



Code of Practice for Freedom of Speech

1. The Law

- 1.1 Section 43 (1) of the Education (No.2) Act 1986 ('the Act') imposes a duty on every individual and body of persons ('the Responsible Person') concerned in the government of the London South Bank University ('LSBU') to take all reasonably practicable steps to ensure that freedom of speech within the law is secured for members, students and employees of LSBU and for speakers visiting LSBU. The Act imposes a particular duty on those persons to ensure so far as is reasonably practicable that the use of any premises of LSBU shall not be denied to any individual or body of persons on any ground connected with their beliefs or views or their policies or objectives.
- 1.2 The Act imposes a further duty on the governing body of LSBU (which duty has been accepted by the Board of Governors of LSBU) to establish, issue and keep up to date a code of practice ('the Code') setting out:
- procedures to be followed by members, students and employees of LSBU with regard to the organisation of meetings held on premises of LSBU and specified as being within the Code; and
 - any other activities which shall take place on premises of LSBU and specified to be within the Code.

The Code shall also specify the conduct required of members, students and employees of LSBU in connection with any meeting or activity mentioned above.

- 1.3 The Act imposes a specific duty on the Responsible Persons to secure that the Code shall be complied with.
- 1.4 This Code has been established by the Board of Governors having due regard to factors such as public safety, the safety of the staff and students of and the visitors to LSBU and

the costs and practicalities of providing facilities to ensure their reasonable safety and protection.

2. Code of Practice

This Code may be revised, amended or replaced from time to time by the Board of Governors.

2.1 Definitions

The following terms have these meanings for the purposes of the Code where the context so admits:

2.1.1 Meetings or Other Activities

Meeting means any gathering or assembly of more than three persons on any University premises where the subject matter of such gathering or assembly will, or is reasonably likely, to involve discussion or debate on matters relating to:

- Politics whether international, national or local or internal to LSBU or its Student Union;
- Racial or sexual discrimination;
- Religious beliefs;
- Equal Opportunities;
- Animal rights;
- Other matters of topical interest likely to promote discussion or debate.

Other Activity means any demonstration or march relating to matters referred to in sub-clause (a) to (f) inclusive of the above definition of Meeting. (For the avoidance of doubt, Meetings and Other Activities may include any lecture or seminar forming any part of LSBU's approved study or lecture programmes).

2.1.2 Unlawful meeting

Means any Meeting or other Activity at which:

- the ideas or concepts to be put forward:
 - infringe the rights of others; and/or
 - discriminate against others; and/or
 - risk drawing people into terrorism; and/or
- the activity in question:
 - constitutes a criminal offence; and/or
 - constitutes an offence under prevention of terrorism legislation; and/or
 - constitutes a threat to public order; and/or
 - constitutes a threat under the health and safety legislation; and/or
 - incites others to commit criminal acts; and/or
 - is contrary to the civil and human rights of individuals.

2.1.3 Contentious Meeting

Means any Meeting or Other Activity at which there is a likelihood:

- that the speaker may not be able to enter or leave the building safely and/or deliver his or her speech without serious interruption
- or that any danger to the safety of persons attending the Meeting or Other Activity or of those in the vicinity could arise;
- or that any damage of LSBU premises or property could be caused
- or that the name of LSBU could be brought into disrepute.

2.1.4 Premises

Means any premises which the University owns or in respect of which it holds a lease or habitually uses by licence or permission, including those premises occupied by the Student Union. A list of such buildings can be obtained, on request, from the University Secretary.

2.1.5 Department

Means a School, section, unit or service of the University. A list of Departments can be obtained, on request, from the University Secretary.

2.1.6 Head of School/Department

Means the person appointed to be in charge of a School/Department.

2.1.7 Organiser

Means the person responsible for organising the Meeting or Other Activity as prescribed under paragraph 5 below.

2.1.8 Vice-Chancellor

The expression Vice-Chancellor shall, for the purpose of the Code, include the Deputy Vice-Chancellors acting where the Vice-Chancellor shall not be immediately available to deal with any matter arising under the Code or, any other person to whom the Vice-Chancellor may, in writing, delegate his/her powers and duties under this Code.

3. Jurisdiction

This Code of Practice is established under English Law. Words used in the Code have the meaning assigned to them by the Articles of Association of LSBU where the content so admits.

4. Introduction to the Code

- 4.1 LSBU confirms its commitment to the free expression of opinions within the law, including the expressions of beliefs, views, policies and objectives which may be contrary to those held by many of the staff and students of LSBU. LSBU will only permit the holding of Contentious Meetings on its Premises under the conditions set out in this Code in so far as those Premises, in the opinion of LSBU, are suitable for the Contentious Meeting in question and are not otherwise required in connection with the ordinary purposes of LSBU.

- 4.2 LSBU also confirms its commitment to the principles of multi-ethnic education and of equal opportunities and, in so far as its actions shall be lawful, will conduct itself in the manner required by its Equal Opportunity Policy. Copies of which can be obtained, on request, from the University Secretary.

