



Freedom of Speech Code of Practice (incorporating the University's policy and procedures)

Part 1 Policy

1. Introduction

The University is committed to the principles of Academic freedom, free enquiry and of free speech within the law.

The University recognises that in discharging its duty to promote these principles rigorous debate is perfectly proper and acceptable, and as a university community we must therefore secure freedom of speech on a wide range of ideas, views and opinions on all potential issues of interest to the University community including social, economic, political and religious issues, however unorthodox, unpopular, uncomfortable, or controversial. However any action, publication or speech must be lawful in line with UK Law.

The University of Cumbria considers the following key principles as essential to facilitating a culture where freedom of speech is valued and promoted, and mutual respect and tolerance underpin any discourse involving differences of opinion:

- The provision of a safe and secure environment for students, staff and visitors, free from intimidation, discrimination, harassment, victimisation, fear, abuse, anxiety, bullying or threatening and violent behaviour.
- Encouragement of an atmosphere of free and open discussion and participation in democratic processes that is within the law and within the public interest.
- Development of good community relations and the prevention of segregation and marginalisation within the University and its local environment.
- The fostering of shared values and the development of attitudes of trust and respect amongst all staff and students.
- To uphold and promote Academic Freedom and the principles and values of the University of Cumbria and its mission statement.

2. Purpose and Legal Context

The University of Cumbria, as a provider of Higher Education, recognises that it has a range of legal duties to ensure, as far as reasonably practicable, that freedom of speech in accordance with the law is secured for University members, students, employees and visiting speakers.

Therefore, in developing this Code of Practice and associated Procedures, consideration has also been given to other legislative requirements as follows, which although not directly impacting on the Code of Practice have clear relevance to it:

- The University must be mindful of requirements arising from legislation to ensure that academic staff have freedom within the law to question and test received wisdom and to put forward new ideas and controversial and unpopular

opinions without placing themselves in jeopardy of losing their jobs or any privileges they may have at the institution.

- The University must be mindful of its obligations to staff, students and visitors arising from legislation with regard to unlawful discrimination on the grounds of any protected characteristic.
- The University must be mindful of its duties arising from legislation requiring it to have due regard to the need to eliminate all types of discrimination, advance equality and foster good relations for people of different groups.
- The University must be mindful of its obligations to staff, students and visitors with regard to human rights.
- The University must be mindful at all times to prevent any activity which may constitute a criminal offence under any legislation and may itself in certain circumstances be obliged to report a suspected criminal offence.
- The University must give due regard to its duties in accordance with the statutory guidance issued under section 29 of the Counter Terrorism and Security Act 2015 to support the strategic objectives of the government's Prevent Strategy 2011 to reduce the threat to the UK from terrorism by preventing people from being drawn into terrorism.

3. Definitions

The following definitions are taken from the UUK guidance on The Higher Education (Freedom of Speech) Act 2023:

Freedom of speech means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.

Academic freedom means protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in danger of losing their jobs or privileges or reducing the likelihood of them securing promotion or different roles at the university.

Within the law. This means that speech is protected unless it contravenes some other law. The starting point is that all speech is permitted unless it is restricted by law.

For example, some areas of criminal law restrict the range of protected speech such as:

- racially or religiously aggravated offences
- threats to kill
- endeavours to break up a public meeting
- fear or provocation of violence
- intentional harassment, alarm or distress
- acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation
- encouraging or assisting the commission of an offence
- incitement to commit acts of terrorism overseas
- inviting or encouraging support for proscribed organisation

- encouragement of terrorism including the glorification of the commission or preparation of terrorism
- dissemination of terrorist publications
- encouragement of terrorism and dissemination of terrorist publications through the internet

Separately, protected speech can also be limited by civil law. For example, the expression of views and opinions in a manner which amounts to harassment, discrimination or defamation, are not regarded as free speech 'within the law.'

4. Scope

4.1 This Code of Practice applies to:

- a. All meetings, lectures, talks, seminars, tutorials, classes, short courses, conferences or other teaching or informative activities, whether organised as part of the curriculum, to facilitate research or otherwise, that take place on University of Cumbria premises, subject always to paragraph 4.2 below.
- b. Conduct of any staff member, student or visitor whilst on University of Cumbria premises for any reason whatsoever.
- c. Informal activities on University of Cumbria premises.
- d. all meetings or events taking place off campus but which are University funded or branded.
- e. Any means by which information is communicated, published and/or disseminated including but not limited to the distribution of leaflets and/or displaying posters on University premises, and electronic and social media, such as social networking sites, email, blogs and microblogging types of communication

4.2 For the purposes of this Policy, "University of Cumbria premises" shall be deemed to include all premises owned, leased, occupied under licence or hired jointly or exclusively by the University of Cumbria, and premises of which the University of Cumbria enjoys shared occupation with a third party.

