

4 July 2019

I am writing this letter to the entire King's College London community in my role as Acting Principal.

Many of you will be aware that during the official opening of Bush House in March, a number of King's students were denied access to our campus. They were shocked by this, as were many others. At King's we hold ourselves to the highest standards and ethical values and we set up an independent review to understand how the decisions to deny access were made and to examine their compliance with our policies and processes. Today, we are publishing this report.

The report has been uncomfortable to read. It makes it clear that the actions we took with respect to our students were wrong and did not meet our values. We accept its findings and recommendations in full and are putting in place a plan to address all the issues that have been raised.

It is also clear how the decisions taken in the run up to and on the 19th March have hurt our community. On behalf of the Principal and the entire leadership team, I want to apologise wholeheartedly.

The report shows that we need to take some actions to ensure that the values we uphold are applied consistently across our organisation. While individuals are identified, they should not be singled out as those who were solely responsible; as such we will be looking at the systemic underlying issues that we need to address at King's going forward.

Our core purpose during any event at the university is to ensure that free and respectful dialogue can take place. On this occasion, we let our community down by denying access to a small number of students without following the appropriate process. This was not a minor episode. While the report does not suggest it, we accept that some interpreted the actions that were taken on the day as racial profiling. This was not the case and I want to reiterate that discrimination on any grounds is unacceptable and is damaging to our community.

It is not just our students who were impacted. We also let down our frontline staff, those who do the difficult job of looking after us every day. The report identifies the significant pressure placed on key individuals and their teams at high profile events such as the Bush House opening. We need to make sure we are giving them the support they need to do their jobs professionally and in line with our shared values.

One of the findings of the report is that we have breached our own policies regarding protection of personal information and the GDPR regulations. Following the event, we informed the Information Commissioner's Office (ICO) that we were undertaking this review. We have now shared the report with them and await their response. The report also contains recommendations about our security arrangements which we will follow as we bring our operations in house and a new Head of Security joins us.

Over the coming weeks, I will be consulting with the King's community to develop detailed plans and actions to implement the recommendations set out in the report. Our aim is to have a plan ready by mid-September 2019 which we will also make public.

How we come together to respond to this report is a critically important moment for our institution. I hope it will demonstrate the best of King's. If you wish to speak to me or my colleagues about any aspect of this report, please contact principal@kcl.ac.uk.

A handwritten signature in dark ink, appearing to be 'EW', followed by a long horizontal line extending to the right.

Professor Evelyn Welch
Acting Principal

Report of a review of security arrangements for the opening of Bush House, 19th March 2019

Laura Gibbs

June 2019

Executive summary

“[...] I have spoken forcefully and frequently about the importance of free expression, open discourse, and ongoing intellectual challenge as a necessary foundation for a truly empowering education.[...]Students, particularly, need and deserve an opportunity to develop the intellectual skills and habits of mind derived from such an education.[...]Failing to provide an education of deep intellectual challenge supported by an environment of free expression is selling students short and would fail to live up to our highest aspirations as educators.”

Robert J Zimmer, President, The University of Chicago

The right to free speech and protest are enshrined in Articles 10 and 11 of the Human Rights Act. The Education Act 1986 places a legal duty on universities to take ‘reasonably practicable’ steps to ensure freedom of speech within the law. Freedom of speech and protest are closely linked, free speech would mean nothing if there was no right to make your views known. University is where students have the opportunity to explore and challenge their ideas and beliefs and at times this may mean pushing at or breaking the bounds of acceptable behaviour.

Freedom of expression is one of the guiding principles of the King’s College London 2029 strategy and King’s can rightly be proud of the very public commitment they have taken to uphold these freedoms.

The university campus plays a critical role in the education experience of all students. At a practical level it provides a place to study and socialise, but more critically it provides a safe space to explore ideas and experience a wide range of beliefs, for individuals to work out who they are and what they stand for. For many students it may also provide a safe haven from outside pressures, not just a home from home but a refuge. It is also the work place for a large number of staff, carrying out a wide range of roles, and it is critical that all members of this community treat each other with dignity and respect and are able to live, work and study together in a free, open and safe environment.

All this requires a particularly nuanced and highly demanding style of security management. It is not a corporate work place, or an entirely private space. Students and staff need to feel safe, but at the same time students need to be allowed to explore the boundaries. Equally, when students do infringe university regulations or engage in potentially criminal activities this must be dealt with promptly and fairly.

This has been a hard report to write, and I’m sure will be a hard report for King’s to read. At some point a separate culture has been allowed to develop in parts of the Estates and Facilities team that is at odds with core values of the King’s community. I have enormous sympathy for the staff on the ground tasked with dealing with the day to day challenges of managing a diverse campus. They are committed and hardworking and have acted from the best of intentions. In my view they have not always been properly supported and as individuals have had to deal with harassing, and probably at times, frightening behaviour. All this said, it is my conclusion from the evidence presented, that elements of the Estates and Facilities team have overstepped their authority to act and in doing so have lost sight of their role, in the widest sense, to protect all of the King’s community.

King’s will now need to think carefully how to repair this damage. I would counsel a reconciliatory approach and that the King’s executive leadership and the King’s Students’ Union will need to work closely together to bring the healing required.

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Background

1. King's College London (King's) runs more than 6000 events each year, ranging from student society meetings to external speaker events and Royal visits. The majority of events are managed through the "Room bookings with External Speakers Policy", with approximately 20 events in any year considered to be high risk. Royal visits are managed outside the standard process, with the Director of Protocol acting as the main point of contact for the Palace office and royal security. Security staff, Corporate Communications and other teams from across King's are included as required. King's hosted other Royal visits earlier in the year which all passed off without incident.
2. In common with many universities, there is a long running history of student protest and occupations at King's. The level of activity has been relatively high over the last 12-18 months, including a prolonged occupation in spring 2018 and several protests that have required intervention from security staff.
3. In particular there were protests at an event on 4th March and the university's Council meeting on March 18th. Israeli Apartheid week was running 18th – 22nd March, a particular focus for events and protest.
4. Bush House was opened by Her Majesty the Queen on March 19th. From the perspective of the visiting party the event passed off without incident and was considered a success. During the day, a group of students became aware that their access to buildings across the King's Campus had been blocked.
5. Later the same day and again on the following day, student protests related to the blocking of cards were held on campus. The story was picked up by various media outlets.
6. On the evening of the 19th March, King's College London Student's Union (KCLSU) issued a statement in support of the students affected by the access restrictions and expressing concerns that students may be being placed under surveillance by the university. (Appendix A)
7. On 21st March the Senior Vice-President (SVP) Operations declared a major incident and stood up the Silver team to oversee management of the incident. A full set of investigations was instigated, to include an independent review of the security arrangements for the opening of Bush House, this report being the output. (Appendix B)
8. Specifically the objectives of the review were set out as follows:
 - To determine what decisions were made in relation to the security arrangements for the opening.
 - To understand the process for making these decisions, including internal authorisation routes and the necessary interaction with external agencies.
 - To evaluate the proportionality of the security arrangements
 - To report on the above and make any recommendations for improvement.

Further background information

Freedom of Expression Standing Advisory Group (FESAG)

9. Following the Firetail review in late 2017 the FESAG was set up to oversee implementation of the King's and KCLSU joint statement on Freedom of Expression. The Group also has an ongoing operational role to make decisions related to upholding Freedom of Expression across university and student events.

Deputy Vice-Principal (DVP) Strategy

10. Following complaints from elements of the local community and general concern at King's ability to uphold freedom of expression at some events, the President and Principal asked the DVP Strategy to maintain a level of oversight across the management of high-risk events.

