ST. HUGH'S COLLEGE, OXFORD

CODE OF PRACTICE ON FREEDOM OF SPEECH

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Responsible Committee: Finance and General Purposes Committee

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Code of Practice on Freedom of Speech

The following Code of Practice on Freedom of Speech was approved by the Governing Body of St Hugh's College on 05 November 2025 and is presented here as an amendment draft dated 02 September 2026. The changes below incorporate the new Office for Students (OfS) complaints procedure and makes explicit other recent developments in law and regulatory guidance.

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 invited to speak at the College, or who would have been invited but for an action or omission of the College. It may include a person whose invitation has not yet completed an internal approval process, but does not include a person who merely sought or requested an invitation and was not invited.

(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 St Hugh's 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. Whether conduct amounts to unlawful harassment is assessed objectively and in context. A person's perception or fear, and the fact that speech is offensive, shocking, disturbing or provocative, do not, without more, establish unlawful harassment. Students and staff may therefore be exposed to research, course material, discussion or speakers' views that they find offensive or unacceptable, but which are nonetheless within the law and unlikely to constitute unlawful harassment.

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 Whilst the College is itself not a registered higher education provider as defined in the relevant legislation, section A4 of the Higher Education and Research Act 2017 states that the duties applicable to registered higher education providers also apply to the governing body of a constituent institution of a registered higher education provider. Furthermore, the College is a constituent institution of the University.

2.5 In applying this Code of Practice, the College will have due regard to the Office for Students' "Regulatory Advice 24: Guidance Related to Freedom of Speech", as amended from time to time (Regulatory advice 24: Guidance related to freedom of speech - Office for Students).

2.6 The Office for Students ("OfS") operates a free speech complaints scheme. Under that scheme, the OfS may review complaints concerning freedom of speech from current and former non-student members, current and former staff, applicants for academic posts, and actual or invited visiting speakers. The scheme is free to use. Students complaining in their capacity as students should use the College's internal procedures and may subsequently be entitled to complain to the Office of the Independent Adjudicator for Higher Education ("OIA"). A person holding more than one status should consult the relevant eligibility guidance. Further information is provided in section 5.5 of the guidance.

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 courteous 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 evidence-based questioning and argument, and when all such exchanges occur peacefully and courteously.

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 legal and regulatory obligations, its essential functions and the resources necessary to maintain them, physical safety, and the need for proportionality. The viewpoint expressed, its controversial or offensive nature, external or internal disapproval of it, and any reputational impact on the College will not deemed relevant considerations. 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 diversity of values and opinions, and maintains a working, learning, and social environment in which the rights and dignity of all members of the College community are respected.

4.2 In accordance with its Policy and Procedure on Harassment, the College does not tolerate any form of unlawful harassment or victimisation. That Policy will be interpreted and applied consistently with the College's duties to secure freedom of speech and academic freedom within the law.

4.3 The College expects all members of the College community, its visitors, and contractors to treat each other with courtesy and consideration. This expectation does not create an independent restriction on lawful speech.

4.4 Peaceful protest is a legitimate manifestation of freedom of speech. However, such protest must itself be lawful. Peaceful protest must therefore not infringe the rights of others either to speak or be heard, threaten to shut down debate, or materially disrupt essential College activities. Staff, students, and other members of the College proposing

a protest must notify the Dean in advance under Annex A where this is reasonably necessary to manage the use of College premises, or to mitigate a credible risk to physical safety, material interference with essential teaching, research or administration, or compliance with a specific legal obligation. This may include a protest on non-College premises where its conduct is intended or likely materially to disrupt essential College activities. A failure to notify will not of itself justify restriction or disciplinary action: the College will consider whether an expedited assessment is practicable and whether any subsequent action is prescribed by law, necessary and proportionate. The College may take proportionate legal action in relation to unauthorised trespass, encampment or occupation.

4.5 Anyone with a concern about a potential freedom of speech or academic freedom infringement should speak with the Dean in the first instance. All such concerns will be handled fairly, promptly and proportionately in accordance with relevant procedures.

4.6 Conduct that could amount to unlawful harassment will be dealt with according to the College's Policy and Procedure on Harassment, applying the principles in sections 2.2, 3.6 and 5.4 of this Code.

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, for example, by the Education Reform Act 1988);

(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;

(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 and, when carrying out that duty, to 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, or the Student Non-Academic Disciplinary Procedure). Before commencing or continuing action relating to speech or expression, the College will undertake an appropriate preliminary assessment applying measures set out in section 5.4.

