

# The University of Huddersfield

## Freedom of Speech and External Speakers Policy

### 1 Code of Practice and Policy Statement

- 1.1 The University of Huddersfield is committed to promoting the principles of freedom of speech and academic freedom so far as that is reasonably practical within the law. The University believes that an attitude of tolerance is essential to enable academic debate of a wide variety of ideas, including some which may be controversial, while having due regard to the welfare of its staff and students. The University also has a duty to promote freedom of speech under the Education Act.<sup>1</sup>
- 1.2 The University seeks to ensure that the use of University premises is not denied on grounds connected with the beliefs, views, policies or objectives of an individual body or body of individuals, as long as such use is at all times within the law. This policy and the procedures set out within it are designed to promote freedom of speech and to enable events to proceed when it is safe and legal for them to do so.
- 1.3 However, the University has a zero tolerance approach to discrimination, bullying, harassment or extremism or acts which could incite or promote terrorist activity. It has a duty to maintain safety and good order on its premises and is also under a duty to prevent individuals being drawn into terrorism under the Counter Terrorism & Security Act.<sup>2</sup>
- 1.4 All persons to whom this policy applies are required to observe the principle of freedom of speech whilst on University premises and shall show respect and tolerance towards the expression of views, opinions and beliefs of others, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.
- 1.5 The purpose of this policy is to:
  - 1.5.1 Set out the responsibilities of the University and other people affected by this policy in promoting freedom of speech while ensuring the University remains a safe and nurturing environment for teaching, learning and research; and
  - 1.5.2 Provide information and guidance on how to recognise and deal correctly with a freedom of speech issue.
- 1.6 This policy should be read in conjunction with:

The University's Room Booking Terms & Conditions

[Social Media Policy](#)

[Data Protection Policy](#)

[Equal Opportunities Policy](#)

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<sup>1</sup> Education (No 2) Act 1986 s43 (1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.

<sup>2</sup>Counter Terrorism & Security Act 2015: S26 (1) A university must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.

- 1.7 The University may (but shall be under no obligation to) allow its premises to be used for events, provided that such events are organised in accordance with this policy and any other terms and conditions the University may impose.

## 2 Useful Definitions

- 2.1 In this policy, the following words shall have the following meanings:-
- 2.1.1 An **event** is any gathering (which would include meetings, events and other activities) conducted, hosted, or sponsored by the University (in accordance with clause 3.4) including those organised or managed by the Students' Union and events hosted by other organisations that take place on the University's premises.
- 2.1.2 The person, society or group who takes responsibility for organising an event will be referred to as the **Event Organiser**;
- 2.1.3 **External speaker event** is any event that involves an external speaker addressing a group, including in a teaching, learning or research setting (lecture, conference, seminar) or in the context of extracurricular activity. This does not include meetings held in the normal course of the University's administration or management, provided that (with the exception of the external speaker) they are attended exclusively by Council Members, staff or officers of the University.
- 2.1.4 An **external speaker** is anyone who is not a member of the University community and who is invited to speak at an event in order to provide or disseminate their views, ideas or opinions on a given topic. For example, a guest lecturer, member of a discussion panel, those giving religious addresses or prayer leaders would be an external speaker, a trainer who leads a fitness class would not usually be an external speaker.
- 2.1.5 The **Events Management Team** are the central team who look after external room bookings and are based within the Estates team or where appropriate the Heritage Quay team with responsibility for co-ordinating external room bookings in Heritage Quay.
- 2.1.6 A **Proscribed Group** is an organisation which has been banned from the UK and placed on the UK government's proscribed groups list.<sup>3</sup>

## 3 Who and what is covered by this Policy?

- 3.1 The policy applies to all staff, students, governors, employees, visiting appointments and visitors to the University.
- 3.2 This policy applies to all activities undertaken by those listed in clause 3.1 above. Every individual has a duty to ensure that freedom of speech is protected on campus, including in lectures, tutorials, research and other activities. Individuals also have a duty to assist the University in meeting its obligations under the Prevent duty.
- 3.3 By following this policy and (for external speakers) the guidelines set out in Appendix 1, in respect of external speaker events, individuals can ensure they balance their responsibilities effectively.

