

TEDI-LONDON

FREEDOM OF SPEECH CODE OF PRACTICE (INCLUDING EXTERNAL SPEAKERS PROCEDURE)

Summary	<p>TEDI-London has a commitment to Academic Freedom and Freedom of Speech set out in its Articles of Association. We also have a duty to facilitate freedom of speech within the law under Section 43 of the <i>Education Act (1986)</i> and to ensure that it meets the requirements of Section 26(1) of the <i>Counter-Terrorism and Security Act 2015</i> to have due regard to the need to prevent people from being drawn into terrorism.</p> <p>This Code of Practice underlines TEDI-London’s commitment to freedom of speech and sets out the principles and procedures under which free speech at TEDI-London is facilitated.</p>		
Policy Owner	Registrar		
Policy Sponsor	Director of Resources		
Policy applies to	All staff, students and visiting external speakers at TEDI-London.		
Equality impact assessment completed	<p>The policy takes into account the importance of enabling freedom of speech in a way that does not shut down debate or infringe the rights of others. As the Equality and Human Rights Commission notes: “Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry.” Therefore “Providers of higher education should always aim to encourage balanced and respectful debate”.</p>		
Relevant Legislation and Policies	<p><i>Counter-Terrorism and Security Act 2015</i> <i>Education (No 2) Act 1986</i> <i>Equality Act 2010</i> <i>Human Rights Act 1998</i></p> <p>Equality and Human Rights Commission’s Guidance: Freedom of expression: a guide for higher education providers and students' unions in England and Wales (equalityhumanrights.com)</p>		
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1. INTRODUCTION

- 1.1. Under its Articles of Association, TEDI-London is committed to upholding freedom of speech and academic freedom within the law. We strive to advance knowledge through robust but civil debate which respects and understand different perspectives.
- 1.2. TEDI-London has a duty to facilitate freedom of speech within the law under Section 43 of the *Education Act 1986* and to ensure that it meets the requirements of Section 26(1) of the *Counter-Terrorism and Security Act 2015* to have due regard to the need to prevent people from being drawn into terrorism.
- 1.3. This Code of Practice underlines TEDI-London's commitment to academic freedom and freedom of speech within the law and sets out the principles and procedures under which free speech at TEDI-London is facilitated.

2. SCOPE OF THIS CODE OF PRACTICE

- 2.1. This policy applies to all staff and students at TEDI-London.

3. DEFINITIONS USED IN THIS CODE OF PRACTICE

- 3.1. **Academic Freedom:** related to the intellectual independence of academics in respect of their work, including:
 - freedom to express their view
 - freedom in teaching and discussion;
 - freedom in carrying out research without commercial or political interference;
 - freedom to disseminate and publish one's research findings;
 - freedom from institutional censorship, including the right to express one's opinion publicly about the institution or the education system in which one works; and
 - freedom to participate in professional and representative academic bodies, including trade unions.
- 3.2. **Freedom of Speech:** For the purposes of this policy, Freedom of Speech means the right of everyone to express lawful views and opinions freely, in speech or in writing, without interference, even when those views or opinions may 'offend, shock or disturb' others as it underlies the right to exchange information, debate ideas and express opinions, including political views.
- 3.3. **External Speakers:** Visiting speakers who are not staff or students of TEDI-London and are not TEDI-London approved external mentors.

4. ROLES AND RESPONSIBILITIES

4.1. **The Board of Trustees** (the Board) is responsible for:

- Ensuring the principles of academic freedom and freedom of speech are promoted at TEDI-London;
- Ensuring TEDI-London has appropriate policies and procedures in place to meet its legislative obligations; and,
- Approving this Code of Practice.

4.2. **The Executive** is responsible for:

- Upholding academic freedom and freedom of speech at TEDI-London; and,
- Taking such steps as are reasonably practicable to ensure that the requirements of the code of practice and related legislative obligations are met.

4.3. **The Deputy Dean / Director of Resources** are responsible for making determinations regarding any speakers that are identified as high risk such that a change of venue, security measures or the cancellation of a speaker or related event / activity.

