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*(MQA Approved)*

# **Code of Practice on Freedom of Speech**

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# Code of practice on freedom of speech

## 1. Introduction

- 1.1 The Institute supports the principle of freedom of speech and expression within the law as one of the fundamental principles upon which the Institute is founded. It also has regard to the need to ensure that students and staff have freedom to question, test and to put forward new ideas and controversial or unpopular opinions, without placing themselves at any risk.
- 1.2 Every person employed at the Institute and Students and every student enrolling at the Institute should be aware that joining the Institute community involves obligations and responsibilities which are consistent with the above principle and the law.
- 1.3 The Institute has adopted this Code to help ensure that freedom of speech within the law is secured for students, employees and other members of the Institute (including honorary and visiting staff) and for all persons authorised to be on Institute premises, including visiting speakers.
- 1.4 The VTI Management will review and approve the Code at regular intervals and after changes in legislation or guidance, after appropriate consultation within the Institute .

## 2 Background

- 2.1 VTI has 'taken such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers within the local law act and its jurisdiction '.
- 2.2 This duty 'within the law' extends to ensuring 'so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.'
- 2.3 For the purposes of the Act, the Institute's duty extends to Students' premises. at the vti
- 2.4 The Act also requires institute to issue and keep updated a code of practice setting out the procedures to be followed by members, students and employees in connection with the organisation of meetings and activities, and the conduct required of them.

- 2.5 The Institute must also have regard, to ensure academic freedom as follows:
- ‘...academic staff of the Institute 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 in jeopardy or losing their jobs or any privileges they may have at the institute ’.
- 2.6 However, legal obligations also exist which may set limits on certain freedoms, in order to protect the rights and freedoms of others. The Institute must take into account these other relevant obligations and commitments according to the following legislation<sup>1</sup>:
- Human rights law
  - Equality law
  - Criminal law (including anti-terrorism laws)
  - The duty of care to staff, students and visitors
  - Civil law claims relating to spoken words
  - Data sharing
  - Charity law
  - Law relating to security staff
  - Students’ unions if any
  - Third party bookings of institute / Students’ union premises
- 2.7 The Institute must pay particular attention to the requirements of the Prevent duty when implementing this Code of Practice although this duty does not override the other issues that must be taken into account.

### **3 Application of the Code**

- 3.1 This Code of Practice sets out the rights and obligations inherent in supporting the principle of freedom of speech and expression within the law. The Code's obligations and rights apply to:
- The Institute (which includes all bodies or persons having authority to determine any matter relevant to this Code);
  - all governors and staff of the Institute ;
  - all students of the Institute ;
  - the Students' Union and its constituent societies, clubs and associations, and employees and sabbatical officers of the Students' Union;
  - any visiting or guest lecturers invited by the Institute ;
  - honorary doctors and fellows; and
  - any person or organisation wishing to hire premises controlled by the Institute for an event.
- 3.2 The Code applies to any activities in which students, staff, visitors and other members of the Institute engage in (including lectures, seminars, committee meetings) . It applied to any Institute premises freehold, leasehold, licence or otherwise, wherever situated, including and faith spaces and the Students’ Union.

- 3.3 This Code also applies to all meetings and events taking place in any Institute premises which lie outside normal scheduled classes. These activities will be described in the remainder of this document as "events".

#### **4 Ensuring academic freedom**

- 4.1 The principle of freedom of speech set out in this Code shall extend to the performance by all staff of their duties and responsibilities and to any visiting or guest lecturer invited by the Institute . It shall also extend to students presenting or exhibiting work produced during the course of their studies with the Institute .
- 4.2 Any person or body to which this Code applies shall not take any action (other than by reasonable and peaceful persuasion) to prevent the holding or continuation of any lecture, tutorial, exhibition, or other academic activity because of the views held or expressed or which are reasonably likely to be expressed, (whether or not within the Institute ) by the lecturer or tutor or student concerned, except as provided for in paragraph 4.3 below.
- 4.3 Any person or body to whom this Code applies shall not take any action (other than reasonable and peaceful persuasion) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are enrolled because of the views or beliefs held or lawfully expressed (whether or not within the Institute ) by that student or because of the reasonable likelihood that such views will be expressed.

