Counter-Terrorism & Security Act 2015

GOOD PRACTICE GUIDE

FOR SCOTTISH HIGHER EDUCATION INSTITUTIONS

Prepared by the Higher Education Prevent Working Group,
June 2015

1. Introduction

1.1 Scottish higher education institutions (HEIs) have a statutory duty, in terms of the Counter-Terrorism & Security Act 2015, '*to have due regard to the need to prevent people from being drawn into terrorism*'. The nature of the statutory duty is explained in **Annex 1**, which is the statutory guidance issued to accompany the Act.

1.2 It is the responsibility of each HEI to determine what measures it will take to address this statutory duty. This Good Practice Guide has been prepared in order to assist the HEIs in deciding what measures are appropriate and, in doing so, to encourage the adoption of consistent good practice across the Scottish higher education sector, taking account of local needs and of institutional structures and culture.

1.3 Common to all Scotland's higher education institutions is a commitment to academic freedom and freedom of expression. Indeed, higher education plays an essential societal role in providing a culture where challenging and controversial views may be expressed. While recognising their responsibility to address the statutory duty, the Scottish HEIs are committed to supporting freedom of expression within the law.

1.4 The Good Practice Guide has been compiled by the Higher Education Prevent Working Group, which will keep it under regular ongoing review, informed by examples of good practice from across Scotland.

2. The Higher Education Prevent Working Group

2.1 The Higher Education Prevent Working Group was established by the Scottish University Secretaries in February 2015. It reports to the Secretaries Group.

2.2 The Remit of the Working Group is:

- *To develop guidance to assist the Scottish universities in meeting their statutory duty per the Counter-Terrorism & Security Act 2015; and*
- *To be a forum for sharing good practice in addressing the statutory duty.*

2.3 Membership of the Working Group is:

- one member from each Scottish HEI, as nominated by the University Secretary or equivalent;
- in addition, four members nominated by AUCSO (the Association of University Chief Security Officers); and
- the Head of the Scottish Preventing Violent Extremism Unit.

In addition, representatives of NUS Scotland and UCU Scotland attend the Working Group by invitation.

The convener of the Working Group is a University Secretary, nominated by the Scottish Secretaries Group. The convener represents the sector as a member of the national multi-agency Prevent sub-group.

2.4 **Annex 2** shows the membership of the HE Prevent Working Group in June 2015, the date on which this Good Practice Guide was published.

3. Managing the Implementation of Good Practice

3.1 It is essential, in order for the statutory duty to be addressed effectively, that a senior manager in each institution is responsible for implementation, and for observing the Good Practice guidance contained in this document.

3.2 In each HEI, the University Secretary or equivalent should be responsible for implementation, and also for ensuring that the HEI participates at an appropriate level in local multi-agency CONTEST groups. S/he will be supported in this role by the institutional member of the HE Prevent Working Group.

3.3 Each HEI should establish, or identify an existing high-level group (referred to below as the 'University Prevent Group') to assume operational responsibility in this area. This will be a small group of senior staff, convened, for example, by the University Secretary, that is responsible for:

3.3.1 maintaining a shared awareness and understanding of the risks of radicalisation within the campus community;

3.3.2 communicating to relevant staff the requirements and importance of the statutory duty;

3.3.3 ensuring that the statutory duty is addressed effectively; and

3.3.4 making decisions on sensitive matters that may arise in relation to Counter-Terrorism and Security. Examples are:

- deciding what action to take where concerns are raised that a member of the campus community may be being drawn into terrorism; or
- deciding whether to allow a controversial speaker to visit the campus, and on what conditions.

Membership of this group should include: the University Secretary, or equivalent; the HE Prevent WG member, a senior manager responsibility for campus security and a senior member of academic staff. Other participants should be co-opted as required for their specific knowledge. The group will be responsible, through its convener, to the governing body.

4. Guidance on Staff Training

4.1 The statutory guidance in the Counter-Terrorism & Security Act states that:

- *'Institutions should give relevant staff sufficient training to be able to recognise vulnerability to being drawn into terrorism, and be aware of what action to take.'*

4.2 To address this requirement, each HEI will identify those roles within the institution for which training is relevant, and they will make arrangements for the postholders to receive relevant training. They will be assisted in this by the work of the HE Prevent Working Group, which will organise regional and Scotland-wide training events and make recommendations on suitable training materials.

4.3 Relevant postholders will fall into two categories:

4.3.1 Staff who have a management role; either in the provision of welfare advice and support to students, or in the oversight of security on campus. For those staff, the HE Prevent Working Group will:

- arrange inter-institutional training events, in which all relevant staff will be expected to participate; and
- review available training materials on a continuing basis, and recommend the material that appears best-suited to this group of staff.

4.3.2 Staff who do not have a management role, but who ought to have a general understanding of the statutory duty and the way in which it impacts on their institution. The HE Prevent Working Group will recommend to HEIs relevant briefing material, including on-line material, that should be made available to these staff as part of their regular induction and training.

4.4 Staff referred to in 4.3.2 above will be employed in a range of functions, as: academic advisors, campus security officers, equality & diversity officers, events organisers, health & safety officers, HR managers, interfaith chaplains, IT services officers, media/communications officers, student residence managers, student counsellors.

4.5 Staff training will include guidance on information sharing (see Section 8 below).

5. Guidance on Safety Online

5.1 Every HEI must have a policy on the acceptable use of IT facilities and, as a condition of using these facilities, all users must explicitly agree to observe the policy.

5.2 The policy should make specific reference to the institution's statutory Counter-Terrorism duty.

5.3 The IT regulations should state that the HEI may monitor IT use, in order to ensure that this use is compliant with the law and with the University's acceptable use policy.

5.4 Where, in the course of monitoring the use of IT facilities, a concern is identified regarding access to terrorism-related material by a member of staff or a student, this should be reported to the University Secretary, who should decide on appropriate action in consultation with the members of the University Prevent Group (3.3 above).

5.5 Web filtering is a tool that may be used as a means of monitoring access, whereby visits to websites that breach policy are logged but access is granted, or as a means of denying access to websites that breach policy.

To date, Scottish HEIs have been reluctant to adopt a policy of web filtering, in view of the potential negative impact on academic research. It would be advisable for the institution to take its lead in this area from the Higher Education IT Directors in Scotland group (HEIDS), which has kept the topic under review and which, if web filtering were considered appropriate by an HEI, could advise on the most appropriate filtering tool

If web filtering is applied by the institution, then staff and students must be informed of this.

5.6 A member of staff or a student may wish to access terrorism-related material a part of a legitimate piece of academic research. In this situation, the institution should follow the guidance contained in Universities UK's guidance on *'Oversight of security-sensitive research material in UK universities'* **(Annex 3)**. In particular:

- ethical approval for the research must be obtained through the HEI's established Ethics approval process;
- xplicit approval must also be obtained from the member of staff's academic line-manager; and
- robust central storage arrangements must be put in place so that the material may be accessed only by the relevant member of academic staff.

6. Guidance on Management of Speakers at Events

6.1 The statutory guidance requires institutions to have in place policies and procedures for the management of speakers and events.

6.2 Freedom of speech within the law is fundamental to the work of an institution of higher education. Policies and procedures on the management of speakers and events must recognise this, in the way they are framed and in the way they are implemented.

6.3 While upholding the fundamental importance of freedom of speech, institutions may nevertheless require to place conditions on certain speakers or events, or indeed to refuse to allow them on campus. This should be done only in exceptional circumstances, and where the institution, having considered carefully the available information, believes that there is a serious risk that the speaker or event will breach the law and/or will pose a significant risk to the wellbeing of students, staff or visitors.

6.4 Procedures for the management of speakers and events must:

- clarify that the organisers of events are responsible for assisting the institution in addressing its statutory duty;
- establish clearly who has authority for agreeing to the provision of campus accommodation for a speaker or event;
- encompass all activities taking place on the campus, whether organised by institutional managers, by other members of staff, by students, or by a third party;
- include arrangements for managing any institutional events that are run by the institution but housed in external premises;
- include a clear protocol for escalating decisions to senior staff where they are controversial or difficult;
- require decisions on controversial speakers and events to be made by the University Prevent Group, to be articulated and recorded clearly, and to be made in relation to an established set of criteria;
- address the need to ensure that speakers on campus are not prevented, by aggressive or intimidating behaviour, from communicating with their audience;
- require that the senior manager responsible for campus security should participate in decisions on controversial speakers and events, and should liaise with the Police where appropriate.
- involve effective cooperation with the student union.

6.5 Through AUCSO (Association of University Chief Security Officers), HEIs should share their experience in the management of controversial speakers and events.

6.6 **Annex 4** is UK-wide guidance on external speakers, as prepared by Universities UK.

7. Guidance on Provision of Welfare and Pastoral Support

7.1 All HEIs have a duty of care to their students. They must have early warning systems in place to alert them when students are experiencing difficulties in their student life, and they must ensure that effective sources of advice and support are available when students need help.

7.2 Effective advice and support should be provided to students according to their needs, and typically would cover the following areas:

- academic study support;
- health and wellbeing;
- personal counselling;
- financial advice;
- advice on immigration and visas;
- faith support;
- support from other students (through student union or association); and
- life in student residences.

7.3 All staff and students should be made aware that, should they have concerns regarding the wellbeing of a student, they can raise these in confidence with a member of staff.

7.4 Staff who are engaged in the provision of advice to students should be made aware that, should they have concerns that a student may be being drawn into terrorism, they should raise these with the University Secretary or equivalent, who will then discuss the concern with the University Prevent Group.

7.5 All staff who have a front-line role in providing welfare advice and support to students should be briefed on the institution's statutory duty as part of their essential training for the role (see 3.2 above).

7.6 Where the institution provides interfaith facilities there must be clear policies and procedures governing their use. A senior member of staff should be responsible for the management of these facilities.

8. Information Sharing

8.1 Where a member of the campus community is concerned about the wellbeing of a student or member of staff, s/he may want to share personal information about this person with relevant staff whose role is to provide support in such circumstances. Higher education staff can generally disclose information about a student to enable another member of staff to do their job, in line with the institution's data protection policies. Whenever in doubt, advice should be taken from the institution's Data Protection Officer.

8.2 Similarly, an institution may wish to share personal information about a student or member of staff with a third party, because of concerns regarding the person's wellbeing. Decisions to share information with a third party should be taken by the University Prevent Group and in line with the institution's data protection policies. Again, advice should be taken from the institution's Data Protection Officer.

8.3 With a view to ensuring suitable protection of personal data, the HEIs will seek as a group to establish a formal information sharing protocol with Police Scotland.

9. Guidance on Effective Liaison with Student Unions

9.1 The counter-terrorism statutory duty does not apply directly to student unions where they are constituted as independent charitable bodies. However, their cooperation with the HEI will be important in helping it address its statutory duty.

9.2 Each HEI must be clear with its student union about the duties placed on the institution by the Counter-Terrorism & Security Act, and the assistance it seeks from the student union in addressing its statutory duty.

9.3 Particular areas in which institutions should seek cooperation from their student unions are:

9.3.1 *Management of speakers and events*. HEIs must ensure that their student unions work in partnership with them in relation to controversial speakers and events. Unions may, as independent charitable bodies, wish to establish their own protocol for making decisions on controversial speakers and events organised by student societies. It is possible though that, where a student union supports a particular speaker or event, the institution may nevertheless be unwilling to allow the event to take place on campus.

9.3.1 *Provision of welfare and pastoral support.* Student unions are often better placed than institutional staff to provide welfare and pastoral support to students. Where in the course of this work, student officers have concerns that a student may be being drawn into terrorism, they should be encouraged to raise this concern in confidence with the University Secretary or equivalent, who would refer it to the University Prevent Group for consideration.

9.3.1 *Training.* Where student union staff or elected officers are engaged in the provision of welfare and pastoral support, the institution should invite them to attend Prevent training.

10. Ongoing Review of the Good Practice Guide

10.1 After its initial work in preparing this Good Practice Guide, the HE Prevent Working Group will meet twice per year to address its continuing role as a forum for good practice in addressing the statutory duty. As part of that role, the Group will regularly review the terms of this Good Practice Guide, and will update it as appropriate to effect improvements and to reflect changing circumstances.

HE Prevent Working Group, 26 June 2015

ANNEX 1

HM Government

The Scottish Government
Riaghaltas na h-Alba

Prevent Duty Guidance: for Scotland

Guidance for specified Scottish authorities on the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

This sector specific guidance for higher education institutions in Scotland subject to the Prevent duty is additional to, and is to be read alongside, the general guidance contained in the Revised Prevent Duty Guidance issued on 16th July 2015.

Higher education

1. Section 26(1) of the Counter-Terrorism and Security Act 2015 ("the Act") imposes a duty on "specified authorities", when exercising their functions, to have due regard to the need to prevent people from being drawn into terrorism. Certain higher education bodies are subject to the section 26 duty. Those bodies' commitment to freedom of speech and the rationality underpinning the advancement of knowledge means that they represent one of our most important arenas for challenging extremist views and ideologies.

2. Some students may arrive at higher education institutions already committed to terrorism; others may become radicalised whilst attending the institution due to activity on campus; others may be radicalised whilst they are at the institution but because of activities which mainly take place off campus.

3. The higher education institutions specified in Schedule 6 to the Act are:

- The proprietor or governing body of a post-16 education body within the meaning of the Further and Higher Education (Scotland) Act 2005

4. Most of these institutions already have a clear understanding of their Prevent-related responsibilities, including the need to ensure freedom of speech whilst having due regard for the welfare of their students, staff and visitors. Institutions already demonstrate some good practice in these areas. We do not envisage the new duty creating large new burdens on institutions and intend it to be implemented in a proportionate and risk-based way.

5. Compliance with the *Prevent* duty requires that properly thought through procedures and policies are in place and this guidance sets out expectations as to the general content of such procedures and policies. Having procedures and policies in place which match the general expectations set out in this guidance will mean that institutions are well placed to comply with the Prevent duty. Compliance will only be achieved if these procedures and policies are properly followed and applied. This guidance does not prescribe what appropriate decisions would be – this will be up to institutions to determine, having considered all the factors of the case.

6. To comply with the duty we would expect the higher education institutions to be undertaking Prevent activity in the following areas:

External Speakers and Events

7. In order to comply with the duty all such institutions should have policies and procedures in place for the management of events on campus and use of all the institution's premises. The policies should apply to all staff, students and visitors and clearly set out what is required for any event to proceed.

8. The institution clearly needs to balance its legal duties in terms of both ensuring freedom of speech and academic freedom, and also protecting student and staff welfare. Although it predates this legislation, Universities UK produced guidance in 2013 to support institutions to make decisions about hosting events and have the proper safeguards in place: http://www.universitiesuk.ac.uk/highereducation/Pages/Externalspeakersinhighereducationinstitutions.aspx

9. The Charity Commission also produced guidance on this matter in 2013: https://www.

gov.uk/government/publications/charities-and-terrorism and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/351342/CT-5.pdf

10. Encouragement of terrorism and inviting support for a proscribed terrorist organisation are both criminal offences. Higher education institutions should not provide a platform for these offences to be committed.

11. Furthermore, when deciding whether or not to host a particular speaker, the institutions should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where institutions are entirely convinced that such risk can be fully mitigated without cancellation of the event. This includes ensuring that, where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum. Where institutions are in any doubt that the risk cannot be fully mitigated they should exercise caution and not allow the event to proceed.

12. We would expect higher education institutions to put in place a system for assessing and rating risks associated with any planned events, which provides evidence to suggest whether an event should proceed, be cancelled or whether action is required to mitigate any risk. There should also be a mechanism in place for assessing the risks associated with any events which are institution-affiliated, funded or branded but which take place off-campus and for taking swift and appropriate action as outlined in paragraph 11.

13. Additionally, institutions should pay regard to their existing responsibilities in relation to gender segregation, as outlined in the guidance produced in 2014 by the Equality and Human Rights Commission: http://www.equalityhumanrights.com/sites/default/files/publication_pdf/Guidance%20for%20universities%20and%20students%20unions%2017-07-14.pdf

14. Institutions should also demonstrate that staff involved in the physical security of the institution's estate have an awareness of the Prevent duty. In many instances, this could be achieved through engagement with the Association of University Chief Security Officers (AUCSO). Where appropriate and legal to do so, an institution should also have procedures in place for the sharing of information about speakers with other institutions and partners.

15. But managing the risk of radicalisation in institutions is not simply about managing external speakers. Much of this guidance therefore addresses the need for institutions to have the necessary staff training, IT policies and student welfare programmes to recognise these signs and respond appropriately.

Leadership

16. In complying with this duty we would expect active engagement from the senior management of the institution (including, where appropriate, Vice Chancellors) with the range of Prevent partners including police. We would also expect to see the appointment at a senior level of a single point of contact for *Prevent*.

17. Each institution will demonstrate that they are engaged with the Scottish HE Prevent network at a senior level (University Secretary or equivalent senior manager). A national strategic Prevent lead for higher education will represent the sector at the Prevent sub-group.

