

# NOTTINGHAM TRENT UNIVERSITY

## FREEDOM OF SPEECH POLICY

(incorporating the Event Approval Procedure)

### 1. Introduction

- 1.1. Freedom of speech and expression is at the heart of what universities are for, where the freedom to express ideas and opinions is a fundamental principle.
- 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 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. Academic staff at the University are advised that these rights should be exercised within the context of the individual's particular area of academic expertise.
- 1.4. The University is conscious that it needs to balance its obligations to secure freedom of speech and expression with its obligations to maintain good campus relations which safeguard the safety of students, staff and visitors.
- 1.5. This Policy sets out the way in which the rights and obligations associated with freedom of speech and expression operate at NTU and how the balance of our legal responsibilities is achieved. The policy has been developed in consultation with the Nottingham Trent Students' Union (NTSU).
- 1.6. The Chief Operating Officer and Registrar will oversee the implementation of this policy.

### 2. Legal Framework

- 2.1. The provisions of the Education (No2) Act 1986 state that the University should 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. These commitments are reinforced by Article 10 of the European Convention on Human Rights and are also incorporated within the conditions of registration with the Office for Students.
- 2.2. This is also reflected within the University's Articles of Government which state that the Board of Governors shall have regard to the need to ensure that academic staff of the University shall 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 in jeopardy of losing their jobs or any privileges they may have at the University.
- 2.3. However, there are limits on freedom of speech. It does not extend to allowing a speaker to commit a criminal offence in the course of the speech, such as using threatening, abusive or insulting words or behaviour, likely to stir up racial hatred (Public Order Act 1986). It is also an offence to invite support for a proscribed organisation under s.12 Terrorism Act 2000. Guidelines in the Counter Terrorism and Security Act 2015 also provide that universities need to have due regard to the need to prevent people from being drawn into terrorism. However it should be

noted that this does not include a right not to be offended. Expressing views which some may find objectionable or offensive is not prohibited.

2.4. The University does not operate a “No Platform” policy.

2.5. There are also other legal considerations, including:

- Aspects of civil law that are relevant considerations, particularly defamation;
- Laws relating to equality and discrimination;
- Health and safety obligations if there is the potential for an external speaker to create protests which may compromise safety; and
- Data protection considerations if there are concerns about potential criminal activity and the need to share information with the police/third parties.

### **3. Scope**

3.1. The policy's rights and obligations apply to:

- all employees of the University and those undertaking duties on its behalf;
- all students of the University (whether full or part-time) from enrolment or arrival in Halls of Residence (if earlier) up to completion of their programme of study at the University (to include the period up to and including attendance at Graduation or departure from Halls of Residence if later);
- members of the governing body of the University (when speaking on behalf of the University);
- Subsidiary companies and other organisations/bodies wholly owned or controlled by the University;
- the Nottingham Trent Students' Union and any of its societies, student groups or associations;
- 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 Policy; and
- all persons invited to speak or otherwise take part in events to be held off site in the University's or NTSU's name in accordance with the provisions of this Policy.

3.2. References in the Policy to “the University's premises” mean those premises over which either NTSU or the University exercises control (whether or not those premises are owned by the University or NTSU) and includes the Nottingham Conference Centre, premises occupied by the Confetti Media Group and any University premises that are occupied by the Nottingham Trent Students' Union.

### **4. Policy Statement**

4.1 The University will support the right of individuals 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, racial hatred, religious hatred, hate crimes, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, create a risk to health and safety or are otherwise unlawful.

4.2 The University reserves the right to determine 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 and that all the speakers are of equal standing and profile.

- 4.3 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 violent extremism. Where the University has concerns that an event might draw people into terrorism, it has the authority not to allow the event to proceed.
- 4.4 In considering whether to allow the expression of potentially controversial or unpopular views, the University shall also take account of its wider legal duties set out in section 2 of this policy.
- 4.5 Every person to whom this Policy's obligations apply is required to assist the University in upholding this Policy.
- 4.6 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 Policy.

