

FREEDOM OF SPEECH POLICY AND CODE OF PRACTICE

Policy and code of practice for assuring and promoting
freedom of speech at CCL

May 2023

1. Introduction

- 1.1. Corndel Education Limited (trading as Corndel College London (CCL)) expects members of its community (including students, staff, executive and non-executive directors, external speakers and visitors) to ensure freedom of speech within the law is assured and promoted.
- 1.2. CCL believes that a culture of free and open discussion is essential to its purpose as a higher education provider. Upholding and promoting freedom of speech can be complex and create strong emotional reactions within our community, as a result, this culture can only be achieved if everyone in our community behaves responsibly: we expect everyone to be tolerant of the diverse identities of others, in line with our values. While debate and discussion may be robust and challenging, all speakers have a right to be heard when exercising their right to free speech within the law.
- 1.3. Holding open, challenging debates, rather than silencing the views of those we do not agree with, helps to advance understanding and address prejudice and discrimination. This means members of our community may sometimes be exposed to views that they may find disagreeable or even deeply offensive. Such an environment is essential to develop a culture of intellectual enquiry, and CCL is committed to creating conditions where a range of different voices can be heard, challenged, and debated.
- 1.4. Freedom of speech should be upheld at every opportunity and should only be limited where, based on risk assessment, there are genuine safety concerns or where speech is unlawful. CCL regards the following as examples of illegal speech:
 - i. Speech that encourages or supports violence against specific groups or individuals.
 - ii. Speech that encourages support for or participation in terrorism as defined by the Terrorism Act 2001.
 - iii. Speech that encourages or supports any other form of criminal activity.
- 1.5. In accordance with its terms of reference, the Board of Governors is ultimately responsible for securing and promoting freedom of speech. This Policy and Code of Practice applies to all staff, students, executive and non-executive directors, and external speakers, and to all events and activities held on CCLs premises (including temporary venues) and virtual spaces.

2. Statutory and regulatory context

- 2.1. In ensuring the active promotion of freedom of speech within the law, CCL will pay due regard to various items to legislation, including but not limited to:
 - 2.2. The Higher Education (Freedom of Speech) Act 2023
Which places a duty on the Governing Body (Board of Governors) to take such reasonable steps as necessary to promote freedom of speech.
 - 2.3. The Higher Education and Research Act 2017 (HERA)
Which places a duty on registered providers to comply with the regulatory framework. Conditions E1 and E2 set out the duty on providers to uphold and deliver in practice their public interest governance principles:
 - i. **Freedom of speech:** The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.

- ii. **Academic freedom:** Academic staff at an English higher education provider have freedom within the law:
 - to question and test received wisdom; and
 - to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider.

2.4. The Human Rights Act 1998

Which establishes the individual's right to freedom of expression in UK law.

2.5. The Equality Act 2010

Which places duties upon organisations to prevent discrimination on the basis of protected characteristics as set out in the Act.

2.6. Health and Safety Law

Which places duties upon organisations to ensure compliant arrangements for safe and healthy working and operations.

2.7. The Prevent Duty

This places a duty under the powers of the Counter-Terrorism and Security Act 2015 on relevant higher education providers to prevent students and staff from being drawn into support for or participation in terrorism.

3. **Speakers and events**

3.1. CCL will always seek to allow a speaker to speak and an event to go ahead with minimal mitigation, but we recognise that, in certain cases, it will be necessary to put in place arrangements to ensure fair and open debate within the law, a balance of viewpoints and the safety of our students and staff.

3.2. An event which event that is likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence (or which encourages support for or participation in violent acts) is likely to be unlawful and will not be permitted to go ahead.

3.3. Assessment of risk will include consideration of the safety of the speaker, attendees and CCL's reputation through the External Speakers Process. A potentially high-risk event may include where the speaker or topic of the event is controversial in any way (including, but not limited to, political or religious factors). Assessment of risk is holistic, involves relevant stakeholders where appropriate, and considers the potential risks of the event not going ahead.

3.4. The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include, but are not limited to the event being considered:

- i. To give rise to a breach of CCLs Student Conduct Policy of students or the terms and conditions of employment for a member of staff.
- ii. likely to incite those attending to commit a criminal act.
- iii. likely to give rise to an environment in which people will experience, or could reasonably fear, harassment, intimidation, verbal abuse or violence, particularly because of their

age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

- iv. Likely to compromise the safety of the speakers or attendees being compromised, before, during or after the event.
- v. To be in direct support of a proscribed terrorist organisation or an organisation whose aims and objectives are illegal or of doubtful legality or in the view of CCL could lead to the expression of views contrary to the criminal law.