4.3 The University of Cumbria Students' Union has endorsed this Code of Practice and agrees to actively represent and promote its principles and values whilst also being subject to its own Code of Practice . The University and the University of Cumbria Students' Union will liaise regularly and record information on a shared data base to ensure systems and processes for monitoring events, including events and activities organised by University of Cumbria Students' Union Clubs and Societies, meet University requirements in terms of adequate risk assessment on any events taking place on the University's premises.

5. Principles

- 5.1 The University operates under the assumption that exposure to course materials, information and perspectives expressed during teaching or research, and related discussions, generally do not constitute harassment. Notwithstanding this, the University remains alert to the possibility that these matters may cross into harassment in specific circumstances. The commitment to freedom of speech does not condone any form of abuse, bullying, discrimination, harassment, hatred, intimidation, violence, or any unlawful behaviour.
- 5.2 The University supports the right of individuals to express controversial or unpopular views, provided that the expression of those views does not constitute racial hatred, religious hatred, hate crimes, harassment, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, create a risk to health and safety or are otherwise unlawful.
- 5.3 The University reserves the right to determine that, where an event is allowed to proceed, speakers with extremist views can be and are challenged with opposing views as part of that same event.
- 5.4 Whilst upholding the principles of freedom to express potentially controversial or unpopular views, the University will not permit its premises or resources (including its virtual/remote working resources) to be used by members of its community or external organisations to promote or support violent or non-violent extremism. Where the University has concerns that an event might draw people into terrorism, it has the authority not to allow the event to proceed.
- 5.5 The University shall take such steps as are reasonably practicable, including where appropriate the initiation of disciplinary measures, to secure compliance by groups or individuals with their obligations under this Code of Practice.
- 5.6 The University does not allow or condone 'no platforming' of events permitted under this Code of Practice. This means that no person or group to whom this Policy applies shall prevent or seek to prevent the holding or continuation of any event, lecture, tutorial exhibition or other activity (whether or not within the University) because of the views held or expressed, which are reasonably likely to be expressed or which it is believed may be expressed.
- 5.7 Nothing in this Policy shall be taken to prohibit the lawful exercise of the right to peacefully protest. However, protests must be conducted without infringing the rights of others, including others' right to freedom of speech. No protest should prevent any event permitted under this Code of Practice from proceeding, provided that the event can be safely managed.
- 5.8 The University is committed to upholding its duties under The Higher Education (Freedom of Speech) Act 2023 not to use non-disclosure agreements in relation to complainants with certain types of complaints, such as bullying, harassment and sexual misconduct.
- 5.9 The University has the right and power to regulate the use of its premises, and is under no legal obligation to hold meetings on campus which are open to the outside public.
 - 5.9.1 In complying with its duties under the legislation, the University will ensure, so far as is reasonably practicable, that the use of its premises is not denied

to any individual or body of persons on any ground connected with: i) the beliefs and views of that individual or any member of that body; or ii) the policy or objectives of that body.

- 5.9.2 However, where events may include the expression of potentially controversial or unpopular views, the University shall act in accordance with its wider legal duties set out in Part 2/Appendix 1 of this Policy.

5.10 Overseas funding.

Before accepting funding for research projects or educational or commercial partnerships or accepting gifts or donations from overseas sources, consideration must be given to the risks of any implications to freedom of speech and / or academic freedom. Ordinarily, these risks will be considered and documented as part of our regular approval processes before accepting funds or entering into contracts. Where a potential arrangement does not clearly align with an established approval route, advice should be sought from the University Secretary.

5.11 Academic Freedom

The University is committed to ensuring that academic staff have the freedom to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing them at risk of losing their jobs or privileges at the University, or reducing the likelihood of securing promotion or different jobs at the University. Academic freedom must be exercised within the law and is subject to this Code of Practice.

Academic freedom shall extend to all academic staff and to any visiting or guest lecturer invited by the University, or those holding an academic title e.g. Professor of Practice, Honorary Clinical Lecturer/Senior lecturer/Principal Lecturer. The principles of academic freedom shall also extend to students presenting work produced as part of and as required for their course of studies at the University.

