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# Code of Practice on Freedom of Speech, External Speakers & Events

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## **1. About this document**

- 1.1 The Education (No 2) Act 1986 requires the Academy of Live Technology to “take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees and for visiting speakers”. This includes a duty to ensure, so far as is reasonably practicable, that use of any premises is not denied to an individual or group on grounds connected with their beliefs, views, policies, or objectives.
- 1.2 Reference to “Academy premises” includes premises which are owned and/or controlled by Academy of Live Technology or Production Park Ltd.
- 1.3 In order to facilitate the discharge of these duties, the Academy of Live Technology Council (The Governing Body) is required under the Act to issue and keep up to date a Code of Practice setting out the procedures to be followed by members, students and employees, and their conduct, in connection with the organisation of meetings and other activities to be held on its premises and which fall within the scope of this Code of Practice.
- 1.4 The Code of Practice shall apply to:
- Academy of Live Technology, including members of the Academy of Live Technology Council.
  - Staff (full-time or part-time) and/or those working on behalf of Academy of Live Technology.
  - Academy of Live Technology students (full-time or part-time).
  - Any student societies, clubs, or associations; and
  - All persons invited to speak or otherwise take part in events to be held on Academy of Live Technology premises.
- 1.5 The Academy of Live Technology authorises the Head of Institution to ensure that as far as is reasonably practicable all members, students and employees of the Academy comply with the requirements of this Code of Practice. Failure to comply with the Code of Practice may result in action being taken against those concerned under the relevant procedure, irrespective of any action which may be taken in law.

## **2. Freedom of Speech**

- 2.1 The Education (No 2) Act 1986 requires the Academy of Live Technology to “take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees and for visiting speakers”. So far as is reasonably practicable, no premises of the Academy shall be denied to any individual or body of persons on any grounds connected with:
- the beliefs or views of that individual or of that body; or
  - the policy or objectives of that body.
- 2.2 The freedom to follow lines of enquiry, no matter how unpopular or controversial, is an essential requirement for the pursuit of higher-level learning and research, which leads to the creation of new knowledge and understandings. The law protects the rights of members of Academy of Live Technology to engage in vigorous, open debate and argument about social, political, religious, economic and scientific ideas, provided that the views expressed are not contrary to the civil or criminal law.

A speaker, for example, who incites an audience to violence or to breach of the peace or to racial hatred or which invites support for a proscribed terrorist group 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.

- 2.3 Academy of Live Technology is not required to provide a platform for activity, for example, which is defamatory or in contempt of court, or may lead to violence, disorder or a breach of the peace, or incites racial or religious hatred, or encourages terrorism.

### **3. Segregation**

- 3.1 Events and meetings should be open to all, regardless of gender, and enforced segregation by gender, or any other characteristic, at events or meetings is strictly prohibited. Enforced segregation includes pre-allocation of seats by gender and the use of stewards to direct attendees to gender segregated seating. Segregation by gender is permissible for religious observation, however, any events or meetings following such religious observation must allow for openly available seating regardless of gender.
- 3.2 Individuals are free to choose to sit in groupings as they wish, including single gender groupings, at all events. Such voluntary segregation is permissible and compelling attendees to mix with other members of the audience is not acceptable and may constitute harassment.

### **4. External Speakers**

- 4.1 In the instance where an external speaker[s] is invited to an Academy meeting, event, or activity, including events hosted by the Students' Union, an External Speaker Request Form must be submitted as part of the event booking process. All events must be submitted for approval to the Director of Student Support & Experience prior to taking place, following the event booking procedure. Where necessary, the Director of Student Support & Experience will seek advice and approval from the Senior Leadership Team.
- 4.2 Meetings, events, or activities to which the Code of Practice applies are those which are likely to take place outside teaching time or relate to non-teaching activity, and for which the event booking procedure must be followed. However, if external guest speakers are invited to timetabled lectures and seminars, the staff member should consider the nature of the speaker[s] and whether an External Speaker Request Form is required. Staff members should seek advice and guidance from the Senior Leadership Team in any instance where organisers are unsure of the necessity to complete an External Speaker Request Form.

