

INTO »



INTO FREEDOM OF SPEECH CODE OF PRACTICE

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Preamble

INTO's primary purpose is to provide students with quality education to prepare them for entry to the UK higher education sector. A key part of this preparation is to ensure students are comfortable and actively engaged with critical thinking and expression.

Consequently, it is one of INTO's primary duties to uphold and promote the principles of academic freedom and freedom of speech within the law.

Students have the right to communicate ideas and findings without fear of censorship or control, while the teaching community should have the freedom to teach and communicate in an environment of mutual respect. However, INTO's presumption in favour of free speech must balance with competing legal obligations intended to protect the rights and freedoms of others, and which may limit certain freedoms.

In accordance with the above principles, INTO has adopted this code of practice to help to ensure that freedom of speech within the law is secured for its staff, students, other members of INTO, as well as for visitors, including guest speakers.

This code of practice is instituted by INTO pursuant to the duties imposed on it by section 43 of the Education (No 2) Act 1986 to help ensure as far as reasonably practicable that freedom of speech within the law is secured for staff and students of INTO and visiting speakers.

Scope

This code of practice applies to all activities on any premises which INTO has title or possession including its student accommodation. Where the activities of staff or current students are carried out in the name of an INTO joint venture partnership with another higher education provider (HEP), on premises where that HEP partner has title or possession, then the code of practice implemented by that HEP partner pursuant to its statutory obligations under section 43 of the Education (No 2) Act 1986 will apply.

INTO has adopted this code of practice to ensure freedom of speech within the law is secured for students, employees, and other members of the INTO community. This code's obligations and rights will apply, on any premises which INTO has title or possession, to the following:

- all staff of INTO
- all students of INTO
- INTO's societies, clubs and associations
- any visiting or guest lecturers invited by INTO
- any alumnus invited by INTO
- any person or organisation wishing to hire premises controlled by INTO for an event.

Policy Principles and Freedom of Speech 'within the law'

INTO is an academic community of staff and students. Central to this is the ability of all its members to freely challenge conventions, query the positions and views of others, and to put forward ideas that may sometimes be instrumental in bringing about change. .

Section 43 of the Education (No 2) Act 1986 states that *'persons concerned in the government of any establishment... shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers. **So far as reasonably practicable, INTO will not deny the use of its premises to any individual or body due to any grounds connected with their beliefs or views or their policies or objectives, except where those beliefs, views, policies or objectives are unlawful, or it is anticipated that unlawful activity is likely to occur.***

INTO is proud to create a rich and safe environment for open debate and the free exchange of, providing an opportunity for students from any country in the world to communicate on all issues without fear of reprisal. INTO acknowledges that some topics of discussion are not always comfortable for everybody and that sensitive topics may be covered.

Whether activities or forms of expression may be considered unlawful will be subject to a number of statutory provisions including (but not limited to):

- the Equality Act 2010
- the Public Order Act 1986
- the Counter Terrorism and Security Act 2015
- the Human Rights Act 1998

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 therefore cannot include:

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

The Equality Act 2010 covers the protected characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation (the Protected Characteristics). INTO has due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; advance equality of opportunity between people who share a relevant Protected Characteristic and people who do not share it; and to foster good relations between people who share a relevant Protected Characteristic and those who do not.

The statutory duty under the Counter Terrorism and Security Act 2015 places a legal obligation on INTO to consider whether views expressed or are likely to be expressed by its staff, students and visiting speakers are likely to constitute extremist views that risk people being drawn into terrorism, or are shared by terrorist groups. Then, if a risk exists, not to allow an event to proceed except where INTO is satisfied that the risk can be fully mitigated without cancellation of the event. However, this statutory duty does not change the definition of free speech within the law, or the presumption in favour of free speech under the Education (No 2) 1986 Act.

The expression of views which may be unpopular, controversial, or provocative or which may cause offense does not, if lawful, constitute a breach of this code of practice or grounds for the refusal or cancellation of an event.

However, INTO reserves the right to impose such conditions on an event or on the use of its premises as are reasonably necessary for the discharge of its obligations relating to safety, health and welfare of persons lawfully present on its premises. Conditions for events may include restrictions on access, security and the appointment of an experienced chairperson. In the event that practical considerations, such as cost, lack of notice or difficulty in providing the necessary level of security, INTO reserves the right to require an event to be modified, curtailed, postponed or, in exceptional circumstances, cancelled.

In applying these principles in practice, INTO expects students and staff to ensure freedom of speech is honoured through open and honest discussions without offensive or provocative action and language. Students and staff are required to demonstrate sensitivity to our diverse international community and to show each other respect.

Ensuring academic freedom

The principle of freedom of speech set out in this code shall extend to the performance by all staff of their duties and responsibilities, and to any visiting or guest lecturer invited by INTO. It shall also extend to students presenting or exhibiting work produced during the course of their studies with INTO.

Any person or body to whom this code applies shall not take any action (other than reasonable and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are enrolled because of the views or beliefs held or lawfully expressed (whether or not within INTO) by that student or because of the reasonable likelihood that such views will be expressed.

Events at INTO

In the first instance, INTO will always seek to allow an event to go ahead. Where any person or body subject to the obligations of this code wishes to hold any event for the expression of any views or beliefs held or lawfully expressed on premises controlled by INTO, consent shall not be unreasonably refused or withdrawn.

