

## **FREEDOM OF EXPRESSION CODE OF PRACTICE**

### **Executive summary and definitions**

The University of Greenwich is committed to academic freedom and to ensuring freedom of expression and speech within the law for students, staff and visiting speakers, and to ensuring that the use of University premises is not denied to any individual or group on any ground connected with their beliefs or views, or their policy or objectives.

To implement this commitment, this Code of Practice sets out the University of Greenwich's ("Greenwich" or the "University") arrangements for the booking and conduct of events and activities involving internal and external speakers, and their associated arrangements.

This Code of Practice is adopted pursuant to the Education (No. 2) Act 1986 and the statutory guidance published pursuant to section 26 (1) of the Counter-Terrorism and Security Act 2015 and the University's duties under the Human Rights Act 1998.

Capitalised terms used in this Code of Practice have the following meanings:

**GSU:** Greenwich Students' Union. This Code of Practice also applies to GSU at Medway (formally GKSU) where University of Greenwich or GSU premises are used or booked by Greenwich Students

**External Speaker:** anyone other than a current student or current staff member of the University or GSU, or member of the Governing Body, who may be invited to participate in debate, deliver a speech, preach, expound on a piece of religious text or political viewpoint, and similar activities including anything conducted in the name of the University other than timetabled academic activities. This includes where the External Speaker may be participating in the Event by any means of remote access, such as Skype, Microsoft Teams or teleconference.

**Visitor:** anyone, other than a current student or current member of staff of the University or GSU or member of the Governing Body, who is invited to attend a University or GSU meeting.

**Event:** any meeting, gathering, conference, broadcast or related activity involving a group of people with an external speaker, whether held in person or remotely. This does not apply to normal University activities related to teaching, research, enterprise or administrative operational meetings. All University and GSU Events held on University or GSU premises or off campus, and online Events, are covered by this Code. For the avoidance of doubt, Events includes any event organised by a student group of the GSU on GSU premises or inside the University but outside GSU premises; off-campus Events which are funded by the University or the GSU, affiliated to the University or GSU or branded in any way that associates them with the University or Greenwich Students' Union (including student society Events held off campus); Events where external speakers are streamed live into the Event, or a pre-recorded film of an external speaker is shown; Events which are held online (e.g. by Microsoft Teams or Skype); and Events where an external organisation or individual is able to set up a stand and interact with or distribute material to students and/or staff. External organisations booking University or GSU rooms for their activities are also required to comply with this Code.

**Extremism:** vocal or active opposition to fundamental societal values, including (but not limited to) democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.

External speakers and Visitors may be subject to web and other security checks as standard practice by the University or GSU.

A flowchart summarising the process is available at Annex 1 to this Code of Practice.

## **1. Introduction**

The University of Greenwich is committed to the pursuit of research and education, engagement with local, national and international communities, and the development of intellectual capacity of the highest standard through rigorous and open academic enquiry. The traditions of academic freedom, mutual tolerance and rigorous and fair intellectual debate are held in high regard throughout the University and are fundamental to our mission.

The University's commitment to academic freedom and to ensuring freedom of speech and expression within the law is embedded in the University's constitution. It reflects our core values as an academic community and specific legal obligations on universities to promote, protect and respect these key freedoms. However, the rights to academic freedom and freedom of speech and expression are not absolute - they are freedoms within the law. Consequently, the criminal and civil law also sets limits on the lawful exercise of these rights.

Freedom of expression may not be exercised if in so doing it breaks the law or breaches the rights of others, such as if its expression is unlawfully discriminatory or threatens others' safety or freedom of expression. Membership of the University, the GSU and permission to use their premises are predicated upon acceptance of these principles.

The University will not condone any actions by any individual or group that is seeking to support Extremism, intimidate others or prevent from going ahead a University or GSU event which complies with this Code of Practice. In line with the commitments in its [Equality and Diversity Policy Statement](#), the University will also not condone any Event in which individuals are unlawfully segregated by gender or any other protected characteristic.

