

OXFORD BROOKES UNIVERSITY

Code of Practice on Freehold of Speech and the Right of Lawful Assembly

1. Preamble

This Code of Practice has been drawn up by the Board of Governors of Oxford Brookes University (the Board) in fulfilment of its obligations under section 43 of the Education (No 2) Act 1986.

This Code of Practice shall apply to all activities on University premises, including meetings, arranged by any member or group of members of the Board, the Staff or the Student body. Similarly, observance of the Code of Practice will be required of any other persons, groups or organisations permitted to hire or otherwise use University premises for events arranged or sponsored by them.

Section 43 reads as follows:

- “(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.
- (2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with:
- (a) the beliefs or views of that individual or of any member of that body; or
 - (b) the policy or objectives of that body.
- (3) The Governing Body of every such establishments shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out:
- (a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation:
 - (i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and
 - (ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and

- (b) the conduct required of such persons in connection with any such meeting or activity

and dealing with such other matters as the Governing Body consider appropriate.

- (4) Every individual and body of persons concerned in the government of any such establishments shall take steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with.”

2. Policy

As far as the University’s teaching and research activities are concerned, the Board expects staff and students to observe the requirements of the law on freedom of speech. Those failing to do so will render themselves liable to disciplinary action under the relevant disciplinary procedures.

The University will not unreasonably refuse the holding of events on its premises, and the expression of controversial views which are not unlawful per se will not normally constitute reasonable grounds for withholding facilities for an event. The suppression or attempted suppression of controversial views by violence or intimidation is contrary to the nature of this and other institutions dedicated to learning and will be treated as a breach of discipline.

However, there may be reasonable grounds for refusal and it will be for the Deputy Vice-Chancellor & Registrar and any committee of the Corporation considering the matter to determine whether such reasonable grounds exist. The following are examples of instances where the aim or likely outcome of the event might be judged to give reasonable grounds. These examples will be the subject of review by the Board as to whether they provide adequate and appropriate guidance:

- (a) incite those attending to commit a criminal act;
- (b) lead to the expression of views contrary to the criminal law;
- (c) be in direct support of an organisation whose aims and objectives are illegal;
- (d) incite a breach of the peace.

Irrespective of whether the event is internal or provided for a wider audience than the University community, consideration will also be given to the following factors in determining whether the holding of an event on or passing through University premises or grounds, shall be permitted:

- (a) the safety of persons attending the event and of persons in the vicinity who might foreseeably be put at risk;

- (b) the security of the University premises.

3. **Procedures for meetings and other events**

- (a) All applications for the use of University premises for meetings and other events shall be made on the official booking form provided for that purpose, and in accordance with the procedures set out on the reverse side of that form;
- (b) where an external speaker ie a speaker who is not a registered student or employee of the University is invited, a completed booking form must be submitted to the Resources Office of the Directorate of Estates and Facilities Management at least 14 days in advance of the event taking place. However, this requirement will be waived if a Head of a teaching department is able to certify that the contribution of the external speaker is likely to be of direct relevance to some aspect of the University's academic programme and will as a consequence be of value to students in their study of a particular subject;
- (c) the decision whether or not any particular application shall be approved shall rest with the Deputy Vice-Chancellor & Registrar or an officer nominated by him/her who will take into account the requirements of the Education Act 1986, the principles established by the Board and set out above, and the maximum capacity of the areas available for the events and other safety factors as advised by the University Health and Safety Officer;
- (d) the Deputy Vice-Chancellor & Registrar or an officer nominated by him/her shall allow any member of staff or student to scrutinise the record of room bookings and shall publish on a notice board information on any booking which requires 14 days notice under the terms of paragraph (b) above no later than 12 days before the event is to take place;
- (e) if the sponsor of the event or any other person should wish to appeal against a decision made in respect of any event for which 14 days notice is required, such appeal is to be made not less than 7 days before the event is due to take place. In the event that the Deputy Vice-Chancellor & Registrar considers that, in accordance with paragraph (2) above, there are reasonable grounds for refusal for any other meeting or event, and the sponsor wishes to appeal this should be lodged as soon as possible. The Deputy Vice-Chancellor & Registrar's decision will stand until the matter has been considered by a committee of the Corporation. Any appeal should be addressed to the Deputy Vice-Chancellor & Registrar who will convene the panel, whose decision will be final. An appeal will not normally be considered if the grounds for refusal are simply that the facilities required are not available or that the event cannot be held in the light of the overall demands on the University's premises at any particular time;

- (f) all approvals of external applications for the use of premises are subject to the user confirming to the standard 'Terms and Conditions of Hire of Oxford Brookes University', a copy of which will be supplied to each user. Similarly, approvals of internal applications will be subject to the conditions set out on the reverse of the internal booking form.
- (g) the use of University premises for meetings and other events will be authorised only provided the organisers undertake to comply with all lawful instructions issued by the University authorities in relation to the location, management and conduct of such meetings and events, including adequate control over entry. Organisers will also be required to agree to refrain from any activities which put the University in breach of statutory or other legal requirements;
- (h) in cases in which it is reasonable to assume that there is a possibility of disruption the University authorities may consult with the police and invite them to be present;
- (i) every student and employee of the University will be expected to comply with section 43 of the Education (2) Act 1986 as enshrined in this Code of Practice, and to follow agreed procedures for the arranging of meetings and other activities. Failure to observe the requirements of section 43 of the Education (2) Act 1986, will be dealt with under the relevant disciplinary procedure for students and staff.

Deputy Vice-Chancellor (Corporate Services)

Adopted by the Board on 19th May 1989

Amended by the Director of Academic & Student Affairs on 30th July 2002