

PREVENT CODE OF PRACTICE

Code of Practice on Freedom of Speech and Academic Freedom

(incorporating the Procedure on Controversial Meetings and Speakers)

1. Scope

This Code of Practice has been developed to:

- Assist all stakeholders to understand their right of Freedom of Speech and obligations in respect of it at Ravensbourne;
- Outline what we mean by Academic Freedom and the mechanisms in place at Ravensbourne to protect it;
- Set out the process for identifying proposed or planned meetings or activities which could be 'controversial' and the protocols to be followed in such cases.

The Code of Practice shall apply to:

- All staff (whether academic staff or otherwise) employed by Ravensbourne or whose normal place of work is Ravensbourne;
- All students (whether full-time or part-time);
- All visiting speakers;
- All lawful visitors;
- Ravensbourne Students' Union and its constituent societies, clubs and associations.

2. Context

Ravensbourne values debate and discussion and is a place where ideas can be tested without fear of control, and where students learn to analyse, criticize and challenge. Therefore Freedom of Speech (and Expression) is both explicit and implicit within our values:

- **Be creative.** We provide a provocative, dynamic learning environment where students are challenged to become visionary professionals of the future. Working collaboratively and purposefully, we approach our endeavours with a mind-set that is open and receptive to challenge. We empower our staff and students not just to imagine, but also to create, the future.
- **Be integrated with industry.** We value the rich and sustained engagement of our industry partners. This drives our practice-based approach to learning and teaching, research and knowledge exchange. We support creative leadership and innovation through partnerships, conversations and connections with industry. These reflect the professional and collaborative nature of our staff and the employability of our students.
- **Be inclusive.** We take pride in a culture that anticipates, supports and celebrates equality of opportunity. We are proactive and holistic in our approach to promoting social mobility, internationalisation, diversity and inclusion, enabling change beyond Ravensbourne, to the socio-economic profile of practitioners in the creative industries.

The principles underpinning the Code of Practice are longstanding and well understood in practice at Ravensbourne. The Education Act (No 2) 1986 requires a higher education institution to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers. Ravensbourne's Students' Union Code of Practice extends this duty to the Students' Union and 'includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of College premises of the establishment is not denied to any individual or body of persons on any ground connected with the beliefs or views of that individual or of any member of that body or the policy or objectives of that body'. Ravensbourne's Articles of Government state 'the Board of Governors shall have regard to the need to ensure that academic staff of the College 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 in jeopardy or losing their jobs or any privileges they may have at the College'.

This Code of Practice was prepared in response to the introduction of the **Counter Terrorism and Security Act 2015**, which requires higher education institutions to comply with the new **Prevent Duty**, that is, to have due regard to the need to prevent people from being drawn into terrorism and extremism. Section 31 of **Counter Terrorism and Security Act 2015**, states that Relevant Higher Education Bodies (RHEBs):

- (a) must have particular regard to the duty to ensure freedom of speech, in the case of authorities that are subject to that duty;
- (b) must have particular regard to the importance of academic freedom, in the case of authorities that are proprietors or governing bodies of qualifying institutions.

The Prevent Duty Guidance: for higher education institutions in England and Wales requires Ravensbourne to balance its legal duties in terms of both ensuring freedom of speech and academic freedom with its duty to protect student and staff welfare and its duty to prevent extremism and radicalisation. The Code of Practice additionally addresses the Prevent Duty's requirement to have policies and procedures in place for the management of events on campus and use of all premises. In particular, it is intended to provide clear protocols within which Meetings or Activities that fall within the remit of this Code of Practice can be given due consideration.

3. Freedom of Speech

Freedom of Speech is the freedom to hold opinions and to receive and impart information and ideas without interference. It encompasses freedom of expression (which includes written material, images and other published, social media or broadcast material). Amongst other things, it includes the right to:

- express political views (including comment on matters of general public interest);

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- artistic expression (including material that is shocking, controversial or held generally to be in poor taste);
- hold, promote or criticise religious or social views,
- promote minority, radical or dissenting views (including ones which may be obnoxious or annoying to most people)
- commercial expression when it relates to a matter of public debate or concern.

Ravensbourne's obligations in respect of Freedom of Speech, within the context of its Values and subject to its Articles, Mission, regulations and policies, are to:

- Protect the right to Freedom of Speech for its staff, students and other stakeholders by ensuring that they are able to express their opinions and beliefs without fear of disciplinary action or other sanction;
- Not deny access to our premises unreasonably to any individual or body of persons on any ground connected with lawful beliefs or views of that individual or of any member of that body; or the lawful policy or objectives of that body;
- Conduct its business in a transparent and inclusive manner ensuring that staff and students should have the right to speak freely without fear of disciplinary action or any other sanction, provided they do so within the law.

