



Hertford College

OXFORD

FREEDOM OF SPEECH CODE OF PRACTICE

Version 2.2 September 2025

Replaces all previous College codes of conduct, policies or similar in relation to Freedom of Speech.

1. INTRODUCTION

- 1.1. This Code of Practice sets out the 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 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 all 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 has their own duty to secure freedom of speech and has their own related Code of Practice.

2. LEGISLATIVE FRAMEWORK

- 2.1. The legal duty of UK universities to protect free speech and academic freedom is enshrined in the Higher Education (Freedom of Speech) Act 2023 and is also protected under Article 10 of the European Convention on Human Rights which has effect through the Human Rights Act 1998. Academic freedom is also protected under the Education Reform Act 1988.
- 2.2. Part A1 of the Act places a duty on the College's Governing Body such that it must take the steps that, having particular regard to the importance of freedom of speech, are

reasonably practicable for it to take in order to secure freedom of speech, within the law for members, students and employees of the College, and for visiting speakers¹.

- 2.3. This duty includes, inter alia, securing:
 - 2.3.1 that the use of College premises is not denied to any individual or group on the basis of their ideas or opinions (individuals) or its policy, objectives or the ideas or opinions of any of its members (groups), nor on terms that are to any extent based on such considerations;
 - 2.3.2 in relation to Academic Staff, their academic freedom;
 - 2.3.3 that apart from in exceptional circumstances, the use of College premises by any individual or body is not on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises.
- 2.4. Part A2 of the Act states further that the governing body must maintain a code of practice setting out certain matters related to freedom of speech. These are addressed in this document.

3. VALUES

- 3.1. Freedom of speech within the law and academic freedom are central tenets of College life and must be robustly protected.
- 3.2. In all its activities, the College seeks to:
 - 3.2.1 secure and promote civic and academic freedoms including freedom of speech;
 - 3.2.2 ensure a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context; and
 - 3.2.3 foster a culture of openness and inclusion, 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. We encourage members of College to engage critically but courteously with those with whom they disagree, to foster a culture of free, open, and robust discussion.

4. CONDUCT

- 4.1. Inevitably, this will mean that members of the College are confronted with views that some find shocking, disturbing or offensive.
- 4.2. 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 Policies concerning Harassment, or Bullying, the College does not tolerate any form of harassment, bullying or victimisation. We expect all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.

¹ 'Visiting Speaker' means a person who has been invited to speak at the College by a member, student or employee of the College, acting in that capacity.

- 4.3. 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.
- 4.4. Peaceful protest is a legitimate expression of freedom of speech. However, such protest must not shut down debate nor cause substantial disruption to essential 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 or impede the free speech of others 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 4.5).
- 4.5. Complaints about the behaviour of individuals should be made under the appropriate procedure:
- 4.5.1 concerning a student of the College – **Student Disciplinary Code (Bye-law 5)**
 - 4.5.2 concerning a College Employee – **Employee Disciplinary / Grievance Procedures**
 - 4.5.3 concerning a College Fellow – **to the Principal**
 - 4.5.4 concerning another party – **to the Bursar**
- 4.6. 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.
- 4.7. All activity in relation to this section 4 must be planned, considered, and undertaken in accordance with the provisions of the College's Health and Safety Policy.

5. PROCEDURES

- 5.1. The Act requires that this Code of Practice sets out procedures to be followed in connection with the organisation of meetings and other activities at the College.
- 5.2. The College ensures that its teaching, research, curriculum, 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.
- 5.3. This Code of Practice therefore applies to the College procedures to be followed by staff and students (including College Common Rooms and Societies) when organising any activities that relate to academic (or general College) life, whether those activities take place on or off College premises, including activities relating to: admission, appointment, reappointment, employment and promotion of staff, disciplinary matters, equality,

diversity and inclusion, fitness to practice, harassment and bullying, IT, social media, Prevent duty, principles of curricular design, research ethics, speaker events, staff and student codes of conduct.

