

MERTON COLLEGE

CODE OF PRACTICE ON FREEDOM OF SPEECH

1. Approval and Binding Effect

- 1.1. This Code was approved by the Statutes and Bylaws Committee acting by delegation from the Governing Body of Merton College under Statute 2.8 on **29 July 2025**. Revisions to this Code were by the Governing Body on **8 November 2025**.
- 1.2. Any amendments to this Code must have the Governing Body's approval.
- 1.3. This Code must be reviewed **annually** by the Governing Body with the advice of the Statutes and Bylaws Committee and the Warden and Tutors' Committee and of such other Boards and College Officers as either Committee or the Governing Body deems appropriate.
- 1.4. This Code does not form part of any contract of employment or contract to provide services and the College may amend it at any time.
- 1.5. All College Members and College Staff are expected to familiarise themselves with this Code. All College Members and College Staff are covered by and must comply with this Code. College Officers and others who are assigned specific duties under this Code have a duty to carry them out.

2. Scope

- 2.1. This Code 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 the College's activities.
- 2.2. The legal duty of universities and constituent institutions in the United Kingdom to protect Freedom of Speech and Academic Freedom is enshrined in the Act. The duty is applied to the College, as a constituent institution of the University, by section A4 of the Act. The College must also comply with the Human Rights Act 1998 and Article 10 of European Convention on Human Rights, and this includes not acting incompatibly with a Convention right, including the right to Freedom of Expression. Academic Freedom is also protected under the Education Reform Act 1988.
- 2.3. Section A4 of the Act confirms that sections A1 to A3 of the Act apply to constituent institutions, and accordingly, references to "the provider" are to be read as references to the constituent institution. Section A1 of the Act, provides inter alia as follows:
 - (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) 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.
- 2.4. Sub-sections (8) and (9) of section A1 of the Act also require the College, 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.
- 2.5. Section A2 of the Act requires the College to maintain a code of practice setting out certain matters related to Freedom of Speech. This Code is the code of practice required by the Act.
- 2.6. Section A3 of the Act requires the College to promote the importance of Freedom of Speech within the law and Academic Freedom for Academic Staff in the provision of higher education.
- 2.7. For the avoidance of doubt, the College is not under any obligation to secure or promote freedom of speech that is not within the law. Freedom of speech within the law is protected. Speech that breaches either criminal or civil law is not protected.

3. Definitions

In this Code the following terms have the following meanings:

Academic Freedom	In relation to Academic Staff of the College, 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 placing themselves at risk of institutional censorship, losing their jobs or privileges or experiencing a reduction in the likelihood that they would secure a promotion or a different job at the College, as also further provided for in Statute 1.4.
Academic Staff	Those College Staff-members who are Fellows or Lecturers, or are otherwise engaged by the College for the purpose of teaching or conducting research.
Act	The Higher Education and Research Act 2017 as amended by the Higher Education (Freedom of Speech) Act 2023.

Bylaws	The Bylaws of the College.
Code	This Code of Practice on Freedom of Speech.
College Members	Members of the College as defined in Statute 1.2 except that for the purposes of this Code, “Members” does not include a person who is a member of the College solely because of having been a Junior Member and accordingly does not include those who enjoy membership of the College solely as Life Members under Bylaw V.12.
College Premises	All rooms, corridors, and gardens, whether in the main College precinct, Rose Lane, Holywell, Manor Place, Iffley Road, the Sports Pavilion, the Holywell Meadows, or any other land, buildings, facilities and other property in the possession of, or owned, leased, used, supervised or controlled by the College.
College Staff	Those employed by the College under a contract of employment, including, without limitation, a fixed-term contract, a zero-hours contract, an hourly-paid contract or other type of casual or atypical contract of employment.
College Staff-member	A person employed by the College as part of the College Staff.
Common Rooms	The Junior Common Room and the Middle Common Room of the College as defined in Bylaws V.10 and V.11 respectively.
Event	<p>A meeting or other activity, including protests and demonstrations, held on College Premises, but not including a commercial hire of College Premises or any meetings, activities, or events not held on College Premises.</p> <p>This definition includes an online meeting or other activity with a Visiting Speaker which is or which is branded in any way as associated with the College or which uses the College’s IT facilities.</p>
Fellow	A person holding any category of Fellowship of the College as defined by Statute 4.2 and Bylaw III.11(a).
Freedom of Speech	Freedom to impart ideas, opinions or information (referred to in Article 10(1) of the Convention as it has effect for the purposes of the Human Rights Act 1998) by means of speech, writing or images (including in electronic form). In relation to Academic Staff of the College, this includes Academic Freedom.