## **5. Operational implementation of the Policy**

- 5.1 Deans are responsible for ensuring that the principles underpinning this Policy are taken into account in the planning of teaching and learning activity and in the production of publications or other output from academic work.
- 5.2 In addition, any off-site event (i.e. one taking place away from the University's premises or NTSU premises) held in the University's or NTSU's name or on its behalf must, as far as reasonably possible, be organised and managed in compliance with the principles underpinning this Policy.
- 5.3 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 Policy. For the avoidance of doubt the intention of this clause is not to limit or restrict individual's rights to attend such other events or activities.
- 5.4 External speakers at conferences on University premises are covered by this policy. Proposed external speakers must be notified to the Events team or NTSU as appropriate in accordance with the Events Approvals Procedure. Regular contact is needed between the University and conference organisers to assess the progress of conference arrangements to ensure any issues in respect of this policy are identified early.

## **6. Sanctions and Penalties**

If an offence is allegedly committed at or in connection with an event or activity to which the provisions of this Policy apply, in addition to any internal disciplinary procedures that may be appropriate, the University or NTSU as appropriate may take steps to assist the police in identifying any persons committing offences.

## **7. Speakers at events booked by external individuals or organisations**

- 7.1 In the event that the University receives a request to the Events team and/or Nottingham Conference Centre or elsewhere from an external organisation for the University to make its facilities available to them for an event, commercial or non-commercial, then for the avoidance of any doubt, the event organiser and any speakers connected to that event will have to comply with this policy.

- 7.2 The University will ensure that individuals who manage such bookings are aware of this policy and can manage the request in accordance with its provisions.

## **8 Working with the Students' Union**

- 8.1 The University will seek input from NTSU in relation to particularly controversial speakers particularly when their presence on campus is likely to be of interest to student societies groups or associations.
- 8.2 The University and NTSU will work together to ensure that the University has an accurate knowledge of which student societies are registered and approved.

## **9 Review and Monitoring**

- 9.1 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 Policy. To this end, the Governing Body shall receive a report on the operation of the Policy, together with any recommendations for its revision, at intervals not exceeding three years.
- 9.2 An annual report on events involving external speakers approved in accordance with the terms of this policy will be provided to the Prevent Steering Group for information.
- 9.3 This version of the Policy was approved by the Board of Governors on 10 July 2018

**NOTTINGHAM TRENT UNIVERSITY**  
**FREEDOM OF SPEECH POLICY**  
**EVENT APPROVAL PROCEDURE**

**1. Application for approval**

- 1.1. This Procedure applies to events and activities which are not deemed (by the relevant Dean) to be part of the University's internally authorised 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 Policy on Freedom of Speech. Approval must also be obtained from NTSU when the event is to be held on NTSU premises.
- 1.3. Formal approval from the University must be obtained, in advance, for any event on or off campus which is University affiliated, funded or branded (using the University Event Booking Request Form at Appendix 1). Approval must be obtained from NTSU when the event is to be NTSU affiliated, funded or branded (using the NTSU Event Booking procedure available from NTSU).
- 1.4. 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.
- 1.5. To seek formal approval, the organiser(s) of the event must submit a written request (using the relevant Event Request Form at Appendix 1 or in accordance with the NTSU Event Booking procedure available from NTSU) for consideration. The request must be submitted not less than 20 working days' notice before the proposed date of the event, to a designated Approving Manager determined by the status of the event organiser(s), as follows:

<b>Event Organiser(s)</b>	<b>Approving Managers</b>
The Students' Union (including any of its Societies, groups and Associations)	The CEO <u>and</u> the President of Nottingham Trent Students' Union
Student(s) acting personally (i.e. independently of NTSU)	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 Campus Services and the CEO and the President of the Nottingham Trent Students' Union if an external hirer is requesting use of the NTSU premises.
NTU Sports Clubs	NTU Director of Sport

