



**UNIVERSITY  
ACADEMY 92**  
MANCHESTER

# **Freedom of Speech Policy and Code of Practice**

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<b>REVISION HISTORY</b>			
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1.1	27 <sup>th</sup> April 2021	Updating of roles to reflect new UA92 structures.	Registrar

## 1. Purpose

- 1.1 The purpose of this document is to specify the UA92 policy on Freedom of Speech. This Code of Practice sets out the principles which will guide UA92 in the discharge of its responsibilities and the way in which those principles will be operationalised.
- 1.2 UA92 is required under Section 43 of the Education Act (No. 2) 1986 to have a Policy in relation to Freedom of Speech. Under Section 43 of the Education Act (No. 2) 1986, whilst there is no legal obligation on UA92 to permit activities, events or meetings (Events) on its campus, UA92 is under an obligation to take such steps as are reasonably practicable to ensure that Freedom of Speech within the law is secured.
- 1.3 UA92 values academic freedom and is committed to promoting and positively encouraging Freedom of Speech. This means that the UA92 community needs to be tolerant of a wide range of different viewpoints, whilst ensuring that it meets its legal duty to ensure that its members and visitors who engage with the Institution are protected from discrimination, victimisation, intimidation and harassment.
- 1.4 Any member of UA92 (staff, students or members of the Board of Directors) who wishes to express views that interact with legal duties as expressed above must seek prior approval from the Registrar.
- 1.5 This document is intended to provide practical advice and guidance to be followed to ensure that any activities, events or meetings (Events) on UA92 campus can be given due consideration.
- 1.6 As a registered Higher Education provider UA92 has a duty to comply with Section 26 of the Counter-Terrorism and Security Act 2015,

## 2. Scope

- 2.1 This Code of Practice applies to all members of the UA92 community, which includes staff, students and members of the Board of Directors at UA92.
- 2.2 It also applies to anyone visiting UA92 or engaging in Events<sup>1</sup> being held at the UA92 campus or being organised at another venue by UA92.
- 2.3 The Code of Practice sets out the procedures and conduct required in connection with the organisation of, or operation of, any Events on the UA92 campus.
- 2.4 The Code shall apply to all forms of communication and expression utilising the facilities/assets of UA92, irrespective of the medium employed<sup>2</sup>, including, but not limited to:
  - i. The display of signs, posters and distribution of literature;
  - ii. The display of internal / non-profit making advertising material;

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<sup>1</sup> Event includes meeting, event or other activity.

<sup>2</sup> This includes social media

- iii. The display of audio-visual material;
- iv. Social and recreational activities;
- v. UA92 branded Events taking place off campus;
- vi. Any other activity which the UA92 Executive from time to time declares to fall within the Code of Practice.

### **3 Policy statements**

3.1 UA92 will protect the right to Freedom of Speech and will seek to ensure that every member of the UA92 community and lawful visitors are able to express their opinions and beliefs.

3.2 Every member of the UA92 community has the duty to uphold the right of others to Freedom of Speech, however UA92 acknowledges that the right to Freedom of Speech is not unlimited. There are restrictions, for example, imposed by laws that exist to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation and rights of others, and to prevent the disclosure of information received in confidence.

3.3 Freedom of Speech has to be set in the context of UA92's values and the values of a democratic and inclusive society and the requirement that members of the UA92 community will express their views within the bounds of the law and other UA92 policies.

3.4 UA92 has regard to the need to ensure that academic staff have freedom within the law to question and test perceived wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges that they may have. These rights must be exercised within the law and are subject to this Code of Practice.

3.5 UA92 expects all visitors to respect the values set out in this Code of Practice and to be sensitive to its diverse and inclusive community and to maintain an environment free from unlawful intimidation, harassment or abuse.

3.6 Events must be approved in advance and the names of visiting speakers whether speaking online or in person must be approved by UA92 prior to invitation.

3.7 Proscribed Terrorist Groups or Organisations<sup>3</sup>: Events organised by or involving a Visiting Speaker from, or on behalf of, or which promote a Proscribed Terrorist Group or Organisation will not be permitted on UA92 campus.

#### **Designated Event**

3.8A 'Designated Event' is defined as any meeting, event or other activity due to take place on the UA92 campus or utilising UA92 facilities and/or resources (including online events using UA92 networks or tools such as Microsoft Teams). If no action were taken in relation to the Designated Event, it is likely that UA92 would be failing

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<sup>3</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/670599/20171222\\_Proscription.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/670599/20171222_Proscription.pdf)

to act in accordance with duties imposed on it by law, or which would infringe the rights or freedoms of others. For the purposes of illustration only, the following is a non-exhaustive list of possible 'Designated Events':

- i. Any Event where the expression of views which may be contrary to the law, or views which are expressed in a manner which may be contrary to the law;
- ii. Any Event at which a breach of the peace is likely to occur;
- iii. Any Event where it is likely that the speaker may not be able to enter or leave the UA92 campus safely and/or deliver their speech;
- iv. Any event where it may lead to the commission of, or incitement of persons to commit, an unlawful act;
- v. The organisation or hosting of an Event by, or on behalf of or support of, any organisation or group which is outlawed under UK law;
- vi. Any Event where there is a reasonable risk of unlawful gender segregation. For example, any Event that follows religious worship, where gender segregation has lawfully taken place, which is attended by non-adherents to the religion involved.