- 5.4. 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:
 - 5.4.1 the importance of academic freedom (as required eg by the Education Reform Act 1988);
 - 5.4.2 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 eg by the Act);
 - 5.4.3 the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
 - 5.4.4 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
 - 5.4.5 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'.
 - 5.4.6 relevant guidance from the Office for Students (OfS), including the three-step framework for assessing compliance with the 'secure' duty.
- 5.5. A breach of this Code may lead to disciplinary action being taken under the appropriate College procedure (including disciplinary procedures for staff or the Student Disciplinary Code for students).
- 5.6. 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 or groups afforded protection in section 2.2 and 2.3 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:
 - 5.6.1 complaints by members of staff should be addressed under the staff 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 (e.g. disciplinary);
 - 5.6.2 complaints by students should be raised under the Junior Members' Complaints Procedure.
 - 5.6.3 complaints by any other person falling within 2.2 and 2.3 above should be raised in the first instance to the Bursar.

- 5.7. 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.
- 5.8. Complaints should be made within 3 months, extendable where not reasonably practicable to complain within that time period.
- 5.9. The OfS operates a free speech complaints scheme. Under that scheme, the OfS can, at its discretion, review complaints about free speech from members, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the complaints that the OfS can review is available on its website.
- 5.10. The complaint process is not intended as a route for seeking a review of individual case decisions of the College Reviewer in relation to the consent for an event to take place, or any conditions imposed. An appeal process is provided for that purpose – see Annex A.

6. COLLEGE MEETINGS AND EVENTS

- 6.1. Through the implementation of this Code, the College will take 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 and 2.3 above on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member.
- 6.2. The College will 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 essential College activities - and will work with the organisers towards this goal. Cancellation of events is undesirable and should be exceptional.
- 6.3. Any meeting or event **MUST** be reported, and dealt with, in accordance with the procedure outlined in **Annex A** to this Code, in the case that any one or more of the following circumstances apply:
 - 6.3.1 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;
 - 6.3.2 the event is a protest² which is intended to take place on College premises and/or in a manner which may disrupt essential College activities, including by any person³ occupying or setting up camp on College premises;
 - 6.3.3 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;

² 'Protest' includes any demonstration, protest, rally or similar event

³ 'Person' means any natural person, corporate or unincorporated body

- 6.3.4 the event may shut down debate or prevent others from speaking freely or exercising their academic freedom;
- 6.3.5 the meeting or event may pose a risk to the physical safety of any person.
- 6.4. If Organisers⁴ are in any doubt or have any questions or need for further information, they are encouraged to discuss the situation with the Domestic Bursar in the first instance, who may in turn seek advice, as appropriate, from College Officers or relevant external (including University) sources.
- 6.5. No meeting or event proposed to be held on College premises may be refused, cancelled or altered as a result of the ideas or opinions (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 applicable College Reviewer as set out in **Annex A**.

7. MONITORING AND REVIEW

- 7.1. The College will periodically review the contents and operation of this Code of Practice and make amendments as appropriate or necessary.

*Approved by the **Governing Body***

September 2025

⁴ 'Organisers' means those persons taking principal responsibility for arranging or promoting an event or meeting that makes use of College premises, or who make a booking of any College premises in relation to it.

