

## Exeter College

### Code of Practice on Freedom of Speech and Prevent

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

**Members, students and employees of the College must conduct themselves at meetings and other events on College premises so as to ensure that freedom of speech within the law is secured for members, students and employees of the College and for visiting speakers. The College 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 College to issue and keep up to date a code of practice to be followed by all members, students and employees of the College for the organisation of meetings and other events, which are to be held outdoors, as well as indoors, on College premises, and for the conduct required of members, students and employees of the College in connection with any such meetings and other events.
- 2.** An intentional reckless or negligent breach of this Code of Practice may constitute an offence under the College's Disciplinary Code and members of the College 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 College premises, conduct at meetings and events outside of College 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 except by decision of the Governing Body of the College.

#### **Meetings and events on College 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 College, they are responsible for bringing the meeting or event promptly to the attention of the Prevent Officer. Members of the College 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 organisation;<sup>1</sup>

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<sup>1</sup> Under 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 is otherwise concerned in terrorism.

- the meeting or event is likely to pose a risk to health and safety of those lawfully on College premises; or that it may prompt a risk to public safety.

As required by section 12 of the Terrorism Act 2000, the College will not provide a platform for speakers where it is known that:

- the proposed speaker belongs to, or professes to belong to, a proscribed organisation; or
- the proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.

**6.** Any member of the College who is in any doubt about the application of this Code of Practice to any meeting, event or public gathering on College premises is under an obligation to consult the Prevent Officer, 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;
- 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 Prevent Officer may, at their discretion, agree to receive information closer to the time of the meeting than this). The Prevent Officer may cancel any meeting or event where the required information has not been provided seven working days in advance.

**9.** For any event or meeting, the proposed addition or deletion of any speaker or component of the programme as supplied under Clause 8 above must be submitted to, and secure the approval of the Prevent Officer, in advance of the event or meeting. Such changes may result in the cancellation of the event.

**9.** The Prevent Officer may consult with relevant College and University Officers or outside bodies as appropriate.

## Decisions

**10.** The Prevent Officer shall have the power to do the following in relation to any meeting or event on college premises:

- to give such directions and to adopt such measures as seem appropriate to prevent or minimize the delay or disruption of it;
- to postpone, relocate or impose conditions on it. 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.
- if the Prevent Officer considers it to be necessary and proportionate to meet the college's legal obligations, they may require that the event include a speaker or speakers who will present different arguments or points of view.

**11.** In deciding whether to exercise their powers the Prevent Officer will act in accordance with the College's legal responsibilities, including

- the importance of academic freedom (as required e.g. by the Education Reform Act 1988);
- the need to ensure that freedom of speech within the law is secured (as required e.g. by the Education (No 2) Act 1986);
- the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
- to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between different groups in accordance with the Public Sector Equality Duty; and
- the Counter-Terrorism and Security Act 2015 which requires universities and other 'specific authorities' to 'have due regard to the need to prevent people from being drawn into terrorism' (sec 26(1)) and which also provides that 'when carrying out the duty imposed by section 26(1)', universities must have particular regard to the duty to ensure freedom of speech; and to the importance of academic freedom.

**12.** The Prevent Officer may only cancel or postpone a meeting if, in their assessment, that is necessary, proportionate and reasonable to either:

- ensure the event is not directed to an unlawful purpose; or
- reduce or eliminate a significant risk to ensure that the meeting or event does not cause a significant risk to the health (physical or mental) or safety of those lawfully on College premises or to the public; or
- meet the legal obligations of the College, including those specified in paragraph 11 above.

The cost of cancellation rests with the organisers.

**13.** The Prevent Officer 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 Prevent Officer they may write to the Rector, setting out clear reasons for unhappiness with the decision and requesting a reconsideration of the decision by the Governing Body.

**15.** The Rector will communicate the Governing Body decision on the appeal to the organisers of the event promptly and will set out the reasons for the decision.

## The University

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

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

## College premises made available for use by outside organisations

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

By College Order 20/048, this policy was approved on 17<sup>th</sup> June 2020 with immediate effect, and was also approved for display on the website.

