



Code of Practice on Freedom of Speech

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Preamble

The provisions of the Higher Education (Freedom of Speech) Act (“the Act”) 2023 in respect of Freedom of Speech and academic freedom were due to come into force from 1 August 2024. These were reflected in the regulation dated July 2024 previously in place here: [Code of Practice on Freedom of Speech](#). The new Government “paused” the implementation of the Act and no indication has yet been provided as to whether the legislation will be amended in whole or in part. This current Code supersedes the July 2024 version and reverses the provisions of the Act until such time as the Government provides a clear way forward. It also acknowledges that the University and Student Union have their own Codes of Practice. Further, it seeks to include new provisions on peaceful protests.

Code of Practice

The following Code of Practice on Freedom of Speech was approved by the Trustee Board on 6th February 2025.

1. Introduction

1.1 This Code of Practice sets out Linacre College’s values and expectations relating to freedom of speech and academic freedom and how these values and expectations are applied to College activities.

1.2 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).

1.3 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, including their opinions about the College, without institutional censorship and without placing themselves in jeopardy of losing their jobs, privileges or membership of the College.

1.4 For the purpose of this procedure, and in line with other College regulations, the following definitions apply and are used:

- “College premises” mean all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised or controlled by the College.
- “Member of the College”, includes the current Principal and any other College office-holder, current Fellow, current student, employee of the College and Continuing Member;
- “Student Member” includes any person who is registered or enrolled at the College for a degree or diploma or otherwise, whether matriculated or not;



- “Visiting Speaker” is a person who has been invited to speak at the College by a member, acting in their capacity as a member.

1.5 The University and the Oxford Students’ Union each have their own Codes of Practice on Freedom of Speech.

2. Legislative Framework

2.1 The legal duty of UK universities to protect free speech is enshrined in the Education (No 2) Act 1986. Academic freedom is protected under the Education Reform Act 1988. Freedom of speech is also protected under Article 10 of the European Convention on Human Rights which has effect in the UK through the Human Rights Act 1998. Academic freedom is also protected under the Education Reform Act 1988.

2.2 Section 43 of the Education (No 2) Act 1986 states that:

(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 or 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.

2.3 Section 3 of the Education (No 2) Act 1986 states further that the governing body must maintain a code of practice setting out certain matters relating to meetings and activities, which are addressed in this document.

2.4 Whilst the College is not a registered higher education provider as defined by the Education (No 2) Act 1986 and therefore not directly subject to the duty outlined above at 2.2, the College has chosen to set out a Code of Practice in line with these principles.

3. Values

3.1 Freedom of speech and academic freedom are central tenets of College life and must be robustly protected.

3.2 In all its activities, the College seeks to:



- 1) secure and promote civic and academic freedoms including freedom of speech;
- 2) ensure a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context; and
- 3) foster a culture of openness and inclusivity, in which members of our community engage with each other, and the public, in debate and discussion, and remain open to both intellectual challenge and change.

3.3 Inevitably, this will mean that members of the College are confronted with views that some find unsettling, extreme or offensive. The College believes that a culture of free, open and robust discussion can be achieved only if all concerned engage critically but courteously with each other.

3.4 Within the bounds prescribed by law, all voices or views which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument. As an integral part of this commitment to freedom of expression, we will take steps to ensure that all such exchanges happen peacefully and respectfully. With appropriate regulation of the time, place and manner of events, members of our community should have no reasonable grounds to feel intimidated or censored.

4. Conduct

4.1 The College is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected. In accordance with the terms of its [Policy and Procedure on Harassment](#), the College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.

4.2 Peaceful protest is a legitimate expression of freedom of speech. However, such protest must not shut down debate nor cause substantial disruption to College activities. The respect which the College expects all members of the College community to demonstrate towards each other is particularly important where it comprises respect for the right of others to speak freely and exercise their academic freedom. Staff, students and members of the College wishing to protest either on College Premises or on non-College premises in a manner which may disrupt College activities, must seek permission in advance by referring the matter under the Procedure for Meetings and Events set out in Annex A of this Code. Carrying out such protests without permission may lead to disciplinary action under the relevant procedures (as set out in paragraph 4.3). The College may also take action to remove any unauthorised encampment or



occupation under its common law power of removal or by court proceedings. The Proctors have published Guidance on Demonstrations or Protests which is available as Annexe A to this Code.

