

# **London School of Academics Freedom of Speech Policy 2020**

## **CONTENT:**

Purpose	1
Legal bases behind Freedom of Speech and academic freedom	2
Code of Conduct	3
Breach of Code of Conduct	4
Review of policy	5

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## **1. PURPOSE**

This policy serves the purpose of setting out London School of Academics recognition of the legal bases behind Freedom of Speech and the limitations of Freedom of Speech with regards to interest of others.

London School of Academics has a legal duty to comply with the Prevent Duty arising from the Counter Terrorism Act 2015. This Duty involves having “due regard to the need to prevent people from being drawn into terrorism”<sup>1</sup> and of particular importance to this policy having “regard to the duty to ensure freedom of speech”<sup>2</sup> including academic freedom.

## **2. LEGAL BASES BEHIND FREEDOM OF SPEECH AND ACADEMIC FREEDOM**

### **Human Rights Act 1998:**

Article 10 states:

Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary<sup>3</sup>.

### **Education (No 2) Act 1986:**

Section 43 states:

#### **Freedom of speech in universities, polytechnics and colleges.**

(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom

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<sup>1</sup> Counter-Terrorism and Security Act 2015, s26

<sup>2</sup> *ibid* at s31

<sup>3</sup> Human Rights Act 1998, schedule 1

of speech within the law is secured for members, students and employees of the establishment and for visiting speakers.

(2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with—

(a) the beliefs or views of that individual or of any member of that body; or

(b) the policy or objectives of that body.

(3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out—

(a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation—

(i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and

(ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and

(b) the conduct required of such persons in connection with any such meeting or activity;

and dealing with such other matters as the governing body consider appropriate.

(4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with<sup>4</sup>.

### **3. CODE OF CONDUCT**

The code of conduct detailed below applies to all staff and students of London School of Academics. It applies in addition to external speakers and those in attendance of events which take place on London School of Academics Campus.

London School of Academics will so far as it is reasonably practical not deny the use of premises to any individual or body of persons on any ground connected with:

(a) the beliefs or views of that individual or of any member of that body; or

(b) the policy or objectives of that body

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<sup>4</sup> Education (No. 2) Act 1986, s43

However the college reserves the right to deny the request for external speakers or events where it is reasonably believed that there will be a breach of peace, disorder or put the health and safety of staff and learners at risk.

Priority over usage of premises will be given to academic activities and internal events organised by London School of Academics. To ensure that our learners and staff are protected against unlawful behaviour all those that want to use our campus for external speaker events and/or events on campus or off campus must follow our External Speaker Policy and Events Policy.

#### Code of conduct

- i. Where changes occur to a planned event notification must be given to the Director of the College or appointed person by the Director of the college, giving at least two working day notice.
- ii. All forms of announcement or advertisement including drafts must be given to the Director of the College or appointed person through email or post at least two working days before the external speaker event or event, this includes notice, leaflets and any other materials.
- iii. Persons that are not London School of Academics learners are not to be invited to events unless authorisation is given by the Director of London School of Academics or appointed person by the Director of the college. In this event communication and the names of those that are proposed to be invited must be provided to the Director of the College or appointed person. Where authorisation is given the person/s must present a form of identification to security or appointed person.
- iv. All those attending an external speaker event or event must be restricted by arrangements made by the organiser to check admission. This will include sending invitation, keeping a list of those attending, organising appropriate others to support with the maintenance of order, the assembling and dispersing of the audience. The cost will be placed on the organiser.
- v. Prohibited conduct
  - alcohol and illegal substances are not to be served or consumed at an external speaker event or event whether on campus or off campus.
  - advertising which causes offense or breach of peace
  - damaging to Campus or resources such computers and Smart Boards
  - promoting the engagement of violence
  - inciting violence
  - inciting hatred, extremism, homophobia, anti-Semitism and islamophobia
  - deny opposing views
  - causing disorder
  - Disseminating or showing material which encourages extremist, radical or terror related behaviour or views.

- holding an event or doing a speech which is intolerant, offensive and/or demeaning to individuals and/or groups relating to their protected characteristics under the Equality Act 2010 which include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- exposing learners and/or staff to explicit content which goes against the morals of society

#### **4. BREACH OF CODE OF CONDUCT**

Where the above code of conduct is breached all efforts will be made in identifying those responsible for the breach. Sanctions for the breach can include a warning, immediate cancellation of external speaker event or event and denial of future requests for external speakers or events.

Breach of code of conduct will be determined by the Managing Director of the college or the person appointed by the Managing Director of the college.

Where there is a breach of conduct the police may be notified depending on the breach and/or with regards to a learner breaching the code of conduct they will be referred to the Non-Academic Misconduct Procedure.

#### **5. REVIEW OF POLICY**

The operation of the code of conduct will be reviewed annually by the college Governors as required by section 43 (3) of the Education (No.2) Act 1986.

#### **BIBLIOGRAPHY**

Education (No. 2) Act 1986

Human Rights Act 1998

Counter-Terrorism and Security Act 2015