Junior Member	A Junior Member of the College as defined by Statute 6.1, i.e., a person who has been presented by the College for matriculation or who has migrated to the College and is engaged in an approved course of study within the University or who has been admitted to the College to pursue an approved course of study.
Lecturer	A Lecturer appointed for the College by the Warden and Tutors' Committee pursuant to Statute 5.2(c) and Bylaw IV.36(a).
Lesson	Includes a lecture, class, seminar or tutorial.
OfS	The Office for Students.
Proscribed Organisation	<p>Pursuant to the Terrorism Act 2000, section 3(1), an organisation which is listed in Schedule 2 of the Terrorism Act 2000 or operates under the same name as an organisation listed in that Schedule.</p> <p>A list of Proscribed Organisations may be found here: https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2</p>
Statute	One of the College Statutes approved by The Queen-in-Council on 15 July 2015.
Students	Junior Members and persons holding a binding offer to undertake an approved course of study as a Junior Member.
University	The University of Oxford.
Visiting Speaker	A person who has been invited to speak at the College by a Fellow, Lecturer, Junior Member or College Staff-member acting in their capacity as a Fellow, Lecturer, Junior Member or College Staff-member. For the avoidance of doubt, this definition does not include a person who wanted or requested an invitation to speak at the College but was not invited.

4. Values

- 4.1. Freedom of Speech and Academic Freedom are central tenets of College life and must be robustly protected. On this basis, the College operates with a strong presumption in favour of Freedom of Speech and Academic Freedom.
- 4.2. Statute 1.4 requires the Statutes and Bylaws to be construed to give effect to inter alia the following guiding principle: to ensure that members of the College have academic freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing

themselves in jeopardy of losing their jobs and privileges.

4.3. In all its activities, the College seeks to:

- 4.3.1. secure and promote Academic Freedom and Freedom of Speech within the law;
 - 4.3.2. ensure a very high level of protection for the lawful expression of a viewpoint and for speech in an academic context; and
 - 4.3.3. foster a culture of openness and inclusivity, in which members of the College community engage with each other, and the public, in debate and discussion, remain open to both intellectual challenge and change, and are free to seek, receive and impart lawful views and ideas of all kinds.
- 4.4. Inevitably, this may mean that College Members, Students, and College Staff are confronted with views that some may 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 with each other critically but with respect for the dignity of the individual expressing their views. Such an environment is fundamental for creating a diverse culture of intellectual enquiry where a range of views can be heard, challenged and debated.
- 4.5. Within the bounds prescribed by law and subject to the provisions of this Code, all College Members, Students, and College Staff should feel that their voices and views are heard. Wherever possible, they should also be exposed to evidence, questioning, and argument. As an integral part of this commitment, the College will take reasonable steps to facilitate discussion and debate whilst ensuring that all such exchanges happen peacefully, respectfully and within the bounds of the law. With appropriate regulation of the time, place, and manner of Events, members of the College community should have no reasonable grounds to feel intimidated or censored.

5. Conduct

- 5.1. 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* and its *Sexual Harassment (College Employees) 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 in a manner which is respectful, courteous, and considerate.
- 5.2. Peaceful protest is a legitimate expression of Freedom of Speech. However, such protest must not shut down debate so as to prevent other people from being heard or from engaging in a Lesson, debate or discussion. 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 exercise Freedom of Speech (including Academic Freedom) within the law.
- 5.3. Complaints about individuals in a College context which involve harassment (e.g. bullying, victimisation, racial or sexual harassment) should be made under the College's *Policy and Procedure on Harassment* or under the *Sexual Harassment*

(College Employees) Policy, as appropriate. Other complaints in a College context should be made under the appropriate complaints, grievance, or disciplinary procedures.

- 5.4. Complaints or concerns 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.
- 5.5. All relevant activities must be risk-assessed and planned in accordance with the College's Health and Safety Policy.
- 5.6. Notwithstanding the generality of the foregoing, the College expects all attendees and speakers (including Visiting Speakers) at Events that fall within the scope of this Code to act in accordance with the law and not to breach the lawful rights of others. On that basis, during the course of any Event held on College Premises in which they participate, attendees and speakers (including Visiting Speakers) must:
 - 5.6.1. observe good order by not acting disruptively, to the extent it shuts down debate (e.g. prevents others from being heard or from engaging in a Lesson, debate or discussion) or disrupts the essential functions of higher education at the College, not using abusive or threatening language, not refusing reasonable requests from the chair or steward or other authorised College Staff-member, and not preventing others from exercising their right to Freedom of Speech within the law;
 - 5.6.2. present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge, debate, critique and question; and
 - 5.6.3. comply with this Code at all times.
- 5.7. If attendees or speakers (including Visiting Speakers) at an Event infringe the law, the College is entitled to curtail, suspend or end the Event, require the removal of any individual, and may initiate disciplinary proceedings and/or refer the matter to the police (if deemed necessary).
- 5.8. Organisers of Events must take appropriate steps to ensure that this Code and its requirements are drawn to the attention of attendees and Visiting Speakers.

6. Procedures

- 6.1. The College ensures that its teaching, research, policies and procedures reflect its duties to ensure, so far as is reasonably practicable and having particular regard to their importance, Freedom of Speech (including Academic Freedom) within the law. The relevant provisions of this Code therefore apply to the College procedures to be followed by College Members, College Staff, and Students (including Common Rooms, clubs, and societies) that may affect Freedom of Speech and Academic Freedom, including procedures relating to: admission, appointment, reappointment, employment and promotion of College Staff, disciplinary matters, equality, diversity and inclusion, harassment and bullying, information technology, social media, the Prevent duty, principles of curricular design, academic integrity in research, Events with speakers, and codes of conduct and other behaviour policies.

