This seems to be the latest hot topic set to embroil universities. The Daily Telegraph carries a front page headline of "Complacency in universities over Islamic radicals." However, on the ‘Today’ programme, Nicola Danbridge, head of Universities UK gave a good repost as regards any ‘complacency’ suggestion.

In the light of this, an overview of legal implications is set out. Whilst universities would want to prevent any criminal activity - not to mention their duty of care to students and others on campus - they also have a duty to support freedom of speech. Under the Education (no 2) Act 1986, there is an obligation to secure freedom of speech within the law for their members and visiting speakers, with use of premises not to be denied to any group or individual on account of their policies or objectives. There is also the duty to allow academic freedom under the Education Reform Act 1988 i.e. proper academic debate and questioning. Equality Act provisions on discrimination, human rights considerations and data privacy obligations, plus common law rights to freedom of association/assembly, are also relevant.

Unfortunately there is a proverbial legal ‘grey area’ when identifying extremism/appropriate steps to take. A university should not be complicit in anything contrary to terrorist legislation or promoting public disorder. Difficulty in judging this was shown a few years ago when some universities allowed the BNP leader and a Holocaust denier as guest speakers, others refusing.

Universities can develop policies, protocols and procedures to assist in difficult situations (and fortunately York’s Equality team are very on the ball). Points to bear in mind are:

- Working in collaboration with minority groups to promote good relations and understanding
- Working also alongside the student’s union, with policies on equality to mirror those of the University and codes of practice jointly agreed where possible.
- Collecting/managing information on extremist incidents
- Internal reporting of such incidents
- External reporting of such incidents e.g. to the police
- Preservation of any evidence
- Use of internal procedures (e.g. disciplinary) whilst any criminal investigations are underway
- Overlap with internal procedures e.g. protection of staff and other students from harassment
- In the event of the student’s union becoming a separate company limited by guarantee or converting to the forthcoming charitable incorporated organisation format the constitution/memo and articles of such a body should include compliance with University’s policies and procedures on equality etc.

UUK has also published useful guidance. See:
http://www.universitiesuk.ac.uk/Publications/Pages/Freedomofspeechoncampus.aspx