

# GENERAL POLICY: CODE OF PRACTICE ON FREEDOM OF SPEECH AND EXPRESSION

*Applies to stakeholders, staff and students*

This policy is annually reviewed to ensure compliance with current regulations

Approved/reviewed by	
Approved/Reviewed by: Principal/CEO	
Date of next review	Sept 2026

*This policy and procedure is subject to The Equality Act 2010 which recognises the following Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex, Sexual orientation and Disability.*

## Document Control

### 1.1. Document Details

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### 1.3. Distribution

Name	Email	Organisation
All Staff	Uploaded to SharePoint	Boston College

1. **INTRODUCTION**

- 1.1 Boston College recognises and endorses that freedom of speech [and expression] within the law has fundamental importance for institutions as places of education, learning and the disinterested pursuit of truth. In particular, institutions are obliged under section 43 of the Education (No. 2) Act 1986 to take reasonable measures to protect freedom of lawful speech.
- 1.2 In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights.
- 1.3 Boston College is also required under Article 15 of the Instrument and Articles of Government to have regard to the need to ensure that academic staff and students have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions. We invest in good relations between different groups to create a place in which students and staff can discuss a range of topics, treated with respect and dignity without fear of discrimination or harassment. Institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom.
- 1.4 Boston College is required to adhere to the 2023 Prevent duty guidance for specified authorities in England and Wales.
- 1.5 Boston College is a registered higher education provider, and therefore it is also subject to enhanced duties under the Higher Education (Freedom of Speech) Act 2023, which require particular regard to the importance of freedom of speech when making decisions that may affect freedom of speech rights.
- 1.6 This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom and the Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.7 The Code of Practice covers freedom of speech and expression in whatever form that may take including (but not limited to) speeches, debates, meetings, demonstrations, written publications and through the use of social media.
- 1.8 The Code's rights and obligations shall apply to: -
- a) Boston College, including members of the Governing Body.
  - b) all persons (whether academic staff or otherwise) working for Boston College (whether for payment or otherwise).
  - c) all duly enrolled students of Boston College (whether full or part-time).
  - d) all students studying with Boston College (whether full or part-time) under an agreement with a partner organisation of Boston College even if not enrolled as students at Boston College.

e) the students' union and any societies, clubs or associations which may operate on Boston College's premises.

f) all persons invited to speak and/or express views (whether in person or otherwise, for example, online, including through the use of social media) and/or otherwise take part in activities which take place on or are planned or proposed or due to take place on Boston College's premises or through its ICT systems in accordance with the provisions of section 4 of this Code.

g) all persons hiring or using Boston College's premises and/or facilities.

1.9 References in the Code to "Boston College's premises" and/or Boston College's facilities" include premises and/or facilities which are owned by Boston College, premises and/or facilities which Boston College does not own but over which it exercises some degree of control, and premises and/or facilities occupied or controlled by Boston College's students' union whether or not Boston College owns or has control of such premises and/or facilities.

1.10 References in the Code to the Deputy Principal / Principal & Chief Executive includes reference to their nominee.

## 2. **FREEDOM OF SPEECH AND EXPRESSION**

2.1 Boston College 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's rights apply.

2.2 Every person to whom this Code's obligations apply shall assist Boston College in upholding this Code of Practice.

2.3 Boston College will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of Boston College, provided that: -

- such speech and expressions do not go beyond the articulation of points of view and are within the law and do not constitute incitement to riot, insurrection, racial hatred, religious hatred, sexual harassment or other activities which are likely to cause a breach of the peace or public disorder, significantly increase the risk of an individual being drawn into terrorism or otherwise be unlawful, and
- by allowing such views to be expressed, and by allowing the activity to take place in the format proposed (for example, a non-religious event being held with men and women in segregated seating) Boston College 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 persons who share a relevant protected characteristic and persons who do not share it.

c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

d) undertake a risk assessment to assess where and how students or staff may be at risk of being drawn into terrorism.

e) ensure all staff are trained to recognise risks to radicalisation.

2.3.1 When applying the provisions of section 2.3, Boston College will ensure that any restrictions on freedom of speech are necessary, proportionate, and the least restrictive means of achieving legitimate aims. The College will not restrict speech merely because it may be considered offensive, shocking, or disturbing to some, provided it remains within the law.

2.4 Boston College 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 any ground connected with: -

2.4.1 the beliefs or views of such individual or any member of such body;  
or

2.4.2 the policy or objectives of such body.

2.5 Every person to whom this Code's obligations apply shall 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 of Practice.

2.6 Boston College shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the obligations under this Code of Practice are complied with.