4.4. **The Leadership Team** is responsible for ensuring that their staff are aware of the contents of this Code of Practice, highlighting that any invitations and arrangements for external speakers invited to TEDI-London comply with the principles set out in this Code of Practice.

4.5. **The Registry** is responsible for:

- Ensuring TEDI-London staff and students are aware of procedures for approving external speakers;
- Receiving external speaker notifications and, where necessary, undertaking risk assessments with the relevant TEDI-London staff;
- Making determinations regarding low to medium risks, including confirming any additional arrangements for the event (for example, security, an impartial chair for an event);
- Referring high risk speakers to the executive for a determination; and,

- Maintaining records of external speaker notifications, risk assessments and outcomes.
- 4.6. **External Speaker Organisers** are responsible for ensuring that all preparations for an event or activity have been adequately made including:
- the provision of information about a speaker and related event or activity such as whether it is public or private;
 - that any mitigating actions in the organiser's control are complied with;
 - that no advertisement for a speaker or related event or activity contains material likely to incite breaches of the Code
- 4.7. **All staff and students** at TEDI-London should be aware of the importance of academic freedom and freedom of speech to TEDI-London and are responsible to adhering to the provisions of this Code of Practice.

5. PRINCIPLES OF ACADEMIC FREEDOM AND FREEDOM OF SPEECH

- 5.1. TEDI-London acknowledges that protecting Freedom of Speech and Academic Freedom are fundamental aspects of higher education.
- 5.2. We will strive to create a positive, inclusive environment for students and staff, that allows for diversity of perspectives and opinions.
- 5.3. We will uphold academic freedom and recognises that our staff, while engaging in their roles, shall have the freedom within the law to question and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves at risk of losing their jobs or privileges.
- 5.4. We will take such steps as are reasonably practicable to ensure that the rights to freedom of speech within the law is secured for staff, students, external speakers, and wider stakeholders, even if such speech is controversial, contentious, or provocative. This principle extends to conduct online and social media.
- 5.5. Nevertheless, we recognise that free speech may, in certain contexts, be limited by law (for example, to prevent crime, for national security or public safety, or to prevent unlawful discrimination and harassment) and is subject to existing statutory guidance (for example regarding the Prevent Duty).

- 5.6. TEDI-London expects all external speakers and attendees at related events and activities, including those that may be involved in protest activities, to respect our values and to be sensitive to the diversity of our community and to show respect to all sections of that community.
- 5.7. The provisions of this Code apply primarily to external speakers and related events and activities. However, members of the TEDI-London community should observe the principles at all times whilst on our premises or acting on behalf of TEDI-London.

6. EXTERNAL SPEAKERS

External Speaker Procedure

- 6.1. External speakers invited to TEDI-London for an event or activity (including online events and activities) must be notified to the Registry by the organiser, using the form at Appendix A at least three weeks before the event or learning activity takes place. If the Registry is notified less than three weeks before the event or activity, we reserve the right to refuse permission for the speaker or related event or activity on the grounds that there is insufficient time to follow the appropriate processes.
- 6.2. Once the Registry receives a notification, it will review the information about the external speaker in the context of the event or activity and will prepare a risk assessment should there be any potential issues or concerns arising from the due diligence information provided on the form.
- 6.3. When a risk assessment is being considered, our starting point is that the speaker should be allowed to proceed without any restrictions or mitigations. We will not impose mitigations (such as a requirement for an independent chair or a format which ensures the speaker can be challenged) simply because the speaker is taking a minority view on an issue. In undertaking the risk assessment, the Registry has the right to consult with partner organisations such as the Local Authority, Police, Prevent Coordinator etc. around any possible community-based risk or to gather further information.
- 6.4. Where a potential risk arises that does require mitigating action, given the individual circumstances of the case, the Registry will strive to be even-handed and impartial.