- 6.2. In making any decision under any of the procedures referred to in paragraph 6.1, this Code, 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:
- 6.2.1. the importance of Academic Freedom (as required by the Education Reform Act 1988 and the Act);
 - 6.2.2. the requirements of Statute 1.4;
 - 6.2.3. the need to take reasonably practicable steps, having particular regard to the importance of Freedom of Speech, to ensure that Freedom of Speech (including Academic Freedom) within the law is secured as required by the Act;
 - 6.2.4. the rights and freedoms enshrined in the European Convention on Human Rights and incorporated into domestic law by the Human Rights Act 1998;
 - 6.2.5. the Public Sector Equality Duty which requires the College to have due regard to the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between different groups; and
 - 6.2.6. 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'; and
 - 6.2.7. other legal or regulatory requirements that the College is subject to which may be relevant in particular cases.
- 6.3. Any breach of this Code may lead to disciplinary action being taken under the appropriate College procedure (including Statute IX and Bylaw VIII for Fellows and others to whom they apply, staff disciplinary procedures for other Staff, or Bylaw XI B for Junior Members).
- 6.4. Complaints that the College has breached its duties in relation to Freedom of Speech under the Act:
- 6.4.1. may be raised by any of the individuals identified in paragraphs 2.3(2) and 2.4 above;
 - 6.4.2. 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;
 - 6.4.3. must be brought using the appropriate procedure for raising such complaints, as follows:
 - 6.4.3.1. complaints by College Staff-members which are related to other complaints and/or form part of an existing complaint must be raised within the procedure associated with those other complaints;
 - 6.4.3.2. complaints by Junior Members which are related to other complaints and/or form part of an existing complaint, must be raised within the procedure

associated with those other complaints (e.g., the Junior Members' Complaints Procedure or the Harassment Procedure);

- 6.4.3.3. other complaints not within paragraphs 6.4.3.1 and 6.4.3.2 must be raised under the Freedom of Speech Complaints Procedure.
- 6.5. On receipt of any such complaint, the College will consider the most appropriate procedure to be followed, in consultation with the Dean and Keeper of the Statutes and the complainant, and in some cases it may refer the matter to be considered under a different procedure which it considers more appropriate.
- 6.6. The OfS has confirmed its intention to operate a Freedom of Speech complaints scheme. While not yet in force, it will enable the OfS to consider in its discretion complaints about Freedom of Speech from College Members, College Staff, applicants for posts on the Academic Staff and (actual or invited) Visiting Speakers. Students will continue to have access to The Office of the Independent Adjudicator complaints scheme.

7. Events

- 7.1. The Act requires that this Code set out procedures to be followed in connection with the organisation of meetings and other activities held on College Premises. The definition of "Events" in section 3 above includes "meetings" and "other activities" held on College Premises.
- 7.2. 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 and that the use of College Premises is not inappropriately denied to any of the persons listed in paragraphs 2.3(2) and 2.4 above on any ground connected with their lawful beliefs or views or the policy or objectives of a body of which they are a member and that the terms on which College Premises are provided are not based on such a ground.
- 7.3. 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 pose unacceptable risks to individuals, and the College will work with the organisers towards this goal. Cancellation of Events is undesirable and should be exceptional.
- 7.4. College Members, Junior Members (including Common Rooms and clubs and societies) and College Staff who are organising Events or are responsible for administering bookings of College Premises are responsible for assessing those Events in the context of this Code and other relevant College policies and for following the relevant procedures outlined in this Code.
- 7.5. The procedure in section 8 must be followed in all cases where there are concerns that an Event may:
 - 7.5.1. 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; and/or

- 7.5.2. pose a risk to the safety of those lawfully on College premises; and/or
 - 7.5.3. prompt a risk to public safety or public order; and/or
 - 7.5.4. impact on the College's ability to comply with its legal or regulatory requirements; and/or
 - 7.5.5. involve the discussion or presentation of controversial or polarising views or topics, may attract protest or demonstration, or may give rise to press interest; and/or
 - 7.5.6. limit or have an adverse impact on the essential functions of higher education (i.e. learning, teaching, research, or the College's resources necessary for these functions).
- 7.6. The procedure in section 8 must also be followed whenever Junior Members, Common Rooms, and clubs and societies organise an Event.
- 7.7. If organisers of an Event are in any doubt, have any questions or need further information, they are encouraged to discuss the situation and the proposed Event with the Domestic Bursar in the first instance, and then seek advice, as appropriate, from the Principal of the Postmasters and the Head Porter. The Domestic Bursar and/or Principal of the Postmasters may also require that advice be taken from other College Officers and/or from the University Security Services.
- 7.8. No Event which a College Member, Junior Member, Common Room, College club or society, or College Staff-member is proposing to be held on College Premises may be refused or cancelled or altered as a result of the beliefs or views or the policy or objectives of any of the persons listed at paragraphs 2.3(2) or 3.3 above except after consideration by the Principal of the Postmasters or Domestic Bursar, as the case may be, in consultation with the Dean and Keeper of the Statutes.

