



REASEHEATH COLLEGE AND UNIVERSITY CENTRE CODE OF PRACTICE FREEDOM OF SPEECH AND EXPRESSION

1. Introduction

- 1.1** Reaseheath College and University Centre (The College) values freedom of speech and expression within the law and is committed to promoting and encouraging free debate and academic freedom of enquiry. Higher education providers are required to take measures to protect freedom of lawful speech and expression.

This code of practice aligns with and is informed by:

- [Section 43 of the Education \(No.2\) Act 1986](#)
- [Higher Education \(Freedom of Speech\) Act 2023](#)
- [Human Rights Act 1998](#)
- [Equality Act 2010](#)
- [Counter Terrorism and Security Act 2015](#)
- As well as [Office For Students Regulatory framework](#), particularly concerning management and governance ('E' conditions of registration) and [relevant public interest governance principles](#) which underpin them relating to freedom of speech and academic freedom.

The College is required under Article 15 of its Articles of Government to have regard to the need to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial and unpopular opinions without placing themselves at risk of losing their jobs, or any privileges they may have at the College.

- 1.2** This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.3** The Code's rights and obligations apply explicitly to:
- Members of the College Board;
 - All persons (whether academic staff or otherwise) working for the College or undertaking duties on behalf of the College;
 - All duly enrolled higher education students;

- Student representatives, societies, clubs or associations operating on College premises;
- External speakers and third-party organisations invited to speak or take part in events to be held on College premises in accordance with the provisions of this Code.

1.4 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.

2. Freedom of Speech and Expression

2.1 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.

2.2 Every person to whom this Code's obligations apply must assist the College in upholding this Code of Practice.

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

Such thoughts and expressions do not go beyond the articulation of personal points of view or do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful;

and provided that:

by allowing such views to be expressed, the College would not be failing in its wider legal duties – in particular in relation to:

- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act 2010;
- advancing equality of opportunity between persons who share a protected characteristic and persons who do not share it;
- fostering good relations between persons who share a relevant protected characteristics and persons who do not share it; and

- preventing people being drawn into terrorism (Prevent duty under Counter Terrorism & Security Act 2015).

2.4 The College will ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on any ground connected with:

- the beliefs or views of such individual or any member of such body; or
- the policy or objectives of such body.

2.5 To ensure adherence to the Higher Education (Freedom of Speech Act) 2023, the College is committed to promoting the importance of free speech and academic freedom for academic staff within the law.

2.6 The College will take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Code of Practice are complied with.

3. Responsibilities under this Code in relation to External Speakers

3.1 The protection and promotion of freedom of speech does not extend to allowing a speaker to break the law or breach the lawful rights of others e.g. using threatening, abusive or insulting words or behaviour, particularly with a view to incite hatred or draw others into extremism or terrorism.

3.2 The College expects external speakers to act in accordance with the law and not to breach the lawful rights of others. The College reserves the right to not permit an external speaker to speak at or attend an event or activity, to refuse to permit an event and/or to halt an event or activity at any time if it reasonably considers there may be a breach of this Code of Conduct or of any legal obligation.

3.3 During the course of the event or activity at which he or she participates, no speaker shall:

- Act in breach of the criminal law;
- Incite hatred or violence or promote extremism or any breach of the criminal law;
- Encourage or promote any acts of terrorism or promote individuals, groups or organisations that support terrorism;
- Spread hatred and intolerance;

- Discriminate against or harass any person or group on the grounds of their sex, race, nationality, ethnicity, disability, religious or other similar belief, sexual orientation or age;
- Defame any person or organisation.

3.4 It is the responsibility of anyone organising an event or activity at the College to ensure that all external speakers are made aware of this Code of Conduct and in particular the contents of this clause 3.

3.5 It is the responsibility of anyone organising an event or activity at the College to ensure that all external speakers are given a copy of the College's 'golden rules' for visitors to the College, which include key safeguarding and health and safety requirements (including the requirement to sign in, wear a visitor's badge and be accompanied by an appropriate member of staff whilst on campus).

