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LSBU

Freedom of Speech Code of Practice

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Freedom of Speech Code of Practice

Summary

Our commitment

LSBU is committed to the principles of free speech and freedom of expression; it fully supports the free expression of opinions within the law, and the upholding of the principles of academic freedom in all activities of the University.

In support of delivering this commitment:

- Whenever an external speaker will be participating in an event at LSBU the External Speaker Request Form must be filled out at least 14 days in advance: http://www.lsbu.ac.uk/__data/assets/pdf_file/0005/80159/external-speaker-request-form.pdf
- Most activities, meetings or lectures taking place at LSBU will not require detailed consideration, action or monitoring under this Freedom of Speech Code of Practice.
- Examples of activities which may require further detailed consideration under this Freedom of Speech Code of Practice are events during which views might be expressed which:
 - infringe/discriminate against the rights of others;
 - risk drawing people into terrorism;
 - constitute criminal offences, threats to public order or breaches of the law; or
 - address contentious or controversial subjects, especially when there is risk of protest and/or disruption.
- If you are in any doubt as to whether an activity will involve concerns surrounding Freedom of Speech you should read this Code of Practice in full and consult with the individuals listed.
- This summary does not replace the full Code of Practice and other related LSBU policies and procedures, to which all members of the University must adhere.

LSBU Freedom of Speech Code of Practice

1. Policy statement

- 1.1 The Education (No.2) Act 1986 (the “Act”) imposes a duty on the persons concerned in the government of 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.
- 1.2 LSBU is committed 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.
- 1.3 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 Equality, Diversity and Inclusion Policy¹.
- 1.4 Free speech and freedom of expression should be secured to the greatest extent possible and are protected by the European Convention on Human Rights. However, free speech is subject to the limits imposed by law, including those governing the protection of national security, health and safety, the prevention of crime, charities, equality and non-discrimination, and the protection of the rights and freedoms of others.
- 1.5 LSBU is also required by the Counter Terrorism and Security Act 2015, to have in place policies and procedures to mitigate the risks of people being radicalised or drawn into terrorism. This is referred to as the “Prevent duty”. Encouragement of terrorism and inviting support for proscribed organisations (as detailed further below) are criminal offences, and LSBU will not provide a platform for these offences to be committed.

2. Scope

- 2.1 This Code of Practice applies to all Events and to all staff, students, visitors and attendees.
- 2.2 For the purposes of this Code of Practice, the term “Events” refers to meetings, lectures, seminars, gatherings, assemblies, demonstrations, marches and other events or activities of any description which:
 - 2.2.1 are held on premises which LSBU or its subsidiaries own or in respect of which LSBU or its subsidiaries hold a lease or habitually use by licence or permission, including those premises occupied by the London South Bank University Student Union (“Student Union”); or

¹ http://www.lsbu.ac.uk/___data/assets/pdf_file/0009/11412/equality-diversity-inclusion-policy.pdf

- 2.2.2 are affiliated, funded or branded in a manner which suggests an association with LSBU, its subsidiaries or the Student Union.
- 2.3 The Code of Practice sets out responsibilities, expectations and procedures to be followed by persons involved in the organisation of Events and includes conduct requirements. This Code of Practice should be read in conjunction with the External Speakers Policy which can be found at the following link: http://www.lsbu.ac.uk/__data/assets/pdf_file/0003/80157/external-speaker-policy.pdf.
- 2.4 This Code of Practice and the procedures established herein constitute a single, uniform process for LSBU, its subsidiaries and the Student Union.
- 2.5 LSBU will only permit the holding of Events which satisfy the conditions set out in this Code of Practice.

3. Responsibility

- 3.1 The Board of Governors of LSBU has overall responsibility for this Code of Practice. The day-to-day administration and implementation of the Code of Practice has been delegated to the following person who, for the purposes of this Code of Practice, acts on behalf of the Board of Governors:
- Provost
- The Provost may nominate other persons in addition to carry out the administration and implementation of the Code of Practice.
- 3.2 This Code of Practice may be revised, amended or replaced from time to time by the Board of Governors.

