



## **Policy on Freedom of Speech & Creative Expression (includes Code of Practice for the organisation of events on Art School premises)**

### **1. Introduction**

#### **1.1 Purpose of this Policy**

1.1.1 The Art School's policy on Freedom of Speech & Creative Expression articulates our commitment to protect the right of all members of our community to hold and/or express, whether by means of words or artefacts, the widest possible range of lawful opinions, views and beliefs, as is commensurate with the values of equality, dignity and respect for others which are core to our mission.

1.1.2 In addition, this document includes a Code of Practice for the organisation of events and external speakers, which contains:

- details of the steps we will take to uphold the principles of academic freedom within the law for all our students, staff, and visiting teachers and speakers
- arrangements for the safe management of meetings and events, whether they are an integral part of the day-to-day academic or administrative business of the Art School, or are public events, exhibitions or social events

#### **1.2 Audience and scope**

1.2.1 The Policy Statement should be read and understood by all members of the Art School's community. The Code of Practice (section 4 of this document) is aimed primarily towards those who organise and attend public events or who arrange guest talks and lectures, both within and outside the curriculum of programmes of study offered by the Art School.

1.2.2 All current and former students, permanent, temporary and visiting staff, trustees, and everyone who supports our work by attending our public events are expected to abide by the Policy and, where applicable, the Code of Practice.

### **2. Context and compliance**

#### **2.1 Legal and statutory context**

2.1.1 This Policy and Code of Practice have been drawn up with reference to the following legislation and statutory guidance:

- Article 10 of The Human Rights Act, which states that everyone has the right to freedom of expression including the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers
- The Equality Act 2010: in particular the Public Sector Equality Duty which requires that we have 'due regard' for the need to avoid discrimination, advance equality of opportunity and, of particular relevance here, to 'foster good relations between people who share a protected characteristic and those who do not share it'

- The Counter Terrorism and Security Act 2015, Section 26 which states that [a University] must 'have due regard to the need to prevent people from being drawn into terrorism' as well as Section 31, which states that [a University] must 'have particular regard to the duty to ensure freedom of speech'
- The 'Prevent Duty Guidance for higher education institutions in England and Wales' (November 2015), and in particular sections 7-15 on 'External speakers and Events' - with particular regard to the requirements on institutions both to have policies and procedures in place for the management of events, and also to balance [their] legal duties to ensure freedom of speech and academic freedom with the protection of students and staff welfare
- The Education (no. 2) Act 1986, which states in section 43 that all governing bodies of universities 'shall take such steps as are reasonably practical to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers', and also requires governors to issue a code of practice setting out procedures for members, students and employees in connection with the organisation of meetings and other activities on university premises and the conduct required of such persons

2.1.2 With respect to the Education (no.2) Act 1986, while the Art School is not a university it is registered with the Office for Students and our validating institutions, Ravensbourne University London (RUL) and University of the Arts London Awarding Body (UAL) are subject to its provisions. This Policy therefore takes account of the requirements of the Act in order to:

- maintain consistency with the policies of RUL and UAL for the benefit of students on our validated programmes of study
- enable compliance with the requirements of the Prevent Duty Guidance, which requires similar documentation and procedures to be in place
- share best practice with other HE Institutions

2.1.3 This Policy has also been informed by the publication by Universities UK: Freedom of speech on campus: rights and responsibilities in UK universities; and by the equivalent policies approved by the governing bodies of RUL and UAL.

## **2.2 Relationship to other Art School policies**

2.2.1 This Policy and Code of Practice should be read in conjunction with the following other Art School policies:

- Equality & Diversity Policy
- Protecting Dignity & Respect Policy
- Prevention of Sexual Harassment Policy
- Inclusive Learning & Participation Policy

## **3. Policy statement**

### **3.1 General principles**

3.1.1 The Art School promotes a culture of mutual respect for the views and beliefs of others, and actively encourages a study and work context that supports cultural and socio-economic diversity.