4. Responsibilities under this Code in relation to External Speakers

4.1 Events and activities include (but are not limited to) meetings, demonstrations, events and publications through whatever media (including online webinars and social media) which take place or are proposed or planned or due to take place on the College's premises or through its ICT systems. Events involving external speakers that aren't for academic purposes still must adhere to this Code of Practice. For the purposes of this Code, reference to 'meetings' is not intended to include general or day to day business meetings held that may include external attendees.

4.2 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 events and activities which take place or are planned or proposed or due to take place on its premises or through its ICT systems. The organisation, arrangements for and holding of any such events and activities, must comply with this Code of Practice.

4.3 In considering whether to allow an event to proceed, the College will pay due regard to relevant legal duties including:

- the Equality Act 2010 (for the need to eliminate discrimination, advance equality of opportunity and foster good relations);
- the Counter-Terrorism and Security Act 2015 (for the need to prevent people from being drawn into terrorism);

- the Higher Education (Freedom of Speech) Act 2023 (for the duty to protect and promote the importance of free speech and academic freedom within the law).

4.4 Events or activities involving external speakers (whether organised by the governing body, executive team, staff or the student association) must, as soon as possible and at least 20 working days before the event or activity, include an assessment of the proposed speaker(s) against the following questions:

- Question 1: Has the speaker previously been prevented from speaking at the College or at another college, university or similar establishment?
- Question 2: Is the proposed title or theme of the event likely to be considered controversial in the current local and/or national and/or geopolitical environment, likely to incite extremism, discrimination, spread hatred or intolerance or be in contravention of the College values?
- Question 3: Is the proposed speaker/theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of this Code of Conduct or the College values?
- Question 4: Is the proposed speaker/theme likely to affect the safety of people attending, the security of the College premises or the good name and reputation of the College?

If the answer to all four questions is clearly NO the event organiser can continue to organise the event at a local (department) level, ensuring that any external speakers are aware of their responsibilities as set out in clause 3 above.

If the answer to any of the questions is unclear the event organiser must seek guidance from their line manager or head of student services (in the case of student events) at the earliest opportunity, whose responsibility it will be to further review the speaker(s) against the questions above. Ultimately, if the answer to any of the questions is YES it is the responsibility of the event organiser to submit a referral to their member of Executive for permission as soon as possible and at least 15 working days before the proposed date of the event or activity, providing details of the proposed subject matter and the purpose and format of the activity, including seating arrangements, the name and identity of any speakers or authors and the proposed timing and location of the activity.

- 4.5** Save in exceptional circumstances where more time is required before a decision can be made, within 5 working days of receiving a written request the member of Executive will issue a written decision in reply which shall either grant or withhold permission for the event or activity to take place on the College's premises or through its ICT systems. Where the required information is not provided the Principal or designated senior post holder will issue a decision before the date of the planned activity. Until permission is received no event or 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 member of Executive reasonably sees fit.
- 4.6** The College will not unreasonably refuse to allow external speakers to speak and events or activities to take place on its premises or through its ICT systems. The expression of controversial views which do not breach the law or risk a breach of the law will not of itself constitute reasonable grounds for withholding permission. Reasonable grounds for refusal would include (but are not limited to) the fact that, if the speech, event or activity were to take place, a risk would arise that, within the premises of the College and/or the scope of its ICT systems there would be:
- incitement to commit a criminal act;
 - the unlawful expression of views;
 - support of an organisation whose aims and objectives are illegal;
 - the foreseeability that an individual might be drawn into terrorism (including extremism) and/or
 - a breach of the peace.
- 4.7** In determining whether permission for a speech, event or activity to take place on the College's premises and/or through its ICT system might reasonably be refused, consideration may be given by the member of Executive (as is appropriate in the circumstances) to:
- the safety of persons attending or otherwise affected by the event or activity on the College premises who might foreseeably be put at risk;
 - the security of the College's premises; and
 - the good name and reputation of the College.
- 4.8** The decision of the member of Executive is final and binding.

