

# Freedom of Speech Policy

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# 1. Introduction

1.1 The ICMT believes that freedom of speech is fundamental to the role of an academic institution as a centre of enquiry and that open, robust and uninhibited debate is central to the development of ideas and understanding and the advancement of learning.

1.2 The role of the ICMT in ensuring freedom of speech within the law is reinforced by legislation:

a) The Education (No.2) Act 1986

The Education (No 2) Act 1986 places a legal duty on the ICMT to take such steps as reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and visiting speakers. This covers academic freedom and freedom of speech more broadly, noting that free speech only applies to lawful speech.

The duty imposed includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the ICMT 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.

b) The Human Rights Act 1998

The Human Rights Act 1998 provides that all public bodies comply with the rights set out in the European Convention on Human Rights (ECHR). Article 10 of the ECHR states that everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

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 for 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.

This offers protection to students, staff and visiting speakers alike.

c) Education Reform Act 1988

The ICMT must ensure that academic staff have freedom within the law to question and test received wisdom, put forward new ideas and controversial or unpopular opinions, provide education, promote learning, engage in research efficiently and economically, and apply the principles of justice and fairness.

## 2. Code of practice

### 2.1 General principles

- a) Executive responsibility: Under the Code of Governance, the Principle is responsible, among other things, for the organisation, direction and management of the ICMT and for exercising effective supervision and discipline over staff and students. The Principal is authorised to exercise responsibility for implementing this code within the guidelines, delegating responsibility as necessary.
- b) The ICMT acknowledges freedom of speech as an individual right, which is fundamental to the debate and challenge within the ICMT's academic agenda and will seek to give effect to that right to the extent permitted by the law.
- c) The ICMT recognises that it has to balance its duty to ensure freedom of speech with its other legal duties and other legal limitations, including having due regard to the need to eliminate discrimination, harassment and victimisation; having due regard to the need to prevent people from being drawn into terrorism; and taking steps to ensure the health, safety and wellbeing of staff, students, external speakers and visitors. The ICMT recognises the need to ensure that freedom of speech must be limited where it would result in criminal, civil or charity law breaches.
- d) This code of practice binds non-employees (such as visitors, contractors, visiting speakers) on the ICMT premises.

- e) Disciplinary Proceedings: Any action by a member of staff or student, whether individually or in a group which the Principal may think to infringe or be contrary to this code of practice may:
- Be liable to such investigation as the Principal may require.
  - Lead to an informal or formal disciplinary process, under the established disciplinary procedures for staff and students, depending upon the seriousness of the alleged offence.

## 2.2 Use/letting/hire of the ICMT premises: rules and procedures:

- a) All functions, events or meetings outside the normal teaching of the ICMT, whether arranged by:
- Members of staff or persons with the status of staff members though not directly employed by the ICMT.
  - Persons (or organisation), not being staff or students who apply to hire or have use of the premises.

Shall be subject to the ICMT's standard procedures for the use, letting or hire of premises as amended from time to time.

- b) The letting, hiring or provision for use shall continue to be made through appropriate channels; the attention of applicants will be drawn to the principles, the requirements of this code of practice, and their responsibilities via the conditions printed on the letting forms.
- c) Any application for the use of the ICMT premises may be reviewed or refused for one or more of the following reasons:
- Reasonable grounds exist for believing that the speakers or persons involved in the meeting, event, or function will incite those attending to commit a criminal act(s) or breach civil law.
  - Reasonable grounds exist for believing that views may be expressed contrary to English law.
  - The meeting, event or function appears to be in direct support of an organisation which itself is unlawful.

- Reasonable grounds exist for believing that the meeting, event or function may be conducted in such way as to render the ICMT liable for civil action or criminal prosecution or other sanction for failure to carry out its legal duties, including those relating to the protection of human rights, health and safety, equality and diversity and having due regard to the need to prevent people from being drawn into terrorism.
- The meeting, event or function is expected to attract individuals from outside the ICMT, and there are reasonable grounds for believing that the risk to the health and safety of persons or of damage or injury to property cannot be mitigated and is such that it is not reasonably practicable to allow the event to proceed.
- Reasonable grounds exist for believing that the meeting, event or function is likely to breach the peace.
- The scale or nature of the meeting, event or function is such that the ICMT premises cannot provide an adequate venue or the meeting, event, or function is likely to interfere substantially with the ICMT's core activities, and the interferences cannot be mitigated.
- Those seeking the letting, hiring or use of premises have deliberately misled or sought to deceive the ICMT as to the nature of the meeting, event or function or those involved in it by giving false information or concealing material information is requested.

And will be referred to the Principal, acting under their delegated powers, or to their nominee. The Principal (or nominee) will decide whether or not the meeting, event or function should be permitted and, if it is permitted, may require conditions to be met in advance or safeguards to be put in place at the cost of the applicant (for example, the provision of additional security officers). The ICMT will seek to minimise such costs to the applicant as reasonably practicable.

- d) The ICMT's right to refuse a letting or hiring or use of its premises because it believes that the organisation or persons making the application are unable to comply with the letting conditions or to meet the hiring costs, or because the facilities have already been firmly booked by or contracted to another person or organisation, or because reasonable notice has not been given, remain unaffected by this code of practice.



## Document control

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