3.5. CCL will withhold the right to use CCL's virtual spaces and premises (and those it hires) if it reasonably believes there is a likelihood of this Policy and Code of Practice being breached.

3.6. To support and promote external speakers and associated events, CCL has an external speakers process designed to identify any potential risks and draws on expertise and insights in relation to safeguarding, security and risk, to inform any required escalation of decision-making to the Academic Registrar or Principal.

3.7. Anyone organising an event that involves a speaker or speakers to be hosted by CCL must ensure that:

- i. The External Speaker process is followed.
- ii. Any requested modifications are implemented before the event takes place.

3.8. Under no circumstances should an event be advertised or take place if the External Speaker process has not been followed or an event has not been approved and action may be taken under the Student Conduct Policy or staff terms and conditions of employment or both.

3.9. The event organiser is required to ensure that all reasonable and practical measures are taken in relation to the arrangement of the meeting, event or activity and to its conduct, to prevent any breach of the law or CCL policy.

3.10. The event organiser or designated lead must be present at the meeting, event or activity.

3.11. If a concern over freedom of speech is raised, either after arrangements have been made for, or during, a meeting or event, the organiser or any other individual should inform the Academic Registrar as Clerk to the Board of Governors as soon as is reasonably possible.

3.12. The right of staff and students to freedom of assembly, and to protest against certain viewpoints, should not obstruct the ability of others to exercise their lawful freedom of expression. Any member of the CCL Community that wishes to organise a meeting, event or activity who believes that the event is, or maybe, being frustrated on grounds connected with the beliefs, views, policies or objectives of any individual or body may refer the case to the Academic Registrar as Clerk to the Board of Governors and if it cannot be resolved it may be referred to Student Conduct Policy or staff terms and conditions of employment or both.

3.13. Any decision to not allow or terminate a meeting, event or activity in accordance with this Policy and Code shall be reported to the Board of Governors.

4. Academic Freedom

- 4.1. CCL is committed to protecting and promoting academic freedom as a core part of academic enquiry:
- i. Driving forward scholarship, research, innovation, and discovery.
 - ii. Providing students and staff with the opportunity to think critically, challenge and engage with different perspectives.
 - iii. Ensuring that CCL establishes a role in appropriate national debates and discussions in wider society.
- 4.2. CCL Academic staff have freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges. As a professional, open and inclusive higher education provider, ideas should be subject to questioning and challenged by rational arguments supported by relevant evidence.
- 4.3. Holding open, challenging debates, rather than silencing the views of those we do not agree with, helps to advance understanding and address prejudice and discrimination. This means students and staff will sometimes be exposed to views that they may find disagreeable or even deeply offensive. Such an environment is essential to develop a culture of intellectual enquiry, and CCL is committed to creating conditions where a range of different voices can be heard, challenged, and debated.
- 4.4. In doing so, CCL expects all persons taking part in its activities to be tolerant of the diverse identities and viewpoints of others, being sensitive to the diversity of our community and all sections of that community, treating everyone with mutual dignity, tolerance, and civility.
- 4.5. Views expressed by staff and students that are contrary to the values of CCL must never be presented as if they were endorsed by CCL.

5. Application of the Policy and Code

- 5.1. CCL recognises that its legal duties must on occasion be balanced against one another, particularly with regard to our general duty of care to staff and students. This is reflected in our policies and procedures, including but not limited to:
- i. Our contractual arrangements for staff.
 - ii. Our disciplinary procedures for staff
 - iii. Our Student Conduct
 - iv. Our Student Terms and Conditions
 - v. Our arrangements for the management of speakers and events in virtual and physical spaces owned, hired or managed by CCL
- 5.2. All employees and students are reminded of the general obligations relating to their conduct.
- 5.3. Any alleged breach of this Policy and Code by employees or students may be subject to the relevant disciplinary proceedings of CCL.
- 5.4. Any member of the CCL community can raise a concern about this policy or its application, by emailing the Academic Registrar in their capacity of Clerk to the Board of Governors: registry@corndelcollegelondon.com.

6. Review

6.1. The Board of Governors will usually review the Policy annually, or sooner where the legislative or regulatory context requires it, or where following its implementation opportunities are identified for improvement.