

## 1. Introduction

Higher Education Institutes play an important role in society as places of debate and discussion where ideas can be tested without fear of control, where students learn to challenge ideas and think for themselves and where rationality underpins the pursuit of knowledge. As a consequence, the role HEI's play is reinforced by legislation and as such the College aims to abide by and support the laws in place.

This policy applies to free speech and academic freedom in accordance with Section 43 of the Education (No.2) Act 1986, which requires higher education institutions to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for staff, students and visitors. This policy should be used in conjunction with the 'Organising Events with External Speakers Policy'.

## 2. Purpose

- Freedom of speech is fundamental to higher education. As a result, staff and students of the College must tolerate and protect the expression of opinions within the law, regardless of whether these opinions are repugnant to them.
- The law, however, also imposes limits on those freedoms in order to maintain public order and safety. As a result, there is a tension between the laws which promote freedom of speech and those which restrict it. Therefore, the College is required to establish a balance between minimising the possibility that extremism or unlawful conduct will take place on campus and ensuring that it satisfies its legal obligations to secure freedom of speech.
- The College wishes its premises to be used to the full and, therefore, as far as is reasonably practicable and within the law, no College premises will be denied to any individual or organisation on any grounds connected with:
  - a) the beliefs or views of that individual or organisation; or
  - b) the policy or objectives of that individual or organisation.
- Whilst there is no legal prohibition on offending others, the College nevertheless expects students, staff, governors, the Students' Union and visiting speakers to demonstrate sensitivity to the diversity of the College community and to show respect to others. An event which creates an environment of fear, harassment or intimidation, with verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation is likely to be unlawful.
- The College recognises the right of peaceful demonstration.
- The College has the right and power to regulate and, if necessary, impose conditions or restrictions upon the conduct of events taking place on College premises.
- While the detailed provisions of this policy apply primarily to formal events held on campus, it should be understood that the principles also apply to protect freedom of speech and its associated rights during off campus, social, private and recreational events.

In order to do this, the College will:

- Communicate the HE Free Speech & Academic Freedom Policy to students at offer, during induction, website, in programme handbooks, via the HE Moodle page or other similar media such as Teams
- Communicate the HE Free Speech & Academic Freedom Policy to staff during induction (if relevant).

### **3. Events Covered**

The following events are covered by this policy:

- Events arranged by the College staff outside the normal teaching, research and core business
- Events arranged by Students' Union, societies, or student representatives
- Events not covered under the above but arranged by an individual or organisation covered in section 2

### **4. Restrictions on the use of College premises**

The College considers that it would be reasonable to refuse the holding of any event which in the reasonable opinion of the College could (this is not an exhaustive list):

1. Lead to the expression of views which are contrary to criminal law.
2. Lead to the expression of views which might incite those attending to commit a criminal offence.
3. Constitute harassment or unlawful discrimination on the grounds of sex, race, disability, sexual orientation, religion/belief, gender reassignment, pregnancy / maternity, marriage/civil partnership or age.
4. Be in direct support of an organisation which is included on the Home Office proscribed list (see [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)).
5. Give rise to any serious disorder or breach of the peace.

Consideration will also be given to the following factors in deciding whether or not to approve the holding of a particular event:

1. The safety of persons attending the event and of persons in the vicinity who might personally be put at risk.
2. The security of College premises.
3. The potential damage to the reputation of the College and its business.

### **5. Segregation**

The College has a duty under the Equality Act 2010 to not unlawfully discriminate against students, employees and other individuals to whom services are provided.

As a result, segregation is not permitted in any academic meetings or at events, lectures or meetings provided for students, or at events attended by members of the public or employees of the College or the Students' Union. The only exception to this is events for the purpose of collective religious worship.

Equality issues have been taken into account during the development of this policy and all protected characteristics have been considered as part of the Equality Analysis undertaken.

## **6. Responsibility of Event Organisers**

In alignment with the policy for organising events and guest speakers, event organisers have responsibility for the following:

1. A duty to ensure that nothing in the promotion and preparations for, or conduct of an event, infringes the law or Section 5 of the Code of Practice on Freedom of Speech and Lawful Assembly, and where appropriate that stewards and/or security staff are appointed.
2. No articles or objects likely to lead to injury or damage, may be taken inside College premises where an approved event is taking place, or taken or used elsewhere on the premises.
3. College premises used for meetings or activities must be left in a clean and tidy condition in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay towards these costs may be required.
4. To ensure that they have read the College's Equality and Diversity Policy and accept that the event will operate in accordance with the Policy.

In addition, the College has discretion to apply further conditions, if appropriate, after consultation with the police. For example, the designated meeting or activity may be declared public by the organiser(s) which might then require the special services of the police, or it may be necessary for College staff to be responsible for all security arrangements connected with the meeting or activity.

If further conditions are laid down these will be notified, in writing, to the principal organiser at the time permission for the event is given, together with details of any additional costs which may be involved.