ACADEMIC FREEDOM AND FREEDOM OF SPEECH CODE OF CONDUCT

Policy Approval and Version Control

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Introduction

1. This Code of Practice sets out the Bird College's policy relating to freedom of speech and academic freedom. As a higher education institution the College welcomes constructive sharing of perspectives as this creates opportunities for the community to develop shared understanding, respect for difference and breadth of insight.

2. Freedom of speech is defined as the freedom, within the law, to hold opinions and to receive and impart information and ideas without interference.

3. Academic freedom, in relation to the academic staff of the College, means their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected through the loss of their jobs or privileges at the College or the likelihood of their securing promotion or different jobs at the College being reduced.

Conduct

4. The College is a diverse community committed to fostering an inclusive environment which promotes equity, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected. The College does not tolerate harassment or

victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.

5. The respect the College expects all members of the community to demonstrate towards each other includes respecting the right of others to speak freely and exercise their academic freedom. Whilst peaceful protest is a legitimate expression of freedom of speech, it must not be exercised in a way which shuts down debate.

6. Complaints about the behaviour of individuals should be made under the appropriate procedures, e.g. the student complaints process or staff grievance process or harassment and sexual misconduct policy.

Procedures

7. This Code of Practice applies to the College procedures to be followed by staff and students when organising any activities that relate to academic life, whether those activities take place on or off College premises, including activities relating to: admission, appointment, reappointment, employment and promotion of staff, disciplinary matters, equality, diversity and inclusion, harassment and bullying, IT, social media, Prevent duty, principles of curricular design, academic integrity in research, speaker events, staff and student codes of conduct.
8. In making any decision under any of these procedures or otherwise, or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, the College will take into account:

a) the importance of academic freedom;
b) the need to take reasonably practicable steps, having particular regard to the importance of freedom of speech, to ensure that freedom of speech within the law (including academic freedom) is secured;
c) the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
d) the Counter-Terrorism and Security Act 2015 which requires the College to have due regard to the need to prevent people from being drawn into terrorism, but to have particular regard to the duty to ensure freedom of speech and to the importance of academic freedom when carrying out the duty.

9. A breach of this Code may lead to disciplinary action being taken under the appropriate College procedure.

10. Complaints that the College has breached its duties in relation to freedom of speech under this Code may be raised by:

a) staff of the College,

b) students of the College[1], and
c) visiting speakers[2].

11. Complaints may also be brought by a person who was formerly within one of the categories in para 10, where their complaint relates to events which occurred while they had that status and which impacted them in that capacity.

12. The appropriate procedure for raising such complaints is as follows:
a) complaints by members of staff should be raised under the grievance or harassment or disciplinary procedure;
b) complaints by students should be raised under the student complaints procedure or the harassment and sexual misconduct procedure;
c) other complaints should be sent to birdcollegeregistry@birdcollege.co.uk and will be dealt with by the Academic Registrar or nominee. Such complaints will only be considered where they allege the complainant has suffered adverse consequences as a result of action or inaction of the University; the action or inaction was a breach of one or more of the College's freedom of speech duties; and it would not be more appropriately considered under a different College procedure. Complaints under this category will be dealt with in a fair, proportionate and timely manner. Complaint outcomes under this category are not subject to appeal.

13. The Office for Students (OfS) has indicated an intention to operate a free speech complaints scheme. Information about the complaints that the OfS can review is available on its website.

College Meetings and Events

14. Through the implementation of this Code, the College takes reasonably practicable steps to ensure that freedom of speech within the law is secured within its community and that the use of its premises and services is not inappropriately denied to any of the persons listed in para 10 on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member. The College acts in a risk-based and proportionate manner and will always aim to allow a meeting or event to go ahead, provided that it is within the law and does not pose unacceptable risks to individuals and will work with the organisers towards this goal. Cancellation of events is undesirable and should be exceptional.

[1] a 'student' means a person undertaking, or with a binding offer to undertake, a course of study at the College which leads to a higher education award. A student does not include applicants, those who have graduated or those studying courses which do not lead to a higher education award.
[2] a 'visiting speaker' means a person who has been invited to speak at the College by a student or College employee acting in their capacity as a student or College employee.