3.9 The following test will be applied to determine whether an Event could be classed as a Designated Event:

- i. That may adversely affect the 'student experience' of UA92 students;
- ii. That the Event is likely to involve discussion of or dissemination of information which would be in breach of the law; or
- iii. Where there is a reasonable belief that a breach of the civil or criminal law may be committed or that it may draw people into or incite any or all of the following:
  - Terrorism;
  - Public disorder;
  - Violent, threatening or abusive conduct or language;
  - Conduct inciting racial, religious or any other form of hatred;
  - Discrimination;
  - Harassment.
- iv. That the Event is likely to pose a risk to the safety of any person on the UA92 campus or result in damage to UA92 property; or
- v. That it might not be possible for a visiting speaker to enter and leave the UA92 campus safely and/or deliver properly their speech; or
- vi. That the Event is likely to cause rioting, public disorder or other anti-social behaviour on the UA92 Premises.

### **Use of UA92 facilities**

3.10 UA92 has the right and power to regulate the use of its campus and online environment and is under no obligation to hold Events on the UA92 campus which are open to the public or are organised by external individuals, bodies or organisations. Events at UA92 will normally be related to the core business of UA92 and in support of UA92's higher educational objectives.

3.11 In compliance with its duties under the applicable legislation and the Prevent duty, UA92 will ensure, so far as is reasonably practicable, that the use of its

campus is not denied to any individual or body of persons on any ground connected with:

- i. the lawful beliefs or views of that individual or of any member of that body; and/or
- ii. the lawful policy or objectives of that body.

3.12 UA92's normal academic and administrative business and operation of core business will always take priority over other usage.

### **Meetings and similar organised Events**

3.13 All internal bookings of rooms, spaces and/or facilities on UA92 campus should be made in accordance with UA92's Room Booking Procedures.

3.14 Any booking of UA92 facilities by, or on behalf of, an external person or external organisation must be made through UA92's Room Booking Procedures and will be subject to the Conditions of Hire of UA92 Facilities.

3.15 All bookings of rooms, facilities or use of spaces on UA92 campus by both internal and external persons are subject to compliance with this Code of Practice.

3.16 Organisers of Events are advised that room bookings and/or notification should always take place at the earliest possible date. Bookings may be refused, even where minimum times are complied with, if there is insufficient time in which to complete the necessary arrangements and procedures (including any appeal).

### **Request to hold an Event (activity, meeting or event) on UA92's campus**

3.17 A request in writing must be made to the Registrar (or designated nominee) for permission for the Event to take place.

3.18 All requests under this section must be made in writing by the person organising the Event at least 25 working days<sup>4</sup> before the intended date of the Event and before any commitment to hold the Event is made;

3.19 The written request must be made using the form in appendix 1 and must state full details of the Event and/or visiting speaker;

- i. The Registrar (or designated nominee) will provide their decision on the request, in writing, no less than 10 working days before the proposed Event.
- ii. The Registrar may, at their absolute discretion, make any of the following decisions:
  - Allow the Event to take place with no restrictions;
  - Refuse to allow the Event to take place;
  - Place reasonable restrictions on the Event. Restrictions may include, but are not limited to:
    - The advertisement of the Event;
    - The room to be made available;

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<sup>4</sup> Consideration of requests which are less than 25 working days will be at the sole discretion of UA92.

- The time of the Event, including when it may start and finish;
- Admission to the Event;
- Whether the Event will be restricted to UA92 staff and/or students only;
- The number of people who may attend the Event;
- Security arrangements required at the Event, which may be at the expense of the Event organiser.

- 3.20 The organiser of the Event shall be responsible for meeting all:
- i. Costs and expenses incurred in complying with requirements for holding the Event as deemed necessary by UA92, the Police and/or other appropriate authorities, such as security measures around the Event; and
  - ii. Losses, liabilities, costs and expenses which may be incurred arising from the postponement or cancellation of the Event in accordance with this Code of Practice;
  - iii. Responsibility to reimburse UA92 for any costs incurred in making good any damage caused.

3.21 The Event organiser shall indemnify and hold harmless UA92 from and against any and all such costs, expenses, losses and liabilities incurred by UA92. Proof of appropriate insurance cover will need to be supplied at the time of Event booking.

### **Appeals**

3.22 Appeals against decisions of the Registrar must be made within seven working days of the decision in question, in writing, to the Chief Academic Officer of UA92 or their nominee, whose decision shall be final.

### **Breach of this Code of Practice**

3.23 Breach of this Code of Practice may lead to a disciplinary matter within the meaning of UA92 Staff or Student Disciplinary Procedures.