### **5. Events**

- 5.1 Academy of Live Technology is under no legal obligation to allow meetings, events, or activities to be held on its premises which are open to members of the public. Meetings, events, and activities held on Academy premises shall not be open to those who are not members or employees of Academy except at pre-approved events such as Academy Open Days and Outreach activities or by named invitations proposed by the organiser[s]. Where necessary, invitations to external individuals to select Academy meetings, events and activities will be approved in writing by a member of the Senior Leadership Team prior to such invitations or event advertising are promoted.
- 5.2 The Academy of Live Technology will not unreasonably refuse to allow events to be held on its premises. Reasonable grounds for refusal shall include, but are not limited to, those events:
- where there is a real likelihood that the speaker may not be able to enter or leave the building safely and/or have the freedom within the law to deliver their speech without disruption.
  - where there is reasonable belief that a breach of the civil or criminal law may be committed.
  - that are in direct support of an organisation whose aims and objectives are illegal.

- where views to be expressed constitute views that risk drawing people into terrorism or are shared by terrorist groups.
- which give rise to a breach of the peace.

5.3 Meetings, events, or activities shall be held only in a place which has been booked in accordance with the event booking procedure. The event booking procedure requires the following information:

- the name of the event organiser[s], and in the case of an external booking, the affiliation of the organiser.
- the name, date[s] and timings of the event.
- the purpose of the event, including the subject matter of any presentations or speeches.
- the name[s] of external speakers and their affiliation[s], if required for the event.
- a completed External Speaker Request Form, if required for the event.
- the language in which the event will be conducted, if not in English.
- who the event is for, including any ticket, social media, and website links.
- the preferred venue and any requirements of the event space.
- an event budget form.
- an event method statement, risk assessment and any other relevant health and safety documentation [for example a HACCP form].

On receipt of the event booking request, the Director of Student Support & Experience will either:

1. accept the booking and grant permission for the event to take place; or
2. refer the booking to the Head of Institution; or
3. if suitable premises are not available, decline the booking.

5.4 Any meeting, event or activity must have a named organiser with full authority to act on behalf of the group in all matters concerned.

5.5 The organizer[s] and all persons concerned with the meeting, event or activity that has been approved are required to comply with any appropriate conditions as specified by Director of Student Support & Experience and/or Head of Institution. Conditions may include the requirement to issue tickets, the availability of stewards and security staff, the admission or exclusion of press, television, or broadcasting personnel.

5.6 The organiser[s] of the meeting, event or activity will be required to meet the full cost of providing stewards and security staff as reasonably determined by the Director of Student Support & Experience necessary for the meeting and for control and access to it. Payment will be in accordance with the hire agreement raised and its terms and conditions following the event approval.

5.7 The organiser[s] responsible for the meeting, event or activity has a duty to ensure that nothing in the preparation for, or conduct of, a meeting, event or activity infringes the law, Academy of Live Technology regulations and is compliant with this Code of Practice. The organiser[s] has a duty to take all reasonable steps to ensure that both the speaker, where apparent, and the audience act in accordance with the law and that the principles of freedom of speech are upheld. The organiser[s] will be expected to ensure that any questions to a speaker, or contributions, are taken from a cross-section of those attending and are not confined to those of a particular view. In the case of unlawful conduct, the organiser[s] is required to give appropriate warnings and withdrawal or removal of the persons by stewards or security staff, where necessary.

5.8 Premises used for meetings, events or activities must be left in a clean and tidy condition. Organiser[s] may be charged for any additional cleaning and repair costs that may be required. The organiser[s] will be

required to indemnify the Academy in the event of any loss, damage or expense arising at the meeting, event or activity to Academy premises.

- 5.9 Stewards and/or security staff shall have the right to prohibit those attending the meeting, event or activity bringing any article or object likely to cause injury or damage.
- 5.9.1 In the case of bookings referred to the Head of Institution, the Head of Institution shall make such enquiries as is necessary and consult senior staff and the Chair of the governing body, in order to decide whether to grant or withhold permission for use of Academy premises for the proposed purpose. Academy of Live Technology has the responsibility to maintain good order on its premises and the grant of permission may be subject to such conditions as the Head of Institution deems necessary to ensure that the Academy discharges its statutory responsibilities concerning freedom of speech within the law and consistent with the need to maintain order.
- 5.9.2 The Head of Institution is entitled to designate a meeting, event, or activity as being subject to this Code of Practice, even if the organiser[s] have not followed the event booking procedure.
- 5.9.3 The Head of Institution may declare the meeting, event, or activity to be a public event, which may permit the police to be present.
- 5.8.4 The Head of Institution is permitted to allow staff and student attendance to meetings, events and activities held on Academy premises to which this Code of Practice applies.
- 5.9.5 Appeals against the decision of the Director of Student Support & Experience may be made to the Head of Institution whose decision is final. The Head of Institution will report the outcome of any appeals to the next meeting of the Academy of Live Technology Council.

