

Code of Practice on Freedom of Speech

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1. INTRODUCTION

1.1 Trinity Hall ("the 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, academic and operational staff (hereinafter referred to as "staff"), students and other members of the College; and

2.1.2 visiting speakers and all other persons invited or otherwise lawfully participating in College activities on College premises.

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

2.3 References in this Code of Practice to "College premises" means those premises over which The College exercises control, whether indoors or outdoors.

2.4 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.

2.5 The activities of the College student unions (the College JCR (the "JCR") and the College MCR (the "MCR")) are subject to this Code of Practice and adherence of the JCR and MCR to the Code is monitored by the College.

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 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, Fellows, staff, students and other members 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 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 Fellows and staff may include exposure to research, course material, discussion or speakers' views that they find 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's core values include 'freedom of thought and expression' and 'freedom from discrimination' and it encourages its Fellows, staff, students, other members and visitors 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. The term Discrimination used in this Code of Practice and in the Statement should generally be understood as defined in the Equality Act 2010. These values extend to the JCR and MCR. The steps the College takes to embed its values in practice are set out in section 5 below.

4.2 The College fosters an environment in which all of its Fellows, staff, students and other 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 Fellows, staff, students, members and visitors to be tolerant of the differing opinions and perspectives of others, in line with the College's core value of freedom of expression. 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 will ensure that Fellows and staff are able to exercise freedom of thought and expression within the law without placing themselves at risk of losing their job, 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 all Fellows, staff, students and members to engage with intellectual and ideological challenges in a constructive, questioning and peaceable way. The right of Fellows, staff, students and 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 will ensure that its teaching, curriculum, programmes of events (both of the College, JCR and MCR), policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law and 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 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 shall:

5.4.1 ensure that this Code of Practice is brought to the attention of new students, Fellows and staff during their induction;

5.4.2 draw the attention of Fellows, staff, students and members to this Code of Practice annually, and ensure that it is referred to in other College documentation as appropriate;

5.4.3 ensure that all relevant Fellows and staff are aware of and/or receive appropriate training on freedom of speech and academic freedom;

5.4.4 ensure that all relevant decision-makers, in making any decision or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, act compatibly with the College's free speech duties as they apply in the relevant circumstances;

5.4.5 ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;

5.4.6 ensure that when new policies and procedures are introduced consideration is given to their impact on freedom of speech and academic freedom;

5.4.7 ensure that it has appropriate processes for the holding of events and meetings as set out in section 6 below;

5.4.8 monitor any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practicable and to address any lessons learned and draw the attention of complainants to its processes for investigating complaints and the OfS complaint scheme as set out in section 7 and

5.4.9 take steps to secure compliance with this Code of Practice, including where appropriate taking disciplinary action.

6. COLLEGE, JCR AND MCR 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 Fellows, staff, students and members are encouraged to invite a wide range of speakers and to engage critically but courteously with them, including as set out at paragraph 6.6 of this Code. This Code of Practice provides the only mechanism by which the College can cancel or impose conditions on College, JCR and MCR meetings or events where this action is deemed necessary as a result of the event's subject matter and/or speaker(s). This is to ensure that the use of College premises is not inappropriately 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 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:

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, JCR or MCR 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. The College will only pass on the costs of security for using the premises to those arranging the relevant event or meeting in exceptional circumstances, such as where the costs are wholly disproportionate to the numbers likely to be attending the event and the event could be held in a more proportionate way, or where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold. Any request to a meeting or event organiser to pay security costs in exceptional circumstances will be in writing and will explain those costs and any appeal mechanism. Any request to pay security costs will not be influenced to any degree by the ideas or opinions of any individual involved in organising the event or meeting, or by the policy or objectives of, or the views of any of the members of, any body involved in organising the event or meeting.

6.5 These narrow exceptions to the general principle of freedom of speech are not intended to apply in a way that is inconsistent with the College's commitment to the free and open discussion of ideas.

6.6 Those 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 College events may expose Fellows, staff, students and members to the widest possible 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 or body to whom this Code of Practice applies is seeking to hold a College, JCR or MCR 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.

