



Code of Practice on Freedom of Speech

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Code of Practice on Freedom of Speech

Introduction

1. Aberystwyth University's governing body, the Council, has approved the following 'Code of Practice on Freedom of Speech' (the 'Code') in order to comply with its duty under Section 43 of the Education (No. 2) Act 1986.
2. This Code shall be reviewed annually to ensure ongoing compliance with the Act and any other relevant legislation. Any proposed amendments of a substantive nature shall be presented to Council for formal approval. Consequential amendments of a minor nature may be incorporated as part of the annual review of the Code.
3. Section 43 of the Education (No. 2) Act 1986 requires a University's governing body to "take such steps as are reasonably practicable to ensure freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers", and issue a 'Code of Practice' to facilitate the discharge of this requirement.
4. Section 26(1) of the Counter-Terrorism and Security Act 2015 imposes a duty on Universities to have due regard to the need to prevent certain individuals from being drawn into terrorism (the 'Prevent Duty'). The current iteration of the Code has been reviewed to ensure compliance with this Act.
5. Aberystwyth University is committed to equality of opportunity. Article XII of the University's 2014 Supplemental Royal Charter states: "Eligibility for appointment to any Office, employment or membership of the Council, Senate, Court or any other University body, and eligibility to undertake or admission to any course of study, or for the award of any academic distinction of the University, shall be based on the principle of equal opportunity and in accordance with all the provisions of law and good practice".
6. The University adopts the principle of freedom of speech and expression within the law. In accordance with Statute 9(2) of the University's 2014 Statutes, "staff shall have freedom to challenge received wisdom and put forward ideas and opinions without placing themselves in jeopardy of losing their jobs or privileges".
7. Nothing in this Code shall be deemed to affect the rights of any person taking any steps pursuant to lawful industrial action or peaceful protest.

Authorising Officer

8. As part of their responsibility for the administration of the University, the Pro Vice-Chancellor (Chief Operating Officer) is responsible for all University premises and for maintenance of good order. The Pro Vice-Chancellor (Chief Operating Officer) has authority in emergency situations to require people, for good reason, not to assemble on University premises (including halls of residence, grounds, playing fields, prayer rooms and other recreational premises, and any other premises of which the University has title or possession, by freehold, leasehold, licence or otherwise), to require people to leave University premises, to withhold consent for meetings, or to require the termination of meetings.

9. The Council has appointed the Pro Vice-Chancellor (Chief Operating Officer) as the University's 'Authorising Officer' in relation to this Code, although the Authorising Officer may delegate this authority in whole or in part to other employees of the University.
10. In accordance with Section 43(8) of the Education (No. 2) Act 1986, any references to the University's premises shall include those managed by Aberystwyth University Students' Union. Where a notifiable meeting or event is to be held at premises managed by Aberystwyth University Students' Union, the matter shall be considered in line with the policy adopted by Aberystwyth University Students' Union on such matters, ensuring compliance with the aforementioned legislation.

Conduct of Meetings and Events

11. Organisers have a duty to see that nothing in the preparations for or conduct of a meeting or event infringes the law or the University Rules and Regulations. This includes an obligation to prevent conduct likely to cause a breach of the peace or incitement to illegal acts, including the criminal offences of encouraging terrorism and inviting support for a proscribed terrorist organisation (as outlined in the Terrorism Act 2006).
12. The Chair of the meeting has a duty so far as possible to ensure that both audience and any speakers act in accordance with the law and this Code during the meeting. In case of unlawful conduct or conduct in breach of the University Rules and Regulations, the Chair is required to give appropriate warnings and, in case of continuing unlawfulness or breach, to require the withdrawal or removal of persons concerned by the stewards or security staff.
13. No article or objects may be taken into the building where the meeting is taking place, or be taken or used elsewhere on University premises, when they are intended or may be likely to lead to injury or damage.
14. Premises used for meetings or activities must be left in clean and tidy condition in default of which the Organisers may be charged for any additional cleaning and repairs that are subsequently required. A payment in advance or evidence of ability to pay these costs may be required.

Authorising notifiable Meetings and Events

15. Under this Code, references to meetings and events shall include, but not be limited to: lectures, seminars, committee meetings, and musical and theatrical performances, which are held at University premises or arranged by the University elsewhere
16. Any meeting or event to be held or to take place on the University's premises shall be held or take place only after prior booking through the appropriate Institute or service department.
17. Notifiable events include any meeting or other event where there is a likelihood that a speaker may not be able to enter or leave the meeting or event safely and / or deliver their speech safely, and where a meeting or event is deemed contrary to equality of opportunity or compliance with the Prevent Duty.
18. Events may subsequently become notifiable due to changed circumstances, such as: other meetings or events being proposed of a conflicting nature, practical matters relating to health and safety, or the availability of resources.

