**POLICY ON SPEAKERS AND EVENTS**

1. **Introduction**
2. Context Freedom of expression within the law is central to the concept of a university. To this end, the University seeks to foster a culture which permits freedom of thought and expression within a framework of mutual respect. As part of this, the University has a long and proud tradition of hosting speakers from around the world who come to the University to share their thoughts and insights, and help the University fulfil its mission of advancing and disseminating knowledge.
3. The Counter-Terrorism and Security Act 2015 and related guidance requires the University to strengthen its policies and procedures around the management of events and external speakers.
4. **Purpose**
5. The purpose of this Policy is to set out arrangements for the management of those events which are held under the auspices of the University but which do NOT form part of the University’s normal academic or administrative business, so that the University can fulfil its legal obligations with regard to speakers and events, while maintaining at all times its commitment to freedom of thought and expression.
6. **Principles**
7. The University recognizes and upholds the fundamental importance of freedom of thought and expression and does not seek to restrict this fundamental freedom through this policy.
8. Where the University, having considered the available information, believes that there is a demonstrable and serious risk that the speaker and/or those at an event may break the law, breach the University’s statutory duties - including the need to prevent people being drawn into terrorism - and/or will pose a demonstrable and significant risk to the wellbeing of students, staff or visitors, it may require that certain conditions are met or , in exceptional circumstances, it may refuse to allow the event to go ahead.
9. **Scope**
10. Policy applies to all staff and students of the University and to any other person in attendance at any event which has been duly authorized under this policy.
11. This Policy applies to any event:

* That is organized by students or staff at the University and
* That is held under the auspices of the University (including eg a student society), regardless of location and
* That is not directly related to the University’s normal academic or administrative business.
* That is organized by students or staff at the University and
* That is held under the auspices of the University (including eg a student society), regardless of location and
* That is not directly related to the University’s normal academic or administrative business.

1. **Responsibilities**
2. The University Secretary has ultimate responsibility for:

* agreeing to the provision of University accommodation for a speaker or event and/or
* granting permission for the University to be associated with an event although she may delegate authorization of events deemed to be low risk to the Manager of the Timetabling Team or managers of locally owned space. In the absence of the University Secretary responsibility rests with the Deputy Secretary

1. The “Prevent Working Group” and the Prevent Lead has responsibility for supporting the University Secretary with consideration of events or speakers deemed to be high risk in relation to the University’s statutory duties.
2. The Event Organizer is responsible for assisting the University in its statutory duties by:

* Informing the University of events, they are organizing
* providing details of the event / speaker in a timely manner as required
* implementing any actions that may be required by the Secretary to ensure the event runs peacefully and lawfully.

1. The Room Booker is responsible for assisting the event organizer by submitting accurate and timely room booking requests to the relevant space owner, e.g. Timetabling Team for events in centrally managed space).
2. The Head of the Timetabling Team, the owners of locally bookable space, are responsible for:

* Receiving room booking requests/event notifications.
* Requesting further information from the event organizer as needed.
* Ensuring that requests/notifications are competently assessed against a standard checklist and authorized if deemed to be low risk.
* Referring higher risk events to the University Compliance Team for further consideration.

1. Persons in attendance at events are responsible for: complying with the instructions of the event organizer.
2. **Definitions**
3. Centrally Bookable University Space – a collection of teaching, meeting and event spaces for which bookings, subject to approval by the relevant authorizing unit/department, can be requested by all staff and students
4. Event– a planned public or social occasion. As identified above, only events which do NOT form part of the University’s normal academic or administrative business are within scope of the policy.
5. Event Organizer – a current student or member of staff who is responsible for oversight and management of the planned event. Where the event involves a third-party booking, there must be a nominated Event Organizer from within the University community,. An event organizer must be a named individual.
6. External Speaker – an individual who is not a current:

* student;
* member of staff;
* member of University Governing Body
* holder of an honorary position at the University

*Who is invited to speak at a University event.*

1. Held under the auspices of the University – an event is deemed to be held under the auspices of the University if:

* Regardless of who is organizing it, it takes place on University-owned or
* Regardless of where it takes place, it is organized in the name of the University or one of is departments, including University-supported groups such student societies
* Locally Bookable University space – a collection of teaching, meeting and event spaces for which bookings, subject to approval by the relevant authorizing department, can be requested by staff and students associated/attributed to the department in question

