

CODE OF CONDUCT FOR Freedom of Speech

1. Introduction

Freedom of speech is the right to hold opinions, receive and impart information and ideas without public authority interference. This right allows individuals and communities to share their views openly, whether through speaking, writing, art, or other forms of communication.

Freedom of speech is protected within the boundaries of the law. This means that speech is not protected if it violates other legal requirements such as speech that incites violence, harassment or hate speech.

This Code of Conduct outlines the principles and procedures to ensure the protection and promotion of freedom of speech within the law at Burnley College. It aligns with the Higher Education (Freedom of Speech) Act 2023 and the guidance provided by the Office for Students (OfS).

The Education Act (No.2) 1986, section 43, applies to "any establishment of higher or further education which is maintained by a local authority" and "any institution within the further education sector".

2. Scope

This Code applies to:

- a. all members of Burnley College staff
- b. all members of the Board of Governors
- c. all registered students
- d. all students studying at the College under an agreement with a partner organisation
- e. all prospective students
- f. all persons invited to speak or take part in events/hiring facilities at the college.

Everyone within the scope of this Code of Conduct has a responsibility to ensure that the expectations and standards detailed are upheld.

3. Principles

The College will ensure, as far as reasonably practicable, that freedom of speech, within the law, will be respected in its admissions, teaching, academic curriculum and policies and procedures.

Freedom of Speech: Burnley College is committed to securing freedom of speech within the law for students, staff, and visiting speakers. The College will:

- Foster open discussion and debate.
- Protect lawful free speech, even if it is controversial.
- Set boundaries to prevent speech that is unlawful or creates a hostile environment.

Academic Freedom: Burnley College supports academic freedom, allowing staff and students to explore and discuss/debate ideas without fear of censorship or retaliation.

It is the principle that teachers, researchers, and students have the right to teach, study, research, and share ideas or findings without unreasonable interference, censorship, or restriction within laws, institutional policies, or from external pressures.

In summary, academic freedom protects the independence of academic work and ensures that education and research can proceed without undue restriction or fear of retribution.

Burnley College is committed to empowering students, staff, researchers, and visitors to express their opinions. We actively promote an open culture that is both respectful and lawful.

Respect and Tolerance: While promoting free speech, Burnley College expects all members to engage in respectful and tolerant discourse.

The College will:

- a. promote the importance of Freedom of Speech to students and staff annually;
- b. ensure there are measures in place to enable an individual to raise concerns about freedom of speech;
- c. not enter into non-disclosure agreements (NDA's) - an agreement which purports to any extent to preclude the person from publishing or disclosing information about a complaint relating to misconduct or alleged misconduct by any person.

Creativity
& Curiosity

Ambition
& Challenge

Care, Trust
& Belonging

Collaboration

Leadership
for All

Building
Beyond

4. Freedom of Speech within the law

The College's freedom of speech only extends to speech within the law, therefore speech that breaches either civil or criminal law is not protected and will not be permitted by the College. Examples of laws (but not limited to) that might be relevant in this respect:

a. Equality law - the Equality Act 2010 prohibits discrimination, harassment and victimisation by reference to the characteristics protected under the Act.

b. Human Rights Laws - under the Human Rights Act 1998, the College as a public authority must comply with all the rights and freedoms set out in the Human Rights Act to ensure they are protected and applied without discrimination.

c. Criminal Law - there are various criminal offences which may occur in relation to speech, including harassment, acts intended to stir up hatred on the grounds of race or religion, malicious and offensive communications, online safety offences, public order offences and terrorism related offences.

d. Anti-terrorism laws and duties - under the Counter Terrorism and Security Act 2015, the College is required to comply with the 'Prevent' duty to help prevent the risk of people being drawn into or supporting terrorism

e. The Office for Students (OfS) is a regulatory body for higher education in England

- Through its Regulatory Framework, the OfS requires the College to follow certain rules called public interest governance principles. Two of these key principles are Freedom of Speech and Academic Freedom.
- The Framework also has specific rules (called Conditions E1 and E2) that the College must follow:
 - Condition E1 covers public interest governance, which includes upholding freedom of speech and academic freedom.
 - Condition E2 covers how the university is managed and governed.

5. Roles and Responsibilities

All individuals covered by this Code have a responsibility to uphold the College's commitment to securing and actively promoting the importance of freedom of speech and academic freedom within our community and adhering to the values of the College.

Institution: Burnley College will take reasonably practicable steps to ensure that freedom of speech within the law is secured. This includes:

- Reviewing and amending policies that may restrict speech.
- Providing training and resources to promote understanding of free speech principles.
- Ensuring that external speakers are not unlawfully prevented from speaking.

Members: All staff, students and visitors of Burnley College are expected to:

- Respect the rights of others to express their views.
- Engage in debate and discussion in a respectful manner.
- Report any concerns regarding breaches of this Code to the appropriate authorities.

It is the responsibility of the Assistant Principal for University and Adult Education to regularly review this Code.

6. Procedures

Event Approval: All events involving external speakers must be approved through the risk assessment process. The approval process will assess the potential risks and ensure compliance with the law, ensuring that external speakers are not unlawfully prevented from speaking.

Complaints and Investigations: Burnley College has a clear process for handling complaints related to breaches of this Code. Complaints will be investigated promptly and fairly.

Sanctions: Breaches of this Code may result in disciplinary action, including warnings and exclusion from the College and referral to external agencies.

7. Complaints

Where a member of staff or student has concerns that their right to freedom of speech has been breached at the College, they may raise a complaint. Once the complaint has been received, the College will determine the most applicable procedure to follow.

Students may raise a complaint via the Complaints Procedure. Members of staff may raise a grievance under the Grievance Procedure.

8. Monitoring and Review

Burnley College will regularly review this Code to ensure its effectiveness and compliance with legal requirements.