## 2.7 **INFORMATION SHARING AND REFERRAL PROCEDURES**

2.7.1 Boston College will maintain robust procedures both internally and externally for sharing information about vulnerable individuals (where appropriate to do so), including appropriate internal mechanisms and external information sharing agreements where possible.

2.7.2 Staff will receive training on when and how to make referrals to the Channel programme and where to get additional advice and support regarding individuals who may be vulnerable to radicalisation.

2.7.3 Boston College will maintain clear and visible policies and procedures for managing whistleblowing and complaints related to freedom of speech and Prevent concerns.

### 3. **RISK ASSESSMENT**

- 3.1 Boston College shall undertake an institutional risk assessment.
- 3.2 The risk assessment will cover the following elements:
- Physical management of estates and events
  - Online activities and ICT policies
  - Relationships with external bodies using premises
  - Student welfare and equality considerations
- 3.3 The institutional risk assessment will be updated at least yearly or in response to external factors including but not limited to changes in the government's identification of terrorism risk level.
- 3.4 The risk assessment will include evaluation of risks associated with college-affiliated, funded or branded events which take place off the premises.
- 3.5 Boston College will maintain regular contact with the relevant Prevent co-ordinator who will help the College comply with the duty and can provide advice and guidance on risk and appropriate responses.

### 4. **THE HOLDING OF ACTIVITIES**

- 4.1 References in the 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 Boston College's premises or through its ICT systems.
- 4.2 Boston College has the responsibility to take reasonable steps to maintain good order on its premises and all events held by the college. 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 on its premises or through its ICT systems. The organisation and holding of any such activities, and the arrangements therefor, must comply with this Code of Practice.
- 4.3 Any person to whom this Code's rights apply must submit a request, in writing, to the Deputy Principal of Boston College for permission for an activity to take place where it is reasonably foreseeable (in the reasonable opinion of the Deputy Principal) that the activity may raise issues which may be controversial in some way. Any such request should be submitted to Deputy Principal not less than 14 days before the proposed date of the activity and must contain details of the proposed subject matter and the purpose and format of the activity, including seating arrangements, the name and identity of any speakers or authors and the proposed timing and location of the activity.
- 4.4 Any organisers of any activity shall, if there is any doubt as to whether the activity may, in the reasonable opinion of the Deputy Principal, be controversial, consult the Deputy Principal at the very earliest opportunity so that the correct procedures may be followed.

- 4.5 Except in exceptional circumstances where more time is required before a decision can be made, within 5 working days of receiving a written request pursuant to paragraph 4.3 above the Deputy Principal shall issue a written decision in reply which shall either grant or withhold permission for the activity to take place on Boston College's premises, at college-organised external events or through its ICT systems. Permission granted under this Code may be subject to such conditions or restrictions (for example, as to security precautions, payment of charges, limits on numbers of people to be admitted, seating arrangements or form of publication) as the Deputy Principal reasonably sees fit.
- 4.5.1 When assessing requests for activities, the Deputy Principal will have particular regard to the importance of freedom of speech, consider whether any proposed restrictions are necessary and proportionate, ensure that the presumption is in favour of allowing the activity to proceed, and document the reasoning for any conditions imposed or permission refused.
- 4.6 Boston College will not unreasonably refuse to allow activities to take place on its premises, at organised college off-site events or through its ICT systems. 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. 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, within the premises of Boston College and/or the scope of its ICT systems there would be: -
- a) incitement to commit a criminal act
  - b) the unlawful expression of views
  - c) support of an organisation whose aims and objectives are illegal;
  - d) the foreseeability that an individual might be drawn into terrorism (including non-violent extremism) and/or
  - e) a breach of the peace.
- 4.6.1 Permission may only be refused where there are reasonable grounds to believe that failure to do so would result in breach of any legal duty imposed on Boston College, breach of the peace or serious public disorder, or actions that would prevent the College from carrying out its functions.
- 4.7 In determining whether permission for an activity to take place on Boston College's premises and/or through its ICT system might reasonably be refused, consideration may be given by Deputy Principal (as is appropriate in the circumstances) to: -
- a) the safety of persons attending the activity or otherwise foreseeably affected by the activity and/or on Boston College premises who might foreseeably be put at risk.
  - b) the security of Boston College's premises.



c) the good name and reputation of Boston College.

- 4.8 A request for an appeal against a decision of the Deputy Principal may be made, in writing, to the Principal & Chief Executive within 7 days of the issue of the Deputy Principal decision. The decision of the Principal & Chief Executive shall be final and binding. The Principal & Chief Executive may also impose such conditions or restrictions on the activity taking place as they reasonably see fit.

