

CHRIST CHURCH
**STUDENTS'
UNION**



'to better student life and enrich student experiences'

FREEDOM OF SPEECH POLICY

Officer Champions	Students' Union President President (Student Activities)
Staff Champions	Membership Services Manager Communications & Development Manager
Approval bodies and date passed	Board of Trustees, 12th January 2018
To be reviewed by	January 2021

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1. Policy statement

- a. Christ Church Students' Union ('CCSU' or 'the Union') recognises the diversity of views of students and staff at Canterbury Christ Church University. Freedom of expression, opinion and open debate should be encouraged and facilitated at every opportunity by the Union and the University, however, this should never be allowed to breach legislation or our shared values of equality and diversity.
- b. It is a requirement that all events organised and hosted by the Union adhere to this Policy. For the avoidance of doubt this includes all events organised by Clubs, Societies, Projects, Student Media and other student groups as well as corporate Union events, activities associated with the Union's social enterprises and external events taking place within Union facilities. This Policy applies equally to events taking place in Union premises, University premises as well as Union events held elsewhere.
- c. This Policy has been created taking into account guidance from the NUS and from examples of established best practice from other students' unions.

2. Background

- a. The Union's Trustees, as the trustees of a registered charity, have a clear duty and a legal obligation to act in the best interests of the charity and ensure that activities are avoided which might place the funds, assets or reputation of the charity at risk. This applies to all activities of the organisation, including meetings of society groups and clubs.
- b. The debates surrounding freedom of speech, freedom of expression and 'No Platform' have been extensively discussed within NUS and higher education for many years now, but recent global events, as well as events at Canterbury Christ Church University, have cemented these into the wider political agenda.
- c. These issues are also on the agenda of the Charities Commission, who as a regulator of CCSU, expect trustees to be able to satisfy the Commission they are taking sufficient measures to comply with all relevant legislation.

- d. The Charities Commission have, until recently, taken a 'light touch' approach to the regulation of students' unions, however, they have recently been inspecting unions with a particular focus on those they deem to be more at risk of non-compliance with regard to legislation on extremist speakers.

3. Context

- a. There are several risks which may face the Union revolving around freedom of speech. Speakers at events hosted by the Union or its constituent parts, which include all the Clubs, Societies & Projects could;
 - i. break the law or be considered by observers or commentators to be breaking the law;
 - ii. put the Union's reputation or other assets at risk;
 - iii. be otherwise inappropriate under charity law, e.g. unlawful political activity or breach of public benefit principles;
 - iv. put the physical security of the venue or the attendees of the event at risk;
 - v. put the Union's relationship with the University or external venues at risk.
- b. While many events that may require an evaluation of these risks are held on University campuses, the jurisdiction of this policy applies to all Union events regardless of their location.

4. Legislation

- a. Students' unions and universities are subject to legislation and statutory duties with regard to freedom of speech, opinion and debate. These include, but are not limited to;
 - i. The Education Act (1986) Section 43 – duty on universities to ensure freedom of speech;
 - ii. The Education Act (1994) – duty on the governing body of universities to ensure the students' union operates in a fair and democratic manner;
 - iii. The Human Rights Act (1998) Article 10 – the right to freedom of expression;
 - iv. The Equality Act 2010;
 - v. Public Order Act 1986,
 - vi. Racial and Religious Hatred Act 2006;
 - vii. Terrorism Acts 2000 and 2006;
 - viii. Counter Terrorism and Security Act 2015.

5. Process

- a. The Union shall first consider whether the holding of the meeting or event is in the public interest and the possible disruption that the meeting could have at the University, to students and to normal business.
- b. The University will assist the Union to make special arrangements, as necessary, to ensure freedom of speech on a controversial subject. In this context 'controversial' means a meeting where it might not be possible for the speaker to enter and leave

the building safely and / or deliver his or her speech or there is a risk to the safety, health and welfare of its registered students, employees and visitors.

- c. Club and Society Presidents will be provided with guidance and training, after they are elected, on this Policy and the procedures for arranging debates where guest speakers will be present.
- d. Any member of the Union, including student groups, clubs and societies (as detailed in 1.b) who wishes to arrange such a meeting or event on Union or University premises must first consult with the President and the Pro-Vice Chancellor (Education and Student Experience) at least fifteen working days before such meeting or event and provide the following information;
 - i. the proposed date and time of the meeting or event
 - ii. the name of the speaker or speakers;
 - iii. the topic of the meeting or event; and
 - iv. the resources of the University required.
- e. The University may impose such conditions upon the grant of access to its premises as it considers reasonably necessary to ensure the meeting takes place with the least disruption possible and with regard to the safety, health and welfare of its registered students, employees and visitors.

6. Assessment and management of risk

- a. Risk will be assessed based on the following;
 - i. whether there is a risk of disorder or unlawfulness arising from the speaker or attendees at an event;
 - ii. compliance with the University's obligation under the Education Act (1986);
 - iii. whether there is a risk of breaking the Union's Equality and Diversity policies;
 - iv. the reputational risk to the Union and the impact on its charitable purpose; and
 - v. the reputational risk to the University and the impact on the Union's relationship with it.
- b. Conditions may be placed on events by the President or their nominee before they are granted permission to go ahead. These include but are not limited to;
 - i. ticketing the event;
 - ii. pre-registration of attendees; and
 - iii. restricting entry to individuals or groups external to the Canterbury Christ Church community.
- c. Additionally the University may place additional restrictions upon events, but only to ensure safety and security of those attending the event and to prevent damage to property. Furthermore, if the University are of the opinion that the physical security of the building and attendees cannot be guaranteed then the event must be cancelled.

7. Enforcement and reporting

- a. Any breach of this Policy by an individual or group acting on behalf of a group defined in 1.b should be reported to the Students' Union as soon as this is known.
- b. Individuals and / or groups in breach will be subject to sanctions outlined in the Bye-Laws of Christ Church Students' Union.
- c. A student or group who is in breach of this Policy may also be breaching other, related, University or Union policies. If so, they may be subject to further Union sanction and / or the University's Student Disciplinary Procedures.