

FREE SPEECH CODE OF PRACTICE

1. Overview

- 1.1 In accordance with its freedom of speech duties under the Education (No 2) Act 1986, London Business School is committed to taking such steps that are reasonably practicable to secure freedom of speech within the law for its students, employees and visiting speakers. The School's Free Speech Code of Practice sets out the steps taken by the School to ensure that freedom of speech within the law is secured.

2. Values relating to Freedom of Speech

- 2.1 The School's purpose is to have a profound impact on the way the world does business and the way business impacts the world, by shaping a collaborative, diverse and inclusive community where talented people grow and realise their potential.
- 2.2 The School works to create an equal and fair workplace where all individuals belong and thrive in line with its policies and behaviours.
- 2.3 In line with its purpose and the principles relating to academic freedom set out in its Charter and Statutes, the School is committed to creating a learning and working environment in which all members of the School community are free within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions.
- 2.4 The School is committed to such steps that are reasonably practicable to secure freedom of speech within the law, recognising that all speech is lawful unless restricted by a law made or authorised by the UK Government or the courts, and that free speech includes lawful speech that may be offensive or hurtful to some.

3. Legal Context

- 3.1 Section 43 of the Education (No 2) Act 1986 requires universities and colleges to 'take such steps as are reasonably practicable' to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers. Section 43 also requires universities and colleges to issue, enforce and keep up-to-date a free speech code of practice.
- 3.2 Article 10 of the Human Rights Act 1988 states that:
"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. 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."

- 3.3 The School is committed to ensuring that it meets its duties under the Equality Act 2010 by:
- a) Eliminating unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act.
 - b) Advancing equality of opportunity and fostering good relations between people who share a protected characteristic – age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation - and those who do not by:
 - Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

3.4 The Counter-Terrorism and Security Act 2015 introduced a duty on higher education institutions to have due regard to the need to prevent people being drawn into terrorism – the Prevent Duty. In accordance with the Act, institutions are required to place an appropriate amount of weight on the need to prevent students being drawn into terrorism when it considers all the other factors, including ensuring freedom of speech and academic freedom, relevant to how it carries out its usual functions.

3.5 Higher education providers have duties under health and safety legislation to ensure, so far as reasonably practicable:

- the health, safety and welfare at work of their employees
- that they conduct their undertaking in such a way that persons not in their employment who may be affected thereby (e.g., students, external speakers and other visitors) are not exposed to risks to their health and safety.

It is the policy of the School to maintain high standards of health and safety management and to encourage its employees, students, participants and contractors to contribute to their own welfare and that of their colleagues and others affected by the School's activities.

4. Responsibilities

4.1 The School's Management Board is responsible for the approval of the Free Speech Code of Practice and for making and delegating decisions about any matters that could directly or indirectly affect compliance with the School's free speech duties.

4.2 The School Secretary is responsible for the day-to-day implementation of the Code of Practice including responsibility for the review of planned events as set out in section 5 below.

4.3 All employees, students and visitors to the School are required to comply with the Free Speech Code of Practice.. They must not act in any way which is threatening or abusive, or which does not permit to others their right to freedom of speech within the law, recognising that:

- Everyone has the right to free speech within the law.
- The School is committed to creating a learning environment in which all members of the School community are free within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions.
- The School is committed to creating an equal and fair workplace where individuals belong and thrive in line with its policies and behaviours.
- If a speaker breaks the law at an event organised by the School, it is the speaker who is culpable.
- Protest is itself a legitimate expression of freedom of speech. However, protest must not shut down debate.

4.4 Failure by any employee or student to comply with this Code of Practice may result in disciplinary action in accordance with the School's relevant disciplinary procedure.

5. Approval of Events

School Events

- 5.1 Any employee or contributor wishing to organise an on-campus or hybrid event should submit a completed Space Request Booking Sheet to the School's Space Management Team. This requirement does not apply to the following categories of event or meeting:
- Events relating to the delivery of degree, executive education and PhD programmes including Career Centre activities.
 - Research seminars and other research events for an internal audience.
 - Routine internal business events or meetings involving employees and/or students.
- 5.2 If the Space Management Team concludes that the proposed event may result in the School failing to meet its legal responsibilities, the Associate Director, Estates and Campus Services will refer the proposed event to the School Secretary. In all other cases they will proceed to liaise with the organiser over the logistics of the event.
- 5.3 For the avoidance of doubt, the types of proposed event which require referral by the Associate Director to the School Secretary as outlined in 5.1 above include (but are not limited to) events which may:
- give rise to an environment in which people will experience, or could reasonably fear, discrimination, harassment, intimidation, verbal abuse or violence, particularly (but not exclusively) on account of their age, disability, gender reassignment, marriage or civil partnership, pregnancy, maternity, race, religion or belief, sex or sexual orientation;
 - pose a risk to the safety of those lawfully on the School's premises;
 - prompt a risk to public safety or public order; and/or
 - involve the discussion or presentation of controversial or polarising views or topics, may attract protest or demonstration, or have press interest, or otherwise impact on the School's reputation.
- 5.4 Any events referred to the School Secretary will be assessed by the School Secretary to consider if and how any risks can be managed or mitigated. As part of their assessment, the School Secretary will consider the School's duty to ensure, so far as is reasonably practicable, that the use of the School's premises is not denied to any individual or body of persons on any ground connected with the beliefs or views of that individual or of any member of that body, or the policy or objective of that body. It will be necessary for the School Secretary to consider this duty to take such steps as are reasonably practicable to secure freedom of speech within the law alongside the School's other legal obligations and statutory duties.
- 5.5 If the School Secretary concludes that the proposed event can proceed, they will inform the Associate Director, Estates and Campus Services.
- 5.6 If the School Secretary concludes that the proposed event may result in the School failing to meet its legal responsibilities or may give rise to other material risks, they will refer the issue to the Senior Management Team for consideration.
- 5.7 In all cases where the Senior Management Team concludes that the proposed event can go ahead without any restrictions, the School Secretary will inform the Associate Director, Estates and Campus Services.

