

## **Code of Practice on Freedom of Speech**

The following Code of Practice on Freedom of Speech was approved by Governing Body on **12<sup>th</sup> February 2025**. It supersedes the [Freedom of Speech Policy 2019](#).

### **1. Introduction**

1.1 This Code of Practice sets out Somerville 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 is a separate, but complementary right. It applies in relation to academic staff at the College and 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 or privileges.

1.4 References in this Code of Practice to "College premises" means land, buildings, or other premises owned, leased or occupied by the College or under the day-to-day control of the College.

1.5 The University and the Oxford University Student 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.

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<sup>1</sup>

(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 of 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.

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<sup>1</sup> A "visiting speaker" means a person who has been invited to speak at the College by a member, student or College employee acting in their capacity as a member, student or College employee.

### 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.<sup>2</sup> In accordance with the terms of its Policy and Procedure on Harassment,<sup>3</sup> 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**

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<sup>2</sup> See also the College's Equality and Diversity Policy, available on the College website at <https://www.some.ox.ac.uk/wp-content/uploads/2023/03/04-Equality-Diversity-Policy.pdf>

<sup>3</sup> Available on the College website at <https://www.some.ox.ac.uk/wp-content/uploads/2024/02/College-Harassment-Policy-and-Procedure-Nov-2023.pdf>. See also the Flowchart, available on the College website at <https://www.some.ox.ac.uk/wp-content/uploads/2023/12/College-Harassment-Procedure-2023-24.pdf> See also the Support Staff Harassment and Bullying Policy, available on the College website at <https://www.some.ox.ac.uk/wp-content/uploads/2021/07/Support-Staff-Harassment-Policy-2014.pdf>

**published Guidance on Demonstrations or Protests, which is available on the University website. Somerville Guidance on Demonstrations or Protests is available as Annex B 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, available on the College website at [https://www.some.ox.ac.uk/wp-content/uploads/2023/02/Somerville-College-Non-Academic-Disciplinary-Code\\_Feb-2023.pdf](https://www.some.ox.ac.uk/wp-content/uploads/2023/02/Somerville-College-Non-Academic-Disciplinary-Code_Feb-2023.pdf);
- c) Complaints about others should in the first instance be made to the Principal.

4.4 Complaints that arise in the University context (ie 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, available on the College website at <https://www.some.ox.ac.uk/wp-content/uploads/2023/03/Health-Safety-Policy-September-2022-last-reviewed-March-2023.pdf>

## **5. College Activities**

5.1 The College ensures that its teaching, research, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law.

5.2 In making decisions or adopting policies 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 eg by the Education Reform Act 1988);
- (b) the need to take reasonably practicable steps, to ensure that freedom of speech within the law is secured for members, students and employees of the College and for visiting speakers (as required eg by the Education (No 2) Act 1986);
- (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 established by the Equality Act 2010 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 Student Non-Academic Disciplinary Procedure for students, as set out above).

5.4 Complaints that the College has breached its duties in relation to freedom of speech may be raised by students and employees through the usual complaint routes. A complaint may also be brought by a former student where their complaint relates to events which occurred while they were a student and

which impacted them in that capacity. The appropriate procedure for raising such complaints is as follows:

(a) complaints by members of staff should be addressed under any applicable grievance procedure, unless they are related to other complaints and/or form part of an existing complaint, and/or fall under the scope of another staff procedure, in which case they should be raised within the procedure associated with those other complaints (eg the Harassment or disciplinary procedure);

(b) complaints by students should be raised under the Student Complaints Procedure,<sup>4</sup> unless they are related to other complaints and/or form part of an existing complaint under another procedure in which case they should be raised within the procedure associated with those other complaints (eg 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. 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 shut down debate, pose unacceptable risks to individuals **or cause substantial disruption to College activities** and will work with the organisers towards this goal. Cancellation of events is undesirable and should be exceptional.

6.2 Members, students (including Common Rooms and College Societies) or employees of the College who are organising a meetings or event (including those that take place online) or are responsible for administering external bookings of College Premises (the “Organiser”) are responsible for assessing those meetings and events in the context of this Code, <https://www.some.ox.ac.uk/wp-content/uploads/2024/07/Somerville-College-Venue-Hire-Terms-and-Conditions-July-2024.pdf>, and other relevant College policies. The Organiser MUST follow the procedure outlined in **Annex A** to this Code in any of the following circumstances:

(a) the meeting or event 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) the event is a protest<sup>5</sup> which is intended to take place on College premises and/or in a manner which may disrupt College activities, including by any person<sup>6</sup> occupying or setting up camp on College premises;**

**(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;**

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<sup>4</sup> Available on the College website at <https://www.some.ox.ac.uk/wp-content/uploads/2021/06/PP-Complaints-Procedure-extracted-from-college-handbook-15-16.pdf>

<sup>5</sup> “Protest” includes any demonstration, protest, rally or similar event.

