



University of
Salford
MANCHESTER

Freedom of Speech Policy

Version Number 2.4

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Legal & Governance Directorate

Document Control Information			
Revision History incl. Authorisation: (most recent first)			
Author	Summary of changes	Version	Authorised & Date
C. Price, A. Hartley & M. Stephenson	Minor revisions including department name and separating application form from policy 15/12/17 Council referred to GNEC 8 March 2018 pending minor amendments.	V2.4	VET: Nov 2017 GNEC: 08 March 2018 Council: 23 March 2018
C.Price & M. Stephenson	Included ref to faith centre, application form and Quiet Prayer rooms user guide	V2.3	Director LPG: 02/02/2016
C.Price & M.Stephenon	General policy review and incorporated Prevent duty	V2.2	Director LPG: 09/12/2015
M.Rollinson & C.Price	Addition re. gender segregation reflecting Equality & Human Rights Commission Guide	V2.1	Ops Board:23/10/2014
M Rollinson & C.Price	Reformatted into template, general updates re. University structures, link with Conference Office	V2.0	Exec: 13/01/2014 Council: 6/2/2014
Mark Rollinson	Freedom of Speech Code of Practice	V1.0	Council: Oct 2012
Policy Management and Responsibilities:			
Owner:	This Policy is issued by the Director of Legal & Governance, who has the authority to issue and communicate policy on Freedom of Speech duties.		
Others with responsibilities (please specify):	All subjects of the Policy will be responsible for engaging with and adhering to this policy.		
Author to complete formal assessment with the following advisory teams:			
Equality Analysis (E&D, HR) Equality Assessment form	1. <i>This is mandatory. Updated April 2018</i>		
Legal implications (L&G)	2. <i>N/A</i>		
Information Governance (L&G)	3. <i>Comments incorporated throughout revision.</i>		
Student facing procedures (QEO)	4. <i>N/A</i>		
UKVI Compliance (Student Admin)	5. <i>N/A</i>		
Consultation:			
Staff Trades Unions via HR Students via USSU Relevant external bodies (specify)	1. <i>N/A</i> 2. <i>Ongoing discussion and interaction of Freedom of Speech processes</i>		
Review:			
Review due:	2 years by March 2020		
Document location:	University of Salford Policy pages http://www.salford.ac.uk/policies		
The owner and author are responsible for publicising this policy document.			

1.0 Purpose

The purpose of this document is to specify University policy on freedom of speech. This policy takes account of (amongst other matters) the guidance of Universities UK (See Related Documentation) and the following legislation:

- Education (No. 2) Act 1986
- Education Reform Act 1988
- Counter Terrorism & Security Act 2015
- Equality Act 2010

2.0 Scope

2.1 Definitions for the policy

- 2.1.1 'Event' means any event of any kind on University Premises, 'off campus University events' or virtual events using University systems or premises including but not limited to meetings, assemblies, conferences, or gatherings, whether commercial or not. It does not relate to:
- 2.1.1.1 timetabled teaching activity such as seminars or lectures (teaching activity is subject to separate University Regulations and is organised by the School and Central Timetabling team); or,
- 2.1.1.2 University related professional and administrative activity or meetings.
- 2.1.2 'Off campus University event' means any event that is affiliated to, funded by or University branded (printed and electronic material) that takes place off campus (i.e. not on University premises)
- 2.1.3 'Controversial Event' means any Event which the University reasonably believes will or may involve any or all of the factors listed in paragraph 3.2.7.
- 2.1.4 'Events Team' means the team(s) within the University which are responsible for making bookings of venues on University Premises and for overseeing requests for permission to hold Events under this Policy.
- 2.1.5 'Organiser' mean the person or persons who are primarily responsible for organising the Event. (This will be the person who must apply for permission and who will be the primary point of contact for all arrangements).
- 2.1.6 'University Premises' means all premises and property owned, leased or controlled by the University, and includes whole or parts of buildings and rooms and external spaces as well as any premises owned or occupied by the Students' Union.
- 2.1.7 'Visiting Speaker' means a person invited to speak at an Event, this can include a panel member for a debate.
- 2.1.8 'Working Day' means Monday to Friday inclusive, excluding bank or public holidays in England or days the University is closed, for example between Christmas and New Year.

