



Cardiff
Metropolitan
University

Prifysgol
Metropolitan
Caerdydd

CODE OF PRACTICE ON FREEDOM OF SPEECH

Secretariat/Chaplaincy

Endorsed by the Equality & Diversity Engagement Group and the
Nominations & Governance Committee – Spring Term 2014



INVESTOR IN PEOPLE
BUDDSODDWR MEWN POBL



Cardiff Metropolitan University

Code of Practice on Freedom of Speech

1. Preamble

All citizens of the United Kingdom have the right to 'freedom of expression'. This means that we are entitled to our own opinions and have the right to voice them. Article 10 of the Human Rights Act 1998 deals with Freedom of Expression, however, this does not mean that we can say exactly what we want. There are restrictions and penalties prescribed by law which are necessary in a democratic society.

Cardiff Metropolitan University is committed to the principles of freedom of speech and in order to comply with the requirements of Section 43 of the Education (No 2) Act 1986, will take such steps as are reasonably practicable to ensure that freedom of speech continues to exist within the university.

Cardiff Metropolitan University believes that an environment of free and open discussion is essential in order to help students develop lively, enquiring minds and the ability to question and argue rationally. However, such an environment can only be guaranteed if all concerned behave with respect for, and tolerance of other races, religions, beliefs and ways of life. At the same time Cardiff Metropolitan University recognises that freedom of speech may not always be compatible with other freedoms. In simple terms this means that freedom of speech cannot be guaranteed in circumstances which are against the law, for example, the expression of views which incite racial hatred, sexual harassment etc. Cardiff Metropolitan University is a non-political organisation and as such does not permit the use of its premises by individuals or groups for public meetings for the purpose of political or religious canvassing. (The exception would be in the case of activities directly related to Cardiff Metropolitan University business such as staff elections to University Committees and SU elections).

The Terrorism Act 2006 makes it a criminal offence to encourage terrorism (including to glorify terrorism), to disseminate terrorist publications, to prepare or plan to commit a terrorist act (or to assist others in doing so) and to give or receive terrorist training.

The Racial and Religious Hatred Act 2006 ensures that protection is provided to people against harm because of their religious beliefs or lack of religious beliefs, focusing on those who stir up violence and hatred on religious grounds.

The Race Relations Act 1976, as amended, states the promotion of good relations between people of different racial groups is an institutional requirement. This is further extended in the provisions of the Equality Act 2010 whereby the Equality & Human Rights Commission monitors the institution's duty to promote good relations amongst different communities.

2. Code of Practice

In pursuance of its duties as laid down in Section 43 of the Education (No 2) Act 1986, Cardiff Metropolitan University's Board of Governors has approved this Code with a view to taking steps which are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of Cardiff Metropolitan University and for visiting speakers.

2.1 Principles of the Code

So far as is reasonably practicable, the premises of Cardiff Metropolitan University shall not be 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.

Cardiff Metropolitan University must however also take account of other legal obligations which may affect the conduct of meetings and events on its premises and take appropriate action where speakers do not conduct themselves or activities are not conducted within the law. (For example, a speaker, who incites an audience to violence or to breach of the peace or to racial hatred, transgresses the bounds of lawful speech. Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace).

3. Procedures

3.1 The following procedures must be followed by members, students and employees of Cardiff Metropolitan University in respect of:

- (a) Meetings or other activities which are to be held on premises of Cardiff Metropolitan University falling within the class of meetings specified in paragraph 3.2 below; and
- (b) The conduct required of all persons in connection with any such defined meetings or activities; and
- (c) Any other related or ancillary matters which Cardiff Metropolitan University's Board of Governors from time to time declares to fall within this Code. (See paragraphs 3.3.4 and 3.4 below).

3.1.1 Infringements of, or departures from, these procedures in whatever respect will render those responsible liable to disciplinary proceedings as laid down by Cardiff Metropolitan University.

3.1.2 Additionally, if any such actions involve breaches of the law, the university will be ready to assist the prosecuting authorities to implement the processes of law and, if charges are preferred, may

stay disciplinary proceedings pending the outcome of any such proceedings.