3.1.2 As an academic institution whose mission is education through the free expression of artistic and cultural practice, we are fully committed to upholding the principles of freedom of

thought, ideas and beliefs, together with the right both to articulate these via oral, written, made and other artistic media, and to question them by critique and debate.

- 3.1.3 We value the principle of academic freedom, which ensures that our students and staff have freedom within the law to question and test received wisdom, and to put forward their own views, without fear of jeopardising their studies or employment.
- 3.1.4 We uphold the freedom of our students and staff to use all lawful means at their disposal to conduct legitimate research in their subject areas. This includes the use of Information Technology, including unrestricted access to the internet to enable students and staff to find information, sources and inspiration for creative practice, and to the software provided by the Art School which is used to design and produce images or literature used in the creative processes.
- 3.1.5 We uphold the right of our students and staff to freedom of assembly in order to protest lawfully against views that are contrary to their own, and to use peaceful persuasion, either as individuals or as a group, in order to put forward, or promote, a contrary point of view which is also lawful.

## **3.2 Statement of obligations**

- 3.2.1 As well as protecting the principles of academic freedom and freedom of expression, the Art School is also obliged by legislation to ensure that any action, exhibited artefact, publication or speech on its premises is lawful. Under the Equality Act we must also ensure that our students, staff and visitors are not subjected to victimisation, harassment or unlawful discrimination. These obligations can on occasion conflict with others' rights to freedom of speech or expression, and we may need to adjudicate between different priorities; however, we will always make the safety of our students, staff and guests our first priority.

## **3.3 How the Art School intends to uphold freedom of speech and expression**

- 3.3.1 The Art School is a small institution where there is currently no history of intolerance, extremism or serious public disorder. We believe that being overly prescriptive in relation to activities and events undermines the spirit of trust and respect which we nurture within our community, and is ultimately counter-productive.
- 3.3.2 However, we acknowledge our obligation to ensure that only lawful activities take place on our premises and in our name, and it is our responsibility to control situations if and when they arise, according to protocols which are relevant to each case, within an agreed operational framework. This is laid out in the Code of Practice below.

## **4. Code of Practice for the organisation of events**

### **4.1 Scope**

- 4.1.1 In implementing this Code of Practice, it is not the Art School's intention to impose unnecessary procedural bureaucracy on, prevent, or delay the organisation of events. We recognise that in the majority of cases our events pose little or no risk of unlawfulness or disorder; however, we have a duty of care to all who attend or participate in our events and also an obligation to be aware, and in control of, activities which are taking place on our premises.
- 4.1.2 This Code of Practice therefore applies to the organisation and conduct of all events held on Art School premises, whether organised by the Art School or by another institution or body, and events which are organised by the Art School but take place elsewhere. The definition of

'event' includes (but is not restricted to) exhibitions, lectures, talks and social events, both those which are for internal attendees only, and those which are open to the public.

4.1.3 Where Art School events or activities take place on other premises, students and staff will also abide by the procedures for booking space and the policies, processes and arrangements of the host premises with regard to health & safety and security requirements; however, approval to hold the event itself, and for the participation of any external speaker or contributor, must still be sought via the procedures in this Code of Practice.

4.1.4 All students, staff, visiting tutors and trustees are required to abide by this Code, both in respect of the procedures for organising events, and their conduct in connection with any event or activity covered by the Code.

4.1.5 All guest speakers, exhibitors and visitors are required to abide by this Code in terms of their conduct whilst attending or participating in events held or hosted by the Art School, either on its premises or elsewhere.

4.1.6 A process flow chart is attached to this document at Appendix A.

## **4.2 Statement of intent**

4.2.1 Wherever it is reasonable to do so, the Art School will, at the request of one or more of its students, staff members or trustees, or by an accredited representative of another organisation with which the Art School wishes to collaborate, provide facilities for lawful activities and events to take place on its premises, including those with invited external speakers. A request to hold an event will not be denied on any grounds connected with:

- Beliefs or views which the individual or any member of the group making the request, or an invited speaker, may hold;
- The policy or objectives, provided they are lawful, of any organisation of which an invited speaker is a representative.