3.24 Additionally, if any such actions potentially involve breach of the law, UA92 will assist the relevant authorities, as appropriate, to implement the processes of the law; any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

### **Record Keeping**

3.25 In order to ensure that fair and lawful decisions, consistent with this policy, are made, comprehensive records of applications to hold Events, consideration of those Events and any other relevant documents shall be maintained by UA92 and retained for not less than six years.

### **Information Sharing**

- 3.26 In following the requirements of this Code of Practice, there will be liaison and exchange of information within UA92 and with external bodies. In relation to external bodies, these may include (but are not limited to):
- i. Greater Manchester Police;
  - ii. Trafford Council.

### **Monitoring and reporting**

- 3.27 Any instances where the Policy and Code of Practice has been invoked as a result of an Event must be reported to the UA92 Leadership Team who will report to the UA92 Board of Directors if appropriate.

### **4. Related documentation**

- 4.1 This Policy and Code of Practice should be read in conjunction with the following Policies and Procedures, as appropriate:
- i. UA92 Equality and Diversity Policy;
  - ii. UA92 Bullying, Harassment and Sexual Misconduct Policy;
  - iii. UA92 Staff Disciplinary Policy and Procedure;
  - iv. UA92 Student Disciplinary Policy and Procedure;
  - v. UA92 Safeguarding and Prevent Policy.

**Appendix 1: Application to hold an activity, event or meeting (Event) at the UA92 campus**

The UA92 Code of Practice on Freedom of Speech should be read before completing this form. This form should be completed and submitted (by the Organiser) a minimum of 25 working days in advance. No agreement should be made until this process has been completed.

**Note:** activities, events or meetings organised by a Proscribed Terrorist Group or Organisation or involving a Visiting Speaker(s) from or on behalf of a Proscribed Terrorist Group or Organisation will not be permitted on UA92 campus.

<b>EVENT INFORMATION</b>	
Proposed Event:	
Purpose of the proposed Event:	
Proposed date(s):	
Proposed Location:	
Organisers full name:	
Organisers contact details: (including address, email address and phone numbers)	
Number of attendees	
Will the event be open to the general public?	
Will the Event be ticketed/pre-booked?	
Is there a fee to attend?	
How will the Event be advertised?	
What promotional materials will be available at the Event? Please provide details and examples.	
Will the media be present? Please provide details.	
Will the event be broadcast/live streamed or recorded? Please provide details.	
<b>INFORMATION ON VISITING SPEAKERS</b>	

Visiting Speakers full name (also include details of any known aliases):		
Visiting Speakers organisation and website URL:		
Title of session:		
Summary of session contents:		
Language of session:		
Has the Visiting Speaker spoken at an event at UA92 campus (physically or virtually) before? If yes, please provide further details (i.e. when and the subject)		
To the best of your knowledge has the Visiting Speaker been refused to speak at an Event here or at another educational establishment before? If yes, please provide further details (i.e. when, where and the subject)		
Is the Event likely to generate media interest? (either solicited or unsolicited) If yes, please provide further details		
<b>DESIGNATED EVENT (if applicable)</b>		
Please identify which elements of the objective test have been identified and provide further details as to why they have been identified		
Y/N	That the meeting, event or other activity is likely to involve discussion of or dissemination of information which would be in breach of the law.	
Y/N	Where there is a reasonable belief that a breach of the civil or criminal law may be committed or that it may draw people into or incite any or all of the following: <ul style="list-style-type: none"> <li>• Terrorism;</li> <li>• Public disorder;</li> <li>• Violent, threatening or abusive conduct;</li> <li>• Conduct inciting racial or religious hatred;</li> <li>• Discrimination;</li> <li>• Harassment.</li> </ul>	
Y/N	That the meeting, event or other activity is likely to pose a risk to the	

	safety of any person on UA92 campus or result in damage to UA92 property.	
Y/N	That it might not be possible for a visiting speaker to enter and leave the building safely and/or deliver properly their speech.	
Y/N	That the meeting, event or other activity is likely to cause rioting, public disorder or other anti-social behaviour on the UA92 campus.	
Y/N	That it may adversely affect the 'student experience' of students who are studying at UA92, which is of paramount importance to UA92.	
Mitigation of Risks associated with the proposed Activity or Meeting (where risks have been identified, please provide details on how any risks will be mitigated, if the Event is allowed to take place)		
<p><b>Organiser to read and sign the following declaration:</b></p> <p>I confirm that I have made true statements about the proposed Event.</p> <p>I confirm that to the best of my knowledge the Visiting Speaker(s) do(es) not have any links to Proscribed Terrorist Groups or Organisations.</p> <p>I have also read the UA92 Code of Practice on Freedom of Speech and confirm that this Event and its speakers will adhere to the principles of the policy.</p>		
Signed:		Date:

**Decision notice:**

Allow the Event to take place	Yes / No
Restrictions to be placed on the Event	Yes / No
If yes, please identify the restrictions on the Event	
Signed:	Date:
Registrar (or nominee)	