- 6.5. The Registry will undertake the risk assessment and a decision will be communicated to the organiser within 5 working days.
- 6.6. Any recommendation to change a venue, include security measures or to refuse permission for a speaker or related event or activity will be referred to the Deputy Dean or Director of Resources for decision. Where possible, the Deputy Dean or Director of Resources will consult with the organiser in considering the circumstances.
- 6.7. The notification and risk assessment process above will also be used for events that take place off campus (including online events) which TEDI-London is affiliated with, funds in some part, or where its branding is used, in order to ensure that TEDI-London is appropriately assessing and managing any identified risks.

Mitigating Actions

- 6.8. Potential mitigating actions which may be put in place include but are not limited to:
- Asking the speaker for a copy of the speech in advance for review.
 - Providing an independent chair at the event or activity.
 - Providing a speaker with an opposing view.
 - Providing an opportunity for challenge, e.g. through questions and comments
 - Venue recommendations (e.g. in a room on Campus where access can be controlled.
 - Providing appropriate security.
- 6.9. Any decision to impose security costs, and to determine who should bear those costs, will be clearly documented including the reasons for that decision.

Refusing Permission for External Speakers

- 6.10. In the rare event that a risk assessment identifies that the speaker or related event or activity poses a potential risk of people being drawn into terrorism (such as the hosting of a proscribed organisation), or of potential hate speech or serious public disorder, or any other factor which may cause significant concern,

the matter will be considered by the Deputy Dean or Director of Resources and they may refuse permission for the external speaker (and potentially the related event or activity). Such a step will normally only be taken after consultation with the police.

Appeal of Decision

- 6.11. Should an organiser wish to appeal the decision to implement mitigating actions or cancel a speaker or related event or activity, they should submit their appeal to the Dean / CEO setting out the reasons for the appeal (e.g. lack of due process, new information) within 5 working days of the date of the decision. The appeal will be considered by the Dean / CEO and the appeal outcome communicated to the organiser within 3 working days.

Sharing concerns about an External Speaker

- 6.12. If, during preparations for or during an event or activity, there is reason to believe that a speaker has incited violence against others and/or made statements which may draw people into terrorism concerns should be raised with the Director of Resources who will contact the Regional Prevent Coordinator and/or the Local Authority Prevent Coordinator and seek advice on sharing the information further, including with other providers who may be hosting the speaker at similar events.

The right to challenge / protest

- 6.13. TEDI-London recognises that the right to free speech includes the right to disagree, challenge or protest.
- 6.14. We will not automatically cancel, impose restrictions or mitigating actions on a speaker, event or activity simply because a protest against a particular speaker is planned.
- 6.15. However, we will endeavour to ensure that a protest will not prevent speech from being heard (for instance, by drowning it out) or will intimidate speakers or audience members.

7. DISCIPLINE

- 7.1. Any TEDI-London student or staff member who organises or participates in the organisation of a speaker or related event or activity without complying with the provisions of this Code of Practice may be considered to have committed a

breach of this Code of Practice, constituting a disciplinary offence to be investigated under the relevant disciplinary procedure i.e. the Staff or Student Disciplinary Policy.

8. TRAINING, DISSEMINATION, AND IMPLEMENTATION

- 8.1. This Code of Practice will be placed on the TEDI-London website and drawn to the attention of staff and students.

9. MONITORING AND REVIEW

- 9.1. The Director of Resources will ensure that compliance with the policy is monitored. The Policy will be reviewed at least every three years.

Appendix A – External Speaker / Event Form

This form is to be used by those wishing to invite an external speaker to talk at an event or activity (including a learning activity) at TEDI-London. It does not need to be completed for industry or community mentors with an existing, formal relationship with TEDI-London who are speaking at TEDI-London events or activities. This form should also be filled in by organisers of TEDI-London affiliated, funded/and or branded events held off campus. Events and activities to which external speakers are invited include online events and activities.

Please refer to the Freedom of Speech Code of Practice for further information about the context and process for evaluating external speakers. For advice about filling in this form, please contact the Registry.

