



# Greenhead College Corporation

## FREEDOM OF SPEECH POLICY - education: Number 2 Act (1986)

*Reviewed May 2011*



## GREENHEAD COLLEGE

### Freedom of Speech - Code of Practice

Issued by Greenhead College  
in accordance with  
Section 43 Education (No 2) Act 1986

#### Introduction

1. Greenhead College (the College) is a sixth form college based in Huddersfield. The College recognises and endorses that freedom of speech and expression within the law has fundamental importance for colleges as places of education, learning and the disinterested pursuit of truth. The College is also required under Article 10 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 or unpopular opinions without placing themselves at risk of losing their jobs or any privileges they may have at the College. Colleges have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom. In particular, colleges are obliged under Section 43 of the Education (No. 2) Act 1986 to take measures to protect freedom of lawful speech. This principle is also enshrined in Article 10 of the Human Rights Act 1998.
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 possible within the law.
3. The Code's obligations shall apply to:
  - the College
  - all persons (whether academic staff or otherwise) whose normal place of work is upon College premises, whether at the College or elsewhere acting on behalf of the College
  - all duly registered students of the College (whether full or part-time)
  - all officers of the Students' Union
  - any societies, clubs or associations which normally operate on College premises
4. The Code's rights shall apply to:
  - all persons subject to the Code's obligations
  - persons invited or otherwise lawfully on College premises
5. References in the Code to "College premises" include premises which are owned by the College and premises which the College does not own, but over which the College exercises some degree of control.

## **Requirements of the Act and Academic Freedom**

6. The Education (No 2) Act 1986 (the “Act”) requires every individual and body of persons concerned in the government of any further education institution to take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for students and employees of the institution and for visiting speakers.
7. Every person to whom this Code’s obligations apply shall assist the College in upholding this Code of Practice.
8. 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 points of view and do not constitute incitement to riot, insurrection, racial hatred, sexual harassment and other unlawful activities and provided that, by allowing such views to be expressed, the College would not be failing in its wider legal duties (for example to promote equality of opportunity and good relations between persons of different racial groups).
9. The College shall ensure, so far as is reasonably practicable, that the use of College premises is not denied to any person to whom this Code’s rights apply on any grounds connected with:
  - the beliefs or views of such individual or body; or
  - the policy or objectives of that body.
10. Every person to whom this Code’s obligations apply shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.
11. The College shall 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.

## **Speakers**

12. The Code is concerned with ensuring that all students and employees of the College, and visiting speakers, have freedom of speech within the law.
13. In the case of meetings organised by students, speakers preferably should come at the invitation of the Students’ Union or of a club or society recognised by the Students’ Union. An invitation should not be sent by a student or students individually without prior consultation with the Students’ Union.
14. In the case of meetings organised by staff, speakers must come at the invitation either of a collective body such as a section or a trade union, or of a member or members of the staff individually. The latter must first consult their line manager or the Principal before issuing any invitation.
15. In the case of meetings organised by the College, speakers must come at the invitation of the Board of Governors collectively or a member or members of the Board of Governors individually. The latter must first consult the Chair of Governors or (in his/her absence) the Vice-Chairman of of Governors.

## Other Requirements of the Code

16. Where a meeting is organised by a collective body or by two or more individuals, the organisers should appoint one person as the principal organiser in order to simplify communication and liaison between the organisers and the College to avoid confusion.
17. The principal organiser of a meeting must give the Principal or his/her authorised representative, four weeks' written notice of the meeting. Setting out the proposed date, time and place of the meeting; the subject of the address; the name of the speaker; and a statement whether the meeting is going to be private or open to the public. Exceptionally, where four weeks' notice is impractical, the Principal or his/her authorised representative, may agree to accept shorter notice.
18. Where the meeting is organised by the Students' Union or by a club or society recognised by the Students' Union, it must be held in one of a limited number of rooms specified by the College. The list of specified rooms may be obtained through liaison with the Vice Principal.
19. The principal organiser of such a meeting must book one of the specified rooms. This should preferably be done before the notice of the meeting is given to the Principal or his/her authorised representative. If all the specified rooms are already booked, the meeting must be held over until one of the rooms becomes free.
20. Within one week of receiving notice from the principal organiser, the Principal or his/her authorised representative, will respond in writing. Where s/he grants permission, the Principal or his/her authorised representative, may attach any conditions which s/he considers necessary for the fulfilment of the College's legal obligations to protect and secure freedom of speech and/or any other legal obligation and/or to fulfil any other College requirement or rule.
21. These conditions may, for example, include a requirement that tickets must be issued where a meeting is to be open to the public; or that an adequate number of stewards must be provided by the organisers and that the Principal or his/her authorised representative, must be satisfied about their suitability; or that a member of the College staff must be present, to help in keeping order; or that a member of the College's staff, appointed by the Principal or his/her authorised representative, must be there as a "controlling officer". The conditions may also concern the admission or exclusion of representatives of the media. The organisers are expected to comply fully with all such conditions.
22. The Principal or his/her authorised representative, has discretion to consult the police and, if s/he does so then thinks it appropriate, to attach further conditions. S/he may, for example, require a meeting to be declared public (which would allow for police presence); or s/he may arrange for College staff to take complete responsibility for the security arrangements.
23. The College will not unreasonably refuse to allow events to be held on its premises. The expression of controversial views which are not unlawful per se will not constitute reasonable grounds for withholding facilities for an event. Reasonable grounds for refusal would include, but are not limited to, events which may, within the precincts of the College:
  - incite those attending to commit a criminal act;
  - lead to the expression of views unlawful in law;
  - be in direct support of an organisation whose aims and objectives are illegal; or
  - give rise to a breach of the peace.

