



## Code of Practice on Freedom of Speech

Date	Purpose of Issue / Description of Change	Equality Impact Assessment Completed
October 2011	Initial Issue	
8 <sup>th</sup> June 2015	Revision – version 2	28 <sup>th</sup> July 2015
19 <sup>th</sup> May 2016	Revision – version 3 (approved by the Freedom of Speech Oversight Group)	
7 <sup>th</sup> February 2017	Minor revision approved by Chair, Freedom of Speech Oversight Group	
28 <sup>th</sup> January, 2019	Revision – version 5	
3 <sup>rd</sup> June, 2019	Minor revisions, following consideration of the <i>“Freedom of Expression: a guide for higher education providers and students’ unions in England and Wales”</i> document from the Equality and Human Rights Commission	

Policy Officer	Senior Responsible Officer	Approved By	Date
Head of Governance and Compliance	University Secretary	Compliance Task Group	3 <sup>rd</sup> June 2019

*This Code of Practice will be reviewed in 3 years*

## **A. PURPOSE OF CODE**

In pursuance of the duty imposed upon it by Section 43 of the Education [No.2] Act 1986, Bangor University Council has adopted the following Code of Practice with a view to ensuring that freedom of speech within the law is secured for members, students and staff of Bangor University and for visiting speakers.

This Code of Practice has also been adopted by the Board of Trustees of Bangor Students' Union, who have their own implementation procedure covering all activity under the banner of the Students' Union (including Undeb Myfyrwyr Cymraeg Bangor whilst they remain affiliated to Bangor Students' Union).

## **B. IMPORTANCE OF FREEDOM OF SPEECH**

Bangor University and Bangor Students' Union wish to encourage free, balanced, respectful and open debate as this is a cornerstone of University culture. This includes expressing and sharing ideas, tolerating other people's views and having constructive disagreement.

Bangor University and Bangor Student's Union wish to create an environment, which encourages mutual respect of other cultures, religion, political beliefs and lifestyle choices with clear boundaries as to what is not acceptable behaviour.

The starting point to approach any event considered under this Code is that it is able to go ahead, although there will be some situations where the University will need to use its judgement to balance other legal duties.

## **C. ACADEMIC FREEDOM**

Freedom of Speech is relevant to but is not to be confused with the principle of academic freedom. Academic freedom relates to the intellectual independence of academics in respect of their work, including the freedom to undertake research and determine course content without undue interference.

As part of its duties under Article 10 of the Human Rights Act, and Section 43 of the Education [No.2] Act the University must protect the academic freedom of members of academic staff. This Code is not intended to unduly inhibit academic freedom.

## **D. APPLICATION OF THIS POLICY**

1. This Code shall apply to Bangor University Council Members, students, staff, visiting speakers, honorary positions and directors, as well as all Bangor Students' Union Trustees, clubs, societies, course representatives, volunteers and sabbatical officers
2. This Code shall cover all University branded events held both on University Premises, and those held off campus on non-University premises.
3. The use of the word 'University' shall include Bangor University and any and all wholly owned subsidiaries and trading entities. The use of the words 'Students' Union' or 'Undeb Bangor' shall include all Bangor Students' Union activities.

4. University Premises shall include all and any premises owned, controlled, managed, leased, licensed or otherwise occupied by the by the University. A list of such buildings can be obtained upon request from Property and Campus Services.

