



**Higher Education Services  
Code of Practice on  
Freedom of Speech**

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# Higher Education Services Code of Practice on Freedom of Speech

## 1.0 Introduction and Purpose

- 1.1 This document shall be deemed to be the code of practice as required by the Higher Education (Freedom of Speech) Act 2023 (the “**Code**”). This Code has been introduced to comply with FutureLearn’s specific statutory duties to take all reasonable steps to secure free speech and academic freedom within the law and put in place a free speech code of practice under the Higher Education (Freedom of Speech) Act 2023.
- 1.2 Article 10 of the Human Rights Act 1998 states that: *“Everyone has the right to freedom of expression. This right includes the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.”*
- 1.3 Under this Code, freedom of speech means the freedom of individuals within the law to impart ideas, opinions or information, by means of speech, writing or images, including in electronic form without interference.
- 1.4 Academic freedom is the right of academic staff to have freedom within the law to question, and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing them in jeopardy of losing their jobs or privileges.
- 1.5 As a registered higher education provider, FutureLearn has specific statutory duties under the Higher Education (Freedom of Speech) Act 2023 and is committed to taking all reasonable and practicable steps to secure freedom of speech and academic freedom within the law. This duty applies particularly to academic freedom in its teaching and research. It also has particular regard to the need to ensure that free and open discussion can take place and that a diversity of views can be tolerated, including views that may be regarded as controversial or provocative or unpopular. A key aim of FutureLearn is to foster an environment where academic freedom and freedom of speech is secured within the law and that academic staff have the freedom within the law to question and test received wisdom without placing themselves in jeopardy of losing their jobs or any privileges, they may have at FutureLearn.
- 1.6 Every person employed at FutureLearn and every student enrolling at FutureLearn should be aware that joining the student community involves obligations and responsibilities which are consistent with the above principles and the law and that these are included in FutureLearn’s codes of practice, policies and procedures including this Code, and that staff and students agree to comply with under their terms of employment or registration, respectively. This does not mean that the right to freedom of speech or academic freedom is unfettered, as it may be limited by law to protect the reputation or rights of others, protect national security and public safety and for the prevention of disorder or crime and to prevent disclosure of information received in confidence.
- 1.7 The Higher Education (Freedom of Speech) Act 2023 places a legal duty on Higher Education providers to take all steps which are reasonable and practicable to secure freedom of speech. It states that the only constraints on the duty to secure freedom of speech are those imposed by law and, therefore, in operating this Code, FutureLearn seeks to secure freedom of speech and academic freedom within the law whilst balancing its legal obligations to

protect the welfare of both staff and students. It is not for higher education providers to set limitations on those obligations.

- 1.8** This Code ensures that, as far as reasonably practicable, academic freedom and freedom of speech within the law is secured for staff, students and visiting speakers to FutureLearn and that no one is denied the use of FutureLearn's premises, platforms and/or online environments on the grounds of their ideas or opinions or, in the case of organisations, the opinions and beliefs of its members.
- 1.9** The Managing Director is required to and authorised on behalf of the Board of Directors (the Board) to appoint a Responsible Officer to act on the Board's behalf to ensure compliance with this Code and its annual review. The Responsible Officer is the Director of Academic Affairs.

## 2.0 Principles

- 2.1** FutureLearn is committed to upholding the principle of free expression within the law. We support the right of individuals to express their ideas and opinions freely, within the boundaries of the law. We encourage open, respectful, and dignified debate on a wide range of topics, including those that may be controversial or unpopular, without fear of disciplinary action or reprisal.
- 2.2** Through its platform, FutureLearn enables its registered students and staff to access a diverse array of views and information, fostering learning, critical thinking, and informed discussion.
- 2.3** FutureLearn does not tolerate any form of bullying, harassment or victimisation and expects all members of the community and its visitors to treat each other with respect, courtesy and consideration. FutureLearn is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the community are respected. However, the expression of views which are unpopular, controversial or provocative or which cause offense, can still be lawful and will not constitute grounds for curtailing an individual's rights under this Code.
- 2.4** This Code is grounded in the external legal context outlined in Appendix 1 and is underpinned by the statutory requirements of the Higher Education (Freedom of Speech) Act 2023, as well as the core principles set out in the Office for Students' Regulatory Advice 24: Guidance Related to Freedom of Speech.