King's College London Students' Union

11. KCLSU have oversight of all student societies, providing funding and support. There are several development committees that oversee student activities.

Security Services at King's

12. CIS Security Ltd was contracted to deliver security services to King's following a competitive tender process in late 2013. The Head of Security is employed by CIS and has overall responsibility for the delivery of security services to King's. The Head of Security reports to the Director of Estates and Facilities Operations.

General Security

13. Following terrorist incidents in London in 2017 the level of security has been increased across the King's campus, with card access now required across all buildings. This has limited access by the general public to areas that may have previously been regarded as being part of the public domain.
14. Access is controlled by the Gallagher Access Control system managed by the security team.

The investigation process

15. During the review I interviewed a range of staff from across the university. I also spoke to the KCLSU Chief Executive, the Union President and other Sabbatical Officers. The majority of interviews were conducted face to face, with a small number by phone. A list of the staff interviewed, along with an organisation chart can be found at Appendix C.
16. All the students affected by the card block were invited to meet me with. I was able to speak with two of them directly and a third replied to a set of questions by email. A further group replied jointly making a general statement expressing their concerns. I also met with the staff member affected by the card block.
17. I was provided with confidential and legally privileged advice by Penningtons Manches LLP with regard to the legality of the collation and sharing of the documents described in this report.
18. I was provided with access to the Gallagher Access system logs, relevant extracts are provided at Appendices I and J.
19. I have also been provided with relevant email correspondence, and have referred to a number of university policies and procedures. These are listed at the end of the report.
20. I was particularly struck by the commitment and pride in King's shown by everyone and I would like to thank everyone for their open and frank responses.
21. I was assisted by Paul Mould (Director of Business Assurance) along with members of his team and by Amanda Way (EA to SVP Operations) and I would like to especially thank them for their help and patience during this process.

Detailed timeline

This timeline is based on the evidence provided and to the best of my knowledge presents an accurate reflection of the course of events.

4th March 2019, Israel Society Event

22. Although aspects of this investigation look back before March 2019, the first event of specific relevance to this report was the Israel Society Speaker meeting on 4th March 2019. This event was organised by the Israel Society with guest speaker Colonel Eli Bar-On. The event was run under the “Room bookings with External Speakers Policy”. Tickets for the event were initially open to all, however, following concerns raised by the Israel Society that there might be a protest inside the event, FESAG agreed the mitigation that tickets should be limited to invited members of the Israel Society only. All existing tickets were cancelled and a new set of tickets issued with admittance to be managed by a guest list on the door.
23. The event was originally planned to take place in the Franklin Wilkins Building and 10 additional security guards were booked to attend. Following more detailed information regarding the likely protest, it was agreed to move the event to Macadam Building. In addition the Director of Students and Education (SED) was asked to communicate to student groups that any demonstration should follow the principles of peaceful protest.
24. On the night of the event there were a range of protests outside the Macadam Building. This included an attempt to block access for students with tickets, as well as blocking fire exits from the building. The meeting was late starting, but was then able to proceed to plan.
25. One student wearing a black and white check scarf i.e. interpreted as a visible symbol of support for the Palestinian cause, who gained admittance (with a legitimate ticket) reported being asked to remove her scarf by and claimed that she was “deliberately ignored” by the Chair during questions.

5th – 12th March

26. The next day, the Head of Security sent a set of pictures captured the previous evening showing potential examples of misconduct to the Director of Estates, the Deputy VP Strategy and the Commercial Director. The Deputy VP Strategy then asked the Head of Security to “package up the identity, statements regarding what we regard as impermissible activity, and supporting evidence “ to send to the Director of Students and Education, cc the SVP Operations and himself, with a view to instigating the disciplinary process. (Appendix D)
27. In the view of DVP Strategy, the concerns to be investigated related to a breach of the Freedom of Expression Policy by blocking access to event attendees, breaking health and safety regulations by blocking a fire door and breaking student conduct regulations by refusing to move (from blocking the entrance) when reasonably requested to do so.
28. The Head of Security then created a document listing the names of 16 students and 1 staff member as identified by photos and CCTV footage. The individuals were identified by matching video footage of students against time stamped access gate records. The identification was mostly carried out by the Head of Security with some checks from the Security Manager. This document included the names of the students and staff and details of their course and

membership of various student societies. A Data Protection impact assessment was not carried out and no checks were made with the Data Protection officer. There is no evidence that any attempt was made to further verify the identity of these individuals. This document was then sent, along with an incident report produced by the Director of E&F Operations, to the SVP Operations, the Deputy VP Strategy, and the Director SED and was subsequently passed to the Head of Student Conduct and Appeals.

29. Due to subsequent events the disciplinary process has been paused and, at the time of this investigation, no further action had been taken against any of the individuals concerned.

8th March

30. On the 8th March the Director of Estates sent an email to DVP Strategy and Director Education and Students regarding the process for collecting evidence relating to any referral to student conduct and appeals. In particular he notes the need for regard to GDPR. (Appendix E)

15th March

31. On the morning of the 15th March, the Head of Security wrote to his contacts at the Metropolitan Police alerting them to the fact he had received unconfirmed reports that students may make a disruptive protest on the day of the Royal visit. He confirms that it is the intention of security to encourage any demonstration to take place out on the footpath. (Appendix G).
32. Later in the day the university's General Counsel was consulted on a proposal to restrict access to a group of known student activists to Bush House on the day of the opening ceremony. The General Counsel advised that, in her opinion, this was not proportionate in the circumstances. There was no discussion at this stage as to who the "activist students" were or how they had been identified. Ref email

18th March, Council Meeting

33. Following the email of the 15th March, the Metropolitan Police replied asking if the Head of Security had any "details of the individual's names etc. of the groups they are representing".
34. The Head of Security responded by indicating that the students belong to the KCLSU Intersectional Feminist Society and attached a document listing the "main protestors". This document was a subset of the list produced for the 4th March event and contained the details of 13 students and 1 staff member.
35. The contact at the Metropolitan Police then requested date of birth information, as well as details of relevant social media groups, to which the Head of Security replied that he did not have this information and that to seek it might "raise flags" (Appendix G)
36. It does not appear that any checks were carried out before passing the list of students to the police, or that after the fact the data transfer was reported to anyone else in Kings
37. On the evening of 18th March 2019, the university Council meeting was disrupted by a group of protestors entering the Council meeting room. The student protestors read prepared statements, marched around the table for several minutes chanting slogans, and presented a petition to the Principal. Security entered the room while the protest was proceeding but the

Principal indicated that they should not intervene. After about 10 minutes the protestors left the room and the meeting proceeded as planned.

38. The words used in the statement and petition are subject to a separate investigation.

19th March

39. Early on the morning of the 19th March, the same member the Metropolitan Police telephoned the Head of Security to let him know that they had become aware of the events of the evening before at Council and were concerned for any increased risk for the visit later that day.

40. This was then followed up with an email to the Head of Security seeking reassurance that none of the individuals previously identified would be allowed access to “the auditorium, 8th floor, 4th floor and entry and exit level as well as the East Courtyard”. In particular he drew attention to safety concerns if students were to protest in the East Courtyard due to the high level of vehicle movements. Ref email

41. As the visit was to be across 5 floors of a building that was open as usual to students and staff, it was felt the only way to prevent access to these particular individuals to the areas listed by the police was to prevent access by blocking their security swipe cards.

42. The Head of Security then repeated the request to block card access for the list of students and staff. This was approved by the Director SED based on the fact the request had come from the police. (Appendix H)

43. There is no evidence that the SVP Operations or the President and Principal were informed. There was no communication to the affected students.