#### **E. PRINCIPLES OF THE CODE**

1. It is the intention of this Code of Practice that, so far as is reasonably practicable, no University Premises shall be denied to any individual or body of persons on any grounds connected with:
  - [a] the beliefs or view of that individual or that body; or,
  - [b] the policy or objectives of that body.
2. It is, further, the intention of this Code of Practice to regard any attempt to prevent the free expression of beliefs and views by the prevention or disruption of meetings or activities as a serious breach of University discipline rendering any offender liable to discipline under the appropriate Ordinances and Regulations, or the equivalent disciplinary processes within the Students' Union where relevant.
3. This Code sets out the procedures that need to be followed by any individual or body of persons in relation to the organisation of any University branded activity public, or private, or any activity to be held, or activity taking place either on University Premises (including premises occupied by or used by the Students' Union) or off campus and the conduct required in connection with any such meeting or activity.
4. The University and the Students' Union must take account of other legal obligations (including but not limited to the Equality Act 2010 Health & Safety at Work Act 1974, the Counter Terrorism and Security Act 2015 and the Compensation Act 2006) which may require it to have regard to what is said or done on University Premises, or in relation to a University branded event held off campus. Thus incitements to violence, violent extremism and / or to racial hatred will be regarded as breaches of University discipline rendering any offender liable to discipline.
5. This Code places a personal responsibility on any individual or body of persons organising a meeting/event / activity (known for the purpose of this code as an "event") to ensure compliance with this Code.
6. The University / Students' Union reserves the right to refuse, cancel, prohibit or impose conditions on the holding of any event on University Premises, or a University branded event held off campus, which, in the opinion of the University Secretary may result in a breach of law.
7. In the event of any disturbance arising during, or in relation to an event under this Code, the individual or body of persons organising such event are required to provide the University Secretary with a full and detailed written report setting out the disturbance. Such report shall be delivered to the University Secretary within 1 working day of the event.

#### **F. IMPLEMENTATION**

1. The Council of Bangor University hereby appoints the University Secretary to act on its behalf to ensure as far as is reasonably practicable that all members, students, staff, University directors,

honorary members, and visiting speakers comply with the provisions of this Code.

The University Secretary may designate other full-time members of the University staff to act on their behalf in managing the operational requirements of this Code of Practice. The University Secretary has designated the Head of Governance and Compliance, in the Governance and Compliance Office, to act in this regard.

2. The University Secretary may deem such an event to be a 'designated' event and as such to fall within the requirements of this Code, where in their view there is a reasonable anticipation that:-
  - [a] the speaker may be prevented from entering or leaving the room booked for the event and/or delivering a speech on the appointed subject, or,
  - [b] there may be a risk to the safety of persons attending the event; or
  - [c] damage to University property or University Premises might arise; or
  - [d] the name of the University might be brought into disrepute.

In considering these factors, the University Secretary shall have due regard to factors such as the costs and practicalities of providing facilities to ensure the reasonable safety and protection of property and people.

3. The procedures for designating events are set out in the Appendices to this Code.
4. The University Secretary shall inform the University Council at its next meeting of any events in the University which they have deemed shall be designated events.
5. A failure to give proper notice of an event falling within the provision of the Annex may be deemed to be a breach of University discipline.
6. A failure to designate an event shall not, however, be regarded as justification or mitigation of conduct referred to in E(2).

#### **G. APPEAL**

1. The organiser of any event adjudged by the University Secretary as falling within the requirements of this Code may appeal to the Vice-Chancellor against this decision within 4 days of being notified thereof.
2. The Vice-Chancellor's decision shall be final but must be reported to the next meeting of the University Council.
3. The organiser of any event which is designated may appeal to the Vice-Chancellor against any restrictions or conditions on the organisations of such an event which the University Secretary wishes to impose within 4 days of being notified thereof. The Vice-Chancellor's decision on such matters shall be final.

#### **H. DISCIPLINE**

If any individual or body of persons:-

- [a] arranges an event without following the procedures as set out in this Code;  
or
- [b] deliberately disrupts, or attempts to disrupt (other than reasonable heckling);  
or
- [c] fails in any other way to comply with this Code,

they shall be deemed to be in breach of this Code and may be subject to disciplinary proceedings under the appropriate Ordinances and Regulations.

Any issues relating to the Bangor Students' Union Trustees will be considered by the Students Union in the first instance, and may then be referred to the University (Head of Compliance). The procedure for considering Students' Union events is detailed in the Students' Union's 'External Speakers' policy, adopted by the Students' Union's Trustee Board in April 2015 (included as Appendix 2 to this Code of Practice).