## 3.0 Scope

- 3.1** This Code applies to all staff (whether academic staff or otherwise), registered students (whether full or part-time learners), visiting speakers, visitors and contributors to FutureLearn. The Code applies to all forms of communication, whether verbal or written, and applies across all settings, including in-person/physical, remote, digitally live streamed or recorded and any other activities (referred to in this Code as "events") proposed, planned or due to take place on or using FutureLearn's facilities or online platforms or endorsed by it.

- 3.2** This Code does not apply to premises or platforms provided by validated partner institutions, who are expected to have their own Freedom of Speech Code or equivalent policy in place to govern their rights and obligations in relation to their staff, registered students and visiting speakers. In the event that matters relate to the actions of a validated partner institution or their staff or students FutureLearn may be required to refer that matter to the relevant institution for consideration under its code or related procedures.
- 3.3** This Code does not remove the obligation on staff to act at all times in accordance with FutureLearn's various staff policies.
- 3.4** This Code does not remove the obligation on students to act at all times in accordance with the relevant student policies.
- 3.5** Nothing in this Code shall be interpreted as limiting the rights of individuals to engage in lawful industrial action or peaceful protest.
- 3.6** FutureLearn does not take a formal position on political or international disputes. Instead, it endeavours to provide a platform to facilitate discourse on contemporary issues by encouraging critical debate, where the views of all parties are exchanged and challenged within the law.
- 3.7** The duties and obligations arising from this Code will be considered in the context of other activities and relevant policies and procedures, including but not limited to HR policies for academic staff and the Dignity at Work Policy.

## **4.0 Duties & Responsibilities**

- 4.1** FutureLearn is bound by statutory duty to take all reasonable and practicable steps to secure freedom of speech and academic freedom within the law. FutureLearn operates with a presumption in favour of freedom of speech. It shall be the duty of all those subject to this Code to assist FutureLearn in upholding freedom of speech and academic freedom within the law.
- 4.2** Staff (and students where relevant) of FutureLearn should bring this Code to the attention of any outside organisations who are providing speakers or are responsible for organising events. Such organisations/speakers are expected to uphold the principles of this Code, respect FutureLearn's values and be sensitive to the diversity of the student community.
- 4.3** It shall be the duty of any person engaged in the organisation of any guest lecture or other similar event under this Code to ensure the proper security and organisation (including stewarding and chairing of that event) for the purpose of upholding the duty to take all reasonable and practicable steps to secure freedom of speech within the law and complying with the provisions of this Code.

## **5.0 Freedom of Expression & Assembly**

- 5.1** Freedom of expression and freedom of assembly are fundamental rights protected under the Human Rights Act 1998 by Article 10 and 11 of the European Convention on Human Rights. They are also fundamental rights under common law. Protection under Article 10 extends to the expression of views that may shock, disturb, or offend the deeply held beliefs of others.

- 5.2** The right to freedom of expression and freedom of assembly are qualified (rather than absolute) rights, which means that the rights of the individual must be balanced against the interests of society. These rights operate in the context of the law and the values of a democratic society. They are qualified, for example, by laws to protect others from violence, hatred, and discrimination, to protect national security and public safety, for the prevention of disorder or crime, to protect health or morals, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. In particular, freedom of expression and freedom of assembly do not protect statements that constitute unlawful harassment or incite violence or hatred against other persons and groups, particularly by reference to race (including language, national origin or immigration status), religion or belief, sex or sexual orientation, age, disability or gender reassignment ('hate speech') or seek to commit offences against public order.
- 5.3** FutureLearn has an explicit duty in law to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students, staff and visiting speakers. This includes a duty to ensure, so far as is reasonably practicable, that the use of any premises or online environment or platform of FutureLearn is not denied to any individual or body of persons on any ground connected with the beliefs or views of that individual or of any member of that body, or by the Code or objectives of that body.
- 5.4** It shall be contrary to this Code to seek to restrict freedom of speech or academic freedom within the law other than where that restriction is proportionate and prescribed by law or in furtherance of a legitimate aim as set out in this Code.
- 5.5** It shall be contrary to this Code for any person or body to whom it applies to take any action other than by reasonable and peaceful persuasion or peaceful protest to prevent any student or group of students from attending any lecture, tutorial or other academic activity required by, or properly associated with, the course on which they are enrolled because of the lawful views held or expressed or which are reasonably likely to be expressed as part of that academic activity, whether or not it takes place within FutureLearn.
- 5.6** It shall be contrary to this Code for any person or body to which it applies to take any action other than by reasonable and peaceful persuasion or peaceful protest to prevent the holding of or continuance of any lecture, tutorial or other academic activity because of the lawful views held or expressed or which are reasonably likely to be expressed, whether or not within FutureLearn, by the academic concerned.

