



## Code of Practice on Free Speech

<b>Document Type</b>	Code of Practice
<b>Document owner</b>	Head of Legal and Compliance
<b>Approved by</b>	Executive Team, Senate and Council
<b>Approval date</b>	March 2024
<b>Review date</b>	
<b>Version</b>	2.2
<b>Amendments</b>	Amended for compliance with Higher Education (Freedom of Speech) Act 2023
<b>Related Policies &amp; Procedures</b>	<a href="#">Dignity at Work: Anti-Bullying and Harassment Policy</a> <a href="#">Social Media Policy for Employees</a> <a href="#">Disciplinary and Dismissal Policy - Professional Support Staff</a> <a href="#">Disciplinary and Performance policy - Academic Staff</a> <a href="#">Student Disciplinary Procedure</a>

### **Introduction**

1. The School aims to provide and actively promote an inclusive working and learning environment for students and staff, so that all may develop to their full potential.
2. All staff, students and other members of the LSHTM community are entitled to equal treatment on the basis of individual merit and without unfair discrimination as regards access to the benefits, facilities and services provided by the School.
3. Under the Education (No.2) Act 1986 and the Higher Education and Research Act 2017 as amended by the Higher Education (Freedom of Speech) Act 2023, the School is required to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students, employees and other members of the School (including honorary and visiting speakers) and for all persons authorised to be on School premises, which for the purposes of this Code of Practice include virtual spaces on online platforms managed by the School.
4. Furthermore, LSHTM's Values (acting with integrity, embracing difference, working together and creating impact) find one of their foundational themes on freedom of speech. The School as an academic community of staff, students and stakeholders who are free, within the boundaries of the law, to query the positions and views of others and to put forward new and possibly radical ideas. Every member of the School and every student and other individual associated with the School is 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 as long as their actions comply with LSHTM policies and relevant UK laws.

5. Staff, students and visitors also have the right to work and study unhindered by hostility, harassment or intimidation. As part of LSHTM's Values, no form of harassment or bullying will be tolerated within the School community, including that relating to religion or similar belief and political or other protected characteristic.
6. The expression of free speech can lead to conflicts among different groups with different beliefs. The School will need to balance its duty to ensure freedom of expression with its duties to ensure freedom from hostility, harassment and intimidation; the security and safety of students, staff and visitors; and compliance with the law. While it is committed to creating and maintaining an environment of freedom of expression, the School acknowledges that the right to free speech cannot be open-ended or absolute. Restrictions to freedom of speech may be in place, for instance, when they create a conflict with equality law and protected characteristics, the public sector equality and Prevent duties and harassment and discrimination law.
7. Rights to freedom from harassment and intimidation are set out in the School's Dignity at Work and Study policy, which should be read in conjunction with this Code of Practice. The School's Dignity at Work and Study policy includes procedures for staff, students and visitors to report alleged harassment, threat or intimidation and to have their concerns investigated, including, where necessary, with reference to the Police.

### **Range and application**

8. This Code applies to all meetings and events (including lectures, seminars, committee meetings and musical or other performances) on any premises wherever situated, of which the School has title or possession, by any means, or virtual spaces managed or otherwise controlled by the School.
9. The Code also applies to any activities in which students, staff, visitors and other members of the School engage, anywhere on the School's premises as defined above. This Code will also apply to School's contractors, suppliers and collaborators in their activities conducted for LSHTM's benefit. When relevant, its observance will be included as a contractual term in agreements with external parties.
10. Activities covered in 8 & 9 above will be described in the remainder of this document as "events".
11. When acting outside of the remit of their roles within LSHTM, staff and students are expected to represent LSHTM's values and comply with LSHTM policies and relevant laws when exercising their freedom of speech. The [Social Media Policy for Employees](#), the Staff Discipline and Performance Policies and the Student Disciplinary Policy may be helpful documents in understanding the scope of this section 11.



### **Responsibilities of the School**

12. The School authorities and event organisers are responsible for upholding and maintaining the principles set out in the introduction of this Code.
13. The Chief Operating Officer will prescribe procedures to ensure events conform to the terms set out in this Code. They may consult any other officer of the School on the design and implementation of these procedures whenever s/he considers it appropriate to do so.
14. The Chief Operating Officer, or their nominee, will be responsible for the management of an event that is considered to pose a significant security and/or safety risk to any person, building or facility at the School. They may also seek the advice of and liaise with the Police or other relevant authorities. In special circumstances consisting of a security risk being identified, measures such as the hiring of professional security staff and advising event organisers that the event should be ticketed may be required. In these cases, any derived costs will be the responsibility of the corresponding organiser of an event. The Chief Operating Officer or their nominee will also act as the main point of contact for the Police.
15. The School authorities will not deny use of School premises to any individual or body of persons on grounds connected with their beliefs, views, policy or objectives, provided that:
  - a) the School's premises are at all times used only for lawful purposes;
  - b) room bookings are made by persons whom the School authorities regard as properly responsible and in compliance with any prescribed procedures and/or reasonable adjustments for operation of this Code;
  - c) visiting speakers come on the School's premises only at the invitation of event organisers or other authorised members of the School;
  - d) all parties attending adhere to the corresponding Health and Safety policies and procedures and reasonable instructions provided at any time by the School's staff;
16. the School authorities have given general or specific permission to use the School's premises for the purpose concerned. The School reserves the right to impose conditions that must be fulfilled before an event may take place, to refuse or withdraw permission for an event to take place, or to close an event once it has begun, or take such lawful action about an event, including security provision, as they see fit. The Chief Operating Officer will decide whether to refuse or withdraw permission for an event when it is considered appropriate and practical to do so, liaising with relevant parties as appropriate. The following list, which is not exhaustive, provides examples of the kinds of special circumstances in which such action might be taken:



- a) where the bounds of lawful free speech are exceeded or thought likely to be exceeded through acts such as incitement to commit crimes or breach of the peace;
- b) where physical harm to persons, damage to School property or a breach of the peace is taking place;
- c) where the frequency of bookings made by an individual or organisation seems calculated to inhibit access of others to the School's facilities;
- d) if, in the opinion of the School authorities, unlawful acts are likely to take place, or indeed are taking place, as a result of the event in question.