2.2 What the policy covers:

- 2.2.1 Requirements to ensure that freedom of speech is enabled for members, students and visitors of the University and for Visiting Speakers.
- 2.2.2 Requirement to obtain permission to hold an Event on University Premises or off campus University event where that Event is considered to be a 'Controversial Event' (see Definitions).

- 2.2.3 This policy relates to all Events regardless of how they are booked, including (but not limited to):
- 2.2.3.1 All internal Events which are booked via Timetabling
 - 2.2.3.2 All Events for the Robert Powell Theatre and THINKlab (which are booked directly)
 - 2.2.3.3 All Students' Union and Student Societies Events which are booked by the Students Union via Timetabling following the separate Student Union Policy on managing external speakers (see Related Documentation)
 - 2.2.3.4 All faith centre spaces bookings via the Faith Centre, Student Experience & Support
 - 2.2.3.5 University of Salford subsidiary companies events
 - 2.2.3.6 All other external bookings for Events which must be made through the Conference & Events Team.

2.3 To whom the policy applies:

- a. all members of the University community (whether or not employed by the University) and including independent Council members;
- b. all employees and those working on behalf of the University (including agency workers and contractors);
- c. all students of the University (whether full / part-time, including students enrolled on a distance learning programme) and including all students studying at the University under an agreement with a partner organisation (even if those students are not registered as students of the University);
- d. the Students' Union; and
- e. any person, organisation or group not falling within any of the above categories who wishes to hold an Event on University Premises or off campus University event.

3.0 Policy Statements

3.1 Freedom of Speech and Expression

- 3.1.1 The University shall uphold the fundamental rights of freedom of speech and expression and academic freedom so far as that is reasonably practical within the realms of the law.
- 3.1.2 The University has a duty to maintain safety and good order on its premises and to ensure that the articulation of beliefs, points of view and opinion do not lead to the commission of an offence or otherwise constitute or give rise to the potential to constitute incitement to riot or incitement to racial or religious hatred. The University wholeheartedly supports an environment in which all staff and students are treated with respect in which a zero tolerance approach is taken to bullying, harassment or discrimination. This is in accordance with the University Equality, Diversity & Inclusion Policy.
- 3.1.3 The University will ensure the use of University Premises is not denied on grounds connected with the beliefs, views, policies or objectives of an individual or body of individuals, as long as such use is at all times within the law.
- 3.1.4 All persons to whom this Policy applies (see Scope) are required to observe the principles of freedom of speech and expression while on University Premises or off campus University events, and shall show respect and tolerance towards the expression of views, opinions and

beliefs of others, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.

- 3.1.5 Gender segregation is permissible during collective religious worship because it is not subject to equality law. The University does not permit gender segregation at any other events. The right freely to manifest a religion or belief and the right to freedom of expression are limited by the legal obligation to protect the rights and freedoms of others. Specifically, they are subject to the stipulation that the protection of those freedoms cannot be at the expense of permitting discrimination against others.