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<sup>3</sup> <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>

- 3.4 Also covered by this policy are events taking place off campus, where the University is hosting (or co-hosting) an event; this includes venues in the UK, or at institutions or establishments overseas. Whilst the legal framework will differ in other countries, all activities led or hosted/co-hosted by the University of Huddersfield should comply with this policy, unless to do so would breach local law.
- 3.5 Any activity or gathering which does not fall within the definition of event should uphold the spirit and intent of this Policy.

## 4 Responsibility for the Policy

- 4.1 The Vice-Chancellor appoints the University Secretary to act on his behalf to ensure compliance with this policy and its review. The Policy will be reviewed every three years, unless a change in law requires an earlier review.
- 4.2 Responsibility for ensuring that activities (including events) comply with this policy shall rest with the following people, who shall be referred to as the **Responsible Person** in the rest of this policy:
  - 4.2.1 For activities organised by a school or service – the Dean or Director of that school or service (or their delegated nominee)
  - 4.2.2 For activities organised by the Students' Union and its ratified student led groups – the Chief Executive of the Students' Union
  - 4.2.3 In any other case, the senior member of staff or student involved.
- 4.3 Although the individuals named above have overall responsibility for activities, every person at the University has a duty to ensure that this policy is followed.
- 4.4 If you are concerned that there may be a breach of this policy then you must report it to the Responsible Person who should seek advice from the University Secretary where appropriate.
- 4.5 Appendix 2 contains a guide to other types of conduct which are indicative of extremism and intolerance and which could breach this policy. This list is indicative only and not definitive. The University will review any accusations of a breach of this policy to determine whether the conduct complained of could reasonably be considered to be a breach of this policy on a case by case basis using its reasonable discretion.

## 5 Written Material (online and in print)

- 5.1 Anyone responsible for posters, notices, signs or any other literature which are offensive, intimidating, threatening, indecent, illegal or circulated to promote terrorism or extremism or a proscribed group or make others fearful, anxious or apprehensive will be in breach of this policy.
- 5.2 Materials, including posters and flyers, may only be posted on designated notice boards with the permission of the relevant school or service. Any such materials should be in English and should clearly name the person or organisation behind the poster.

- 5.3 Anyone wishing to place posters, flyers or advertisements for events off-campus which will feature an external speaker should obtain consent from the relevant school or service before placing any such items on the designated notice boards. If the speaker has been refused permission to speak on the campus, this must be brought to the attention of the relevant school or service when permission is sought.
- 5.4 This policy applies equally to postings, messages and other online communications, whether by email, on message boards or on websites. Anyone making postings which are discriminatory, defamatory, or which could constitute harassment will be in breach of this policy. Any such postings shall also be subject to the University's social media policy.
- 5.5 The University may remove any materials (whether online or otherwise) which it believes to be in breach of this policy.

## 6 Segregation

- 6.1 Under the Equality Act, any events held on campus must be held in such a way so as to ensure that no one is unfairly discriminated against.
- 6.2 Segregation of an audience at an event will constitute unlawful discrimination unless it is for one of the specifically defined purposes set out below. If the Event Organiser wishes to segregate the audience, they will need to obtain permission from the University Secretary in advance of the event. Permission will only be granted if the segregation is for one of the following reasons:-
  - 6.2.1 Sports sessions involving a high degree of physical contact or in sporting competitions where physical strength, stamina or physique are significant factors in determining success or failure;
  - 6.2.2 Positive action measures in order to overcome or minimise a disadvantage faced by a particular group or tackle low participation by a group provided that this is a proportionate means of addressing the disadvantage;
  - 6.2.3 Associations restricted to members who share a particular protected characteristic under the Equality Act; or
  - 6.2.4 Religious worship or religious purposes in order to comply with religious doctrine.

## 7 Penalties for breach of this policy

- 7.1 Individuals who breach this policy may be subject to the University's staff and/or student disciplinary procedure. It may also result in the withdrawal of services, including access to Computing and Library Services and the Faith Centre. They may also be liable to civil or criminal prosecution.