Implementation Plan

18. Institutions will demonstrate that they have an awareness of, and – where appropriate – participate in local *Prevent* or CONTEST multiagency groups. In addition to any action plans agreed by each institution, these multi-agency groups will monitor delivery against the wider *Prevent* implementation plan. Performance against the implementation plan is monitored by

multi-agency groups (see section D of the *Prevent Duty Guidance: for Scotland*) who provide exception reporting to the Multi-Agency Strategic CONTEST Board.

19. Information about the threat of, risk from and vulnerability to terrorism and violent extremism is shared with the national Prevent leads for the higher education sector at both a senior leadership and operational level. Appropriate *Prevent* activity in response to the shared understanding of the threat, risk and vulnerability is then agreed and contained in joint implementation plans at both national and local level.

Staff training

20. Compliance with the duty will also require the institution to demonstrate that it is willing to undertake Prevent awareness training and other training that could help staff and students to prevent people from being drawn into terrorism. Institutions should give relevant staff sufficient training to be able to recognise vulnerability to being drawn into terrorism, and be aware of what action to take. Student unions should also consider whether their staff and elected officers would benefit from Prevent awareness training.

21. We would expect the institution to have robust procedures both internally and externally for sharing information about vulnerable individuals (where appropriate to do so). This should include information sharing agreements where possible. These procedures should link to existing institutional policies relating to student welfare and safeguarding good practice.

22. Institutions must demonstrate that they have regard to the duty in the context of their relationship and interactions with student unions and societies. We would expect student unions and societies to have due regard to the institution's policies relating to *Prevent*.

23. There is training available for higher and further education staff. However, institutions may also have a role to play in developing additional *Prevent* training tools that may better suit the individual circumstances of the institution and make best use of their own expertise. Where additional training tools have been developed, institutions should consider how best to use them in appropriate courses offered.

Safety online

24. We would expect institutions to have policies relating to the use of IT on campus. Whilst all institutions will have policies around general usage, covering what is and is not permissible, we would expect these policies to contain specific reference to the statutory duty. Some educational institutions already use filtering as a means of restricting access to harmful content. Consideration should be given to the use of filters as part of the institution's strategy to prevent people from being drawn into terrorism.

25. We would expect to see clear policies and procedures for students and staff working on sensitive or extremism-related research. Universities UK has provided guidance to help RHEBs manage this, which available at: http://www.universitiesuk.ac.uk/highereducation/Pages/OversightOfSecuritySensitiveResearchMaterial.aspx

Welfare and Pastoral care

26. Institutions have a responsibility to care for their students and we would expect, as part of the pastoral care and support available, there to be sufficient pastoral support for all students according to the needs of the particular institution. This is seen as a key element of compliance with the duty.

27. We would also expect the institution to have clear and widely available policies for the use of prayer rooms and other faith-related facilities. These policies should outline arrangements for managing prayer and faith facilities and for dealing with any issues arising from the use of the facilities. The policies and procedures should clearly set out the times and availability of such facilities and how out of hours access is managed.

Monitoring and enforcement

28. As detailed in section D of the Prevent Duty Guidance: for Scotland, both local multi-agency CONTEST groups and the national Prevent and CONTEST governance structures will determine how the duty is being implemented and complied with in institutions.

29. In order to ensure that higher education institutions are complying with this duty, there may be a role for the governing body. The governing body is responsible for ensuring the effective management of the institution and has a role in reviewing policies relating to compliance with its statutory duties, including compliance with equality and diversity requirements.

30. There may also be a role for other organisations in monitoring the compliance of higher education institutions with the duty.

ANNEX 2

Universities PREVENT Working Group
Membership: June 2015

Clare Bond, Scottish Preventing Violent Extremism Unit

Christine Buchanan, Robert Gordon University

Susan Campbell, University of Abertay

David Cloy, Edinburgh Napier University

Sue Collier, Heriot-Watt University

Gavin Douglas, University of Edinburgh

Roy Drummond, University of St Andrews

Ewan Hainey, Royal Conservatoire of Scotland

Jill Hammond, Glasgow School of Art

Helen Howden, Scotland's Rural College

Stan Jack, University of Edinburgh (AUCSO)

Peter McGrath, University of Edinburgh (AUCSO)

Gordon MacKenzie, University of Glasgow (AUCSO)

Donna McMillan, University of the West of Scotland

Jackie Main, Glasgow Caledonian University

Iain Morrison, University of the Highlands & Islands

Joanna Morrow, University of Stirling

David Newall, University of Glasgow (convener)

Fiona O'Donnell, University of Dundee

Riley Power, Queen Margaret University

Jennifer Sewel, University of Aberdeen

Kate Signorini, Open University in Scotland

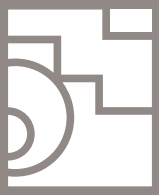
Gill Watt, University of Strathclyde

Attending by invitation

Mary Senior, University & College Union

Philip Whyte, National Union of Students

ANNEX 3



Universities UK

Oversight of security-sensitive research material in UK universities: guidance

October 2012

Contents

Executive summary

Universities play a vital role in carrying out research on issues where security-sensitive material is relevant. This guidance document concerns the storage and circulation of security-sensitive research material. If circulated carelessly, such material is sometimes open to misinterpretation by the authorities, and can put authors in danger of arrest and prosecution under, for example, counter-terrorism legislation. Certain procedures for independently registering and storing this material – through research ethics processes – are recommended in this guidance.

Recommendations

Security-sensitive research in UK universities requires the expansion of existing research ethics approval processes. This might involve new online questionnaires for researchers at universities.

Security-sensitive research material that can be interpreted as engaging Terrorism Act (2006) provisions should be kept off personal computers and on specially designated university servers supervised by university ethics officers (or their counterparts) at one remove from university authorities. This material could be accessed easily and securely by researchers, but would not be transmitted or exchanged.

Ethics officers (or their counterparts) should be a first, or early, point of contact for both internal university enquiries and police enquiries about suspect security-sensitive material associated with a university or a university member. Such material should be treated as having a legitimate research purpose unless ethics officers (or their counterparts) cannot identify it or the relevant researcher responsible for it.

The mechanism for storing security-sensitive material described above needs to be operated alongside comprehensive advice from universities to all university-based internet users highlighting the legal risks of accessing and downloading from sites that might be subject to provisions of counter-terrorism legislation. Reading this advice should be a condition of getting a university email account.

A training scheme should be started for ethics officers (or their counterparts) and IT officers in universities in implementing the ethics review process and secure storage of sensitive material.

1 Background

This guidance has been developed following (i) ongoing discussions among stakeholders in security research in the UK that have been active since 2008; and (ii) the Universities UK report *Freedom of speech on campus: rights and responsibilities in UK universities* (2011). That report highlighted the crucial role that universities play in undertaking research in areas related to security, terrorism and resilience. It also acknowledged that carrying out such research requires particular care to be taken to avoid any infringement of the law.

Professor Tom Sorell of the University of Birmingham, who has taken part in stakeholder discussions, was commissioned to write this guidance in consultation with the higher education sector.

2 Scope of the guidance

This guidance:

- outlines specific ethical issues arising in this area and gives a template for a questionnaire which universities might incorporate into an ethics approval process
- offers a model for a typical internal university rapid response process if problems do occur, which might be used by institutions to adapt practices and processes
- outlines what training might involve for university ethics officers (or their counterparts) adapting or applying the model

3 Security-sensitive material: the issues

Sector discussions have identified a number of general issues related to security-sensitive material. An Al Qaeda manual, for example, can be highly relevant to many kinds of perfectly legitimate academic research – studies of jihadism, international relations, or conflict and security, to name three. On the other hand, prosecutions under counter-terrorism legislation in the UK have sometimes been brought on the basis of an accumulation on personal computers of downloaded material and other data, for example that which is relevant to making explosives. It will not always be possible for police to distinguish immediately between the accumulation of such material for legitimate research purposes and the accumulation of material for terrorist purposes.

Researchers may not only download material that is security-sensitive but also visit security-sensitive websites. Such visits may be interpreted by police as evidence of sympathy for, and perhaps even willingness to collude with, terrorism. At least one researcher, in Italy, conducts his research into jihadist activity by impersonating a jihadist in internet chat rooms used by

extremists.[1] He does so conscious of the fact that his behaviour may come to the notice of Italian counter-terrorism police.[2]

University researchers trying to carry out security-sensitive projects in a legal environment that is highly attuned to the demands of counter-terrorism need protection from intrusive and excessive oversight where this is possible. Consultation with stakeholders suggests that this could best be achieved by research oversight processes within universities. Such processes could expedite checks within universities which would reveal people as legitimate researchers and sensitive material as part of legitimate projects. The same processes could also speed up the identification of material that was outside the area of official research, and that might require further investigation.

Not all security-sensitive research relates to terrorism, and some universities will have little or no such research being conducted. Security-sensitive research could be associated with Ministry of Defence-commissioned work on military equipment, with extremism from animal rights campaigners, or with IT encryption design for public bodies or businesses, to give only a few examples. Universities will have to decide locally and transparently what 'security-sensitive research' covers.

Researchers apart, many students in universities may visit extremist sites out of curiosity, and may exchange material downloaded or copied from these sites for a variety of reasons, including their own amusement. Communication of this material can be interpreted as contravening counter-terrorism legislation in the UK. Although the objective of this guidance is to indicate means of protecting legitimate research from official intrusion and misinterpretation, it is natural to connect this task with the broader one of protecting harmless internet use in universities that innocently strays into security-sensitive areas. This is discussed in section 5.

4 A mechanism for dealing with the issues in research

Research staff and students in UK universities have for many years been required to subject their work to ethical review. Initially, this review process mainly applied to medical research. Ethical review aimed at preventing avoidable harm to animal subjects, and violations of autonomy in ill-informed or otherwise vulnerable human subjects. Later, ethical review spread to other research areas. The ethical review questionnaire process could be expanded to include declaration of research in security-sensitive areas, including terrorism (see Annexe A). The general ethical justification for doing this is straightforward: unauthorised acquisition and use of security-sensitive information can carry risks to the public, and even legitimate researchers can be

[1] The researcher in question disclosed this at an international terrorism conference held in London by the Royal United Services Institute for Defence and Security Studies on 2 and 3 October 2008.

[2] Personal communication, December 2008

suspected of obtaining it and using it in ways that can be harmful, with costs to those researchers. Oversight helps to prevent both kinds of harm.

To declare as a student or member of academic staff that one is using security-sensitive information is in keeping with openness in research, and helps to reduce misidentifications of information-gathering as suspect or criminal. Besides requiring the declaration itself, universities might provide secure storage of security-sensitive material on a university server overseen by their ethics officers[3] or suitable counterparts in universities without ethics officers (eg, heads of research ethics committees or data protection officers). Central and secure storage – and a convention among researchers of not exchanging files from this store with others – would keep security-sensitive material off personal computers, and would shield the material from unjustified external scrutiny and misinterpretation. This would be no more onerous than what is required at the moment in some universities. For example, at the University of Birmingham, postgraduate research projects that involve terrorism-related material not only have to be disclosed to the university, they also have to be vouched for by the heads of the relevant departments.

A mechanism for registering declarations of security-sensitive research is not a mechanism for reviewing this research, or regulating it; it is a mechanism that operates on already approved research and merely identifies it as a candidate for safe storage.

Sections 2 and 3 of chapter 11 of the Terrorism Act (2006) outlaw the dissemination of terrorist publications, including by electronic means, and give a very wide definition of 'terrorist publication' and 'statements' that could be construed as endorsing or promoting terrorism. A summary of these sections might be included as guidance for declarations of use of security-sensitive material for research purposes only (see Annexe B). Registration of the use of this material might be no more difficult than ticking boxes on an online form on a university research ethics website. Registration would result in a researcher being issued with a link to a password-protected documents file on a central university server to which one could upload security-sensitive research documents. These documents could be accessed only by the researcher, and would be subject to a norm of non-circulation. Ethics officers or their counterparts overseeing the store would not know more than document titles on the server and names of researchers. In this way, research would be kept secure and at arm's length from police, in return for openness on the part of researchers about their use of security-sensitive material, all of which they would keep in the store.

[3] Normally the academic chairs of research ethics committees, as opposed to administrative staff connected to research ethics committees.

4.1 Items in the safe store

A store of security-sensitive material on a university server will mainly contain documents that, like certain versions of Al Qaeda manuals, can be downloaded from the internet or are otherwise publicly available. These are not secret documents but rather documents that, if found on personal computers or as attachments in covertly observed email traffic, may throw suspicion on computer owners or senders of email. The purpose of the store on the server is to identify the material as being for research and to keep it out of any further circulation. The store may not only contain documents that were originally in electronic form – some may be scanned versions of paper documents that, again, might look suspicious to an outsider if found on someone's desk. The store would not typically function as a repository for an individual researcher's writing about security-sensitive material, unless that, too, was considered best kept out of circulation and was therefore deposited by the researcher.

4.2 Security enquiries to ethics officers and rapid response process

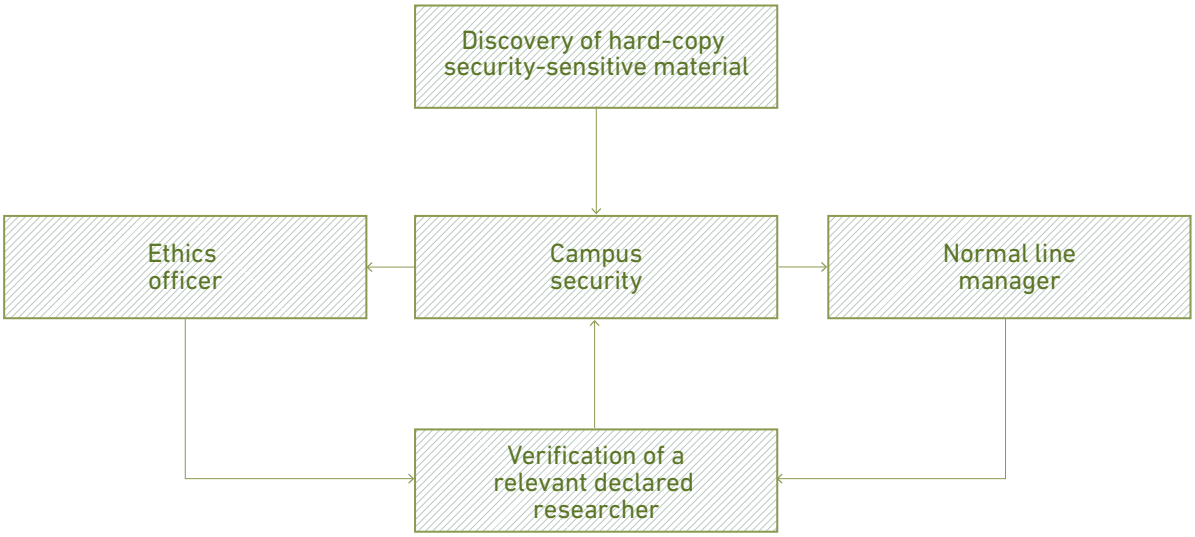
Ethics officers or their counterparts would know who was carrying out declared security-sensitive research in a university, and so would be in a position to confirm whether or not an individual found to possess such material was a declared researcher with a good reason for using it. On the other hand, ethics officers would not know what the research content was in any detail, and would not communicate about even titles of stored documents unless required to do so by law officers. Supervisors of research student users of the store would know what the research content was as a result of the normal postgraduate research supervision process; so would heads of department in the case of researchers on the staff of universities. But supervisors and heads of department would be at one remove from ethics officers or their counterparts. In many cases, confirmation by ethics officers of declared researcher status would be enough to reassure anyone interested that the storage of material was legitimate and not to be interfered with. Or, if an ethics officer himself or herself needed more reassurance, he or she could approach the relevant supervisor or head of department. In any case, declared researchers would have at least two layers of protection from non-university intrusion: ethics officers and heads of department. Depending on individual university policy, ethics officers or their counterparts would be first or early points of contact for both internal and external enquiries about discovered research-sensitive material.

4.2.1 Internal enquiries

Internal enquiries would probably start with the unexpected discovery by someone of security-sensitive material in an inappropriate place. Although the scope for the unexpected discovery of such material in an inappropriate electronic location would be limited under the mechanism proposed, hard copy material might still raise questions and might be in circulation even under the proposed mechanism, though it is discouraged in the proposed draft online advice (see Annexe B, question 3).

University advice (see Annexe D) might be – this is one possible model only – that discovered material of this kind should first be taken to campus security, themselves previously briefed about the policy on security-sensitive material, who could then contact their normal line manager and the ethics officer for verification of a relevant declared researcher (Figure 1).

