



## **UNIVERSITY COLLEGE LONDON CODE OF PRACTICE ON FREEDOM OF SPEECH**

### **INTRODUCTION**

1. UCL has a long tradition of safeguarding freedom of speech. UCL 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. The key aim of UCL policies is the creation of an environment on and off campus that permits freedom of speech and expression within a framework of respect for the rights of others. These are included in codes of practice, policies and procedures that students agree to comply with on commencement of their studies.
2. The Education Act (No 2) 1986 (the “Act”) enshrines a positive and proactive legal duty on universities (Section 43) to promote and protect freedom of speech on campus, and states that the only constraints on the duty to secure freedom of speech are those imposed by the law. It is therefore for the law, not for institutions, to set limitations.
3. This duty includes a responsibility to ensure that the use of University premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.
4. This does not mean, however, that the right to freedom of expression is unfettered. It is limited, for example, by laws for the protection of the reputation or rights of others, to protect national security and public safety, for the prevention of disorder or crime, and to prevent the disclosure of information received in confidence.
5. Universities do not function in a vacuum, and wider conflicts and disputes, for example involving ethnicity or religious faith, may sometimes find expression on campus amongst the student body or other constituencies. The challenge for UCL is to identify when the pursuit of freedom of ideas and expression crosses a threshold and becomes unlawful or poses unacceptable risks to the health, safety or welfare of employees, students or visitors.

### **PURPOSE**

6. The following Code of Practice has been enacted to ensure that as far as reasonably practicable, freedom of speech within the law is secured for members, students and employees of the University as well as for visiting speakers.

### **AUTHORITY**

7. UCL Council authorises the Registrar and Head of Student & Registry Services to act on its behalf to ensure as far as is reasonably practicable that all members of the University (staff and students), and all visiting speakers, comply with the provisions of this Code of Practice.

### **SCOPE**

8. The provisions of the Code apply to all staff, students and visitors to UCL and to any other person in attendance at any meeting or other function, which has been duly authorised to take

place on UCL premises. The Code also applies as appropriate to outside organisations hiring UCL premises and to public meetings held on the premises.

9. 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.
10. The general principles set out in this Code of Practice apply to all demonstrations, events and meetings held on campus whether including an external speaker or not, together with all events held off University campus or premises which are University organised, funded or branded, including events organised by individuals, groups or societies using the University name or resources.
11. The term ‘premises’ is deemed to mean all UCL property including buildings, grounds, gardens, courtyards and other open spaces including any designated for student use.

## GENERAL PRINCIPLES

12. UCL is bound by statutory duty to secure freedom of speech. In addition, freedom of thought, freedom of expression and freedom of assembly and association are enshrined within the law.
13. Academic staff are protected in their teaching, research, and speech by the provision on Academic Freedom expressed within UCL’s Charter and Statutes. Statute 18 provides 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.’*
14. Freedom of expression also has to be set in the context of the University’s values, and the values of a civilised, democratic, inclusive society. UCL expects speakers and those taking part in protest activities to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community. These precepts apply in particular to the way in which views are expressed and the form of protest activities.
15. The right to freedom of expression and freedom of assembly are safeguarded in Articles 9, 10 and 11 of the European Convention on Human Rights and given further effect by Schedule 1 of the Human Rights Act 1998. The articles also outline the duties and responsibilities required to exercise these freedoms as follows:

*‘The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.’*

As such, freedom of expression, speech and assembly are protected by the law but are not unqualified.

16. In considering whether or not to allow a particular event to take place on its premises or elsewhere under its authority, the University has to consider:

Whether the views or ideas to be put forward (or the manner of their expression)

- infringe the legally recognised rights of others, or breach legal provisions on non-discrimination

Whether the activity in question

- constitutes a criminal offence
- constitutes a threat to public order or to the health and safety of individuals, or
- incites others to commit criminal acts.

17. A key test is whether a proposed event is likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence, with particular reference to the protected characteristics under the Equality Act 2010.

18. In a similar way, protests against an event must be conducted in a peaceful way without infringing the rights of others, including the right to Freedom of Speech. No protest should prevent an event from going ahead as scheduled.

19. Where there are concerns about an event or an associated protest the University must consider how risks can be managed or mitigated.

20. The University will ensure that the appropriate procedures are in place in order to allow all its stakeholders to report any instance of alleged hate crime, harassment, threat or intimidation and for their concerns to be investigated promptly and thoroughly, with the appropriate measures taken in response, including, where necessary, reference to the Police and other external bodies. The [University Harassment and Bullying Guidelines](#) and [Dignity at Work statement](#) underpin this approach.

21. Concerns about compliance with this Code of Practice or general procedures concerning freedom of speech will be addressed using the appropriate procedure; general conduct on campus is regulated by the [Student Code of Conduct](#) or the [Staff Disciplinary Procedure](#).

22. UCL will work with staff, Students' Union UCL (the Union), students and third party organisations, such as the Police, in order to meet its legal obligations, in order to ensure campus safety and security, and to ensure that staff and students are able to work unhindered by hostility, offensive conduct or intimidation in the legally understood meaning of these terms.

23. Where it is appropriate and legal to do so, the University may share data with third party organisations, but solely for the purpose of upholding this Code of Conduct.

## ROLES AND RESPONSIBILITIES

24. The ultimate accountable authority for the interpretation of the day-to-day operations of this Code is the President and Provost (the Principal Officer), under delegated authority from UCL's Council. The day-to-day implementation of the operations of the Code shall be the responsibility of the Registrar and Head of Student & Registry Services. The President and Provost, and the Registrar and Head of Student & Registry Services, shall appoint another appropriate member of staff to act on their behalf in their absence.