1. Owner of locally bookable space: the member of University staff with responsibility for authorizing use of that space by staff/students.
2. Statutory Responsibilities – the University’s responsibilities with regard to events and speakers are governed by a wide range of legislative requirements including:
3. The duty to have regard to the need to ensure freedom of speech, including its obligations under the Human Rights Act (1998)

* The duty to protect academic freedom (Further and Higher Education (Scotland) Act 2005)
* The duty to prevent people being drawn into terrorism (Counter Terrorism and Security Act 2015)
* The duty (Terrorism Act, 2000) not to arrange or assist in arranging a meeting in the knowledge that the meeting is to support the activities of a proscribed organization, or is to be addressed by a person who belongs or professes to belong to a proscribed organization
* The duty to eliminate unlawful discrimination against certain groups, and advance equality of opportunity between groups, (Equality Act 2010)
* Obligations under criminal law eg with regard to use of threats, incitement of violence, inflaming religious or racial hatred
* Obligations under charities law, ie whether the proposed activity is consistent with the University’s charitable objects
* A general duty of care to students, staff and visitors, including avoiding placing students, staff or visitors in situations that may expose them to risks to their health and safety.

1. Room Booker - any member of staff out with the University Timetabling Team who uses University systems to request a room booking for an event.
2. **Arrangements and procedures**
3. *University Events in Centrally Managed Space*
4. The Event Organizer must give the University timely notice (typically at least 10 working days) of any event that will involve an external speaker or for which they require the use of centrally managed University premises. Notice is to be given by submitting a room booking request to the University Timetabling Team (events to be held in centrally Bookable University space). The request should contain sufficient information about the event and/or the speaker to enable a short risk assessment to be carried out.
5. No room bookings can be confirmed until a properly completed room booking request or event notification form has been received by the Timetabling Team.
6. On receipt of the completed Event Details form, the Head of the Timetabling Team arranges for the form to be assessed against a standard checklist. Where the assessment suggests that the event is low risk, authorization is granted and the room booking confirmed. There is no need for any further approval by the University unless the circumstances of the event change (see below).
7. Where the Event Organizer becomes aware of changes to the event such that

* an external speaker is now to be invited and/or
* the external speaker(s) have changed and/or
* the Event Organizer now has reason to believe that there is a risk that the speaker or event may break the law, breach the University’s statutory duties and/or will pose a demonstrable risk to the wellbeing of students, staff or visitors then they must inform the Head of the Timetabling Unit, by submitting a new booking request form, who arranges for the event to be re-assessed against a standard checklist and proceeds as per para iv) above.

1. Where the assessment suggests that the event is higher risk, event/speaker details are forwarded to the University Secretary’s Office for further consideration by the University Prevent Working Group.
2. *University Events in locally bookable space*
3. The Event Organizer must give the University timely notice (typically at least 10 working days) of any event that will involve an external speaker or for which they require the use of locally managed University premises. Notice is to be given by submitting a request to the manager with responsibility for that locally owned space, in line with procedures in place locally. The request should contain sufficient information about the event and/or the speaker to enable a short risk assessment to be carried out.
4. Managers of locally managed space must carry out an initial risk assessment of any event that is to be held in that space. A standard risk assessment form is available online for this purpose.
5. Where the assessment suggests that the event is low risk, there is no need for any further approval by the University unless the circumstances of the event change (see below).
6. Where the risk assessment suggests that the event is higher risk, the manager of that space must notify the University by forwarding details to the University Secretary’s Office for further consideration by the Prevent Working Group. In such cases, the event must not be confirmed or advertised until a properly completed authorization has been received from the University Secretary’s Office.
7. Where the Event Organizer becomes aware of changes to the event, or - where a block booking has been made - to one or more sessions within a series of events, such that:

* an external speaker is now to be invited and/or
* the external speaker(s) have changed and/or
* the Event Organizer now has reason to believe that the event poses a higher risk then they must inform the University as set out in i) above.

