



Freedom of Speech Code of Practice & Policy

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Audience:	Students, Staff, Website audience

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1.0. Purpose

To provide a Code of Practice setting out Oxford Business College's approach to Freedom of Speech for the benefit of both students and staff.

To provide information and guidance on how to recognise and deal appropriately with a freedom of speech issue.

2.0. Scope

This Code and policy applies to the following groups:

- all staff
- all students*
- any student alumnus invited onto the premises
- all external board members
- all Student Council members
- all agents and consultant staff acting on behalf of the college
- all accommodation wardens and accommodation staff
- any visiting or external speakers invited onto the premises
- any persons invited or lawfully on the premises for an event

** A student is considered to be anyone who has signed a Student Declaration with Oxford Business College, and all students at any of the College's Centres are covered by this Code of Practice and Policy (full-time, part-time and those attending short courses).*

3.0. Background and informing principles

Article 10 of the Human Rights Act 1 states that everyone has the right to freedom of expression. This includes the freedom to hold opinions and receive and impart information and ideas without interference by public authority, regardless of frontiers. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are proscribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Section 43 of the Education (No 2) Act 19862 states that every individual and body of persons concerned in the government of higher education institutions shall take such steps as are reasonably practicable to ensure that Freedom of Speech within the law is secured for members, students and employees of the institution and for visiting speakers. This includes, in particular, the duty to ensure, so far as is reasonably practicable, that the use of any premises of the college is not denied to any individual or body of persons on any ground connected with the beliefs or views of that individual or of any member of that body, or the policy or objectives of that body.

The Act requires that Oxford Business College and the responsible persons shall, in diligence of this duty, issue and keep up to date a code of practice setting out the procedures to be followed by members, students and employees of the College in connection with the organisation of:

- meetings to be held on the premises of the College and which fall within any class of **meeting** specified in **appendix 1**
- other activities which take place on College premises and which fall within any class of **activity** specified in **appendix 2**
- the conduct required of such persons in connection with any such meeting or activity

Additionally, the Act states that every individual and body of persons concerned in the governance and management of Oxford Business College shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the Freedom of Speech Code of Practice are complied with.

The freedom protected by those outlined in section 2 is confined to the exercise of freedom of speech within the law, including the **Counter-Terrorism and Security Act 2015 (the PREVENT legislation)**. This outlines that Oxford Business College must:

- have due regard of the need to prevent people from being drawn into terrorism (Section 26)
- have particular regard to the duty to ensure freedom of speech and to the importance of academic freedom (Section 31)
- have regard to any such guidance in carrying out that duty (Section 29)

Examples of statements which involve a breach of the criminal law are incitement to commit a crime, sedition, and stirring up racial hatred in contravention of statute. Statements may also be unlawful if they are defamatory or constitute a contempt of court.

4.0. General Principles

The College expects all those named in section 2 to ensure Freedom of Speech within the law is assured within all college properties and external properties at all events affiliated with the college.

Whilst there is no legal prohibition on offending others, the College, nevertheless believes that discussion that is open and honest can take place only if offensive or provocative action and language is avoided.

All those under the duty to observe and uphold the principle of Freedom of Speech named in section 2 are therefore required to demonstrate sensitivity to the diversity of the College community and to show others respect.

As part of the principle of Freedom of Speech, and in the interests of a progressive academic environment, the college must also ensure that students, staff, alumnus and visiting speakers also have the freedom to put forward or question unpopular or controversial ideas and opinions without placing themselves at any risk.

Freedom of speech is not an unqualified privilege, and does not extend outside of the stated aspects of legislation as listed in section 3, including:

- allowing a speaker to commit a criminal offence in the course of speaking
- restricting, preventing or prohibiting the college from carrying out the duty to *'have due regard to the need to prevent people from being drawn into terrorism'*
- restricting, preventing or prohibiting the college from carrying out other legal responsibilities relating to preventing discrimination, harassment, bullying and victimisation, and the health and safety welfare of all those persons named in section 2

Any event which creates an environment of fear, harassment, intimidation, verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy, maternity, race, religion or belief, and sexual orientation is likely to be unlawful, and therefore in breach of the Freedom of Speech Code.

5.0. Coverage

This Code and policy apply to all Oxford Business College premises, including accommodation, and any public space where the College is in part or whole an organising body.

6.0. Code of Practice

All persons as named in section 2 are bound at all times to conduct themselves as to ensure that freedom of speech within the law is secured for all.

Any individual or body of persons shall be free, within the law, to hold meetings or engage in such other activities of the type set out in Appendix 1 and 2 on the premises of the College, regardless of the beliefs, views, policies or objectives of that individual or body, even if these are in contrast to the personal beliefs, views, policies or objectives of other members of the College.

The freedom protected by the above is confined to the exercise of freedom of speech within the law, including the Counter-Terrorism and Security Act 2015 (the PREVENT legislation). Examples of statements which involve a breach of the criminal law are incitement to commit a crime, sedition, and stirring up racial hatred in contravention of statute. Statements may also be unlawful if they are defamatory or constitute a contempt of court.