Our bias will always be towards enabling Events to take place as part of our commitment to academic freedom and freedom of speech and expression within the law. Permission to conduct an Event will only be withheld in the circumstances specified in 5(i) in this Code of Practice, and normally only after attempts to engage with the proposers of the Event to put reasonable conditions in place (see 5(iii)) to address the University's concerns have been exhausted. Experience suggests that conditions are not commonly imposed and refusal of permission is extremely rare. An appeal process (see 6) is in place for event organisers who object to the imposition of conditions or the refusal of permission. Conditions will not be imposed, nor will an Event be refused permission to proceed, simply because the views likely to be expressed are controversial, unpopular or are considered by some to be objectionable. The fact that an Event may attract protests from those opposed to it is not grounds for refusing permission or imposing conditions, unless one of the circumstances specified in 5(i) in this Code of Practice applies.

## **2. Context**

The Education (No. 2) Act 1986 Section 43 (see Annex 2) places a duty on the Governing Body of the University to ensure as far as is reasonably practicable that freedom of speech within the law is secured for students and employees of the University, those associated with the University and for External Speakers. This responsibility is reflected in the University's [Articles of Association](#).

As part of its duty under the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism, the University is also required to have procedures in place for managing the risks associated with external speakers.

To meet these requirements, the Governing Body has endorsed this Code of Practice governing the organisation and running of Events.

To standardise the management of all Events, this Code of Practice sets out approval and booking arrangements and general provisions for their conduct. Detailed operational guidelines, including room booking forms, tariffs and charges for other facilities, are approved by the University or the GSU as appropriate and are to be read in accordance with this Code.

**The University reserves the right to take action against individuals or external groups who violate this Code of Practice, including those who seek to prevent Events which comply with this Code of Practice from going ahead. This may include withdrawal of bookings made, with or without refund, and disciplinary procedures under the University's rules of conduct governing student and staff behaviour as appropriate.**

The University is also committed to ensuring that students and staff organising or participating in Events which have been approved under this Code of Practice are not subjected to detrimental treatment as a result of exercising their rights to freedom of speech and expression and academic freedom.

### **3. Authority and Jurisdiction of the Code**

- i) The provisions of this Code of Practice apply to all members of staff, full and part-time; all registered students; all those associated with the University; and, insofar as it is relevant, to all those who have an implied licence to enter University premises including guests of staff and students, members of the public attending a function in the University and those attending conferences, short courses or any other properly constituted event, and external parties booking the University's or GSU's premises for events.
- ii) The provisions of this Code apply to all the activities of the GSU and its affiliated Student Groups. The GSU has an External Speaker Policy which is subject to and consistent with this Code of Practice, to guide the approval of Student Group events by the Chief Executive of the GSU, the Deputy Chief Executive of the GSU or their nominee as 'Approving Officer' (see below). The Policy provides for the escalation of 'high risk' Events to the University and its operation is reported to the University's Safeguarding and Compliance Steering Group. GSU staff involved in the approval of events under the GSU's External Speaker Policy receive appropriate training on their appointment and thereafter as a refresher every two years.
- iii) The provisions of this Code apply to all premises and property of the University including accommodation occupied by the GSU, any social and recreational and other areas made over to students, staff associations or trades unions, and accommodation occupied by other organisations under a licence agreement. As indicated, it also extends to Events held online, and to off campus Events where they are funded by the University or the GSU, affiliated to the University or GSU or branded in any way that associates them with the University or Students' Union.

- iv) This Code sets out procedures to include:
  - a) All Events held on University or GSU premises or off campus;
  - b) The conduct required of all persons in connection with those Events;
  - c) Duty of care to and by speakers and those attending Events so that all are able to enter, deliver speeches, listen to speeches and/or participate in events safely without threat to public order;
  - d) Any other related or ancillary matters which the University determines should fall within this Code.
- v) Any infringement of this Code of Practice may render the students and employees responsible liable to disciplinary proceedings as prescribed under University or GSU Disciplinary Regulations.
- vi) In the event of actions involving breaches of the law arising under this Code, the University will take the appropriate legal action necessary to maintain good order and will assist the Police and Crown Prosecution Service in implementing the due processes of the law.
- vii) The Vice Chancellor is authorised to appoint a senior officer of the University to act as the **"Responsible Officer"** on its behalf to ensure as far as is reasonably practicable that students and employees of the University and Visitors comply with the provisions of this Code.
- viii) Unless otherwise determined the "Responsible Officer" will be the University Secretary ([universitysecretary@gre.ac.uk](mailto:universitysecretary@gre.ac.uk)).

