

Berkshire College of Agriculture (BCA)

Code of Practice for Freedom of Speech

Lawful freedom of speech is essential to the life of a College, but can only be attained if all those involved not only exhibit a degree of tolerance and forbearance towards views in opposition to their own but also support the concept of rational debate.

The Corporation of BCA wishes to ensure that the use of its premises is not denied to any individual or body on any grounds connected with their lawful beliefs or views or their policies or objectives, and that staff and students of BCA may go about their proper business without fear of intimidation. Legal obligations exist, however, which may set limits on certain freedoms in order to preserve the rights and freedoms of others.

The Education (No 2) Act 1986 (the "Act") requires every individual and body of persons concerned in the government of any educational institution to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students and employees of the institution and for visiting speakers.

There is also a requirement that, so far as is reasonably practicable, the use of College premises shall not be denied to any individual or body of persons on grounds connected with the beliefs or views of that individual or any member of that body, or with the policy and objectives of that body.

The Act further requires the governing body of the institution to issue a code of practice setting out the procedures to be followed by students and employees of the establishment in connection with the organisation of meetings and other activities which are to be held on College premises and the conduct required of such persons in connection with any such meeting or activity.

The requirement of this code applies to all the staff of the College, the students registered at the College, and the Governors of the College.

Every individual and body of persons concerned in the governance of the College is required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure compliance with the code of practice.

In addition, clear guidance is required to students, staff, governors and external agencies as to how the College manages freedom of speech as part of its Prevent Duty Guidance.

1. Principles of the Code

- 1.1. BCA affirms its commitment to Freedom of Speech. It must, however, take account of its other legal obligations, beyond those imposed by the Act.
- 1.2. A speaker who incites an audience to violence, breach of the peace or racial hatred, for example, is acting contrary to public order laws and as such shall not be regarded as lawful within the remit of this code.
- 1.3. Speakers must respect the rights and freedom of others as protected by the law (for example, they must not make statements which are actionable for defamation).
- 1.4. The College will thus have due regard to its relevant obligations and commitments that need to be taken into account in respect of the following legislation: The Education Reform Act 1988; The Human Rights Act 1998; The Equality Act 2010; Public Order Act 1986; Protection from Harassment Act 1997; The Racial and Religious Hatred Act 2006; Terrorism Acts 2000 and 2006; and The Counter Terrorism and Security Act 2015.
- 1.5. All meetings taking place on College premises are private, unless the public is expressly invited to attend.

2. Speakers

- 2.1. The code is concerned with ensuring that all students and employees of the College, and visiting speakers, have freedom of speech within the law.
- 2.2. In the case of meetings organised by FE students, external speakers should attend at the invitation of a Department Head, following consultation with and formal approval (in writing/via email) from the Vice Principal Curriculum and Quality **at least 2 weeks** prior to issuing an invitation for any speaker to attend on site. An invitation should not be sent by a student or students individually.
- 2.3. In the case of meetings organised by FE staff, external speakers must attend by invitation only and members of staff must secure formal approval (in writing/via email) from the Vice Principal Curriculum and Quality, **at least 2 weeks** prior to issuing an invitation for any speaker to attend on site.
- 2.4. In the case of meetings organised by HE students, external speakers should attend at the invitation of a Programme Leader, following consultation with and formal approval (in writing/via email) from the Director of Higher Education **at least 2 weeks** prior to issuing an invitation for any speaker to attend on site. An invitation should not be sent by a student or students individually.
- 2.5. In the case of meetings organised by HE staff, external speakers must attend by invitation only and members of staff must secure formal approval (in writing/via email) from the Director of Higher Education **at least 2 weeks** prior to issuing an invitation for any speaker to attend on site.

3. Other Requirements of the Code

- 3.1. 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 and to avoid confusion.

- 3.2. The principal organiser of a meeting with an External Speaker must complete a copy of the Visitor Form available at:

<https://drive.google.com/open?id=1u2puBIOuOiAcWTUpZiX0d2oFFTQADcD9ZS0xRB7Zc8E> and email to Reception at least 24 hours in advance of the meeting.

- 3.3. Within one week of consultation with the Principal Organiser/Department Head/Programme leader, the Vice Principal Curriculum and Quality/ Director of Higher Education will respond in writing and may deem it necessary to add certain conditions, 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; or that security is necessary, to help in keeping order; or that a member of the College's staff, appointed by the VP/DHE, must be there as a "controlling officer". They may also concern the admission or exclusion of representatives of the media. The organisers are expected to comply fully with all such conditions.
- 3.4. The Vice Principal Curriculum and Quality/ Director of Higher Education has discretion to consult the police and, if she/he does so and then thinks it appropriate, to attach further conditions. They may for example, require a meeting to be declared public (which would allow for police presence); or they may arrange for College staff to take complete responsibility for the security arrangements.
- 3.5. The Vice Principal Curriculum and Quality/ Director of Higher Education may at their discretion refuse permission for a meeting or later withdraw permission already given.
- 3.6. The organisers may appeal, within five days of receiving the decision from the Vice Principal Curriculum and Quality/ Director of Higher Education to the Principal against the whole or part of that decision. The Principal's ruling will be final and will be communicated to the principal organisers within five days of receiving full details of the appeal.
- 3.7. 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.
- 3.8. 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 Vice Principal Curriculum and Quality/ Director of Higher Education as soon as there are reasonable grounds to believe that:
- 3.8.1. The activity may be disrupted, for example, by reason of:
 - 3.8.1.1. the status of the speaker; or
 - 3.8.1.2. the nature of any of the subjects to be discussed; or
 - 3.8.1.3. the views or beliefs (whether or not related to the activity) of any person attending; or
 - 3.8.1.4. the coincidence of the activity with another activity.
 - 3.8.2. The personal safety or property of any person attending may be at risk by reason of their involvement in the activity; or

- 3.8.3. Intimidation, duress, or harassment might be applied to any person in an attempt to prevent their attending the activity; or
- 3.8.4. The activity might be picketed.
- 3.9. 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.
- 3.10. The responsibility for conducting a meeting rests with the appointed chairperson. This calls for a close liaison and consultation beforehand between the chairperson and the principal organiser, especially if the Vice Principal Curriculum and Quality/ Director of Higher Education has attached any conditions to permission to use College premises.

4. At the meeting

- 4.1. The chairperson 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 chairperson should issue warnings of unlawful conduct, such as when the use of violence is threatened or takes place, and where such conduct continues, should require the offenders to withdraw or be removed by security on site, whose presence the Vice Principal Curriculum and Quality/ Director of Higher Education has made a condition of holding the meeting.
- 4.2. However, if the chairperson 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”, any security officers present will take charge, acting on instructions or advice which the Estates Manager has given to them beforehand but otherwise using their own initiative. In the absence of a “controlling officer” or security officer, the chairperson must order the police to be called.
- 4.3. 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.

5. Sanctions

- 5.1. Failure to observe the requirements of this code or of any conditions laid down by the Vice Principal Curriculum and Quality/ Director of Higher Education 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.
- 5.2. If any actions involve breaches of the criminal or civil law, the College will assist the prosecuting authorities as appropriate.