4.2.2 The Art School recognises its obligation to ensure public order and public safety, prevent unlawful activities from taking place, and to protect the rights and freedoms of students, staff, visitors and guests. We will therefore not allow an event to take place if we reasonably believe it is likely to:

- Incite a breach of the law;
- Lead to the expression of views which are contrary to the law, e.g. incite hatred, harassment or discrimination;
- Promote or support an illegal organisation including any Proscribed Organisation; or
- It is in the interests of public safety, the prevention of disorder or crime, or the protection of people lawfully on our premises, that the event does not take place.

4.2.3 In addition, the Art School will not authorise any opportunity for an external speaker to advocate engagement in violence, either through intolerance of others' rights to hold an opposing political, religious, philosophical or other opinion or belief, or in furtherance of the violent overthrow of democracy in the UK or elsewhere.

4.2.4 The likelihood that views or opinions will be expressed which some people may find controversial, offensive or distasteful, but which are not in themselves unlawful, will not be sole grounds for refusing an event (or for making its approval conditional on excluding or changing any part of its content). However, providing an opportunity to present such views does not imply endorsement by the Art School of the views expressed.

#### **4.3 Procedure for the organisation of events with external speakers which are part of normal Art School academic or administrative business and which pose no risk of unlawfulness**

4.3.1 Events covered within this part of the Code of Practice include (but are not restricted to):

- Guest lectures and talks by external artists or others, arranged as part of the delivery of the curriculum of any of the Art School's programmes of study, and already approved in principle as part of the programme or module approval or modification process
- Presentations, exhibitions and associated public events organised to showcase the work of either current Art School students as part of their programme of study, or of Art School staff
- Art School Open Days or similar events organised for recruitment purposes
- The Degree Show exhibitions or similar mid- or end of year displays for current students
- Staff development or briefing/training events with external speaker(s)
- Staff meetings with external participants

4.3.2 In the case of the events or meetings listed above, the general assumption is made that by their nature they will be conducted lawfully and responsibly in the legitimate pursuance of Art School academic or administrative business. As such, these events and meetings do not normally require formal authorisation to proceed other than a general agreement to hold such an event or meeting by those authorised to make this decision.

4.3.3 In these cases, lack of a requirement for individual formal authorisation does not preclude the Art School's normal requirements for health & safety risk assessments to be made, or its responsibility to exercise sensitivity in the presentation of any art which might disturb or offend people or groups of people.

4.3.4 The Art School's health & safety risk assessment form will be augmented by a question as to whether or not there are any potential risks relating to the Art School's 'Prevent' Duty. Any proposal which affirms a potential 'Prevent' risk must be referred by the organiser to the procedure laid out in section 4.4 below.

4.3.5 If the organiser of an event or meeting in the categories described in para. 4.3.1 has any concern that a proposed event, meeting or speaker's views may either involve, cause or provoke unlawful action; or if other members of the Art School community who are aware of the proposal have such concerns, then the Event Organiser must use the procedure laid out in section 4.4 below, to ensure that those concerns are considered fully and that any steps necessary to mitigate a risk of unlawfulness are taken.

#### **4.4 Procedure for the organisation of events which are not integral to day-to-day Art School academic or administrative business, or which are part of Art School business but may present a risk of unlawfulness**

4.4.1 Events covered by this part of the Code of Practice include (but are not restricted to):

- All one-off events, or a series of events, held under the auspices of the Art School either on its premises or elsewhere, either privately or open to the public, which is not related to the curriculum of a programme of study delivered at the Art School, and where one or more external speaker(s) or exhibiting artist(s) is invited or engaged to express her/his views, opinions or ideas
- Any meeting held on Art School premises or elsewhere, whether held privately or open to the public, involving one or more external speaker(s), which is organised by a student, a member of staff, or a Trustee, on behalf of an external group of which the organiser is a member or supporter
- Any event in the categories listed in para. 4.3.1 above which is referred to this procedure because of concerns about a risk of possible unlawfulness

