

ITALIA CONTI

Freedom of Speech Code of Practice

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| Approved by: | Senior Leadership Team |
| Reviewed by: | QA Team |
| Checked by: | Policy Steering Group |
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Applicable Office for Students Conditions of Registration: E1; E2; E3 B1; B2; C2

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1. Introduction

This *Code of Practice* outlines the principles and procedures which govern Freedom of Speech on Italia Conti premises or at Italia Conti branded events which may take place off-site.

It also covers the exercise of Freedom of Speech in activities which form the teaching, learning and administrative processes on all our courses.

This *Code of Practice* also governs the application process for holding events which are **not** directly connected to Italia Conti's teaching and learning activities. Such applications may be made by staff, students or external groups and organisations.

2. Definition of Freedom of Speech

Italia Conti follows the Office for Students (OfS) definition of Freedom of Speech:

*"We stand for the widest possible definition of freedom of speech: anything within the law. English law restricts speech in some ways. It prohibits harassment, or incitement to hatred. But it does give people the right to say things which may shock or offend. We want to make sure that students feel safe and are free to express themselves. There is no place for violence, intimidation or criminality on university campuses. We also believe that censoring or marginalising some groups to protect others is not appropriate."*¹

3. Purpose and Scope

a) Purpose:

This *Code of Practice* applies to all staff, students, visitors (including visiting professionals), contractors, and anyone else in attendance at any meeting or other function that has been authorised to take place on Italia Conti premises. It also applies to activities which constitute the normal teaching and learning activities of the college. It is designed to provide the parameters within which Freedom of Speech can be exercised, and the process by which events which are not part of our normal teaching and learning activities can also be organised.

b) Scope:

Sections 4 to 6 of this *Code of Practice* outlines the principles under which freedom of speech can be expressed by staff and students whilst engaged in their authorised activities at Italia Conti.

¹ <https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/freedom-of-speech/>

Sections 7 to 12 of this *Code of Practice* outlines the process by which an application for an event (not directly connected to the teaching and learning activities of our courses) can be made.

4. Academic Freedom and Freedom of Speech

Italia Conti is committed to upholding academic freedom and freedom of speech in its training, education and research. We are also committed to freedom of artistic and creative expression in the work studied, created and presented by our students and staff. In doing so, we recognise that this can only be achieved through the respect for our core values, our anti discriminatory practices, and adherence to any laws which govern the freedom of expression.

5. Italia Conti Equality and Diversity statement²

Italia Conti is committed to providing equality of opportunity for all students and staff across and within all aspects of its activity, regardless of race, disability, religion or belief, sexual orientation, gender or gender reassignment, pregnancy, or maternity ('protected characteristics').

Italia Conti will not tolerate any form of discrimination or harassment. This includes working to support our staff and students against racism, sexism, homophobia, transphobia, ableism, ageism, islamophobia, antisemitism, and all other forms of discrimination.

6. The Legal Framework

Section 43 of the Education (No 2) Act 1986³ requires universities and other Higher Education providers to

"take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for their members, students, employees of the establishment and visiting speakers"

and in particular a duty

"to ensure, so far as is reasonably practicable, that the use of any premises of the [university] is not denied to any individual or body of persons on any ground connected with—

- (a) the beliefs or views of that individual or of any member of that body; or*
- (b) the policy or objectives of that body."*

² Italia Conti Equality & Diversity Statement 2022.

³ <https://www.legislation.gov.uk/ukpga/1986/61/contents>

Page 2 of 7 3 The Act further requires that

“The governing body of every such [university] shall, with a view to facilitating the discharge of the duty [set out] above in relation to that [university], issue and keep up to date a code of practice setting out —

(a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation —

- (i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and*
- (ii) (ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and*

(b) the conduct required of such persons in connection with any such meeting or activity.”

The Higher Education and Research Act 2017⁴ requires that any college registered with the Office for Students (OfS) must follow the OfS’s regulatory framework which requires that an institution’s governing body takes *“search steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider”*).

The Equality Act 2010⁵ identifies a set of ‘protected characteristics’ including age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity. The expression of beliefs that amounts to unlawful harassment or discrimination does not constitute free speech within the law. In upholding its commitment to free speech, Italia Conti will fulfil its legal obligations under the Equality Act 2010.

