

## Freedom of Speech Code of Practice

The approach BCoT takes towards freedom of speech is to enable and promote free speech and encourage debate of all kinds. The only exception is where there are serious concerns about public disorder or the direct incitement of violence or hatred.

This means that there must be an atmosphere of free and open discussion. The college supports the view of the European Court of Human Rights that freedom of expression constitutes one of the essential foundations of a democratic society and that such freedom is applicable not only to information or ideas that are favourably received, but also to those that have the potential to offend, shock or disturb the listener. Staff and students primarily determine the subjects and topics of discussion that take place at college. Pluralism, tolerance and broadmindedness are essential components of a democratic society, and all views, including those that can be difficult to hear, should be able to be expressed and heard with tolerance and mutual respect. The college supports the right to hold conferences and talks on controversial topics. There is freedom to challenge or debate the law, moral or other issues but this does not give permission to break the law.

The principle of free speech has the potential to be abused, including through incitement to violence or to breaches of the peace, or by the use of threatening words or behaviour (including the display of writing, signs or other visible representations) which are intended to provoke racial or religious hatred or hatred on grounds of sexual orientation, or to encourage or draw people into terrorism. All of our staff and students have a responsibility to consider these issues in the course of their work.

The college is not obliged to allow its premises to be used by members of the public or by organisations which might wish to do so, nor is it obliged to admit members of the public to meetings taking place on its premises (providing that it does not exclude on a discriminatory basis) and must take account of other legal obligations, including those around the bounds of lawful speech and assemblies that may lead to serious disorder or breaches of the peace.

The Secretary of State has issued guidance under the Counter-Terrorism and Security Act, 2015, which provides that the college must have due regard to the need to prevent people from being drawn into terrorism. The guidance acknowledges that colleges must have particular regard to the duty to ensure freedom of speech and to the importance of academic freedom.

## **External Speakers Procedure**

This process applies to all bookings of events involving the engagement of an external speaker to give a presentation, talk or lecture under the auspices of Basingstoke College of Technology whether hosted on or off the college's premises. The process is not normally expected to apply to the engagement of visiting speakers to contribute to the delivery of approved academic programmes.

### **1 When to use this procedure**

This procedure should be followed whenever an event involving an external speaker is organised and should be commenced at the earliest opportunity. No event should be publicised until a decision has been made under this procedure that the event can go ahead.

### **2 Self-assessment**

The Event Organiser (the person responsible for the event) must complete BCoT's External Speaker Request Form and submit this to the Student Voice administrator at least 14 days in advance of the event for assessment.

The Event Organiser may be:

- A student
- A staff member
- An external user

### **3. If further scrutiny is required**

In the event of uncertainty about allowing an external speaker on campus the Director of Student Experience or SMT will make the decision. Such circumstances could be:

- The speaker has previously been associated with an event where they have broken the law.
- The speaker or subject or organisation is known to cause controversy, or is associated with a group that is known to cause controversy.

### **4. Referred speakers**

Any events with referred speakers will be investigated further by the Director of Student Experience or SMT. They will conduct a short investigation into the speaker and the event that, wherever possible, they will speak to the person organising the event.

In making recommendations they will assess risk on the following basis:

- The potential for any decision to limit freedom of speech as per the colleges' code of practice in pursuance of the 1986 Education Act
- The potential for the event to cause the college to be in breach of its equal opportunities policy
- The potential for the event to cause the college to fail in its wider legal duties
- The potential for the event to cause reputational risk to the college
- The potential for the speaker's presence on campus to cause fear or alarm to members of the student body
- The potential for the speaker's presence on campus to give rise to breach of peace

They may make one of the following recommendations:

- On the basis of the risks presented to not permit the event with the external speaker to go ahead
- On the basis of the risks presented to fully permit the event with the external speaker to go ahead unrestricted
- On the basis of the risks presented to permit the event with the external speaker to go ahead on the basis of regulatory steps designed to reduce risk

Regulatory steps designed to reduce risk may include:

- Requiring that the event be filmed by an independent body
- Requiring that the event be observed.
- Requiring that an event promoting a particular view includes an opportunity to debate or challenge that view
- Requiring that a copy of any speech (including presentations, resources and videos) to be delivered by the speaker be submitted to the college

## **5. Challenging the decision**

Where students, student groups or staff disagree with the decision to allow an event to take place, they shall have the right to submit a complaint following the college's complaint procedures.