

NOTTINGHAM TRENT UNIVERSITY
CODE OF PRACTICE ON FREEDOM OF SPEECH

Effective from 15 December 2015

1. Introduction

- 1.1. Freedom of speech and expression is an important feature for universities as open institutions, where the freedom to express ideas and opinions is a fundamental principle. At the same time, all such freedoms are subject to limitations under the law, to protect the rights and freedoms of others.
- 1.2. In common with other Higher Education Institutions, Nottingham Trent University (NTU) has certain legal and regulatory obligations to protect freedom of lawful speech and expression.
- 1.3. NTU is also committed (as articulated in its Articles of Government) to ensuring that its 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 at risk of losing their jobs or any privileges they may have at the University.
- 1.4. This Code of Practice (the Code) sets out the way in which the rights and obligations associated with freedom of speech and expression operate at NTU. Its principles are supported and shared by the Nottingham Trent Students' Union (NTSU).

2. Scope

- 2.1. The Code's rights and obligations apply to:
 - the University, including members of its Governing Body;
 - Subsidiary companies and other organisations/bodies wholly owned or controlled by the University;
 - all employees of the University and those undertaking duties on its behalf;
 - all students of the University (whether full or part-time) throughout the period in which they are formally enrolled at the University;
 - the Nottingham Trent Students' Union and any of its societies, clubs or associations; and
 - all persons invited to speak or otherwise take part in events to be held on the University's premises in accordance with the provisions of this Code.
- 2.2. References in the Code to "the University's premises" mean those premises over which the University exercises some degree of control (whether or not those premises are owned by the University) and includes University premises that are occupied by the Nottingham Trent Students' Union.

3. Policy statement

- 3.1. The University will not suppress freedom to express controversial or unpopular views, provided that the expression of those views does not go beyond the articulation of points of view and does not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful.

- 3.2 In upholding principle 3.1, the University will give due regard to the Prevent duty within the Counter-Terrorism and Security Act 2015, as well as the Education Act (No 2) 1986 in terms of freedom of speech.
- 3.3 Whilst upholding the principles of freedom to express potentially controversial or unpopular views, the University will not permit its premises or resources to be used to promote or support extremism. Where the University has concerns that an event or series of events might draw people into terrorism, it has the absolute authority not to allow the event to proceed.
- 3.4 In considering whether to allow the expression of potentially controversial or unpopular views, the University shall also take account of its wider legal duties, in particular to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by law;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.5 Where decisions are complex, the final decision to approve or to reject a speaker will rest with the Vice-Chancellor, Senior Pro Vice-Chancellor or Pro Vice-Chancellor (Culture).
- 3.6 The University reserves the right that, where an event is allowed to proceed, speakers with extremist views can be and are challenged with opposing views as part of that same event.
- 3.7 Every person to whom the Code's obligations apply is required to assist the University in upholding this Code of Practice.
- 3.8 The University shall take such steps as are reasonably practicable, including where appropriate the initiation of disciplinary measures, to secure compliance by groups or individuals with their obligations under this Code of Practice.

4 Operational implementation of the Code

- 4.1 The University has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon events and activities taking place on its premises.
- 4.2 Academic Managers in the Colleges and Schools are responsible for ensuring that the principles underpinning this Code are taken into account in the planning of teaching and learning activity and in the production of publications or other output from academic work, with reference where appropriate to the Academic Publications Strategy.
- 4.3 In addition, any off-site event (i.e. one taking place away from the University's premises) held in the University's name or on its behalf must, as far as reasonably possible, be organised and managed in compliance with the principles underpinning this Code.
- 4.4 For any other events or activities (particularly meetings and demonstrations) which are not part of the approved academic course content or officially authorised business of the University where it is expected, or reasonably foreseeable, that the event/activity will raise controversial issues, prior approval for use of University premises and or resources must be secured in accordance with the Event Approvals Procedure which accompanies this Code.

- 4.5 Conference organisers should ensure that early consideration is given to the feasibility of ensuring security where conferences involve multiple venues and last for more than one day.
- 4.6 Regular contact is needed between the University and conference organisers to assess the progress of conference arrangements to ensure emerging issues are identified early.

