

MOUNTVIEW

CODE OF PRACTICE ON FREEDOM OF SPEECH AND EXTERNAL EVENTS

(Reviewed and Updated – October 2024)

PART A. FREEDOM OF SPEECH

1. The Legal Framework

1.1 Section 43 of the Education Act (No 2) 1986 requires higher education institutions to take reasonably practicable steps to ensure freedom of speech within the law for its employees, students and visiting speakers. This includes the duty to ensure, as far as reasonably practicable, that the use of premises is not denied to any individual or organisation on the grounds of their beliefs, views, policies or objectives.

1.2 Under the Act, higher education institutions must also issue and keep up-to-date a Code of Practice on Freedom of Speech, setting out the procedures to be followed by students and staff regarding the organisation of meetings and activities which fall within this Code, together with the conduct required of staff, students and visiting speakers in connection with those meetings and activities.

1.3 Section 26(1) of the Counter-Terrorism and Security Act 2015 requires higher education institutions to have due regard to the need to prevent people from being drawn into terrorism when exercising its functions (the 'Prevent duty'). Such bodies must have regard to statutory guidance issued by the government when carrying out the Prevent duty.

1.4 Maintaining a balance between these two requirements involves making judgements about important issues of academic freedom and creative expression. Mountview considers it essential to be aware of the sensitivities involved in striking this balance and to put in place safeguards that do not compromise the core values of the institution.

2. The Code

2.1 Mountview's training requires the agreement of all parties that freedom of artistic expression and speech is vital in order to provide training that fully explores the widest range of artistic endeavours. While we recognise that we may disagree with or abhor certain viewpoints, we engage in discussion in order to test and challenge ideas and explore moral and ethical standpoints as part of our practice and artistic freedom.

2.2 The right to freedom of speech and artistic expression is, however, not absolute. Freedom of expression may not be exercised if in so doing it breaks the law or

breaches the rights of others, such as if its expression is unlawfully discriminatory or threatens others' safety or freedom of expression. Membership of the Mountview community and permission to use its premises and resources is predicated upon acceptance of these principles.

2.3 The purpose of this code is to set out the parameters of Mountview's approach and to ensure that there is clarity about the application of these principles, most particularly in relation to the hosting of events and external speakers.

3. Scope

3.1 This Code's obligations apply to:

- All staff and subcontracted staff (whether academic staff or otherwise) and those whose normal place of work is on the premises;
- All full-time and part-time students of Mountview (including those intermitting their studies or under suspension);
- Mountview's board of trustees;
- Any third party organisation that wishes to hold an event on Mountview premises (whether or not at the invitation of a staff member or a student); and
- All events that take place on the premises and any off-campus or online events which are funded by Mountview or are branded in a way that associates them with Mountview (including student society events held offsite or online).

Breach of this code will be considered a disciplinary matter.

4. Events and Outside Speakers

4.1 Where any person or body subject to the obligations of this Code wishes to hold any event for the expression of any views or beliefs held or lawfully expressed on premises or electronic media controlled by Mountview, consent shall not be unreasonably refused.

4.2 Expression of opinions which are annoying, offensive, in bad taste, or ill-mannered is not automatically unlawful and should not be the sole ground for refusal unless this would result in Mountview failing in its wider legal duties (for example, to promote equality of opportunity and good relations between persons of different racial groups).

4.3 An 'event' is any meeting, gathering, conference, or related activity involving a group of people and an outside speaker – whether in-person or online. This does not apply to:

- normal teaching sessions and seminars, held as part of an assessed academic programme;
- other academic or administrative operational meetings, unless outside speakers and an audience are involved;
- commercial room/space hires for rehearsals or administrative meetings.

4.4 An 'outside speaker' is deemed to be anyone who is neither a registered student nor a paid employee/subcontracted staff member of Mountview.

