

ROYAL COLLEGE OF ART

CODE OF PRACTICE ON FREEDOM OF SPEECH AND MEETINGS OR OTHER ACTIVITIES ON COLLEGE PREMISES

1. Introduction

The Royal College of Art recognises that freedom of speech and expression within the law is a fundamental element in the life of a higher education institution and one to which the RCA is fully committed.

2. Context

The College has a legal duty (section 43 Education No 2 Act 1986) to take such steps as are reasonably practical to ensure that freedom of speech within the law is secured for staff, students and visitors. In addition, the Royal College of Art Charter, Statutes and Ordinances, 2011 (Statute 23) state that '... academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges.....'.

This Code governs the organisation and running of meetings, events and other activities ("events") on RCA premises, other than the RCA's normal academic or administrative business.

The Code applies to all employees and workers including visiting lecturers, regardless of contractual status and those working on behalf of the RCA, including its Council, all students, all students studying at the College under an agreement with a partner institution even if not enrolled as students of the College, the Students' Union and all persons invited to speak or otherwise take part in events held on RCA premises.

3. Authority

The Rector of the College has authorised the Pro-Rector (Operations) to ensure compliance with the Code as far as reasonably practical. The Pro-Rector (Operations) may delegate his authority in general or in particular instances to other members of staff of the RCA.

4. Bookings and publicity

Academic and internal administration activities take priority for using RCA premises but permission may be given for space to be hired or used by outside persons or

organisations. Bookings must be made by contacting the Events team (events@rca.ac.uk; 020 7590 4118).

A weekly email of events at the RCA is circulated by the Communications & Marketing team (to be added to the mailing list please email media@rca.ac.uk). Events organised by the SU and its societies are publicised on its website (<http://rcasu.org.uk>).

5. Arrangements

The organisers of any event shall ensure that there is a single named principal organiser who is a member of staff, a student or trustee or manager of the Students' Union. The principal organiser is responsible for the event complying with this Code and should consult with the Events Manager as early as possible if she/he has any concerns about the event.

The College will not unreasonably refuse to allow events to be held on its premises. The expression of controversial views which do not breach the law will not constitute reasonable grounds for withholding permission for an event. Reasonable grounds for refusal would include, but are not limited to, the fact that the event is likely to:

- incite those attending to commit a criminal act;
- lead to the unlawful expression of views;
- be in direct support of an organisation whose aims and objectives are illegal; or
- give rise to a breach of the peace.

In determining whether the holding of an event on College premises might reasonably be refused, consideration should be given to:

- the safety of persons attending the event and persons on College premises who might foreseeably be put at risk;
- the security of College premises; and
- the good name and reputation of the College.

6 Gender segregation

The Equality and Human Rights Commission sought in 2014, to provide greater clarity about the circumstances in which segregation according to gender is prohibited under equality and human rights law at events which take place at or under the auspices of higher education institutions (HEIs) and Students' Unions, including those organised by HEI societies or associations.

The guidance notes that segregation by gender is clearly not permitted under equality law in HEI's normal academic, teaching and research activities, and therefore is not permissible for most events covered by the Code of Practice. Gender segregation is, however, permissible during collective religious worship because it is not subject to equality law.

Genuinely voluntary gender segregation does not cause disadvantage and is therefore permissible. However, to be voluntary, all attendees would need to be at liberty freely to choose where they wished to sit without any direction, whether explicit or merely an implicit expectation. Segregation is not voluntary where any one individual feels that their choice is constrained due to a pressure to conform to separate seating arrangements of any form in the venue, regardless of whether they have been explicitly directed or instructed as to where they can sit. Involuntary segregation will constitute unlawful discrimination on the part of the organisers of the event, except where it falls within the exception for religious worship and practice. In order to protect themselves from liability in relation to a claim for discrimination, universities and students' unions would need to satisfy themselves thoroughly that any gender segregation was wholly and demonstrably voluntary, both at the booking stage and during the event, and should be mindful of the impracticability of attaining in this regard a level of certainty which would be likely to satisfy a court.

Therefore for the purposes of this Code of Practice, gender segregation will not be permitted at events that do not include religious worship. It therefore follows that if any event includes religious worship and involves gender segregation, then the principal organiser must provide full details and the seating arrangements that will apply across both parts of the event.

7. Penalties and sanctions

The Pro-Rector (Operations) may take such action or lay down such conditions in relation to any event or activity covered by this Code to ensure freedom of speech within the law, the safety of participants at any event or in its vicinity and to ensure that public order is maintained, as he considered necessary.

Infringements of this Code will make those responsible subject to disciplinary action under the RCA's Academic/Non academic disciplinary policy or the RCA Regulations.

Document owner: Pro-Rector (Operations)

Next review date: March 2018