



## Freedom of Expression Policy

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### 1) Purpose

- a) The S P Jain London School of Management (the School) encourages diversity of thought and values open debate. This Policy is to ensure that the School is able to foster debate and also comply with its legal obligations as an HEI registered with the Office for Students to ensure freedom of speech and academic freedom within the law.
- b) The Policy also aims to ensure that it has appropriate procedures to risks ensure compliance with the Prevent Duty with regard to external speakers.
- c) The procedures aim to:
  - i) identify reasonably practicable steps that must be taken to ensure that freedom of expression within the law is secured for members of the School and for external speakers.
  - ii) specify arrangements for the management of meetings and other functions on the School's premises or online platforms which are not an integral part of the normal academic and/or administrative business of the School;
  - iii) specify arrangements for School-branded events involving external speakers and taking place off-site or on online platforms not operated by the School.

### 2) Scope

- a) The Policy applies to all School staff, students, adjunct staff and other staff associated with the School. It also applies and to any other person in attendance at any meeting or other function which has been authorised to take place on School premises.
- b) All staff and students who wish to arrange and event and/or invite a speaker to the School, whether in person, on line or off-site must follow this policy.

### 3) Legal background

- a) The School has a legal duty under Section 43 of the Education (No 2) Act 1986 to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its members, students and employees and for visiting speakers. This includes the duty to ensure, so far as is reasonably

practicable, that the use of the School premises is not denied to any individual or body of persons on any ground connected with either “the beliefs or views of that individual or of any member of that body”, or; “the policy or objectives of that body”.

- b) Academic freedom is the legal right originally established by the 1988 Education Reform Act of staff in the UK 'to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or the privileges they may have'. It is also one of the Public Interest Principles of the OfS Regulatory Framework which the School is required to uphold.
- c) Article 10 of the Human Rights Act 1998 states that everyone has the right to freedom of expression. Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply-held beliefs of others. This right is 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 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”.
- d) The School is also subject to the Counter Terrorism and Security Act 2015, which requires that SPJ UK must “have due regard to the need to prevent people from being drawn into terrorism” (Section 26). The School must also “have particular regard to the duty to ensure freedom of speech” and “to the importance of academic freedom” (Section 31). Under Section 29, the School must “have regard to any such guidance in carrying out that duty”.

#### **4) Policy Statement**

- a) The S P Jain London School of Management (the School) encourages diversity of thought and values open debate. The School therefore expects students, staff, governors, and visitors to ensure freedom of speech within the law is assured.
- b) The School will also take all reasonable steps to protect the academic freedom of its staff to question and test perceived wisdom, and to put forward new ideas and controversial or unpopular views, without placing themselves in jeopardy of losing their jobs or any privileges that they may have.
- c) The right to freedom of expression and academic freedom come with responsibilities. All staff and students must, therefore, ensure that they approach all issues in a balanced, open, fair and academically rigorous manner in line with academic and research ethics where relevant, and the School’s code of conduct for staff and students.
- d) The School believes that discussion that is open and honest can take place if all views, including those that can be difficult to hear, are expressed and heard with tolerance and mutual respect. Students, staff, governors and visiting speakers are, therefore, required to demonstrate sensitivity to the diversity of the School community and to show others respect.
- e) Views that harass, intimidate or threaten violence against individuals or societies will not be tolerated. The School will also take all reasonable measures to prevent people from being drawn into terrorism.

## **5) Arrangements and procedures**

- a) When a member of staff or student wishes to hold an event that is not directly related to the School's normal academic or administrative business on School premises or online platforms, or is to be hosted in the School's name off-site or otherwise online, a written request must be made to the COO. Requests should be made as far as possible in advance of the projected event date, and not less than two weeks in advance. Requests should provide the information outlined in Appendix 1.
- b) A risk assessment of the event should accompany the request, using the guidance in Appendix 2 and will be reviewed by the COO. The staff member or student making the request should indicate whether an event is likely to give rise to difficulties in relation to freedom of speech, or to the safety of the speaker or others within the audience. This will inform any judgment concerning whether permission to host an event is given.
- c) Where there will be external speakers, the names of external speakers must be approved by the School prior to invitation and appropriate due diligence on the speaker(s) must be submitted with the request for approval.
- d) The COO will review the proposed request and risk assessment and reach a judgment. More information in relation to the request may be required, including consulting other members of the senior management team. In the light of the risk assessment the COO may determine to postpone or cancel an external event, or to set any other reasonable conditions. These reasonable conditions may include:
  - i) A senior member of the School attends the event;
  - ii) Additional security and stewarding of the event;
  - iii) An event promoting a particular view includes the opportunity to debate and challenge that view.
- e) Prior to receiving approval, events must not be advertised without the express permission, in writing, of the COO.
- f) Any decision about whether the event may take place will be communicated to the organiser, usually within a week of receiving the request.

## **6) External use of School premises**

- a) At the discretion of the COO, permission may be given for the School's premises to be hired by outside persons or organisations, including permission for meetings or events to be attended by members of the public. Where such permission is granted, the outside person or body must provide the information outlined in Appendix 1 and, if required, complete an appropriate risk assessment prior to any booking being confirmed.
- b) The outside person or body must also meet any additional costs associated with managing any risks to the School represented by the booking.