44. From the evidence provided, it appears that student accounts are set up in such a way that it was not technically possible, given the time constraints, to block access for a small number of students to a single building (in this case Bush House) and so the particular students’ cards were simply locked entirely, hence blocking them from all King’s campus buildings.

45. The same version of the list of students (13 students and 1 staff member) that had been sent to the police was given to the manager of the access system to allow him to lock the cards. The list may have also been given to other security staff members.

46. According to the Gallagher system logs, it took from 08:22 to 08:31 to deactivate the cards for 13 students and one member of staff. Card access was then reinstated for individuals at various times between 11:29 and 14:34 later the same day. One student had forgotten her card the previous day, and because of this the card had already been suspended; her access was then reinstated at approximately 12:45 on Wednesday 20th.

47. One student reported worrying that he would miss an exam, but that fortunately security staff at Denmark Hill reinstated his card in time for him to reach the exam room. Another student stated she ended up being late for an assessed presentation and that she had to “beg to the

point of tears to be let in". A further student reported frustration at not having access to the Library and having to go off campus to find somewhere to work.

48. Later on the 19th in protest at the blocking of student cards, a group of visibly angry students arrived at the Strand Campus operations office demanding to know why their cards had been blocked. The students also filmed staff without permission and edited extracts were later posted on the internet.

49. The same evening KCLSU produced a statement protesting the treatment of students. (ref)

20th March

50. A general protest took place outside the Strand Campus. This protest was picked up by various media outlets.

51. The Director E&F Operations sent a brief report covering the events of the day before. This email included an attached report from a security consultancy firm who had been commissioned by Estates and Facilities to conduct a risk assessment regarding likely protest at the opening of Bush House.

Further evidence provided

Documented lists of student protestors

52. The Head of Security confirmed that he had produced lists of students before in relation to a potential disciplinary process; this was following the occupation in spring 2018 and the incident when damage was caused following climate change protests. He stated that these lists had been sent to the student conduct and appeals team. The Head of Security confirmed that there was some overlap in the names of students on these various lists but that the list created following the 4th March event was limited to students who had been protesting at that event.

53. The Head of Security also confirmed that he had kept the various lists on his individual King's network drive. He also confirmed that he had undertaken the King's mandatory GDPR online training.

54. The Director of Estates and Facilities confirmed that the Security Consultancy firm referred to in paragraph 51. was originally engaged in relation to animal liberation activists, and had been employed on a number of occasions to help inform security of potential risk of protest from a range of student groups.

Estates and Facilities support staff

55. Based on the evidence provided by several individuals from front line teams (facilities, reception, security etc.), there is a general feeling that staff are expected to manage a significant number of high-risk events without appropriate mechanisms, support or training in place. Staff reported believing that they are expected to make fine judgements between boisterous and disruptive behaviour that still falls within the guidelines for protest and behaviour that crosses that line. Events can be further complicated by the presence of external members of the public on campus and staff cannot always be sure which are students and which external protestors.

56. Staff were very clear that they have a duty to maintain freedom of speech, but also a duty to keep students and staff safe. Staff also understood the right to peaceful protest as part of freedom of speech, although several staff repeated the line that there was “no legal right to protest on private property” in the context of King’s students protesting on King’s property. This view was clearly in contradiction to the understanding held by the executive level management and which they believed had been communicated to staff.
57. Several staff reported incidents of what they regarded as abuse and harassment from students, with several reporting they were “near breaking point”. They felt strongly that there were not adequate safeguards in place to protect their dignity and safety at work and that they were simply being asked to deal with too many events where they felt at risk.

Student Body

58. The student Sabbatical Officers expressed concerns over what they see as an increasing level of security on campus. Although they understood some of the external factors which may have led to increased security during the last 2-3 years, they felt that they had not been engaged in any discussion about these changes and that the increase in physical security had changed the nature of the campus.
59. The students directly impacted by having their cards blocked expressed serious concerns about their suspicion that they appeared to have been “profiled” and “monitored” by their university and that this might impact their ability to continue with their studies. The students I spoke to were quite emotional, expressing feelings of rejection by the university, with one talking about feeling alienated and isolated, and that the campus was no longer a welcoming and safe space for them.

Operational Procedures

60. The security and Estates and Facilities regularly make use of WhatsApp during operational planning meaning there is no audit trail of decisions made.

Summary of findings and conclusions.

61. With regard to the initial creation of a list:

- That a written list of students was created following the events of 4th March in order to initiate disciplinary proceedings.
- That lists of student names have been created previously on at least two occasions in relation to potential disciplinary action, following the occupation of spring 2018 and an earlier climate change protest.
- That the list created on the 4th March was based on identification of students from photographic and CCTV evidence against time stamped gate access records to buildings.
- That the identification of the students was not verified beyond the security team.
- On the balance of the evidence, that the identity of at least one name on the list (the staff member) was wrongly identified.
- That in addition to photos and names, the document included information on which student societies and groups the students belonged to, as well as other general comments about their involvement in previous protest activity.
- That the list was circulated to the student conduct and appeals team and four senior managers.
- That the DPO was not consulted and a Data Protection Impact Assessment (DPIA) was not completed prior to the creation and distribution of the list.
- That the Head of Security retained the list on his individual King's network drive.
- That the Head of Security has completed the King's mandatory GDPR training.
- That the contract with CIS refers to the 1998 Data Protection Act and has not been updated to take in to account the more recent General Data Protection Regulation and the 2018 Data Protection Act. That said the contract is clear on the need to comply with King's regulations and procedures.

Conclusion of findings related to document created following events of 4th March

That the creation of a list of names and photos and the limited circulation of such a list was proportionate and appropriate as part of a disciplinary process and compliant with the King's Data Protection Policy and GDPR.

That the addition of information referring to membership of student societies and other comments was NOT proportionate, or in keeping with the requirements of the disciplinary process. This is in breach of the King's Data Protection Policy and it is likely that some of the information included would be considered special category data under Article 9 of GDPR.

That the retention of the list beyond its original purpose was in breach of the King's Data Protection Policy and GDPR

62. With regard to the sharing of the list with the London Metropolitan Police

- That the same list, with three names removed, was then repurposed to provide information on possible protestors to the London Metropolitan Police
- That although the Police requested information on the student protestors, it was open to interpretation exactly what information, and in what format, was required.
- That the police did not make a formal written request for information on the students and made no reference to their statutory powers under the provisions for prevention and detection of crime to request such data.
- That no review was undertaken of the list prior to release to the police
- That none of the individuals on the list had been found guilty of misconduct, or in breach of any King's policy or regulation.
- That the DPO was not consulted and a Data Protection Impact Assessment (DPIA) was not completed before the release of information to the Police.
- That the request was not escalated to a more senior officer of the university.
- It is not been possible for the university to establish if the details of these individuals have been retained by the Police.
- That the Head of Security believed it was appropriate to release the data to the police on their request for information, which in his view was in line with the duty to prevent crime and disorder, and that the police would simply cross check the names against any list of known fixated individuals before destroying the list.

Conclusion of findings related to the release of information to the Metropolitan Police

That the repurposing of the list originally created as part of a disciplinary process was in breach of the King's Data Protection Policy and GDPR

That the release of the data to the Police, when there was no formal request was in breach of the King's Data Protection Policy and GDPR

That beyond the legal and policy considerations, and while acknowledging the genuine concern to maintain security and limit any risk to the reputation of King's, the release of information regarding individuals, against whom there was neither evidence of criminal activity nor any internal disciplinary findings, represents a significant breach of trust and a failure to protect the wellbeing and future prospects of King's students.

