

Policy on Freedom of Expression

1 Introduction and Context

- 1.1 This policy is issued by, and with the authority of, the Board of Governors, the Senate and the Trustees of the University of Northampton Students' Union to ensure that freedom of expression is secured for students and staff of the University and for their visitors.
- 1.2 Throughout this Policy, the term 'the University' is used to refer to the University of Northampton.
- 1.3 The University's constitutional position is enshrined in the Instrument and Articles which include

In making provisions under Article 9.1 the Board of Governors shall have regard to the need to ensure that academic staff of the University 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 or losing their jobs or any privileges they may have at the University. (Article 10.1)

- 1.4 This policy provides for the fulfilment of the University's duties in Section 43 of the Education (No 2) Act 1986, at the University and in the Students' Union. The 1986 Education Act states that: 'persons concerned in the government of any establishment...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.'
- 1.5 It also aims to assist the University in discharging its positive duty under the Equality Act 2010 to promote good relations within the University. The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation. The policy also upholds the values of the Human Rights Act 1998.
- 1.6 The associated public sector equality duty requires universities, in the exercise of their functions, to have due regard to the need to:

- eliminate discrimination, harassment and victimization and any other conduct that is prohibited under the Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
- foster good relations between people who share a relevant protected characteristic and those who do not share it.

1.7 The University has the responsibility to ensure and promote freedom of expression whilst having due regard for the welfare of students, staff and visitors and act within the law. The principles set out in section 2 aim to balance these requirements.

2 Principles

- 2.1 The University endorses academic freedom of ideas and expression as an essential feature of an institution of learning. It is committed to promoting and positively encouraging free expression and debate amongst its staff, students and visitors.
- 2.2. Freedom of expression must be set in the context of the University's values and those of a democratic and inclusive society. The University expects staff, students, visitors and speakers to respect those values and to be sensitive to its increasingly diverse and inclusive community.
- 2.3 The University must ensure that its staff and students are able to work, study and live in an environment free from unlawful intimidation, harassment or abuse. Hate crimes and incitement to commit illegal acts will not be tolerated.
- 2.4 Staff taking up employment and each student enrolling at the University should be aware that joining the University community involves accepting obligations and responsibilities which are consistent with the University's values. These include freedom of expression in open discussion, both in public discourse and in on line and social media environments and the elimination of unacceptable attitudes.
- 2.5 The University expects that the Students' Union exercises its functions having due regard to the concept of freedom of expression and lawful assembly. In addition, due regard will be given to the fact that the aims and objectives of the Students' Union 'as a body' may reasonably differ from the aims and objectives of the University 'as a body'.
- 2.6 The University has a legal duty to ensure that the use of University premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.

- 2.7. The University will therefore, not normally, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.
- 2.8. However, the University has the responsibility to maintain good order on its premises and in other media environments which it controls. It has both the right and the power to regulate and, if necessary, to impose conditions or restrictions upon the conduct of meetings, events and demonstrations on its premises and in any online or electronic equivalents.
- 2.9. Restrictions may be applied to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation and rights of others or when the nature or subject of the activity could incite hatred or be considered deliberately obscene or grossly defamatory.
- 2.10. The University does not have any obligations to allow meetings to be open to members of the public.

3 Scope

- 3.1. This Policy applies to all staff, students, governors, external members, officers, Students' Union and visiting speakers or any person using the University's premises to hold a meeting, or using the University's social media and applies to all University of Northampton premises and facilities.
- 3.2. In addition to meetings or similar, this Policy also applies to expression through electronic means including distribution of written or on-line materials, or other social media communications.
- 3.3. This Policy addresses the following situations
 - i events or meetings arranged by University staff, outside the normal academic programme;
 - ii events or meetings arranged by the Students' Union or its societies, clubs and other organisations associated with the University;
 - iii events or meetings outside the normal academic programme arranged by any person or groups of persons not covered by (i) and (ii) above;
 - iv the equivalent of an event or meeting held within an electronic or social media environment outside the normal academic programme.

This applied to events held on University premises.

- 3.4. Any event or meeting held within an academic programme occurs under the structures and teaching arrangements confirmed as academically acceptable by the Senate and under the authority and protection of Article 10 of the Instrument and Articles of the University. It is therefore not a requirement that the external

speaker is approved in these circumstances. Guidance may be sought from the Director of Student and Academic Services.

- 3.5 The University has a number of policies to protect the rights of its staff, students and visitors and also to deal with breaches of its codes and policies, these include
- a) Bullying, Harassment and Dignity at Work and Study Policy and Guidance
 - b) Code of Conduct (staff)
 - c) Student General Regulations
 - d) Disciplinary Policy and Procedure
 - e) Equality and Diversity Policy
 - f) Policy on External Speakers (Student Union)
 - g) University Policy on External Speakers and Events.
 - h) Social Media Policy
 - i) Use of Social Media Policy
 - j) Whistleblowing Policy and Procedure
- 3.6 The Board of Governors and Senate authorise the Director of Student and Academic Services to act on their behalf to ensure that the principles set out in this policy are as far as is reasonable practical adhered to and that guidelines and procedures are in place and maintained to support this policy.

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