5 Sanctions and Penalties

- 5.1 The University shall be entitled to take action, under the relevant disciplinary procedure, against any person who breaches this Code.
- 5.2 In addition, if an offence is allegedly committed at or in connection with an event or activity to which the provisions of this Code apply, the University may take steps to assist the police in identifying any persons committing offences with a view to appropriate action being taken against them.

6 Code Review and Amendment

- 6.1 The University shall, in accordance with its obligations under section 43 of the Education (No. 2) Act 1986 and the Prevent duty within the Counter-Terrorism and Security Act 2015, periodically review and, where necessary, update this Code. To this end, the Governing Body shall receive a report from the Vice-Chancellor on the operation of the Code, together with any recommendations for its revision, at intervals not exceeding three years.

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CODE OF PRACTICE ON FREEDOM OF SPEECH
EVENT APPROVAL PROCEDURE

1. Application for approval

- 1.1. This Procedure applies to events and activities which are not deemed (by the relevant College/School Academic Managers) to be part of the University's internally-authorized teaching and learning activity.
- 1.2. Formal approval from the University must be obtained, in advance, for any event to be held on the University's premises (whether or not an external speaker is involved) where it is expected, or reasonably foreseeable, that the event will raise controversial issues which may risk infringement of or non-compliance with the University's Code of Practice on Freedom of Speech.
- 1.3. Examples of such events include, but are not limited to, meetings or gatherings where the topics to be covered include social, political or religious issues which are known or can be reasonably expected to invoke fiercely opposing views.
- 1.4. To seek formal approval, the organiser(s) of the event must submit a written request (using the Event Request Form at Appendix 1) for consideration. The request must be submitted not less than 20 working days before the proposed date of the event, to a designated Approving Manager determined by the status of the event organiser(s), as follows:

Event Organiser(s)	Approving Managers
The Students' Union (including any of its Societies, Clubs and Associations)	The CEO <u>and</u> the President of Nottingham Trent Students' Union
Student(s) acting personally (i.e. independently of the Students' Union)	Dean of School
Academic Staff	Dean of School
Professional Services staff: in a School in a College in Professional Services departments	Dean of School Head of College Head of Service
External hirer (organisation or individual)	Head of Customer Services

- 1.5. In the event of any doubt as to whether a proposed event might require approval under this procedure, the organiser(s) of the event shall consult the relevant Approving Manager at the earliest opportunity so that the correct procedures may be followed.
- 1.6. In considering whether to approve the event request, the Approving Manager shall take account of any actual and/or potential risks associated with the event, which may involve the completion of a formal risk assessment. The Approving Manager must note clearly the level of actual and/or potential risk associated with the proposed event.

- 1.7. Noting 1.6 above, particular regard should be given to risks related to views which might potentially be exposed by the speaker, and if there is the potential that these may constitute extremist views which would risk drawing people into terrorism, or are shared by terrorist groups as defined by the Home Office.
- 1.8. The Approving Manager shall have discretion to refer the matter for consideration and decision by an Event Approval Panel (EAP) comprising the Approving Manager and two other senior officers of the University or the Students' Union (such that at least one member of the EAP is a Member of University staff).
- 1.9. Based on the evidence, the Approving Manager/EAP shall agree the level of actual and/or potential risk and a decision shall be made as to whether the request to hold the event is:
 - Approved, or
 - Approved with conditions, or
 - Rejected.
- 1.10. The Approving Manager/EAP shall seek to provide written confirmation of their decision to the event organiser(s) within 5 working days of receiving the written request. However, the Approving Manager/EAP may require more time to reach their decision; in such circumstances, the decision will be communicated as quickly as circumstances allow.
- 1.11. Reasonable grounds for refusal include, but are not limited to, consideration by the Approving Manager/EAP that the event may:
 - Provide a platform for the expression of extremist views, which could potentially draw people into terrorism, or encourage radicalization, or be the expressed views of terrorist groups;
 - incite those attending to commit a criminal act;
 - lead to the unlawful expression of views;
 - be in direct support of an organisation which is proscribed or whose aims and objectives are illegal;
 - be likely to give rise to a breach of the peace or other public disorder; or
 - undermine the University's reputation or its values, or compromise its ability to comply with its legal and regulatory obligations as a charity and as a higher education institution.
- 1.12. In determining whether the holding of an event on the University's premises might reasonably be refused, consideration will also be given to:
 - the safety of persons attending the event and persons on the University's premises who might foreseeably be put at risk;
 - the security of the University's premises; and
 - the reputation of the University.
- 1.13. If the decision of the Approving Manager/EAP is to approve the request with conditions, or to reject the request, the organiser(s) shall be entitled to submit an appeal against the decision. Any such appeal must be submitted in writing to the Vice-Chancellor's Office [edward.peck@ntu.ac.uk], for referral to/consideration by a member of the University's University Executive Team ("UET"). This person cannot previously have been a member of the EAP which made the original decision. The decision of that UET member shall be final and there shall be no further mechanism for appeal within the University or Students' Union.

