

CLARE COLLEGE: CODE OF PRACTICE ON FREEDOM OF SPEECH

1. **INTRODUCTION**

Clare College is fully committed to the principle, and to the promotion, of freedom of speech.

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**

This Code of Practice applies to:

all members, staff and students of the College; and
visiting speakers and all other persons invited or otherwise lawfully participating in College activities on College premises.

For the avoidance of doubt, this Code of Practice does not apply to purely commercial meetings or events on College premises.

References in this Code of Practice to "College premises" means those premises over which Clare College exercises control, whether indoor or outdoor.

The University of Cambridge and its associated Cambridge Students' Union both have their own duty to secure freedom of speech within the law and have both issued their own Code of Practice on this topic.

The activities of the College student union(s) (UCS and MCR) are subject to this Code of Practice and adherence of these student union(s) to the Code is monitored by the College.

3. **KEY CONCEPTS AND LEGISLATIVE FRAMEWORK**

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 641.02 -ETQ5nc

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.

Under the Equality Act 2010, Fellows, staff and students must not be subjected 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

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 programme development and approval, quality assurance and academic assessment;
- b) its processes for admission, appointment, reappointment and promotion;
- c) its policies relating to equality, diversity and inclusion (including the public sector equality duty) and the Prevent duty;
- d) its processes for facilitating research; and
- e) 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 University because of the lawful exercise of freedom of speech or academic freedom.

The College does not enter into non-disclosure agreements related to complaints about

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.

The starting point should always be that the 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 College 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:

Annex: The use of College premises for College members and visiting speakers

- A1. This Annex is issued under paragraph 6.7 of the College's Code of Practice on Freedom of Speech, which reads: "Where any person or body to whom this Code of Practice applies is seeking to hold a College event or meeting on College premises which is outside of the normal academic curriculum the processes in the Annex shall be followed, except where the event or meeting is purely commercial."

Context

- A2. The College is required by law to have a Policy on the Use of College Premises (hereafter the 'Policy'). This Policy must be consistent with the College's legal responsibilities, including under Section 43 of the Education (No 2) Act 1986, the Counter-Terrorism and Security Act 2015, and the Higher Education (Freedom of Speech) Act 2023. The last imposes a duty on the College to secure freedom of speech within the law for staff, members, students and visiting speakers.

