



UK COLLEGE
OF BUSINESS AND COMPUTING

Freedom of Speech Policy and Procedure

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Introduction

UKCBC has a statutory duty under the Education (No.2) Act 1986 Section 43 to secure freedom of speech within the law for staff, students and external speakers, reflecting their mission as places where new ideas can be advanced and where open and free debate can take place. In addition, freedom of thought, freedom of expression and freedom of assembly and association is enshrined within the law.

UKCBC also gives its academic staff freedom within the law to express their views, opinions and contest academic matters irrespective of how controversial or unpopular it may be without placing themselves in jeopardy of losing their job or privileges attached to it in accordance with the Education Reform Act 1988, section 202(2)(a).

However, free speech is not an unqualified privilege, and Colleges/Universities are subject to a range of legislation and obligations to ensure the safety and well-being of students, staff and the wider community. For example:

- The protection of freedom of speech does not extend to allowing a speaker to commit a criminal offence during speaking;
- Colleges and Universities are subject to the statutory duty “to have due regard to the need to prevent people from being drawn into terrorism”.
- Due regard of other legal responsibilities, such as those relating to preventing discrimination, harassment and victimisation and the health, safety and welfare of employees, students, external speakers and visitors.
- Free speech will in means allow the speaker to affect the student body or staff communities of the college by way of harming any protected characteristics as covered by the Equality Act 2010: age, disability, gender, sexual orientation, race or religion.

The College will ensure that appropriate procedures are in place to allow all of its stakeholders to report any instance (direct or indirect) of alleged hate crime, harassment, threat or intimidation and for their concerns to be investigated promptly and thoroughly, with the appropriate measures taken in response, including where necessary, reference to the Police and other appropriate external agencies.

The College has a Bullying and Harassment Policy which underpins this approach. Concerns about the compliance with this Policy or general procedures concerning freedom of speech will be addressed using the appropriate procedures; general student conduct at all its Campuses is outlined in the Student Handbook supplied to the students at their Induction. Any concerns relating to staff are addressed in terms and conditions of employment.

The College will work with its staff, students and outside agencies, such as the Police, to meet its legal obligations. To ensure all Campuses function in a safe and secure environment, and to also ensure that staff and students can work unhindered by hostility, offensive conduct or intimidation. Where it is appropriate and legal to do so, the College may share certain data with outside agencies.

The key principles set out in this Policy will be particularly relevant to the following activities but not limited to:

- Public meetings, arranged by UKCBC;
- Demonstrations or marches at UKCBC;

- Poster campaigns;
- Infiltration of society meetings in order to cause disruption;
- Outside groups targeting Campuses;
- The display of offensive audio-visual material;
- Reaction to specific events; and
- Presence of any proscribed organisations or individuals on Campus.
- Social and recreational activities

Links to QAA Quality Code

This document is designed to underpin the culture of the safeguarding requirements to ensure student and staff welfare at the college. In doing so takes reference from the Quality Code Expectations for standards core practices and Expectations for quality core practices:

*Higher education providers have in place, monitor and evaluate arrangements and resources which enable students to develop their academic, personal and professional potential. **Guiding Principles 1-7***

*Higher education providers take deliberate steps to engage all students, individually and collectively, as partners in the assurance and enhancement of their educational experience. **Guiding Principles 1-7***

*Higher education providers have procedures for handling academic appeals and student complaints about the quality of learning opportunities; these procedures are fair, accessible and timely, and enable enhancement. **Guiding Principles 1-8***

Links to other policies

The remainder of this policy will relate to the safeguarding of freedom of speech. UKCBC recommends that this policy is understood in the context of the wider context of safeguarding and particularly in relation to the following policies:

- Safeguarding Policy
- Prevent Duty
- Equality and Diversity Policy
- Complaints Policy

Scope and definition of Freedom of Speech

UKCBC endeavours to offer an environment in which ideas and opinions are open to challenge and where the highest standards of academic rigour are pursued.

The general principles set out in this Policy apply to academic freedom, demonstrations, events and meetings held at all Campuses whether including an external speaker or not, together with all events held off the Campuses or premises which are College organised, funded or branded, including events organised by individuals, groups or societies using the UKCBC's name or resources.