8. Procedure for Events

- 8.1. In the context of this Code, the Principal of the Postmasters and the Domestic Bursar are respectively 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 the conduct and procedures set out in this Code.
- 8.2. Permission for an Event organised by a Junior Member or a Common Room or by clubs and societies must be requested from the Deputy Principal of the Postmasters in accordance with the regulations for holding Events set out in the Junior Members' Handbook.
- 8.2.1. If the proposed Event gives the Deputy Principal of the Postmasters any concern as to the matters set out in paragraph 7.5.1 to 7.5.6 or as to the matters set out in paragraphs 8.5.1 or 8.5.2, the Deputy Principal of the Postmasters must refer the matter to the Principal of the Postmasters.
 - 8.2.2. A matter referred to the Principal of the Postmasters under paragraph 8.2.1 above must be assessed by the Principal of the Postmasters who must consult with the Domestic Bursar and the Dean and Keeper of the Statutes.

- 8.2.3. The starting presumption when assessing a particular Event is that the Event should be permitted to take place unless there are compelling and exceptional reasons for it not to proceed. As part of this assessment and having particular regard to the importance of Freedom of Speech, it will be necessary to balance the promotion and protection of Freedom of Speech within the law with other legal duties as outlined in this Code.
- 8.3. Permission for any other Event which falls within paragraph 7.5 above must be obtained from the Domestic Bursar.
 - 8.3.1. When permission is requested, the case must be assessed by the Domestic Bursar who must consult with the Dean and Keeper of the Statutes.
 - 8.3.2. The starting presumption when considering a particular Event is that the Event should be permitted to take place unless there are compelling and exceptional reasons for it not to proceed. As part of this assessment and having particular regard to the importance of Freedom of Speech, it will be necessary to balance the promotion and protection of Freedom of Speech within the law with other legal duties as outlined in this Code.
- 8.4. The lawful expression of controversial or unpopular views does not in itself constitute reasonable grounds for withholding permission for an Event.
- 8.5. In cases referred to the Principal of the Postmasters under paragraph 8.2 or to the Domestic Bursar under paragraph 8.3:
 - 8.5.1. As required by section 12 of the Terrorism Act 2000, the Principal of the Postmasters and the Domestic Bursar respectively must not give permission to hold an Event where it is known or reasonably believed that:
 - 8.5.1.1. the Event is being organised to support a Proscribed Organisation or to further the activities of a Proscribed Organisation; and/or
 - 8.5.1.2. the proposed speaker belongs to, or professes to belong to, a Proscribed Organisation; and/or
 - 8.5.1.3. the proposed speaker will use the Event to encourage support for, or to further the activities of, a Proscribed Organisation.
 - 8.5.2. In exceptional circumstances, it may be reasonable to refuse permission for an Event where the Principal of the Postmasters or the Domestic Bursar respectively reasonably believes (from the nature of the speakers or from similar activities in the past whether held at the College or otherwise) that:
 - 8.5.2.1. the views likely to be expressed and/or are expressed by any speaker are contrary to the law; and/or
 - 8.5.2.2. the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur; and/or
 - 8.5.2.3. the Event is likely to include the expression of viewpoints that are reasonably believed to be highly controversial and/or offensive and the organisers or

speakers will not permit contrary or opposing viewpoints to be held or expressed; and/or

- 8.5.2.4. the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including Proscribed Organisations; and/or
 - 8.5.2.5. it is in the interest of public safety, the prevention of disorder, or the prevention of crime, that the Event does not take place; and/or
 - 8.5.2.6. it will disrupt or prevent an essential function of higher education at the College (i.e. teaching, learning, research, and the administrative functions and resources that these require), and there are no suitable reasonable restrictions or conditions that can be put in place to reduce such disruption.
- 8.5.3. If the Principal of the Postmasters under paragraph 8.2 or the Domestic Bursar under paragraph 8.3 is reasonably satisfied that the otherwise lawful expression of views at an Event is likely to give rise to disorder, threats to the safety of participants or the wider College community, disrupt or prevent an essential function of higher education at the College, or to other material risks:
- 8.5.3.1. they must respectively determine what necessary steps must be taken to ensure the safety of all persons and the security of College Premises, to limit any disruption to an essential function of higher education at the College, and to address any other identified risks; but
 - 8.5.3.2. the Principal of the Postmasters must make their determination under this paragraph in consultation with the Domestic Bursar.
- 8.5.4. Necessary steps under paragraph 8.5.3.1 might include postponing or relocating an Event or imposing other conditions on the time, place or manner of expression. The College will use all reasonable efforts to ensure that such measures go no further than is necessary to address the identified risks and are viewpoint-neutral. Other conditions in relation to an Event can include (but are not limited to) the following:
- 8.5.4.1. putting in place measures to ensure that opposing views can be put forward at the Event and for the proper management of the Event;
 - 8.5.4.2. making arrangements for a suitable College Staff-member to chair and/or manage the Event to ensure that Freedom of Speech is secured;
 - 8.5.4.3. ticketing an Event or putting in measures to check the identity of persons attending the Event;
 - 8.5.4.4. ensuring that Events have appropriate security staff and stewards (see also paragraphs 8.8 to 8.10 below);
 - 8.5.4.5. determining the time and location on the College Premises of the Event.
- 8.5.5. Where conditions are imposed on the holding of an Event, the responsibility for fulfilling them rests with the organisers of the Event.

