

## Document details

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0.1	2016	
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## Referenced policies and documents

## Code of Practice for Freedom of Speech and Academic Freedom

This Code of Practice for Freedom of Speech and Academic Freedom (subsequently referred to in this document as the Code) sets out Lancaster University's approach to, and governance and management arrangements for, the protection and promotion of freedom of speech and academic freedom for the benefit of all staff and students of the University.

The Code is divided into the following parts:

- **Part 1:** Policy Statement and Legal Framework
  - **Part 2:** Application of the Code across University policy and practice
  - **Part 3:** Procedures –Visiting Speakers and Protests
  - **Part 4:** Complaints
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### Part 1: Policy Statement and Legal Framework

#### 1.1 Principles

1.1.1 Freedom of speech and academic freedom are fundamental to the pursuit of knowledge; its creation, dissemination and preservation by means of speech, writing or images (including the electronic form).<sup>1</sup>

1.1.2 Lancaster University's commitment to academic freedom and the importance of free speech is underpinned by our founding documents.<sup>2</sup> Our Charter commits the University to 'advance knowledge, wisdom and understanding by teaching and research and by the example and influence of its corporate life'. To advance knowledge and be an exemplar, our culture must support critical inquiry – an environment where individuals have the right to explore ideas and to express them freely. Equally, we must ensure all staff and students collectively maintain an environment where the community can question, debate and challenge ideas in line with the University's values.

1.1.3 The University fosters an environment in which all of its staff and students can participate fully in university life, feel able to question and test received wisdom, and to express new ideas and controversial or unpopular opinions. This also relates to the definition of academic freedom and related protections<sup>3</sup> afforded to academic staff under Section 202 of the [Education Reform Act 1988](#) and as incorporated in the University's Charter and Statutes.

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<sup>1</sup> Part A1, Section A1 (13) HERA.

<sup>2</sup> University Charter and statutes.

<sup>3</sup> Defined as 'freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions'.

The University ensures a high level of protection for the lawful expression of a viewpoint and for speech in an academic context within the law.

- 1.1.4 In addition to the University's own culture and commitments, universities in England and Wales have a statutory duty to protect freedom of speech and academic freedom within the law for staff, students and invited visiting speakers. The [Higher Education \(Freedom of Speech\) Act 2023](#) further emphasises, these responsibilities, and introduces an additional responsibility 'to promote the importance of free speech and academic freedom'.<sup>4</sup>
- 1.1.5 However, the University's own commitments and the legal duties it has concerning free speech are not without limitation. Freedom of speech and academic freedom that are 'within the law' are protected. Unlawful speech is not protected, however free speech within the law could include speech that is offensive, hurtful, disturbing or shocking.<sup>5</sup>
- 1.1.6 The nature of speech and the context in which that speech takes place can both affect its legality. Of particular note, in relation to the limitation of free speech are the UK's equality legislation and counter-terrorism legislation. Under the Equality Act 2010 universities must have due regard to the need to foster good relations between people who share a protected characteristic and people who do not as outlined in the [Public sector equality duty](#). Universities also have a statutory duty under the [Counter- Terrorism and Security Act 2015](#), placing a duty on universities to have due regard to the need to prevent people from being drawn into terrorism. Additional information on the various pieces of legislation can be found at Appendix A.
- 1.1.7 The exercise of free speech at the University must be set in the context of the University's values, and the values of a civilised, democratic, inclusive society, and the rights of others, including the legal entity that is the University itself. Whilst securing an environment to promote free speech, this does not mean that the University endorses what a particular individual expresses.
- 1.1.8 The University expects all members of its community, including any speakers invited to participate in activity related to its business (including academic activity) and those taking part in protest activities to:
  - respect our values, acknowledging the importance of free speech and academic freedom as integral elements of academic inquiry and learning as well as the need for controversial ideas being subject to questioning and challenge using evidence and reason;

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<sup>4</sup> As of 26 July 2024, The Higher Education (Freedom of Speech) Act 2023's implementation is currently paused.

<sup>5</sup> Redmond vs DPP - case law.

- recognise that to speak at Lancaster University is to enter into discourse and an invitation for debate and intellectual challenge;
- acknowledge the diversity of its community, to be sensitive to this and the inclusive culture on campus; and
- allow all members of the University community to go about their legitimate business, and to show respect to all sections of the community.