- 3.1.3 Cardiff Metropolitan University's Board of Governors authorises the Vice-Chancellor and Principal to appoint the Chief Operating Officer to act on its behalf to ensure, as far as is reasonably practicable, that all members, students and employees of the University, and visiting speakers, comply with the provisions of this Code.
- 3.2 Meetings or other activities to which this Code applies are any meetings or other activities where there is a real likelihood that the speaker may not be able to enter or leave the building safely and/or deliver his or her speech, or where breach of the peace may occur. These will be deemed to fall within the requirements of this Code.
 - 3.3 This section applies to any meetings or activities falling within the meaning of paragraph 3.2 above.
 - 3.3.1 The organisers of any such event shall ensure that a single person is appointed as principal organiser of the event.
 - 3.3.2 The principal organiser of such an event shall secure that at least 4 weeks before the date proposed for the event notice of the proposal is given to the Chief Operating Officer. Such notice shall contain a written statement of the name of the speaker, the subject of the address and the precise timing of arrival and departure of the speaker.
 - 3.3.3 Within 10 working days of receiving such notice the Chief Operating Officer shall issue a statement which shall either grant or withhold permission for the use of Cardiff Metropolitan University's premises as proposed for the conduct of the event. (See paragraph 3.5 below).
 - 3.3.4 Permission so granted may be granted subject to such conditions as the Chief Operating Officer considers reasonably necessary to secure fulfilment of the university's statutory responsibilities concerning the protection of the speech within the law (see paragraph 3.4 below).
 - 3.3.5 The principal organiser and every other person concerned with the organisation of an event for which permission has been granted shall be required to comply with any and every condition laid down by the Chief Operating Officer under the provisions of this Code. Such conditions may include a requirement that tickets must be issued for public meetings and that an adequate number of stewards should be available, as to whose suitability the Chief Operating Officer must be satisfied, in addition to any security staff that the Chief Operating Officer may feel should be present to maintain order. (See paragraph 3.4 below).

- 3.3.6 Organisers have a duty to see that nothing in the preparations for or conduct of a meeting or activity infringes the law e.g. by conduct likely to cause a breach of the peace or incitement to illegal acts.
- 3.3.7 The principal organiser and the Chair of the meeting have a duty so far as possible to secure that both the audience and the speaker act in accordance with the law during the meeting. In case of unlawful conduct the principal organiser and the Chair are required to give appropriate warnings and, in case of continuing unlawfulness, to require the stewards or security staff to effect the withdrawal or removal of the persons concerned.
- 3.3.8 No offensive articles or objects may be taken inside the building where the meeting is taking place, or taken or used elsewhere on Cardiff Metropolitan University's premises in circumstances likely to lead to injury or damage.
- 3.3.9 The conditions prescribed by the Chief Operating Officer under subsection 3.3.4 above and paragraph 3.4 below may include conditions concerning admission or exclusion of press, television or broadcasting personnel.
- 3.4 In addition to the conditions set out in paragraph 3.3 above the Chief Operating Officer has discretion to lay down further conditions, if appropriate, after consultation with the police. Thus he/she may, for example, require the designated meeting or activity to be declared public (which would permit a police presence); he/she may arrange for Cardiff Metropolitan University staff to be responsible for all security arrangements connected with the meeting or activity and appoint a member of staff as "controlling officer" for the occasion. If not satisfied that adequate arrangements can be made to maintain good order he/she may refuse or withdraw permission for the meeting or activity. Such a step would normally only be taken on the advice of the police.
- 3.5 Appeals against the rulings of the Chief Operating Officer may be made to the Vice-Chancellor and Principal whose decision shall be final but must be reported to the next meeting of the Board of Governors.

4. Administrative Process

- 4.1 All internal bookings of rooms on Cardiff Metropolitan University premises should be made in accordance with the University's room booking procedures via the Timetable Unit or Conference Services as appropriate.
- 4.2 Any booking of Cardiff Metropolitan University facilities by or on behalf of an external person or organisation must be made subject to the Conditions of Hire of the university Facilities. Such bookings are administered by the Conference Services Unit of Facilities Management

in conjunction with Cardiff Metropolitan's 'PREVENT' coordinator where appropriate.

- 4.3 All bookings of rooms by both internal and external persons are subject to compliance with the Cardiff Metropolitan University's Code of Practice to ensure Freedom of Speech.
- 4.4 All room bookings made by student groups and societies should be endorsed by a designated staff member from Schools, Cardiff Met SU, Student Services (for example, the Coordinating Chaplain), or Units (for example, the International Office).
- 4.5 The Coordinating Chaplain, or a designated representative in his absence, should be consulted for all bookings made in relation to religion and faith or belief.
- 4.6 All users of Cardiff Metropolitan University premises are required to adopt the principles of equality, as defined in the university's Equal Opportunities policy, in the conduct of meetings and in the content of posters, leaflets, flyers and emails.
- 4.7 If the staff designated to accept bookings on Cardiff Metropolitan University's behalf have any reason to think that there may be a breach of the peace or any problems, difficulties or disturbances if the event or meeting takes place, they shall immediately refer the matter to the Chief Operating Officer (or in his/her absence, an appointed officer). The decision whether or not any particular application should be approved shall then rest with the Chief Operating Officer (or appointed officer) who will take into account the requirements of the Education (No 2) Act 1986 and other relevant legislation, the principles and conditions laid down in this Code and the maximum capacity of the areas available for the event and other safety factors as advised by the university's Safety/PREVENT Advisor.
- 4.8 Cardiff Metropolitan University policies and procedures which relate to this Code of Practice include the following:
 - Equal Opportunities Policy
 - Guidelines on Religion / Belief
 - Room Booking Procedures
 - Hire of Facilities Agreement
 - Booking Form (small events)