

Open College of the Arts (OCA)

Prevent Duty: protecting academic freedom and supporting ethical research

1. The purpose of the policy

- 1.1 This policy sets out the principles and approach that OCA takes to implementing the Government's Prevent Duty, how we ensure academic freedom, safeguarding of the OCA community, and also sets out the standards expected of all members of the OCA community.

2. Who does the policy apply to?

- 2.1 This policy applies to all OCA students, staff, and tutors. It also covers the Student Association; external lecturers and guest speakers; 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.

3. Linked and other policies and legislation

- 3.1 This policy and the Prevent Duty form part of the Government's wider CONTEST strategy for counter-terrorism. The Prevent Duty is a statutory requirement on all public sector bodies, and is administered for the Higher Education sector by the Office for Students. This is set out in the Counter Terrorism and Security Act 2015, section 26 which introduces a duty on specified authorities (listed in Schedule 6 of the Act) to "have due regard to the need to prevent people from being drawn into terrorism." In addition, OCA must consider the published guidance under section 29 of the Act.
- 3.2 Also related is the European Convention on Human Rights, and the Human Rights Act 1998, in particular Articles 10 and 11 of the aforementioned Act. Lastly, of note is the Equality Act 2010.
- 3.3 This policy acts in conjunction with other policies included as part of the Student Regulations including the Wellbeing Policy, Safeguarding Policy, and Student Code of Conduct. Details of the Student Regulations and copies of all policies can be found at www.oca.ac.uk/about-us/our-policies.

4. OCA's guiding principles

- 4.1 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.

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

4.3 OCA also recognises its duty and responsibility to the OCA community, its students, staff, and tutors. This duty extends to protect the OCA community and wider society from extremist views, and to safeguard wellbeing.

5. Prevent Duty: protecting academic freedom and supporting ethical research

5.1 OCA as a public sector body has a statutory requirement to implement and support the Prevent Duty. OCA interprets this requirement in two ways: to safeguard and support the wellbeing of the OCA community, and to preserve academic principles of debate and discussion.

6. Implementing the policy

6.1 OCA sets out to develop and implement a culture of respect for individual rights, points of view, and freedom of expression. To achieve this we will create a framework of core principles, processes, and practices to manage the activities of all students, staff, and tutors at OCA.

6.2 OCA expects all students to conduct themselves in an appropriate manner at all times, treating others equally, and with dignity, fairness and respect. Students are expected to observe the Equality Act 2010, and respect differences of view and observe others right to freedom of expression.

6.3 In online discourse and discussion, students, staff, and tutors should undertake to observe OCA's Online Netiquette Policy.

6.4 All members of the OCA community are responsible for upholding the provisions of this policy.

7. Supporting ethical research

7.1 OCA expects that during the course of a student's work that controversial topics may be explored. This may be as part of work undertaken as part of a course of study, or as supplementary activity. In these circumstances exploration of controversial topics are encouraged, provided that:

7.1.1 Exploration and discussion of a topic does 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;

7.1.2 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:

- 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; and
- d. have due regard to the need to prevent people being drawn into terrorism.

7.2 Exploration of a topic may involve and include a range of activities, such as but 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.

7.3 Discussion of a controversial topic on OCA's forums, or on social media is considered a normal and integral element of learning at OCA, provided that such discussions take place in consideration of paragraph 8.1.1 and 8.1.2.

7.4 Where a student wishes to explore a topic which may be deemed to be controversial it is expected in all circumstances that they should discuss the topic, its outline and potential impacts, with their course tutor, and/or Programme Leader if applicable. The tutor and/or Programme Leader will be able to advise on best practice in conducting research.

7.5 In certain circumstances, it may be required to seek further approval and guidance in conducting research activities. This may be because the topic is especially sensitive or controversial. In such cases, the student will be required to submit an application to study the topic to OCA's Research and Ethics Committee. The application should include the topic requested to be considered, the nature of the intended research, and consideration of the ethical considerations in considering the topic.

8. Raising concerns

8.1 If a student has any concerns about the behaviour of another student, either in their conduct on forums or in their choice of research topic, they should first raise these concerns with their tutor. If there is concern regarding a tutor, in their behaviour or working practices, these should be discussed in the first instance with OCA's Prevent Lead.

8.2 If a staff member has concerns regarding a student, or a tutor, either in their behaviour or their work, they should discuss these concerns with OCA's Prevent Lead firstly.

8.3 If a tutor has concerns regarding the behaviour or working practices of another tutor, member of staff, or student, they should discuss these in the first instance with OCA's Prevent Lead.

9. External lecturers and Study Events

9.1 OCA will, from time to time, engage external lecturers and speakers to enrich the learning experience at OCA and provide alternative viewpoints. In addition, OCA, and the Student Association, run a series of Study Events, either online or at physical venues.