Figure 1: internal enquiries

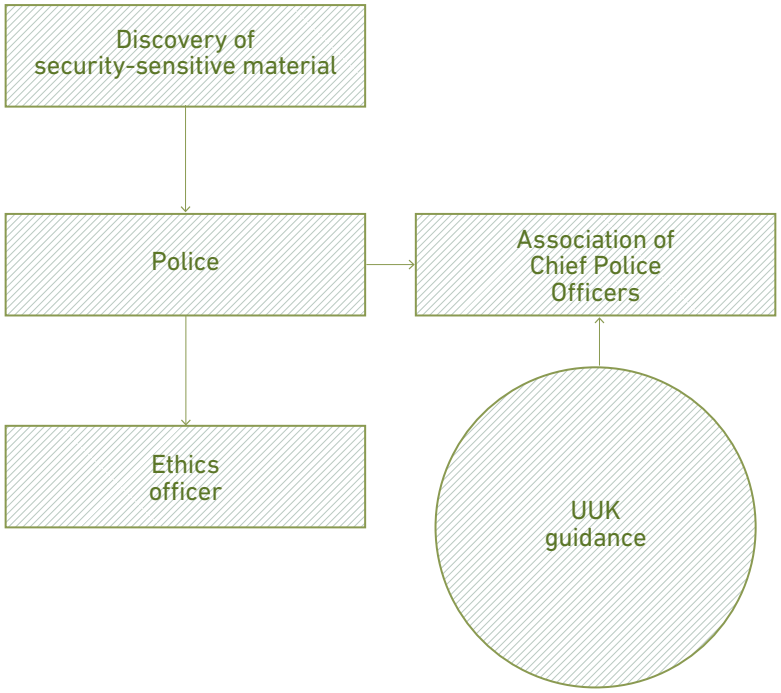


4.2.2 External enquiries

Enquiries from the police that arise from their own discovery or an externally reported discovery of security-sensitive material associated with a university or university researcher could also start with the ethics officer of the university concerned (see Figure 2). It would aid this approach if universities were to share their procedures in this regard with the local police and provide a first point of contact[4] – this should form part of routine engagement with the police on campus safety and crime prevention. Properly briefed in this way, the police are likely to treat suspect university-associated material as innocent until proven otherwise.

[4] See 2008 ACPO guidelines on the application of neighbourhood policy to higher education institutions.

Figure 2: external enquiries



University ethics offices themselves might offer both voicemail and email contact for external and internal queries. The voicemail would offer a checking service: a service to determine whether or not material found somewhere was associated with a declared researcher and research project.[5]

4.3 The appropriateness of using the ethics review procedure

Not only is ethics approval a well-known and easy-to-adapt part of the process of monitoring university research in the UK, but ethics officers are credible contact points for the authorities and credible custodians of university research stores. Ethics officers – probably senior academics who head research ethics committees – or their counterparts could be designated first contact points in all universities for enquiries about security-sensitive material discovered on university computers. Ethics officers have networks that extend across the UK,[6] and work in many or most universities. This makes it straightforward to offer them training on a national basis in security-sensitive research

[5] Enquirers could be directed to an online form (see Annexe E) via which they could submit their concerns, creating a written record. Draft responses would be copied to a registrar and/or pro-vice-chancellor's office and/or head of department before being authorised for release to the enquirer. Fuller police enquiries would be referred to these university authorities from the start.

[6] The relevant body here is the Universities Ethics Sub-Committee of the Association of Research Ethics Committees (AREC). AREC has a second sub-committee dealing primarily with NHS research. I am grateful to Dr Brendan Laverty of the Research and Commercial Services Department at the University of Birmingham for information about AREC.

issues, and to roll out a system of oversight of such research in most UK universities.

Even when it is a condition of getting ethics approval for research that applicants agree to use a secure, central research store for security-sensitive documents, there will always be researchers who ignore or break the rules and, perhaps for principled reasons, refuse to be open about the material they are using. These people opt out of the mechanism and do so at a cost: if the use of central security stores becomes widespread, the discovery of undeclared, security-sensitive research material will cast more suspicion on a researcher than it would (as now) if there was no mechanism for handling it. So, for the self-protection of researchers, it is wise to use the secure central store.

5 A second, complementary mechanism

It is not only researchers who need protection from scrutiny and arrest when they use security-sensitive material legitimately, but also non-researchers in universities, including undergraduates. They may access this material for academic purposes, but they may also turn to it out of personal curiosity and download it with no malicious intent. Such individuals would not normally be subjected to a research ethics process or checks by an ethics officer to clear the material of suspicion.

The right response to the danger of official misinterpretation of this material is not to create more central stores for non-researchers. Rather, pointed guidelines are needed for all internet users at universities and more exacting conditions for acquiring email accounts at, and internet access from, universities. University guidance for all internet users can call attention to the risks of visiting and downloading from jihadist websites. Behaviour that seems to ignore this advice might be punished with the loss of email privileges.

Guidance issued in the future by all UK universities might promise the same consequences for frivolous visits to, and downloading from, jihadist sites, as well as for frivolous exchanges of material obtained from these sites.

Such guidance is not foolproof, but it should be no easier to ignore than existing rules for internet use in a given university. Once again the message sent out from universities to students and staff would be that, for one's own protection, one should not invite the attentions of the police by visiting such sites. Advice to all university-based internet users about the dangers of accessing and storing security-sensitive material, and about the sheer breadth of the legal definitions of material that might have

the effect of encouraging terrorism (see Annexe B), concerns everyone or most people in universities, and not just researchers.

By providing clear advice and research-specific mechanisms, universities will minimise the risk of difficulties arising from individuals accessing sensitive material for legitimate purposes.

6 Stigmatisation

It can be anticipated that some security-sensitive material will be associated with Islamic studies researchers, and perhaps other social science researchers who identify themselves as Muslim.

Do the proposed mechanisms single out Muslims? No. The research ethics process will involve all postgraduate and some staff research relevant to the Terrorism Act (see the initial questions proposed for online security-sensitive research review at Annexe A), whether that terrorism is Muslim-linked or not. It will also extend to a broad range of security-sensitive material – such as military research and research promoting counter-terrorism. The existence of a research ethics review process and the availability of safe storage for security-sensitive material will not stigmatise any specific groups.

7 Ethics officers and IT

Since the mechanism suggested in section 4 of this guidance involves a secure server, it will carry some administrative and monetary costs to universities. On the administrative side, it requires ethics officers to be able to get from IT colleagues clear descriptions for researchers of how stored material will be kept secure against intrusion. At the same time, storage should involve the confidential communication to ethics officers of the number and titles of documents stored. This could be done if a directory of titles of documents, as opposed to the documents themselves, could be accessed by ethics officers at any time.

8 Training

Universities implementing the mechanisms described in this guidance may consider providing associated training. A training programme should include:

1. a review of current terrorism legislation relevant to research
2. suggested contents for forms (electronic and paper) for an ethics approval process
3. suggested internet user advice
4. what secure server contents would look like when accessed by an ethics officer
5. what secure server contents would look like when accessed by a researcher
6. what ethics officers should do in the case of a query about security-sensitive research material from within their university
7. what ethics officers should do in the case of a query from outside their university

The training would probably also involve information for IT officers about the hardware and software necessary for a secure, central storage system.

ANNEXE A

Template for general online questions on security-sensitive material

Does your research fit into any of the following security-sensitive categories? If so, indicate which:

a. commissioned by the military:

Yes	No

b. commissioned under an EU security call:

Yes	No

c. involve the acquisition of security clearances:

Yes	No

d. concerns terrorist or extreme groups:

Yes	No

If your answer to question 1d is yes, continue to the questions in Annexe B.

ANNEXE B

Template for online research ethics approval form for university researchers

The Terrorism Act (2006) outlaws the dissemination of records, statements and other documents that can be interpreted as promoting or endorsing terrorist acts.

1. Does your research involve the storage on a computer of any such records, statements or other documents?

Yes	No

2. Might your research involve the electronic transmission (eg as an email attachment) of such records or statements?

Yes	No

3. If you answered 'Yes' to questions 1 or 2, you are advised to store the relevant records or statements electronically on a secure university file store. The same applies to paper documents with the same sort of content. These should be scanned and uploaded. Access to this file store will be protected by a password unique to you. You agree to store all documents relevant to questions 1 and 2 on that file store:

Yes

3a. You agree not to transmit electronically to any third party documents in the document store:

Yes

4. Will your research involve visits to websites that might be associated with extreme, or terrorist, organisations?

Yes	No

5. If you answer 'Yes' to question 4, you are advised that such sites may be subject to surveillance by the police. Accessing those sites from university IP addresses might lead to police enquiries. Please acknowledge that you understand this risk by putting an 'X' in the 'Yes' box.

Yes

6. By submitting to the ethics process, you accept that the university ethics office will have access to a list of titles of documents (but not the contents of documents) in your document store. These titles will only be available to the ethics office. Please acknowledge that you accept this by putting an 'X' in the 'Yes' box.

Yes

Countersigned by supervisor/manager

ANNEXE C

Advice on internet use from a university IP address

The Terrorism Act (2006) outlaws web posting of material that encourages or endorses terrorist acts, even terrorist acts carried out in the past. Sections of the Terrorism Act also create a risk of prosecution for those who transmit material of this nature, including transmitting this material electronically.
The storage of such material on a computer can, if discovered, prompt a police investigation.

Again, visits to websites related to jihadism and downloading of material issued by jihadist groups (even from open-access sites) may be subject to monitoring by the police. Storage of this material for research purposes must be registered through the normal research ethics process of the university.

ANNEXE D

Advice for individuals in universities who discover security-sensitive material

For general audience

Some university research involves the use of security-sensitive material, including material related to terrorism and extremism. Procedures exist for storing this material and not circulating it if it is being used for legitimate research purposes. If you come across material that seems to fit this description, bring it to the attention of the university security office.

For security offices

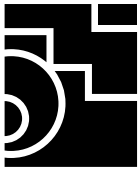
Some university research involves the use of security-sensitive material, including material related to terrorism and extremism. Procedures exist for storing this material and not circulating it if it is being used for legitimate research purposes. If such material is handed in, please inform _____ and the research ethics officer.

ANNEXE E

Online form for ethics office security enquiries

This form is to be used to report the discovery within the university of unsupervised material that appears to be security sensitive – in particular, material that might be connected with terrorism and extremism. Material of this kind is sometimes connected with legitimate research projects, and this office carries out checks relevant to establishing whether or not items reported on have that status.

Your name
Your email address
Your contact telephone number
Your enquiry or report
Thank you. This office will contact you and undertake an investigation if necessary.



Universities UK

Universities UK (UUK) is the representative organisation for the UK's universities. Founded in 1918, its mission is to be the definitive voice for all universities in the UK, providing high quality leadership and support to its members to promote a successful and diverse higher education sector. With 134 members and offices in London, Cardiff and Edinburgh, it promotes the strength and success of UK universities nationally and internationally.

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ANNEX 4

Universities UK

External speakers in higher education institutions

CONTENTS

USING THIS GUIDANCE

The two main sections of the guidance cover (1) the legal context within which external speaker decisions must be made (Part 1) and (2) the practical components of securing freedom of speech within the law (Part 2). A small number of case studies are provided in Part 3.

FOREWORD

'It is better to debate a question without settling it than to settle a question without debating it.'

Joseph Joubert, French essayist and moralist

Free speech is fundamental to the role of universities. As a matter of law, universities in England and Wales have a statutory duty to secure freedom of speech, reflecting their mission as places where new ideas can be advanced and where open and free debate can and must take place.

However, free speech is not an unqualified privilege. Universities are subject to a range of legislation and obligations, including those relating to equality, security and charity law. These responsibilities have been explored in previous Universities UK publications, particularly *Freedom of speech on campus: rights and responsibilities in UK universities* (2011).

One area that we felt deserved further attention was in relation to external speakers. The open and uncensored debate that is so rightly treasured by universities often involves contributions from external speakers. Invitations to external speakers play a central role in university life, not least in terms of allowing students to be exposed to a range of different beliefs, to challenge other people's views and to develop their own opinions. Although most speakers are uncontroversial, some will express contentious, even inflammatory or offensive, views. In some cases, their presence on campus may be divisive. Universities have to balance their obligation to secure free speech with their duties to ensure that the law is observed, which includes promoting good campus relations and maintaining the safety and security of staff, students and visitors. In practice, achieving this balance is not always easy.

Drawing on existing practice within the sector, this guidance seeks to map out the different factors that universities may wish to consider when drawing up policies and protocols for external speakers, reflecting both their legal obligations and their practical application. There is no one simple solution to the issues that emerge, and this guidance does not seek to prescribe a single model. Institutions vary according to their mission, demography, size, location and structure, and their ways of managing external speakers will vary accordingly. Recognising that every institution is different, this guidance instead provides a framework for reviewing and enhancing existing processes.

Thanks are due to the wide range of organisations and individuals whose expertise and experience provided vital input during the development of this guidance.

Nicola Dandridge
Chief Executive, Universities UK

INTRODUCTION AND OVERVIEW

Freedom of speech lies at the heart of universities' missions. In fact universities in England and Wales have an express legal duty to secure freedom of speech.

But free speech is not open-ended or absolute; universities must take account of other considerations, including a range of relevant legislation. Balancing all these different considerations and legal provisions is a complicated process, particularly in relation to invitations to external speakers. This guidance seeks to provide practical assistance to universities in steering a path through all the different considerations, legal and otherwise, that arise in the context of inviting external speakers on campus.

The guidance builds on Universities UK's 2011 publication *Freedom of speech on campus: rights and responsibilities in UK universities* which recommended that universities should 'review current protocols/ policies on speaker meetings to ensure they are up to date and relevant, and are aligned with the students' union's protocols and policies'. It will be of relevance to a range of university staff including those with overall responsibility for external speaker policies and those involved in the consideration of external speaker requests.[1] It complements resources published by the National Union of Students, Equality Challenge Unit and Charity Commission.[2]

Institutions are autonomous bodies with the freedom to determine their own external speaker processes. This may result in institutions taking different approaches to when and how external speaker requests are made and handled, to the information they request from those organising external speaker events and to the individuals they involve in making decisions about individual external speaker requests. In contrast, adherence to the law is not optional and applies to all institutions.

This guidance will apply to a range of activities involving external speakers. Examples include visiting lecturers invited by academic staff, religious and political representatives speaking on-campus and events such as debates, speeches and conferences taking place in university facilities that have been organised by staff, students and external bodies. The majority of external speaker requests will be straightforward and low-risk. However, some will be complicated and will require further consideration. A number of the steps identified in this guidance will only apply in a minority of circumstances – to events or speakers deemed to be higher-risk.

Institutions must ensure that their external speaker processes adapt in response to geopolitical or socioeconomic events, legislative changes and other factors. Consideration should also be given to what oversight is in place of events taking place in institutions or establishments in foreign countries that are formally linked to an institution in the UK. Whilst the legal framework will differ for events held overseas, they will nonetheless pose similar reputational risks should views outside the law be propagated. Some UK legislation, notably anti-terrorism legislation, can apply to activities outside the UK.

In order to make well-informed decisions, universities must ensure that they have effective procedures in place to consider each external speaker request. This is not simply a question of drafting a written policy (such as a Code of Practice on Freedom of Speech, which is a legal requirement in England and Wales), but also of ensuring it is clearly communicated, adhered to and reviewed regularly. This guidance provides a framework for individual institutions to review their existing approach to managing external speakers. It focuses not only on bureaucratic considerations such as how speaker requests are made, but also more complicated issues of how to make informed decisions on individual speakers and what mitigating actions might enable external speaker events to proceed within the law.

[1] This includes vice-chancellors, governing bodies of higher education institutions, academic registrars, heads of university security, heads of student services, university chaplains, equality and diversity officers, directors of estates and conference and event managers.

[2] For other resources, please see Annexe C.

1: A SUMMARY OF THE LEGAL CONTEXT

Universities operate in a complex legal environment. It is vital that all individuals involved in considering external speaker requests understand this legal framework and access appropriate legal advice where necessary.

Whilst academic freedom and freedom of speech are fundamental to the role and success of universities, they are not unqualified rights. This section sets out in brief the complex legal framework within which decisions about external speakers must be made. Further information can be found in Annexe A and examples of how the law might apply in practice in Part 3: External speaker case studies.

The legal context in overview

Freedom of speech, human rights and academic freedoms are rightly regarded as important foundations of a modern democratic society. The law places strong positive duties on universities[3] to secure freedom of speech for staff, students and visiting speakers.[4] These concepts are very familiar to universities and their staff, and are closely aligned with encouraging wide ranging debate, research and teaching that is not afraid to address controversial issues. Part of the process of encouraging vibrant, thought provoking and challenging debate on controversial issues involves the presence of external speakers on university or students' union premises, either at the request of the university, or at the request of a students' union or student society, in accordance with the university's external speaker policy.

However, whilst the law promotes and protects freedoms of speech and debate, the law also places limits on those freedoms, both in a university setting and elsewhere. The freedoms which the law protects and promotes are freedoms *within the law*. So the protection of freedom of speech does not extend, for example, to allowing a speaker to commit a criminal offence in the course of speaking. Examples of criminal offences which might fall into this category are using threatening, abusive or insulting words or behaviour in circumstances where it is likely that racial hatred will be stirred up (or with such intention), or inviting support for a proscribed terrorist organisation. However, it should be noted that these provisions do not create a broad right not to be offended. Expressing views which some people may find objectionable or offensive is not prohibited generally – it is only where the specific requirements of the criminal offences are met that freedom of speech will be restricted by the criminal law.

In addition to the limitations on freedom of speech imposed by the criminal law, there are also aspects of the civil law that can be relevant to external speaker events. The civil law provides remedies, for example, where a speaker defames another person.

When considering the balance between the laws which promote freedom of speech and those which restrict it, the laws relating to equality and discrimination also become relevant, including the duties placed on universities to have due regard to the need to prevent discrimination, harassment and victimisation.

