

## **Regent College London**

### **Code of Practice on Freedom of Speech**

#### **INTRODUCTION**

1. The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students must uphold the existing laws around freedom of speech. Where they are registered, universities and colleges must follow the regulatory framework.
2. Under the framework the Board of Directors of registered universities and colleges should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.'
3. This includes a duty to ensure, so far as is reasonably practicable, that use of any premises is not denied to an individual or group on grounds connected with their beliefs, views, policies or objectives.
4. Reference to 'College premises' includes premises which are owned and/or controlled by the College and premises occupied or used by its students. For the purposes of this Code, it also includes online or electronic facilities used for and by students for the purposes of teaching and learning, or for College administration.
5. In order to facilitate the discharge of these duties, the Board is required to issue and maintain a Code of Practice setting out the procedures to be followed by members, students and employees, and their conduct, in connection with the organisation of meetings and other activities to be held on College premises and which fall within the scope of this Code of Practice.

#### **SCOPE**

6. The Code of Practice shall apply to all staff (regardless of the nature of their contractual relationship) and students of the College. Furthermore, any persons invited to speak or otherwise take part in events held on College premises, or under the auspices of the College, will be required to comply with this Code.
7. The College shall take reasonable steps to ensure that all in the scope of the Code, and all others where their activities may bring them into scope, are aware of their obligations therein.

#### **PRINCIPLES**

8. Regent College London believes that 'the end result of education is character'. To that end, we wish to establish and maintain an inclusive community that recognises that people with different backgrounds, experience, skills, attitudes, beliefs and views bring fresh ideas and new perspectives.
9. Furthermore, whilst free speech is an essential freedom, the College recognises these freedoms come with a responsibility to ensure that they are exercised in an atmosphere of tolerance and respect for others and their views, within the law.
10. The law protects the rights of members of the College to engage in debate and argument about social, political, religious, economic and scientific ideas, provided that the views expressed are not contrary to law. Whilst we

will seek to provide the widest possible opportunities for exchange of views, we will not provide a platform for activities which fall (or may lead to others falling) outside the law.

## **ACADEMIC FREEDOM**

11. The concept of academic freedom is one that academic staff in higher education providers should be protected from any loss of privilege, employment rights, rewards and benefits, as a result of challenging accepted norms, as part of their academic duties. Regent College embraces this concept, and nothing in this Code should be taken as undermining the right of academic freedom.

## **USE OF PREMISES**

12. The College is under no legal obligation to allow meetings to be held on its premises, or otherwise using its facilities, which are open to members of the public. Meetings held on the College's premises, or using its facilities, shall only be open to students and staff, unless permission is given in writing, by the Principal or his/her nominee.
13. The above notwithstanding, so far as is reasonably practicable, permission will not be withheld to any individual or body of persons on any grounds connected with:
  - a. the beliefs or views of that individual or that body; or
  - b. the policy or objectives of that body.
14. Reasonable grounds for withholding such permission shall include, but are not limited to:
  - a. circumstances where there is a real likelihood that the speaker may not be able to enter or leave the building safely and/or have the freedom within the law to deliver their speech without disruption;
  - b. where there is reasonable belief that a breach of the law may be committed;
  - c. that are in support of an organisation whose aims and objectives are illegal;
  - d. where views to be expressed constitute views that risk drawing people into terrorism; or
  - e. which give rise to a breach of the peace.
15. Meetings or activities shall be held only in a place which has been booked in accordance with procedures set down by the College.

## APPENDIX 1 – SELECTED APPLICABLE LEGISLATION <sup>1</sup>

The following list is not exhaustive and is intended only as a guide.

### **Higher Education (Freedom of Speech) Act 2023**

HEIs and students' unions must take reasonably practicable steps that have regard to the importance of academic freedom and lawful freedom of speech.