## APPENDIX 1

The following list is not exhaustive and is intended as a guide only in order to seek further information.

### Relevant legislation

#### Section 43, Education Act (No 2) Act 1986

HEIs must take reasonable steps to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes taking reasonable steps to ensure that the use of the HEI's premises is not denied to an individual or group on the grounds of views or beliefs held by the individual/group, or the policy or objectives of the group.

#### Section 202, Education Reform Act 1988

HEIs must ensure 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 any privileges they may have at an institution. These rights must be exercised within the law.

#### Human Rights Act 1998

The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law. As public institutions HEIs must carry out their functions in accordance with the rights guaranteed by the Convention. Relevant Convention articles include:

#### Article 9 - Freedom of thought, belief and religion

This article protects a person's right to freedom of thought, belief and religion. The right to manifest religion or belief is subject to limitations in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights or freedoms of others.

#### Article 10 – Freedom of expression

Individuals have the right to freedom of expression, including the freedom to hold opinions and to receive and impart information and ideas. The right is subject to limitations including those set by law and 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, or for preventing the disclosure of information received in confidence.

Individuals have the right to freedom of peaceful assembly and to freedom of association with others, subject to limitations in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

#### Article 14 – European Convention on Human Rights

This Article provides an over-arching principle of non-discrimination and can only be used in relation to other Convention rights. It entitles an individual to exercise his or her rights under the Convention without discrimination on any grounds including sex, race, colour, language, religion, political or other opinion, national or social origin, or association with a national minority, property, birth of other status. This right is unqualified and cannot be limited.

#### Article 17 – Prohibition of Abuse of Rights

This Article states that nothing in the convention (European Convention on Human Rights) may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention.

### Anti-Discrimination legislation

Legislation prohibits discrimination on the grounds of race, gender, religion or belief, age, sexual orientation, gender reassignment or disability in all HEI functions including terms of employment, the recruitment, retention and progression of staff and the admission, progression and assessment of students including benefits, facilities and services and the imposition of any penalty or detriment.

HEIs have a positive duty to eliminate unlawful discrimination and promote equality of opportunity in relation to race, sex and disability.

### Public Order Act 1986

This Act outlaws the following:

- acts or threats of violence: riot, violent disorder or affray;
- causing fear or provocation of violence: a person using threatening, abusive or insulting behaviour towards another, or displaying threatening, abusive or insulting material, may be guilty of causing fear or provocation of violence if or she intends or causes a fear of violence, or intends to provoke or causes a fear that violence will be provoked;
- harassment, alarm or distress: using threatening, abusive or insulting words or behaviour, or disorderly behaviour, or displaying threatening, abusive or insulting material, within the hearing or sight of a person likely to be caused harassment, alarm or distress.
- Incitement to racial hatred: using threatening, abusive or insulting words or behaviour, or displaying, publishing or distributing threatening, abusive or insulting material intended or likely to stir-up racial hatred. Racial hatred is defined as hatred against a group or persons defined by reference to colour, race, nationality, or ethnic/national origins.
- Incitement to hatred against persons on religious grounds or grounds of sexual orientation: using threatening, abusive or insulting words or behaviour, or displaying, publishing, public performance, broadcasting or distributing threatening, abusive or insulting material intended or likely to stir-up hatred against a person on religious grounds or grounds of sexual orientation. Religious hatred is defined as a means of hatred against a group of persons defined by reference to religious belief or lack of religious belief. Hatred on the grounds of sexual orientation means against a group of persons defined by reference to sexual orientation (whether towards persons of the same sex, the opposite sex or both).