- 5.8 In all cases where the Senior Management Team concludes (in its sole discretion) that:
- a) the event cannot go ahead; or
 - b) the event can go ahead subject to compliance with defined and imposed restrictions,
- the School Secretary will be responsible for liaison with the event organiser and the Associate Director, Estates and Campus Services. The School Secretary will additionally be responsible for the sharing of information on events with external bodies and other institutions as required.
- 5.9 The Senior Management Team reserves the right to cancel or withdraw permission for an event at any time if:
- the restrictions imposed on the event by the Senior Management Team are not complied with; or
 - the Senior Management Team concludes that the proposed or imposed restrictions do not sufficiently manage and mitigate any identified risks.
- 5.10 Any employee or contributor wishing to organise an off-campus event under the name of the School that meets the requirement set out in 5.1 above, must provide details of the event to the School Secretary for approval in accordance with the process outlined at clauses 5.2-5.9 above.

Student Events

- 5.11 Any student wishing to organise an event on behalf of the Student Association, a student club or other group of students should submit a completed Space Request Booking Sheet to the Student Communities Manager and the School's Space Management Team.
- 5.12 If the Student Communities Manager concludes that the proposed event may result in the School failing to meet its legal responsibilities (including the types of events outlined in 5.3 above), they will refer the proposed event to the School Secretary. In all other cases the Student Communities Manager and the Space Management Team will proceed to liaise with the organiser over the logistics of the event.
- 5.13 Any events referred to the School Secretary will be assessed by the School Secretary to consider if and how any risks can be managed or mitigated. As part of their assessment, the School Secretary will consider the School's duty to ensure, so far as is reasonably practicable, that the use of the School's premises is not denied to any individual or body of persons on any ground connected with the beliefs or views of that individual or of any member of that body, or the policy or objective of that body. It will be necessary for the School Secretary to consider this duty to take such steps as are reasonably practicable to secure freedom of speech within the law alongside the School's other legal obligations and statutory duties.
- 5.14 If the School Secretary concludes that the proposed event can proceed, they will inform the Student Communities Manager and the Associate Director, Estates and Campus Services.
- 5.15 If the School Secretary concludes that the proposed event may result in the School failing to meet its legal responsibilities or may give rise to other material risks, they will refer the issue to the Senior Management Team for consideration.
- 5.16 In all cases where the Senior Management Team concludes that the proposed event can go ahead without any restrictions the School Secretary will inform the Associate Director, Estates and Campus Services and the Student Communities Manager.
- 5.17 In all cases where the Senior Management Team concludes (in its sole discretion) that:
- a) the event cannot go ahead, or

b) the event can go ahead subject to compliance with defined and imposed restrictions, the School Secretary will be responsible for liaison with the Student Communities Manager and the event organiser. The School Secretary will additionally be responsible for the sharing of information on events with external bodies and other institutions as required.

5.18 The Senior Management Team reserves the right to cancel or withdraw permission for an event at any time if:

- the restrictions imposed on the event by the Senior Management Team are not complied with; or
- the Senior Management Team concludes that the proposed or imposed restrictions do not sufficiently manage and mitigate any identified risks.

Alumni Events

5.19 The Alumni Engagement team is responsible for submitting an Space Request Booking Sheet to the School's Space Management Team in relation to any alumni event which it is proposed should take place on campus. The Space Management Team will assess the proposed event in accordance with the procedure set out in clauses 5.2-5.9 above.

Conduct at Events

5.20 The School expects all attendees and speakers at the events within scope of clause 5 to act in accordance with the law and with the behavioural standards set out in the School's other policies and procedures. On that basis, during the course of any such event, attendees and speakers shall:

- observe good order by not acting disruptively, not preventing speakers from being heard, not using abusive or threatening language, not refusing reasonable requests from School staff, and not preventing others from exercising their right to freedom of speech within the law;
- present ideas and opinions, in particular those that may be contentious or potentially offensive, in the spirit of academic debate, being open to challenge and question; and
- comply with this Code of Practice at all times and any other relevant School policies.

6. Criteria for passing on security costs

6.1 The Associate Director, Estates and Campus Services will forward the completed Events Form for any event considered to pose a potential risk to any member of the School community or to the School's operations to the Head of Campus Services to carry out a risk assessment.

6.2 The event organiser will be responsible for meeting the cost of any additional security over and above the School's standard security arrangements and resources that is deemed to be required in order to ensure that the event proceeds without risk to any member of the School community or to the School's operations.

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