Under the ‘Prevent Duty’, Italia Conti has a duty to have *“due regard to” the need to prevent people from being drawn into terrorism*⁶. Where concerns arise under this duty, Italia Conti will take the necessary steps to meet its obligations under this duty.

In carrying out its activities, Italia Conti also seeks to observe the spirit of Article 10: *Freedom of Expression* of the European Convention on Human Rights (**Appendix 3**). Note: Italia Conti is not legally bound by Article 10 as it is not a public body.

7. Oversight

The CEO or their nominee will have oversight of the operation of this *Code of Practice*.

⁴ <https://www.legislation.gov.uk/ukpga/2017/29/contents/enacted>

⁵ <https://www.legislation.gov.uk/ukpga/2010/15/contents>

⁶ Section 26 of the Counter-Terrorism and Security Act 2015

8. Ensuring Academic Freedom

8.1 No individual to whom this Code applies shall take any action (other than by reasonable dialogue with Italia Conti and peaceful persuasion) to prevent the occurrence of any academic activity (performance, rehearsal, class, tutorial, lecture, exhibition or other academic activity) because of the views held or expressed, or which may reasonably be likely to be expressed by a member of the Italia Conti community, whether staff or student. Concerns can be raised in the first instance with the individual's line manager (for members of staff) or with a member of the Senior Leadership Team (for students).

8.2 No individual to whom this Code applies shall take any action (other than by reasonable dialogue with the CEO, or their nominee, and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course of higher education for which they are registered because of the views or beliefs held or lawfully expressed by that student or group of students (whether on Italia Conti premises or outside of them), or because there is a reasonable belief that such views will likely be expressed. Where unlawful behaviour is identified on the part of one or more students, the CEO, COO, Vice Principal or Head of Quality Assurance, or Head of Student Services, or another member of the Senior Management Team should be contacted in the first instance.

8.3 Italia Conti does not intend to deny use of its Premises to any outside person or organisation who or which is not a Member of Italia Conti ("Third Party"), or any Member of Italia Conti, seeking to host a Relevant Event within the scope of the law, by reason of the beliefs or views of that Third Party or Member of Italia Conti.

9. Overview of Event(s) Management

This Code of Practice applies to:

All Members of Italia Conti, and to any Third Party, and to any contractor and other person in attendance at, or otherwise connected with, any Relevant Event, and to the planning and management of any Relevant Event by

- (i) any Member of Italia Conti, in the case of any Relevant Event to be held elsewhere than on the Premises whether or not that Relevant Event forms an integral part of the normal artistic, academic, educational and/or administrative

business of Italia Conti (“Normal School Business”), and in the case of any Relevant Event to be held on the Premises, where it does not form part of the Normal School Business; and

- (ii) (ii) any Third Party wherever that Relevant Event is to be held and whether or not it forms an integral part of the Normal School Business

The following procedures (including those contained in any appendices) are designed to:

- a) detail the arrangements for the application for and management of meetings and other activities on Italia Conti premises which are not an integral part of the academic, artistic and/or administrative duties of the college. These are referred to as “event(s)” in this *Code of Practice*.
- b) identify the reasonable steps that need to be taken in order to ensure that freedom of speech is secured for any participants in such activities.
- c) specify the arrangements that are required for Italia Conti branded events which may involve external speakers and may take place off-site.

10. Definition of “Event”

“Event” refers to any activity that may require the hiring of Italia Conti premises, or an authorised Italia Conti branded activity which is held off-site. Such events do **not** form part of the normal teaching or learning activity of our courses.

11. Hiring of Premises (Overview)

Italia Conti may allow its premises to be hired from time to time by individuals or groups. This may include events that might be attended by members of the general public. All such applications are reviewed in accordance with our current policies. Italia Conti will not normally deny use of its premises to any individual or group on the basis of beliefs or values, except where they are not lawful under existing legislation.

A formal request must be made in writing by any individuals or groups (including external organisations) who wish to hire our premises, and information must be provided as outlined in **Appendix 1**. If required, an appropriate risk assessment must also be completed prior to any booking being confirmed. The outside person or body hiring the premises must also meet the cost of any additional risk management to Italia Conti represented by the booking.

The decision to authorise any event is solely at the discretion of Italia Conti. Any refusal made on, or including, grounds of Freedom of Speech must so state.