#### **5 Events**

- 5.1 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 controlled by the Institute , consent shall not be unreasonably refused.
- 5.2 Save for the provisions in paragraph 5.4, it shall not be a reasonable ground of refusal of permission or facilities for any event that the views likely to be expressed there may be controversial or contrary to any policy of the Institute , the Students' Union, or Central or Local Government, provided that the expression of such views is lawful. 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 the Institute failing in its wider legal duties (for example, to promote equality of opportunity and good relations between persons of different racial groups). The fact that disorder may result at any event is not of itself a ground for refusal of permission or facilities unless the creation of such disorder is the intention of the organisers of, or speakers at, any such event or public safety and order might be jeopardised.
- 5.3 All events must be inclusive and not exclude any individuals on the basis of gender, ethnicity, age, marital status. In determining whether an event that is aimed at individuals with protected characteristics may go ahead, the Institute will follow the guidance from the Equality and Human Rights Commission.
- 5.4 It shall be accepted as reasonable to refuse consent, or withhold facilities for any event to which this Code applies where the Institute reasonably believes (from the nature of the organisation and/or speakers or from similar events in the past whether

held at the Institute or otherwise) that:

- the views likely to be expressed by any speaker are contrary to the law;
- the intention of any speaker is likely to be to incite breaches of the law or is to intend breaches of the peace to occur;
- the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose;
- it is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the Institute , that the event does not take place.

By 'speaker' this Code means any organiser or other person invited to address the meeting other than members of any audience at that meeting.

5.4 Where the Institute is reasonably satisfied that the otherwise lawful expression of views at any event is likely to give rise to disorder, the Institute shall consider what steps it is necessary to take to ensure:

- the safety of all persons,
- the maintenance of order; and
- the security of premises controlled by the Institute .

5.5 The Institute may impose such conditions and requirements upon the organisers as are reasonably necessary in all the circumstances. These may include, but are not limited to, requirements as to provision of stewards, variation of location and time, ticketing and whether the event shall be open to the public at large.

5.6 Where the Institute concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to their control, it may decline to permit such events to be held.

## **6 Organisation and consideration of events**

6.1 Organisers of events on premises controlled by the Institute shall normally be required to give at least 28 days' notice in writing of such a proposed event on the relevant Institute booking form. All events will be considered in relation to the External Speaker Procedure attached at Appendix A.

6.2 It will be a mandatory requirement that the organisers of any event indicate they accept the terms of this Code when making a venue booking. These conditions include the provision that where organisers change the speakers and/or the nature of an event after it has been booked, they must inform the Institute who will then review the approval for the event.

6.3 Where it is considered that there may be disorder at an event, the Institute, following consultation with the Assistant Manager , shall inform the person or body organising the event in writing within seven days of the date of the notice whether the meeting may go ahead.

6.4 If any person or organisation believes that the actions of the Institute Secretary in refusing permission or facilities for the holding of any event, or the actions of the Institute in imposing conditions are unreasonable, it shall have a right to make representations. Any representation shall be made to the Manager within seven days of the date of the letter confirming the original decision. The Manager -

shall consider such representations and within seven days shall confirm in writing to the relevant person or organisation whether the original decision is to be upheld or varied.

- 6.5 All event organisers shall ensure proper security and organisation (including stewarding and chairing). Such arrangements must be both for the purpose of protecting the right of freedom of speech and also the physical security of participants and others.
- 6.6 It shall be contrary to this Code for any person or body subject to the Code to organise, engage in or become associated with, any conduct with the intention of preventing (other than by reasonable and peaceful persuasion) any event subject to this Code from being held or from continuing. Whilst the heckling of speakers is a right not to be disturbed, it shall be contrary to the Code to seek, by systematic or organised heckling or disruption of such activity, to prevent the lawful expression of views.
- 6.7 The organisers of the event shall have a duty so far as is reasonably practicable to ensure that both the audience and the speaker act in accordance with the law during the event. In the case of unlawful conduct, the event organiser shall give appropriate warnings and, in the case of continuing misconduct, the event organiser shall require the withdrawal or removal by the stewards or if necessary by the police of the person(s) concerned.
- 6.8 It shall be the responsibility of the organisers of the event to ensure that no articles or objects shall be taken inside the venue where the event is being held in circumstances which are likely to lead to injury, damage or breach of the law.

## **7 No Platform policy**

- 7.1 The Institute will offer no platform to those who are intolerant of the free speech of others both generally and where it includes the denial of the right to hold or express an opposing opinion. This also includes those who engage in the active prevention of permitting others to speak, such as the interruption - violent or otherwise - of meetings (see 4.3).
- 7.2 The Institute reserves to itself the right to debar speakers or organisations from the Institute where it reasonably believes that their presence on Institute property is not conducive to good order, or where it would offend the principles of scholarly inquiry, or where it would put at risk the safety of students, staff or the general public.

## **8 Breaches of the code**

- 8.1 It shall be the duty of all those subject to the Code to assist the Institute in upholding the rights of freedom of speech set out in this Code. Where a breach of this Code occurs, it shall be a duty of all to whom this Code applies to take all reasonable steps to secure the identification of persons involved in that breach. Any breach of the provisions of this Code shall be dealt with under the Disciplinary Procedures of the Institute where applicable.
- 8.2 Where breaches of the criminal law occur, the Institute shall, where appropriate, assist the Police and the Prosecution Service. In respect of any criminal charges, the Institute, shall not, unless the Manager determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion on any ongoing criminal proceedings.

8.3 The operation of the Code shall be monitored by the Manager's Executive.