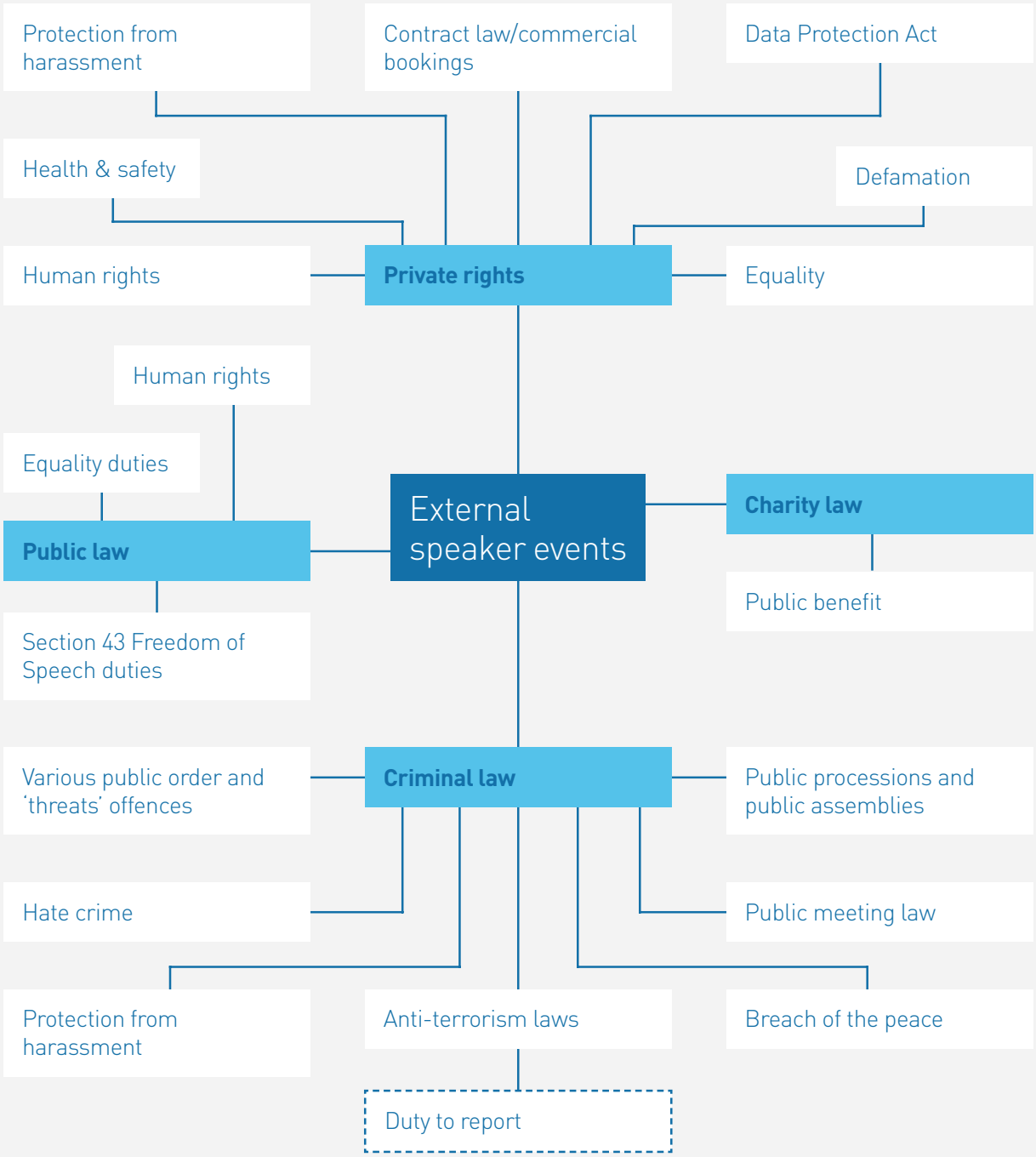
In addition to the fundamental legal principles outlined above, other legal frameworks become relevant when it comes to dealing with practical issues concerning external speaker events. If a proposed speaker is particularly controversial, there may be risk of protest, which in turn may focus particular attention to the health and safety of all concerned. Speakers may also attract media attention and become the focus of extensive social media activity. If a speaker is suspected of involvement in criminal activity, it may be necessary to consider whether information about the speaker should be shared with the police, in which case obligations under the Data Protection Act will need to be considered.

These legal frameworks can also be potentially relevant to the activities of third party organisations that book university premises for speaking events.

[3] In the context of this guidance, thought must be given to the range of different university and higher education institution structures. The particular legal structure and funding of institutions may need to be considered when determining the legal obligations on an institution, particularly where those legal obligations are matters of public law. Some of these questions are considered more fully in Annexe A.

[4] The duties apply to universities in England and Wales; see pages 6 and 32 in relation to Scotland and Northern Ireland.

Diagram 1: External speakers – overview of the legal framework



In many cases applying these laws in relation to decisions regarding an external speaker event will be straightforward. However, in some cases, most likely those involving controversial speakers or controversial subject matter, these judgments need to be exercised with particular care and attention.

There are a wide range of potentially controversial topics and speakers, and in part because they are controversial they are of genuine interest to students and the academic community, both on a personal level and as a matter of academic debate. The law does not seek to prevent such open debate in universities. On the contrary, universities have a statutory duty to secure free speech. Universities need, however, to be aware of the legal framework which sets the boundaries, so that they are able to operate within them.

The legal framework governs all aspects of activity relating to external speakers, from drafting and reviewing a policy or code of practice on freedom of speech and external speakers, to making decisions under that policy, to dealing with urgent questions which might arise in the context of a controversial speaker, and to cases where the police ask for assistance.

Because of the overlapping nature of the laws involved and the variety of factual issues that can arise, it is impossible to provide a succinct summary of the law that will cover every situation, but the following summary seeks to draw together the key provisions so that institutions are able to review their policies, and are informed about the legal framework that applies to their decisions. Some legal concepts are explained further in Annexe A, but neither this summary nor the annexe are intended as a substitute for obtaining legal advice in appropriate cases.

Summary of the key legal issues

The key legal issues that are considered in relation to external speakers are:

- The duty to secure freedom of speech within the law
- Human rights law
- Equality law
- Criminal law (including anti-terrorism laws)
- The duty of care to staff, students and visitors
- Civil law claims relating to spoken words
- Data sharing
- Charity law
- Law relating to security staff
- Students' unions
- Third party bookings of university/ students' union premises

The duty to secure freedom of speech within the law

Section 43(1) of the Education (No 2) Act 1986 places a direct obligation on universities[5] in England and Wales[6] to '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**'.

This duty 'within the law' extends to ensuring 'so far as is **reasonably practicable,** that the use of **any premises** of the establishment is **not denied** to any individual or body of persons on any ground 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.'

For the purposes of the Act, the university's duty extends to students' union premises, even if the university does not own them (see page 12 for more information).

Pursuant to the s.43(1) duty, the Act also requires universities to issue and keep updated a code of practice setting out the procedures to be followed by members, students and employees in connection with the organisation of meetings and activities, and the conduct required of them. The university's governing body may include such other matters in the code as it considers appropriate.

The university is also under a duty to take such steps as are **'reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code... are complied with'.** For example, this may apply to a situation where an individual or group behaves in a way which seeks to prevent an invited speaker from proceeding with their speech; institutions should, however, check that their disciplinary procedures allow action to be taken in such circumstances.

This statutory duty does not apply in Scotland but there is a strong tradition of freedom of speech at Scottish universities and the human rights and equalities law discussed later in this section apply directly to impose legal duties on Scottish universities in relation to freedom of speech.

In Northern Ireland, the Education (Academic Tenure) (Northern Ireland) Order 1988 protects academic staff from losing their jobs or privileges as a result of putting forward or testing new, controversial or unpopular opinions within the law. This does not extend to guests or visiting speakers, however.

The concept of 'academic freedom' is not directly applicable to external speakers, but is a question of employment law between the academic and his or her employing institution. The reasons for this are explained in Annexe A.

Some practical advice

Duty to secure freedom of speech within the law

- Obtain relevant background information to enable an informed decision to be made on whether the event can proceed within the law.
- Decide whether it is reasonably practicable to take measures to enable the event to proceed within the law (eg by applying conditions or taking other action within the institution's powers).
- Ensure that a code of practice is in place, that any reasonably practicable steps are taken to ensure compliance, and that it is kept updated.

[5] The s.43 duty applies to 'Every individual and body of persons concerned in the government' of the university, but see the note at the end of Annexe A as to how 'university' is defined in this and other legislative contexts.

[6] See page 32 in relation to Scotland and Northern Ireland.

Human rights law

The Human Rights Act 1998 ('the HRA') in effect incorporates significant elements of the European Convention on Human Rights into UK law[7]. Universities[8] need to have regard to the HRA when making decisions about external speakers, both since they may be public authorities for certain purposes, and because the UK courts are obliged to interpret UK law in accordance with the Act. The following rights are of potential relevance to external speakers:

- Article 9: freedom of thought, conscience and religion. This right includes an individual's 'freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance'.
- Article 10: freedom of expression. This right includes 'freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers'.
- Article 11: freedom of assembly and association.

These rights are qualified rights, which broadly means that national laws can place limitations on them to the extent necessary in a democratic society in order to protect matters such as public order, public safety, crime prevention, national security and the protection of the rights and freedoms of others.

Article 14 prohibits discrimination in relation to the enjoyment of the above rights on *any ground such as 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.*

Equality law

Universities owe duties to both staff and students under the Equality Act 2010 (in England, Wales and Scotland[9]), and in some respects these duties can extend to the activities of external speakers.

The Act prohibits unlawful discrimination in relation to certain 'protected characteristics', namely age, disability, gender reassignment, marriage[10] and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The meaning of the phrase 'religion or belief' is likely to have particular importance in relation to some external speaker events. It has been widely interpreted in the employment law context and advice should be sought if it is unclear whether a 'religion or belief' is engaged. In outline, the definition includes various aspects of religious and non-religious beliefs and political philosophies, although there is ongoing legal debate as to the extent to which it protects membership of political parties and similar political organisations.[11]

Unlawful discrimination can occur in various ways:

- through 'direct' discrimination (less favourable treatment because of a protected characteristic)
- through 'indirect' discrimination (the application of a provision, criterion or practice which has a discriminatory effect on someone with a protected characteristic)
- through harassment (engaging in 'unwanted conduct' related to a protected characteristic, which includes verbal harassment)
- through victimisation (subjecting someone to detrimental treatment because they seek to bring proceedings under the Equality Act, for example)

[7] The HRA applies in England, Wales, Scotland and Northern Ireland. Strictly speaking 'UK law' is a misnomer, but is used in this summary as a shorthand where the law is identical in all jurisdictions of the UK.

[8] See note at the end of Annexe A as to how 'university' is defined in this and some other legislative contexts.

[9] See footnote 11 in relation to Northern Ireland.

[10] Once enabling legislation has brought it into force, the Marriage (Same Sex Couples) Act 2013 will allow same sex couples to marry and obtain the same legal benefits and protections as other married couples, including under the Equality Act.

[11] This matter is specifically covered in Northern Ireland under Article 3 of the Fair Employment and Treatment (Northern Ireland) Order 1998 and section 75 of the Northern Ireland Act 1998.

Again, this is only a brief outline of the concepts and advice should be sought if it is necessary to consider the provisions in detail. For example, in relation to 'harassment', a university can be liable for the harassment of staff by third parties, such as external speakers.[12] Furthermore, under the Public Sector Equality Duty, universities are obliged to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and those who do not
- foster good relations between persons who share a relevant protected characteristic and those who do not

At present, the Equality Act 2010 does not extend to Northern Ireland. However, there is various similar anti-discrimination legislation in Northern Ireland (see Annexe A). There is also an 'equality' and 'good relations' duty in s.75 of the Northern Ireland Act 1998 which requires public authorities to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- between men and women generally
- between persons with a disability and persons without
- between persons with dependants and persons without

Public authorities in Northern Ireland are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Universities will therefore need to have due regard to their obligations under equality legislation when (for example) considering what policies and codes of practice to adopt, and when making decisions about external speaker events.

Some practical advice

Equality law

- Comply with the Public Sector Equality Duty and equality law when drafting and applying policies and making decisions.
- Institutions may be liable for the harassment of staff by third parties.

Criminal law (including anti-terrorism legislation)

A number of criminal offences can be committed by spoken words, typically involving threats of violence or certain categories of 'hate crime'. In relation to anti-terrorism legislation, there are also offences in connection with arranging or attending meetings and terrorist training events. Examples which illustrate the range of offences are:

- threats of violence
- using threatening, abusive or insulting words[13] or behaviour or disorderly behaviour within hearing of someone likely to be caused harassment, alarm or distress
- using threatening, abusive or insulting words or behaviour to another person **with intent** to cause that person to believe that immediate unlawful violence will be used against him or another; or to provoke the immediate use of unlawful violence by another; or to cause another to believe that such violence will be used or is likely to be provoked[14]

[12] On 1 October 2013 the third party harassment provisions in s.40 of the Equality Act 2010 were repealed by s.65 of the Enterprise and Regulatory Reform Act 2013. However, employers may still be liable for failing to prevent such harassment under other provisions of the Equality Act.

[13] Note: 'insulting words' will be removed from the scope of the offence of causing harassment, alarm or distress once s.57 of the Crime and Courts Act 2013 is brought into force, on a date to be announced.

[14] The offences under the Public Order Act 1986 concerning the use of threatening or abusive words do not apply in Scotland, but this conduct can amount to criminal conduct as a matter of common law in Scotland and may amount to breach of the peace.

- using threatening, abusive or insulting words or behaviour either with the intention of stirring up racial hatred, or in circumstances where it is likely racial hatred will be stirred up
- using threatening words or behaviour with the intention to stir up religious hatred, or hatred on the grounds of sexual orientation, subject to certain free speech protections
- speech which constitutes a 'course of conduct' amounting to harassment within the meaning of the Protection from Harassment Act 1997[15]

In addition to the general criminal laws referred to above, the anti-terrorism legislation also creates various offences which might be relevant when considering external speaker issues. It is beyond the scope of this guidance to set out every provision in detail, but in outline the offences are:

- professing to belong to a 'proscribed organisation'[16]
- inviting support for a proscribed organisation
- arranging or managing a meeting of three or more persons which is known: (a) to support a proscribed organisation; or (b) to further the activities of a proscribed organisation; or (c) to be addressed by a person who belongs to or professes to belong to a proscribed organisation. It is also an offence to assist in arranging or managing such meetings
- addressing a meeting of three or more persons where the purpose of the address is to encourage support for a proscribed organisation or to further its activities
- wearing, carrying or displaying clothing or articles which arouse reasonable suspicion of membership or support of a proscribed organisation
- inviting another to provide money or other property with the intention that it should be used, or having reasonable cause to suspect it might be used for the purposes of terrorism
- providing or receiving training in relation to 'terrorism skills' or 'weapons training'
- attendance at a place used for terrorist training
- collection or possession of information useful for acts of terrorism
- inviting another to provide money or property with the intent that it should be used (or having reasonable grounds to suspect it will be used) for terrorist purposes. There are various other 'terrorist property offences'
- publishing statements encouraging terrorism and disseminating terrorist material

This list outlines a number of detailed criminal offences, but in order to assess whether an offence has been committed it is necessary for the precise requirements of the relevant statute to be met. The legislation does specify that certain defences to these offences are available in some circumstances, but a detailed exposition of these is beyond the scope of this guidance. The statutory definition of 'terrorism' is outlined in Annexe A.

Another category of both criminal and anti-terrorism offences which might be relevant to external events are those which relate to written (including electronic) material. In the context of an external speaker event, it is possible that such offences could be committed through publicising the event, if the requirements of the relevant statutory provision are met (broadly these relate to offences of publishing statements encouraging terrorism and disseminating terrorist material). Some further details are set out in Annexe A.

In addition to the categories of offences outlined here, which are most likely to be relevant to speaker events, there are various other associated anti-terrorism offences which are beyond the scope of this guidance.

It is also worth noting that in certain cases, acts that are committed outside the UK can be considered offences under UK terrorism legislation.

Offences of failing to report certain terrorism activities and offences

Generally, there is no legal obligation to prevent or report criminal activity under UK law; however, in the case of certain terrorism activities and offences, the law does in certain circumstances impose a positive duty to report matters to the police, and failure to comply is a criminal offence. Details of the scope of the two offences are set out in Annexe A.

[15] In Northern Ireland the equivalent legislation is the Protection from Harassment (Northern Ireland) Order 1997.

[16] A list of proscribed organisations is published by the Home Office, available at: https://www.gov.uk/government/publications/proscribed-terror-groups-or-organsiations

In cases where suspected terrorist or other criminal activity does not fall within the scope of the 'duty to disclose' offences, an institution wishing to consider making a disclosure to the police will still need to consider issues relating to data sharing under the Data Protection Act 1998 (see page 11).

Breach of the peace

Although not technically a criminal offence in England, Wales and Northern Ireland, both the police and ordinary citizens have powers to arrest in relation to a breach of the peace. Again, it is not the intention of this guidance to provide a detailed explanation of the law relating to breach of the peace. In Scotland breach of the peace does constitute a criminal offence which is subject to prosecution and, by contrast with the rest of the UK, a member of the public may not carry out an arrest solely in relation to breach of the peace.