5.12 University Courses, Policies and Procedures

The University will ensure that its teaching, curriculum, policies and procedures reflect its duties to secure and promote, so far as is reasonably practicable, freedom of speech and academic freedom within the law. In particular, the University shall ensure that:

- its processes for course development and approval, academic assessment and quality assurance will respect the rights of freedom of speech and academic freedom; and
- its processes for facilitating research will respect the rights of freedom of speech and academic freedom.

5.13 Breach of the Code of Practice

Failure by any staff member or student to comply with any part of this Code of Practice may result in disciplinary proceedings, in accordance with University of Cumbria staff and student disciplinary policies and procedures, being initiated against them.

In addition, if the action involves a breach of the law, the University will assist prosecuting authorities to bring due legal process against such persons.

Breach of this Code of Practice by an external hirer of University of Cumbria premises shall be deemed to be in breach of the terms and conditions of the hire agreement and the University is not responsible for the hirer's actions.

Printed material displayed in contravention of this Code of Practice will be removed and destroyed and the perpetrator required to pay any necessary repair costs.

Where a staff member or student has reason to suspect that an infringement of this Code of Practice has occurred or is likely to occur their concerns should be reported at the earliest opportunity as follows:

- i. Staff members - report to Line Manager
- ii. Students - report to the student's Programme Leader or to the Students' Union.

5.14 Conduct

Staff and students of the University of Cumbria and visitors to the University premises must not engage in any conduct whatsoever that may prevent, obstruct or in any way hinder the upholding of the University's objectives and legal obligations as set out in this Code of Practice.

Conduct which may be unacceptable under this Code of Practice may include but is not limited to:

- Refusing to recognise or denying access to any individual or group on the grounds of particular views and beliefs
- Preventing exercise of rights to freedom of expression
- Acting in a threatening or violent manner or in a manner causing fear of violence, or provoking violence
- Acting in a manner damaging to the reputation of the University of Cumbria
- Acting in any manner that might be deemed to be attempting to draw people into terrorism
- Inappropriate or unauthorised use of IT facilities, including accessing illegal sites
- Any conduct that constitutes a criminal offence
- Any action exercised in a manner that unlawfully breaches the rights of others
- Unlawful demonstrations and protests
- Unauthorised occupations of University of Cumbria property
- Intentional disruption or interruption of any authorised function or activity
- Intentional damage to or defacement of University of Cumbria property or the property of staff, students or visitors to University premises
- Acts of coercion, eg. in relation to religious conformity, attendance or dress code
- Explicit acts of terrorism or overt support for such acts

6. Roles and Responsibilities

Role	Responsibilities
Vice Chancellor's Executive	<p>Ensuring that ownership, scrutiny and accountability for promoting and protecting Freedom of Speech and the principles of this Code of Practice are visibly led by the Vice-Chancellor and Executive Team.</p> <p>Demonstrating commitment to providing resources to drive organisational change by investing in support and training for staff and students, as required.</p> <p>Providing the Board of Directors with information and evidence on the university's commitment to promoting and protecting Freedom of Speech.</p>
University Secretary	<p>To have strategic oversight of the Code of Practice.</p> <p>To liaise with and support the CEO of the UCSU regarding the Students' Union, policy, duties and responsibilities.</p> <p>To ensure adequate and effective mechanisms are in place to raise concerns in relation to freedom of speech and academic freedom</p> <p>To ensure that where relevant policies and procedures are introduced, consideration is given to their impact on freedom of speech and academic freedom</p> <p>To ensure that any implications for freedom of speech / academic freedom are considered as part of the approval process for any overseas funding received by way of endowment, gift or donation from an external overseas stakeholder</p> <p>To ensure that, so far as is reasonably practicable, where concerns are raised regarding freedom of speech and academic freedom, such concerns are addressed and any lessons to be learned are incorporated into a review of relevant policies, procedures and practices</p>
Vice Chancellor's Directorate	<p>To be aware of the Code of Practice and to ensure all staff within respective Institutes and Professional Services understand and comply with the policy requirements</p> <p>To act as Approving Managers for Guest Speaker Approval requests</p>
PVC (Learning and Teaching)	<p>To ensure that the principles outlined in this Code of Practice are reflected in the curriculum design framework and module/programme approval processes.</p>
PVC (Research and Knowledge Exchange)	<p>To ensure that research grants received from any overseas funder is risk assessed as part of consideration of bids and acceptance of grants.</p> <p>To ensure any overseas funding received via a research contract is risk assessed as part of consideration of bids and acceptance of funds</p> <p>To ensure that the processes for facilitating research respect the rights of freedom of speech and academic freedom</p>

