



UNIVERSITY OF BIRMINGHAM

CODE OF PRACTICE ON FREEDOM OF SPEECH

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1. Purpose

- 1.1 This Code of Practice sets out the University of Birmingham's approach to freedom of speech on campus. The University has had a Code of Practice on Freedom of Speech for many years, with this fuller revision being undertaken in light of the Higher Education (Freedom of Speech) Act 2023. The Code includes the institution's values and expectations in relation to freedom of speech, explains the legislation that the University must operate under in this area, and outlines responsibilities. It sets out how the University's approach to freedom of speech operates in practice across the University's activities, including events with visiting speakers, and in teaching and research settings. This includes, for example, teaching in classroom and online settings (including lectures and seminars), the curriculum, teaching and lecture materials, field trips, conferences and research seminars.
- 1.2 This Code of Practice applies to:
- all members, staff and students of the University¹; and
 - visiting speakers and all other persons invited to speak by the University or by its staff and students.

2. Our values and expectations

- 2.1 The University of Birmingham is an academic community of staff and students, a place for open, critical thinking, and the creation, sharing and dissemination of knowledge. We are a university that teaches, researches, and applies knowledge in a comprehensive range of subjects. In this environment, academic freedom, and freedom of speech, are fundamental: - the ability of all our members freely to challenge prevailing orthodoxies, query the positions and views of others, and to put forward ideas that may sometimes be radical or dissenting in their formulation. We are committed to securing freedom of speech within the law for all our members, staff, students and visiting speakers. We are also committed to ensuring academic freedom for all academic staff and any visiting academics invited by the University, its staff or students.
- 2.2 This commitment enables us to advance knowledge, clarify concepts and seek truth. This is our long-held position as a University, and is reaffirmed in our Birmingham 2030 Strategic Framework (<http://www.bham.ac.uk/2030>, 'Our Enduring Purpose').
- 2.3 The University of Birmingham's Statutes provide protection for academic freedom:
- "to ensure that members of Academic Staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their job or privileges."²
- This freedom is further expanded in University Ordinance 3.18.³
- 2.4 We recognise that, at times, the ideas and views of different members of our community, or

¹ For definitions of staff and students, see [regulations-22-23-section-1.pdf \(birmingham.ac.uk\)](https://www.birmingham.ac.uk/documents/university/legal/statutes.pdf)

² <https://www.birmingham.ac.uk/documents/university/legal/statutes.pdf>, page 12.

³ <https://www.birmingham.ac.uk/documents/university/governance/ordinance-docs/ordinances-.pdf>, pp.22-24.



those visiting the University, will differ and may come into conflict with one another. It may be that some, or most, of the University community consider some of these opinions to be disagreeable, or even offensive. One reason for this is that universities do not function in a vacuum, and wider conflicts and disputes involving, for example, ethnicity, religion or belief, personal identity or political convictions, sometimes find expression on campus amongst the student and staff body. It is not the role of the University to protect or shield people from ideas or opinions with which they disagree, or which make them feel uncomfortable. However, freedom of speech is not an unqualified right, and we set out in section 3 some of the wider legislation that we must consider in the context of freedom of speech. The challenge for universities is to provide an environment which promotes and protects freedom of speech, whilst also identifying when the purported exercise of freedom of speech crosses a threshold and becomes unlawful. In practice, it is important to recognise that these are often complex matters requiring difficult judgements and that there may be a perception of conflicting rights which need to be balanced.