1.1.9 Our commitment to free speech should not act as an excuse for any unlawful behaviours including but not limited to: discrimination; harassment; intimidation; or violence.

1.1.10 The University is not a public square where any and all may come to speak without invitation from our community and/or in a format of their own choosing. Speaking at the University confers a degree of authority and legitimacy to those invited to address members of the institution and/or the public under its banner.

1.1.11 The University is not legally required to offer a platform to all who may be interested in speaking on campus. This includes individuals who have no recognised expertise in a field of academic enquiry. The University is also not under any obligation to provide speaking opportunities to those who wish to promote views which will lead to a breach of the University's legal duties to its staff and students.

1.1.12 In summary, the University and its property is not open to access for the exercise of external free speech by non-members of its community, without formal invitation.

## 1.2 *Staff and Student Members of the University*

1.2.1 In keeping with the objects of University Charter 'to make provision for research and for the preservation, advancement and dissemination of knowledge' the University seeks to uphold academic freedom as defined in Section 202 of the [Education Reform Act 1988](#) which states 'freedom [for academic staff] within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions'. This provision is already incorporated into the University's Statutes.

1.2.2 This Code sets out the University's commitment to 'promote the importance of freedom of speech within the law and academic freedom for academic staff', allowing for robust and civil debate within the law and protecting current staff and students from those internal and external to the University community who seek to interfere with it.

- 1.2.3 It is critical that current staff and students are provided the opportunity to learn through debate and exposure to new ideas, while providing a supportive environment and infrastructure for them to support their wellbeing. As such, this Code supports the need for controversial ideas having to be subject to questioning and challenged by evidence and reason.

## **Part 2: Application of the University's Code across Policy and Practice**

### *2.1 Application of the Code through Management Arrangements*

2.1.1 The University will ensure that its teaching, research and engagement endeavours, and the policies and procedures which underpin the management of this broad range of these activities, reflect so far as is reasonably practicable, freedom of speech and academic freedom within the law. This includes ensuring that freedom of speech is protected through:

- (a) ensuring that staff, students, the Council and external committee members at the University are aware of the Code and that individuals are supported to understand and exercise their responsibilities in relation to academic freedom and freedom of speech at the appropriate level;
- (b) ensuring that there are appropriate complaints schemes in operation and ways in which staff and students are able to raise concerns;
- (c) the operation of effective Invited Visiting Speakers and Protest Procedures;
- (d) the development and delivery of the University's curriculum: programme development and approval, guidance to students and staff, and the maintenance of academic quality and standards;
- (e) processes for enabling and facilitating research and engagement activity;
- (f) ensuring development of relevant University policies, procedures and protocols (and the review of existing), considers and avoids any potential negative impacts on freedom of speech and academic freedom, e.g. unintentionally discouraging it;
- (g) any due diligence processes relating to the consideration and approval of partnerships and affiliations, or the acceptance of external funding (grants, gifts and donations) to ensure no third parties can assert undue influence over freedom of speech and academic freedom;
- (h) the management and use made of the University's physical facilities;
- (i) memoranda of understanding and work with the Students' Union.

2.1.2 The Code will be published on the University website with links to all applicable legislation and any guidance which should be used in conjunction with it.

2.1.3 Awareness of the Code will be raised students at registration, through the Student Contract and, periodically, via the student portal and staff intranet.

- 2.1.4 Infringements of, or departures from, the procedures set in the Code, the individuals responsible may be subject to disciplinary proceedings. Additionally, if any such actions involve alleged breaches of the law, the University will assist the relevant authorities as appropriate.
- 2.1.5 The University, whilst recognising that the Students' Union is a separate organisation (with its own regulatory duties and responsibilities as set out in legislation and regulated by the Charity Commission), seeks to work in partnership with the Students' Union to enable both organisations to meet their obligations and avoid conflicting policy in this area.

## 2.2 *Governance, Review and Monitoring*

- 2.2.1 The OfS has outlined expectations in its Regulatory Framework in relation to governance of freedom of speech matters and maintaining and abiding by the University's own Code.
- 2.2.2 The University's governing body, the Council, has a primary responsibility to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the University and to protect the principles of academic freedom and freedom of speech.<sup>6</sup> As such, the Council may receive periodic assurance reports regarding freedom of speech and academic freedom matters. The Council may delegate detailed oversight to one of its sub-committees.
- 2.2.3 Assurance for Council regarding the protection of academic freedom will normally be provided by the Senate. Senate may delegate detailed oversight to one of its relevant sub-committees.
- 2.2.4 The effectiveness of the Code will be periodically reviewed and monitored by the University Secretary (or their nominated deputy) and where necessary will instigate its revision. Any concerns regarding the operation of the Code and supporting annexes should be raised with the University Secretary in the first instance.