5. Approval of an event

5.1 The majority of proposed events will be straightforward and represent no risk to Mountview staff, students or visitors. Assessment and approval of these events can be handled at a departmental/course level, in accordance with the procedures outlined in Part B of this code, and will require no further internal or external referral.

5.2 In the small minority of cases where there are concerns about the nature of the external speaker, these should be escalated where appropriate for further review and assessment, according to the procedures outlined in Part B.

5.3 An event will not be approved to proceed if:

- there are reasonable grounds for believing that the speaker or other persons at the event will incite others to commit criminal acts, such as acts of violence and/or the incitement of racial or religious hatred.
- there are reasonable grounds for believing that opinions may be expressed in a way that is contrary to English law, or which infringe the human rights of others.
- the event appears to be in direct support of an organisation that is unlawful or proscribed. For Proscribed Terrorist Groups see <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2/proscribed-terrorist-groups-or-organisations-accessible-version>
- the event may cause a breach of the Terrorism Act 2006 including the encouragement or inducement to, or glorification of the commission, preparation or instigation of acts of terrorism or disseminating terrorist publications.
- the event is likely to contravene health and safety legislation, or cause a breach of the peace, or cause a public order offence.
- the scale or nature of the event is demonstrably unsuitable for Mountview's facilities or is likely to disrupt its other activities.

5.4 Where an event is not approved, a staff member or student may make an appeal to the Principal & Chief Executive Officer. Such an appeal will be heard by the Chief Executive Officer or their nominee as soon as is reasonably practicable. The Chief Executive Officer's ruling shall be final. External organisations have no right of appeal.

6. Conduct of Events

6.1 Organisers should be able to satisfy themselves of the following:

- No advertisement of the event has taken place before it has been approved under the processes outlined at Part B.
- Clear arrangements have been made for the management of any event that may pose a security and/or safety risk to any person, building or facility at Mountview. This includes ensuring that any additional costs associated with staffing the event are accounted for.
- The Organiser of the event has a duty as far as is possible to ensure that the speaker(s) and the audience at a meeting comply with the law; for example, it is unlawful to incite racial hatred, or to cause a breach of the peace.
- Freedom of expression within the constraints of the law is a right for speakers and audience members alike. Any action that denies speakers or audience members this, such as verbal or physical intimidation or violence, is forbidden. Non-violent disagreement or protest is a part of debate, providing it does not deny an individual their freedom of expression within the constraints of the law.
- Segregation by gender at meetings is unlawful and explicitly not permitted.

PART B. PROCEDURES TO BE FOLLOWED IN ORGANISING EVENTS WITH EXTERNAL SPEAKERS

1. Process for all events

1.1 All events should have a named event Organiser. This will be the staff member, student or third party who is responsible for the logistics and management of the event.

1.2 All events should also have a named Mountview manager who will act as the event Sponsor for internal management and reporting purposes. The event Sponsor and the event Organiser can be the same person.

1.3 In the case of events organised by Mountview staff or students, the Sponsor will usually be the relevant Head of Course. For events organised by third parties under commercial room/space hire agreements, the Sponsor will be the relevant member of the Sales and Events team.

1.3 The event Sponsor is responsible for undertaking an initial Prevent and freedom of speech risk assessment of the event, by considering the following four questions:

Question 1: Has the speaker previously been prevented from speaking at Mountview or another University or similar establishment or previously been known to express views that may be in breach of the External Speaker Code of Practice?

Question 2: Does the proposed title or theme of the event present a potential risk that views/opinions expressed by speakers may be in breach of the External Speaker Code of Practice?

Question 3: Is the proposed speaker/theme likely to attract attendance from individuals/groups that have previously been known to express views that may be in breach of the External Speaker Code of Practice?

Question 4: Is there anything about the proposed speaker/event that causes you concern in relation to other Mountview policies (Equality & Diversity, Health & Safety) or that poses a risk to Mountview's staff, students, visitors, reputation or operation?

1.4 If the answer to all four questions is NO, the event Organiser can confirm the external speaker and book them to speak at their event or activity.