- 2.5 In supporting freedom of speech, the University will take reasonably practicable steps to promote and protect the lawful speech rights of staff, students, and visiting speakers of the University independently of the viewpoint being expressed. The University will not normally adopt an official institutional position on sensitive or politically contentious matters, and will not normally affiliate with organisations that would require the University to commit to a particular perspective on such matters. This does not prevent members of our community from taking stances on such issues: we recognise that staff and students will often have very strong views and are free to express them lawfully.
- 2.6 The University's status as a trusted convenor accords an authority and legitimacy to the views expressed by those who are part of the institution or invited to speak by the institution, as well as providing an audience for visiting speakers. The University is not a 'public square' – the University is not obliged to provide a platform simply because a particular individual or external organisation wishes to speak; rather, visiting speakers at the University, speak by invitation (from the institution or its staff or students), and their right to free speech within the law is protected under the procedures in this Code.
- 2.7 In developing this Code of Practice, we acknowledge there are various documents that have articulated the important role of universities in upholding and protecting freedom of speech. In particular, the [Chicago Principles](#) are well-established and have been adopted by many universities, whilst the Russell Group has published a set of [principles](#) to protect free speech. A full treatment of the issues in this area is provided by the [Equality and Human Rights Commission](#). The Office for Students has also published a [briefing](#).

3. Legislative and regulatory context

- 3.1 Whilst often used interchangeably, freedom of speech and academic freedom are different terms that relate to each other.

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 experiencing a reduction in the likelihood that they would secure a promotion or a different job at the University.

- 3.2 Freedom of speech and academic freedom within the law are protected. This means that freedom of speech and academic freedom will not be protected if they contravene some other law.
- 3.3 Universities in England have a range of legislative and regulatory duties in relation to free speech, including:
- The Higher Education (Freedom of Speech) Act 2023 requires that higher education institutions protect and promote the importance of freedom of speech within the law for staff, students, and visiting speakers, and academic freedom. This includes in teaching and research settings. It requires that institutions have a Code of Practice (this document) setting out their approach to freedom of speech.
 - The Education (No. 2) Act 1986 Section 43 places universities under a statutory duty to take reasonably practicable steps to ensure that freedom of speech within the law is secured for staff, students and visiting speakers.
 - The Human Rights Act 1998 incorporated the European Convention on Human Rights (ECHR) in domestic legislation and includes the right to freedom of expression, which includes freedom of speech.
 - The Office for Students (OfS), through its Regulatory Framework⁴ requires the University to comply with a set of public interest governance principles, two of which are freedom of speech and academic freedom. The Framework also regulates free speech and academic freedom by means of Conditions E1 (public-interest governance) and E2 (management and governance).
- 3.4 Universities are also subject to a number of other duties that must be considered in addition to freedom of speech, including:
- The protection of freedom of speech does not extend to speakers committing a criminal offence in the course of speaking;
 - Compliance with the Public Sector Equality Duty (PSED) as set out in the Equality Act 2010, which requires the University to have due regard to the need to eliminate discrimination, harassment, victimisation, and to advance equality of opportunity and foster good relations between people who share 'protected characteristics' (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation) and those who do not;
 - Compliance with the 'Prevent' duty which requires universities 'to have due regard to the need to prevent people from being drawn into terrorism';
 - Other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation, maintaining public order, and health and safety of employees, students, visiting speakers and visitors.
- 3.5 It is important to note that the requirements on universities in relation to the above issues differ. Specifically, for freedom of speech, the University 'must promote the importance of freedom of speech and academic freedom', and must 'take such steps as are reasonably practicable' to secure freedom of speech within the law. For other duties, including PSED and the Prevent duty, universities are required to 'have due regard' to the need to achieve the aims of these pieces of legislation. Therefore, in balancing these obligations and making decisions, the University will be mindful that it has a particular responsibility to promote and protect freedom of speech. The Equality and Human Rights Commission provides [a range of examples](#) of how

⁴ <https://www.officeforstudents.org.uk/advice-and-guidance/regulation/the-regulatory-framework-for-higher-education-in-england/>

this works in practice.

- 3.6 Section 7 sets out where guidance can be sought by members of the University community wishing to seek advice on these matters.

4. Promoting and securing freedom of speech at the University

- 4.1 To deliver its responsibility to promote freedom of speech, the University has a range of actions in place. These include:

- Longstanding and tested procedures for considering requests for visiting speakers, as set out in Appendix B;
- Drawing attention to this Code of Practice on an annual basis to staff and students;
- Providing training on the application of freedom of speech within the University community to students;
- Providing appropriate training to staff, especially those with direct responsibility for managing and upholding freedom of speech and academic freedom;
- Ensuring that related policies and training reflect our freedom of speech commitments and do not curtail lawful free speech.