4.3 Complaints about the behaviour of individuals should be made under the appropriate procedure:

- a) Complaints about staff members should be made under the College's [Policy and Procedure on Harassment](#) as set out above;
- b) Complaints about students should be made under the [College's Non-Academic Disciplinary Procedure](#), or the College's [Policy and Procedure on Harassment](#), depending on the specific situation and complaint;
- c) Complaints about others should in the first instance be made to the Principal of the College.

4.4 Complaints that arise in the University context (i.e. in the course of University activity or on University premises) should normally be made to the University.

4.5 All activity must be risk assessed and planned in accordance with the College's [Health and Safety Policy](#) and the Events Booking Procedures that can be obtained from the Domestic Operations Manager.

5. Procedures

5.1 The College confirms that its academic activities, policies and procedures reflect its duties to ensure, so far as is reasonably practicable and having particular regard to their importance, freedom of speech and academic freedom within the law.

5.2 In making any decision under any of these procedures or otherwise, or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, the College will take into account:

- a) the importance of academic freedom (as required e.g. by the Education Reform Act 1988 and the Act);
- b) the need to take reasonably practicable steps, having particular regard to the importance of freedom of speech, to ensure that freedom of speech within the law (including academic freedom) is secured (as required e.g. by the Act);
- c) the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
- d) the Public Sector Equality Duty which requires universities to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between different groups; and



- e) the [Counter-Terrorism and Security Act 2015](#) which requires universities to ‘have due regard to the need to prevent people from being drawn into terrorism’ (section 26 (1)) and which also provides that ‘when carrying out the duty imposed by section 26 (1)’, universities ‘must have particular regard to the duty to ensure freedom of speech; and to the importance of academic freedom.’

5.3 A breach of this Code may lead to disciplinary action being taken under the appropriate College procedure (including staff disciplinary procedures for staff or the relevant student disciplinary procedure for students).

5.4 Complaints that the College has breached its duties in relation to freedom of speech under the Act may be raised by any of the individuals listed in section 2.2 above. Complaints may also be brought by a person who was formerly within one of those categories, where their complaint relates to events which occurred while they had that status and which impacted them in that capacity. The appropriate procedure for raising such complaints is as follows:

- a) complaints by members of staff which are related to other complaints and/or form part of an existing complaint, and/or fall under the scope of another staff procedure, should be raised within the procedure associated with those other complaints;
- b) complaints by students which are related to other complaints and/or form part of an existing complaint, should be raised within the procedure associated with those other complaints (e.g. the Student Complaints Procedure or the Harassment Procedure, etc.);

On receipt of any such complaint, the College will consider the most appropriate procedure to be followed, in consultation with relevant colleagues and the complainant, and in some cases they may refer the matter to be considered under a different, more appropriate procedure.

6. College Meetings and Events

6.1 Through the implementation of this Code, the College takes reasonably practicable steps to ensure that freedom of speech within the law is secured within its community and that the use of its premises and services is not inappropriately denied to any of the persons listed in section 2.2 above on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member. The College acts in a risk-based and proportionate manner and will always aim to allow an event to go ahead, provided that it is within the law and does not pose unacceptable risks to individuals and will work with the organisers towards this goal. Cancellation of events is undesirable and should be exceptional.

