

## Freedom of Speech Code of Practice

### Review

Formal Review Cycle	3 Yearly		
Latest Formal Review (date)	May 2024	Next Formal Review Due (date)	May 2027
Policy Owner	Vice Principal Student Services and Community		
Policy Author	Ruth Magnus, Director of Student Services		

### Approvals

Board of Corp Y/N	Y	Committee	CQSE	Date Board approved	02.07.24
ELT Y/N	Y	ELT date approved		Additional committee	

### Publication

Website Y/N	Y	Intranet Y/N	Y	Student VLE Y/N	Y	Other	
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### Change History

Version	Date Reviewed/ Revised	Description of Change	Reviewed by	Approved by
1.0	May 2023	Moved from a policy to a Code of Practice to better reflect practice of College and expectations of regulators	C Stretesky	V Morton, R Magnus and J Cooper

# Freedom of Speech Code of Practice

## 1. Policy Statement

- 1.1. This Code of Practice is a policy and code of the City of Sunderland College, trading as Education Partnership North East (which includes Sunderland College, Hartlepool Sixth Form College and Northumberland College). These colleges will be referred to as “the College” throughout this document.
- 1.2. The College is committed to and find fundamental to an academic setting the principles of freedom of speech and academic freedom. We recognise this may mean our students, staff and invited visitors may put forward ideas challenging current thought and controversial or unpopular opinions and that the College is a place these can be respectfully challenged.
- 1.3. Our College values support our belief that freedom of speech is an important part of academic life. The College fosters an environment where its students, staff and visitors can feel able to question, debate and express ideas, including controversial or unpopular opinions, within the law and without fear of intolerance or discrimination.
- 1.4. The College recognises its responsibilities under the Higher Education (Freedom of Speech) Act 2023 to promote freedom of speech and also recognises that it must, however, take account of its broader legal obligations beyond those imposed under the new Act and Section 43 of the Education (No. 2) Act 1986 including those outlined in the Section 26(1) of the Counter-Terrorism and Security Act 2015 and those found in the Equalities Act 2010.

## 2. Scope

- 2.1. The Policy applies to:
  - 2.1.1. Corporation members and co-optees;
  - 2.1.2. staff (whether curriculum staff or otherwise who are working for the College or undertaking duties on behalf of the College);
  - 2.1.3. all registered students at the College (whether full or part time);
  - 2.1.4. all students studying at the College under an agreement with a partner organization;
  - 2.1.5. any association or representative body of students whose aim is to represent students within the College to College leadership; and
  - 2.1.6. all persons invited to speak or otherwise take part in events to be held on College premises in accordance with the provisions of the External Speaker Procedure.
- 2.2. For the purpose of this Code, ‘events’ includes but is not limited to, all events arranged for by the College taking place on or off College premises or systems:
  - 2.2.1. Business purposes – such as governors’ meetings, team meetings, employee training events, conferences, provision relating to students and customers including lessons, tutorials and curriculum enrichment activities, careers talks, advice events and “taster” sessions of facilities or hire of facilities.
  - 2.2.2. Staff purposes – such as celebrations, events for charities and trade union meetings.

2.2.3. Student purposes – such as meetings of a students’ group including Student Collectives.

2.3. This Code of Practice applies to all forms of expression whether it be spoken or written or images.

### **3. Aims of the Policy/Underpinning Principles**

3.1. This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression, and the Code shall be construed and applied in the spirit of upholding and promoting those principles wherever reasonably practicable within the law.

3.2. The College values diversity and inclusion and is committed to promoting equal opportunities and eliminating discrimination. Therefore, everyone will apply and administer this policy fairly and consistently to ensure that there is no discrimination on the grounds of age, disability, gender reassignment, marital and civil partnership status, pregnancy and maternity, race, religion or belief, sex, sexual orientation, persons in care and care leavers, carers and care givers, young parents, youth offenders, and those receiving free school meals.

### **4. Code of Practice**

#### **4.1. Freedom of Speech and Expression**

4.1.1. 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.

4.1.2. Every person to whom this Code’s obligations apply shall assist the College in upholding this Code of Practice.

4.1.3. The College will not suppress freedom of thought and expression, provided that such thoughts and expressions:

- do not go beyond the articulation of points of view and do not constitute incitement to riot, insurrection or other activities which are likely to cause a breach of the peace or public disorder,
- significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful,
- express views of racial, religious, disability or sexual hatred, or is otherwise unlawful and provided that, by allowing such views to be expressed and by allowing the activity to take place in the format proposed (i.e., a non-religious event where men and women are in segregated seating), the College would not be failing in its wider legal duties, in particular in duties under the Equalities Act 2010.

4.1.4. 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.

4.1.5. 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.

#### **4.2. Events for business purposes**

- 4.2.1. Staff members may arrange meetings and activities for business purposes. Special approval is not normally required.
- 4.2.2. Prior approval from the Campus Principal must be received for events for business purposes that include an external speaker who is not a staff member of a partner organisation or employer-partner.

