Lincoln College

Code of Practice on Freedom of Speech

1. Introduction

1.1 This Code of Practice sets out Lincoln College's values and expectations relating to freedom of speech and academic freedom and how these values and expectations are applied to College activities.

1.2 Freedom of speech means the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form).

1.3 Academic freedom is a separate, but complementary right. It applies, in relation to academic staff at the College and, means their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, including their opinions about the College, without institutional censorship and without placing themselves in jeopardy of losing their jobs or privileges**.**

1.4 References in this Code of Practice to "College premises" means 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 Code of Practice on Freedom of Speech.

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 states that:

> (1) The governing body of a registered higher education provider 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 achieve the objective in subsection (2).
>
> (2) That objective is securing freedom of speech within the law for:
>
> (a) staff of the provider,
> (b) members of the provider,
> (c) students of the provider, and
> (d) visiting speakers.
>
> (3) The objective in subsection (2) of the Act includes securing that—
>
> (a) the use of any premises of the provider is not denied to any individual on the basis of their ideas or opinions or in respect of their ability to put forward new ideas and controversial or unpopular

opinions so that they are not placed at risk of being adversely affected so that they lose their jobs or privileges within the College or their chances of promotion or securing different jobs is reduced.

2.3 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, which 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:

(1) secure and promote civic and academic freedoms including freedom of speech;

(2) ensure a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context; and

(3) foster a culture of openness and 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.

4. Conduct

4.1 Inevitably, this will mean that members of the College are confronted with views that some find shocking, disturbing 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.

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 Harassment Policy, the College does not tolerate any form of harassment, bullying or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration

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 College activities. The respect which the College expects all members of the College community to demonstrate towards each other is particularly important where it comprises respect for the right of others to speak freely and exercise their academic freedom. Staff, students and members of the College wishing to protest either on College Premises or on non-College premises in a manner which may disrupt College activities, must seek permission in advance by referring the matter under the Procedure for Meetings and Events set out in **Annex A** of this Code. Carrying out such protests without permission may lead to disciplinary action under the relevant procedures (as set out in paragraph 4.5). The College may also take action to remove any unauthorised encampment or occupation under its common law power of removal or by court proceedings. The Proctors have published Guidance on Demonstrations or Protests which is available as **Annex B** to this Code.

4.5 Complaints about the behaviour of individuals should be made under the College's Harassment Policy.;

4.6 Complaints that arise in the University context (such as in the course of University activity or on University premises) should normally be made to the University.

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 Lincoln 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 when organising any activities that relate to academic 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:

(a) the importance of academic freedom (as required, for example, by the Education Reform Act 1988 and the Act);

(b) 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, for example, by the Act);

(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 which requires universities to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between different groups; and

(e) the Counter-Terrorism and Security Act 2015 which requires universities to 'have due regard to the need to prevent people from being drawn into terrorism' (section 26 (1)) and which also provides that 'when carrying out the duty imposed by section 26 (1)', universities 'must have particular regard to the duty to ensure freedom of speech; and to the importance of academic freedom.'

5.5 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)

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 listed in section 2.2(2) 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:

(a) complaints by members of staff should be addressed under any applicable grievance procedure unless they are related to other complaints and/or form part of an existing complaint, and/or fall under the scope

of another staff procedure, in which case they should be raised within the procedure associated with those other complaints (e.g. disciplinary); these can be found on the College's website and Intranet.

(b) complaints by students should be raised under the Lincoln College's Student Complaints Policy unless they are related to other complaints and/or form part of an existing complaint, and/or fall under the scope of another student procedure, in which case they should be raised within the procedure associated with those other complaints (for example, the Harassment Policy);

(c) complaints by any other person falling within 2.2(2) (for example, visiting speakers or job applicants) should be raised in the first instance to the Rector's Group (comprising the Rector, Sub-Rector, Bursar, Senior Tutor, Development Director and Clerk to the Trustees).

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 should be made within 3 months, extendable where not reasonably practicable to complain within that time period.

5.7 The Office for Students (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.

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(2) above on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member. The College acts in a risk-based and proportionate manner and will always aim to allow an event to go ahead, provided that it is within the law and does not shut down debate, pose unacceptable risks to individuals or cause substantial disruption to College activities and will work with the Organisers towards this goal. Cancellation of events is undesirable and should be exceptional.