PART A

1. ORGANISER INFORMATION	
Name	
Student or Staff Member?	
If staff, what is your role at TEDI-London?	
Contact Details (Phone and Email)	
2. EXTERNAL SPEAKER INFORMATION	
Name	
Organisation (if applicable)	
Topic of Speech	
3. EVENT / ACTIVITY INFORMATION	
Title of Event / Activity	
Purpose of Event / Activity	
Date of Event / Activity	
Start and Finish Time of Event / Activity	
Preferred Venue (if online please state platform used for the event)	
Public or Restricted (eg class / society etc)	
If public, is the Event / Activity ticketed or open?	
How will the event be advertised?	
Total anticipated attendees	
4. RISK / SECURITY ASSESSMENT	
Are there any potential risks or security considerations identified in relation to this event relating to:	
A. The content / topic of discussion attracting protests / disruption / breach of the peace	YES / NO
B. The attendance of the speaker or subject of discussion raising an equality issue (including inciting hatred)	YES / NO
C. The content or speaker raising issues under the Prevent duty (the promotion of radicalization or extremism)	YES / NO

D. The content or speaker generating media interest publicity that may impact on reputation and/or may need to be managed by TEDI-London	YES / NO
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If you answered YES to any of the questions in Section 4 (a-d) above, please complete Part B below.

PART B

1. EXTERNAL SPEAKER DETAILS	
Name(s) of proposed speaker. Please give all names used by the speaker:	
Is the speaker representing an organisation(s)? If yes, please give details:	
Is/are the speaker affiliated to any other organisations? If yes, please give details:	
Is any other organisation outside of TEDI-London involved with the event / activity in any way? If yes, please give details:	
Details of the subject the speaker will be speaking about and any other information you think we need to be aware of:	
Biographical details of the speaker (please provide full details):	
2. SPEAKER RISK ASSESSMENT	
Would you reasonably expect the speaker or the topic of discussion to attract any protests (e.g. Are you aware of disruption at events that have involved the same speaker or topic in the past)? If yes, please give details:	
Is there any public information (e.g. google search) to the detriment of the speaker? If yes, please give details:	

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Has the speaker been refused permission to speak at other venues / events? If yes, please give details:

Are there any identified security threats to the speaker? If yes, please give details:

Does the speaker come with his / her / their own protective security detail? If yes, please give details:

EVENT RISK ASSESSMENT

Are there any identified security threats/considerations in relation to this event e.g. would you reasonably expect the content or the topic of discussion to attract any protests/disruption? If yes, please detail, including arrangements put in place to address the risk:

Is there a risk of the attendance of the speaker or subject of discussion raising an issue under TEDI-London's equality policies? Please consider:

- *the potential for the subject matter or the speaker causing offence. This may include offence caused by subject or language used including 'jokes'/'banter'.*
- *whether the speaker's attendance in itself cause offence (because they are known for speaking publicly on topics that some individuals may find offensive).*
- *the potential for the speaker/topic to be found to be 'inciting hatred' or a risk of causing fear or alarm to attendees or the wider TEDI-London community*

If yes, please identify the issues that may be raised, and any arrangements put in place to address these issues

DECLARATION

Please tick each of the statements and then sign below to indicate your agreement:
I have read and understood TEDI-London's Freedom of Speech Code of Practice

I understand that I am responsible for the proper security and organisation (including stewarding and chairing) of the event for the purpose of protecting the rights of freedom of speech

Signed

Date: / /

IMPORTANT - NOTES

Health & Safety:

As the organiser, you are personally responsible for ensuring that all attendees at an event are aware of health and safety issues (such as fire procedures and emergency exit routes) and for the proper conduct of all attendees. You do not have to make the relevant announcements and arrangements yourself but you are personally responsible for ensuring that it is done. The Head of Facilities, Health and Safety can provide advice and resources to help you run events safely. campus@tedi-london.ac.uk

Equality and Inclusion:

It is the organiser's responsibility to identify and put in place arrangements to ensure that individuals can access and participate in the event including disabled participants. Individuals may ask for specific arrangements to be put in place. For advice please contact the Head of Facilities, Health and Safety. campus@tedi-london.ac.uk

Data Protection:

It is the organiser's responsibility to ensure that any personal data collected or communicated before, during or after the event is done so in accordance with the requirements under Data Protection legislation. For further information contact TEDI-London's Data Protection Officer at: dpo@tedi-London.ac.uk