

Higher Education Freedom of Speech Code of Practice

This Code of Practice relates to the processes that must be adhered describes the framework within which members of the Heart of Yorkshire Group and visitors enjoy the right to freedom of speech.

Policy Statement

The Heart of Yorkshire Education Group respects academic freedom and is committed to promoting and encouraging free debate and enquiry. This means that it tolerates a wide range of views, political as well as academic, even when they are unpopular, controversial, or provocative. However, the Group considers that a culture of free, open, and robust discussion which is within the law can be accomplished only if all concerned avoid offensive or provocative action and language. While there is no legal prohibition on offending others, the Group anticipates spokespeople and those taking part in meetings or activities on the Groups premises to respect its values of respect and tolerance be sensitive to the diversity of its community and show respect to all sections of that community. Any event which is likely to give rise to an environment in which people will experience, or could plausibly fear, harassment, intimidation, verbal abuse or violence, principally because of their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age, is also likely to be unlawful.

Section 43 of the Education (No 2) Act 1986 executes a duty upon every individual and body of persons concerned in the governance of the Group to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, (which includes its students and employees) and for visiting speakers. In accordance with section 43, the provisions of this Code also apply to the Heart of Yorkshire Student Committee and shall be read accordingly. Section 43(3) of the Education (No. 2) Act 1986 requires the Committee to issue and keep up to date a code of practice setting out: -

(a) the procedures to be followed by members, of the establishment in connection with the organisation:

- (i) of meetings which are to be held on premises of the establishment, and which fall within any class of meeting specified in the code; and
- (ii) of other endeavours which are to take place on those premises, and which fall within any class of activity so specified; and

(b) the conduct required of such persons in connection with any such meeting or activity. and dealing with such other matters as the Committee considers appropriate.

1. General Principles

As far as is reasonably practicable, no premises of the Group 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 any member of that body; or
- b. the policy or objectives of that body.

The Group expects its members to always conduct themselves in an orderly manner commendable to the good name of the Group. Intentional disruption of any authorised activity or function (including the unauthorised occupation of Group property) taking place on the Group premises is an offence which is subject to the Group's disciplinary process.

The conduct of students in lectures, workshops and other facilities is subject to the control and direction of the Heads of department and misconduct is an offence within the Regulations relating to discipline. Misconduct outside of the curriculum area is covered by the Group's Disciplinary Regulations. Furthermore, if any such actions involve breaches of the law, the Group's authorities will be ready to assist the prosecuting authorities to implement the process of law and, if criminal or civil charges are preferred, they will stay disciplinary proceedings pending the outcome of proceedings in the Courts.

The person responsible for organising the meeting has a duty, as far as is reasonably practicable, to ensure that both the audience and the speaker act in accordance with the law during the meeting. In the case of unlawful conduct, the Chair is required to give appropriate warning and in the case of continuing unlawfulness either, where this can be achieved without excessive use of force, to require the withdrawal or removal of the person(s) concerned by the stewards or security staff, or to bring the meeting to a close.

The Committee authorises the Principal/Chief Executive to appoint an alternative senior member of staff to act on its behalf to ensure that as far as is reasonably practicable all members of the Group, and visiting speakers, comply with the provisions of this Code, and authorises the alternative senior member of staff to introduce such arrangements as she/he may deem necessary to ensure compliance with this Code.

This Code must be read in conjunction with:

- The Heart of Yorkshire's Timetabling Policy
- The Heart of Yorkshire's External Speakers Policy

2. Use of Premises

The Group shall have the right.

- a) to refuse to provide accommodation for any purpose which in its opinion is unlawful.
- b) to attach additional reasonable conditions as deemed appropriate by the relevant member of staff, including charges for the use of premises and the payment of a deposit, to such provision.
- c) to move, postpone or cancel an event.

3. Procedures

The following procedures must be followed by representatives of the Group and visiting speakers, in respect of

- a) meetings or other activities which are to be held on premises of the Group, which include any premises occupied by the students and fall within the class of meetings specified.
- b) the conduct required of all persons in connection with any such meeting or activity; and
- c) any other related or ancillary matters which the Committee from time to time declares to fall within the provisions of this Code.

Infringements of, or departures from, these procedures, will render those responsible liable to disciplinary proceedings.

4. Meetings and Activities to which the Procedure Applies

Any member, student or employee of the Group wishing to reserve accommodation for a meeting, the speaker or subject matter of which is deemed by the Campus Director to be controversial, is required to comply with the provisions of section 5. Any ruling by the Campus Director on the controversial nature of a meeting or function shall be subject to appeal to the Principal/Chief Executive or his/her nominee. The Principal/Chief Executive decision shall be final.

"Controversial" in this context means a meeting or function where it might not be possible, without special precautions, for the speaker to enter or leave the building safely and/or deliver properly his or her speech; where the safety of people might be unreasonably compromised or property damaged or where either the speaker or the content of their presentation may infringe freedom of speech or the Equality Act 2010".

If the Campus Director has reason to believe that any attempt may be made to disrupt any meeting or other activity, he/she shall inform the Chief Constable or his representatives, stating the reasons for his/her belief, and act upon any advice which may be given by the Chief Constable or his/her representatives.