## Appendix 1 - External Speaker Events

### 1 How to obtain approval for an External Speaker Event

- 1.1 For all **external speaker events**, except those specifically mentioned below, the Event Organiser must, not less than 14 days before an event:
  - 1.1.1 log details of the event on the [University's External Speaker log](#);
  - 1.1.2 undertake a local assessment of the proposed external speaker(s), as summarised in paragraph 1.2 below, and if there are any concerns, escalate the decision about whether to invite that speaker as set out in paragraph 1.2 below; and
  - 1.1.3 ensure that all proposed speakers are provided with a copy of this policy and are made aware of their responsibility to abide by the law.
- 1.2 Local Assessment of proposed external speaker(s):

**Before an external speaker can be confirmed or an event advertised**, the Event Organiser is responsible for assessing the speaker against the following set of questions:

**Question 1:** Has the external speaker(s) previously been prevented from speaking at the University of Huddersfield, or any other University, or similar establishment?

**Question 2:** Has the external speaker(s) previously been known to express views, or been affiliated with a [proscribed group](#) or an organisation that expresses views, which may either be in breach of the University's Freedom of Speech Policy, or be deemed to be extreme in that they are opposed to the fundamental values of our society?

**Question 3:** Does the proposed title or theme of the event present a potential risk that views/opinions expressed by the speaker(s) may be in breach of the University's Freedom of Speech Policy?

**Question 4:** Is the proposed speaker(s)/theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of the University's Freedom of Speech Policy?

**Question 5:** Do you have any other concerns, or reason to believe that the proposed speaker(s)/theme may be in breach of, or cause concerns related to the University's Freedom of Speech Policy (e.g. significant media interest, large attendance, significant amount of controversy).

**If the answer to all five questions is NO:** the Event Organiser can confirm the event and any external speaker and 'book' them to speak at their event or activity and promote this in the normal way.

Please note that a failure by a member of staff or student to comply with this policy, and/or answer these questions to the best of their knowledge and in an honest and reasonable manner, will be treated very seriously and may be subject to formal action under the University's normal disciplinary processes for staff and students.

**If the answer to any of the questions is UNCLEAR/YES:** The Event Organiser must seek guidance from the Responsible Person, whose responsibility it will be to further review the event/speaker(s) against the questions above. The event must not be advertised, or promoted until it has been authorised under this Policy.

This further review will require the Responsible Person, in consultation with the Event Organiser, to undertake a more detailed risk assessment of the speaker and the event by checking both the speaker and the topic on Google, looking at the first three pages of web results and accessing any relevant web addresses given.

If the Responsible Person believes that the event or speaker will not result in an infringement of this policy, they may authorise the event at this stage.

**Ultimately, if the answer to any of the questions is YES or remains UNCLEAR:** the Responsible Person should contact the University Secretary for approval, providing the detail required in the External Speaker Referral Form.

If the Event Organiser has at any time reason to believe the answers to any of these questions has changed to **YES/UNCLEAR** the Event Organiser must notify this to the Responsible Person without delay. If permission has been granted, but is subsequently withdrawn, the Event Organiser must immediately cancel, stop advertising, publicising and promoting the event and (at its cost) must remove all advertisement and promotional materials from all channels, including taking down materials displayed on University premises.

- 1.3 The Responsible Person shall ensure that a record of all referrals made to them under this policy, and the decision made in each case is kept up to date and is easily accessible.

## **2 Assessment of Academic Conferences, Events that form part of normal course provision, and events organised by the Students' Union, or the Events Management Team**

### **2.1 Assessment of Academic Conferences**

For the avoidance of doubt, for academic conferences hosted by a School/Service of the University, it will be sufficient to complete a single local assessment for the event, if the overall assessment is that the answer to the five questions in paragraph 1.2 would be NO. However, if there are any concerns at any time about an individual speaker, or the proposed theme of any such conference then the Event Organiser should liaise with the Responsible Person to agree a proportionate approach to assessing the risks and for escalation in accordance with this policy, as appropriate.

### **2.2 Events that form part of normal course provision**

In relation to events that contain an external speaker, but that form part of a normal course provision and, as such, only have students registered on that course and relevant staff in attendance, it will be sufficient for the School to complete a single local assessment for these events. If the overall assessment is that the answer to the five questions in paragraph 1.2 would be **NO**; the School should simply maintain a log of invited speakers, together with the course details. However, if there are any concerns at any time about an individual speaker, or the proposed theme of any such event then the

Event Organiser should liaise with the Responsible Person to agree a proportionate approach to assessing the risks and for escalation in accordance with this policy, as appropriate.

