



## **Freedom of Speech and External Speaker Policy**

### **1. Introduction**

- 1.1. The AECC University College is committed to the principles of freedom of speech and expression, as well as academic freedom. In accordance with the Education Act 1986 and the Higher Education (Freedom of Speech) Act 2023, the University College will take all reasonable steps to ensure that freedom of speech and expression within the law is both preserved and exercisable at the University College.
- 1.2. The University College is committed both to protecting freedom of speech and academic freedom and to protecting and safeguarding its students and staff from the risk of being drawn into controversial and extreme views and terrorism. The University College discharges its Prevent duty in partnership with other agencies, including the Police, Local Authorities and the network of regional Prevent Coordinators.
- 1.3. The University College expects students, staff, governors, the Students' Union and visitors to ensure freedom of speech within the law is assured. The University College has regard to the need to ensure that students and staff have freedom to question, test and put forward new ideas and controversial or unpopular opinions without placing themselves at risk.
- 1.4. The University College believes that discussion that is open and honest can take place only if offensive or provocative action and language is avoided. Students, staff, governors, the Students' Union and visiting speakers are therefore required to demonstrate sensitivity to the diversity of the University College community. They are required to show respect and tolerance towards expression of views, opinions and beliefs of others even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.
- 1.5. Where a breach of this policy occurs, the University College will take all reasonable steps to identify the person(s) involved in that breach; such breaches may be considered under the relevant Disciplinary Procedures of the University College where applicable and may include referral to the Police or Channel Program if appropriate.

### **2. Key Responsibilities**

- 2.1. Students' Union Executive will have responsibility for approving student led events that are not curriculum related.
- 2.2. Heads of School will have responsibility for approving events relating to their academic areas.
- 2.3. Heads of School will have responsibility for approving speakers in a teaching, learning or research setting or in the context of co-curricular activity.
- 2.4. Heads of Department will have responsibility for approving events relating to their scope of responsibility.
- 2.5. The Executive will have responsibility for approving all other events, not otherwise defined.
- 2.6. The Academic Registrar, who is the University College's Prevent lead, will advise colleagues on Prevent duty and this policy.
- 2.7. All staff and students have a responsibility to assist the University College in upholding the rights of freedom of speech as set out in this Policy.
- 2.8. Event organisers must comply with the provisions outlined in this policy.

### 3. Definitions

#### 3.1. Freedom of Speech:

The duty on universities under the Higher Education (Freedom of Speech) Act 2023 is to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with:

- 3.1.1. The beliefs or views of that individual or of any member of that body; or
- 3.1.2. The policy or objectives of that body.

#### 3.2. Freedom of Expression - Article 10 of the Human Rights Act states that:

*S1 "Everyone has the right to freedom of expression. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.*

*S2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."*

#### 3.3. Academic Freedom Section 202 of the Education Reform Act 1998 provides a requirement for pre-1992 institutions 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 in jeopardy of losing their jobs or privileges they may have at their institutions."*

#### 3.4. External Speaker

An 'external speaker' is deemed to be anybody who is neither a registered student nor a paid/unpaid employee of AECC University College who will be addressing a group at an event. Where an employee of AECC University College is speaking on a topic out of scope of their job description then they will be deemed an external speaker.

#### 3.5. Event

An 'event' is any gathering that is hosted on University College premises, an external venue or online in the name of the University College, that includes an external speaker addressing a group, including in a teaching, learning or research setting or in the context of co-curricular or extra-curricular activity.

### 4. Lawful restrictions on freedom of speech

#### 4.1. The University College will not unreasonably refuse to allow events to be held on its premises unless a conflicting legal provision is identified.

#### 4.2. The expression of controversial views which do not breach the law will not be grounds for withholding permission for an event.

#### 4.3. Reasonable grounds for refusal include, but are not limited to, the fact that the event is likely to:

- Incite attendees to commit a criminal act
- Lead to the unlawful expression of views
- Support an organisation or individual whose aims and objectives are unlawful or on the UK government proscribed organisation list under the Terrorism Act (2000)
- Breach the peace

## 5. Organising an Event

Key principles:

- 5.1. Where a student, member of staff, Governor or the Students' Union wishes to hold an event (as defined under 3.5), they must ensure that this Policy is adhered to. Where this does not occur, the University College will consider action as outlined in 1.6 of this policy.
- 5.2. The organiser will be required to complete and submit an event application form (Appendix A) to the appropriate approver (see section 2 above) as soon as possible and no fewer than 15 working days before the date scheduled for the Event.
- 5.3. It is the responsibility of the event organiser to ensure the signature of the main speaker is captured on the form in enclosure B (electronic signatures are acceptable).
- 5.4. Under no circumstances should the organiser advertise, publicise or promote the event until permission is granted.
- 5.5. An event cannot be recorded or live streamed without the permission of the approver in the first instance, and then the speaker and attendees.