4. Organising an event

- 4.1 An Event (as defined in section 2) may only be held if it is:
- 4.1.1 organised in compliance with this Code of Practice; and
 - 4.1.2 it is not prohibited under this Code of Practice.
- 4.2 This Code of Practice places a number of obligations on the organiser (the “Organiser”) of the relevant Event. The Organiser is the person who is considered, under this Code of Practice, to be responsible for organising the Event, in accordance with the following:
- 4.2.1 where an Event is organised by a Department of LSBU, the person in charge of that Department shall be deemed to be the Organiser for the purposes of the Code of Practice. “Department” means a department, school, division, team, professional service group, or similar body of LSBU. A list of Departments can be obtained, on request, from the University Secretary;

- 4.2.2 in the case of an Event organised by the Student Union, the President of the Student Union shall be deemed to be the Organiser for the purposes of this Code of Practice. In the absence of a Student Union President, the Student Union Executive will be responsible;
- 4.2.3 where an Event is organised by an outside person or body, the person authorising the Event on behalf of LSBU or a subsidiary of LSBU or the Student Union shall be regarded as the Organiser. Under these circumstances the Organiser must require all persons involved in the organisation of the Event to abide by the terms of this Code of Practice (as well as all other applicable terms and conditions) as a condition of authorisation;
- 4.2.4 in all other cases all the persons organising the Event shall be regarded for the purposes of this Code of Practice as the Organiser or joint Organisers of that Event.
- 4.2.5 All Events using LSBU premises must be booked in accordance with LSBU's relevant procedures relating to the use of university premises.

5. Unlawful event

- 5.1 An Event shall not be held if it would constitute an unlawful event.
- 5.2 For the purpose of this Code of Practice, an "Unlawful Event" is an Event:
 - 5.2.1 at which ideas, views or concepts to be put forward:
 - a. are contrary to law; and/or
 - b. infringe the rights of others; and/or
 - c. discriminate against others;
 - or
 - 5.2.2 which involves activity which is likely to:
 - a. constitute a criminal offence; and/or
 - b. constitute an offence under prevention of terrorism legislation; and/or
 - c. constitute a threat to public order; and/or
 - d. constitute a threat under the health and safety legislation; and/or
 - e. incite others to commit criminal acts or other breach of law; and/or
 - f. promote or support an illegal organisation including any proscribed organisation. A "Proscribed Organisation" is an organisation that is listed as a proscribed terrorist organisation by the UK Government. A list of Proscribed Organisations can be found on the following webpage: <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>; and/or
 - g. be contrary to the civil and human rights of individuals.

- 5.3 For further information on what could be considered an Unlawful Event please see the guidance contained in Annex 1 of the Report published on 27 March 2018 by the Joint Committee on Human Rights on Freedom of Speech in Universities (<https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/589/589.pdf>).
- 5.4 If an Organiser is in doubt as to whether any Event will be an Unlawful Event or not, the Organiser shall consult the Provost (or their nominee) who will determine whether an Event will constitute an Unlawful Event under this Code of Practice.

6. Contentious event

- 6.1 A Contentious Event (as defined below) shall not be held unless the Organiser has given 14 calendar days' notice to the Provost, or such lesser period as the Provost may accept, outlining the nature of the Contentious Event and indicating the topics which are likely to be raised at the Event and the names of all the speakers.
- 6.2 A "Contentious Event" is an Event at which there is a likelihood that:
- 6.2.1 the content of the event will include material which could constitute extremist views that risk radicalising people or drawing them into terrorism;
 - 6.2.2 a speaker may not be able to enter or leave the building safely and/or deliver his or her speech without serious interruption; and/or
 - 6.2.3 any danger to the safety of persons attending the Event or of those in the vicinity could arise; and/or
 - 6.2.4 any damage of LSBU premises or property could be caused; and/or
 - 6.2.5 the name of LSBU could be brought into disrepute.
- 6.3 The Provost may at his/her absolute discretion instruct that any proposed Contentious Event shall not be held or shall only be held subject to certain conditions. The Provost shall exercise his/her discretion whether or not a Contentious Event should proceed in accordance with the following considerations:
- 6.3.1 if the Contentious Event is one in which the views likely to be expressed constitute extremist views that risk drawing people into terrorism, then the Contentious Event should not be allowed to proceed except where the Provost is entirely convinced that such risk can be mitigated as far as reasonably practicable without the cancellation of the Event;
 - 6.3.2 the Provost shall, in consultation with other interested parties, including where relevant the Student Union President, consider whether there is any real likelihood of confrontation or disturbance at the Contentious Event;
 - 6.3.3 where the Provost decides that there is a possibility of confrontation or disturbance, he/she may 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 Event to proceed. In the case of a Contentious Event 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;
- 6.3.4 after receiving any such advice from the police, the Provost will decide whether LSBU can, within reasonable cost limits and having regard to the location and security of the premises where the Contentious Event is planned to be held, provide suitable facilities for any speaker to address the Contentious Event;
- 6.3.5 the Provost may, in appropriate circumstances, agree that the Contentious Event 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 any premises and property;
- 6.3.6 if the Provost 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 any property, or the reputation of LSBU, cannot be ensured to a reasonable level then the Provost shall not permit the Contentious Event to be held;
- 6.3.7 the Provost shall notify the Board of Governors at its next ordinary meeting of any instructions given in connection with a proposed Contentious Event and subsequent action that has been taken to enforce it.

