

Freedom of Speech Policy 2016/17

University of Bristol Statement on Freedom of Speech

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. The only exception is where there are serious concerns about public disorder or the direct incitement of violence or hatred.

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, 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.

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 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.

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>

External Speakers Procedure

This process applies to all bookings of events involving the engagement of an external speaker to give a presentation, talk or lecture under the auspices of either the University of Bristol (UoB) or Bristol Students Union (Bristol SU), whether hosted on or off UoB or Bristol SU premises. The process is not normally expected to apply to the engagement of visiting speakers to contribute to the delivery of approved academic programmes or to take part in research seminars at UoB.

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 protect free speech and encourage debate of all kinds. The only exception is where there are serious concerns about public disorder or the incitement of violence or hatred.

1. When to use this procedure

This procedure should be followed whenever an event involving an external speaker is organised and should be commenced at the earliest opportunity. No booking of the speaker or venue should be confirmed until a decision has been made under this procedure that the event can go ahead.

2. Self-assessment

The Event Organiser (the person responsible for the event) must undertake a self-assessment (using the questions in section 2) to determine whether further scrutiny and support from the University are required. If the *Event Organiser* reasonably decides that there are no issues, the event can go ahead. **It is anticipated that the vast majority of events organised will fall into this category.**

The *Event Organiser* may be:

- A student
 - Bristol SU affiliated group
 - Independent/informal student group
 - JCRs
 - Academic (school, faculty or programme-based group)
- A staff member
 - UoB
 - Bristol SU
- An external user

3. If further scrutiny is required

If an *Event Organiser* identifies that further scrutiny is required, the venue can be provisionally booked and the *Event Organiser* must give two weeks' notice to allow the *Assessor* and *Decision Maker* sufficient time to consider how to mitigate any concerns. If less than two weeks' notice is given, a response cannot be guaranteed and the event may not be permitted to go ahead.

If the self-assessment questions (see section 5) raise potential issues then the *Event Organiser* must refer them to an appropriate *Assessor*, to be chosen from the following by reference to the location or organisational responsibility for the event:

- Bristol SU Student Engagement Manager (in liaison with UoB as appropriate)
- University Conference Officer
- Head of Learning Facilities Management:

- Director of Residential and Hospitality Services or nominee (to include Residences Wardens and Accommodation Managers)
- Heads of School
- Divisional Heads

The *Assessor* will consider the self-assessments passed to them. They may approve the event if the case is straightforward and they assess the risks to be low. In carrying out this assessment, the *Assessor* may seek advice from the Secretary's Office, the Student Services Divisional Office and Security Services, as appropriate.

4. In cases of significant concern

If the *Assessor* is concerned that the issues raised present significant risks in relation to the hosting of the event, the assessment findings will be referred to the *Decision Maker*. The *Decision Maker* will consider what mitigation could be arranged, for example ticketing or a change of venue, in order to make it possible for the event to take place. Their decision is final. They may give conditional approval, subject to the *Event Organiser* putting mitigating measures in place.

The *University Decision Maker's* overarching aim will be to allow events to go ahead in line with the University's firm commitment to Freedom of Speech and within the law.

The *Bristol SU Decision Maker's* aim will be to allow events to go ahead within the law and any prevailing Bristol SU policy at the time.

The *Decision Maker* is either the

- Deputy Vice-Chancellor (or nominee)
 - For events in a UoB venue other than Bristol SU
 - For events in external venues being organised by a UoB member of staff
- Bristol SU Chief Executive (or nominee)
 - For events in Bristol SU venues
 - For events in external venues being organised by a Bristol SU affiliated student group or Bristol SU member of staff or by individual students
 - The Chief Executive will make their decision after consultation with the Deputy Vice-Chancellor (or nominee).

It may be necessary to consult and/or inform other parties of the planned speaker. These may include:

- Police
- Security Services
- South West Prevent Regional HE/FE Lead²
- UoB Public Relations
- Liberty

5. Self-assessment questions

The *Event Organiser* must make themselves sufficiently aware of the speaker's background and reputation to be able to take a considered view as to whether it is appropriate to host the proposed event within UoB or Bristol SU. The primary consideration is whether the event can be safely managed and whether any additional measures should be put in place to enable the event to go ahead. The

² It should be noted that Bristol SU is not subject to the Prevent duty and is not therefore required to consult with the South West Prevent Regional HE/FE Lead.

following questions will enable the *Event Organiser* to consider how to mitigate any risks the speaker's attendance might bring, and ensure that the event can be managed appropriately.

a) Are there any concerns about unlawful content or content that might encourage terrorism or violent extremism?

For example:

- Are they representing an organisation proscribed by the UK Government?
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/538297/20160715-Proscription-website-update.pdf
- Are they likely to breach UK laws on Hate Speech?
<https://www.equalityhumanrights.com/en/freedom-express/top-ten-things-you-need-know-about-freedom-expression-laws>
- Are they likely to raise concerns under the Prevent duty guidance in terms of encouraging violent extremism or terrorism, or drawing people into terrorism?
<https://www.gov.uk/government/publications/prevent-duty-guidance>

→ If so, or you are unsure, please contact the Secretary's Office for advice: legal@bristol.ac.uk / 0117 394 1830

b) Could there be a *public order* issue?

