

Royal Northern College of Music

Code of Practice on Freedom of Expression

Procedure

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RNCM
ROYAL NORTHERN
COLLEGE of MUSIC

1. Introduction

- 1.1 The RNCM (the 'College') values academic freedom and recognises that freedom of speech and expression within the law has fundamental importance for higher education institutions (HEIs) as places of education, learning and the disinterested pursuit of truth. In particular, HEIs are obliged under law¹ and through their regulator; the Office for Students, to take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for staff, students and visiting speakers. This is reinforced under Regulation 6 of the College (see Appendix 1) which states that the College should have regard to the need to ensure that academic staff members 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 associated privileges they may have at the RNCM.
- 1.2 Under this Code, the right to freedom of speech and expression is not unlimited. It is limited, for example, by laws to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. It also takes into consideration the College's obligations under public sector Equality Duty which requires higher education providers to have due regard to foster good relations between people who share protected characteristics² and people who do not.
- 1.3 This Code of Practice on Freedom of Expression sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom in the context of the College's values, and the values of a civilised, democratic, inclusive society. The Code will be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.
- 1.4 The Code's rights and obligations will apply to:
- the College, as an institution, including members of the Board of Governors;
 - all members of RNCM staff and/or those working on behalf of the College(whether paid or unpaid);
 - all duly enrolled students of the College (whether full or part-time);
 - all students studying at the College (whether full or part-time) under an agreement with a partner organisation of the College (e.g. a school, college or employer) even if not enrolled as students at the College;
 - the Students' Union, its associated buildings, and any of its societies, clubs or associations which normally operate on College premises; and;
 - all persons invited to speak, perform, or otherwise take part in events to be held on College premises in accordance with the provisions of this Code.
- 1.5 The procedures in this Code must be observed by students, employees and other members of the College in respect of:
- any event to be held on College premises³; and

¹ Section 43 of the Education Act (No. 2), 1986

² Protected characteristics, as defined by the Equality Act 2010, are: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation

³ References in the Code to "RNCM premises" include premises which are owned and/or controlled by the RNCM, and any premises occupied or used by the RNCM's Students' Union whether or not the RNCM owns or has control of such premises.

- any event held away from the College which is College / Students' Union organised, funded or branded, including events organised by individuals, groups or societies using the College/Students' Union name or resources.

1.6 Where the College refuses to approve external speakers, meetings, events or other activities, it is not under any obligation to give reasons for its decision, although it recognises that it may be required to disclose documents relating to its decision under the Freedom of Information Act.

2. Freedom of Speech and Expression

2.1 The College will 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 and obligations apply.

2.2 Every person to whom this Code's rights and obligations apply will assist the College in upholding this Code of Practice on Freedom of Expression.

2.3 The College will not suppress freedom of speech or expression. Freedom of speech or expression will not be suppressed provided that such speech and expressions do not go beyond the articulation of points of view and are within the law. The College has a duty to ensure, wherever practical, that such expressions do not constitute incitement to riot; insurrection; racial hatred; religious hatred; sexual harassment; a significant increase in the risk of an individual being drawn into terrorism; or other activities (beyond the right of peaceful protest) which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful.

2.4 The College will ensure, so far as is reasonably practicable, that the use of College premises is not denied to any individual or body of persons to whom this Code's rights apply on any grounds connected with:

- the beliefs or views of such individual or any member of such body; or
- the policy or objectives of such body.

2.5 Every person to whom this Code's rights and obligations apply will 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.

2.6 The College will take such steps as are reasonably practicable (including, where appropriate and following proper investigation, invoking disciplinary measures) to secure that the obligations under this Code are complied with.

2.7 The College will not unreasonably refuse to allow events to be held on its premises. The expression of controversial views which do not breach the law will not constitute reasonable grounds for withholding permission for an event. In considering whether to allow or not a particular event the College has to consider:

- whether the views or ideas to be put forward:
 - infringe the rights of others, or
 - discriminate against them
- whether the activity in question:

- constitutes a criminal offence
- incites those attending to commit a criminal act;
- is contrary to the civil and human rights of individuals;
- leads to the unlawful expression of views;
- is in direct support of an organisation whose aims and objectives are illegal;
- or,
- gives rise to a breach of the peace.

In determining whether the holding of an event on College premises might reasonably be refused, where appropriate, consideration should be given to:

- whether a proposed event is likely to give rise to an environment in which people will experience, or could reasonably fear harassment, intimidation, verbal abuse or violence, particularly because of a protected characteristic.
- the safety of persons attending the event and persons on College premises who might foreseeably be put at risk;
- the security of College premises; and
- the good name and reputation of the College.