It is the UKCBC's intention to take a balance and proportionate approach to this code and, having regard to this, it is not envisaged that the procedure for meetings and events of this

code apply to many normal College organised teaching or research sessions, where such events are authorised by the Senior Management Team. However, in cases where such teaching and research events involve a potentially extremist speaker, or a VIP speaker (such as an ambassador), or where other risks are raised by the event (i.e. which might arise considering the current political context nationally or internationally, or because of the timing or physical location of the event, or because of health and Safety concerns). In such cases, it is the responsibility of the Principal, Director of Quality Enhancement and Development and Prevent Lead to ensure that due diligence is taken when approving the events.

The College will take all practical and reasonable measures to ensure that freedom of speech within the law and to encourage a balance between different opinions expressed and do not promote radicalisation.

The College will not deny the use of facilities to individuals or groups unless the proposed use is considered likely to be contrary to the law.

The UKCBC's learning, teaching, research and other operations will not be disrupted because of an event allowing the expression of lawfully held views.

All staff, students, visitors and external groups wishing to hold events at the Colleges Campuses are required to use the procedures and booking form set out in Appendix 1. All bookings must be offered to the Principal or Director of Quality Enhancement and Development for the initial booking or delegated person following by a second check to be made by the Prevent Lead who then approves or disapproves the application.

Process of safeguarding Freedom of Speech

The Principal or Director of Quality, Enhancement and Development or Senior Management Team is responsible for championing academic freedom and freedom of speech within the college.

Under academic freedom:

- Lecturers and students can engage in intellectual debate, discussions and exchange of views without restriction
- Lecturers are free to teach in manner which supports their pedagogical philosophy and is professionally appropriate without interference
- Lecturers can present their findings to their students, colleagues, and others without censorship
- Lecturers and students can express their opinion their views — in speech, writing, and through electronic communication, both on and off campus.
- Lecturers have the authority to assign grades to students that they believe is worthy of the evidence produced and does not violate academic standards.

However, academic freedom is not limitless, staff and students must ensure that in expressing their views and opinions they must;

- Treat others with respect and courtesy
- They must also respect the rights of others who hold differing views from them
- They must not impose their religious, political, ideology and philosophical beliefs on others
- They must always engage in respectful and constructive dialogue in putting forward their views or opinions.

Staff, students, visitors and external groups may apply, through Principal or Director of Quality Enhancement and Development or a designated organiser on behalf of the College, to hold events in the Colleges facilities by completing a pre-visit booking form, answering and signing a questionnaire about the nature of the event they intend to hold and the arrangements for its safe organisation (see Appendix 1) An external group should normally seek a College staff member or student as a sponsor, though it is recognised that this is not always possible.

An “event” is classed as “any meeting, gathering or similar activity involving a group of people”. This does not include normal lecturers or lecturers.

The questionnaire will be examined and vetted by the Principal or Director of Quality, Enhancement and Development or delegated organiser to be counter-signed by the Prevent Lead to ensure compliance with Prevent Duty. Under the Policy if the checks are found to be positive and compliant the event will go ahead.

The following are some examples of instances in which events would not be permitted:

- There are reasonable grounds for believing that the speaker or other persons at the event will incite others to commit criminal acts of violence and/or incitement of racial and religious hatred;
- there are reasonable grounds for believing that opinions may be expressed in a way that is contrary to English law; or which infringe the human rights or others;
- the event appears to be in direct support of an organisation that is unlawful;
- the event is likely to cause the College to be liable to civil action for damages, creating a nuisance or for prosecution under health and safety legislation;
- the event is likely to cause a breach of the peace;
- the event is likely to cause a public order offence, including threats of violence, threatening, abusive or insulting material causing fear or provocation of violence or threatening, abusive or insulting words or material in hearing or sight of a person likely to cause harassment, alarm or distress;
- the event may cause a breach of the Terrorism Act 2006 including the encouragement or inducement to, or glorification of the commission, preparation or instigation of acts of terrorism; and disseminating terrorist publications;
- the scale or nature of the event makes the UKCBC’s facilities unsuitable or is likely to disrupt other activities;
- the staff, students or other groups have misled the College about the nature of the event by falsifying or concealing information;
- The Principal or Director of Quality, Enhancement and Development or SMT may impose special conditions on the event to allow it to proceed, taking account of the nature of the event and the impact on the UKCBC’s reputation;
- The College reserves the right to withdraw permission for an event if it receives further information that leads it to believe that the law will be infringed, or if it believes conditions for the event will not be met.