1. **The University Prevent Working Group (PWG)**
2. Prevent Working Group is chaired by the University Secretary or nominee, it comprises a number of keys, senior staff with specific knowledge / expertise in the relevant legal and philosophical issues. Membership of the Team is set out separately in the Terms of Reference for the Group. Student President is part of the Prevent Working Group.
3. The Group, which may convene electronically if needed, assesses the information contained in the Event Details form against a range of established criteria including:

* The University’s commitment to freedom of thought and expression.
* The University’s statutory obligations.
* The provisions of this policy. The established criteria used by the Prevent Working Group (PWG) when assessing events are set out separately

1. Before reaching a decision the PWG may request further information from the Event Organizer and may also seek further information from other sources.
2. The Team will recommend to the Secretary:

* Approving the event with no conditions;
* Approving the event but with certain conditions which the event organizer must undertake to comply with; or
* Refusing approval for the event.

1. The Secretary will write to the Event Organizer with the final decision and details of any conditions. Where conditions are imposed, these will be communicated in writing to the Event Organizer on behalf of the University Secretary. The Event Organizer must ensure that the conditions are met in full, with support from University professional services such as Security where needed.
2. Recording of decisions
3. All recommendations made by the Prevent Working Team and decisions taken by the University Secretary will be recorded, together with a summary of the reasons given. An annual report on numbers and types of decision taken will be submitted to Governing Body as part of the University’s annual statement on compliance with the Counter Terrorism and Security Act 2015.
4. Right of appeal
5. Where the University Secretary has refused approval for an event, the Event Organizer may make an appeal against that decision to the University Principal. Requests for a review must be made in writing to the Principal’s Office no later than 10 working days after receipt of the original decision. The Principal or his nominee will hear the appeal as soon as is reasonably practicable. The Principal’s decision will be final.
6. **Monitoring and review**
7. This policy will be reviewed periodically by the Prevent Working Group and Amity Executive Team.

**PREVENT WORKING GROUP**

**Terms of reference**

1. **Purpose**

To have operational oversight of the University’s obligations under the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people being drawn into terrorism (“the Prevent duty”).

1. **Remit**

* To maintain a shared awareness and understanding of the risks of radicalization within the campus community;
* To ensure that the statutory duty is addressed effectively; and
* To advise Amity Executive Team and the University Secretary on sensitive matters that may arise in relation to Counter Terrorism and Security. Examples are:
  + deciding what action to take where concerns are raised that a member of the campus community may be being drawn into terrorism or;
  + deciding whether to allow a controversial speaker to visit the campus, and on what conditions or;
* To oversee the University’s compliance with its responsibilities under the Counter Terrorism and Security Act 2015 (“the act”) and the Prevent Duty guidance that issued under the Act
* To consider, monitor and keep under review the University’s Prevent Risk Assessment and Action Plan arising from the Prevent Risk assessment.
* To oversee the implementation of the Action Plan, and to escalate to Amity Executive Team areas where implementation may not be achieved.
* To review the operation of policies and procedures under the Prevent Duty and discuss any changes required.
* To produce a report on the effectiveness of the arrangements, on an annual basis.
* The Prevent Working Group will also review and evaluate wider issues relating to the Prevent Strategy as required.
* To ensure that appropriate engagement takes place with students and the Students Union about the University’s responsibilities under the Act and the Prevent Duty Guidance
* To oversee, advice and monitor the Prevent training programme
* To report frequently to Amity Executive Team and to other University Groups and Committee as required.

1. **Governance**

Under the guidance published by the UK government, Amity Governing Body has responsibility for oversight of the University’s implementation of the Prevent Duty.

The Prevent Working Group is chaired by the University Secretary as the officer approved by University Governing Body to lead on the University’s Prevent duty. The Group reports on its work to the Amity Executive Team and subsequently to the Governing Body on an annual basis.

