



# Freedom of Speech Policy

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## 1. Policy Statement on Freedom of Speech

- 1.1. Members, students, and employees of University 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.
- 1.2. 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.
- 1.3. Under section 43 of the Education (No 2) Act 1986 universities are required to issue a Code of Practice. The following Code was approved by Council on 13 July 2009 and takes effect on 1 October 2009.
- 1.4. Advice on any aspect of this Policy Statement and the Code of Practice may be obtained from the Dean.

## 2. Code of Practice on Freedom of Speech

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

- 2.1. 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 University 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. No revision of this Code will take effect until agreed by the Governing Body.
- 2.2. This Code applies to all members, students, and employees of University College, in respect of all College premises. Outdoor as well as indoor meetings and other events on College premises are included.
- 2.3. An intentional or reckless breach of this Code of Practice is an offence under the College's Regulations 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.

### **3. Meetings and events on University College premises**

#### a) Meetings and events to which this Code applies

- 3.1. 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 Deans or other individuals that the proposed meeting or event may be disrupted or may result in violence, disorder, harassment or any other unlawful activity.
- 3.2. The Dean and her/his deputies are 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

- 3.3. 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.
- 3.4. 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.
- 3.5. Organisers should supply details of the date, time and place of the meeting, the names, addresses, and Colleges (if any) 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 University or the College. Information is required at least seven working days in advance (although the Dean may, at her/his 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.
- 3.6. 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).
- 3.7. The Dean will not seek to curtail or cancel a meeting or event unless in their 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 the Master, or in his absence the Vice-Master, and where necessary with the University Marshal and 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 Marshal and/or police, to order or to advise the cancellation, postponement, or relocation of the meeting.

3.8. All decisions will be reached by the Dean following careful consideration of the evidence available to them 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.

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

c) Conduct at such meetings or events

3.10. 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 or Junior 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.

3.11. It is the duty of every member, student, and employee of University 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.

3.12. 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 College's Regulations.

#### **4. College premises made available for use by outside organisations**

4.1. 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.

#### **5. Other legal requirements**

5.1. University 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, and preventing the disclosure of information received in confidence. Reference to such legislation and guidance can be found in the Annexe to this document.

## 5.2. Applications of the Code

Any person who is in any doubt about the application of this Code of Practice to any meeting, event or public gathering on University College premises is under an obligation to consult the Dean, who will determine whether the provisions of the Code apply.

## **ANNEXE**

### **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

*Helpful guidance is available in the following places:*

University of Oxford Integrated Equal Opportunities [Policy](#)

University of Oxford [Race Equality Policy](#)

University of Oxford Harassment [Code of Practice](#)

Universities UK: (links to PDF) [Promoting good campus relations: dealing with hate crimes and intolerance](#)