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

- its processes for programme development and approval, quality assurance and academic assessment will respect the rights of freedom of speech and academic freedom;
- its processes for facilitating research will respect the rights of freedom of speech and academic freedom; and
- no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the University because of the lawful exercise of freedom of speech or academic freedom.

- 4.3 The Guild of Students has its own legal duties under the Higher Education (Freedom of Speech) Act 2023, including the requirement to have its own Code of Practice on Freedom of Speech, and to take reasonably practicable steps to secure freedom of speech for its members, students, staff, and visitors. Where an event or activity takes place under the auspices of the Guild (for example, organised by a Guild-affiliated society or taking place on Guild premises), this will be subject to the Guild Code of Practice. Where the activity organised through the Guild also takes place on University premises or uses University resources (e.g. branding, funding), the University's Code (this document) will also be consulted to the extent applicable, for example, if any safety or security arrangements are to be provided by the University. In practice, the University and the Guild work closely together on freedom of speech matters and follow similar procedures for their Codes.

5. Freedom of speech in teaching and research settings

- 5.1 This section applies to activities taking place in teaching, education and research settings, as well as other academic activities that take place within a School or College, whether organised by staff or students. All such activities should have an identified Organiser, for



example the teaching module lead.

- 5.2 When teaching potentially sensitive or controversial views, organising activities such as research seminars, or other academic activities within a School or College, the Organiser should consider what steps they can take to ensure that freedom of speech and academic freedom is protected. This includes creating an inclusive environment that ensures that all students or participants are given the opportunity to present and argue in favour of alternative viewpoints, and teaching students principles that enable them to 'disagree well', for example ways to provide evidence and rational argument for their views.
- 5.3 Further steps could include, for example:
- Identifying in advance any topics that may cause upset to particular students or participants, making it difficult for them to participate in the activities in question, how this might manifest during the activity, and how this will be addressed if it does arise;
 - Speaking to participants at the start of a module that contains potentially sensitive or contentious topics and outlining how challenging issues will be discussed in a way that allows all points of view to be expressed and discussed rigorously and respectfully;
 - Providing information in advance about any sensitive or contentious content, to enable participants to prepare and to be able to articulate their point of view rigorously and respectfully during discussions;
 - Reminding all participants of their obligations under this Code of Practice. It may also be appropriate to remind students of the University's [expectations of behaviour](#).
- 5.4 Occasionally, situations may arise where the views expressed cause particular distress to some staff or students. Where possible, this risk should have been identified in advance and actions taken to mitigate the risk, such as those listed above. Should a particularly challenging situation arise, it will be up to the academic member of staff responsible to determine the most appropriate response. This could include providing those who are upset with an opportunity to articulate their point of view, and to explore this with the rest of the group. It may also be helpful to take a temporary break in the session to provide time for reflection and to discuss the issue with the staff or students concerned. The University would not expect an activity to be cancelled in these circumstances as this would be depriving other students of the opportunity to express their freedom of speech and to explore challenging issues.
- 5.5 Where a staff member or a student's behaviour does not comply with this Code (for example, the expression of their purported free speech extends to harassment or incitement to hatred), this will become a matter to be addressed under the University's Regulations or procedures.
- 5.6 The Organiser of an activity is responsible for the activity's compliance with this Code of Practice. Where an activity is likely to fall under this Code, it is the responsibility of the Organiser to discuss the activity with their Head of School before proceeding.
- 5.7 The Head of School is responsible for ensuring that the Code of Practice is upheld within their School, including identifying activities that might require further consideration and ensuring that appropriate consideration is given. The Head of School is empowered to make decisions on activities in their School in the context of the Code, including any additional measures that should be put in place. Heads of School should seek advice from their Head

of College as appropriate when considering the most appropriate course of action and before reaching a decision.

