

Freedom of Speech Policy

Responsible Senior Manager: Clerk to the Corporation

Effective Date: 14 December 2022

Related Policies
Child Protection & Safeguarding Policy
Community Engagement Policy

Approved By: Corporation

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Contents

| | | |
|----|--------------------------------|---|
| 1. | INTRODUCTION | 3 |
| 2. | PURPOSE | 3 |
| 3. | SCOPE | 3 |
| 4. | DEFINITIONS | 3 |
| 5. | RELEVANT LEGISLATION | 4 |
| 6. | PRINCIPLES | 4 |
| 7. | PROCEDURES | 5 |
| 8. | OVERALL RESPONSIBILITIES | 6 |

1. Introduction

- 1.1 HSDC (the College, which comprises campuses at Havant, South Downs and Alton) is committed to promoting a culture of free and open discussion and see this as essential in its role as an academic institution. This culture can only be achieved if all concerned behave with necessary tolerance and avoid needlessly offensive or provocative action or language.
- 1.2 The College expects all persons taking part in its activities to respect its values, be sensitive to the diversity of its community and to show respect to all sections of that community.
- 1.3 This Policy covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and the use of social media.

2. Purpose

This Policy is intended to ensure that, as far as reasonably practicable, freedom of speech and expression within the law is secured for all members of the College community as well as for visiting speakers.

3. Scope

The provisions of the Policy apply to all Staff, Students & Visitors to the College. The Policy also applies as appropriate to outside organisations hiring College premises and to public meetings held on the premises.

4. Definitions

- 4.1 **Designated Activity** - Any meeting, event or other activity due to take place on College premises where there is a reasonable expectation on the part of the Principal Organiser, Responsible Officer or other member of the College community that freedom of speech within the law may be compromised unless appropriate remedial action is taken. A comprehensive definition of activities is not practicable but these activities may include visits by public figures especially if their views have aroused controversy in the past or where the subject matter of the activity is likely to be regarded as controversial, objectionable or an incitement to terrorism by at least some of the participants.
- 4.2 **The Responsible Officer** - The person responsible to the Principal and, through them, to the College Corporation, for ensuring compliance, as far as reasonably practicable, with this Policy by all members, students and staff of the College, visiting speakers, hirers of College premises and organisers of meetings held on College premises. The role of the Responsible Officer will ordinarily be fulfilled by Head of Campus, or their nominee.
- 4.3 **The Principal Organiser** - The person nominated by the organisers of any activity which in their view might reasonably be expected to be designated, to be responsible for informing the Responsible Officer of the existence of such an activity and for liaising with the Responsible Officer thereafter. The Principal Organiser shall perform such other duties as may reasonably be required by the Responsible Officer. If a Principal Organiser has not been nominated by the organisers of the activity, the person who requested the use of

the College premises will be deemed to be the Principal Organiser.

5. Relevant Legislation

There is a range of relevant legislation which affect this Policy, particularly:

- **Section 43 of the Education Act (No 2) 1986** places a legal requirement on the College to issue a Policy and requires the College to ensure its facilities are not denied to anyone on the grounds of their beliefs or views.
- **The Equality Act 2010** places a duty on the College to eliminate discrimination, harassment and victimisation and further to foster good relations between all members of the College community.
- **The Public Order Act 1986** contains a number of criminal offences relating to violent conduct, speech or actions that threaten violence or cause fear, harm or distress. The Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial hatred, or in circumstances where it is likely racial hatred will be stirred up.
- **The Terrorism Acts of 2000 and 2006** define certain criminal activities relating to terrorism in terms of inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological objective.
- **The Counter Terrorism and Security Act 2015** places an obligation on the College to have due regard to its duty to prevent people from being drawn into terrorism.

