

FREEDOM OF SPEECH POLICY

Summary	<p>ASU 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 Higher Education (Freedom of Speech) Act 2023 and 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 Policy underlines ASU London’s commitment to freedom of speech and sets out the principles and procedures under which free speech at ASU London is facilitated.</p>		
Policy Owner	Head of Governance and Compliance		
Policy Sponsor	Managing Director		
Policy applies to	All staff, students and visiting external speakers at ASU 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 Guidance	<p><i>Counter-Terrorism and Security Act 2015</i> <i>Education (No 2) Act 1986</i> <i>Equality Act 2010</i> <i>Higher Education (Freedom of Speech) Act 2023</i> <i>Human Rights Act 1998</i> OfS Guidance: Regulatory advice 24: Guidance related to freedom of speech - Office for Students 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, ASU 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. ASU London has a duty to facilitate freedom of speech within the law under the *Higher Education (Freedom of Speech) Act 2023* and 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 Policy underlines ASU 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 ASU London is facilitated.

2. SCOPE OF THIS POLICY

- 2.1. This policy applies to all staff, students, and visiting external speakers at ASU London.

3. DEFINITIONS USED IN THIS POLICY

- 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 ASU London and are not ASU London approved external mentors.

4. ROLES AND RESPONSIBILITIES

- 4.1. **The Board of Trustee Directors** (the Board) is responsible for:
 - Ensuring the principles of academic freedom and freedom of speech are promoted at ASU London
 - Ensuring ASU London has appropriate policies and procedures in place to meet its legislative obligations, and

- Approving this Policy.
- 4.2. **The Managing Director** is responsible for:
- Upholding academic freedom and freedom of speech at ASU London, and
 - Taking such steps as are reasonably practicable to ensure that the requirements of the Policy and related legislative obligations are met.
- 4.3. **The Executive Team** is 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 Head of Governance and Compliance** is responsible for ensuring that staff are aware of the contents of this Policy, highlighting that any invitations and arrangements for external speakers invited to ASU London comply with the principles set out in this Policy.
- 4.5. **The Registry Team** is responsible for:
- Ensuring ASU 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 ASU London staff and communicating the findings from these to the External Speaker Organiser.
 - Making determinations regarding low to medium risks, including confirming any additional arrangements for the event
 - Referring high risk speakers to the Executive Team 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, and
 - That no advertisement for a speaker or related event or activity contains material likely to incite breaches of the Policy
- 4.7. **All staff and students** at ASU London should be aware of the importance of academic freedom and freedom of speech to ASU London and are responsible to adhering to the provisions of this Policy.

5. PRINCIPLES OF ACADEMIC FREEDOM AND FREEDOM OF SPEECH

- 5.1. ASU London acknowledges that protecting Freedom of Speech and Academic Freedom are fundamental aspects of higher education and will actively promote this to staff and students.
- 5.2. ASU London will strive to create a positive, inclusive environment for staff and students and visitors that allows for diversity of perspectives and opinions.
- 5.3. ASU London will uphold academic freedom and recognises that 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. ASU London shall take all reasonable practicable measures to secure freedom of speech within the law for staff, students, external speakers, and the wider community, including speech that may be controversial, contentious, or provocative. This duty applies equally to expression conducted online and via social media.
- 5.5. Nevertheless, ASU London 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. ASU London expects all external speakers and attendees at related events and activities, including those that may be involved in protest activities, to respect its values and to be sensitive to the diversity of its community and to show respect to all sections of that community.
- 5.7. The provisions of this Policy apply primarily to external speakers and related events and activities. However, members of the ASU London community should observe the principles at all times whilst on ASU London premises or acting on behalf of ASU London.
- 5.8. ASU London will ensure that non-disclosure agreements are not entered into in relation to complaints about sexual misconduct, bullying or harassment.

6. EXTERNAL SPEAKERS

External Speaker Procedure

- 6.1. Organisers must notify the Registry Team of any external speakers invited to ASU London for an event or activity, including online events and activities, by submitting the [ASU-London External Speaker Request Form](#) at least three weeks in advance. Where notification is provided less than three weeks before the event or activity, permission for the speaker or associated event may be refused due to insufficient time to complete the required approval processes.
- 6.2. Upon receipt of the notification, the Registry Team will review the information provided about the external speaker in the context of the proposed event or activity. Where the due diligence information identifies any potential issues or concerns, the Registry Team will prepare a risk assessment.
- 6.3. Where a risk assessment is undertaken, the presumption shall be that the event or activity should proceed without restriction or mitigation. ASU London will not impose conditions or mitigations (including, for example, the appointment of an independent chair or requirements to ensure the speaker may be challenged) solely on the basis that the speaker holds a minority or unpopular viewpoint. In conducting the risk assessment, the Registry Team, in consultation with the Executive Team, may seek advice or further information from relevant external bodies, such as the Local Authority, Police, or Prevent Coordinator, in relation to any community-based risks.

- 6.4. Where a potential risk arises that does require mitigating action, given the individual circumstances of the case, the Registry Team will strive to be even-handed, and impartial. High-risk cases will be brought to the attention of the Executive Team.
- 6.5. The Registry Team will undertake the risk assessment and a decision will be communicated to the organiser within 5 working days.
- 6.6. Any recommendation to change the venue, implement security measures, or refuse permission for a speaker or associated event or activity shall be referred to the Executive Team for decision. Where practicable, this decision will be made in consultation with the organiser, taking account of the relevant circumstances.
- 6.7. The notification and risk assessment process described above shall also apply to events held off campus, including online events, where ASU London is affiliated with the event, provides funding in whole or in part, or permits the use of its branding, in order to ensure that any identified risks are appropriately assessed and managed.

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
 - Advising the speaker their speech may be curtailed should they discuss matters which are unlawful
 - 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 space on Campus where access can be controlled, and
 - 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 exceptional circumstances where a risk assessment identifies that a speaker or associated event or activity may present a risk of individuals being drawn into terrorism (such as the hosting of a proscribed organisation), or may give rise to hate speech, serious public disorder, or any other factors of significant concern, the matter shall be referred to the Executive Team who may refuse permission for the external speaker and, where appropriate the related event or activity.

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 Executive Team 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 and the appeal outcome communicated to the organiser usually within 3 working days.

Sharing concerns about an External Speaker

- 6.12. Where, during the preparations for or delivery of an event or activity, there is reason to believe that a speaker has incited violence against others and/or made statements which may risk drawing individuals into terrorism, the matter must be raised with the Managing Director. The Managing Director will request that a member of the Executive Team investigate the concern and record it with ASU London's Prevent Lead. The Prevent Lead will review information and, where appropriate, seek advice from the Regional Prevent Coordinator and/or the Local Authority Prevent Coordinator regarding any further information sharing, including with other providers that may be hosting the speaker at related events.

The Right to Challenge / Protest

- 6.13. ASU London recognises that the right to free speech includes the right to disagree, challenge or protest.
- 6.14. ASU London 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, ASU London 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 ASU 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 Policy may be considered to have committed a breach of this Policy, 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 Policy will be placed on the ASU London website and drawn to the attention of staff and students.