15. It is noted that the College has limited premises available and room booking priority will be given to scheduled classes and College activities. However, where a meeting or event is being refused based on room availability, consideration should be given to whether alternative time(s), duration(s) or date(s) might enable the meeting or event to go ahead. Some rooms will not be considered for meetings or events, including open plan offices, individual offices (except when the event is being organised by the occupant of the office), staff break-out spaces and the student refectory.

16. The College operates room lettings on a commercial basis for rehearsals, performances, training and external events. Meetings and events which are deemed commercial activity will not be considered under this policy and will be chargeable in line with the College's normal hire rates.

17. Employees and students of the College who are organising meetings or events (including those that take place online) or are responsible for administering external bookings of College premises are responsible for assessing those meetings and events in the context of this Code and other College policies. Where there are concerns that the meeting or event:

a) may give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;
b) is likely to pose a risk to the safety of those lawfully on College premises; or
c) that it may prompt a risk to public safety

the procedure outlined in paragraphs 18-28 below should be followed. If organisers are in any doubt or have any questions or need for further information, they are encouraged to discuss the situation with the Academic Registrar. No meeting or event which a student or employee is proposing to be held on College premises may be refused, cancelled or altered as a result of the beliefs or views or the policy or objectives of any of the persons listed in paragraph 10 save as a result of consideration by the Academic Registrar.

18. A meeting or event that falls within para 17(a)-(c) should be formally notified to the Head of Operations or Timetable Co-ordinator by email. The request must be made and submitted at least twenty (20) working days in advance of the meeting or event. If less notice is given the Head of Operations or Timetable Co-ordinator will seek to consider the matter in the reduced timeframe if there are compelling reasons why the meeting or event cannot be delayed and if it is reasonably practical to do so. However, if there are no compelling reasons why the meeting or event cannot be

delayed and/or if it is not practically possible for the Head of Operations or Timetable Co-ordinator to make the necessary arrangements in the reduced time, the organiser may need to organise and fund security independently.

19. On receipt of the meeting or event request, the case will be assessed by the Head of Operations or Timetable Co-ordinator who will consult with the Academic Registrar. The starting point for considering a particular request will be that the event should be allowed unless there are compelling and exceptional reasons for it not to proceed.

20. As required by section 12 of the Terrorism Act 2000, permission will not be given to hold a meeting or event where it is known that:

a) the proposed speaker belongs to, or professes to belong to, a proscribed organisation; or
b) the proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.

21. In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the Academic Registrar reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the College or otherwise) that:

a) the views likely to be expressed by any speaker are contrary to the law;
b) the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
c) the meeting is likely to include the expression of viewpoints that are reasonably believed to be highly controversial and/or offensive and the organisers will not permit contrary or opposing viewpoints to be held or expressed;
d) 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
e) it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

22. The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a College meeting or event.

23. Where the Academic Registrar is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on College premises is likely to give rise to disorder or threats to the safety of participants or the wider College community, they shall consider what steps it is necessary to take to ensure the safety of all persons and the security of College premises. This might include postponing or

relocating a meeting or event or imposing conditions. The responsibility for fulfilling these conditions rests with the organisers.

24. Except as set out in para 25 below, the College will cover the following costs of security for using the College's premises for a meeting or event falling under this Code of Practice:

a) the costs of the College's in-house Operations Team;
b) additional costs of up to £150 per event for provision of bag search requirements.

25. The College will not cover the costs of security for using its premises where the cost of security exceeds these parameters or where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold. The College will also not cover the security costs for using its premises for individuals who do not fall within the categories listed at para 10 above.

26. In the exceptional event that security costs are to be passed on to the organiser of the event, the Head of Operations will supply the organiser of the event with a clear written summary of their calculation of the expected security cost and an explanation for this calculation. That summary may be appealed by submitting an appeal in writing to the Academic Registrar.

27. In the exceptional event that the Academic Registrar considers that the risks cannot be mitigated by the imposition of conditions, or the organiser(s) refuse(s) to comply with the conditions, the Academic Registrar has the right to cancel the meeting or event. The Academic Registrar will communicate their decision promptly and will set out the reasons for the decision.

28. If any of the individuals listed in paragraph 10 above are dissatisfied with the decision of the Academic Registrar in relation to a meeting or event they may appeal the decision using the College's appeals procedure.

Monitoring and review

29. The 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 Board of Directors as appropriate or necessary.