

# Sotheby's INSTITUTE OF ART

## Freedom of Speech Code of Practice

### 1. Scope and purpose

- 1.1. This policy sets out the Sotheby's Institute of Art – London's (SIAL) duty towards freedom of speech in relation to meetings and events held on SIAL's premises.

### 2. Fundamental principles

- 2.1. The statutory duty upon universities and higher education institutions to ensure freedom of speech is described in three pieces of legislation:
  - 2.1.1. Section 43(i) of the Education (No 2) Act 1986 lays upon universities the responsibility to 'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the Establishment and for visiting speakers'.
- 2.2. SIAL will not, therefore, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies.
- 2.3. Article 10 of the Human Rights Act 1998, states that everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are proscribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary
  - 2.3.1. The Equality Act 2010 covers the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation.
- 2.4. The associated public sector equality duty requires universities, in the exercise of their functions, to have due regard to the need to:
  - eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act;
  - advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it;
  - foster good relations between people who share a relevant protected characteristic and those who do not share it.
- 2.5. The Counter Terrorism and Security Act 2015 means the SIAL *must have due regard to the need to prevent people from being drawn into terrorism* (Section

26). The Institute must also *have particular regard to the duty to ensure freedom of speech and to the importance of academic freedom* (Section 31). Under Section 29, the Institute must *have regard to any such guidance in carrying out that duty*.

- 2.5.1 SIAL complies with this duty in all its aspects, which in practice means striking the correct balance between concerns around extremism and concerns around censorship. By promoting its Institutional values, SIAL aims to address this challenge. Compliance with the duty covers many areas of activity, including pastoral support for students, staff training, information sharing and assessing speakers and events. In assessing speakers for any event associated with SIAL, note will be taken of the Government's list of terrorist groups or organisations banned under UK law and details of the proscription criteria.
- 2.6. This policy applies to all students, staff, and members of SIAL's Governing Body, and visiting speakers across all SIAL premises or any venues used for SIAL activities.
- 2.7. SIAL is committed to the principles of academic freedom, freedom of speech, and expression. It fosters an environment where all its students and staff can participate fully in the life of the Institute, and where everyone feels confident and able to research, question and test received wisdom, and to express new ideas and controversial or unpopular opinions, without fear of isolation, marginalisation or discrimination. The Institute believes that all staff and students should have the right to speak freely, without fear of disciplinary action or any other sanction, provided they do so lawfully, without malice and in the public interest. At the same time, all staff have a responsibility not to abuse this right so as to bring the name of the Institute into disrepute, nor as an alternative to agreed complaints and grievance channels.
- 2.8. With this in mind, we believe that the exposure of students to course materials, and statements made and views expressed by a person as part of teaching, research or discussions about any subject matter that is connected with the content of their course, are unlikely to constitute harassment.
- 2.9. The Director and members of the Governing Body have a responsibility to maintain good order on SIAL premises. They have both the right and the power to regularise and if necessary to impose conditions or restrictions upon the conduct of meetings and other activities upon their premises or any venues used for SIAL activities. They are also responsible for ensuring that the study by students at the Institute is not interrupted, that property is not damaged and that good order and proper academic discipline is maintained.

### **3. Scope**

- 3.1. Sotheby's Institute of Art – London's Freedom of Speech Code of Practice sets out the rights and obligations inherent in supporting the principle of freedom of speech and expression within the law. The Code's obligations and rights apply to:
- SIAL (which includes all bodies or persons having authority to determine any matter relevant to this Code)
  - All members of the Governing Body and staff of the Institute
  - All students of the Institute

- Any visiting or guest lecturers invited by the Institute
  - Any alumnus invited by the Institute
  - Any person or organisation wishing to hire premises controlled by the Institute for an event.
- 3.2. In relation to the holding of any events on premises controlled or hired by SIAL, the Code of Practice's rights shall also apply to:
- Persons invited or otherwise lawfully on the premises for the purposes of the event
- 3.3. Subject to 3.1 above, those who are under a duty to observe and uphold the principle of freedom of speech within the Institute shall do so at all times, irrespective of whether or not they are on property owned or controlled by the Institute.
- 3.4. Activities covered by SIAL's Freedom of Speech Code of Practice include:
- Meetings, lectures, talks, seminars, tutorials, classes, short courses, conferences, other teaching or informative activities of a similar nature
  - Stage plays, cinematic or video film showings, music concerts, literary readings
  - Demonstrations, processions, pickets.

