

LONDON SCHOOL OF THEOLOGY
LST Freedom of Speech and Academic Freedom Policy

Group responsible:	Executive Team
Executive Member/ Governor responsible:	Principal
Individual responsible:	Principal
Date last approved:	November 2023
To be reviewed in consultation with the Organisational Group:	Every 36 months
Date of next review:	November 2026

A. Introduction and Purpose

1. 'Freedom of expression is a key part of the higher education experience. Sharing ideas is crucial for learning, and allows students to think critically, challenge and engage with different perspectives.'¹
2. The London School of Theology (LST or the School) endorses and adopts the principle of freedom of speech or expression within the Christian community and within the law as one of the cardinal principles upon which all Christian communities and institutions of learning should be founded.
3. LST has regard to the need to ensure that faculty members have freedom within the law to question and test received wisdom, and put forward and publish new ideas and controversial or unpopular opinions, without risking their employment or any privileges related to their employment by the School.
4. In adhering to this policy LST seeks to ensure that the upholding of the principles of freedom of expression are balanced with the need to protect the welfare of both staff and students, and to protect the School's reputation.

B. Framework

This policy is framed within four key contextual obligations.

1. Legal context
 - a. *The Education (No. 2) Act 1986* (section 43[1]) requires the School to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers.
 - b. *The Higher Education and Research Act 2017* (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS's regulatory framework. Under the framework the governing bodies of registered universities and colleges should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.'² HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.
 - c. *The Education Reform Act 1988* (section 202), reinforced by the *Higher Education and Research Act 2017*, makes clear that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions.

¹ Equality and Human Rights Commission: Freedom of expression: a guide for higher education providers and students' unions in England and Wales.

²HERA, cited in *Office for Students: Advice and guidance – Freedom of Speech*.

<https://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/freedom-of-speech/what-should-universities-and-colleges-do/>

- d. *The Public Order Act 1986* creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.
 - e. *The Protection from Harassment Act 1997* creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
 - f. *The Human Rights Act 1998*, in particular Article 9 (freedom of thought, conscience and religion); Article 10 (freedom of expression); and Article 11 (freedom of assembly and association).
 - g. *The Equality Act 2010* requires the School, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between different groups.
 - h. *Statutory Guidance: Revised Prevent duty guidance: for England and Wales*, which offers guidance on the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.
 - i. *Office for Students: Prevent duty monitoring in higher education in England Supplementary information note (12 September 2018)*, providing information for higher education providers on their implementation responsibilities under the Prevent duty.
 - j. *Office for Students: Prevent duty: Framework for monitoring in higher education in England 2018-19 onwards (12 September 2018)*, sets out how the Office for Students will monitor providers' implementation of the statutory 'Prevent duty' in the higher education sector in England.
2. Christian context
 - a. This policy is to be read in the context of the Christian obligation to love one another. This obligation is expressed in such biblical passages as Romans 12.10 ('love one another with mutual affection; outdo one another in showing honour'); Galatians 5.13 ('For you were called to freedom, brothers and sisters; only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another'); 1 John 3:18 ('let us love, not in word or speech, but in truth and action').
 - b. As LST is an evangelical Christian institution of Higher Education, this policy is adopted in the context of its evangelical Doctrinal Basis.
 3. Academic context
 - a. In the context of the academy the obligations placed on the individual include, but are not limited to, truthfulness, the duty not to conceal evidence but to report all the relevant evidence.
 - b. The obligations on the institution is to enable free enquiry and free speech.
 4. LST Policies

This policy is to be read in compliance with other LST policies:

 - a. ABC of LST 2019 - 2020
 - b. Academic Misconduct Procedure
 - c. Content Filtering Policy
 - d. Disciplinary Procedure
 - e. Doctrinal Basis
 - f. External Speaker Code of Conduct
 - g. External Speaker and Event Policy
 - h. External Speaker Referral Process
 - i. Grievance Procedure
 - j. Information Technology Policy

- k. Research Ethics Policy
- l. Student Academic Complaint Policy and Procedure

C. Principles

This policy is underpinned by the following core principles:

1. Everyone has the right to freedom of speech or expression within the law and under God.
2. Everyone is obligated to seek and disseminate all relevant evidence and what is understood to be true.
3. Any act or expression respectfully takes into account the impact on those who experience it.
4. Effective education and research take place in an environment that encourages gracious, honest, wide debate and challenge.
5. Any decision regarding speakers and events seeks to promote and protect academic freedom and the right to freedom of expression.
6. Peaceful protest is a protected form of expression. However, protest should not be allowed to inhibit debate or infringe the rights of others.
7. Freedom of speech or expression is not abused for the purpose of unchallenged hatred or bigotry.³

D. Scope

1. The rights and obligations of this policy apply to:
 - a. Company members,
 - b. members of the Board of Trustees,
 - c. employees,
 - d. enrolled students, whether on campus, online, full time or part time,
 - e. visiting speakers and
 - f. persons invited to or otherwise lawfully on the premises.
2. This policy does not remove the obligation on employees to act at all relevant times in accordance with the School's employer policies.
3. Nothing in this policy shall be deemed to affect the rights of any person taking any steps pursuant to lawful industrial action or peaceful protest.
4. It shall be contrary to the policy to seek, by systematic or organised heckling, disruption or like activity, to prevent the lawful expression of views in accordance with this policy.
5. It is the responsibility of all those within the scope of this policy to comply with this policy and exemplify the behaviours given in its Code of Practice below.

