

ST MELLITUS COLLEGE

CODE OF PRACTICE: FREEDOM OF SPEECH

(Incorporating External Speakers and Prevent Policy)

1. Introduction

1.1 The college recognises that freedom of speech and expression within the law has fundamental importance within the higher education sector. Whilst the college is not obliged under Section 43 of the Education (No. 2) Act 1986 to take measures to protect freedom of lawful speech and expression it recognises the importance of doing so.

The college also recognises its responsibility, although not obligated to do so, to have regard to the need to ensure that academic staff members 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 associated privileges they may have at the college.

1.2 This Code of Practice on Freedom of Speech sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom. 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 shall apply to:

- the college, as an institution, including members of the College Council;
- all members of college staff and/or those working on behalf of the college;
- all duly enrolled students of the college (whether full or part-time);
- all students studying at the college (whether full or part-time) under an agreement with a partner organisation of the college even if not enrolled as students at the college;
- the formally constituted student body and any of its societies, clubs or associations which normally operate on college premises;
- all persons invited to speak, or otherwise take part in events to be held on college premises in accordance with the provisions of this Code.

1.4 References in the Code to "college premises" include premises which are owned and/or controlled by the college.

2. Freedom of Speech and Expression

2.1 The college shall 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 and obligations apply.

2.2 Every person to whom this Code's rights and obligations apply shall assist the college in upholding this Code of Practice on freedom of speech.

2.3 The college will not suppress freedom of thought and expression. However, the college has a duty to ensure, wherever practical, that such thoughts and expressions do not constitute incitement

to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities (beyond the right of peaceful protest) which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful. In particular, the college draws attention to its duty to have due regard to the need to prevent people from being drawn into terrorism (the Prevent Duty).

2.4 Every person to whom this Code’s rights and 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.

2.5 The college shall take such steps as are reasonably practicable (including, where appropriate and following proper investigation, invoking disciplinary measures) to secure that the obligations under this Code are complied with.

3. Events and Teaching

3.1 The college has the responsibility 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 such as teaching, meetings and demonstrations held or proposed to be held on its premises. Any such events must comply with this Code.

3.2 Visiting Teachers and External Speakers: The college has a number of visiting teaching staff and external speakers. It is assumed that they will be engaged in the delivery of subjects relevant to the main activities of the college. The host must ensure that there are no risks pertaining to the college's Prevent duty. If there is any doubt as to the proposed content the host must discuss the proposed teaching with the Dean who will, in consultation with senior colleagues, review the proposed activity, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated or whether the teaching cannot go ahead. Where permission is not granted, the rationale for the decision will be noted and recorded centrally by the Dean. Where a discussion is required concerning the content of proposed teaching, no advertising must be undertaken until permission for the teaching has been granted.

3.3 The college will not unreasonably refuse to allow events to be held on its premises. The expression of controversial views which do not breach the law will not constitute reasonable grounds for withholding permission for an event. Reasonable grounds for refusal would include, but are not limited to, the fact that the event is likely to:

- incite those attending to commit a criminal act;
- lead to the unlawful expression of views;
- be in direct support of an organisation whose aims and objectives are illegal;
- give rise to a breach of the peace; or
- run counter to the college's duty to have regard to its Prevent Duty.

3.4 In determining whether the holding of an event on college premises might reasonably be refused, consideration should be given to:

- the extent to which consideration has been given to the mitigation of risks;
- the safety of persons attending the event and persons on college premises who might foreseeably be put at risk;

- the possibility that persons might be drawn into terrorism;
- the security of college premises; and
- the good name and reputation of the college.

4. Research

4.1 Research undertaken in the college generally relates to Christian theology. If academic or teaching staff propose to undertake research into other areas, especially where these might be regarded as sensitive or related to extremism they should discuss this in advance with the Dean. The Dean will review the proposed research, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated (for example data storage will need to meet the standards for data security and access to such data restricted). Where permission is not granted, the rationale for the decision will be noted and recorded centrally by the Dean.

4.2 External invited speakers for research purposes are assumed to be discussing research relating to Christian theology. If a speaker might be discussing research which would generally be regarded as sensitive or related to extremism the host must discuss the proposed event with the Dean. The Dean will, in consultation with senior colleagues, review the proposed event, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated or whether the event cannot go ahead. Where permission is not granted, the rationale for the decision will be noted and recorded centrally by the Dean. No advertising must be undertaken until permission for the event has been granted.

5. Practical Measures

5.1 Mitigation of risks: The college will not automatically ask for events to be cancelled where seriously contentious or controversial speakers or subjects are involved. It may be important to allow the scrutiny of debate to throw light on perspectives which would benefit from challenge of this kind. The college will, therefore, expect all ways to be considered by which risks can be mitigated, including:

- Appropriate discussion with colleagues, including the principal or members of the college faculty;
- Due reference to the college’s agreed values in relation to the spirit of the debate;
- Careful planning of the event;
- The presence of speakers of differing positions;
- Consideration given to obtaining certain assurances from external speakers;
- Consideration given to health and safety and security concerns;
- The active and well-briefed engagement of a chair of proceedings;
- Consideration given to involving faculty members in the event.

5.2 The college should permit the use of college premises only by organisers of events, whether internal or external, who undertake to comply with all lawful instructions issued by the college in relation to the location, arrangements and conduct of such events, including adequate stewarding and moderating, chairing, monitoring, and the provision of adequate control over entry.

5.3 In cases in which it is reasonable to assume that there is a possibility of disruption at an event, the college may consult with external agencies regarding the security arrangements required.

5.4 In all circumstances, a named Principal Organiser should be identified, who is responsible for the booking and control arrangements of the event, and who will be held responsible for maintaining public order and, as far as possible, securing compliance with this Code.

5.5 Any organisers of any event held on college premises shall be responsible for any costs involved in organising and holding such events and for ensuring, as far as possible, that nothing in the organisation and holding of such events infringes the law, or college regulations, in any way.

6. Sanctions and Penalties

6.1 A student or staff member in breach of this Code may be subject to action being taken against them under the relevant college procedure.

6.2 Where those responsible for the breach are students or staff of a partner organisation of the college the Dean or nominee shall inform the partner organisation with a view to that partner organisation taking action under its disciplinary or other relevant procedure.

6.3 Where a breach of this Code takes place at an event, the college may take steps to assist the police in identifying any persons committing offences with a view to appropriate action being taken against them.

7. Prevent procedure

7.1 If anyone has concerns about the possibility of those connected with the college community being drawn into terrorist activity or about people getting close to the community who could influence any within or associated with the community to take an unhealthy interest in terrorist activity, they should contact the college's Prevent lead, who will decide whether to seek specialist advice on the matter.

8. Review and Amendment of the Code

8.1 The college will normally review this Code of Practice on Freedom of Speech every three years or as legislation dictates.

Review done by SMC Board

Last Reviewed: March 2025

Next Review: for March 2028