2.8 The College has adopted the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism⁴. The College would not seek to prevent or inhibit spoken or written criticism of the state of Israel but would not allow criticism of Israel to be expressed in a form which was or might reasonably be taken to be antisemitic, just as it would not allow, to take another example, the expression of views intended to stir up religious hatred against Muslims. The College would always take firm and decisive action against any members of the College demonstrating antisemitism, Islamophobia or other forms of hate crime⁵. The expression of views that are racist in character or intended to provoke religious hatred (or both) is likely to be unlawful, infringe the rights of particular groups of students, could incite criminal acts and would be likely to give rise to an environment in which people will experience, or could reasonably fear harassment, intimidation, verbal abuse or violence by virtue of their ethnicity, race, religion and belief.

2.9 The Equality and Human Rights Commission sought in 2014 to provide greater clarity about the circumstances in which segregation according to gender is prohibited under equality and human rights law at events which take place at or under the auspices of universities and students' unions, including those organised by College societies or associations. The guidance notes that segregation by gender is clearly not permitted under equality law in universities' normal academic, teaching and research activities, and therefore is not permissible for most events covered by the Code of Practice. Gender segregation is, however, permissible during collective religious worship because it is not subject to equality law.

Therefore for the purposes of this Code of Practice, gender segregation will not be permitted at events that do not include religious worship. It therefore follows that if any event includes religious worship and involves gender segregation, then the principal organiser must provide full details and the seating arrangements that will apply across both parts of the event.

⁴ Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

⁵ In determining what does and does not constitute hate crime, the College will take into account, amongst other things, guidance from the Government (for example, in its 2016 Hate Crime Action Plan), the IHRA definition of antisemitism and such bodies as the UN and the EHRC.

3. Procedure - Events and Teaching

- 3.1 The College has the responsibility 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 such as teaching, performances, meetings and demonstrations held or proposed to be held on its premises.

The College reserves the right to intervene in activities on social media where the College is identified as a host/organiser or where an individual is identified as an College member and purports to be representing the College. Such activities should comply with the College's Social Media Policy.

Any such events (held electronically or on the premises) must comply with this Code.

The College reserves the right to request written details of a proposed event/activity should there be reasonable doubt that the proposal would be a contravention of this Code. Written information should be sent to the named roles below.

- 3.2 **Visiting Teachers:** The College has a number of visiting teaching staff giving one-off classes and masterclasses. It is assumed that these activities will be engaged in the delivery of music/performance teaching. If there is any doubt as to the proposed content the host (usually Head of School) must discuss the proposed teaching with the Deputy Principal (Performance and Programmes) who will review the proposed activity, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated or whether the teaching cannot go ahead. Where permission is not granted the activity must not go ahead and the rationale for the decision will be noted and recorded centrally by the Deputy Principal (Performance and Programmes). Where a discussion is required concerning the content of proposed teaching, no advertising must be undertaken until permission for the teaching has been granted.
- 3.3 **External Speakers:** The College has a number of visiting teaching staff giving one-off lectures or classes. It is assumed that these activities will be engaged in the delivery of music/pedagogy/other approved activities. If there is any doubt as to the proposed content the host (usually Head of Programme) must discuss the proposed activity with the Deputy Principal (Performance and Programmes) who will review the proposed activity, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated or whether the event cannot go ahead. Where permission is not granted the activity must not go ahead and the rationale for the decision will be noted and recorded centrally by the Deputy Principal (Performance and Programmes). Where a discussion is required concerning the content of the proposed activity, no advertising must be undertaken until permission for the activity has been granted.
- 3.4 **External Speakers – Students' Union or student societies:** The Students' Union or student societies of the College may have events which involve external speakers. It is assumed that these activities will be engaged in discussions about music, performance, music pedagogy or other approved activities. If there is any doubt as to the proposed content the host (usually SU President or nominee) must discuss the proposed activity with the Deputy Principal (Performance and Programmes) who will review the proposed activity, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated or whether the event cannot go ahead. Where permission is not granted the activity must not go ahead and the rationale for the decision will be noted and recorded centrally by the Deputy Principal (Performance and Programmes). Where a

discussion is required concerning the content of the proposed activity, no advertising must be undertaken until permission for the activity/event has been granted.

- 3.5 **Public Performances:** the Artistic Logistics Forum will review the draft programme and highlight any artist(s) or event(s) which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated. Where permission is not granted the activity must not go ahead and the rationale for the decision will be noted and recorded centrally by the Deputy Principal (Performance and Programmes).
- 3.6 **Recitals and Examinations:** advice will be provided to students concerning the draft programme presented by candidates for recitals/examinations. Such advice will highlight that any potentially sensitive material or that related to extremism must be discussed with the Head of School and/or Head of Undergraduate Programmes/Head of Graduate School before final authorisation. Where permission is not granted the activity must not go ahead and the rationale for the decision will be noted and recorded centrally by the Deputy Principal (Performance and Programmes).