Annex A: Procedures for Meetings and Events

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

1. REFERRAL TO COLLEGE REVIEWER

- 1.1. For the purposes of this Annex the term 'College Reviewer' shall mean:
 - 1.1.1 Where the Organiser is a student of the College, the **Student Conduct Officer**;
 - 1.1.2 In all other cases, or in the absence of the Student Conduct Officer, the **Domestic Bursar**.
- 1.2. Where a meeting or event falls under section 6.3 of the Code, it should be reported, in writing, to the relevant College Reviewer at least twenty working days in advance of the meeting or event, including sufficient detail to inform a proper consideration by them.
- 1.3. Primary responsibility for identifying that the meeting or event may meet the conditions set out under section 6.3 of the Code shall rest with the Organiser.
- 1.4. In the case that the meeting or event is being arranged via a standard College booking procedure, the Organiser should bring the matter to the attention of the administrator of the booking process, who shall make the required report to the College Reviewer.
- 1.5. In all other cases, the Organiser must report the matter directly to the College Reviewer.
- 1.6. In the case that an employee administering the booking has not been notified by the Organiser that the event or meeting falls under section 6.3 of the Code, but has reasonable grounds to believe that it may do so, they shall report the matter to the College Reviewer.
- 1.7. All initial reports to the College Reviewer should be copied to the Domestic Bursar.

2. THE REVIEW PROCESS

- 2.1. The College Reviewer is entrusted with the duty to assess the implications of events or meetings 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.
- 2.2. On receipt, the case will be assessed by the College Reviewer who will consult as they deem appropriate. The starting point for the College Reviewer considering a particular event will be that the event should be allowed unless there are compelling and exceptional reasons for it not to proceed.
- 2.3. In all cases referred to the College Reviewer, the meeting or event may only proceed if the College Reviewer gives permission for it to do so.
- 2.4. If less than 20 days' notice is given, the College Reviewer will seek to consider the matter in the reduced timeframe if there are compelling reasons why the meeting or event cannot be delayed - and if it is reasonably practical to do so. However, if there are no compelling reasons why the event cannot be delayed and/or if it is not practically possible for the College to make the necessary arrangements in the reduced time, the meeting or event may need to be rearranged – the responsibility for which shall rest with the Organiser.

- 2.5. As required by section 12 of the Terrorism Act 2000, the College will not give permission to hold a meeting or event where it is known that:
- 2.5.1 the proposed speaker belongs to, or professes to belong to, a [proscribed organisation](#); or
 - 2.5.2 the proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.
- 2.6. In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the College Reviewer reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the College or otherwise) that:
- 2.6.1 the views likely to be expressed by any speaker are contrary to the law;
 - 2.6.2 the intention of any speaker is likely to incite breaches of the law or to intend breaches of the peace to occur;
 - 2.6.3 the meeting is likely to include the expression of viewpoints that are reasonably believed to be highly controversial and the Organiser will not permit (or is likely to prevent) contrary or opposing viewpoints to be held or expressed at the meeting;
 - 2.6.4 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;
 - 2.6.5 the event is likely to shut down debate or prevent others from speaking freely or exercising their academic freedom;
 - 2.6.6 the event is a protest which involves any person occupying or setting up camp on College premises, unless it can be shown that, in the particular circumstances, such occupation will not disrupt essential activities taking place on College premises at the time;
 - 2.6.7 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;
 - 2.6.8 the event is likely to cause substantial disruption to College activities which cannot be mitigated by conditions imposed by the College Reviewer under 2.8 below;
 - 2.6.9 it is in the interest of public safety, or the prevention of disorder or crime, that the meeting does not take place.
- 2.7. The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for a meeting or event.
- 2.8. Where the College Reviewer 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 physical 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 other conditions as to its logistical arrangements. The responsibility for meeting any conditions set rests with the Organiser.

- 2.9. In the event that it becomes evident that a meeting or event may fall under section 6.3 of the College's Freedom of Speech Code of Practice but

- 2.9.1 the Organiser fails to notify the College Reviewer, or the administrator of the booking, in accordance with the required procedure; or
- 2.9.2 the College Reviewer reasonably considers that the risk cannot be mitigated by the imposition of conditions, and the residual risk is unacceptable; or
- 2.9.3 the College Reviewer reasonably believes that the Organiser will not comply with the conditions set,

then in each case the College Reviewer can refuse consent for the meeting to go ahead and/or cancel the meeting or event, and they may do so even if the relevant College procedure has not been exhausted.

