

Gazette Supplement



Code of Practice on Freedom of Speech

Approved by Council on 9 February 2015

The following Code of Practice on Freedom of Speech was approved by Council on 9 February 2015. It supersedes the Policy on Freedom of Speech (Supplement (1) to *Gazette* No 4889, 29 July 2009) and may be amended by Council from time to time, in particular, in response to recent government legislation which is not yet in force.

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

Members, students and employees of the University must conduct themselves at meetings and other events on University and OUSU premises so as to ensure that freedom of speech within the law is secured for members, students and employees of the University and for visiting speakers. The University 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. The freedom protected by this Code of Practice is confined to the exercise of freedom of speech within the law.

1 Section 43 of the Education (No 2) Act 1986 requires the University to issue and keep up to date a code of practice to be followed by all members, students and employees of the University for the organisation of meetings and other events, which are to be held outdoors, as well as indoors, on University and Oxford University Student Union (OUSU) premises, and for the conduct required of members, students and employees of the University in connection with any such meetings and other events.

2 An intentional or reckless breach of this Code of Practice is an offence under section 2 (3) of Statute XI of the University's

Statutes and members of the University are reminded that alleged breaches of this Code may be the subject of disciplinary action.

3 In addition, while this Code only applies to the organisation of meetings and other events on University and OUSU premises, members of the University are reminded that the relevant University disciplinary regulations will apply to conduct outside of University premises. Conduct at meetings and events outside of University premises may also be governed by any code of practice that those premises may have in place.

4 No revision of this code will take effect until due notice has been given by publication in the University *Gazette*.

Meetings and events on University premises

5 Where the nature of a proposed meeting or event, the identity of the speaker or speakers or some other factor gives rise to concern on the part of the organisers, or any other member of the University, they are responsible for bringing the meeting or event promptly to the attention of the Proctors. Members of the University must always report events where they consider that:

- the meeting or event may give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;

- a proposed external speaker is a member of, or is likely to use the event to encourage support for, a proscribed organisation¹;
- the meeting or event is likely to pose a risk to health and safety of those lawfully on University premises; or that it may prompt a risk to public safety.

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

Procedure

7 Organisers must supply details of the following:

- time and date of the proposed meeting or event
- proposed location of the meeting or event
- the names, addresses and colleges (if any) of the organisers
- the name of the organisation making the arrangements
- the name of any expected speaker and whether or not they are a member of the University

¹Under the Terrorism Act 2000, the Home Secretary may proscribe an organisation if she/he believes it is concerned in terrorism. For the purposes of the Act, this means that the organisation:

- (a) commits or participates in acts of terrorism
- (b) prepares for terrorism
- (c) promotes or encourages terrorism (including the unlawful glorification of terrorism) or
- (d) is otherwise concerned in terrorism.

- an overview of the meeting or event and the topics that will be covered
- whether the event will be open to members of the public.

8 Information is required at least seven working days in advance (although the Proctors may, at their discretion, agree to receive information closer to the time of the meeting than this). The Proctors may cancel any meeting or event where the required information has not been provided seven working days in advance.

9 The Proctors may consult with relevant bodies as appropriate.

Decisions

10 All decisions will be reached by the Proctors following careful consideration of the evidence presented to them and the impact of the proposed event on the goals of eliminating unlawful discrimination and promoting equality of opportunity and good relations between different groups. The Proctors will limit any actions to those that are, in their assessment, reasonable, proportionate and necessary to ensure, as far as reasonably practicable, that events are directed to lawful purposes and do not cause a significant risk to the health and safety of those lawfully on University premises, or to the public.

11 The Proctors have the power to postpone or relocate a meeting or event or to impose conditions. Such conditions may include, but are not limited to, 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.

12 In the event that the Proctors consider that the risks posed by the proposed meeting or event cannot be reasonably mitigated by conditions, they have the right to cancel the event. The cost of cancellation rests with the organisers.

13 The Proctors will communicate their decision to the organisers of the event promptly and will set out the reasons for the decision.

Appeal

14 If an organiser is unhappy with the outcome of a decision of the Proctors he or she may write to the Vice-Chancellor or the Vice-Chancellor's delegate, setting out clear reasons for unhappiness with the decision and requesting a reconsideration of the decision.

15 The Vice-Chancellor or Pro-Vice-Chancellor (as appropriate) will communicate their decision on the appeal to the organisers of the event promptly and will set out the reasons for the decision.

Colleges

16 The provisions of section 43 of the Education (No 2) Act 1986 apply separately to colleges.

17 Members of the University are reminded that University disciplinary regulations apply outside of University premises including but not limited to college premises.

University premises made available for use by outside organisations

18 In any case where the University is proposing to grant permission to an outside organisation or group to hold a meeting or event on University premises, the provisions of this Code will apply.