

Code of Practice on Freedom of Speech

Preamble

The University is required by Section 43 of the Education (No. 2) Act 1986 to take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured on University premises for members, students and employees of the University and for visiting speakers'. Furthermore, the use of University premises, so far as is reasonably practicable, is not to be 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'.

The Vice-Chancellor and the Board of Governors have a responsibility to maintain good order on their premises. They have both the right and the power to regularise and if necessary to impose conditions or restrictions upon the conduct of meetings and other activities on their premises and of being responsible to ensure that the students' study at the University is not interrupted, that property is not damaged and that good order and proper academic discipline is maintained. They also have a responsibility to adhere to the Articles of Government of the University and the regulations made there under.

Middlesex University seeks to conduct its affairs in an open and responsible manner. The University believes that all staff and students should have the right to speak freely, without fear of disciplinary action or any other sanction, provided they do so lawfully, without malice, and in the public interest. At the same time, all staff and students have a responsibility not to abuse this right so as to bring the name of the University into disrepute.

Middlesex University endorses the principle of freedom of speech and has adopted the following Code of Practice in order to secure freedom of speech within the law on all University premises. This Code applies to any meeting or other activity where there is a real likelihood that any person speaking or invited to speak at such a meeting or activity may not be able to enter or leave the premises safely and/or deliver their speech. Any breach of the Code is likely to be treated as a disciplinary matter.

Principles

The following principles shall apply to the use of University premises in connection with meetings and other activities covered by the Code:

1. the maintenance of freedom of thought and lawful expression shall be a cardinal policy of the University. Every vigilance shall be exercised to prevent any such speech which constitutes a criminal offence or incitement to commit any criminal offence(s);
2. the articulation of particular viewpoints shall not be prevented only because they are deemed 'unacceptable' by some or all of the University community;
3. while peaceful demonstration is a legitimate means of drawing attention to an issue or to a counter-viewpoint, any act of demonstration which diminishes the rights or liberties of others or endangers the safety of individuals, or that seeks to deny a fair hearing, is condemned. There is an expectation going beyond this that visiting speakers will be received and treated with courtesy;
4. these principles shall apply to any activities, including meetings, arranged by the staff or student body. Similarly, observance of the principles will be required of any other persons, groups or organisations permitted to hire or otherwise use University premises for events arranged or sponsored by them;
5. the code will be applied overseas. However the code shall be subject to local laws and customs as applicable.

If the University becomes aware of any proposed meeting or activity which it has reason to believe does not support the above principles, then it shall be entitled to prohibit such meetings or activities.

The University shall be entitled to impose such conditions on the holding of all meetings and activities on University premises as it considers reasonably necessary to secure fulfilment of its statutory responsibilities concerning the protection of freedom of speech within the law.

Meetings and events

1. The University should not unreasonably refuse the holding of events on its premises, and the expression of controversial views which are not unlawful per se will not normally constitute reasonable grounds for withholding facilities for an event, particularly if it is evident that the sponsors aim to present more than one side or aspect of the controversy. However, reasonable grounds for refusal would be, for example, that the aim or likely outcome of the event was to:

- incite those attending to commit a criminal act;
- lead to the expression of views in a manner contrary to the criminal law;
- be in direct support of an organisation whose aims and objectives are illegal;
- incite a breach of the peace.

2. Irrespective of whether the event is internal or provided for a wider audience than the University community, consideration will also be given to the following factors determining whether the holding of an event on or passing through the University premises or grounds, shall be permitted.

- The safety of persons attending the event and of persons in the vicinity who might foreseeably be put at risk.
- The security of the University premises.
- The good name of the University.
- The ability and willingness of the promoters to meet the costs of such measures as the responsible officers of the University deem necessary to safeguard the safety of persons and the security of University premises and property.
- The likelihood that the event will interrupt the work of students and staff not directly involved in the event.
- The adequacy of the period of notice given by the organisers in relation to the arrangements which need to be made and to the limited capacity of the University to devote administrative and other resources to such arrangements at a short notice.
- The experience of the organisers and the likelihood that they will be able and willing to ensure the good conduct of the event and its participants.
- The willingness of the promoters to assist in encouraging and facilitating a balanced presentation of opposing views.
- The willingness of the promoters of an event which constitutes a public meeting to conduct the meeting in a proper manner and to recognise that the police have the power and, in cases where breaches of the peace are seriously apprehended, the duty to attend and to assist in, or, in extreme cases, to take charge of, the maintenance of order.

3. The University will do all it can, through the organisers, to ensure that all events on its premises are efficiently and adequately stewarded and properly managed and chaired. The Academic (or Deputy Academic) Registrar will, after any appropriate consultations, have the discretion to impose conditions which in his/her opinion may be necessary to enable the

meeting to proceed in accordance with the principles of freedom of speech within the law and in a way consistent with the need to maintain good order.

4. In the event of the Academic (or Deputy Academic) Registrar not being satisfied that adequate arrangements have been made to maintain good order s/he may withdraw permission for the event.

Administrative Procedures

A single person must be nominated as principal organiser of any event held on University premises and must be a registered student or employee of the University. In respect of any proposed meeting which is to take place in the Students' Union building, or elsewhere but under the control of the Union (or club/society affiliated to the Union), the requirements placed on the principal organisers shall also apply to the President of the Students' Union. The principal organiser shall be responsible, as far as is reasonably practicable, for ensuring that the organisation of the event, the conduct of the organisers and the conduct of invitees shall be lawful and shall conform to the provisions of this Code and to any condition duly imposed under this Code.

If the principal organiser has any reason to think that there may be a breach of the peace or any problems, difficulties or disturbances if the event or meeting takes place, they shall immediately refer the matter to the Academic (or Deputy Academic) Registrar. The decision whether or not any particular application should be approved shall then rest with the Academic (or Deputy Academic) Registrar who will take into account the requirements of the Education (No 2) Act 1986, the principles and conditions laid down in this Code and the maximum capacity of the areas available for the event and other safety factors as advised by the University's Health and Safety Officer.

The Academic (or Deputy Academic) Registrar will undertake any appropriate consultation regarding any proposed event and in particular an event will not be permitted if the police advise that it is likely to lead to a breach of the peace. In such circumstances it will be necessary to consider what arrangements might be made, then or later, for the meeting to take place in circumstances which would avoid the likelihood of a breach of the peace.

Hire of Premises by External Organisations

The University will decide on the letting of University premises to external organisations. It will impose such conditions on lettings as it thinks the circumstances warrant including any referred to in this Code of Conduct and including restriction on the number of persons from outside the University who shall be allowed into the University.

All approvals of external applications for the use of premises are subject to the hirer fully completing the appropriate documentation, agreeing to the current standard conditions of hire and paying in advance any necessary fees.

Anyone hiring University premises shall be responsible for taking such steps as are reasonably practicable to ensure that Freedom of Speech within the law is secured for persons attending or speaking at any meeting or other activity held on University premises.

Rights of Appeal

Any appeal against a decision made under this Code may only be made by the principal organiser to which the decision relates. Such appeal must be made to the Vice-Chancellor

within seven days of the issue of the decision and the Vice-Chancellor's ruling shall be final. The Vice-Chancellor shall report any ruling made in respect of an appeal under this Code to the next meeting of the Board of Governors.

Revision

This Code of Practice will be revised as necessary in the light of experience.

After consultation with the Students' Union, Head of Equal opportunities, Health & Safety Officer, Head of Facilities, Head of Security, Directors of Resources and Students, Director of the Dubai campus, this code of practice was approved by Academic Board on 21 June 2006.

Revised November 2011