



# Freedom of Speech Policy

## Policy statement

1. As an institution of higher education, which values academic freedom (including, critical independence and creativity), Spurgeon's College is committed to promoting and encouraging free debate and enquiry. The College tolerates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative. The College complies with the definition of academic freedom as set out in the Regulatory Framework published by the Office for Students:<sup>1</sup>

*Academic freedom: Academic staff at an English higher education provider 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 of losing their jobs or privileges they may have at the provider.*

2. The College has a legal duty<sup>2</sup> to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes a responsibility to ensure that the use of Spurgeon's College premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.
3. This does not mean, however, that the right to freedom of expression is unfettered. It is limited, for example, by laws<sup>3</sup> to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence.

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<sup>1</sup> Office for Students, *Securing student success: Regulatory framework for higher education in England* (February 2018) p145

<sup>2</sup> Under the Education (No 2) Act 1986. Available at <https://www.legislation.gov.uk/ukpga/1986/61/contents>

<sup>3</sup> The Policy is drafted with reference to the following legislation: The Education (No2) Act 1986, The Education Reform Act 1988, specifically section 43, The Human Rights Act 1998, specifically article 10, The Terrorism Act 2006, specifically section 1.

4. Freedom of expression must also be set in the context of the ethos of Spurgeon's College. The College expects speakers and those taking part in activities to respect the College's ethos and values, to be sensitive to the diversity of the College's community, and to show respect to all sections of that community. These precepts apply to the way in which views are expressed and the *form* of activities.
5. In considering whether to permit its premises to be used for an activity, Spurgeon's College has to consider whether the views or ideas to be put forward (or the manner of their expression):

- i. infringe the rights of others or,
- ii. discriminate against them

Or whether the activity in question

- ii. brings the College or the evangelical Christian faith into disrepute or,
  - iii. constitutes a criminal offence or,
  - iv. constitutes a threat to public order or,
  - v. constitutes a threat to the health and safety of individuals or,
  - vi. incites others to commit criminal acts or,
  - vii. is contrary to the civil and human rights of individuals.
6. A key test is whether a proposed activity is likely to give rise to an environment in which people will experience - or could reasonably fear - harassment, intimidation, verbal abuse or violence, particularly because of their ethnicity, race, religion and belief, sexuality, gender, disability or age. As part of its assessment in this area, Spurgeon's College would, in the case of an external speaker, review past activity and the presence of any convictions that have been received on account of words either spoken or written.
  7. Another key test is whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained.
  8. The general rule is that Spurgeon's College will intervene to restrict freedom of expression in any case only on the grounds indicated in paragraphs 5-7 above.

### **Authority**

9. The ultimate authority for the interpretation and implementation of this policy is the College Principal. The day-to-day implementation of the Policy shall be the responsibility of a Designated Officer nominated by the Principal. Procedures relevant to this Policy (such as those for room hire or event booking) shall be published separately and may be subject to change as the need arises.
10. The Designated Officer may grant or withhold permission for the use of Spurgeon's College premises for proposed activities. Permission may be withheld only on the grounds indicated in paragraphs 5-7 above, or if the organiser cannot or will not ensure compliance with any conditions set by the

Designated Officer. It shall, in all cases, be open to the Designated Officer to invite the Police to be present at any activity on Spurgeon’s College premises.

11. It shall be open to the Designated Officer to withdraw permission for an activity if, having originally granted permission, he or she so judges that the activity will not in fact conform to the Policy (as outlined in paragraphs 5-7 above).
12. It shall be open to the Designated Officer to withdraw permission for an activity or event to be held in association with the name of Spurgeon’s College where the meeting or event is being held on premises not owned or controlled by Spurgeon’s college.
13. The Principal shall report to the Board of Governors on the circumstances of any significant infringements of, and departures from, the provisions of the Policy. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the relevant Spurgeon’s College policy.

### Appeals

14. Appeals against decisions of the Designated Officer may be made to the Principal, whose decision shall be final. Such an appeal must be received within two working days of the decision of the Designated Officer.

<b>Document control box</b>			
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