#### 4. Approval of Events and booking of premises

These provisions apply to any meetings or activities falling within the meaning of "Event" as defined herein.

- i) Every person who wishes to hold an Event whether an officer of an organisation within the University or not, must be familiar with this Code of Practice and comply with its provisions. This includes any on-campus, off-campus or online event falling within the scope of this Policy (see the definition of 'Events', above).
- ii) Any employee, ratified Student Group, or organisation proposing to organise an Event must first seek approval from an **"Approving Officer"** - the Faculty PVC, Professional Services Director, Chief Executive or Deputy Chief Executive of the GSU or their nominee(s) or a VCO member - who will ensure that a single person is appointed as the **"Principal Organiser"** of the event.
- iii) The Principal Organiser is the person responsible for the Event, for taking all reasonable steps to ensure that the University's property, furnishings and equipment are treated with respect and for any liabilities or consequences arising out of the Event.
- iv) The Principal Organiser should give notice of the proposed Event and any request to book premises normally no later than 15 working days before the proposed date whenever possible.

- v) The University (or the GSU if the use of GSU premises is involved) may accept requests for approval and bookings for premises at shorter notice but the University / GSU reserves the right not to approve an event on the grounds of insufficient time to ensure that all necessary arrangements can be made. Any provisional room booking requests (where, for example an external speaker has not yet been confirmed) will be held until at the latest 15 working days before the event, pending receipt of the requisite authorisation.
- vi) In all cases, written notice of the proposed Event must provide the following information:
  - a) the nature of the Event
  - b) the subject /theme of the Event
  - c) numbers of those likely to attend;
  - d) whether it is internal and limited to Greenwich students and employees or is for external participants only or both;
  - e) the name(s) of the speaker(s)
  - f) contact details for External Speaker(s)
  - g) brief biography of External Speaker(s)
  - h) the topics of the speakers
  - i) budget code for internal charging or purchase order if applicable
  - j) risk assessment<sup>1</sup>

Where booking of premises is required, details of the proposed event must be submitted at the time of submitting the room booking request (or, if a provisional booking, by the time the booking is confirmed).

- vii) For student organised Events, GSU will require written confirmation from the external speaker that they have received and accepted this Code of Practice. For staff organised Events and external hire, the Principal Organiser should certify that they have briefed the external speaker on the Code of Practice and provided it to them in hard copy or by a web link.
- viii) Where the Approving Officer believes that the Event may fall within the grounds on which approval of an event may be refused (as per 5(i) below), the Approving Officer shall refer the Event to the Responsible Officer for consideration as to whether permission should be granted, including whether or not it may be necessary to impose any special conditions to mitigate any identified risks of the Event taking place.
- ix) On receipt of the referral, the Responsible Officer will give a written decision (normally via email) within five working days to the referrer who will forward it immediately to the Principal Organiser. The statement shall either grant or withhold permission for the proposed Event.
- x) Permission to hold the Event may be subject to conditions the Responsible Officer considers reasonably necessary to ensure a safe environment and to discharge the University's responsibilities and policies concerning mutual tolerance, intellectual freedom and freedom of expression.
- xi) The University reserves the right to withdraw an Event booking, if it receives further information at any time that leads it to believe that this Code of Practice will be infringed or

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<sup>1</sup> See <https://www.gre.ac.uk/about-us/governance/safety/policy/arr> for Health and Safety guidance on events management and risk assessment.

if it believes conditions for the Event will not be met. **Where an Event has been approved to proceed, any proposal to subsequently withdraw permission or impose conditions on the Event (including withdrawal of an invitation to an external speaker) must be referred to the Responsible Officer, who will only withdraw permission or impose conditions if one of the circumstances specified in 5(i) in this Code of Practice applies.**

- xii) The detailed arrangements for booking of University premises for Events are set out in Annex 3.