Concern that a breach of the peace may occur (in addition to other criminal offences) may be a factor when considering a university's duty of care in relation to staff, students and visitors (see page 11), but any decisions would need to be based on cogent evidence, taking account of the university's other duties, including those in relation to freedom of speech outlined earlier.

Public meetings

If there are concerns that a meeting will be disrupted, one option may be to declare the meeting to be a 'public meeting'. Police have further powers in relation to such meetings under the Public Meeting Act 1908 (in England and Wales)[17].

Under the Act, it is an offence to act in a disorderly manner for the purpose of preventing the transaction of the business for which a lawful public meeting was called. It is also an offence to incite someone to act in such a manner.

In Northern Ireland this falls under the Public Order (Northern Ireland) Order 1987 (the 1987 Order). Under Article 7 of the 1987 Order any person who, at a lawful public meeting, acts in a disorderly manner for the purposes of preventing the transaction of business for which the meeting was called together shall be guilty of an offence. A public meeting is defined as any meeting in a public place and any meeting which the public or any section of the public is permitted to attend, whether for payment or otherwise.

Offences relating to public processions and assemblies and 'trespassory assemblies'

Further offences are created by the Public Order Act 1986[18] in relation to potentially disruptive processions and assemblies in certain circumstances. Some further details are set out in Annexe A.

Some practical advice

Criminal law (including anti-terrorism legislation)

- Generally universities have no duty to report or prevent criminal offences, except in specific cases involving certain terrorism offences.
- A range of criminal offences can apply to certain threatening, abusive or insulting words, but only if the requirements of a specific offence are met.
- Consider what assurances might be sought from speakers if concerns are raised that they may breach the criminal law. If these are provided, it will still be necessary to consider other legal issues such as health and safety concerns.
- Anti-terrorism legislation contains further restrictions, eg in relation to proscribed organisations and terrorist training.
- If a decision is taken to declare a meeting open to the public, the police have additional powers.
- There can be a requirement to notify the police in advance of 'public processions'.

[17] Article 7 of the Public Order (Northern Ireland) Order 1987 contains similar provisions (see Annexe A).

[18] Most but not all parts of the Public Order Act 2006 apply in Scotland. The Civic Government (Scotland) Act 1982 applies to public processions in Scotland. The equivalent legislation in Northern Ireland is the Public Order (Northern Ireland) Order 1987 which governs, inter alia, open-air public meetings. Note that the provisions are not identical to the Public Order Act 1986.

The duty of care to staff, students and visitors

Universities have duties under health and safety legislation to ensure, so far as reasonably practicable:

- the health, safety and welfare at work of their employees
- that they conduct their undertaking in such a way that persons not in their employment who may be affected thereby (eg students, external speakers and other visitors) are not exposed to risks to their health and safety

These duties might be relevant if it is anticipated that protests or violence might take place at an external speaker event. Given the other legal obligations that universities are under in relation to speaker events, it would be advisable for universities to have proper evidence to substantiate any concerns in relation to health and safety (for example through obtaining advice from the police, and minuted meetings considering that advice and any advice from the university's own security staff).

Some practical advice

The duty of care to staff, students and visitors

- Health and safety obligations need to be taken into account, particularly if there are concerns about the potential safety of individuals involved in a speaker event (whether they are speakers, students, staff or visitors).

Civil law claims relating to spoken words

An external speaker can be liable for defamatory remarks, or those which amount to 'malicious falsehood'.

However, concern that defamatory remarks might be made by a speaker does not displace the duties on universities to secure freedom of speech, or under human rights law.

Defamation law provides a remedy to a person defamed, who can bring proceedings for damages and/or an injunction (or in Scotland an interdict) preventing defamatory remarks. Any such injunction would not prevent a speaker from being given a platform, but would prevent them from making specified defamatory remarks.

The Protection from Harassment Act 1997[19] also enables someone who has been harassed to bring civil proceedings for damages, or for an injunction or interdict preventing threatened harassment. The grounds for such a claim in effect mirror the criminal offence created by the Act.[20]

Data sharing

Where universities wish to share information with the police, they can only do so in accordance with the terms of the Data Protection Act 1998 (DPA).

The DPA will also need to be complied with where a students' union or society wishes to share personal data with a university.

Ultimately, if there is any doubt as to whether the police are entitled to certain information, then a university can insist that a court order is obtained by the police compelling disclosure. This will address any concern over whether the police request is legitimate and proportionate, and whether disclosure would be in accordance with the DPA.

[19] In Northern Ireland the equivalent legislation is the Prevention from Harassment (Northern Ireland) Order 1997.

[20] Harassment is not a criminal offence in Scotland in terms of the 1997 Act (although breach of a non-harassment order is), but conduct amounting to harassment may be a crime at common law (and prosecuted, for example, as breach of the peace).

Charity law

Under the Charities Act 2011[21], charities (including universities and students' unions) must be established for charitable purposes only. Charitable purposes must meet what is called the 'public benefit' requirement (s.2(1)(b)).[22]

The Charity Commission's non-statutory guidance (January 2013) has suggested that under the public benefit requirement, there may be 'extreme views and activities... which may be inappropriate for a charity to host or promote'.

However, although most universities are charities, universities (in England and Wales) have a clear statutory duty to secure freedom of speech: s.43 of the Education (No 2) Act 1986. The courts would also be obliged to interpret the Charities Act (and in Scotland the 2005 Act) in accordance with the Human Rights Act, including the Article 10 rights of freedom of expression, where any limitation on such rights must be necessary in a democratic society.

Law relating to security staff

Security staff may be called on to assist in the case of controversial speaking events. In certain circumstances security staff, like ordinary citizens, do have a power of arrest. However, there are risks in terms of civil liability for wrongful arrest or assault if the power is used inappropriately.

Reasonable force can be used in preventing crime, or in effecting or assisting the lawful arrest of an offender or persons unlawfully at large, but it would ultimately be a matter for the court to decide whether the force used was 'reasonable' in all of the circumstances. If excessive force has been used, the university and/or security firm providing security cover can be vicariously liable for a civil claim for assault.

Given the potential civil liability in the event that can ensue for wrongful use of the power of arrest, there is significantly lower risk for a university if the police carry out arrests rather than private security staff. However, judgment will need to be exercised on the ground by properly trained staff, taking account of all the circumstances, including the balance of risks.

Students' unions

Students' unions also need to have regard to the legal frameworks. Whilst they are not public bodies for Public Sector Equality Duty[23] and Human Rights Act purposes, they are mostly charities subject to the requirements of charity law. They also need to have regard to the scope of the criminal law and potential civil liability in relation to external speaker events.

A particular question for universities arises where a students' union decides that an external speaker event should not proceed, but the university considers that this decision may conflict with its duty to secure freedom of speech within the law under s.43 of the Education (No 2) Act 1986[24] (see 'Charity law').

As noted in the section 'The duty to secure freedom of speech within the law', universities' duty under s.43 extends to students' union premises even if these are not owned by the university. This means that universities owe duties in relation to their students' union premises, regardless of whether those premises are, for example, leased by the union from the university, or indeed from a third party.

Whilst s.43 undoubtedly places a duty on a university in relation to the students' union premises, there is a separate question of how it complies with that duty, given that the students' union is a distinct legal entity with its own policies and procedures. There are two aspects to this question.

[21] The equivalent legislation in Northern Ireland is the Charities Act (Northern Ireland) 2008.

[22] In Scotland the relevant legislation is the Charity and Trustee Investment (Scotland) Act 2005, which contains a similar public benefit test.

[23] Similarly, students' unions in Northern Ireland have not been designated for the purposes of section 75 of the Northern Ireland Act 1998.

[24] Section 43 applies in England and Wales only, as noted above.

The first aspect is whether the s.43 duty also applies to the legal entity that is the students' union[25] rather than just creating a duty on the part of the university in respect of speaker events in the students' union premises. The s.43 duty applies to 'every individual and body of persons concerned in the government' of the institution. Whether that definition includes a students' union might be open to legal argument, taking account of the particular facts, including the legal status of the students' union and its relationship with the institution.

The second aspect is that the s.43 code of practice should set out the procedures to be followed by students, and should make non-compliance with the code a disciplinary matter. Under s.43(4) universities are under a duty to 'take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures)' to secure compliance with the s.43 code of practice.

Institutions and students' unions should therefore seek to align their policies and procedures in relation to external speakers, taking account of the institution's s.43 duty.

Ultimately, if there is a conflict between the decisions taken by a students' union and those of the institution, the institution will need to consider what steps it is 'reasonably practicable' to take to secure compliance with the code of practice and s.43 duty, for example through disciplinary action and/or arranging an alternative event.[26]

Some practical advice

Students' unions

- The s.43 duty to secure freedom of speech within the law applies to students' union premises.
- The s.43 code should make non-compliance a disciplinary matter in appropriate circumstances.
- Universities and students' unions should seek to align their policies, taking account of the institution's s.43 duty.

Third party bookings of university or students' union premises

The legal frameworks can also potentially apply to third party bookings of university or students' union premises that involve speaker events. Institutions should try to ensure that the contractual terms of such bookings are aligned with the relevant legal obligations to ensure that the institution is able to exercise appropriate contractual rights if necessary to comply with any legal requirements.

Conclusions

The legal framework outlined in this section provides institutions with the basis on which their policies and decisions should be formulated.

In difficult or controversial cases the key is to determine which legal provisions take precedence, taking account of all the circumstances. It is impossible to foresee every situation, although the case studies in this guidance give some examples of how the legal framework can be applied in practice.

There is not space in this guidance to set out all the detail behind the legal provisions outlined here. If there is any doubt as to the position, legal advice should be sought.

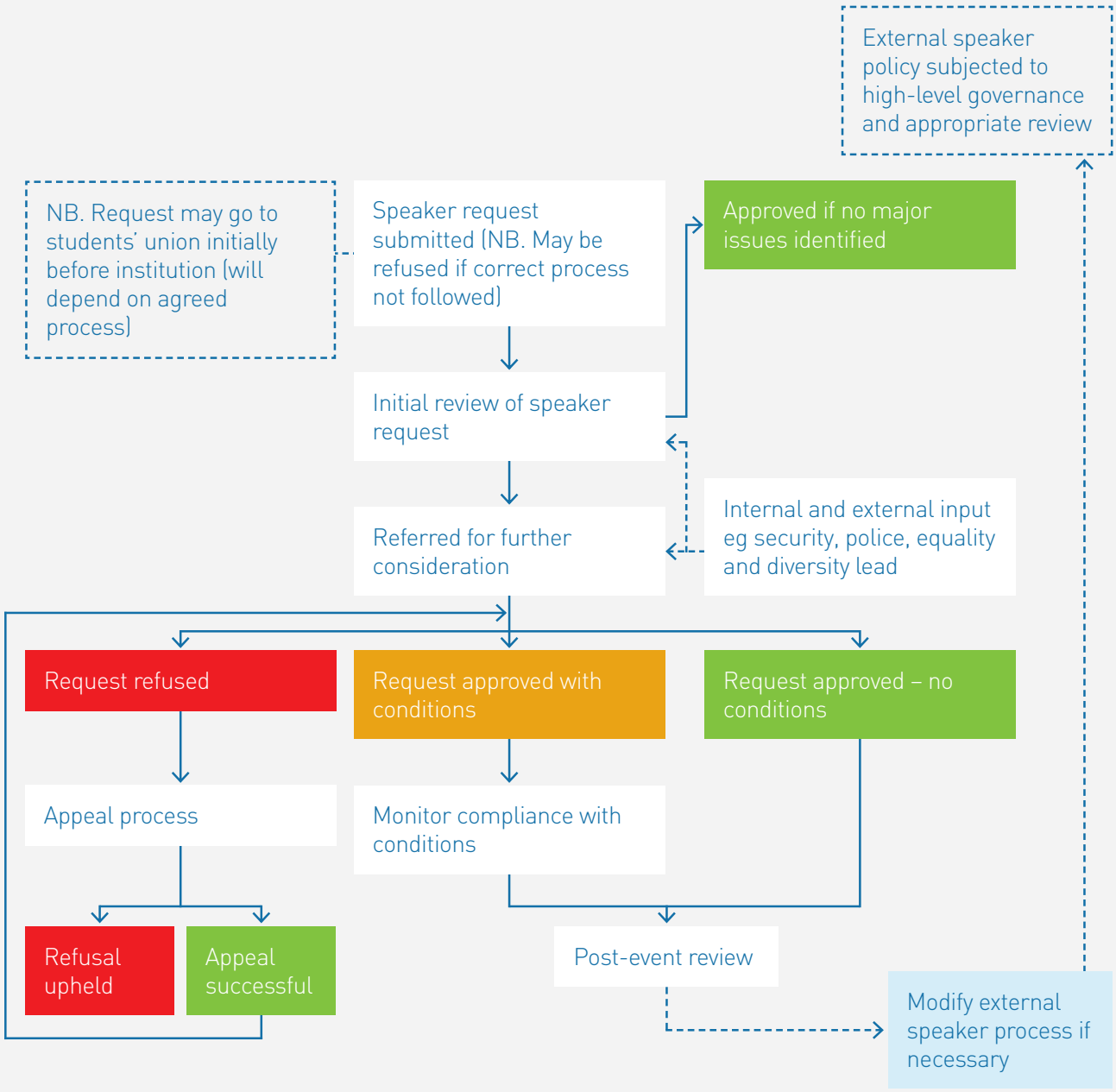
The law stated is the law as at 31 August 2013.

[25] The legal entity may, for example, be a Company Limited by Guarantee, or an unincorporated association consisting of the students' union members and officers.

[26] As noted above, s.43 does not apply in Scotland or Northern Ireland and so universities in these jurisdictions are not subject to a specific statutory duty in relation to students' unions. Nevertheless, Scottish and Northern Irish universities will be able, in practice, to influence and effect conduct on students' unions and the provisions of the Human Rights Act and equality laws apply so as to require Scottish and Northern Irish universities to ensure that freedom of expression and the rights of those who may be affected by the exercise of freedom of expression are appropriately protected.

2: EFFECTIVE EXTERNAL SPEAKER PROCESSES

Diagram 2: The lifecycle of an external speaker request



Devising an effective external speaker process

As autonomous organisations, higher education institutions are free to determine their own internal processes for considering external speaker requests. However, in general terms an effective approach might involve the features outlined in Diagram 3.

These components are considered in more depth in the following sections, as are the mechanisms that institutions may wish to consider to ensure that freedom of speech is secured within the law.

Governance and review of external speaker policies

External speakers are fundamental to universities as educational institutions, as well as in their promotion of freedom of speech and academic freedom. It is important that policies remain relevant, effective and up to date (in particular, the code of practice that institutions in England and Wales must issue under section 43 of the Education (No 2) Act 1986 is subject to a statutory duty to keep the code up to date). High-level governance and appropriate review mechanisms will facilitate this. Institutions may wish to follow the steps below to ensure effective oversight of their external speaker policy:

- Include name and contact details of the appointed individual (responsible officer) with overall responsibility for the policy
- Date the policy
- Ensure high-level sign-off of the policy, eg university council
- Determine what factors will trigger a review (such as legislative changes or an external speaker event not going to plan) and who will conduct such a review
- Institutions may wish to include a statement confirming that individuals or groups breaching the agreed external speakers' policy will face penalties (removal of particular privileges or formal disciplinary proceedings) or, where breaches of criminal law occur, referral to the police.