7. BREACHES AND COMPLAINTS

7.1 Where the College receives a concern 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 the values and procedures set out in this Code of Practice, it will consider which of its procedures are most appropriate to consider the concern, making such enquiries and seeking such information as it considers necessary. Such consideration may lead to further investigation in accordance with the College's disciplinary procedures (Fellow, staff or student), or the College's grievance or complaints procedures.

7.2 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from non-student members, staff, applicants for academic posts and (actual or invited) visiting speakers. The scheme is free to use. Information about the complaints that the OfS can review is available on its website (https://www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints/).

8. MONITORING AND REVIEW

8.1 The Statutes, Ordinances, Regulations and Policies Committee (SORP) will periodically review the contents and operation of this Code of Practice and report on its operation.

8.2 The point of contact for any query about this Code of Practice and its Annex is the Master (master@trinhall.cam.ac.uk).

Version Control Table

Version	Date	Major Change	Approved	Owner
1	May 2024	Code of Conduct on Freedom of Speech	GB 9 July 2024	SORP Committee
1.2	Nov 2024	Addition of explanatory footnotes		SORP Committee
1.3	Sep 2025	Removal of explanatory footnotes and removal of 5.4.5 (requirement to seek periodic feedback from Fellows, staff, students and other stakeholders)		SORP Committee
1.4	Jun 2026	Removal of College's social events from the scope of the Code of Practice. Clarification regarding the meaning of the word discrimination added to 4.1.	08 June 2026	SORP Committee
1.5	Sep 2026	Removal of "ever" and "completely" from para. 6.5. Inclusion of mention to Complaints Scheme on para. 7.2.	21 September 2026	SORP Committee

Annex: Processes for meetings and events on College premises

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."

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 at least one organiser who is responsible for the meeting or event and is a Fellow, academic or operational staff member ("staff"), College student ("student"), or other member of the College. If a meeting or event is proposed without such an organiser, it may only proceed on condition that a Fellow, member of staff, student, or other member of the College is identified or 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. Requests to book College facilities for meetings or events are managed by the Conference and Events Office.

A4. It is anticipated that, in the vast majority of cases, the Conference and Events Team will straightforwardly consider the request as part of normal business.

A5. However, in the exceptional circumstances that the Conference and Events Team considers the holding of the meeting or event 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, there will be an escalation in the process of approval. In such circumstances the request will be referred to the Junior Bursar, Bursar, Senior Tutor and Head Porter (the "Referral Group") for approval. Only the Referral Group may refuse permission in this way and on these bases. The Referral Group will, in consultation as necessary, determine whether the meeting or event can go ahead as originally planned, or 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 by the Referral Group (including one upheld on appeal) that a meeting or event should not take place, or may only take place subject to conditions, is binding and takes precedence over any other decision which may have been taken by any other body or officer in the College, subject to the right of appeal set out below.

A7. An organiser who is unhappy with the Referral Group's decision has the right of appeal to the Master (or their nominated deputy).

Management of meetings and events on College premises

A8. Once approved, the organisers of meetings and events must comply with any conditions set by the College as communicated by the Conference and Events Office. Such conditions may include the requirement that tickets should be issued,

that an adequate number of stewards or security staff should be available, that University Security and/or the 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, apart from security costs, and the responsibility for fulfilling them, rests with the organisers. Security costs will be borne by the College other than in exceptional circumstances, as set out in paragraph 6.4 of the Code of Practice on Freedom of Speech.

Internal Student meetings and events

A9. An online Student Event Booking Form must be completed and submitted to the Conference Team.

A10. Where an event includes a speaker(s), details of the speaker(s) must be provided to the Conference Team.

A11. Where the Conference Team has passed an event request to the Referral Group for approval and approval has been granted, the organiser must complete and submit a risk assessment which will be shared with the Referral Group for final approval.

Internal College and Fellows' meetings and events

A11. Meetings and events must be booked directly with the Conference Team.

A12. For relevant events, a client obligation document will be sent to the organiser on point of booking and their attention will be drawn to the terms and conditions covering Freedom of Speech (Section 15).

A13. Where an event includes a speaker(s), details of the speaker(s) must be provided to the Conference Team.

A14. Where an event request has been passed to the Referral Group for approval and approval has been granted, the organiser must complete and submit a risk assessment which will be shared with the Referral Group for final approval.