Save for the provisions in the bullet points set out below, it shall not be a reasonable ground of refusal of permission or facilities for any event that the views likely to be expressed there may be controversial or contrary to any policy of INTO, any Students' Union, or the UK Government, provided that the expression of such views is lawful. Expression of opinions which are annoying, offensive, in bad taste, or ill-mannered is not automatically unlawful and should not be the sole ground for refusal unless this would result in INTO failing in its wider legal duties (for example, to promote equality of opportunity and good relations between persons of different racial groups). The fact that disorder may result at any event is not of itself a ground for refusal of permission or facilities unless the creation of such disorder is the intention of the organisers of, or speakers at, any such event or public safety and order might be jeopardised.

It shall be accepted as reasonable to refuse or withdraw consent, or withhold facilities for any event to which this code applies where INTO reasonably believes (from the nature of the speakers or from similar events in the past whether held at INTO or otherwise) that:

- the views likely to be expressed by any speaker are contrary to the law
- the intention of any speaker is likely to be to incite breaches of the law or is to intend breaches of the peace to occur
- the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose
- the views likely to be expressed by any speaker are for the promotion of any organisation proscribed by the UK Government
- it is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of INTO, that the event does not take place

By “speaker”, this code means any organiser or other person invited to address the meeting other than members of any audience at that meeting.

INTO may impose conditions and requirements upon the organisers as are reasonably necessary in all the circumstances. These may include, but are not limited to, requirements as to provision of stewards, variation of location and time, and whether the event shall be open to the public at large. Where INTO concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, it may decline to permit such events to be held, or withdraw permission previously granted, should additional information come to light. Before doing so, however, INTO may generally consult the police with a view to establishing whether the serious disorder can be prevented or otherwise dealt with appropriately by attendance of police officers or alternative conditions.

Where any person to whom this code applies is engaged in the organisation of any event on premises controlled by INTO at which it is reasonably suspected that disorder is likely to occur, the organiser shall normally give the INTO Centre Director not less than 28 days' notice in writing of such a proposed event. The INTO Centre Director shall inform the person or body organising the event in writing within seven days of the date of the notice whether the meeting may go ahead.

Any invitation to an external speaker should be also be approved by the INTO Centre Director or their nominee, who should be given a brief biography of the speaker, the topic to be covered and the intended audience of the talk. If the INTO Centre Director or nominee considers that the choice of speaker and the topic will not cause problems outlined in the first paragraph of this section of the code of practice, the event should be approved, with any conditions or mitigations agreed with the event organisers.

All event organisers shall ensure proper security and organisation (including stewarding and chairing) of the event for the purpose of protecting the right of freedom of speech. Whilst the heckling of speakers is a right not to be disturbed, it shall be contrary to this code to seek, by systematic or organised heckling or disruption of such activity, to prevent the lawful expression of views. It shall also be contrary to this code for any person subject to this code to organise, engage in or become associated with, any conduct with the intention of preventing (other than by reasonable and peaceful persuasion) any event subject to this code from being held or from continuing.

The organisers of the event shall have a duty, so far as is reasonably practicable, to ensure that both the audience and the speaker(s) act in accordance with the law during the event. In the case of unlawful conduct, the event organiser shall give appropriate warnings and, in the case of continuing misconduct, the event organiser shall require the withdrawal or removal by the stewards or if necessary by the police of the person(s) concerned.

“No Platform”

INTO will offer no platform to those who are intolerant of the free speech of others, both generally and where it includes the denial of the right to hold or express an opposing opinion. This also includes those who engage in the active prevention of permitting others to speak, such as the interruption – violent or otherwise – of meetings.

In addition, INTO will offer no platform to those who advocate or engage in violence in the furtherance of their political, religious, philosophical and/or other beliefs.

INTO will offer no platform to those who hold and disseminate views which are repugnant to the maintenance of liberty under the rule of law in the UK, or who advocate or engage in the violent overthrow of democracy in the UK or elsewhere.

INTO reserves to itself the right to debar speakers or organisations from INTO where the University reasonably believes that their presence on INTO property is not conducive to the good order of INTO, or where it would offend the principles of scholarly inquiry, or where it would put at risk the safety of students, staff or the general public. INTO further reserves the right to list the names of individuals or groups which it debars either under this general reserved right or in accordance with the principles above.

INTO will regularly review a list of organisations considered by the UK Government to be within the scope of the provisions of this section. Any amendments made to the list from time to time shall be deemed as included, or excluded as appropriate with effect from the date that the amendment is made.

Breaches of this code

Any breach of the provisions of this code shall be punishable under the INTO Disciplinary Procedures for either students or staff (whichever is applicable).

It shall be the duty of all those subject to the code to assist INTO in upholding the rights of freedom of speech set out in this code.

Where a breach of this code occurs, it shall be a duty of all to whom this code applies to take all reasonable steps to secure the identification of persons involved in that breach.

Where breaches of the criminal law occur, INTO shall, where appropriate, assist the Police and the Crown Prosecution Service. In respect of any criminal charges, INTO shall not proceed with any disciplinary proceedings in respect of the same matters, until the conclusion of any ongoing criminal proceedings.

Appeals

Appeals against any rulings or requirements of the INTO Centre Director or his/her nominee in relation to this code may be made to the relevant SVP, UK Partnerships or his/her nominee, whose decision shall be final.