

Code of Practice on Freedom of Speech

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Next review date: Trinity term 2028

Policy owner: Bursar

Approved by: Governing Body

1. Purpose

- **Objective:** This Code of Practice sets out St Antony's College's values and expectations relating to freedom of speech and academic freedom and how these values and expectations are applied to College activities.
- **Scope:** This Code of Practice applies to all activities on College premises including those booked by Fellows, students, staff, and College Members, visiting speakers¹ invited to speak by any such people, and events booked by external parties.

2. Definitions

- **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).
- **Academic freedom** is a separate but complementary right as further provided for by the University in [Statute XII](#). It applies only 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.
- **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 A 'visiting speaker' means a person who has been invited to speak at the College by a member, student or College employee (including Governing Body Fellows) acting in their capacity as a member, student or College employee.

3. Legislative framework

- 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.
- 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.

4. Values

- **Overview:** Freedom of speech and academic freedom are central tenets of College life and must be robustly protected.
- **Specific Provisions:** In all its activities, the College works within the context of its [values](#) of being *outward-looking, respectful, diverse, and curious*, to:
 - a. secure and promote civic and academic freedoms including freedom of speech
 - b. ensure a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context, and
 - c. 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.

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.

- 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. 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.

5. Conduct

- 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.
- 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 College's **guidelines on protests, demonstrations or similar gatherings, available as Annex B** of this Code. Carrying out such protests without permission may lead to disciplinary action under the relevant procedures (as set out under Section 7 'complaints', below).
- Conduct of all College members is governed by this Code of Practice and the relevant policies and procedures listed in Section 9 below.
- 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). The [Code of Conduct](#) applies to all those connected or working with the College.

6. College Activities, including Meetings and Events

- The College ensures that its research, policies and procedures reflect its duties to secure, so far as is reasonably practicable, freedom of speech and academic freedom within the law.
- 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.’
- 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. Speakers should be exposed to evidence, questioning and argument.
- A member, student (including Common Rooms and College Societies) 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 (the ‘Organiser’) is responsible for assessing those meetings and events in the context of this Code together with relevant conference and booking policies and other relevant College policies.
- **In the any of the following circumstances**, the Organiser **MUST** follow the procedure outlined in **Annex A**:
 - (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 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
 - (c) the event may shut down debate or prevent others from speaking freely or exercising their academic freedom, and/or
 - (d) 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 Head of Operations & Estates in the first instance, and then seek advice, as appropriate, from the Dean (for student events) or Sub-Warden (for all other events) and/or 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 Dean (for student events) or Sub-Warden (for all other events).

7. Complaints

- 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 recently-registered² 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 (available in the Employee Handbook) 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](#) 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)
 - (c) complaints by others should in the first instance be made to the Warden (warden@sant.ox.ac.uk).
- 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.
- 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.

8. Monitoring and Review

- **Review Cycle:** St Antony's 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.

9. Related Documents

- **References:**
 - [Policy and Procedure on Harassment](#)
 - [Staff Handbook](#) (Single Sign-On required)
 - [Student Complaints Procedure](#)
 - [Code of Conduct](#)
 - [Code of Student Discipline](#)
 - [Equality Policy](#)
- The University and the Oxford Students' Union each have their own Codes of Practice on Freedom of Speech.

² As set out in our [Complaints Procedure](#), students have access to this procedure for a maximum period of three months after their studies have concluded or been terminated before completion of their course. For PGT students, conclusion/termination means the official end date or an agreed extended date for submission of any last assignment or exams. For PGR students, conclusion/termination means the date on which the relevant academic department/faculty issues Leave to Supplicate.

10. Contact Information

- Policy owner: bursar@sant.ox.ac.uk

ANNEX A: PROCEDURES FOR MEETINGS AND EVENTS MEETING THE CONDITIONS 6(A)-(D) OF THE CODE OF PRACTICE ON FREEDOM OF SPEECH

This Annex is issued under Section 6 (College Activities, including Meetings & Events) of the College's Code of Practice on Freedom of Speech (the 'Code').

Organisers contact the Events Team (events@sant.ox.ac.uk) for meetings or events on College premises.

A minimum of 14 days' notice is required if any of the following circumstances may apply:

- 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 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
- c. the event may shut down debate or prevent others from speaking freely or exercising their academic freedom, and/or
- d. the meeting or event may pose a risk to the safety of any person.

Where a meeting or event falls under any of (a)-(d) above, the Organiser should also formally notify the following:

- For student events: the Dean via email dean@sant.ox.ac.uk, copy to the Events Team at events@sant.ox.ac.uk.
- For all other events: to the Sub-Warden via email sub-warden@sant.ox.ac.uk, copy to the Events Team at events@sant.ox.ac.uk.

In the context of this Code, the Dean (for students) and Sub-Warden (for others) 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.

On receipt, the case will be assessed by the Dean (for students) or Sub-Warden (for others) who will consult with the Welfare Team or Warden as appropriate. The starting point for the Dean (for students) or Sub-Warden (for others) considering a particular event will be that the event should be allowed, unless there are compelling and exceptional reasons for it not to proceed.

As required by section 12 of the Terrorism Act 2000, the Dean/Sub-Warden 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.

In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the Dean/Sub-Warden 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 held or expressed (for example by inviting questions)
- 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 any conditions that may be imposed by the Dean as set out below
- it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

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

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, the Dean/Sub-Warden 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.

You may also be required to carry out a risk assessment for each meeting or event falling under this Code of Practice.

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.

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 usually be involved in security arrangements.

