if there is any change of plans or any new relevant information comes to light.