

# **UNIVERSITY CENTRE SOMERSET (UCS) HIGHER EDUCATION FREEDOM OF SPEECH POLICY**

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## 1 Policy Statement

- 1.1 This policy sets out the responsibility of University Centre Somerset (UCS) in promoting academic freedom and Freedom of Speech (FOS) while ensuring it remains a safe environment for teaching, learning and research, complies with relevant legal requirements and promotes the wider institutional values.
- 1.2 As an educational organisation, UCS values academic freedom and is committed to encouraging free debate and enquiry. This means tolerance of a wide range of views, both academic and political, even when they may be unpopular or contentious, but this **must be applied within the law**. Our policy follows the [guidance from the Office for Students \(OFS\)](#) in accordance with the [Higher Education \(HE\) \(FOS\) Act 2023](#).
- 1.3 This policy focuses on securing FOS for staff of the provider, members of the provider, students of the provider and visiting speakers.
- 1.4 FOS under the HE (FOS) Act 2023 include:  
*“References to freedom of speech are to the freedom to impart ideas, opinions or information (referred to in Article 10(1) of the Convention as it has effect for the purposes of the Human Rights Act 1998) by means of speech, writing, images (including electronic form); the convention has the meaning given by section 21(10) of the Human Rights Act” s1(13)*.
- 1.5 The HE (FOS) Act 2023 outlines duties to which HE providers must adhere, secure and promote FOS. Enforcing these duties is now a registration requirement for the OFS and now puts complaints firmly in the remit of the OFS.
- 1.6 This policy does not affect the validity of relevant policies and legislation including but not limited to.
  - BTC Whistleblowing Policy
  - BTC Positive Behaviour Policy & Behaviour Management Procedure
  - BTC Equality Diversity and Inclusion Policy 2024
  - BTC Visitor Policy and Procedure
  - UCS HE Safeguarding Policy

- UCS HE Sexual Harassment Policy
- Equality Act 2010
- The European Convention on Human Rights as incorporated into UK Law by the Human Rights Act 1998
- The Higher Education and Research Act 2017
- The Educational Reform Act 1998

## **2 Underpinning Values**

2.1 A core mission of HE providers is the pursuit of knowledge, and it is necessary to have the academic freedom to discuss controversial, false, sensitive and offensive views.

This policy provides a high level of protection for the lawful expression of a view in an academic context. All members of UCS's academic community have freedom within the law to:

- hold opinions and express them verbally, through written material, or through other media
- challenge established theories, ideas or received wisdom
- develop new ideas or proposals
- present or take controversial or unpopular positions.

2.2 The values allow and promote:

- the discussion of false views during lectures and events to academically discredit
- the discussion of unpopular views during lectures and events, allowing academic curiosity and development
- access to a range of diverse views via guest speakers,
- wider enrichment talks given by staff during lunch times
- discussion of current events by incorporating it into tutorial sessions.

2.3 The duty to secure freedom of speech also includes academic freedom, in relation to academic staff and 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 in any of the following ways:

- loss of their jobs or privileges at the provider;
- the likelihood of their securing promotion or different jobs at the provider being reduced

2.4 UCS has freedom to expose students to a range of thoughts and ideas, however controversial. Even if the content of the curriculum offends students with certain protected characteristics, this will not by itself make that speech unlawful

2.5 Duties of UCS to secure the FOS requires UCS to take reasonably practical steps to ensure the use of premises is not refused because of a person's ideas or opinions. This includes the cost of security.

2.6 UCS will secure academic FOS for academic staff including those seeking promotion or an alternative role. This extends to external applicants.

2.7 UCS will not enter non-disclosure agreements with members (staff and students) in relation to complaints of sexual abuse, harassment or misconduct or other bullying or harassment.

2.8 UCS holds values that actively promote FOS in accordance with the HE (FOS) Act 2023; ensuring staff and students have the academic freedom necessary.

### **3 Procedure**

3.1 Every activity at UCS, or activity 'off-campus' but branded as or funded by the UCS or where the principal participants are UCS staff, is required to have an Organiser and that Organiser has a duty to ensure that steps are taken to meet the guidance within this policy.

3.2 To conform with the values of UCS, British Values (that include democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs) and to conform with the UCS's duty under the PREVENT statutory guidance, all organisers of an event must carry out research

on any visiting speaker/organisation and follow the UCS protocols for visiting speakers. This includes reference to the Visitor Policy and Procedure and completion of the Visiting Speakers to UCS form. This will consider the OFS's Framework for Assessment to ensure ongoing compliance to protect and secure FOS within the law.

3.3 This procedure will apply to the following activities:

- In person and online/virtual events
- Academic activities
- Exhibitions hosted by the College
- Meetings and events organised by UCS staff
- Meetings and events organised by students of UCS

3.4 Staff and students at UCS should therefore consider whether their action or the action of invited guest speakers / visiting lecturers, the outcome of meetings, protest or demonstration or the result of academic work (including practice or artefact) will:

- infringe the rights of others
- discriminate against others in a manner that constitutes a criminal offence
- constitute a threat to public order or to the health and safety of individuals
- incite others to commit criminal acts
- be contrary to the civil and human rights of individuals
- be insensitive to the diversity of its community or be disrespectful to sections of that community

3.5 UCS will not normally deny the use of facilities to individuals or groups unless the proposed use is considered likely to be contrary to the law. The assumption will be that the event will go ahead and UCS will take reasonably practical steps to ensure events can occur in a way to secure and promote the FOS.

