



# CODE OF PRACTICE ON FREEDOM OF SPEECH

10 OCTOBER 2024

## 1. INTRODUCTION

- 1.1 St John's College is fully committed to the principle, and to the promotion, of freedom of speech.
- 1.2 This Code of Practice sets out the College's commitment to freedom of speech, outlines the various legislative frameworks under which such freedoms must be upheld and may be circumscribed, and summarises the procedures used by the College to manage these issues.

## 2. SCOPE

- 2.1 This Code of Practice applies to:
  - 2.1.1 all Fellows, staff and students of the College; and
  - 2.1.2 visiting speakers and all other visitors participating in formal College activities on College premises.
- 2.2 For the avoidance of doubt, where College premises, facilities or services are hired to support external meetings or events, for example business dinners or commercial conferences, this Code of Practice does not apply.
- 2.3 References in this Code of Practice to "College premises" means those premises over which St John's College exercises control, whether indoor or outdoor.
- 2.4 The University of Cambridge has its own duty to secure freedom of speech within the law and has issued its own Code of Practice on this topic.
- 2.5 The activities of the College student bodies - the Junior Combination Room (JCR) and the Samuel Butler Room (SBR) - are subject to this Code of Practice.

## 3. KEY CONCEPTS AND LEGISLATIVE FRAMEWORK

- 3.1 Freedom of speech means the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form) without interference.
- 3.2 Academic freedom, in relation to Fellows and academic staff at the College, means their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without loss of their jobs or privileges at the College, or the likelihood of their securing promotion or different jobs at the College being reduced.
- 3.3 These concepts are underpinned by the Human Rights Act 1998, which brings the European Convention on Human Rights into direct effect in national law. Article 10 of the Convention articulates freedom of expression as a human right and sets out the

limited circumstances in which that right might be circumscribed (such as to protect public safety, for the prevention of disorder or crime, or for the protection of the reputation or rights of others). These concepts also exist within other UK legislation. Universities and similar institutions in England (including the College) have duties under the Higher Education and Research Act 2017 (as amended by the Higher Education (Freedom of Speech) Act 2023) to take such steps as are reasonably practicable to secure and promote freedom of speech and academic freedom within the law for staff and students and for visiting speakers.

- 3.4 Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on certain bodies, including higher education institutions such as the College, in the exercise of their functions to have 'due regard to the need to prevent people from being drawn into terrorism'. This necessitates the establishment of protocols and procedures by which to assess the risks associated with meetings or events that are university hosted, affiliated, funded, or branded. This Act also requires the College to have particular regard to its other duties with regard to academic freedom and freedom of speech. Debate, discussion, and critical enquiry are, in themselves, powerful tools in preventing people from being drawn into terrorism.
- 3.5 Under the Equality Act 2010, it is illegal to subject anyone to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, the provisions of the Equality Act 2010 are not to be interpreted to undermine freedom of speech and academic freedom. As a result, students' learning experience and the working environment of the college may include exposure to research, course material, discussion or speakers' views that may be found offensive, contentious or unacceptable, but are nonetheless within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.
- 3.6 There are other legislative requirements that may be relevant in particular cases, such as offences under the Terrorism Acts if speech encourages terrorism, or amounts to the incitement of religious or racial hatred or hatred on the grounds of sexual orientation under the Public Order Acts, as well as statutory requirements relating to the holding of processions and assemblies. The College is not under any obligation to secure or promote freedom of speech that contravenes any legislative requirements.

#### 4. VALUES

- 4.1 The College is committed to freedom of thought and expression' and freedom from discrimination. Its members are encouraged to engage in robust, challenging, evidence-based and civil debate as a core part of academic enquiry and wider College activity, even if they find the viewpoints expressed to be disagreeable, unwelcome or distasteful. These values extend to the SBR and JCR. The steps the College takes to embed these values in practice are set out in section 5 below.
- 4.2 The College fosters an environment in which members can participate fully in College life, and feel able to question and test received wisdom, and to express new ideas and controversial or unpopular opinions within the law, without fear of intolerance or discrimination. In exercising their right to freedom of speech, the College expects its members and visitors to be tolerant of the differing opinions of others, in line with the College's commitment to freedom of expression. The College also expects its members and visitors to be tolerant of the diverse identities of others, in line with the College's commitment to freedom from discrimination. While debate and discussion may be robust and challenging, all speakers have a right to be heard when exercising their right to free speech within the law. Neither speakers nor listeners should have reasonable grounds to feel censored or intimidated.
- 4.3 The College is committed to allowing the exercise of freedom of thought and expression within the law without placing individuals at risk of losing their job student

status, Fellowship or other supernumerary position, or any College privileges and benefits they have or affecting the likelihood of their securing other jobs or roles in the College. The College expects members to engage with intellectual and ideological challenges in a constructive, questioning and peaceable way. The right of members to freedom of assembly, and to protest against certain viewpoints, should not obstruct the ability of others to exercise their lawful freedom of speech.

