

Policy and Code of Practice on Freedom of Speech & Freedom of Expression

The object of this Policy, the Code of Practice and related policies is to delineate how Freedom of Speech and Freedom of Expression are protected by and operated within the law at the RVC.

Version	2.3
Status	FINAL approved
Responsible Officer /Department	Secretary to Council
Approvals	Academic Board - 23 rd March 2016
	Senior Management Group - 25 th April 2016
	Council – 22 nd June 2016
Review Date	3 years from Council approval or sooner as required

Policy and Code of Practice on Freedom of Speech & Freedom of Expression

1. Executive Summary

1.1 This Policy and Code of Practice sets out the manner in which the Royal Veterinary College wishes to meet its duties under the Education (No.2) Act 1986 (Section 43) Freedom of speech in universities, polytechnics and colleges (Appendix A). The primary duty is that: *'(1) Every individual and body of persons connected in the government of any establishment to which this section applies shall take such steps as are reasonably practical to ensure freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.'*

1.2 The object of this Policy, the Code of Practice and related policies is to delineate how Freedom of Speech and Freedom of Expression are protected by and operated within the law at the RVC.

2. Context

2.1 The RVC is committed to its values. These are defined as: *"a combination of professionalism and commitment, manifest in a culture of compassion and caring, that speaks to others of our respect for our heritage, our dedication to quality and innovation, our devotion to the advancement of knowledge and the alleviation of suffering"*, and they are given further effect by the College Charter which exhorts its members to work *"ethically and with integrity and not to take any action which would be detrimental, irresponsible or unreasonable in the view of society"*.

2.2 The principle of academic freedom is enshrined in our Charter (Section 9) and Statutes (18 1b & 3a) as well as in legislation as: *"the freedom for our Academic Staff 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 of losing jobs or privileges"*.

2.3 However the rights to Academic Freedom, Freedom of Speech and also Freedom of Expression (as defined in the Human Rights Act 1998 (Article 10)) are not absolute. They are freedoms within the Law and it is not only concomitant with our values but equally the duty of the RVC to ensure whilst protecting Academic Freedom and Freedom of Expression that offences are not committed under either:

- the Public Order Act 1986 - which criminalises incitement to racial hatred or hatred against persons on religious grounds or on grounds of sexual orientation; or
- the Counter Terrorism and Security Act 2015 which asks us to both have due regard to the need to prevent people from being drawn into terrorism and to our duties under the Education Act 1986 (Section 43) ; or
- The Terrorism Acts 2000 and 2006 which makes it an offence to arrange, manage or assist in arranging or managing a meeting in the knowledge that the meeting is to support or further the activities of a proscribed organisation; or
- Other relevant legislation as is or as may be agreed from time to time.

2.4 As a point of clarity there is no legal right 'not to be offended' and this policy and code of practice are designed absolutely to support Freedom of Speech and Expression within the Law.

3. Authority and Jurisdiction of the Policy and Code of Practice

3.1 This Policy and the Code of Practice applies to all members of the College (including honorary, visiting and emeritus staff), all students, all employees and sub-contracted staff, all guests and visitors, all visiting speakers and lecturers and any other category of individual authorised to be on the College's premises.

3.2 The Policy and Code of Practice are designed to ensure so far as is reasonably practical, that the use of any premises of the RVC 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.

3.3 The Code of Practice sets out the principles to be followed by all those covered under 3.1 in connection all meetings and or other activities that may be covered by 3.2. The Code of practice also defines the conduct required of those covered by 3.1 in connection with any such meeting or activity.

3.4 The Policy and Code of Practice apply to all related existing and new policies and procedures of the RVC including but not limited to:

- Events Booking Policy & Procedure
- Visitors Booking Policy & Procedure
- Dignity at Work Policy
- Religion and Belief Policy
- Other Equality Policies
- Social Media Policy
- IT Acceptable Use Policy
- Public Interest Disclosure

4. Grievances, Complaints and Concerns

4.1 The RVC would hope that all grievances, complaints and concerns could be satisfactorily addressed through informal discussion resolution, however in the case that:

- Any student who has cause to believe that that they are suffering personal harm or distress (*i.e. in relation to an infringement of their own rights and freedoms within the law*) through either the failure to uphold or the misapplication of this policy should utilise the RVC's Complaints Procedure.
- Any member of staff who has cause to believe that they are suffering personal harm or distress (*i.e. in relation to an infringement their own rights and freedoms within the law*) through either the failure to uphold or the misapplication of this policy should utilise the RVC's Grievance Procedure.

5. Disciplinary Offences

5.1 The RVC will normally hope to informally resolve matters of potentially unsatisfactory conduct, without resorting to formal procedures. Recognising however, that this is not always possible, the RVC's disciplinary procedure may be used as a formal means of helping and encouraging employees to achieve and maintain acceptable standards in relation to this Policy, the Code of Practice and related procedures.