1. **Operation**

* The Group meets three times/year to review implementation and effectiveness of the University’s planning and operations under the Prevent duty.
* The Group is convened at any other time when either: or a request is received from a member of the University community to hold an event or invite a speaker where it is believed that there a significant risk that the speaker or event may break the law, breach the University’s statutory duties and/or will pose a demonstrable and significant risk to the wellbeing of students, staff or visitors. Such request will normally be sent to the Group by the Head of the Timetabling Team, or if a member of the University community has raised concerns that student at the University is being drawn into terrorism.
* Where several such requests are received over a short timeframe, the Group may consider several requests at the same meeting.
* The Group is quorate when at least 3 members are present in addition to the Convener.
* The Group may meet electronically if needed.
* The Secretary will normally take a final decision on the request at the meeting of the Team but may defer a decision where it is deemed necessary to do so.

1. **Composition**
2. The University Secretary (Convener)

* The Head of Marketing and Communication
* The University’s Prevent Lead
* The Head of Student Services
* The Head of ICT (or their nominee)
* The University Lawyer
* Student President

1. The individual (staff member or student) responsible for organizing an event may be invited to attend where this is felt to be appropriate.
2. **Assessing the risk of events / speakers**
3. Responsibilities and Expectations of Committee Members
4. All members are expected to recognize the University’s profound and long-standing commitment to freedom of thought and expression.
5. When assessing the risk of events / speakers:

* there should be a presumption in favor of allowing events / speakers, with conditions if necessary, unless there is an overwhelming case that the speaker or event will contravene the law / the University’s statutory duties and no mitigating actions can be imposed.
* all members must help assess the risks of allowing the event to proceed by working to established criteria, which are aligned with the guidance issued by Universities UK on External Speakers in HEI’s. These are set out in Appendix A and may be revised from time to time in light of changes to the University’s statutory obligations.
* all members must be familiar with the provisions of the University’s Policy on Speakers and Events.
* where necessary, the Group may seek further information and/or advice from the individual organizing the event, relevant professional bodies, from public sector agencies and organizations, from other Universities or from the University’s lawyers, before making a recommendation.
* Notwithstanding the above, the Group should seek to assess and return a decision to the event organizer within 48 hours

1. Imposing conditions on events
2. The Group, having assessed an event / speaker against the established criteria, may recommend that the event may proceed but that certain conditions must be met / restrictions imposed, in order to ensure compliance with the University’s statutory obligations.
3. Right of appeal
4. Event organizers may appeal to the Principal against a decision to not let an event proceed. In such cases, the Event Organizer may make an appeal against that decision to the University Principal. The Principal’s decision will be final.
5. **Students who may be at risk of being drawn into terrorism**
6. Where staff involved in supporting a student have concerns that the student may be being drawn into terrorism, they should discuss those concerns with an appropriately trained senior manager, who will be able to advise further on whether the case should be passed to the University Secretary. Where cases are passed to the Secretary, she will convene a meeting of the University Prevent Working Group to discuss the case further and agree what actions to take.
7. Guidelines for the Group to use when considering such cases are attached as Appendix B.
8. If it is decided that information on the student is to be shared, the Group must record:

* What information was shared and for what purpose
* Who it was shared with
* When it was shared
* Its justification for sharing
* Whether the information was shared with or without consent

1. **Records**
2. All recommendations made by the University Prevent Working Group will be recorded, together with a summary of the reasons given. An annual report on numbers and types of recommendation made will be submitted by the Secretary to Amity Governing Body as part of the University’s annual statement on compliance with the Counter Terrorism and Security Act 2015.

**APPENDIX A: Criteria for evaluating requests for events / speakers**

1. **Background**
2. The Amity University [IN]London (“the University”) recognizes that external speakers play a key role in furthering debate within the University. The University has a duty to ensure that freedom of speech, so far as is reasonably practicable, is secured for external speakers. However, the University must balance its obligation to secure free speech against its duty to ensure that the law is observed.
3. This checklist has been produced to assist the senior management team when considering external speaker requests.
4. It identifies practical issues and the key legal issues that can arise where it is anticipated that an external speaker may address a controversial or sensitive issue. However, it is not a substitute for the guidance on external speakers produced by Universities UK Government
5. Furthermore, the senior management should consider whether specific legal advice is required on a case by case basis particularly in relation to complicated cases.
6. **The speaker and the topic**
7. On review of an external speaker request the University should consider the following as preliminary issues:

* Is the speaker known to the University? Has relevant background information been obtained about the speaker?
* Has the speaker spoken at the University before? How was the event managed on that previous occasion?
* Has the speaker spoken at another higher education institute? How did they manage the event?
* Has an overview of the event and any advertisement has been provided to the University? Is that advertisement consistent with the University’s policy on freedom of speech (see below)?

