

# UNIVERSITY OF SOUTHAMPTON

## **Code of Practice To Secure Freedom of Speech within the Law**

### **Preamble**

The Council of the University has approved the following Code of Practice in order to enable the University to discharge its obligations under Section 43 of the Education (No. 2) Act 1986 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 University as well as for visiting speakers.

In implementing the Code the University will take such steps as are reasonably practicable to ensure that access to its premises (including the Students' Union buildings) is not denied to any individual or body of persons on any grounds connected with:

- (a) the beliefs or views of that individual or of that body; or
- (b) the policy or objectives of that body

The University is also mindful of other legal obligations which may require it to have regard to what is said on its premises. It is not lawful, for example, for a speaker to incite an audience to violence, breach of the peace or racial hatred. Assemblies of persons directed to lawful purposes cease to be lawful if they cause serious public disorder or breaches of the peace.

The granting of permission by the University for the holding of meetings on its premises to an individual or body does not imply any endorsement by the University of the policy or objectives of that individual or body.

The following Code or Practice shall also apply as appropriate to outside organisations hiring University premises and to public meetings held on University premises.

## Code of Practice

### 1 Definitions

- (a) *A designated activity* is defined as any meeting, event or other activity due to take place on University premises where there is a reasonable expectation on the part of the Principal Organiser (see 1(c) below) that freedom of speech within the law may be compromised unless appropriate remedial action is taken. Whilst it is not possible to be prescriptive about such activities they may include visits by public figures especially where their views have aroused controversy in the past or where the subject matter of the activity is likely to be regarded as controversial or objectionable by at least some of the participants. In cases of doubt the Responsible Officer (see 1(b) below) should always be consulted.
- (b) *The Responsible Officer* is defined as the person responsible to the Vice-Chancellor and, through him/her, to the Council of the University, for ensuring compliance, as far as reasonably practicable, with this Code of Practice by all members, students and employees of the University, visiting speakers, hirers of University premises and organisers of meetings held on University premises.
- (c) *The Principal Organiser* is defined as the person nominated, by the organisers of any activity which in their view might reasonably be expected to be designated, to be responsible for informing the Responsible Officer of the existence of such an activity and for liaising with the Responsible Officer thereafter. The Principal Organiser shall perform such other duties as may reasonably be required by the Responsible Officer.

In relation to activities held within premises occupied by the Students' Union, or organised within University premises outside the Students' Union by *bona fide* student societies, the President of the Students' Union shall be deemed to be the Principal Organiser.

### 2 Procedures

- 2.1 At the earliest possible stage the organisers of any activity which may reasonably be regarded as falling within the terms of this Code of Practice shall appoint a Principal Organiser.
- 2.2 The Principal Organiser shall promptly and wherever possible not less than ten working days before the date of the activity provide the following information in writing to the Responsible Officer, who for the time being shall be the Director of Corporate Services:
- (i) the nature of the activity

- (ii) the names of any visiting speakers and the organisations which they represent
- (iii) the proposed venue for the activity
- (iv) the estimated times of arrival and departure of any visiting speakers
- (v) the proposed means of access to and egress from the venue for any visiting speakers
- (vi) any other relevant information

No such activity shall be advertised inside or outside the University without the prior approval of the Responsible Officer.

2.3 The Council of the University has authorised the Responsible Officer, at his/her sole discretion but taking account of such advice as he/she deems necessary, to declare any activity to be a 'designated activity' within the meaning of this Code. The Responsible Officer shall, as soon as practicable and, if necessary, following further consultation with the Principal Organiser and any other interested parties, proceed as follows:

- (i) notify the Principal Organiser in writing that permission for the event to be held on University premises is granted and that it either will or will not be regarded as a designated activity, *or*
- (ii) notify the Principal Organiser in writing giving reasons for his/her decision that permission for holding the activity on University premises is withheld on the grounds that reasonably practicable steps to secure freedom of speech within the law cannot be implemented owing to the particular circumstances pertaining to that activity, *or*
- (iii) take such other course of action as may seem to him/her to be appropriate having regard to all the circumstances.