- 4.4.2 All events covered by the list in para. 4.4.1 above must have a single named organiser, normally a student, an employee, or a trustee of the Art School; or an accredited representative of an external organisation with which the Art School wishes to collaborate
- 4.4.3 The named organiser will complete and submit an Event Authorisation Form, which includes an initial risk assessment, to their Head of Department, or, in the case of a corporate event, to the Director of Resources & Operations, at least 21 days before the proposed event is to take place. In the case of an application by another body to hold an event on Art School premises, the form should be sent to the Director of Resources & Operations.
- 4.4.4 If it is evident from the Event Authorisation Form that the event is of a kind where freedom of speech or related good order may reasonably be assumed, the HoD, or Director of Resources & Operations will confirm a 'low' risk assessment and authorise the event to take place (subject to availability of the necessary space, facilities and security, and any health & safety requirements).
- 4.4.5 If there is evidence from the information provided on the Event Authorisation Form that the event, or the known views of a participating speaker may present a risk of unlawful activity or disorder, the HoD or Director of Resources & Operations will make a judgement based on the information provided on the Form, and will make one of the following recommendations:
- To authorise the proposed event to take place with stipulated conditions to mitigate a perceived risk; conditions may include extra requirements such as separate authorisation for the promotional material/publicity for the event, monitoring of expected attendance numbers, relocation of the event, advance booking, provision of stewards/security, provision of a translator, restrictions on provision of alcohol etc.
  - To refuse authorisation for the proposed event on one or more of the grounds stipulated in para. 4.2.2 or 4.2.3 above
- 4.4.6 If the HoD or Director of Resources & Operations feels unsure whether the identified risk(s) are real or sufficiently serious to merit special attention, or whether the Art School's security infrastructure is suitable to mitigate them, they should in any case refer the request to the Principal along with a note of their concerns.
- 4.4.7 The Principal will make a decision on the request having taken account of the recommendation(s) and/or any further enquiries and discussions they may deem necessary with the organiser(s), the Site Manager, and/or any relevant external agencies such as the Police or the local 'Prevent' coordinator.
- 4.4.8 The Principal may also take into account representations from other individuals or groups from within the Art School community who have concerns about the proposed event, or verifiable information relating to an external speaker which raise risks which were not perceived from the information provided on the Event Authorisation Form.
- 4.4.9 The Art School reserves the right to require that the costs of any extra security presence at the proposed event be borne by the organiser(s).
- 4.4.10 The Principal will communicate the decision within 7 days to the originating HoD or Director of Resources & Operations, who will inform the Event Organiser as soon as possible of the decision and explain any conditions that may be attached to an authorisation to proceed. If the decision has been made that the event should not take place, the Event Organiser will be given the reason(s) and informed of their right to request a review of the decision.
- 4.4.11 It is the responsibility of the Event Organiser to ensure that any conditions attached to the authorisation are complied with, and it is the responsibility of the relevant HoD or Director of Resources & Operations to monitor compliance and report any non-compliance to the Principal.

## **4.5 Appeals and reviews**

- 4.5.1 An Event Organiser may request a review of a decision not to authorise an event to take place. This may be referred back to the Principal or to a member of the Board of Trustees.
- 4.5.2 The Principal may withdraw authorisation for an event at any time if:
- Any of the conditions attached to an authorisation are not complied with
  - They have reasonable grounds for believing that there is likely to be a breach of the law if it goes ahead
- 4.5.3 The Principal may take into account advice received from the Police or any other authorised body such as the 'Prevent' coordination team, and also representations from others with concerns or information which had not previously been known when the authorisation was originally granted.
- 4.5.4 The Event Organiser must inform the relevant HoD or Director of Resources & Operations immediately in the event that an approved speaker is changed or replaced, or if there are other material changes to the arrangements for the event. In such cases the HoD or Director of Resources & Operations will conduct a quick review of the new information and either sign off the change(s) or refer the matter to the Principal for review if their assessment of the risk has changed as a result of the alteration(s) to the event.

