

Freedom of Speech Policy

Introduction

The Caspian School of Academics believes that freedom of speech is one of the key principles protected under British Values. This document sets out the framework within which students, staff and visitors including guest speakers, enjoy the right to freedom of speech. The individual's freedom of speech is protected by this policy, though it should be clearly understood that this is confined to the exercise of freedom of speech within the Higher Education (Freedom of Speech) Act 2023.

Within the scope of the legislation CSA Board of Governors will ensure that appropriate steps are taken to protecting freedom of speech of:

- a. CSA members of staff,
- b. CSA students
- c. Visiting speakers.

This will include ensuring that no part of the School's premises are denied to any individual or body on the grounds of their ideas or opinions, or their relationship or membership to any body that has legal status.

The Academic Freedom of staff, including lecturers, tutors and support staff is protected such that they are able to question, test and explore any theories or materials and to put forward new or controversial opinions without putting their jobs or career development at risk.

This Policy covers all events taking place on the School's premises and through remote teaching and learning sessions, as well as events held elsewhere which are organised by the School or with which the School is associated.

Within the Law – what this means.

'The new legislation protects freedom of speech within the law. This means that speech is protected unless it contravenes some other law. It is not therefore necessary to point to a specific legal basis for particular speech. Rather, the starting point is that all speech is permitted unless it is restricted by law.

For example, some areas of criminal law restrict the ambit of protected speech such as:

- racially or religiously aggravated offences
- sexually related misconduct
- threats to kill
- endeavours to break up a public meeting
- fear or provocation of violence
- intentional harassment, alarm or distress
- acts intended or likely to stir up hatred on the grounds of race, religion or sexual orientation
- encouraging or assisting the commission of an offence
- incitement to commit acts of terrorism overseas
- inviting or encouraging support for proscribed organisation
- encouragement of terrorism including the glorification of the commission or preparation of terrorism
- dissemination of terrorist publications

- encouragement of terrorism and dissemination of terrorist publications through the internet.'

Importantly, the duty to promote academic freedom is also extended explicitly to academic staff. The Act defines academic freedom as freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without being at risk of being adversely affected. Being adversely affected is defined as either losing their jobs or privileges at the provider, or a reduction in the likelihood of the staff member securing promotion or a different job at the provider.

The duty also states that universities and higher education providers must have 'particular regard' to the importance of freedom of speech when taking the 'reasonably practicable' steps – both these concepts are outlined further in this briefing.

'Reasonably practicable': what does this mean?

Reasonably practicable is a reasonably common statutory formulation, but case law has established that how it is construed within one piece of legislation does not necessarily mean it will be construed in the same way in another. There are at least two ways in which it can be construed.

The first is within the context of health and safety law, where a duty is placed on employers to ensure, so far as is reasonably practicable, the health, safety and welfare of its employees at work and others who may be affected by their undertaking.

The second is a broader, public law approach, whereby it is for the body on whom the duty is imposed to decide what steps are reasonably practicable and the courts will only interfere if the judgment is one that no reasonable body properly directing itself on the considerations before it could have arrived at. Provided that there is some basis for reaching the decision, the court will not consider whether the decision is a proportionate one.

This Code of Practice sets out the rights and obligations inherent in supporting the principle of freedom of speech and expression within the law.

The Code's obligations and rights apply to:

- the School (which includes all bodies or persons having authority to determine any matter relevant to this Code);
- all governors and staff of the School;
- all students of the School;
- any visiting or guest lecturers invited by CSA;
- any person or organisation wishing to hire premises controlled by CSA for an event.

In relation to the holding of any events on premises controlled by the CSA, the Code's rights shall also apply to:

- persons invited or otherwise lawfully on the premises for the purposes of the event; and
- persons who, if it were not for the provisions of this Code, would have been invited to the event.

Subject to the rights and obligations inherent in supporting the principle of freedom of speech, those who are under a duty to observe and uphold the principle of freedom of speech within

the School shall do so at all times, irrespective of whether or not they are on property owned or controlled by CSA.

Academic freedom

The principle of freedom of speech set out in this Code shall extend to the performance by all staff of their duties and responsibilities and to any visiting or guest lecturer invited by the School. It shall also extend to students presenting or exhibiting work produced during the course of their studies with the School.

Any person or body to which this Code applies shall not take any action (other than by reasonable and peaceful persuasion) to prevent the holding or continuation of any lecture, tutorial, exhibition, or other academic activity because of the views held or expressed or which are reasonably likely to be expressed, (whether or not within CSA) by the lecturer or tutor or student concerned, except it may be reasonable to believe that the views are contrary to law or are intended to breach the peace.

Any person or body to whom this Code applies shall not take any action (other than reasonable and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are enrolled because of the views or beliefs held or lawfully expressed (whether or not within the School) by that student or because of the reasonable likelihood that such views will be expressed.

Events and Guest Speakers

It shall be accepted as reasonable to refuse consent, or withhold facilities for any event to which this Code applies where the School reasonably believes (from the nature of the speakers or from similar events in the past whether held at the School or otherwise) that:

- The views likely to be expressed by any speaker are contrary to the law;
- The intention of any speaker is likely to be to incite breaches of the law or is to intend breaches of the peace to occur;
- The views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose;
- The views likely to be expressed by any speaker are for the promotion of any organisation subject to the School's "No Platform" policy as amended from time to time;
- It is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the School, that the event does not take place.
- By 'speaker' this Code means any organiser or other person invited to address the meeting other than members of any audience at that meeting.

It shall be contrary to this Code for any person or body subject to the Code to organise, engage in or become associated with, any conduct with the intention of preventing (other than by reasonable and peaceful persuasion) any event subject to this Code from being held or from continuing.