#### **I. INVESTIGATION OF BREACHES OF THIS CODE**

Every Council Member, student, staff, visiting speaker, honorary titleholder, director of the University and Bangor Students' Union clubs, societies, course representatives, volunteers and sabbatical officers are under an obligation to assist in such investigation or hearing as may be undertaken, whether by the University Secretary or otherwise in any allegations of breach of the provisions of this Code.

#### **J. LEGAL CONSIDERATIONS**

Nothing in this Code shall affect:-

- [a] the legal rights of any person(s) affected by actions under the Code; and/or,
- [b] the University's right to take appropriate action, including action at law and/or to seek redress for damages and/or for loss of property.

If any action by persons under this Code involves alleged offence(s), which could constitute breaches of the law, the University shall be obliged to assist the Police in any subsequent criminal proceedings.

#### **K. JURISDICTION**

This Code is subject to English & Welsh law.

#### **L. IMPLEMENTATION**

This Code shall come into effect from 28<sup>th</sup> January 2019 and shall replace the previous Code.

#### **M. FURTHER INFORMATION**

For any questions relating to the content or application of this Code, please contact the Head of Governance and Compliance.

## Appendix 1

### **RULES FOR THE DESIGNATION, PLANNING AND CONDUCT OF EVENTS ETC. EITHER ON UNIVERSITY PREMISES OR A UNIVERSITY BRANDED EVENT HELD OFF CAMPUS**

#### **A: BANGOR UNIVERSITY**

1. The rules apply to any event deemed by the University Secretary to be a designated event in accordance with paragraph E of the Code of Practice for Freedom of Speech.
2. The University Secretary may deem an event to be designated event on their own initiative or in response to information received under rule 5 below.
3. In considering whether an event needs to be referred under this Code of Practice the organiser should consider the following:-
  - a) Are they aware that the speaker has previously been prevented from speaking at Bangor University or at another University?
  - b) Are they aware that the speaker has previously expressed or is likely to express views which would be contrary to the Principles outlined in Section D of this Code of Practice?
  - c) Does the proposed title or theme of the event present a risk that freedom of speech under the law might be put at risk?
  - d) Is the proposed speaker / theme of the event likely to attract individuals and / or groups who have previously be known to express views contrary to the Principles outlined in Section D of this Code of Practice, or where the topic or title may evoke a strong emotive response from staff and / or students of the University, and / or the general public?

If the answers to the above questions are all **no** then the event organiser can proceed with their event through the usual channels, although it is recommended that the speaker's attention be drawn to the requirements of this Code of Practice.

If the answers to the above questions are **unclear** the event organiser is asked to seek guidance from their Dean of College, Head of School or Director of Professional Service, who can themselves seek advice from the University Secretary or the Head of Governance and Compliance.

If the answers to the above questions are **yes** the event organiser should follow the procedures outlined in this Appendix, Section A. 5-7.

4. Where the University believes the event organiser should have followed the procedures outlined below, but has not done so, the University reserves the right to raise a concern and, where appropriate to do so, to consider the event under the procedures outlined in this Appendix, Section A. 5-7.
5. The organiser of an event at which it might reasonably be anticipated that freedom of speech under the law might be put at risk shall inform the Head of Governance and Compliance of such an event at least three weeks before the date appointed for the event. In the case of such an event being organised at shorter notice or where the risk of infringement becomes apparent at a time closer than three weeks to the appointed date, the organiser shall give immediate notice to the Head of Governance and Compliance.

The organiser should also inform the speaker that the event may be deemed to be a designated event, and should draw to the speaker's attention the Code of Practice and Rules governing the designation of an event.

6. The Head of Governance and Compliance will conduct preliminary enquiries relating to the event and will then consult with the University Secretary and request a decision as to whether the event is deemed to be designated.

The Head of Governance and Compliance shall, on receiving a decision that an event is deemed designated, give immediate notice of the University Secretary's decision to the organiser. Upon receipt of such a notice, the rules set out below come into force.