63. With regard to blocking card access to Bush House:

- That the same amended list was repurposed again to decide who should have access blocked on the day of the opening of Bush House.
- Although the police had requested access be blocked to a limited number of areas in Bush House the cards were blocked across the whole campus due to technical limitations of the system.
- None of the individuals on the list had been part of a disciplinary process and none had been found guilty of violating King's policy or regulations.
- There was no wider consideration as to why this particular list of individuals should be blocked.
- That no consideration was given to the potential impact on students.

- There was no communication with students to explain why their cards were being blocked and front line staff do not have appeared to have been adequately briefed.
- That the decision to block the cards was escalated to the Director Education and Students but not to the SVP Operations.

Conclusion of findings related to blocking access to the campus to a group of students

That the further repurposing of the list originally created as part of a disciplinary process in order to identify which students to whom to remove card access, was a breach of the King's Data Protection Policy and GDPR

That beyond the legal and policy considerations, and again acknowledging the genuine concern felt for their health and safety as well as the reputation of King's, the barring of individuals against whom there was neither evidence of criminal activity, nor any internal disciplinary findings from "their campus" was disproportionate and against King's stated values.

Other comments

64. That, whilst the creation and particularly the subsequent use of the documented list of student protestors was the sole responsibility of the Head of Security, the view that this type of approach was appropriate and necessary was shared across the Estates and Facilities leadership team.
65. That there was not sufficient oversight or appropriate senior leadership involvement in the security arrangements for the opening of Bush House.
66. That the use of an external security consultancy company to assess the potential risk student groups might cause, as a routine practice, is disproportionate and out of line with King's values.
67. That the ethos and approach to security management at King's has changed over recent years without, perhaps, the full executive oversight and community consultation that might be expected. Security policy has the potential to impact on the ethos of the campus and hence the student experience and is, in my opinion, a matter for the whole academic community.
68. Although outside the direct scope of this review, with regard to the event of 4th of March, in my opinion the limiting of tickets to members of the Israel Society was not in compliance with the Room Bookings with External Speakers Policy, or in keeping with the requirements of the Freedom of Expression statement. I would also suggest that allowing a student member of the society to chair a high risk event was not good practice.
69. That the terms of reference for FESAG conflate strategy and policy development with operations in one group and that the operational elements are potentially contradictory to the Room Bookings with External Speakers Policy.
(<https://www.kcl.ac.uk/governancezone/GovernanceLegal/Room-Bookings-External-Speakers>)
70. That an excellent statement on Freedom of Expression has been developed which was regularly referred to during the interview; however it is not clear that the full implications of the statement and in particular the requirements under the 1986 Education Act are well understood in practical, day to day terms.

71. That although various senior managers meet regularly with KCLSU sabbatical officers and the KCLSU CEO, there is no overall coordination meaning that opportunities to support the sabbatical officers may be missed.
72. That the governance arrangements of KCLSU with several Development committees, rather than a combined Student Council makes it harder for the KCLSU sabbatical officers to support the various student societies
73. That while there is a comprehensive set of documents on the King's web site referring to expected conduct, freedom of expression etc., the documents are hard to navigate, have broken links and in some cases are out of date. In particular the guidelines covering expected conduct for events and protest are hidden at the bottom of the Procedures for the management of protest/industrial action/occupation.
74. That generally, while very well intentioned, there has been something of a proliferation of documents, committees and individuals involved following previous incidents and reviews. This appears to have had the opposite effect of that desired and has in reality led to a lack of accountability and increased opaqueness.

Overall conclusion

As an overall conclusion it is apparent from this investigation that the security team and sections of the Estates and Facilities team, whilst under considerable strain and against the back drop of balancing the right to freedom of expression against maintaining a safe campus, have overstepped the boundaries of their authority and in doing so have lost overall sight of their role in protecting the students and staff of King's

Recommendations

75. That the King's executive leadership and the KCLSU should work together to consider how to repair the damage caused by these events. These events have been caused by a misplaced understanding of the requirements of the university, but with the best of intentions, there was no malice intended and in my view a spirit of reconciliation and healing is required.
76. That the breaches in data protection should be reported to the Information Commissioner's Office (ICO) with immediate effect.
77. That an apology should be issued to the students and member of staff affected. Appropriate support mechanisms should be put in place, in particular to support students who wish to make a subject access request to the Metropolitan Police Service.
78. That a range of support mechanisms should be put in place for front line staff. Support should be made available for those who have experienced harassments as well as training to help staff to deal with future incidents.
79. That there should be appropriate follow up internally with regard to the breaches in data protection which may involve disciplinary procedures or redress via the contract with CIS as appropriate.
80. That King's should build on the excellent work already done relating to freedom of expression to ensure that the underpinning values and behaviours implied by the statement are well understood at all levels of the institution.
81. That building on the discussions around freedom of expression, a wider conversation and consultation should be held across the community about the role and nature of security arrangements at the university.
82. That, because of the close link to the campus and academic experience of the student body, governance arrangements regarding security should be a matter for debate at Academic Board.
83. That taking this discussion into account, the training requirements of security staff should be reviewed.
84. That, although recognising that this may be difficult to implement, consideration should be given to limiting the number of high-risk events held each year.
85. That it is not appropriate or reasonable to expect security to take sole responsibility for the management of student protestors, and that a member of the university executive or leadership team should be present at each high risk event and should act as an interface between security and students, for example in giving warnings to students who may be considered to be breaching regulations.

86. It is important that disciplinary processes related to misconduct during protests are expedited promptly and to that, to support this, the regulations and procedures regarding student misconduct (non-academic) should be tested to ensure that they are fit for purpose.
87. As part of the regulations on misconduct a policy should be developed regarding the collection of evidence related to potential infringements during protests.
88. That the visibility and prominence of information on expected behaviours during protest and the right of all staff and students to be treated with respect and dignity should be increased. The Student Charter would seem the most obvious vehicle for this addition and the summary provided on the start of term information web pages already covers most elements required.
89. That the remit of FESAG should be reviewed, and in particular, that the Group should focus on strategic and policy issues and should not be involved in day to day operational matters related to particular events except where their advice is specifically sought by the SVP Operations.
90. That, whilst in my view the Deputy VP Strategy has behaved entirely appropriately, his role in relation to any operational oversight of events should be clarified and made explicit.
91. That consideration should be given to consolidating the meetings between university management and KCLSU with the aim of strengthening working relationships.
92. That the university should encourage KCLSU to give consideration to the structure of the development committees and whether they provide the best governance structure to allow the SU sabbatical officers to support the aims of the student societies.
93. That, whilst clearly a very convenient communication tool, consideration should be given to the appropriateness of using WhatsApp for making operational decisions.
94. That the Policy for Room Bookings with External Speakers should be reviewed, and that in my opinion it should be made explicit that all events must, as a minimum, be open to all King's and KCLSU students and that guidance with regards to appropriate chairs for high risk events should be strengthened, for example by requiring the chair to be an academic with an appropriate specialism.

Appendix A – KLSU statement following the opening of Bush House



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KLSU / Website / Bush House access

Bush House access

Ahad, Robert, Jessica, Shaurya, Mohamed and Hannan

As your elected officers, we stand in solidarity with students affected by the surveillance and disruption to education that has occurred today as a result of the official opening of Bush House.

We were made aware that a minimum of 10 students, most but not all of whom were students of colour and part of politically active societies or campaigns, had apparently been identified as security risks and subsequently had their access cards temporarily deactivated on security grounds. Due to the security presence on all KCL campuses, these students were thus denied access to exams, work shifts, classes and assessed presentations during that period of time. Students were also informed that their names had been passed to the police.



Furthermore, lift and foot access to parts of Bush House was also restricted without adequate information being provided to students, preventing some students from accessing specialist computer facilities which they needed to complete academic work and disrupting their education at a critical period close to their deadlines and examinations.