The Chief Operating Officer will be accountable to Council on such matters and will be required to present a written report to Council on each instance where permission to hold an event is refused.

17. A visiting speaker may be excluded on the grounds of their prior conduct or denying free speech to others.
18. The School reserves the right of final decision about admission or exclusion of any person, including press, television and broadcasting personnel, in respect of any event covered by this Code.

### **Responsibilities of Event Organisers**

19. Event organisers must designate a single individual who will be a member of staff having undertaken Prevent training, such as a Centre Director, Principal Investigator, Professional Support Staff as a principal organiser, who will take ultimate responsibility for ensuring that any event is organised in full compliance with this Code.
20. Any event organiser, including any member or society of the Student Representative Council or other individual or group which wants to use the School's facilities to organise or sponsor an event, must:
  - a) comply with this Code and any prescribed procedures or measures which the School puts in place for the organisation, publicity and management of the event in question;
  - b) ensure that the operation of the meeting or its conduct does not infringe the law, is not likely to cause breach of peace and is not likely to lead to the incitement of illegal acts;
  - c) give the Events Team at least 15 working days in advance of the date on which the event will take place, full details of the event, including an assessment of any risks - for example to free speech or security – envisaged via the completion of an Event Marketing and External Speaker form, in accordance with the External Speakers Procedure and the timelines therein



- d) Tentative room bookings may be made without details being supplied as soon as an event is conceived, but it is the organiser's responsibility to provide full details by the deadline. Where this is not done, events will in principle be automatically cancelled.
- e) pay any reasonable fee that the School may charge for the use of a room, facility and/or service, which may include the hiring of additional security personnel;
- f) Be present at the event, or designate a delegate who will be present at the event, whether on site or virtually depending on the nature of the event.

**Responsibilities of Members of the School, Event Organisers and Others Admitted to the School's Premises including Virtual Spaces**

- 21. All students and employees of the School, including its honorary and visiting staff, and all persons authorised to be present on School premises and in virtual spaces, including visiting speakers, must:
  - a) comply with this Code and any prescribed procedures or measures which the School puts in place for the organisation, publicity and management of an event;
  - b) take steps consistent with their personal safety to ensure that the principle of freedom of speech within the law is upheld in the School;
  - c) refrain from taking articles or objects in to meetings or elsewhere in circumstances where this might lead to injury or damage;
  - d) observe good order at any event which they attend. Good order will include the speaker(s) being heard clearly and being able to access and leave an event safely;
  - e) comply with conditions imposed by the School as provided for in paragraph 15 of this Code;
  - f) leave premises used for meetings or activities clean and tidy and in the condition that they were provided in, in default of which organisers may be charged for additional cleaning and/or repairs that are subsequently required; payment of a deposit in advance or evidence of ability to pay towards these costs may be required;
  - g) seek the explicit permission of the School before inviting press, television or broadcasting personnel to any meeting or activity in a professional capacity.
- 22. Where a meeting has a designated "Chair", the Chair has responsibility for ensuring that the audience and speaker act in accordance with the law. In the case of inappropriate or disruptive conduct during a meeting, the Chair is required to give one warning to the individual or individuals involved; if the conduct continues the Chair must require the withdrawal or removal of persons concerned by



stewards or security. If this is not possible for any reason, then the Chair is required to end the meeting immediately and to alert School security.

23. If any person is dissatisfied with the School authorities' exercise of their responsibilities as set out in this Code, they may appeal in writing to the Director.

### **Sanctions**

24. The School will refuse or withdraw permission for an event to take place, or will close it once it has begun, if the organisers of it fail to comply with their responsibilities as set out in this Code or if the School reasonably considers that there is a risk of unlawful acts taking place.
25. The School will consider taking appropriate action against any member of staff (including Honorary or Emeritus), student or member of the School community who infringes, breaches or departs from these procedures in whatever respect or commits an unlawful act including without limitation disciplinary proceedings as laid down by the School.
26. Action by anyone who is not a member of the School, including a visitor or visiting speaker which breaches, infringes or departs from this Code in whatever respect may result in the withdrawal of their permission to be on School premises, action for trespass or their future exclusion from the School.
27. The School reserves the right to assist the prosecuting authorities who implement the processes of law and, if charges are proffered, to stay its disciplinary processes pending the outcome of any such proceedings.

### **Operation and Interpretation of the Code**

28. The Executive Team will be responsible for policy issues connected with the interpretation of this Code and will consider matters relevant to this Code as circumstances require.
29. The Director, or their nominee, will be responsible for appeals made under section 23 of the Code.
30. The Chief Operating Officer is appointed by the Director to be responsible for the day-to-day operation of the Code.
31. In the event of disciplinary proceedings, interpretation of the Code will be a matter for the relevant disciplinary body or member of staff authorised to adjudicate on the case in question.
32. The Chief Operating Officer, or their nominee, will normally be present at any event or meeting at which there is considered to be a risk of disruption. They will normally act as the School's main point of contact for the Police.