6.2 A 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 ("the Organiser") is responsible for assessing those meetings and events in the context of this Code, Prevent Policy and other relevant College policies. The Organiser MUST follow the procedure outlined in **Annex A** to this Code in any of the following circumstances:

(a) the meeting or event may give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;

(b) the event is a protest[1] which is intended to take place on College premises and/or in a manner which may disrupt College activities, including by any person[2] occupying or setting up camp on College premises;

[1] Protest includes any demonstration, protest, rally or similar event

[2] "Person" means any natural person, corporate or unincorporated body

(c) the event could involve the use of College Premises for any purpose or in any manner that may cause damage to College premises; loss or damage to any person or put the College in breach of any law or obligation (contractual or otherwise) to any person;

(d) the event may shut down debate or prevent others from speaking freely or exercising their academic freedom;

and/or

(e) the meeting or event may pose a risk to the safety of any person.

If Organisers are in any doubt or have any questions or need for further information, they are encouraged to discuss the situation with the Domestic Bursary in the first instance, and then seek advice, as appropriate, from the Domestic Operations Manager and the University Security Services. No meeting or event which a student or employee is proposing 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 Rector's Group.

7. Monitoring and review

7.1 Lincoln 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.

Approved: Michaelmas 2025

ANNEX A: PROCEDURES FOR MEETINGS AND EVENTS

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

A2. Where a meeting or event falls under section 6.2 (a)-(e) of the Code, the Organiser should formally notify the meeting or event to the Domestic Bursary at least twenty (20) working days in advance of the meeting or event. If less notice is given the College 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 Rector's Group to make the necessary arrangements in the reduced time, the organiser may need to organise and fund security independently.

A3. In the context of this Code, the Rector's Group is entrusted with the duty to assess the implications of events formally referred to them and to act in accordance with the College's legal responsibilities, including as set out in the conduct and procedures in this Code.

A4. On receipt, the case will be assessed by the Rector's Group. The starting point, for the Rector's Group considering a particular event will be that the event should be allowed unless there are compelling and exceptional reasons for it not to proceed. Where timescales permit, the Senior Dean should be involved in any such discussion, and the Governing Body notified of the discussion so that any Fellow may attend in person or virtually if they wish.

A5. As required by section 12 of the Terrorism Act 2000, the Rector's Group will not give permission to hold a meeting or event where it is known that:

(a) the proposed speaker belongs to, or professes to belong to, a proscribed organisation; or

(b) the proposed speaker will use the event to support, or to further the activities of, a proscribed organisation.

A6. In exceptional circumstances, it may be reasonable to refuse permission for a College meeting or event where the Rector's Group 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 the Organiser will not permit contrary or opposing viewpoints to be held or expressed;
- the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations;
- the event is likely to shut down debate or prevent others from speaking freely or exercising their academic freedom;
- the event is a protest which involves any person occupying or setting up camp on College Premises;
- the event is likely to involve the use of College Premises for any purpose or in any manner that may cause damage to College premises or loss, damage, or injury to any person or put the College in breach of any law or obligation (contractual or otherwise) to any person;

- the event is likely to cause substantial disruption to College activities which cannot be mitigated by conditions imposed by the Rector's Group under paragraph A8;
- it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

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

A8. Where the College is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on College Premises is likely to give rise to disorder or threats to the safety of any person, they shall consider what steps it is necessary to take to ensure the safety of all persons and the security of College Premises. This might include postponing or relocating a meeting or event or imposing conditions. The responsibility for fulfilling these conditions rests with the Organiser.

A9. The College will usually carry out a risk assessment for each meeting or event falling under this Code of Practice. Where the College decides that the meeting or event requires security then except as set out in A10 below, the College will cover the costs of security for using the College's premises for a meeting or event falling under the College Code of Practice on Freedom of Speech up to £3,000**.**

A10. The College will not cover the costs of security for using the relevant premises in the following exceptional circumstances:

- that the costs exceed £3,000 which would be rare for an event at the College;
- where the costs are wholly disproportionate to the numbers likely to be attending the event and the event could be held in a more proportionate way;
- where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold.
- Where those involved do not fall within the categories listed at 2.2(2) of the College's Code of Practice on Freedom of Speech.

A11. Any request 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.

In all other cases security costs will only be passed on in exceptional circumstances, when costs exceed £3,000 which would be rare at the College.

A12. In the exceptional event that security costs are to be passed on to the Organiser, the College will supply the Organiser with a clear written summary of its calculation of the expected security cost and an explanation for this calculation. The summary may be appealed by submitting an appeal in writing to the Bursar.