In the event that:

- a meeting or event falls under Section 6 of the Code but the Organiser does not notify the Dean/Sub-Warden; or
 - the Dean/Sub-Warden considers that the risks cannot be mitigated by the imposition of conditions, or
 - the Dean/Sub-Warden reasonably believes that the Organiser will not comply with the conditions,
- then in each case the Dean/Sub-Warden can refuse consent for the meeting or event to go ahead and/or cancel the meeting or event.

If the Organiser does not comply with the College's conditions or goes ahead with the meeting or event after the Dean/Sub-Warden 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 Section 5 of the Code).

The Dean/Sub-Warden will communicate their decision promptly and will set out the reasons for the decision.

The Events Team (events@sant.ox.ac.uk) will be copied to all correspondence for the purpose of record-keeping.

If any student or member of staff is dissatisfied with the decision of the Dean/Sub-Warden in relation to a meeting or event, they may refer the matter under the relevant complaints procedure, as set out in Section 7 of the Code.

If the event is a protest³ by any person⁴ which is intended to take place on College premises and/or in a manner which may disrupt College activities, organisers should refer to the College's guidelines on protests, demonstrations and similar gatherings (Annex B).

³ Protest includes any demonstration, protest, rally or similar event

⁴ 'Person' means any natural person, corporate or unincorporated body

ANNEX B: GUIDELINES ON PROTESTS, DEMONSTRATIONS AND SIMILAR GATHERINGS IN COLLEGE

This Annex is issued under Section 5 (Conduct) of the College's Code of Practice on Freedom of Speech.

Open, free, and robust discussion is vital to our academic community. However, this culture thrives only when all participants engage critically but courteously with one another. Harassment or victimisation in any form is not tolerated by the College. We expect all members of the College community, along with visitors and contractors, to treat each other with respect, courtesy, and consideration.

The University is dedicated to fostering an inclusive culture that values diversity and promotes equality. We have a responsibility to ensure a safe, welcoming, and effective environment for all students, staff, and visitors.

In this context, the College recognises that students may wish to stage or take part in protests on College grounds, and we wish to support all members of our community to respectfully share, debate and challenge views and positions on a wide range of issues. This falls within the College's procedures for meetings and events. We are committed to protecting freedom of speech and freedom of assembly within the law, and our priority is to ensure that any protests, demonstrations or other gatherings are carried out in a safe way, respectful of the diversity of our community in line with our [Code of Conduct](#). Therefore, in order to inform the College of a planned protest or demonstration, please complete this form: <https://forms.office.com/e/9B97Af7Ywi>.

Context

At Antony's College is first and foremost an academic environment and home for the c. 250 students who live on site. Teaching and learning as well as exams and pre-booked events must take priority and must not be disrupted by anyone who wishes to protest. These guidelines seek to provide a fair balance between the rights of all parties.

The plan of a protest, demonstration or similar gathering on College property must be communicated at least 48 hours in advance to the College just as is the case for any other event. This is desirable both for safety of protesters and welfare of other members of the College community. Please be assured that we will seek to support you in your freedom to protest peacefully, in the context of ensuring we create a safe and respectful environment for you and for the wider College community. Collegiate university members involved in protests are required to identify themselves to College and/or University officials upon request. Failure to comply constitutes a breach of Statute XI, which all students with a study contract at Oxford are obliged to follow.

For any questions or informal and confidential discussions, please email: dean@sant.ox.ac.uk.

For demonstrations and protests on University (not College) grounds, please read the [University of Oxford Guidance on Demonstrations or Protests](#) and [Inclusive student life | University of Oxford](#).

Guidelines for protests in College

The guidelines below are designed to make it clear what is acceptable and unacceptable conduct when protesting peacefully and lawfully in College. The list is not exhaustive and will help us all to ensure freedom of speech and freedom of protest in line with the College's Code of Conduct and relevant policies.

DO	DON'T
Remember that we all have a right to freedom of expression and freedom of assembly and that the right to exchange information, debate ideas and express opinions is a core aspect of our individual freedom and our collective good.	Deny others' freedom to assemble, express opinions or beliefs different to your own.
Follow the College's booking processes for protests and demonstrations by completing this form: https://forms.office.com/e/9B97Af7Ywi	Fail to follow the booking process, or seek to subvert booking systems to prevent attendees from obtaining a place at any event.
Consider the needs and safety of others in the community, and engage respectfully with students, staff and College members, remembering at all times to comply with the College's Code of Conduct.	Intimidate, harass or disrespect others, either in person or on social media/online.
Follow instructions given by College staff, identify yourself when asked to do so and in rare cases by any other officials eg paramedics, security etc who may be required to attend.	Disrupt any event on College premises eg preventing speakers from talking or from being heard (eg by making noise to drown out a speaker), or taking action aimed at preventing an event commencing or continuing. Cause any damage to College property (including flyposting, using paint, stickering or affixing other items to College property), or environment (including smoke canisters). Block access ways, buildings and staircases.
Clearly communicate information about the protest, including by handing out leaflets, or using signs avoiding disrespectful, harassing or intimidating language targeted at individuals.	Use abusive, threatening language via communications, placards, banners, posters, chants or other means.

College Policies

All relevant College policies can be found here:

[Code of Conduct](#)

[Code of Student Discipline](#)

[Policy & Procedure on Harassment](#)

[Complaints Policy & Procedure](#)

[Equality Policy](#)

[Free Speech Statement](#)

What if I choose not to follow the protest guidelines?

Students who choose not to follow the guidelines in this document and the College's Code of Conduct which supports lawful, safe, peaceful protest, will be referred to the College Dean under the Student Code of Conduct. Where St Antony's students invite third-party groups or individuals to join a protest on College premises, those College students will be responsible for ensuring compliance by external groups for individuals. Any allegations of a criminal offence committed by any College member may be reported to the police.