- 5.8 Where the Head of School or Head of College's assessment is that there are particular risks raised by the event that require a fuller risk assessment and mitigations to be put in place, this should be escalated to and discussed with the Pro-Vice-Chancellor (Education) or the Pro-Vice-Chancellor (Research), who are the Authorising Officers for education and research activities respectively (see section 7.2). Examples of where this might be the case are: teaching or research seminars that involve speech which may fall within paragraph 5.2 of Appendix B; a high-profile speaker (such as an ambassador); or where other risks are raised by the event (for example due to the prevailing political context, or the timing or physical location of the event, or to ensure due regard has been given to the need to prevent people being drawn into terrorism under the Prevent duty). On these occasions, relevant aspects of the procedure in **Appendix B** of this Code should be followed. Examples include the completion of a risk assessment, and identification and implementation of mitigations that are relevant to the teaching or research activity. The Head of School should discuss these with the Authorising Officer, who is responsible for approving whether academic-related activities that have been escalated in this way may go ahead.
- 5.9 Staff who use social media should be aware of their obligations under the University's [General Conditions of Use of Computing and Network Facilities](#) (section 6).
- 5.10 In relation to research more generally, academic staff are expected to exercise their academic freedom in a way that is consistent with the University's [Code of Practice for Research](#).

6. Application to meetings, events and demonstrations

- 6.1 The responsibility to promote and protect free speech covers all events, demonstrations, protests and other events organised by a member of staff or student of the University, including events organised by individuals or groups using the University name, funding, branding or facilities. It is particularly relevant to the following activities (although this list is not exhaustive):
- public meetings, arranged internally or externally, and held physically or virtually;
 - demonstrations, protests or marches on campus;
 - other forms of freedom of speech.
- 6.2 The procedures that must be followed by the organisers of these events are set out at **Appendix B**. This includes the process for requesting permission for such events and the potential mitigations that may be required to protect lawful free speech. The University shall not unreasonably refuse consent to those who are subject to the obligations of this Code (as per paragraph 1.2, above) who wish to hold an event, meeting or other activity for the expression of any views or beliefs held and lawfully expressed. Any conditions imposed on the holding of the meeting shall be kept to the minimum considered necessary in light of any risks identified in holding the meeting. Further details of how this will work in practice is set out in Appendix B.

7. Responsibilities for implementing this Code and where to go for advice



- 7.1 Advice and guidance on freedom of speech matters can be sought from the Senior Coordinating Officer for this Code, who is the Chief of Staff, Mark Senior. He is supported by the Director of Legal Services, Dr Nicola Cárdenas-Blanco. This includes discussing potential affiliations with external bodies that may have implications for the University's freedom of speech obligations, or other matters relating to how these duties interact with other aspects of the Office for Students' Regulatory Framework.
- 7.2 In adopting this Code, the University Council has authorised the Vice-Chancellor to appoint officers ("the Authorising Officer(s)") who shall act on Council's behalf to ensure, as far as is reasonably practicable, that all students, staff and visiting speakers comply with the requirements of this Code. The following Authorising Officers are responsible for specific aspects of the Code and for authorising related activities:
- Director of Campus Services, Simon Bray – approval of events involving visiting speakers, demonstrations, protests and similar events;
 - Pro-Vice-Chancellor (Education), Professor Deborah Longworth – for education, teaching and student matters;
 - Pro-Vice-Chancellor (Research), Professor Rachel O'Reilly – for research matters

These officers may nominate senior deputies to support their discharging of these responsibilities and take advice from the Senior Coordinating Officer, Director of Legal Services, and others.

- 7.3 For general advice and guidance, students and staff in academic Schools should contact their Head of School in the first instance, who should refer to one of the above officers if necessary. Staff in Professional Services should contact their Senior Officer or Director of Professional Services, who should refer to one of the above officers if necessary.
- 7.4 Heads of School have responsibility for upholding freedom of speech within their School as set out in section 5 and can seek advice from their Head of College and the officers mentioned in 7.1 and 7.2 above.

8. Non-disclosure agreements

- 8.1 As part of our commitment to freedom of speech, and in line with our obligations under the Higher Education (Freedom of Speech) Act 2023, the University confirms that it does not enter into non-disclosure agreements as a result of complaints made to the University in relation to sexual misconduct, bullying or harassment.