6. Principles

- 6.1 The College has a duty to promote fundamental British values which are:
- Democracy
 - The rule of law
 - Individual liberty
 - Mutual respect
 - Tolerance of those of different faiths and beliefs
- 6.2 Freedom of expression does not protect statements that unlawfully discriminate against or harass, or incite violence or hatred against other persons by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status, nor does it limit or undermine the human rights of others.
- 6.3 The College is subject to the statutory duty to have due regard to the need to promote good relations between different communities protected by equality law. This may require active challenge to the use of offensive communication and hate speech. Hate speech is generally understood to describe forms of expression which incite violence, hatred or discrimination against other persons or groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status.
- 6.4 The College also has statutory duties under the Counter Terrorism and Security Act 2015 to prevent people from being drawn into terrorism.
- 6.5 Event Organisers have a duty to ensure that nothing in the preparations or conduct of a

meeting or activity, whether designated or otherwise, infringes the law, e.g. by conduct likely to cause a breach of the peace or incitement to illegal acts, including terrorism. Assemblies of persons directed to lawful purposes cease to be lawful if they cause serious public disorder or breach the peace.

- 6.6 Event Organisers are expected to highlight at the earliest opportunity any grounds for believing that a speaker will be controversial or will potentially commit a criminal offence.
- 6.7 All members of the College community are required to ensure compliance, through disciplinary measures if necessary, with the terms of the Policy. Additionally, if such actions involve breaches of the law, the College will readily assist the prosecuting authorities to implement the processes of the law. Any staff who become aware of an event or activity to which this Policy may apply should follow the instructions on the attached checklists.
- 6.8 The granting of permission by the College for the holding of activities on its premises to an individual or body does not imply any endorsement by the College of the policy or objectives of that individual or body.

7. Procedures

- 7.1 This section applies to any meetings or activities falling within the meaning of section 4.1 above.
- 7.2 All persons within the College who have a responsibility for the use of premises shall report to the Responsible Officer any proposed use of premises which may constitute a Designated Activity. These persons will also be responsible for bringing this Policy to the attention of those attempting to book College premises for any purposes which may constitute a Designated Activity. It is a mandatory requirement that Event Organisers indicate they accept the terms & conditions of this Policy when booking any College premises.
- 7.3 At the earliest possible stage the organisers of any activity which may reasonably be regarded as falling within the terms of this Policy of Practice shall appoint a Principal Organiser. The Principal Organiser of such an activity shall provide the following information in writing to the Responsible Officer at least **two weeks in advance**:
 - The nature of the activity,
 - The names and contact details of any visiting speakers,
 - The subject matter of their talks and the organisations which they represent,
 - The language in which the event will be conducted
 - The proposed date, time and venue for the activity,
 - The estimated times of arrival and departure of any visiting speakers.
 - The numbers expected to attend
 - Their agreement that the event will not be advertised until it has been approved to go ahead
 - If the event is being sponsored and if so by whom

Failing such notice, the event shall not be permitted to take place on College premises.

- 7.4 As soon as reasonably practicable after being notified that a Designated Activity is scheduled to take place, the Responsible Officer will, after necessary consultation with the Principal Organiser and any other interested parties, either grant or withhold permission for the use of College premises as proposed by the conduct of the event. In the event that permission is declined, reasons will be provided why.

- 7.5 Permission so granted may be subject to such conditions as the Responsible Officer considers reasonably necessary to secure fulfilment of the College's statutory responsibilities concerning the protection of free speech within the law. The Principal Organiser and all persons connected with the organisation of the event for which permission has been granted shall be required to comply with all conditions laid down by the Responsible Officer under the provision of this Policy. Such conditions may include but are not limited to:
- The determination of the date, time, length and venue of the Designated Activity;
 - How the event is to be advertised or marketed;
 - The admittance or non-admittance of members of the public (declaring the event public would permit a police presence);
 - That a particular individual be appointed to chair the event to ensure that both the speaker and audience act in accordance with the law during the event;
 - The determination of the method of access and egress of the event participants and visiting speakers;
 - Eligibility for admission to the event, including the requirement that ID is required
 - arrangements for admission by ticket only;
 - The attendance as necessary by specified senior members of the College, Security, premises staff and / or other suitable stewards who should be present to maintain order;
 - Arrangements to film the proceedings by Security;
 - The refusal of admission of press, radio or television to the event;
 - Requesting an advance copy of the guest list for review before the event takes place;
 - Arrangements for a right of reply to challenge the views expressed at the Designated Activity
 - How any costs associated with policing the event are to be met
- 7.6 If the Responsible Officer is not satisfied that adequate arrangements are in place to maintain good order, they may refuse or withdraw permission for the Designated Activity to take place.
- 7.7 The Responsible Officer shall also have the authority to take action as described above in relation to any activity that is brought to their attention whether the above procedures have been followed or not. The organisers of such an activity shall be regarded as being in breach of this Policy and liable to possible disciplinary action.

