



LSST Code of Practice on Freedom of Speech

Version 1

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LSST Code of Practice on Freedom of Speech

1. Introduction

- 1.1 LSST is fully committed to the principle, and to the promotion, of freedom of speech.
- 1.2 This Code of Practice sets out LSST's commitment to freedom of speech, outlines the various legislative frameworks under which such freedoms must be upheld and may be circumscribed, and summarises the procedures used by LSST to manage these issues.

2. Scope

- 2.1 This Code of Practice applies to:
 - all staff and students of LSST;
 - visiting speakers; and
 - all other persons invited or otherwise lawfully participating in LSST activities on LSST premises.

3. Key Concepts and Legislative Framework

- 3.1 Freedom of speech means the freedom, within the law, to receive and impart ideas, opinions or information by means of speech, writing or images (including in electronic form) without interference.
- 3.2 Academic freedom, in relation to academic staff at LSST, means their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without loss of their jobs or privileges at LSST, or the likelihood of their securing promotion or different jobs at LSST being reduced.
- 3.3 These concepts are underpinned by the Human Rights Act 1998, which brings the European Convention on Human Rights into direct effect in national law. Article 10 of the Convention articulates freedom of expression as a human right and sets out the limited circumstances in which that right might be circumscribed (such as to protect public safety, for the prevention of disorder or crime, or for the protection of the reputation or rights of others).
- 3.4 These concepts also exist within other UK legislation. Higher Education providers in England have duties under the Higher Education and Research Act 2017 (as amended by the Higher Education (Freedom of Speech) Act 2023) to take such steps as are reasonably practicable to secure and promote freedom of speech and academic freedom within the law for staff and students and for visiting speakers.
- 3.5 Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on higher education institutions such as LSST, in the exercise of their functions to have 'due regard to the need to prevent people from being drawn into terrorism'. This requires establishment of protocols and procedures to assess the risks associated with meetings

or events that are LSST hosted, affiliated, funded, or branded. This Act also requires LSST to have particular regard to its other duties with regard to academic freedom and freedom of speech. Debate, discussion, and critical enquiry are, in themselves, powerful tools in preventing people from being drawn into terrorism.

- 3.6 Under the Equality Act 2010, staff and students must not be subjected to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity.
- 3.7 However, the provisions of the Equality Act 2010 must not be interpreted to undermine freedom of speech and academic freedom. As a result, students' learning experience and the working environment of staff may include exposure to research, course material, discussion or speakers' views that they find offensive, contentious or unacceptable, but are nonetheless within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.
- 3.8 There are other legislative requirements that may be relevant in particular cases, such as offences under the Terrorism Acts if speech encourages terrorism, or amounts to the incitement of religious or racial hatred or hatred on the grounds of sexual orientation under the Public Order Acts, as well as statutory requirements relating to the holding of processions and assemblies. LSST is not under any obligation to secure or promote freedom of speech that contravenes any legislative requirements.

4. Our Principles

- 4.1 LSST encourages its staff, students and visitors to engage in robust, challenging, evidence-based and civil debate as a core part of academic enquiry and wider LSST activity, even if they find the viewpoints expressed to be disagreeable, unwelcome or distasteful. The steps that LSST takes to embed this in practice are set out in Section 5 below.
- 4.2 LSST fosters an environment in which all of its staff and students can participate fully in academic life, and feel able to question and test received wisdom, and to express new ideas and controversial or unpopular opinions within the law, without fear of intolerance or discrimination. In exercising their right to freedom of speech, LSST expects its staff, students and visitors to be tolerant of the differing opinions of others. While debate and discussion may be robust and challenging, all speakers have a right to be heard when exercising their right to free speech within the law.
- 4.3 LSST will ensure that staff are able to exercise freedom of thought and expression within the law without placing themselves at risk of losing their job or any LSST privileges and benefits they have, or their likelihood reduced of securing promotion or different jobs at LSST.
- 4.4 LSST expects all staff and students to engage with intellectual and ideological challenges in a constructive, questioning and peaceful way. The right of staff and students to

freedom of assembly, and to protest against certain viewpoints, must not obstruct the ability of others to exercise their lawful freedom of speech.

5. Steps LSST takes to ensure Freedom of Speech and Academic Freedom

5.1 LSST will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, as far as reasonably practicable, freedom of speech and academic freedom within the law and the very high level of protection for the lawful expression of viewpoints and for speech in an academic context. This will include but is not limited to its:

- i. processes for course development and approval, quality assurance and academic assessment;
- ii. processes for admission of students
- iii. processes for appointment, reappointment and promotion of staff;
- iv. policies relating to equality, diversity and inclusion (including the public sector equality duty) and the Prevent duty; and
- v. codes of conduct and other behaviour policies, which will ensure no individual will be subjected to disciplinary sanction or other less favourable treatment by or on behalf of LSST because of the lawful exercise of freedom of speech or academic freedom.

5.2 LSST shall:

- i. ensure that this Code of Practice and the Policy on Events and Visiting Speakers is brought to the attention of new students at registration and of new staff during induction;
- ii. draw the attention of students and staff to this Code of Practice annually, and ensure that it is referred to in other LSST documentation as appropriate;
- iii. ensure that all relevant staff are aware of and/or receive appropriate training on freedom of speech and academic freedom;
- iv. ensure that all relevant decision-makers, in making any decision or adopting any policy that could directly or indirectly (and positively or negatively) affect freedom of speech, act compatibly with the LSST free speech duties as they apply in the relevant circumstances;
- v. periodically seek feedback from staff, students and other stakeholders to secure their views on whether freedom of speech and academic freedom at the School are being adequately protected and take the responses into account;
- vi. ensure that there are adequate measures in place to raise concerns about freedom of speech and academic freedom;

- vii. ensure that when new policies and procedures are introduced consideration is given to their impact on freedom of speech and academic freedom;
- viii. ensure that it has appropriate processes for the holding of events and meetings;
- ix. monitor any concerns that have been raised about freedom of speech and academic freedom to ensure that they are addressed so far as is reasonably practicable and to address any lessons learned and draw the attention of complainants to its processes for investigating complaints and the OfS complaint scheme as set out in section 7; and
- x. take steps to secure compliance with this Code of Practice, including where appropriate taking disciplinary action.