If the press is invited to report on an event, notification must be given to the UKCBC’s Principal or Director of Quality, Enhancement and Development seeking permission.

Application Process

The Principal or Director of Quality, Enhancement and Development or delegated organiser, at least 5 working days before the date proposed for the event, shall ensure that, a questionnaire is completed by the external speaker and given to the above for authorisation.

This is then passed on to the Prevent Lead to ensure compliance with the Duty. The Form itself (Appendix 1) requires specific information from the external speaker i.e. their name, the proposed venue, the arrival and departure time of the visitor together with details of the proposed topic or title and a brief synopsis of the address. The Form will also require a signature from the speaker, a signature from the authorising party and a counter signature from the Prevent Lead.

Additional information may be asked for i.e. publicity materials for distribution etc. to be vetted before the event. Where risks are identified, the Principal or Director of Quality, Enhancement and Development or the Prevent Lead will assess those risks and consider whether proposed measures are adequately covered and/or addressed said risks.

Provisions must be made for checking the identity of person/persons attending the event (where possible);

College staff will be responsible for all security arrangements at the event;

This is not an exhaustive list, and there may be further conditions to ensure compliance which are considered reasonable and appropriate.

Appeals

Appeals against any decisions should be made within 5 working days and in writing to the Senior Management Team of the College, whose decision is final.

Conduct

The Principal or Director of Quality, Enhancement and Development /Prevent Lead and Senior Management Team at any event have a duty of care to ensure that as far as possible that both the audience and the speaker act in accordance with the law during the event.

In the case of unlawful or unreasonably disruptive conduct by members of the audience, appropriate warnings will be given, in the case of continuing unlawfulness or disruption, to require the withdrawal or removal of persons concerned by staff. Such persons, if students, staff or other members of the College, may be liable to disciplinary proceedings under College regulations.

If the speaker infringes the law (such as, for example, sexually harasses an attendee, or uses racial abuse, or does not have due regard to the need to prevent people being drawn into terrorism, or threatens physical violence) the College will be at liberty to curtail or end the event.

Where the speaker harbours very strong views or opinions that contravenes the legal provisions of the Equality Act 2010 the college has a duty to refuse permission or stop the speaker from participating in the event. The college is also responsible to report the matter to the Police to prevent serious disorder.

External Bodies or Organisations

Any licences or permissions granted to the bodies outside the College to hold events on College premises shall be subject to the same full disclosure of information as set out above. A guarantee may be required by the Principal or Director of Quality, Enhancement and Development or Prevent Lead from the Licensee that satisfactory arrangements will be put in

place by the Licensee in relation to matters such as security and indemnity for recovery of costs and/or damages, and such other matters as may be required by the College.

Appendix 1

Questionnaire for the booking of events.

To be used in conjunction with the Freedom of Speech and Prevent Policies by the event organiser.

Booking of Events

Name of designated organiser of the event			
Signature of designated organiser			
Company/Organisation/Speaker			
Address			
Daytime Telephone No		Email address	

Title of event	
Brief description of the event	
Expected no of attendees (if know)	
Type of space required	
Proposed date of event	
Start and end time	
Name of all speakers	
Name and position of chair or alternative chair of the meeting	
Will there be any advance publicity? In what medium? Please supply this to the College for approval.	
Is it intended that the event will be open to the public that is to non-College members?	
Will there be admission tickets sold?	
Will you provide stewards on the door?	
Have you read the UKCBC's Freedom of Speech Policy?	
After reading the above policy do you know of any reason why the speaker may be prevented from entering the College and giving their speech or running the event? Give reasons?	
After reading the above policy are you confident that the content of the speech or event does not break the law of England and Wales? If no, then please state your concerns.	

Date:-

Signature of visitor/external speaker:-

Checklist for person responsible for booking the event.

Has the booking officer gained a signed declaration from the visitor/external speaker?	YES/NO
Does the booking officer have any concerns regarding the content of the visitor/external speaker?	YES/NO If no please give details
Is the booking officer confident that that the visitor/external speaker has read and understood the UKCBC's Policy under the "Prevent Duty"?	YES/NO If no please give details
Is the event approved?	YES/NO

Signed by Principal or Director of Quality, Enhancement and Development

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Countersigned by the Prevent Lead

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Date

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