- 8.5.6. The Principal of the Postmasters or the Domestic Bursar (as applicable) may consult with other College Officers, the police or other relevant third parties and organisations as appropriate in order to determine whether and how any identified risks can be mitigated.
- 8.5.7. In the exceptional circumstance that the Principal of the Postmasters or the Domestic Bursar (as applicable) considers that the risks cannot be mitigated by the imposition of conditions, or the organiser(s) or speaker(s) refuse(s) to comply with the imposed conditions, the Principal of the Postmasters or the Domestic Bursar (as applicable) has the right to cancel the Event and may do so even if the relevant College procedure has not been exhausted.
- 8.6. The Principal of the Postmasters and the Domestic Bursar will promptly communicate to the organisers of an Event their respective decisions about it and will without undue delay set out the reasons for that decision and any conditions or restrictions that are required in order to permit the Event to take place (if applicable).
- 8.7. If any of the individuals listed in paragraphs 2.3(2) and 2.4 above is dissatisfied with the decision of the Principal of the Postmasters or the Domestic Bursar about an Event they may refer the matter to be considered under the relevant complaints procedure set out in paragraph 6.4 above.
- 8.8. Except in the exceptional circumstances set out in paragraphs 8.8.1 and 8.8.2 below, the use of College Premises by any individual or body for an Event will not be on terms that require the individual or body to bear some or all of the costs of security relating to their use of College Premises for that Event. This means that in most cases, the College will cover the costs of security for using College Premises for an Event falling under this Code. For the avoidance of doubt, any request to pay security costs will not be influenced by the ideas or opinions of any individual involved or speaking at an Event.
- 8.8.1. The College will not cover the costs of security for using College Premises where:
- 8.8.1.1. a Visiting Speaker could reasonably be expected to have their own security because of the political or state office they hold;
- 8.8.1.2. the individual using College Premises does not fall within the categories set out in paragraph 2.3(2) above.
- 8.8.2. In cases not falling within paragraph 8.8.1, the College will cover the costs of security up to £2,000. It will always pass on costs of security above the first £2,000 where these arise.
- 8.9. In the exceptional event that security costs are to be passed on to the individual or body using College Premises for an Event, the College will supply that individual or body with a clear written summary of its calculation of the expected security cost and an explanation for this calculation.

9. Recording and reporting

- 9.1. The Principal of the Postmasters and the Domestic Bursar must keep a record of all decisions made under this Code.

- 9.1.1. If permission was refused for an Event they must record the reasons given for refusing permission.
- 9.1.2. If conditions or restrictions were required in order to permit an Event to take place, they must record the conditions or restrictions that were required and the reasons given for requiring them.
- 9.2. The Principal of the Postmasters and the Domestic Bursar must submit a report to the Governing Body in Trinity Term each year setting out for that year the number of Events for which permission was given under this Code and the other information of which a record is required to be kept under paragraphs 9.1.1 and 9.1.2.

MERTON COLLEGE

FREEDOM OF SPEECH COMPLAINTS PROCEDURE

1. Approval

- 1.1. This Procedure was approved by the Statutes and Bylaws Committee acting by delegation from the Governing Body of Merton College under Statute 2.8 on **29 July 2025**. Revisions to this Procedure were by the Governing Body on **8 November 2025**.
- 1.2. Any amendments to this Procedure must have the Governing Body's approval.

2. Scope

- 2.1. This Procedure provides for the determination of Qualifying Complaints against the College by Eligible Complainants for breaches of its Freedom of Speech Duties where another College procedure does not apply.
- 2.2. Complaints by College Staff-members which are related to other complaints and/or form part of an existing complaint must be raised within the procedure associated with those other complaints.
- 2.3. Complaints by Junior Members which are related to other complaints and/or form part of an existing complaint, must be raised within the procedure associated with those other complaints (e.g., the Junior Members' Complaints Procedure or the Harassment Procedure).
- 2.4. Other complaints by Eligible Complainants must be raised using this Procedure.

3. Definitions

In this Procedure the following terms have the following meanings:

Academic Freedom	In relation to Academic Staff of the College, 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 placing themselves at risk of institutional censorship, losing their jobs or privileges or experiencing a reduction in the likelihood that they would secure a promotion or a different job at the College, as also further provided for in Statute 1.4.
Academic Staff	Those College Staff-members who are Fellows, Lecturers, or are otherwise engaged by the College for the purpose of teaching or conducting research.
Act	The Higher Education and Research Act 2017 as amended by the Higher Education (Freedom of Speech) Act 2023.
Bylaws	The Bylaws of the College.