Freedom of Speech is not unlimited, and carries with it duties and responsibilities, and as Article 10, of the Human Rights Act 1998, makes clear, may be subject to formalities, conditions and restrictions imposed by law. The Right to Free Speech is not a right to raise issues in an inappropriate or vexatious manner or in meetings and contexts where the view raised is not within the remit of the group or the matter of business in hand.

The responsibilities of Ravensbourne's stakeholders in respect of Freedom of Speech are:

- **To uphold the right of others to Freedom of Speech;**
- **To ensure that in exercising the right to speak freely and articulate points of view, they act within the law and their obligations as employees, students or other stakeholder at Ravensbourne.**
- **Not to use abusive or threatening language or behaviour likely to constitute bullying or harassment** and a breach of staff or student disciplinary policies (and relevant legislation such as the Protection from Harassment Act 1997);
- **Not to communicate in a manner as to cause anxiety, alarm or distress** (or likely to be a breach the Malicious Communications Act 1988);
- **Not to express views intending or likely to be perceived as an incitement to hatred, victimisation or discrimination** on the grounds of race or ethnicity, religion, disability, sexual orientation or any other protected characteristic under the Equalities Act 2010;
- **Not to directly or indirectly support terrorism or proscribed organisations** or facilitate their support (Counter-Terrorism and Security Act 2015);

- **Not to promote or facilitate the promotion of extremism** (as defined in the Prevent Duty Guidance as: “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”);
- **Not to associate Ravensbourne with personally held views in a manner likely to bring the institution into disrepute;**
- **Respect the privacy of others and maintain confidentiality when it is required.**

4. Academic Freedom

For the purposes of this Code, the definition of Academic Freedom is that stated in Ravensbourne’s Articles of Government (9.2), which states that the Board of Governors shall have regard to the need to ‘ensure that academic staff of the College 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 in jeopardy or losing their jobs or any privileges they may have at the College’.

Academic Freedom is used commonly to describe three distinct but related concepts: scholarly freedom to carry out teaching and research without undue interference, institutional autonomy, and academic participation in university governance. These concepts support each other but can also be in tension with each other^[1]. So for instance, a limitation on individual Academic Freedom is that it exists within the context of collegial decision-making processes used to determine and decide the broad curriculum and academic regulations. Nevertheless, an underpinning principle of this Code is that collegiality and academic participation in Ravensbourne’s deliberative structure best promotes and protects scholarly freedom.

Ravensbourne commits to ensuring:

- Its academic staff are free to teach or communicate such ideas or facts as they see appropriate to a learning activity;
- Its academic staff are free to engage in legitimate research, inquiry and scholarship and its dissemination;
- Academic judgement is the preserve of academic staff and collective academic decision making should be made by appropriately constituted academic committees and bodies (eg Assessment Boards, Academic Board and its sub-committees etc) subject to the authority of the Board of Governors set out in the Articles of Government;
- Academic staff should be involved and consulted in the development of academic policies and procedures and other policies which impact on academic standards and quality;

Academic staff should be aware:

- That Academic Freedom in teaching operates within the bounds of the validated learning outcomes of the programme, relevance to subject and the maintenance of academic standards which are collegially determined;

- That Academic Freedom necessarily carries a responsibility to tolerate the Academic Freedom of others;
- That the limitations on Freedom of Speech set out above apply equally to Academic Freedom;
- Academic Freedom is not about belief or faith and can only be exercised in a manner which is evidenced based, gives weight to alternative points of view and methods, balances academic critiques of the views expressed and is based on solid scholarship and/or research integrity;
- That Academic Freedom to criticise a national or institutional policy does not constitute any exemption from that policy.

5. Complaints about Infringements of Freedom of Speech and/or Academic Freedom

An academic member of staff who believes that their Freedom of Speech and/or Academic Freedom has been infringed should submit a complaint under the Staff Grievance procedure.

A student who believes that their Freedom of Speech and/or Academic Freedom has been infringed should submit a complaint under the Student Complaints procedure.

When the Complainant believes there has been a serious infringement of Academic Freedom amounting to a 'failure to comply with a legal or regulatory obligation' amounting to Malpractice as defined in the institutional 'Whistleblowing Policy and Procedure' then he or she should write to one of the two institutional Designated Officers named in that procedure.

Other Stakeholders or members of the public who wish to raise concerns in respect of an infringement of Freedom of Speech and/or Academic Freedom, or who believe Ravensbourne's premises have been denied unreasonably on the grounds connected with lawful beliefs or the views should write to the Director who will delegate an appropriate member of the Senior Management Team to investigate .