	To act as the approving manager for Guest Speaker requests related Research and Knowledge Exchange activities or to appoint an appropriate nominee to take delegated responsibility for this process
Directors/Deans of Institutes	<p>To ensure that the principles underpinning the Freedom of Speech Code of Practice are taken into account in the planning of academic activity and in the production of publications or other output from academic work.</p> <p>To ensure all staff within the institute are aware of and follow the approval process when inviting Guest Speakers to contribute to an activity within the curriculum</p> <p>To act as the approving manager for Guest Speaker requests, or to appoint an appropriate nominee to take delegated responsibility for this process within the institute.</p>
Director of People and Culture	<p>To ensure that this Code of Practice and the principles within it are brought to the attention of staff on arrival at the University</p> <p>To ensure that all relevant staff receive training on their role in helping to discharge the University's obligations in relation to freedom of speech and academic freedom</p> <p>To ensure Non Disclosure Agreements (NDAs) are not used in cases of bullying, harassment and sexual misconduct</p>
Director of Student Services	<p>To ensure that this Code of Practice and the principles within it are brought to the attention of students on arrival at the University</p> <p>To draw this Code of Practice to the attention of students annually</p> <p>To ensure reporting via the OfS Prevent Accountability Return is completed annually</p>
University Chaplains	<p>To ensure all Chaplaincy related activities operate in accordance with the principles of this Code of Practice.</p> <p>To ensure the use of Chaplaincy faith rooms and prayer facilities are managed in accordance with procedures set down by the Chaplaincy as appended to this Code of Practice</p>
Campus Services Manager	<p>To ensure the contract terms for 3rd party use/hire of University premises include a clause to the effect that the hirer recognises the statutory responsibilities and requirements of the University's Code of Practice and placing equivalent responsibility in all respects on the hirer.</p> <p>To act as an Approving Manager for External Speaker requests for 3rd party/Conference bookings</p>
Staff	<p>To ensure that they undertake any relevant training in relation to the requirements of this Code of Practice</p> <p>To act in accordance with this Code of Practice to promote and protect freedom of speech and academic freedom</p>

7. Related Policies and Procedures

- External Speakers Policy and Procedures (Part 2 of this Policy)
- Equality, Diversity and Inclusion Policy
- Data Protection Policy (including guidance on sharing information with the police)
- Prevention of Bullying Harassment and Sexual Misconduct Policy
- Student Code of Conduct and Disciplinary Procedures
- Code of Conduct for Employees
- (staff) Disciplinary Policy
- Information Security Policy
- Website and Internet Use Protocols
- Public Interest Disclosure (Whistleblowing) Policy
- Safeguarding Policy, incorporating the Prevent Duty and Modern Slavery
- The Staff Guide to Planning and Managing an Event
- Chaplaincy Statements and Procedures for the Use of Prayer and Faith Rooms
- Conference Bookings Terms and Conditions
- Students' Union Freedom of Speech Policy

8. Approval, Publication, Implementation & Review

The University will:

- ensure that this Code of Practice and the principles within it are brought to the attention of staff and students on arrival at the University;
- draw this Code of Practice to the attention of students annually;
- ensure that all relevant staff receive training on their role in helping to discharge the University's obligations in relation to freedom of speech and academic freedom;
- where relevant policies and procedures are introduced, ensure that consideration is given to their impact on freedom of speech and academic freedom;
- ensure adequate and effective mechanisms are in place to raise concerns in relation to freedom of speech and academic freedom; and
- where concerns are raised regarding freedom of speech and academic freedom, ensure that, so far as is reasonably practicable, such concerns are addressed and any lessons to be learned are incorporated into a review of relevant policies, procedures and practices.

This Code of Practice and associated Procedures will be approved via Business Assurance Board and by Audit and Risk Committee.

The Board of Directors shall receive, via Audit and Risk Committee, information on the operation of the Code of Practice as part of the Safeguarding and Prevent Annual Report. Audit and Risk Committee also receive and approve the annual OfS Prevent return, which includes data on events involving external speakers approved in accordance with the terms of this Policy and other monitoring submissions.

