



Code of Practice on Freedom of Speech

Audience	ALL COLLEGE
Requirement	ESSENTIAL
Policy Owner	AP STUDENTS & IMP
1st Delegation	SLT
Last Delegation	TSCQ
Review Cycle	Every 3 years
Last Review	Dec 19
Due for Review	Dec 22

CODE OF PRACTICE

ON FREEDOM OF SPEECH AND EXPRESSION

Introduction

- 1.1 Fareham College recognises and endorses that freedom of speech [and expression] within a culture of free and open discussion is an essential part of its role as an academic institution. Institutions are obliged under section 43 of the Education (No. 2) Act 1986 to take reasonable measures to protect freedom of lawful speech.
- 1.2 The Code of Practice 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.
- 1.3 The provisions of this Code apply to all Staff, Students & Visitors to the College. The Code also applies as appropriate to outside organisations hiring College premises and to public meetings held on its premises.

2. Freedom of Speech and Expression

- 2.1 This Code of Practice is intended to ensure that, as far as reasonably practicable, freedom of speech and [and expression] within the law is secured for all members of the College community as well as for visiting speakers.
- 2.2 Fareham College will not suppress freedom of speech and expression provided that:
 - such speech and expressions do not go beyond the articulation of points of view and are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful, and
 - by allowing such views to be expressed, and by allowing the activity to take place in the format proposed (for example, a non-religious event being held with men and women in segregated seating) Fareham College would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and

(d) prevent people being drawn into terrorism.

2.4 **Activities on College Premises**

2.3 Fareham College has the responsibility to take reasonable steps to maintain good order on its premises. It has the right and the power, if necessary, to impose conditions or restrictions upon activities which take place or are planned to take place on its premises or through its ICT systems.

2.4 Fareham College will not unreasonably refuse to allow activities and the expression of controversial views (which do not breach the law or risk a breach of the law) will not of itself constitute reasonable grounds for refusal. Reasonable grounds for refusal would include (but are not limited to);

2.4.1 incitement to commit a criminal act; the unlawful expression of views;

2.4.2 support of an organisation whose aims and objectives are illegal;

2.4.3 the foreseeability that an individual might be drawn into terrorism and/or

2.4.4 a breach of the peace.

2.5 Any meeting, event or other activity due to take place on College premises where there is a reasonable expectation on the part of the event organiser, or other member of the College community that freedom of speech within the law may be compromised should be highlighted with the Senior Management Team (SMT) at the earliest opportunity. Examples may include e.g. visits by public figures if their views have aroused controversy or where the subject matter of the activity is likely to be regarded as controversial, objectionable or an incitement to terrorism.

3. **Sanctions and Penalties**

3.1 Where those responsible for the breach are students or staff of Fareham College action may be taken against them under the relevant disciplinary procedure.

3.2 Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, Fareham College may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them.