

Freedom of Expression

CODE OF PRACTICE ON FREEDOM OF EXPRESSION INCLUDING SPEECH, DISPLAY OF NOTICES, TEMPORARY SIGNS, AND THE DISTRIBUTION OF LITERATURE

Issued by the Governing Body of St Anne's College on 1st September 1987 pursuant to its statutory duty under Section 43 (3) of the Education (No 2) Act 1986, as amended on 31st October 2001

I. INTRODUCTION

Statutory Obligations

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 in section 43 of the above Act, and the interpretation provisions, are set out in Appendix 1 hereto.

The University's own statutes include under Tit. XIII (Of University Discipline) the provisions set out in Appendix 2 hereto.

In addition to the specific provisions of this Code, the College's Regulations include the provisions set out in Appendix 3 hereto.

This Code of Practice operates in accordance with the Counter-Terrorism and Security Act 2015 which imposes a duty on the College to have 'due regard to the need to prevent people from being drawn into terrorism' (the PREVENT duty) and full account should be taken of this Act and any relevant College policies, codes of practice and statements, including the 'Free Speech Statement for St Anne's College' adopted by Governing Body on 18/05/2016 and set out in Appendix 4 hereto.

II. CODE OF PRACTICE

The following provisions constitute the Code of Practice adopted by St Anne's College to operate with effect from 1st September 1987, as amended on 31st October 2001 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

1. General duty to uphold freedom of expression

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

2. The term "freedom of expression" includes freedom of speech and other forms of expression including but not limited to the display of posters, notices, temporary signs and distribution of literature. Particular provisions are made in section 18 below relating to such displays and distribution.

3. The freedom protected by para. 1 of this Code of Practice is confined to the exercise of freedom of expression within the law. Examples of expressions which involve a breach of the criminal law are incitement to commit a crime including incitement to being drawn into terrorism, stirring up racial hatred and causing unlawful harassment, alarm or distress in contravention of statute. Expressions may also be unlawful if they are defamatory, obscene, indecent, in breach of confidentiality or copyright or constitute a contempt of court.
4. The term “unlawful conduct” wherever it occurs in this Code of Practice shall be deemed to include conduct in breach of the civil law, the criminal law or conduct which does not conform to the principles of this Code.
5. General duty not to impede access to, or egress from, places at which the right of freedom of expression 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 expression is being or is to be exercised on premises of the College, or premises hired by the College.

6. For the avoidance of doubt it is lawful for the College to deny access to any individual or body of persons to premises of the College, or premises hired by the College where there is reason to believe that such individual or body of persons will commit unlawful conduct or where the presence of such individual or body at those premises is reasonably considered to be likely to lead commission of unlawful conduct or to cause damage to those premises.
7. This Code is designed to ensure that all duly authorised meetings and activities will proceed without disruption, without access or exit of speakers or audience being improperly impeded, without the safety of those attending being endangered, without intimidation and without breach of the peace.
8. 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, or which is unlawful and contravenes the Statutes, Bylaws or Regulations of the College and/or of the University.

PART 2 – Academic Activities

9. All persons concerned with the organisation 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, or in his/her absence a Fellow designated by him/her to act as his/her delegate, of any facts coming to their notice which indicate that such activity is likely to be delayed or disrupted by unlawful conduct.
10. 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 organisation or conduct of the academic activity under threat shall co-operate in carrying out the Dean’s directions and in facilitating the measures adopted.

11. In the event that any academic activity is delayed or disrupted unlawful conduct, a report shall forthwith be made to the Dean by the person or persons responsible for the conduct of such activity.

PART 3 – Meetings and assemblies on premises of (or hired by) the College of clubs, societies and other organisations

12. (i) The holding of meetings or any other functions on College premises (or premises hired by the College) requires leave from the Dean who may specify any conditions on which such functions may be held.
- (ii) Use of the Hall, common rooms, lecture rooms, seminar rooms, gardens and any other College property requires the permission of the Bursar and the Dean, preferably in that order.
13. 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 meeting of any club, society or other organisation and whether with or without a restriction to College membership), and who becomes aware of facts indicating that such a meeting or assembly is likely to be delayed or disrupted by unlawful conduct, shall immediately report such facts to the Dean.
14. In relation to any such meeting or assembly which he believes to be threatened, the Dean shall be empowered to give such directions and to require the adoption of such measures as seen appropriate to the Dean to prevent or minimise the improper delay or disruption and all persons concerned shall be bound to co-operate in carrying out the Dean's directions and facilitating the measures required to be adopted.