### The Protection from Harassment Act 1997

Under this Act, harassment is defined as:

- pursuing a course of conduct which amounts to harassment of another, which the harasser knows or ought to know amounts to harassment of the other;
- causing fear of violence – pursuing a course of conduct that causes another to fear that violence will be used against them.

A person convicted of harassment may be made the subject of a restraining order, which can impose exclusion zones.

### The Crime and Disorder Act 1998

This Act increased the penalties applicable to offences if they are racially aggravated or if there is a religious element to the crime. As long as some of the motivation is wholly or partly racial, the offence will count as a racially aggravated offence.

### Racial and Religious Hatred Act 2006

The Act creates new offences of stirring up hatred against persons on religious grounds. The new offences apply to the use of words or behaviour or display of written material, publishing or distributing written material, the public performance of a play, distributing, showing or playing a recording, broadcasting or including a programme in a

programme service and the possession of written materials or recordings with a view to display, publication, distribution or inclusion in a programme service. For each offence the words, behaviour, written material, recordings or programmes must be threatening and intended to stir up religious hatred. Religious hatred is defined as hatred against a group of persons defined by reference to religious belief or lack of religious belief.

#### Terrorism Act 2000

Under this Act, there is a positive duty to inform the police where a person has information that might be of material assistance in preventing another person from committing an act of terrorism or securing the apprehension, prosecution or conviction of another person in the UK for an offence involving the commission, preparation or instigation of an act of terrorism. There is also a duty to inform the police about information relating to offences concerning the funding of terrorism.

#### Terrorism Act 2006

This Act created offences which include:

- publishing or causing to be published a statement which is likely to be understood as directly or indirectly encouraging terrorism. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- disseminating terrorist publications. Dissemination includes distributing, circulating, selling, emailing or offering for download. A publication will be a terrorist publication if it contains matter which directly or indirectly encourages terrorism, or is useful in acts of terrorism and was included in the publication wholly or mainly for the purposes of being so useful. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- preparing to commit an act of terrorism or to assist others to do so if the defendant has the necessary intention to commit an act of terrorism or assist others to do so;
- attending at a place for terrorist training.
- Making and possession of radioactive devices or materials with the intention of using the device or material in the course of or in connection with the commission or preparation of an act of terrorism, an act of terrorism of a particular description or an act of terrorism generally.

#### Counter Terrorism and Security Act 2015

This Act makes provision to counter terrorism by:

- placing temporary restrictions on travel where a person is suspected of involvement in terrorism, such as seizing of travel documents and temporary exclusion from the United Kingdom;
- enhancing existing terrorism prevention and investigation measures to monitor and control the actions of individuals in the UK who pose a threat;
- enhancing law enforcement agencies' ability to investigate terrorism and serious crime by extending the retention of relevant communications data to include data that will help to identify who is responsible for sending a communication on the internet or accessing an internet communications service;
- strengthening security arrangements in relation to the border and to aviation, maritime and rail transport; and
- reducing the risk of people being drawn into terrorism, by enhancing the programmes that combat the underlying ideology which supports terrorism through improved engagement from partner organisations and consistency of delivery.



## APPENDIX 2

### Definitions

An 'external speaker' is deemed to be anybody who is neither a registered student nor a paid employee of the Academy of Live Technology or Production Park. An 'event' may be one that is hosted on Academy/Production Park premises or an external venue in the name of Academy of Live Technology.

### Assessment of proposed External Speaker(s)

Prior to the confirmation of any external speaker, the event organiser will be responsible for assessing the speaker against the following set of questions:

Question 1: Has the speaker previously been prevented from speaking at the Academy or another Higher Education Institution or similar establishment or previously been known to express views that may be in breach of the code of practice?

Question 2: Does the proposed title or theme of the event present a potential risk that views/opinions expressed by speakers may be in breach of the code of practice?

Question 3: Is the proposed speaker/theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of the code of practice?

If the answer to all three questions is NO:

The event organiser should continue to request written authorisation for the event to take place from the Director of Student Support & Experience.

If the answer to any of the questions is UNCLEAR:

The event organiser must seek guidance from the Head of Institution, whose responsibility it will be to further review the speaker[s] against the questions above.