The review period for this Code of Practice will be every 3 years.

Reporting

Details of all Events and Activities organised in accordance with the Code of Practice and associated Procedures shall be recorded and held centrally by the University on a shared access electronic folder (on SharePoint).

The Approvals Request Eform will populate the central register of Events and Activities with the relevant event details including but not limited to, details of any external organisations or individuals, date/time of the Event or Activity, venue, expected audience.

Where a risk assessment is completed for the event this should be stored in the relevant SharePoint folder and linked into the central register.

Information must wherever reasonably practicable be put into the central shared folder no less than 20 days in advance of the Event or Activity

Document Control Information

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Freedom of Speech Code of Practice (incorporating the University's policy and procedures)

Part 2 Procedures

Introduction

The University is committed to the principles of free enquiry and of free speech within the law. These principles mean that rigorous debate is perfectly proper and acceptable and we must therefore secure freedom of speech on a wide range of ideas, views and opinions on all potential issues of interest to the University community including social, economic, political and religious issues, however unorthodox, unpopular, uncomfortable, controversial or provocative. But any action, publication or speech must be lawful in line with UK Law.

Purpose

The following procedures serve to implement the principles of the Freedom of Speech Code of Practice to which they are integral.

Scope

Academic Activity

All meetings, lectures, talks, seminars, tutorials, classes, short courses, conferences or other teaching, research or informative activities, whether organised as part of the curriculum or otherwise.

Event

Any meeting held in premises controlled by the University organised by a 3rd party and/or University of Cumbria meetings involving an external speaker or gathering at which information or views will be expressed or communicated, at a physical location or online, including but not limited to public lectures and/or talks, seminars, tutorials, classes, short courses, which occur extra-curricular to the programme delivery, and conferences

Hire of University Premises by External Organisations

In the event of the hire of University premises by an external organisation, the terms and conditions of hire by third parties for conference events and functions shall include a clause to the effect that the hirer recognises the statutory responsibilities and requirements of the University's Code of Practice. Thus the hirer bears the equivalent responsibility in all respects.

If it is apparent at any time from receipt of an application to the Event or Activity taking place that the hirer intends to use University premises for an Event or Activity that is likely to result in an infringement of the Code of Practice, the University may refuse or revoke the booking.

University of Cumbria Chaplaincy Events

These Procedures shall apply to all facilities, Events and Activities on University premises related to the University Chaplaincy, whether operated as part of University activities or independently delivered within the Chaplaincy's community role, and the Chaplaincy shall ensure systems and processes are established to comply with the University's statutory responsibilities and requirements covered by the Policy.

If it is apparent at any time that a Chaplaincy Event or Activity on University premises is likely to result in an infringement of the Code of Practice, the University may require the Chaplaincy to amend or cancel the arrangements for such Event or Activity.

The Chaplaincy shall manage the organisation of Chaplaincy Events and Activities using these Procedures. The use of Chaplaincy faith rooms and prayer facilities shall be managed in accordance with protocols set down by the Chaplaincy as appended to this Code of Practice.

Published Material Displayed or Distributed on University Premises

Posters, notices, literature, signs and other temporary printed material may only be displayed on officially designated notice boards or portable sign boards, and only with the express permission of the individual/department responsible for the particular notice board or sign board. Similarly, on-line electronic publication of the material listed in this paragraph is subject to the delegated permission of the University's Web Manager.

Leaflets, pamphlets and flyers may only be distributed via designated information points and only with the express permission of the individual/department responsible for such information points.

All material displayed or distributed shall normally be presented in the English language. Material presented in any language other than English may only be displayed or distributed with the prior permission of the University Secretary which shall only be granted subject to prior translation into English by or on behalf of the University Secretary.

All material displayed or distributed must include the name of the author/producer of the material and the department or organisation responsible for its publication and promulgation.

Material may not be displayed or distributed which is considered to be in any way, intimidating, threatening, indecent, or which is likely to be understood to be directly or indirectly encouraging terrorism, or which is unlawful in any way.

Officially designated notice boards and information points within the University of Cumbria are found at, but not limited to, the following areas:

- Student Enquiry Points (Campus Libraries)
- Chaplaincy
- Students' Union

Procedures

1. Approvals Process

Curriculum based Academic Activity

Institute Directors and Deans are responsible for ensuring that the principles underpinning the Freedom of Speech Policy are taken into account in the planning of academic activity and in the production of publications or other output from academic work.