25. Roles and responsibilities relating to the consideration of events that include external speakers are outlined in the UCL Procedure for the Management of Events that include

External Speakers and the Students' Union UCL's External Speaker Information and Procedures document.

## PROCEDURES

26. The Procedure for the Management of Events that include External Speakers is available at [\[weblink\]](#) and should be used by all staff when booking an event that includes an external speaker.
27. For external speakers attending at the invitation of a Students' Union UCL club or society the relevant procedure is available at:  
<http://studentsunionucl.org/how-to-guides/how-to-organise-event-with-external-speaker>

## WITHHOLDING OR WITHDRAWAL OF PERMISSION TO HOLD AN EVENT

28. The primary purpose of this Code of Practice is to ensure that UCL is able to fulfil its legal obligations to promote freedom of speech, whilst at the same time fulfilling its other legal obligations and statutory duties, and to ensure the smooth running of the University.
29. 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 Contact and appropriate internal and external parties as are deemed appropriate by the Registrar and Head of Student & Registry Services. The Registrar and Head of Student & Registry Services has the sole discretion to take this decision.

## APPEAL AGAINST THE DECISION

30. Appeals against the rulings of the Registrar and Head of Student & Registry Services may be made in writing to the President and Provost, or their nominee, whose decision shall be final but must be reported to the next meeting of Council and to the next meeting of Academic Board.

## PENALTIES AND SANCTIONS

31. If any actions involve breaches of the law, UCL will assist the prosecuting authorities to implement the process of law, and may suspend any internal disciplinary proceedings pending the outcome of any such processes.

## COSTS

32. 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 events held by external hirers, where all costs shall be borne by the hirer.

## REPORTING IN RESPECT OF A BREACH OF THE CODE INFRINGEMENTS

33. The Registrar and Head of Student & Registry Services shall report to the Council on the circumstances of any significant infringements of, and departures from, the provisions of this Code.

## EXCEPTIONS TO THE CODE

34. There are no exceptions to this Code. Appeals against any decisions are detailed in paragraph 30.

### REVIEW, AMENDMENTS AND MONITORING OF THE CODE

35. The University acknowledges its duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a Code of Practice on Freedom of Speech. UCL Council should therefore receive a report on the operation of the Code, together with any recommendations for the revision of it, at intervals not exceeding 3 years. This report shall be consulted with the Academic Board prior to consideration by Council.

### ADVICE AND GUIDANCE

36. If in doubt about whether this Code applies to an event or speaker, University staff, students and other Members of the University should seek advice from the Head of Room Bookings, Timetabling and Conferences, in the first instance. The Deputy Security Manager and UCL Prevent Lead can provide additional advice where required. UCL Security Services can provide practical advice and assistance regarding the hosting of the event itself.

### LEGAL CONTEXT AND UCL POLICIES AND PROCEDURES

37. This Code is underpinned by both external legal context as well as an internal framework of Statutes, policies and procedures. The principal elements of the legal context are documented at Appendix 1 and the UCL framework at Appendix 2.

November 2018

# UNIVERSITY COLLEGE LONDON CODE OF PRACTICE ON FREEDOM OF SPEECH- APPENDIX 1

## LEGAL CONTEXT

1. **The Education Act (No 2) 1986 (Section 43)** imposes specific obligations on universities to promote and protect freedom of speech and requires that universities:  
*“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.”*  
The Act includes a duty on university governing bodies to issue and keep updated a code of practice setting out the procedures to be followed by members, students and employees in connection with meetings on the university’s premises.
2. Freedom of thought, conscience and religion (Article 9); freedom of expression (Article 10); and freedom of assembly and association (Article 11) are safeguarded by the **European Convention on Human Rights** and incorporated into UK law by the **Human Rights Act 1998**.
3. **The Equality Act 2010** places a duty on the University to eliminate discrimination, harassment and victimisation and further to foster good relations between all members of the University community.
4. **The Public Order Act 1986** contains a range of criminal offences relating to violent conduct, speech or actions that threaten violence or cause fear, harm or distress. The Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in circumstances where it is likely racial or religious hatred will be stirred up as well as stirring up hatred on grounds of sexual orientation.
5. **The Terrorism Acts of 2000 and 2006** define certain criminal activities relating to terrorism in terms of inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological objective.
6. **The Counter Terrorism and Security Act 2015** places an obligation on the University to have due regard to its duty to prevent people from being drawn into terrorism (as interpreted in the relevant case law).

# UNIVERSITY COLLEGE LONDON CODE OF PRACTICE ON FREEDOM OF SPEECH- APPENDIX 2

## UCL FRAMEWORK OF POLICIES AND PROCEDURES

The following policies, regulation and codes support the legal context and are relevant for the operation of UCL's Code of Practice on Freedom of Speech.

- Procedure for the Management of Events that include External Speakers
- [Students' Union UCL External Speaker Information and Procedure](#)
- [UCL Charter and Statutes, in particular Statute 18](#)
- Visitor Code of Conduct
- [Student Code of Conduct](#)
- [Student Disciplinary Code and Procedure](#)
- [Policy on Safeguarding](#)
- [Bullying and Harassment staff and student](#)
- [Support to Study](#)
- [Fitness to Study](#)
- [Staff Discipline procedure](#)
- [Equalities and Diversity Policy](#)
- [Religion and Belief Equality Policy for Students](#)
- [Dignity at Work Policy](#)
- [UCL Health and Safety Policy](#)