

# Code of Practice to ensure freedom of speech

**Effective September 2024 to Present**

[Student Policies and Regulations](https://uclan.ac.uk/legal/student-policies)  
[uclan.ac.uk/legal/student-policies](https://uclan.ac.uk/legal/student-policies)

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## Useful Links

Designated Events Procedure - [Student policies and regulations \(sharepoint.com\)](#)

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# UNIVERSITY OF CENTRAL LANCASHIRE

## CODE OF PRACTICE TO ENSURE FREEDOM OF SPEECH

All students and staff of the University must familiarise themselves with this Code of Practice to ensure Freedom of Speech ("the Code").

### 1. Introduction

The University is committed to doing all that it reasonably practicably can to ensure and promote freedom of speech and academic freedom. These concepts are foundational values of higher education, and core to the University's institutional values and its charitable objects to advance education and knowledge for the public benefit through academic instruction and enquiry.

In accordance with the requirements of Section 43 of the Education (no. 2) Act 1986 the University makes this Code, governing the conduct of staff and students, and prescribing procedures to be followed in order to maintain freedom of speech within the law. The Code is set within the framework of relevant law, regulation and guidance. The Code is to be read in conjunction with the University's [Student Policies and Regulations](#), including the [Equality, diversity and inclusion statement - UCLan](#).

This Code shall apply to those persons and bodies listed at paragraph 4(a) of this Code.

### 2. General Principles and Legal Duties

- a) The University greatly respects the rights and freedoms of individuals, and the principles of equality, diversity and inclusion, and all members of our community share the responsibility for maintaining an environment of reasoned enquiry, mutual tolerance and civility. However, it is not the proper role of the University to attempt to restrict the discussion of ideas and opinions that are within the law, no matter how unwelcome, distasteful, or offensive those ideas and opinions may seem to some. This is especially the case in relation to matters of academic and public interest.
- b) At the same time, association with the University as an academic institution confers a degree of authority and legitimacy on views and provides privileged access to a scholarly audience for the speakers it hosts. In assessing what is reasonably practicable to do to ensure and promote freedom of speech and academic freedom in any given case, the University does not regard itself as obliged to provide a platform to individuals who have no recognised expertise in a field of academic inquiry or to those who wish to promote views that are manifestly at odds with empirically verifiable objective facts or not susceptible to reasoned enquiry and debate. Staff and students making decisions about invitations to speakers should always carefully assess the contribution a discussion or event will have to the advancement of education in a university setting, and to what form the event should take to best deliver that outcome.
- c) Section 43 of the Education (No.2) Act 1986 requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members, students and employees and for visiting speakers.
- d) The University has the right and power to regulate the use of its premises and is under no legal obligation to hold meetings on the campus which are open to the outside public. In compliance

with its duties under the above legislation, however, the University will ensure, so far as is reasonably practicable, that the use of its premises is not denied to any individual or body of persons on any ground connected with:

- i) the beliefs or views of that individual or of any member of that body; or
  - ii) the policy or objectives of that body.
- e) The University is also required to produce this Code setting out the procedures to be followed by students and staff in connection with the organisation of meetings and other activities which fall within any class specified in this Code, together with the conduct required of staff and students in connection with such meetings and activities.
- f) The University is committed to ensuring that 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 any privileges that they may have or reducing the likelihood of securing promotion or different jobs at the University. Academic freedom must be exercised within the law and is subject to this Code. The University will endeavour to uphold these rights for staff who work outside the UK; however, staff also need to have regard to the laws of the country in which they are working.

### **3. Limitations on Freedom of Speech**

- a) Nothing in this Code shall interfere with the right to assemble, demonstrate, protest and speak or otherwise express oneself within the law. However, illegal and unlawful acts will not be tolerated. Protests against an event must be conducted without infringing the rights of others, including others' rights to freedom of speech. No protest should prevent an event allowed under this Code from going ahead as scheduled.
- b) The University has a duty to protect its staff and students from unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy and maternity. However, the provisions of the Equality Act 2010 should not be interpreted to undermine freedom of speech and academic freedom. As a result, students' learning experience and the working environment of staff may include exposure to research, course material, discussions or speaker's views that they find offensive, contentious or unacceptable, and this is unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.
- c) The University is subject to the public sector equality duty and when it is exercising its functions it must have due regard to the following three aims:
- (i) the need to eliminate unlawful discrimination, harassment and victimisation;
  - (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (iii) the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In the context of its duties in relation to freedom of speech and academic freedom, the University will consider the potential impact on staff and students who may feel vilified or marginalised by views expressed and how to ensure those students feel included and welcome within the University environment and able to participate fully in activities and discussions.