#### **4. Conduct of SIAL students and members of staff**

- 4.1. SIAL expects students, staff, members of the Board of Governors and visitors to ensure that freedom of speech within the law is assured. A member of staff or student at the Institute who organises a meeting or other activity on SIAL premises shall be responsible to ensure, as far as is reasonably practicable, that such a meeting or activity is conducted in a manner to maintain good order and academic discipline and shall not involve or lead to damage to property, harassment of others or an infringement of the law.
- 4.2. Members of staff and students at the Institute are required to ensure that they do not wilfully engage in conduct which prevents, obstructs or disrupts the holding or orderly conduct of any authorised meeting or other lawful activity which takes place on SIAL premises.

#### **5. Meetings or other activities organised by a member staff or students of the Institute**

- 5.1. The Institute will allow all meetings and activities organised by a member of staff or students at the Institute to proceed unless it has reasonable grounds for believing that:
- the event is likely to give rise to a breach of Institute discipline or of the peace; or
  - that the event is likely to incite those attending to commit a criminal act; or
  - there is a genuine likelihood that the speaker may not be able to enter or leave the building safely and/or deliver his or her speech; or
  - the event will be in direct support of an organisation whose aims and objectives are illegal or of doubtful legality or lead to the expression of views contrary to the criminal law; or

- The event will put the Institute in breach of its obligations under the Prevent Duty to prevent people from being drawn into terrorism.
- 5.2. Any meeting or other activity which is described above shall fall within the requirements of this policy.
  - 5.3. If the Institute becomes aware of any proposed meeting or activity which it has reason to believe falls within the provisions of the above and the requirements of this policy have not been observed, then SIAL shall be entitled to prohibit such meeting or activity.
  - 5.4. SIAL shall be entitled to impose such conditions on the holding of all meetings and activities on Institute premises, or premises hired in the name of the Institute, as it considers reasonably necessary to secure fulfilment of the Institute's statutory responsibilities concerning the protection of freedom of speech within the law. This also applies to SIAL's obligations concerning the preservation of property and protection of participants.

## **6. Procedures for events involving external speakers**

- 6.1. The following procedures must be followed by members of staff or students at the Institute in respect of:
  - meetings or other activities which are to be held on Institute premises falling within the class of meetings as defined above; and
  - the conduct required of all persons in connection with any such defined meeting or activity; and
  - any other related or ancillary matters which the Institute from time to time declares to fall within this policy.
- 6.2. Infringements of, or departures from, these procedures in whatever respect will render those responsible subject to disciplinary proceedings. In addition to disciplinary proceedings, breaches of the law may give rise to prosecution.
- 6.3. The Institute, in laying down the procedures, authorises the Director to appoint an officer who shall act on its behalf to ensure as far as is reasonably practicable that all members of staff and students at the Institute and visiting speakers comply with the provisions of this policy.

## **7. Meetings and activities on SIAL premises organised by students or members of staff at the Institute**

- 7.1. This section applies to any meetings or activities organised by a student or member of staff at the Institute which fall under this policy, as defined above. Those proposing to run an event and are concerned that it may fall under this policy should contact the Institute's Head of Quality in the first instance.
- 7.2. The organisers of any such event shall ensure that a student or member of staff at the Institute is appointed as first point of contact for the event.
- 7.3. The person appointed as first point of contact shall be responsible for the booking and control arrangements and conduct of the events including stewarding and moderating, chairing, monitoring and entry, and risk assessment.