## 5. Approval of an Event

- i) An Event may not be approved to proceed if there are reasonable grounds for believing that:
- a) any aspect of the Event involves, condones or may lead to Extremism, and the risk of people being drawn into terrorism as a result of the extremist views cannot be mitigated to an acceptable level;
  - b) the speaker or other persons at the Event will incite others to commit criminal acts, including acts of violence and/or the incitement of racial or religious hatred or will express unlawful free speech and no reasonable practicable steps can be taken to reduce these risks;
  - c) the Event appears to be in direct support of an organisation that is unlawful or proscribed<sup>2</sup>;
  - d) the Event may cause a breach of the Terrorism Act 2006 or the Counter Terrorism and Security Act 2015 including the encouragement or inducement to, or glorification of the commission, preparation or instigation of acts of terrorism or disseminating terrorist publications;
  - e) the Event is likely to contravene health and safety legislation, or cause a breach of the peace or a public order offence;
  - f) the Event is likely to lead the University to breach other legal obligations;
  - g) the Event will be unlawfully segregated by gender or any other protected characteristic<sup>3</sup>;
  - h) staff, students or other internal or external groups or individuals have misled the University about the nature of the Event by falsifying or concealing information;
  - i) if it is thought that the Event may attract numbers in excess of the room/lecture theatre capacity
- ii) If there are concerns, the Responsible Officer may make one of the following recommendations:

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<sup>2</sup> For proscribed terrorist groups and organisations, see <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>

<sup>3</sup> The principal exception where gender segregation is permissible is acts of collective religious worship (e.g. prayer).

- a) to refuse permission for the Event;
  - b) to permit the Event to proceed without further restrictions;
  - c) to permit the Event to proceed on the basis of regulatory steps designed to reduce risk, and/or with special conditions.
- iii) Special conditions may include a requirement that:
- a) the Event be recorded by the University;
  - b) the Event be observed by University, GSU, or third party officials, who will have the authority to stop proceedings if the Code is contravened before or during the Event;
  - c) the Event be ticketed, stewarded or subject to security (or extra security);
  - d) an Event promoting a particular view includes an opportunity to debate or challenge that view;
  - e) an independent chairperson is appointed to ensure a range of viewpoints can be heard;
  - f) a restricted Event be opened to others, or an Event is restricted;
  - g) a copy of any speech or any other material to be delivered by the speaker is submitted in good time to the University or GSU; or
  - h) trigger warnings be provided prior to certain subjects or material being discussed.

The list of special conditions is not exhaustive and other conditions may be imposed at the discretion of the Responsible Officer.

## **6. Appeals**

Appeals against the decisions of the Responsible Officer may be made to the Vice-Chancellor or the Vice-Chancellor's nominee whose decision shall be final. An appeal will only be considered where it is based upon one or more of the following grounds:

- a. Irregularities in the conduct of the relevant procedure, which are of such a nature as to create reasonable doubt whether the Responsible Officer would have reached the same decision had they not occurred.
- b. New evidence which could not have been made available to the Responsible Officer when the referred Event was considered and which can be shown to be material to the case. The appellant must demonstrate valid reasons why such evidence could not have been made known prior to the decision being made. Where the appellant could have made the new evidence available prior to the decision being made, such evidence cannot subsequently be cited as grounds for review.
- c. That the decision reached was perverse in the face of the evidence presented to the Responsible Officer when the Event was considered.

An appeal must be submitted to the Vice-Chancellor within 5 working days of receipt of the Responsible Officer's decision and must be accompanied by any information in support of the appeal. The Vice-Chancellor or the Vice-Chancellor's nominee will normally respond to an appeal within 5 working days of receipt of the appeal. Appeals which are particularly unusual or complex may require a longer timeframe for a response.

## **7. Review**

This Code of Practice will be reviewed annually by the University's Safeguarding and Compliance Steering Group or earlier if issues arise in the operation of the Code which require substantial reconsideration. Following consideration by the Vice-Chancellor's Group, any amendments will be referred to the Governing Body for approval.

