

Code of Practice Pursuant to the of the Education Act 1986 (IV, S43)

1. In accordance with section 43 of the Education Act 1986 the Governing Body is responsible for ensuring that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers. The University is required to “issue and keep up to date” a code of practice setting out 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 so specified; and
 - iii. the conduct required of such persons in connection with any such meeting or activity;
 - iv. and dealing with such other matters as the governing body consider appropriate.

2. Prevent Duty

The University has a long and rich history as an academic institution that has regularly welcomed visiting speakers from around the world to its campuses. Such speakers have brought and continue to bring great diversity of experience, insight and opinion, enriching our events and activities and sparking discussion and debate among our students, staff and visitors alike.

The Counter Terrorism and Security Act 2015 stipulates that the University must “have due regard to the need to prevent people from being drawn into terrorism” (Section 26). The University must also “have particular regard to the duty to ensure freedom of speech” and “to the importance of academic freedom” (Section 31). Under Section 29, we must “have regard to any such guidance in carrying out that duty.”

The University is complying with this duty in a proportionate response, which in practice means striking a balance between concerns around extremism and concerns around censorship.

3. The code of practice below is the current code of practice as required by the act and was approved by the Board of Governors on 16 March 2016.

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4. The University believes that a culture of free and open discussion is essential in its role as an academic institution. This culture can only be achieved if all concerned behave with necessary tolerance and avoid needlessly offensive or provocative action or language. The University expects all persons taking part in its activities to respect its values, be sensitive to the diversity of its community and to show respect to all sections of that community. The University will refuse to allow meetings to take place where it is likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence, particularly because of their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age. A meeting conducted under such circumstances is also likely to be unlawful.

5. In this Code lettering of paragraphs corresponds to lettering of the provisions of the Education Act 1986.
6. (2) The use of University premises for meetings will not ordinarily be denied to a student, employee or visiting speaker of the University wishing to exercise freedom of speech within the law. Should the University deny a request for the use of its premises it will provide a written reason. Reasons for refusal to hold a meeting may include, but are not limited to:
 - i. the event being considered to give rise to a breach of the University's Standard of Conduct expected of students¹ or the terms and conditions of employment for a member of staff;
 - ii. the event being considered likely to incite those attending to commit a criminal act;
 - iii. the event being likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence, particularly because of their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age
 - iv. the safety of the speakers or attendees being compromised, before, during or after the event;
 - v. the event being in direct support of a proscribed terrorist organisation or an organisation whose aims and objectives are illegal or of doubtful legality or in the view of the University lead to the expression of views contrary to the criminal law;
7. (3) The University convenes a number of formal and informal meetings and committees within which freedom of speech within the law shall be respected.
 - i. Employees wishing to convene a meeting outside of these meetings are required to use the University's room booking system and provide an accurate description of the meeting to be held to their line manager at least ten working days prior to the meeting taking place.
 - ii. Employees wishing to convene a meeting outside of these meetings that involves a speaker or speakers to be hosted by the University, or wishing to use a speaker or speakers for teaching modules, must ensure that they refer to the External Speaker Policy and that the associated procedure is followed. This includes external speaker events on external premises but associated with the name of the University of the West of England. All such events should have an External Speaker Booking Form completed and submitted to the University Conference Office for approval.
 - iii. Students wishing to convene a meeting should provide a written request, at least 14 working days prior to the event, with an accurate description of the event to:
 - a. the Students' Union which may book University facilities on their behalf; or
 - b. in accordance with section 22 of the Education Act 1994 students who are not members² of the Students' Union or whom the Students' Union has been unable to help, to the Head of Student Services whereby paragraph 6 above shall apply;
 - c. events hosted and organised by The Student Union at UWE and its affiliated groups are subject to the Students' Union policies and procedures.

¹ See Student Conduct Policy: <http://www2.uwe.ac.uk/services/Marketing/students/Student%20advice/Conduct-Policy.pdf>

² A non-member is defined as a student who has exercised their right to opt out of membership in accordance with the constitution and bylaws of UWE Students' Union.

8. An accurate description includes, but is not limited to:
 - i. an clear description of the subject matter under discussion;
 - ii. profile and contact details for any visiting speakers;
 - iii. the format of the meeting e.g. seminar, lecture, debate etc.
9. Where notification of a meeting is received by an appropriate individual, they should take reasonable steps, using information provided by the meeting organiser as part of paragraph 9 to ascertain whether the meeting may be covered by exclusions detailed in paragraph 6. If there is any question that it may do so it should be immediately referred to the Executive Dean, Head of Service, the University's Prevent Co-ordinator or General Manager of the Students' Union, as appropriate and copied to the Clerk to the Board of Governors.
10. The Vice-Chancellor, Head of Service, Executive Dean, the University's Prevent Co-ordinator or General Manager of the Students' Union (as applicable) has the discretion to refuse an event to take place in accordance with paragraph 6 above, or require the organiser to commit to any adjustments judged necessary in order to ensure the proposed meeting complies with the policy.
11. Where use of the University's facilities is refused, or adjustments to the event are required prior to use of facilities being permitted the individual refusing or placing conditions on the event shall notify the Head of Student Services/General Manager of the Students' Union (as applicable) the Vice-Chancellor and Clerk to the Board of Governors of the decision taken.
12. Students and employees utilising University facilities agree to do so for lawful activities and are bound by all other University policies and procedures.
13. The University reserves the right to charge employees and students for the use of its facilities in line with published tariffs.
14. (4) There is no direct route of appeal. Where an employee or student believes that the requirements of this code of practice have not been complied with they may utilise the University's Public Disclosure Policy to bring it to the attention of the Vice-Chancellor and the Board of Governors.
15. The principles established within this Code of Practice may, at the Vice-Chancellor's discretion be applied to commercial events hosted by the University on behalf of a third party (e.g. conference bookings). Separate Terms and Conditions also apply to such events.
16. This Code of Practice will be periodically reviewed by the University and updated in accordance with any revised legislative requirements.