1.5 If the answer to any of the questions is unclear, the event Sponsor must seek guidance from the Chief Operating Officer or another Safeguarding Officer, whose responsibility it will be to further review the event and speaker(s) against the questions above.

1.6 If the answer to any of the questions is YES, the event Sponsor must submit a formal referral to the Chief Operating Officer using the standard form at Annex A. This form provides information on the purpose, audience and speaker details of the event. Sponsors should make any such referral **21 days** in advance of the event taking place.

1.7 Before formally engaging a speaker, the event Sponsor must ensure that the speaker is issued with the Code of Practice Summary Document at Annex B, either directly or via the event Organiser. This summary ensures the speaker is briefed and aware of Mountview's policy on Freedom of Speech.

2. Dealing with potential concerns/threats

2.1 Where there are any concerns raised about the nature of a speaker or an event, the matter will be reviewed by the Chief Operating Officer. S/he will refer cases to the Safeguarding Committee and/or the Principal for further discussion if necessary. Where it is felt that approval is controversial, further referral and discussion with the local external Prevent coordinator may be necessary.

2.4 Reasons for escalating or referring a request could involve the following factors:

- The potential for the event going ahead to cause Mountview to be in breach of its equality and diversity policy.
- The potential for the event going ahead to cause Mountview to fail in its wider legal duties.
- The potential for the event going ahead to give concern for the health and safety of the people attending the event or nearby.

- The potential for the event going ahead to cause reputational risk to Mountview.
- The potential for the speaker's presence on campus to cause fear or alarm to members of the student body.
- The potential for the speaker's presence on campus to give rise to breach of peace.

The Safeguarding Committee may consult with other bodies (e.g. other universities, the police or Prevent co-ordinators) for the purpose of determining whether any of the circumstances in this paragraph are applicable to an event. Subject to the provisions of the Data Protection Act and General Data Protection Regulation, they may also share information on events and speakers with other bodies where this is necessary to promote compliance with legal requirements.

3. Grounds for non-approval

3.1 Mountview may withhold approval for an event in the following circumstances:

- It is reported that the external speaker has spoken previously at another institution and has caused fear and/or intimidation of students, staff or other members of the public.
- The topic of the event or the external speaker is reported as likely to cause harm to a specific group of students, staff or other attendees.
- There are reasonable grounds for believing that the speaker or other persons at the event will incite others to commit criminal acts, such as acts of violence and/or the incitement of racial or religious hatred.
- There are reasonable grounds for believing that opinions may be expressed in a way that is contrary to English law, or which infringe the human rights of others.
- The event appears to be in direct support of an organisation that is unlawful or proscribed, or the external speaker is linked to a proscribed terrorist organisation. For Proscribed Terrorist Groups see gov.uk.
- The event may cause a breach of the Terrorism Act 2006 including the encouragement or inducement to, or glorification of the commission, preparation or instigation of acts of terrorism or disseminating terrorist publications.
- The event is likely to contravene health and safety legislation, or cause a breach of the peace, or cause a public order offence.
- The scale or nature of the event is demonstrably unsuitable for Mountview's facilities or is likely to disrupt its other activities. For example, the profile of the speaker/event/performance is such that it may be subject to a large crowd that would require extended resources.

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ANNEX A External Speaker Referral Form

Part 1: Event Organiser details:
Name:
Department/Organisation:
Contact details (telephone and email):
Mountview Event Sponsor:

Part 2: Proposed event details:
Proposed event title:
Proposed event date:
Proposed venue:
Description (including event format):
Target audience (profile and size): <i>Please indicate if press/media presence is likely</i>
Proposed external speaker(s): <i>Please include links to biographical information if possible. Please indicate and give details if you believe that any proposed speakers have previously been prevented from speaking at an event or activity at Mountview, or another drama school, higher education institution or similar establishment.</i>

