



Senate

Paper Title	Freedom of Speech Policy
Outcome requested	Senate is asked to comment on the policy.
Points for Senate members to note and further information	This document proposes a review to the existing Freedom of Speech policy which was approved in 1998.
Questions for Senate to consider	Does this reflect the right balance between safety of staff and students and academic freedom?
Regulatory/statutory reference points	The Education Act (No 2) 1986, specifically section 43 The Education Reform Act 1988, specifically section 202 The Human Rights Act 1998, specifically article 10 The Terrorism Act 2006, specifically section 1
Strategy and risk	35. University reputation damaged by maverick staff, students or public.
Reporting/consideration route for the paper	Approval also sought by QMSE and Council
Authors	Nick Smith, Assistant Academic Registrar (Council and Governance)
Sponsor	Wendy Appleby, Secretary to Council and Academic Registrar



Document title:	Freedom of Speech Policy
Document Reference number:	
Document approved by:	Council
Date of approval:	
Date of review: (3 years from date of approval)	
Reference number of document which this replaces:	Freedom of Speech Policy 1998
Other policies that this relates to:	
Version No.:	1.3
Revision date:	28/02/13
Revision details:	Rewrite of 1998 policy
Document author:	Nick Smith Interim Assistant Academic Registrar (Governance and Council)
Department responsible for developing the policy:	Academic Registry and Council Secretariat
Equality Impact Assessment:	

1. Principles of this Policy

- 1.1 Queen Mary University of London (QMUL) believes in nurturing an academic atmosphere where knowledge and ideas can be created, explored and disseminated. We believe that Freedom of Speech is a key principle to our staff, students and the local community. We also identify the need for such activity to take place in a lawful manner and in way that safeguards our members and those who wish to interact with QMUL. This policy seeks to address these issues.
- 1.2 So far as is reasonably practicable, no premises of QMUL shall be denied to any individual or body of persons on any grounds connected with:
 - 1.2.1 the beliefs or views of that individual or of that body; or
 - 1.2.2 the policy or objectives of that body.
- 1.3 The expression of controversial or offensive views which do not breach the law will not of itself constitute reasonable grounds for withholding permission to speak.
- 1.4 QMUL must take account of other legal obligations which may require it to have regard to what is said on its premises. A speaker, for example, who incites an audience to violence or to breach of the peace or to racial hatred 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. Legislation and Authority relating to this policy

- 2.1 The ultimate authority for the interpretation and implementation of this policy is the Principal on behalf of QMUL Council (the Principal Officer). The day to day implementation of the policy shall be the responsibility of the Designated Officer, who will be the Principal's nominee. The Principal and the Designated Officer will appoint another appropriate member of staff to act on their behalf in their absence.
- 2.2 This policy is drafted with consideration to the following legislation
 - 2.2.1 The Education Act (No 2) 1986, specifically section 43
 - 2.2.2 The Education Reform Act 1988, specifically section 202
 - 2.2.3 The Human Rights Act 1998, specifically article 10
 - 2.2.4 The Terrorism Act 2006, specifically section 1
- 2.3 This policy is applicable to:
 - 2.3.1 The legal personality of QMUL
 - 2.3.2 All persons (academic or otherwise) working for QMUL or undertaking duties on its behalf
 - 2.3.3 All students at QMUL, including those who are registered, in association or affiliates
 - 2.3.4 The Students' Union and its affiliated clubs, societies or other groups
 - 2.3.5 Visitors invited to speak or take part in events
- 2.4 All individuals to whom this policy is applicable shall help QMUL in upholding it and shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful and peaceful persuasion) intended to prevent the enjoyment of rights under it. To not do so could be considered a breach of this code and a matter of professional or student misconduct.
- 2.5 The following are authorised to convene a meeting or extend an invitation to an outside speaker
 - 2.5.1 The Principal, who is also empowered to authorise any other person or group of persons to arrange a meeting or invite a speaker

- 2.5.2 The President of the Students' Union on behalf of the Students' Union trustee board. The President is also empowered to authorise such activity for properly constituted College-based clubs or societies recognised by the Students' Union. The President will be responsible for ensuring that such clubs or societies are made aware of the provision of this Code, The operation of this authority may be delegated to a staff member of the students' union.
- 2.5.3 Any individual or body recognised by QMUL or approved by the Secretary to Council and Academic Registrar
- 2.6 References to "College premises" include premises which are owned by QMUL, premises which QMUL does not own but over which QMUL exercises some degree of control, and premises occupied by the Students' Union whether or not QMUL owns or has control of such premises.
- 2.7 Reference to "meeting" means any organised event or activity involving more than one person, whether or not an outside speaker is invited, and in appropriate circumstances refers to lectures, seminars, classes, tutorials and so on within the normal teaching schedule and activities meant as campaign actions as well as educational events.
- 2.8 The Designated Officer shall be the interpreter of this policy, with the Principal as a point of appeal in the case of any disagreement.
- 3. Implementation of this Policy**
- 3.1 The Designated Officer will create a full set of procedures for holding meetings, including, but not limited to, the notice and timing of any events; the identification of speakers and whether they have in the past broken any law including but not exclusively, those relating to breach of the peace or illegal content such as incitement to racial or religious hatred and terrorism; the timescale for reporting a decision made under this policy and the behaviours expected of the meeting organisers.
- 3.2 QMUL has no legal obligation to hold meetings or other events on its premises that are open to the public. QMUL has the responsibility to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon events such as meetings and demonstrations held or proposed to be held on its premises. Any such events must comply with this Policy.
- 3.3 The organisers of any event shall ensure that one person is appointed as principal organiser (PO). This person must be a member of QMUL as a staff member or a student. The principal organiser shall act as a channel of communication with QMUL authorities and will be required to implement conditions laid down by the Designated Officer.
- 3.4 The Designated Officer shall, after appropriate consultation decide whether or not the proposed event may take place on College premises. If they believe the event can take place they will lay down such conditions as are reasonably necessary to secure compliance with Section 43 of the Act. These conditions will be outlined in the procedure for holding meetings.
- 3.5 The PO shall ensure that nothing in the preparation for or conduct of the event infringes the law, for example by conduct likely to cause a breach of the peace or incitement to illegal acts.
- 3.6 The usual due regard for the environment and premises that the meeting takes places in is expected as for all meetings.

- 3.7 The advertising and content of all meetings will be in English unless special dispensation has been agreed by the Designated Officer.
- 3.8 The meeting must have a chair who may also be the PO. They must be a person whom the Designated Officer is satisfied will be able to carry out their duties with due regard to the pressures of the meeting and the safe conduct of those present. They will be made aware of a personal duty to ensure as far as possible that both the audience and the speaker act in accordance with the law during the meeting and that in cases of unlawful conduct the chair to be required after appropriate warnings have been given to close the meeting. They will be instructed in advance about procedures for closing a meeting and requesting assistance from College Security staff or the police in case of breach of the peace or a criminal act, or the threat of either occurrence.

4. Basis for refusal

- 4.1 The Designated Officer will not unreasonably refuse to allow events to be held on College premises. They will communicate any refusals to hold meetings to the Principal. They shall report such actions to the next meeting of the QMUL Council.

5. Appeals of Decisions

- 5.1 A decision of the Designated Officer may be appealed in writing to the Principal as ultimate authority for implementation of this policy. Such an appeal must be received within 2 working days of the decision of the Designated Officer.

6. Implementation and Review

- 6.1 Oversight for the implementation of this policy shall be the property of the Designated Officer but shall typically involve input from the Students' Union, Estates and Security services.
- 6.2 This policy shall be reviewed not less than every three years from the date of the meeting when it was approved.