- 9.2 External speakers are defined as people who are not currently employed in an official capacity by OCA as a tutor or member of staff, invited to attend an event to speak to OCA students, staff, and/or tutors.
- 9.3 External speakers are usually invited by a member of academic staff to give a talk on course-related topics, invited by OCA to deliver a key note to students/staff/tutors, or invited by conference organisers as part of an event taking place on OCA premises or using OCA's online systems. It is recognised and expected that external speakers will usually be experts in their field and unlikely to give talks that could give rise to concerns around security or freedom of expression.
- 9.4 In all cases, the event organiser must conduct a localised assessment as a minimum. This should be conducted at least three weeks before the event is due to take place. The event organiser should ask the following questions:
- 9.4.1 Has the speaker been at OCA, another university, or similar institution previously?
 - 9.4.2 Has the external speaker been known to express extremist views, hate speech, or been affiliated with a [proscribed group](#)?
 - 9.4.3 Has the speaker been known to breach OCA or similar codes of conduct?
 - 9.4.4. Does the proposed title or theme of the event present a potential risk that the speaker may express extremist views or opinions?
 - 9.4.5 Is the proposed speaker/theme likely to attract individuals or groups that have been known to breach, OCA or similar codes of conduct?
- 9.5 As part of this assessment, event organisers should consult the [Home Office list of proscribed organisations](#), and any other publicly available information.
- 9.6 If the answer to all of the questions in paragraph 10.4 are NO, then the event organiser can confirm the external speaker.
- 9.7 If the answer to any of the questions in paragraph 10.4 is unclear, the event organiser should seek guidance from their line manager, tutor, or programme leader as appropriate. It will then be their responsibility to review the speaker against the criteria in paragraph 10.4.
- 9.8 Where the answer to any of the questions is YES, the event organiser must refer this to OCA's Prevent Lead. This must be referred no less than 14 days before the event is due to take place.
- 9.9 The OCA Prevent Lead will confirm within five days of receiving the request if the proposed event can go ahead. Where permission is granted for an event to go ahead, this may be with conditions which the Prevent Lead considers necessary to secure fulfilment of OCA's statutory responsibilities, particularly concerning freedom of expression within the law. It is the event organiser's responsibility to brief the external speaker on this process.
- 9.10 Examples of conditions that may be imposed include but are not limited to:
- 9.10.1 Submission of speeches in advance of the event or activity
 - 9.10.2 Limiting numbers of attendees

- 9.10.3 Restrictions around the scope of activity to prevent violence
- 9.10.4 Declaration of attendees in advance of the event or activity
- 9.10.5 Filming the event or activity
- 9.10.6 Opportunity for debate and challenge to any particular view promoted as part of the event or activity
- 9.10.7 Opening the event to a wider audience

9.11 In accordance with the Equality Act 2010, segregation based on any protected characteristics as defined in the Act is not permitted at any event or activity.

9.12 Examples of circumstances which may lead to the withholding or withdrawal of permission include but are not limited to:

- 9.12.1 Referral of the external speaker request was made with less notice than specified in paragraph 10.8 and conditional measures could not be made in time
- 9.12.2 Risk of public disorder that would put the safety of OCA students, staff, and/or tutors at risk
- 9.12.3 Risk of damage to OCA property and/or systems
- 9.12.4 Concerns that the law may be broken by those speaking or attending an event or activity
- 9.12.5 Risk of disruption to OCA operations
- 9.12.6 Risk of non-compliance with OCA codes of conduct

9.13 Decisions made by the OCA Prevent Lead will be reported to the OCA Principal.

9.14 Appeals to the decisions of the OCA Prevent Lead will be considered by the OCA Principal, whose decisions will be final.

9.15 OCA's Board of Trustees will receive an annual report on the operation of this policy.

10. Prevent Lead

10.1 The appointed lead for Prevent is Craig Dewis, Head of Student Services. To discuss Prevent, please contact craigdewis@oca.ac.uk or write to:

Prevent Lead
Open College of the Arts
Michael Young Arts Centre
Room 201, DMC 02
County Way
Barnsley
S70 2AG

10.2 OCA has links with South Yorkshire Police in conjunction with its requirements on Prevent.

11. Support for the policy

11.1 For support with this policy please contact the Prevent Lead.

12. Control of the policy

12.1 This policy was authored by Craig Dewis, Head of Student Services, in consultation with OCA Staff and the Student Association and given approval through Oversight Management Group in August 2020.

13. Reviewing the policy

13.1 OCA will work closely with OCASA to review all of the information and terms contained within the Student Regulations and associated and supplementary policies.

13.2 The next review date is June 2022. If you would like to raise any issues around this policy please contact craigdewis@oca.ac.uk.