

## **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, and status as a member, officer or employee of the School, and as a student or other individual associated with the School, and as regards access to the benefits, facilities and services provided by the School.
- (b) Every member, officer and employee of the School, and every student and other individual associated with the School, shall be entitled to freedom of thought, conscience and religion, to hold opinions without interference, disability or disadvantage, and to freedom of expression within the law, including the right to seek, receive and impart information and ideas.
- 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 Council will be responsible for policy issues connected with the interpretation of this Code, and will consider matters relevant to this Code as circumstances require. The Council will review and approve the Code at intervals, after appropriate consultation in the School.
- 1.6 In accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986 (annex), 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.

### **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, Chaplaincy and prayer rooms. This Code makes particular provision in respect of activities such as meetings and events (including lectures, seminars, committee meetings and musical and theatrical performances). These activities will be described in the remainder of this document as "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 any premises of the School 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 and the Public Order Act 1986.
- 3.4 The School reserves the right to impose such conditions upon the use of its 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.
- 3.5 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. Free Speech Group**

- 4.1 The School maintains a Free Speech Group to help ensure that the above principles are respected. The Group's role is one of active governance in respect of free speech rather than day-to-day management of events. The Group oversees and advises the School management as necessary and provides guidance on questions of principle. Unless timing considerations rule it out, the Group may also be consulted in advance on any proposal to modify, curtail access to, postpone or cancel an event, where modify means one or more speakers being asked not participate in an event which otherwise goes ahead. Its existence helps ensure that the requirements of accountability and transparency are met. Terms of reference and membership of the Free Speech Group are set out at the end of this Code.

#### **5. Procedures in respect of events**

- 5.1 Advance booking, normally 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 Booking A Room section of 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 or LSE Enterprise, 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 s/he is 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. He or she will seek further advice if necessary, from the Director or one of the Pro-Directors. In cases in which issues of principle in respect of free speech arise, or if it is proposed that access to an event be modified or curtailed or that it be postponed or cancelled, the Director or a Pro-Director will if practicable consult the Free Speech Group for advice, in advance. Modified in this sense means one or more speakers being asked not to participate in an event which otherwise goes ahead. Timing may require that this be done by email, if necessary with a deadline given after which the proposed action will be taken unless objection is raised. The Director or the Pro-Director concerned will retain the right to take the final decision
- 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

- 6.1 Everyone who organises, speaks at or attends an event at LSE is required to observe good order. Good order will include the speaker(s) being heard clearly and being able to access and leave an event safely. 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 in principle always be chaired by a suitable figure familiar with the School, such as an established or emeritus member of the academic staff or a member of the Court of Governors; this may be requested even for a limited-access event if appropriate. The Chair should not be a speaker at the event or be expressing their own views on the subject matter of the event in a manner that would risk impacting on the freedom of speech of any of the panellists. At controversial events it is not prudent to have someone in the chair whose own views mean they may not be seen as a neutral chairperson.
- 6.3 Events of the type mentioned in the preceding paragraph should always allow for the views of the speaker(s) to be challenged in an orderly fashion. This is usually best achieved by a question-and-answer session immediately following the presentation(s), moderated by the Chair, or by arranging the event in panel format.

## 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 disciplinary procedures of the school.
- 7.2 An appeal against a decision made under this Code by the School's professional staff may be made, within a reasonable timescale, to the Director. The decision of the Director shall be final. However, the Director shall ensure that any relevant guidance from the Free Speech Group is taken into account.

Approved by the Council of LSE on 26 April 2016

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## **Terms of reference and membership of the Free Speech Group**

### **Terms of reference**

To exercise active governance in respect of matters of free speech. In particular:

- to provide guidance to the School management on matters of principle relating to free speech, such as the circumstances in which other rights and duties might need to be balanced against the legal duty to ensure free speech within the law on LSE premises;
- to consider at appropriate intervals whether the School management has effectively acted on the guidance given;
- on request of the Director or a Pro-Director acting on behalf of the Director, to consider in advance proposals to modify, curtail access to, postpone or cancel an event and advise the Director or relevant Pro-Director accordingly; and
- to report annually to Council on the application of the Code.

### **Standing orders**

1. The Group may conduct its business by face to face meetings, email or whichever other method may be most suitable, at the discretion of the Chair. Estates Division will facilitate meeting space on campus as required.
2. The Group will normally be asked to consider an issue of free speech by the Director or a Pro-Director. However the Group may choose to discuss an issue irrespective of whether any request has been put to it. The Chair has discretion to call a meeting at any time.
3. The Group will consider at the start of each academic year whether its decisions are to be taken by consensus or by majority vote. In the latter case and in the event of a hung vote where not all members are present, the Chair will have a second, casting vote.
4. The Group does not consider detailed day-to-day administrative actions which are undertaken to organise an event or meeting and which are the responsibility of the School management.

### **Membership**

The Group comprises five members:

- A Lay Governor of the School (Chair)
- A second Lay Governor of the School
- A representative of the Academic Board
- An academic member of the Ethics Policy Committee
- The General Secretary of the LSE Students' Union or a representative

Secretary: Director of Communications and Public Affairs

It is for the relevant bodies (Court, Academic Board and Ethics Policy Committee) to determine their representatives. Terms of service will in principle be three years renewable once, except for Students' Union representatives who shall be members ex officio. It may be particularly useful for members to have legal or other relevant knowledge or expertise.