

Brooksby Melton College

Freedom of Speech Code of Practice

Covering the period 1 June 2018 to 31 July 2019

IMPACT ASSESSMENT:

This code of practice has been considered for impact upon age, disability, family responsibility, marital status, race, colour, ethnicity, nationality, religion or belief, gender and sexual orientation.

DATE FOR REVIEW:

Operational Planning Group 17th May 2018
Next review March 2019

RESPONSIBILITY:

Director of Curriculum (HE)

APPROVED:

Operational Planning Group 17th May 2018

Code of Practice Relating to Freedom of Speech and Activities, Events and Meetings

1. Preamble

1.1 The Education (No.2) Act 1986 places a duty on the College to ensure that freedom of speech is secured for students, staff and visitors, and so far as is reasonably practicable that no premises of the College (including those spaces hosting Student Union activities) shall be denied to any individual or body of persons on any grounds connected with: a) the beliefs or views of that individual or body; or b) the policies or objectives of that body.

1.2 The College values academic freedom and is committed to promoting and encouraging free debate and inquiry. It accommodates a wide range of views, even when they are unpopular, controversial or provocative. Nonetheless, the College does not regard the right to freedom of speech as unfettered and asserts its right to prohibit or to place special conditions on activities, events or meetings (“activity” or “activities”) where it is appropriate to do so.

2. Activities which are subject to this Code

2.1 The activities which are subject to this Code are those which:

- a) Involve a proscribed organisation
- b) Are likely to give a platform for views which are unlawful or where it is likely that others will be encouraged or incited to break the law
- c) Where there may be risks to public order or to the safety of individuals or property
- d) There are risks that views will be expressed which constitute extremist views (in opposition to fundamental values of democracy, the rule of law, individual liberty, mutual respect and tolerance of different faiths and beliefs), and which risk drawing people into terrorism or are shared by terrorist groups

3. Notification

3.1 It will be the responsibility of the organiser of any activity that might fall within paragraph 2.1 and is thereby subject to this Code (whether it takes place on or off campus) to draw the activity to the attention of the person authorised by the Director of Estates (the authorised officer*) at least ten clear working days prior to the activity.

In addition:

- a) any room booking request outside of the normal procedures for timetabling academic provision will require the organiser to assess whether the event falls within paragraph 2.1 and to always provide details of the nature of the event and any external speakers
- b) The Students' Union will operate its own arrangements for reviewing activities and bookings on College premises made by its officers, staff, clubs and societies which are consistent with the obligations set out in paragraph 1.1 and which will be reviewed and agreed annually with the College. These will include an objective determination of whether an activity falls within paragraph 2.1 (with subsequent referral to the authorised officer) and identify the steps which could mitigate the risks identified in paragraphs 2.1c) and 2.1d).

4. Actions by the College

4.1 The College will prohibit activities that it determines fall within 2.1 a) or 2.1 b) and may prohibit activities which it determines fall within 2.1 c) or 2.1 d) where it considers that the risks cannot be fully mitigated through special conditions and in so determining, will err on the side of caution.

4.2 The College will prohibit or place special conditions upon any activity off campus that falls within 2.1 and is associated with the College, insofar as that is practicable.

4.3 The College will use such means as are available to it to give effect to this Code and to enforce any special conditions it imposes on particular activities. A breach of the Code or any prohibition or special conditions may lead to disciplinary action.

4.4 In the case of any activity identified as falling within 2.1 the authorised officer will determine who is the principal organiser of the activity and will within five clear working days of the planned time of the activity, determine whether or not the activity should be allowed to proceed or whether it should be allowed to proceed on the basis that special conditions are adhered to. It shall be the responsibility of the principal organiser to ensure that such special conditions are met.

4.5 Where ten clear working days' notice of an activity found to fall within 2.1 is not given to the authorised officer permission will normally be refused for the activity to take place.

5. Special conditions for an activity to proceed

5.1 Any special conditions set by the authorised officer will aim to minimise the risks set out in paragraph 2.1 and may include inter alia the requirement that:

- a) A deposit is payable by the principal organiser in advance of the event
- b) The principal organiser appoints a stipulated number of named stewards, as to whose suitability the authorised officer must be satisfied, in addition to any security staff that the authorised officer may feel should be present to maintain order
- c) The wording of leaflets and notices advertising the activity is subject to approval by the authorised officer
- d) Admission to the event is confined to members of the College
- e) Tickets are issued by the principal organiser/authorised officer
- f) Admission is confined to ticket holders;
- g) Nominated senior members of the College are present
- h) The activity is recorded
- i) The admission of press, television and broadcasting personnel is restricted
- j) The access and exit routes of the speaker are subject to approval by the authorised officer
- k) The authorised officer decides which room(s) are used
- l) Detailed arrangements are agreed between the principal organiser and a member of staff nominated by the authorised officer
- m) There is adequate opportunity for a wide range of views to be expressed and challenged
- n) An experienced and respected individual approved by the authorised officer chairs the activity

6. General requirements

6.1 The Chair of any activity that is a meeting has a duty so far as possible to ensure that both the audience and the speaker act in accordance with the law during the meeting. In the case of unlawful conduct, the Chair is required to give appropriate warnings and, in the case of continuing unlawfulness, to require the withdrawal or removal of persons concerned by the stewards.

6.2 The Chair of the meeting also has a duty to terminate the meeting if order cannot be maintained and to protect the safety of people, property or premises.

6.3 No article or objects likely under the circumstances to lead to injury, damage or a breach of the peace may be used as part of any activity.

6.4 Premises used for an activity must be left in clean and tidy conditions 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 meet such payment, may be required.

6.5 The College may require the organisers of an activity to bear the costs for any additional security that is required.

7. Appeals

7.1 Appeals against the rulings of the authorised officer may be made to the Principal whose decision shall be final.

8. Awareness

8.1 The College will draw this Code to the attention of all staff, students and the Students' Union annually.

*The "authorised officer" is currently Lorraine Cox, Head of Student Services