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

15. (i) 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 direction and require measures to be adopted pursuant to paras. 10 and 14 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 organisers of the meeting with direct responsibility to the Dean 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 of the meeting and safe access to egress from the meeting;

- (h) the carrying of banners, placards, flags and similar objects into the meeting;
 - (i) the place where the meeting is to be held and planning of entry/exit routes, timing and duration of the meeting;
 - (j) liaison and cooperation with the police;
 - (k) requiring the meeting to be declared public (which would permit a police presence);
 - (l) control of press, radio and TV reporting facilities;
 - (m) the Dean may nominate a Controlling Officer who shall have the right to be present on behalf of the College at a meeting and who may issue directions to the participants if considered necessary, including, but not limited to, the requirement of the withdrawal of persons or the closure of the meeting or event;
 - (n) conditions that no article or object may be taken onto any College premises in circumstances likely to lead into intimidation, injury or damage.
- (ii) The organiser of a meeting or event is required to satisfy the Dean that all such conditions will be complied with. Permission to hold the meeting or activity may be refused or cancelled by the Dean where such assurance is not provided.

(iii) Meetings where serious disruption is foreseen

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.

(iv) 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 organising the meeting, save that the Dean may (is 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 organisations

16. In any case where the College is proposing to grant permission to an outside organisation or group to hold meeting on its premises, the attention of such outside organisation 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 organisation 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 expression.

PART 6 – Refusal to Authorise Event or Withdrawal of Authorisation

17.1 The Dean has the authority to refuse the College facilities for any meeting or activity:

17.1.1 on the ground referred to in Paragraph 6 above (likelihood of unlawful conduct etc); or

17.1.2 by reason of the likelihood of:

- (a) breach of the provision of Paragraph 7 above; or
- (b) breach of any conditions under Paragraph 15 above; or
- (c) breach of any of the provisions of this Code; or

17.1.3 Failure to meet any of the conditions made under Paragraph 15 above or otherwise under this Code.

17.2 The authority in Paragraph 17.1 may be exercised at any time, even after the meeting or event has commenced, and even if the Dean has previously agreed to allow the meeting or event to proceed, whether or not subject to conditions.

17.3 Nothing in this Code shall preclude refusal to accept a booking on administrative grounds, such as unavailability of suitable accommodation, inability to agree arrangements, past payment record, past behaviour record, inadequate notice, etc.

PART 7 – Display of Posters, Notices, Temporary Signs and the Distribution of Literature

18.1 The display of posters, notices and temporary signs is restricted to the College's officially designated notice-boards and to the College's official portable purpose-built signposts or to other official portable purpose-built signposts authorised by an appropriate College officer. The display of such material on doors, walls or any other surface either internal or external is not permitted (except for appropriate safety or emergency notices when authorised by an appropriate College officer).

18.2 Before any material is displayed or made available for public distribution, permission to display such material on notice-boards or to deposit such material at distribution points must first be obtained from the person, office or organisation designated as responsible for the notice-board or distribution point.

18.3 Except for official College notices and official distribution points, permission to display or distribution will normally be granted only to staff and students representing recognised internal groups, societies or other organisations.

18.4 Display material should normally be presented in the English Language or accompanied by an English language translation.

18.5 Material displayed in contravention of these rules will be removed and the perpetrator(s) required to pay for the cost of such removal together with the cost of any necessary repairs or cleaning to surfaces.

- 18.6 Any displayed material, whether in single-sheet, pamphlet or booklet form, must contain the name of the group responsible for its promulgation and the name and department/address of an authorised person/officer.
- 18.7 Breaches of these rules may be treated as misconduct under the College's student or staff disciplinary procedures.
- 18.8 Any student or member of staff responsible for a poster, notice, sign or any other publication which is threatening, abusive or insulting and likely to cause harassment, alarm or distress, or to stir up racial hatred, or which is obscene, indecent, in contempt of Court, blasphemous, defamatory or otherwise unlawful will be subject to disciplinary action.

