

St Edmund Hall

Code of Practice on Freedom of Speech

July 13, 2016

Policy statement on freedom of speech

Free speech is the lifeblood of a university. It enables the pursuit of knowledge. It helps us approach truth. It allows students, teachers and researchers to become better acquainted with the variety of beliefs, theories and opinions in the world. Recognising the vital importance of free expression for the life of the mind, a university may make rules concerning the conduct of debate but should never prevent speech that is lawful.

Inevitably, this will mean that members of St Edmund Hall are confronted with views that some find unsettling, extreme or offensive. The College must therefore foster freedom of expression within a framework of robust civility. Not all theories deserve equal respect. A university values expertise and intellectual achievement as well as openness. But, within the bounds set by law, all voices or views which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument. As an integral part of this commitment to freedom of expression, we will take steps to ensure that all such exchanges happen peacefully. With appropriate regulation of the time, place and manner of events, neither speakers nor listeners should have any reasonable grounds to feel intimidated or censored.

It is this understanding of the central importance and specific roles of free speech in a university that underlies the detailed procedures of St Edmund Hall, as laid out below.

Members, students, and employees of the College must conduct themselves so as to ensure that freedom of speech within the law is secured for members, students, and employees of the College and for visiting speakers. The freedom protected by this Code of Practice is confined to the exercise of freedom of speech within the law. The College believes that a culture of free, open and robust discussion can be achieved only if all concerned avoid needlessly offensive or provocative action and language.

Whilst there is no legal prohibition on offending others, the College expects speakers and those taking part in meetings or protest activities to respect its values, to be sensitive to the diversity of its community and to show respect to all sections of that community. An event which 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 their ethnicity, race, nationality, religion or belief, sexual orientation, gender, disability or age, is also likely to be unlawful. Advice on any aspect of this Policy Statement and the Code of Practice may be obtained from the Dean.

Code of Practice on Freedom of Speech

Code of Practice issued under section 43 of the Education (No. 2) Act 1986:

1. Section 43 of the Education (No. 2) Act 1986 requires the College to issue and keep up to date a code of practice to be followed by members, students, and employees of the College for the organisation of meetings and other events, which are to be held on College premises, and for the conduct required of members, students, and employees of the College in connection with meetings

and other events.

2. This Code applies to all members, students, and employees of the College, in respect of all College premises. Outdoor as well as indoor meetings and other events on College premises are included.

3. An intentional or reckless breach of this Code of Practice is an offence and may be the subject of disciplinary action. Where the acts of individuals involve alleged breaches of criminal law, the College will assist the prosecuting authorities in implementing the due process of law and any internal disciplinary proceedings may be deferred or suspended pending the outcome of criminal proceedings.

Meetings and events on College premises

(a) Meetings and events to which this Code applies:

4. In this part of the Code reference to a meeting or an event refers to meetings or other events where the nature of the meeting or event, the identity of the speaker or speakers or some other factor gives rise to reasonable concern on the part of the organisers, the Dean or other individuals that the proposed meeting or event may be disrupted or may result in violence, disorder, harassment or any other unlawful activity.

5. The Dean is responsible for approving suitable arrangements for such meetings and events and may make such directions, or issue such guidance, as is necessary to ensure that the nature and conduct of the meeting is lawful and in accordance with the provisions of this Code.

(b) Organisation of such meetings or events:

6. It shall be the duty of the organisers of every such meeting or event to seek the approval of the Dean for the holding of that meeting.

7. Any other member of the College or member of staff who has concerns about a prospective meeting or event should bring his or her concerns promptly to the attention of the Dean and the Dean shall take such reasonable steps as are warranted under paragraph 5 above.

8. Organisers should supply details of the date, time and place of the meeting, the names and addresses of the organisers, the name of the organisation making the arrangements, and the name of any expected speaker, whether or not a member of the College. Information is required at least seven working days in advance (although the Dean may, at his/her discretion, agree to receive information closer to the time of the meeting than this). The Dean may cancel any meeting or event where the required information has not been provided seven working days in advance.