6. Non-Disclosure Agreements

- 6.1 LSST does not enter into non-disclosure agreements (NDAs) related to complaints about sexual misconduct, bullying or harassment.

7. Funding, Grants, Donations and Gifts

- 7.1 LSST has processes in place via its Audit Committee and Board of Governors to identify and manage any risks to freedom of speech or academic freedom arising from the terms of overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships.

8. LSST Events and Meetings – Procedures and Conduct of Attendees

- 8.1 The link to the full Policy and Process for Visiting Speakers and Events is can be found in the Annex to this Code of Practice.
- 8.2 Staff and students are encouraged to invite a wide range of speakers and to engage critically but courteously with them. This Code of Practice provides the mechanism by which LSST can cancel or impose conditions on LSST meetings or events where this action is deemed necessary as a result of the event's subject matter and/or speaker(s). This is to ensure that the use of LSST premises is not inappropriately denied to any individual or body of persons on any ground connected with their beliefs or views or the policy or objectives of a body (with the exception of proscribed groups or organisations) of which they are a member. However, all speakers should anticipate that their views might be subject to robust debate, critique and challenge.
- 8.3 The starting point should always be that the event should go ahead and that cancellation is exceptional and undesirable. Depending on the circumstances, it may however be reasonable to refuse permission for a LSST meeting or event where the School reasonably believes (from the nature of the speakers or from similar activities in the past whether held at LSST or otherwise) that:

- i. the views likely to be expressed by any speaker are contrary to the law;
- ii. the speaker is likely to incite breaches of the law or to intend breaches of the peace to occur;
- iii. the meeting will not permit contrary or opposing viewpoints to be held or expressed;
- iv. the speaker and/or the organisation they represent advocates or engages in violence in the furtherance of their political, religious, philosophical or other beliefs;
- v. the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's [list of proscribed terrorist groups or organisations](#); or
- vi. it is in the interest of public safety, the prevention of disorder or crime, the proper functioning of the School or the protection of those persons lawfully on LSST premises, that the meeting does not take place.

8.4 The lawful expression of controversial or unpopular views will not in itself constitute reasonable grounds for withholding permission for an LSST meeting or event.

8.5 Where the School is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on LSST premises is likely to give rise to disorder or threats to the safety of participants or the wider LSST community, the School shall consider what steps are required to ensure the safety of all persons and the security of LSST premises. These may include, but are not limited to:

- i. requirements as to the provision of security/stewards,
- ii. the speaker being part of a panel,
- iii. ensuring that a member of staff is in attendance, or
- iv. that the event or meeting should take place in alternative premises, at a later date, or in a different format.

8.6 LSST will impose on the organisers conditions and requirements that are reasonably necessary to address the risks it has identified. The School will only pass on the costs of security for using the premises to those arranging the relevant event or meeting in exceptional circumstances, such as where the costs are disproportionate to the numbers likely to be attending the event and the event could be held in a more proportionate way, or where the visiting speaker could reasonably be expected to have their own security because of the political or state office they hold.

8.7 Any request to a meeting or event organiser to pay security costs in exceptional circumstances will be in writing and will explain those costs and any appeal mechanism.

- 8.8 These narrow exceptions to the general principle of freedom of speech are not intended ever to apply in a way that is inconsistent with LSST's commitment to the free and open discussion of ideas.
- 8.9 Those attending events and meetings at LSST are expected to behave according to the following principles:
- i. everyone has the right to free speech within the law.
 - ii. the aim of events at the School is to expose staff and students to the widest possible range of views, within the law.
 - iii. protest is itself a legitimate expression of freedom of speech but protesters must recognise the rights of others participating in the event or meeting, and in particular not violate the rights of others to speak during the event. Protest must not shut down debate.

9. Breaches and Complaints

- 9.1 Where LSST receives a concern about the exercise of academic freedom or freedom of speech or where it has received a concern about a possible infringement or departure(s) from the values and procedures set out in this Code of Practice, it will consider which of its procedures are most appropriate to consider the concern. Such consideration may lead to further investigation in accordance with the School's disciplinary procedures (staff or student), or the LSST grievance or complaints procedures.
- 9.2 The Office for Students (OfS) is in the process of establishing a free speech complaints scheme. Under that scheme, the OfS can review complaints about free speech from, staff, applicants for academic posts and (actual or invited) visiting speakers. Information about the scheme will be made available on the [OfS website](#) in due course.
- 9.3 Students will continue to be able to use the [complaints scheme of the Office of the Independent Adjudicator \(OIA\)](#).

10. Monitoring and Review

- 10.1 The contents and operation of this Code of Practice will be periodically reviewed by the Board of Governors who will also receive a report on its operation.
- 10.2 The point of contact for any query about this Code of Practice is the LSST Prevent Lead: prevent@lsst.ac.
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Annex: Policy on Events and Visiting Speakers on LSST premises

Please see the Policy at this link: [Our policies - London School of Science & Technology](#)