Code	The College's Code of Practice on Freedom of Speech.
College Members	Members of the College as defined in Statute 1.2 except that for the purposes of this Code, "Members" does not include a person who is a member of the College solely because of having been a Junior Member and accordingly does not include those who enjoy membership of the College solely as Life Members under Bylaw V.12.
College Officer	A person appointed to hold an office in the College for which provision is made under Statute 5.2 and Bylaw IV.1.
College Staff	Those employed by the College under a contract of employment, including, without limitation, a fixed-term contract, a zero-hours contract, an hourly-paid contract or other type of casual or atypical contract of employment.
College Staff-member	A person employed by the College as part of the College Staff.
Complainant	A person raising a Complaint.
Complaint	A complaint raised or purportedly raised under this Procedure (whether or not it is subsequently assessed to be a Qualifying Complaint).
Decision	The written record of the Decision-Maker's determination which is to be sent to the Complainant under paragraph 11.1.
Decision-Maker	The Sub-Warden or (if the Sub-Warden is unavailable or directly involved in the subject of the Complaint) another Fellow appointed by the Warden or by the Chair of the Audit Committee (if the Warden is unavailable to make the appointment or is directly involved in the subject of the Complaint).
Eligible Complainant	A Complainant who satisfies the criteria in paragraph 5 below.
Fellow	A person holding any category of Fellowship of the College as defined by Statute 4.2 and Bylaw III.11(a).
Freedom of Speech	Freedom to impart ideas, opinions or information (referred to in Article 10(1) of the Convention as it has effect for the purposes of the Human Rights Act 1998) by means of speech, writing or images (including in electronic form). In relation to Academic Staff of the College, this includes Academic Freedom.
Freedom of Speech Duties	The duties under the Act set out in paragraph 4.2.

Internal Review	The internal review of a Decision, as provided under paragraph 12.
Internal Reviewer	The person convening an Internal Review Panel.
Internal Review Decision	The written record of the Internal Review Panel's determination which is to be sent to the Complainant by an Internal Reviewer under paragraph 12.7.
Internal Review Panel	A panel convened by the Internal Reviewer consisting of the Internal Reviewer (chair and convener) and two Fellows of the College enlisted by the Internal Reviewer who have had no involvement in the Complaint.
Internal Review Request	A request for an Internal Review made under paragraph 12.1.
Junior Member	A Junior Member of the College as defined by Statute 6.1, i.e., a person who has been presented by the College for matriculation or who has migrated to the College and is engaged in an approved course of study within the University or who has been admitted to the College to pursue an approved course of study.
Lecturer	A Lecturer appointed for the College by the Warden and Tutors' Committee pursuant to Statute 5.2(c) and Bylaw IV.36(a).
OIA	The Office of the Independent Adjudicator.
OfS	The Office for Students.
this Procedure	This Freedom of Speech Complaints Procedure
Qualifying Complaint	A Complaint that meets the criteria set out in paragraph 6.
Statute	One of the College Statutes approved by The Queen-in-Council on 15 July 2015.
Students	Junior Members and persons holding a binding offer to undertake an approved course of study as a Junior Member.
University	The University of Oxford.
Visiting Speaker	A person who has been invited to speak at the College by a Fellow, Lecturer, Junior Member or College Staff-member acting in their capacity as a Fellow, Lecturer, Junior Member or College Staff-member. For the avoidance of doubt, this definition does not include a person who wanted or requested an invitation to speak at the College but was not invited.

Working-days	Days other than: Saturdays, Sundays, Bank Holidays in England and Wales, or days within the College's Christmas or Easter closures.
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4. Freedom of Speech Duties

- 4.1. The legal duty of universities and constituent institutions in the United Kingdom to protect Freedom of Speech and Academic Freedom is enshrined in the Act.
- 4.2. The duties which are the subject of this Procedure are set out in section A1 of the Act as follows:
 - (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) 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.
 - (6) In this Part, "academic freedom", in relation to academic staff at a registered higher education provider, means their freedom within the law—
 - (a) to question and test received wisdom, and
 - (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in any of the ways described in subsection (7).
 - (7) Those ways are—
 - (a) loss of their jobs or privileges at the provider;

- (b) the likelihood of their securing promotion or different jobs at the provider being reduced.
- (8) 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 (9).
- (9) That objective is securing 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 freedom within the law to do the things referred to in subsection (6)(a) and (b).
- (10) In order to achieve the objective in subsection (2), the governing body of a registered higher education provider must secure that, apart from in exceptional circumstances, use of its premises by any individual or body is not on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises.
- (11) In order to achieve the objective in subsection (2), the governing body of a registered higher education provider must secure that the provider does not enter into a non-disclosure agreement with a person referred to in that subsection in relation to a relevant complaint made to the provider by the person (and if such a non-disclosure agreement is entered into it is void).

5. Eligible Complainants

- 5.1. A Complaint that the College has breached its Freedom of Speech Duties may be raised by any of the following:
 - 5.1.1. College Members;
 - 5.1.2. Students;
 - 5.1.3. College Staff-members;
 - 5.1.4. Applicants to join the Academic Staff; and
 - 5.1.5. Visiting Speakers.
- 5.2. Complaints may also be raised by a person who was formerly within one of the categories listed in paragraph 5.1 above, if their Complaint relates to an event which occurred while they were still within that category and which affected them in that capacity.