5.4 When assessing any policy, decision or other matter affecting speech or expression, the College will apply the following three-step framework (set out in the Office for Students Guidance):

(1) determine whether the speech is within the law, recognising that a College rule or value does not itself make speech unlawful;

(2) identify and take any positive or negative steps that are reasonably practicable to secure the speech, having regard in particular to legal and regulatory requirements, essential College functions and the resources necessary for them, physical safety, and the impact on freedom of speech; and

(3) apply a restriction only where it has an identifiable basis in law, pursues a legitimate aim, and is necessary and proportionate, having considered whether a less restrictive measure would adequately address that aim.

5.5 Complaints alleging that the College has breached its duties in relation to freedom of speech or academic freedom should first be raised through the applicable College procedure. For students, this will normally be the Student Complaints Procedure; for employees, the Employee Grievance Procedure or, where applicable, Statute XVII, Part VI. A non-student member, former member or employee, applicant for an academic post, or actual or invited visiting speaker who does not have an identified route, may submit a written complaint to the Principal. Anyone unsure of the appropriate route may seek procedural guidance from the Dean (students), the Bursar (employees and speakers), or the Senior Tutor (academic employees and applicants for an academic post). Complaints will be handled promptly, fairly and impartially, with an expedited process where necessary to preserve the practical possibility of an event proceeding. No person who had been directly involved in the act or omission being complained of will take part in the determination of the complaint or any appeal in relation to that complaint.

5.6 A student who has completed the applicable internal procedure may be entitled to complain to the Office of the Independent Adjudicator. The OfS free speech complaints scheme may review eligible complaints from current and former non-student members, current and former staff, applicants for academic posts, and actual or invited visiting speakers. The OfS will normally accept a complaint once the relevant internal process has concluded or, if earlier, once 90 days have elapsed since it began. The OfS scheme applies to relevant College actions or inactions taking place on or after 1 September 2026. Details of eligibility and the scheme are available at: www.officeforstudents.org.uk/for-providers/freedom-of-speech/free-speech-complaints/.

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 an evidence-based, risk-based, and proportionate manner, with a presumption that events organised by College members should be allowed to take

place. Restriction will be exceptional and may be considered only where justified under section 5.4 of this Code, including where an event would be unlawful, would threaten to shut down debate, would create a material risk to physical safety, would cause material interference with essential teaching, research or administration that cannot reasonably be mitigated, or would impose an exceptional burden on the resources necessary to maintain those essential functions. Viewpoint, controversy, anticipated opposition, and reputational impact will not ordinarily justify restriction.

6.2 Any member, student, or employee of the College who is organising a meeting or event (including one taking place online), or is responsible for administering an external booking of College premises, must follow Annex A in any of the following circumstances:

(1) there are reasonable grounds to consider that the meeting or event may involve unlawful discrimination, harassment or violence, particularly (but not exclusively) on account of age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Offence, distress, controversy or anticipated opposition does not without more establish unlawful harassment or justify restriction;

(2) the event is a protest for which notification is required under section 4.4 of this Code;

(3) the event presents a credible risk of damage to College premises, loss, damage or injury to any person, or breach by the College of a legal or regulatory obligation;

(4) the event presents a credible risk of shutting down debate or unlawfully preventing others from speaking or exercising academic freedom; and/or

(5) the meeting or event presents a credible risk to the physical safety of any person or to property.

Referral under this section is a procedural safeguard and does not create a presumption that an event should be restricted. If organisers are in doubt, have questions, or need further information, they should discuss the situation with the Dean in the first instance.

7. Monitoring and review

7.1 The College will periodically review the contents and operation of this Code of Practice. The College will report on said operation and, if appropriate, recommend amendments to this Code of Practice, to Governing Body as necessary, and in any event every two years.

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

A1. This Annex is issued under sections 4.4 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(1)-(5) of the Code, the organiser should formally notify the Dean (dean@st-hughs.ox.ac.uk).

A3. Ordinarily, notification under A2 should be provided at least 14 days before the proposed meeting or event. If the proposed meeting or event is due to involve an external speaker and/or a speaker who may require additional security, the period of notification is, where possible, 28 days. Where these periods cannot reasonably be met, late requests will be considered through an expedited assessment where practicable. Late notification does not of itself create a presumption that an event will be refused or cancelled.

A4. The Dean will assess the implications of events formally referred to them and act in accordance with the College's legal responsibilities, including this Code. The Dean will have due regard to the OfS's "Regulatory Advice 24: Guidance Related to Freedom of Speech", as amended from time to time.