3.6 Activities will not be permitted to occur if they break the law through the incitement of violence, or using threatening words or behaviour intended to provoke hatred on the grounds of any form of discrimination or breaches of the Equality Act 2010. Nor does it allow defamation, harassment or any other

unlawful activity as noted in other such legislation, including but not limited to the Public Order Act 1986, Harassment (Protection from Harassment Act 1997), and the Terrorism Act 2000. We will also not tolerate unacceptable behaviour that compromises our safeguarding responsibilities; especially in relation to our 16–18-year-old learners who have access to the premises.

- 3.7 If there is any question or doubt as to the subjects being raised through any activity within the academic community and the possibility that it might not be in accordance with this policy, it is the responsibility of the Module Leader, Tutor or Event/Activity Organiser (whether staff or student) to contact the Vice Principal for Student Experience and DSL for advice on whether to proceed. Having considered the available information, the Vice Principal for Student Experience and DSL will then make a ruling to grant or withhold permission for any activity consistent with the [OFS Guidance on FOS](#).
- 3.8 If the organiser/potential attendee feels that the refusal contravenes the policy then they may appeal, sending in the completed form (see appendix 1), to [complaints@btc.ac.uk](mailto:complaints@btc.ac.uk) to raise a formal complaint, which will follow the process stated in the UCS HE Complaints Policy.

## **4 Conduct**

- 4.1 Everyone has the right to free speech within the law.
- 4.2 In the exercise of the freedom during their role in delivering academic duties, research, teaching or the publication of material linked to UCS, staff and students are expected to:
- Value diversity and recognise the strength that comes from people with different perspectives and knowledge linked to a diverse range of characteristics including age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation and culture
  - Treat others with respect, challenge inequality and respond to the different needs and circumstances of individuals and groups of people

- Respect and defend the rights of individuals to hold different views and beliefs and their right to express those views through appropriate fora when engaging in academic discussion
- Communicate in a respectful manner and in a clear, relevant and respectful way
- Be academically rigorous, justifying their views with evidence and appropriate argument
- Minimise the risk of and harm to any person, institution or community
- Be sensitive to others when expressing opinions that may cause offence and present views in a manner that is not hostile or degrading
- Respect the right of others to challenge their views and be prepared to accept gaps and weaknesses in their own arguments
- Be aware of the legal implications of their actions.

4.3 The freedom to challenge or debate through freedom of expression **does not give permission to break the law** through incitement of violence, or using threatening words or behaviour intended to provoke hatred on the grounds of any form of discrimination or breaches of the Equality Act 2010. Nor does it allow defamation, harassment or any other unlawful activity. We will also not tolerate unacceptable behaviour that compromises our safeguarding responsibilities; especially in relation to our 16–18-year-old learners who have access to the premises.

## **5 Criteria for passing on security costs**

5.1 Higher Education and Research Act 2017 stipulates that a provider must pass on security costs relating to the use of their premises for an event to secure freedom of speech, apart from in exceptional circumstances.

5.2 UCS will take reasonably practicable steps not to pass on security costs for outside events except in exceptional circumstances. Circumstances are exceptional when security costs exceed £200. In these circumstances we will pass on the residue of the security costs to the organiser/speaker.

## **6 Disciplinary measures**

6.1 Where appropriate, disciplinary measures to secure compliance with this policy will be enforced.

- Staff will be subject to the staff Disciplinary Policy & Procedure
- Students will be subject to the Positive Behaviour Policy & Behaviour Management Procedure

## **7 Complaints**

7.1 Staff, students and visiting speakers may following the procedure outlined in section 3 if they are unhappy that approval for an event has not been granted. Complete the form in appendix 1 and email it to the [complaints@btc.ac.uk](mailto:complaints@btc.ac.uk) which will follow the process stated in the UCS HE Complaints Policy.

7.2 If staff or students are unhappy that an event has been cancelled or has been removed (i.e. material) then a discussion can be had with Vice Principal for Student Experience in the first instance before a formal complaint is made.

## **8 Review of the Policy**

7.1 This policy will be reviewed and updated annually or when necessary to stay in line with amended legislation or OFS guidance.

## Appendix 1 Freedom of Speech Complaint Form

If you are unhappy that an event is not taking place, and you feel it breaches the UCS Freedom of Speech Policy then complete the following form and email it to [complaints@btc.ac.uk](mailto:complaints@btc.ac.uk) for consideration.

### UCS Freedom of Speech Form

Please complete this form in as much detail as possible



**Event:**

**Organiser (name and contact):**

**Name and contact (if not the organiser):**

**Curriculum or Context host of event:**

**Date, time, venue:**

**Nature and purpose of the event:**

**Explain your complaint:**