3.2 Permission to hold a Controversial Event (see Flowchart: Appendix A)

- 3.2.1 The Organiser may be asked by the University for additional information (using the Freedom of Speech Application Form) to enable it to assess whether the Event is considered to be a Controversial Event.
- 3.2.2 The Organiser must submit the completed Freedom of Speech Application Form to the Events Team as soon as possible and in any event no fewer than 15 Working Days before the date scheduled for the Event. Failure to submit the completed Application Form on time or to submit a properly completed Application Form with sufficient information about the Event may result in permission being withheld.
- 3.2.3 The Organiser must ensure that nothing is done to advertise, publicise or promote the Event through any channel (including, but not limited to, the display or distribution of any notices, posters or banners and the solicitation of media interest) unless and until permission is granted. Failure to comply with this requirement may result in permission being automatically withheld.
- 3.2.4 Each completed Application Form will be considered by the Director of Legal & Governance or his/her authorised delegates (hereafter referred to as the Director of Legal & Governance) who, after any appropriate consultation will decide whether or not permission should be granted as set out below. The Organiser must promptly provide the University with all additional information or clarification about the Event which may be requested. In addition to the Application Form, the Director of Legal & Governance may consider representations made by relevant interested parties, such as the Police, and the results of the University's own enquiries in connection with the Event.
- 3.2.5 The Director of Legal & Governance will notify the Organiser of his/her decision within 5 Working Days starting on the date of receipt by the University of the completed Application Form or, if later, the date on which the University receives the additional information or clarification it has requested.
- 3.2.6 Where permission has been granted for an Event, the Organiser must inform the University immediately if there is any change to that Event and/or to any of the information contained in the Application Form. Such a change may trigger a re-assessment of the decision to grant permission and the Organiser may be required to submit a further Application Form with appropriate amendments.
- 3.2.7 In determining whether permission should be granted the Director of Legal & Governance shall consider, amongst other relevant matters, some or all of the matters listed below recognising that freedom of speech may be justifiably relegated behind other more important considerations:
- a. the risk that the Event may:
 - i. contravene, or by being held cause the University to contravene, any civil or criminal law and in particular, but without limitation, any laws relating to drawing people into or inciting any or all of the following (a) terrorism (b)

public disorder (c) violent, threatening or abusive conduct; (d) conduct inciting racial or religious hatred; (e) discrimination; (f) defamation; (g) harassment; (h) trespass and / or

- ii. incite those attending to commit a criminal act or give rise to a breach of the peace; and / or
 - iii. lead to rioting, public disorder or other anti-social or disruptive behaviour; and / or
 - iv. be in direct support of, or closely associated with, an organisation whose aims and objectives are illegal; and / or
 - v. cause damage to property or harm or injury to others; and / or
 - vi. adversely affect the 'student experience' of students who are studying at the University which is of paramount importance;
- b. the safety of persons attending the Event as well as the general safety and well-being of other users of University Premises who may foreseeably be put at risk as a result of the Event. Consideration of this may include liaison with the Head of Security and/or the Police;
 - c. the risk of harm to any person including but not limited to any Visiting Speaker(s), staff, students and visitors of the University;
 - d. the security of University Premises and the University's duty to uphold good order on its premises;
 - e. the University's positive commitment to respect the equality and diversity of members of the University community and third parties with whom it has dealings (as articulated in the University's policies); and
 - f. the need to protect the good name, reputation and business of the University and its charitable status.

3.2.8 Where the Director of Legal & Governance grants permission for an Event, that permission may be subject to certain conditions or restrictions which the Organiser must ensure are complied with, including (without limitation) instructions on the location, format and scheduling of the Event, prior approval of, and/or limitations on, any publicity material, and requirements for the security measures to be taken at the Event. The Director of Legal & Governance also reserves the right to release a public statement setting out his/her reasons for granting permission and disclaiming any connection with the views expressed at the Event.

3.2.9 If the Organiser fails to ensure that all conditions and restrictions which apply to the permission are complied with, the Director of Legal & Governance may withdraw that permission and take such other action as is deemed appropriate in the circumstances, including cancellation of the Event.

3.2.10 If the Director of Legal & Governance reasonably believes that any information contained in the Application Form submitted by the Organiser is untrue and/or misleading in any respect, then s/he may withdraw any permission which has been granted for the Event.

3.2.11 The Director of Legal & Governance reserves the right to reassess the Organisers' application for permission at any time prior to the Event and the Event may have to be postponed until such reassessment has been made. The Director of Legal & Governance may seek to invoke this power on the basis of new information or where an objection is raised (See Right to Object below) or where s/he considers that any material change to the

Event has been made. In reassessing the application for permission the Director of Legal & Governance will re-consider the points stated above in paragraph 3.2.7.

3.2.12 The Organiser shall be responsible for meeting all:

- a. costs and expenses incurred in complying with requirements for holding the Event as deemed necessary by the University, the Police and/or other appropriate authorities, such as security measures around the Event; and
- b. losses, liabilities, costs and expenses which may be incurred arising from the postponement or cancellation of the Event in accordance with this Policy.

The Organiser shall indemnify and hold harmless the University from and against any and all such costs, expenses, losses and liabilities under this paragraph 3.2.12.