Diagram 3: The building blocks of an external speaker process

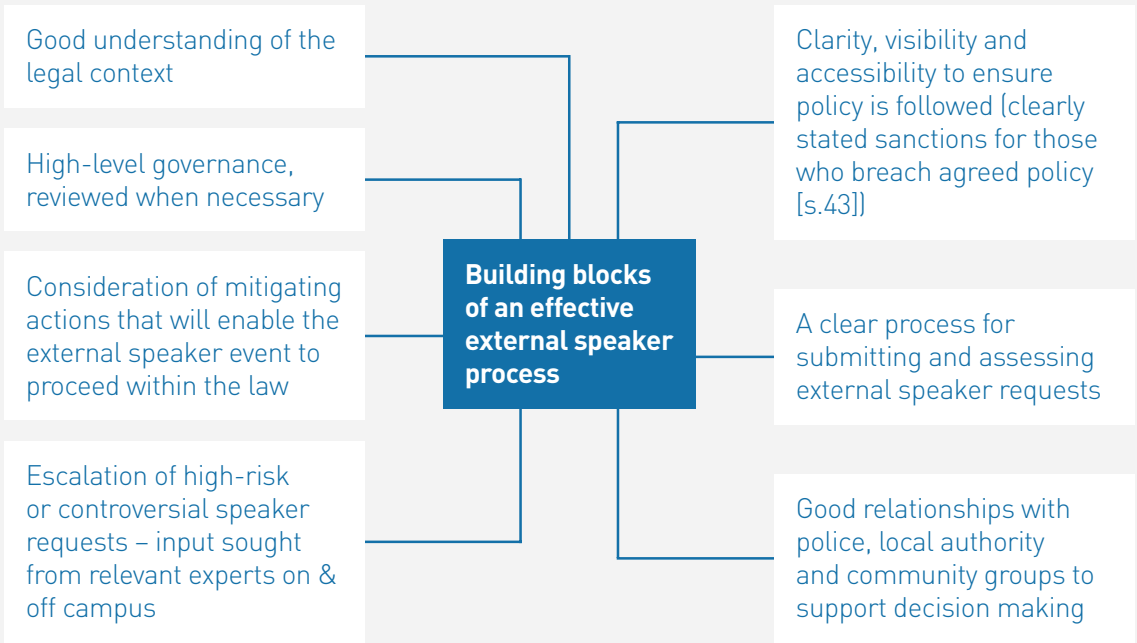
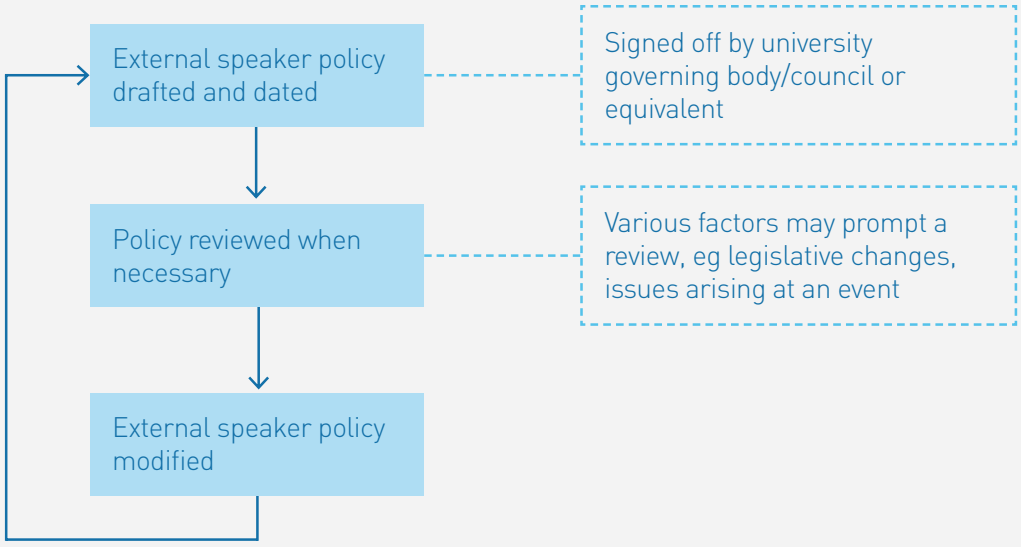


Diagram 4: External speaker policy review process



POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: GOVERNANCE

- Is the policy dated?
- When was the policy reviewed?
- What details are included relating to the individual with ultimate oversight for the policy and decision-making authority (name, contact details)?
- Does the policy state that individuals or organisations that fail to adhere to it will face sanctions?

Clarity, visibility and communication of external speaker policies

It is important to ensure external speaker policies are visible and easily accessible. Institutions may wish to follow the steps below to achieve this.

1. Maximise the accessibility of external speaker policies by communicating them via a number of internal and external channels, including but not limited to:

- intranet
- staff handbooks
- induction processes for new staff where the external speaker policy has relevance to their role
- student handbooks
- guidelines on good campus relations

- the students' union and students' societies
- institutional website (publicly accessible)
- individuals responsible for room bookings/ timetabling/conferences/events

2. Make clear the scope and coverage of the policy, who it applies to and what is meant by an external or outside speaker.
3. Clearly state in the external speaker policy who has ultimate responsibility for the policy and external speaker decisions – include contact details and job title.
4. Make clear that in some circumstances, after full consideration of possible mitigating actions, there may be grounds for refusing a request; example grounds may include:

- That the speaker professes to belong to a proscribed organisation, or (following appropriate information gathering, and potentially seeking express assurances from the speaker/organisers if appropriate) it is believed the speaker is intending to invite support for such an organisation or its activities
- That having obtained and considered input as appropriate (eg from the institution's security office, estates office and/or police/other emergency services) it is believed to be in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on university-controlled premises that the event does not take place
- That following appropriate input from relevant bodies and consideration of available evidence the institution has concluded:
  - that reasonable steps cannot be taken to prevent the speaker from expressing views that are contrary to the law
  - that reasonable steps cannot be taken to prevent the speaker from encouraging, assisting or committing criminal acts
  - that reasonable steps cannot be taken to prevent the speaker from putting forward views or ideas that unlawfully infringe the rights of others or unlawfully breach the institution's equality duties

5. Institutions might wish to include or append case studies of situations (hypothetical or real) where external speakers would be (or have been) refused a platform.
6. To aid clarity, policies might state that controversial, offensive or distasteful views which are not unlawful per se would not normally constitute reasonable grounds for refusing an external speaker request.

POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: CLARITY AND ACCESSIBILITY

- How accessible is the policy?
- Could the policy be made more widely available by utilising additional channels?
- What measures are in place to communicate the policy to student societies?
- Is the university event (conference) management team aware of the policy?
- Does the policy include any details of who it applies to and which premises?
- Would examples of scenarios where requests may be refused provide additional clarity?

The components of a structured, staged and consistent process for considering external speaker requests

In broad terms, there are three stages of the external speaker process, as outlined below. These three stages will apply to all requests but Stage 2 in particular will differ depending on the risks identified with a specific request. Stage 2 will be brief for straightforward requests but will involve more extensive consideration for requests that appear controversial or high risk.

Stage 1: Submission of speaker request

Stage 2: Review of speaker request – identification and mitigation of possible risks

Stage 3: Communication of an external speaker decision

Stage 1: Submission of speaker request

This is the stage that enables an institution to obtain relevant information on the proposed speaker and event. This information will then be used to assess whether the speaker or event is likely to operate within the framework of the law (Stage 2).

It is important to allow appropriate time to consider whether external speaker events are likely to proceed within the framework of the law. Agreeing the process and timeframe for submitting a request and stating this clearly in the external speaker policy may help achieve this. Institutions may wish to adopt the following steps to facilitate this:

Identifying a responsible individual for each external speaker request

- Identify an appointed 'principal organiser' for each booking request who has responsibility for ensuring the request meets agreed requirements
- Restrict the advertising of an external speaker event until approved

Agreed timeframes

- State the required timeframe for submitting an external speaker request (for example, all requests to be made no less than [x] working days before the scheduled event)
- Highlight that bookings submitted outside of the agreed timeframes will not be authorised to take place on university premises (except in exceptional circumstances)
- State the timeframe for approving or refusing external speaker requests and how the decision will be communicated (for example, a decision will be made within [x] working days and will be communicated in writing to the principal organiser)

Use of agreed documentation to make a speaker request

- State how requests must be made and the timeframe for doing so (for example external speaker request to be submitted using a standardised booking form no more than [x] working days before the event is scheduled to take place)
- Include information on how to access the relevant documents for making an external speaker request (for example, signpost individuals to relevant area on university intranet)

POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: MAKING A DECISION 1

- What information is given on the timeframe within which external speaker requests must be submitted and responded to?
- What information is given on how external speaker requests must be made and where relevant forms can be accessed?

Content of standardised external speaker request form

Individual institutions will devise their own external speaker request form. It should contain questions to identify events and speakers that may be controversial or problematic. Some suggested fields that institutions may wish to include are:

- Name and contact details of principal organiser
- Name and details of visiting speaker – what organisation, if any, do they represent? Have they spoken at the institution before or at another higher education institution?
- Date, time and place of meeting or activity
- Expected timing of the arrival and departure of any speaker together with details of the proposed entry and exit of the speaker to the event venue (this may be more important in some cases than others, particularly where there are security concerns)
- Overview of the event – subject matter, appointed chairperson, what language the event will take place in
- What topic will the external speaker be talking about?
- How will the event be advertised and in what language? (some institutions request draft copy of materials advertising the event)
- What publications or materials (CDs, DVDs) will be available to event attendees?
- The numbers expected to attend (staff, students, members of the university, guests, general public)
- Conditions applying to the event (Will it be ticketed? Open to the public? Is there any intention to segregate the event?) For further information on this issue please see the EHRC publication *Gender Segregation at Events and Meetings. Guidance for Universities and Students' Unions.*
- Do principal organisers have any reason to believe that there may be a threat of disruption caused by the proposed meeting or activity and what is the substance of that threat?
- Any other reason known to the principal organiser or others involved in organising the event as to why issues may arise with that speaker. Has there been any controversy attracted by the speaker in the past? (If so this may trigger contact with the university press office.)
- Will members of the press, TV or radio be permitted to attend?
- Is the event being sponsored? If so, who by? Will advertising appear at it?

Notifying an agreed representative of potential controversy

It is important that potential problems are identified at the earliest opportunity. To facilitate this, an external speaker policy might also make clear to principal organisers:

- that they are expected to highlight at the earliest opportunity any grounds for believing that a speaker will be controversial or will potentially commit a criminal offence
- the individual to whom any concerns should be raised

Notifying an agreed representative of a material change to the booking

Occasionally an external speaker booking may change after the booking has been approved. This might involve a change to the agreed speaker or event structure. It is important that organisers notify the institution of material changes. To assist with this, external speaker policies may include the following components:

- A statement highlighting that principal organisers must notify an agreed representative if an approved speaker is replaced or other material changes occur to the proposed event
- A statement making clear that the institution reserves the right to review an external speaker decision if further information emerges about the proposed event

POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: MAKING A DECISION 2

- Are there any questions on the list on page 19 which might be useful additions to your external speaker booking form?
- What information is given on notifying the institution of material changes to an approved booking (such as a change in speaker)?

Stage 2: Review of speaker request

The review of every external speaker request must involve consideration of the full legal context that applies to such activity. The legal framework is non-negotiable and is summarised in Part 1 of this guidance and explored in depth in Annexe A.

The majority of external speaker requests will be relatively straightforward and easy to assess – in these cases, the review process will be short and simple. Others may require further consideration to assess whether speakers are likely to contravene the law and whether mitigating actions will satisfactorily address the risk of this happening.

The following questions may be of relevance in determining whether to approve, refuse or escalate a speaker request:

- Does the proposed external speaker have links to or represent a proscribed terror group or organisation (as per the Home Office list[27]) or feature on HM Treasury's list of organisations subject to government sanctions?[28]
- What is the topic of the event? Is the event title or subject matter likely to be controversial or cause distress to anyone? Will both sides of the argument be presented? Has an event been run on this topic by the university previously?
- Who is chairing the meeting? Are they sufficiently qualified to provide balance and challenge during the event? What is their stance on the topic under discussion and is this likely to impact the smooth running of the event?
- Has the speaker spoken at the institution or another higher education institution previously? What is known about him or her? Are there grounds to suspect that the individual may speak outside the parameters of the law?
- Will hosting the speaker have public order implications, risk injury to attendees or damage to university or any other property?[29] Is there the potential for serious health and safety issues to arise? Is it likely that the presence of the speaker will prompt protests?
- Who is attending the event? Is it restricted to staff and students of the institution only or will it be open to the public? Is it likely that the presence of the speaker will prompt specific groups or individuals to attend the event?
- What security provisions are in place? Are these sufficient? Will sufficient security staff be available?
- Will hosting the speaker have reputational risks for the institution? Is the event likely to attract media attention and if so how can the university manage this effectively?
- Has the speaker agreed to abide by the institution's values?
- What materials will be available at the event (eg leaflets, DVDs, CDs, memory sticks)?

POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: MAKING A DECISION 3

- Using the legal overview in Diagram 1 on page 4 as a guide, are there any areas of the law that staff making external speaker decisions are unfamiliar with?
- Is there a well-communicated and structured process in place to escalate external speaker requests that appear to be high risk or controversial?

[27] The list can be found on www.gov.uk – listed as 'Proscribed Terror Groups or Organisations'.

[28] The list can be found on www.gov.uk – listed as 'Consolidated List of Financial Sanctions Targets in the UK'.

[29] If damage to public property is likely this is not the responsibility of the institution, but this information will be of relevance to the police and local authority.

Escalation processes

In most circumstances, reviewing external speaker requests will be relatively straightforward. However, in some cases, there may be indications that the planned event is higher risk. In such cases, institutions may wish to consider taking additional steps to inform their decision, as follows:

- Seek input both internally and externally on the external speaker request. Depending on the circumstances of a specific request, input may be appropriate from:
  - Principal organiser of the event
  - Head of university security
  - Vice-chancellor/registrar/secretary/ academic registrar
  - Local police
  - President of students' union
  - Equality and diversity lead
  - Head of communications
  - University chaplain
  - Heads of student societies
  - BIS regional Prevent coordinators
  - The proposed speaker (to get a clearer idea of what they intend to say; this may include obtaining an advance copy of their speech or presentation)
  - Community groups
  - Local authority
  - Information already held by the university about the speaker or event organisers
  - Higher education institutions known to have hosted or refused the speaker previously
  - Individuals with relevant legal expertise
- Form an internal working group to assist with particularly controversial or difficult requests.[30]
- Engage with different groups on campus to discuss specific external speaker requests.

POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: MAKING A DECISION 4

- Would creating a dedicated internal group assist with making decisions on the most complicated external speaker requests?
- Using the list on this page as a guide, are there any individuals or organisations that your institution might usefully involve in external speaker decisions in particular circumstances?
- What links currently exist with community groups, police and the local authority and are these links used to assist with external speaker decisions where necessary?

The mitigation of identified risks

In general, institutions can respond in one of three ways to an external speaker request: (i) approve the request, (ii) approve the request on the proviso that specific conditions are met, or (iii) refuse the request.

A range of options are available to institutions in managing identified risks which will enable the external speaker event to go ahead in accordance with the law. The appropriateness of individual mitigating actions will depend on the specific event under consideration, the nature of the potential issues identified and other factors such as the risk appetite of the institution. Examples of mitigating actions that institutions might decide to take include:

- Varying the time and location of the event from the original plan
- Approving a request on the condition that a particular individual chairs the event
- Making the event ticketed only or specifying that attendees must show valid ID
- Opening the event up to the general public
- Requesting an advance copy of the guest list for review before the event takes place

[30] Two examples are LSE's Free Speech Group and St George's, University of London's Promoting Good Campus Relations Advisory Group. Further details can be found at http://www.lse.ac.uk/intranet/LSEServices/governanceAndCommittees/committeesAndWorkingGroups/freeSpeechGroup/termsOfReference.aspx and http://www.sgul.ac.uk/about-st-georges/planning-secretariat-office/secretariat-office/equality-and-diversity/docs-2012/promoting-good-campus-relations-policy-1.pdf

- Placing restrictions on the numbers able to attend or restricting the event to university staff and students only
- Enhancing security arrangements including possible police attendance, minimum number of stewards
- Imposing conditions on how the event is advertised (eg promotional material to contain translations if in a language not understood by university staff)
- Mandatory attendance of specified senior university representatives to maintain order
- Making a translator available to university staff attending the event
- Refusing admission to media representatives (press, radio, television)
- Restricting the display of banners or placards at the event and its immediate surrounds
- Restricting the sale of alcohol or consumption of food at the event
- Imposing conditions on how the event is run in relation to specific requests such as a request to segregate the audience
- Imposing special arrangements on how the event or meeting is chaired
- Requesting a script or précis from the speaker outlining what they intend to say and requiring them to sign an undertaking acknowledging that their speech will be terminated if they deviate from it
- Briefing the chair in advance of the event, making clear that they have a responsibility to ensure that no speaker or other person present at the event infringes the law; this briefing could highlight the circumstances under which they must stop the event, issue warnings to participants on their conduct or request the withdrawal or removal by stewards (or the police if necessary) of the person(s) concerned
- Requiring invited speaker(s) to confirm that they will abide by the university's values or good campus relations policy or providing speakers with a copy of such documents
- Clearly stating at the start of the event that the speakers and audience must act in accordance with the law
- Restricting what materials are available at the event (CDs, DVDs, leaflets, memory sticks)

Stage 3: Communication of an external speaker decision

External speaker decisions should be clearly communicated to the principal organiser of an event. Institutions may wish to incorporate the following into their external speaker policies to achieve this:

- Describe how decisions will be communicated and the timeframe within which this will happen – for example, 'external speaker decisions will be communicated in writing to the principal organiser within [x] working days of the request'
- Inform principal organisers of any conditions that apply to the event
- Circulate a copy of their promoting good campus relations policy to invited speakers
- Require that speakers confirm in writing that they understand and will abide by the university's values (an alternative may be to develop specific guidelines for external speakers which invited speakers must agree to abide by)
- Highlight in the decision letter that individuals have a right to appeal

Appealing a decision

External speaker policies might also include information on the process for appealing a refusal decision.

POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: COMMUNICATING AN EXTERNAL SPEAKER DECISION

- What information is given on the timeframe for communicating an external speaker decision and the mode of communication that will be used to do so?
- Is any information given on appealing an external speaker decision?

Reviewing an external speaker decision on the basis of new information

Sometimes external speaker decisions may have to be reviewed on the basis of new information or material changes occurring to the planned event, for example a change in speaker, increased risk of disorder or information from the police or community. This new information may determine whether an event is cancelled or whether further mitigating actions are required to address the new risks.

