

## SWANSEA UNIVERSITY

### FREEDOM OF SPEECH – CODE OF PRACTICE

#### Principles

1. It is a fundamental principle of Swansea University (hereinafter referred to as “the University”) that on its property and in its activities there should be freedom of speech within the law. This principle is reinforced by the Education (No. 2) Act 1986 which requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members (who shall include its students, employees, members of the Council and members of the Court) and for visiting speakers. The same Act imposes a duty to issue a Code of Practice to set out the procedures and conduct required of those organising or attending meetings or other activities. While the detailed provisions of this Code shall apply primarily to organised and/or to formal activities, it should be understood that the principles expressed in the Code are also intended to protect the right to freedom of speech and freedom of association during social, private or recreational activities.

#### Authority and Jurisdiction

2. This Code of Practice is intended to ensure all lawful forms of freedom of speech and communication at Swansea University.
3. This Code of Practice is issued by -and with the authority of- the Council as the governing body of the University.
4. This Code of Practice shall apply to all members<sup>1</sup> of the University, to visiting speakers and to all other visitors, to all premises of the University, owned and managed, including the premises of the Students’ Union, and shall include all forms of communication and expression irrespective of the medium employed.
5. The Registrar<sup>2</sup> shall be responsible for the overall implementation of this Code and shall have the authority to delegate to appropriate staff some or all of the actions required of the Registrar under this Code of Practice.
6. Any breach of this Code of Practice and any conduct or course of action which prejudices the lawful exercise of freedom of speech shall be reported to the Registrar and may result in disciplinary action being taken against the person concerned. If any such actions by members involve alleged offences which could be breaches of the law, Swansea University will assist the police in any subsequent criminal proceedings.
7. Any appeal against a decision of the Registrar in respect of this Code of Practice shall be directed to the Chair of Council.

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1 – The members of the University are defined by Ordinance

2 - In this code the term “Registrar” refers to the senior executive officer who acts as the Head of the University’s administrative and service departments.

8. Members of the University should note that views expressed may be the subject of disciplinary action if these views constitute sexual or racial or other harassment<sup>3</sup> or if they insult or ridicule individuals on the basis of age, gender, gender identity, sexual orientation, race, national or ethnic origins, religion or disability, or if they constitute disorderly or improper conduct.
9. Where there is uncertainty about the interpretation of any provision in this code, there shall be a presumption that it is to be construed in favour of the person or body wishing to exercise or to protect their freedom of speech.

### **Formal Activities**

10. Any meeting or other formal activity specified in this Code of Practice ('a designated meeting') shall be held or take place only under the terms, conditions and procedures set out in this Code.
11. A 'designated meeting' means any meeting or activity where any factor (such as the reputation of a speaker or the subject matter) makes it likely that a speaker (or any legitimate attendee) when entering or leaving the venue may be so impeded as to threaten safety, or where a speaker (or any legitimate attendee) may be prevented from participating in the meeting or activity.
12. It is the onus of the organiser of a meeting to identify if the planned activity conforms to the above definition of a 'designated meeting'. Where there is any doubt about the classification of a meeting or activity, the person wishing to hold the meeting or activity shall consult the Registrar. The Registrar shall have the discretion to decide whether any meeting or activity is a designated meeting.
13. Should any person wishing to hold a designated meeting fail to inform the Registrar that such a meeting is to take place, that person shall be in breach of this Code and may then be subject to the disciplinary procedures of the University and/or other appropriate proceedings.
14. Persons wishing to hold a designated meeting shall normally notify the Registrar in writing of the request at least two weeks before the proposed date of that meeting.
  - a) When a student or a person acting on behalf of a student organisation makes such application to the Registrar, he/she shall, at the same time, also lodge a copy of the application with the President of the Students' Union.
  - b) When such application is made by a member of staff or employee who wishes, as part of the curriculum, to invite a speaker from outside the University to lecture, to conduct a seminar or to make some other presentation, he/she must first consult his or her Head of School, who shall inform the Registrar.
  - c) When such application is made by a member of staff or employee, the Registrar shall inform the President of the Students' Union if he/she considers it appropriate.

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<sup>3</sup> - In cases of harassment, the University's anti-harassment Dignity, Work and Study Policy and procedures shall also be applicable.

15. Persons wishing to hold a designated meeting must include in the application to the Registrar the following information:
  - a) the details of the proposed stewarding arrangements for the designated meeting, and the names, status and addresses of the stewards;
  - b) the name and address of the Chair and other, relevant contact details;
  - c) a completed risk assessment<sup>4</sup> outlining the measures in place to minimise any potential disruption.
16. The Registrar shall reply to a request to hold a designated meeting normally within five working days of receipt of the request. No designated meeting shall be advertised or held until permission has been granted by the Registrar.
17. A room for a designated meeting shall not be booked until permission has been granted by the Registrar and relayed to the appropriate room-booking agency.
18. Any room for a designated meeting to be held or to take place on premises managed by the University or by the Students' Union shall be booked through the appropriate agency. For centrally-controlled rooms this shall be through the officer designated by the Director of Estates, for School-controlled rooms through the person nominated by the appropriate Head of School and for Students' Union premises through the Union Manager. No room shall be booked for a designated meeting until written authority from the Registrar has been received by the appropriate agency.
19. The Registrar shall have discretion to impose such conditions as he/she may consider appropriate, and shall indicate any charges to cover any additional costs involved. The costs of any additional security arrangements, portering, stewarding, cleaning or damage arising from the designated meeting shall be the responsibility of the applicant.
20. Entry to designated meetings shall only be restricted at the direction of or with the agreement of the Registrar. If the applicant wishes to restrict entry this should be specified in the initial application to the Registrar and include details of the means by which restricted entry is to be achieved. When control of entry is required, it may be by ticket, by invitation, by membership, by University identity card or other identity card, or by any other means stipulated or agreed by the Registrar.
21. Without prejudice to the right of peaceful demonstration, members of Swansea University shall not obstruct access to or egress from a designated meeting, and shall not aid or encourage other persons to cause such obstruction.
22. At designated meetings, the Chair and the applicant shall be responsible, as far as is reasonably practicable, for ensuring that speakers and attendees comply with the law and with this Code and with other relevant University regulations and procedures. It shall be the responsibility of the Chair to decide whether the meeting can continue or must be terminated.
23. At designated meetings, speakers and attendees shall be expected to comply with the rulings and requests of the Chair (which shall be in general accordance with

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<sup>4</sup> - Risk Assessment templates are available from the Facilities Estates Manager, Estates Department.

the University's Rule of Debate<sup>5</sup>). Such requests may include requests to withdraw from the meeting in the case of persons disrupting the meeting and who persistently ignore the rulings of the Chair.

24. In the light of changed circumstances or factors not known at the time of application, the Registrar may amend the conditions imposed, or may cancel a designated meeting.

### ***Informal Activities***

25. While the main provisions of this Code (sections 10 to 24) shall apply to organised and formal activities, it should be understood that the principles laid down in section 1 and the authority and jurisdiction outlined in sections 2 to 9 of this Code shall also apply to protect the right of freedom of speech during social, private or recreational activities on any University premises.
26. It would be a breach of this Code to prevent or disrupt any informal discussion on any University premises by reason of the beliefs held or by the views expressed by the participants, to harass the participants or to damage or steal their property with the aim of disrupting discussion.

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<sup>5</sup> - The University's Rule of Debate are included in the University's *Regulations for the Conduct of Meetings* document which is available via the intranet.