The organisers of an event shall have a duty so far as is reasonably practicable to ensure that both the audience and the speaker act in accordance with the law during the event. In the case of unlawful conduct, the event organiser shall give appropriate warnings and, in the case of continuing misconduct, the event organiser shall require the withdrawal or removal by the security staff or if necessary by the police of the person(s) concerned.

It shall be the responsibility of the organisers of any event to ensure that no articles or objects shall be brought to the event in circumstances which are likely to lead to injury, damage or breach of the law.

No Platform Policy

The School will offer no platform to those who are intolerant of the free speech of others both generally and where it includes the denial of the right to hold or express an opposing opinion. This also includes those who engage in the active prevention of permitting others to speak, such as the interruption violent or otherwise - of meetings. Those who offer no platform to others, without any reasonable or justifiable basis for doing so, should not benefit from the freedom to speak at the School.

The School will offer no platform to those who advocate or engage in violence in the furtherance of their political, religious, philosophical or other beliefs.

The School will offer no platform to those who hold and disseminate views which are repugnant to the maintenance of liberty under the rule of law in the UK or who advocate or engage in the violent overthrow of democracy in the UK or elsewhere.

The School reserves to itself the right to debar speakers or organisations from the School where the School reasonably believes that their presence on School property is not conducive to the good order of the School, or where it would offend the principles of scholarly inquiry, or where it would put at risk the safety of students, staff or the general public. The School further reserves the right to list the names of individuals or groups which it debars either under this general reserved right or in accordance with the principles above.

The School will maintain a list of organisations considered by the School to be within the scope of the provisions for protection and compliance with statutory regulations. Any amendments made to the list from time to time by the School shall be deemed as included or excluded as appropriate with effect from the date that the amendment is made.

Freedom of Expression

Because CSA is committed to free and open inquiry in all matters, it guarantees all members of the CSA community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the School, CSA fully respects and supports the freedom of all members of the CSA community "to discuss any problem that presents itself."

Of course, the ideas of different members of the CSA community will often and quite naturally conflict. But it is not the proper role of CSA to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although CSA greatly values civility, and although all members of the CSA community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. CSA may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of CSA. In addition, CSA may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the School. But, these are narrow exceptions to the general

principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with CSA's commitment to a completely free and open discussion of ideas.

In a word, CSA's fundamental commitment is to the principle that debate, or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the CSA community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the CSA community, not for CSA as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the CSA community to engage in such debate and deliberation in an effective and responsible manner is an essential part of CSA's educational mission.

As a corollary to CSA's commitment to protect and promote free expression, members of the CSA community must also act in conformity with the principle of free expression. Although members of the CSA community are free to criticise and contest the views expressed on campus, and to criticise and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, CSA has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

General

Any breach of the provisions of this Code shall be punishable under the Disciplinary Procedures of the School where applicable.

It shall be the duty of all those subject to the Code to assist the School in upholding the rights of freedom of speech set out in this Code.

Where a breach of this Code occurs, it shall be a duty of all to whom this Code applies to take all reasonable steps to secure the identification of persons involved in that breach.

Where breaches of the criminal law occur, the School shall, where appropriate, assist the Police and the Crown Prosecution Service. In respect of any criminal charges, the School, shall not, unless the Principal determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion on any ongoing criminal proceedings.

The operation of the Code shall be monitored by the Principal and Board of Governors.

Responsibilities.

The Board of Governors instruct the Senior Management Team (SMT) of the School to ensure that its Freedom of Speech Policy is understood by staff, students and visitors, such that the principles of freedom of expression, academic freedom, autonomy, confidentiality, privacy and equality of rights according to law provide the overarching context within which the School's Prevent duty will be considered. The Prevent duty strategy will be implemented in a manner that is proportionate and positively secures and protects these rights.

The Board of Governors also have a role in ensuring that freedom of speech is secured for all students, staff at the School are secreted within the law. The Board will review and receive reports on risks associated with the Prevent Duty Risk Assessment and any reportable incidents. The Board and the SMT will ensure that any non-disclosure agreement does not restrict how any complaints received about the person will be dealt with, including any

misconduct issues. This will be directly aligned to the CSA Code of Practice in maintaining standards, quality and academic integrity. The Code of Practice which links directly to the Student Code of Practice is brought to the attention of all staff and students.

Staff, students, and visitor, including visiting speakers are required at all times to conduct themselves so as to ensure that freedom of speech within the law is secured for students, and staff and for visiting speakers.

CSA believes that a culture of free, open and robust discussion can be achieved only if all concerned avoid needlessly offensive or provocative action and language. The School works with the Student Committee to promote freedom of speech within the law, and to protect academic freedom.

Whilst there is no legal prohibition on offending others, the CSA expects speakers and those taking part in meetings and other events to respect its values, to be sensitive to the diversity of its community and to show respect to all sections of that community. Speakers and audience alike should be reminded of their responsibilities to observe the relevant School's policies on harassment and to conduct civil academic discussions at all times.

Any significant infringements of the provisions of this policy may render those responsible liable to disciplinary action under the School's disciplinary procedures.

In any case where the School is proposing to grant permission to an outside organisation or group to hold a meeting or event on its premises, the provisions of this policy will apply, though the School will not require that the outside organisation be responsible for security in accordance with the Higher Education (Freedom of Speech) Act 2023.

Any complaints raised in relation to freedom of speech will be handled under the Schools Complaints Policy and Procedure, and dealt with according to the timelines specified. No freedom of speech complaints will be referred to the OfS until CSA complaints procedures have been exhausted.

In line with the new legislation, 'academic freedom' may be replaced with 'institutional autonomy'.