- 7.4. The person appointed as first point of contact for such an event shall ensure that at least ten working days before the date proposed for the event, notice of the proposal is given to the Head of Quality (or nominee). If the notice is received within the ten working day period, consideration of its acceptance is subject to the discretion of the Head of Quality in consultation with academic and facilities management. Such notice shall contain a written statement of the name of the speaker, the subject of the address and the precise timing of the arrival and departure of the speaker. If a student or member of staff at the Institute believes that an event they are organising poses a risk under this policy, they are required to refer the matter in the first instance to the Head of Quality (or nominee). No advertising of the event is permitted until a decision is reached on its compliance with this policy.
- 7.5. Within five working days of receiving such notice the Head of Quality (or nominee) shall issue a written statement which shall either grant or withhold permission for the use of SIAL premises for the conduct of the event. In the absence of the issue of a written statement within the said period permission shall be deemed to have been withheld.
- 7.6. The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal. Reasonable grounds for refusal would include: incitement to commit a criminal act; unlawful expression of views; support for an organisation whose aims are illegal; the creation of an environment likely to give rise to a breach of the peace.
- 7.7. The Head of Quality (or nominee) may require the organisers to put in place safeguards such as extra security or a strong and well-informed Chairperson with the power to intervene or close the event down if there is a breach of this policy. They will also require the organisers to record the event (e.g. with appropriate AV equipment), so there is no dispute afterwards about what was said by whom. The organisers of the event will be responsible for any extra expense incurred.
- 7.8. Any permission may be granted subject to such conditions as the Head of Quality (or nominee) considers reasonably necessary to secure fulfilment of the Institute's statutory responsibilities concerning the protection of freedom of speech within the law.
- 7.9. The person appointed as first point of contact and every other person concerned with the organisation of any event for which permission has been granted shall be required to comply with any and every condition laid down by the Head of Quality (or nominee).
- 7.10. The Chairperson (or if none, the organiser) of the event has a duty so 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 Chairperson or organiser as above is required to give appropriate warnings, and in case of continuing unlawfulness, to require the withdrawal or removal of the persons concerned by the stewards or security staff.
- 7.11. In addition to any conditions which may be imposed in accordance with Clause 7.8 above, the appointed officer may at any time prior to or during the course of the event impose such further conditions as he or she may, in his or her absolute discretion, consider necessary or appropriate, including consultation with the police.

After such consultation, the event may be required to be declared a public event so that the police may be present. The appointed officer may arrange for SIAL staff to be responsible for all security arrangements connected with the event and appoint a member of staff as controlling officer for the occasion. If not satisfied that adequate arrangements can be made to maintain good order he may refuse or withdraw permission for the event. Such a step would normally only be taken on the advice of the police.

- 7.12. Appeals against the rulings of the Head of Quality (or nominee) may be made to the Director whose decision shall be final but must be reported to the next meeting of the Governing Body.

## **8. Hire of premises by external organisations**

- 8.1. SIAL will decide on the letting of Institute premises to external organisations. It will take into account the factors set out above and the domestic circumstances of the Institute.
- 8.2. SIAL may impose such conditions on such lettings as it shall think the circumstances warrant including those referred to in the Policy above and including restriction on the number of persons from outside the Institute who shall be allowed into the Institute.
- 8.3. The Institute authorises the Director to appoint an officer who shall act on its behalf to implement the provisions of these clauses.
- 8.4. Any person or body hiring SIAL premises shall be responsible for taking such steps as are reasonably practicable to ensure that Freedom of Speech within the law is secured for persons attending or speaking at any meeting or other activity held on SIAL premises, pursuant to this clause. The hiring conditions for the Institute's premises shall make this clear.

## **9. Breaches of the Code of Practice**

- 9.1. Any breach of the provisions of this Code of Practice shall be punishable under the appropriate SIAL Disciplinary Procedures where applicable.
- 9.2. It shall be the duty of all those subject to this Code of Practice to assist the Institute in upholding the rights of freedom of speech set out in this Code.
- 9.3. Where a breach of this Code of Practice occurs, it shall be a duty of all to whom this Code of Practice applies to take all reasonable steps to secure the identification of persons involved in that breach.
- 9.4. Where breaches of the criminal law occur, SIAL will, where appropriate, assist the Police and the Crown Prosecution Service. In respect of any criminal charges, the Institute, will not, unless the Director and Governing Body determines otherwise, proceed with any disciplinary proceedings in respect of the same matters, until the conclusion on any ongoing criminal proceedings.

<b>Title</b>	Freedom of Speech Code of Practice
<b>Date first implemented</b>	2019
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