

Code of Practice on Free Speech

Introduction

1. The College aims to ensure that it provides an inclusive working and learning environment for its students and staff so that all may develop to their full potential.
2. As part of this objective all staff and students of the College are entitled to equal treatment on the basis of individual merit and without unfair discrimination as regards access to the benefits, facilities and services provided by the College.
3. Every member of the College, and every student and other individual associated with the College, is entitled to freedom of thought, conscience and religion, to hold opinions without interference, disability or disadvantage, and to freedom of expression within the law, including the right to seek, receive and impart information and ideas.
4. In pursuance of its duties as laid down in Section 43 of the Education (No. 2) Act 1986, the College has adopted this Code with a view to taking steps to ensure that freedom of speech within the law is secured for students, employees and other members of the College (including honorary and visiting staff) and for all persons authorised to be on College premises, including visiting speakers.
5. This Code takes into account that the United Kingdom is a party to the United Nations Covenant on Civil and Political Rights and the European Convention on Human Rights. The College attaches great importance to the values described in these documents. The basic right to freedom of expression and the exceptions to it are specified in Article 19 of the UN Covenant and Article 10 of the European Convention (see Annex A).

Range and application

6. This Code applies to all meetings and events (including lectures, seminars, committee meetings and musical and theatrical performances) on any premises wherever situated, of which the College has title or possession, by freehold, leasehold, licence or otherwise.
7. The Code also applies to any lawful activities in which students, staff, visitors and other members of the College engage in, anywhere on the College's premises as defined above.
8. Activities covered in 6 and 7 above will be described in the remainder of this document as "events".

Responsibilities of the school authorities

9. The College authorities and event organisers are responsible for upholding and maintaining the principles set out in the introduction of this Code.
10. The Academic Registrar will prescribe procedures to ensure events conform to the terms set out in this Code. S/he may consult any other officer of the College on the design and implementation of these procedures whenever s/he considers it appropriate to do so.

11. The College's Director of Planning and Estates, or her/his nominee, will normally be responsible for the management of an event that is considered to pose a security and/or safety risk to any person, building or facility at the College. In certain circumstances, measures such as the hiring of professional security staff and advising event organisers that the event should be ticketed may be required. Costs will fall to the organiser of an event. The College's Director of Planning and Estates or her/his nominee will also normally act as the main point of contact for the Police.
12. The College authorities will not deny use of College premises to any individual or body of persons on grounds connected with their beliefs, views, policy or objectives, provided that:
 - a) the College's premises are at all times used only for lawful purposes;
 - b) room bookings are made by persons whom the College authorities regard as properly responsible and in compliance with any prescribed procedures and/or reasonable adjustments for operation of this Code;
 - c) visiting speakers come on the College's premises only at the invitation of authorised staff, authorised students or other authorised members of the College;
 - d) the College authorities have given general or specific permission to use the College's premises for the purpose concerned.
13. The College reserves the right to refuse or withdraw permission for an event to take place, or to close an event once it has begun, or take such lawful action about an event, including security provision, as they see fit. The Academic Registrar will decide whether to refuse or withdraw permission for an event when it is considered appropriate and practical to do so, liaising with relevant parties as appropriate. The following list, which is not exhaustive, provides examples of the kinds of circumstances in which such action might be taken:
 - a) where the bounds of lawful free speech are exceeded or thought likely to be exceeded such as by incitement to commit crimes or breach of the peace;
 - b) where physical harm to persons, damage to College property or a breach of the peace is taking place or thought likely to take place;
 - c) where the frequency of bookings made by an individual or organisation seems calculated to inhibit access of others to the College's facilities;
 - d) if, in the opinion of the College authorities, unlawful acts are likely to take place, or indeed are taking place, as a result of the event in question.
14. A visiting speaker may be excluded on the grounds of his/her prior conduct or him/her denying free speech to others.
15. The College reserves the right of final decision about admission or exclusion of any person, including press, television and broadcasting personnel, in respect of any event covered by this Code.

Responsibilities of Event Organisers

16. Any event organiser, including any member or society of the Students' Union or other individual or group which wants to use the College's facilities to organise or sponsor an event, must:
 - a) comply with this Code and any prescribed procedures or measures which the College puts in place for the organisation, publicity and management of the event in question;
 - b) give the College's Room Bookings Office at least 5 working days in advance of the date on which the event will take place, full details of the event, including an

assessment of any risks - for example to free speech or security - envisaged. Tentative bookings may be made without details being supplied as soon as an event is conceived, but it is the organiser's responsibility to provide full details by the deadline. Where this is not done, events will in principle be automatically cancelled.

- c) pay any reasonable fee that the College may charge for the use of a room, facility and/or service, which may include the hiring of additional security personnel.

Responsibilities of Members of the College and Others Admitted to the School's Premises

17. All students and employees of the College, including its honorary and visiting staff, and all persons authorised to be present on School premises, including visiting speakers, must:
 - a) comply with this Code and any prescribed procedures or measures which the College puts in place for the organisation, publicity and management of an event;
 - b) take steps consistent with their personal safety to ensure that the principle of freedom of speech within the law is upheld in the College;
 - c) observe good order at any event which they attend. Good order will include the speaker(s) being heard clearly and him/her being able to access and leave an event safely.

Sanctions

18. If any person is dissatisfied with the College authorities' exercise of their responsibilities as set out in this Code, s/he may appeal in writing to the Academic Registrar.
19. The College will refuse or withdraw permission for an event to take place, or to close it once it has begun, if the organisers of it fail to comply with their responsibilities as set out in this Code or if there is a risk of unlawful acts taking place.
20. The College will consider taking appropriate action against any member of staff or student who breaches this Code or commits an unlawful act.
21. Action by anyone who is not a member of the College, including a visiting speaker, contrary to this Code, may result in the withdrawal of his/her licence to be on College premises, action for trespass or their future exclusion from the College.

Operation and Interpretation of the Code

22. The Governing Body will be responsible for policy issues connected with the interpretation of this Code, and will consider matters relevant to this Code as circumstances require.
23. The Master, or her/his nominee, will be responsible for appeals made under clause 18 of the Code.
24. The Academic Registrar is appointed by the Master to be responsible for the day-to-day operation of the Code.

25. In the event of disciplinary proceedings, interpretation of the Code will be a matter for the relevant disciplinary body or member of staff, who is authorised to adjudicate on the case in question.
 26. The Room Bookings Office will normally screen bookings from in and outside of the College. Where any booking gives rise to concern (such as bookings that may fall within the criteria outlined in paragraph 13 of this Code) the booking will be referred to the Academic Registrar to consider whether the event may proceed.
 27. The Director of Planning and Estates, or her/his nominee, will normally be present at any event or meeting at which there is considered to be a risk of disruption. S/he will normally act as the College's main point of contact for the Police.
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Annex A: Code of practice on free speech

UN covenant on civil and political rights, article 19:

- a. Everyone shall have the right to hold opinions without interference.
- b. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his/her choice.
- c. The exercise of the rights provided for in paragraph 2 of this Article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 1. For respect of the rights or reputations of others;
 - (b) For the protection of national security or of public order or of public health or morals.

European convention on human rights, Article 10 (also contained in UK law in the human rights act 1998):

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.
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