19. If the Organiser or anyone involved in the organisation of the meeting or event or in the issuing of the invitation is in any doubt whether the meeting should be classed as notifiable he or she should consult the Authorising Officer at least 30 days prior to the date of the meeting or activity.
20. The Authorising Officer shall have authority to decide that a meeting or event is notifiable either on receipt of information from the Organiser, after consultation with the Organiser, or on the Authorising Officer's own initiative. The decision of the Authorising Officer that a meeting or activity shall be classed as notifiable shall be final.
21. Individuals who have concerns about an event or meeting that they believe should be notifiable should contact the Authorising Officer.
22. If a notifiable meeting, as defined above, is to be held on University premises, the Organiser must submit to the Authorising Officer in writing normally at least 30 days in advance a risk assessment comprising the following information:
 - i. the name and address of the Organisers and the name and address of a single person who is appointed as Principal Organiser of the meeting or event (referred to in this Code as the 'Organiser');
 - ii. the name of any visiting speaker and of any organisation which he or she is to represent or with which he or she is associated while on University premises;
 - iii. the date, time, and place of the meeting or event and the expected timing of the arrival and departure of any speaker together with details of the proposed entry and exit of the speaker to the building in which the event is to be held;
 - iv. the subject matter of the meeting or activity;
 - v. the numbers of University staff, students or members of the general public expected to attend;
 - vi. the steps the Organiser intends to take to control admission including, for example, the issue of tickets;
 - vii. the substance of any threats of disruption of the proposed meeting or event communicated directly or indirectly to the Organiser;
 - viii. the nature of the steps that the Organiser and those associated with him or her in the organisation of the meeting or event propose to take to ensure that freedom of speech within the law is secured for any speaker. Such steps could include: arrangements to ensure that a debate is properly managed by the Chair of the meeting, the appointment of stewards, and / or providing an opportunity to express opposing views at that same meeting;
 - ix. the nature of the steps that the Organiser and those associated with him or her in the organisation of the meeting or event propose to take to ensure that "speakers with extremist views that could draw people into terrorism" are challenged as part of that

same event, in accordance with the *HM Government Prevent Duty Guidance for Higher Education institutions in England and Wales*; and

- x. the nature of any proposed publicity and whether members of the press, TV or radio will be permitted to attend.
23. Following receipt of the details of the meeting or event from the Organiser, and obtaining from the Welsh Extremism and Counter Terrorism Unit (WECTU), where required in accordance with the Prevent Duty, the Red Amber Green rating for the external speaker, the Authorising Officer shall with minimal delay decide either:
- i. that the meeting or activity may proceed without any further directions as to its conduct, and confirm this decision to the Organiser in writing; or
 - ii. that the meeting or activity may proceed, subject to directions as to its conduct as specified by the Authorising Officer in accordance with paragraphs 28 and 29, and confirm this decision to the Organiser in writing; or
 - iii. that, a breach of this Code being possible, the matter be referred to a 'Panel' comprising: the Authorising Officer; either the Director of Equality or the Director of Ethics; the Director of Health, Safety and Environment; the Director of Campus and Commercial Services; the Aberystwyth University Students' Union President; and a representative from the Trade Unions. Panel members may ask a depute to consider proposals on their behalf. The Quorum for the Panel shall be three.
24. If the Organiser will not agree to the arrangements specified by the Authorising Officer for the meeting or activity the matter shall be referred to the Panel.
25. When a proposal is referred to it, the Panel may decide that the meetings may go ahead in accordance with either paragraphs 23i or 23ii. However, if it is satisfied that no reasonably practicable steps can be taken to ensure there will be no breach of University Rules and Regulations, it may decide that the meeting or event shall not take place on University premises.
26. When the Panel decides that the meeting or event may proceed, the Authorising Officer shall notify the Organiser in writing. Where the Panel authorises the meeting or event it may impose such requirements as are permitted by paragraphs 28 and 29, and the Authorising Officer shall notify the Organiser in writing of them.
27. If the Panel decides that the meeting or activity shall not take place, the Authorising Officer shall notify the Organiser in writing, both of the decision and of the reasons for it.
28. Both the Authorising Officer or the Panel have the power to vary at any stage any of their respective requirements in the light of further information about the proposed meeting or activity save that, once the Authorising Officer has referred the matter to the Panel, the Authorising Officer may not change that decision to refer.
29. Where the Authorising Officer decides initially without reference to the Panel, or where the Panel decides, that the proposed meeting or activity may proceed subject to directions as to its conduct and venue, they may direct the Organiser as to the manner in which:

- i. entry to a meeting or activity is to be properly managed, including, for example, a requirement that identity cards or tickets should be used;
- ii. the conduct of the meeting or activity is to be properly managed, including, for example, the conduct of any debate, or the disposition of any seating or stewarding;

and shall invite the Organiser to discuss the arrangements which they consider desirable with the Authorising Officer or the Panel.

30. In addition to the conditions set out above, the Authorising Officer and the Panel have discretion to lay down further conditions, if appropriate, after consultation with the police. Such conditions may include:

- i. that a more suitable venue be found for the meeting or event;
- ii. that the designated meeting or event to be declared public (which would permit a police presence);
- iii. arranging for University staff to be responsible for all security arrangements connected with the meeting or event;
- iv. the appointment of a member of staff as 'Controlling Officer' for the occasion; and
- v. stipulating that the media must register in advance to be present in the location where the event is to take place.

31. The cost of any measures required by the Authorising Officer or Panel shall normally be borne by the Organiser of the meeting.

32. If during the course of the meeting the Authorising Officer or the Controlling Officer believes that:

- i. a person will be injured should the meeting or event, continue; or
- ii. that damage to property will occur should the meeting or event continue; or
- iii. a breach of the law will occur;

they shall adjourn or conclude the meeting or event.

Infringement of this Code

33. Infringements of, or departures from these procedures in whatever respect by staff or students of the University may render those responsible subject to disciplinary action as specified in this Code.

34. Any member of staff or student of the University who disrupts or prevents any other member of staff, student or member of the University, or any speaker invited under the procedures of this Code, from exercising their right to freedom of speech within the law and within the usual rules of public debate, when that person is participating, or attempting to participate in any

meeting or activity authorised by the University shall be in breach of this Code and appropriate disciplinary proceedings may be undertaken.

Appendix 1: Authorising notifiable meetings and events – flow chart

