



ETC International College

Code of Practice on Freedom of Speech

March 2020

ETC International College (the “College”) places a duty on every individual and body of persons to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for staff and students of the College.

This Code of Practice on Freedom of Speech (the “Code”) is applicable to all staff, students, visitors and contractors to the College.

There are a number of policies, procedures and codes of practice which sit alongside this Code of Practice. Some of these are as follows: Equality and Diversity Policy, Guidance on dealing with Alleged Abuse (including bullying), Prevent Policy and Procedure, Statement of Principles on Academic Freedom.

The College endorses the principle of freedom of speech and has adopted the following Code in order to secure freedom of speech within the law for all College activities.

The College’s duty is to secure freedom of speech, even if such speech is controversial, it challenges prevailing orthodoxies and/or it is offensive, provided it is within the law. Therefore, so far as is reasonably practicable, access to the premises of the College shall not be denied to any member of staff or registered student, or group of the same, on any grounds relating to:

- the beliefs or views of that member of staff, registered student, or person so invited; or
- the policies or objectives of any group;

except insofar as the expression of such belief, views, policies or objectives shall be unlawful and where it is reasonably anticipated that the unlawful expression of such beliefs, views, policies or objectives might occur on the relevant occasion.

Consequently any exercise of the right to freedom of speech that amounts to incitement to religious or racial hatred, unlawful discrimination, harassment, incitement to public disorder or acts of terrorism, eliciting support for terrorism or conduct that is likely to put the safety of staff, students, visitors and/or others at risk or is otherwise unlawful will be subject to reasonable restrictions imposed by the College.

Failure to ensure that the requirements of this Code are observed will render staff and students of the College liable to disciplinary action under the relevant disciplinary code.

External bodies or individuals may be liable to contractual or other legal sanctions or prosecution for breach of the law.

The freedom of speech protected in this Code is confined to lawful free speech.

The College believes that all staff, students, visitors and contractors should have the right to speak freely, without fear of disciplinary action or any other sanction, provided they do so lawfully.

No student, member of staff, visitor or contractor of the College shall intentionally or recklessly prevent, disrupt or impede, or attempt to disrupt, lawful activities and functions of the College.

Any person organising a meeting or other activity on College premises or for the College shall be responsible for ensuring, as far as is reasonably practicable, that any such meeting or activity is conducted in a manner to maintain good order and academic discipline and shall not involve or lead to damage to property or an infringement of the law.

The College has no legal obligation to hold meetings or other events that are open to the public on its premises. All requests for the use of College premises for meetings and other events, whether these are open to the public or College staff and/or students only, shall be made to any member of the Board of Governors, in writing or by email and must comply with this Code.

Designated Activities (“Designated Activities”) are those meetings or other events which take place on College premises, or are College events hosted at another location, and which could possibly;

- compromise freedom of speech within the law; and/or
- cause a breach of the peace; or
- cause problems, difficulties or disturbances if the Designated Activity takes place.

The organisers of a Designated Activity shall ensure that one person, who shall normally be a student or employee of the College is appointed as principal organiser (“Principal Organiser”).

An event or meeting may be a Designated Activity even if the speaker is an employee, visiting academic or registered student of the College and the Principal Organiser must complete a Designated Activity Request Form (see Appendix) in accordance with this Code in relation to any such Activity.

For example, Designated Activities may include visits by outside speakers whose views have previously provoked controversy or where the subject matter of the activity is likely to be regarded as offensive, objectionable or controversial by some students, staff, and /or participants.

In those circumstances, at least 15 working days before the Designated Activity, the Principal Organiser must:-

- Send a completed Designated Activity Request Form as set out in Appendix 1 to any member of the Board of Governors
- Not advertise or promote internally or externally the Designated Activity.

The Principal Organiser may be required to provide such other information as may reasonably be required by any member of the Board of Governors.

If a Designated Activity Request Form has not been submitted to any member of the Board of Governors but a member of staff believes that an event could be a Designated Activity, they can require a Principal Organiser to be appointed and that a Designated Activity Request Form is sent to any member of the Board of Governors.

The decision on whether or not a Designated Activity should be approved and/or whether approval should be granted subject to conditions will then rest with the Board of Governors, as a whole, who will take into account the requirements of the Education (No. 2) Act 1986, the Counter Terrorism and Security Act 2015 and any other relevant legislation or guidance, the principles and conditions laid down in this Code, the maximum capacity of the areas available for the event and other safety factors.

The Board of Governors may, after full consideration of possible mitigating actions, decide there are grounds for refusing a request.

These may include, but are not limited to:

- that the speaker has links to or represents a proscribed terrorist group or organisation or it is reasonably believed that the speaker is intending to invite support for such an organisation or its activities;
- that, having considered input from a member of the Board of Governors concerning health and safety (including fire safety) and, where appropriate, other relevant parties (including, but not limited to, the Board of Governors, the Management Team, police, Regional Prevent Coordinator, Designated Safeguarding Lead and Prevent Lead, community groups and other Institutions who are known to have previously hosted or refused the speaker) it is believed to be in the interests of public safety, the prevention of disorder or crime or the protection of those lawfully on the College's premises that the event does not go ahead;
- that following appropriate input from relevant parties, the consideration of available evidence and the requirement to secure freedom of speech provided the expression of beliefs, views, policies or objectives is within the law, a member of the Board of Governors has concluded that reasonable steps cannot be taken to prevent the speaker from:
 - expressing views that are contrary to the law; or
 - encouraging, assisting or committing criminal acts; or
 - putting forward views or ideas that are likely to unlawfully infringe the rights of others or place the College in breach of its equality obligations.