It is concerning if students are being placed under surveillance by their university – this is a place of learning, not a police state, and surveillance has a chilling effect on students' freedom of expression. It is especially concerning to us if students of colour are disproportionately being surveilled and profiled as security threats. It is also concerning if access to facilities critical for academic work has been denied without proper information being given to students. We unequivocally condemn surveillance, and also serious disruption to education without adequately informing students beforehand.

As your elected officers, we have reached out to the university to express our outrage and demand an explanation. We will be updating you as soon as we can.

Published: 19 Mar 2019 21:14 , Last updated: 19 Mar 2019 21:25

Appendix B – Terms of Reference

Bush House Opening

Review of Concerns – Terms of Reference



Background

Following the opening of Bush House on 19 March 2019, the university received a number of complaints about how security arrangements, particularly those relating to access to buildings, were managed during the event. Specific complaints included that:

- Security surveillance had led to certain students who are politically active within the university being denied access to certain buildings during the royal visit
- The denial of access to buildings had disrupted the education of the students whose access cards had been temporarily deactivated as it prevented access to classes, examinations, assessed presentations and work shifts
- The names of several students had been passed by the university to the police in advance of the visit
- Generally, for staff and students, lift and foot access were restricted to certain parts of Bush House without adequate notice disrupting students' ability to do their academic work

Additionally, staff on reception at Bush House complained of verbal abuse, intimidation and harassment by students.

The university takes these complaints very seriously and is engaging in a number of activities to investigate the facts around them before considering further action.

- The Director of SED will commission a review of the impact of the event on normal business activities (teaching, exams, access to student social space etc.) and the notice given to the community in advance of the event, and lessons learnt for future high-profile events.
- The Director of Human Resources will commission an independent review into the complaint of harassment from a member of staff.
- The Senior Vice-President (Operations) will commission an independent review of the circumstances relating to the university's role in the security arrangements for the opening of Bush House. The scope of this review is outlined below.

Review of Security Arrangements for the Opening of Bush House

Objectives

The review will seek to:

- Determine what decisions were made in relation to the security arrangements for the opening

- Understand the process for making these decisions, including internal authorisation routes and the necessary interaction with external agencies
- Evaluate the proportionality of the security arrangements
- To report on the above and make any recommendations for improvement

Approach

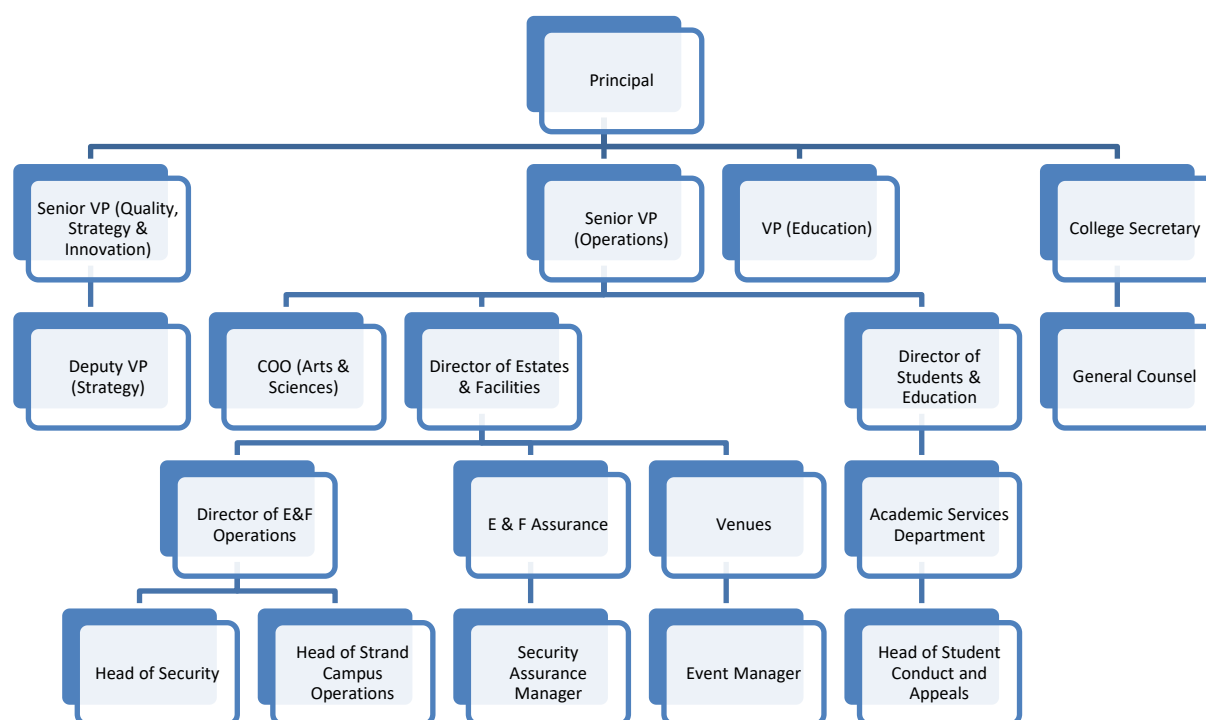
The university will commission an independent reviewer to conduct this review. The reviewer will be supported by staff from the Office of the Chairman and College Secretariat.

The reviewer will be provided with access to all documentation and materials they require to carry out this review. They will also be provided with access to interview all members of staff of the university and contractors. Where possible and as the reviewer deems necessary, he/she will engage with complainants and external agencies connected to the security arrangements for the opening.

The output of the review will be a report for management, to be produced as soon as reasonably possible, which will include any recommendations considered necessary for future improvement.

Appendix C - Interviewees

Role	Notes
Student (A) whose access permissions were switched off	Face to face
Student (B) whose access permissions were switched off	By phone
Student (C) whose access permissions were switched off	By email
Staff member how access permissions were switched off	Face to face
Head of Security	Face to face and phone
Interim Director of Estates Operations	Face to face
Director of Estates	Face to face
Societies and Learning Centre Manager, King's Venues	Face to face
Head of Campus Operations (Strand)	Face to face
Estates Assurance Manager, Security	Face to face
Director of Students and Education	Face to face
Head of Student Conduct and Appeals	Face to face
Vice Principal (Education)	Face to face
Deputy Vice Principal (Strategy)	By phone
Senior Vice President (Operations)	Face to face
College Secretary	Face to face
Data Protection Officer	Face to face
Director of Protocol	Face to face
Chief Operating Officer (Arts and Sciences)	Face to face
General Counsel and Director of Legal Services	Face to face
President, KCLSU	Face to face
Vice-President, KCLSU (Welfare & Community)	Face to face
Vice-President, KCLSU (Activities & Development)	Face to face
Chief Executive Officer, KCLSU	Face to face



Appendix D – email evidence 1

From: Mclver, Robin <robin.mciver@kcl.ac.uk>

Sent: 12 March 2019 16:36

To: [REDACTED] <[REDACTED]@kcl.ac.uk>

Subject: RE: *Encrypt*

All fine thanks [REDACTED]

From: [REDACTED] <[REDACTED]@kcl.ac.uk>

Sent: 12 March 2019 12:32

To: Mclver, Robin <robin.mciver@kcl.ac.uk>

Subject: RE: *Encrypt*

Dear Robin

I have extracted you text below and put it in a slightly different format.

I have taken out some of your opinion comments to leave it to fact. Ie where you say you didn't deem it offensive but some might. Its was the recipient feels not an observer.