- 1.6 It should be noted that the operation of this policy is not intended to apply to speakers at acts of religious worship. Any speakers at such acts of religious worship should be referred to the University's Chaplaincy service and be in accordance with the provisions of the University's Use of Prayer and Faith Facilities Policy.
- 1.7 Any change to the planned event must be notified to the University or NTSU as appropriate not less than 5 working days in advance so that the University can reassess the request.
- 1.8 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.
- 1.9 On receipt of the Event Approval Form the Approving Manager will undertake an appropriate review based on an assessment of risk of the event in question. 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.
- 1.10 It shall be accepted as reasonable to refuse consent or withhold facilities for a meeting or similar event to which this policy applies where the University or NTSU reasonably believes or anticipates that (from the nature of the speakers or from events at similar meetings in the past whether at the University or otherwise):
  - 1.10.1 The views likely to be expressed by any speaker infringe the civil or human rights of others, incite hatred through unlawful discrimination, harassment, victimization and other activities that breach the University's duties under the Equality Act 2010 or are otherwise contrary to the law.
  - 1.10.2 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 (whether violent or non-violent) which would risk drawing people into terrorism, or are views shared by terrorist groups or proscribed groups, or are for the promotion of any illegal/proscribed organization or purpose.
  - 1.10.3 The intention of any speaker is likely to be to incite breaches of the law or breaches of the peace to occur, or their views are likely to prejudice public safety and order and/or the safety of staff and students or to place the University in a position that compromises its compliance with Charity Commission guidance.
  - 1.10.4 Adequate arrangements cannot be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained.
- 1.11 The list at paragraph 1.10 is not exhaustive and the University reserves the right to refuse consent to any external speaker or event where it has reasonable grounds for such refusal.
- 1.12 The University may withhold or refuse consent to any external speaker or like event that has not been made in accordance with this policy including where the specified timescales have not been complied with.

- 1.13 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 and the NTSU (such that at least one member of the EAP is a Member of University staff).
- 1.14 Based on the evidence, the 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.
- 1.15 The 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 EAP may require more time to reach their decision; in such circumstances, the decision will be communicated as quickly as circumstances allow.
- 1.16 The University will consider whether any mitigating actions can be put in place to reduce or manage any identified risks which would enable the request to be approved. These may include but are not limited to: requirements as to the provision of security/stewards (at the cost of the event organiser); variation of location and time; whether such a meeting shall be open to the public at large; the speaker being part of a panel debate; the appointment of an independent chair; the recording of the speech; and ensuring that a member of staff is in attendance.
- 1.17 If the decision of the 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 for referral to/consideration by a member of the University's University Executive Team ("UET") and to the Chair of the Board of Trustees of NTSU. This person cannot previously have been a member of the EAP which made the original decision. The decision shall be final and there shall be no further mechanism for appeal within the University or Students' Union.
- 1.18 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.
- 1.19 Gender segregation is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the public or employees of the University or the students' union ( unless an exemption applies in accordance with the Equality Act 2010)
- 1.20 Should the event involve public processions then the organiser of the event is required to notify the police in writing ahead of the event and comply with the conditions imposed by the police and/or the Public Order Act 1986.
- 1.21 Should the event involve demonstrations on either the University's or NTSU's premises then the organiser of the event should note that in accordance with the provisions of the Public Order Act 1986, such demonstrations may be subject to conditions imposed by the police.
- 1.22 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.

- 1.23 Should the event be aimed at students of the University studying Further Education programmes then for the avoidance of doubt a member of University staff is required to be present at the 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 policy.
- 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. 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.
- 2.5. The organiser(s) of the event shall make the external speakers aware of this policy and the organizer shall make sure the event is conducted properly and that any conditions that may have been agreed in granting approval for the event to proceed are met.
- 2.6. 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 policy or any of the conditions imposed in the event approval process is likely to occur.
- 2.7. The University may also withdraw its consent and terminate an event either during or prior to its commencement if it becomes apparent that the content/nature of the event or the identity or numbers of speakers previously notified to the University have changed. This includes a situation where an attendee speaks at the event.
- 2.8. Events/speakers must not be advertised until written approval for the event to proceed has been received in accordance with this policy.

**NOTTINGHAM TRENT UNIVERSITY  
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 Policy on Freedom of Speech, and I/we agree to comply with this Policy 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.