9. Overseas funding

- 9.1 The Higher Education (Freedom of Speech) Act 2023 confers on the Office for Students (OfS) the duty to monitor the extent to which certain overseas funding presents a risk to freedom of speech and academic freedom. This funding will be over a threshold to be determined by the OfS and we await further information on the details of how this duty will be implemented by the OfS. The University recognises that certain overseas funding may present a potential risk to freedom of speech and/or academic freedom, and has processes in place to ensure that these risks are considered and mitigated.

10. Complaints

10.1 The University has established a Complaints and Appeals process for students, staff, or invited visitors who wish to raise a complaint regarding freedom of speech within the University under this Code. This is included at **Appendix A** of this Code.

11. **Monitoring and review**

11.1 The University will review periodically and, where necessary, update this Code of Practice.

Appendix A - Freedom of Speech Complaints and Appeals Process

This procedure is for use by students, staff, or visiting speakers who have a complaint about the University's implementation of this Code of Practice on Freedom of Speech only.

1. In the first instance, any complaint should be made in writing, addressed to the Registrar and Secretary, and sent to vc@bham.ac.uk, with the title 'Complaint under the Freedom of Speech Code of Practice'. Any supporting evidence or documentation should also be submitted along with the complaint. The complaint and any supporting evidence should be submitted within 30 calendar days of the event or incident about which the complaint refers.
2. Upon receipt of a complaint, the Registrar and Secretary can appoint a nominee to consider the case. The Registrar or their nominee will determine whether the complaint falls within the scope of this process:
 - If so, they will identify an Investigating Officer, who will be a senior member of the University, to consider the case.
 - If not, the complainant will be notified, and directed to the appropriate alternative route. For example, an alternative University procedure may be more appropriate, such as set out in Student Regulation 8, or University Ordinances relating to staff.
3. If the complaint falls within the scope of this process, the complaint and any supporting documentation/evidence, will be considered by the Investigating Officer. They may seek advice from any other relevant part of the University in relation to the complaint. They may arrange to discuss the issue with the complainant directly if they wish to clarify any points.
4. Once the Investigating Officer has reviewed the complaint, a decision relating to the complaint will be made by the Registrar or their nominee. This decision will include whether the complaint is upheld, partially upheld, or not upheld. The decision may be to refer the matter for consideration under some other University procedure such as Student Regulation 8, or the University Ordinances relating to staff. This will be communicated to the complainant in writing, along with the reason(s) for the decision.
5. If the complainant is unhappy with the decision, they may ask for the decision to be reviewed. The review will be undertaken by the Vice-Chancellor, or a senior member of the University nominated by the Vice-Chancellor who has not already been involved in the case.
6. The Vice-Chancellor or their nominee will consider the decision regarding complaint, and evidence/documentation submitted at the time of the complaint. New evidence/documentation which could have been submitted at the first stage of the complaint will not normally be considered as part of the review.
7. The Vice-Chancellor or their nominee may seek advice from any other relevant persons or part of the University in relation to the review of the decision. Their decision will be communicated to the complainant in writing. This decision is final.
8. If the complainant remains unhappy and they are a student, they may contact the Office of the Independent Adjudicator. In this circumstance, the student should contact the [Student Conduct, Complaints and Appeals team](#) so that an appropriate Completion of Procedures letter may be issued. The Office for Students is currently consulting on the development of its complaints scheme for freedom of speech. The University's Freedom of Speech Complaints and Appeals Process will be updated in line with this when further information is available.