### **The Higher Education and Research Act 2017 (HERA)**

The Higher Education and Research Act 2017 (HERA) extended the existing freedom of speech duty to all providers registered by the Office for Students (OfS) and makes it clear that all universities and colleges which register with the Office for Students must uphold the existing laws around freedom of speech. Where they are registered, universities and colleges must follow our regulatory framework.

### **Section 43, Education Act (No 2) Act 1986**

HEIs must take reasonable steps to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes taking reasonable steps to ensure that the use of the HEI's premises is not denied to an individual or group on the grounds of views or beliefs held by the individual/group, or the policy or objectives of the group.

### **Section 202, Education Reform Act 1988**

HEIs must ensure that academic staff have freedom within the law to question and test received wisdom and to put forward new ideas, and/or controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may have at an institution. These rights must be exercised within the law.

### **Human Rights Act 1998**

The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law. As public institutions HEIs must carry out their functions in accordance with the rights guaranteed by the Convention. Relevant Convention articles include:

**Article 9 - Freedom of thought, conscience and religion.** The right to freedom of thought and conscience is absolute and cannot be limited. The right to manifest religion or belief is subject to limitations in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights or freedoms of others.

**Article 10 – Freedom of expression.** Individuals have the right to freedom of expression, including the freedom to hold opinions and/or to receive and impart information and ideas. The right is subject to limitations including those set by law and 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, or for preventing the disclosure of information received in confidence.

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<sup>1</sup> [What should universities and colleges do? - Office for Students](#)  
[Higher Education and Research Act 2017 \(legislation.gov.uk\)](#)  
[European Convention on Human Rights - Official texts, Convention and Protocols \(coe.int\)](#)  
[Education \(No. 2\) Act 1986 \(legislation.gov.uk\)](#)  
[Counter-Terrorism and Security Act 2015 \(legislation.gov.uk\)](#)  
[Education Reform Act 1988 \(legislation.gov.uk\)](#)  
[Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](#)

Article 11 – Freedom of assembly and association Individuals have the right to freedom of peaceful assembly and to freedom of association with others, subject to limitations in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Article 14 – European Convention on Human Rights. This Article provides an over-arching principle of non-discrimination and can only be used in relation to other Convention rights. It entitles an individual to exercise his or her rights under the Convention without discrimination on any grounds including sex, race, colour, language, religion, political or other opinion, national or social origin, or association with a national minority. This right is unqualified and cannot be limited.

Article 17 – inter-relationship between Convention rights. This Article states that the convention does not grant anyone the right to do anything which is aimed at deriving others of their Convention rights, or at limiting those rights.

### **Equality Act 2020**

The Act prohibits discrimination on the grounds of the protected characteristics age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity in all functions including terms of employment, the recruitment, retention and progression of staff and the admission, progression and assessment of students including benefits, facilities and services and the imposition of any penalty or detriment.

HEIs have a positive duty to eliminate unlawful discrimination and to promote equality of opportunity in relation to race, sex and disability.

### **Public Order Act 1986**

This Act outlaws the following:

- acts or threats of violence: riot, violent disorder or affray;
- causing fear or provocation of violence: a person using threatening, abusive or insulting behaviour towards another, or displaying threatening, abusive or insulting material, may be guilty of causing fear or provocation of violence if or she intends or causes a fear of violence, or intends to provoke or causes a fear that violence will be provoked;
- harassment, alarm or distress: using threatening, abusive or insulting words or behaviour, or disorderly behaviour, or displaying threatening, abusive or insulting material, within the hearing or sight of a person likely to be caused harassment, alarm or distress.
- Incitement to racial hatred: using threatening, abusive or insulting words or behaviour, or displaying, publishing or distributing threatening, abusive or insulting material intended or likely to stir-up racial hatred. Racial hatred is defined as hatred against a group or persons defined by reference to colour, race, nationality or ethnic/national origins.

