

Statement on Freedom of Speech

Context

1. Colleges are required by law to outline principles for their members in relation to their right to freedom of speech in the context of other legal responsibilities of the College. This Statement takes into account the specific legal responsibilities, as set out in Section 43 of the Education (No 2) Act 1986, the Equality Act 2010 and the Counter-Terrorism and Security Act 2015.
2. This Statement outlines the principles of free speech which apply to all members of the College and the University, staff or students connected to the University or another College, and visiting speakers (i.e. speakers who are not members of the University of Cambridge or one of the Colleges).

Principles

3. The College is strongly committed to the principle of freedom of speech and expression. It fosters an environment where all of its members can participate fully in the life of the College, and where each member feels confident and able to research, question and test received wisdom, and to express new ideas and controversial or unpopular opinions, without fear of isolation, marginalisation or discrimination. Equally, the College expects its members to receive and respond to intellectual and ideological challenges in a constructive and peaceable way. The College also acknowledges its statutory duties in protecting its members and other people from “radicalisation”, which in this context means being drawn in by others to support terrorism, or to commit acts of terrorism.

As stated above, the College is firmly committed to upholding the principle of freedom of speech and expression. Although the views and beliefs held and expressed by some may cause offence to others, the College is also committed to providing an inclusive community in which all its members may live and work unhindered and with respect for one another. U.K. law, however, recognises various statutory and common law qualifications to absolute freedom of expression. Students, Staff and Fellows who hold religious and other beliefs which may conflict with the beliefs of others must respect the views and dignity of others in the expression of their own views. Failure to do so may, in certain circumstances, lead to sanction under the College’s policies on discipline, harassment and general behaviour.

4. Subject to paragraph 3 above, and applicable legislation, no premises of the College will be denied to any member or body of members by reason of the beliefs or views of that individual or of that body or the policy or objectives of that body.
5. In holding to these key principles, the College will take into account its obligations regarding freedom of speech, the management of the health and safety of its members and the general public, the promotion of equal opportunities and prevention of discrimination on the grounds of belief, race, gender or sexual orientation or other legally-protected characteristics, and its duties associated with preventing people from being drawn into terrorism or the promotion of terrorist activities.

As an example of this, the College reserves the right to refuse access to its premises to a visiting speaker if the purpose of a meeting is likely, in the judgement of those officers to whom the College Council delegates such authority (The Prevent Lead, Bursar and, as appropriate, the Dean of Chapel), to give rise to the incitement of crime and/or is likely to cause a breach of the peace. In such cases a key test to be applied shall be whether a reasonable person would take such a view. Any complaint about the application of this policy shall be directed in the first instance, in writing, to the Master for consideration by the College Council.

Policies and procedures

6. In determining the likelihood of risk of harm to members of the College and/or the general public, or members of the College being drawn into terrorism, or otherwise promoting any violent or illegal action, the College publishes policies and/or procedures to set out and manage:
 - a) the behavioural expectations of students and student unions;
 - b) the management of College events at which controversial views may be expressed (whether or not they are held at the College); and
 - c) the management and conduct of visiting speakers at meetings held within the College.

This policy, as well as those referred to in paragraph 6, will be reviewed annually.

OIS Notes to College governing bodies

- A. The development and publication of a statement of freedom of speech by the College is one of the requirements of the Counter-Terrorism and Security Act 2015 and the subsequent *Prevent* duty guidance issued by the government. The proposed statement has been drafted taking into account the University's Statutes and Ordinances and the views of the Heads of House, through Colleges' Committee.
- B. There is a strong preference for Colleges to adopt similar or identical statements (in order to demonstrate the linked relationships within Collegiate Cambridge).
- C. The statement makes reference to a number of College policies and procedures: many of these will be in operation in some form already and will be reviewed and updated as appropriate through other College authorities (with or without external advice from intercollegiate bodies, such as the Office of Intercollegiate Services and the Senior Tutors' Committee). The notes outlined below represent general existing policies and procedures which operate across most Colleges.
- D. **Behavioural expectations in respect of students and student unions:** Colleges are committed to a working and learning environment that is free of intimidation or discrimination, and recognise that the contribution of their members will be most effective in conditions which are free from anxiety, stress and fear. These principles are set out in "Dignity at Study" policies (or similar): the Senior Tutors' Committee is scheduled to review "Dignity at Study" policies later this year, in discussion with the University.
- E. Each College outlines in its statutory documents and/or student handbooks the procedures it would follow in the event of a student complaint or an allegation of student misconduct, including intimidation, or incitement to violence. University procedures are under development, which may impact on how the College in due course will review and revise their own procedures.
- F. Student unions have their own constitutional documents, normally approved by the governing body, for their purposes and operations.
- G. **Risk management of College events:** Colleges already have procedures in place for the management of room bookings by both members of the College, and external agencies: HEFCE will expect to receive copies of the procedures operated by key staff who take responsibility for room bookings. A review of how to record decisions relating to booking requests may be needed, and guidance has been provided to Colleges from the Office of Intercollegiate Services for that purpose. It is unlikely that major changes are needed to existing procedures, although some thought may be needed to ensuring that procedures are captured thoroughly enough in writing for the new external audience (HEFCE).
- H. **Risk management of external speakers:** Guidance has been provided to Colleges from the Office of Intercollegiate Services, which builds on guidance issued by Universities UK in 2013, and on previous experience of regular external events. In the specific circumstances where a College may choose to host a controversial speaker, a number of suggestions to mitigate the risks of violence or crime are provided. Where Colleges refuse to permit the attendance of a controversial external speaker, there is a requirement to report on this on an annual basis to HEFCE, and Colleges will need to put in place an appropriate record of such instances. Again, it is unlikely that major changes are needed to existing procedures, although the written articulation of procedures may need further consideration.