



# Code of Practice on Free Speech

## 1. Preamble

- 1.1 Universities have wide-ranging responsibilities. Among the most fundamental of these is the responsibility to protect and promote freedom of speech within the law. However, legal obligations also exist which may set limits on certain freedoms, in order to protect the rights and freedoms of others.
- 1.2 In accordance with the above, the following are two of the most important values enshrined in the School's Memorandum and Articles of Association:
  - (a) Everyone shall be entitled to equal treatment on the basis of individual merit and without unfair discrimination as regards admission to and membership of the School, whether that be as a Member, Governor, officer or employee of the School or as a student or other individual associated with the School.
  - (b) Every individual associated with the School shall be entitled to freedom of thought, conscience and religion, and to hold opinions without interference, disability or disadvantage, and to freedom of expression and speech within the law, including the right to seek, receive and impart information and ideas of all kinds.
- 1.3 The School has adopted this Code to help ensure that freedom of speech within the law is secured for students, employees and other members of the School (including honorary and visiting staff) and for all persons authorised to be on School premises, including visiting speakers.
- 1.4 This Code supports the LSE Ethics Code principle of intellectual freedom. The Ethics Code supports the School's commitment to intellectual freedom through the protection of individuals' freedom of expression and by upholding the freedom to research and to convey the findings of research.
- 1.5 The School Management Committee (SMC) will be responsible for policy issues connected with the interpretation of this Code, and will consider matters relevant to this Code as circumstances require. SMC will review the Code at intervals and consult with Academic Board on significant changes to it. Council will approve the Code.
- 1.6 In accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, the Council of the School has instituted the following Code of Practice to help ensure as far as reasonably practicable that freedom of speech within the law is secured for students and staff of the School and for visiting speakers.

- 1.7 The 1986 Act does not directly bind the LSE Students' Union (LSESU). However, the School's Memorandum of Understanding with the LSESU commits the Union to adhering to the provisions of this Code.

## 2. Scope

- 2.1 This Code applies to all activities on any premises wherever situated, of which the School has title or possession, by freehold, leasehold, licence or otherwise, including its halls of residence, students' union premises and the Faith Centre ("the Premises"). It also applies as appropriate to all activities of staff or current students in any other location when carried out in the name of the School or of the LSESU. This Code makes particular provision in respect of activities such as meetings and events, including public lectures, conferences, lectures, seminars, committee meetings and musical and theatrical performances ("Events").

## 3. Principles

- 3.1 The School operates with a presumption in favour of free speech.

- 3.2 So far as is reasonably practicable, the use of the Premises shall not be 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 policies or objectives of that body

except insofar as it is anticipated that unlawful activity is likely to occur.

- 3.3 Activity may be deemed unlawful under a range of legislative provisions, including but not limited to the Equality Act 2010, the Public Order Act 1986 and the Counter Terrorism and Security Act 2015. Examples, which are not exhaustive, of unlawful activity include the following:

- expression of racial hatred or religious hatred, or incitement to such hatred or to violence or other criminal acts;
- direct support of an organisation that is proscribed in the UK;
- contravention of counter-terrorism legislation;
- breach of the peace;
- public order offences;
- contravention of health and safety legislation.

- 3.4 Under the statutory duty derived from the Counter Terrorism and Security Act 2015, the School has a legal obligation to consider whether the views to be expressed, or that are likely to be expressed, by a speaker on campus constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups; and in such circumstances not to allow Events to proceed except where the School is entirely convinced that such risk can be fully mitigated without cancellation of the Event. However, the Counter Terrorism and Security Act and the statutory duty do not in any way change the definition of free speech within the law. Support for or promotion of terrorism is already illegal under previous legislation and as such the School will not allow it to take place on the Premises.

- 3.5 The expression of views which are unpopular, controversial or provocative or which cause offence does not, if lawful, constitute grounds for the refusal or cancellation of an Event.

- 3.6 The School reserves the right to impose such conditions upon the use of the Premises as are reasonably necessary for the discharge of its obligations relating to the safety, health and welfare of its registered students, employees and other persons lawfully upon the Premises or for the efficient conduct and administration of its functions. Conditions for Events may include,

for example, restrictions on access by those outside the School, or the provision of appropriate security. Event organisers will in principle be required to meet the cost of conditions required; however, the School will always endeavour to help from central budgets if funding is unavailable.

- 3.7 The School reserves the right to decide that practical considerations such as the cost, short notice period or difficulty of providing the necessary level of security may require an Event to be modified, curtailed, postponed or – in exceptional circumstances – cancelled.

## 4. Responsibility for security and safety

- 4.1 The School's Head of Security, or their nominee, will provide security risk management advice to Event organisers. Where it is identified that an Event poses a security risk to any person, facility or business process, the Head of Security or their nominee can be requested to provide or coordinate security arrangements for the Event. They will act as the main point of contact for any necessary dealings with the police. In addition, where security-related decisions need to be taken at very short notice – such as immediately prior to an Event or where an Event is under way - the Head of Security or their nominee has delegated authority to cancel, postpone or close an Event, or impose whatever restrictions are necessary to ensure security, safety and the maintenance of good order. They will normally do so in consultation with the Chair, as long as circumstances allow.
- 4.2 For the purposes of the preceding paragraph, security and safety risks are defined as risks to the life or physical health of any person, or of damage to the Premises, or of theft of or damage to property, or of disruption of an Event to the point at which good order is threatened. Examples of contravention of good order are given at paragraph 6.1 below.
- 4.3 The Head of Security or their nominee has authority over the conduct of all security activity conducted on the Premises. Normally only LSE Security and officially-retained contractors may conduct security activity on the Premises. The presence of any external security organisation on the Premises and their role and conduct while on the Premises must be authorised by the Head of Security or their nominee.

