

UNIVERSITY OF SOUTHAMPTON  
Code of Practice to Secure  
Freedom of Speech  
Within the Law

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

### **1. Introduction**

- 1.1 Universities in the UK play an important role in promoting academic freedom and freedom of speech.
- 1.2 This is underpinned by legislation which requires universities to:
  - 1.2.1 Ensure that 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 in jeopardy of losing their jobs or privileges they may have at their institutions (Education Reform Act 1988); and
  - 1.2.2 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 and for visiting speakers (Education No.2 Act 1986) by.
    - 1.2.2.1 ensuring, so far as reasonably practicable, that the use of any premises of the university is not denied to any individual or body of persons on any ground connected with their beliefs or views or policy or objectives; and
    - 1.2.2.2 issuing and keeping up to date a code of practice setting out
      - i) the procedures to be followed by members, students and employees of the university and which fall within any meeting or activity specified in the code; and
      - ii) the conduct required of such persons in connection with any such meeting or activity.
- 1.3 Universities are also under obligations which may constrain free speech, in particular in relation to equality, security, health and safety and preventing people being drawn into terrorism. A non-exhaustive list of relevant legislation is included at **Annexe A**.
- 1.4 The University of Southampton (hereinafter “the University”) is committed to upholding academic freedom of enquiry in its teaching and research and to ensuring that free and open discussion can take place in an atmosphere of tolerance. This does not mean that the University supports or approves or endorses the subject matter of events or positions taken by members, students and employees of the university or visiting speakers attending events.
- 1.5 This Code of Practice sets out the how the University will discharge these responsibilities.

## **2. Range and application**

- 2.1 This Code of Practice applies to all meetings and events (including lectures, seminars, committee meetings, conferences and musical and theatrical performances whether live streamed or recorded) and any other activities (referred to as “events”) proposed, planned or due to take place on any University premises, wherever situated, in respect of which the University has title or possession, by freehold, leasehold, licence or otherwise, including its halls of residence, Chaplaincy and prayer rooms.
- 2.2 For all types of event, failure to follow this Code of Practice will be regarded as a disciplinary event under the Staff Disciplinary Procedure and Student Discipline Regulations.
- 2.3 In case of doubt concerning the application of this Code of Practice, the Responsible Officer should always be consulted.

## **3. Types of event**

- 3.1 There are three specific types of events considered under the Code:
  - A: Staff-led events;
  - B: Student-led events;
  - C: Third party hire of University facilities.

### **Type A: Staff-led events**

The majority of events within the University will fall into Category A. In this case, the organiser of the event must be a member of staff at the University and the organiser (and any other co-organisers) is bound by the University’s policies on teaching, research and ethics and the Staff Disciplinary Procedure. Events in this category will demonstrate the high level of quality and academic rigor which we expect from our staff.

The organiser and any co-organisers, whether internal or external, are bound by this Code of Practice and by the terms and conditions of the hire of the venue.

### **Type B: Student-led events**

This covers all events organised by University of Southampton students, Student Societies and the Southampton University Students Union (SUSU). Organisers are bound by the Student Discipline Regulations and any procedures established by SUSU. The organiser and any co-organisers, whether internal or external, are bound by this Code of Practice and by the terms and conditions of the hire of the venue

### **Type C: Third party hire of University facilities**

This includes all events where the organiser is not a member of staff or a student at the University of Southampton. The organiser is bound by this Code of Practice and by the terms and conditions of the hire of the venue.

## 4. Triggering consideration as a Designated Activity

### 4.1 Definitions

- 4.1.1 *A Designated Activity* is defined as any event (as defined in paragraph 2.1 above) where there is a reasonable expectation on the part of the Principal Organiser or the Responsible Officer 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 speakers 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 or third parties, or constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups.
- 4.1.2 *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. The name of the Responsible Officer can be found in **Annexe B**.