3.3 Withholding or withdrawing permission and the Right to Appeal

3.3.1 Where permission is withheld or withdrawn, the University shall provide reasons to the Organiser. The Organiser has the right to appeal the decision within 5 Working Days by making representations in writing to the University Registrar. If there is insufficient time to hear the appeal before the scheduled date for the Event, the Event may have to be postponed pending the outcome of the appeal.

3.3.2 There is no right of appeal in situations where the Organiser has breached this policy.

3.3.3 Within 5 Working Days of receipt of the appeal, the University Registrar shall review the original decision and will notify the Organiser of the outcome of his/her appeal.

3.3.4 If permission has been granted but is subsequently withdrawn, the Organiser must immediately stop advertising, publicising and promoting the Event and (at its cost) must remove all advertisement and promotional materials from all channels, including taking down materials displayed on University Premises or for off campus University events.

3.4 Right to Object to an Event

3.4.1 Any person may raise an objection to the University in respect of the holding of an Event. The Director of Legal & Governance may take such steps as s/he considers necessary in response to the objection, which may result in the Organiser being required to postpone, relocate or cancel the Event.

3.5 Controversial and offensive notices, banners and literature

3.5.1 The University has the right to take such steps as it considers necessary, including confiscating any notices, banners or other literature, that in the opinion of the University go beyond the mere expression of points of view and opinion upheld by this Policy, or are otherwise unlawful.

3.6 Visiting Speakers

3.6.1 In upholding the right of freedom of expression and academic freedom the University recognises and encourages the need for free debate, therefore all Visiting Speakers will be asked to take questions from those attending the Event, so that the opinions and theories expressed can be tested and challenged openly and within the boundaries of the law. The University reserves the right to remove any person attending an Event whose behaviour becomes disruptive, abusive or otherwise unlawful and may, if appropriate report that person's behaviour to the Police.

3.7 Information Sharing

3.7.1 In following the requirements of this Policy, there will be liaison and exchange of information between University departments / units and external bodies. These may include (but are not limited to);

- Conference & Events Office
- Legal & Governance Directorate
- Estates & Facilities
- University of Salford Students Union
- University of Salford Council (and its committees)
- Greater Manchester Police
- Other Universities

3.8 Record Keeping

3.8.1 In order to ensure that fair and lawful decisions, consistent with this policy, are made, comprehensive records of applications to hold events, consideration of those events and any other relevant documents shall be maintained by the University and retained for not less than six years.

4.0 What happens when the Policy is not followed

4.1 Any breach of this Policy may result in disciplinary action in accordance with the applicable discipline policy and/or the withdrawal of permission for the Event.

4.2 Where the acts of individuals involve alleged breaches of criminal law, the University will assist the prosecuting authorities in implementing the process of law and any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

5.0 Related Documentation

5.1 Documents associated with this policy

- Freedom of Speech Process map (Appendix 1)
- Applicable Event Booking Terms and Conditions issued by the University
- University social media guidelines

5.2 University Policy documents

University Policies pages [University Policies pages http://www.salford.ac.uk/policies/](http://www.salford.ac.uk/policies/)

