

# Freedom of Speech

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

### Preamble

The College is committed by its mission to the principles of free enquiry and of free speech within the law. These principles mean that vigorous debate is perfectly proper and acceptable and that the College must tolerate a wide range of views and opinions on social, economic, political and religious issues, however unorthodox, unpopular, uncomfortable, controversial or provocative. Additionally, any action, or publication must be lawful: racial or sexual discrimination and incitement to racial hatred are therefore proscribed.

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 meetings or other activities (meetings for short) where there is a real likelihood that the speaker may not be able to enter or leave College premises safely and/or to deliver his or her speech.
2. The requirements of the code apply to members of the Council, staff of the College and students registered at the College (known together as “members of the College”) and 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 university 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. This in turn includes a particular requirement that, so far as is reasonably practicable, the use of College premises shall not be denied to any individual or body of persons on grounds connected with the beliefs or views of that individual or that body, or with the policy and objectives of that body.

5. The Act further requires the governing body of the institution to issue a code of practice setting out procedures for the organisation of meetings and other activities which are to take place on the premises of the institution, and the conduct required in connection with these meetings and activities.
6. Finally, every individual and body of persons concerned in the government of the institution, together with the Students' Union, is required to take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the Code of Practice is complied with.

### **Principles of the Code of Practice**

7. The Council affirms its commitment to freedom of speech. It must, however, take account of legal obligations resting on it, beyond those imposed by the Act. For instance, a speaker who incites an audience to violence, breach of the peace or racial hatred goes beyond the bounds of lawful speech. Again, assemblies, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace.
8. The prime responsibility for identifying meetings which fall within the scope of paragraph 1 rests on the organisers, to whom the requirements of the code then apply. If in any doubt, the organisers should consult the College Secretary.
9. Where the College otherwise learns of any meeting which in its view falls within paragraph 1, the College Secretary may subject this to the requirements of the code. If so, he or she will so inform the organisers in writing, stating the reason or reasons why he or she has decided that the meeting falls within paragraph 1.
10. College premises are private premises. Accordingly, all meetings taking place there are private, unless the public is expressly invited to attend.

### **Speakers**

11. The code is concerned with all speakers falling within paragraph 1, whether or not they are members of the College.
12. In the case of meetings organised by students, speakers must come at the invitation of the Students' Union or of a club or society recognised by the Students' Union. They may not be invited by a student or students individually.
13. In the case of meetings organised by staff, speakers must come at the invitation either of a collective body such as a Faculty, or a trade union, or of a member or members of the staff individually. The latter must first consult their Head of Department.
14. In the case of meetings organised by the Council, speakers must come at the invitation of the Council collectively or of a member or members individually. The latter must first consult the Chairman or (in his or her absence) the Vice-Chairman of the Council.

15. In the case of meetings or events 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.

### **Other Requirements of the Code of Practice**

16. Where a meeting is organised by a collective body or by two or more individuals, the organisers should appoint one person as the principal organiser in order to simplify communication and liaison between the organisers and the College and to avoid possible confusion.
17. The principal organiser of a meeting must give the College Secretary three weeks' written notice, setting out the date, time and place of the meeting; the subject of the address; the name of the speaker; and a statement whether the meeting is to be private or open to the public. Exceptionally, where three weeks' notice is impracticable, the College Secretary may agree to accept shorter notice.
18.
  - (i) Where the meeting is organised by the Students' Union or by a club or society recognised by the Students' Union, it must be held in one of the limited number of rooms specified by the College. The list of specified rooms is as follows:  
  
Main hall, Students' Union Building  
  
Main lecture theatre, Founder's Building  
  
Lecture Block A and B  
  
Lecture rooms 1, 2 and 3, Arts Building
  - (ii) The principal organiser of such a meeting must therefore book one of the specified rooms (using the standard booking form). This should preferably be done before the notice of the meeting is given to the College Secretary. If all the specified rooms are already booked, the meeting must be held over until one of the rooms becomes free.
19. Within one week of receiving notice from the principal organiser, the College Secretary will respond in writing. Where the College Secretary withholds permission for College premises to be used, s/he will state his/her reason or reasons. Where s/he grants permission, the College Secretary may attach any conditions which s/he considers necessary for the fulfilment of the College's legal obligations to protect and secure freedom of speech.
20. These conditions may, for example, include a requirement that tickets must be issued where a meeting is to be 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 in keeping order; or that a member of the College's staff, appointed by the

College Secretary, must be there as a “controlling officer”. They may also concern the admission or exclusion of representatives of the media. The organisers are expected to comply fully with all such conditions.

21. The College Secretary has discretion to consult the police and, if s/he does so and then thinks it appropriate, to attach further conditions. S/he may, for example, require a meeting to be declared public (which would allow for police presence); or s/he may arrange for College staff to take complete responsibility for the security arrangements.
22. 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 to deliver his or her speech, s/he may at the outset refuse permission for a meeting or later withdraw permission already given.
23. The organisers may appeal to the Principal against the whole or part of the College Secretary’s decision. The Principal’s ruling will be final.
24. Where a meeting proceeds, the organisers are under a duty to see that nothing in their preparations for it or their conduct of it infringes the law.
25. The College will normally supply and meet the cost of a public address system and/or a relay system to an additional room, if there is reason to consider either or both of these necessary for an adequate hearing for the speaker.
26. No articles or objects may be taken inside the building where a meeting is taking place, or taken or used elsewhere on College premises, in circumstances where the presence or use of those articles or objects is likely to lead to injury or damage.
27. The responsibility for conducting a meeting rests with the Chair. This calls for a close liaison and consultation beforehand between the Chair and principal organiser, especially if the College Secretary has attached any conditions to permission to use College premises.
28. At the meeting, the Chair has a duty to keep order and, so far as possible, to secure that both the speaker and the audience act in accordance with the law. The Chair should issue warnings if unlawful conduct such as the use of violence is threatened or takes place and, where such conduct continues, should require the offenders to withdraw or to be removed by the stewards. The Chair may call upon the help of any security officers whose presence the College Secretary has made a condition of holding the meeting.
29. However, if the Chair has made all reasonable efforts to keep order but the meeting goes or continues out of control, any “controlling officer” present will take charge. If there is no “controlling officer”, any security officers present will take charge, acting on instructions or advice which the Security Manager has given to them beforehand but otherwise using their own initiative. In the absence of a “controlling officer” or security officer, the Chair must send one or more of the stewards to seek help from the security staff at their normal station of work.

30. College premises used for meetings must be left clean and tidy. In default, the organisers may be charged for any additional cleaning and for any repairs which are necessary. Payment in advance, or evidence of ability to pay, may be required before a meeting takes place.

### **Sanctions**

31. Failure to observe the requirements of this code or of any conditions laid down by the College Secretary makes the students or staff concerned liable to disciplinary action by the College. In the case of students, Regulations for jurisdiction on non-academic grounds will apply.

### **Conclusion**

32. All meetings for which the use of College premises is granted or withheld under this code will be reported to the Council.
33. The Council will review this code from time to time.

*(Amended following decisions taken at the Council meeting on 22 June 1999)*