<sup>6</sup> “Person” means any natural person, corporate or unincorporated body.

**(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.**

If Organisers are in any doubt, or have any questions, or need for further information, they are encouraged to discuss the situation with the Catering and Conference Manager in the first instance, and then seek advice, as appropriate, from the College Dean and the University Security Services. No meeting or event which is proposed to be held on College premises may be refused, cancelled or altered as a result of the beliefs or views (in the case of an individual, or a member of a body) or the policy or objectives (in the case of a body) of the individual or body seeking to hold the meeting or event save as a result of consideration by the **College Dean**.

## **7. Monitoring and review**

7.1 Somerville College will periodically review the contents and operation of this Code of Practice and report on its operation and recommend amendments to it for consideration by Governing Body as appropriate or necessary.

## ANNEX A: PROCEDURES FOR MEETINGS AND EVENTS

A1. This Annex is issued under section 6.2 of the College's Code of Practice on Freedom of Speech (the "Code").

A2. Where a meeting or event falls under section 6.2 (a)-(e) of the Code, the Organiser should formally notify the meeting or event to the College Dean in accordance with the Student Handbooks and Regulations set out on the booking pages for student events. **Where a meeting or event falls under section 6.2(a)-(e) of the Code and would not otherwise require formal notification to the College Dean, the College Dean must be notified by email to [deans.office@some.ox.ac.uk](mailto:deans.office@some.ox.ac.uk) and copying in the Catering and Conference Manager at least two weeks before the event.**

A3. In the context of this Code, the College Dean 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 as set out in the conduct and procedures in this Code.

A4. On receipt, the case will be assessed by the College Dean who will consult with the Decanal Team, Catering and Conference Manager, Lodge, Senior Tutor and other individuals as appropriate. The starting point for the College Dean considering a particular event will be that the event should be allowed unless there are compelling and exceptional reasons for it not to proceed.

A5. As required by section 12 of the Terrorism Act 2000, the College Dean 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.

A6. In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the College Dean 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 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 Organiser will not permit contrary or opposing viewpoints to be 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 even is likely to cause substantial disruption to College activities which cannot be mitigated by conditions imposed by the College Dean under paragraph A8;**

- it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

A7. The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a College meeting or event.

A8. 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 any person, 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 Organiser.

**A9. The College will usually carry out a risk assessment for each meeting or event falling under this Code of Practice.**

**A10. 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.**

**A11. Where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold the Proctors' Office will not usually be involved in security arrangements.**

**A12. In the event that:**

- a meeting or event falls under section 6.2 (a)-(e) of the Code but the Organiser does not notify the College Dean in the manner set out at A2 of this Annex; or
- the College Dean considers that the risks cannot be mitigated by the imposition of conditions; or
- the College Dean reasonably believes that the Organiser will not comply with the conditions,

**then in each case the College Dean can refuse consent for the meeting or event to go ahead and/or cancel the meeting or event.**

A13. If the Organiser does not comply with the College's conditions or goes ahead with the meeting or event after the College Dean 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.

A14. The College Dean will communicate their decision promptly and will set out the reasons for the decision.

A15. If any student or member of staff is dissatisfied with the decision of the College Dean in relation to a meeting or event they may refer the matter under the relevant complaints procedure set out in section 5.4 above.

## **ANNEX B: 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.**

**College members participating in protests are required to identify themselves to College officials when requested to do so. Failure to do so where reasonable is a breach of the College Code of Discipline. The College Code of Discipline is available on the College website, at <https://www.some.ox.ac.uk/wp-content/uploads/2024/10/PART-D-Decanal-Matters.pdf> and in the Student Handbooks. Students should familiarise themselves with the College Code of Discipline in its entirety.**

**Failure to identify in the manner described above is also a breach of Statute XI which all students with a contract to study at Oxford must abide by. Students should refer to the University Statutes and the Proctors’ published guidance on Demonstrations or Protests.**

**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.**