

## Freedom of Expression: Code of Practice

### 1. Introduction:

- 1.1 University College Birmingham has a proud record of being a multicultural and diverse community in which staff and student learn from and work with each other in a spirit of mutual respect and collaboration. The University promotes the search for knowledge and the questioning of ideas through open debate and investigation.
- 1.2 The University acknowledges freedom of expression as an individual right, which is fundamental to the debate and challenge within the University's academic agenda. The University's Self-Assessment, submitted to the Office for Students, confirms its commitment to Academic Freedom for staff and student freedom of speech.
- 1.3 This Code of Practice is aligned with the guidance issued by Universities UK, Freedom of speech on campus: right and responsibilities in UK universities: <http://www.universitiesuk.ac.uk/policy-and-analysis/reports/Documents/2011/freedom-of-speech-on-campus.pdf>
- 1.4 The University expects all employees and students of the University to tolerate and protect the expression of opinion within the law whether or not these opinions are agreeable to them. However, whilst the law promotes and protects freedom of speech, it also places limits on those freedoms in order to maintain public order and safety and to ensure that there is no breach of the law. The University recognises these limits and therefore acknowledges that it has a legal responsibility to create a balance between minimising the possibility that extremism or unlawful conduct will arise on campus and ensuring that it meets its legal obligations in relation to secure freedom of speech.
- 1.5 In accordance with the Articles of Government the Vice-Chancellor and Principal is responsible for the organisation, direction and management of the University and for exercising effective supervision and discipline over staff and students within the framework set by the University Council. He/she is authorised to exercise responsibility for implementing this Code within the guidelines set down, delegating responsibility as necessary.

### 2. Scope:

- 2.1 **What** is covered by the Code of Practice:  
The promotion and safeguarding of freedom of expression for members of the University, visitors to the campus and any visiting speakers
- 2.2 **Who** is covered by the Code of Practice:
  - (i) All employees and those working on behalf of the University (including agency workers and contractors)
  - (ii) All student of the University (whether full/part-time, including

students enrolled on distance learning programmes and visiting (e.g. Erasmus) students) and including any students studying for a University award under an agreement with a partner organisation

- (iii) All other members of the University and including independent members of the Corporation and its subcommittees
- (iv) The Guild of Students and its affiliated clubs and societies
- (v) Any person, organisation or group not falling within any of the above categories who wish to hold an event on hosted by the University (either on their premises, at a venue off-campus or on-line).

### **3 Principles of the Code of Practice:**

- 3.1 The University is committed to maintaining the rights of freedom of expression and academic freedom within the law.
- 3.2 The University has a duty to maintain safety and good order on its premises and to ensure that the statement of beliefs, points of view and opinion do not lead to the commission of criminal offences or to incitement to breaches of the peace, violence, terrorism, and/or racial/religious hatred.
- 3.3 The University will ensure that the use of University premises is not denied on grounds connected with the beliefs, views, policies, or objectives of an individual or body of individuals, as long as such use is within the law at all times.
- 3.4 Everyone to whom this Code applies is expected to observe the principles of freedom of expression while on University premises or when engaged in off-campus University Events, and to show respect and tolerance towards the expression of views, opinions and beliefs of others, even if they happen to be contrary to their own.
- 3.5 The University has a legal duty to ensure that all students, staff and the community can access activity held on its premises without unlawful discrimination. For this reason, all those that the Code applies to must ensure that discrimination is avoided on the basis of protected characteristics (for example, gender, marital or civil partnership status, pregnancy and maternity, race, colour, nationality, ethnic or national origin, age, disability, religion or belief, sexual orientation, gender reassignment or other inappropriate categorisation).
- 3.6 Excepting that the rights of individuals or groups of staff and employees in pursuance of industrial action (of which itself is not unlawful), this (industrial action) shall not be construed as being in any way inhibited by the Principles of the Code.
- 3.7 The University will offer no platform to those who are intolerant of the free expression of others both generally and where it includes the denial of the right to hold or express an opposing opinion. This also includes those who engage in the active prevention of permitting others to speak, such as the interruption - violent or otherwise - of meetings.

- 3.8 Any requests from the staff or student body for external speakers which are refused on these grounds or on the grounds that the event may incite a breach of the law, lead to the expression of views contrary to the law or promote an illegal organisation will be reported to the Corporation, via the Student Services and Standards sub-committee.
- 3.9 The University will pay due regard to the Prevent duty to prevent radicalisation on campus.
- 3.10 Any action by a member of staff or student or an employee, whether individually or in a group which may be thought by the Vice-Chancellor and Principal to infringe or be contrary to the code of conduct:
- (i) may be liable to such investigation as the Vice-Chancellor and Principal may require to establish the prima facie facts;
  - (ii) and subsequently may lead to an informal or formal disciplinary process, in accordance with the established disciplinary procedures for staff and students, depending upon the seriousness of the alleged offence. Examples of such actions that the University considers as being contrary to Section 43 of the Act and in breach of this Code (not exhaustive) might include:
    - any action by members of staff or students individually or collectively to prevent or intimidate a member of staff or a guest lecturer from carrying out their teaching, research or other function in accordance with their contract of employment, or from having access to facilities which they may use as a member of staff or enrolled student;
    - any action by members of staff or students individually or collectively to prevent a formally enrolled student from pursuing his or her studies, attending classes and other academic activities connected with his or her course, participating in curricular activities and the social and other activities provided by the University;
    - any act designed to prevent the holding or continuance of any course lecture, tutorial or other academic activity or any meeting duly authorised within the provision of this code where disruption, intimidation or threats are uttered or implied.