4.9 **ENHANCED EVENT RISK ASSESSEMENT SYSTEM**

- 4.9.1 Boston College will maintain a system for assessing and rating risks associated with any planned events, which provides evidence to suggest whether an event should proceed, be cancelled or whether action is required to mitigate any risk.
- 4.9.2 Where we are in any doubt that the risk cannot be fully mitigated we will exercise caution and potentially not allow the event to proceed. Where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism will be challenged with opposing views as part of that same event, rather than in a separate forum.

5. **PRACTICAL MEASURES**

- 5.1 Boston College shall permit the use of its premises and ICT systems only by organisers or other individuals otherwise involved in an activity or proposed activity who undertake in writing to comply with all lawful instructions and conditions issued by Boston College 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.
- 5.2 In cases in which it is reasonable to assume that there is a possibility of disruption arising from the taking place of an activity, Boston College may consult with the police. If this is a public activity, the police may be prepared to be present throughout the event to minimise any disruption.
- 5.3 Any organisers or other individuals otherwise involved with an activity to take place on Boston College's premises or through its ICT systems shall be responsible for any costs involved in organising and holding such activities and for ensuring, as far as reasonably possible, that nothing in the organisation and holding or arrangements of such activities infringes the law or any Boston College rule, regulation or procedure in any way.

6. **SANCTIONS AND PENALTIES**

- 6.1 Any member of the Governing Body who breaches this Code may be removed from office under clause 10 of Boston College's Instrument & Articles of Government.



- 6.2 Where those responsible for the breach are students or staff of Boston College action may be taken against them under the relevant disciplinary procedure.
- 6.3 Where those responsible for the breach are students or staff of a partner organisation of Boston College the Principal & Chief Executive shall consider whether to inform the partner organisation with a view to that partner organisation taking action (whether as well as or instead of) under its relevant disciplinary procedure.
- 6.4 Where a breach of this Code of Practice takes place at an activity or as a result of an activity taking place, Boston College may take steps to assist the police to secure identification of the persons suspected of committing offences with a view to appropriate action being taken against them.

## 6.5 **COMPLAINTS AND APPEALS PROCESS**

- 6.5.1 Any person who considers that Boston College has failed to comply with its duties under this Code of Practice may raise the matter through Boston College's internal complaints procedure.
- 6.5.2 If Boston College is a registered higher education provider, following exhaustion of internal procedures, complainants may refer the matter to the Office for Students free speech complaints scheme.
- 6.5.3 Boston College will cooperate fully with any investigation and will implement any recommendations made by regulatory bodies.

## 7. **TRAINING AND TRANSPARENCY**

### 7.1 **Staff Training Requirements**

Boston College will provide appropriate training to staff involved in decisions about freedom of speech matters, including understanding of legal duties, balancing freedom of speech with other legal duties, and recognising and addressing potential breaches.

All relevant staff will receive regular updates on developments in freedom of speech law and guidance.

Appropriate members of staff will have training to understand the factors that make people vulnerable to being drawn into terrorism and to challenge extremist ideas. Such staff will have sufficient training to be able to recognise this vulnerability and be aware of what action to take in response.

### 7.2 **Publication and Transparency Requirements**

Boston College will publish and maintain this Code of Practice in a readily accessible manner on its website.

The College will publish annually information about how it has complied with its freedom of speech duties, any relevant data about restrictions placed on

freedom of speech, and details of complaints received and their outcomes (in anonymised form).

If applicable, the College will cooperate with any monitoring or assessment activities undertaken by the Office for Students.

## 8. **MONITORING AND REPORTING**

- 8.1 The Principal & Chief Executive will ensure that appropriate systems are in place to monitor compliance with freedom of speech duties, identify and address any systemic issues, and learn from complaints and external guidance.
- 8.2 An annual report on freedom of speech will be presented to the Governing Body, including analysis of compliance with statutory duties, review of any restrictions imposed and their justification, assessment of the effectiveness of this Code of Practice, and recommendations for improvement.

## 9. **REVIEW AND AMENDMENT OF CODE**

- 9.1 Boston College acknowledges its duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a Code of Practice on freedom of speech. With this end in view the Governing Body will receive a report on the operation of the Code by the Deputy Principal, together with any recommendations for revision of it, annually.
- 9.2 This Code of Practice will be reviewed annually to ensure continued compliance with evolving legal requirements, particularly in light of developments in Prevent duty guidance and any applicable provisions of the Higher Education (Freedom of Speech) Act 2023.