Approving an Event

- 5.6. The approver (outlined in section 2) will assess risk, through their best endeavours, considering:
  - 5.6.1. Duty of care to University College staff, students and visitors; to ensure freedom of speech with reference to the Higher Education (Freedom of Speech) Act 2023;
  - 5.6.2. Preventing people from being drawn into terrorism with reference to the Counter Terrorism and Security Act 2015 and Prevent Duty Guidance;
  - 5.6.3. Its obligation to prevent individuals from discrimination under the Equality Act 2010; and
  - 5.6.4. Any other relevant legislation.
  - 5.6.5. Impacts on the University College's reputation should a controversial event occur.
- 5.7. A potentially high-risk event may include where the speaker or topic of the event is political, religious or controversial in any way. The potential risks of the event not going ahead would likewise be considered.
- 5.8. In the spirit of debate, the University College will normally seek to ensure that events or speakers identified as posing a risk will go ahead subject to the agreement of appropriate safeguards. Refusal or cancellation of an event will only occur in exceptional circumstances, for example upon the advice of Police.
- 5.9. Where a proposed speaker or event presents potential high risks and/or possible reputational damage, the approver will seek advice and guidance from relevant internal and external stakeholders. Where an event is assessed as high risk, these events will require the approval of the Executive or nominee. In such cases, the approver will notify the organiser of the outcome of the approval process and necessary modifications within the specified time.
- 5.10. The University College acknowledges that occasionally opportunities for speakers arise at short notice or situations are fast changing. The University College will consider late requests, but cannot commit to agreeing with them outside of the defined timescales.
- 5.11. The approver will notify the proposer when a decision is made, normally within 5 working days of a complete event booking form being completed.
- 5.12. The approver, on behalf of the University College, reserves the right to cancel, postpone or request modification to any event at any time should risks be identified. The University College may, amongst other things:
  - Request submission of speeches in advance of the event;
  - Place a limit on attendees or to whom it is advertised/accessible to (i.e. University College audience or open to the general public)
  - Seek declaration of attendees in advance of the event;

- Request stewards to be provided by the organisers;
- Ensure the presence of an appropriate member of staff of the University College or Students' Union to ensure good order
- Ensure a presence of security
- Place limitations on what attendees can bring to a venue, to limit potential items that could be used as weapons
- Bag searches and ID checks
- Ban banners, flags, placards or similar items in and around the venue
- Alter proceedings and/or facilitation, including appointing an alternative Chair
- Reserve the right to input into communications about the event (before and after)
- Cancel, prohibit or delay at any time.

## Managing Events

- 5.13. Event organisers have a responsibility under the Equality Act 2010 to ensure that no enforced segregation by any protected characteristic takes place at any event, unless it is specifically for religious worship or practice or for reasons of health and safety, and that attendees have the freedom to choose where they sit. Event organisers must not knowingly facilitate discrimination by others at the request of an external speaker or any individual attending or wishing to attend an event.
- 5.14. The protection of freedom of speech does not allow a speaker to break the law or breach the lawful rights of others. It should be noted that these provisions do not create a broad right not to be offended; the expression of views which some people may find objectionable or offensive is not prohibited generally by law and students should be able to confront and debate opinions and ways of thinking which may be different to their own.
- 5.15. It is the responsibility of the event organiser to ensure that all external speakers receive a copy of the Guidelines for External Speakers and the Freedom of Speech Policy.
- 5.16. It is the responsibility of the event organiser to ensure that the event is carried out in accordance to the plan that was approved; last minute changes to speakers, speeches, organisation cannot be accepted under this policy.
- 5.17. All speakers and attendees are expected to act with civility, consideration and respect for others in the University and the local community.

## 6. Data Sharing

- 6.1. Where there is a legitimate reason to do so, the University College will share information on the external speakers it has hosted, and/or those it deemed to be a risk, with other relevant agencies.
- 6.2. In accordance with its obligations as detailed in the Prevent Duty Guidance, the University College will report any major incidences of concern involving external speakers on campus to the Office for Students (OfS).

## 7. Concerns

- 7.1. If any member of the University College has a concern regarding any aspect of this policy, including an approved event, they should in the first instance contact the Academic Registrar.
- 7.2. Failure by any member of staff or student to follow this policy will be treated seriously and may result in formal action under the University College's disciplinary policies.
- 7.3. If any member of the University College community, external speaker or visitor considers there has been a breach of this policy, they have the formal right to make a complaint by emailing [registry@aecc.ac.uk](mailto:registry@aecc.ac.uk)

<b>Version:</b>	1.2
<b>Approved by:</b>	SMG
<b>Originator / Author</b>	Academic Registrar
<b>Owner</b>	Academic Registrar
<b>Reference source</b>	HEI Exemplars
<b>Date approved</b>	November 2023
<b>Effective from</b>	November 2023
<b>Review date</b>	Spring 2025
<b>Target</b>	Staff and Students
<b>Policy location</b>	SIP and public website
<b>Equality analysis</b>	This Policy has been developed with due regard to the University College's general equality duty.