4.Risk Assessment		
Questions	Y/N	Please provide details if a risk is identified
Does the event/speaker comply with Mountview's Freedom of Speech Code of Practice?		
Does the event comply with Mountview's Equality and Diversity Policy?		
Has the speaker previously been refused permission to speak at Mountview or any other institution?		
Are there any reasons to believe that the event might be disrupted?		
Do you have any reason to believe that anyone within the Mountview community or wider audience might take issue with the speaker or protest against this event?		
Do you have any reason to believe that extremist views are likely to be expressed at the event?		
Do you have any reason to believe that the event could damage Mountview's reputation?		
Are there any Health and Safety concerns regarding venue or audience?		
I have read and understood the Mountview's Code of Practice on Freedom of Speech		

Signed.....

Date.....

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ANNEX B Code of Practice Summary for External Speakers

1. Introduction

1.1 This code of conduct exists to ensure that all speakers taking part in an event or activity hosted or organised by Mountview (in-person or online), or taking place on its premises, act in accordance with Mountview's Code of Practice on Freedom of Speech and External Events.

2. Event Organiser/Sponsor

2.1 Every event or activity hosted or organised by Mountview staff and students, or taking place at Mountview's premises, will have a named point of contact – the Event Organiser.

2.2 The Organiser will be responsible for the management and logistics of the event.

2.3 Every event will also have a designated Mountview manager attached to it – the Event Sponsor.

2.3 The Sponsor is responsible for assessing and approving the event, or referring the event to the Chief Operating Officer for approval.

3. Code

3.1 Mountview believes that freedom of artistic expression and speech is vital in order to provide training that fully explores the widest range of artistic endeavours. While we recognise that we may disagree with or abhor certain viewpoints, we engage in discussion in order to test and challenge ideas and explore moral and ethical standpoints as part of our practice and artistic freedom.

3.2 The right to freedom of speech and artistic expression is however, not absolute. Freedom of expression may not be exercised if in so doing it breaks the law or breaches the rights of others, such as if its expression is unlawfully discriminatory or threatens others' safety or freedom of expression. Membership of the Mountview community and permission to use its premises is predicated upon acceptance of these principles.

3.3 Freedom of expression within the constraints of the law is a right for speakers and audience members alike. Any action that denies speakers or audience members this, such as verbal or physical intimidation or violence, is forbidden. Non-violent disagreement or protest is a part of debate, providing it does not deny an individual their freedom of expression within the constraints of the law.

4. Approval of Events

4.1 Events or activities hosted or organised by Mountview are subject to an approval process. Any speaker or event deemed to be in breach of Mountview's Code of Practice on Freedom of Speech and External Events may be refused or halted.

4.2 An event will not be approved to proceed if:

- It is reported that the external speaker has spoken previously at another institution and has caused fear and/or intimidation of students, staff or other members of the public.
- The topic of the event or the external speaker is reported as likely to cause harm to a specific group of students, staff or other attendees.
- There are reasonable grounds for believing that the speaker or other persons at the event will incite others to commit criminal acts, such as acts of violence and/or the incitement of racial or religious hatred.
- There are reasonable grounds for believing that opinions may be expressed in a way that is contrary to English law, or which infringe the human rights of others.
- The event appears to be in direct support of an organisation that is unlawful or proscribed, or the external speaker is linked to a proscribed terrorist organisation. For Proscribed Terrorist Groups see gov.uk.
- The event may cause a breach of the Terrorism Act 2006 including the encouragement or inducement to, or glorification of the commission, preparation or instigation of acts of terrorism or disseminating terrorist publications.
- The event is likely to contravene health and safety legislation, or cause a breach of the peace, or cause a public order offence.
- The scale or nature of the event is demonstrably unsuitable for Mountview's facilities or is likely to disrupt its other activities. For example, the profile of the speaker/event/performance is such that it may be subject to a large crowd that would require extended resources.

A full copy of Mountview's Code of Practice on Freedom of Speech and External Events is available on the website.