



Freedom of Speech Policy

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Freedom of Speech Policy

Policy statement

1. As an institution of both further and higher education, which values academic freedom, the College is committed to promoting and positively encouraging free debate, enquiry and, indeed, protest. This means that it tolerates a wide range of views, political as well as academic.
2. If a person or group feels intimidated from expressing their views or threatened by arguments being made, the College will make sure that those people or groups are, and feel, supported, so that they too can meaningfully contribute to the debate.
3. In any event, the College has an explicit duty in law¹ to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students, employees, visitors and third parties*. This duty includes a responsibility to ensure that the use of College premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group.
4. The College has a legal responsibility to forbid the promotion of partisan political views in the teaching of any subject. Staff must take such steps as are reasonably practicable to ensure that there is civil discourse at all times and should present or encourage political balance where appropriate.
5. Promotion of any organisations linked to extremism, by staff or students, is contrary to the values of the College, and a potential criminal offence, and could, therefore, constitute misconduct.
6. The right to freedom of expression is limited, for example, by laws to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence.
7. A significant strand in the regulatory framework is the public sector Equality Duty which requires institutions to have due regard to the need to foster good relations between people who share a protected characteristic² and people who do not share it.
8. Freedom of expression also has to be set in the context of the College's values and so the College expects students, employees, visitors and third parties* to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community.
9. York College has joined other colleges and university centres across the country in stating our position against prejudice as part of our commitment to promote and advance equality and develop an inclusive and cohesive community. We do this because it aligns closely with our own values. However, in response to legitimate criticism of state policy and practice, York College affirms that freedom of speech is maintained in the context of discourse about Israel and Palestine, without allowing anti-Semitism to permeate any debate.

1. Under the Education (Nº 2) Act 1986

2. Extremism is vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas. Extract from Prevent Strategy 2011 issued by HM Government.

3. Protected characteristics, as defined by the Equality Act 2010, are: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation

*Third parties - those using the College's premises, employers (of our apprentices and those on work experience).

Operating considerations

10. In considering whether or not to allow a particular event to take place on its premises the College has to consider
- whether the views or ideas to be put forward
 - infringe the rights of others
 - discriminate against them
 - give rise to an environment in which people could experience or fear harassment, intimidation, verbal abuse, or violence, particularly because of a protected characteristic
 - whether the activity in question
 - constitutes a criminal offence
 - constitutes a threat to public order or to the health and safety of individuals
 - incites others to commit criminal acts, or
 - is contrary to the civil and human rights of individuals.

The general rule is that the College will intervene to restrict freedom of expression in any particular case on these grounds.

Authority

11. The College authorises the Deputy Principal/CEO Curriculum and Quality, to act on its behalf to ensure as far as is reasonably practicable that all members of the College (staff and students), visitors and third parties*, comply with the provisions of this Policy.
12. In accordance with the College's External Speaker Protocol, visitors or those wishing to hold an event at college are required to signify that they have read and agreed to abide by the provisions of this Policy
13. External speakers will also have to comply with 11 above and also the External Speaker Protocol that aligns to the College's Prevent Duty risk assessment procedure.
14. The Deputy Principal/CEO Curriculum and Quality shall report to the Strategic Leadership Team on the circumstances of any significant infringements of the provisions of this Policy. Any such infringements, in whatever respect, may render those responsible liable to disciplinary action under the College's disciplinary procedures. Where the person responsible is not directly connected to the college we will take the necessary action as appropriate.

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Context

The Office for Students (OfS) stands for the widest possible definition of free speech – anything within the law – and are in support of free speech and academic freedom.

OfS stipulate that free speech and academic freedom should be part of the culture of every university and college and be proactively promoted. Free speech and academic freedom are essential elements of higher education teaching and research. Academic staff must be able to undertake teaching and research with confidence and speak out in controversial areas without fear that this will affect their working environment or their careers.

OfS also stipulate that students should encounter, and be able to debate, new and discomfiting ideas if they are to get the most out of higher education. Universities, colleges and other higher education providers, and their students' unions and associations, should actively encourage robust, but civil, debate which takes different viewpoints seriously. Attempts to suppress or censor lawful speech, or academic freedom, should be robustly challenged, whether those attempts are made by students, staff or others.

In May 2021 The Government introduced The Higher Education (Free Speech) Bill into Parliament. The Bill strengthens the legal duties on higher education providers and makes significant changes to the regulation of free speech, within providers and their students' unions. It gives the OfS the responsibility for resolving complaints about free speech or academic freedom from individual staff, students or visitors.

Sarah Barbacane

Director of Curriculum; Professional and Commercial Industries (HE Lead)

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