1. **Reputational risks**

* Where the speaker has attracted controversy in the past has the University communications team been fully briefed?
* Aside from the legal risks identified below, does the University consider that hosting the event or speaker will have significant reputational risks for it?

1. **Legal risks**
2. Each request will depend on its own particular facts and circumstances. It is therefore not possible to cover every scenario and the legal risks that could arise. Below this checklist identifies the key areas of legal risk and some of the factors the University should consider in relation to those risks.

***Human Rights & Freedom of Expression***

1. The University has a duty to have particular regard to the need to ensure freedom of speech. The University must also comply with the Human Rights Act 1998 (“the HRA”) which protects freedom of speech. Freedom of speech is broadly the freedom to hold opinions and to receive and impart information without interference.
2. Factors the University should consider in respect of freedom of speech include:

* Has the University balanced the right of the speaker to express views that might be offensive against the damage that may be done to the reputation or feelings of any individual?
* Notwithstanding that the views being expressed by a speaker might be offensive can measures be put in place to enable the event to proceed?
* Is it necessary and proportionate for the University to restrict the speaker’s right to freedom of speech in the interests of safety, to prevent disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others or for preventing the disclosure of information received in confidence?

1. The HRA also protects the right to freedom of thought, conscience and religion3 and freedom of assembly and association.
2. Factors the University should consider in respect of the right to freedom of thought, conscience and religion and freedom of assembly and association include:

* Will the event require an individual alone or together with others to manifest their religion or belief, in worship, teaching, practice and observance?
* Is there a risk that the event will lead to protests? Is any protest likely to obstruct or prevent access to any public road or university property? If so, can measures be put in place to manage any protest to enable the event to proceed whilst allowing peaceful protest?
* Notwithstanding the protections in the HRA, is it necessary and proportionate for the University to restrict the speaker’s right to freedom of thought, conscience and religion in the interests of public safety, for the protection of public order, health or morals or for the protection of the rights or freedoms of others?
* Notwithstanding the protections in the HRA, is it necessary and proportionate for the University to restrict the speaker’s or anyone attending the event’s right to freedom of assembly and association in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health and safety or for the protection of the rights and freedoms of others?

***Equality Act***

1. The University has a duty to comply with equalities legislation. That duty extends to its staff and students but can also extend to external speakers
2. Factors the University should consider in respect of equalities legislation include:

* Could the event or the content of the speaker’s speech or presentation be considered discriminatory, either directly or indirectly, or could it amount to harassment or victimization?
* For example, does it exclude people of a particular race or religion? Is it accessible to people with a disability? Is the speaker intending to make comments about a protected characteristic?
* Has the University complied with the public sector equality duty6? Has compliance been evidenced by the carrying out an equality impact assessment where appropriate?
* Has the University considered whether reasonable adjustments have been made to allow disabled students to attend the event? For example, are hearing loops available at the venue? Is there wheelchair access?

***Criminal Law***

1. A number of criminal offences can be committed by spoken words. Factors the University should consider in respect of the criminal law include:

* Could the event lead to a protest? Could that protest be sufficient to amount to a breach of the peace by causing fear and alarm or threatening a disturbance?
* Could the event or the content of the speaker’s speech involve threats or violence, stir up religious or racial hatred because it uses or is likely to use threatening, abusive or insulting words?
* Does the speaker belong to, or is inviting support to, or is otherwise furthering the activities of a proscribed organization under schedule 2 of the Terrorism Act 2000? If so, has the University considered its duty to report that individual to the police?
* Notwithstanding any risk of a breach of the criminal law can measures be put in place to manage that risk?

***Defamation***

1. An external speaker can be liable for defamatory remarks which are remarks that would lower the reputation of an individual in the minds of right-thinking members of society. The University should consider the risk of publishing any defamatory remarks by carrying them on its website or on other promotional materials.

