

University of Bristol Freedom of Speech Code of Practice

2021-2022

Freedom of expression and equality are foundational rights, whose realisation is essential for the enjoyment and protection of all human rights¹. The University of Bristol believes that freedom of expression and academic freedom are at the heart of its mission and must be fully reflected in both its policies and practices. Our approach is to enable and promote free speech and encourage debate of all kinds, consistent with Article 10 of the European Convention on Human Rights. Consistent with Article 10(2), restrictions on free speech may be permitted where the restriction is necessary to protect the reputation or rights of others, or in the interests of national security or public safety. This may include where speech which incites hatred or violence, is otherwise unlawful (e.g. harassment/discrimination), or where the exercise of free speech raises serious concerns regarding the safety of students, staff or members of the public.

This means that there must be an atmosphere of free and open discussion. The University supports the view of the European Court of Human Rights that freedom of expression constitutes one of the essential foundations of a democratic society and that such freedom is applicable not only to information or ideas that are favourably received, but also to those that have the potential to offend, shock or disturb the listener. Staff and students primarily determine the subjects and topics of discussion that take place on campus. Pluralism, tolerance and broadmindedness are essential components of a democratic society, and all views, including those that can be difficult to hear, should be able to be expressed and heard with tolerance and mutual respect. The University supports the right to hold conferences and talks on controversial topics. There is freedom to challenge or debate the law, moral or other issues but this does not give permission to break the law.

The principle of free speech has the potential to be abused, including through incitement to violence or to breaches of the peace, or by the use of threatening words or behaviour (including the display of writing, signs or other visible representations) which are intended to provoke racial or religious hatred or hatred on grounds of sexual orientation, gender, gender identity or gender expression, or to encourage or draw people into terrorism. All of our staff and students have a responsibility to consider these issues in the course of their work.

As an institution, the University is mindful of its responsibilities to ensure that its premises are not being used for unlawful purposes, including those which may negate the enjoyment of that freedom for others. When permitting its premises to be used, the University must therefore consider what may be said. The University is not obliged to allow its premises to be used by members of the public or by organisations which might wish to do so, nor is it obliged to admit members of the public to meetings taking place on its premises (providing that it does not exclude on a discriminatory basis) and must take account of other legal obligations, including those around the bounds of lawful speech and assemblies that may lead to serious disorder or breaches of the peace. Peaceful protest is a protected form of expression, however such protest should not be allowed to shut down debate or infringe the rights of others.

Notes: In accordance with the Education Act 1986, the University Board of Trustees is required to publish a Code of Practice setting out the procedures to be followed by members, students and employees of the University in connection with the organisation of meetings and activities taking place on its premises. This document forms one part of the Code of Practice. The second document is the accompanying External Speakers Procedure.

The Secretary of State has issued guidance under the Counter-Terrorism and Security Act, 2015, which provides that the University 'must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism'. The guidance acknowledges that universities

¹ Article 19 (2009) *Camden Principles of Freedom of Expression and Equality*. London: Article 19. Page 3. Accessed 04/03/16 from <https://www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf>

must have particular regard (this is considered to carry more weight than 'due regard') to the duty to ensure freedom of speech and to the importance of academic freedom.