## 2.3 *The Students' Union*

- 2.3.1 The Students' Union is a distinct legal entity from the University. Therefore, it has its own procedures for the approval of invited visiting speakers to its own activity: including events arranged by its affiliated clubs, societies and groups, and taking place on the University's premises. These procedures include when and how a request may need to be brought to the attention of the University.

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<sup>6</sup> CUC – Statement of primary responsibilities.

## **Part 3: Procedures – Visiting Speakers and Protest**

### **3.1 *Invited Visiting Speakers – Scope of the Code***

3.1.1 This section of the Code applies to any situation where:

- (a) a current member of staff; or
- (b) a student who wishes to organise an event independently of the Students' Union (and its affiliated clubs and societies); or
- (c) a student who has opted out of membership of the Students' Union;

intends to invite a visiting speaker, (defined as any individual who is not a registered student, employee) to speak on university premises at an event which are not a normal part of university business and, which is not in the scope of 3.1.4 (see Appendix B).

3.1.2 Events including an invited visiting speaker (as defined in Appendix B), mean the procedures in this Code must be observed by students, employees and other members of the University in relation to:

- any event to be held on university premises;
- any event held away from the University campus or premises which is University organised, funded or branded, including events organised by individuals, groups or societies (including student societies) using the University name or resources, including online events;
- events hosted or held (in part or in full) by the University online;
- the conduct required of all persons in connection with any such event; and
- any other related events which the University Council from time-to-time may declare to fall within the remit of this Code.

3.1.3 It is the University's intention to take a balanced and proportionate approach to the application of this section of the Code. The procedures for approval of invited visiting speakers will not normally apply to the majority of normal business of the University including core teaching (i.e. that is part of an existing University programme of study) or regular research seminars, where such events are authorised by the relevant department or faculty (e.g. approved under the authority of the Head of Department (HoD) or Executive Dean and involve academic visitors from UK universities also subject to the relevant Act). In approving a request, the HoD or Executive Dean is confirming activities are compliant with the Code.

3.1.4 However, in cases where teaching or research events involve a potentially contentious invited visiting speaker, a non-academic, or VIP speaker (such as an ambassador), or where other risks are raised by the event (e.g. which might arise in light of the current political context nationally or internationally, the subject matter of the event, the timing or physical location of the event, or because of health and safety issues), the invited

visiting speakers process should be utilised to ensure the correct resources are accessed to support delivery of the said event, and to ensure that potential risks which might extend such an event to shift to be covered by this Code are adequately mitigated. In such cases, it is the responsibility of the organiser of the teaching or research event to follow the invited visiting speakers' procedures and, if in doubt, to seek advice from their Head of Department or Executive Dean before proceeding with the event (who in turn may seek guidance from the Director of Strategic Planning and Governance or, the Head of Governance Services).

3.1.5 Typically, the University will prioritise invitations and approvals for invited visiting speakers talking about their own area of research expertise, using recognised research methodologies, with publications subject to peer review, or those with significant professional experience and standing in a given field of expertise.

3.1.6 The procurement of services regulated under contract, to deliver contracted services such as sports classes, mentoring, CV advice etc, are deemed to fall outside the scope of this Code but are usually regarded to be part of core University business. A more detailed list of these activities is attached at Appendix B.

### 3.2 *Criteria for making decisions about an event or invited visiting speaker*

3.2.1 The starting presumption for the University will be to permit those speakers invited by current staff members, and students (as set out in 3.1.1). In considering whether or not to allow a particular event to take place on its premises or elsewhere under its authority, the University will consider:

- whether the views or ideas to be put forward (or the manner of their expression):
  - infringe the rights of others, including the University's own right to go about its legitimate business; or
  - or could lead to a breach under the Equality Act;
- whether the activity in question:
  - supports balanced discourse and is structured to support an appropriate level of debate and intellectual challenge appropriate to an academic institution;
  - may constitute a potential criminal offence;
  - may constitute a potential threat to public order or to the health and safety of individuals;
  - may incite others to commit criminal acts; or
  - may be contrary to the civil and human rights of individuals.