5. The Organisation of a Meeting or Other Activity

- 5.1 A person or persons, including the Student Union shall not hold any Meeting or Other Activity otherwise than in accordance with this Code.
- 5.2 Where a Meeting or Other Activity is organised by a School/Department, the Head of that School/Department shall be deemed to be the organiser for the purposes of the Code.
- 5.3 In the case of a Meeting or Other Activity organised by the Student Union the President of the Student Union shall be deemed to be the Organiser for the purposes of this Code. In the absence of a Student Union President, the Student Union Executive will accept this responsibility.
- 5.4 In all other cases the person or persons organising the Meeting or Other Activity shall be regarded for the purposes of this Code as the organiser or joint organisers of that Meeting or Other Activity.
- 5.5 Where a Meeting or Other Activity on the Premises is organised by an outside body, the person signing the letter of authority for the Premises to be used shall be regarded as the organiser. Under these circumstances the hirer must be asked to abide by the terms of this Code and the relevant section embodied in the hiring document.

6. 'Unlawful' Meeting

- 6.1 The Vice Chancellor shall not allow a meeting to take place if in his/her reasonable belief or suspicion the meeting would be Unlawful.

7. Contentious Meeting

- 7.1 A Contentious Meeting shall not be held unless the organiser has given 14 days' notice to the Vice Chancellor, or such lesser period as the Vice Chancellor may accept, outlining the nature of the Contentious Meeting and indicating the topic of the speeches and the name/s of the visiting speaker/s.
- 7.2 The Vice Chancellor may at his/her absolute discretion, instruct that any proposed Contentious Meeting shall not be held on the Premises, and shall notify the Board of Governors at its next ordinary meeting of any such instruction and subsequent action that has been taken to enforce it.
- 7.3 The Vice Chancellor shall decide whether or not the Contentious Meeting should proceed, taking account of the following criteria:
- whether, in consultation with the Student Union President or other interested parties, there is any real likelihood of confrontation or disturbance at the Contentious Meeting and, where the Vice- Chancellor decides there is a possibility of disturbance, he/she will consult with the local Police and any other relevant

authorities concerned with public safety, or order to establish whether it is reasonably practicable to allow the Contentious Meeting to proceed. In the case of a Contentious Meeting organised by the Student Union, the President of the Union or his/her nominee shall be entitled to be present when these discussions take place.

- Under these circumstances and after receiving any advice from the Police, the Vice Chancellor will decide whether LSBU can, within reasonable cost limits and having regard to the location and security of the Premises, provide suitable facilities for the visiting speaker to address the Contentious Meeting. The Vice Chancellor may, in appropriate circumstances, agree that the Contentious Meeting may take place subject to specified conditions being met and/or the payment of sums to cover the costs of such measures as are deemed necessary to safeguard the safety of persons and the security of University premises and property. If the Vice Chancellor decides that, even after taking all reasonable precautions, the safety of staff or students at LSBU or members of the public, or the speaker, or University property, or the good name of the University, cannot be ensured to a reasonable level then the Vice Chancellor shall not permit the Contentious Meeting to be held.
- If the Vice Chancellor makes a decision that a Contentious Meeting should not proceed then he/she must consider whether allowing it to take place at other premises or at another time would enable satisfactory precautions to be taken to ensure safety.

8. Representatives of the Board of Governors

The Vice Chancellor, or the Deputy Vice Chancellors, shall act on these matters as the representative of the Board of Governors.

9. Infringement of the Code

A member of staff or student of LSBU who organises or attempts to organise a Meeting or Other Activity contrary to paragraphs 5 & 6 of this Code, or who continues to act as Organiser for the Contentious Meeting which the Vice Chancellor has instructed should not be held, shall be liable to disciplinary action under the Articles of Association of LSBU and any Regulations made thereunder.

10. The Conduct of a Meeting

- 10.1 The Organiser shall be responsible for the orderly and lawful conduct of the Meeting or Other Activity and shall also be responsible for regulating the admission of persons to the Meeting or other Activity and Providing such stewards as may be necessary.
- 10.2 If at any point the Organiser, or any member of staff of LSBU charged with responsibility for the Premises concerned, or the Vice-Chancellor has reasonable grounds for believing that the Meeting or Other Activity is about to lead to, or has already led to, an occurrence listed paragraph 2.1.2 of this Code, they shall have the duty to warn those present, and where in their view this is necessary, to close the Meeting or Other Activity forthwith.
- 10.3 The Vice Chancellor, or the Organiser, or any member of staff of LSBU charged with the responsibility for the Premises concerned, shall have the right to call on assistance from the Police where they have reasonable cause to believe that a breach of the peace is likely.

11. Reporting of Disturbances

Should any disturbance arise from a Meeting or Other Activity held under this Code, then it is the duty and responsibility of the Organiser to make a full and detailed written report of this disturbance to the Vice-Chancellor within 72 hours.

12. Nothing in this Code shall affect:

- the individual legal rights of persons affected by actions under the Code;
- the right of LSBU to take appropriate action, including action at law, to seek redress for damage to or loss of its property. (LSBU will seek to recover the costs of cleaning and repairing any damage to property caused by an unruly meeting).