The freedom protected by the above must not contravene Oxford Business College's zero tolerance approach to discrimination, bullying, harassment or extremism. The College has a duty to protect all those persons named in section 2 regarding these areas, and to maintain safety and good order at all times on the premises and external premises during events affiliated with the College.

Subject to such limitations on access as may lawfully be imposed by the competent College authorities, it shall be the duty of all persons named in section 2 not to impede any person entitled to be present from entering or leaving a place where the right of Freedom of Speech is being or is to be exercised on premises of the College.

Nothing in this Code of Practice shall be taken to prohibit the legitimate exercise of the right to protest by peaceful means, provided always that nothing is done which contravenes the foregoing general principles or the other requirements of this Code of Practice.

Where there are concerns about an event, Oxford Business College will seek to facilitate an open and transparent dialogue with the event organisers to establish whether the event can take place whilst ensuring the College meets its legal obligations. Event organisers will be expected to take part in this dialogue in an open and transparent manner.

Oxford Business College will ensure that appropriate procedures are in place in order to allow all 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 external bodies.

7.0. Structures of Responsibilities

The Board of Governors are responsible for the approval of the Freedom of Speech Code of Practice.

The College's Senior Management Team are responsible for ensuring that relevant appropriate procedures are in place to deal with legislative requirements.

The Principal and Head of academics are responsible for the operational oversight and application of the policy, and ensuring that all events and activities comply with the principles of Freedom of Speech without breaching other referenced legislative requirements and policies.

8.0. Procedures for the Organisation of Meetings and Activities & Policy Statement

All events involving external speakers on the premises of Oxford Business College must be held in a location that has been booked in accordance with the College's procedures for booking rooms through the Head of academics.

Oxford Business College will not unreasonably refuse to allow events to be held on its premises but has a duty to ensure that events are conducted in compliance with the law, including health and safety legislation. Events that cannot demonstrate full compliance with the requirements of the law will not be permitted on the College's premises. Requests to hold events on the College's premises may be declined if a suitable location is not available.

The College has the discretion but has no legal obligation to allow meetings or events held on its premises to be open to members of the public. The College shall have the right to require that it is provided with a list of all attendees in advance for an event, and also has the right to require that events held on its premises be ticketed.

The College shall have the right to refuse entry to those attending the event if they bring items onto College premises that it deems to be:

- Unduly provocative or offensive in nature
- Designed or have the potential for use to cause injury to people or property

In any case where the College is proposing to grant permission to an outside organisation or group to hold meetings on College premises, the attention of such an outside organisation or group will be drawn to the contents of this Code of Practice and permission to use the premises may be refused unless the outside organisation or group both undertake measures to ensure that the principles embodied in this Code will be upheld, satisfying the College authorities of its ability to discharge its obligations in regard to upholding freedom of speech.

Permission for meetings or events as outlined in **Appendix 1 and 2**, held in public or private College rooms or elsewhere on its premises must be obtained in advance from the PREVENT Lead (Quality Officer). A Risk Assessment must be completed by the applicant in respect of the College's PREVENT duties, which should then be given to the PREVENT Lead, and whose directions must be adhered to.

Any persons named in section 2 involved in organising a meeting or event, whether alone or in collaboration with other persons, makes arrangements for a meeting or the assembly of persons (including any meeting of any club, society or other organisation), and who becomes aware of facts indicating that such a meeting or assembly is likely to be delayed or disrupted by improper means, shall immediately report such facts to the Principal. Where these facts may concern a breach or potential breach under the PREVENT legislation, the PREVENT Lead (Quality Officer) must also be informed immediately.

All persons concerned with the organisation or conduct of an activity which forms part of the College's teaching or study (such as a tutorial, lecture, seminar, class, council meeting, research work, or examination) shall immediately give notice to the Principal of any facts coming to their notice which indicate that such activity is likely to be delayed or disrupted by improper means.

In relation to any academic activity, or any meeting or assembly of persons which the Principal believes to be threatened by disruption, the Principal may give directions and require measures to be adopted pursuant to this Code of Practice on the following (amongst other) matters:

- the number of persons to be admitted to the premises where the meeting is to be held
- the issue of tickets of admission
- the designation of one or more persons as the official organisers of the meeting with direct responsibility to the Principal for all the arrangements thereof
- the designation of a person as the chairman of the meeting with responsibility for the proper conduct of such meeting
- the admission (or non-admission, as the case may be) of members of the public
- the appointment of stewards to assist with the control of the meeting

- the employment of security staff to ensure the orderly conduct of the meeting and safe access to and egress from the meeting
- the carrying of banners, placards and similar objects into the meeting
- the place where the meeting is to be held

The Principal shall be empowered to give such directions and to adopt such measures as appropriate to prevent or minimise the delay or disruption of an academic activity. All persons concerned with the organisation or conduct of the academic activity under threat shall co-operate in carrying out the Principal's directions and in facilitating the measures adopted.

In the event that any academic activity is delayed or disrupted by improper means a report shall be made to the Principal forthwith by the person or persons responsible for the conduct of such activity.