Any issues let me know please

[REDACTED]

From: Mclver, Robin <robin.mciver@kcl.ac.uk>

Sent: 06 March 2019 15:46

To: [REDACTED] <[REDACTED]@kcl.ac.uk>; Taylor, Maxine <maxine.taylor@kcl.ac.uk>

Cc: Iveson, John <john.iveson@kcl.ac.uk>

Subject: RE: *Encrypt*

Hi [REDACTED]

Sure. The issues I witnessed were all at the main door of the Macadam. Elsewhere everything seemed to be fine. Specifically, the issues were

1. Protestors linked arms to deliberately block the entire doorway into the building. Their

goal was clearly to prevent access to the venue and the meeting inside.

2. When event attendees turned up and a few tried to get through the blockade, they were physically resisted. Some managed to get through but required our security to intervene physically. I saw lots of pushing and shoving by the protestors, nothing more than that in terms of physical violence but nonetheless they were illegitimately trying to deny people access to our venue
3. I asked several members of security whether we had asked the protestors to move aside from the doorway and was told we had, and that they had refused to move. I didn't personally witness this though
4. In denying access to the building and event venue, the protestors were clearly breaching our freedom of expression policy. By blocking the doorway they were creating a fire risk as it was a fire exit. By refusing to comply with a reasonable request from security to move aside they were again breaking our rules.
5. The protestors were noisy and boisterous throughout, but I didn't see anything there that felt like it had stepped over what is permissible. We have no problem with noisy and boisterous protest. Some of the chants will have been deemed to be offensive by the event participants I would imagine but I personally wouldn't support that. The issue for me was the physical stuff, pushing and shoving, and blocking the doorway and refusing to move – these are the issues that need to be addressed.

Best
Robin

From: [REDACTED] <[\[REDACTED\]@kcl.ac.uk](mailto:[REDACTED]@kcl.ac.uk)>

Sent: 06 March 2019 14:26

To: McIver, Robin <robin.mciver@kcl.ac.uk>; Taylor, Maxine <maxine.taylor@kcl.ac.uk>

Cc: Iveson, John <john.iveson@kcl.ac.uk>

Subject: *Encrypt*

Dear all

I have been asked to pull together statements on activity and evidence as to actions by protestors.

As you were all present, witnessed activity on the night please can you provide me with a statement re Monday 4th March and what you saw or did on this event.

Kind regards

[REDACTED]
Head of Security

Strand Campus|Denmark Hill Campus|Guys Campus|Halls of Residence
King's College London
London
WC2 R
2LS

From: Mciver, Rob in <rob.in.mciver@kcl.ac.uk>

Sent: 06 March 2019 13:00

To: [REDACTED] <[REDACTED]@kcl.ac.uk>; Iveson, John <john.iveson@kcl.ac.uk>; O'Donnell, Nick <nick.odonnell@kcl.ac.uk>

Subject: RE: Photographs from last night

Thanks [REDACTED]

Could someone please package up the identity of individuals, statements regarding what we regard as impermissible activity, and supporting evidence, and provide to Tessa H cc Ian Tebbett and cc me please?

Tessa will need to advise what process we need to follow but it looks to me as though that process can start straight away

Many thanks
Robin

From: [REDACTED] <[REDACTED]@kcl.ac.uk>

Sent: 05 March 2019 11:50

To: Iveson, John <john.iveson@kcl.ac.uk>; Mciver, Robin <robin.mciver@kcl.ac.uk>; O'Donnell, Nick <nick.odonnell@kcl.ac.uk>

Subject: Photographs from last night

Dear all

Please see the photo compilation from last night. CCTV is still being collated but will be gathered. These are the images we are using so far to identify persons involved. I would suggest from the first photograph this is a clear example of someone attempting to enter the event and you can see by the facial expression there is an exchange of words/or shouting at the individual with the pink collar. She made a complaint to [REDACTED] inside and complained about feeling intimidated and was shaking.

Kind regards

[REDACTED]

Head of Security

Appendix E – Email evidence (2)

From: O'Donnell, Nick

Sent: 08 March 2019 16:46

To: McIver, Robin <robin.mciver@kcl.ac.uk>; Harrison, Tessa <tessa.harrison@kcl.ac.uk>

Cc: Taylor, Maxine <maxine.taylor@kcl.ac.uk>; Kent, Richard <richard.kent@kcl.ac.uk>

Subject: reporting of student misbehaviour : ensuring a watertight process

Dear Robin & Tessa

I brief note for consideration and input - as we enter the “season of unrest” – I wanted to ensure we are all on the same page on How we report / identify students who are breaching our policy's ; we have in place good processes for halls of residence - and routinely cover off student conduct matters. (smoking etc)

For incidents on campus we have been less structured in reporting to student conduct , however I am certain that we need to have a watertight approach , as in todays world there may be “disclosure requests for all e mails relating to XXX event – or who asked what of whom .

So while very open for discussion , I am minded to use Event & nightly reports as a starting point for any referral to student conduct & appeals , and to look to the judgement of the Campus Manager & or head of security in identify individuals of interest be that by ID checks, CCTV or other video footage .

We are reviewing our post event reports to ensure consistency and to tie back to the original event risk assessment , equally we are been careful regarding GDPR .

So my suggestion would be an event report - which may be widely circulated , should not name “ individuals of interest “ - however where a breach of regs has occurred this should be flagged to SED (via Tessa?)and then details of the individuals provided to the SED investigating officer, if appropriate with a statement from Head of campus & or Head of Security .

Amongst Kings Security and Event teams there is enormous pride in defending free speech on campus - and we know that peaceful student protests can be expected : it is the ringleaders and agitators where we see the most challenge , as some times it is the same folk , who did something last week , and think they can do the same next week – that we seek to refer to Conduct & Appeals .

It is important that Kings Security are seen as part of the wider kings community, to serve and protect all and not be perceived as “ killjoys” who's function is to shop students to management.

Does this make sense to you ?

Regards

Nick O'Donnell MRICS MCIBSE IEng

Director of Estates & Facilities

Appendix F – Email evidence (3)

From: [REDACTED]
To: [Kent, Richard](#); [Tidboald, Victoria](#)
Subject: FW: Tuesday
Date: 19 March 2019 07:13:23

Please see the request from the police re our usual protest groups

If agreed I need to action cards being stopped for the duration of this morning.

Kind regards

[REDACTED]

From: [REDACTED]@met.police.uk <[REDACTED]@met.police.uk>
Sent: 19 March 2019 06:44
To: [REDACTED] <[REDACTED]@kcl.ac.uk>
Subject: RE: Tuesday

[REDACTED]

Good Morning,

Although we would not wish to disrupt the movement of any students who need to go about their daily business at the University would I be able to have a reassurance that none of the identified individuals from the groups identified and sent to me will be allowed access to the auditorium, 8th floor, 4th floor and entry and exit level as well as the East Courtyard, during the event. If an incident took place which required police officers to respond or your security staff to intervene in the middle of a protection operation anybody could get caught up in that response. The greatest area of concern is The East Court yard where we will have vehicles and motorbikes moving at various times and the risk to a person being injured during vehicle movements would be high.

Regards

[REDACTED]

Appendix G – email evidence (4)

From: [redacted] [mailto:[redacted]@kcl.ac.uk]

Sent: 18 March 2019 11:44

To: [redacted] - Royalty & Specialist Protection <[redacted]@met.police.uk>

Subject: RE: Tuesday

[redacted]

We've taken their details from our card security which does not have DoB. I would have to go to Student services which would raise flags and cause chatter so would rather not as this is sensitive around student freedoms!!!

The main groups are

KCL Action Palestine

KCL Cut the Rent

KCL Justice 4 cleaners _____

KCL Intersectional Feminists

KCL Climate Strike

The group move between causes so all these faces have been part of our occupations, strikes and other causes such as the youth climate one on Friday.