## **6.0 Academic Freedom**

- 6.1** The principle of the right to academic freedom within the law set out in this Code shall extend to academic staff, including visiting and guest speakers in accordance with the Event Booking Procedure for External Speakers set out at Appendix 2.
- 6.2** Academic staff are protected in their teaching, research and speech by the provision on Academic Freedom expressed within FutureLearn's policies, procedures, regulations and contracts of employment. In summary, staff have freedom within the law to question, and test received wisdom and to put forward new ideas and controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges.

- 6.3** FutureLearn has a particular regard to securing academic freedom and freedom of speech within the law, but this must be set within the context of FutureLearn's values and those of a civilised, democratic, inclusive society. FutureLearn expects its members and speakers and those taking part in activities to respect those values and to be sensitive to the diversity of its diverse community. While these precepts are not within themselves grounds to restrict lawful free speech or academic freedom they apply even in relation to the way views are expressed and any form of protest activity.
- 6.4** FutureLearn notes that in the context of academic settings the Equality and Human Rights Commission 2019 statement on harassment which confirmed that the harassment provisions of the Equality Act 2010 should not be used to undermine academic freedom within the law and that students' learning experience may include exposure to course materials and discussions or views that they find offensive or unacceptable and this is unlikely to be considered as harassment under the Equality Act 2010.
- 6.5** FutureLearn also acknowledges the rebuttable presumption in relation to free speech which applies to its regulatory duties to protect students from harassment under the Office for Students Condition E6.

## **7.0 Approval of Events**

- 7.1** The primary purpose of this Code is to ensure that FutureLearn can fulfil its legal obligations in taking all reasonable and practicable steps to secure freedom of speech and academic freedom within the law, whilst at the same time fulfilling other legal obligations and statutory duties and ensuring the safety and smooth running of the organisation. FutureLearn must have particular regard to its free speech duties and where any person subject to this Code wishes to hold a meeting or other event for the expression of views as set out in this Code on premises, platforms or online environments which FutureLearn controls, the presumption will be in favour of free speech and FutureLearn shall not unreasonably refuse consent.
- 7.2** FutureLearn reserves the right to refuse consent to any meeting or event that involves, or is reasonably expected to involve, the expression of views that are unlawful or in circumstances where it would be prescribed by law to apply proportionate restrictions under this Code. All such requests should be made and will be considered in accordance with FutureLearn's Event Booking Procedure for External Speakers set out at Appendix 2.
- 7.3** The withholding or withdrawal of permission will only occur in exceptional circumstances where reasonable and practicable steps cannot be taken to secure freedom of speech within the law and, wherever possible, after consultation with the main contact for the event and appropriate internal and external parties as are deemed necessary by the Academic Registrar, who may take external specialist advice when required. The Director of Academic Affairs has the sole discretion to take this decision.
- 7.4** It is important to note, however, that although FutureLearn operates with a presumption in favour of freedom of speech within the law and will take all steps reasonably practicable to secure free speech and academic freedom, there may be exceptional circumstances where it may be necessary to limit or curtail free speech or academic freedoms as long as any interference with those rights is for legitimate reasons and proportionate i.e. they must impose the least possible restriction on freedom of speech necessary to secure such legitimate aims. When considering imposing limits on freedom of speech, such as when developing policies around staff or student conduct, FutureLearn will always first undertake a

risk assessment and a proportionality test to ensure this is the case. Similarly, when making any decision under such policies, FutureLearn will again undertake a proportionality test or risk assessment to ensure any action taken is legitimate and goes no further than is necessary.

- 7.5** Appeals against any decision made under this Code may be made in writing to the Managing Director (or their nominee) whose decision shall be final. Any appeal must be made within five (5) calendar days of any decision.