Appendix B – Procedures for events involving a visiting speaker, demonstrations and protests, and teaching or research activities with particular sensitivities or risks identified

1. Purpose

- 1.1 This Appendix sets out the procedure for events involving a visiting speaker, as well as demonstrations, protests and similar events. For these purposes, 'Visiting Speakers' means persons who are not staff, students, or other members of the University, who are to be invited to speak by the University, or its staff or students on University premises or at University events as set out below.
- 1.2 If the event is organised by an external organisation, there should be a Principal Organiser within the University (i.e. University staff or student), and who will liaise with the Visiting Speaker as appropriate. The Principal Organiser should discuss it with the Director of Campus Services or their nominee. Commercial events are subject to separate Terms and Conditions of booking.
- 1.3 The procedures in this Appendix must be observed by staff, students, Visiting Speakers and event organisers in respect of:
 - any event involving a Visiting Speaker, as well as demonstrations, protests and similar events, to be held on University premises;
 - any event involving a Visiting Speaker, as well as demonstrations, protests and similar events, held away from the University campus or premises which is University organised, funded or branded, including events organised by individuals, groups or societies using the University name or resources;
 - the conduct required of all persons in connection with any such event.
- 1.4 As set out in section 7 of the Code, the Authorising Officer responsible for the approval of events involving visiting speakers, demonstrations, protests and similar events is the Director of Campus Services, Simon Bray. The Authorising Officer may appoint a nominee to undertake detailed work on applications for events, and may seek advice and guidance from others, noting that the decision regarding events is made by the Authorising Officer.
- 1.5 In addition, as set out in section 5 of the Code, relevant aspects of this Appendix may also apply to activities taking place in teaching, education and research settings, as well as other academic activities that take place within a School or College, where there may be particular sensitivities or risks. These activities may be organised by University staff or students, and may or may not involve a Visiting Speaker. Examples of measures that could be applied in relation to such academic events include the completion of a risk assessment, and identification and implementation of mitigations that are relevant to the teaching or research activity. These should be discussed with the relevant Authorising Officer, who is responsible for approving whether academic-related activities that have been escalated in this way may go ahead – either the Pro-Vice-Chancellor (Education), Professor Deborah Longworth, or the Pro-Vice-Chancellor (Research), Professor Rachel O'Reilly, as set out in section 7.2 of the Code.

2. Preparation for Events

- 2.1 The organisers of any event or activity as set out in section 1 of this Appendix shall appoint a Principal Organiser. For student societies affiliated to the Guild of Students, this will be the Guild President or their nominee.
- 2.2 The Principal Organiser is responsible for compliance with the Code, including the guidance and requirements of this Appendix. Organisers of events have a duty to ensure that the law is not infringed in the preparations for or conduct of an event, for example ensuring compliance with the Prevent duty, which requires that due regard has been given to the need to prevent people being drawn into terrorism.
- 2.3 Where an event is being proposed where there may be particular sensitivities or risks the Principal Organiser should discuss this at an early stage, ahead of the invitation being issued, with their Head of School or Professional Services Director. Where the invitation is to be issued by the Guild or its related bodies, this should be discussed with the President and Chief Executive of the Guild of Students, and who will bring it to the attention of the relevant Authorising Officer or their delegate.
- 2.4 When preparing the agenda for an event, organisers should be aware that, in general, promoting balanced debate and challenge is one of the most effective ways to ensure the promotion and protection of free speech. Consideration should therefore be given at an early stage as to whether the programme for an event allows debate, whether all the speakers or views and perspectives to be expressed are similar, and how opposing sides of a debate may be facilitated.
- 2.5 The chair of an event has an important role in ensuring that freedom of speech is upheld. It is the responsibility of the Principal Organiser to ensure that the chair of an event is fully aware of the requirements of the Code.
- 2.6 All Colleges have a process for considering requests for Visiting Speakers, including those speaking as part of normal teaching, research or professional activity, and those at other organised events. In the first instance the Organiser should contact their Head of School to discuss the invitation and consider any risks. Each area also has a nominated contact, listed on [the website](#). Where no potential risks are identified in relation to the speaker, this will be recorded by the nominated contact, and no further action is required. Where potential risks are identified, then this will require escalation to the Authorising Officer as set out in section 3 of this Appendix. These risks might be due to the subject of the event (for example, it is contentious or sensitive in the current political climate), the nature of the speaker (for example, they are particularly high profile or known for holding views that some may find contentious), or because there is a risk of people being drawn into terrorism.
- 2.7 All applications by external organisers that are not affiliated with a College should follow section 3 of this Appendix.