6. Qualifying Complaints and Other College Procedures

- 6.1. A Complaint will qualify to be considered under this Procedure as a Qualifying Complaint if it:
 - 6.1.1. was raised by an Eligible Complainant;
 - 6.1.2. alleges that the Eligible Complainant has suffered adverse consequences as a result of action or inaction by the College;
 - 6.1.3. alleges that or gives rise to the question whether the College's action or inaction was a breach of one or more of the Freedom of Speech Duties;

- 6.1.4. the alleged breach occurred after 1 August 2025; and
- 6.1.5. should not more appropriately be considered under a different College procedure (as outlined in paragraphs 6.3 and 6.4 below).
- 6.2. There is no right to make a Complaint under this Procedure about matters of academic judgement.
- 6.3. Complaints by College Staff-members which are related to other complaints and/or form part of an existing complaint must be raised within the procedure associated with those other complaints.
- 6.4. Complaints by Junior Members which are related to other complaints and/or form part of an existing complaint, must be raised within the procedure associated with those other complaints (e.g., the Junior Members' Complaints Procedure or the Harassment Procedure).

7. Informal Resolution

- 7.1. Before making a Complaint under this Procedure, an intending Complainant should consider taking steps to resolve the matter informally. This might include discussing the matter with College Officers responsible for the matters which are the subject of the intended Complaint.
- 7.2. If informal resolution is not appropriate or has been unsuccessful, the Complainant may submit their Complaint for determination by the Decision-Maker.

8. Making a Complaint

- 8.1. A Complainant must send a written Complaint to sub-warden@merton.ox.ac.uk. The subject-line of the email must be marked "Freedom of Speech Complaint" and the email must be marked urgent.
- 8.2. Complainants making a joint Complaint must nominate one of the Complainants to be their representative for the purposes of this Procedure.
- 8.3. Any Complaint must be made as soon as possible and at the latest within forty Working-days of the alleged breach or conduct complained of.
- 8.4. Within five Working-days of receipt of a Complaint, the Decision-Maker must write to the Complainant to acknowledge receipt and identify themselves as the Decision-Maker.
- 8.5. After receipt of a Complaint, the Decision-Maker must consider whether this Procedure is the most appropriate to be followed, in consultation with the Dean and Keeper of the Statutes and the Complainant, and may refer the matter to be considered under a different procedure which the Decision-Maker considers more appropriate. If the Decision-maker determines that this Procedure is the most appropriate to be followed, the Decision-Maker shall conduct an initial assessment of the Complaint in accordance with paragraphs 10.2 and 10.3 below.

- 8.6. In very exceptional circumstances the Decision-Maker may decide to use this Procedure to deal with a Complaint even if the Complaint includes concerns that would otherwise ordinarily have fallen under another College procedure, for example where the dominant allegation relates to an alleged breach of Freedom of Speech Duties and other matters raised are ancillary or minor. The overriding principle in determining the appropriate procedure will be to deal with the matter as fairly and proportionately as possible.

9. Interim measures

- 9.1. If the Decision-Maker considers it appropriate to reduce the risk of harm arising from the alleged breach they may impose appropriate interim measures pending determination of the Complaint under this Procedure.
- 9.2. When deciding whether or not to impose an interim measure, the Decision-Maker must also take into account all relevant circumstances, including the impact of the measure on the College or any other person.

10. Investigation

- 10.1. Complaints under this Procedure must be determined on paper without an oral hearing.
- 10.2. The Decision-Maker must decline to consider a Complaint if in their sole discretion and acting reasonably they decide that:
- 10.2.1. it is malicious, vexatious, frivolous, or obviously unmeritorious – the starting presumption is that lawful viewpoints expressed in a lawful manner should not be unnecessarily considered as a Complaint; and/or
 - 10.2.2. it is not a Qualifying Complaint; and/or
 - 10.2.3. the Complainant is not an Eligible Complainant.
- 10.3. The Decision-Maker should usually decline to consider a Complaint if:
- 10.3.1. the Complaint is received more than forty Working-days after the alleged breach or conduct complained of, unless there are mitigating factors that reasonably explain any delay; and/or
 - 10.3.2. the matters in dispute are currently being considered or have been decided by an external body with jurisdiction (such as the OfS, OIA, a court or a tribunal); and/or
 - 10.3.3. the substantive issues have already been considered under another procedure (including, for example, a grievance, disciplinary, or complaint procedure).
- 10.4. If the Decision-Maker has declined to consider a Complaint on the grounds set out in paragraphs 10.2 and 10.3 above:
- 10.4.1. the Decision-Maker must notify the Complainant promptly of such decision and outline the reasons for that decision, and must include the matters set out in paragraphs 11.2 and 11.3 below;

- 10.4.2. the Complainant may request an Internal Review under paragraph 12 and for that purpose "Decision" in paragraph 12 is to be understood as including a decision under this paragraph.
- 10.5. Except when a Decision-Maker has declined to consider a Complaint on the grounds set out in paragraphs 10.2 and 10.3 above, they must:
 - 10.5.1. send details of the Complaint to anyone whom they determine to be relevant and request that the individual responds in writing within ten Working-days (if applicable); and
 - 10.5.2. take any other steps they consider necessary to investigate and determine the Complaint. This could include interviewing relevant parties and seeking advice from qualified individuals where required.
- 10.6. If a Complainant withdraws a Complaint the Decision-Maker may nonetheless decide to continue the investigation if in their sole discretion they decide that it is appropriate and fair to do so.