***Data Sharing***

1. Has the University received a request to share information about the speaker by the police or security services? If so, has the University considered whether it is fair and lawful for the information to be shared?

***Health & Safety / Duty of Care***

1. The University has duties under health and safety law to protect the health, safety and welfare of its employees and also people not in its employment.

* If an event is likely to generate a protest can measures be put in place to mitigate the risk to health and safety?
* Do the risks to health and safety created by the event or speaker outweigh the benefit of hosting the speaker?

***Academic Freedom***

1. The University has a general duty to protect the academic freedom7 of its staff. Although an external speaker will not be a member of staff the University should consider whether due regard has been had to the principle of academic freedom when considering an external speaker request and in particular when the University is looking to restrict the content of a speech.
2. **Third party bookings**
3. Legal and reputational risks will also attach to any third-party bookings of University premises.
4. The University’s contractual terms for bookings should require the third party to use the premises in a manner consistent with the principles identified in this checklist
5. **Mitigation measures**
6. Before approving a request, the University should consider whether the following mitigation measures can be attached as a condition of approval.

* Can an alternative point of view to the speaker’s be put forward so that both sides of a controversial issue will be presented?
* Has an advance copy of any slides, script or speech from the speaker been made available and an undertaking in place that the speaker will not depart from it?
* Is it appropriate to restrict the display of banners, placards or promotional material at the event in a manner that is consistent with the right to freedom of speech?
* Can the time, location, ticketing or guest list of the event be varied?
* Can the University enhance security arrangements including possible police attendance or stewards to allow the event to take place?

1. **Decision**

1. Once this checklist has been worked through the University should either:

* Approve the request
* Approve the request with conditions
* Refuse the request

**APPENDIX B** **PREVENT WORKING GROUP**

**PREVENT DUTY CHECKLIST – CONCERNS ABOUT STUDENTS**

1. **Background**
2. Amity University [IN] London (the “University”) has duties to safeguard its students in a variety of ways. The Counter terrorism and Security Act 2015 (the “2015 Act”) places a specific duty on the University known as the Prevent duty.
3. The University is required, when exercising its functions, to have due regard to the need to prevent students and others from being drawn into terrorism.
4. The University’s policy is that staff who have concerns about a student should raise those concerns with the University Secretary. A meeting of the University Prevent Working Group should then be convened to consider the appropriate action to take.
5. When any University staff (including the University Prevent Working Group) are considering whether a particular student is at risk of being drawn into terrorism or extremism, they should review the Guidance in full. This checklist is intended to provide extra support to the senior management team by offering practical guidance on the key legal issues, to help them reach an appropriate and justifiable decision in each case.
6. **Grounds for concern**
7. It is impossible to point to indicators that demonstrate for certain that a person is being drawn into terrorist or extremist ideologies. Whether there is sufficient evidence to conclude that there is a risk to a particular student will be a matter of professional judgment for University staff.
8. Questions to consider include:

* Has there been a recent and noticeable change in the student’s behavior?
* Have they become withdrawn or isolated from/hostile to teaching staff, friends or peer groups?
* Have they been frequently absent from tutorials? Have they suffered health problems (including mental health issues)?
* Is the student an “adult at risk” of harm, this might make them more vulnerable to being drawn into extremism.
* Have they expressed intolerance towards more moderate views, or have they demonstrated extreme views regarding a section of society or government policy?
* Have they made any open statements suggesting a desire/intent to take part in or support extremist activity, for example in tutorial discussions or in written work? Under the UK Government’s Prevent strategy, extremism is defined as, “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs”. It also includes calls for death of members of the British armed forces.
* Is there evidence that has come to light through application of the University’s IT policy, in relation to the student’s online activities? Have they been downloading, viewing or sharing extremist propaganda on the internet, including on social media sites?
* Has the student been found to be in possession of extremist literature?
* Does the student have any known connections with proscribed terrorist organizations or groups that hold or promote extremist views?
* If the student has been accessing extremist websites, might there be a good reason for them doing so (e.g. for academic or study purposes)?
* Are there reports of concerns from other individuals, such as friends or family, about the student’s behavior?
* How serious and credible is the information available to the University, looked at as a whole? Is there a genuine concern that the student may be drawn into extremism?