Italia Conti’s decision as to whether or not an Event may take place will be communicated to the applicant in writing in accordance with the timetable set out in Italia Conti’s applicable Freedom of Speech Code of Practice Final 071123

procedures. Prior to receiving such permission no Relevant Event may be advertised or publicised in any way by the applicant, or by any other individual, without specific written permission so to do from the Designated Officer.

Attendees at events must behave in a lawful manner and in accordance with Italia Conti's *Codes of Conduct* for staff and students and must comply with any the terms of the hire agreement.

12. Applications by Third Parties

Any application by any Third Party to hold any Relevant Event referred to in section 11 above, shall be subject to the terms and conditions set out in Italia Conti's Standard Hire Agreement Form and its terms and conditions of hire and to the applicable provisions of this Code of Practice ("Hire Agreement").

The applicant must state whether the proposed Event is likely to give rise to considerations relating to freedom of speech and the need to prevent people from being drawn into terrorism (together "Freedom of Speech"), or to the safety of the speaker or others within the audience, and, if so, the reasons for that. This will inform any judgment concerning whether or not permission is given.

The decision to authorise an event is solely at the discretion of Italia Conti. The Designated Officer at Italia Conti will review the proposed application, including its related risk assessment, and will then decide whether to grant the request and, if so, what conditions, if any, may be required. For example, these may include, but not be limited to, security arrangements, restrictions on external attendance, and the time the Event must end.

13. Visiting speakers

Visiting speakers must be approved by Italia Conti prior to them being invited. This review is undertaken by our Well-Being, Human Resources and academic departments.

14. Sharing details of external speakers

Italia Conti may share information about external speakers with other educational establishments and/or other third parties (where legal and appropriate). Italia Conti will determine the legal basis for sharing such information under Article 6 of the General Data Protection Regulations 2018 before doing so and may take legal advice if appropriate.

15. Arrangements and procedures

Staff: where a member of staff wishes to hold a meeting or function that is not directly related to Italia Conti's normal artistic, academic or administrative business on our premises, or an

event that is to be hosted on Italia Conti's name off-site, a written request should be made as far as possible in advance of the event to the Chief Operating Officer. Requests should include the information outlined in **Appendix 1**.

Students: where a student wishes to host an event that is not directly related to Italia Conti's normal artistic, academic or administrative business on our premises, a written request should be made as far as possible in advance of the event to the Chief Operating Officer. Requests should include the information outlined in **Appendix 1**. Such requests are normally considered within a month of the formal application.

External organisations: where an external organisation wishes to host the event that is not directly linked to Italia Conti's normal artistic, academic or administrative business on our premises, a written request should be made as far as possible in advance of the event to the Chief Operating Officer. Requests should include information outlined in **Appendix 1**.

A **risk assessment** of the event should accompany the request (using the guidance outlined in **Appendix 2**) and this will be reviewed by the Chief Operating Officer, and the Marketing Department (if appropriate).

If a hire charge is to be made for the hiring of our premises, the hirer will have to agree to such **terms and conditions** as may be laid out in Italia Conti's **hire agreement**.

The staff member, student or third party making the request should indicate whether, in their opinion, the event that is to be held is likely to give rise to difficulties in relation to the freedom of speech, or to the safety of the speaker or members of the audience. This information will inform the process of deciding whether to give permission for the event to be held.

The Chief Operating Officer and the Marketing Department (if appropriate) will review the request to hold the event and any accompanying risk assessment. Where necessary, they may seek further advice or information in relation to the request, including consultation with members of the Senior Leadership Team or in seeking the advice of external bodies such as the police, the local Council or legal professionals, etc.

Once the request has been fully reviewed, the staff member, student or third party making the request will receive one of the following outcomes:

- a) the request to hold the event will be allowed;
- b) the request to hold the event will be allowed (subject to conditions⁷);
- c) the request to hold the event will be pending (subject to a further fact-finding exercise);

⁷ These may include alteration of the timing of the event, security arrangements, restrictions on external attendance, the time that the event has to close, or any other reasonable conditions which are necessary for the event to be held safely.

d) the request to hold the event will be denied.

Prior to a final decision being made on whether the event can be held, it may not be advertised without permission in writing from the Chief Operating Officer (or their nominee).

16. Prevent

Where information is received that an event may fall within the scope of the Prevent legislation, appropriate steps will be taken as outlined in our Prevent strategy.

