

Freedom of Speech and Academic Freedom

Free speech is the lifeblood of a university. It enables the pursuit of knowledge. It helps us approach truth. It allows students, teachers and researchers to become better acquainted with the variety of beliefs, theories and opinions in the world. Recognising the vital importance of free expression for the life of the mind, a university may make rules concerning the conduct of debate but should never prevent speech that is lawful.

Inevitably, this will mean that members of the Christ Church community are confronted with views that some find unsettling, extreme or offensive. Christ Church must therefore foster freedom of expression within a framework of robust civility. Not all theories deserve equal respect. As an institution of higher education, Christ Church values expertise and intellectual achievement as well as openness. But, within the bounds set 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. With appropriate regulation of the time, place and manner of events, neither speakers nor listeners should have any reasonable grounds to feel intimidated or censored.

It is this understanding of the central importance and specific roles of free speech in a university that underlies and informs all of the procedures of Christ Church and the University.

Although the duties to preserve and promote free speech and academic freedom are set out as indivisible requirements in the Higher Education (Freedom of Speech) Act 2023, the nature of academic freedom is somewhat different, being granted to scholars as a result of their professional competence. In relation to the right to academic freedom, Christ Church affirms that, so far as this right is exercised within the law and in accordance with the UNESCO 1997 Recommendation concerning academic freedom:

- 1) all members of the academic staff shall have the 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 University, without institutional censorship and without placing themselves in jeopardy of losing their jobs or privileges, or their prospects in relation to appointments, regardless of whether those freedoms are exercised within or outside the context of University employment;
- 2) all members of the academic staff shall have the freedom to participate in professional bodies or representative bodies of their choice in accordance with the law and the University's recognition agreements with trade unions in force from time to time; and
- 3) all members of the academic staff who are required to engage in academic teaching or research either by their written contracts or by established and agreed practice, shall have particular freedoms pertaining to academic teaching and research in the context of their employment, namely that, provided that they fulfil their contractual duties and honour any applicable agreements with research funding bodies, they shall be free without fear of any professional or personal reprisal or disadvantage, to:

- a) carry out research on subjects of their choosing, and publish and disseminate the results of that research as they wish and in whatever form they wish without any interference or any suppression;
 - b) conduct teaching in a manner that they consider appropriate according to the standards and norms of the relevant department or faculty.
- 4) All members of Christ Church must observe its policies concerning behaviour at work and the conduct of their duties.

Code of Practice on Freedom of Speech

The following Code of Practice on Freedom of Speech was approved by the Governing Body on 8 July 2024.

1. Introduction

1.1 This Code of Practice sets out Christ Church's values and expectations relating to freedom of speech and academic freedom and how these values and expectations are applied to activities it hosts.

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, in relation to academic staff at the College, means their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without fear of losing position, privileges or prospects as further provided for in the Christ Church Freedom of Speech and Academic Freedom Policy.

1.4 References in this Code of Practice to "Christ Church premises" mean all land, buildings, facilities, and other property in the possession of, or owned, leased, used, supervised or controlled by Christ Church.

1.5 A "Senior Member" of Christ Church means a person who is a member of staff who is required to engage in academic teaching or research either by written contract or by established and agreed practice, or a person who is a member of the Governing Body.

1.6 A "Junior Member" of Christ Church means a person who is enrolled in a course of study which is arranged or supported at least in part by the College, whether that course of study will lead to an undergraduate or postgraduate qualification, and whether that person has suspended their studies.

2. Legislative framework

2.1 The legal duty of UK universities to protect free speech was first enshrined in statute in s.43 of the Education (No. 2) Act 1986 and as a result of the Education Reform Act 1988 the statutes of the University and its colleges have provisions which require them to have regard for the importance of academic freedom. More recently, the Higher Education and Research Act 2017 requires the Office for Students to protect academic freedom and freedom of speech, articulating in national statute for the first time the importance of the institutional freedom of universities. The provisions of that Act relating to institutions of higher education were strengthened by amendments provided by the Higher Education (Freedom of Speech) Act 2023 (the "Act"). 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.

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.¹
- 3) The objective in subsection 2) includes securing that —
 - a) the use of any premises of the provider is not denied to any individual or body on grounds specified in subsection (4), and
 - b) the terms on which such premises are provided are not to any extent based on such grounds.
- 4) The grounds referred to in subsection 3)a) and b) are —
 - a) in relation to an individual, their ideas or opinions;
 - b) in relation to a body, its policy or objectives or the ideas or opinions of any of its members.
- 5) The objective in subsection 2), so far as relating to academic staff, includes securing their academic freedom.