8. Overall Responsibilities

- 8.1 The Principal is responsible to the Corporation for the operation of this Policy. Their authority for the administration shall be delegated to the Responsible officer who may further delegate their authority in general or particular instances to other officers of the College.
- 8.2 The following arrangements are in place to communicate, disseminate and implement this Policy:
- The Policy will be circulated via the intranet and made widely available.
 - Individuals responsible for room bookings, timetabling and events will receive detailed guidance on how to apply this Policy.
 - The Responsible Officer will ensure that there is effective liaison with the Students' Union to communicate the policy to student societies.
- 8.3 There are no exceptions to this Policy. Appeals against any decisions made by the

Responsible Officer taken under the terms of this Policy may be made to the Principal, whose decision shall be final.

- 8.4 Practical checklists for event organisers, timetabling staff and passers-by are appended to this policy as Appendix 1, 2 and 3.

Appendix 1 - Freedom of Speech at Havant and South Downs College – A Guide for Booking / Timetabling staff

The College has to balance its obligation to secure free speech with its duty to ensure the law is observed, which includes promoting good campus relations and maintaining the safety and security of staff, students and visitors. This practical checklist should be referred to when considering requests to book College premises [for speaking events] and should be read in conjunction with the College's Policy on Freedom of Speech.

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| <input type="checkbox"/> | Have the Event Organisers given more than two weeks' notice of the proposed date of the event? |
| <input type="checkbox"/> | Have you made the Event Organisers aware that the Policy on Freedom of Speech applies? |
| <input type="checkbox"/> | Have the Event Organisers nominated a Principal Organiser? |
| <input type="checkbox"/> | Have the Event Organisers provided the name and details of the person (and any organisation they represent) who will speak at the event? |
| <input type="checkbox"/> | Have the Event Organisers provided details of the subject matter / topics that the Speaker will be talking about at the event? |
| <input type="checkbox"/> | Have you asked for details about the numbers expected to attend the event and how the audience will be comprised (staff, students, members of the College, guests, general public)? |
| <input type="checkbox"/> | Have you asked for information about how the event is to be promoted and explained that this will not be permitted until the booking has been approved? |
| <input type="checkbox"/> | Have you asked the Event Organisers whether they have any reason to believe that there may be a threat of disruption caused by the proposed meeting or activity and what is the substance of that threat? |
| <input type="checkbox"/> | Have you asked the Event Organisers whether any issues may arise with a Speaker and if any controversy has been attracted by the Speaker in the past? |
| <input type="checkbox"/> | Have you explained to the Event Organisers that they are expected to highlight at the earliest opportunity any grounds for believing that a speaker will be controversial or will potentially commit a criminal offence? |
| <input type="checkbox"/> | Have you explained that the Event Organisers must notify you if an approved speaker is replaced or other material changes occur to the proposed event? |
| <input type="checkbox"/> | Have you explained that the College reserves the right to review an external speaker decision if further information emerges about the proposed event? |
| | <p>If any of the information provided by the Event Organisers gives you reason to believe that the Speaker's right to free speech is likely to be either:</p> <ul style="list-style-type: none"> a. Restricted or disrupted by others or b. Abused by the Speaker <p>Then you should escalate this issue (in confidence) to Head of Campus before accepting the booking.</p> |

Appendix 2 - Freedom of Speech at Havant and South Downs College – A Guide for Event Organisers

The College has to balance its obligation to secure free speech with its duty to ensure the law is observed, which includes promoting good campus relations and maintaining the safety and security of staff, students and visitors. This practical checklist should be referred to when requesting use of the College premises [for speaking events] and should be read in conjunction with the College's Policy on Freedom of Speech.