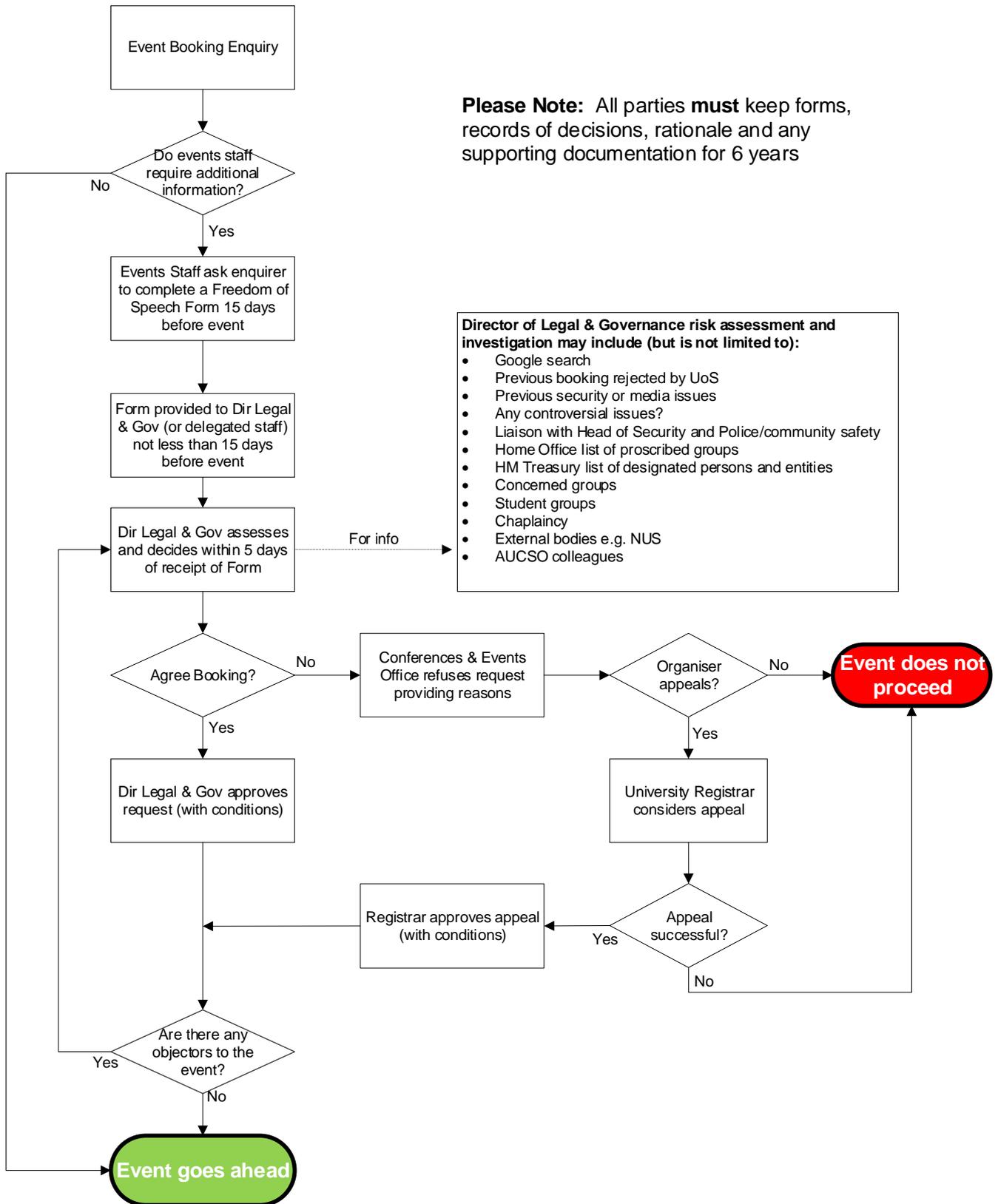
- Freedom of Speech Application form
- University of Salford Charter
- Inclusion & Diversity Strategy
- Equality, Diversity & Inclusion Policy

5.3 External Policies and Guidance

- University of Salford Students Union Policy on Handling External Speakers
<https://www.salfordstudents.com/societies/committee-hub/events/freedom-of-speech>
- Prevent Duty Guidance for Higher Education
- Equality and Human Rights Commission

- Gender Segregation at Events and Meetings
- Universities UK Guides
 - Freedom of speech on campus: rights and responsibilities in UK Universities
 - External speakers in higher education institutions

Appendix 1: Freedom of Speech Process Map



Please Note: All parties **must** keep forms, records of decisions, rationale and any supporting documentation for 6 years

- Director of Legal & Governance risk assessment and investigation may include (but is not limited to):**
- Google search
 - Previous booking rejected by UoS
 - Previous security or media issues
 - Any controversial issues?
 - Liaison with Head of Security and Police/community safety
 - Home Office list of proscribed groups
 - HM Treasury list of designated persons and entities
 - Concerned groups
 - Student groups
 - Chaplaincy
 - External bodies e.g. NUS
 - AUCSO colleagues

2nd November 2017