2.3 Part A1 (8) and (9) also require Christ Church, having particular regard to the importance of freedom of speech, to take reasonably practicable steps in order to secure that, where a person applies to become a member of academic staff of the provider, the person is not adversely affected in relation to the application because they have exercised their academic freedom.

2.4 Part A2 of the Act states further that the governing body must maintain a code of practice setting out certain matters related to freedom of speech, which are addressed in this document.

3. Values

3.1 Freedom of speech and academic freedom are central tenets of any institution of higher education and must be robustly protected.

3.2 In all its activities, Christ Church 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 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 its members are confronted with views that some find unsettling, extreme or offensive. Christ Church believes that a culture of free, open and robust discussion can be achieved only if all concerned engage critically but courteously with each other.

3.4 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

¹ In the context of Christ Church, “member” of the provider should be read as “Senior Member” while “students” should be read as “Junior Member” – see 1.5 and 1.6 above. A visiting speaker is a person who has been invited to speak at Christ Church by a Senior or Junior Member or a member of staff acting in their capacity as such.

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. Conduct

4.1 Christ Church 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 its community are respected. In accordance with the terms of its [Harassment Policy](#), Christ Church does not tolerate any form of harassment or victimisation and expects all members of its community, its visitors and contractors to treat each other with respect, courtesy and consideration.

4.2 Peaceful protest is a legitimate expression of freedom of speech. However, such protest must not shut down debate. The respect which Christ Church expects all members of its 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.

4.3 Complaints about the behaviour of individuals should be made under the appropriate procedure:

- a) Complaints about Senior Members and members of staff should be made under the appropriate provisions of the [Harassment Policy](#);
- b) Complaints about Junior Members can be made under the appropriate provisions of the [Harassment Policy](#), which may lead to proceedings under the [Non-Academic Disciplinary Procedure for Junior Members](#);
- c) Complaints about others should in the first instance be made to the Senior Censor.

4.4 Complaints that arise in the University context (*i.e.*, in the course of University activity or on University premises) should normally be made to the University.

4.5 Activities must be planned in accordance with the relevant health and safety protocols. Event organizers must coordinate with the Steward's department and/or Academic Office; where appropriate, risk assessments are carried out and properly documented.

5. Procedures

5.1 The Act requires that this Code of Practice sets out procedures to be followed in connection with the organization of meetings and other activities at Christ Church.

5.2 Christ Church 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 all procedures that are followed by staff and students (including College Common Rooms and Societies) when organizing any activities that relate to the academic life of Christ Church, 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, harassment and bullying, IT, social media, Prevent duty, principles of curricular design, academic integrity in research, 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, Christ Church will take into account:

- a) the importance of academic freedom (as required *e.g.*, by its own Statutes and by 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 *e.g.* 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 for 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 Christ Church procedure for Senior Members, members of staff or Junior Members as the case may be.

5.6 Complaints that Christ Church 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) and 2.3 above. Complaints may also be brought by a person who was formerly within one of those categories, where their complaint relates to events which occurred while they had that status, and which impacted them in that capacity. The appropriate procedure for raising such complaints is as follows:

a) complaints by members of staff which are related to other complaints and/or form part of an existing complaint, and/or fall under the scope of another staff procedure, should be raised within the procedure associated with those other complaints;

b) complaints by students which are related to other complaints and/or form part of an existing complaint, should be raised within the procedure associated with those other complaints (*e.g.* the [Junior Member Complaints Procedure](#));

c) complaints specifically related to freedom of speech which do not fall under another complaints procedure should be raised in the first instance with the Censor Theologiae. Upon receiving such a complaint, the Censor Theologiae will take advice from members of the Governing Body who have been trained in the Prevent duty, excluding those involved in the original decision and may also take professional legal advice, *e.g.*, from university legal officers. Having taken such advice, they will communicate their decision on the appeal, together with the reasons for it, as promptly as possible to the complainant(s).

On receipt of any such complaint, Christ Church will consider the most appropriate procedure to be followed, in consultation with relevant Officers and in some cases, they may refer the matter to be considered under a different more appropriate procedure.

5.7 The Office for Students (OfS) operates a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from members (within the meaning the Act), students, 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. Meetings and Events at Christ Church

6.1 Through the implementation of this Code, Christ Church takes 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) and 2.3 above on any ground connected with their beliefs or views or the policy or objectives of a body of which they are a member. Christ Church 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 pose unacceptable risks to individuals and will work with the organizers towards this goal. Cancellation of events is undesirable and should be exceptional.

6.2 Members of the Christ Church community when organizing meetings or events (including those that take place online) or administering external bookings of Christ Church premises must do so in accordance with the requirements of this Code, and other relevant College policies. In particular, they must assess whether any such meeting or event

a) 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) is likely to pose a risk to the safety of those lawfully on Christ Church premises; or that it may prompt a risk to public safety.

