

Freedom of Speech and Expression Code of Practice

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This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation, Disability.

Source: Model dated 13 October 2008 provided by Eversheds

CODE OF PRACTICE ON FREEDOM OF SPEECH AND EXPRESSION

1. Introduction

- 1.1 The College recognises and endorses that freedom of speech and expression within the law has fundamental importance for colleges as places of education, learning and the disinterested pursuit of truth. In particular, colleges are obliged under Section 43 of the Education (No. 2) Act 1986 to take measures to protect freedom of lawful speech and expression. This principle is also enshrined in Article 10 of the Human Rights Act 1998. The College is also required under Article 15 of its Articles of Government to have regard to the need to ensure that academic staff 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 at risk of losing their jobs or any privileges they may have at the College. Colleges have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.
- 1.2 This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.3 The Code's rights and obligations shall apply to:
- 1.3.1 the College, including members of the Corporation;
 - 1.3.2 all persons (whether academic staff or otherwise) working for the College or undertaking duties on behalf of the College;
 - 1.3.3 all duly enrolled students of the College (whether full or part-time);
 - 1.3.4 all students studying at the College (whether full or part-time) under an agreement with a partner organisation of the College (e.g. a school or local authority) even if not enrolled as students at the College;
 - 1.3.5 the students' union and any societies, clubs or associations which normally operate on College premises; and
 - 1.3.6 all persons invited to speak or otherwise take part in events to be held on College premises in accordance with the provisions of this Code.
- 1.4 References in the Code to "College premises" include premises which are owned by the College, premises which the College does not own but over which the College exercises some degree of control, and premises occupied by the College's students' union whether or not the College owns or has control of such premises.

2. Freedom of Speech and Expression

- 2.1 The College shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Code's rights apply.
- 2.2 Every person to whom this Code's obligations apply shall assist the College in upholding this Code of Practice.

- 2.3 The College will not suppress freedom of thought and expression, however abhorrent certain thoughts and expressions may be to the majority of the members of the College, provided that such thoughts and expressions do not go beyond the articulation of points of view and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful and provided that, by allowing such views to be expressed, the College would not be failing in its wider legal duties (for example to promote equality of opportunity and good relations between persons of different racial groups, between men and women and between people who are and who are not disabled).
- 2.4 The College shall ensure, so far as is reasonably practicable, that the use of College premises is not denied to any individual or body of persons to whom this Code's rights apply on any grounds connected with:
- 2.4.1 the beliefs or views of such individual or any member of such body; or
- 2.4.2 the policy or objectives of such body.
- 2.5 Every person to whom this Code's obligations apply shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.
- 2.6 The College shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Code of Practice are complied with.
- 3. The Holding of Events**
- 3.1 The College has the responsibility to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon events such as meetings and demonstrations held or proposed to be held on its premises. Any such events must comply with this Code of Practice on Freedom of Speech and Expression.
- 3.2 Any person to whom this Code's rights apply should submit a request, in writing, to the College's Principal or designated Senior Post-Holder for permission to hold an event where it is reasonably foreseeable that the event will raise issues which, in the opinion of the Principal or designated Senior Post-Holder may be controversial in some way. Any such request should be submitted to the College not less than 28 days before the proposed date of the event and should contain details of the proposed subject matter and format of the event, the name and identity of any speakers and the proposed timing and location of the event.
- 3.3 [Any organisers of any event shall, if there is any doubt as to whether the event may, in the opinion of the Principal or designated Senior Post-Holder, be controversial, consult the Principal or designated Senior Post-Holder at the very earliest opportunity so that the correct procedures may be followed.]
- 3.4 Within 5 working days of receiving a written request pursuant to paragraph 3.2 above the Principal or designated Senior Post-Holder shall issue a written decision in reply which shall either grant or withhold permission for the event to be held on College premises. Permission granted under this Code may be subject to such conditions or restrictions (for example as to security precautions, payment of

- 3.5 The College will not unreasonably refuse to allow events to be held on its premises. The expression of controversial views which do not breach the law will not of itself constitute reasonable grounds for withholding permission for an event. Reasonable grounds for refusal would include, but are not limited to, the fact that the event may, within the premises of the College:
- 3.5.1 incite those attending to commit a criminal act;
 - 3.5.2 lead to the unlawful expression of views;
 - 3.5.3 be in direct support of an organisation whose aims and objectives are illegal; or
 - 3.5.4 give rise to a breach of the peace.
- 3.6 In determining whether the holding of an event on College premises might reasonably be refused, consideration should be given to:
- 3.6.1 the safety of persons attending the event and persons on College premises who might foreseeably be put at risk;
 - 3.6.2 the security of College premises; and
 - 3.6.3 the good name and reputation of the College.
- 3.7 The decision of the Principal or designated Senior Post-Holder will be final and binding.
4. **Practical Measures**
- 4.1 The College should permit the use of College premises only by organisers of events who undertake to comply with all lawful instructions issued by the College in relation to the location, arrangements and conduct of such events, including adequate stewarding, chairing and provision of adequate control over entry.
- 4.2 In cases in which it is reasonable to assume that there is a possibility of disruption at an event, the College may consult with the police. If the event is a public one the police may be prepared to be present throughout the event to minimise any disruption.
- 4.3 Any organisers of any event held on College premises shall be responsible for any costs involved in organising and holding such events and for ensuring, as far as possible, that nothing in the organisation and holding of such events infringes the law in any way.
5. **Sanctions and Penalties**
- 5.1 Any Corporation member who breaches this Code may be removed from office under clause 10 of the College's Instrument of Government.
- 5.2 Where those responsible for the breach are students or staff of the College action may be taken against them under the relevant disciplinary procedure.

- 5.3 Where those responsible for the breach are students or staff of a partner organisation of the College the Principal or designated Senior Post-Holder shall inform the partner organisation with a view to that partner organisation taking action under its relevant disciplinary procedure.
- 5.4 Where a breach of this Code of Practice takes place at an event, the College may take steps to assist the police to secure identification of the persons committing offences with a view to appropriate action being taken against them.

6. **Review and Amendment of Code**

The College acknowledges its duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a Code of Practice on Freedom of Speech and Expression. With this end in view the College Corporation will receive a report on the operation of the Code by the Principal or designated Senior Post-Holder, together with any recommendations for revision of it, at intervals not exceeding 3 years.

For the purpose of this document, the terms "Governing Body" and "Corporation" should be interpreted as having the same meaning.

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