- 3.2.3 Other considerations are: (a) whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained; and (b) whether any risks of an event drawing people into terrorism can be sufficiently mitigated.
- 3.2.4 Normally, the University will intervene to place restrictions on an event or invited visiting speaker in a particular case only on the grounds indicated in 3.2.1-3.2.2 above, but each case will ultimately be judged on the content and context.

### 3.3 *Inviting Visiting Speakers Procedure*

- 3.3.1 This procedure is for invited visiting speakers, events and visitors as identified in Section 3.1.1 of this Code. All events must comply with the Code of Practice and these procedures.
- 3.3.2 Event organisers who wish to invite a visiting speaker to their event must apply for approval of the event as far as possible in advance and a minimum of 14 calendar days before it is due to take place. This will allow for consideration to be given to whether any steps are needed to ensure that the invited visiting speaker or event is likely to operate within the framework of the law and this Code.
- 3.3.3 The organiser must undertake a risk assessment in relation to their event and this must be submitted as part of the invited visiting speaker request and will be reviewed as part of the process. The University may require changes or further iteration of this risk assessment (see 3.3.7 below).
- 3.3.4 Where an invited visiting speaker may be considered contentious or may require additional considerations and arrangements to be put in place the organisers will ideally provide extra notice to allow any additional mitigations to be facilitated. Where such requests are submitted at or close to the 14-day deadline, organisers must be aware that one of the mitigations the University may put in place is to reschedule the event to a later date in order allow for appropriate preparations for the event. The invites visiting speakers form is available [here](#).
- 3.3.5 Additional considerations could include, but are not limited to, the following:
- any security implications for the speaker and/or event attendees;
  - any potential disruption to the legitimate business of the University, in particular the delivery of its contractual commitments to students and academic research;
  - increased capacity requirements for event organisers and staff to facilitate the event; and

- in exceptional circumstances (for example, where the Police require the University to provide a significant security presence or similar), the organiser may be required to fund a proportion of the costs and as in keeping with the Higher Education (Freedom of Speech) Act 2023.
- 3.3.6 Within 5 working days of receiving the form, the Director of Strategic Planning and Governance (or nominated deputy), will advise the event organiser in writing of their decision as to whether or not the event/invited visiting speaker is authorised, or if additional measures or further work on the risk assessment is required. The Director of Strategic Planning and Governance (or nominated deputy) may choose to consult with relevant colleagues and third parties before reaching a decision.
- 3.3.7 The Director of Strategic Planning and Governance (or nominated deputy) will grant permission for an event to take place, provided that it is shown that all reasonable steps can and will be taken to prevent any infringement of this Code or the law; and that such conditions as may be reasonably required will be complied with.
- 3.3.8 Conditions that may be requested include but are not limited to:
- (a) entry tickets being issued;
  - (b) capacity restriction;
  - (c) changes to the time or date of the event;
  - (d) the introduction of a chair, panel or other format revision to ensure that attendees with opposing views will be able to express them in the meeting and/or in order to support of academic debate;
  - (e) the meeting be held in a venue other than that proposed by the organisers, this may include moving an online event to in-person or vice-versa;
  - (f) restricted admission (e.g. event open only to registered Lancaster University students) and not open to the public;
  - (g) the arrangements for 'chairing' of the meeting and as to the circumstances in which the meeting may or must be terminated prematurely;
  - (h) as to whether the event can be live-streamed and/or is to be recorded; and
  - (i) requirements to provide stewarding/security as part of event management.
- 3.3.9 In addition to the conditions set out in 3.3.8 above, the Director of Strategic Planning and Governance (or nominated deputy) has discretion to require further conditions, if appropriate, after consultation with the police or other relevant external agencies. In exceptional circumstances, where significant security or other control measures may be required by external agencies, the University reserves the right to pass on a proportion of the costs involved.

