



NEW COLLEGE
OXFORD

POLICY DOCUMENT

Freedom of Speech Policy

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 its 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). This includes speech or expression that others may find irritating, unwelcome, offensive, shocking, disturbing, or provocative, provided that it is lawful.
- 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 and/or the University, without institutional censorship and without placing themselves in jeopardy of losing their jobs or privileges.
- 1.4 In this Code of Practice:
- (1) “College premises” refers to land, buildings, or other premises owned, leased or occupied by the College or under the day-to-day control of the College.
 - (2) A “Visiting speaker” refers to a person who has been invited to speak at the College by a member, student, or employee of the College acting in their capacity as a member, student, or employee of the College.
 - (3) A “Member of the College” does not include any person who is associated with the College solely by virtue of having been a student of the College.
- 1.5 The University and Oxford University Students’ Union each have their own Code of Practice on Freedom of Speech.
- 1.6 The New Code of Practice applies to freedom of speech and academic freedom issues (including those arising in relation to planned or actual events, meetings, and protests) as they occur in the College context. The University’s policies and procedures apply in relation to freedom of speech and academic freedom issues as they occur in the University context.
- 1.7 The College will actively promote the importance of freedom of speech and academic freedom, in line with its statutory “promote duty” under the Higher Education and Research Act 2017, as amended by the Higher Education (Freedom of Speech) Act 2023.

2. Legislative framework

- 2.1 The legal duty of UK universities to protect freedom of speech is enshrined in the Education (No 2) Act 1986 and the Higher Education and Research Act 2017 (as amended). Academic freedom is protected under the Education Reform Act 1988 and the Higher Education and Research Act 2017. 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. Article 10 is read in accordance with Article 17.
- 2.2 Under the Equality Act 2010, staff and students must not be subjected to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, the harassment provisions of the Equality Act cannot be used to undermine freedom of speech or academic freedom. As a result, students and staff may be exposed to research, course material, discussion or speakers' views that they find offensive or unacceptable, but are nonetheless within the law and unlikely to be considered unlawful harassment under the Equality Act.
- 2.3 Under sections A1-A7 of the Higher Education and Research Act 2017 (as amended), registered higher-education providers, and their constituent institutions, must secure and promote freedom of speech within the law and maintain a code of practice setting out how these duties are met.
- 2.4 The legal duties on universities to secure and promote freedom of speech and to issue a Code of Practice also apply to constituent institutions of registered higher education providers, such as the College.
- 2.5 In applying this Code of Practice, the College will have due regard to the Office for Student's 'Regulatory Advice 24: Guidance Related to Freedom of Speech' ([Regulatory advice 24: Guidance related to freedom of speech - Office for Students](#)).
- 2.6 Students, staff, and visiting speakers should note that under section A7 of the Higher Education and Research Act 2017 they may, once the scheme is operational, bring a complaint to the Office for Students if they believe their lawful freedom of speech has been infringed.

3. Values

- 3.1 Freedom of speech and academic freedom are central to College life and must be robustly protected.
- 3.2 In all its activities, the College seeks to:

- (1) secure and promote 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 will find unsettling, extreme, or offensive. Nevertheless, in fostering a culture of free, open, and robust debate and discussion, the College encourages all concerned to engage critically with one another in a respectful manner.
- 3.4 The College believes that both its community and its educational mission are strengthened when, within the bounds prescribed by law, a wide range of views is given a fair opportunity to be heard. The College also believes that academic enquiry and debate are enhanced when, to a proportionate extent, views are exposed to questioning and argument, and when all such exchanges occur peacefully and respectfully.
- 3.5 The College believes that with appropriate regulation of the time, place, and manner of events, freedom of speech can be exercised without giving rise to either harassment or censorship.
- 3.6 The College will take such steps as are reasonably practicable to secure freedom of speech within the law, having regard to its resources, the risks involved, and the need for proportionality. The College will not be taken to endorse or support any view expressed by an external speaker solely by permitting that person to speak.