The Responsible Officer shall have authority to withdraw permission for the holding of a designated activity if in his/her opinion such changes in circumstances have occurred since the original granting of permission as to make it likely that good order cannot be maintained. Such action shall only be taken in exceptional circumstances and wherever possible after consultation with the Principal Organiser.

2.4 The Responsible Officer shall also have authority to take action as described in 2.3 above in relation to any activity that is brought to his/her attention other than through the procedures described in 2.2 above. The organisers of such an activity shall be regarded as being in breach of this Code and liable to possible disciplinary action.

2.5 Where an activity is designated the Principal Organiser shall consider what

measures, if any, might need to be taken in order to safeguard freedom of speech and advise the Responsible Officer as appropriate. The Responsible Officer may, at his/her sole discretion, vary the measures proposed by the Principal Organiser or require additional measure to be taken. Such measures may include the following:

- (i) the determination of the date, time, approximate length and venue of the activity.
  - (ii) the determination of the method of access and egress of participants and any visiting speakers.
  - (iii) any stewarding arrangements that may be necessary.
  - (iv) the attendance as necessary of portering and security staff.
  - (v) eligibility for admission to the activity.
  - (vi) arrangements for admission by ticket only.
  - (vii) the admission of representatives of the press, radio and television.
  - (viii) the completion of any necessary forms and the prompt provision of information as required.
  - (ix) any other conditions which appear to the Responsible Officer to be reasonable in the circumstances.
- 2.6 The Principal Organiser shall ensure strict observance of the University's Fire, Health and Safety and any other relevant rules and regulations in relation to the organisation and conduct of the activity.
- 2.7 The Principal Organiser shall supply the Responsible Officer with a list of the names of all stewards engaged for a designated activity. Where a proposed steward is not a member of staff or student of the University his/her address and occupation shall also be supplied. The Responsible Officer may require the suggested number of stewards to be varied and may require any he/she considers unsuitable to be replaced. All stewards will be briefed by the Chief Security Officer or his/her nominee before the activity takes place.
- 2.8 The University will normally supply and meet the cost of relaying the speeches to an additional hall via a public address system if the Responsible Officer deems this to be necessary in relation to a designated activity.
- 2.9 The Principal Organiser and the other organisers have a duty to ensure that nothing in the preparations or conduct of a meeting or other activity, whether designated or otherwise, infringes the law, for example, by conduct likely to cause a breach of the peace or incitement to illegal acts.

- 2.10 No food or drink, alcoholic or otherwise, or any receptacles, containers or other implements which could be used as missiles may be taken into a designated activity. These will be confiscated and any persons carrying them may be refused entry to the meeting. Similarly loudhailers, horns, hooters or any other implements that could be used to disrupt the meeting will not be permitted. Hand held banners and flags may only be displayed outside the meeting and if brought inside must be furled up and left in the care of an official whilst the meeting is in progress.
- 2.11 Smoking is not permitted in or immediately outside any University buildings on the University campuses. Separate arrangements may apply in halls of residence in respect of individual study bedrooms designated as smoking rooms, or in any external smoking areas provided by the Students' Union
- 2.12 All rooms used for activities, whether designated or otherwise shall be left in a clean and tidy condition. Organisers will be charged for any additional clearing up that is necessary as well as for any damage or breakages.
- 2.13 The organisation of meetings, activities and events which are not designated shall be the sole responsibility of the organisers subject to legal requirements and observance of any relevant University rules and regulations currently in force.
- 2.14 The existence of this Code of Practice shall be brought to the attention of hirers of University premises who shall, where appropriate, consult with the Responsible Officer regarding its implementation.
- 2.15 Designated and other activities taking place in licensed University premises shall pay due regard to the legal obligations of the licensee.