9. The organisers of meetings and events should comply with any conditions set by the Dean concerned with the arrangements for the conduct of the meeting. Such conditions may include a requirement that tickets should be issued, that an adequate number of stewards should be provided, that the police should be consulted about the arrangements, and that the time and place of the meeting should be changed. The cost of meeting the requirements, and the responsibility for fulfilling them, rests with the organisers (save for academic meetings or events, where the expense rests with the department, faculty or college concerned).

10. The Dean will not seek to curtail or cancel a meeting or event unless in his/her considered opinion the meeting or event infringes on the legitimate rights and freedoms of others or poses a significant risk to health and safety or there is some other substantial and lawful ground for the

curtailment or cancellation. The Dean will consult as necessary with other appropriate officers of the College and the police about forthcoming meetings and events covered by the Code. In any case where serious disruption may be anticipated which may not be effectively addressed by any condition specified under paragraph 9 above, the Dean shall have power, having taken into consideration any advice received from the College officers and/or police, to order or to advise the cancellation, postponement, or relocation of the meeting.

11. All decisions will be reached by the Dean following careful consideration of the evidence available to him/her and will be limited to those actions that are reasonable, proportionate and necessary to prevent crime or disorder, or otherwise protect the legitimate rights and freedoms of others.

12. If an organiser is unhappy with the outcome of a decision of the Dean he or she may write to the Principal or, in the absence of the Principal, the Vice-Principal, setting out clear reasons for unhappiness with the decision and requesting a reconsideration of the decision.

(c) Conduct at such meetings or events

13. The organisers and those in attendance at any meeting or event must comply with any reasonable instructions given during the course of a meeting or event by the Dean, by any other College officer or person authorised to act on behalf of the College in the proper discharge of his or her duties, or by police.

14. It is the duty of every member, student, and employee of the College not to impede any person entitled to be present from entering or leaving a place where the right to freedom of speech is being or is to be exercised. This duty is subject only to such conditions as may have been specified in accordance with the terms of this Policy or any limitations imposed or directions given by the police or other relevant public authority.

15. Nothing in this Code shall be taken to prohibit the exercise of the right to protest by peaceful means; provided always that such protest is conducted lawfully within the general principles and other requirements of this Code, and the provisions of the Statutes and Regulations of the College.

College premises made available for use by outside organisations

16. In any case where the College is proposing to grant permission to an outside organisation or group to hold meetings or events on College premises, the outside organisation or group shall be required to act in accordance with this Code of Practice.

Other legal requirements

17. The College is mindful of its pro-active duties under equality legislation. The right to freedom of speech is constrained by laws protecting others from discrimination, victimisation and harassment, protecting national security and public safety, preventing of disorder or crime, protecting the reputation and rights of others, preventing the disclosure of information received in confidence, and preventing the risk of individuals being drawn into terrorism.

Reference to such legislation and guidance can be found in the Annex.

Applications of the Code

18. Any person who is in any doubt about the application of this Code of Practice to any meeting,

event or public gathering on College premises is under an obligation to consult the Dean, who will determine whether the provisions of the Code apply.

ANNEX

Relevant legislation and sources of information

Legislation in this area is characterised by three key themes (the current text of the legislation can be found by searching the Office of Public Sector Information website):

Protection of the special status of Higher Education Institutions:

- Education Act 1986
- Education (No. 2) Act 1986
- Education Reform Act 1988

Anti-discrimination legislation and proactive equalities legislation:

- Human Rights Act 1998 (incorporating the European Convention on Human Rights)
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003
- Race Relations Act 1976
- Race Relations (Amendment) Act 2000
- Sex Discrimination Act 1976
- Disability Discrimination Act 1995, as amended
- Equality Act 2006
- Racial and Religious Hatred Act 2006

Provisions that qualify rights:

- Public Order Act 1986
- Crime and Disorder Act 1998
- Protection from Harassment Act 1997
- Criminal Justice Act 2003 and Criminal Justice (Scotland) Act 2003
- Counter-Terrorism and Security Act 2015