Ultimately, if the answer to any of the questions is YES, the event organiser should be aware that the Head of Institution may impose requirements in order to mitigate the risk, which will need to be satisfied to enable the event to take place. This may include (but is not limited to):

- Altering the conduct and time of the meeting and/or its facilitation.
- Requesting an advance copy of any guest list.
- Placing a limit on attendees.
- Enhancing security arrangements.
- Imposing conditions on how the event is to be advertised.
- Ensuring a presence of a senior member of staff or member of the Senior Leadership Team.
- Restricting or refusing media attendance.
- Placing a limitation on what attendees may bring to the event, which may include banning food or drink or anything that could be used as a potential weapon.
- Imposing conditions on how the event is run, for example in relation to requests for segregation of the audience.
- Requesting stewards be provided by the organisers.
- Restricting what materials are available at the event.
- Liaison with the police.
- Procedures for terminating the meeting.

Anyone involved in organising a meeting, event or activity, or processing a room booking should consider whether there is a possibility that the speaker may not be able to enter or leave the building safely and/or have the freedom within the law to deliver their speech without interruption; or that a breach of the civil or criminal law may be committed.

The following is an indicative list of circumstances which might give rise to a reasonable apprehension that disruption or disorder may occur.

a) where the subject-matter of the meeting, event or activity includes in whole or in part:

- Animal experimentation.
- Immigration and nationality policy.
- The supposed superiority or otherwise of racial/ethnic/religious groupings.
- Blood sports.
- Genocide.
- A current or recent war (or revolution).
- Sexual abuse of children and pedophilia.
- Abortion.
- Drugs policy.
- Terrorism and/or violent extremism.
- Other local or national controversial matters.

b) when the guest or visiting speaker includes

- Any current Member of the House of Commons or Lords.
- A present or former representative of any political party which has put forward candidates at a British or Irish Parliament election in the last 20 years.
- Any member of the British or an overseas Royal family.
- Any diplomat or the representative of a foreign power.
- Any person who has previously been prevented from delivering a speech or whose presence has threatened a breach of the peace at the Academy or any other Higher Education Institution.
- Any religious cleric or representative.

c) where the subject matter might be considered to be of a blasphemous nature (not just in respect of Christianity), obscene or defamatory.

This list is provided for guidance and is not intended to be exhaustive. If there is any doubt whether the Code of Practice applies, the guidance of the Head of Institution should be sought.

### **APPENDIX 3**

#### **External Speaker Code of Conduct**

##### **Introduction**

1. This Code of Conduct exists to ensure that all speakers taking part in an Academy of Live Technology hosted or run meeting, event, or activity, on campus or elsewhere, act in accordance with the Code of Practice for Freedom of Speech, External Speakers and Events. It applies to all staff, students, members of the governing body and visiting speakers and all Academy/Production Park premises.
2. It is the responsibility of the event or activity organiser to ensure that:
  - this Code of Conduct is communicated to all external speakers (once approved and confirmed via the event booking process)
  - that all reasonable steps are taken to ensure that the requirements within it are upheld during the running of the event or activity.

## Conduct

3. Academy of Live Technology expects external speakers to act in accordance with the law and not to breach the lawful rights of others.
4. Set out below are some examples of the Academy's expectations. Please note that this is not intended to be an exhaustive list of unacceptable conduct by external speakers. The Academy reserves the right not to permit an external speaker to speak at or attend an event, to refuse to allow an event and/or to halt an event at any time if it reasonably considers there may be a breach of the External Speaker Code of Conduct or of any legal obligation.
5. During the course of the event at which the external speaker will participate, no speaker shall:
  - Act in breach of criminal law.
  - Incite hatred or violence or any breach of criminal law.
  - Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism.
  - Spread hatred and intolerance.
  - Discriminate against or harass any person or group on the grounds of any of the protected characteristics.
  - Defame any person or organisation.
  - Raise or gather funds for any external organisation or cause without express permission of the Academy.
6. During the course of the event at which the external speaker will participate, all speaker shall:
  - Comply with the Academy's Code of Practice on Freedom of Speech, External Speakers & Events.
  - Comply with Academy's External Speaker Code of Conduct.
  - Present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question.
  - Follow the Academy's policy on and instructions relating to health and safety.