3. Application for permission to invite a Visiting Speaker

- 3.1 Where escalation to the Authorising Officer is required, the Principal Organiser of an event shall ensure that, at least 14 days before the date proposed for the event, a Speaker Request Form ("the Form") (<https://intranet.birmingham.ac.uk/campus-services/Freedom-of-Speech/index.aspx>) is completed and submitted to the Authorising Officer. The Form will

require details of the name of the Visiting Speaker(s), the proposed venue, and the time of arrival and departure of the Visiting Speaker together with the proposed topic or title and a brief synopsis of the address. The Form will require a counter signatory from the Principal Organiser's Head of School or Director of Professional Services.

- 3.2 As part of the application, the organisers should submit a risk assessment of the event with the completed form, which includes the identification of any risks relating to staff, students, visitors or the University, including in relation to freedom of speech, academic freedom, and/or the safety and security of attendees. Mitigating actions should be proposed for consideration by the Authorising Officer.
- 3.3 The Authorising Officer may require further information from the Principal Organiser such as intended attendees or a copy of any publicity material for distribution prior to the event, which must be provided promptly. All publicity material must comply with the Policy on Advertising and Displays on University Property (<https://intranet.birmingham.ac.uk/as/registry/legislation/regulations/index.aspx>).

4. Event risk assessment and authorisation

- 4.1 The Authorising Officer will consider the application and the risk assessment. **Recognising the University's duty to promote and protect freedom of speech, the starting point for any event will be that it is able to go ahead.** In some cases, the Authorising Officer may need to use their judgement to balance the promotion and protection of lawful free speech with other legal duties such as those set out in section 3 of the Code of Practice. The Authorising Officer will assess any risks and consider whether the Principal Organiser has proposed measures which would adequately address those risks. If adequate notice (14 days) has not been provided by the Organisers, there may not be sufficient time to consider the risks and mitigations and the Authorising Officer may decide that the event cannot go ahead on the date requested and should be rearranged to a subsequent date by which the risks can be considered.
- 4.2 The Authorising Officer may consult others, including other University officers, the police or any other relevant third parties or organisations as is appropriate in the circumstances to determine whether such risk can be mitigated and the event appropriately managed without the cancellation of the event.
- 4.3 As part of the risk assessment, the Authorising Officer may identify reasonably practicable steps that can be taken to ensure lawful speech is protected and require these steps to be put in place as part of the authorisation of the event, including any mitigations that may be necessary to ensure the safety of all persons and the security of the premises controlled by the University. These might include:
- Putting in place measures to ensure that opposing views can be put forward lawfully, (e.g. by considering the balance of the speakers, or requiring an independent chairperson to facilitate an event);
 - Requesting to see promotional materials ahead of an event;
 - Requiring specific levels of stewarding or putting additional security in place. This may include requiring that University security staff be responsible for all security arrangements connected with the event, or that a member of security staff be appointed as "Controlling Officer" for the event, to whose authority the leader of the event shall defer;

- Determining an appropriate location where the event may go ahead (for example, demonstrations);
- Ticketing an event that is open to the public, or putting in place provisions to check the identity of persons attending the event;
- Determining the venue for the meeting, including that it be held in public, or by invitation;
- Measures for the management of the meeting, such as directing comments or questions to a chairperson, or placing constraints on the use of public address systems during an event.

This is not an exhaustive list, and the Authorising Officer may impose such conditions as are considered reasonably necessary and appropriate.

4.4 If the Authorising Officer is satisfied that:

- there are no risks associated with the event; or
- risks associated with the Visiting Speaker, or event, can be adequately or fully mitigated

they shall, normally within 5 working days of receipt of the completed Form, provide the Principal Organiser with a written statement granting permission for the event.

4.5 The Authorising Officer may consider and review any associated application relating to the event, for example, an application to hold it outdoors on University property or as part of the University online room booking system, and the Authorising Officer may decide that the associated application should be refused, withdrawn or be subject to such conditions as are considered reasonable and appropriate.

4.6 All organisers of an event for which written permission has been given shall be required to comply with any and every condition laid down by the Authorising Officer under the provisions of this Appendix. In addition, all organisers must ensure that any terms and conditions applicable as part of the room booking are complied with.