### **2.3 Events organised by the Students' Union or a society affiliated with the Students' Union**

The Students Union will be responsible for ensuring compliance with this Policy for all events managed by them. They will, as part of the Students' Union room booking and speakers' procedure, undertake the local assessment with/on behalf of the student co-ordinator. If a referral to the University Secretary is required the Chief Executive will be responsible for making the submission with/on behalf of the student co-ordinator.

A copy of the Students' Union booking form and any decision on allowing the event to proceed must be provided to the University on request.

### **2.4 Events organised by the Events Management Team**

The Events Management Team will be responsible for implementing a system to support all external events with proposed external speakers in accordance with this policy. They will undertake the local assessment in accordance with paragraph 1.2 with/on behalf of the client. If a referral to the University Secretary is required, the relevant Director will be responsible for making the submission with/on behalf of the Client.

## **3 Referrals to the University Secretary for approval**

3.1 If an event is referred to the University Secretary they shall convene a panel consisting of:

- 3.1.1 the University Secretary;
- 3.1.2 the most appropriate Pro Vice-Chancellor (dependent on the nature of the event); and
- 3.1.3 (if appropriate) any other person the University Secretary or the Pro Vice-Chancellor considers relevant or useful to the decision making process.

The panel will consider all relevant information and either:

- 3.1.4 Decide not to approve the event or speaker; or
- 3.1.5 Impose such restrictions or conditions upon the event as the panel, in their absolute discretion, deem necessary. Such conditions may include (but are not limited to) imposing a cap on the number of attendees, designating a Chair, changing the venue or participant requirements, requiring an balancing view, requiring the speaker's script to be submitted and approved in advance or requiring a police/security presence. If the Event Organiser/external speaker does not agree to any such conditions or restrictions then the event shall not take place.

3.2 If the panel requires further information to accurately assess the risk the University Secretary shall request this from the Event Organiser who must provide any requested information promptly. If sufficient information is not provided to enable the panel to determine the risk, the event shall not take place

3.3 If an event is not approved by the panel and the Event Organiser believes it does not breach this policy, or the Event Organiser does not agree with any conditions imposed under 3.1.5 above, the Event Organiser may appeal the decision to the Deputy Vice-

Chancellor who will review the matter and shall determine whether an event may take place. The Deputy Vice-Chancellor's decision shall be final.

- 3.4 The costs of cancellation or any measures put in place to allow the event to proceed shall be borne by the Event Organiser unless the University agrees in writing to the contrary.
- 3.5 The University may monitor any event to ensure compliance with this policy and any conditions imposed. The University may terminate an event at any time if any conditions are not met or this policy is breached. This does not absolve the Event Organiser of their responsibility to ensure their event complies with the conditions and/or this policy at all times.



## Appendix 2 – Guidance on what constitutes misconduct

The essence of misconduct under this Policy is a failure to respect the rights of others to freedom of belief and freedom of speech or action which otherwise damages the reputation of the University as a tolerant and inclusive academic institution. The following list indicates behaviours which may constitute misconduct. This list is not definitive and is for indicative purposes only:

- disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
- violent, indecent, disorderly, threatening or offensive behaviour or language whilst on University premises or engaged in whilst on University premises or engaged in any University activity;
- harassment or discrimination against any student, member of staff or other employee of the University or any authorised visitor to the University;
- damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property;
- placing posters, signs or notices on any surface other than where authorised to do so in accordance with this policy;
- conduct which constitutes a criminal offence where that offence:
  - i. damages the good name of the University, or
  - ii. itself constitutes misconduct within the terms of this Code, or
- behaviour which brings the University into disrepute;
- failure to disclose information to an officer or employee of the University when requested to do so in accordance with this Policy;

The following are some indicative examples of conduct relevant to extremism and intolerance which constitute misconduct and will be treated accordingly. This list is not definitive and is for indicative purposes only:

- taking photographs of student or others at events (e.g. when making enquiries at a particular stand at a freshers' fair) with the intention of deterring them from attending or enquiring or to intimidate them, or with the intention of identifying them subsequently for improper purposes.
- coercing other students into conformity, e.g. in clothing or attendance at worship
- distribution of discriminatory, threatening, obscene or insulting leaflets or literature (including circulation by e-mail)
- physical disruption of meetings, public or private in such a way that it is designed to prevent the freedom of speech. This does not affect students' rights to hold protests
- speech or literature explicitly supporting terrorism or violence, including assassination

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