1. Having concerns that an individual may be at risk of being drawn into terrorism is not the same as suspecting that the individual is a terrorist; it means there are concerns that they are prone to being exploited by others.
2. **Legal risks**
3. Each time that a concern for a particular student arises, staff will need to consider the specific facts and circumstances.
4. It is not possible to cover every scenario and the legal risks that might be relevant in all cases. The checklist below identifies the key areas of legal risk and some of the factors the University should consider in relation to those risks.

***Freedom of Speech***

1. The University is required by the 2015 Act to have particular regard to the need to ensure freedom of speech when fulfilling its Prevent duty. The University must also comply with the Human Rights Act 1998 (“the HRA”), which protects freedom of speech. Freedom of speech is broadly the freedom to hold opinions and to receive and impart information without interference.
2. However, freedom of speech is a qualified right, meaning that interference with the right may be justified in certain circumstances. The Guidance makes clear that the University is expected to implement the Prevent duty in a proportionate and risk-based way.
3. Factors the University should consider in relation to freedom of speech include:

* Might the University’s actions be perceived as an attempt to stop discussion of controversial issues? Will it limit or interfere with the free flow of ideas between students? Is there anything the University can do to mitigate that risk?
* Has the University balanced the right of students to express views freely (including views that might suggest a risk of them being drawn into extremism) against the damage that may be done to the reputation or feelings of others, or the risk of harm to the student or others?
* Is it necessary and proportionate for the University to restrict a student’s right to freedom of speech in the interests of safety, to prevent disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others or for preventing the disclosure of information received in confidence?

***Academic Freedom***

1. The University must also have particular regard to the importance of academic freedom in exercising its duty under the 2015 Act. In addition, the University has a general duty to protect the academic freedom9 of its staff.

* Has due regard been had to the principle of academic freedom when considering whether a student might be vulnerable to extremist views (particularly where the University’s actions would restrict the content of any academic course or the freedom to express views in an academic setting)?

***Freedom of religion and freedom of assembly***

1. The HRA also protects the right to freedom of thought, conscience and religion and freedom of assembly and association. The Prevent duty is not about discouraging students from having political and religious views or taking part in group activities; it is about supporting them to act in non-extremist ways.
2. Factors the University should consider in respect of the right to freedom of thought, conscience and religion and freedom of assembly and association include:

* Does the University’s concern about the student relate to the individual’s manifestation of their religion or belief, either alone or with others, for example through worship, teaching, practice or observance?
* Notwithstanding the protections in the HRA, is it necessary and proportionate for the University to restrict a student’s right to freedom of thought, conscience and religion in the interests of public safety, for the protection of public order, health or morals or for the protection of the rights or freedoms of others?
* Is there a risk that the University’s actions will obstruct or prevent any meetings between student groups? Are there any measures that can be put in place to allow such meetings to go ahead safely?
* Notwithstanding the protections in the HRA, is it necessary and proportionate for the University to restrict the right of any students to freedom of assembly and association in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others?

***Right to private and family life***

1. In terms of the HRA, students have a right to expect that there will not be unlawful interference with their right to a private life, family and home. An investigation into activities undertaken in the student’s own time or disclosure of information to other agencies might breach the student’s right to privacy.

* Will the actions of the University interfere with the student’s right to a private and family life?
* Is the interference necessary and proportionate in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others?

***Equality Act***

1. The University has a duty to comply with equalities legislation in its dealings with all students and staff. Factors the University should consider in respect of equalities legislation when exercising its Prevent duties include:

* Does the student have any protected characteristics under the Equality Act 2010? For example – religion or belief; race; disability?
* Could any action taken by the University against a student be regarded as discriminatory, either directly or indirectly, on the basis of the student’s protected characteristic(s), or could it amount to harassment or victimization of the student?
* Has the University complied with the public sector equality duty? For example, in undertaking its Prevent duty, has the University considered the need to advance equality of opportunity and foster good relations between people of different faiths? Has compliance been evidenced by the carrying out an equality impact assessment where appropriate?