## **8.0 Reporting and Complaints**

- 8.1** FutureLearn is committed to maintaining a safe and respectful environment for all stakeholders. It will ensure that clear and accessible procedures are in place for reporting any alleged incidents of hate crime, harassment, threats, or intimidation. All reports will be investigated promptly and thoroughly, with appropriate action taken, which may include referral to the Police or other external authorities where necessary.
- 8.2** Any breach or departure from the provisions of this Code may result in disciplinary action under FutureLearn's staff or student procedures, as appropriate. Allegations may be investigated under FutureLearn's disciplinary, grievance, or complaints procedures, depending on the nature of the concern and the individuals involved.
- 8.3** If an offence is alleged to have occurred in connection with an event or activity governed by this Code, FutureLearn may cooperate with law enforcement authorities to identify individuals involved. Internal disciplinary proceedings may be suspended pending the outcome of any external investigation.
- 8.4** In the event that a registered student or member of staff has a complaint relating to freedom of speech at FutureLearn this can be referred through FutureLearn's designated [Student Complaints Procedure](#) in the case of a registered student and its Grievance Procedure in the case of a staff member.
- 8.5** FutureLearn will not investigate complaints relating to the activities, events, or decisions of validated or partner institutions. Such matters should be addressed through the relevant partner's own Code of Practice and complaints procedures.

## **9.0 Social and Electronic Media**

- 9.1** The principles of freedom of speech and academic freedom within the law apply to the use of electronic and social media and FutureLearn requires responsible and legal use of the technologies and facilities available to its staff and students including the use of the internet, e-mail and social media. Please refer to FutureLearn's Social Media Policy for further information.

## **10.0 Monitoring and Review of this Code**

- 10.1** All guest/external speaker events will be recorded, and this will include the risk assessment and outcome.

- 10.2** This Code will be reviewed annually to ensure it is still fit for purpose by the Academic Board.
- 10.3** The Director of Academic Affairs will ensure that this Code and its terms is brought to the attention of FutureLearn's students at least once a year. The Code is also published in the Student Handbook, on the Student Hub portal online.

## Appendix

### Appendix 1: Legal Context

- [Human Rights Act 1998](#) incorporates Article 10 of the European Convention on Human Rights, protecting the right to freedom of expression.
- [Equality Act 2010](#) prohibits unlawful discrimination, harassment, and victimisation, ensuring that freedom of speech does not infringe upon the rights of others.
- [Counterterrorism and Security Act 2015 \(Prevent Duty\)](#) obligates institutions to have due regard to the need to prevent individuals from being drawn into terrorism, while also having regard to the importance of freedom of speech.
- [Higher Education \(Freedom of Speech\) Act 2023](#) strengthens the legal duties of institutions in relation to free speech and academic freedom, introducing mechanisms for promoting, scrutinising, and enforcing compliance with those requirements.
- [Higher Education & Research Act 2017](#) (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS' regulatory framework.
- [The Education Reform Act 1988](#) (section 202) (reinforced by HERA) makes clear that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions.
- [The Public Order Act 1986](#) creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.
- [The Protection from Harassment Act 1997](#) creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
- [The Terrorism Act 2006](#) creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused.

## Appendix 2: Event Booking Procedure for External Speakers

### External Speakers

All external or guest speakers must agree to adhere to FutureLearn's policies and the legal framework governing Freedom of Speech.

### Notice

All events involving external speakers must be booked at least 10 working days in advance using the Guest Speaker Booking Form and Risk Assessment (at Appendix 3) and submitted to the Quality team.

### Principal Organiser

A designated individual must act as Principal Organiser and is responsible for ensuring compliance with this Code, completing the Guest Speaker Booking Form and Risk Assessment with full event details and initial risk assessment for consideration by FutureLearn and briefing the appointed Event Chair (if required).

Students or societies may organise events only under the authority and guidance of a Principal Organiser.

The Principal Organiser must ensure that all external speakers are briefed on FutureLearn's expectations regarding lawful free speech, respectful conduct, and compliance with relevant policies.

### Risk Assessment

The Principal Organiser must assess the nature of the event, expected attendance, and external speaker background (including online presence). The Principal Organiser should identify any risks relating to security, safety, equality, diversity, or Prevent Duty.

Once the Guest Speaker Booking Form and Risk Assessment is complete, together with the initial risk assessment, this should be submitted to FutureLearn's Academic Quality Lead (via [quality@futurelearn.com](mailto:quality@futurelearn.com) for review and approval).

A risk assessment will be carried out to evaluate the suitability and nature of the proposed topic and speaker, the potential for public disorder or legal breaches, the need for security measures, and compliance with relevant duties and regulations - including the Prevent Duty, the Equality Act, and other applicable legal frameworks.