## 5. Procedures

- 5.1 The organiser(s) of an event is responsible for considering whether or not the event needs to be classified as a Designated Activity under the Code of Practice.
- 5.2 To assist in this process, the University has developed a set of “trigger questions” for organisers to consider, which are revised from time to time. The current trigger questions can be found in **Annexe C**.
- 5.3 While event organisers should be provided with the trigger questions when booking University space for an event which involves external participation, it is the responsibility of an event organiser to consider the trigger questions as part of the event organisation process. If the answer to any of the trigger questions is “yes”, the event may need to be classified as a Designated Activity, and a Principal Organiser should be appointed.
- 5.4 The Principal Organiser should then complete the Request Form with additional information and also specify which type of event it is (Types A-C listed above) and submit it to the Responsible Officer. The current Request Form can be found in **Annexe D** and a flow chart of the procedure can be found in **Annexe E**.
- 5.5 It is recognised that some events are planned over a long period of time, and that the answers to these trigger questions may change during the lead up to the event. This may be due to circumstances relating to the event, such as the securing of a particular speaker or speakers, or due to external events relating

to the subject material. The Principal Organiser remains responsible for ensuring that the information in the form is kept up-to-date and the Responsible Officer is notified in writing if circumstances change during this period of time such that the event may need to be classified as a Designated Activity or additional measures may be required for an event that has already been classified as a Designated Activity.

- 5.6 The Principal Organiser is then responsible for informing the Responsible Officer of the existence of the event and for liaising with the Responsible Officer thereafter. The Principal Organiser shall also perform such other duties as may be reasonably requested by the Responsible Officer.
- 5.7 In relation to events 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 determine who shall be deemed to be the Principal Organiser.
- 5.8 For Type C events, where the organiser is not a member of staff or student at the University, this Code of Practice and the trigger questions will be brought to their attention at the time of booking. Where appropriate, they should consult with the Responsible Officer regarding its implementation.
- 5.9 The organisation of events which are not designated shall be the sole responsibility of the organisers subject to compliance with any legal requirements and observance of any relevant University rules and regulations currently in force.
- 5.10 Events which have been referred to the Responsible Officer for consideration as a Designated Activity may not be advertised inside or outside the University without the prior approval of the Responsible Officer.

## **6. Timing**

- 6.1 The Principal Organiser shall inform the Responsible Officer as soon as is practically possible. For events involving a single speaker, this should in general be not less than fifteen working days before the date of the event. For larger events involving multiple speakers and/or over multiple days, this should in general be not less than 6 months before the anticipated commencement date of the event.

## **7. Designation of an event**

- 7.1 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 event 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:

- 7.1.1 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*
  - 7.1.2 notify the Principal Organiser in writing giving reasons for his/her decision that permission for holding the event 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 event, for example the reasons set out in paragraph 10, *or*
  - 7.1.3 take such other course of action as may seem to him/her to be appropriate having regard to all the circumstances.
- 7.2 The Responsible Officer shall have authority to withhold or 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.
- 7.3 The Responsible Officer shall also have authority to take action as described in 7.1 above in relation to any event that is brought to his/her attention other than through the procedures described in paragraph 5 above. The organisers of such an event shall be regarded as being in breach of this Code of Practice and liable to possible disciplinary action.

## **8. Measures required by the Responsible Officer**

- 8.1 Where an event 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:
- 8.1.1 the determination of the date, time, approximate length and venue of the event.
  - 8.1.2 the determination of the method of access and egress of participants and any visiting speakers.
  - 8.1.3 any stewarding arrangements that may be necessary.
  - 8.1.4 the attendance as necessary of portering and security staff.
  - 8.1.5 eligibility or arrangements for admission to the event.
  - 8.1.6 arrangements or restrictions relating to recording the event in any manner or medium or to the use of social media

- 8.1.7 the requirement for the event to have an independent chair, appointed by the Responsible Officer, in consultation with the Principal Organiser where possible, to ensure, as far as possible, that both the audience and the speakers act in accordance with the law during the meeting, and that good order is maintained. 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.
- 8.1.8 the admission of representatives of the press, radio and television.
- 8.1.9 the completion of any necessary forms and the prompt provision of information as required.
- 8.1.10 any other conditions which appear to the Responsible Officer to be reasonable in the circumstances.