In the event that the Designated Activity has been approved, the Principal Organiser and any other organisers shall ensure that all conditions imposed by the Board of Governors are complied with.

Such conditions may include, but are not limited to:

- a requirement for a limited number of tickets to be issued;
- that an adequate number of suitable stewards or security staff are made available;
- the relocation of the Designated Activity to an alternative venue;
- the admission (or non-admission) of members of the public;
- checking the identity of persons attending the Designated Activity;
- the admission or exclusion of press, television or broadcasting personnel;
- imposing conditions on how the event is advertised;
- restricting what materials are available at the event;
- making a translator available to College staff attending the event;
- requiring a speaker with an opposing viewpoint to speak at the event to provide a balanced debate; and/or
- that additional information is provided.

The Board of Governors' decision will be made within 5 working days of his/her receipt of the Designated Activity Request Form (or, where requested, the receipt of any additional information) and will be notified in writing to the Principal Organiser.

The Designated Activity may only be advertised or promoted internally or externally if permission for it to take place has been granted.

The Board of Governors reserves the right to request the provision, in advance of the Designated Activity taking place, of a list of those attending the Designated Activity, copies of the speaker's speech and any promotional material.

If a Designated Activity is approved, the Principal Organiser must inform a member of the Board of Governors if there is a material change to an event booking. Such changes may include, but are not limited to:

- a different speaker;
- the intended audience;
- the number of people expected to attend the event;
- a different venue;
- a different sponsor;
- substantive changes to the speaker's speech;
- substantive changes to any promotional material.

Details of any material changes to event bookings should be sent by email to a member of the Board of Governors immediately upon the Principal Organiser becoming aware of any such changes.

A member of the Board of Governors may amend any conditions imposed or cancel a Designated Activity in light of changed circumstances or factors not known at the time of reviewing the application.

The Principal Organiser shall be responsible for ensuring the speaker and the Chair of the Designated Activity are aware of this Code and associated policies together with any conditions imposed by a member of the Board of Governors that they need to know.

The Chair and Principal Organiser of the Designated Activity have a duty to ensure that, as far as possible, the audience and the speaker act in accordance with the law during the course of the Designated Activity.

In the case of unlawful or unreasonably disruptive conduct by members of the audience, the Chair or Principal Organiser is required to give appropriate warnings and, should such unlawfulness or disruptive conduct continue, require the withdrawal or removal of the persons concerned by stewards or security personnel. If such persons are students or employees of the College, they may be subject to disciplinary proceedings under the College's regulations. If the speaker infringes the law, the Chair or Principal Organiser may curtail or end the Designated Activity. The Chair or Principal Organiser is responsible for calling for police assistance to prevent serious disorder.

In the event that the Principal Organiser of any event should wish to appeal against the decision of a member of the Board of Governors such appeal is to be made in writing to the Clerk to the Board of Governors, on behalf of the Board of Governors, whose decision shall be final.

This Code will be revised as necessary in the light of statutory changes, new guidance and/or experience of its operation.

Version number: V1.0

Approved by: Board of Governors

Date of Approval: 19th March 2020

Date for review: March 2023

APPENDIX - DESIGNATED ACTIVITY REQUEST FORM

An event or meeting may be a Designated Activity even if the speaker is an employee or registered student of the College and the Principal Organiser must complete this form in relation to any such Activity.

Please send the completed form to enquiries@etc-inter.net at least 15 working days before the date of the proposed event.

1 Event title:

2 Date:

3 Time:

4 Venue:

5 Principal Organiser's full name:

6 Principal Organiser's contact details: (organisation/address/email/tel. contact no.)

7 Speaker's full name: If there is more than one speaker, please complete a form for each speaker

8 Speaker's organisation: (Title of organisation and website url)

9 Speaker's contact details: (address/email/tel. contact no.)

10 Speaker's time of arrival:

11 Speaker's time of departure:

12 Name of appointed Chair:

13 Subject matter of event:

14 Does the event have any controversial subjects? If yes, please provide details: Yes/No*

15 How will the event be advertised and in what language?

16 Is the event being sponsored and, if so, who by:

17 Who is expected to attend the event (e.g. staff, students, named guests, general public):

18 What conditions will apply to entry to the event (e.g. ticketed, open to the general public):

19 Number of individuals expected to attend the event:

20 Is there an intention to segregate the event: If yes, please provide further details: Yes/No*

21 What publications or materials will be available to attendees:

22 Has the speaker spoken at the College before? If so, please provide date(s): Yes/No*

23 Has the speaker been refused permission to speak publicly or at any other educational establishment before? If yes, please provide details: Yes/No*

24 If the event is approved, is there a likelihood of media interest? Yes/No*

25 Please provide any other details about the event that should be noted:

26

(a) Have you made the speaker and Chair aware of the College's Equality and Diversity Policy, Guidance on dealing with Alleged Abuse (including bullying), Prevent Policy and Procedure and Statement of Principles on Academic Freedom? Yes/No*

(b) Have the speaker and Chair agreed in writing to comply with the above Codes and Policies? Yes/No*

Principal Organiser's signature:

Principal Organiser's Name:

Date of signature:



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Confirmation of Reading

I confirm I have read and understood the **Code of Practice on Freedom of Speech**

Name: _____

Signed: _____

Date: _____