- 1.14. In refusing an event request, the University shall have no liability to the organiser(s) of the proposed event for any costs or other obligations incurred by the organiser(s) in connection with the proposed event.

2. Management of approved events

- 2.1. Following the granting of approval for the proposed event to be held on University premises, the event organiser(s) shall be responsible for liaising with the relevant members of NTU (and, where appropriate, NTSU) staff to secure the use of the premises in question and all associated facilities and services which may be required to facilitate the staging of the event.
- 2.2. The University shall be entitled but not obliged to nominate an Event Liaison Officer to act on its behalf during the planning and staging of an event. The Event Liaison Officer shall have authority to take any lawful action on behalf of the University and to issue reasonable instructions to the event organiser(s) in order to ensure the good conduct of the event and compliance with this Code.
- 2.3. The organiser(s) of the event must comply with all lawful instructions issued by the University (and, where appropriate, NTSU) in relation to the location and management of the event including stewarding, control over proceedings and ensuring adequate supervision of those attending.
- 2.4. In cases where it is reasonable for the University to assume that disruption may occur at an event, whether at the approval request stage or at any time thereafter in the run-up to the event, the University shall be entitled to consult with the police as to the measures necessary to prevent or minimise any such disruption. These measures could, in certain circumstances, include cancellation of the event.
- 2.5. While an event is in progress, the University shall have the right to require the organisers to terminate the event if the conduct of the event gives rise to concerns for the University that the safety of persons attending cannot be reasonably guaranteed, or that a breach of the law or a material breach of this Code or any of the conditions imposed in the event approval process is likely to occur.
- 2.6. The organiser(s) of the event shall be responsible for meeting any costs involved in organising and holding the event, and for ensuring as far as possible that nothing in the organisation and holding of the event infringes the law in any way.
- 2.7. Should any details of the event change, for example a change of speaker, the event organiser must inform the University.

APPENDIX 1

NOTTINGHAM TRENT UNIVERSITY CODE OF PRACTICE ON FREEDOM OF SPEECH EVENT BOOKING REQUEST

Principal Organiser's Details

Full name(s)	Status e.g. NTU staff; SU Official; Student; External Hirer	Contact phone no.	Email address

Acting on behalf of (name of group, external body or organisation)

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Purpose/Topic of Proposed Event

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Proposed Timing and Location of Event

Date	Start time	End time	Venue

Proposed Speakers

Name	Status

Organiser's Declaration

I declare that the information provided here is, to the best of my knowledge, a true and accurate statement of intentions and requirements. I/we will notify the University of any changes to the event.

I/we understand and accept that this event request is made under the provisions of the University's Code on Freedom of Speech, and I/we agree to comply with this Code in the event that permission to hold this event is granted. I/we acknowledge that the event may be cancelled at any time, if this is deemed necessary by the University.

Signature(s)	Date

When completed, this form should be submitted for consideration by the relevant Approving Manager not less than 20 working days before the date of the proposed event.