4. Conduct

- 4.1 The College is committed to fostering an inclusive culture that promotes equality and diversity of values, 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 ([Harassment Policy](#)).
- 4.2 The College does not tolerate any form of harassment or victimisation.
- 4.3 The College expects all members of the College community, its visitors, and contractors to treat each other with courtesy and consideration.
- 4.4 Peaceful protest is a legitimate manifestation of freedom of speech. However, such protest must not cause or threaten the shutting-down of debate or any material disruption to College activities. The College recognises the right to peaceful protest,

provided that it does not unlawfully restrict the rights of others to speak or to be heard. Staff, students, and members of the College wishing to protest either on College premises or on non-College premises in a manner that may disrupt College activities must seek permission in advance in accordance with 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. The College may also take legal action to remove any unauthorised trespass, encampment or occupation.

- 4.5 Conduct that could amount to harassment will be dealt with according to the College's Policy and Procedure on Harassment ([Harassment Policy](#)).

5. College Activities

- 5.1 The College will take reasonable steps to ensure that its teaching, research, policies, and procedures are consistent with its duties to protect, so far as is reasonably practicable, freedom of speech and academic freedom within the law. Such reasonable steps will include drawing the attention of all those covered by this Code of Practice to its contents annually.
- 5.2 In making decisions or adopting policies which might reasonably be foreseen as likely to impact freedom of speech, the College will take into account:
- (1) the importance of academic freedom (as required e.g. by the Higher Education and Research Act 2017 as amended by the Higher Education (Freedom of Speech) Act 2023);
 - (2) 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 e.g. by the Higher Education and Research Act 2017 as amended by the Higher Education (Freedom of Speech) Act 2023);
 - (3) the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
 - (4) 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
 - (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'.

- 5.3 A breach of this Code may lead to disciplinary action being taken under the appropriate College procedure (which might include the Employee Disciplinary Procedure, Statute XVII, and the Student Non-Academic Disciplinary Procedure).
- 5.4 When assessing any matter affecting speech or expression, the College will apply the following three-step test recommended by the Office for Students:
- (1) determine whether the speech is within the law;
 - (2) identify whether there are reasonably practicable steps to secure it; and
 - (3) apply any restriction only if it is prescribed by law and proportionate.
- 5.5 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. These might include: the student complaint procedure, the Employee Grievance Procedure, and Statute XVII, Part VI. Anyone who is unsure where to direct their complaint can speak to the Dean in the first instance. Eligible individuals may also raise a complaint with the Office for Students once its free-speech complaints scheme is in force.

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, with a presumption that events organised by College members should be allowed to take place, provided that they are within the law and do not threaten to shut down debate, present an unacceptable risk or unacceptable risks, or cause material disruption to College activity or impose an undue financial burden on the College. The cancellation of approved events is undesirable and should be exceptional and justified in writing.
- 6.2 Any member, student, or employee of the College who is organising a meeting or event (including those that take place online) or is responsible for administering external bookings of College premises must follow the procedure outlined in Annex A to this Code in any of the following circumstances:
- (1) if the meeting or event is likely to give rise to an environment in which people will encounter, or could reasonably fear, discrimination, harassment, 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;
 - (2) if the event is a protest intended to take place on College premises and/or in a manner that may disrupt College activities, including by any person occupying or setting up camp or otherwise trespassing on College premises;

- (3) if the event risks causing damage to College premises, or loss or damage to any person, or risks putting the College in breach of any of its legal or regulatory obligations;
- (4) if the event threatens to shut down debate or prevent others from speaking freely or exercising their academic freedom; and/or
- (5) if the meeting or event is likely to pose a risk to the safety of any person or property.

If organisers are in any doubt, have any questions, or need further information, they should, in the first instance, discuss the situation with the Dean.

7. Monitoring and review

- 7.1 The Dean will review the contents and operation of this Code of Practice and make recommendations to the College as necessary. The Dean will also routinely review the policy on an annual basis and recommend it to the College at the first Stated General Meeting of Michaelmas Term.