### **The Protection from Harassment Act 1997**

Under this Act harassment is defined as:

- pursuing a course of conduct which amounts to harassment of another, which the harasser knows or ought to know amounts to harassment;
- causing fear of violence – pursuing a course of conduct that causes another to fear that violence will be used against him/her

A person convicted of harassment may be made the subject of a restraining order, which can impose exclusion zones.

### **The Crime and Disorder Act 1998**

This Act increased the penalties applicable to offences if they are racially aggravated or if there is a religious element to the crime. As long as some of the motivation is wholly or partly racial, the offence will count as a racially aggravated offence.

### **Racial and Religious Hatred Act 2006**

The Act creates new offences of stirring up hatred against persons on religious grounds. The new offences apply to the use of words or behaviour or display of written material, publishing or distributing written material, the public performance of a play, distributing, showing or playing a recording, broadcasting or including a programme in a programme service and the possession of written materials or recordings with a view to display, publication, distribution or inclusion in a programme service. For each offence the words, behaviour, written material, recordings or programmes must be threatening and intended to stir up religious hatred. Religious hatred is defined as hatred against a group of persons defined by reference to religious belief or lack of religious belief

### **Terrorism Act 2000**

Under this Act there is a positive duty to inform the police where a person has information that might be of material assistance in preventing another person from committing an act of terrorism or securing the apprehension, prosecution or conviction of another person in the UK for an offence involving the commission, preparation or instigation of an act of terrorism. There is also a duty to inform the police about information relating to offences concerning the funding of terrorism.

### **Terrorism Act 2006**

This Act created offences which include:

- publishing or causing to be published a statement which is likely to be understood as directly or indirectly encouraging terrorism. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- disseminating terrorist publications. Dissemination includes distributing, circulating, selling, emailing or offering for download. A publication will be a terrorist publication if it contains matter which directly or indirectly encourages terrorism, or is useful in acts of terrorism and was included in the publication wholly or mainly for the purposes of being so useful. Indirect encouragement includes glorification as long as those to whom the statement is published understand that the conduct that is glorified is glorified as conduct that should be emulated;
- preparing to commit an act of terrorism or to assist others to do so if the defendant has the necessary intention to commit an act of terrorism or assist others to do so;
- attending at a place for terrorist training.

### **Counter Terrorism and Security Act 2015**

This Act makes provision to counter terrorism by, *inter alia*, reducing the risk of people being drawn into terrorism, by enhancing the programmes that combat the underlying ideology which supports terrorism through improved engagement from partner organisations and consistency of delivery. The Prevent Duty, which falls upon the College, is a result of this Act.

## APPENDIX 2 – PROCESS FOR BOOKING ROOMS FOR SPEAKERS

Where a speaker is to be invited from outside of the College, permission must be sought ahead of the invitation being confirmed or any advertisement to guests etc. This appendix sets out the process to be followed to achieve this.

The person organising the event must request approval from the Director of Academic Quality or designated nominee, and in so doing state:

- a) the name of the organiser, and in the case of an external booking, the affiliation of the organiser
- b) the name(s) of any external speakers and their affiliation(s);
- c) the purpose of the meeting and/or the subject matter of any speech;
- d) the language in which meetings will be conducted, if not in English.

On receipt of the request, the Director of Academic Quality or nominee will review and either

- a) accept the request, and grant permission for the meeting or activity to take place; or
- b) refer the booking to the Deputy Provost (Quality and Education).

In the case of bookings referred to the Deputy Provost (Quality and Education). shall make such enquiries as is necessary in order to decide whether to grant or withhold permission.

The Director of Academic Quality or nominee shall have the right to designate a meeting or activity as being subject to this Code of Practice, even if the organisers have not sought approval in advance.

Any meeting or activity must have a named organiser with full authority to act on behalf of the group in all matters concerned.

The organiser and every person concerned with the holding of any meeting or activity for which written consent has been granted by Director of Academic Quality, or nominee shall be required to comply with any conditions specified. They remain responsible for ensuring that the meeting is conducted appropriately, and in line with the purposes for which permission was sought.

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