3. COSTS OF PROVIDING SECURITY

- 3.1. The College will not pass on the costs of arranging security measures for events or meetings (where such conditions are deemed appropriate by the College) except in exceptional circumstances. Circumstances are exceptional when:
- 3.1.1 security costs exceed £250. In these circumstances, the College will pass on the residue of security costs to the organisers;
 - 3.1.2 where the costs are disproportionate to the numbers likely to be attending the event and the event could be held in a more proportionate way;
 - 3.1.3 where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold;
 - 3.1.4 where those involved (organising or attending) do not fall within the categories listed at 2.2 of the College's Code of Practice on Freedom of Speech.
- 3.2. Any decision 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, anybody involved in organising the event.
- 3.3. In the event that there are any security costs to be passed on to the Organiser, the College will provide a written summary of the calculation of the expected cost, and any relevant explanation for this calculation. If felt to be unreasonable, or not reasonably applied, the Organiser should in the first instance discuss the matter with the College Reviewer, to determine if there is any room for revision.

4. DECISION OF THE COLLEGE REVIEWER

- 4.1. The College Reviewer will communicate their decision promptly, including any conditions to be met, and will set out the reasons for the decision.

- 4.2. If the Organiser does not comply with any conditions, or goes ahead with the meeting or event after the College Reviewer has refused consent or cancelled the meeting or event, then such action may lead to disciplinary action under any relevant College procedure (including those set out under 4.5 of the College's Code of Practice on Freedom of Speech). Where relevant, the College may remove any unauthorised encampment or occupation, through its common law power of removal, or by court proceedings.

5. APPEALS

- 5.1. If the Organiser is dissatisfied with the decision of the College Reviewer in relation to a meeting or event they may lodge an appeal, which shall be determined by an 'Appeal Officer', who shall be:
- 5.1.1 The Principal, in the case that the organiser is a student of the College; or
 - 5.1.2 The Bursar, in all other cases.
- 5.2. The Appeal must be made in writing, by the Organiser, to the relevant Appeal Officer within five days of the original decision.
- 5.3. The Appeal must include:
- 5.3.1 In the case that consent for the event or meeting has not been given, or the event has been cancelled, the basis on which the appellant believes the reason given for the withholding of consent/cancellation is not reasonable, with any supporting evidence.
 - 5.3.2 In the case that one of more of the conditions imposed is being appealed, the reasons why the appellant asserts the condition(s) to be unreasonable, and any evidence to support those assertions.
 - 5.3.3 In the case that they are disputing the College's intention to pass on the costs of security measures, or the level of those costs, the reason why the costs are felt to be unreasonable, or not reasonably passed on, and any alternate proposal that is being put forward.
- 5.4. Appeals based on the presentation of new facts or evidence that could reasonably have been provided to support the original decision will not be allowed. In such cases, the Organiser will be directed to make a new submission to the College Reviewer.
- 5.5. An appeal based solely on challenging security costs will be similarly redirected if the Organiser has not already sought to negotiate these with the College Reviewer, and received a final decision.
- 5.6. The appellant may not introduce additional arguments or evidence after the appeal submission, save in the case that the Appeal Officer shall request or invite such.
- 5.7. The Appeal Officer shall adopt whatever process appears to them to be the most practical and reasonable in the circumstances, consulting with Colleagues and other parties as they deem appropriate.

- 5.8. The Appeal Officer will make a determination as soon as may be practical in the circumstances, taking due account of any time sensitivity, but in any case within 10 days of receiving the appeal.
- 5.9. Any determination will set out the basis for the decision, and those who have been engaged/consulted during the process.
- 5.10. The Appeal Officer may determine to:
 - 5.10.1 Uphold the original decision in full (including any conditions, where these were imposed); or
 - 5.10.2 Vary one or more of the conditions imposed; or
 - 5.10.3 Withdraw any conditional consent that had previously been provided.
- 5.11. The decision of the Appeal Officer shall be final.