

Code of Practice on Freedom of Speech and Expression

Institute for Optimum Nutrition

1. Summary

1.1 What is this document about?

- 1.1.1 This code of practice sets out The Institute for Optimum Nutrition's approach to freedom of speech and academic freedom. It explains why and how the Institute values, promotes and secures those rights for members of its community.
- 1.1.2 It also sets out the expectations that the Institute has for its staff, students, visiting lecturers, guests and attendees at Institute events.

1.2 Who is this for?

- 1.2.1 This code of practice applies to the Board of Trustees, and to all members of the ION community. It also applies to guest speakers, visiting lecturers, and those who run events at the Institute, and to all attendees of those events.

1.3 How does the Institute check this is followed?

- 1.3.1 The Board of Trustees has ultimate responsibility for ensuring this code of practice is followed. The Institute Board of Trustees and Senior Management Team will promote this code of practice regularly to staff and to students. Failures to follow this code of practice should be raised with the Dean. They may also be raised with the Office of the Independent Adjudicator.

1.4 Who can you contact if you have any queries about this document?

- 1.4.1 For any questions, please contact the Institute's Academic Administration team (academicadmin@ion.ac.uk) or a member of the Institute's Corporate Services team (info@ion.ac.uk or 020 8614 7800).

2. Introduction

- 2.1 The Institute recognises that freedom of speech within the law has fundamental importance for places of education, learning and for the unbiased pursuit of truth.

- 2.2 A statement on Freedom of speech and academic freedom can be found in the Institute's [student regulations handbook](#) page 7.
- 2.3 The Institute is obliged under its Code of Governance to take the steps that, having regard to the importance of freedom of speech, are reasonably practicable for it to take in order to achieve the objective of securing freedom of speech within the law for staff, students, visiting lecturers, guests and attendees at Institute events.
- 2.4 In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights.
- 2.5 The Institute is also required under its Code of Governance to have regard to the need to ensure that academic staff 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 at risk of losing their jobs or any privileges they may have at the Institute or the likelihood of their securing promotion or different jobs at the Institute being reduced. In addition, those applying to become a member of academic staff of the Institute must not be adversely affected in relation to the application because they have exercised their freedom within the law to academic freedom.
- 2.6 This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and academic freedom, and the Institute's values relating to freedom of speech and how those values uphold freedom of speech. The Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 2.7 The Code of Practice covers freedom of speech in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media.
- 2.8 The Code's rights and obligations shall apply to:
- 2.8.1. the Institute, including members of the Trustee Board
 - 2.8.2. all persons (whether academic staff or otherwise) working for the Institute whether for payment or otherwise
 - 2.8.3. all duly enrolled students at the Institute (whether full or part- time)
 - 2.8.4. all students studying with the Institute (whether full or part- time) under an agreement with a partner organisation of the Institute even if not enrolled as students at the Institute
 - 2.8.5. all persons invited to speak and/or express views (whether in person or otherwise) and/or otherwise take part in activities which take place on or are planned or proposed or due to take place on the Institute's premises, through its IT systems, using its name or otherwise under its auspices in accordance with the provisions of section 3 of this Code.
- 2.9 A The University of Portsmouth Students' Union has its own Code of Practice that outlines its approach to the relevant legal obligations.
- 2.10 References in this Code to "the Institute's premises" and/or "the Institute's facilities" include

premises and/or facilities which the Institute does not own but over which it exercises a sufficient degree of control.

3. Definitions

3.1 Freedom of speech

3.1.1 Freedom of speech in higher education is the right of students and staff to express their views and ideas without fear of censorship or reprisal. This includes the freedom to discuss controversial topics, challenge established ideas and engage in debate. However, this right is not absolute and must be balanced with the need to protect others from harm and promote a respectful and inclusive learning environment.

