



FREEDOM OF SPEECH AND EXPRESSION POLICY

1. Policy Statement

This policy outlines 'theRTproject's approach towards upholding the legal rights of all staff and students in the college with regards to freedom of speech and expression.

The policy also offers guidance with regards to the assessment and management of risk around freedom of speech at 'theRTproject'.

[REDACTED]

All students and staff at 'theRTproject' are subject to the college policy, however where awarding bodies [REDACTED] have their own published procedures these may take precedent over the college policy in exceptional circumstances.

Freedom of speech is fundamental to 'theRTproject' as a Higher Education provider. The Higher Education and Research Act 2017 requires 'theRTproject' to take such steps as are reasonably practicable to ensure that freedom of speech, within the law, is secured for its employees, students and visiting speakers. All staff and students through their membership are expected to tolerate and protect the expression of opinions, within the law.

Whilst the law promotes and protects freedom of speech, it also places limits on those freedoms to maintain public order and safety. 'theRTproject' acknowledges that it has a legal responsibility to create a balance between minimising the possibility that extremism or unlawful conduct will arise on site at 'theRTproject' and ensuring that it meets its legal obligations in relation to securing freedom of speech.

2. Scope

Activities covered by 'theRTproject's policy include:

- a) Curricular Activity: Including lectures, talks, seminars, tutorials, classes, performances, workshops, and other educational activities of a similar format.
- b) Extra-curricular Activity: Including plays/performances, cinematic or video film showings, music concerts, literary readings; demonstrations, processions, pickets.
- c) Social and electronic media: The principles of freedom of speech and the scope of this policy also cover the use of electronic and social media, such as social networking sites and email communication.

This policy applies to all staff and students. It is also expected that all on-site visitors such as guest speakers, audiences, and workshop facilitators will adhere to the principles and legal framework outlined here.

3. Legislation

This policy takes account of (amongst other matters) the regulations and guidance specified in the Human Rights Act 1998 (Article 10); Section 43 of the Education (No 2) Act 1986; Education Reform Act 1988; Counter Terrorism & Security Act 2015; Equality Act 2010; Higher Education and Research Act 2017.

Appendix A, [REDACTED], provides an overview of the current legislation that applies to 'theRTproject's approach to endorsing Freedom of Speech for all staff and students within the college.

4. Responsibilities

'theRTproject' expects all staff, students and on-site visitors to adopt the principles of freedom of speech and expression so far as that is reasonably practical within the realms of the law.

'theRTproject' recognises and supports moral and legal frameworks of the society and community within which it works.

'theRTproject' recognises that "everyone has the right to freedom of expression. This means everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference from the state or other bodies carrying out public functions, including most higher education providers. This is true even when these views or opinions may 'offend, shock or disturb' others".

At 'theRTproject' all students staff and visitors have the right to participate in activities which are conducted in a manner that acknowledges that:

- a) Everyone has the right to free speech within the law.
- b) Higher education providers should always work to widen debate and challenge, never to narrow it.
- c) Any decision about speakers and events should seek to promote and protect the right to freedom of expression.
- d) Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others.
- e) Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry. Providers of higher education should always aim to encourage balanced and respectful debate.

'theRTproject' values freedom of opinion and speech but recognises that, in the interests of the whole learning community, this must exist within formal guidelines.

Staff, students and visitors must conduct themselves, at all times, in a lawful and appropriate manner so as not to discredit or harm 'theRTproject' or others at all times in accordance with the contents of this policy.

5. External Speakers and Events

'theRTproject' here sets out a clear policy, procedure and code of conduct for external speakers and events. 'theRTproject' expects staff, students and visitors to adhere to our procedures for External Speakers and Events which encompasses Freedom of Speech responsibilities. The procedures below set out the arrangements for managing events on campus and institution-branded events taking place off campus.

A risk-based approach to the assessment of events will be taken and this may require modification or adjustments to the content of, or arrangements for, events to mitigate risks in respect of Freedom of Speech. Whilst in exceptional circumstances only, the right is reserved by 'theRTproject' to prohibit events where speakers promote or seek to incite hatred of, or violence against others.

Anyone organising an external speaker or event must follow the process below, ensuring that the appropriate members of staff are informed in writing and provide approval at least twenty working days before the planned event.

To arrange an event the **Senior Management Team** must be contacted in writing and give approval. They must all be informed in writing of the request to arrange an event a minimum of at least twenty working days in advance and have the authority to approve events.

