

# Trinity College Code of Practice on Freedom of Speech (including Policy on Meetings and Events in College)

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## 1. Introduction

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- 1.1 Trinity 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

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- 2.1 This Code of Practice applies to:
  - 2.1.1 all Fellows, staff and students 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 Trinity College exercises control, whether indoor or outdoor.

- 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.<sup>1</sup>
- 2.5 The activities of the College student unions (Trinity College Students' Union (TCSU) and the BA Society), and all College societies recognised by the Amalgamated Clubs Committee, are subject to this Code of Practice and adherence of these student unions and College societies 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.<sup>2</sup>
- 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

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<sup>1</sup> The statutory requirement for Cambridge Students' Union and each Cambridge College to have issued a Code of Practice on Freedom of Speech is not in force. Trinity College has issued this Code of Practice and the Annex.

<sup>2</sup> The amendments to the Higher Education and Research Act 2017 effected by the Higher Education (Freedom of Speech) Act 2023 are not in force. As such, the applicable statutory duty (in section 43 of the Education (No. 2) Act 1986) is for universities to take such steps as are reasonably practicable to secure freedom of speech within the law for staff and students and for visiting speakers.

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 College 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 and students must not be subjected to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation. 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

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- 4.1 'Freedom of thought and expression' and 'freedom from discrimination' are among the College's core values and it encourages its staff, students 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. These values extend to the student unions of the College. 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 and students 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 and visitors to be tolerant of the differing opinions of others, in line with the College's core value of freedom of expression. The College also expects its Fellows, staff, students and visitors to be tolerant of the diverse identities of others, in line with the College's core value of freedom from discrimination. 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, or promotion, where relevant. The College expects all Fellows, staff and students to engage with intellectual and ideological challenges in a constructive, questioning and peaceable way. The right of Fellows, staff and students 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 (whether of the College, its students' unions, or College societies), 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:
- 5.1.1 its processes for admission, appointment, reappointment and promotion;
  - 5.1.2 its policies relating to equality, diversity and inclusion (including the public sector equality duty) and the Prevent duty;
  - 5.1.3 its processes for facilitating research; and
  - 5.1.4 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 at registration and new Fellows and staff during induction;
  - 5.4.2 draw the attention of Fellows, students and staff 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 periodically seek feedback from Fellows, staff, and students to secure their views on whether freedom of speech and academic freedom at the College are being adequately protected and take the responses into account;
- 5.4.6 ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;
- 5.4.7 ensure that when new policies and procedures are introduced consideration is given to their impact on freedom of speech and academic freedom;
- 5.4.8 ensure that it has appropriate processes for the holding of events and meetings as set out in section 6 below;
- 5.4.9 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
- 5.4.10 take steps to secure compliance with this Code of Practice, including where appropriate taking disciplinary action.

## **6. College, Trinity College Students' Union, the BA Society, and any College society 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 and students are encouraged to invite a wide range of speakers and to engage critically but courteously with them, including as set out at paragraph 6.7 of this Code. This Code of Practice provides the only mechanism by which the College can cancel or impose conditions on College, Trinity College Students' Union (TCSU), the BA Society, and any College society 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, TCSU, BA Society, or any College Society 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.
- 6.5 These narrow exceptions to the general principle of freedom of speech are not intended ever to apply in a way that is inconsistent with the College's commitment to the completely free and open discussion of ideas.
- 6.6 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.

6.7 Those attending events and meetings at the College are expected to conduct themselves in a manner consistent with the following principles:

6.7.1 everyone has the right to free speech within the law.

6.7.2 the aim of events at the College is to expose Fellows, staff and students to the widest possible range of views, within the law.

6.7.3 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.

6.8 Where any person or body to whom this Code of Practice applies is seeking to hold a College, TCSU, BA Society, or any College society 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

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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.

## 8. Monitoring and review

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8.1 The College Council will periodically review the contents and operation of this Code of Practice, informed by reports on its operation received from the Dean of College, the Education Committee and the Staff Committee, as relevant.