ANNEX A: PROCEDURE FOR MEETINGS AND EVENTS WITHIN THE SCOPE OF THIS CODE OF PRACTICE

- A1. This Annex is issued under sections 4.3 and 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 Dean (dean@new.ox.ac.uk).
- A3. Ordinarily, notification under A2 should be provided at least 14 days before the date of the proposed meeting or event. However, if the proposed meeting or event is due to involve an external speaker and/or a speaker who will require some form of additional security, the period of notification is, where possible, 28 days. Where these notice periods cannot reasonably be met, late requests will be considered where practicable.
- A4. In the context of this Code, the Dean has a 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 this Code. In particular, the Dean will have due regard to the Office for Student’s ‘Regulatory Advice 24: Guidance Related to Freedom of Speech’ ([Regulatory advice 24: Guidance related to freedom of speech - Office for Students](#)).
- A5. On receipt of a referral, the case will be assessed by the Dean. As set out in section 6.1, the starting point for the Dean’s consideration will be that the event should be allowed unless there are compelling and exceptional reasons for it not to proceed. In making this assessment, the Dean will apply the three-step test referred to in 5.4:
- (1) Is the speech within the law?
 - (2) Can reasonably practicable steps secure it?
 - (3) Would any restriction be prescribed by law and proportionate?
- A6. As required by section 12 of the Terrorism Act 2000, the Dean will not give permission to hold a meeting or event where it is known that:
- (1) the proposed speaker belongs to, or professes to belong to, a proscribed organisation; or
 - (2) the proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.
- A7. In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the Dean has reasonable grounds to believe, based on the evidence available at the time, that:
- the remarks likely to be made by any speaker will be contrary to the law;
 - any speaker is likely to incite illegal actions or activities or breaches of the peace;

- the views likely to be expressed by any speaker would promote any illegal organisation or purpose, including organisations listed on the UK Government’s list of proscribed terrorist groups or organisations;
 - the event is likely to shut down debate or prevent others from exercising their freedom of speech and/or academic freedom;
 - the event is a protest that involves any person trespassing, 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 of its legal or regulatory obligations;
 - the event is likely to cause material disruption to College activities that cannot be mitigated by conditions imposed by the Dean under A9;
 - it is in the interest of public safety, the maintenance of public order or the prevention of crime, that the meeting does not take place.
- A8. The lawful expression of controversial or unpopular views will not in and of itself constitute reasonable grounds for withholding permission for a College meeting or event.
- A9. Where the Dean 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 as to the time, place, and/or manner of the meeting or event. The responsibility for fulfilling these conditions rests with the organiser. Any conditions imposed must be necessary and proportionate, and the reasons will be set out in writing.
- A10. The College will usually carry out a risk assessment for each meeting or event falling under this Code of Practice.
- A11. Other than in exceptional circumstances, where the College decides that the meeting or event requires additional security, the cost of arranging and/or providing that security will be borne by the College up to the cost of £500. If additional security beyond £500 is required, the College will discuss proportionate cost-sharing arrangements with the organiser.
- A12. In the event that:
- (1) a meeting or event falls under section 6.2 (1)-(5) of the Code but the organiser does not notify the Dean; or
 - (2) the Dean considers that the risks cannot be mitigated by the imposition of conditions; or
 - (3) the Dean reasonably believes that the organiser(s) will not comply with such conditions,

then in each case the Dean may 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 Dean has refused consent and/or cancelled the meeting or event, then such action may lead to disciplinary action under the relevant procedures (as set out in section 5.3).
- A14. The Dean will communicate their decision promptly and will set out the reasons for the decision in writing.
- A15. If any student or member of staff is dissatisfied with the decision of the 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. Appeals should normally be lodged within ten working days of receiving the decision
- A16. For the purposes of this Code of Practice, if the Dean is unavailable to act or is prevented from acting because of a conflict of interest (e.g. because the organiser of the event or meeting in question is one of their students or the Dean is closely associated with the cause), the Warden may appoint another senior officer of College to act to avoid delay.