There are several steps that institutions may wish to take to facilitate the reporting of potential difficulties:

- Instructing principal organisers that they have a duty to notify the institution of a material change to an event booking
- Making public the contact details of the individual who has responsibility for the institution's external speaker policy
- Building good links with the police and community groups

Effective management of an external speaker event

Although institutions take many pre-emptive steps to ensure events occur within the framework of the law, occasionally things do not go to plan and action is required during the course of the event. Examples include attempts to disrupt the event, unexpected guests appearing, inappropriate material being made available at the event, or views expressed by the speaker or an audience member falling outside of the law.

In such circumstances, there are a number of options institutions may wish to consider, including:

- Delaying the start of the event
- Moving the event to a different location
- Issuing clear verbal warnings to individuals attempting to disrupt the event (usually by the event chair)
- Requesting that individuals leave the event or instructing security (or the police if necessary) to remove them from the event
- Warning individuals that sanctions apply to those impeding freedom of speech within the law
- Postponing the event and rearranging it under different circumstances and conditions
- Stopping the event part-way through
- Cancelling the event
- Notifying the university press office and vice-chancellor of any developments that may attract media attention so they can prepare for this

As mentioned previously, any decision will need to be made in compliance with the relevant legal frameworks. Where events do not go to plan, institutions may wish to consider reviewing their processes to ensure that similar problems do not arise in future.

[31] St George's, University of London issues 'Guidance for all speakers at SGUL' which both the event organiser and external speaker must sign to confirm they have read and understood the guidance and agree to abide by it.

Alignment of policies with the students' union

Universities UK's 2011 report *Freedom of speech on campus: rights and responsibilities in UK universities* recommended that higher education institutions should:

> Review current protocols/policies on speaker meetings to ensure they are up to date and relevant, and are aligned with the students' union's protocols and policies.

Individual institutions will have different processes in place in terms of the role of students' unions in managing external speaker requests made by student societies. In some cases, external speaker requests for events organised by student societies are submitted directly to the president of the students' union within agreed timeframes. The students' union then conducts an initial vetting of the request to identify risks before referring the request to the associated institution and where necessary raising concerns about impediments to proposed events, safety concerns or the likelihood of a breach of the law. In other cases, institutions might require all external speaker bookings that involve the use of university-owned facilities to come directly to the university.

Aligning students' union and institutional processes is not always easy as the two may differ in their approach to individual speakers. This is particularly true where a students' union has a 'no platform' policy and their associated institution does not. Case study 1 in Part 3 (page 26) examines this in more depth.

However, wherever possible, higher education institutions and students' unions should work closely together. The following steps may facilitate this:

- Regular liaison and discussion of external speaker policies should take place between the associated institution and the students' union, including students' union input during any review of the institution's external speaker policy.
- In circumstances where student societies make their external speaker requests directly to the institution, it may be appropriate to circulate copies of external booking requests to the students' union president or nominee. The students' union and institution should agree the criteria for identifying which bookings should be shared. For example, it might apply to any external speaker bookings lodged by a student or person acting on behalf of a student society. Alternatively, an institution might agree to share copies of all external speaker invitations (ie speakers the institution has approved) to the president of the students' union or only those that appear contentious.
- Where appropriate, institutions should seek input from the students' union in relation to potentially controversial speakers, particularly if their presence on campus is likely to be of interest to particular student societies.
- Institutions and students' unions should work together to ensure that the institutions retain an accurate knowledge of which student societies are registered and approved.
- Institutions and students' unions should engage in joint scenario planning to identify potentially problematic issues and make effective contingency plans for them.
- Institutions and students' unions may wish to develop joint guidelines for engaging with sensitive and controversial issues. This might include tips on agreeing a suitable title for a debate, selecting a suitable chair and facilitating a balanced view of issues.
- Regular liaison between the institution and the students' union will also provide a mechanism to discuss any student society events taking place off campus that are causing concern (good community links will help bring these to the institution's attention).
- Institutions may wish to consider developing and maintaining good relationships with individual student societies so that any concerns around external speakers can be raised directly with them.

POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES: WORKING WITH THE STUDENTS' UNION

- Does the policy refer to the processes that student societies must follow when making an external speaker booking request for an event on university premises?
- Does the policy include any involvement from a students' union representative (eg the president) in relation to potentially controversial external speaker requests submitted to the institution by student societies?

Speakers at events booked by external individuals or organisations

It is common for universities to make their facilities available to external organisations for commercial and non-commercial events. These events may involve invited speakers who must act within the law. Institutions may wish to consider taking the following steps to help manage these risks:

- Ask external or commercial clients to confirm that they will abide by the university's values (seek this confirmation when agreeing a contract with the client)
- Ensure that individuals who manage bookings from external organisations are familiar with the university's external speaker policy and know who to contact in the event of any issues arising
- Consider developing an 'expected behaviours contract' for external clients that are using university facilities
- Bar organisations and individuals that fail to abide with the university's values from booking facilities in future

The institution's contract with the external or commercial client should be drafted to include appropriate contractual terms, in relation to both expected behaviour from speakers and the audience, and in terms of the institution's rights in the event that such terms are breached.

Good relationships with the police, local authority and community groups

Good relationships with the police, local authority and community groups can provide invaluable support to institutions in making informed decisions on external speakers, particularly those that are higher-risk. Regular liaison may also help to identify issues before they escalate to a serious level.

3: EXTERNAL SPEAKER CASE STUDIES

The following case studies illustrate the factors that institutions must consider and balance in relation to external speakers in a range of different scenarios.

The case studies highlight some of the legal and practical issues that might arise, but are not intended as a substitute for legal advice. Each scenario depends on the particular facts, and the analysis cannot necessarily be applied to other cases. Also, any analysis can change if additional information comes to light.

CASE STUDY 1: NO PLATFORM POLICY

In advance of a general election, the Politics Department of the university is organising a series of seminars featuring representatives from a range of political parties and covering a broad spectrum of political views. One of the events will focus on the policies and views of the British National Party (BNP). The university's students' union has a 'no platform' policy and the BNP is on the union's list of organisations that will be denied a platform to speak. The event will be held in a lecture theatre in the university's main city centre campus.

Since the decision was taken to invite the BNP, there has been increasing unrest on campus with a number of student groups expressing their opposition to the invitation. There are indications that several are planning to protest outside the event venue and rumours that they intend to disrupt the event itself by storming the venue.

Separately, there are unsubstantiated rumours within the local community that the English Defence League (EDL) is considering attending the event to promote its own policies. There is no suggestion that the local EDL has any links with the proposed BNP speaker. The event is open to the public and tickets will be allocated on a first come, first served basis on the night.

Things to consider

Legal framework – points likely to be particularly relevant

- Rights of freedom of expression.
- The section 43 (s.43) duty to secure freedom of speech within the law applies to the institution (if in England and Wales). A students' union 'no platform' policy will not override the s.43 duty.
- Public order issues as well as safety of speakers, staff, students and others will need to be considered at all stages and kept under review.
- Whilst there is no suggestion on the basis of the facts outlined above that the speaker is intending to breach other laws, eg the criminal law, those involved in making decisions and those responsible for the event will need to take account of all relevant legal issues throughout the decision-making process and at the seminar itself (assuming it proceeds).
- Equality obligations, including having due regard to the Public Sector Equality Duty.

Other practical considerations

- The institution should be in dialogue with the students' union to ensure it understands the nature of the s.43 duty.
- Public order implications – will protest arise and what impact will it have?
- Security considerations – do they outweigh the s.43 duty?
- Freedom from harassment – will the speaker agree to adhere to university values?
- The BNP is not a proscribed group.
- What is known about the speaker and the proposed content of the seminar? If there are concerns on the basis of the evidence obtained about whether the content might breach any legislation, have adequate steps been taken, eg to seek appropriate written assurances from the speaker or organisers?
- Does a guest list need to be established to manage attendees?
- Should the event be a closed event and not a public one?
- What liaison with the police has happened?
- Do discussions need to take place with the local authority?
- Who is chairing the event and are they sufficiently experienced?
- Is the event likely to generate media coverage? Do the press office and senior management team or vice-chancellor need to be informed?

CASE STUDY 2:
SPEAKER WITH CONTROVERSIAL VIEWS AND CHARITY LEGISLATION

The university's law faculty is organising a series of events exploring different concepts of justice and different types of punishment. The events are supported by the university's Law Society and will be open to all students and staff. Different events will cover the concepts of restorative justice, retributive justice and debate the pros and cons of the death penalty. The events will not only examine the UK's justice system but explore the justice systems of other countries.

It is planned that the event covering retributive justice will feature a well-known proponent of Sharia Law. Originally from Saudi Arabia, he has previously caused controversy with some well-publicised remarks calling for the introduction of Sharia Law in Britain. He has also expressed controversial views stating that women should not have the right to vote or hold political office. The speaker has only been invited to speak about Sharia Law and not the role of women in society. Nonetheless, some concerns have been expressed that the speaker does not reflect the values of democracy and equality and should not be given a platform to speak. Others have said that allowing him a platform will damage the institution's reputation as a charity.

The planned structure of the event is for the speaker to talk for 20 minutes, setting out his views on why he believes retributive justice is effective. This will be followed by a 40-minute question and answer session during which attendees will be given the opportunity to reflect on the validity of the speaker's comments and question him further on his views. The event is following the same structure as the other events in the series.

Things to consider

Legal framework – points likely to be particularly relevant

- Freedom of expression and (in England and Wales) the s.43 duty.
- Interaction with charity law. Whilst concern has been expressed at the institution's reputation as a charity, in the absence of a particular charity law obligation being contravened, the s.43 duty will not be overridden. Similar reputational concerns are likely to arise in relation to some of the other case studies.
- Whilst there is no suggestion on the basis of the facts outlined above that the speaker is intending to breach other laws, eg the criminal law or the Equality Act's harassment provisions, those involved in making decisions and those responsible for the event will need to take account of all relevant legal issues throughout the decision-making process and at the event itself (assuming it proceeds).
- Equality law: the institution will also need to take into account the Equality Act, including its Public Sector Equality Duty obligations, when making decisions about the event. On the basis of the facts as presented, there is no suggestion that the speaker intends to breach the Equality Act. The institution would need to review any decision if the facts changed, or when more information is obtained.

Other practical considerations

- Have discussions taken place with the speaker to ascertain what he intends to cover? Has he been asked to focus solely on Sharia Law as opposed to issues of equality and women's rights?
- Public order considerations – are there health and safety implications?
- Who is chairing and do they have the capacity to do so effectively?
- Is there sufficient scope for challenge?
- Is the event likely to generate media coverage? Do the press office and senior management team or vice-chancellor need to be informed?

CASE STUDY 3: ISRAEL AND PALESTINE

A prominent academic well known for his pro-Palestinian views and vocal criticism of Israel has been invited to speak at an event organised by the university's Palestinian Society. He has frequently spoken publicly in support of sanctions against Israel. The university's Jewish Society and representatives from the local synagogue have expressed their concerns about the event to senior university management. Articles have appeared in the student newspaper implying that protests are likely and that attempts may be made to disrupt the event. The local rabbi has written to the local newspaper expressing his concerns. Some have accused the proposed speaker of supporting violent means.

The event, as planned, will be open to staff and students of the university only. The intention is for the president of the Palestinian Society to chair the event. He is relatively new in post and has little experience of chairing events of this nature. There are currently no other events planned that will explore alternative views of the Israel-Palestine conflict.

The event proceeds but during the course of the event there are concerted attempts to shout the speaker down and prevent him from speaking. Warnings are issued and several individuals are asked to leave the event (and do so voluntarily).

Things to consider

Legal framework – points likely to be particularly relevant

- The speaker is accused by some of having supported 'violent means'. The details of what is alleged and the evidence behind the allegations are unclear, but the institution will need to bear in mind the provisions of the criminal law (including anti-terrorism legislation) when seeking further information in relation to a proposed event such as this. For example, particular offences apply in relation to hate crime on racial and religious grounds, and in relation to 'proscribed organisations'.
- Safety and public order issues will need to be considered.

- The meeting is not a public meeting, but a decision could have been taken to declare the meeting public in order to bring the meeting within the provisions of the Public Meeting Act (in England and Wales). It is a judgment call as to whether an institution should take such a step, taking account of all of the circumstances. On the basis of the facts above, those attempting to shout the speaker down left voluntarily, so it appears that on this occasion this issue was capable of being managed without needing to take further steps to secure freedom of speech within the law.
- If those shouting down the speaker had not left when asked, but had prevented the speaker from speaking, the institution would need to consider what further steps might be taken to secure freedom of speech within the law. These might include disciplinary sanctions, or potentially asking the police to intervene in relation to any breach of the peace. The police could also intervene in relation to any breach of the Public Meeting Act, if the meeting had been declared public. Obviously careful judgment would need to be exercised in light of the developing situation.
- Presumably the speaker is a visiting academic from another institution, but if he were an employee of the host institution then any dealings with him would also need to take account of his and the institution's rights and obligations under the academic contract of employment.

Other practical considerations

- What security arrangements are in place?
- Who is chairing the event and are they suitably equipped to do so?
- Health and safety of staff, students and speaker(s) – are sufficient measures in place to ensure safety? Are there other public order considerations?
- Should the event be public? Should it be ticketed?
- Will any disruption spill over into the local community?
- Should the scope of the event be broadened, eg turned into a debate?
- What is known about the speaker? Has he supported violence? Has he spoken elsewhere?
- What action will be taken against those seeking to prevent the speaker from speaking?
- Is the event likely to generate media coverage? Do the press office and senior management team or vice-chancellor need to be informed?

CASE STUDY 4:

EXTERNAL ORGANISATION BOOKING UNIVERSITY PREMISES

A local Pentecostal church has approached the university about using university facilities for regular evening meetings which will be open to staff and students of the university and the general public. The church will require use of the premises for a 12-week period whilst significant renovations are carried out to their usual venue. The pastor at the church has previously been reported in the local media as expressing negative views on homosexuality during sermons.

Things to consider

Legal framework – points likely to be particularly relevant

- The Public Order Act creates offences in relation to various acts committed with the intention to stir up hatred on the grounds of sexual orientation. However, the Act also provides that *'the discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be threatening or intended to stir up hatred.'* The university will need to bear these provisions in mind, as well as the other legal frameworks (eg the Equality Act, which also contains certain exceptions in relation to religious organisations).
- There is no indication whether the reported 'views' might, if repeated, amount to harassment under either the Equality Act or the Protection from Harassment Act. The university will need to consider those issues further if appropriate from the evidence or from further information which comes to light.
- Assuming the university enters into the proposed arrangement with the church, it is advisable for the terms of the arrangement to include appropriate provisions to ensure that the university's reputation and rights are adequately protected.

Other practical considerations

- Will the church, its pastor and its congregation abide by the university's values?
- What oversight can there be of proceedings during the 12-week period they will be using the university's premises?
- Is the event likely to generate media coverage? Do the press office and senior management team or vice-chancellor need to be informed?

ANNEXE A: LEGAL CONSIDERATIONS

This annexe is not intended as a substitute for legal advice, but is intended to explore the legal issues which might need to be considered in the context of external speaker events. It provides further information on some of the key issues set out in the legal summary in Part 1.

Freedom of speech

Freedom of speech within higher education institutions is closely associated with the academic freedom that they enjoy. **Section 43(1)** of the Education (No 2) Act 1986 imposes an express duty on institutions in England and Wales, in relation to staff, students and visiting speakers:

> *'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.'*

S.43(2) clarifies that the duty extends to use of university premises. It provides that the above duty includes in particular the duty:

'... to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground 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.'

Where a students' union occupies premises which are not the university's premises, s.43(8) provides that the university nonetheless be required to comply with the s.43 duties in relation to the students' union premises.

S.43(3) requires universities with a view to discharging their s.43(1) duties to:

'issue and keep up to date a code of practice setting out

(a) the procedures to be followed by members, students and employees 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 activities 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 governing body consider appropriate.'

S.43(4) requires every individual and body of persons concerned in the government of a university to:

> *'... take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with.'*

The section 43 duty does not apply in Scotland or Northern Ireland and there is no directly equivalent provision. Scottish/Northern Irish universities, therefore, could not be the subject of a claim for breach of this statutory duty.

Nevertheless, freedom of speech is also protected through human rights law concepts such as freedom of expression and freedom of assembly, which apply throughout the UK. These are considered in more detail on the the next page.

Academic freedom

The legal basis for academic freedom focuses on the teaching activities of staff and the freedom of institutions and their staff to determine admission criteria and the content of courses. Beyond the freedom of speech provisions, the legal framework does not extend academic freedom to the activities of visiting speakers.

The concept of academic freedom underscores different pieces of legislation; for example in England and Wales, s.32(2) of the Higher Education Act 2004 puts a duty on the director of fair access to protect academic freedom when performing his statutory functions. The statute refers to:

'in particular, the freedom of institutions

(a) to determine the contents of particular courses and the manner in which they are taught, supervised or assessed, and

(b) to determine the criteria for the admission of students and apply those criteria in particular cases.'[32]

In terms of the freedom of individual academics, s.202(2) (a) of the Education Reform Act 1988 acknowledges that in England and Wales:

> *'academic staff have 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'.*

Whilst this provision relates to duties on the former University Commissioners in relation to pre-1992 universities, the principle of academic freedom has been incorporated into many universities' governance documents.

