

UNIVERSITY OF SOUTH WALES

UNIVERSITY FREEDOM OF SPEECH CODE OF PRACTICE

Introduction

The University of South Wales is an inclusive institution which aims to provide an environment where individuals are enabled to meet their full potential and to express themselves freely within the law.

The University is an academic community of staff and students. Central to this concept is the ability of all its members freely to challenge prevailing orthodoxies, query the positions and views of others and put forward radical ideas that may sometimes be controversial. An environment of free and open discussion is essential to the development of lively, enquiring minds and the ability to question, argue and listen that is a central element in University education.

The Education Reform Act 1988 requires HEIs to ensure that academic staff have the freedom within the law to question and test received wisdom, and to put forward new ideas and controversial and unpopular opinions, without placing themselves in jeopardy of losing their jobs or any institutional privileges. The concepts of academic freedom and freedom of expression are complex and not always easy to balance with the responsibility to protect individuals from discrimination and harassment and to ensure public safety. The right to academic freedom is not absolute – it protects people only when engaged in academic activity and within their area of professional expertise and even then only when other concerns such as those of national security and public order are not deemed to be threatened.

At the same time, the University is committed to creating a context in which staff and students can work and study unhindered by hostility, offensive conduct or intimidation. Staff and students are expected to respect this in the manner and tone with which they express their views. This principle extends to conduct on line and on social media.

Universities do not function in a vacuum. We are a diverse community and value the richness that diversity and difference bring to the academic life of the institution and our ability to engage globally. Wider conflicts and disputes, often involving ethnicity or religious faith, may sometimes find expression on campus amongst the university community or other constituencies. The challenge for universities is to identify when the pursuit of freedom of ideas and expression crosses a threshold and becomes harmful.

The University recognises that people with radical views have things to say. In the context of the University community it is important that such views are expressed in a way which makes clear that they are not conducive to, or supportive of, causing harm or violence.

General legal principles, and in specific areas legislation, provide that the proportionate and reasonable limitation of expression is permissible in order to maintain public order and safety or to

ensure that there is no breach of the law. Whilst the University recognises the right of staff and students to express opinions contrary to the corporate view, the right to freedom of speech is not absolute. The University will on occasion have to weigh conflicting demands for free public expression of ideas against concerns on its part regarding public order and safety or the potential for breaches of the law to occur. Furthermore the University has a duty under the Counter-Terrorism and Security Act 2015 to prevent staff and students from being drawn into terrorism and ensure they are being given appropriate advice and support. The University acknowledges that it has both a legal and a moral responsibility to act in a proactive manner in order to minimise the possibility that harmful extremism or intolerance will arise on campus whilst at the same time ensuring the general continuance of freedom of speech. Such responsibility also falls to each member of staff. Consequently this Code of Practice should be read alongside the University's PREVENT protocol and the Speaker policy. Staff who need further advice when considering these matters should contact the University PREVENT lead who is the designated single point of contact (SPOC) for all PREVENT matters.

Relevant legislation and good practice

Under Section 43 of the *Education Act (No.2) 1986*, although there is no legal obligation on the University to permit meetings, the University is legally required 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 includes a duty to ensure that so far as is reasonably practicable use of any University premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives.

The Act also requires an institution to issue and keep up to date a code of practice setting out the procedures to be followed by members, students and employees of the establishment in connection with the organisation of meetings and other activities on its premises and the conduct required of those taking part.

This Code of Practice is designed to comply with relevant legislation, including but not limited to the Education Act (No.2) 1986, the Public Order Act 1986, the Human Rights Act 1998 and the Equality Act 2010. It has been developed in the light of the guidance and good practice published in UUK's *Freedom of speech on campus: rights and responsibilities in UK universities* (2011), the Counter-Terrorism and Security Act 2015 and the Government publication '*Prevent Duty Guidance: Guidance for specified authorities in England and Wales 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*'.

Scope of the Code of Practice

The provisions of this Code of Practice apply to all employees of USW and PSS Ltd equally and students of the University, and to all visitors. They also apply, as appropriate, to external organisations wishing to use University premises and to public meetings, organised by staff, students or external organisations, to be held on the premises of the University or at an event organised by the University. While the detailed provisions of the Code relate primarily to formal events, it should be understood that the principles also apply to protect freedom of speech within the law during social, private and recreational events.