Where a member of staff wishes to invite a guest speaker to contribute to an activity within the curriculum then an approval request should be submitted via the Guest Speaker E-form. The Programme Leader is responsible for approving the request.

All other Events

Any person or group wishing to hold an event on University premises must seek formal approval via the submission of the Approval Request E-form in advance of the event taking place. This applies to both internal and external bookings for any venue controlled by the University. Event organisers following this procedure must agree to abide by the Freedom of Speech Code of Practice.

The Approval Request must be submitted not less than 20 working days' notice before the proposed date of the event, to the designated Approving Manager determined by the status of the event organiser(s), as follows:

Event organiser	Approving Manager
Academic Staff	Institute Dean/Director or Delegate
Member of the Graduate School	Head of Graduate School
Research and Knowledge Exchange staff	PVC (Research and Knowledge Exchange)
External Organisation via Conference Officers	Campus Services Manager
All other Professional Service Staff	Service Director/Academic Registrar
Students (in respect of non UCSU affiliated activities)	Institute Dean/Director or Delegate

Activities and Events organised by the Students' Union (including any of its Societies, groups and Associations) will use the Students' Union approval process.

Any change to the planned event must be notified to the University not less than 5 working days in advance so that the University can reassess the request.

In the event of any doubt as to whether a proposed event might require approval under this procedure, the organiser(s) of the event shall consult the relevant Approving Manager at the earliest opportunity so that the correct procedures may be followed.

On receipt of the Event Approval Form the Approving Manager will undertake an appropriate review based on an assessment of risk of the event in question. In considering whether to approve the event request, the Approving Manager shall assess any actual and/or potential risks associated with the event, which may involve the completion of a formal risk assessment. The Approving Manager must clearly record the level of actual and/or potential risk associated with the proposed event.

The University may withhold or refuse consent to any external speaker or Event or Activity that has not been made in accordance with these procedures including where the specified timescales have not been complied with.

The Approving Manager shall have discretion to refer the matter for consideration and decision by an Event Approval Panel (EAP) comprising the Approving Manager and two other members of the Vice Chancellor's Directorate. However, where the Approving Manager considers that it may be necessary to Reject the approval for an Event the matter must be referred to the Events Approval Panel who shall determine whether to withhold permission for an Event or Activity to take place.

Based on the evidence, the Approving Manager, or the EAP for referred decisions, shall consider the level of actual and/or potential risk and a decision shall be made as to whether the request to hold the event is:

- Approved, or
- Approved with conditions, or
- Rejected.

The risk assessment decision will normally be confirmed within 5 working days of the submission of the approval request, however in cases where the decision is referred to the EAP the decision will be confirmed as soon as practicable.

The Approving Manager or EAP may impose additional conditions at any time prior to or during the course of the Event or Activity if deemed necessary or appropriate in the light of additional information becoming available or any change in circumstances.

Permission for an Event or Activity may be withdrawn by the Approving Manager or EAP at any time if it is considered that adequate arrangements have not been made or conditions have not been fulfilled.

Before coming to a decision to reject an Event Approval Request, or in the event that subsequent information becomes known which means that further consideration should be given to withdrawing the approval of an event, the Approving Manager or EAP must determine whether or not it is reasonably practicable to put in place steps required to ensure the Event or Activity will not be likely to:

- give rise to a breach of University of Cumbria regulations or an unlawful activity;
- cause incitement to commit a criminal offence;
- give rise to a likelihood of harm or a threat to the safety of any person;
- be related directly to any organisation, faction or group whose aims and objectives are known to be illegal or proscribed;
- cause any groups or individuals to be drawn into terrorism or violent extremist activity;
- include the expression of views that are in direct contravention of the University of Cumbria's Articles of Association.

If the risk assessment decision is that the event is approved with conditions or rejected the organiser(s) shall be entitled to submit an appeal against the decision. Any such appeal must be submitted in writing to the Vice-Chancellor's Office for referral to/consideration by a member of the Vice Chancellor's Executive Team ("VCE") This will normally be the University Secretary, however in their absence, the VCE member considering the appeal cannot previously have been a member of the EAP which made the original decision. The decision shall be final and there shall be no further mechanism for appeal within the University.

2. Management of the Event

Following event approval, the event organiser(s) shall be responsible for liaising with the relevant members of University staff to secure the use of the premises and all associated facilities and services which may be required to facilitate the staging of the event.

