

QUESTION FOR DISCUSSION: A case study on campus speech

Under what is known as the 'Prevent duty', under the provisions of Section 26 of the Counter-Terrorism and Security Act 2015, universities are given a number of legal responsibilities as outlined in relevant statutory guidance, since they must, in the exercise of their functions, "have due regard to the need to prevent people from being drawn into terrorism".

Section 31 of the Counter-Terrorism and Security Act 2015, however, places a duty on the Home Secretary to ensure that guidance on the 'Prevent' duty is respectful of issues of freedom of speech held dear by teachers, researchers and students at universities.

Two key aspects of the statutory 'Prevent' duty guidance, as it applies to universities, are the need for universities to ensure that their staff "have sufficient training to be able to recognise vulnerability to being drawn into terrorism, and be aware of what action to take to take in response", and as a result, to also "have robust procedures both internally and externally for sharing information about vulnerable individuals (where appropriate to do so)", including "appropriate internal mechanisms and external information sharing agreements where possible".

Evie Jackson is a second year law student at the University of Sharrowfield, and she is also the chair of the organising committee of the University of Sharrowfield branch of the organisation Students Against Police States ('SAPS'). SAPS is a radical group, with an anarchist political philosophy, and a history of organising 'direct action' at protests for high-profile political causes. This has sometimes led to offences of criminal damage and Public Order Act offences being committed by SAPS members at such protests.

Evie invites her personal tutor, Bill Wallace, to an event she has organised to take place on the University campus. Speaking at the event is a well-known environmental campaigner affiliated to SAPS - Micky Stevens. Micky has a history of criminal offences such as aggravated criminal damage and affray, attained in a long career of violent public protest. He is, however, a passionate public speaker, and the members of SAPS who were present enjoyed his talk; particularly the section where Micky urged them to travel to Gloucestershire, to a demonstration immediately adjacent to the site of the government's General Communication Headquarters - better known as GCHQ. Micky advocated SAPS members chaining themselves together in groups and lying in the roads and on the pavements outside all the entrances to GCHQ buildings at the site, which would make it difficult for GCHQ staff to ignore the protest, or indeed, to drive into work that day. Micky argued this tactic would draw national media attention to the role of GCHQ staff in covertly intercepting the e-mails and social media communications of perfectly innocent UK citizens.

Bill did not enjoy Micky's speech at the event. Indeed, he was concerned about the tone of the talk, and Micky's criminal history (which Micky had recounted with some enthusiasm), as well as Micky's advocacy for the kind of protest tactics outlined above.

While Bill was pretty certain that SAPS is not a 'proscribed terrorist organisation', his understanding of his internal University-organised 'Prevent duty' training was that he should pass on his concerns, chief amongst them the idea that Micky might be advocating behaviour that could be taken to be or equivalent to the statutory definition of terrorism.

The Registrar of the University of Sharrowfield, Mandy Byers, took a full account of the meeting from Bill, and decided she agreed with his concerns - passing the information about Mickey's presence and the contents of his talk to Sharrowfield Police. Mandy also informed the police about Evie's role in organising the event. Nobody approached Evie prior to this decision being made to share information with the police. Recently, Bill told Evie that this information had been passed on to Sharrowfield Police. This development greatly upset Evie, who feared it would prejudice her ability to gain employment on a graduate training-scheme with the Civil Service in London after her time at the University.

- ▶ **What do you make of this scenario? Whose rights are affected and how?**

NOTES