8.2 The relevant points of contact for any query about this Code of Practice and its Annex are:

For Fellows: Senior Tutor ([senior.tutor@trin.cam.ac.uk](mailto:senior.tutor@trin.cam.ac.uk));

For Students: Dean of College ([dean.college@trin.cam.ac.uk](mailto:dean.college@trin.cam.ac.uk));

For Staff: Junior Bursar ([junior.bursar@trin.cam.ac.uk](mailto:junior.bursar@trin.cam.ac.uk)).

## 9. Annex: Policy on Meetings and Events in College

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This Annex is issued under paragraph 6.8 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, TCSU, BA Society, or any College society 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."

This Annex should be read in conjunction with:

- Code of Practice on Freedom of Speech
- The White Book, including the College Policy on Peaceful Protest
- Policy on Dignity and Respect
- Safeguarding Policy
- How to Organise Speaker Events [Guidance]

### Policy on Meetings and Events in College

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9.1 This document describes the College's procedures for assessing risk of events involving visiting speakers and/or significant numbers of attendees from outside of Collegiate Cambridge. These events may take place in College or outside the College premises (such as alumni or outreach events), and may be arranged by Fellows, staff or students, by College departments, or by bodies and individuals external to the College.

#### 9.2 Conduct of Meetings on College Premises & Discipline

9.2.1 Fellows, staff and students are reminded that University disciplinary regulations apply on College premises as elsewhere in the Precincts of the University (University Ordinances, 2023 edition, p. 195).

9.2.2 The organisers of any meetings on College premises, and persons attending such meetings, must comply with instructions given by any person authorised to act on behalf of the College (including the Proctors) in the proper discharge of their duties. The attention of Fellows, staff and students is drawn to the following College regulations for discipline:

9.2.2.1 **Obedience to College authorities.** All Fellows, staff and students shall comply with instructions given in the discharge of their duties by persons (including Porters) who are authorised to act on behalf of the College.

9.2.2.2 **Obligation to identify oneself to College and other authorities.** All Fellows, staff and students shall state their names when asked to do so by persons (including Porters) who are authorised to act on behalf of the College, by a Proctor, Pro-Proctor, or other person in authority in the

University, or while on or near the premises of another College, by any person in authority in that College.

- 9.2.3 **Disruption of meetings, etc.** No Fellow, staff or student shall disrupt, impede, or attempt to disrupt or impede, meetings, functions, or other lawful activities held or being carried on within the College or elsewhere within the Precincts of the University (the 'Precincts of the University' include all places within three miles of Great St. Mary's Church and certain other places).
- 9.2.4 **Freedom of Speech.** No Fellow, staff or student shall impede or otherwise interfere with freedom of speech or lawful assembly within the College or elsewhere within the Precincts of the University.
- 9.2.5 Any person attending a meeting may be required at any time to leave the place at which the meeting is held and, if not a resident member of the College, to leave the premises of the College notwithstanding any payment they may have made to attend the meeting.
- 9.2.6 Notice of proposed meetings, functions, or other activities must be provided in the manner specified below. No external event can take place in a room or meeting place without prior approval of the designated officers specified in 4.1 below.

### **9.3 Organisation of Meetings on College Premises**

- 9.3.1 Students who wish to arrange any meeting (including dinners, parties, and other entertainments) to which any speaker is invited should discuss the event with their Tutor at the earliest opportunity. The identity of the speaker(s) should be disclosed, along with the nature and subject of the proposed talk.
- 9.3.2 The organiser will be asked to complete a Speaker Form in full by providing details of the person taking responsibility for the meeting, the date and time of the meeting, the place, the names, addresses and Colleges (if any) of the organisers, the name of the organisation making the arrangements, the name of any expected speakers and whether or not they are members of the University.
- 9.3.3 The organiser of the event must be a committee member of the society, and must have attended the induction session by the Dean of College (the names of organisers thus registered are available on the Dean's webpage).
- 9.3.4 Party forms are available from the Tutorial Office and a room-booking form will be sent to the main organiser by the Accommodation or Catering Department once a provisional booking has been made.
- 9.3.5 Party and room-booking forms require an endorsement by the organiser's Tutor. The organiser should plan to see their Tutor during office hours. Additional signatures may be required if there are plans to film, serve alcohol, or play music at the event, so events need to be planned well ahead of time.