## 5. STEPS THE COLLEGE TAKES TO ENSURE FREEDOM OF SPEECH AND ACADEMIC FREEDOM

5.1 The College's teaching, programme of events, policies and procedures reflect its obligations to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law, acknowledging the very high level of protection for the lawful expression of viewpoints and for speech in an academic context, including but not limited to:

- a) its processes for admission, appointment, reappointment and promotion;
- b) its policies relating to equality, diversity and inclusion and the Prevent duty;
- c) its processes for enabling research; and
- d) its codes of conduct and other behaviour policies, which will ensure no individual will be subjected to disciplinary sanction or other less favourable treatment by or on behalf of the College because of the lawful exercise of freedom of speech or academic freedom.

5.2 The College does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment.

5.3 The College has processes in place to identify and manage any risks to freedom of speech or academic freedom arising from the terms of certain overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships.

5.4 The College:

- 5.4.1 brings this Code of Practice to the attention of new students at registration and new Fellows and staff during induction;
- 5.4.2 brings it to the attention of members of College through the staff, student and Fellows' handbooks, and refers to it in other documentation as appropriate;
- 5.4.3 for relevant members, makes them aware of opportunities for training about freedom of speech and academic freedom;
- 5.4.4 has measures in place to raise concerns about freedom of speech and academic freedom;
- 5.4.5 ensure that when new policies and procedures are introduced consideration is given to any impact on freedom of speech and academic freedom;
- 5.4.6 has appropriate processes for the holding of events and meetings as set out in section 6 below;
- 5.4.7 considers any concerns raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practicable and to identify any lessons learned; and
- 5.4.8 takes reasonable steps to secure compliance with this Code of Practice, including where appropriate taking disciplinary action.

## 6. COLLEGE AND STUDENT UNION EVENTS AND MEETINGS – PROCEDURES AND CONDUCT OF ATTENDEES

6.1 Active speaker programmes are fundamental to the academic and other activities of the College and its members are encouraged to invite and to engage critically but courteously with a wide range of speakers, including as set out at paragraph 6.6 of

this Code. This Code of Practice includes the mechanisms by which the College can cancel or impose conditions on College meetings or events, where this action is deemed necessary as a result of the event's subject matter and/or speaker(s). The use of College premises should not inappropriately be denied to any individual or body of persons on any ground connected with their beliefs or views or the policy or objectives of a body (with the exception of proscribed groups or organisations) of which they are a member. However, all speakers should anticipate that their views might be subject to robust debate, critique and challenge.

- 6.2 The College's starting point is that an event should go ahead and that cancellation is exceptional and undesirable. Depending on the circumstances, it may however be reasonable to refuse permission for a meeting or event where the College reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the College or otherwise) that:
  - 6.2.1 the views likely to be expressed by any speaker are contrary to the law;
  - 6.2.2 the speaker is likely to incite breaches of the law or to intend breaches of the peace to occur;
  - 6.2.3 the meeting will not permit contrary or opposing viewpoints to be held or expressed;
  - 6.2.4 the speaker and/or the organisation they represent advocates or engages in violence in the furtherance of their political, religious, philosophical or other beliefs;
  - 6.2.5 the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations; or
  - 6.2.6 it is in the interest of public safety, the prevention of disorder or crime, the proper functioning of the College or the protection of those persons lawfully on College premises, that the meeting does not take place.
- 6.3 The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a College, meeting or event.
- 6.4 Where the College is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on College premises is likely to give rise to disorder or threats to the safety of participants or the wider College community, the College shall consider what steps it is necessary to take to ensure the safety of all persons and the security of College premises. These may include, but are not limited to: requirements as to the provision of security/stewards, the speaker being part of a panel, ensuring that a member of staff is in attendance, or that the event or meeting should take place in alternative premises, at a later date, or in a different format. The College may impose such conditions and requirements upon the organisers as are reasonably necessary in all the circumstances, ensuring that the conditions and requirements go no further than is necessary to address the risks it has identified.
- 6.5 These narrow exceptions to the general principle of freedom of speech are not intended ever to apply in a way that is inconsistent with the College's commitment to the free and open discussion of ideas.
- 6.6 People attending events and meetings at the College are expected to conduct themselves in a manner consistent with the following principles:
  - 6.6.1 everyone has the right to free speech within the law.
  - 6.6.2 the aim of events at the College includes giving members exposure to the widest range of views, within the law.
  - 6.6.3 protest is itself a legitimate expression of freedom of speech but protesters should recognise the rights of others participating in the event or meeting, and in particular not violate the rights of others to speak during the event. Protest must not shut down debate.

