

## **CODE OF PRACTICE ON FREEDOM OF SPEECH**

The following provisions constitute the Code of Practice adopted by Brasenose College to operate with effect from 1 September 1987 to facilitate the discharge of the duty imposed by Section 43(10) of the Education (No.2) Act 1986, in relation to the College, and as amended on 15<sup>th</sup> June 2016 to comply with the Section 26(1) of the Counter-Terrorism and Security Act 2015 (the “Prevent” duty).

### **PART 1 – General Duties**

#### **1. General duty to uphold freedom of speech**

Members, students, and employees of the College are bound at all times so to conduct themselves as to ensure that freedom of speech within the law is secured for members, students, and employees of the College and for visiting speakers.

2. The freedom protected by para.1 of this Code of Practice is confined to the exercise of freedom of speech within the law. Examples of statements which involve a breach of the criminal law are incitement to commit a crime, sedition, encouragement of terrorism and stirring up racial hatred in contravention of statute. Statements may also be unlawful if they are defamatory or constitute a contempt of court.
3. The College believes that a culture of free, open and robust discussion can only be achieved if all concerned avoid needlessly offensive or provocative action and language. 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.
4. General duty not to impede access to, or egress from, places at which the right of freedom of speech is exercised on premises of the College.

Subject to such limitations on access as may lawfully be imposed by the competent college authorities, it shall be 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 of freedom of speech is being or is to be exercised on premises of the College.

#### **5. Right of peaceful protest**

Nothing in this Code of Practice shall be taken to prohibit the legitimate exercise of the right to protest by peaceful means; provided always that

nothing is done which contravenes the foregoing general principles or the other requirements of this Code.

## **PART 2 – Academic Activities**

6. All persons concerned with the organization or conduct of an activity which forms part of the College's teaching, study, or research (such as a tutorial, lecture, seminar, class, conference, research work, or examination) shall immediately give notice to the Dean of any facts coming to their notice which indicate that such activity is likely to be delayed or disrupted by improper means.
7. The Dean shall be empowered to give such directions and to adopt such measures as seem appropriate to the Dean to prevent or minimize the delay or disruption of an academic activity, and all persons concerned with the organization or conduct of the academic activity under threat shall co-operate in carrying out the Dean's directions and in facilitating the measures adopted.
8. In the event that any academic activity is delayed or disrupted by improper means a report shall forthwith be made to the Dean by the person or persons responsible for the conduct of such activity.

## **PART 3 – Visiting Speakers, meetings and assemblies on premises of the College of clubs, societies, and other organizations**

9. Any member, student, or employee of the College who, whether alone or in collaboration with other persons, makes arrangements for the holding on premises of the College of any meeting or assembly of persons (including any visiting speaker, or meeting of any club, society or other organization and whether with or without a restriction to college membership), and who becomes aware of facts indicating that such meeting or assembly is likely to be delayed or disrupted by improper means, or is likely to risk breaking the law shall immediately report such facts to the Dean.
10. In relation to any such meeting or assembly which he believes to be threatened, the Dean shall be empowered, if necessary after consultation with other Officers of the College and other authorities (eg Proctors or police), to give such directions and to require the adoption of such measures as seem appropriate to the Dean to prevent or minimize the improper delay or disruption, or to reduce the risk of illegal activity and all persons concerned shall be bound to co-operate in carrying out the Dean's directions and in facilitating the measures required to be adopted. Where such persons are employees of the College, the Dean shall, where possible, consult the Bursar before issuing directions.
11. The Dean will not seek to curtail or cancel a meeting unless in his/her considered opinion the meeting or event infringes on the legitimate rights and freedoms of

others or he/she considers that the views likely to be expressed at such a meeting constitute illegal views. An appeal may be made to the Principal.

#### **PART 4 – Powers of the Dean in relation to threatened meetings**

##### **12. (1) Directions and measures to be adopted**

In relation to any academic activity or any meeting or assembly of persons which the Dean believes to be threatened by disruption, the Dean may give directions and require measures to be adopted pursuant to paras. 6 and 10 of this Code on the following (amongst other) matters:

- (a) the number of persons to be admitted to the premises where the meeting is to be held;
- (b) the issue of tickets of admission;
- (c) the designation of one or more persons as the official organizers of the meeting with direct responsibility to the Dean for all the arrangements thereof;
- (d) the designation of a persons as the chairman of the meeting with responsibility for the proper conduct of such meeting;
- (e) the admission (or non-admission, as the case may be) of members of the University who are not members of the College, or members of the public generally;
- (f) the appointment of stewards to assist with the control of the meeting;
- (g) the employment of security staff to ensure the orderly conduct of the meeting and safe access to and egress from the meeting;
- (h) the carrying of banners, placards and similar objects into the meeting;
- (i) the place where the meeting is to be held.

##### **(2) Meetings where serious disruption is anticipated**

The Dean may as necessary consult with the Proctors and the local police about forthcoming meetings and activities covered by this Code of Practice. In any case where serious disruption may be anticipated the Dean shall have power, having taken into consideration such

advice from the police as may be available, to order the cancellation, postponement, or relocation of the meeting.

(3) **Expenses incurred in safeguarding academic activities and other meetings**

Where expenses are incurred (e.g. in the engagement of stewards or the employment of security staff) to safeguard an academic activity under Part 2 of this Code of Practice the cost thereof shall be borne by the College. In all other cases the cost shall be borne by the person or persons organizing the meeting, save that the Dean may (if so advised) make representations to the Principal, Bursar or Senior Tutor of the College suggesting that the cost shall be borne in whole or in part by the College and any two of the Principal, Bursar or Senior Tutor may decide the matter.

**PART 5 – College premises made available for use by outside organisations**

13. In any case where the College is proposing to grant permission to an outside organization or group to hold meetings on its premises, the attention of such outside organization or group will be drawn to the contents of this Code of Practice and permission to use the premises may be refused unless the outside organization or group both undertakes to secure that the principles embodied in this Code will be upheld and satisfies the college authorities of its ability to discharge its obligations in regard to upholding freedom of speech.
14. The Dean may decide on action relating to a meeting or group of meetings including
- a) Ensuring a balance of speakers
  - b) Cancelling the event;
  - c) Informing the police
  - d) Taking further advice from the University, police or other responsible persons.

**PART 6 – Miscellaneous**

15. The Governing Body of the College is under a duty pursuant to Section 43 (3) of the Education (No. 2) Act 1986 to keep this Code of Practice up to date. No revision of the Code will, however, take effect until after due notice has been given.
16. Failure to comply with the provisions of this Code of Practice may render the offender liable to disciplinary proceedings. Nothing in this Code of Practice affects the normal operation of the criminal law.

17. In the preceding provisions the term “the Dean” is to be understood as referring to the Dean in person or, in his absence, any other person with decanal authority.
18. 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. Reference to such legislation and guidance can be found in the Annexe to this bylaw.

### **Applications of the Code**

19. 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.

### **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

Counter-Terrorism and Security Act 2015