# Open College of the ArtsPrevent Code of Conduct /OCA Code of Practice for protecting academic freedom

## Prevent Code of Conduct

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### Context:

Since September 2015, academic institutions, including universities, have had a statutory requirement to address risks of radicalisation through the Prevent duty. The duty is part of the government’s wider counter-terrorism strategy CONTEST. The Prevent monitoring framework for higher education is operated by the Higher Education Funding Council (HEFCE). OCA’s Prevent Code of Conduct was developed in consultation with OCASA.

### **Who the code applies to:**

The rights and obligations outlined in OCA’s Prevent Code of Practice apply to all students enrolled on Foundations, undergraduate and postgraduate programmes; OCASA, the OCA Student Society; anyone invited to speak and/or express views at study visits organised by OCA or activities organised by students, (whether in person or otherwise, 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 through OCA’s ICT systems in accordance with the provisions of the Code.

### **Protecting academic freedom:**

OCA has a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom. OCA recognises and endorses the view outlined by Universities UK (Freedom of speech on campus: rights and responsibilities in UK Universities) that universities are ‘open institutions where academic freedom and freedom of speech are fundamental to their functioning; where debate, challenge and dissent are not only permitted but expected; and where controversial and offensive ideas are likely to be advanced.’

### **Breaches of the Prevent Code of Conduct:**

Action may be taken under OCA’s Disciplinary Procedure (see Student Regulations: [www.oca.ac.uk/about-oca/policies](http://www.oca.ac.uk/about-oca/policies)) against OCA students who breach the Prevent Code of Conduct. Where a breach of this Code of Conduct takes place at an activity or as a result of an activity taking place, OCA 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.

## OCA Code of Practice for protecting academic freedom

### Introduction:

OCA recognises and endorses the view outlined by Universities UK (Freedom of speech on campus: rights and responsibilities in UK Universities) that universities are ‘open institutions where academic freedom and freedom of speech are fundamental to their functioning; where debate, challenge and dissent are not only permitted but expected, and where controversial and offensive ideas are likely to be advanced. Intellectual freedom is fundamental to their mission, their teaching and their research.

This Code of Practice sets out the rights and obligations inherent within the principles of academic freedom. The Code shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.

Institutions have a responsibility, so far as is reasonably practicable, to protect and advance the principle of academic freedom. In addition, as a creative arts institution, OCA is a place where the exploration of challenging ideas is expected.

**Who the code applies to:**

The Code's rights and obligations shall apply to: OCA including its Trustees; all persons working for OCA, whether for payment or otherwise; all duly enrolled students of OCA; the OCA Student Association, OCASA, any persons invited to speak and/or express views at study visits organised by OCA or activities organised by students, (whether in person or otherwise 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 through OCA’s ICT systems in accordance with the provisions of this Code.

For students, the Code covers academic freedom and freedom of speech and expression in whatever form that may take, including but not limited to: assignments, learning logs/blogs, exhibitions organised by students that carry OCA branding, posts on OCA social media channels and OCA-managed online communications channels including student forums, virtual course groups and Google Meet.

### Relevant legislation:

Within the context of academic freedom, however, OCA acknowledges that academic freedom, in common with all freedoms, has limits imposed by law, so that the rights and freedoms of others are protected.  Of particular relevance to a higher education institution delivering its courses through distance learning are the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>.

In addition, a principle of freedom of lawful expression is enshrined in Article 10 of the European Convention on Human Rights.

### **Implementing the Code of Practice**:

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

OCA will not suppress freedom of speech and expression, however abhorrent certain expressions may be to the majority of the members of OCA, 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, terrorism or other activities which are likely to be unlawful;
* by allowing such views to be expressed, and by allowing the activity to take place in the format proposed, OCA would not be failing in its wider legal duties, in particular to have due regard in carrying out its functions to the need to:
	1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
	2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
	3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it; and
	4. have due regard to the need to prevent people being drawn into terrorism.

References in the Code to ‘activities’ include (but are not limited to) meetings, demonstrations, events, exhibitions and publications through whatever media (including social media) which take place or are proposed or planned or due to take place through OCA’s ICT systems or on its premises.

Any person organising an activity using OCA’s ICT systems or on its premises or where in OCA’s opinion it is reasonably foreseeable by the student that the activity will raise issues which may be controversial in some way, should consult the Head of Technology and Media at the earliest opportunity so that the correct procedures may be followed.  The Head of Technology and Media will consult the Principal in cases where there is uncertainty on the post-holder’s part about whether the activity will raise issues that may be controversial.

Where it is considered by the Principal that the activity is controversial, the organiser must submit a request, in writing, to the Principal for permission for the activity to take place. Any such request should be submitted to Principal not less than 15 working 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 the online communication channels or venue to be used, the name and identity of any speakers or authors and the proposed timing of the activity.

Where appropriate, the Principal may take advice from a third party eg a lawyer or the police on the legal implications of the request.

Normally within 10 working days of receiving a written request together with all information required pursuant to paragraph x above, the Principal shall issue a written decision in reply 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 as the Principal reasonably sees fit. No event may be held until a written decision has been given.

OCA will not unreasonably refuse to allow activities to take place 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 scope of OCA’s ICT systems there would be:

* incitement to commit a criminal act;
* the unlawful expression of views; for example, following risk assessment, whether the views being expressed, or likely to be expressed, constitute ‘extremist’ views as defined by the Government, that risk drawing people into terrorism;
* direct support of an organisation whose aims and objectives are illegal; and/or
* a breach of the peace.

In determining whether permission for an activity to take place through OCA’s ICT system might reasonably be refused, consideration may be given by the Principal (as is appropriate in the circumstances) to:

* the safety of persons attending the activity or otherwise foreseeably affected by the activity and/or on UCA’s premises who might foreseeably be put at risk;
* the security of UCA’s premises;
* In respect of clause x, whether reasonable steps can be taken to fully mitigate any risk that people might be drawn into terrorism; for example by ensuring that expressions of extremism are challenged with opposing views at the same event; and
* the good name and reputation of OCA.

A request for an appeal against a decision of the Principal may be made, in writing, to [update: Chair of Trustees] within 3 days of the issue of the Principal’s decision. The decision of the [update - chair] shall be final and binding. [update - The Chair of Trustees] may also impose such conditions or restrictions on the activity taking place as they reasonably sees fit.

### Practical measures:

OCA shall permit the use of its 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 OCA in relation to (but not limited to) the arrangements, form and conduct of such activities, including a chairing and moderating.

Any organisers or other individuals otherwise involved with an activity to take place through OCA’s ICT systems shall be responsible for ensuring that budget is available to cover the 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 OCA rule, regulation or procedure in any way.