- 3.3.10 Ordinarily, the person chairing the meeting, or the organiser, would be responsible for the management and conduct of the event. Where the organiser has been informed that the Director of Strategic Planning and Governance (or nominated deputy) has appointed a responsible person from amongst the University's staff to attend that meeting, then the organiser and/or the person chairing the meeting must follow all the instructions regarding the conduct of the meeting given to them by that person. This responsible person in attendance would then have ultimate authority over the actual conduct of the meeting (e.g. they may specify what items can or cannot be taken into the meeting, and if necessary, terminate the meeting).
- 3.3.11 If the Director of Strategic Planning and Governance (or nominated deputy) is not satisfied that adequate arrangements can be made to maintain good order, permission for the meeting, event or activity to take place may be refused or withdrawn.
- 3.3.12 Event organisers must not advertise an invited visiting speaker event until the arrangements have been approved. Compliance with this section of the Code is obligatory on all members of the University; and all persons authorised to be present on University premises.

#### 3.4 *Criteria for Passing on Security Costs*

- 3.4.1 Where it is deemed a necessary to impose security provision as condition for an event to go ahead, in exceptional circumstances the University may pass on these security costs onto the organiser of an event.
- 3.4.2 The University hosts approximately 120 speaker events a year and what is 'reasonably practicable' must be considered in the context of the University's overall activity, including value for money for fee-paying students and the costs involved in staging a programme of wide-ranging events. Normally any basic event costs will be met from the budget-holder (Head of Department, Dean or Director) listed as sponsoring the event in the approval form and/or ticket sales. Where it is judged necessary to incur additional security costs, the initial £1500 will be met by the University's budget. The remainder of the costs will then be presented to the organiser for consideration, including the potential for ticketing to contribute to the costs above the threshold.
- 3.4.3 The Students' Union is responsible for covering the costs of its events including additional security costs and those of its affiliated groups.

#### 3.5 *Objections to Approved Invited Visiting Speakers*

- 3.5.1 The University is required to take reasonably practicable steps to secure freedom of speech for invited visiting speakers on campus. The presumption in line with guidance from the Office for Students is that invited visiting speaker events should go ahead and that mitigating steps are put in place to manage any risks to allow events to proceed.

- 3.5.2 Current staff or students who wish to raise an objection regarding the approval of an Invited Visiting Speaker, in advance to an event taking place, should do so to the Director of Strategic Planning and Governance (or nominated deputy). Any objections should include substantive and material new information as to why the decision to approve the speaker should be reviewed. Without such information an objection may not be deemed actionable.
- 3.5.3 If an objection is actionable, a review of the approval process will be conducted to consider the new information. This could result in either: the event going ahead as approved; additional conditions being applied to the speaker event; the event being postponed; or the event refused.

### 3.6 *Right of Appeal*

- 3.6.1 If a member of the University Community or an invited visiting speaker wishing to use University premises for the purpose of a meeting or event is dissatisfied by any decision, or the imposition of any conditions, by the Director of Strategic Planning and Governance (or nominated deputy), they shall have the right to appeal in writing to the Deputy Chief Executive (Operations) and University Secretary setting out their grounds for dissatisfaction and, where relevant, proposing alternative reasonable steps to address the risks identified. Such requests will normally be processed within 5 working days but may lead to an event being rescheduled.
- 3.6.2 In exercising their responsibilities to consider a right to appeal, the Deputy Chief Executive (Operations) and University Secretary (or such other Professional Services Director of the University as they may appoint) shall have the same power to impose conditions or refuse applications as the Director of Strategic Planning and Governance or nominated deputy possesses.

### 3.7 *Protests and Demonstrations (Appendix D)*

- 3.7.1 Operational responsibility for overseeing implementation of the Code of Conduct in respect of Protests and Demonstrations on the University's private premises, and for ensuring that organisers of protests and demonstrations comply with the provisions of the protocol, lies with the Director of Strategic Planning and Governance or their nominee (the 'Responsible Officer').
- 3.7.2 The Code is attached at Appendix D and should be read in conjunction with the Code on freedom of speech and academic freedom.

## Part 4: Complaints

### 4.1 *Processes Available to Staff and Students*

4.1.1 Where a current staff or student member of the University believes the exercise of their legitimate free speech has been constrained, this should be raised through the appropriate internal process.

- **Grievance process:** for staff in relation to a staff member or a University service, process or similar.
- **Student Complaints process:** for students in relation to a staff member or a University service, process or similar. This would include complaints about an invited external speaker after an event. Following completion of University processes, students would have recourse to the Office of the Independent Adjudicator (OIA).
- **Student Disciplinary process:** for students in relation to another student.
- **Student Disciplinary process:** for staff in relation to a student.