To be given approval, a person submitting a request must comply with any requests for information and complete any required actions set by the senior staff team before approval is given. This may include: a risk assessment, information on event content, details about the speakers, participant numbers, oversight of any marketing materials, details of health and safety

arrangements, etc. Event organisers are advised to provide as much information in writing at the initial point of request to support their application.

The Senior Management Team reserve the right to revoke or refuse approval if required actions are not completed, or there are sufficient grounds to believe that any proposed event contravenes the college policies and procedures.

6. Internal Events

At internal performances and events, including assessed performance events, students and staff have the right to participate without fear of intimidation, harassment and threatening or extremist behaviour. The key factor for the preservation of academic freedom within the context of internal performances and events is tolerance and a respect for diversity. Intolerance involves behaviour motivated by prejudice or hatred that intentionally demeans individuals and groups defined by their ethnicity, race, religion and/or belief, sexuality, gender, disability, age or lawful working practices and which give rise to an environment in which people will experience, or could reasonably, fear harassment, intimidation or violence. 'theRTproject' has a duty of care to all its students and staff.

'theRTproject' values the opportunities presented within internal performances (assessed and non- assessed) and events for students and staff to experience diverse opinion and to enter into debate. Safe internal platforms for the sharing of work are an essential part of both personal, professional, and academic development at 'theRTproject'.

'theRTproject' values the tradition of academic freedom and holds that no subject or belief should be excluded from reasonable, constructive discussion and debate within internal assessments, performances and events.

'theRTproject' will not accept the use of language by students and staff within internal assessments and events that offends or is considered to be offensive or intolerant. Teaching staff must ensure that any risks regarding content which could be perceived as offensive, misogynistic, misanthropic, sexual or racist are managed sensitively within rehearsals and assessments. Direct attacks on any religions or beliefs are not condoned. These principles must be respected in the creation of and adherence to assessment briefs.

Artistic Directors will ordinarily have primary responsibility for organising an internal event, but any teaching staff involved must adhere to the guidance detailed below.

The majority of internal events will be straightforward and can be handled entirely at a module level where **Artistic Directors** will issue clear guidance regarding assessments and internal curricular and extra-curricular activities.

However, some assessment activities and internal events may be complex and may require referral for further consideration. The "referral process" will only apply in a minority of circumstances – to internal assessments and events deemed to be higher-risk.

Staff who either identify a risk, or have a risk reported to them must report any concerns to the Senior Management Team for advice and resolution as early as possible.

Staff will provide a written overview of the intended internal activity content highlighting any areas of concern for resolution which will ordinarily be addressed within one working week.

'theRTproject' reserve the right to refuse permission an internal event to take place and/or to specify adjustments before the event can go ahead. A refusal is final.

An appropriate member of staff will be present at all internal events to monitor any concerns.

Participating students and staff must be informed that all such internal events may be recorded/filmed by 'theRTproject'.

7. What Happens When the Policy is Not Followed?

Any breach of this Policy may result in disciplinary action in accordance with the applicable discipline policy and/or the withdrawal of permission for the Event.

Where the acts of individuals involve alleged breaches of criminal law, 'theRTproject' will assist the prosecuting authorities in implementing the process of law and any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

Appendix A:

The DMU Overview of The Legal Framework

- a) The Education (No. 2) Act 1986 (section 43(1)) requires the university to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers. This also includes the duty to ensure, as is reasonably practicable, that the use of any of the university's premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives. Under section 43(3), the university is also required to issue, and keep up-to-date, a policy of practice on freedom of speech, setting out the procedures to be followed by students and staff in connection with the organisation of meetings and activities which fall within any class specified within this policy, together with the conduct required of staff and students in connection with such meetings and activities.
- b) The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS's regulatory framework. Under the framework the governing bodies 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.'¹ HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.
- c) The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear that 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 they may have at their institutions.
- d) The Public Order Act 1986 creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.
- e) The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
- f) The Human Rights Act 1998 in particular Article 9 (freedom of thought, conscience and religion); Article 10 (freedom of expression); and Article 11 (freedom of assembly and association).
- g) The Equality Act 2010 requires the university, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between different groups. h) The Terrorism Act 2006 creates offences relating to the encouragement of terrorism and dissemination of

terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused.

h) The Terrorism Act 2006 creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused.

i) The Counter-Terrorism and Security Act 2015 creates a general duty on the university when exercising its functions to have due regard to the need to prevent people from being drawn into terrorism having particular regard to the duty to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986 when carrying out that duty.

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