### **3 Conduct of Designated Activities**

- 3.1 Where a designated activity takes the form of a meeting, debate, lecture or similar event the Responsible Officer may require a Chair to be appointed, in consultation with him/her, in advance of the activity.
- 3.2 The Chair shall be under a duty as far as possible to secure that both the audience and the speakers act in accordance with the law during the meeting and shall be required to consult as necessary with the Responsible Officer or his/her nominee and to familiarise himself/herself with this Code of Practice before the meeting takes place. The audience and the speakers shall be under a duty to comply with the Chair's rulings relating to the conduct of the meeting subject to his/her complying with any Standing Orders that might otherwise govern it.
- 3.3 Immediately before the commencement of the activity the Responsible Officer or his/her nominee shall inform those present that the meeting is a designated activity within the meaning of this Code of Practice and that reasonable steps will be taken to ensure a fair hearing for the speaker. Whilst occasional interruptions and heckling may be consistent with the style and nature of the

meeting, persistent interruption or concerted attempts to prevent the speaker being heard will, at the discretion of the Chair, render those responsible liable to be escorted from the meeting if they fail to abide by the rulings from the Chair to desist. The Chair may suspend or close the meeting if in his/her opinion it can no longer be conducted in an orderly manner or if behaviour is so disruptive that the safety of those present is in jeopardy. Before suspending or closing the meeting the Chair shall take advice from the Responsible Officer or his/her nominee unless the situation is so serious that an immediate decision must be made in which case the responsibility shall lie with the Chair or, should he/she fail to act, with the Responsible Officer or his/her nominee. Stewards and portering and security staff shall be instructed to use the minimum force necessary when escorting persons from the meeting and to ensure that they are not re-admitted under any circumstances. Such removal shall take place only as a last resort and on the specific instructions of the Chair or the Responsible Officer. In the event of severe or sustained disruption the Responsible Officer or his/her nominee is authorised to request police assistance. In the case of designated activities in premises occupied by the Students' Union such requests shall be made only after consultation, wherever practicable, with the President of the Students' Union.

#### 4 **Sanctions**

- 4.1 Conduct in breach of any of the provisions of this Code of Practice will render those responsible liable to disciplinary proceedings as laid down by the University authorities without prejudice to any action that may be taken in the Courts.

#### 5 **Costs**

- 5.1 Except in respect of designated activities this Code does not alter the normal policy whereby budgetary groups, the Staff Club, the Students' Union and hirers are responsible for payment where appropriate and necessary for services provided by another budgetary group or central funds.
- 5.2 Where additional costs arise as a direct result of the requirements of the Responsible Officer in relation to a designated activity these shall normally be borne by Corporate Services where they relate to:
- (i) the provision of portering and security staff *outside* the venue.
  - (ii) the provision of overspill public address facilities.

All other costs shall be borne by the appropriate budgetary group or other financial entity except where it can be clearly shown that the right to freedom of speech is being inhibited by lack of funds. In such cases the body concerned, provided that it is a *bona fide* organisation within the University, shall be permitted to hold not more than one designated activity per term at the reasonable expense of the University.

## 6 **Review of the Code**

- 6.1 The Responsible Officer shall report annually to the summer meeting of the Council on the operation of the Code, including the number of designated activities since the previous report and recommendations for alterations to the code, if any.
- 6.2 In cases of urgency, amendments to the Code proposed by the Responsible Officer, following such consultations with interested parties as may be practicable in the time available, may be approved by the Vice-Chancellor and the Chair of Council providing that any such amendments are reported to the next ensuing meeting of Council.
- 6.3 This Code has been enacted by Council following consultation with Senate and with the Students' Union. Any substantive amendments to it, except in cases of extreme urgency, shall be subject to similar full consultation and debate.

## 7 **Appeals Procedure**

- 7.1 Appeals against any rulings or requirements of the Responsible Officer or his/her nominee may be made by the Principal Organiser or his/her nominee to the Vice-Chancellor whose decision shall be final. In the absence of the Vice-Chancellor and in cases of urgency appeals may be determined by the Senior Deputy Vice-Chancellor or, in his or her absence, by a Deputy Vice-Chancellor or Pro Vice-Chancellor.

## 8 **Implementation**

- 8.1 The Responsible Officer is authorised, in consultation with interested parties, to take such enabling action as may be necessary to implement this Code of Practice as amended from time to time with effect from 1 September 1987.

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