

Draft Code of Conduct on Academic Freedom: Commentary

This code is intended to complement the School's Code of Practice on Free Speech and its structure is modelled on that existing Code.

(The Free Speech Code can be found here:

<https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/Code-of-Practice-on-Free-Speech.pdf>

Most of the Code should be self-explanatory, but this commentary clarifies the scope and intentions of the different parts. In particular, the effect of Part 4.2—which makes reference to the Discrimination, Harassment and Bullying Code—is explained in detail.

Part 1 Preamble is very similar in content to the Free Speech Code.

Part 2 Scope is identical to Part 2 of the Free Speech Code.

Part 3 Principles sets out the general requirements of academic freedom that must be followed by all staff: academic, professional services and senior management.

3.1 sets out the conduct covered by academic freedom in general terms.

3.2 sets out the requirement that the School takes no position on scholarly and political debates.

3.3 sets out the scope of freedom of research and publication. (See also *Office for Students, Guidance Related to Free Speech (19 June 2025)*, paras [195]-[196].)

3.4 sets out the scope of academic freedom for teachers in the classroom. (See also *Office for Students, Guidance Related to Free Speech (19 June 2025)*, paras [113]-[114], p28 and [207].

3.5 sets out the protection of the academic freedom of students in respect of classroom discussion and assessment. (See also *Office for Students, Guidance Related to Free Speech (19 June 2025)*, para [206].

3.6 and 3.7 set out the protection of the academic freedom of academic staff to propose courses, control materials and the limitations imposed by programme needs. (See also *Office for Students, Guidance Related to Free Speech (19 June 2025)*, para [193])

3.8 sets out the scope of academic freedom in lectures, seminars, meetings and events that are not part of a taught course. Note that while teaching as well as publication, research funding and promotion may be made subject to 'academic standards' (see paras 3.9 and 3.10 below), this limitation does not apply to extra-curricular research events, or other lectures and events. Academic standards do not apply to the holding of such meetings or to the opinions expressed at them, since it is an essential component of academic freedom that academics and students are able to dissent from the way those standards may be interpreted or applied by others. (See also *Office for Students, Guidance Related to Free Speech (19 June 2025)*, para [199].)

3.9 sets out the effect of academic freedom in respect of decisions with respect to academic publication and research funding. The terms 'rigour, originality and significance' are doubtless vague, but merely describe the practice of peer review in any case. NB: the paragraph permits the

application of academic standards to decisions on academic publication taken within the School, but it does not require that. Where there is no obvious need for such standards to be applied, and where they might be obstructive to the purpose of a particular publication, outlet or platform (for example with respect to LSE-based blogs) this constraint will not be necessary and the freedom from this constraint could and should be specified clearly where relevant. (See also Higher Education (Freedom of Speech) Act 2024, s1(6)-(7).)

3.10 sets out the effect of academic freedom on decisions concerning the appointment and promotion of academic staff. (See also Higher Education (Freedom of Speech) Act 2024, s1(6)-(7) and Office for Students, *Guidance Related to Free Speech* (19 June 2025), paras [146] p40 and [150] p42.)

3.11 refers to the type of general legal restrictions that may apply to the academic freedom set out in this code (and is modelled on the equivalent paragraph in the Free Speech Code).

Part 4 Protecting academic freedom sets out some specific provisions.

4.1 reiterates the freedom of speech of staff and students within the limits set by the law, the School's Discrimination, Harassment and Bullying Policy (DHBP) and the other sections of this part.

(The DBHP can be found here:

<https://info.lse.ac.uk/staff/services/Policies-and-procedures/Assets/Documents/harPol.pdf>)

(See also our criticisms of the DHBP from the standpoint of academic freedom and OfS Guidance – separate document.)

4.2 creates two narrow exceptions to the DHBP to protect the academic freedom of teachers and students in the classroom and lecture hall from complaints based solely on subjective perceptions.

i) Part 4.14 of DHBP describes the bullying behaviour that will not be tolerated by the School as follows:

'intimidating, hostile, degrading, humiliating or offensive behaviour which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct. Bullying does not need to relate to a protected characteristic.'

This part of the Draft Code on Academic Freedom creates a narrow exception to DHBP 4.14 to protect teachers from a subjective interpretation of their words, or of the materials they use in teaching, as being 'intimidating, hostile, degrading, humiliating or offensive'. It protects the use of words or images when their use is relevant to the dissemination of social-scientific knowledge, even if some students might find these words or images 'intimidating, hostile, degrading, humiliating or offensive' or believe them to have the effect of creating 'an intimidating, hostile, degrading or humiliating environment'.

The effect of this section is that where a teacher's use of the words or images was relevant to 'the dissemination of social scientific knowledge' then it can be tolerated by the School. To be clear: a) the repeated use of use of offensive, insulting or degrading terms without pedagogic justification will cast doubt on their relevance to the 'dissemination of social scientific knowledge' and therefore on the application of this part of this code; b) the use of such language to refer to students themselves is not covered by this exception since that is not an

‘expression of an opinion or an interpretation of a matter relevant to the dissemination of social-scientific knowledge’.

ii) Part 4.18A DHBP describes a hate incident as:

‘behaviour which is not a crime but which is perceived by the victim, or anybody else, to be motivated by hostility or prejudice based on the 5 protected characteristics...’

This part of the Academic Freedom Code therefore establishes that the mere perception that the use of certain words or images in the classroom are motivated by hostility or prejudice when those words or images are being used in a way which is relevant to the ‘dissemination of social scientific knowledge’ will not be enough to engage DHBP 4.18A. Where such language is repeated or used excessively then this may amount to objective evidence of bullying under 4.14 DHBP in any case – see above.

This part of the Draft Academic Freedom Code follows the spirit of UK human rights law under which it is unlawful for the police to record a non-crime hate incident where the speech concerned is protected by Article 10 ECHR (see *R(Miller) v College of Policing* [2021] EWCA Civ 1926). (See also [Office for Students, Guidance Related to Free Speech \(19 June 2025\), para \[155\].](#))

(See also our criticisms of the DHBP 4.18A from the standpoint of academic freedom and OfS Guidance – separate document.)

4.3 makes clear that while students or staff have a right to protest against the dissemination at LSE of ideas that they object to, and to protest against specific meetings or events where such ideas will be discussed, protest cannot go so far as to violate the academic freedom of other members of the School community, either by preventing access to any educational or public event or by seriously disrupting a meeting, lecture or class either from within or immediately outside the event itself. (See also [Office for Students, Guidance Related to Free Speech \(19 June 2025\), Example 12, p 27 and para \[111\] p28.](#))

4.4 requires that where students or staff believe a member of staff or student should be disciplined, dismissed or expelled they must make a formal complaint before they make any calls for such action *in public*, and may not continue to make such calls on the basis of a complaint that has already been rejected under the School’s procedures. This part does not affect private discussion of the possibility or desirability of disciplinary action. Nor does it prevent complaints, including complaints in public, about the fairness or effectiveness of any earlier procedures, but such complaints may not include any call for the disciplining, dismissal or expulsion of a member of staff or student.

4.5 requires that students or staff do not continue to repeat allegations against a member of staff that have been dismissed under the School’s procedures in any direct communication with that member of staff.

Part 5 is identical in substance to Part 5 of the Free Speech Code.