A13. In the event that:

- a meeting or event falls under section 6.2 (a)-(e) of the College's Code of Practice on Freedom of Speech but the Organiser does not notify the Domestic Bursary**;** or
- the Rector's Group reasonably considers that the risk cannot be mitigated by the imposition of conditions; or
- the Rector's Group reasonably believes that the Organiser will not comply with the conditions,

then in each case the Rector's Group 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.

A14. If the Organiser does not comply with the conditions or goes ahead with the meeting or event after the Rector's Group has refused consent or cancelled the meeting or event then such action may lead to disciplinary action under the relevant procedures (as set out in paragraph 4.3 of the College's Code of Practice on Freedom of Speech) and where relevant the College may remove any unauthorised encampment or occupation under its common law power of removal or by court proceedings.

A15. The Rector's Group will communicate their decision promptly and will set out the reasons for the decision.

A16. If any of the individuals listed in section 2.2(2) of the College's Code of Practice on Freedom of Speech is dissatisfied with the decision of the Rector's Group in relation to a meeting or event they may refer the matter under the relevant complaints procedure as set out in sections 5.6 – 5.7 of the College's Code of Practice on Freedom of Speech.

ANNEX B: GUIDANCE ON DEMONSTRATIONS OR PROTESTS

This Guidance is issued under section 4.2 of the College's Code of Practice on Freedom of Speech (the "Code").

We uphold freedom of speech within the law, as outlined above in the College's Code of Practice on Freedom of Speech.

Free, open and robust discussion is essential to our academic community. However, such a culture can only be maintained when all participants engage with each other in ways which may be critical but which are courteous. The College does not tolerate harassment or victimisation in any form. We expect all members of the College community, as well as visitors and contractors, to treat each other with respect, courtesy, and consideration. Please refer to the College's Harassment Policy.

The College is committed to fostering an inclusive culture that promotes equality and which values diversity. The College has a responsibility to maintain a safe, effective, and welcoming environment for all our students, staff, and visitors.

A demonstration or protest will fall within the College's procedures for meetings and events (as set out in section 6 of the Code of Practice on Freedom of Speech above). As such Organisers must contact the College in advance, and a risk assessment will be required. The College has a duty to facilitate protests and will work with Organisers to ensure that protests can take place but do not violate the College Statutes and hence result in disciplinary procedures.

College members participating in protests are required to identify themselves to College officials when requested to do so. Failure to do so is a breach of Statute XI which all students with a contract to study at Oxford must abide by.

Students will face disciplinary investigation if the University Statutes are breached. The following extract from Statute XI are examples of clauses in the Statutes which are relevant to protests:

> No member of the University shall in a university context intentionally or recklessly:
>
> (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social, cultural, or other activities of the University;
>
> (b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by members, student members, and employees of the University or by visiting speakers;
>
> (c) obstruct or attempt to obstruct any officer, employee, or agent of the University in the performance of his or her duties;
>
> (d) deface, damage, or destroy or attempt to deface, damage or destroy any property of the University or any college or any other individual or knowingly misappropriate such property;
>
> (e) occupy or use or attempt to occupy or use any property or facilities of the University or of any college except as may be expressly or impliedly authorised by the university or college authorities concerned;
>
> (g) engage in action which is likely to cause injury or to impair safety;
>
> (h) engage in violent, indecent, disorderly, threatening, or offensive behaviour or language;
>
> (j) disobey a reasonable instruction given within their authority by one of the Proctors or their deputies;
>
> (k) refuse to disclose his or her name and other relevant details to an officer or an employee or agent of the University or of any college in circumstances where it is reasonable to require that that information be given;

Contravening any Statute may lead to the following possible consequences, under which the University may:

(a) issue the student member with a written warning;

(b) require the student member to attend a programme of education;

(c) require the student member to enter a temporary or permanent restriction on contact with a named individual or individuals;

(d) impose a fine of such amount as it thinks fit;

(e) suspend the student member's access to or exclude the student member from University accommodation or require the student member to move to other University accommodation (subject to the terms of the student member's lease);

(f) order the student member to pay compensation to any individual or body suffering injury, damage, or loss as a result of the student member's conduct;

(g) issue directions in relation to the future provision of references for the student member;

(h) make an order banning the student member from specified University premises or facilities for such period or on such terms as it thinks fit;

(i) subject to endorsement by the relevant college, make an order banning the student member from specified college premises or facilities for such period or on such terms as it thinks fit;

(j) suspend the student member for such period as it thinks fit.

In addition to actions that the College may take under its Statutes, unauthorised occupation of College land or buildings may lead to legal action including the College issuing court possession proceedings or exercising its common law power of removal.