6.2 Members, (including Common Room and College societies) of the College who are organising meetings or events (including those that take place online) or who are responsible for administering external bookings of College premises, are responsible for assessing those meetings and events in the



context of this Code, the College Speaker Events Booking Procedures, and other relevant College policies. Where there are concerns that the meeting or event:

- a) may give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;
- b) is likely to pose a risk to the safety of those lawfully on College premises; or that it may prompt a risk to public safety;
- c) the event could involve the use of College Premises for any purpose or in any manner that may cause damage to College premises; loss or damage to any person or put the College in breach of any law or obligation (contractual or otherwise) to any person;
- d) the event may shut down debate or prevent others from speaking freely or exercising their academic freedom;
and/or
- e) the meeting or event may pose a risk to the safety of any person.

the procedure outlined in sections 6.3-6.13 below should be followed. If organisers are in any doubt or have any questions or need further information, they are encouraged to discuss the situation with the Senior Tutor or Bursar in the first instance, and then seek advice, as appropriate, from the University Security Services, Domestic Operations Manager or Director of Estates. No meeting or event which a student (including the Common Room and College societies), a Fellow, the Principal, or employee is proposing to be held on College premises may be refused, cancelled or altered as a result of the beliefs or views or the policy or objectives of any of the persons listed at 2.2 above save as a result of consideration by the Senior Tutor and / or Bursar.

6.3 The meeting or event should be formally notified to the Senior Tutor and / or Bursar in accordance with College Speaker Events Booking Procedures Form. The form must be completed and submitted at least seven working days before the event is scheduled to be held.

6.4 In the context of this Code, the Senior Tutor and / or Bursar is entrusted with the duty to assess the implications of events formally referred to them and to act in accordance with the College's legal responsibilities, including the conduct and procedures set out in this Code.

6.5 On receipt, the case will be assessed by the College Senior Tutor and / or Bursar who may consult with the College Senior Management Team where necessary. The starting point for the Senior Tutor and Bursar considering a particular event will be that the event should be allowed unless there are compelling and exceptional reasons for it not to proceed.



6.6 As required by section 12 of the Terrorism Act 2000, the Senior Tutor and / or Bursar will not give permission to hold a meeting or event where it is known that:

- a) the proposed speaker belongs to, or professes to belong to, a [proscribed organisation](#); or
- b) the proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.

6.7 In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the Senior Tutor and / or Bursar reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the College or otherwise) that:

- the views likely to be expressed by any speaker are contrary to the law;
- the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
- the meeting is likely to include the expression of viewpoints that are reasonably believed to be highly controversial and/or offensive and the organisers will not permit contrary or opposing viewpoints to be held or expressed;
- 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;
- the event is likely to shut down debate or prevent others from speaking freely or exercising their academic freedom;
- the event is a protest which involves any person occupying or setting up camp on College Premises;
- the event is likely to involve the use of College Premises for any purpose or in any manner that may cause damage to College premises or loss, damage, or injury to any person or put the College in breach of any law or obligation (contractual or otherwise) to any person;
- the event is likely to cause substantial disruption to College activities which cannot be mitigated by conditions imposed by the Senior Tutor and / or Bursar under paragraph 6.9; or
- it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

6.8 The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a College meeting or event.

6.9 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, they shall consider what steps it is necessary to take to ensure the safety of all



persons and the security of College premises. This might include postponing or relocating a meeting or event or imposing conditions. The responsibility for fulfilling these conditions rests with the organisers.

6.10. The College will usually carry out a risk assessment for each meeting or event falling under this Code of Practice.

6.11. Where the College decides that the meeting or event requires security, those security costs must be met by the Organiser within the timeframe specified by the College.

6.12. Where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold the College will not provide any security arrangements.

6.13 In the exceptional event that the College Senior Tutor and / or Bursar considers that the risks cannot be mitigated by the imposition of conditions, or the organiser(s) refuse(s) to comply with the College's conditions, the College Senior Tutor and / or Bursar has the right to cancel the meeting or event and they may do so even if the relevant College procedure has not been exhausted.

6.14. If the Organiser does not comply with the College's conditions or goes ahead with the meeting or event after the College Senior Tutor and / or Bursar has refused consent or cancelled the meeting or event then such action may lead to disciplinary action under the relevant procedures (as set out in paragraph 4.3) and where relevant the College may remove any unauthorised encampment or occupation under its common law power of removal or by court proceedings.

6.15 The College Senior Tutor and / or Bursar will communicate their decision promptly and will set out the reasons for the decision.