- a) The organisers of any such event shall ensure that a single person is appointed principal organiser of the event and shall be properly empowered to enter into commitments on behalf of the other organisers.
- b) The principal organiser of any such event shall supply to the Head of Governance and Compliance at least 14 days before the date proposed for the event written details of the event including the name of the speaker, the subject of the address and the arrangements proposed for caring for the speaker, including the precise timing of arrival and departure and a risk assessment of the event
- c) The Head of Governance and Compliance will then discuss the details received with colleagues at the University (e.g. Health and Safety, Property and Campus Services etc.), and may, where necessary also consult with external agencies to obtain further advice and guidance to inform the University's decision.
- d) Within four days of receipt of such notice the Head of Governance and Compliance shall, after consulting with the University Secretary, in writing either grant or withhold permission for University premises to be used as the venue for the event, or for the University branded event to proceed off campus.
- e) Permission so granted may be granted subject to such conditions as the University Secretary may reasonably consider necessary to secure fulfilment of the University's statutory responsibility concerning the protection of speech within the law.
- f) The principal organisers and every other person concerned with the organisation of an event for which permission has been granted shall be required to comply with any and every condition imposed by the University Secretary under the provisions of the Code of Practice and these rules. Such conditions may include:
  - a requirement that admission must be by ticket only;
  - the use of an independent chairperson to facilitate an event and make sure a range of viewpoints can be heard;
  - filming an event to deter the use of unlawful speech;
  - requesting to see any promotional materials before the event;

- that an adequate number of stewards, as to whose suitability the University Secretary is satisfied, must be available in addition to any security staff that he might feel should be present and that the organisers shall meet the cost, or such proportion as is deemed appropriate by the University Secretary, of any additional security arrangements he considers might be necessary.
- g) It is the duty of the organisers of any designated event to ensure that nothing either in the preparations for, or in the conduct of such an event, infringes the law.
- h) The chairperson of the meeting has a duty so far as possible to secure that both the audience and the speaker act in accordance with the law during the event. In case of unlawful conduct, the chairperson is required to give appropriate warning and, in case of continuing unlawful conduct, to require the withdrawal or removal of the persons concerned by the stewards or security staff.
- i) No article or objects may be taken inside the building where the event is to be held or taken or used elsewhere on University premises in circumstances which are likely to lead to injury or damage.
- j) University premises, or an off campus location, used for any designated event must be left in a clean and tidy condition, in default of which the organisers may be charged for any additional cleaning which may be required. They may also be charged for the cost of any repairs to University premises which are required as a consequence of the event. The University Secretary shall have the discretion to require payment in advance or formal evidence of ability to pay such costs before granting permission for a designated event to be held either on University premises or at an off campus location.
- k) The University Secretary shall be authorised to impose conditions concerning admittance numbers, the admission or exclusion of press, television or broadcasting personnel to any designated event at its absolute discretion.
- l) In addition to the various conditions set out above the University Secretary is given discretion by the University Council to lay down further conditions after consultation with the police and any relevant fire authority. He may, for example, declare the designated meeting a public meeting [which would permit police presence]. He may require University staff to be responsible for all security arrangements connected with the event and designate a member of staff as 'controlling officer' for the occasion. All security charges, police levies or other costs shall be borne by the principal organiser. If he is not satisfied that such arrangements as the University can reasonably be expected to take are adequate to maintain good order he may withdraw permission for the event to be held either on University premises, or a University branded event off campus. Such a step would, however, normally be only taken following consultation with the police.
- m) It shall be the responsibility of the principal organiser to:-
  - i. Ensure that all preparations for the event have been adequately made;
  - ii. Clearly state in any advertisements whether or not the event is public or private;
  - iii. Ensure that both speaker and audience act within the law and this Code.
  - iv. In the event unacceptable behaviour occurs, give appropriate warnings and/or require the removal of such person by stewards, security staff or police as appropriate. In the event of a serious disturbance, the principal organiser shall bring the event to an end immediately;



- v. Ensure that no advertisements may be construed as to incite breaches of the Code;
- vi. No member of the press, radio or television shall be admitted to any event without the prior written approval of the Director of Communication and Public Affairs.