- d) The University must comply with its specific obligations in relation to gender segregation pursuant to the Equality Act 2010. Gender segregation (i.e. the segregation of male and female attendees via seating or standing arrangements) is prohibited by law for all meetings and events save as for meetings and events held for the purposes of religious observance undertaken by the adherents of a particular faith. Segregation is permissible in these circumstances only. In all other meetings and events, the University is legally obliged to take all reasonably practicable steps to prevent gender segregation.
- e) The University must also take account of other legal obligations which may require it to have regard to what is said on its premises including complying with counter-terrorism legislation and criminal law. A speaker, for example, who makes slanderous statements or who incites an audience to violence or to a breach of the peace or to racial hatred transgresses the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace. Whilst upholding the principle of freedom of speech recognised in this Code, the University also has a right to take action to prevent damage to its property and interests; such action will not be unreasonably taken.
- f) In the context of academic freedom, it is expected that all statements, claims and predictions or similar, reflect the academic principles of, among other things, an accessible evidential base and a coherence of argument within the context of a recognised academic method or approach, in an area of the principal's recognised expertise.

#### **4. Scope of the Code**

- a) The Code shall apply to:
- all members, staff and students at the University;
  - visiting speakers and all other persons invited or otherwise lawfully on the premises;
  - The Students' Union, including its constituent societies, clubs and associations. The Students' Union shall bring this Code to the attention of its employees and members and take steps to ensure that they comply with it.
- b) Subject to the limitations in paragraph 7.2 below, the Code shall apply to all forms of communication and expression utilising the facilities/assets of the University, irrespective of the medium employed, including:
- Meetings and similar organised events arranged internally or by external organisations including by the Students' Union. The procedure to be followed in such cases is set out at paragraph 7.1;
  - The display of signs, posters and distribution of literature;
  - The display of internal / non-profit making advertising material;
  - The display of audio-visual material;
  - Social and recreational activities;
  - University branded events taking place off campus;
  - Any other activity which the University Board from time to time declares to fall within the Code.
- c) A meeting, event or activity may take place without any of the participants being physically present, provided it is possible for the meeting, event or activity to be communicated. This may, for example, take place via electronic means such as Teams or Zoom.

- d) This Code shall apply, where relevant, to the University's overseas campuses to the extent that it does not breach the law in the country in which any such campus is based.

## 5. Responsibilities

- a) The Vice-Chancellor shall be responsible to the University Board for the operation of this Code. Subject to this, their authority will be delegated to the University Secretary and General Counsel who may further delegate authority in general or in particular instances to other members of staff of the University. This may include setting up a group to consider a 'designated event' (as defined in paragraph 6) and to make recommendations to the University Secretary and General Counsel.
- b) Any such group shall comprise such representatives as the University Secretary and General Counsel considers appropriate.
- c) In reaching any decision under this Code, the University will give careful consideration to the relevant issues and all available evidence, and act proportionately. It will balance the right to freedom of speech and/or academic freedom, and its duty to protect it, with any relevant legal limitations. It will also take into account relevant guidance that may be issued by appropriate bodies.
- d) Any decision under the Code will be made as soon as reasonably practicable, and in any event, no more than **10 working days** after the University Secretary and General Counsel receives notification of the 'designated event'.
- e) Only the University Secretary and General Counsel, (or, in their absence, a member of the Vice Chancellor's Group nominated by the Vice-Chancellor) has the authority to ban a designated event, subject to appeal as set out in paragraph (f) below.
- f) Where there is a dispute about the University Secretary and General Counsel's interpretation of this Code or their ruling in a particular instance, the matter may be referred to the Vice-Chancellor or in their absence, a member of the Vice Chancellor's Group nominated by the Vice-Chancellor who has had no previous involvement in the issue for final determination if time and practicalities permit. The appeal must be made within **3 working days** of the decision. Any such decision, whether made by the Vice-Chancellor or Vice-Chancellor's nominee will be final but must be reported to the next meeting of the University Board.
- g) Any instances where the Code has been invoked must be reported to the University Secretary and General Counsel who will report to the Board as appropriate.