17. Assisting the Authorities

Where a staff member, student or third party infringes or departs from this Code in such a way as to break the law, Italia Conti will be ready to assist the authorities in carrying out an investigation. Where the party concerned is a staff member or student, disciplinary action may be taken.

18. Appeals

Where a staff or student member has made a request to book an event and wishes to challenge any decision taken, an appeal may be made to the CEO or their nominee as soon as practical.

Third parties, (including external organisations), have no right of appeal.

In considering appeals, the CEO, or their nominee, may seek the advice of a Freedom of Speech Panel⁸ which will normally comprise:

- another member of the senior leadership team who is not involved in the original decision-making process;
- two members of the teaching staff;
- a student representative.

A Freedom of Speech Panel must not include any individual who was involved in the decision to refuse the application to hold the particular Event in question, although, if necessary, the Panel may seek clarifications from such individuals in the interests of understanding the initial refusal.

The appeals process may be conducted through a face-to-face meeting or remotely using videoconferencing, emails or correspondence.

⁸ Members of the Freedom of Speech Panel should not include individuals who have previously been involved in the process of determining permission before it reaches the appeal stage.

The CEO, or their nominee's, ruling shall be final. Students will be informed of their right to request a Completion of Procedures Letter in the event that they are dissatisfied with the final outcome.

19. General conditions

Failure to adhere to this *Code of Practice* by staff or student members of Italia Conti will result in disciplinary proceedings in accordance with our current disciplinary regulations.

If an External (Third Party) applicant provides false or fraudulent information to Italia Conti regarding any proposed or actual/agreed Event, this will void any previous agreement (whether verbal or in writing) regarding the holding of the Event.

Any sharing of information to third parties relating to an event application must be authorised by the Chief Operating Officer. Where necessary, the Data Protection Officer will be consulted if it requires the sharing of information that personally identifies individuals.

If any applicant, whether a Member of Italia Conti or an External applicant (Third Party), infringes or departs from this Code of Practice in such a way as to break the law, Italia Conti will be ready to assist the prosecuting authorities to implement the processes of law. Where the applicant is a Member of the Italia Conti community, disciplinary procedures may also be instigated.

Nothing in this Code of Practice shall detract from the responsibility and duty of any Member of Italia Conti or External (Third Party) to ensure so far as reasonably practicable that the provisions of Section 43 of the Education (No 2) Act 1986 are complied with.

Nothing in this *Code of Practice* shall prevent a senior manager of Italia Conti from taking such steps as may be necessary to ensure the safety of members of the Italia Conti community or other persons, or to safeguard the property and premises of Italia Conti.

20. Complaints

Staff or students who believe their freedom of speech has been incorrectly curtailed can lodge a complaint in accordance with our *Complaints Policy*.

21. Linked Policies

- *Academic Freedom Code of Practice*
- *Safeguarding and Child Protection Policy*
- *Extremism and Anti-Radicalisation Policy*

Appendix 1: External Speaker Request Form

Where an external speaker or function outside of the normal artistic, academic and administrative business of Italia Conti takes place on its premises or on external premises in Italia Conti's name, the information below must be provided to the relevant designated officer at least **three weeks in advance**.

Designated officers:

| | |
|-----------------|-----------------------------------|
| Staff Events: | Chief Operating Officer/Marketing |
| Student Events: | Chief Operating Officer/Marketing |
| External Hires: | Chief Operating Officer/Marketing |

Information required (see form in Appendix 1a)

- 1 Date, time and exact place of the meeting or function, including precise timing on expected arrival and departure of speakers.
- 2 Name of any speaker(s) or likely alternative speaker(s).
- 3 Subject/nature of the meeting/event.
- 4 Draft copy of any proposed notice, leaflet or other advertising material.
- 5 Name, address, email address and telephone number of the Italia Conti staff member or student, or external body organising the meeting or function and their status within the organising group.
- 6 Whether the audience may include persons who are not members of the Italia Conti and whether the event is open to the general public.
- 7 Details of any circumstances that give rise to concern about possible disturbance which could be caused at the meeting or have an impact on the speaker's ability to enter or leave the premises.
- 8 Arrangements for chairing the meeting or function.
- 9 Whether the speaker has been refused permission to speak at Italia Conti in the past.
- 10 Whether the speaker is known to be controversial, including in relation to their reputation, political views or religious views (this is not an exhaustive list).
- 11 Whether the event is likely to give rise to considerations over the freedom of speech and the need to prevent people from being drawn into terrorism.