- 9.3.6 The online speaker form must be submitted at least seven days (but preferably much earlier) before the proposed event. The Dean of College is empowered to impose conditions or to refuse permission for the meeting to be held. The Dean will issue an authorisation which may include additional conditions or modifications to the event. Students are urged to submit their forms well ahead of the scheduled event in order to accommodate any modifications requested by the Dean.
- 9.3.7 On authorisation from the Dean, the Speaker Form should be screened by the Head Porter, and then returned to the relevant booking office (i.e. the Accommodation Office or Catering Department) seven days before the event. Once the Forms are received by the booking office, the provisional booking will be confirmed. Events may not be advertised until the booking is confirmed.
- 9.3.8 The organiser must comply with any conditions set by the appropriate College authority in respect of the organisation of the meeting or other activity and the arrangements to be made. Such conditions may include the requirement that tickets must be issued, that an adequate number of stewards shall be available, that the services of the Porters shall be hired, that the police shall be consulted, and that the time and place of the meeting shall be changed.
- 9.3.9 In extreme cases the College reserves the right to cancel or terminate a meeting. Students may appeal the Dean's decision through their Tutor.
- 9.3.10 Senior Members who have invited a speaker to an event in College may wish to approach the Dean of College for guidance about their responsibilities in line with the Code of Practice on Freedom of Speech.
- 9.3.11 Staff members who have invited a speaker to an event in College should approach the Junior Bursar for guidance about their responsibilities in line with the Code of Practice on Freedom of Speech.

#### **9.4 Rooms Booking Process**

- 9.4.1 Those responsible for ensuring that the rooms and meeting places are used appropriately are as follows.
- 9.4.1.1 The Dean for all speaker-events organised by junior members.
- 9.4.1.2 The Admissions Tutor or the Senior Tutor for meetings, visits or conferences organised by the Schools Liaison Officers; meetings organised by the Admissions office; meetings organised by the Senior Tutor's Office or by the teaching staff.
- 9.4.1.3 The Alumni Relations and Development Committee for events organised by the Alumni Relations and Development Office.
- 9.4.1.4 The Fellows' Steward for catering events hosted by external organisers.

- 9.4.1.5 The Junior Bursar or the College Council for conferences and events organised by Fellows; summer schools or residential courses involving external organisers; any other events that are not covered above.
- 9.4.2 An initial room booking must provide:
- 9.4.2.1 information on the name and contact details of the event organiser, presenters and/or speakers;
  - 9.4.2.2 title of the proposed external event;
  - 9.4.2.3 details of any external organisation represented or publicised at the event;
  - 9.4.2.4 a brief description of proposed talks and/or activities;
  - 9.4.2.5 dates and times of the proposed external event; and projected number and constitution of attendees.
- 9.4.3 The College reserves the right to seek additional information before confirming a booking.
- 9.4.4 All bookings are further subject to the following conditions:
- 9.4.4.1 The event organiser agrees as a condition of submitting the room-booking request to notify the College if any of the details submitted change.
  - 9.4.4.2 The College reserves the right to review its decision on allowing an event to proceed if any of the information provided changes.
  - 9.4.4.3 The deliberate provision of false or incomplete information by the event organiser who is not a member of the College will invalidate the booking.
  - 9.4.4.4 The deliberate provision of false or incomplete information by a junior member who is the organiser of the event will be subject to the disciplinary actions by the Dean, and will invalidate the booking.
- 9.4.5 The designated officer will use information provided at 9.4.2 to assess the likelihood of a range of risks: this will include the assessment of risks specifically relating to the protection of freedom of speech as set out in the Code of Practice on Freedom of Speech to which this policy is appended, namely in section 6 of the Code of Practice.
- 9.4.6 If a potential risk as above may have been identified, the College reserves the right to impose further conditions before the event can go ahead. These may include restricting display of publicity materials; requesting advance copies of materials to be presented or distributed before, during, or after the event; a briefing meeting with the organiser; requiring introduction of an additional speaker; requiring attendance of a college officer; restrict provision of food and alcohol at the event; refuse attendance at the event of media representatives.

## **9.5 Right to appeal**

9.5.1 Junior members may appeal the Dean's decision to the College Council through their Tutor.

9.5.2 For events organised by external bodies, the responsible officer's decision is final.