24. In determining whether the holding of an event on College premises might reasonably be refused, consideration should be given to:
  - the safety of persons attending the event and persons on College premises who might foreseeably be put at risk;
  - the security of College premises;
  - the good name and reputation of the College.
25. The organisers may appeal within five days of receiving the Principal's or his/her authorised representative's decision to the Chair of Governors against the whole or part of the Principal's or his/her authorised representative's decision. The Chair's ruling will be communicated to the principal organisers within five days of receiving full details of the appeal. The Chair's decision shall be final and binding. The Chair may also impose such conditions or restrictions on the holding of any meeting or demonstration on College premises as it sees fit.
26. Where a meeting proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.
27. It is the ongoing duty of any person involved in organising a meeting or other activity, and also the duty of any person responsible for processing the booking of rooms in the College, to inform the Principal as soon as there are reasonable grounds to believe that:
  - the activity may be disrupted, for example, by reason of:
    - the status of the speaker; or
    - the nature of any of the subjects to be discussed; or
    - the views or beliefs (whether or not related to the activity) of any person attending; or
    - the coincidence of the activity with another activity
  - the personal safety of property of any person attending may be at risk by reason of their involvement in the activity; or
  - intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or
  - the activity might be picketed.
28. No articles or objects may be taken inside the building where a meeting 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.
29. The responsibility for conducting a meeting rests with the appointed chair. This calls for close liaison and consultation beforehand between the chairperson and the principal organiser, especially if the Principal or his/her authorised representative, has attached any conditions to permission to use College premises.
30. At the meeting the chair has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The chair should issue warnings if unlawful conduct, such as the use of violence is threatened or takes place and where such conduct continues, should require the offenders to withdraw or to be removed by the stewards. The chair also has a duty to ensure that any conditions of holding the meeting are adhered to.
31. However, if the chair has made all reasonable efforts to keep order but the meeting goes or continues out of control, any "controlling officer" present will take charge. If there is no "controlling officer" the matter will be cascaded to the admin team and if necessary the police.

32. College premises used for meetings must be left clean and tidy. In default, the organisers may be charged for any additional cleaning and for any repairs which are necessary. Payment in advance, or evidence of ability to pay, may be required before a meeting takes place.

### **Sanctions**

33. Failure to observe the requirements of the Code or of any condition laid down by the Principal or his/her authorised representative, makes any student or member of staff concerned liable to disciplinary action by the College and, at the discretion of the College, to regard any booking of a room as void.
34. If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate.
35. Where a breach of this Code of Practice takes place at a meeting or demonstration, steps will be taken by the College and/or the police to secure identification of the persons committing offences and for appropriate action to be taken against them.

### **Conclusion**

36. All meetings for which the use of College premises is granted or withheld under this Code will be reported to the Board of Governors.
37. The Code of Practice will be reviewed annually by the Corporation Clerk. The Board of Governors will review the Code at least every three years.
38. This Code was approved by the Board of Governors at its meeting on 27 June 2008.

Approved by the Policy committee      May 2011

Approved by the Corporation              June 2011

***“This policy has been impact assessed to ensure it complies with all aspects of Equality and Diversity. Members are reassured that this policy is compliant with current equality legislation”.***

Policy Owner: Martin Rostron – Principal