5. Practical Measures

- 5.1** The College will permit the use of its premises and ICT systems only by organisers or other individuals otherwise involved in an event or activity who undertake 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.
- 5.2** In cases in which it is reasonable to assume that there is a possibility of disruption arising from the taking place of an event or activity, the College may consult with the police. If the activity is a public one the police may be prepared to be present throughout the event to minimise any disruption.
- 5.3** Any organisers or other individuals otherwise involved with an event or activity to take place on the College's premises or through its ICT systems shall be responsible for any costs involved in organising and holding such activities (including any costs of cleaning and/or repairs needed as a result) and for ensuring, as far as possible, that nothing in the organisation and holding of such activities infringes the law or any College rule, regulation or procedure in any way.
- 5.4** No articles or objects may be taken inside the building where an event is taking place, or taken or used elsewhere on College premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.
- 5.5** The responsibility for conducting an event or activity rests with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the organiser, especially if the member of Executive has attached any conditions to permission to use College premises.
- 5.6** The member of Executive may withdraw permission already given to hold the event or activity, or amend or impose any conditions, at any time up to or during the event or activity and the College reserves the right to halt an event or activity at any time if it reasonably considers there may be a breach of this Code of Practice or of any legal obligation.
- 5.7** Other points to consider in the organisation of an event in the context of freedom of speech:
- Undertaking a risk assessment of event

- Briefing of security staff around the potential risks
- Briefing staff (teaching, support etc) on the event
- Making sure all guests are briefed prior to the commencement of the event
- Ensuring there are capabilities in place to turn off microphones/live streaming due to disruption etc.
- Briefing of the speaker in question, directing them to the Code of Practice

6. Sanctions and Penalties

- 6.1** Any member of the Board of Governors who breaches this Code may be removed from office under clause 8(2) of the College's Instrument of Government.
- 6.2** Where those responsible for the breach are students or staff of the College action may be taken against them under the relevant disciplinary procedure.
- 6.3** Where those responsible for the breach are students or staff of a partner organisation of the College, the member of Executive will consider whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of) under its relevant disciplinary procedure.
- 6.4** Where a breach of this Code takes place at an event, 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.

7. Complaints and Appeals

- 7.1** Where the College refuses or withdraws permission for any meeting or activity, the applicant will be informed in writing as to the reasons for this decision.
- 7.2** If any person or organisation believes that the refusing of permission or facilities are unreasonable, they hold the right to make representations to the Dean of Higher Education or to another member of staff appointed by the Dean who was not involved in the original decision. They will then consider and confirm a final decision of this review in writing to the applicant.

7.3 In the event that a person or organisation remains dissatisfied with a decision regarding meeting or event request, or with any other aspect of this Code, they can submit a formal complaint to the College via the appropriate channel.

- For staff this will be done via the College Grievance Policy and Procedure.
- For students this is done through the UCR Student Complaints Policy and Procedure for HE students and the College Complaints procedure for FE students and apprentices.
- For external organisations or members of the public this will be undertaken via the College Complaints procedure.

7.4 Where appropriate, complainants will be notified of outcomes in accordance with the timelines indicated in the relevant procedure. If a HE student remains dissatisfied, they will be referred to either the [Office of the Independent Adjudicator](#). For staff or anyone external to the College, this referral will be to the [Office for Students](#) and their notification processes.

7.5 Any failures to follow procedure set out in this Code may render those responsible subject to disciplinary proceedings under the appropriate College staff or student disciplinary procedure as the circumstances require.

8. Review and Amendment of 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 Board of Governors HE Committee will periodically receive a report with any recommendations for revision of it.

Consistency with Harassment and Sexual Misconduct Policy (OFS Condition E6)

This Code operates alongside, and is consistent with, the College's Single Comprehensive Source on Harassment, Sexual Misconduct and Intimate Personal Relationships.

We recognise the importance of lawful freedom of speech and academic freedom in higher education. A rebuttable presumption applies:

Exposure to course content (including books, media, ideas) and statements made in teaching, research, or related academic discussion are unlikely to amount to harassment when they are lawful.

We will:

- Apply equality, safeguarding, and harassment/sexual misconduct protections without undermining lawful expression.
- Train relevant staff and students to understand the balance between free speech, academic freedom, and harassment/sexual misconduct prevention.
- Maintain reporting tools designed in ways that do not chill lawful speech.
- Ensure definitions, processes, and decision-making are consistent across both this Code and the Single Comprehensive Source.

In case of any conflict between this Code and the Single Comprehensive Source on Harassment and Sexual Misconduct, the Single Comprehensive Source prevails on definitions, reporting routes, and procedural matters.

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