Kind regards

[redacted]

From: [redacted] @met.police.uk <[redacted]@met.police.uk>

Sent: 18 March 2019 11:29

To: [redacted] <[redacted]@kcl.ac.uk>

Subject: RE: Tuesday

Thank you very much for this, is there any chance that dates of birth could be provided and any specific names used for social media platforms either as individuals or as groups.

Regards

[redacted]

From: [REDACTED] <[REDACTED]@kcl.ac.uk>

Sent: 18 March 2019 10:15

To: [REDACTED] - Royalty & Specialist Protection <[REDACTED]@met.police.uk>

Subject: RE: Tuesday

Hi [REDACTED]

It's the KCL Intersectional Feminists who are in dispute with our Student Union. We have no more intel at this stage about what they are planning. See attached sheets of our main protestors who move between groups and topics depending on their moods. Nothing on any of their social media

They have in the past done banner drops out of windows but we are putting staff on Centre Block floors to prevent anything opening above entrance.

We have spoken to the Met community team CTSET to see about anything they pick up. I will keep you posted.

Kind regards

[REDACTED]

From: [REDACTED]@met.police.uk <[REDACTED]@met.police.uk>

Sent: 18 March 2019 09:52

To: [REDACTED] <[REDACTED]@kcl.ac.uk>

Subject: RE: Tuesday

Importance: High

[REDACTED]

Do you have any details of the students names etc or the group they are representing.

Sent with BlackBerry Work (www.blackberry.com)

From: [REDACTED] " <[REDACTED]@kcl.ac.uk>

Sent: 15 Mar 2019 9:11 am

To: [REDACTED] - Royalty & Specialist Protection <[REDACTED]@met.police.uk>; [REDACTED]
[REDACTED] - MO7 Taskforce <[REDACTED]@met.police.uk>; [REDACTED] - Royalty &
Specialist Pr [REDACTED]@met.police.uk>; [REDACTED] - MO10 Met Prosecutions
<[REDACTED]@met.police.uk>

Subject: Tuesday

Dear all

Ref Tuesday

We are picking up some unconfirmed reporting that some of our disgruntled students may try some noisy protest on Tuesday. They may even try and banner drop from windows onto the Courtyard

We will review proximity of the student pen and the college is actively seeking to encourage any demo out onto the footpath .

I will keep you updated on any new information we receive.

Call if there are any issues.

[REDACTED]
Head of Security

Appendix H – email evidence (5)

From: [Kent, Richard](#)
To: [Harrison, Tessa](#)
Subject: RE: Royal Visit 19th March
Date: 19 March 2019 10:06:00

Hi Tessa,

Thanks and noted.

Regards
Richard

Richard Kent

Director of Campus Operations (Interim) Estates & Facilities

King's College London

Mob: [REDACTED] [REDACTED]

From: Harrison, Tessa <tessa.harrison@kcl.ac.uk>
Sent: 19 March 2019 09:32
To: Kent, Richard <richard.kent@kcl.ac.uk>
Subject: RE: Royal Visit 19th March

Hi Richard

This remains problematic for us as already mentioned but given the instruction I guess we have no choice.

Best Wishes
Tessa

Tessa Harrison (FAUA)
Director Students & Education
King's College London

Tel: [REDACTED] [REDACTED]

From: [Kent, Richard](#)

Sent: 19/03/2019 07:46

To: [Harrison, Tessa](#)

Cc: [O'Donnell, Nick](#); [REDACTED]

Subject: RE: Royal Visit 19th March

Dear Tessa,

We have had a formal request from Met Police to restrict access to our known protestors:

Although we would not wish to disrupt the movement of any students who need to go about their daily business at the University would I be able to have a reassurance that none of the identified individuals from the groups identified and sent to me will be allowed access to the auditorium, 8th floor, 4th floor and entry and exit level as well as the East Courtyard, during the event. If an incident took place which required police officers to respond or your security staff to intervene in the middle of a protection operation anybody could get caught up in that response. The greatest area of concern is The East Court yard where we will have vehicles and motorbikes moving at various times and the risk to a person being injured during vehicle movements would be high.

We intend to comply this direct request but please let me know ASAP if there are any objections to this.

Regards

Richard

Richard Kent

Director of Campus Operations (Interim) Estates & Facilities

King's College London

Mob: [REDACTED] [REDACTED]

From: Harrison, Tessa <tessa.harrison@kcl.ac.uk>

Sent: 15 March 2019 13:38

To: Kent, Richard <richard.kent@kcl.ac.uk>

Subject: RE: Royal Visit 19th March

Dear Richard

I am sorry but I can't support this. The rationale set out below could be potentially viewed as discriminatory and it feels very underhand to disable the cards, particularly if there are other means (and more proportionate) to reach the same aim.

Best Wishes
Tessa

Tessa Harrison (FAUA)
Director Students &
Education King's College
London
Tel: [REDACTED] [REDACTED]

From: Kent, Richard <richard.kent@kcl.ac.uk>

Sent: 15 March 2019 11:55

To: Harrison, Tessa <tessa.harrison@kcl.ac.uk>

Subject: Royal Visit 19th March

Dear Tessa,

I didn't see you on the call earlier (apologies if you were there), but one of the tactics we discussed was disabling the ID cards of the known regular protestors who we expect to be the core of any demonstration during the event next Tuesday. The cards would be disabled for Bush House only, probably just the Centre Block and likely from first thing Monday to soon after event finish. A protest outside the building is something we can't control and of course accept as freedom of expression, but historically we know that these individuals push boundaries and disregard College procedures and policies.

I recognise however, that this can't be a unilateral decision from E&F so is this something you and SED would support?

Regards Richard

Richard Kent

Director of Campus Operations (Interim) Estates & Facilities

King's College London

Mob: [REDACTED] [REDACTED]

Appendix I – Gallagher system access logs

Impacts	ID Switched off	Access denied			ID Switched on
		# of instances	Times	Location	
Student A	08:25	1	11:12	Bush House	14:04
Student B	08:31	0			14:34
Student C	08:22	0			13:02
Student D	08:29	8	10:13 - 11:05	Halls of Residence	14:31
Student E	08:29	0	12:10	Strand main campus	14:31
Student F	08:29	15	13:58 - 13:59	Strand main campus	14:15
		4	14:08 - 14:09	Bush House	
Student G	08:28	2	11:13 - 11: 26	Denmark Hill	11:29
Student H	08:23	2	10:53	Strand main campus	13:03
Student I	08:25	1	12:15	KCLSU	14:01
		1	12:26	Maughan Library	
Student J	08:28	9	10:18	Bush House	14:09
		9	10:29 - 10:41	KCLSU	
Student K	08:24	0			13:41
Student L	08:27	0			14:07
Student M	08:28	11	11:23 - 11:29	Bush House	14:13
		2	13:13	KW?	
No apparent impact to access					
Attempted entry to BH during opening ceremony					
Access impact at Hall of Residence					

Appendix J – Gallagher logs for staff member 4th March 2019

Occurrence Time	Event Source	Event Group	Event Type	Operator Name	Event Details
04/03/2019 13:44:53	LAV, Gnd Floor Main Entrance	Card Event	Door Access Granted		Card number
04/03/2019 13:47:58	LAV, Gnd Floor Main Entrance	Card Event	No Entry Taken		Card number
04/03/2019 13:48:05	LAV, Gnd Floor Main Entrance	Card Event	Door Access Granted		Card number
04/03/2019 13:49:07	LAV - Single Lift	Card Event	Elevator Access Granted		Card number
04/03/2019 13:51:15	LAV, 4th Floor Dividing Door Between Reception and Office	Card Event	Door Access Granted		Card number
04/03/2019 14:19:38	LAV, 3rd Floor Dividing Door between Reception and Office	Card Event	Door Access Granted		Card number
04/03/2019 16:55:01	LAV - Single Lift	Card Event	Elevator Access Granted		Card number
05/03/2019 09:27:56	STR - Bush House SE-B 00 Strand, Pedestrian Gate	Card Event	Door Access Granted		Card number

Appendix K – Freedom of Expression Standing Advisory Group – Terms of Reference

Freedom of Expression Standing Advisory Group (FESAG)

The purpose of the FESAG is to ensure that the KCL and KCLSU Joint statement on Freedom of Expression (See Annex) is upheld. To do this the FESAG will have both time limited objectives and ongoing objectives. The group will act on behalf of KCL and KCLSU.