## **7) Behaviour at events**

- a) Members of the School and other persons attending meetings or events on the premises must behave in a lawful manner and in accordance with this Policy.

- b) Wilful breach of this Code of Practice will be dealt with under the School's disciplinary procedures and, if necessary, by recourse to law.

## **8) Conditions for holding events**

- a) The School will withhold the right to use School premises if it considers there is a likelihood of this Policy being breached.
- b) The expression of views that may be controversial, but do not breach the law or this Policy, will not constitute reasonable grounds for cancellation of an event or activity. Reasonable grounds for refusal would include:
- incitement to commit a criminal act;
  - unlawful expression of views;
  - support for an organisation whose aims are illegal;
  - the creation of an environment likely to give rise to a breach of the peace.
- c) It should be noted that an event or activity which encourages or draws people into terrorism, or creates an environment of fear, harassment, intimidation, verbal abuse or violence, particularly as a result of age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation is likely to be unlawful.
- d) If students, staff, or directors believe that an event they are organising poses a risk under this Code of Practice, they are required to refer the matter in the first instance to the Chief Operating Officer (COO).
- e) Where there are concerns about an external speaker, these may be shared on a confidential basis with the Prevent Coordinator at the local authority or DfE in line with the Information Sharing Protocol.
- f) If an event has been advertised, students and staff may make representations to the COO if they feel it breaches this Policy. If the event is allowed to take place, they will be allowed the right to peaceful protest for one hour prior to the event taking place. They will not be permitted to interfere with the running of the event.

## **9) Appeals against decisions to refuse permission**

- a) Where a staff or student member or body has made a request to book accommodation or host an event and is unhappy with the decision taken, they may make an appeal to the COO. Such an appeal will be heard by the Dean or their nominee as soon as is reasonably practicable. The Dean will determine whether the decision of the COO was correct and reasonable as per the terms of this Code. The Dean's ruling shall be final.
- b) External organisations have no right of appeal.

## **10) Related Policies**

Prevent Policy  
Information Sharing Protocol

## Appendix 1: Event Request Form

Where an event outside of the normal academic and administrative business of the School takes place on School premises or on external premises in the School's name, the information below must be provided to the Chief Operating Officer at least **two weeks in advance**.

Information required:

- i. Date, time and exact place of the event, including precise timing on expected arrival and departure of speakers.
- ii. Name of any speaker(s) or likely alternative speaker(s).
- iii. Subject/nature of the event.
- iv. Draft copy of any proposed notice, leaflet or other advertising material.
- v. Name, address, email address and telephone number of the member of School organising the meeting or function and their status within the organising group
- vi. Whether the audience may include persons who are not members of the School and whether the event is open to the general public.
- vii. Arrangements for chairing the event.
- viii. Whether the speaker has been refused permission to speak at the School in the past.
- ix. Confirmation that due diligence has been undertaken on any external speaker(s)<sup>1</sup>
- x. Whether the speaker is known to be controversial in relation to reputation, political views or religious views (this is not an exhaustive list).
- xi. Whether the speaker is likely to attract high media attention.
- xii. Outcome of the risk assessment (see Appendix 2).
- xiii. Arrangements to mitigate any risks that have been identified.

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<sup>1</sup> Before approval, a check of the speaker must be undertaken through Google or other relevant sources to assess any potential risks in relation to the Policy on Freedom of Speech and also the Prevent Duty. The first three pages of results (if any results are found) of the Google search should be reviewed or other information where available reviewed. Where they belong to an organisation, the website of the organisation must be checked also and a Google search and checking of other relevant information for the organisation.

## Appendix 2: Risk assessment for external speakers and events

Risk Level	Rating Description
<b>Low 1</b>	<p>The speaker or guest is a known expert in their field and is not known to be controversial, or to hold controversial views. The topic of the talk is not controversial nor is it likely to be regarded as offensive by anyone.</p> <p>Access to the event is limited to School students and staff only.</p>
<b>Acceptable 2</b>	<p>The speaker or guest may hold a strong position on their topic but this would not be regarded as controversial. The speaker / guest may not have a publicly established reputation in their field. The talk is not likely to be regarded as controversial. It is very unlikely to attract adverse media attention or require staff or security presence. Attendance may be high, but the event is open to School students and staff only.</p>
<b>Moderate 3-4</b>	<p>The speaker and/or topic may be uncontroversial, but the event is open to non-School students and staff, including the general public and high numbers are likely to attend.</p> <p>The topic may be regarded by some as controversial and this could be a cause for concern even if attendance is likely to be low. There may be a need for some security presence.</p> <p>The event is being held at an external venue</p>
<b>Substantial 6</b>	<p>The speaker /guest and/or topic are controversial. There may be adverse media attention and a member of staff should attend or security arrangements be made. The speaker has may have been refused permission to speak at another institution before.</p> <p>Attendance at the event will be high and is open to non-School students and staff. The event is being held at an external venue.</p>
<b>High 9</b>	<p>The speaker/guest and or topic are highly controversial and will definitely attract adverse media attention. The speaker/guest has been refused permission to attend an event at the School and/or other institutions before. High attendance is expected at the event. The speaker/guest and or topic may attract protest from other students or outside organisations. Non-School students and staff are invited to attend. Security presence would be essential.</p> <p><i>The event should not take place unless strict controls are put in place to protect individuals and property.</i></p>