The Principal may, as necessary, consult with the SMT Team members and local police about forthcoming meetings and activities covered by this Code of Practice. In any case where serious disruption may be anticipated, the Principal shall have power, having taken into consideration such advice from the SMT (Operational) Team members and police as may be available, to order or advise the cancellation, postponement, or relocation of the meeting.

If any staff, students, external board members, Student Council or visiting speakers believe that an event they are organising poses a risk under this Code of Practice, they are required to refer the matter in the first instance to the Principal. No advertising of the event is permitted until a decision is reached on its compliance with the Freedom of Speech Code of Practice.

If required, the Principal will refer the matter to the SMT who will make an initial assessment. If he/she decides the event complies with the College's Code of Practice it can proceed. They may, however, require the organisers to put in place safeguards, such as extra security or a strong and well-informed chair with the power to intervene or close the event down if there is a breach of the Code. They will also require the organisers to record the event, so there is no dispute afterwards about what is said by whom.

A named Principal Organiser who is responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry, should be identified for each event.

If the Principal decides the event poses too great a risk under the Code they will make a recommendation to deny access to College premises to the College Directors. The College Directors may decide to consult with students, staff or other groups before coming to decision, or take legal advice. The College Directors' decision will be final and will not be subject to appeal.

The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include: incitement to commit a criminal act; unlawful expression of views; support for an organisation whose aims are illegal; the creation of an environment likely to give rise to a breach of the peace.

If an event has been advertised, students and staff may still make representations to the College Directors if they feel it breaches the College's Code of Practice. If the event is allowed to take place, they will be allowed the right to peaceful protest for one hour prior to the event taking place. They will not be permitted to interfere with the running of the event.

Wilful breach of this Code will be dealt with under the College's Non-Academic Disciplinary Procedures and, if necessary, by recourse to law.

As a representative body for all students at the College, the equal opportunities policy is applied to ensure that student-led events are conducted in a safe space for attendees, free from discriminatory activity. All student groups looking to hold an event with external speakers should contact the Welfare Officer for assistance with the event and to ensure all logistical considerations have been factored in. Ultimately it is the College's decision whether to allow an event to take place on its premises.

If any student, staff member or external board member were to break this code of conduct on social media, it would be treated exactly the same as any other breach.

Any printed material, social media postings, teaching materials or internet material produced can promote a group or event at the College providing it adheres to the Code of Practice.

If you are proposing to run an event and are concerned that it may constitute a breach of the Code of Practice, please contact the Principal in the first instance.

Where expenses are incurred (e.g. in the engagement of stewards or the employment of security staff) to safeguard an academic activity, the cost thereof shall be borne by the College. In all other cases the cost shall be borne by the group, person or persons organising the meeting, save that the Principal may (if so advised) make representations to the SMT (Operational) of the College suggesting that the cost shall be borne in whole or in part by the College.

The Governing Body of the College is under a duty to keep this Code of Practice up to date. No revision of the Code will, however, take effect until after due notice has been given.

Failure to comply with the provisions of this Code of Practice may render the offender liable to disciplinary proceedings. Nothing in this Code of Practice affects the normal operation of criminal law.

All aspects of this Code of Practice and associated Procedures related to holding events and activities is applicable to all events affiliated with the College, regardless of the location of the event on external premises. Failure to comply with this code of Practice at any event affiliated with the College may still result in disciplinary action.

These requirements are not exhaustive and Oxford Business College reserves the right to terminate an event if it considers that a speaker will not conduct themselves in accordance with this Code of Practice. The Principal should be consulted when such matters arise or are thought to have arisen.

Please note that the procedures and policies outlined in this policy, and in any related policy may be reviewed or changed at any time before the actual review date.

Appendix 1: Activities covered by the Code of Practice

Activities covered by Oxford Business College's Freedom of Speech Code of Practice include:

- Meetings, lectures, talks, seminars, tutorials, classes, short courses, conferences, other teaching or informative activities of a similar nature
- Cinematic or video film showings, music concerts, literary readings
- Demonstrations, processions, pickets

Appendix 2: Guidance on Activities

An event is any gathering (which would include meetings, events and other activities) conducted, hosted, or sponsored by the College and events hosted by other organisations that take place on the College's premises.

The person, society or group who takes responsibility for organising an event will be referred to as the Event Organiser.

An External speaker event is any event that involves an external speaker addressing a group, including in a teaching, learning or research setting (lecture, conference, and seminar) or in the context of extracurricular activity. This does not include meetings held in the normal course of the College's administration or management, provided that (with the exception of the external speaker) they are attended exclusively by staff or managers of the College.

An external speaker is anyone who is not a member of the College community and who is invited to speak at an event in order to provide or disseminate their views, ideas or opinions on a given topic. For example, a guest lecturer, member of a discussion panel, those giving religious addresses or prayer leaders would be an external speaker. A trainer, for example, who leads a fitness class would not usually be classed as an external speaker.

The Head of academics is the person who looks after external room bookings.