A5. On receipt of a referral, the Dean will undertake a preliminary assessment proportionate to the circumstances. The starting point will be that the event should be allowed unless there are compelling and exceptional reasons for restriction. The Dean will apply section 5.4 and record:

(1) whether the speech is within the law;

(2) what reasonably practicable steps could secure it;

(3) the legal basis and legitimate aim of any proposed restriction;

(4) whether a less restrictive measure would adequately address that aim; and

(5) why any restriction is necessary 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 and applying sections 5.4 and A5, 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 an illegal organisation or purpose, including an organisation on the UK Government's list of proscribed terrorist groups or organisations;
- the event is likely to shut down debate or unlawfully prevent others from exercising freedom of speech or academic freedom;

- the event involves trespass, occupation or encampment on College premises and proportionate measures cannot adequately address the resulting legal, safety or material-disruption concerns;
- the use of College premises is likely to cause damage to the premises or loss, damage or injury to a person, or put the College in breach of a legal or regulatory obligation, and the risk cannot reasonably be mitigated;
- the event is likely to cause material interference with essential teaching, research or administration that cannot reasonably be mitigated by conditions imposed under A9; or
- refusal is necessary and proportionate in the interests of public safety, the maintenance of public order or the prevention of crime.

A8. The lawful expression of controversial, unpopular, offensive, shocking, disturbing or provocative views, anticipated opposition to those views, and possible reputational impact on the College will not in and of themselves constitute reasonable grounds for withholding permission or imposing a restriction.

A9. Where the Dean is reasonably satisfied that an otherwise lawful meeting or event is likely to give rise to disorder or threats to physical safety, or another matter identified in section 6.2, they will consider the reasonably practicable steps necessary to secure speech while addressing the identified risk. These might include changing the time, format, venue or location; stewarding or security; facilitation of peaceful protest; ticketing; an independent chair; or, where necessary, postponement. The responsibility for complying with conditions rests with the organiser. Any condition must have an identifiable legal basis, pursue a legitimate aim, be the least restrictive effective measure reasonably available, and be necessary and proportionate. The condition and reasons for it will be set out in writing.

A10. The College will usually carry out and retain a proportionate written risk assessment for each meeting or event falling under this Code. The assessment will be based on credible evidence and will not treat viewpoint, controversy, anticipated disapproval or reputational impact as risk factors in themselves.

A11. Other than in exceptional circumstances, where the College decides that a meeting or event requires additional security, the College will bear the first £500 of the reasonable security costs. For this purpose, circumstances are exceptional only where the objectively assessed and reasonably incurred security costs exceed £500; such exceedance should arise only rarely. The College may require the organiser to bear some or all of the excess above £500, applying the criterion consistently and without regard to the ideas, opinions, policies or objectives of the speaker, organiser or event. The College will provide the organiser with a clear written calculation and explanation in sufficient time, where reasonably practicable, to request an independent review of the calculation before the event. A reviewer who was not involved in the original calculation will determine the review promptly.

A12. The Dean may refuse consent for, or cancel, a meeting or event only where, after applying sections 5.4 and A5:

(1) late or absent notification makes it impracticable to assess or mitigate a material risk before the event, notwithstanding consideration of an expedited assessment;

(2) identified risks cannot reasonably be mitigated by conditions under A9; or

(3) there are reasonable, evidence-based grounds to believe that the organiser will not comply with necessary and proportionate conditions.

A13. If an organiser does not comply with necessary and proportionate conditions, or proceeds after consent has lawfully and proportionately been refused or an event cancelled, this may lead to action under the relevant procedure described in section 5.3. Before disciplinary or other action is taken, the College will apply section 5.4 to the individual circumstances and provide a fair opportunity to respond.

A14. The Dean will communicate their decision promptly and set out in writing the decision, material evidence, reasons, any conditions, and the route and deadline for review. Where an event is imminent, the decision will be communicated sufficiently promptly to permit an effective review wherever reasonably practicable.

A15. An organiser, student, employee, member, visiting speaker or other person directly affected by the Dean's decision may request a review by writing to the Principal within ten working days of receiving it, or sooner where an event is imminent. The Principal will appoint a reviewer who was not involved in the original decision and has no relevant conflict of interest. The review will consider whether the Code was correctly applied, whether the decision was procedurally fair, and whether any restriction was lawful, necessary and proportionate. It will be determined within ten working days where practicable and, where an event is imminent, on an expedited basis sufficiently early to provide an effective remedy. A reasonable extension of time or procedural adjustment will be made where required. The reviewer will give a reasoned decision in writing. Further complaint routes are set out in sections 5.5 and 5.6.

A16. If the Dean is unavailable to act or is prevented from acting because of a conflict of interest (for example, because the organiser is one of their students or the Dean is closely associated with the cause), the Principal may appoint another senior College officer to act so as to avoid delay. The same principle applies to any reviewer appointed under this Annex.