



Freedom of Speech Policy

London Campus

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Introduction

This policy supports Office for Students (OfS) Condition E1 by promoting an environment where diverse views can be shared respectfully.

“Universities have an important role to play as places of debate and discussion where ideas can be tested without fear of control, where student learn to challenge ideas and think for themselves, and where the pursuit of knowledge is underpinned by rationality”

Freedom of speech on campus: rights and responsibilities in UK universities (Universities UK, 2011)

Education (No. 2) Act 1986, Section 43 requires universities and colleges to ‘take such steps as are reasonably practicable’ to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers. We also have a duty to ensure that freedom of expression does not break the law or breach the legal rights of others. Moreover, there are specific pieces of legislation, including, the Human Rights Act 1998 and the Equality Act 2010, that protect freedom of speech as well as the rights of those who consider themselves directly or indirectly affected by the speech or actions of others.

ESCP Business School ensures that freedom of speech within the law is secured for its members, students and employees, and visiting speakers. This includes ensuring, so far as is reasonably practicable, that use of its premises is not denied to any individual or body on the basis of their lawful views, beliefs, or objectives, in accordance with the statutory duty to actively promote freedom of speech.

The Freedom of Speech Policy reaffirms our commitment to upholding freedom of expression while balancing it with our legal obligations and community standards.

Scope

School's code of practice sets out the procedures to be followed by members, students and employees of ESCP Business School. This code of practice includes but is not limited to the organisation of meetings and activities taking place on its premises, which fall within any class specified in the code.

This policy applies to all members, students, employees, and visiting speakers of ESCP Business School and covers any events, meetings, or activities (both on-site and online, where relevant) where freedom of speech is engaged. Please note that this policy should be read in conjunction with the Academic Freedom Statement of the school.

Principles

ESCP Business School believes that an atmosphere of free and open discussion is essential to its life and work. Such an atmosphere can be achieved only if all concerned behave with necessary tolerance and avoid needlessly offensive or provocative action and language. Such an atmosphere requires that lawful speech be protected even where it may be controversial or offensive to some, in line with statutory freedom of speech duties. ESCP Business School is, however, not obliged to admit members of the public to talks taking place on its premises

and must take account of other legal obligations which may require it to have regard to what is said on its premises. Speakers whose expression constitutes incitement to violence, racial hatred, terrorism, or other unlawful activity fall outside the protection of this policy and relevant laws.

Procedures

The School lays down the following code of practice, the terms of which must be followed by its members, students and employees in respect of:

- a) Such meetings or other activities to take place or taking place on ESCP Business School premises where there is a real likelihood that the speaker may not be able to enter or leave the building freely and safely and/or to deliver his or her speech properly and fully (hereinafter referred to as 'specified events');
 - i. the conduct required of all persons in connection with such specified events;
 - ii. any other related or ancillary matters which the ESCP Business School Senior Management Team from time to time declares to fall within the code.
- b) Where there is uncertainty, the UK Director of Student and Academic Services (DSAS) shall determine, with reference to this policy and in consultation with legal advisors if necessary, whether an event constitutes a "specified event". It shall be the responsibility of the DSAS to take such steps they may consider desirable to ensure compliance with this code of practice. Appeal against any decision of the DSAS taken under the terms of this code may be made to the Director, whose decision shall be final.
- c) All persons within ESCP Business School who have a responsibility for the use of premises, including but not restricted to the Dean and Directors shall be responsible for reporting to the DSAS any proposed use of premises which may constitute a specified event.
- d) The organisers of any specified event shall ensure that a single person is appointed as principal organiser for the event. The principal organiser of such an event shall ensure that at least four weeks prior to the event notice of the proposal is given to the Events Manager who will check and send on to the DSAS for final approval. Such notice shall contain a written statement of the name of the speaker, the name of the body arranging the event, the subject of the address, the precise timing of arrival and departure of the speaker and the proposed location of the event. Failing such notice, the event shall not be permitted to take place on ESCP Business School premises.
- e) Within seven days of receiving such notice the DSAS shall notify the principal organiser via the Events Manager that permission is or is not granted for the use of ESCP Business School premises as proposed for the conduct of the specified event. The DSAS may lay down such conditions as they consider reasonably necessary to secure fulfilment of ESCP Business School's responsibilities concerning the protection of free speech within the law.

f) The principal organiser and every other person concerned with the organisation of a specified event for which permission has been granted shall be required to comply with all conditions laid down by the DSAS for the conduct of the event under the provisions of this code.

Such conditions may include but shall not be limited to:

- Method of advertising the event/talk
- Provision of means of identity by those attending
- attendance of security staff
- presence of specified senior members of ESCP Business School if required
- the refusal of admission of press, radio or television to the event

In addition, the DSAS shall have discretion to lay down further conditions, if appropriate, after discussion with the Police. The DSAS may arrange for ESCP Business School staff to be responsible for all security arrangements connected with the event and may appoint a member of staff as 'duty manager' for the occasion. If not satisfied that adequate arrangements can be made to maintain good order the DSAS may refuse or withdraw permission for the meeting or activity. Such a step would normally only be taken on the advice of the Police.

g) Organisers have a duty to see that nothing in the preparation for or conduct of a specified event infringes the law, e.g. by conduct likely to cause a breach of the peace or incitement to illegal acts.

h) The Organiser of a specified event has a duty as far as possible to ensure that both the audience and the speaker act in accordance with the law during the meeting. In case of unlawful conduct, the Organiser is required to give appropriate warnings and, in case of continuing unlawfulness, to require the withdrawal or removal of persons concerned by security staff, or to close the meeting. The DSAS, or the 'duty manager' on the DSAS's behalf, shall have authority to overrule the Organiser's discretion and to close the meeting if he or she considers it necessary.

i) The DSAS may appoint a designated member of his or her staff to act on his or her behalf at any or all stages of this code of practice.

j) Non-compliance with this policy by staff, students or visitors may result in disciplinary action and, where appropriate, referral to external authorities.

Complaints

If a member of staff, student, or visiting speaker believes that their lawful right to freedom of speech has been unduly restricted, they may submit a complaint through the Student Complaint Procedure, or Staff complaints procedure.

Additionally, if such actions involve breaches of the law, ESCP Business School will be ready to assist the prosecuting authorities to implement the processes of law.