## 5. Procedures in respect of Events

- 5.1 Advance booking of at least ten working days is required for most School venues which are suitable for Events. Most bookings are handled by Room Bookings in Estates Division. However, venues controlled by LSE Residences or the Faith Centre should be booked directly with those units. Other venues in the Saw Swee Hock Student Centre should be booked through the Students' Union. Departmental meeting rooms and similar should be booked with their owners. Extensive guidance for Event organisers is available on the School website.
- 5.2 The organisers of any Event for which a venue is booked through Room Bookings are required to appoint an individual, who must be a registered student booking on behalf of a registered SU Society or an employee of the School, to act as Principal Organiser of the Event for the purposes of this Code. The Principal Organiser shall be responsible, as far as is reasonably practicable, for ensuring that the organisation of the Event and the conduct of those attending it, whether from the LSE community or outside, is lawful and conforms to the provisions of this Code, to all relevant School guidance and to any condition relating to the Event imposed under this Code. This includes ensuring that the Chair is properly briefed. For the avoidance of doubt, a registered student for the purposes of this Code is a student who is pursuing an undergraduate or postgraduate programme of study for which they are receiving teaching or supervision or both.

- 5.3 In respect of Events for which they handle bookings, Room Bookings will seek advice if necessary on matters related to free speech, in the first instance from the Director of Communications and Public Affairs or their nominee. He or she will seek further advice if necessary, from the Director or another member of SMC, especially in cases in which issues of principle in respect of free speech arise, or if it is proposed that access to an Event be significantly modified or curtailed or that it be postponed or cancelled. Any stipulation requiring one or more speakers not to participate in an Event which otherwise goes ahead requires the explicit approval of the Director or another member of SMC. The Director or the other member of SMC concerned will retain the right to take the final decision in respect of the operation of this Code.
- 5.4 Venue controllers other than Room Bookings have discretion in respect of venues they control not to require a Principal Organiser from the School community, should that be inappropriate. However, all venue controllers shall similarly be responsible, as far as is reasonably practicable, for ensuring that the organisation of the Event and the conduct of those attending it, whether from the LSE community or outside, are lawful and conform to the provisions of this Code and to all relevant School guidance, including in respect of any conditions the School may require to be met. This includes ensuring that the Chair is properly briefed. If advice on free speech matters is needed, venue controllers should contact the Director of Communications and Public Affairs, who will if necessary escalate the issue as set out in the previous paragraph.

## 6. Conduct expected at and in respect of Events and Event Chairing

- 6.1 Everyone who organises, speaks at or attends an Event at LSE is required to observe good order. Good order includes but is not limited to refraining from the following:
- preventing participants from accessing or leaving Events safely;
  - preventing speakers from being heard clearly;
  - chanting or using foul or abusive language, including racial abuse;
  - refusing reasonable requests from an Event Chair, Event steward or other LSE staff involved in managing an Event;
  - displaying flags, banners, placards or similar items in an Event;
  - throwing any item;
  - acting in any other way which is threatening or abusive, or which denies to others their right to legal free speech.

Nobody who has exercised their right to legal free speech should suffer censure as a result.

- 6.2 Events that are open to others than current LSE staff or students should always be chaired by a suitable and experienced figure who is fully familiar with the School, meaning in principle an established (not visiting) or emeritus member of the LSE academic staff or a member of Council; this may be requested even for a limited access event if appropriate. The primary duty of the Chair at all School events is to uphold freedom of speech within the law. This means that the Chair must adhere at all times to the School's Code of Practice on Free Speech. The Chair also has important responsibilities in maintaining good order at events, and must follow the relevant School guidelines. Chairs at LSE events should therefore always act impartially in their facilitation of discussion and debate. At Events where discussion is likely to be highly polarised and provoke especially strong feelings and responses, Event organisers should consider whether it would be best for someone to Chair the event who has not previously made their views publicly known. In any case, at Events of this type Chairs should take particular care to ensure that they act impartially and that they are seen to do so. At Events of this type, Chairs may pose questions to the speaker(s) but should not be a speaker at the Event themselves or be expressing their own views on the subject matter of the Event. Chairs for events of this type must be willing to undertake the relevant preparation, in coordination with the support of relevant School staff, in the run up to the event. SMC reserves the right to reject a proposed

Chair and require event organisers to find a different Chair, but only if the proposed Chair is not a suitable and experienced figure who is fully familiar with the School or if there is evidence to provide reasonable grounds to believe that the proposed Chair has not acted impartially when chairing previous Events or has not upheld freedom of speech at previous Events. Imposing a change of Chair requires the explicit approval of the Director or another member of SMC, and the reasons for it must be communicated in written form to the Event organiser.

- 6.3 It is the responsibility of the Chair to ensure that anyone who wishes to challenge or criticise the views of the speaker(s) in an orderly fashion is allowed to do so.

## 7. Appeals and sanctions

- 7.1 Any contravention of or departure from the provisions of this Code may render the individual(s) responsible liable to the appropriate sanctions or disciplinary procedures of the School.
- 7.2 An appeal by any LSE student or staff member against a decision made under this Code by the School's staff at the level of Pro Director or below may be made, within ten working days, to the Director. The decision of the Director shall be final.

## Review schedule

Review interval	Next review due by	Next review start
3 years	May 2021	Jan 2021

## Version history

Version	Date	Approved by	Notes
1.0	26/4/2016	Council	
2.0	2/5/2018	Academic Board	Updated to reflect change to rules on event chairs, etc.
2.0	15/05/2018	Council	Updated to reflect change to rules on event chairs, etc.

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## Communications and Training

Will this document be publicised through Internal Communications?	Yes
Will training needs arise from this policy	No
If Yes, please give details	