**B: BANGOR STUDENTS' UNION**

1. These rules apply to any event deemed by the University Secretary to be a designated meeting in accordance with paragraph E of the Code of Practice for Freedom of Speech.
2. The Students' Union may deem an event to be designated event on their own initiative or in response to information received under rule 3 below.
3. The organiser of an event at which it might reasonably be anticipated that freedom of speech under the law might be put at risk shall inform the appropriate Student Opportunities Co-ordinator of such an event at least three weeks before the date appointed for the event. In the case of such an event being organised at shorter notice or where the risk of infringement becomes apparent at a time closer than three weeks to the appointed date, the organiser shall give immediate notice to the appropriate Student Opportunities Co-ordinator.
4. The Bangor Students' Union *Application Form for an Event Involving External Speakers* (Appendix 3) should be utilised for all such meetings or activity, and where appropriate having been escalated to the Students' Union Director the matter can be referred to the Head of Governance and Compliance who will deal with it as outlined in Section A: above.

## Appendix 2

### Bangor Students' Union

#### External Speaker Approval Procedure

This procedure was discussed and adopted in April 2015 at the Bangor Students' Union Board of Trustee meeting.

Review Date: 28<sup>th</sup> January, 2019

This document needs to be read in conjunction with: <https://www.bangor.ac.uk/governance-and-compliance/policy-register/documents/freedom-code-practice.pdf>

#### A. Purpose of the Procedure

This procedure has been developed to outline the steps that the Students' Union will take to ensure that it meets its duties in relation to the Charities Act 2011 and conforms with the Charity Commission's non-statutory guidance (January 2013) which suggested that under the public benefit requirement, there may be 'extreme views and activities...which may be inappropriate for a charity to host or promote'.

This procedure has been developed in partnership with Bangor University to ensure that it complies with the University's 'Freedom of Speech Code of Practice', which the Bangor Students' Union Trustee Board has adopted as a parent document to this procedure.

#### B. Importance of Freedom of Speech

Bangor Students' Union wishes to encourage free and open debate as this is a cornerstone of both our and the University's shared culture. This includes sharing ideas, tolerating other people's views and having constructive argument.

Bangor Students' Union wishes to create and maintain a safe and welcoming environment for our students at all times. This protects individuals against discrimination on the grounds of culture, gender, religion, sexuality, age, disability and political belief. This list is not exhaustive.

#### C. Application of this Procedure

This procedure is applied when staff, trustees or a group of students who are affiliated to or funded by the Students' Union wish to invited an external speaker to participate in an event on or off Bangor University campus. .

For clarity, for the purposes of this procedure the definition of "a group of students" is:

- Bangor Students' Union Societies
- Bangor Students' Union Sports Clubs
- Student Volunteering Bangor Projects
- The Executive Committees of the Athletic Union, Societies and SVB
- Bangor Students' Union Sabbatical Officer Team
- Bangor Students' Union / Undeb Bangor Council
- Bangor Students' Union Course Representatives
- A combination of any of the above.

This procedure does not apply to a group of students whose activities do not fall under the auspices of the Students' Union, although such a group remain covered by the University's Code of Practice.

#### **D. Implementation**

Groups listed above are required to submit the 'Application Form for an Event Involving External Speakers' (included in Appendix i) to the Students' Union for approval prior to advertising an event. The form will be submitted to the relevant Student Opportunities Co-ordinator who will review the information, ensure that the event meets with statutory and regulatory requirements and provide their approval for the event by signing the appropriate box on the form. The form will then be passed to an Officer Trustee, who will review the information and provide approval as a counter-signatory.

Should either the signatory or counter-signatory have any doubts, the form will be passed to the SU Director for review and approval. Should doubt remain then the application should be referred to the University's Compliance Officer for review and decision. The SU Director is obliged to inform the Trustee Board if an application is referred to the University.

Once approval has been given, the event may be publicised.