3.2 Academic Freedom

3.2.1 Academic staff have freedom within the law:

- a) to question and test received wisdom
- b) to put forward new ideas and controversial or unpopular opinions

4. Freedom of Speech and Expression

4.1 The Institute shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Code applies.

4.2 Every person to whom this Code applies shall assist the Institute in upholding this Code of Practice.

4.3 The Institute will not suppress freedom of speech, even speech that may be abhorrent to members of the Institute, provided that:

4.3.1. such speech does not go beyond the articulation of points of view, and is within the law; that is, it is not:

- a) incitement to riot or insurrection
- b) racial hatred, religious hatred, or sexual harassment
- c) any other activity which are likely to cause a breach of the peace or public disorder
- d) increasing the risk of an individual being drawn into terrorism
- e) otherwise unlawful

4.3.2. by allowing such freedom of speech, in the proposed format, the Institute would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- b) advance equality of opportunity between those who share a relevant protected characteristic and those who do not
- c) foster good relations between those who share a relevant protected characteristic and those who do not

d) prevent people being drawn into terrorism

4.4 The Institute shall ensure, so far as is reasonably practicable, that the use of its premises and facilities is not denied to any individual or body of persons on the grounds of:

4.4.1. the ideas or opinions of such individual

4.4.2. the policy or objectives of such body or the ideas or opinions of any of its members

4.3 Every person to whom this Code's obligations apply shall:

3.4.1. comply with and uphold this Code

3.4.2. refrain from organising or engaging in or otherwise being associated with any conduct (other than by lawful, reasonable and peaceful persuasion) intended to prevent the enjoyment of rights under this Code

3.4.3. not engage in conduct or speech which is unlawful

3.4.4. uphold and comply with the Institute's policies and procedures

3.4.5. uphold the Institute's wider duties at law and to its community

4.4 The Institute shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to ensure that the obligations under this Code of Practice are complied with.

5. Activities

5.1 References in this Code to "activities" include (but are not limited to) meetings, demonstrations, events and publications through whatever media (including social media) which take place or are proposed or planned or due to take place on the Institute's premises or via its IT systems, using its name or otherwise under its auspices.

5.2 For the avoidance of doubt, "activities" does not include academic delivery by staff to students in the normal course of Institute education, though such delivery should also comply with the spirit of this Code.

5.3 This Code deals with authorisation for activities in the context of their content and the Institute's duties to secure freedom of speech within the law and academic freedom. Depending on the activity, other processes may need to be followed and authorisations sought, such as processes for room booking, making recordings of an event, or licence to use the Institute's name, logo or other intellectual property.

5.4 The Institute has the responsibility to take reasonable steps to maintain good order on its premises. It has the right and the power to regulate and, if necessary, to impose conditions or restrictions upon activities which take place or are planned or proposed or due to take place. The organisation and holding of any such activities, and the arrangements, therefore, must comply with this Code of Practice.

