

Oldham College Code of Practice on Freedom of Speech



1. Introduction

Oldham College is committed to fostering an environment where students, staff, and visitors can freely express their views, participate in open debate, and access information. The Oldham College fully supports freedom of speech in line with the UK's legal framework, while ensuring that it is exercised responsibly. This Code of Practice outlines the principles, procedures, and responsibilities relating to freedom of speech at the Oldham College.

2. Purpose of the Code

The purpose of this Code is to provide guidance on the exercise of freedom of speech within the Oldham College. It aims to strike a balance between the rights of individuals to express their views and the Oldham College's duty to prevent harm, uphold the law, and protect the welfare of the Oldham College community. The Oldham College is committed to ensuring that all members, including students, staff, and visitors, can express themselves in an environment that is respectful and conducive to learning.

3. Scope of the Code

This Code applies to all Oldham College events, activities, and communications, whether they occur on or off-site, and whether they are organised by students, staff, or external parties. It covers all forms of communication, including verbal, written, and digital forms of expression.

This Code of Practice applies to:

- all staff and governors of Oldham College;
- all students of Oldham College; and
- visiting speakers and all other persons invited or otherwise participating in activities on any Oldham College premises.

References in this Code of Practice to 'Oldham College premises' mean all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised or controlled by the Oldham College.

4. Legislative framework

The legal duty of higher education providers to secure freedom of speech is set out in legislation¹. Similarly, the right of academic staff to "question and test received wisdom and put forward new ideas and controversial or unpopular opinions without placing themselves at risk..." ("academic freedom") is also protected².

Under Section 43 of the Education (No 2) Act 1986, Oldham College is required to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for staff, students and visiting speakers. This includes in particular the duty to ensure, so far as is reasonably

¹ Education (No. 2) Act 1986 (as updated by the Higher Education and Research Act 2017) and the Higher Education (Freedom of Speech) Act 2023) and the Human Rights Act 1998

² Ibid

practicable, that the use of any premises of the Oldham College is not denied to any individual or body of persons on any ground connected with:

- a. the beliefs or views of that individual or of any member of that body; or
- b. the policy or objectives of that body.

The Act requires that the Oldham College shall, with a view to facilitating the discharge of this duty, issue and keep up to date this Code of Practice setting out:

- a. the procedures to be followed by students and staff of the Oldham College in connection with the organisation of meetings, events and activities; and
- b. the conduct required of such persons in connection with any such meeting, event or activity.

Article 10 of the Human Rights Act states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. However, the Act also recognises duties to this freedom "as are prescribed by law and are necessary in a democratic society." Freedom of speech cannot include:

- a. Threatening, abusive or insulting words or behaviour intending or likely to cause harassment, alarm or distress, or cause a breach of the peace; or
- b. Incitement to racial or religious hatred or incitement to terrorism.

Under the Counter Terrorism and Security Act 2015, the Oldham College must "have due regard to the need to prevent people from being drawn into terrorism" (Section 26). The Oldham College must also "have particular regard to the duty to ensure freedom of speech" and "to the importance of academic freedom" (Section 31). Under Section 29, we must "have regard to any such guidance in carrying out that duty."

The Oldham College is complying with this duty in all its aspects, which in practice means striking a fine balance between concerns around extremism and those around censorship. The work in promoting British values and the Oldham College's values aim to positively address this challenge.

Where freedom of speech may conflict with safeguarding duties, the Oldham College will prioritise the safety and well-being of its community in making any decisions.

5. The Role of the Oldham College

The Oldham College recognises that freedom of speech is a fundamental right in academic and social contexts. However, it must be balanced against other legal duties, such as safeguarding the welfare of students, promoting inclusivity, and complying with laws such as those governing hate speech, extremism, and public safety. The Oldham College will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law and the very high level of protection for the lawful expression of viewpoints and for speech in an academic context, including but not limited to:

- a. its processes for course development and approval, quality assurance and academic assessment;
- b. its processes for admission, appointment, reappointment and promotion;
- c. its policies relating to equality, diversity and inclusion, and the Prevent duty;

- d. its processes for facilitating research; and
- e. its codes of conduct and other behaviour policies, which will ensure no individual will be subjected to disciplinary sanction or other less favourable treatment by or on behalf of the Oldham College because of the lawful exercise of freedom of speech or academic freedom.

