

# Freedom of Speech



## A Code of Practice issues by the College Council in accordance with the Education (No.2) Act 1986, Section 43

### Preamble

The College is committed to the principles of free enquiry and of free speech within the law. These principles mean that vigorous debate is proper and acceptable and that the College must enable a wide range of views and opinions on social, economic, political and religious issues, however unorthodox, unpopular, uncomfortable, controversial or provocative. However, any event or speaker which creates an environment of fear, harassment, intimidation, verbal abuse or violence in reference to any of the protected characteristics outlined in the Equality Act 2010 is likely to be unlawful.

These principles give rise to an obligation on members of the College individually and in groups to respect other members and groups and not to interfere in or seek to hamper or curtail the legitimate activities or affairs of other individuals or groups. This mutual respect is fundamental in a university community and confers rights on members of the College to be able to conduct their affairs free from unlawful or improper interference. Royal Holloway has a duty to give effect to, to enforce and to promote these principles, rights and obligations in order to ensure for all members of the College – staff and students – both free speech and freedom from intimidation, harassment and fear.

### Scope of the Code of Practice

1. This Code of Practice applies to any meeting (this definition shall be extended to all activities and gatherings of people) where there is demonstrated potential difficulty for a speaker to enter or leave College premises safely and/or to deliver their speech.
2. The requirements of the code apply to all members of the College, both staff and student, and of the Students' Union.

### Requirements of the Act

3. The Education (No.2) Act 1986 requires every individual and body of persons concerned in the government of a higher education institution to 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 institution and for visiting speakers.
4. The Act also requires that, as far as is reasonably practicable, the use of the facilities of the institution is not denied to any individual or group of persons on any ground connected with the belief or views or that individual or group or the policy or objectives which they may hold.
5. The Act requires the governing body of an institution to issue a code of practice which establishes the procedures to be followed by members of the institution regarding meetings held on the premises which fall under the purview of this Code, and the conduct required in connection with these meetings.
6. Every individual and body of persons concerned in the government of the institution, including the members of the Students' Union, is required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to ensure that the Code of Practice is complied with.

### Requirements of the Code of Practice

7. Where a meeting which falls under the scope of paragraph 1, it is the responsibility of the organisers to identify that this is the case and then consult the Code. Should the College learn of any meeting which it feels falls within the scope of paragraph 1, the College Secretary may subject this meeting to the requirements of the Code. The College Secretary will inform the organisers of the meeting of this decision, stating the reasons as to why the decision was made.

8. When the meeting is organised by more than one individual or by a collective group of people, one person must be appointed as the principal organiser in order to simplify communication with the College. The principal organiser must give the College Secretary a minimum of three weeks' written notice of a meeting which falls under the scope of paragraph 1; only in exceptional cases will the College Secretary accept less than three weeks' notice.
9. The organiser must provide details of the date, time and place of the meeting, the topic to be discussed, the name of the speaker and whether the meeting is to be private or open to the public. It should be noted that as College premises are private premises, all meetings which take place therein are classed as private, unless the public is expressly invited to attend.
10. The College has identified certain venues on campus which have been approved as safe venues in which to hold meetings which fall within the scope of paragraph 1. Any room choice must be pre-approved by the Security Manager.
11. The principal organiser of a meeting which falls under the scope of paragraph 1 must book one of the agreed rooms either through Sales and Marketing or Timetabling depending on the room and the time of day it is required. This should preferably be done before notice of the meeting is given to the College Secretary. If all of the agreed rooms are already booked, the meeting may have to wait until one of the rooms becomes free.
12. Should a meeting need to be kept confidential within the College until nearer the date of the meeting, it is advised that the principal organiser contacts the College Secretary as early as possible. The College Secretary will offer advice as to how best to proceed with the meeting.
13. The College Secretary will respond to the principal organiser in writing within one week of receiving notice of the meeting. Where the College Secretary withholds permission for College premises to be used, they will state their reasons. Where permission is granted, the College Secretary may attach any conditions which they consider necessary for the fulfilment of the College's legal obligations to protect and secure freedom of speech.
14. These conditions may include, but are not limited to, a requirement that tickets must be issued where a meeting is open to the public; or that an adequate number of stewards must be provided by the organisers and that the College Secretary must be satisfied about their suitability; or that members of the College Security staff must be present to help keep order; or that a member of the College's staff, appointed by the College Secretary, must be present as a 'controlling officer'. The requirements may also concern the admission or exclusion of the public or representatives of the media. The organisers are expected to comply fully with all such conditions.
15. The College Secretary may, at their discretion, consult with the police about any meeting under the scope of paragraph 1 and, if appropriate, attach further conditions. These may include a requirement for the meeting to be declared public (which would allow for police presence); or they may arrange for College staff to take complete responsibility for security arrangements.
16. If the College Secretary is not satisfied that adequate arrangements to keep order can be made, with the result that the speaker would not be able to enter or leave College premises safely and/or deliver their speech, the College Secretary may at the outset refuse permission for a meeting or later withdraw permission already given.
17. The principal organiser may appeal to the Principal against the whole or part of the College Secretary's decision. The Principal's ruling will be final.
18. At the meeting, there shall be a Chair who is responsible for conducting the meeting. The Chair must keep order and, as far as is possible, ensure that the speaker and the audience act within the law. The Chair should issue warnings when unlawful conduct occurs and, should such conduct continue, can enforce the removal of the offender(s) with the assistance of any security or police officers in attendance. Should a meeting become out of control, the 'controlling officer' placed by the College shall take charge and close down the meeting. If no 'controlling officer' is present, any security officers present will take charge, acting on information which they will have previously been given by the Security Manager or on their own initiative. If a 'controlling officer' or security officer is not present, the Chair should send a member of the organising group to seek help from the security staff at their normal post.

19. College premises must be left clean and tidy after meetings. Should any additional cleaning or repairs be required after a meeting, the organisers may be charged accordingly. Payment in advance, or evidence of the ability to pay, may be required before a meeting takes place.

### **Invitation of speakers**

20. In the case of speakers invited by students acting independently of their academic department, speakers must come at the invitation of the Students' Union. Speakers may not be invited by a student or students acting individually.
21. In the case of speakers invited by staff acting independently of their department, academic or professional services, speakers must come at the invitation of a recognised collective body (i.e. a Faculty or a College-recognised trade union), the Chair of which should have been consulted and given formal approval, or from the appropriate Head of Department or Service.
22. In the case of speakers invited by a member of staff or student acting on behalf of their department, academic or professional services, or on behalf of a society formally recognised by the department, the Head of Department should have been consulted and given formal approval.
23. In the case of meetings organised by the Council, speakers may be invited by the Council as a group or by one or more individuals. Individuals must consult the Chair or, in their absence, the Vice-Chair of Council for approval.
24. In the case of meetings held when College premises are hired by external organisations, the contract between the College and such external organisations shall make clear that speakers must abide by the provisions of this Code.

### **Sanctions**

25. Failure to observe the requirements of this code or of any conditions laid down by the College Secretary will make the student(s) or staff concerned liable to disciplinary action by the College. In the case of students, the Student Disciplinary Regulations will apply.

### **The Role of Council**

26. All meetings for which the use of College premises is granted or withheld under this Code will be reported to the Council.
27. The Council will review this Code every five years.

**Approved by: Council**

**Date: 2 October 2013**

**To be reviewed: before October 2018**