Where an Event is Approved with conditions, the Event Organiser and every person involved with the delivery of the Event or Activity shall be required to comply with such conditions, which may include, but are not limited to, matters regarding:

- advertising
- admittance
- ticketing
- proof of identity requirements
- stewarding provision
- security arrangements
- media presence and coverage
- prohibition on specific articles at the event

In addition, the Approving Manager or EAP may require the Event or Activity to be declared public, which would permit a police presence.

The cost of any staffing, security, equipment or other measures required to comply with conditions imposed by the Approving Manager or EAP shall be the responsibility of the University.

Event organiser(s) shall make the external speakers aware of the Code of Practice on Freedom of Speech.

The Event Organiser has a duty to ensure as far as reasonably practicable that speakers and attendees comply with the law during the course of the Event or Activity and the Event Organiser shall be responsible for instigating the removal of any person acting unlawfully and, where unlawfulness continues, must terminate the Event or Activity.

The organiser(s) of a virtual event shall ensure that the identity of the external speaker is verified prior to commencement of the event and ahead of providing access to the virtual event. This is to ensure that a substitute speaker who has not been approved and verified is not able to join the meeting.

While an event is in progress, the University shall have the right to require the organisers to terminate the event if the conduct of the event gives rise to concerns for the University that the safety of persons attending cannot be reasonably guaranteed, or that a breach of the law or a material breach of the Code of Practice on Freedom of Speech or any of the conditions imposed in the event approval process occurs.

The University may also withdraw its consent and terminate an event either during or prior to its commencement if it becomes apparent that the content/nature of the event or the identity or numbers of speakers previously notified to the University have or are likely to have changed. This includes a situation where an attendee is likely to speak at the event.

Events/speakers must not be advertised until written approval for the event to proceed has been received in accordance with this Procedure.

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Appendix 1 – Relevant Associated Legislation

The University has a number of legal responsibilities in relation to both the safety and freedom of its staff and students.

1.1 The Higher Education (Freedom of Speech) Act 2023

The [Higher Education \(Freedom of Speech\) Act 2023](#) came into effect on 11 May 2023 and includes: a duty on HE providers and student unions to secure and promote freedom of speech ("FoS") and Academic freedom; the requirement for universities to have a Code of Practice; protection for university staff from any adverse effects arising from issues of freedom of speech, namely, loss of job or likelihood of securing promotion or another job at the same provider.

The new legislation replaces the existing Section 43 duty under the Education (No. 2) Act 1986, which required higher education providers to protect freedom of speech within the law for students, staff members and visiting speakers. The new legislation strengthens this, requiring higher education providers to promote freedom of speech and Academic freedom.

The Act has introduced a free speech complaints scheme, which will be free to use and operated by the OfS. Individuals can make complaints to the OfS about either a higher education provider if they have 'suffered adverse consequences' due to actions or inactions in relation to free speech duties. The OfS complaints scheme will be available to staff members and visiting speakers, student complaints may be escalated to the OIA following completion of the University's internal complaints handling procedures.

The Act prohibits governing bodies of registered higher education providers from entering into non-disclosure agreements with persons in relation to certain types of complaints, such as bullying and sexual harassment.

The new Act also requires the University to ensure that it does not deny access or use of its premises to any individual or group on the grounds of that individual's or group's policies, beliefs, views or objectives and the University may only limit access if there is a legitimate justification to do so authorised by law.

1.2 European Convention on Human Rights and The Humans Rights Act (1998)

Universities are regarded as public authorities for the purposes of the [Human Rights Act \(1998\)](#) and are therefore obliged to act in a manner compatible with the Convention.

Article 9 of the Convention provides that everybody has the right to freedom of thought, conscience and religion. The freedom to hold a particular belief is absolute, but the right to manifest religion or belief (ie through worship, observance, and teaching) is a qualified right.

Article 10 of the Convention states that everyone has the right to freedom of expression. This includes freedom to hold opinions and to receive and impart information and ideas without undue interference by public authority. Article 10 is a qualified right.