The Oldham College does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment.

The Oldham College has processes in place to identify and manage any risks to freedom of speech or academic freedom arising from the terms of certain overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships.

The Oldham College shall:

- a. ensure that this Code of Practice is brought to the attention of new students during their induction and new staff during their induction;
- b. draw the attention of students and staff to this Code of Practice annually, and ensure that it is referred to in other Oldham College documentation as appropriate;
- c. ensure that all relevant staff are aware of and/or receive appropriate training on freedom of speech and academic freedom;
- d. ensure that all relevant decision-makers, in making any decision or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, act compatibly with the Oldham College's free speech duties as they apply in the relevant circumstances;
- e. periodically seek feedback from staff, students and other stakeholders to secure their views on whether freedom of speech and academic freedom at the Oldham College are being adequately protected and take the responses into account;
- f. ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;
- g. ensure that when new policies and procedures are introduced consideration is given to their impact on freedom of speech and academic freedom;
- h. ensure that it has appropriate processes for the holding of events and meetings;
- i. monitor any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practicable and to address any lessons learned and draw the attention of complainants to its processes for investigating complaints which for students is the Office of the Independent Adjudicator (OIA) and for staff and visiting speakers is the Office for Students (OfS) complaints scheme;
- j. take steps to secure compliance with this Code of Practice, including where appropriate taking disciplinary action.

6. Events and Meetings – Procedures and Conduct of Attendees

All events or activities involving freedom of speech, whether organised by staff, students, or external groups, must be approved by a Department/Faculty Manager at the Oldham College under the

Oldham College Events Procedure. This process ensures that events comply with Oldham College policies and legal requirements, and that any potential risks are assessed and mitigated. This Code of Practice provides the only mechanism by which the Oldham College can cancel or impose conditions on meetings or events where this action is deemed necessary as a result of the event's subject matter and/or speaker(s).

a) Process for the Arrangement of Meetings and Events on Oldham College Premises

Permission is required for meetings and events to be held on Oldham College premises, whether indoors or outdoors. Any meeting or event on Oldham College premises should have a named organiser - the Event Owner. The Event Owner must seek approval from an Oldham College Department/Faculty Manager prior to submitting an Event Request Form to the Oldham College Events Coordinator.

It is anticipated that, in the vast majority of cases, the Department/Faculty Manager will consider the request as part of normal business. However, in the exceptional circumstances that the Department/Faculty Manager considers that the holding of the meeting or event might reasonably be refused on any of the grounds set out in this Code of Practice on Freedom of Speech, there is a process of escalation to the Oldham College Senior Management Team for review. The request should be forwarded to the Oldham College Senior Management Team with a statement of the concerns. This referral should be made at least one month in advance of the proposed meeting or event. Members of the Oldham College who are concerned that a particular forthcoming meeting or event should be escalated to the Oldham College Senior Management Team may do so directly. The Oldham College Senior Management Team will, in consultation as necessary, determine whether the meeting or event can go ahead as originally planned, or should be subject to reasonable conditions such as those set out in paragraph 6c. of the Code of Practice on Freedom of Speech. Only in exceptional circumstances, when there are risks which cannot be mitigated or the Event Owner refuses to meet any conditions imposed, will permission be withheld.

Any decision by the Oldham College Senior Management Team (including one upheld on appeal) that a meeting or event should not take place, or may only take place subject to conditions, is binding and takes precedence over any other decision which may have been taken by any other body in the Oldham College.