In Scotland, similar reference is made to academic freedom 'within the law' in s.26 of the Further and Higher Education (Scotland) Act 2005, concerning duties on further and higher education institutions ('fundable bodies') to protect academic freedom, which is defined as including '*... freedom (within the law) to:*

(a) hold and express opinion;

(b) question and test established ideas and received wisdom; and

(c) present controversial or unpopular points of view.'

Section 26 imposes duties on fundable bodies to (a) have regard to the desirability of ensuring the academic freedom of those engaged in teaching, the provision of learning and research and (b) ensure that appointments and entitlements to privileges are not adversely affected by the exercise of academic freedom by those persons.

In Northern Ireland the Education (Academic Tenure) (Northern Ireland) Order 1988 provides in Article 3(2) (a) that the University Commissioners for Northern Ireland shall in exercising their functions have regard to the need 'to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions...'

Equality law in Northern Ireland

At present, the Equality Act 2010 does not extend to Northern Ireland. There are various individual pieces of anti-discrimination legislation which cover equality in Northern Ireland:

- Sex Discrimination Act (Northern Ireland) 1970
- Disability Discrimination Act 1995
- Race Relations (Northern Ireland) Order 1997
- Fair Employment and Treatment (Northern Ireland) Order 1998
- Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003
- Employment Equality (Age) Regulations (Northern Ireland) 2006
- Equal Pay Act (Northern Ireland) 1970

The Fair Employment and Treatment (Northern Ireland) Order 1998 specifically applies to discrimination on account of actual or perceived religious belief or political opinion.

[32] Higher Education Act 2004, s.32(2)

Criminal law, including anti-terrorism legislation

A number of criminal law statutes create offences which are potentially relevant in the case of controversial or extremist speakers. The principal legislation is considered below.

In addition to potential offences by an external speaker, offences can also be committed by those responsible for organising events, be they students or staff.

In outline, it consists of:

- The Public Order Act 1986[33]
- The Protection from Harassment Act 1997[34]
- The Terrorism Acts 2000 and 2006[35]
- The Breach of the Peace law[36]
- The Public Meeting Act 1908[37]
- Other offences where verbal or written threats are made or circulated

The position in Scotland is different: for example, not all of the provisions of the Public Order Act 1986 creating criminal offences apply in Scotland. Conduct which amounts to an offence under the Public Order Act 1986 in England and Wales may be a criminal offence at common law in Scotland.

The statutory definition of terrorism

Section 1 of the Terrorism Act 2000 (TA 2000) defines 'terrorism' as the use or threat of:

- serious violence
- serious damage to property
- endangering another's life
- creating a serious risk to health and safety of the public, or a section of the public
- actions designed to seriously interfere with or disrupt an 'electronic system'

The above actions would constitute criminal acts in their own right, but to constitute terrorism, the use or threat of these actions must also be:

- designed to influence the government or an international governmental organisation, or to intimidate the public or a section of the public (although this element is unnecessary where the use or threat of firearms or explosives is involved)
- made for the purpose of advancing a political, religious, racial or ideological cause

The definition is wide and could, for example, potentially include animal rights activism, nationalist groups, religious extremism, anti-abortion and pro-life campaigners.

The TA 2000 further provides that actions taken 'for the purposes of terrorism' includes a reference to action taken 'for the benefit of a proscribed organisation'.

Further:

- the definition applies regardless of whether the act or threat occurred inside or outside the UK (s.1(4)(a) TA 2000)
- 'public' includes the public in other countries (s.1(4)(c) TA 2000)
- 'government' includes the UK government, the government of any part of the UK, and the government of any other country (s.1(4)(d) TA 2000)

[33] The equivalent legislation in Northern Ireland is the Public Order (Northern Ireland) Order 1987.

[34] The equivalent legislation in Northern Ireland is the Protection from Harassment (Northern Ireland) Order 1997.

[35] This legislation extends to Northern Ireland.

[36] The position is the same in Northern Ireland.

[37] In Northern Ireland, provisions relating to public meetings are under Article 7 of the Public Order (Northern Ireland Order) 1987.

Terrorism offences: the 'duties to disclose'

Whilst generally there is no legal obligation to prevent or report criminal activity under UK law, ss.19 and 38B TA 2000 do impose express duties to disclose specified information to the police in connection with terrorism offences and suspected terrorism offences.

(s. 38B) It is an offence to fail, without 'reasonable excuse' to disclose to the police, as soon as is reasonably practicable information which he knows or believes might be of material assistance in:

'preventing the commission by another person of an act of terrorism; or securing the apprehension, prosecution or conviction of another person, in the UK, for an offence involving the commission, preparation or instigation of an act of terrorism'

(s.19 TA 2000) It is an offence to fail, without 'reasonable excuse' to disclose to the police, as soon as is reasonably practicable:

- a belief or suspicion that another person has committed a 'terrorist property offence' (ie one of the offences under TA 2000 sections 15–18); and
- the information underlying that belief or suspicion

The duty only applies where the information giving rise to the belief or suspicion was obtained in the course of a trade, profession, business or employment. The duty to disclose also applies in relation to actions taken or items possessed outside the UK which would have been a terrorist property offence (under TA 2000 s.15–18) in the UK.

Where an employer has an established procedure for making disclosures (for example through a nominated reporting officer), it is a defence for an employee to prove that a disclosure was made in accordance with that procedure.

S.20 TA 2000 allows a person to make disclosure to the police in respect of a suspicion or belief that money or other property is terrorist property. S.20(3) provides that this is 'notwithstanding any restriction on the disclosure of information imposed by statute or otherwise', although there is scope for legal argument as to whether such a disclosure would comply with European data protection law, so institutions may consider it appropriate to ensure that any such disclosures are made in accordance with the provisions of the Data Protection Act.

Other offences where threats of violence are communicated[38]

It is possible that offences could be committed by making threats, including in written material circulated on behalf of or relating to a controversial speaker. Examples are:

S.16 Offences Against the Person Act 1861[39]

A person who without lawful excuse makes to another a threat, intending that that other would fear it would be carried out, to kill that other or a third person.

Crime and Disorder Act 1998[40]

This act imposes additional penalties for certain offences which are racially or religiously aggravated. The offences affected include some of the offences under the Public Order Act referred to above (s.4 fear or provocation of violence, s.4A intentional harassment, alarm or distress, and s.5 harassment, alarm or distress), as well as the offences under the Protection from Harassment Act 1997.

S.127 Communications Act 2003[41]

Under s.127 it is an offence to send by means of a 'public electronic communications network a message or other matter that is grossly offensive or of an indecent, obscene or menacing character, or to cause messages or matter to be so sent.'

[38] In Northern Ireland under section 9(1) of the Northern Ireland Order 1987 a person who uses threatening, abusive or insulting words or behaviour or displays any written material which is threatening, abusive or insulting is guilty of an offence if (a) he intends to stir up hatred, arouse fear; or (b) having regard to all the circumstances hatred is likely to be stirred up or fear is likely to be aroused thereby.

[39] This legislation extends to Northern Ireland, but does not apply in Scotland.

[40] This legislation extends to Northern Ireland. These provisions of the 1998 Act do not apply in Scotland.

[41] This legislation extends to Northern Ireland.

Malicious Communications Act 1988[42]

The Act makes it an offence for any person to send to another with the purpose of causing distress or anxiety to the recipient:

- any letter, electronic communication or article of any description which conveys a message which is indecent or grossly offensive, a threat, or information which is false and known or believed to be false by the sender
- any article or electronic communication which is, in whole or in part, of an indecent or grossly offensive nature

There is a defence in relation to threats used to reinforce demands made on reasonable grounds, with a belief (itself held on reasonable grounds) that the use of the threat was a proper means of reinforcing the demand.

Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012

The 2012 Act creates specific offences in relation to regulated football matches and represented an attempt by the Scottish Parliament to respond to concerns about sectarian behaviour at football matches in Scotland. The offences relate to (a) expressing hatred or stirring up hatred against groups of persons based on their membership (or presumed membership) of religious groups or social or cultural groups with a perceived religious affiliation or membership of groups defined by reference to other characteristics such as race, disability or sexual orientation; (b) behaviour motivated by such hatred; (c) behaviour that is threatening and (d) behaviour that a reasonable person would be likely to consider offensive. The behaviour must be likely to incite public disorder.

The offences can be committed in any place where a regulated football match is televised, which could of course include students' unions.

The 2012 Act also creates offences in relation to threatening communications. In terms of s.6 of the 2012 Act a person commits an offence if he or she communicates material to another person, and either:

(a) the material consists of, contains or implies a threat, or an incitement, to carry out a seriously violent act against a person or against persons of a particular description, the material or the communication of it would be likely to cause a reasonable person to suffer fear or alarm, and the person communicating the material intends by doing so to cause fear or alarm, or is reckless as to whether the communication of the material would cause fear or alarm; or

(b) the material is threatening, and the person communicating it intends by doing so to stir up hatred on religious grounds

Offences relating to public processions and assemblies and 'trespassory assemblies'

Further offences are created by the Public Order Act 1986[43] in relation to potentially disruptive processions and assemblies in certain circumstances. In outline:

- In the case of **processions** on **public highways** or in **places where the public or part of the public have 'access as of right or by express or implied permission'** it is an offence to fail to give the police not less than six 'clear' days' notice of the procession, unless this is not 'reasonably practicable'. 'Clear' days means that the day on which notice is given and the day of the procession cannot be counted towards the notice period.
- The police can have the power in certain circumstances (broadly speaking where they believe that serious public order offences or disruption may occur) to **impose conditions** on such processions, and it is an offence to fail to comply with such conditions.
- If the police believe that the conditions will not be sufficient to prevent anticipated disruption, they can seek an **order from a local authority prohibiting a procession**. If such an order is made, it becomes an offence to organise, take part in or incite another to take part in the specified procession.

[42] The equivalent in Northern Ireland is the Malicious Communications (Northern Ireland) Order 1988. The Act does not apply in Scotland.

[43] Most but not all parts of the Public Order Act 2006 apply in Scotland. The Civic Government (Scotland) Act 1982 applies to public processions in Scotland. The equivalent legislation in Northern Ireland is the Public Order (Northern Ireland) Order 1987 which governs, inter alia, open-air public meetings. Note that the provisions are not identical to the Public Order Act 1986.

- A senior police officer may also impose similar conditions on **'public assemblies'** on the same grounds. A public assembly is an assembly of two or more persons in a public place which is open to the air. 'Public place' is defined as taking place on public highways and places in the same way as the 'public procession' offence above. It is an offence for the organisers and attendees to knowingly fail to comply with the conditions. It is also an offence to incite another to knowingly fail to comply with the conditions.
- The police can also seek a local authority order prohibiting a **'trespassory assembly'**, which in broad terms is an assembly of 20 persons or more on land to which the public do not have access, which the landowner does not wish to permit and which it is anticipated will cause serious disruption or damage.

Advice should be sought if it is considered likely that these provisions are going to be relevant to a particular event.

Definition of universities

The changing funding arrangements and legal structures of universities can have an impact on their legal obligations. In terms of the matters considered in this guidance, the duties under the Education (No 2) Act 1986 apply in England and Wales to every individual and body of persons concerned in the government of:

- any university
- any institution other than a university within the higher education sector
- any establishment of higher or further education which is maintained by a local authority
- any institution within the further education sector[44]

'University' is defined for the purposes of the 1986 Act to include a university college and any college, or institution in the nature of a college, in a university[45].

The Human Rights Act 1998 makes it unlawful for a public authority to act in a manner which is incompatible with the Convention Rights. 'Public authority' is defined as:

- a court or tribunal
- any person certain of whose functions are functions of a public nature[46]

Traditionally, state funding of institutions has been viewed as a potential ground for establishing that such institutions may exercise certain functions of a public nature. However, given changes to the funding regime in recent years, it remains to be seen what approach a court will take to institutions in future, taking account of their individual legal status, funding and functions.

Under the Equality Act 2010, the s.149 Public Sector Equality Duty applies to 'public authorities' (s.149(1)). Schedule 19 of the Act defines 'public authorities' to include *'The governing body of an institution in England within the higher education sector (within the meaning of section 91(5) of [the Further and Higher Education Act 1992]'* .[47]

[44] Education (No 2) Act 1986 s.43(5)

[45] Education (No 2) Act 1986 s.43(6)

[46] Human Rights Act 1998 s.6(3)

[47] In Northern Ireland, the two universities are designated for the purposes of section 75 of the Northern Ireland Act 1998 and are thus subject to the 'Equality' and 'Good Relations' duties. However, the Northern Irish students' unions have not been designated.

ANNEXE B: POINTS TO CONSIDER WHEN REVIEWING YOUR EXTERNAL SPEAKER PROCESSES

Institutions are free to devise their own policies and processes. These questions may be helpful in reviewing existing processes.

1. Is the policy dated?
2. When was the policy reviewed?
3. What details are included relating to the individual with ultimate oversight for the policy and decision-making authority (name, contact details)?
4. Does the policy state that individuals or organisations that fail to adhere to it will face sanctions?
5. How accessible is the policy?
6. Could the policy be made more widely available by utilising additional channels?
7. What measures are in place to communicate the policy to student societies?
8. Is the university event (conference) management team aware of the policy?
9. Does the policy include any details of who it applies to and which premises?
10. Would examples of scenarios where requests may be refused provide additional clarity?
11. What information is given on the timeframe within which external speaker requests must be submitted and responded to?
12. What information is given on how external speaker requests must be made and where relevant forms can be accessed?
13. Are there any questions on the list on page 19 which might be useful additions to your external speaker booking form?
14. What information is given on notifying the institution of material changes to an approved booking (such as a change in speaker)?
15. Using the legal overview in Diagram 1 on page 4 as a guide, are there any areas of the law that staff making external speaker decisions are unfamiliar with?
16. Is there a well-communicated and structured process in place to escalate external speaker requests that appear to be high risk or controversial?
17. Would creating a dedicated internal group assist with making decisions on the most complicated external speaker requests?
18. Using the list on page 21 as a guide, are there any individuals or organisations on it that your institution might usefully involve in external speaker decisions in particular circumstances?
19. What links currently exist with community groups, police and the local authority and are these links used to assist with external speaker decisions where necessary?
20. What information is given on the timeframe for communicating an external speaker decision and the mode of communication that will be used to do so?
21. Is any information given on appealing an external speaker decision?
22. Does the policy refer to the processes that student societies must follow when making an external speaker booking request for an event on university premises?
23. Does the policy include any involvement from a students' union representative (eg the president) in relation to potentially controversial external speaker requests submitted to the institution by student societies?

ANNEXE C: OTHER RESOURCES

Association of Chief Police Officers (2012) *Prevent, police and universities*

Association of Chief Police Officers (2008) *The application of neighbourhood policing to higher education institutions*

Charity Commission (2013) *Protecting charities from harm – compliance toolkit* (Chapter 5 – 'Protecting Charities from abuse for extremist purposes and managing the risks at events and in activities')

Equality Challenge Unit (2013) *Promoting good relations on campus: a guide for higher and further education*

Equality and Human Rights Commission (2014) *Gender Segregation at Events and Meetings. Guidance for Universities and Students' Unions*

National Union of Students (2011) *Managing the risks associated with external speakers*

Safe Campus Communities website: **www.safecampuscommunities.ac.uk**

True Vision Stop Hate Crime website: **http://report-it.org.uk/report_a_hate_crime**

Universities UK (2011) *Freedom of speech on campus: rights and responsibilities in UK universities*

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Code of Practice on Freedom of Speech

Cardiff University
Code of Practice to ensure freedom of speech

Durham University
Code of Practice on Freedom of Expression in Relation to Meetings or Other Activities on University Premises

Leeds Metropolitan University
Code of Practice on Freedom of Speech and Expression

Liverpool John Moores University
External Speakers Policy

London School of Economics
Code of practice on free speech

Loughborough University
Centre for Faith and Spirituality Handbook 2012-13

Oxford Brookes University
Code of Practice on Freehold of Speech and the Right of Lawful Assembly

Roehampton University and Roehampton University Students' Union
Guidelines for engaging with sensitive issues

St George's, University of London
Guidance for all speakers at SGUL

St George's, University of London
Promoting Good Campus Relations: Policy on Events and Meetings

University College London
Code of Practice on Freedom of Speech

University of Bath
Code of Practice – Freedom of Expression

University of Birmingham
Code of Practice on Freedom of Speech on Campus

University of Bolton
Code of Practice Relating to Freedom of Speech and Meetings on University Premises (including the premises of the University of Bolton Students' Union)

University of Bradford
Policy and Code of Practice on the Conduct of Events at the University

University of Brighton
Code of Practice on Freedom of Speech and Lawful Assembly in the University

University of Essex
Policy on Tackling Violent Extremism in the name of ideology or belief and maintaining cohesive campus relations

University of Manchester
Code of Practice on Freedom of Speech

University of Oxford, Magdalen College
Code of Practice on Freedom of Speech

University of Surrey
Code of Practice on Freedom of Speech

University of West London
Freedom of Speech – Code of Practice

University of Westminster
Code of Practice on Freedom of Speech within the University of Westminster

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