Concern about public order issues does not automatically block such an event taking place, but it is important to seek advice.

For example:

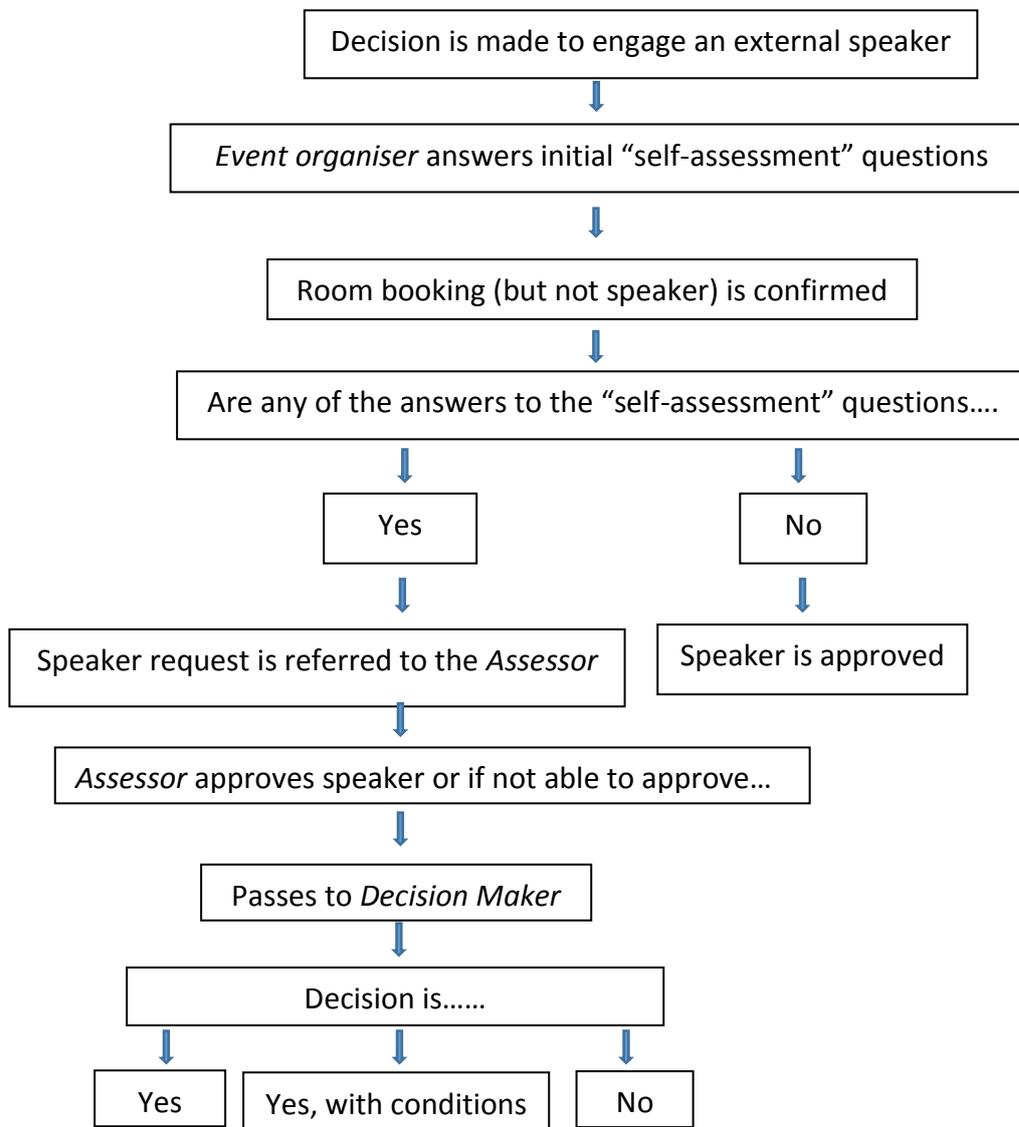
- Is the subject of their talk or the organisation they represent likely to mobilise significant opposition such that there might be a risk to safety of the public or members of the University community?
- Is there any evidence that this has been the case on other occasions?
- Does the speaker, or the organisation they represent have a controversial profile in the media?
- Is the event likely to attract a heightened media interest?
- Is the event likely to attract unusual interest or unusually large numbers?

→ If so, or you are unsure, please contact Security Services for advice on how to ensure the safety of speakers and attendees: security-office@bristol.ac.uk / 0117 928 7848

→ If so, or you are unsure, please contact the Public Relations Department for advice: public-relations@bristol.ac.uk / 0117 928 8895

At the end of the self-assessment process the *Event Organiser* should be able to answer Yes or No to these questions.

Process for informing, checking and approving external speakers



Approval conditions

These may include, for example:

- Ticketing and/or restricting numbers
- Changing the venue
- Limiting admission to UoB students and staff and/or by named guest list only
- Checking identification of those attending
- Provision of stewards/additional security
- Attendance by a senior member of staff from Bristol SU or UoB
- Copy of any speech to be approved in advance.
- Chairing by an experienced chair
- Opportunity to debate or challenge a view that is being promoted