An Event Owner who is unhappy with the Oldham College Senior Management Team's decision has the right of appeal to the Oldham College Executive Committee.

b) Event Approval

Once approved, the Event Owner of any meeting should follow the usual process for arrangements under the Oldham College Events Procedure, by submitting an Event Request Form to the Oldham College Events Coordinator. The Event Owner must comply with any conditions set by the Department/Faculty Manager or the Oldham College Senior Management Team.

c) Event Approval with Conditions and/or Requirements

The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a meeting or event. Where the Oldham College is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on Oldham College premises is likely to give rise to disorder or threats to the safety of participants or the wider community, the Oldham College shall consider what steps it is necessary to take to ensure the safety

of all persons and the security of Oldham College premises. These may include, but are not limited to:

- tickets should be issued;
- an adequate number of stewards or security staff should be available;
- the Police should be consulted and their advice taken about the arrangements;
- that the time and/or place of the meeting should be changed;
- the speaker be part of a panel;
- ensuring that a member of staff is in attendance;
- the event or meeting should take place in alternative premises, at a later date, or in a different format.

The Oldham College may impose such conditions and requirements as are reasonably necessary in order to address the risks it has identified.

The cost of meeting the conditions and the responsibility for fulfilling them rests with the Event Owner. Approval should be sought through the relevant Budget Holder and the Director of Finance in advance.

d) Event Refusal

Depending on the circumstances, it may be reasonable to refuse permission for a meeting or event where the Department/Faculty Manager or the Oldham College Senior Management Team reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the Oldham College or otherwise) that:

- a. the views likely to be expressed by any speaker are contrary to the law;
- b. the speaker is likely to incite breaches of the law or to intend breaches of the peace to occur;
- c. the meeting will not permit contrary or opposing viewpoints to be held or expressed;
- d. the speaker and/or the organisation they represent advocates or engages in violence in the furtherance of their political, religious, philosophical or other beliefs;
- e. the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations; or
- f. it is in the interest of public safety, the prevention of disorder or crime, the proper functioning of the Oldham College or the protection of those persons lawfully on Oldham College premises, that the meeting does not take place.

e) Conduct of Attendees

Those attending events and meetings on Oldham College premises are expected to conduct themselves in a manner consistent with the following principles:

- a. everyone has the right to free speech, within the law.
- b. the aim of events at the Oldham College is to expose staff, students, and visitors to the widest possible range of views, within the law.

- c. protest is itself a legitimate expression of freedom of speech but protesters should recognise the rights of others participating in the event or meeting, and in particular not violate the rights of others to speak during the event. Protest must not shut down debate.

7. Breaches and Complaints

Breaches of this Code may include, but are not limited to:

- Incitement to violence or criminal activity;
- Hate speech, including discrimination on grounds of race, religion, gender, sexual orientation, or disability;
- Promotion of extremist or illegal ideologies;

Where the Oldham College receives a concern about the exercise of academic freedom or freedom of speech or where it has received a concern about a possible infringement or departure(s) from the values and procedures set out in this Code of Practice, it will consider which of its procedures are most appropriate to consider the concern, making such enquiries and seeking such information as it considers necessary. Such consideration may lead to further investigation in accordance with the Oldham College's disciplinary procedures (staff or student), or the Oldham College's grievance or complaints procedures.

The Office for Students (OfS) operates a free speech complaints scheme to consider eligible complaints. Staff members and visiting speakers (including those who have been invited to be visiting speakers) can submit complaints to the OfS. Information about the complaints that the OfS can review is available on its website.

Students can complain to Oldham College about free speech and if a student is not satisfied with the college's response, (and they are studying at level 4 or above) they may be able to take the matter to the Office of the Independent Adjudicator (the OIA). The OIA is an independent organisation that considers higher education student complaints.

Monitoring and Review

Oldham College will periodically review the contents and operation of this Code of Practice and report on its operation and recommend amendments to it for consideration by the Governor Curriculum and Quality Committee as appropriate or necessary.

The point of contact for any query about this Code of Practice is the HE Quality and Standards Manager.

8. Conflict Resolution

In cases where conflicts arise between individuals or groups with differing views, the Oldham College will aim to resolve the issue through open dialogue and mediation. In situations where one group feels marginalised by an event, the Oldham College will provide an opportunity for discussion to address concerns and, where possible, facilitate a balanced resolution.

9. Conclusion

Oldham College is committed to upholding the principles of freedom of speech while ensuring that it is exercised responsibly and within the framework of the law. This Code of Practice aims to provide a

clear, balanced, and transparent approach to managing freedom of speech, safeguarding the welfare of the Oldham College community, and promoting a culture of inclusivity and respect.