4.7 If the event is to be held outdoors on University premises, it is also subject to the [procedure for holding an outdoor event](#) on University premises.

5. Reasons why an event may not be authorised

5.1 If the Authorising Officer is not satisfied that adequate arrangements can be or are being made to manage any risks associated with the Visiting Speaker, or the event, the Authorising Officer can decide to refuse or withdraw permission for the event. This includes where the Authorising Officer concludes that imposing conditions would not be sufficient to prevent disorder within premises subject to their control.

5.2 It will be reasonable to refuse consent where the University reasonably believes (from evidence about the nature of the event or relating to similar activities in the past whether held at the University or otherwise) that:

- the views likely to be expressed by any speaker are contrary to the law;
- the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
- the meeting will include or is likely to include the denial of the right to hold or to express an opposing opinion;

- the speaker and/or the organisation they represent advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs;
- in line with the University's responsibilities under the Prevent duty, the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations;
- it is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University, that the meeting does not take place.

6. Application to hold a demonstration, protest or other similar event

- 6.1 The full procedures in this Appendix also apply to the organisation of demonstrations, protests or similar events. Applications to hold such events should be made with 14 days' notice, using the application form at this link: <https://intranet.birmingham.ac.uk/campus-services/conferences-and-events/organising-events.aspx>.

7. Conduct of the Meeting

- 7.1 The chair and Principal Organiser of an event have a duty to ensure as far as possible that both the audience and the speaker act in accordance with the law during the course of the event. They have a particular responsibility to uphold the University's obligation to promote and protect lawful freedom of speech.
- 7.2 Attendees must normally have the freedom to choose where they may sit (except where specific seating is designated for speakers, or space is designated for other legitimate reasons, for example to meet disability access requirements, or where the activity is within the exemptions specified in the Equality Act 2010, such as a meeting held for the purposes of religious observance undertaken by the adherents of a particular faith). Organisers or Visiting Speakers must not place pressure on any woman to sit separately from men or vice versa as involuntary segregation will constitute unlawful discrimination. Genuinely voluntary segregation is permissible, but the organiser and the Authorising Officer would need evidence to satisfy themselves that any gender segregation was wholly and demonstrably voluntary, both at the booking stage and during the event.⁵
- 7.3 In case of unlawful or unreasonably disruptive conduct by members of the audience at an event, the chair or Principal Organiser is required to give appropriate warnings and, in case of continuing unlawfulness or disruption, including stopping speakers from exercising their right to free speech, to require the withdrawal or removal of persons concerned by stewards or security staff. Such persons, if students, staff or other members of the University, may be liable to disciplinary proceedings under University regulations.
- 7.4 If a speaker infringes the law (such as, for example, sexually harasses an attendee, or uses racial abuse, or does not have due regard to the need to prevent people being drawn into terrorism, or threatens physical violence) the chair or Principal Organiser shall be at liberty to

⁵ This advice is based on the 'Gender Segregation at Events and Meetings: Guidance for Universities and Students' Unions' issued by the Equality and Human Rights Commission (last updated 30th July 2014) pp 9-10.

curtail or end the event, and refer the matter to the police.

- 7.5 The chair or Principal Organiser is also responsible for calling for police assistance to prevent serious disorder and to inform University Security.

8. Other terms

- 8.1 The University confirms that, apart from in exceptional circumstances, use of our premises by an individual or body will not be on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises. Exceptional circumstances may include very high-profile visits (for example, very senior politicians) or events with a speaker likely to attract very significant protest. The decision on this will be made by the Authorising Officer as part of the application process set out above, and the costs made clear to the organisers.
- 8.2 So far as is reasonably practicable, the University will not deny use of University premises to any individual or group on any grounds solely connected with the beliefs or views, or the policy or objectives, of that individual or group.
- 8.3 Infringements of the procedures set out in this Code and Appendix may render those responsible subject to disciplinary proceedings. If any such actions involve breaches of the law, the University will refer the matter to the police and assist them to implement the processes of law.