Definitions and Responsibilities

Within this Code of Practice:

'External' means anyone who is not a student or staff member of the University, or any staff member of the University invited to speak at an event not directly related to his/her post, other than staff who are official USW designated Union representatives speaking at USW meetings. It also includes any external person invited to participate in normal curricular teaching within a Faculty, or training or advice within a Department, or as a guest speaker at a University, Faculty or Departmental official function authorised by a senior manager or Dean.

The PREVENT link within each faculty or department is defined as the person appointed to initially deal with any freedom of speech issues arising from External Speaker applications and Events. There will be a designated PREVENT link in every faculty, department, the Students' Union and the recognised Trades Unions. (See: PREVENT Protocol)

The Prevent Lead is the person appointed by the University to be the external and internal single point of contact (SPOC) who has particular responsibility for advising staff on PREVENT related issues and for coordinating and leading a University response should a concern arise. (See: PREVENT Protocol)

The **'Principal Organiser'** is defined as the person taking responsibility for the event either organised by themselves or others. (See: Speaker Policy)

The University Secretary is the person ultimately responsible to the Vice-Chancellor, and through the Vice-Chancellor to the Board of Governors, for ensuring compliance with this Code of Practice.

Principles and Procedures

1. So far as is reasonably practicable no premises of the University or event organised by the University shall be denied to any individual or body on any grounds connected with their beliefs, views, policies or objectives.
2. The University considers that it is appropriate to refuse the holding of any event which, in the reasonably held opinion of the University Secretary, could:
 - a. Lead to the expression of views which are contrary to criminal law and might incite those attending to cause serious harm or create an atmosphere conducive to terrorism.
 - b. Constitute harassment or unlawful discrimination on the grounds of sex, race, disability, gender reassignment, sexual orientation, religion/belief and/or age, gender and pregnancy/maternity.
 - c. Be in breach of equality law, e.g. an event (other than a religious prayer/service) at which there is gender segregation.
 - d. Be in direct support of an organisation which promotes or incites hate towards individuals or groups.
 - e. Give rise to any serious disorder or breach of the peace.
3. Consideration will also be given to the following factors in deciding whether or not to approve the use of the University's premises or to allow participation or attendance at an event organised by the University:

- a. The safety of persons attending the event and those in the vicinity who might personally be put at risk.
 - b. The security of University premises.
 - c. The potential damage to the reputation of the University.
 - d. Policies of the University of South Wales Students' Union relating to the use of Students' Union facilities.
4. The granting of permission for an event to take place does not imply endorsement by the University (or its staff or students) of the beliefs, views, policies or objectives of the individual or group concerned.
 5. All staff and students of the University who have a responsibility for the use of premises are required to record any invitation of an external speaker on the Engage web tool, in line with the Speaker Policy. They are also responsible for bringing this Code of Practice to the attention of those proposing to invite an external speaker or organise an event.
 6. The Principal Organiser of a meeting or activity to which an external speaker is to be invited is required to make an application in accordance with the Speaker Policy and adhere to the Policy's procedures. This requirement also applies to an event into which an external speaker is streamed live, or in which a film is shown on occasions other than as a normal part of an existing academic programme of study authorised by the relevant academic authority, or as a normal part of formal authorised University business or formal student/staff support activity.
 7. Each PREVENT Link also has the authority to take or initiate action in the case of the display of posters or the organisation of campaigns on campus that could constitute a risk in terms of paragraphs 2 and 3 above, or the suspected presence of outside pressure groups on campus.

The Board of Governors must receive a report on the operation of this Code of Practice at intervals not exceeding three years and consider whether it should be revised. The PREVENT Duty Guidance is an emerging area of legislation and the University will be guided on its development by government, wider HE partnerships and other statutory bodies. This policy will be reviewed in the light of those emerging developments. Revised and approved by Board of Governors November 2021.

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December 2015	First Issue	Director of Chaplaincy Services	Governors November 2015	December 2018
December 2018	Second Issue – updated practice	Director of Chaplaincy Services	Governors November 2018	December 2021
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