6. The Code of Practice

6.1 Definitions:

- **Organiser(s)** of the event, where there are more than one party involved they are all considered the responsible party, but one individual should be designated as the *Principal Organiser*.
- **Host:** A host is defined as an individual responsible for inviting, accommodating and otherwise facilitating the visit of another individual or group on RVC Premises.
- **Guest:** an attendee at an event, a friend or colleague etc.
- **Speaker:** Any individual who will be speaking /facilitating an event, group discussion or meeting
- **Meeting/ Event:** A gathering of individuals for a specified purpose on RVC premises or otherwise under the auspices of the RVC (*i.e. a branded external event, or an event otherwise represented as the responsibility of the RVC*).

6.2 Responsibilities of the College:

- **Policy and Code of practice** – *it is the responsibility of the college to issue, update and operate in accordance with this Code of Practice and relevant legislation.*
- **Exercise of due diligence** – *it is the responsibility of the college to exercise reasonable care and due diligence to ensure that the principles in the policy are upheld.*
- **Right to cancel or create conditions for the use of its premises** – *it is the responsibility of the College to create appropriate conditions including cancellation rights in support of the policy for events or meetings taking place on its premises.*
- **Breaches of the Law** – *it is the responsibility of the College to report breaches of the Law to seek appropriate advice or guidance where the situation is unclear.*

6.3 Responsibilities of the Organiser(s)/ host(s):

- **Designation of Organiser(s)/ host(s)** - *it is the responsibility of the Organiser(s) to designate themselves clearly as such to the College.*
- **Exercise of due diligence** – *it is the responsibility of the Organiser(s) /host(s) to exercise reasonable care and due diligence with regard to the content, nature and delivery (i.e. speakers/ guests) of the meeting or event to ensure that it will not conflict with this policy, breach the law or any such conditions that are created in relation to the activity.*
- **Use of the events and /or visitors booking procedures** – *it is the responsibility of the Organiser(s) / host(s) to utilise the agreed events and visitors booking procedures.*
- **Escalation of concerns** – *it is the responsibility of the Organiser(s) / host(s) to escalate any concerns relating the exercise of free speech, breach of the law or any agreed conditions arising in the course of exercise of reasonable care and due diligence to the College staff identified in the events and visitors booking procedures.*

6.4 Responsibilities of all (see 3.1):

- To comply with Policy and Code of Practice
- To comply with other related or relevant policies as appropriate (e.g. Health and Safety).

Appendix A

- **Education Act (No. 2) 1986 (Section 43)** <http://www.legislation.gov.uk/ukpga/1986/61/section/43>
 - **Education Reform Act 1988** <http://www.legislation.gov.uk/ukpga/1988/40/section/202>
 - **The Human Rights Act (Article 10)**
<http://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/9>
 - **EHRC Legal Guidance on Freedom of Expression**
http://www.equalityhumanrights.com/sites/default/files/publication_pdf/FoE%20legal%20framework%20guidance.pdf
 - **UNESCO definition of Academic Freedom**
http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html
 - **Public Order Act 1986** <http://www.legislation.gov.uk/ukpga/1986/64>
 - **Terrorism Act 2000**
 - i. Support Offence: <http://www.legislation.gov.uk/ukpga/2000/11/section/12>
 - ii. List of Proscribed Organisations:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/472956/Proscription-update-20151030.pdf
 - **Counter Terrorism and Security Act 2015**
 - i. **General Duty:** <http://www.legislation.gov.uk/ukpga/2015/6/section/26/enacted>
 - ii. **Freedom of Expression:** <http://www.legislation.gov.uk/ukpga/2015/6/section/31/enacted>
 - **UUK Guidance on External Speakers in HEIS**
<http://www.universitiesuk.ac.uk/highereducation/Documents/2013/ExternalSpeakersInHigherEducationInstitutions.pdf>
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RVC Charter & Statutes

- i. **Charter:**
http://www.rvc.ac.uk/Media/Default/About/Governance,%20Policy%20and%20Legal/Council_RVCCharter.pdf
- ii. **Statutes:**
<http://www.rvc.ac.uk/Media/Default/About/Governance,%20Policy%20and%20Legal/Policy%20and%20Legal/Publication%20Scheme/Microsoft%20Word%20-%20RVCRevisedStatutes.pdf>

RVC College Charter

<http://www.rvc.ac.uk/Media/Default/About/Academic%20Quality,%20Regulations%20and%20Procedures/General/THE%20ROYAL%20VETERINARY%20COLLEGE%20CHARTER.pdf>

RVC Dignity at Work Policy

<http://www.rvc.ac.uk/Media/Default/About/Human%20Resources/Documents/dignity-at-work-policy.pdf>

RVC Policy on Religion and Belief

<http://www.rvc.ac.uk/Media/Default/About/Human%20Resources/Documents/religion-belief.pdf>