- 12 Whether the event is likely to give rise to concerns over the safety of the speaker or the audience.
- 13 Whether the speaker is likely to attract high media attention.
- 14 Outcome of the risk assessment (see **Appendix 2**).

Appendix 1a

Italia Conti External Speaker Request Form

This form should be completed for any event where an external speaker is to be invited. The form should be submitted to the COO or designated officer **six weeks** before the date of the event.

| | |
|---|---|
| Event organiser name | |
| Email address and contact telephone number | |
| Date of event Start time: End time: | |
| Title of event | |
| Subject and content of the event | |
| The event is for: | <p>Staff: Yes/No</p> <p>Staff and Students: Yes/No</p> <p>Staff, students and general public Yes/No(alumnx)</p> <p><i>(delete as appropriate)</i></p> |
| Speaker's name | |
| Speaker's email and website (if applicable) | |

Italia Conti

| | |
|---|---------------------------------------|
| Does the external speaker have affiliation to any political or religious groups? | Yes/No <i>(delete as appropriate)</i> |
| Has the Speaker been refused permission to speak at Italia Conti in the past? | Yes/No <i>(delete as appropriate)</i> |
| Is the event likely to give rise to considerations over the freedom of speech and the need to prevent people from being drawn into terrorism. | Yes/No <i>(delete as appropriate)</i> |
| Draft copy of any proposed notice, leaflet or other advertising material seen / attached? | Yes/No <i>(delete as appropriate)</i> |

Signature of event organiser:

Date submitted:

To be completed by COO or designate:

Approved with no conditions: ☐

Approved with conditions: ☐

Not approved: ☐

| |
|-------|
| Notes |
|-------|

Signed:

Date:

Appendix 2: Risk Assessment for External Speakers

How to calculate your risk assessment

| Risk Level | Rating Description |
|------------------------------------|---|
| Low 1 | The speaker or guest is a known expert in their field and is not known to be controversial, or to hold controversial views. His/her presence on Italia Conti premises is not likely to be regarded as provocative in any way. The topic of the talk is not controversial nor is it likely to be regarded as offensive by anyone. Access to the event is limited to Italia Conti students and staff only. |
| Acceptable 2 | The speaker or guest may hold a strong position on their topic but this would not be regarded as controversial. The speaker/guest may not have a publicly established reputation in their field. The talk is not likely to be regarded as controversial. It is very unlikely to attract adverse media attention or require staff or security presence. Attendance may be high but the event is open to Italia Conti students and staff only. |
| Moderate 3-4 | The speaker and/or topic may be uncontroversial but the event is open to non-Italia Conti students and staff, including the general public and high numbers are likely to attend. The topic may be regarded by some as controversial and this could be a cause for concern even if attendance is likely to be low. There may be a need for some security presence. The event is being held at an external venue |
| Substantial 6 | The speaker /guest and/or topic are controversial. There may be adverse media attention and a member of staff should attend or security arrangements be made. The speaker has been refused permission to speak at another institution before. Attendance at the event will be high and is open to non-Italia Conti students and staff. The event is being held at an external venue. |
| Extreme 9 | The speaker/guest and or topic are highly controversial and will definitely attract adverse media attention. The speaker/guest has been refused permission to attend an event at the Italia Conti and/or other institutions before. High attendance is expected at the event. The speaker/guest and or topic may attract protest from other students or outside organisations. Non-Italia Conti students and staff are invited to attend. Security presence would be essential. <i>The event should not take place unless strict controls are put in place to protect individuals and property.</i> |

| | | SEVERITY | | | |
|------------|-----------------|--------------|---------------|---------------|--|
| LIKELIHOOD | | Low risk 1 | Medium risk 2 | High risk 3 | |
| | Unlikely 1 | Low 1 | Acceptable 2 | Moderate 3 | |
| | Likely 2 | Acceptable 2 | Moderate 4 | Substantial 6 | |
| | Highly likely 3 | Moderate 3 | Substantial 6 | Extreme 9 | |

Calculating risk: multiply the *severity* of the risk if something occurs by the *likelihood* that it will happen using a 1-3 scale for likelihood x 1-3 scale for severity.

Appendix 3: Freedom of Expression

Article 10: Freedom of Expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Referenced in the Human Rights Act 1998

<https://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/9>

END