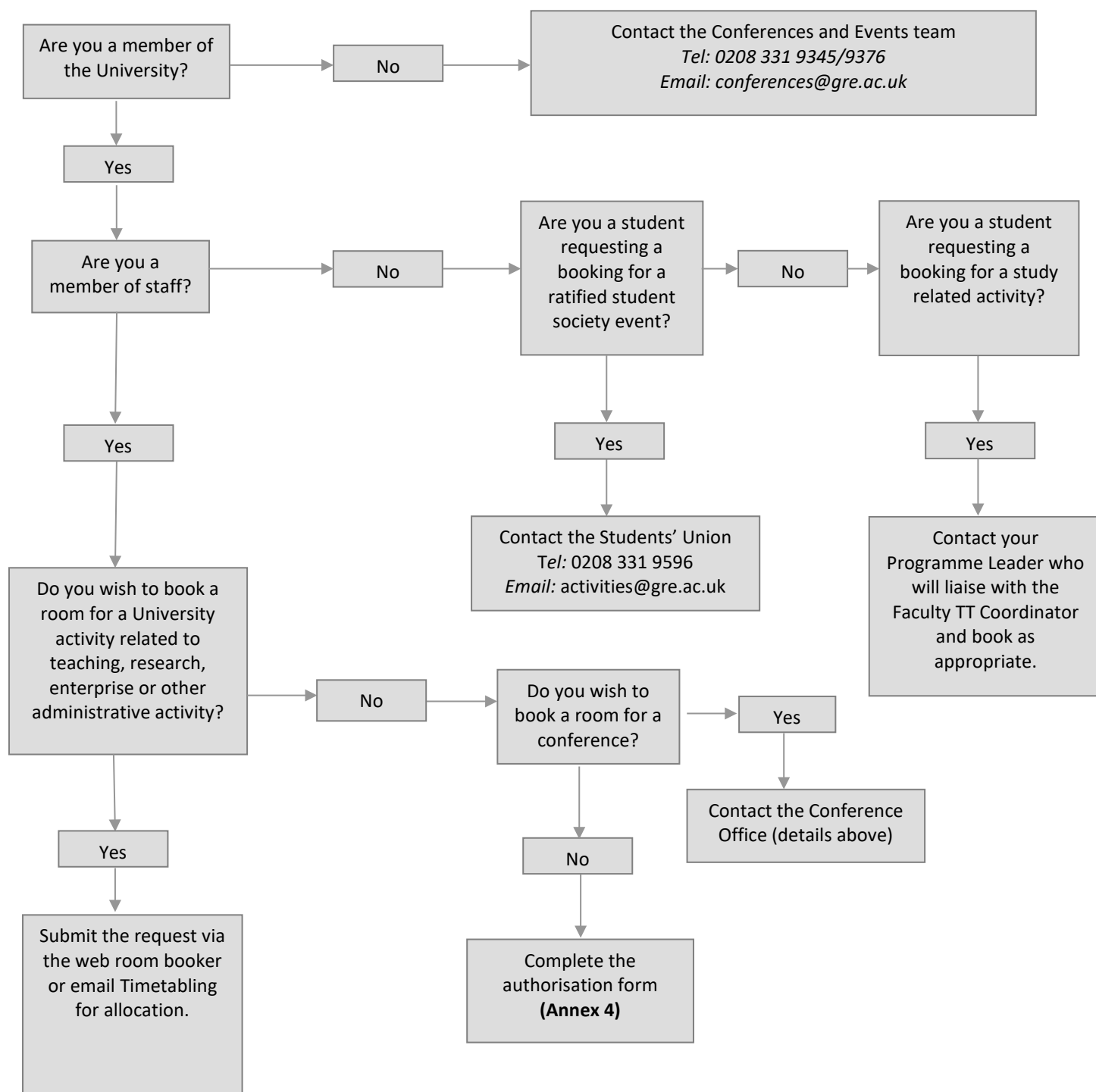
**Approved by the Governing Body: 18 May 2021**

**Date of next review: May 2022**

**Document owner: University Secretary**



## Annex 1: Requesting Space for Non-Teaching Activities/Events



## **Annex 2**

### **Section 43 of the Education (No. 2) Act 1986**

(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall 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 establishment and for visiting speakers.

(2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with -

(a) The beliefs or views of that individual or of any member of that body; or

(b) the policy or objectives of that body.

(3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out -

a) The procedures to be followed by members, students and employees of the establishment in connection with the organisation -

(i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and

(ii) of other activities which are to take place on those premises and which fall within any class of activity specified; and

b) the conduct required of such persons in connection with any such meeting or activity; and dealing with such other matters as the governing body consider appropriate.

(4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with.