Approved by Council 22 October 2024

### Limitations around Free Speech

It is important to be aware that there are limitations around speech in support of organisations that are 'proscribed' (banned) under UK law and that the law also places limitations on free speech more generally. Further details about this, including a list of proscribed organisations can be found on the [Home Office website](#).

More broadly, the Equality and Human Rights Commission [has published guidance](#) detailing that, whilst the circumstances and context in which free speech occurs play a key role in determining its legality, there are existing laws that place limitations on freedom of expression in England and Wales.

Crime and Disorder Act 1998:

- racially or religiously aggravated offences (sections 29-32)

Offences Against the Person Act 1861:

- threat to kill (section 16)

Public Meeting Act 1908:

- endeavour to break up a public meeting (section 1)

Public Order Act 1986:

- fear or provocation of violence (section 4)
- intentional harassment, alarm or distress (section 4A)
- harassment, alarm or distress (without intent) (section 5)
- acts intended or likely to stir up hatred on the grounds of race (sections 18-23); religion (sections 29B-29F); or sexual orientation (sections 29B-29F)

Serious Crime Act 2007:

- encouraging or assisting the commission of an offence (sections 44-46)

Terrorism Act 2000:

- incitement to commit acts of terrorism overseas (section 59)
- inviting or encouraging support for a proscribed organisation (section 12)

Terrorism Act 2006:

- encouragement of terrorism (section 1) including the glorification of the commission or preparation of terrorism (sub-section 1(3))
- dissemination of terrorist publications (section 2)
- encouragement of terrorism and dissemination of terrorist publications via the internet (section 3)

### Who would be an Invited visiting Speaker?

University hosted conferences for academia with external speakers should follow the invited visiting speakers process, as should Guest Speakers at Graduation Ceremonies.

The Code however, does not apply if the person or persons falls into the criteria below:

- an invited visiting speaker who is delivering academic teaching as part of the curriculum;
- the event is for staff and/or student CPD/training purposes and delivered under contract;
- approved academic research activity as part of a department's agreed research plans and related seminars; and
- an external conference arranged through the University Conference Office, paying for the use of University premises by an organisation external to the University.

### What do 'freedom of speech' and 'academic freedom' mean?

While they are often used interchangeably, freedom of speech and academic freedom are different terms that relate to each other.

There are several different definitions for each concept, but the Universities UK definition<sup>7</sup> broadly advises:

- freedom of speech means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference;
- academic freedom means protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in danger of losing their jobs or privileges or reducing the likelihood of them securing promotion or different roles at the University. Under UK law, academic staff employed at OfS regulated institutions enjoy specific protection.



### Code of Conduct on Protests

#### Scope

1. The University upholds the right for peaceful protest and defines a rally, demonstration and/or protest to fall under the auspices of this code.
2. This code applies to all staff and students planning to protest on the University campus at Bailrigg and should be read in conjunction with Student Discipline Regulations, relevant HR policies and procedures and the Code of Practice on Freedom of Speech.
3. This code sets out the University's approach to accommodating protest, rally and/or demonstrations and identifies matters which must be considered when a protest is being arranged. For the avoidance of doubt, the scope of this code does not include lawful picketing on days of strike action by University staff that has been arranged in support of official industrial action by the recognised trade unions.

#### Principles

4. Under Articles 10 and 11 of the European Convention on Human Rights (ECHR), everyone has the right to freedom of expression and the freedom of assembly and association. The right to freedom of expression can, on occasion, be restricted, for example where it interferes with the rights of others, or is unlawful.
5. Decisions taken by the University in relation to staff or student protests will be informed by the following.
  - A recognition that the right to protest is a legitimate element of democratic participation.
  - A presumption that protests should not be unduly hindered so long as they meet legal requirements and the requirements detailed in this code.
  - The expectation that any University response to a protest will be proportionate and that a decision about whether a protest is to be permitted will be informed by whether the steps necessary to enable it (including costs such as staff time) are judged to be 'reasonably practicable'.
  - A recognition that advanced notice of a protest in line with this policy assists the University in taking reasonably practicable steps to enable a protest to proceed.
  - A respect for the right of others, including non-protesting staff, students and visitors and the senior officers of the University itself, to go about their lawful business unhindered and freely express their own views, including those in opposition to any ongoing protest.