PART 8 – Miscellaneous

- 19 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.

A copy of the Code and any amendments thereto shall be published on the College notice board, communicated to the Presidents of the respective Common Rooms and sent to each College employee.

- 20. 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.

In all places in this document mention of the Dean shall be taken to mean the Dean or in his/her absence a Fellow of the College nominated by him/her as his/her delegate.

APPENDIX 1

CODE OF PRACTICE ON FREEDOM OF EXPRESSION SECTION 43 OF THE EDUCATION (No. 2) ACT 1986

- (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 it 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 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 of other activities which are to take place on those premises and which fall within any class of activity so specified;
 - (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.

APPENDIX 2

CODE OF PRACTICE ON FREEDOM OF EXPRESSION UNIVERSITY STATUTES OF UNIVERSITY DISCIPLINE TIT.XIII

2. (a) No member of the University shall in a university context intentionally or recklessly:
- (i) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social, or other activities of the University, or disrupt or attempt to disrupt the lawful exercise of freedom of speech by members, students, and employees of the University and by visiting speakers, or obstruct or attempt to obstruct any employee or agent of the University in the performance of his or her duties;
 - (ii) damage or deface any property of the University or of any college or of any member, officer, or employee of the University or of any college, or knowingly misappropriate such property;
 - (iii) 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;
 - (iv) forge or falsify any university certificate or similar document or knowingly make false statements concerning standing or results obtained in examinations;
 - (v) engage in any activity likely to cause injury or to impair safety;
 - (vi) engage in violent, indecent, disorderly, threatening, or offensive behaviour or language;
 - (vii) engage in any dishonest behaviour in relation to the University or the holding of any university office;
 - (viii) refuse to disclose his or her name and other relevant details to an officer or an employee or agent of the University or of any college in circumstances where it is reasonable to require that that information be given;
 - (ix) use, offer, sell or give to any person drugs, the possession or use of which is illegal;
 - (x) Engage in the harassment of any member, visitor, employee, or agent of the University or of any college.
- (a) 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.

APPENDIX 3

THE COLLEGE'S REGULATIONS

Reg 1.2 (ii) Every member of the College shall, to the extent that such provisions may be applicable to that member, comply with the provisions of the Codes of Practice approved from time to time by the Governing Body pursuant to the duty imposed by Acts of Parliament.

Reg. 6.1 (ii) No junior member shall intentionally or recklessly engage in conduct likely to bring the College into disrepute.

Reg. 6.1 (iii) No junior member shall engage in conduct likely to disrupt teaching or study or research or the administration (including domestic administration) of the College or disrupt or attempt to disrupt the lawful exercise of freedom of speech by members, students and employees of the College or of the University and by visiting speakers or obstruct or attempt to obstruct any officer or servant of the College in the performance of her duties.

Reg. 6.1 (iv) Conduct of which other members of the College might reasonably complain even when not otherwise specified in the Regulations, is to be avoided and may be treated as an offence. This applies particularly to the making of excessive noise and behaviour, including drunken behaviour, detrimental to the smooth functioning of the College as a place of study.

Reg. 6.2 (ii) The Dean, in consultation with the Domestic Bursar, has overall responsibility for student events which take place in college. Permission in the first instance must be obtained from the Domestic Bursar for the giving of parties or the holding of meetings or any other functions with external speakers on College premises. The Dean may be asked to specify any conditions on which such functions may be held. This is not intended to prohibit the peaceful exercise of the liberties of freedom of expression or of association (see Annexe II.C.1 (Freedom of Expression)). Ten days' notice is required.

FREE SPEECH STATEMENT FOR ST ANNE'S COLLEGE

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 St Anne's College are confronted with views that some find unsettling, extreme or offensive. St Anne's 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 St Anne's College, laid out in its policy documents found at www.st-annes.ox.ac.uk/home.