

# Freedom of Expression and Academic Freedom Policy

**Last Reviewed:** August 2018

**Next Review Date:** August 2019

**Version Number:** v1.0

## Introduction

The London College (thereafter 'the College') endorses and adopts the principle of freedom of speech and expression within the law as one of the fundamental principles upon which all places of education and learning should be based.

The College also recognises that academic staff needs to freedom within the law to question and examine received knowledge, and propose new ideas and opinions, which may be perceived as unpopular or controversial, without placing themselves in jeopardy of losing their jobs or any entitlements they may have at the College. Staff and students at the College should be aware that joining the College community involves obligations and responsibilities which are consistent with the above principles and the law. The College, through this policy, aims to ensure that the principles of freedom of expression are upheld and balanced with the requirement to protect the welfare of both staff and students and to protect the College's reputation.

## Policy Scope

1. The policy's obligations shall apply to:
  - i. the College
  - ii. all staff of the College
  - iii. all enrolled students of the College
2. The policy's rights shall apply to:
  - i. all staff, students and visiting speakers;
  - ii. academic activities on premises of the College
  - iii. persons invited or otherwise lawfully on the premises of the College
3. This policy does not remove the obligation on employees to act in accordance with the College's employer policies.
4. Students are reminded of the regulations and procedures affecting students.
5. Nothing in this policy shall be deemed to affect the rights of any person taking any steps pursuant to lawful industrial action or peaceful protest.

## Duties and responsibilities

1. It shall be the duty of all those subject to the policy to assist the College in upholding the principles of freedom of expression.
2. Those under a duty to observe and uphold the principle of freedom of expression within the College shall do so at all times while working for or on behalf of the College or are otherwise representing the College whether on or off College controlled premises.
3. Staff and students of the College should bring this policy to the attention of any outside organisations who are providing speakers or are responsible for organising meetings.

Such organisations/speakers are expected to uphold the principles of this policy, respect the College's values and be sensitive to the diversity of the College's community.

4. It shall be the duty of any person engaged in the organisation of any meeting or like event under the policy to ensure the proper security and organisation (including stewarding and chairing of that meeting or like event) for the purpose of upholding the principles of freedom of expression and complying with the provisions of this policy.
5. The Principal will oversee the implementation of this policy.

## **Freedom of expression**

1. Freedom of expression is a fundamental right protected under the Human Rights Act 1998 by Article 10 of the European Convention on Human Rights. It is also a fundamental right under common law. Protection under Article 10 extends to the expression of views that may shock, disturb or offend the deeply-held beliefs of others. This means any organiser or other person invited to address the meeting other than members of any audience at that meeting.
2. The right to freedom of expression is a qualified rather than an absolute right which means that the rights of the individual must be balanced against the interests of society. The right operates in the context of the law and the values of a democratic society. It is limited, for example, by laws to protect others from violence, hatred and discrimination, to protect national security and public safety, for the prevention of disorder or crime, to protect health or morals, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. In particular, freedom of expression does not protect statements that discriminate against or harass, or incite violence or hatred against, other persons and groups, particularly by reference to their ethnicity, religious belief, gender or sexual orientation, language, national origin or immigration status ('hate speech').
3. The College has an explicit duty in law to take such steps as are reasonably practicable to ensure that freedom of expression within the law is secured for students, employees and visiting speakers. This includes a duty to ensure, so far as is reasonably practicable, that the use of any premises of the College 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 objectives of that body.
4. It shall be contrary to the policy to seek, by systematic or organised heckling, disruption or like activity, to prevent the lawful expression of views in accordance with this policy.

## **Academic freedom**

1. Subject to section 5, the principle of freedom of expression set out in this policy shall extend to the performance of the proper functions by academic staff including visiting and guest lecturers legitimately present by invitation of the College in accordance with its approved policies and processes.
2. Subject to section 5, it shall be contrary to this policy for any person or body to which this policy applies to take any action other than by reasonable and peaceful persuasion or peaceful protest, to prevent the holding of, or continuance of, any lecture, tutorial or other academic activity because of the lawful views held or expressed or which are reasonably likely to be expressed, whether or not within the College, by the academic concerned.

3. Subject to section 5, it shall be contrary to the policy for any person or body to whom this policy applies to take any action other than by reasonable and peaceful persuasion or peaceful protest, to prevent any student or group of students from attending any lecture, tutorial or other academic activity required by, or properly associated with, the course for which they are duly enrolled because of the lawful views held or expressed or which are reasonably likely to be expressed as part of that academic activity, whether or not it takes place within the College.

### **Approval of events on and off campus**

Where any person or organisation subject to this policy wishes to hold a meeting or like event for the expression of views as set out in this policy on premises of the College; the College shall not unreasonably refuse consent. The College reserves the right to refuse consent to any meeting or like event which involves or is reasonably expected to involve the expression of views that are in breach of this policy or there are other reasonable grounds for refusal. All such requests should be made and will be considered in accordance with the College's External Speakers Approval Procedure.

### **Social and electronic media**

The principles of freedom of expression and academic freedom apply to the use of electronic and social media; however, the College requires responsible and legal use of the technologies and facilities available to staff and students of the College, including the use of the internet, email and social media. Please refer to the College's IT Policy for more information.

### **Policy review**

The Academic Board shall review, formally, the operation of the policy not less than once every three years.

### **Breach of the policy**

Any breach of the provisions of this policy may render those responsible liable to disciplinary action under the relevant College disciplinary procedure or other appropriate sanction.

### **Legal framework**

The Counter-Terrorism and Security Act 2015  
The Education (No. 2) Act 1986  
The Equality Act 2010  
The Human Rights Act 1998  
The Public Order Act 1986  
The Protection from Harassment Act  
The Terrorism Act 2006