6.16 If any of the individuals listed in section 2.2 above is dissatisfied with the decision of the Senior Tutor or Bursar in relation to a meeting or event they may refer the matter under the relevant complaints procedure set out in sections 5.5 above.

7. Monitoring and Review

7.1 Linacre College will periodically review the contents and operation of this Code of Practice and report on its operation to the Governing Body and Trustee Board and recommend amendments to it for consideration by the Trustee Board.



ANNEXE A: GUIDANCE ON DEMONSTRATIONS OR PROTESTS

This Guidance is issued under section 4.2 of the College's Code of Practice on Freedom of Speech (the "Code").

We uphold freedom of speech within the law, as outlined in the College's Code of Practice on Freedom of Speech.

Free, open and robust discussion is essential to our academic community. However, such a culture can only be maintained when all participants engage with each other in ways which may be critical but which are courteous. The College does not tolerate harassment or victimisation in any form. We expect all members of the College community, as well as visitors and contractors, to treat each other with respect, courtesy, and consideration. Please refer to the College Harassment Policy.

The College is committed to fostering an inclusive culture that promotes equality and which values diversity. The College has a responsibility to maintain a safe, effective, and welcoming environment for all our students, staff, and visitors.

A demonstration or protest will fall within the College's procedures for meetings and events (as set out in section 6 of the Code of Practice on Freedom of Speech. As such organizers must contact the College in advance, following the procedure set out in the Code, and a risk assessment will be required. The College has a duty to facilitate protests and will work with organisers to ensure that protests can take place but do not violate the College Statutes and hence result in disciplinary procedures. The Senior Tutor and / or Bursar and / or Dean for Discipline can be contacted for further advice.

College members participating in protests are required to identify themselves to College officials when requested to do so. Failure to do so is a breach of Statute XI which all students with a contract to study at Oxford must abide by. Students will face disciplinary investigation if the University Statutes are breached. The following extract from Statute XI are examples of clauses in the Statutes which are relevant to protests:

No member of the University shall in a university context intentionally or recklessly:

- (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social, cultural, or other activities of the University;
- (b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by members, student members, and employees of the University or by visiting speakers;
- (c) obstruct or attempt to obstruct any officer, employee, or agent of the University in the performance of his or her duties;



- (d) deface, damage, or destroy or attempt to deface, damage or destroy any property of the University or any college or any other individual or knowingly misappropriate such property;
- (e) occupy or use or attempt to occupy or use any property or facilities of the University or of any college except as may be expressly or impliedly authorised by the university or college authorities concerned;
- (g) engage in action which is likely to cause injury or to impair safety;
- (h) engage in violent, indecent, disorderly, threatening, or offensive behaviour or language;
- (j) disobey a reasonable instruction given within their authority by one of the Proctors or their deputies;
- (k) refuse to disclose his or her name and other relevant details to an officer or an employee or agent of the University or of any college in circumstances where it is reasonable to require that that information be given;

Contravening any Statute may lead to the following possible consequences, under which the University may:

- (a) issue the student member with a written warning;
- (b) require the student member to attend a programme of education;
- (c) require the student member to enter a temporary or permanent restriction on contact with a named individual or individuals;
- (d) impose a fine of such amount as it thinks fit;
- (e) suspend the student member's access to or exclude the student member from University accommodation or require the student member to move to other University accommodation (subject to the terms of the student member's lease);
- (f) order the student member to pay compensation to any individual or body suffering injury, damage, or loss as a result of the student member's conduct;
- (g) issue directions in relation to the future provision of references for the student member;
- (h) make an order banning the student member from specified University premises or facilities for such period or on such terms as it thinks fit;
- (i) subject to endorsement by the relevant college, make an order banning the student member from specified college premises or facilities for such period or on such terms as it thinks fit;



(j) suspend the student member for such period as it thinks fit.

In addition to actions that the College may take under its Statutes, unauthorised occupation of College land or buildings may lead to legal action including the College issuing court possession proceedings or exercising its common law power of removal.