11. Decision

- 11.1. The Decision-Maker must record their determination in writing, including any directions and/or recommendations they are making (if applicable), and the reasons for it and must send a copy of their Decision to the Complainant(s) within thirty Working-days of acknowledging the Complaint in accordance with paragraph 8.4 above.
- 11.2. The Decision must also set out sources of support and advice for the Complainant where relevant, including such support and advice available for College Members and College Staff-members (as applicable).
- 11.3. The Decision must also explain that:
 - 11.3.1. the Complainant has the option to request an Internal Review;
 - 11.3.2. the conclusion of an Internal Review (if applicable) will be the end of the College's procedures and that after the conclusion of that process, the Complainant will have the right either (if they are a Junior Member) to seek review by the OIA or (if they are not a Junior Member) to complain to the OfS once the OfS has instituted its complaints scheme.

12. Internal Review

- 12.1. Complainants who wish to request an Internal Review must send a written request to warden@merton.ox.ac.uk within five Working-days of receipt of the Decision. The subject-line of the email must be marked "Freedom of Speech Complaint – Internal Review" and the email must be marked urgent. The Internal Review Request must identify the precise basis on which the Complainant takes issue with the Decision.
- 12.2. Complainants jointly requesting an Internal Review must nominate one of the Complainants to be their representative for the purposes of the Internal Review.

- 12.3. The Internal Reviewer is the Warden or (if the Warden is unavailable or the subject of the Complaint) a Fellow appointed by the Chair of the Audit Committee.
- 12.4. Within five Working-days after receipt of the Internal Review Request, the Internal Reviewer must write to the Complainant to acknowledge it and identify themselves as the Internal Reviewer.
- 12.5. The Internal Reviewer must convene an Internal Review Panel as soon as possible after receipt of the Internal Review Request. The Internal Review Panel must meet as often as necessary to complete the Internal Review which must be completed within twenty Working-days of the date on which the Warden received the Internal Review Request.
- 12.6. Internal Reviews must be determined by the Internal Review Panel on paper without any oral hearing on the basis of the material that was before the Decision-Maker. The Internal Review Panel must notify relevant individuals that an Internal Review has been requested.
- 12.7. The Internal Review Panel must record its determination, including any directions and/or recommendations it is making, and the reasons for it in writing and the Internal Reviewer must send a copy of the Internal Review Decision to the Complainant within twenty Working-days of receipt by the Warden of the request for an Internal Review. Where the Complainant is a Junior Member, a copy of the Internal Review Decision must also be sent to the Dean and Keeper of the Statutes to enable the preparation of a Completion of Procedures Letter.
- 12.8. The Internal Review Decision must include the matters set out at paragraphs 11.2 and 11.3.2 above.

13. General

- 13.1. All parties involved in a Complaint must act reasonably and fairly towards one another and must respect this Procedure. Any investigation or Internal Review must be concluded as rapidly as is reasonably practicable and compatible with the interests of justice.
- 13.2. Anyone who has been directly involved with the subject-matter of the Complaint must not be involved in decision-making under this Procedure.
- 13.3. Time-limits in this Procedure or imposed by the Decision-Maker as part of their investigation must be observed by all parties. The Decision-Maker or (in respect of an Internal Review) the Internal Reviewer may extend a time-limit where it is necessary to do so in order to ensure a fair outcome (e.g. because of illness or holidays).
- 13.4. Complaints must be dealt with confidentially. The College will need to share information about the Complaint on a confidential basis, including with third parties, where it is necessary to do so to ensure a fair investigation, in the course of a subsequent procedure involving the same subject-matter, and/or to perform its legal and other responsibilities. Personal data will be processed in accordance with the College's relevant privacy notice and the law.

14. Promoting good practice

- 14.1. The Warden's Office must keep a record of all Complaints received by the College and the Sub-Warden must submit a report to the Governing Body in Trinity Term each year setting out for that year:
 - 14.1.1. an overview of the Complaints received, their subject matter, and how they were resolved; and
 - 14.1.2. any recommendations or learnings arising from them to improve this Procedure or the College's compliance with the Freedom of Speech Duties.

15. OfS Complaints Scheme

- 15.1. The OfS has confirmed its intention to operate a Freedom of Speech complaints scheme. Under that scheme, the OfS will have the power to consider complaints at its discretion about Freedom of Speech from some College Members, College Staff-members, applicants for posts on the Academic Staff and (actual or invited) Visiting Speakers.
- 15.2. The OfS complaints scheme is not yet operational.