E. Definitions

1. Freedom of Speech (or Expression)
 - a. Freedom of speech as defined under the Human Rights Act 1998 refers broadly to the rights of all people 'to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers'.
 - b. Within the context of higher education the School interprets this right as being able to 'express, encounter, negotiate and enjoy difference in a climate of respect and learning'.
 - c. The right to freedom of expression is a qualified rather than an absolute right which means that the rights of the individual must be balanced against the interests of the immediate community, the evangelical Christian community and society at large.
 - d. In LST this right operates in the context of the law and the values of our society. It is limited, therefore, for example, by the laws to protect others from violence, bullying, hatred and discrimination, to protect national security and public safety, for

³ Cf. the Equality and Human Rights Commission: Freedom of expression: a guide for higher education providers and students' unions in England and Wales.

the prevention of disorder or crime, to protect health or morals, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence.

- e. In LST the right to free speech also operates in the context of the values of a Christian community. It is limited, therefore, by the Christian loving concern for one's friends and enemies, and for the wellbeing of others, in or out of the School community.
 - f. Freedom of speech or expression does not protect statements or acts that constitute unlawful harassment or incite violence or hatred against other persons and groups, particularly by reference to their colour, race (including language, national origin or immigration status), religion or belief, sex or sexual orientation, age, disability or gender reassignment.
2. Academic Freedom
- a. In line with the definition of Academic Freedom established by the Education Reform Act 1988, the School ensures that those covered by the scope of this policy are free to:
 - i. question and test received wisdom
 - ii. put forward new ideas and controversial or unpopular opinions without fear of legal or disciplinary action
 - iii. conduct and publish research and
 - iv. participate in professional and representative bodies.
 - b. The School considers academic freedom fundamental to the development of its academic community, policies and teaching strategies, reflecting the mission of higher education to enable the advancement of new ideas within an environment where free and objective debate can take place.
 - c. As a higher education provider in the UK the School actively seeks to fulfil its obligations to Jesus and his church, and to the law of the Land, to inculcate in its students values conducive to living at peace with one another in society and the value of healthy scepticism, critical and introspective thinking, rational methodologies, understanding of history, and media and internet literacy.
 - d. The right to academic freedom is a qualified rather than an absolute right which means that the rights of the individual must be balanced against the interests of the immediate community (see B. Framework 4 above), the evangelical Christian community and society at large.

F. Code of Practice

- 1. In the exercise of academic freedom, all Company members, members of the Board of Trustees, staff, students, and any external third parties contributing to the delivery of learning opportunities at the School are expected to exemplify the following behaviours:
 - a. to be objective and open to new ideas and opinions;
 - b. to ensure academic debate is guided by rational, gracious enquiry and supported by sound and reliable evidence;
 - c. to have regard for appropriate ethical considerations when conducting research;
 - d. to differentiate clearly one's personal beliefs from objective academic observations and judgments;
 - e. to challenge views in a way that is caring and not harmful to others or to the reputation of the School or disruptive to teaching, and discussion;
 - f. to refrain from all forms of discrimination or exclude others from academic activity whether on grounds of gender, racial background, sexual orientation, age, disability, religious belief, marital status, caring responsibilities or any other personal characteristics;

- g. to be respectful to the personal beliefs, cultural attitudes and opinions of others, and not to cause unnecessary distress in the expression of contrary ideas and opinions;
 - h. not to attempt to impose ideas or a set of beliefs on others;
 - i. to listen and take account of views and arguments contrary to one's own beliefs and opinions, whether these be personally or institutionally held;
 - j. to ensure that professional or academic activities do not conflict with applicable laws and statutes; and
 - k. if communicating in public, staff and students are to indicate clearly that they are not communicating on behalf of the School unless expressly authorised to do so.
2. All teaching members of staff are annually to sign their assent to the Doctrinal Basis of LST.
 3. The School is committed to resolving problems and controversies by the method of rational discussion. Acts or threats of physical force or disruptive acts which interfere with campus activities, freedom of movement on the campus, or freedom for students to pursue their studies are the antithesis of academic freedom and will not be tolerated by the School.

G. Breaches

1. Alleged breaches of this policy are to be reported to the appropriate line manager.
2. The School will ensure that no member of staff, governor, student or third party will be treated less favourably by the School when they raise concerns about freedom of speech or academic freedom within the scope of this policy, where such matters are raised in good faith.
3. The School takes all such disclosures seriously and will investigate in accordance with the appropriate policies and procedures.
4. Any breach of the provisions of this policy may render those responsible liable to disciplinary action under the relevant School disciplinary procedure or other appropriate policy.
5. Where breaches of the law occur, the School shall, where appropriate, report the act to the police and assist prosecution authorities to implement the processes of the law.

[end]