- A recognition that the law restricts freedom of expression in the interests of promoting equality, diversity and the avoidance of violence and damage to property and the University itself enjoys rights to property and similar as a legal entity in its own right.
- A respect for the University's own regulatory framework, which has legitimacy through the powers granted in the Charter and Statutes and permits the University to formulate internal, domestic rules and procedures for the University community agreed to by means of the organisation's contractual relationship with staff and students.

### **Procedures**

6. Operational responsibility for overseeing implementation of this Code of Conduct in respect of protests and demonstrations on University premises, and for ensuring that organisers of protests and demonstrations follow the provisions of the protocol, lies with the Director of Strategic Planning and Governance (or nominated deputy), (referred to hereafter as the 'Responsible Officer').
7. When planning and executing a protest, student and staff organisers must ensure the following.
  - The protest or demonstration prioritises the safety of those involved, as well as the safety of those not involved in the protest, including those who may disagree with the position taken by the organisers (i.e. the potential of a counter protest).
  - The protest or demonstration permits the continued operation of University functions, i.e. permits students, staff and visitors to freely move about campus; allows lectures and university events to continue unhindered and uninterrupted (including excessive noise in or intruding into buildings); allows other students, staff and visitors to conduct their business; allows entrance and egress from University grounds as needed.
  - The protest or demonstration respects University property and the property of others.
8. Failing to follow these requirements could lead to the Principal Organiser and/or other members of the protest being subject to action under the relevant disciplinary regulations and, in serious cases, potential legal action.

### **Responsibilities of Protestors**

9. Students or staff arranging protests or demonstrations on University premises must designate a 'Principal Organiser', who will be responsible for ensuring that the event is in line with the expectations of this Code.

10. Advance notice of planned protests must be provided. The University's expectation is that such notice will normally be provided not less than seven calendar days in advance of the event in question. It is the responsibility of the Principal Organiser to liaise with the Responsible Officer in order to provide a suitable risk assessment. This will involve responding to the reasonable requests of the Responsible Officer and to ensuring details about the nature and theme of the event are provided in a timely and appropriate manner. This process will be assisted by the completion and submission of the form at Annex A at the earliest opportunity.
11. Upon receipt of information and in consultation with others as required, the Registrar of meetings will liaise the Principal Organiser to:
  - agree the time, location, duration, route and other operational requirements for the protest/demonstration;
  - advise on the University's expectations for the required risk assessment;
  - determine any additional actions necessary to ensure that the protest/demonstration meets the requirements listed above.
12. Inform Security (and other staff, or relevant external agencies as necessary) to ensure that they are aware and can take any reasonable action.
13. In executing its duty to promote the importance of free speech and academic freedom, the University will endeavour to agree arrangements which permit legitimate protest without disrupting the normal working of the University or moving outside the law. Nevertheless, the University reserves the right to modify and/or prohibit a protest. The Responsible Officer will typically base a decision to prohibit a protest where:
  - it is judged a planned activity would be unsafe, would present an unacceptable disruption to business; or
  - insufficient guarantees can be provided that the protest will remain within the law; or
  - when there is a reasonable likelihood that the protest will lead to damage to persons or property; or
  - when the estimated cost of facilitating the protest is deemed to be disproportionate or extend beyond what is judged to be 'reasonably practicable'; or
  - the activity is judged to constitute a breach of the Equalities Act or otherwise;
  - interfere with the University's various legal duties.
14. Should it be the determination of the Responsible Officer that the protest and/or demonstration will not be permitted, the Registrar will provide the Principal Organiser, in writing, a rationale for the decision, normally within two working days. Where the Responsible Officer judges it appropriate, such a communication may include suggestions for alternate arrangements which would enable the event to continue, albeit in a revised form.

15. Principal Organisers should be aware that if a protest that is being arranged away from University premises and become a procession in public areas, it is a legal requirement that the Police are notified in writing six days in advance of the event by the event organiser.

### **Counter-protest**

16. A protest, demonstration, or event on campus may, on occasion, invite a counter-protest from those who hold an alternative point of view. When these occasions arise, the ability of all parties to safely and effectively express their views will be a primary consideration. Where applicable the Registrar of Meetings may insist on separate protest areas for those persons with views that differ from the views held by the event organisers. In order to ensure the safety of all participants, Campus Security or contracted external security provider may be in attendance. If it is deemed appropriate, external agencies may also be informed.

Approved by Council 22 October 2024