



BOLTON COLLEGE

CODE OF PRACTICE ON FREEDOM OF SPEECH AND EXPRESSION

1. Introduction

- 1.1 Bolton College recognises and endorses that freedom of speech [and expression] within the law has fundamental importance for institutions as places of education, learning and the disinterested pursuit of truth. In particular, institutions are obliged under section 43 of the Education (No. 2) Act 1986 to take reasonable measures to protect freedom of lawful speech.
- 1.2 In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights.
- 1.3 The College is also required to have regard to the need to ensure 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 at risk of losing their jobs or any privileges they may have. Institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.
- 1.4 This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.5 The Code of Practice covers freedom of speech [and expression] in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media.
- 1.6 The Code's rights and obligations shall apply to:
 - 1.6.1 Bolton College, including members of the Governing Body;
 - 1.6.2 all persons (whether academic staff or otherwise) working for Bolton College [whether for payment or otherwise]
 - 1.6.3 all duly enrolled students of the College (whether full or part-time);
 - 1.6.4 all students studying at the College (whether full or part-time) under an agreement with a partner organisation of the College
 - 1.6.5 the students' union and any societies, clubs or associations which normally operate *on the College's* premises; and
 - 1.6.6 all persons invited to speak and/or express views (whether in person or otherwise including through the use of social media) and/or otherwise take part in activities which take place on or are planned or proposed or due to take place on the College's premises or through its ICT systems in accordance with the provisions of section 3 of this Code.
- 1.7 References in the Code to "the College premises" and/or College facilities" include premises and/or facilities which are owned by the College, premises and/or facilities which the College does not own but over which *it exercises* some degree of control, and premises and/or facilities occupied or controlled by the College's students' union whether or *not the College* owns or has control of such premises and/or facilities.

2. Freedom of Speech and Expression

- 2.1 Bolton College Shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Code's rights apply.
- 2.2 Every person to whom this Code's obligations apply shall assist the College in upholding this Code of Practice.
- 2.3 Bolton College will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of the College, provided that:
- such speech and expressions do not go beyond the articulation of points of view and are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful, and
 - by allowing such views to be expressed, the College would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to:-
 - (a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it and
 - (d) prevent people being drawn into terrorism and extremism, including non-violent extremism.
- 2.4 The College shall ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on any ground connected with:
- 2.4.1 the beliefs or views of such individual or any member of such body; or
 - 2.4.2 the policy or objectives of such body.
- 2.5 Every person to whom this Code's obligations apply shall refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code of Practice.
- 2.6 The College shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Code of Practice are complied with.
- 2.7 The College has a duty to promote British Values. These are:
- Democracy
 - The rule of law
 - Individual liberty
 - Mutual respect and tolerance of those of different faiths and beliefs

3. Legitimate Restriction on the Freedom of Expression

- 3.1 Nothing in this policy shall interfere with the right to assemble, demonstrate, protest and speak within the law. However, hate crime and incitement to commit illegal acts will not be tolerated. The College has a duty to protect its staff and students from unlawful discrimination, harassment, victimisation, intimidation or threats of violence on the grounds of race, sex, religion or belief, marital status, pregnancy or maternity, sexual orientation, disability and age.
- 3.2 No one can rely on the human right to freedom of expression to limit or undermine the human rights of others.
- 3.3 The College as a public body has duties which require us to have due regard to the need to promote good relations between different communities protected by equality law. This may require active challenge to the use of offensive communication and hate speech.
- 3.4 The College also has a duty under the Counter Terrorism and Security Act 2015, to participate fully in work to prevent people from being drawn into terrorism.
- 3.5 Although there is no universally accepted definition, hate speech is generally understood to describe forms of expression which incite violence, hatred or discrimination against other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status.
- 3.6 Bolton College is a secular educational establishment, regulated by Ofsted and subject to legislation and statutory guidance on matters such as safeguarding children and vulnerable adults, the Prevent duty and advancing equality of opportunity.
- 3.7 In line with our ethos and values, we reserve the right to monitor any activity associated with Bolton College or the use of its premises and, where necessary, take action in accordance with related policies and codes of conduct.

4. Visiting Speakers and Hiring of College Premises

- 4.1 The Prevent duties identified in the Counter Terrorism and Security Act 2015, require that the College has oversight of the content of any speeches or presentations by visiting speakers.
- 4.2 Organisers of a visiting speaker's presentation should comply with the External Speaker Protocol, Visitor framework and College procedure for room hire.
- 4.3 The College is entitled to refuse a request to hire its premises for any use which does not match its core values.

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