## **4.6 Personal conduct at events**

- 4.6.1 Everyone who organises, attends and/or participates in Art School events held either on Art School premises or elsewhere (including online), has a duty to uphold the values and principles laid out in this Freedom of Speech & Expression Policy, as underpinned by our policies on Equality & Diversity, Protecting Dignity & Respect, Prevention of Sexual Harassment, and Inclusive Learning & Participation.
- 4.6.2 The Event Organiser (or their nominee) should attend the event and, along with the person running or chairing it (if applicable and different), must take all reasonable steps to ensure that the audience and the speaker act in accordance with the law throughout the event or meeting.
- 4.6.3 It is also the responsibility of the event organisers to ensure that no articles or objects which are likely to lead to injury, damage, or breach of the law, are allowed inside the event or meeting venue.
- 4.6.4 The Art School does not permit gender segregation except where it is purely for the purpose of religious worship. Segregation of any groups entering, attending or leaving a private or public event covered by this Code will not be allowed.
- 4.6.5 It is not the intention of this Code to prevent spontaneous criticism or the heckling of speakers; however, systematic or organised attempts to disrupt and prevent the lawful expression of views, whether spoken or artistically presented, are contrary to this Code.
- 4.6.6 The Art School reserves the right for a senior member of staff to attend any public event organised on its premises, who will have the power to bring the event, meeting or activity to an end if there is reason to believe that continuation will lead to unlawful or unsafe activity, or in order to protect students, staff, or visitors from harm.

## **5. Compliance**

## **5.1 Breaches of the Policy or Code of Practice**

- 5.1.1 Failure to comply with either the Policy or the Code of Practice may result in student or staff disciplinary procedures.
- 5.1.2 Breaches of criminal law, including the use of our IT facilities to produce unlawful images or literature with intent to incite hatred, will be dealt with by the Police or other authorised body, and the Art School will assist with any police enquiries as appropriate. In the event of the criminal prosecution of any student or staff member, any disciplinary proceedings will be suspended pending the outcome of the criminal proceedings.
- 5.1.3 The Principal has the power, under the appropriate Regulations, to suspend, on the advice of the Director of Resources & Operations any student or staff member whose behaviour at an event is suspected to be unlawful, and/or contravenes an Art School policy or this Code of Practice to an extent that it constitutes gross misconduct, pending an internal investigation under the disciplinary regulations.
- 5.1.4 A breach of this Code may also result in:
- An external speaker or visitor being excluded from Art School premises for a specified period
  - The Event Organiser being banned from arranging future events for a specified period

## **6. Monitoring, reporting and review of this Policy and Code of Practice**

### **6.1 Record keeping**

- 6.1.1 The Art School will ensure that records are kept of all formal requests for event authorisation in accordance with the Data Protection and Freedom of Information Acts, and that they are archived and disposed of in accordance with the Art School's Record Retention Schedule.

### **6.2 Reporting requirements**

- 6.2.1 The numbers and types of events which are authorised, authorised with conditions, and not authorised, together with the outcomes of any appeal against the decision of the Principal, will be submitted to the Board of Trustees on an annual basis.
- 6.2.2 Records of authorisation may be provided to the Police in pursuance of a criminal investigation.

### **6.3 Review of the Policy and Code of Practice**

- 6.3.1 This policy and code of practice will be reviewed formally by the Board of Trustees every 5 years. In addition, it will be subject to annual review by the Director of Resources & Operations to ensure that any changes to legislation or institutional need are incorporated in a timely way, with any changes reported to the Board of Trustees.

This Policy was last approved by the Board of Trustees on the recommendation of the Academic Board in May/June 2022 and will next be reviewed in the 2026/27 academic session



**Appendix A – Flow chart showing the authorisation process for extra-curricular and/or potentially controversial Art School events**