- 5.5 Each activity must have a principal organiser, who is formally designated as the person responsible for the activity. The principal organiser shall ensure that the activity complies with this Code, all other applicable Institute policies, and the law.
- 5.6 Where it is reasonably foreseeable (in the reasonable opinion of the Dean) that an activity may raise issues which may be controversial in some way, the principal organiser of the activity must submit a request, in writing, to the Dean of the Institute for permission for the activity to take place.
- 5.7 Requests must be submitted to the Dean not less than 20 working days before the proposed date of the activity, which must contain sufficient and accurate details of the proposed subject matter and the purpose and format of the activity, including meeting arrangements, the name and identity of any speakers or authors and the proposed timing and location of the activity.
- 5.8 If there is any doubt as to whether the activity may, in the reasonable opinion of the Dean, be controversial, the principal organiser must consult the Dean at the very earliest opportunity so that the correct procedures may be followed.
- 5.9 Within 10 working days of receiving a written request pursuant to paragraph 3.3 above the Dean shall issue a written decision which shall either grant or withhold permission for the activity to take place. Permission granted under this Code may be subject to such conditions or restrictions (for example, as to security precautions, limits on numbers of people to be admitted, seating arrangements or form of publication) as the Dean reasonably sees fit.
- 5.10 The Dean may convene a panel as they deem appropriate to consider requests that are complex and/or multi-faceted.
- 5.11 The Institute will not unreasonably refuse to allow activities to take place. The expression of controversial views which do not breach the law or risk a breach of the law will not of itself constitute reasonable grounds for withholding permission for an activity.
- 5.12 Reasonable grounds for refusal would include (but are not limited to) the fact that, if the activity were to take place, a risk would arise that there would be:
- 5.12.1. incitement to commit a criminal act
 - 5.12.2. the unlawful expression of views, or other unlawful activity
 - 5.12.3. support of an organisation whose aims and objectives are illegal
 - 5.12.4. the foreseeability that an individual might be drawn into terrorism; and/or
 - 5.12.5. a breach of the peace
- 5.13 In determining whether permission for an activity to take place might reasonably be refused, consideration may be given by the Dean (as is appropriate in the circumstances) to:
- 5.13.1. the safety of those attending the activity or otherwise foreseeably affected by the activity and/or on Institute premises who might foreseeably be put at risk
 - 5.13.2. the security of the Institute's premises
 - 5.13.3. the good name and reputation of the Institute
 - 5.13.4. any other factors the Dean deems appropriate in the circumstances

- 5.14 A request for an appeal against a decision of the Dean may be made, in writing, to the CEO within five working days of the issue of the Dean's decision. Appeals will only be considered on the basis of a manifest error in law or in interpreting this Code. The decision of the CEO shall be final and binding. The CEO may also impose such conditions or restrictions on the activity taking place as they reasonably see fit.

6. Practical Measures

- 6.1 Principal organisers, and all those participating or attending activities, must comply with all lawful instructions and conditions issued by the Institute in relation to (but not limited to) the location, arrangements, form and conduct of such activities, including adequate stewarding, chairing and provision of adequate control over entry.
- 6.2 In particular, and without limitation:
- 6.2.1. all activities must be appropriately and accurately described
 - 6.2.2. all publicity materials should be submitted for approval on request by the Institute
 - 6.2.3. the Institute's name, logo, and other elements of its brand or goodwill must not be used in publicity materials without prior written approval
- 6.3 The Institute has the discretion, but has no legal obligation, to allow activities to be open to members of the public. The Institute shall have the right to require that it is provided in advance with a list of all attendees for the event and may require that activities be ticketed.
- 6.4 In cases in which it is reasonable to assume that there is a possibility of disruption arising from the taking place of an activity, the Institute may consult with the police. If the activity is a public one the police may be prepared to be present throughout the event to minimise any disruption.
- 6.5 Unless otherwise agreed in writing, the organisers or other individuals otherwise involved with an activity shall be responsible for any costs involved in organising and holding such activities, save that they will only be required to bear costs of security relating to their use of the premises in exceptional circumstances, as set out above.

7. Sanctions and Penalties

- 7.1 Any member of the Board of Trustees who breaches this Code may be removed from office in line with the Articles of Association.
- 7.2 Where those responsible for the breach are students or staff of the Institute action may be taken against them under the relevant disciplinary procedure.
- 7.3 Where those responsible for the breach are students or staff of a partner organisation of the Institute, the Dean shall consider whether to inform the partner organisation with a view to that

partner organisation taking action (whether as well as, or instead of, the Institute) under its relevant disciplinary procedure.

- 7.4 Where those responsible for the breach are visitors to the Institute, the Institute may take such action in response as it considers appropriate in the circumstances.
- 7.5 Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, the Institute may take steps to assist the police to secure identification of any person suspected of committing an offence with a view to appropriate action being taken against them.

8. Review and Amendment of this Code

- 8.1 The Board of Trustees will receive reports on the operation of this Code by the Dean, together with any recommendations for revision of it. It will also periodically, bring this Code of Practice to the attention of all of its students.