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| <input type="checkbox"/> | Have you given more than two weeks' notice of the proposed date of the event? Your event booking may not be accepted if you have not given sufficient notice. |
| <input type="checkbox"/> | Have you read the College's Policy on Freedom of Speech? |
| <input type="checkbox"/> | Have you nominated a Principal Organiser to liaise with the College over arrangements for successfully managing the event? |
| <input type="checkbox"/> | Have you provided the name and details of the person (and any organisation they represent) that will speak at the event? |
| <input type="checkbox"/> | Have you provided details of the subject matter / topics that the Speaker will be talking about at the event? |
| <input type="checkbox"/> | Have you provided details about the numbers expected to attend the event and how the audience will be made up (staff, students, members of the College, guests, general public)? |
| <input type="checkbox"/> | Have you provided information about how the event is to be promoted and explained that this will not be permitted until the booking has been approved? |
| <input type="checkbox"/> | Do you have any reason to believe that there may be a threat of disruption caused by the proposed meeting or activity and what is the substance of that threat? This must be communicated to the College. |
| <input type="checkbox"/> | Are you aware of any issues that may arise with a Speaker and if any controversy has been attracted by the Speaker in the past? This must be communicated to the College. |
| <input type="checkbox"/> | You understand that you are expected to highlight at the earliest opportunity any grounds for believing that a speaker will be controversial or will potentially commit a criminal offence. |
| <input type="checkbox"/> | You understand that you must notify the booking staff if an approved speaker is replaced or other material changes occur to the proposed event. |
| <input type="checkbox"/> | You understand that the College reserves the right to review an external speaker decision if further information emerges about the proposed event. |
| <input type="checkbox"/> | You understand that your booking may only be accepted subject to certain conditions as laid down in the Policy on Freedom of Speech. |
| <input type="checkbox"/> | You understand that if the procedures set out in the Policy on Freedom of Speech are not followed you will be regarded as being in breach of the Policy and liable to possible disciplinary action. |
| | <p>If any of the information known to you gives you reason to believe that the Speaker's right to free speech is likely to be either:</p> <ul style="list-style-type: none"> a. Restricted or disrupted by others or b. Abused by the Speaker <p>Then you should escalate this issue (in confidence) to Head of Campus before proceeding with the booking.</p> |

Appendix 3 - Freedom of Speech at Havant and South Downs College – A Guide for Passers-By

The College has to balance its obligation to secure free speech with its duty to ensure the law is observed, which includes promoting good campus relations and maintaining the safety and security of staff, students and visitors. Please refer to this practical checklist should you witness any activity where you believe the right to an individual's freedom of speech is either under threat or being abused.

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| <input type="checkbox"/> | Is anyone substantially interfering with a Speaker's ability to communicate or the audience's ability to hear and see the speaker? |
| <input type="checkbox"/> | Are those involved in the activity using speech or actions that threaten violence or cause fear, harm or distress? |
| <input type="checkbox"/> | Are those involved in the activity using threatening, abusive or insulting words or behaviour either with the intention of stirring up racial hatred, or there are circumstances where it is likely that racial hatred will be incited? |
| <input type="checkbox"/> | Are those involved in the activity displaying signs or distributing literature that would tend to promote or incite violence, fear, harm or distress? |
| <input type="checkbox"/> | Have you been or witnessed other Passers-by being obstructed in any way by the conduct or those participating in the activity? |
| <input type="checkbox"/> | Are those involved in the activity using speech or actions to discriminate, harass and victimise a particular group of people? |
| <input type="checkbox"/> | Are those involved in the activity displaying signs or distributing literature that would tend to promote or incite violence, fear, harm or distress? |
| <input type="checkbox"/> | Are those involved in the activity displaying signs or distributing literature that includes obscene words or language? |
| <input type="checkbox"/> | Are those involved in the activity committing any act likely to create an imminent safety or health hazard to themselves or others? |
| <input type="checkbox"/> | Are speakers using a public address or amplification system including but not limited to, megaphones and PA systems? |
| | <p>If anything you have witnessed gives you reason to believe that the Speaker's right to free speech is likely to be either:</p> <ul style="list-style-type: none"> a. Restricted or disrupted by others or b. Abused by the Speaker <p>Then you should immediately report this issue to Security.</p> |