

## Freedom of Speech policy

### 1. Context

1.1 This policy sets out the responsibility of the College in promoting academic freedom and freedom of speech while ensuring the College remains a safe environment for teaching, learning and research, complies with relevant legal requirements and promotes the College's values

1.2 As an educational organisation, the College values academic freedom and is committed to encouraging free debate and enquiry. This means tolerance of a wide range of views, both academic and political, even when they may be unpopular, but this must be applied within the law. Our policy follows the guidance from the Office for Students in accordance with the Higher Education (Freedom of Speech) Act 2023.

1.3 This policy focuses on securing freedom of speech for staff of the provider, members of the provider, students of the provider and visiting speakers.

1.4 Freedom of speech under the Higher Education (Freedom of Speech) Act 2023 include:

*“references to freedom of speech are to the freedom to impart ideas, opinions or information (referred to in Article 10(1) of the Convention as it has effect for the purposes of the Human Rights Act 1998) by means of speech, writing, images (including electronic form); the convention has the meaning given by section 21(10) of the Human Rights Act” s1(13)*”.

1.5 The HE(FoS)Act 2023 outlines duties to which HE providers must adhere to; they must secure and promote freedom of speech. Enforcing these duties is now a registration requirement for the Office for Students (OfS) and now puts complaints firmly in the remit of the OfS.

1.6 This policy does not affect the validity of relevant policies and legislation including but not limited to;

- Bullying and harassment policy
- Guest speaker policy
- Behaviour/misconduct policy
- Fitness to practice policy
- Equality Act 2010
- The European Convention on Human Rights as incorporated into UK Law by the Human Rights Act 1998
- The Higher Education and Research Act 2017
- The Educational Reform Act 1998

## 2. Values

2.1 A core mission of Higher Education providers is the pursuit of knowledge, and it is necessary to have the academic freedom to discuss controversial, false, sensitive and offensive views.

This policy provides a high level of protection for the lawful expression of a view in an academic context.

All members of the College's academic community have freedom within the law to:

- hold opinions and express them verbally, through written material, or through other media,
- challenge established theories, ideas or received wisdom,
- develop new ideas or proposals,
- present or take controversial or unpopular positions.

## 2.2 How these values secure Freedom of Speech

**The values allow and promote;**

- the discussion of false views during lectures and events to academically discredit,
- the discussion of unpopular views during lectures and events, allowing academic curiosity and development,
- access to a range of diverse views via guest speakers,
- wider enrichment talks given by staff during lunch times,
- discussion of current events by incorporating it into tutorial sessions.

## 2.3 Duties to secure the Freedom of Speech (HE(FoS)Act 2023 A1)

- The college will take reasonably practicable steps to ensure the use of premises is not refused because of a person's ideas or opinions. This includes the cost of security.
- The College will secure academic freedom for academic staff including those seeking promotion or an alternative role. This extends to external applicants.
- The College will not enter non-disclosure agreements with members (staff and students) in relation to complaints of sexual abuse, harassment or misconduct or other bullying or harassment.

## 2.4 Duty to promote Freedom of Speech (HE(FoS)Act 2023 A3)

The University Centre hold values that actively promote freedom of speech in accordance with the Higher Education (Freedom of Speech) Act 2023; ensuring staff and students have the academic freedom necessary.

## 3 Procedure

3.1 Every activity at the college, or activity 'off-campus' but branded as or funded by the College or where the principal participants are college staff, is required to have an Organiser and that Organiser has a duty to ensure that steps are taken to meet the guidance within this policy.

3.2 To conform with the values of Truro & Penwith College, British Values (that include democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs) and to conform with the college's duty under the PREVENT statutory guidance, all organisers of an event must carry out research on any visiting speaker/organisation and follow the Truro & Penwith College protocols for visiting speakers. This includes completion of the Visiting Speakers to Truro & Penwith College form.

3.3 This procedure will apply to the following activities:

- In person and online/virtual events
- Academic activities
- Exhibitions hosted by the College
- Meetings and events organised by Truro College staff
- Meetings and events organised by students of Truro College

3.4 Staff and students at the College should therefore consider whether their action or the action of invited guest speakers / visiting lecturers, the outcome of meetings, protest or demonstration or the result of academic work (including practice or artefact) will:

- infringe the rights of others,
- discriminate against others in a manner that constitutes a criminal offence
- constitute a threat to public order or to the health and safety of individuals
- incite others to commit criminal acts
- be contrary to the civil and human rights of individuals.
- be insensitive to the diversity of its community or be disrespectful to sections of that community

3.5 The College will not normally deny the use of facilities to individuals or groups unless the proposed use is considered likely to be contrary to the law. The assumption will be that the event will go ahead and the College will take reasonably practicable steps to ensure events can occur in a way to secure and promote the freedom of speech.

