



MORLEY COLLEGE LONDON

Code of Practice on Freedom of Speech and Expression

**POLICY OWNER: Vice Principal
APPROVAL: Governing Body
LAST APPROVAL: 15 October 2018
NEXT REVIEW: by 31 October 2022**

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Code of Practice on Freedom of Speech and Expression

1. INTRODUCTION AND PURPOSE

Morley College London recognises that freedom of speech and expression within the law has fundamental importance for further and higher education institutions as places of education, learning and the disinterested pursuit of truth. In particular, such institutions are obliged under section 43 of the Education (No 2) Act 1986 to take reasonable measures to protect freedom of lawful speech.

A principle of freedom of lawful expression is also enshrined in Article 10 of the European Convention on Human Rights.

In addition, the Governing Body is required by Article 15.3 of the College's Articles of Association to have regard to the need to ensure that academic staff at the College have freedom within the law and subject to any statutory obligations placed on the College to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or any privileges which they may enjoy at the College. Further and higher education institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.

Through the statutory guidance on the Government's *Prevent* strategy issued under the Counter-Terrorism and Security Act 2015, the College has a legal requirement to promote the values of 'democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs' as being a key aspect in safeguarding people from being drawn into terrorist activity. As *Prevent* acknowledges, and as the College's Preventing Extremism and Radicalisation Policy states, 'the threat from terrorism in the United Kingdom is underpinned by the exploitation of vulnerable people in order to involve them in terrorism or in activity in support of extremism and terrorism. The College therefore considers it essential that students and staff see Morley as a safe place where students can discuss and explore controversial issues safely and in an unbiased way and where staff encourage and facilitate this, but where failure to challenge extreme views or behaviour and to treat them as normal is not accepted'.

The values that *Prevent* requires us to promote have been embedded in the culture of the College since its establishment and underlie our teaching approach, which emphasises the importance of collegiate dialogue between tutor and student to facilitate the meeting of learning goals. The College values freedom of speech and freedom to express beliefs and ideology, and sees them as fundamental rights underpinning our society's values. Both students and teachers have the right to speak freely and voice their opinions. With that freedom, however, comes responsibility and free speech that is designed to manipulate the vulnerable or that leads to violence and harm of others or that transgresses the laws and policies that govern equality, human rights, community safety and community cohesion will not be tolerated by the College.

2. DEFINITIONS

References in the Code to the College's premises and/or the College's facilities include premises and/or facilities that are owned by the College, premises and/or facilities that the College does not own but over which it exercises some degree of control and premises and/or facilities occupied or controlled by societies, clubs and associations

that normally operate on the College's premises, whether or not the College has control of such premises and/or facilities

References in the Code to any employee of the College (such as the Principal or Vice Principal) include reference to that person's nominee.

References in the Code to 'activities' include (but are not limited to) meetings, demonstrations, events and publications through whatever media (including social media) which take place or are proposed or planned or due to take place on the College's premises or through its IT systems.

3. POLICY STATEMENT

The College will 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.

Every person to whom this Code's rights apply shall assist the College in upholding this Code of Practice.

The College will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of the College, provided that:

- such speech and expressions do not go beyond the articulation of points of view and are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities that 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; and
- by allowing such views to be expressed, and by allowing the activity to take place in the format proposed (for example, a non-religious event being held with men and women in segregated seating) the College would not be failing in its wider legal duties, in particular to have regard in carrying out its functions to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act 2010;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and
 - d) prevent people being drawn into terrorism and extremism, including non-violent extremism.

4. OBJECTIVES OF CODE

This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom. It is to be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.

5. SCOPE OF CODE

The Code of Practice covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media

The Code's rights and obligations apply to:

- the College, including members of the Governing Body ;
- all persons (whether academic staff or otherwise) working for the College (whether

- for payment or otherwise);
- all duly enrolled students of the College (whether full- or part-time);
 - all students studying with the College (whether full- or part-time) under an agreement with a partner organisation of the College (even if not enrolled as students of the College);
 - any societies, clubs or associations that normally operate on the College's premises;
 - any other organisations that hire facilities at the College; and
 - all persons invited to speak and/or express views (whether in person or otherwise including through the use of social media) and/or otherwise take part in activities that take place on or are planned or proposed or due to take place on the College's premises or through its IT systems in accordance with the provisions of section 7 of this Code.

6. RESPONSIBILITY STRUCTURE

The Vice Principal is responsible, as policy owner, for keeping this policy under review and proposing changes as required.

The Senior Management Team (SMT) is responsible for ensuring implementation of the Policy throughout the College.