### **4.3. Offensive views in the classroom**

- 4.3.1. To promote Freedom of Speech, it is necessary that staff and students are able to respectfully challenge views expressed within the classroom. Therefore, where views / behaviours are expressed in the classroom are inconsistent with this policy staff and students should challenge and provide opportunity to discuss alternative viewpoints. It is important, however, that where concerns of radicalisation are expressed by an individual or group of staff or students is reported in line with the guidance provided within the Child Protection and Safeguarding Policy

### **4.4. Non-business purpose events and External Speaker Procedure**

- 4.4.1. 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.
- 4.4.2. Any person to whom this Code's rights apply should submit a request, in writing, to the Campus Principal for the campus in which the event will take place for permission to hold an event where it is reasonably foreseeable that the event may be attended by 10 or more people or where it is reasonably foreseeable that the event will raise issues which, in the opinion of the Campus Principal may be controversial in some way. Any such request should be submitted to the Campus Principal not less than 21 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.
- 4.4.3. Any organisers of any event shall, if there is any doubt as to whether the event may, in the opinion of the Campus Principal, be controversial, consult the Campus Principal at the very earliest opportunity so that the correct procedures may be followed.
- 4.4.4. Within 8 working days of receiving a written request pursuant to paragraph 4.2.2 above the Campus Principal shall issue a written decision in reply which shall either grant or withhold permission for the event to be held on the College premises. Permission granted under this Code may be subject to such conditions or restrictions (for example as to security precautions, payment of charges or limits on numbers of people to be admitted) as the Campus Principal sees fit.
- 4.4.5. 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:
  - incite those attending to commit a criminal act;
  - lead to the unlawful expression of views;
  - be in direct support of an organisation whose aims and objectives are illegal; or
  - give rise to a breach of the peace.

- 4.4.6.** In determining whether the holding of an event on College premises might reasonably be refused, consideration should be given to:
- the safety of persons attending the event and persons on College premises who might foreseeably be put at risk;
  - the security of College premises; and
  - the reputation of the College.
- 4.4.7.** Appeals against a decision of the Campus Principal may be made, in writing, to the Deputy Chief Executive (DCE) of the College within 3 days of the issue of the Campus Principal's decision. The decision of the DCE shall be final and binding. The DCE may also impose such conditions or restrictions on the holding of any event on College premises as they see fit.
- 4.4.8.** Complaints with this process are subject to the College's Compliments and Complaints Procedure.

#### **4.5. Practical Measures**

- 4.5.1.** 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.
- 4.5.2.** 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.
- 4.5.3.** 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.

#### **4.6. Sanctions and Penalties**

- 4.6.1.** Breach of this Code by a governor or co-optee of the Board may lead to removal from office under clause 9 of the Board's Instrument of Government.
- 4.6.2.** Where those responsible for the breach are students or staff of the College action may be taken against them under the relevant disciplinary procedure.
- 4.6.3.** Where those responsible for the breach are students or staff of a partner organisation of the College the Campus Principal shall inform the partner organisation with a view to that partner organisation taking action under its relevant disciplinary procedure.
- 4.6.4.** 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

## 5. Associated Documents

### Legislation and Regulations

Legislation in this area is characterised by three key themes:

- Protection of the special status of Higher Education Institutions: Education Act 1986; Education (No. 2) Act 1986; Education Reform Act 1988
- Anti-discrimination legislation and proactive equalities legislation: Human Rights Act 1998 (incorporating the European Convention on Human Rights); Employment Equality (Sexual Orientation); Regulations 2003 Employment Equality (Religion or Belief) Regulations 2003; Race Relations Act 1976; Race Relations (Amendment) Act 2000; Sex Discrimination Act 1976; Disability Discrimination Act 1995, as amended Equality Act 2006; Equality Act 2010; Prevent Duty 2015; Racial and Religious Hatred Act 2006
- Provisions that qualify rights: Higher Education (Freedom of Speech) Act 2023; Public Order Act 1986; Crime and Disorder Act 1998; Protection from Harassment Act 1997

### College Policies and Procedures

This Policy must be read in conjunction with other College policies and procedures which are available to Staff via the intranet and to learners and the wider public via the website. These are:

- Academic Freedom Policy
- Child Protection and Safeguarding Policy
- Diversity, Equity, Inclusion and Belonging Statement
- Behaviour for Success Policy
- Staff Disciplinary Policy
- Staff Code of Conduct
- IT Acceptable Use Policy
- Fitness to Study Policy
- Fitness to Practice Policy
- Social Media Policy
- PREVENT Risk Assessment and Action Plan
- Compliments and Complaints Procedure

## 6. Monitoring and Review

This Code will be monitored through annual reporting to ELT and the Curriculum, Quality and Student Experience Committee which will include details of those events which included external speakers.

The policy will be reviewed and revised in light of any regulatory or legislative changes.

## 7. Equality Impact Assessment

<b>Have you sought consultation on this policy?</b>	This Code was created through collaboration of members from Student Services, Quality, Higher Education and Policy teams.
<b>Details:</b>	

Could a particular group be affected (negatively or positively)?	Impact Y/N	Description of Impact	Evidence	Mitigation/Justification
Protected characteristics under the Equality Act 2010				
Age	N			
Disability	N			
Gender Reassignment	N			
Marriage and Civil Partnership	N			
Pregnancy and maternity	N			
Race	N			
Religion or belief	N			
Sex	N			
Sexual Orientation	N			
Additional characteristics to consider				
Young Persons in Care & Care Leavers	N			
Young Carers & Care Givers	N			
Young Parents	N			
Youth Offenders	N			
Those Receiving Free School Meals	N			
<b>If there is no impact, please explain:</b>	The intent of this Code is to ensure fair and consistent promotion of freedom of speech at the College.			