- 6.7 Where any person to whom this Code of Practice applies is seeking to hold a College, SBR or JCR event or meeting on College premises which is outside the normal academic curriculum the processes in the Annex shall be followed (noting the exclusions in section 2.2 above)

## 7. BREACHES AND COMPLAINTS

- 7.1 Where the College receives a concern from a party subject to this code about the exercise of academic freedom or freedom of speech or where it has received a concern about a possible infringement or departure(s) from provisions set out in this Code of Practice, it will consider it under a suitable procedure overseen by the Senior Tutor.

## 8. MONITORING AND REVIEW

- 8.1 The Council will periodically review and report as appropriate on the contents and operation of this Code of Practice.
- 8.2 The point of contact for any query about this Code of Practice and its Annex is the Domestic Bursar ([dbursar@joh.cam.ac.uk](mailto:dbursar@joh.cam.ac.uk)).

## Annex to St John's College Code of Practice on Freedom of Speech

- A1 This Annex is issued under paragraph 6.7 of the College's Code of Practice on Freedom of Speech.

For the avoidance of doubt, in addition to the provisions of section 2.2 of the Code of Practice, it does not apply to:

- Private functions of the Master
- Playing fields bookings for sports events
- Events facilitating contact between the College and its alumni
- Purely commercial events and conferences

### ORGANISATION AND APPROVAL OF MEETINGS AND EVENTS ON COLLEGE PREMISES

- A2 Any meeting or event on College premises to which this Annex applies should have a named organiser responsible for the meeting or event who is a senior member, a staff member or a student of the College. If a meeting or event is proposed without such an organiser, it may only proceed on condition that a senior member, a staff member or a student is identified and nominated as the organiser responsible for the meeting or event.

- A3 Permission is required for meetings and events to be held on College premises, whether indoors or outdoors. College premises are defined for this purpose as:

- The Hall
- Public spaces in the Old Divinity School
- Public spaces in the Fisher Building
- Library Seminar Room
- College private dining rooms (Parsons, Wilberforce, Wordsworth and Old Music Rooms)
- The Buttery, Café and Bar
- The SBR
- The Chapel
- The Playing Fields
- The Paddock
- Fellows' and Scholars' Gardens

Permission must be obtained from the College department responsible for the accommodation concerned. If a room or outdoor space is to be reserved, a booking must be made through the Catering or Accommodation Offices at least seven working days in advance of the proposed event. Bookings for the Chapel must be approved by the Dean of Chapel using a process managed by the Chapel Office. Further details of who to contact are available in the [College's Guidance for Booking Meetings and Events](#).

- A4 It is anticipated that, in most cases, the Accommodation, Chapel and/or Catering Offices will straightforwardly consider the request as part of normal business, subject to any circumstances they feel require escalation to senior staff.

- A5 In the exceptional circumstances that a booking might reasonably be refused on any of the grounds set out at paragraph 6.2 of the College's Code of Practice on Freedom of

Speech, the decision will be escalated to the Head Porter and/or the Catering and Hospitality Manager, or the Dean of Chapel for Chapel bookings. They will, in consultation as necessary, determine whether the meeting or event can go ahead as originally planned, or if it should be subject to reasonable conditions such as those set out in paragraph 6.4 of the Code of Practice on Freedom of Speech. Only in exceptional circumstances, when there are risks which cannot be mitigated, or the event organiser refuses to meet any conditions imposed, will permission be withheld.

- A6 Any decision that a meeting or event should not take place, or may only take place subject to certain stated conditions, is binding and takes precedence over any other decision taken by any other body or officer in the College.
- A7 An organiser who is unhappy with a decision to refuse a booking or to apply conditions to it may ask for the decision to be reconsidered by the Domestic Bursar in consultation with the Senior Tutor.

#### MANAGEMENT OF MEETINGS AND EVENTS ON COLLEGE PREMISES

- A8 Once approved, the organisers of meetings and events must comply in an open and timely way with any conditions set by the College. Such conditions may include the requirement that tickets should be issued; that an adequate number of stewards or security staff should be available; that the College Porters, University Proctors and/or police should be consulted, and their advice taken about the arrangements; and that the time and/or place of the meeting should be changed. The cost of meeting the conditions, and the responsibility for fulfilling them, rests with the organisers.

#### THE UNIVERSITY PROCTORS

- A9 In addition to seeking the permission referred to above, the organisers of any meeting or event to be held on College premises (especially one which is to be addressed or attended by persons who are not resident members of the College) which the organisers believe might attract significant protest and at which lawful free speech might be compromised should consult the University Proctors at the earliest opportunity and ideally at least seven working days in advance via [contact@proctors.cam.ac.uk](mailto:contact@proctors.cam.ac.uk).
- A10 The organisers of any meeting or event must comply with any lawful and reasonable instructions given by a University Proctor, a Porter or College officer, or by any other person authorised to act on behalf of the College, in the proper discharge of their duties.

#### COLLEGES

- A11 Members of the College are reminded that University disciplinary regulations apply on College premises and that a College may invite the University Proctors to enter its premises.