**9. Conduct of Designated Activities**

- 9.1 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 event.
- 9.2 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 of the University or the Students' Union or a 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 event takes place.
- 9.3 The Principal Organiser and the other organisers have a duty to ensure that nothing in the preparations or conduct of a meeting or other event, whether designated or otherwise, infringes the law, for example, by conduct likely to cause a breach of the peace or incitement to illegal acts, or encouragement of terrorism or inviting support for a proscribed terrorist organisation.
- 9.4 The Responsible Officer may require that no food or drink, alcoholic or otherwise, or any receptacles, containers or other items or implements which could be used as missiles or could be used to disrupt the event may be taken into a Designated Activity.
- 9.6 Designated Activities and other events taking place in licensed University premises shall pay due regard to the legal obligations of the licensee.
- 9.7 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 event.

- 9.8 The Chair shall be under a duty as far as possible to ensure 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.
- 9.9 Immediately before the commencement of the event 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 event, 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 event if they fail to abide by the rulings from the Chair to desist. The Chair may suspend or close the event 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.
- 9.10 Before suspending or closing the event 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 event 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 his/her sole discretion, 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.

## **10. Withholding or withdrawal of permission to hold an event**

- 10.1 The primary purpose of declaring an event a Designated Activity is to ensure that the event can go ahead, and that the University is able to fulfil its legal obligations to promote freedom of speech, whilst at the same time fulfilling its other legal obligations, and to ensure the smooth running of the University.
- 10.2 The withholding or withdrawal of permission will only occur in exceptional circumstances where measures cannot be put in place to secure freedom of speech within the law and wherever possible after consultation with the Principal Organiser and appropriate internal and external parties as are deemed appropriate by the Responsible Officer. The Responsible Officer has the sole discretion to take this decision.

- 10.3 Possible circumstances which might lead to the withholding or withdrawal of permission include:
- The Responsible Officer being informed of the event with less notice than set out in paragraph 6 above and being unable to implement the necessary additional security measures in time;
  - A significant risk of public disorder such that the health and safety of staff, students and visitors is put at risk
  - A significant risk of substantial damage to University property ;
  - A serious concern that the law will be broken by those speaking at or attending the event;
  - A significant risk of major disruption to the operation of the University's activities;
  - A significant risk that the additional costs associated with making the event safe (such as additional security or additional police time) were beyond the budget of those holding the event, such that the University was likely to face a significant financial loss
  - Views expressed or likely to be expressed constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups.
- 10.4 The Responsible Officer will notify the Principal Organiser of any such decision in writing as soon as possible.

## 11. **Sanctions**

- 11.1 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.

## 12. **Costs**

- 12.1 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.
- 12.2 Save for Type C events, where all costs shall be borne by the hirer, 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 the University where they relate to:
- (i) the provision of University portering and security staff *outside* the venue.
  - (ii) the provision of streaming and overspill facilities.
- 12.3 All other costs, including any additional external policing and security 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. This shall not apply to Type C events, where all costs shall be borne by the hirer.

### **13. Review of the Code**

13.1 The Responsible Officer shall report annually to the summer meeting of the Council on the operation of the Code of Practice, including the number of Designated Activities since the previous report and recommendations for alterations to the Code of Practice, if any.

13.2 In cases of urgency, amendments to the Code of Practice 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 meetings of Senate and Council.

13.3 This Code of Practice 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.

### **14. Appeals Procedure**

14.1 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 Provost or, in his or her absence, by a Pro Vice-Chancellor.

### **15. Implementation**

15.1 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.

## **Annexe A**

### **List of relevant legislation**

The following list is not exhaustive – is intended as a guide for members of the University community seeking further information.

Crime and Disorder Act 1998  
Criminal Justice Act 2003  
Counter Terrorism and Security Act 2015  
Data Protection Act 1998  
Education Act 1986  
Education Reform Act 1988  
Equality Act 2010  
Freedom of Information Act 2000

Human Rights Act 1998 (incorporating the European Convention on Human Rights)  
Public Order Act 1986  
Protection from Harassment Act 1997

## **Annexe B**

### **Responsible Officer**

Until 3 January 2016, the Responsible Officer is Professor Mark Spearing, Provost (s.m.spearing@soton.ac.uk). From 4 January 2016, the Responsible Officer will be Ian Dunn, Chief Operating Officer (i.d.dunn@soton.ac.uk).

