



## Policy for Managing External Speakers

### Preamble

Freedom of speech and academic freedom are central tenets of life within the Collegiate University.

New College, Oxford seeks to protect robustly civic and academic freedoms and to foster an academic culture of openness and inclusivity, in which members of our community engage with each other, and the public, in debate and discussion, and remain open to both intellectual challenge and change.

The legal duty of UK universities to protect free speech is enshrined in legislation, including the Education (No. 2 Act) 1986 and the Human Rights Act 1998 and academic freedom is protected by the Education Reform Act 1988. Section 43 of the Education (No. 2) Act 1986 specifically requires universities 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 establishment and for visiting speakers';
- 'ensure so far as is 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—
- the beliefs or views of that individual or of any member of that body; or
- the policy or objectives of that body.' and
- 'issue and keep up to date a code of practice for meetings and events.'

The central importance of freedom of expression and academic freedom in a university underlies this Code.

### 1. Interpretation

This policy must at all times be interpreted within the framework provided by *The Handbook of New College, Oxford*, and its related links and documents: <http://www.new.ox.ac.uk/deans-handbook>

### 2. Scope

This Code of Practice must be followed by all members, students and employees of New College, Oxford, and visiting speakers in respect to all meetings and other events held outdoors or indoors on College premises. It is not anticipated that events and meetings which have been organised as part of the academic curriculum or co-curriculum need to be considered under the provisions of this Code.

### 3. Key principles

Freedom of speech and academic freedom must be protected. The College believes that a culture of free, open and robust discussion can be achieved only if all concerned engage critically but

courteously with each other. The College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration. The College is committed to fostering an inclusive culture that promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected. All activity must be risk assessed and planned in accordance with the rules and principles laid out in *The Handbook of New College, Oxford*.

#### **4. Procedure**

Senior Members and employees of the College who are organising meetings or events or who are responsible for administering external bookings are responsible for assessing whether there are any major risks or issues in the context of this Code. Such assessments should, where appropriate, be made in discussion with colleagues locally in the first instance, and then the Dean (or the Assistant Dean) who will, if necessary, consult the University Security Services or the Proctors' Office.

Where events and meetings raise concerns that the meeting or event:

- i) 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.
- ii) is likely to pose a risk to the safety of those lawfully on College premises; or that it may prompt a risk to public safety.
- iii) required by section 12 of the Terrorism Act 2000, the University 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.

Junior Members organising meetings and events do so via the normal channels for the promotion of events held by Junior Members in College, and are required by these procedures to inform the Dean (or the Assistant Dean) of information relating to the above three provisions. The Dean (or the Assistant Dean) will take advice from the University Security Services or the Proctors' Office where appropriate.

#### **5. Role of the Dean**

In the context of this Code, the Dean (or the Assistant Dean) is entrusted with the duty to assess the implications of events referred to them and to act in accordance with the College's responsibilities, including:

- i) The importance of academic freedom (as required e.g. by the Education Reform Act 1988);
- ii) the need to ensure that freedom of speech within the law is secured (as required e.g. by the Education (No 2) Act 1986);

- iii) the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
- iv) 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
- v) the Counter-Terrorism and Security Act 2015 which requires universities and other 'specified 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.'

The Dean (or the Assistant Dean) shall act in a risk based and proportionate manner and with the desire, wherever possible, to enable events or meetings to proceed.

## **6. Referral**

When concerns are to be raised formally, the **Event Referral Form** should be submitted to the Dean. Such a referral may be made by the organisers of the event, or by any member of College who has concerns in the context of the Prevent legislation. Such concerns may be raised at any time, but should normally be a minimum of 7 working days before the event is due to take place.

An intentional or reckless breach of this Code of Practice or a frivolous, vexatious and/or malicious referral may lead to disciplinary action being taken under the appropriate College procedure.

## **7. Decisions**

The Dean (or the Assistant Dean) has the power to postpone or relocate a meeting or event or to impose conditions. The responsibility for fulfilling these conditions rests with the organisers.

In the exceptional event that the Dean (or the Assistant Dean) considers that the risks cannot be mitigated by the imposition of conditions, or the organisers refuse to comply with the Dean's (or the Assistant Dean's) conditions, the Dean (or the Assistant Dean) have the right to cancel the meeting or event and may do so even if an Event Referral Form has not been provided.

The Dean (or the Assistant Dean) will communicate their decision promptly and will set out the reasons for the decision.

## **8. Appeal**

If an organiser or any member of the College or member of College staff who has consulted the Dean (or the Assistant Dean) with concerns about a meeting or event is unhappy with the outcome of a decision of the Dean, they may write to the Warden, setting out clear reasons for their unhappiness with the judgement and requesting a reconsideration of the decision.

## **9. Review of the operation of the Code**

The Dean, in consultation with the College's Prevent Committee, shall review the operation of this Code after its first twelve (12) months and report to the College on any recommended changes.