Time limited objectives

1. Ensure that the findings of the Firetail Review (and any other relevant reviews on freedom of expression), are implemented by the relevant accountable individuals at King's and KCLSU. Specifically, this includes:
 - 1.1. Develop, implement and oversee a single risk assessment process for student group and staff-booked events with external speakers;
 - 1.2. Define and develop a common and transparent understanding of risk¹ and a consistent, reasoned and transparent set of mitigations² for managing that risk;
 - 1.3. Develop a Service Level Agreement to provide student societies and Faculties/Departments/Directorates with clarity on the nature and timing of decision making for events that are assessed to be high risk;
 - 1.4. Consider developing a diverse pool of 'qualified chairs' (i.e. independent chairs), and provide appropriate training and support to these chairs;
 - 1.5. Clarify the role of safe space marshals and addressing perceptions of the Safe Space policy;
 - 1.6. Support Estates and Facilities in reviewing and updating the interim guidance for students and staff on peaceful protest at King's, including definitions of what is meant by peaceful protest.
 - 1.7. To agree and discuss definitions on general discrimination

To deliver the above within the academic year 2018/19.

Ongoing objectives

2. To meet as needed to review high risk events and collectively decide on the appropriate mitigations that are necessary to ensure that the event, and any associated protests,

¹ Risks that FESAG could consider to include: Risks to the health and safety of event participants, those wishing to protest, or others in the vicinity; Risks that the event or associated protest might stray outside of permissible/statutory boundaries on freedom of speech; Risks that a combination of event and protest results in the KCL/KCLSU Freedom of Expression policy not being adhered to.

² Mitigations available typically include the imposition of qualified chairs (particularly if there is a risk that an event might stray outside of permissible/statutory boundaries on freedom of speech), or additional security and identification of a designated area for protest (if the risks are around health and safety or Freedom of Expression)

goes ahead in accordance with the Joint Statement on Freedom of Expression. The advice of the Group will be relayed to the SVP (Operations).

In exceptional circumstances, FESAG has the SVP (Operations) delegated authority to cancel or defer the scheduling of an event. FESAG will only exercise this authority if there is clear evidence that the event will not be consistent with the statutory obligations on Freedom of Speech, or if the university cannot reasonably guarantee the health and safety of participants, protestors or bystanders. Alternatively, and again under exceptional circumstances, an event may be deferred while plans are developed to ensure that the event can be run safely, or in order to develop a plan to protect the rights to Freedom of Expression for event attendees and protestors. The default expectation is that deferred events will be rescheduled without undue delay, in keeping with the university's role to promote informed dialogue within the boundaries of the law.

3. Publish an annual report, for KCL and KCLSU SMTs, KCLSU Trustees and KCL Council, on delivering the KCL and KCLSU Joint statement on Freedom of Expression, including number of events hosted, number of events that were assessed to be high risk, the mitigations and reasons for those mitigations, and lessons learnt from many events. Quarterly updates will be provided to the Board of Trustees of KCLSU and the President & Principal of KCL.
4. To review and advise Estates and Facilities in updating operational policies and procedures on an as-needed basis, drawing on lessons learnt identified in the annual report and management of high risk events.
5. To maintain an external scan of how Freedom of Expression policies, protocols and processes are managed, in particular at other universities, in order to ensure King's approach remains up to date.
6. To develop, review and advise the SVP (Operations) and the Board of Trustees for KCLSU on the definitions for student protests.

Membership

KCL Chair (Executive Dean, nominated by President of KCL)

KCLSU Chair (KCLSU President)

KCLSU VP, Activities and Development

KCLSU VP, (other)

KCLSU Head of Operations

KCLSU Community Engagement Director

KCLSU VP, (other)

KCLSU Director of Digital and Communications

KCL Dean or Chaplain

KCL Associate Director of Students & Education

KCL Media office
KCL Venues
KCL Security
KCL academic
In attendance:
KCL D&I

For FESAG to be quorate it will need eight members, four from KCL and four from KCLSU. Delegates will not be allowed but, submissions prior to the committee will be considered.

In rare cases when FESAG cannot meet to review high risk events, authority is rested in the joint-chairs, in consultation with the KCL SVP (Operations) to decide on the appropriate mitigations that are necessary to ensure that the event, and any associated protests, goes ahead in accordance with the Joint Statement on Freedom of Expression (objective 2, above).

All members of FESAG will be required to participate in some mandatory training in order to understand the statutory environment, our policies and protocols and processes and have a good sense of the political sensitivities. This will include working through some hypothetical scenarios to ensure consistency and the accumulation of 'case law'.

Appeals process

A student group or staff member can appeal a decision of the SVP (Operations) to the KCL President and Principal. In considering an appeal the KCL President and Principal will seek advice from the KCLSU CEO, but the final decision will be that of the KCL President and Principal.

Assurance

These terms and the work of the Advisory Group will be formally reviewed after a year and thereafter every three years and are subject to periodic audit by the KCL Internal Audit Department. The annual report of the group will be submitted to KCL Council through Council's Audit, Risk and Compliance Committee.

Transparency

Underlying the thinking in establishing FESAG was the idea to increase transparency in the decision-making process on managing high risk events at King's. For this reason the *outcomes* of all FESAG discussions will be open and transparent (i.e. not confidential) and the range of mitigations that the Group has available will be shared openly. However, the process that leads to a FESAG decision will be kept in confidence to allow a forthright exchange of ideas and positions.

Revised February 2019

Annex: King's and KCLSU Joint Statement on Freedom of Expression

"King's College London and King's College London Student Union have a strong commitment to the values of freedom of expression, freedom of thought, freedom of conscience and religion and freedom of assembly. The university upholds this commitment through its core strategic priorities: education, research, and service. One of our central guiding principles in the King's Strategic Vision 2029 is to 'demonstrate open-mindedness and tolerance and expect to challenge and be challenged in protecting the freedom of expression'. King's expects its academic and professional services staff, its students and visitors to the university to respect and promote this guiding principle.

"The furtherance of intellectual inquiry necessarily involves ideas that are in dispute, that may cause controversy, that may cause offence and that may provoke a reaction amongst audiences in the university community and beyond. The university is committed to a safe and civil environment for the exchange of ideas and the cultivation of knowledge. Our commitment will at times see the university serve as a place in which intellectual, moral, or political disputes come to the fore. At such times, the university's role is to ensure that all parties feel confident and safe in expressing their views except when this speech discriminates based on race, class, disability, sex, age, gender identity, transgender status, religion or sexual orientation.

"King's College London and King's College London Student Union make this statement conscious of the particular role that universities play in society and of the societal and public obligations that this entails. Nothing in this statement should be read as a deviation from, or contradiction to, the university's Charter, statutes and regulations, or its obligations under the laws of the United Kingdom, including equalities legislation. The university has in place policies that enforce this statement."