5. Preparation for and Conduct of Meetings on the Heart of Yorkshire Premises

This section applies to any meeting or function or other activity falling within the meaning of Section 4 above: -

- (a) Operational responsibility for overseeing implementation of this protocol in respect of meetings on the Group's premises, and for ensuring that organisers of meetings comply with the provisions of the protocol, lies with the Campus Director or an alternative senior member of staff.
- (b) Those booking rooms at the Heart of Yorkshire Group are required to signify that they have read and agree to abide by the provisions of this Code of Practice. In addition, they are required to designate a 'Principal Organiser', who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this Code.
- (c) The organisers of any such event will ensure that a single person is appointed as the Principal Organiser responsible for that event, and that his/her name is communicated to the appropriate member of staff.
- (d) The Principal Organiser of such an event shall ensure that, at least two weeks before the date proposed for the event, notice of the proposed event is given to the Campus Director. Any notice shall contain, in addition to such particulars as the Campus Director may prescribe, a written statement of the name and date of birth of the speaker, the subject of the address, the precise times of arrival and departure of the speaker, a copy of all publicity material for distribution prior to the meeting must also be provided.
- (e) Failure to provide the requisite notice of an event will empower the Campus Director, after consultation as necessary with the Chief Constable or his/her representative, to declare the booking of accommodation for the meeting as void.
- (f) The Campus Director will normally give notice of the grant or refusal of permission within seven days of receiving notice and may consult such other persons, including the Chief Constable or his/her representative as she/he sees fit.
- (g) Where a meeting is considered, controversial appropriate consultation will take place between the Chief Executive/Principal, or his/her nominee, the Campus Director, and the Group's Student Committee prior to the notice of a refusal being issued.
- (h) Appeals against the rulings of the Campus Director may be made to the Chief Executive/Principal, or his/her nominee, whose decision shall be final.
- (i) Where permission is granted, it shall be granted subject to such conditions, including charges, as the Campus Director considers reasonably necessary to secure fulfilment of

the Group's statutory responsibilities concerning the protection of freedom of speech within the law and the protection of members, visiting speakers and all other persons authorised to be on the Group's premises. There shall be a right to appeal to the Chief Executive/Principal or his/her nominee against the conditions and whose decision shall be final.

(j) The Principal Organiser and any other person concerned with the organisation of a meeting or event for which permission has been granted must comply with any condition laid down by the Campus Director under the provisions of this Code. Such conditions may include the requirements that tickets must be issued for public meetings and that security should be available, of whose number and suitability the Campus Director must be satisfied, in addition to any security staff that the Campus Director directs the Principal Organiser to provide, at the expense of the Principal Organiser, to maintain order.

(k) The Group will make available, on request, a public address system if there is reasonable cause to consider this to be necessary to enable the speaker to be heard.

(l) The Principal Organiser and every other person concerned with the organisation of an event shall have a duty to see that nothing in preparation for or in the conduct of a meeting or function infringes the law, and shall comply with each and every instruction given by the Responsible Officer or his/her representative, or by the Chief Constable of Humberside or his/her representative.

(m) If, at any time, the Campus Director, or his/her representative, after consultation with the Chief Constable or his/her representative, is of the view that the meeting or function cannot take place without risk of a breach of the peace or infringement of the Equality Act 2010, she/he shall have the authority to cancel all arrangements for a meeting or function. In such circumstances the Campus Director shall refund to the principal organiser such monies as have not been expended prior to the cancellation of the meeting.

(n) Articles or objects likely to lead to injury or damage may not be taken inside the building where the meeting is taking place or taken or used elsewhere in the Group. The costs of any damage to the building where the meeting is held or to other parts of the Group will be charged to the Principal Organiser. The Group reserves the right to re-charge the organisers of any meeting for any extraordinary expenditure it incurs as a result of that meeting.

(o) Premises used for meetings and activities must be left in a clean and tidy condition, in default of which the cost of cleaning may be deducted by the Campus Director from any deposit paid by the Principal Organiser. An invoice will be issued should costs of cleaning exceed the deposit paid.

(p) The conditions prescribed by the Campus Director should include

- (i) conditions concerning the admission or exclusion of press, television, or broadcasting personnel,

- (ii) such further conditions as the Campus Director considers appropriate after consultation with the Chief Constable or his/her representative.
- (iii) a requirement that the meeting or activity be declared public,
- (iv) a requirement that Group staff be responsible for all security arrangements concerning the meeting (at the expense of the Principal Organiser), and
- (v) the appointment of a member of Group staff as the controlling officer for the occasion.
- (vi) the right of the Group to record the event.

If, considering police advice, the Campus Director is not satisfied that adequate arrangements can be made to maintain good order, she/he may refuse or withdraw permission for the meeting or activity to be held.

6. Decisions

Decisions made by the Chief Executive/Principal on appeal that permits an event to go ahead shall be communicated in writing to the Chief Constable or his/her representative and shall be reported to the next succeeding meeting of the Council.

7. Infringement

The Campus Director and Head of Higher Education shall report to the Committee on the circumstances of any significant infringements of, and departures from, the provisions of this code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the Group's disciplinary procedures.