If there are any concerns in relation to a) or b) then the procedure outlined in sections 6.3-6.13 below should be followed. College Common Rooms and College Societies and University Registered Societies should also follow this procedure where they are organizing a meeting or event on Christ Church premises. If organizers are in any doubt or have any questions or need for further information, they are encouraged to discuss the situation with either the Junior or Senior Censor, and with the Steward and/or Academic Office for practical logistics, and then seek advice, as appropriate, from e.g. the University Security Service.

No meeting or event which a Senior or Junior Member (including Common Rooms and College/University Registered Societies) or a member of staff is proposing to be held on Christ Church premises may be refused, cancelled or altered as a result of their beliefs or views or as a result of the policies or objectives of any body of which they are a member save as a result of consideration by the Junior and Senior Censors in light of 6.9.

6.3 Where a Senior Member wishes to hold a meeting or event at Christ Church they should first consult with the Steward's Office as to the suitability of Christ Church as a venue for that meeting or event. If either the Steward or the Senior Member has any concerns about the event in relation to this code or any other matter, they will consult with the Junior or Senior Censor before approving the event.

6.4 Where a member of staff (college or cathedral) wishes to organize an event at Christ Church they should first discuss with their head of department as to the suitability of Christ Church as a venue to host that event, consulting with the Steward's Office. Where the Steward has any concerns about the proposed event, they will consult with the Junior or Senior Censor.

6.5 Where a Junior Member wishes to organize a meeting or event at Christ Church they may wish to first consult with the Steward's Office and/or Academic Office as to the suitability of Christ Church as a venue to host that event. A formal request for the meeting or event should then be made through the online event booking system, which will notify the Junior Censor, whose approval must be obtained for the event or meeting to take place.

6.6 In the context of this Code, the Junior Censor is entrusted with the duty to assess the implications of events formally referred to them and to act in accordance with Christ Church's legal responsibilities, including the conduct and procedures set out in this Code.

6.7 On receiving notification of a request of an event, the Junior Censor may consult with the Junior Member(s) organizing the event to clarify its nature (for example, to obtain a list of invited speakers for the event). The Junior Censor, where they have any concerns, may consult with the Senior Censor and other appropriate Officers. The starting point for the Junior Censor considering a particular event will be that any event organized by a college society or a University-registered society should be allowed unless there are compelling and exceptional reasons for it not to proceed.

6.8 As required by section 12 of the Terrorism Act 2000, a relevant Officer 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 organization](#);
or

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

6.9 In exceptional circumstances, it may be reasonable to refuse permission for a meeting or event where the relevant officers (who must include the Senior Censor) reasonably believe (from the nature of the speakers or from similar activities in the past whether held at Christ Church or otherwise) that:

- the views likely to be expressed by any speaker are contrary to the law;
- a speaker is likely to be 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 organizers 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 organization or purpose, including organizations listed on the government's list of proscribed terrorist groups or organizations; or
- it is in the interest of public safety, the prevention of disorder or crime, that the meeting does not take place.

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

6.11 Where Christ Church is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on Christ Church premises is likely to give rise to disorder or threats to the safety of participants or the wider Christ Church community, they shall consider what steps it is necessary to take to ensure the safety of all persons and the security of Christ Church premises. This might include postponing or relocating a meeting or event or imposing conditions. The responsibility for fulfilling these conditions rests with the organizers.

6.12 Except as set out in 6.13 below, Christ Church will cover the following costs of security for using its premises for a meeting or event falling under this Code of Practice: additional in-house security of up to 3 people and additional costs of up to £1000 per event for external professional services including specialist risk assessment.

6.13 Christ Church will not cover the costs of security for using the relevant premises in the exceptional circumstances that the cost of security exceeds these parameters or where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold. Christ Church will also not cover the security costs for using the relevant premises for individuals who do not fall within the categories listed at 2.2(2) above.

6.14 In the exceptional event that security costs are to be passed on to the organizer of the event, Christ Church will supply the organizer of the event with a clear written summary of its calculation of the expected security cost and an explanation for this calculation.

6.15 In the exceptional event that the Junior and Senior Censor consider that the risks cannot be mitigated by the imposition of conditions, or the organizer(s) refuse(s) to comply with the conditions they require, they have the right to cancel the meeting or event and they may do so even if the relevant Christ Church procedure has not been exhausted.

6.16 The Junior and Senior Censor will communicate their decision promptly and will set out the reasons for the decision.

6.17 If any of the individuals listed in section 2.2(2) and 2.3 above is dissatisfied with the decision

of the Junior and Senior Censor in relation to a meeting or event they may refer the matter under the relevant complaints procedure set out in section 5.6 above.

7. Monitoring and review

7.1 Christ Church 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.