

St Hugh's College, Oxford

Code of Practice on Freedom of Speech

The following provisions constitute the Code of Practice adopted by St Hugh's College to facilitate the discharge of the duty imposed by Section 43(10) of the Education (No.2) Act 1986, and by Article 10 of the European Convention of Human Rights and the Human Rights Act 1998, in relation to the College.

1. Introduction

Statutory Obligations

1 The Education (No 2) Act 1986, Section 43, imposes on the authorities of universities and their constituent colleges obligations to safeguard the lawful exercise of freedom of speech and requires each of them to issue a code of practice to facilitate the discharge of its duties under the Act. The authorities are further required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to ensure compliance with the code of practice. The duties imposed by Parliament, and the interpretation provisions, are as follows:

- 1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.
- 2) The duty imposed by sub-section 1) above includes in particular the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with:
 - (a) the beliefs or views of that individual or of any member of that body; or
 - (b) the policy or objectives of that body.
- 3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection 1) above in relation to that establishment, issue and keep up to date a code of practice setting out:
 - (a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation:
 - (i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and
 - (ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and
 - (b) the conduct required of such persons in connection with any such meeting or activity; and dealing with such other matters as the governing body consider appropriate.

4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under sub-section 3) above, are complied with.

5) The establishments to which this section applies are:

(a) any university;

(b) any establishment which is maintained by a local education authority and for which section 1 of the 1968 (No 2) Act (government and conduct of colleges of education and other institutions providing further education) requires there to be an instrument of government; and

(c) any establishment of further education designated by or under regulations made under section 27 of the 1980 Act as an establishment substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the 1944 Act.

6) In this section -

‘governing body’, in relation to any university, means the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs (that is to say the body commonly called the council of the university);

‘university’ includes a university college and any college, or institution in the nature of a college, in a university.

7) Where any establishment:

(a) falls within subsection 5) (c) above; or

(b) falls within subsection 5) (c) above by virtue of being substantially dependent for its maintenance on assistance from local education authorities:

the local education authority or authorities maintaining or (as the case may be) assisting the establishment shall, for the purposes of this section, be taken to be concerned in its government.

8) Where a students union occupies premises which are not premises of the establishment in connection with which the union is constituted, any reference in this section to the premises of the establishment shall be taken to include a reference to the premises occupied by the student’s union.

2 The University’s own statutes include under XI (of University Discipline) the following provision:

‘2. (1) No member of the University shall in a university context intentionally or recklessly:

- (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social, cultural, or other activities of the University;
- (b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by members, students, and employees of the University or by visiting speakers;
- (c) obstruct or attempt to obstruct any officer, employee, or agent of the University in the performance of his or her duties;
- (d) deface, damage, or destroy or attempt to deface, damage or destroy any property of or in the custody of the University or of any college or of any member, officer, employee, or agent of the University or of any college, or knowingly misappropriate such property;
- (e) occupy or use or attempt to occupy or use any property or facilities of the University or of any college except as may be expressly or impliedly authorised by the university or college authorities concerned;
- (f) forge or falsify any university certificate or similar document or knowingly make false statements concerning standing or results obtained in examinations;

(3) Every member of the University shall, to the extent that such provisions may be applicable to that member, comply with the provisions of the Code of Practice on Freedom of Speech issued from time to time by Council pursuant to the duty imposed by section 43 of the Education (No. 2) Act 1986 and duly published in the University Gazette.'

2. CODE OF PRACTICE

This Code of Practice covers events taking place on College premises (whether those events are College sponsored or part of an external, third party booking); the Code also covers events held elsewhere which are funded by, affiliated with, or branded by the College. Speakers and audience alike are reminded of their responsibilities to observe St Hugh's College's policies on harassment and equal opportunities, and to conduct civil academic discussions at all times. The following provisions constitute the Code of Practice adopted by St Hugh's College to facilitate the discharge of the duty imposed by Section 43 (1) of the Education (No 2) Act 1986, in relation to the College:

PART 1 - GENERAL DUTIES

General Duty to Uphold Freedom of Speech

- 1 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 paragraph 1 of the Code of Practice is confined to the exercise of freedom of speech within the law. Criminal speech is proscribed. Examples of statements which involve a breach of the criminal law are incitement to commit a crime, sedition, 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 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.

4 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

5 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 Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) of any facts coming to their notice which indicate that such activity is likely to be delayed or disrupted by improper means.

6 The Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) shall be empowered to give such directions and to adopt such measures as seem appropriate 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 Senior Tutor's, Dean's or Bursar's directions and in facilitating the measures adopted.

7 In the event that any academic activity is delayed or disrupted by improper means a report shall forthwith be made to the Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) by the person or persons responsible for the conduct of such activity.

PART 3 - MEETINGS AND ASSEMBLIES ON PREMISES OF THE COLLEGE OF CLUBS, SOCIETIES AND OTHER ORGANIZATIONS

8 College rooms are available for use by members of the College and College societies. Booking is via the Conference Office and students will require decanal permission. Bookings by students for events involving an external speaker should be approved by the Dean.

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 or persons (including any 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, shall immediately report such facts to the Senior Tutor (academics), Dean (students) or Bursar (non-academic staff).

10 In relation to any such meeting or assembly which s/he believes to be threatened, the Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) shall be empowered to give such directions and to require the adoption of such measures as seem appropriate to prevent or

minimize the improper delay or disruption, and all persons concerned shall be bound to cooperate in carrying out the Senior Tutor's, Dean's or Bursar's directions and in facilitating the measures required to be adopted.

PART 4 - POWERS IN RELATION TO THREATENED MEETINGS

11 (1) Directions and Measures to be Adopted

In relation to any academic activity or any meeting or assembly of persons which the Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) believe to be threatened by disruption, s/he may give directions and require measures to be adopted pursuant to paragraphs 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 Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) for all the arrangements thereof;
- d) the designation of a person 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 or Where Security Concerns are Raised

The Head of House, Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) 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 s/he shall have the 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 (eg 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 Senior Tutor (academics), Dean (students) or Bursar (non-academic staff) may (if so advised) make representations to the Governing Body of the College suggesting that the cost shall be borne in whole or in part by the College and the Governing Body may decide the matter.

PART 5 - COLLEGE PREMISES MADE AVAILABLE FOR USE BY OUTSIDE ORGANIZATIONS

- 12 In any case where the College is proposing to grant permission to an outside organization or group to hold meetings in 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 undertake 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.

PART 6 - MISCELLANEOUS

- 13 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.
- 14 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.

Approved by Governing Body, 15 June 2016