A qualified right may be interfered with, provided that:

- (a) Any restrictions are prescribed by law
- (b) The restrictions go no further than is necessary in a democratic society to achieve one or more of the following legitimate goals:
 - i. national security

- ii. territorial integrity or public safety
- iii. the prevention of disorder or crime
- iv. the protection of health or morals
- v. the protection of reputation or rights of others
- vi. preventing the disclosure of information received in confidence
- vii. maintaining the authority and impartiality of judiciary

1.3 The Equality Act 2010

The [Equality Act 2010](#) places a positive duty on the University to:

- Eliminate discrimination, harassment and victimisation
- Advance equality of opportunity
- Promote good relations

in relation to the nine protected characteristics of age, disability, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, sexual orientation and transgender.

No particular group of people (based on any protected characteristic) will be treated differently in terms of this policy. The University will consider factors and apply criteria in a consistent way in order to reach a decision on how to balance the respective rights in any given situation. The health, safety and welfare of our staff and students is paramount but at the same time, where possible, we will continue to provide an environment that encourages debate and challenge on a wide range of topics

1.4 Counter Terrorism and Security Act 2015

The University must give due regard to its duties in accordance with the statutory guidance issued under section 29 of the [Counter Terrorism and Security Act 2015](#) to support the strategic objectives of the government's Prevent Strategy 2011 to reduce the threat to the UK from terrorism by preventing people from becoming terrorists or supporting terrorism.

Appendix 2 Chaplaincy protocols

Chapels

The University has two Chapels, one at Fusehill Street and one at Lancaster, which are booked out in conjunction with Conference Office.

The process is that a request for a chapel booking will come to either the University Chaplain for the respective campus or the campus Conference Officer.

On receipt of the booking request the respective parties (Chaplaincy and Conference) will liaise with each other before the booking accepted.

Once availability of the space is agreed between the two University parties the administration of the booking is handled and managed by the Conference Officer and recorded on the University Conference system (Starez) and in the chaplaincy diary.

Therefore, all external bookings of the Chapels are subject to the Conference Office terms and conditions which require the organiser to comply with the University External Speakers Policy and Protocols.

Security of Chapel buildings

Normally the during normal University Working Week (as defined within the Space Management Policy) the security of the Chapels is managed as follows:

Unlocked daily by Domestic Services as part of their opening up routines. The Chapels will normally be unlocked and available for use by 8am.

Locked up daily by security as part of their lock up routine. The timing of the closure of the chapel will vary depending on the security lock up route (which changes regularly) and the time of year.

Out of hours access for members of the University community (staff or students) is defined as access to the chapels either after it has been secured during the normal working week or at weekends.

Access to the chapels out of hours is facilitated by individuals signing out the relevant key from reception or security. A key will only be issued on presentation of University staff or student id.

Prayer rooms

The university provides a number of prayer rooms across its campuses.

London – 1 multi faith prayer room located in the library

Lancaster – 2 multi faith prayer rooms: 1 located in the chaplaincy centre in the Keep; 1 located to the rear of the Chapel

Carlisle Brampton Road - none

Carlisle Fusehill Street – Blencathra BC035

Ambleside – in Rigg Cottage

Principles of prayer room use:

Prayer rooms are provided for individual quiet space. However multiple users may use the prayer rooms at the same time for individual prayer or reflection.

Prayer rooms may not be booked for use by groups (either internal or external)

Security of the prayer rooms:

Normally the normal University Working Week (as defined within the Space Management Policy) the security of the Prayer rooms is managed as follows:

Unlocked daily by Domestic Services as part of their opening up routines. The Prayer rooms will normally be unlocked and available for use by 8am.

Locked up daily by security as part of their lock up routine. The timing of the closure of the Prayer rooms will vary depending on the security lock up route (which changes regularly) and the time of year.

Out of hours access for members of the University community (students or staff) is defined as access to the Prayer rooms either after it has been secured during the normal working week or at weekends.

Access to the Prayer rooms out of hours is facilitated by individuals signing out the relevant key from reception or security. A key will only be issued on presentation of University staff or student id.

Governance

The University Chaplains are responsible for the management of all Faith spaces on all campuses.

Any complaint, concern or issue arising from the suspected mis-use of the faith spaces should be raised with the University Chaplains in the first instance.

Following assessment of such issues the University Chaplain may escalate the issue to the Director of Student Services, who may then convene a meeting of the Faith Space Oversight Group to deal with the issue.

The University Chaplains will report by exception on any escalated issues to the EDIW Committee.

Faith Space Oversight Group:

Core membership:

University Chaplains

Director of Student Services

Director of People and Culture

In considering any issue the Faith Space Oversight Group will also draw in support from other members of the University community as appropriate.