

# Linacre College

## Freedom of Speech Policy

*The following Code was approved by the Governing Body of the College on 15<sup>th</sup> June 2016 and takes effect forthwith.*

### **Preamble**

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 the University/College are confronted with views that some find unsettling, extreme or offensive. The University/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 Linacre College, laid out here.

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 University 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.

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 University in connection with meetings and other events. No revision of this Code will take effect until due notice has been given by Governing Body. Advice on any aspect of this Policy Statement and the Code of Practice may be obtained from the Senior Tutor.

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

1. This Code applies to all members of the College, including fellows, students, and employees and to those hiring College premises for any function. It applies to all College premises, outdoor as well as indoor meetings and events organised by the College at other venues.
2. An intentional or reckless breach of this Code of Practice is an offence under Bylaw 7.II.2 of the College 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 to which this Code applies**

3. This Code applies to a meeting or an event 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 Senior Tutor, the Operations Manager or other individuals that the proposed meeting or event may be disrupted or may result in violence, incitement to violence, disorder, harassment or any other unlawful activity.

### **Organisation of such meetings or events**

4. Any 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 Senior Tutor or Operations Manager.
5. The Senior Tutor and Operations Manager 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.

6. It shall be the duty of the organisers of every such meeting or event to seek the approval of the Senior Tutor or Operations Manager for the holding of that meeting.
7. 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 College. Information is required at least seven working days in advance (although the Senior Tutor and Operations Manager may, at their joint discretion, agree to receive information closer to the time of the meeting than this). The Senior Tutor or Operations Manager may cancel any meeting or event where the required information has not been provided seven working days in advance.
8. The organisers of meetings and events should comply with any conditions set by the Senior Tutor and Operations Manager 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).
9. The Senior Tutor and Operations Manager 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. They will consult as necessary with the Principal, or in his absence the Vice-Principal, 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 Senior Tutor or Operations Manager 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.
10. All decisions will be reached by the Senior Tutor and Operations Manager 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.
11. If an organiser is unhappy with the outcome of a decision of the Senior Tutor and Operations Manager they may write to the Principal or, in his absence the Vice-Principal, requesting a reconsideration of the decision by the Governing Body.

### **Conduct at such meetings or events**

12. 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 Senior Tutor or Operations Manager, 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.
13. 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.
14. 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 Bylaws of the College.

### **Other legal requirements**

15. 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, and preventing the disclosure of information received in confidence.

### **Applications of the Code**

16. 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 Senior Tutor, who will determine whether the provisions of the Code apply.