

## FREE SPEECH CODE OF PRACTICE

### 1. Overview

- 1.1 London Business School is committed to securing freedom of speech within the law for its students, employees and visiting speakers. The School's Free Speech Code of Practice set 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 promoting 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 is shocking, disturbing or offensive.

### 3. Legal Context

- 3.1 The Higher Education (Freedom of Speech) Act 2023 ('the Act') amends the Higher Education and Research Act 2017 (HERA). The Act protects free speech within the law. It does not protect unlawful speech. HERA does not require providers to take steps to secure freedom of speech in respect of their activities outside England.
- 3.2 The Act requires providers:
  - a. To take the steps that, having particular regard to the importance of freedom of speech, are reasonably practicable for it to take in order to secure freedom of speech within the law for its staff, members, students and visiting speakers. This includes, in relation to academic staff, securing their academic freedom.
  - b. To maintain a code of practice setting out matters relating to freedom of speech.
  - c. To promote the importance of freedom of speech within the law and academic freedom in the provision of higher education.

- 3.3 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.”
- 3.4 The School is committed to ensuring that it meets its public sector equality duty 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.
  - c) Fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.5 The Public Order Act 1986 states that an offence is committed if a person:
- a. uses towards another person threatening, abusive or insulting words or behaviour, or
  - b. distributes or displays to another person any writing, sign or other visible representation which is threatening, abusive or insulting,
- with the intent to cause that person to believe that immediate unlawful violence will be used against him or another by any person, or to provoke the immediate use of unlawful violence by that person or another, or whereby that person is likely to believe that such violence will be used or it is likely that such violence will be provoked. Speech which is unlawful under the Public Order Act 1986 is not ‘within the law’ and the Act imposes no obligation to secure it.
- 3.6 Terrorism Act 2000
- The Terrorism Act 2000 prohibits (among other things) speech that:
- a. Invites support for a proscribed organisation, and the support is not, or is not restricted to, the provision of money or other property; or
  - b. Expresses an opinion or belief that is supportive of a proscribed organisation, and in doing so is reckless as to whether a person to whom the expression is directed will be encouraged to support a proscribed organisation.
- It is also unlawful to address a meeting if the purpose of the address is to encourage support for a proscribed organisation or to further its activities. Speech that amounts to an offence under the Terrorism Act 2000 is not ‘within the law’ and the Act imposes no obligation to secure it.
- 3.7 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.

- 3.8 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. Scope**

- 4.1 This Code of Conduct applies to all aspects of the School's activities both on and off campus. This includes but is not limited to its policies and procedures in the following areas:
- admission of students to degree programmes
  - appointment, reappointment and promotion of faculty and staff
  - disciplinary matters
  - employment contracts (that may include conditions on speech)
  - equality or equity, diversity and inclusion including the Public Sector Equality Duty
  - harassment and bullying policies
  - IT, including acceptable use policies and surveillance of social media use
  - the Prevent duty
  - principles of curricular design
  - research ethics
  - speaker events
  - employee and student codes of conduct.

## **5. Responsibilities**

- 5.1 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.
- 5.2 The School Secretary is responsible for the day-to-day implementation of the Code of Practice including responsibility for the review of planned speaker events as set out in section 7 below.
- 5.3 All employees, students and visitors to the School are required to comply with the Free Speech Code of Practice and to ensure that freedom of speech within the law is promoted in all aspects of the School's activities, including but not restricted those listed at section 4 above. 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.
- 5.4 Failure by any employee or student to comply with this Code of Practice will result in disciplinary action.

## 6. Approval of Events

### *School Events*

- 6.1 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.
- 6.2 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.
- 6.3 If the School Secretary concludes that the proposed event can proceed, they will inform the Associate Director, Estates and Campus Services.
- 6.4 If the School Secretary concludes that the proposed event may result in the School failing to meet its legal responsibilities, they will refer the issue to the Senior Management Team for consideration.
- 6.5 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.
- 6.6 In all cases where the Senior Management Team concludes that:
- a) the event cannot go ahead, or
  - b) the event can go ahead subject to compliance with defined 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.
- 6.7 Any employee or contributor wishing to organise an off-campus event under the name of the School that meets the requirement set out in 6.1 above, must provide details of the event to the School Secretary for approval in accordance with the process outlined at 6.3-6.6 above.

### *Student Events*

- 6.8 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.
- 6.9 If the Student Communities Manager concludes that the proposed event may result in the School failing to meet its legal responsibilities, 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.
- 6.10 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.
- 6.11 If the School Secretary concludes that the proposed event may result in the School failing to meet its legal responsibilities, they will refer the issue to the Senior Management Team for consideration.

- 6.12 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.
- 6.13 In all cases where the Senior Management Team concludes that:
- a) the event cannot go ahead, or
  - b) the event can go ahead subject to compliance with defined 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.

#### *Alumni Events*

- 6.14 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 clause 7.2 above.

### **8 Criteria for passing on security costs.**

- 8.1 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.
- 8.2 The event organiser will be responsible for meeting the cost of any exceptional security over and above the School's standard security arrangements for any event of the same size in the same location 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.