## 6. 'Designated Event' - Definition

A 'Designated Event' is defined as: any meeting, event or other activity due to take place on University premises or utilising University facilities (including the University's brand) which makes it likely that the University would be failing to act in accordance with duties imposed on it by law, or which would infringe the rights or freedoms of others if no action were taken in respect of the event. For the purposes of illustration only, the following is a non-exhaustive list of criteria the University will apply in determining possible 'Designated Events':

- the expression of views which are reasonably likely to be contrary to the law, or expressed in a manner which may be contrary to the law;

- the invited speaker and/or organisation represents, advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs;
- any meeting or other activity where it is likely that the speaker may not be able to enter or leave the building safely and/or deliver their speech safely (see para 7 below);
- any event at which a breach of the peace is likely to occur;
- the commission of, or incitement of persons to commit, an unlawful act;
- organisation of an event by, or on behalf of, any organisation or group which is outlawed under UK law;
- any meeting or event where there is a reasonable risk of unlawful gender segregation. For example, any meeting or event that follows religious worship, where gender segregation has lawfully taken place, where there are reasonable grounds to suspect that the gender segregation may continue.

The University's Designated Events Procedure sets out information regarding how Designated Events are dealt with by the University. Designated Events Procedure - [Student policies and regulations \(sharepoint.com\)](#)

## **7. University Programmes, Associated Policies, Regulations and Procedures**

**7.1** The University will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular:

- i) Its processes for programme development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom;
  - ii) Its processes for facilitating research will respect the rights of freedom of speech and academic freedom;
  - iii) No individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the University because of the lawful exercise of freedom of speech or academic freedom.
- a) Any breach of this Code and any conduct or course of action which prejudices the lawful exercise of freedom of speech or academic freedom, or which causes the University to fail in its legal duties as set out in this Code will render those responsible subject to disciplinary proceedings as laid down by the University. In the event of a concern as to whether an activity falls within the definition of a 'designated event' (as defined in paragraph 6), advice should be sought from the University Secretary and General Counsel.
  - b) Additionally, if any such actions involve breaches of the law, the University will be ready to assist the prosecuting authorities to implement the processes of law, and if charges are preferred, may stay disciplinary proceedings pending the outcome of any such proceedings.

## **7.2 Meetings and similar organised events**

- a) All internal bookings of Estates managed rooms on University premises should be made in accordance with Estates Room Booking Procedures; [Space Bookings \(sharepoint.com\)](#)
- b) Any booking of University facilities by or on behalf of an external person or organisation must be made subject to the [Space Management Policies and Procedures \(sharepoint.com\)](#).

- c) All bookings of rooms or use of spaces on University premises by both internal and external persons are subject to compliance with this Code;
- d) Organisers of meetings and other events are advised that room bookings and/or notification should always take place at the earliest possible date. Bookings may have to be refused, even where minimum times are complied with, if there is insufficient time in which to complete the necessary arrangements and procedures (including any appeal);
- e) Any conditions imposed on the holding of a meeting or event shall be kept to the minimum necessary in light of any risks identified in holding the meeting or event;
- f) It is the responsibility of those who organise meetings or similar events to ensure that the question as to whether a meeting may be a 'designated event' (as defined in paragraph 6) has been properly considered in good time by relevant University staff with all decisions appropriately recorded. In the event of doubt, advice should be sought from the University Secretary and General Counsel.

### **7.3 Display of Notices etc. and Distribution of Literature**

Regulations governing posters, notices, temporary signs and the distribution of literature are available from Estates or at [regulations-governing-posters-signs-2324.pdf \(uclan.ac.uk\)](https://www.uclan.ac.uk/regulations-governing-posters-signs-2324.pdf)

### **7.4 Advertising, Selling and Revenue-Generating Activity**

Nothing in this Code shall be interpreted as affording an automatic right for third parties to use University premises for the purposes of advertising, selling or other revenue-generating activity.

### **7.5 Social and Recreational Activities**

- a) Staff should take note of the University's [Social Media Policy](#).
- b) Staff and students should take note of the Rules for the Use of the University's IT Facilities. Available through the University's [Student Policies and Regulations](#)

These documents and other policies can be found on the UCLan website.

### **7.6 Students' Union Code of Practice**

- a) The Code of Practice relating to the operation of the Students' Union is available from the Students' Union and on the UCLan website.

## **8. Review**

This Code will be reviewed on an annual basis as part of the Student Policies and Regulations cycle.