Should approval be refused, the route of appeal is documented in section F of the Bangor University 'Freedom of Speech: Code of Practice'.

#### **E. Principal Organiser**

For the purposes of this procedure, the 'Principal Organiser' of an event has to be either a current, registered, student or a current member of University staff.

#### **F. Discipline**

If any student group:

- Arranges a meeting without following this Procedure; or,
- Fails in any other way to comply with this Procedure

the Students' Union will investigate and may take action against the group in terms of withholding resources and support, or take action against individuals via the published Students' Union Disciplinary Policy.

#### **G. Data Protection**

Records of this procedure should be kept for regulatory and monitoring purposes. In order to ensure compliance with the General Data Protection Regulations (GDPR) and the Data Protection Act (2018) personal information will only be held by the Students' Union for a period of one year after the event took place.

For administrative and compliance purposes, the Students' Union will retain a record of the event title, student group, speaker name, event date, and approval decision for a period of six years after the submission of the application form.

#### **H. Responsibility for Monitoring and Review**

Responsibility for monitoring the effectiveness of this procedure lies with the Bangor Students' Union Trustee Board, though its practical application is delegated to the staff positions named in this document

and on the accompanying application form. The Trustee Board will receive regular updates on the performance of this procedure from the SU Director, be notified of specific speaker applications where necessary, and conduct an annual review of the procedure as part of the cycle of Trustee Board business.

**Bangor University  
Freedom of Speech: Code of Practice**

**Bangor Students' Union  
Application Form for an Event Involving External Speakers**

**MAIN DETAILS**

<b>Title of the Event: (please be specific)</b>	
<b>Brief description of event including topic(s) for discussion:</b>	
<b>Proposed date of the event:</b>	
<b>Principal Organiser: (this person will be the named "responsible person" during the course of the event)</b>	Name: _____ Telephone: _____ Email: _____ University Staff or Student Number: _____ Contact Address: _____
<b>Bangor Students' Union Club / Society / Project or Group</b>	Name: _____  Is this event in conjunction or collaboration with any other group (internal or external to the SU/University)?

**INVITED SPEAKERS**

<b>Full Name(s)</b>	<b>Profile of Speaker (brief biography)</b>	<b>Have they spoken at a Bangor SU club/society event before?</b>	<b>Affiliations or Associations to any Group or Association?</b>

<b>Speaker Contact details:</b>	Name:	Email:
	Telephone:	Contact Address:

## EVENT DETAILS

<b>Proposed location for the event:</b>		
<b>Event starts:</b>	Date:	Time:
<b>Event ends:</b>	Date:	Time:
<b>Full description of the event: (Please cover any relevant issues the University should be aware of in hosting the event/in the event being hosted by a student Club / Society /</b>		
<b>Moderator/Chair:</b>	Students of Bangor University	<b>Yes/No</b>
	Staff of Bangor University	<b>Yes/No</b>
<b>Proposed audience:</b>		
<b>Number of people expected</b>		
<b>Details of proposed control arrangements (e.g. security, ticketing, debate moderation):</b>		
<b>Will admission be charged?</b>	To cover event costs Put into Club / Society Funds Fundraising for external organisation <div style="text-align: right;">Yes/N</div>	
<b>If so, how will any proceeds be used?</b>		
<b>How will the event be publicised? (You must not publicise this event before permission has been</b>		
<b>Arrival/departure times of external speakers?</b>		

**STUDENTS' UNION USE ONLY**

<p><b>Notes on Speakers</b></p>		
<p><b>Event approved</b></p>		<p>Student Opportunities Coordinator</p>
<p><b>Event approved</b></p>		<p>Undeb Bangor Sabbatical Officer Trustee</p>
<p><b>Additional control arrangements agreed</b></p>		
<p><b>Concerns Raised, escalated to SU Director for approval</b></p>		<p>SU Director</p>
<p><b>Referred to University</b></p>		<p>Head of Governance and Compliance</p>
<p><b>Reported to Trustee Board</b></p>		<p>Head of Governance and Compliance</p>