***Criminal Law***

1. The Prevent strategy is intended to operate in the ‘pre-criminal space’ and is chiefly about protecting and safeguarding vulnerable individuals at risk of being drawn into extremism
2. Nonetheless, the Prevent duty will sometimes overlap with UK anti-terrorism legislation.

* Is there reason to suspect that a student has been involved with any of the proscribed organizations in schedule 2 to the Terrorism Act 2000?

1. If the University suspects that a student has engaged in illegal terrorist-related activity, it should refer the matter to the police and the security services. The University should not wait until it has definitive proof that a student has taken part in terrorist activities before going to the police. The University has a duty to report suspected terrorism offences and activities and failure to comply is a criminal offence.

***Data Sharing / Data Protection***

1. The Prevent strategy includes a requirement for organizations to work in partnership where concerns about terrorism or extremism arise. At times, the University may need to share personal information about students to ensure that a person at risk of radicalization is given appropriate support and to ensure that they do not present a threat to others. The police or security services may need to be notified if the University suspects that a crime has been committed.
2. What information will be appropriate to share and with whom must be assessed on a case-by-case basis. The University should consider the following issues:

* Is it fair and lawful for the information to be disclosed?
* Has the student consented to the information about them being shared with others? Would it be appropriate to ask for the student’s consent in the circumstances, or is that more likely to cause harm?
* Can the sharing of the information otherwise be justified on the basis of one of the conditions for lawful processing in Schedule 2 (or, in the case of sensitive personal data, Schedule 3) of the Data Protection Act 1998? For example, can the disclosure be said to be necessary: for the administration of justice; for the exercise of any function conferred on the University by or under an enactment; or for the exercise of a function of a public nature exercised in the public interest?
* Does one of the exemptions in the Data Protection Act 1998 apply? This might be the national security exemption in section 28 (where disclosure is required for the purpose of safeguarding national security) or the crime prevention / detection exemption in section 29 (where non-disclosure of the data would prejudice the prevention or detection of crime or the apprehension or prosecution of offenders).
* Is there evidence that the student is actually engaged in the planning or undertaking of terrorist acts? If so, consent will not be required to share the information with the police and other partner agencies. The student should not be told that the information is being disclosed, as to do so might prejudice the prevention or detection of crime.
* Is it necessary and proportionate to share the personal data? Why does the information need to be shared? What harm might it do to the individual? What are the risks to the individual and to others if the information is not shared?
* Is the information confidential? Did the student disclose the information to the University in circumstances where they expected it not to be disclosed further? Is the student’s interest in the privacy of the information being maintained outweighed by the need to protect the student or others from harm?
* How much information is it appropriate to share? Consider whether only some, more limited, information might be sufficient for the purpose in question, e.g. to establish whether the case should be managed under Prevent or as a counter-terrorism case

***Health & Safety / Duty of Care***

1. The University has duties under health and safety law to protect the health, safety and welfare of its employees and also people not in its employment. The University has a duty of care towards its students – both those vulnerable to radicalization and those who might be put at risk from the implementation of extremist ideas.

* Do the views of any student pose a risk to the health and safety of others within the University?
* Is any student or member at staff at risk of harm? Does the University have a duty to act to protect them?

1. **Reputational risks**
2. As well as the legal issues outlined above, the University will want to consider any reputational implications that might flow from either failing to act on information to protect a student suspected of being influenced by extremist views or taking action which could be seen to infringe the basic rights and liberties of students.
3. Aside from the legal risks identified above, does the University consider that taking action under the Prevent strategy, or deciding not to take any action, might have significant reputational risks for it?
4. **Decision**
5. Once this checklist has been worked through the University can reach a decision on how to act in a given case. Possible outcomes include:

* taking no action, on the basis that there are insufficient grounds for believing that the student is being drawn into terrorism or because any action would be unnecessary or disproportionate to the risks;
* speaking to the student about the concerns;
* offering and providing support to the student to reduce vulnerability to being drawn into terrorism;
* referring the matter on to other government agencies
* reporting the matter to the police (and security services, if there are reasonable grounds for believing that a crime has been committed;
* if appropriate in terms of the University’s Code of Student Conduct, taking disciplinary action against the student; and
* taking steps to protect other students or University staff from any risk of harm.