Introduction

1. Section 43 of the Education Act (No.2) 1986 places a duty on the College to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members, students and employees and for visiting speakers. A copy of the section is annexed to this Code of Practice.

The section also requires the College to issue and keep up to date a Code of Practice to be followed by students, other members and employees of the College.

This sets out the procedures to be followed when events are to be held on College premises, or when College events are to be held at an external venue, and lays down the conduct required in connection with events.

This Code of Practice therefore applies to all students, other members and employees of the College in respect of events on any of the College's premises. Outdoor as well as indoor events on College premises are included, as are College events held at external venues.

2. This Code of Practice also takes into account the specific legal responsibilities of the Counter-Terrorism and Security Act 2015.

Code of Practice

3. No member of staff, Senior Member or student shall intentionally or recklessly disrupt or impede or attempt to disrupt or impede the activities and functions of the College, or of any part thereof, or of the University.

4. No member of staff, Senior Member or student shall intentionally or recklessly impede academic freedom, freedom of speech and expression, or lawful assembly on any premises of the College, or at a College event held at a venue external to the College.

5. Paragraphs 3-4 also applies to all staff or students connected to the University of Cambridge or another College, and visiting speakers and guests (i.e. who are not members of the University or one of the Colleges and/or from outside of Collegiate Cambridge).

6. These regulations apply to all events held on College premises, whether in person or virtually, including events organised by external parties, and to all College events held at venues external to the College.

Members of the College are reminded that actions that disrupt meetings or impede academic freedom, freedom of speech and expression or lawful assembly will also
constitute offences under the University’s regulations for discipline (for students, see University Student’s Handbook): see also paragraph 7 below.

7. The organisers of any event on College premises, or of any event held by the College at an external venue, and persons attending the event, whether in person or virtually must comply with instructions given by any College officer or by any other person authorised to act on behalf of the College (including the Proctors) in the proper discharge of their duties.

Other legal requirements

8. The attention of organisers of public meetings and assemblies is drawn to Sections 11 and 14 of the Public Order Act 1986, concerning processions and assemblies. Further details are available separately.

Other legal requirements may affect the conduct of meetings. A speaker, for example, who incites an audience to crime, to breach of the peace and/or to discrimination on the grounds of any legally-protected characteristics, may be committing a criminal offence.

Equally, assemblies of persons, even if directed to lawful purposes, cease to be lawful if they threaten serious public disorder or breaches of the peace.

Application of the code

9. Any person who is in any doubt about the application of this Code of Practice to any event in the College, or organised by the College at an external venue, is under an obligation to consult the Bursar (for members of staff of Senior Members) or the Senior Tutor (for students) who will determine whether the provisions of the code apply.

Breach of the code

10. A breach of the code by any member of staff, Senior Member or student of any of the requirements of this code may be treated as a serious disciplinary offence.

7 October 2021

Annex

Section 43 of the Education (No 2) Act 1986

43 - (1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall 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.

(2) The duty imposed by subsection (1) above 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.
(3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out -

(a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation –

(i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and

(ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and

(b) the conduct required of such persons in connection with any such meeting or activity; and dealing with such other matters as the governing body consider appropriate.

(4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with.

(5) The establishments to which this section applies are -

(a) any university;
(b) any establishment which is maintained by a local education authority and for which section 1 of the 1968 (No 2) Act (government and conduct of colleges of education and other institutions providing further education) requires there to be an instrument of government; and
(c) any establishment of further education designated by or under regulations made under section 27 of the 1980 Act as an establishment substantially dependent for its maintenance on assistance from local education authorities or on grants under section 100(1)(b) of the 1944 Act.

(6) In this section:

"governing body", in relation to any university, means the executive governing body which has responsibility for the management and administration of its revenue and property and the conduct of its affairs (that is to say the body commonly called the council of the university);

"university" includes a university college and any college, or institution in the nature of a college, in a university.

(7) Where any establishment -

(a) falls within subsection (5)(b) above; or
(b) falls within subsection (5)(c) above by virtue of being substantially dependent for its maintenance on assistance from local education authorities:

the local education authority or authorities maintaining or (as the case may be) assisting the establishment shall, for the purposes of this section, be taken to be concerned in its government.

(8) Where a students' union, occupies premises which are not premises of the establishment in connection with which the union is constituted, any reference in this section to the premises of the establishment shall be taken to include a reference to the premises occupied by the students' union.