4. Research

- 4.1 Research undertaken in the College generally relates to music and music pedagogy. If academic or teaching staff propose to undertake research into other areas, especially where these might be regarded as sensitive or related to extremism they should discuss this in advance with the Director of Research. The Director of Research will review the proposed research, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated (for example data storage will need to meet the standards for data security and access to such data restricted). Where permission is not granted, the rationale for the decision will be noted and recorded centrally by the Deputy Principal (Performance and Programmes).
- 4.2 External invited speakers for research purposes are assumed to be discussing research relating to music or music pedagogy. If a speaker might be discussing research which would generally be regarded as sensitive or related to extremism the host must discuss the proposed event with the Director of Research. The Director of Research will review the proposed event, highlight any issues which have the potential to incur risks requiring due diligence and decide whether risks are acceptable or can be mitigated or whether the event cannot go ahead. Where permission is not granted, the rationale for the decision will be noted and recorded centrally by the Deputy Principal (Performance and Programmes). No advertising must be undertaken until permission for the event has been granted.

5. Practical Measures

- 5.1 The College will permit the use of College premises only by organisers of events, whether internal or external, who undertake to comply with all lawful instructions issued by the College in relation to the location, arrangements and conduct of such events, including adequate stewarding and moderating, chairing, monitoring, and the provision of adequate control over entry. If College's IT systems are used, or if the College or individuals are identified as being members of the College, the College's Social Media Policy must be followed. Appropriate advice and permissions must be sought from the Director of Marketing and Student Recruitment.

- 5.2 In cases in which it is reasonable to assume that there is a possibility of disruption at an event, the College may consult with external agencies (likely to include the Police) regarding the security arrangements required.
- 5.3 In all circumstances, a named Principal Organiser should be identified, who is responsible for the booking and control arrangements of the event, and who will be held responsible for maintaining public order and, as far as possible, securing compliance with this Code.
- 5.4 Any organisers of any event held on College premises will be responsible for any costs involved in organising and holding such events and for ensuring, as far as possible, that nothing in the organisation and holding of such events infringes the law, or College Regulations, in any way.

6. Sanctions and Penalties

- 6.1 A student, staff member or member of the Board of Governors in breach of this Code may be subject to action being taken against them under the relevant College procedure.
- 6.2 Where those responsible for the breach are students or staff of a partner organisation of the College the Deputy Principal (Performance and Programmes) (or nominee) will inform the partner organisation with a view to that partner organisation taking action under its disciplinary or other relevant procedure.
- 6.3 Where a breach of this Code takes place at an event, the College may take steps to assist the police in identifying any persons committing offences with a view to appropriate action being taken against them.

7. Review and Amendment of the Code

- 7.1 The 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 Expression. The Academic Board and Board of Governors will therefore review this Code of Practice on Freedom of Expression every three years or as legislation dictates.

Appendix 1:

Regulation 6: Designation of managerial and executive functions pursuant to Article 9

(1) Academic management

Pursuant to Article 9, and subject to the responsibilities of the Academic Board as provided for in the Articles, the Board shall require the Principal to establish, in consultation with the Academic Board, operational limits and processes satisfactory to the Board and the Academic Board and where appropriate provided for in Regulation, for the following matters, to the extent that they are applicable to the business of the College and in all circumstances in furtherance of the Purpose of the College:

- a) the organisation, resourcing, regulation and provision of education in such academic and professional disciplines as from time to time may be deemed to be appropriate, whether for students of the College or for others;
- b) the making of provision for research to be undertaken, whether in the College's name or on behalf of other parties, and for the advancement, dissemination and preservation of knowledge, in such manner as from time to time may be deemed to be appropriate;
- c) the preservation of the right of each member of the academic staff to have the freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing his or her job or any associated privileges in jeopardy;
- d) the recognition of persons other than staff of the College as teachers or researchers in the College;
- e) the institution, endowment and award of fellowships, scholarships, bursaries, prizes and other grants for the encouragement of learning, teaching, scholarship and research;
- f) prescription of the conditions under which persons may be admitted as students of the College, or to any particular programme or course of study provided by the College;
- g) the control and regulation of the conduct and discipline of the students of the College, the making of such provision for their general welfare as from time to time may be deemed to be appropriate, and the making of arrangements for the legitimate complaints of students against their treatment by the College to be heard and, where appropriate, remedied.