3.6 Activities will not be permitted to occur if they break the law through the incitement of violence, or using threatening words or behaviour intended to provoke hatred on the grounds of any form of discrimination or breaches of the Equality Act 2010. Nor does it allow defamation, harassment or any other unlawful activity. We will also not tolerate unacceptable behaviour that compromises our safeguarding responsibilities; especially in relation to our 16-18 year old learners who have access to the premises.

3.7 If there is any question or doubt as to the subjects being raised through any activity within the academic community and the possibility that it might not be in accordance with this policy, it is the responsibility of the Module Leader, Tutor or Event/Activity Organiser (whether staff or student) to contact the Safeguarding Lead, Lisa Briscoe, for advice on whether to proceed. Having considered the available information, the Safeguarding Lead will then make a ruling to grant or withhold permission for any activity.

3.8 If the organiser/potential attendee feels that the refusal contravenes the policy then they may appeal, in writing, to the principal who will consider the arguments and make a decision regarding any such appeal. The final decision rests with the Principal.

3.9 If an event has been cancelled or material has been removed then staff and/or students may speak directly with a Deputy Dean before submitting a complaint to the safeguarding lead.

## **4 Conduct**

4.1 Everyone has the right to free speech within the law.

4.2 In the exercise of the freedom during their role in delivering academic duties: research, teaching or the publication of material linked to the college, staff and students are expected to:

- Value diversity and recognise the strength that comes from people with different perspectives and knowledge linked to a diverse range of characteristics including: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation and culture.
- Treat others with respect, challenge inequality and respond to the different needs and circumstances of individuals and groups of people
- Respect and defend the rights of individuals to hold different views and beliefs and their right to express those views through appropriate fora when engaging in academic discussion
- Communicate in a respectful manner and in a clear, relevant and respectful way
- Be academically rigorous, justifying their views with evidence and appropriate argument
- Minimise the risk of and harm to any person, institution or community
- Be sensitive to others when expressing opinions that may cause offence and present views in a manner that is not hostile or degrading
- Respect the right of others to challenge their views and be prepared to accept gaps and weaknesses in their own arguments
- Be aware of the legal implications of their actions.

4.3 The freedom to challenge or debate through freedom of expression does not give permission to break the law through incitement of violence, or using threatening words or behaviour intended to provoke hatred on the grounds of any form of discrimination or breaches of the Equality Act 2010. Nor does it allow defamation, harassment or any other unlawful activity. We will also not tolerate unacceptable behaviour that compromises our safeguarding

responsibilities; especially in relation to our 16-18 year old learners who have access to the premises.

## 5 Criteria for passing on security costs

5.1 Higher Education and Research Act 2017 Part A1(10) stipulates that a provider must pass on security costs relating to the use of their premises for an event to secure freedom of speech, apart from in exceptional circumstances.

5.2 Truro College will take reasonably practicable steps not to pass on security costs for outside events except in exceptional circumstances. Circumstances are exceptional when security costs exceed £200. In these circumstances we will pass on the residue of the security costs to the organiser/speaker.

## 6 Disciplinary measures

Where appropriate, disciplinary measures to secure compliance with this policy will be enforced.

- Staff will be subject to the staff code of conduct policy and procedure.
- Students will be subject to the behaviour/misconduct policy.

## 7 Complaints

7.2 Internal complaints process:

Staff, students and visiting speakers may following the procedure outlined in section 3 if they are unhappy that approval for an event has not been granted. There is a form attached at the end of the policy to assist. Complete the form and email it to the safeguarding lead, Lisa Briscoe.

If staff or students are unhappy that an event has been cancelled or has been removed (i.e. material) then a discussion can be had with any of the HE Deputy Deans in the first instance before a complaint is made to the Safeguarding Lead.

7.3 Office for Students complaints process:

The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members, students, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its website [\(add link when one exists\)](#).

## 8 Review of the Code

This policy will be reviewed and updated annually or when necessary to stay in line with amended legislation or OfS guidance.

Last reviewed ... date

## 9. Internal form

If an event may include unlawful or inappropriate content and you are unsure whether it should take place, OR, if you are unhappy that an event is not taking place and you feel it breaches the freedom of speech policy then complete the following form and email it to the safeguarding Lead, Lisa Briscoe for consideration. If the matter has already been considered by the safeguarding lead then appeals may be sent, using the same form, to the Principal.

### Freedom of Speech Form

Event:

Organiser (name and contact):

Name and contact (if not the organiser):

Date, time, venue:

Nature and purpose of the event:

Explain your concern: