Code of Practice on Freedom of Speech

The following provisions constitute the Code of Practice adopted by Magdalen College to operate with effect from 1 September 2016 to facilitate the discharge of the duty imposed by Section 43 (1) of the Education (No. 2) Act 1986, in relation to the College and the University, taking account also of the duties imposed by the Counter-Terrorism and Security Act 2015 (the PREVENT legislation).

PART 1 – General Duties

1. General duty to uphold freedom of speech

Members, students, and employees of the College are bound at all times so to conduct themselves as to ensure that freedom of speech within the law is secured for members, students, and employees of the College and for visiting speakers.

2. The exercise of freedom of speech within the law

The freedom protected by paragraph 1 of this Code of Practice is confined to the exercise of freedom of speech within the law, including the Counter-Terrorism and Security Act 2015 (the PREVENT legislation). Examples of statements which involve a breach of the criminal law are incitement to commit a crime, sedition, and stirring up racial hatred in contravention of statute. Statements may also be unlawful if they are defamatory or constitute a contempt of court.

3. General duty not to impede access to, or egress from, places at which the right of freedom of speech is exercised on premises of the College

Subject to such limitations on access as may lawfully be imposed by the competent College authorities, it shall be the duty of every member, student, and employee of the College not to impede any person entitled to be present from entering or leaving a place where the right of freedom of speech is being or is to be exercised on premises of the College. Under the Education (No. 2) Act 1986, Section 43 (2), the duty imposed by Section 43 (1) “includes (in particular) the duty to 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 — (a) the beliefs or views of that individual or of any member of that body; or (b) the policy or objectives of that body.”

4. Right of peaceful protest

Nothing in this Code of Practice shall be taken to prohibit the legitimate exercise of the right to protest by peaceful means; provided always that nothing is done which contravenes the foregoing general principles or the other requirements of this Code.

PART 2 – Academic Activities

5. All persons concerned with the organization or conduct of an activity which forms part of the College’s teaching, study, or research (such as a tutorial, lecture, seminar,
class, conference, research work, or examination) shall immediately give notice to the Deans of any facts coming to their notice which indicate that such activity is likely to be delayed or disrupted by improper means. In cases of invitations to external speakers to attend an event on College premises, a Risk Assessment must be completed in advance by the organizer in respect of the College’s PREVENT duties, which should then be given to the PREVENT Lead (the Home Bursar), whose directions must be adhered to.

6. The Deans shall be empowered to give such directions and to adopt such measures as seem appropriate to them to prevent or minimize the delay or disruption of an academic activity, and all persons concerned with the organization or conduct of the academic activity under threat shall co-operate in carrying out the Deans’ directions and in facilitating the measures adopted.

7. In the event that any academic activity is delayed or disrupted by improper means a report shall forthwith be made to the Deans by the person or persons responsible for the conduct of such activity.

PART 3 – Meetings, Assemblies, and Parties on Premises of the College of Clubs, Societies, and other Organizations

8. The provisions in the College Rules concerning meetings, assemblies, and parties are as follows:

Permission for meetings, assemblies, or parties involving more than ten people held in public or private College rooms or elsewhere on College premises must be obtained in advance from the Deans in accordance with the College’s Information and Regulations for Members of the College (available at: www.magd.ox.ac.uk/internal-pages/). Bookings for the Lecture Room ‘A’, Old Law Library, Grove, Archway and Longwall Seminar Rooms, Daubeney Laboratory, Oscar Wilde Room, JCR Dining Room, New Buildings Colonnade and designated parts of the gardens and grounds are to be made with the Deans. Other public rooms such as the Old Kitchen Bar, Summer Common Room, New Room, Hall, and Auditorium are to be booked through the Home Bursary, but may also require Decanal consent.

Regardless of the number of attendees at a meeting or party, where the event involves a speaker external to the College the applicant must complete a Risk Assessment in respect of the College’s PREVENT duties, which should then be given to the PREVENT Lead (the Home Bursar), whose directions must be adhered to.

The Dean of Divinity is responsible for the management of the College’s faith facilities (the College Chapel): the Dean of Divinity will conduct a Risk Assessment in respect of each use of the facilities by an external organization or individual, and where any issues relevant to the PREVENT legislation arise over the use of the facilities, the Dean of Divinity must report these immediately to the PREVENT Lead (the Home Bursar).

9. Any member, student, or employee of the College who, whether alone or in collaboration with other persons, makes arrangements for the holding on premises of the College of a meeting or the assembly of persons (including any meeting of any
club, society or other organization and whether with or without a restriction to College membership), and who becomes aware of facts indicating that such meeting or assembly is likely to be delayed or disrupted by improper means, shall immediately report such facts to the Deans.

10. In relation to any such meeting or assembly which they believe to be threatened, the Deans shall be empowered to give such directions and to adopt such measures (subject to paragraph 12 below) as seem to them to be appropriate and practicable in the circumstances to prevent or minimize the improper delay or disruption of the meeting or assembly.

PART 4 – Powers of the Deans in Relation to Threatened Meetings

11. Directions and measures to be adopted:

In relation to any academic activity, or any meeting or assembly of persons which the Deans believe to be threatened by disruption, the Deans may give directions and require measures to be adopted pursuant to paragraphs 6 and 10 of this Code on the following (amongst other) matters:

(a) the number of persons to be admitted to the premises where the meeting is to be held;
(b) the issue of tickets of admission;
(c) the designation of one or more persons as the official organizers of the meeting with direct responsibility to the Deans for all the arrangements thereof;
(d) the designation of a person as the chairman of the meeting with responsibility for the proper conduct of such meeting;
(e) the admission (or non-admission, as the case may be) of members of the public;
(f) the appointment of stewards to assist with the control of the meeting;
(g) the employment of security staff to ensure the orderly conduct of the meeting and safe access to and egress from the meeting;
(h) the carrying of banners, placards, and similar objects into the meeting;
(i) the place where the meeting is to be held.

12. Meetings where serious disruption is anticipated:

The Deans may as necessary consult with the Proctors and local police about forthcoming meetings and activities covered by this Code of Practice. In any case where serious disruption may be anticipated the Deans shall have power, having taken into consideration such advice from the Proctors and police as may be available, to order or, as may be appropriate, to advise the cancellation, postponement, or relocation of the meeting.

13. Expenses incurred in safeguarding academic activities and other meetings:

Where expenses are incurred (e.g. in the engagement of stewards or the employment of security staff) to safeguard an academic activity under Part 2 of this Code of Practice, the cost thereof shall be borne by the College. In all other cases the cost shall be borne by the club, person, or persons organizing the meeting, save that the Deans
may (if so advised) make representations to the Governing Body of the College suggesting that the cost shall be borne in whole or in part by the College.

**PART 5 – College Premises made Available for Use by Outside Organizations, Groups, or Individuals**

14. In any case where the College is proposing to grant permission to an outside organization, group, or individual to hold meetings on College premises, the attention of such outside organization, group, or individual will be drawn to the contents of this Code of Practice and permission to use the premises may be refused unless the outside organization, group, or individual both undertakes to ensure that the principles embodied in this Code will be upheld and satisfies the College authorities of their ability to discharge their obligations in regard to upholding freedom of speech. The organizer of the event must complete a Risk Assessment in respect of the College’s PREVENT duties, which should then be given to the PREVENT Lead (the Home Bursar), whose directions must be adhered to.

**PART 6 – Miscellaneous**

15. The Governing Body of the College is under a duty pursuant to Section 43 (3) of the Education (No. 2) Act 1986, to keep this Code of Practice up to date. No revision of the Code will, however, take effect until after due notice has been given.

16. Failure to comply with the provisions of this Code of Practice may render the offender liable to disciplinary proceedings. Nothing in this Code of Practice affects the normal operation of the criminal law.