6. Controversial Speakers, Meetings and Activities

Context

Ravensbourne will not deny access, in so far as is reasonably practicable, to our premises to any individual or body of persons on any ground connected with lawful beliefs or the views of that individual or of any member of that body; or the lawful policy or objectives of that body. However, Ravensbourne must in fulfilling this duty take into account its duties under:

- **The Counter Terrorism and Security Act 2015**, which requires higher education institutions to comply with the new **Prevent Duty**, to have due regard to the need to prevent people from being drawn into terrorism and extremism. The Government has

defined extremism in the Prevent strategy as: “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”;

- **The Education Act (No 2) 1986** which requires it “to take such steps as are reasonably practicable to secure freedom of speech within the law for members, students, and employees of the establishment and for visiting speakers;
- The **Equalities Act 2010**, to have due regard to the need to eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations between people who share a protected characteristic and those that do not;
- the **Charities Act 2011** and regulation, to undertake activities only which are in furtherance of its charitable purposes, of public benefit and which do not infringe restrictions on political campaigning;
- Its duties under various legislation to have regard for the safety of its staff, students and the general public, prevent criminal acts or their incitement on its property and to preserve the peace.

Ravensbourne has therefore put in place a system to identify and assess risks associated with any controversial event or activity, which will enable us to decide whether it should proceed, be cancelled or whether adjustments to its format or nature are necessary to ensure balance, and/or the safety of speakers and participants.

- Ravensbourne is under no legal obligation whatsoever to hold meetings or other activities on its premises. Neither is it obliged legally to hold meetings which are open to the outside public;
- Its premises and facilities are primarily for the purposes of its teaching, research, knowledge exchange, incubation and commercial activity. These activities (and such meetings of academic and/or professional staff which support of these activities) take precedence over all other meetings and activities organised by staff, students or others;
- Ravensbourne’s premises hire and event management services are primarily focused on brand aligned professional events which enhance its reputation in the creative industries and professions. These activities take precedence over all other extra-curricular meetings and activities organised by staff or students;
- Similarly, professional and academic conferences and events organised or facilitated at Ravensbourne are primarily focused on the design and communication media subject areas and their disciplines, and their pedagogy and/or support;
- Ravensbourne incubatees also use its premises for the furtherance of their business activity. The support of this activity also takes precedence over the category of meetings and events which fall within this policy;

- The only student organisations from which Ravensbourne will consider requests for space to facilitate meetings and activities from are Ravensbourne Students' Union and its constituent societies recognised in accordance with its constitution;
- Beyond this core use, it is entirely at Ravensbourne's discretion whether or not it hires accommodation to outside persons or organisations or facilitates meetings organised by staff or students (or allows members of the public to attend these);
- Ravensbourne may impose such conditions and requirements upon the hirers and organisers of meetings and activities as it considers are reasonably necessary in the circumstances. These may include, but are not limited to, variations in format, requirements to address perceived imbalance, the imposition of stewards or a requirement on the organisers to provide stewards, variation of location and time, restrictions on publicity, restrictions on numbers attending and refusal to allow the meeting to be open to the public;
- Ravensbourne reserves the absolute right to cancel or postpone any meeting or activity, or to impose conditions and requirements on it if after booking it comes to light that the meeting or event falls within the scope of this policy.

Definitions

In the context of this policy, a "Meeting" includes all organised events, including but not limited to lectures or seminars, workshops and demonstrations which are open to the public or Ravensbourne's students and other stakeholders. It does not include those organised as part of Ravensbourne's organised curriculum or co-curriculum, research, commercial activity, incubation, in furtherance of its reputation or those which support the business of the institution. Neither does it include meetings of staff or students for the purposes of furthering their creative practice or projects.

"Activity" or "Activities" includes any means of persuasion, influence, indoctrination or information dissemination (the latter includes but is not limited to stalls, leafleting and other recruiting activity, screenings, electronic and social media such email, blogs and microblogging, and stunts or demonstrations). It does not include the legitimate and lawful business and activity of Ravensbourne's department and staff or RSU and its recognised societies.

By 'Speaker' this Code means external person invited to address a meeting or contribute to activity other than members of any audience at the meeting or participants in the activity. This does not include visiting lecturers or speakers contracted by Ravensbourne to participate in the delivery of its curriculum, its co-curriculum, training or other business. It does not include visiting academics involved in Ravensbourne organised activity or consultants, auditors, partner representatives, bankers, accountants, trainers or other professionals who are routinely part of our business operations.