## Annex 3

### Detailed arrangements for booking University premises for Events

- a) **Internal bookings** – for Faculties, Professional and Support Services and the GSU, including its Student Groups.
- i. University staff or members of the GSU wishing to hold Events on University premises are required to use the procedures which follow. Details of venues, forms, tariffs and other charges are available on the Conferences pages on the website. (<https://enterprise.gre.ac.uk/find-a-venue>).
  - ii. University staff can request bookings on the appropriate form through their Faculty Office, or their Directorate. This is so that any requirements can be authorised by the relevant budget holder and that responsibility for the Event is clearly identified.
  - iii. Students can only request bookings via the GSU. Sports facilities are booked by the University Sports Department.
  - iv. University Staff and the GSU cannot request and Timetabling cannot book rooms on behalf of another part of the organisation or for another budget holder or for any other (external) organisations. For example, a Faculty Office is not permitted to book a room for an event being publicised as a GSU event, unless it is a jointly sponsored event which should be declared when the booking is first requested and a single Principal Organiser identified.
  - v. Group study rooms in the libraries may be booked by students for individual or group study only and must not be booked for Events involving an External Speaker.
  - vi. Timetabling may refer a booking request to the Responsible Officer for further advice if it considers that it does not comply with this Code of Practice.
  - vii. No booking will be confirmed without the requisite authorisation and a named Principal Organiser, who is required to be present at the event, or without all of the relevant information being provided.
- b) **External bookings** – for all non-University organisations.
- i. Organisations wishing to hold Events on University premises are required to make bookings through the Conferences and Events team. Compliance will be required with this Code of Practice and the Conferences and Events team's Booking Terms and Conditions.
  - ii. A named Principal Organiser, together with the information set out in 4 (vi) of this Code of Practice must be submitted with an application to hold an Event. No booking will be accepted without this information.
  - iii. Where Events are determined by the Events Office or the Responsible Officer as not meeting acceptable requirements the booking may be subject to further conditions, as in para. 5 of this Code of Practice.

**Annex 4:****REQUEST FOR EXTERNAL SPEAKERS AND/OR EXTERNAL VISITORS TO ATTEND UNIVERSITY EVENTS**

Before completing this form, please read the University's [Freedom of Expression Code of Practice](#).

<b>Name and Date of Event:</b>				
<b>Where the event will be held:</b>	Avery Hill campus	Greenwich campus	Medway campus	Online event
<b>Type of space required:</b>	Lecture Theatre	Teaching Room	IT Lab	Online event

<b>Full name of Principal Organiser:</b>	<b>Department/Faculty/Directorate:</b>
<b>Full name/Brief Biography and Contact Details of External Speaker/s:</b>	
<b>Nature/Theme/Subject of the Event; Speaker/s topics:</b>	
<b>Number of those likely to attend:</b>	
<b>Is the event open to external participants?</b>	

The Principal Organiser must obtain authorisation from the Approving Officer<sup>4</sup>:

<b>Name of Approving Officer:</b>	<b>Signature of Approving Officer:</b>	<b>Date:</b>
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<b>Declaration of Principal Organiser:</b>	
As Principal Organiser, I confirm that I have read and briefed the External Speaker/Visitor(s) on the <a href="#">Freedom of Expression Code of Practice</a> and have provided them with the Code of Practice.	
Signature of Principal Organiser:	Date:

When the Approving Officer and Principal Organiser have signed this form, a pdf copy along with any other booking requirements should be sent to the relevant campus email address if a room booking is required: <a href="mailto:averyhillroombookings@gre.ac.uk">averyhillroombookings@gre.ac.uk</a> <a href="mailto:greenwichroombookings@gre.ac.uk">greenwichroombookings@gre.ac.uk</a> <a href="mailto:medwayroombookings@gre.ac.uk">medwayroombookings@gre.ac.uk</a> Approval forms for online events should be retained by the GSU (student events) or by the Approving Officer in the Faculty/Directorate (staff events).
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<sup>4</sup> For FLAS, FES and Business, the Approving Officer is the Faculty PVC; for FEHHS, the Faculty Operating Officer and Director of Student Experience are authorised to act as Approving Officers. For events organised by professional service directorates, the Approving Officer is the relevant director. The CEO or Deputy CEO of GSU or their nominees are the Approving Officers for student group events.