## **Annexe C**

### **Trigger Questions**

The current list of “trigger questions” (as set out in Paragraph 5.2 of the Code) are:

- Is there any possibility of a situation arising in which people might experience harassment, intimidation, verbal abuse or violence?
- Is the speaker likely to express controversial views/likely to express views that may attract protest?
- Is the speaker known to hold controversial views /known to hold views that may attract protest?
- Is the speaker from an area where the geo-political situation may attract protest?
- Is the subject matter relating to an area where the geo-political situation may attract protest?
- Is the subject matter, topic or title controversial or likely to evoke a strong emotive response if advertised to the general public?

## **Annexe D**

### **Request Form**

#### **Request for consideration of an activity under the University of Southampton's *Code of Practice to Secure Freedom of Speech within the Law***

The University of Southampton and its members are expected by law to ensure Freedom of Speech is secured for anyone who works on or visits our campuses. To support this requirement, the University has an established [Code of Practice](#) with which all members, students and employees of the University, visiting speakers, hirers of University premises and organisers of meetings held on University premises must comply. The [Code of Practice](#) seeks to secure Freedom of Speech for all while also respecting individuals' rights within equality and human rights.

**If in your view as the event's Principal Organiser, this event is a designated activity\*** as defined in the University of Southampton's [Code of Practice](#) to secure Freedom of Speech within the Law, **please complete all sections** of this form with as much detail as possible and return to [speakers@soton.ac.uk](mailto:speakers@soton.ac.uk) as soon as possible but by no later than 15 working days prior to your event. We reserve the right to reject your request if it is received 10 or less working days prior to the event due to there being insufficient time available to assess it.

Please note that the event may not be advertised without prior approval. You will be advised of the decision as soon as reasonably possible.

<b>Name of group organising the event:</b> (E.g. Student Society/Faculty Group/Organisation)	Group:
<b>Principal Organiser for the event:</b>	Name:  Contact phone number:  Contact email address:  Position in group:
<b>Nature of the event:</b> (E.g. Debate, Lecture, Seminar, Workshop, Social etc.)	Nature:
<b>Proposed Time and Venue of event:</b>	Date & Time:  Venue:  External speaker/organisation scheduled time:
<b>External Speaker's name and the organisation they represent in this context:</b>	Name:  Organisation:
<b>Please provide relevant information:</b> (E.g. Previous security required at other locations, previous press interest, any ticketing requirements for the event, sensitive nature of subject e.g. animal rights, faith and/or segregation, politics etc.)	

The Principal Organiser hereby confirms that he/she will ensure observance of the University's Fire, Health and Safety and any other relevant rules and regulations in relation to the conduct of the event.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

*\*A designated activity is an activity where Freedom of Speech within the law may be compromised unless remedial action is taken and may include but is not limited to 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 and/or University community. In cases of doubt you should complete this form.*

For Responsible Officers use only:	
<b>Request Approved</b>	Yes – Not Designated Activity, no further requirements <input type="checkbox"/>  Yes – Designated Activity, no further requirements <input type="checkbox"/>  Yes – Designated Activity, actions required below <input type="checkbox"/>  No – Designated Activity, reasons given below <input type="checkbox"/>

<b>Approved Activity - Action required:</b>	Method of Access/Egress of participants and visiting speakers:  Stewarding arrangements:  Admission arrangements:  Security and Policing staff in attendance & informed:  Comms informed and briefed:  Additional Costs identified and approved:  Communicated to Principal Organiser & room bookings/conferencing/SUSU:  Any other agreed measures to be implemented?  Date:
<b>Activity not approved:</b>	Reason for rejection:  Communicated to Principal Organiser/Comms & Security  Date:
<b>Responsible person signature:</b>	Signature:  Name:  Position:
<b>Date request closed and passed to Legal for recording purposes:</b>	Date:

**Annexe E**

**Flow Chart**

University of Southampton – Hosting a designated activity under the Code of Practice to Secure Freedom of Speech process