A "Controversial" meeting, activity or speaker is one likely to give rise to controversy,

public disagreement or disorder. A consequence of facilitating it might be poor publicity or reputational damage, demonstration or protest, internal or external disharmony or tension between groups or security issues.

'Organiser(s)', means any individual and /or body or group whether internal or external booking or hiring space or resources for a meeting or activity. It does not include Ravensbourne's academic or professional service departments.

A 'Sponsor' is the internal member of staff or student who made the booking with Timetabling. The 'Sponsor' has responsibility for the conduct of the meeting in so far as is reasonably foreseeable and its compliance with this Code and other Ravensbourne policies whether that person will be in attendance or not.

Controversial Meetings or Activity

A "Controversial" meeting is likely to meet one or more of the following criteria:

- There is reason to believe the meeting or activity will involve a potential incitement to commit a criminal act or the unlawful expression of views;
- There is reason to believe the meeting or activity will facilitate direct or indirect support of an organisation whose aims and objectives are illegal;
- Speaker(s) or organiser(s) are known for the expression of views which if facilitated might constitute a breach of our obligations under the Equalities Act 2010 or there are other reasons to believe that the meeting or activity might constitute such a breach.
- The speaker(s) or organiser(s) is known for views which are extremist within the definition in the Prevent Duty guidance;
- The speaker(s) or organiser(s) is known for views which are either offensive to general public opinion or likely to raise tensions between groups within our community or more generally;
- There is a reason to believe that facilitating the meeting or activity may lead a breach of the peace, pose a threat to the safety of students, staff or the general public or to Ravensbourne's property and/or reputation.

Procedures

Staff and students involved in the organisation of meetings or activities at Ravensbourne have a duty to familiarise themselves with this Code of Practice. All meetings at Ravensbourne involving external participants or speakers whether internally organised or facilitated commercially are sponsored by a member of academic, professional or commercial staff or by a registered student. That sponsor is responsible for ensuring the compliance of the meeting in so far as is reasonably foreseeable with this Code and Ravensbourne's other policies (including amongst others those in respect of Diversity and Health and Safety).

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All those involved in the booking and facilitation of space for meetings or activities have a duty to identify meetings or activities likely to be controversial within the definition set out in this Code.

Normally, meetings and activities involving external speakers or participants should be booked at least two weeks in advance of the date on which they are arranged.

Organisers and/or sponsors must provide the Timetabling Department with a brief description of the topic of the meeting or activity. This must include details of any external speaker(s) or other external participant(s) attending.

It is the duty of the sponsor to identify to Timetabling a meeting or activity which may be controversial (in that it meets the criteria above). Failure on the part of the sponsor to identify a meeting which later turns out to be controversial may lead to sanction (eg future bookings may be refused or there may be recourse to the staff or student disciplinary procedures).

The Timetabling Department will scrutinize bookings likely to fall within the scope of this procedure and identify any which might meet the criteria above.

The Timetabling Department will escalate any meeting or activity identified as falling within the scope of Code to the Director of Learning Resources and Operations for consideration for evaluation. The Director of Learning Resources and Operations may take such advice internally and externally as is necessary to their evaluation.

Having evaluated the meeting or activity, the Director of Learning Resources and Operations may decide:

- i) Decide that the meeting or event may proceed as planned;
- ii) Decide that the meeting or event may proceed as planned if additional assurance in relation to any or all of the criteria above is provided by the organiser or sponsor;
- iii) Decide that the meeting or event may proceed subject to certain adjustments being made or conditions being met (These may include, but are not limited to, variations in format, requirements to address perceived imbalance, the imposition of stewards or a requirement on the organisers to provide stewards, variation of location and time, restrictions on publicity, restrictions on numbers attending and refusal to allow the meeting to be open to the public)
- iv) Decide that the meeting or activity may not proceed.

Complaints about Controversial Meetings

Any member of staff, student or stakeholder who believes that a meeting or activity planned at Ravensbourne falls within the scope of this Code may write to the Director of Learning Resources and Operations setting out the reasons and evidence for their view. As noted above, Ravensbourne reserves the absolute right to cancel or postpone any meeting or activity, or to

impose conditions and requirements on it if after booking it comes to light that the meeting or event falls within the scope of this policy.

Complaints from Organisers/Sponsors

If an organiser or a sponsor believes that their meeting or activity has been identified wrongly as 'controversial' within the scope of this Code, dealt with unfairly or that the conditions imposed on it were inappropriate or disproportionate then she or he may use the complaints procedure appropriate to them outlined in Section 5 above.

[1] Barendt, *Academic Freedom and the Law: A Comparative Study*, 2010