Any organisers or other individuals otherwise involved with an activity to take place on the College's premises or through its IT systems shall be responsible for any costs involved in organising and holding such activities and for ensuring, so far as reasonable possible, that nothing in the organisation or holding of such activities or the arrangements therefor infringes the law or any College rule, regulation or procedure in any way.

7. PRACTICAL IMPLEMENTATION

The College has the responsibility to take reasonable steps 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 activities which take place or are planned or proposed or due to take place on its premises or through its IT systems. The organisation and holding of any such activities, and the arrangements therefor, must comply with this Code of Practice.

Accordingly, the College will permit the use of its premises and IT systems only by organisers and other individuals otherwise involved in an activity or proposed activity who undertake in writing to comply with all lawful instructions and conditions issued by the College in relation to (but not limited to) the location, arrangements, form and conduct of such activities, including adequate stewarding, chairing and provision of adequate control over entry.

Any person to whom this Code's rights apply must submit a request, in writing, to the Vice Principal for permission for an activity to take place where it is reasonably foreseeable that the activity may raise issues that may be controversial in some way. Any such request should be submitted to the Vice Principal not less than ten working days before the proposed date of the activity and must contain details of the proposed subject matter and the purpose and format of the activity (including seating arrangements), the name and identity of any authors and the proposed timing and location of the activity.

Where the activity involves an external speaker, the organiser must follow the College's External Speaker Booking Process and ensure that the speaker follows the College's External Speaker Code of Conduct.

Where the activity requires use of the College's IT systems, all users of the systems must first confirm their agreement to abiding by the College's Information Systems Acceptable Use Policy

Save in exceptional circumstances where more time is required before a decision can be made, within five working days of receiving a written request providing all of the information required the Vice Principal will issue a written decision in reply which will either grant or withhold permission for the activity to take place on the College's premises or through its IT systems. Where the required information is not provided, the Vice Principal will issue a decision (which is likely to be refusal to allow the activity to go ahead) before the date of the planned activity. Until permission is received no activity subject to this Code may take place. Permission granted under this Code may be subject to such conditions or restrictions (for example, as to security precautions, payment of charges, limits on numbers of people to be admitted, seating arrangements or form of publication) as the Vice Principal reasonably sees fit.

The College will not unreasonably refuse to allow activities to take place on its premises or through its IT systems. The expression of controversial views that do not breach the law or risk a breach of the law will not of itself constitute reasonable grounds for withholding permission for an activity. Reasonable grounds for refusal would include (but are not limited to) a risk that, if the activity were to take place on College premises or within the scope of its IT systems, it might involve:

- incitement to commit a criminal act;
- the unlawful expression of views;
- support of an organisation whose aims and objectives are illegal;
- the prospect of an individual being drawn in to terrorism or extremism; or
- a breach of the peace.

In determining whether permission for an activity to take place on the College's premises or through its IT systems might reasonably be refused, consideration may be given to:

- the safety of the persons attending the activity or otherwise foreseeably affected by the activity or on the College's premises who might foreseeably be put at risk;
- the security of the College's premises; and
- the good name and reputation of the College.

An appeal against a decision of the Vice Principal may be made, in writing, to the Principal within five working days of the decision. The decision of the Principal shall be final and binding.

In making a decision, the Vice Principal (or, in the case of an appeal, the Principal) may impose such conditions or restrictions on the activity taking place as he or she reasonably sees fit and where circumstances warrant may consult with the police.

In the event of a breach of this Code, sanctions and penalties will apply as follows:

- Any member of the Governing Body who breaches this Code may be removed from office under Article 13.2 of the College's Articles of Association.
- Where those responsible for the breach are students or staff of the College action may be taken against them under the relevant disciplinary procedure.
- Where those responsible for the breach are students or staff of a partner

organisation of the College the Vice Principal will consider whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of any action taken by the College) under its relevant disciplinary procedure.

- Where a breach of the Code takes place at an activity or as a result of an activity taking place, the College may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them.

8. COMMUNICATION AND TRAINING

The policy will be communicated to staff and students alongside and in conjunction with a range of policies that support their work through members of the College Management Team and via the College's intranet and website.

9. REVIEW AND MONITORING OF THE CODE

The College acknowledges its duty under subsection 3 of Section 43 of the Education (No 2) Act 1986 to issue and keep up to date a Code of Practice on freedom of speech. With this end in view, the Vice Principal will report to the Governing Body at intervals not exceeding four years on the operation of the Code. Changes to the Code will be considered by the Policy Committee which will, in addition, undertake a full review of the Code every four years. The Policy Committee will make recommendations to the Governing Body.