



## Freedom of Speech Policy

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| <b>Policy no:</b>                | <b>5.6</b>                                                                                |
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| <b>Approved by</b>               | Senior Management Team                                                                    |
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| <b>External reference points</b> | Higher Education (Freedom of Speech) Act 2023<br>Public interest governance principle VII |

| Version Control  |             |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------|-------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Previous Version | New Version | Date     | Update/Notes                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| V3<br>(01-01-24) | V4          | 01-08-25 | <p>Added version control table.</p> <p>Added references to the Fitness to Study Policy, Student Disciplinary Policy, Staff Disciplinary Policy, Anti-Bullying and Harassment (Student) Policy, Sexual Harassment Policy and Safeguarding and Prevent Policy.</p> <p>In the Review section, the report on Freedom of Speech by the Senior Management Team to the Audit and Risk Committee has been amended from three times per annum to once per annum.</p> |

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## 1. Purpose

This policy addresses the need to ensure that all members of the Trent Education Centre (TEC) community including students, faculty, staff and all other stakeholders are afforded the right to lawfully pursue knowledge in free and open debate without fear of discrimination or reprisals for their views. It ensures that a full range of views may be expressed and discussed, including those that may be challenging and controversial, in an environment of tolerance and understanding. We consider freedom of speech to be fundamental to the principle of democracy which we uphold, in addition to the preservation of tolerance. We also recognise that the rights of others may sometimes need to be considered when balancing another person's right to freedom of speech. Our intention is to always ensure the balance that is found is legally compliant and as unrestrictive as possible.

## 2. Scope

This policy covers the right of free speech within the law for all TEC stakeholders. It should be read in conjunction with the [Academic Freedom Policy](#). TEC will work closely with staff, the student body and any external bodies through its committees to ensure that freedom of speech is protected. In particular, the Operations Committee and Marketing & Business Development Committee report on Freedom of Speech in general to the Senior Management Team, which reports to the Board of Governors.

The Course Committees and Student Council will report on their ability to debate ideas freely to the Academic Board, which reports on Academic Freedom to the Board of Governors. See the Academic Freedom Policy for more details.

## 3. External Speakers

TEC encourages open debate when inviting external speakers to visit our study centres, giving talks and running workshops on a range of issues. TEC will impose minimal restrictions on events and activities that students and staff wish to run at TEC, including the invitation for guest speakers to appear. The following conditions will be required:

- Any event involving external speakers that stakeholders wish to hold, will be reviewed and approved by the Academic Board, which reports to the BoG.
- All external speakers will be subject to Safeguarding and Prevent checks before being permitted to participate in events or activities at TEC.

## 4. Staff and Student Policies

As a general principle, no policy or procedure at TEC which relates to behaviour such as the [Fitness to Study Policy](#), [Student Disciplinary Policy](#) and [Staff Disciplinary Policy](#) will impose restrictions on freedom of speech beyond the limitations imposed upon us through compliance with law, and the need to balance the rights of others, giving due regard to the principles of tolerance and respect. TEC will not deny access or participation to anyone on the basis of their ideas and opinions as long as they are not unlawfully expressed, such as different forms of hate crime (verbal abuse) or incitement to commit acts of violence or extremism.

## 5. Legal Restrictions

Not all speech is permitted by law. Lawful speech may include comments that are hurtful and offensive to others but does not include speech that qualifies as harassment or discrimination. See the [Anti-Bullying and Harassment \(Students\) Policy](#) and the [Sexual Harassment Policy](#) for more information on what is considered unacceptable and possibly illegal.

### 5.1. Discrimination

The Equality Act 2010 places a requirement on public bodies like TEC to prevent discrimination on the basis of the following protected characteristics:

- age
- gender reassignment
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion or belief
- sex
- gender
- sexual orientation

### 5.2. Prevent Duty

According to the Counter-Terrorism and Security Act 2015, Colleges like TEC are required to take all necessary steps to prevent students or staff from being drawn into supporting or participating in terrorism or extremism. The following forms of speech, therefore, are illegal and are not permitted:

- Encouraging any criminal action
- Encouraging and supporting acts of violence against a group or an individual
- Encouraging support for and participation in terrorism. This has been defined in the Terrorism Act 2001

See the TEC [Safeguarding and Prevent Policy](#) for more information on Prevent.

## 6. Borderline Speech

It is not illegal to cause offence to groups or individuals and this may, therefore, be permitted within reason. It should be noted, however, that there may be occasions when TEC will need to balance the rights of some against the rights of people exercising freedom of speech. It may not always be easy to strike the right balance and ensure that the TEC community embraces a culture of mutual respect and tolerance. The Senior Management Team (SMT), responsible for deciding what is permitted, will limit restrictions to speech as much as possible, whilst attempting to mitigate any harm this may cause to others, and protect the culture of respect and tolerance.

## 7. Support

TEC will endeavour to provide support for any student staff member or other stakeholder who may have been impacted negatively by the free expression of ideas or opinions.

## 8. Complaints, Grievance and Disputes

Any student wishing to complain about the speech of others at TEC, may do so using TEC [complaints procedure and form](#) set out in the [Complaints and Appeals Policy](#). Staff should make use of the Staff Grievance Policy included in the Staff Handbook. SMT will form a panel with power to make final decisions whenever there is a complaint, grievance or dispute concerning the right of stakeholders to freedom of speech when participating in TEC's activities.

## 9. Review

In accordance with the Office for Students' condition of registration, the TEC Board of Governors (BoG) is responsible taking such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within TEC. BoG has delegated powers to the Audit & Risk Committee to receive reports on freedom of speech at TEC from the Senior Management Team a minimum of once per annum. This policy will be reviewed by BoG a minimum of once every year.