7. Assessment of events

- 7.1 The Provost may at his/her absolute discretion, instruct that any Event shall not be held, even if it does not constitute an Unlawful Event or Contentious Event if in his/her reasonable opinion it is in the interests of the safety of any person or the prevention of disorder or crime that the Event does not take place.
- 7.2 The Provost shall only instruct that a proposed Event shall not be held if, after considering reasonable modifications to the Event and other reasonable precautions, he or she concludes that such modifications and/or precautions would not be sufficient to allow the Event to be held without giving rise to the circumstances described in paragraph 7.1 above.
- 7.3 If the Provost instructs that an Event shall not be held, he/she 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.
- 7.4 The Provost shall in all cases be entitled to impose conditions and/or require changes to be made to any Event if he/she reasonably considers that it is desirable to do so to ensure that the Event does not breach this Code of Practice.
- 7.5 Controversial, offensive or distasteful views which are not unlawful would not normally constitute grounds for instructing that an Event shall not be held or for imposing conditions or requiring changes to an Event.

8. Infringement of the code of practice

- 8.1 A member of staff or student who organises or attempts to organise an Event contrary to the provisions of this Code of Practice, or who continues to act as Organiser for an Event which the Provost has instructed should not be held, may be subject to action under the relevant disciplinary process. LSBU would not take disciplinary action against a staff member or student of the university who has, in good faith, attempted to comply with the provisions of this Code of Practice.
- 8.2 Any deliberate attempt to conceal the nature of an Event will be regarded as a breach of this Code of Practice and may lead to the cessation of the Event, including after its commencement.
- 8.3 The purpose of this Code of Practice is to secure freedom of speech within the law. Therefore it is contrary to the provisions of this Code of Practice for any person to organise, assist or engage in conduct that disrupts an Event and prevents lawful freedom of expression. Such conduct may result in disciplinary and/or legal action.

9. The conduct of events

- 9.1 The Organiser shall be responsible for the orderly and lawful conduct of the Event and shall also be responsible for regulating the admission of persons to the Event and providing such stewards as may be necessary.
- 9.2 If at any point the Organiser, the Provost, or any person charged with responsibility for the premises being used for the Event, has reasonable grounds for believing that the Event is about to lead to, or has already led to, an occurrence listed in paragraph 5.2 of this Code of Practice, they shall caution those present if appropriate, and where in their view this is necessary, close the Event forthwith.
- 9.3 The Organiser, the Provost, or any person charged with responsibility for the premises being used for the Event, 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.

10. Right to appeal against decisions of the responsible officer

- 10.1 Where it has been decided that an Event shall not be held, or where restrictions or conditions are imposed, the Provost will provide reasons to the Organiser. The Organiser has the right to submit an appeal against the decision within five

working days of the date of the decision by making representations in writing to the Vice-Chancellor or their nominee. If there is insufficient time to consider the appeal before the scheduled date for the Event, the Event may have to be postponed pending the outcome of the appeal.

- 10.2 Within five working days of receipt of the appeal and after having consulted the Provost, the Vice-Chancellor or their nominee will review the original decision and will notify the Organiser of the outcome of their appeal. Where appropriate, the Vice-Chancellor may also consult LSBU's advisors from local communities and/or independent members of the Board of Governors.

11. Reporting of disturbances

- 11.1 Should any disturbance arise at or from an Event held under this Code of Practice, the Organiser must make a full and detailed written report of this disturbance to the Provost within 72 hours.