The review process will consider compliance with relevant legislation, including the Equality Act 2010, the Counter-Terrorism and Security Act 2015 (Prevent Duty), and the Public Order Act 1986. Events may be refused or conditions imposed where there are reasonable grounds to believe that unlawful activity may occur.

### Review and Approval of Events

All events are approved on a presumption of free speech within the law. Approval of the speaker will not be withheld based on controversial views.

In assessing whether to allow approval to proceed with an event FutureLearn will apply the three-step framework set out in Section 2 of the Office for Students' Regulatory Advice 24: Freedom of Speech Guidance<sup>1</sup>:

- **Step 1:** Is the speech within the law? If not, the duty to secure speech does not apply.
- **Step 2:** Are there any reasonably practicable steps to secure the speech? If so, FutureLearn will take those steps and will not restrict the speech.
- **Step 3:** If no such steps are available, FutureLearn will ensure that any restriction is prescribed by law and proportionate under Article 10 of the European Convention on Human Rights.

Conditions may be imposed to allow events to go ahead, for example, implementing security measures, appointing an independent Event Chair (see below) or limits on the number of attendees.

Costs for additional security (if required) may be charged to the Principal Organiser in exceptional cases.

### **Event Chair**

An Event Chair may be appointed to uphold lawful free speech and maintain good order during the event.

An Event Chair must act impartially and allow lawful challenge and debate.

FutureLearn reserves the right to intervene or terminate an event in progress if there is evidence or reasonable suspicion that the bounds of lawful free speech are being exceeded, or if there is a risk to safety, public order, or property.

### **Cancellation**

Events will only be cancelled in exceptional circumstances. These include situations where there is a clear and substantiated inability to mitigate serious risks to safety, public order, or lawful free speech. Events may also be cancelled where there are reasonable grounds to believe that the event is likely to involve unlawful speech or conduct, incitement to violence or hatred, or a breach of the peace.

FutureLearn also reserves the right to intervene in or terminate an event in progress if such risks materialise during the event and cannot be adequately managed.

Any cancellation must be approved by the Director of Academic Affairs.

### **Appeals**

Appeals against event refusals or cancellations must be submitted in writing to the Managing Director (or their nominee).

The decision of the Managing Director (or their nominee) shall be final and must be reported to the next meeting of FutureLearn's Academic Standards and Quality Committee.

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<sup>1</sup> [Regulatory advice 24: Guidance related to freedom of speech](#)

### Appendix 3: Guest Speaker Booking Form and Risk Assessment

<p>This risk assessment is conducted in accordance with the Higher Education (Freedom of Speech) Act 2023 and FutureLearn’s Freedom of Speech Code of Practice. The purpose of this form is to ensure that guest speaker events are conducted safely, lawfully, and respectfully, while upholding the legal duty to secure freedom of speech within the law.</p> <p>No speaker will be denied access to institutional platforms solely on the basis of their lawful views, beliefs, or affiliations. Any checks or reviews conducted as part of this assessment are intended to identify and mitigate risks of unlawful speech, harassment, or harm, and not to suppress controversial or unpopular opinions.</p> <p>All decisions regarding guest speaker events will be made in a manner that is transparent, proportionate, and consistent with the institution’s legal obligations under the Higher Education (Freedom of Speech) Act 2023.</p>	
<b>Event title</b>	
<b>Guest Speaker name</b>	
<b>Guest Speaker’s organisation &amp; address</b>	
<b>Has the name and address of the Guest Speaker been verified?</b>	
<b>Has the Guest Speaker’s website and social media been reviewed for lawful compliance and safety concerns?</b>	
<b>Description of the services of the Guest Speaker</b>	
<b>Has the content of the event (e.g. presentation materials) been reviewed by the Director of Academic Affairs or Head of Programmes for legal compliance and safeguarding purposes only?</b>	
<b>Date and time of the event</b>	
<b>Venue where the event will take place</b>	
<b>Audience</b>	
<b>Event duration</b>	
<b>Member of staff to be present</b>	

<b>Aim of the session</b>	
<b>Filming and recording</b>	<p>The Guest Speaker's lecture will be filmed by the Host ("the Recording").</p> <p>The Recording may be published on the Host's course pages, social media pages (including YouTube), staff intranet and website.</p> <p>Consent for recording and distribution will be obtained in advance.</p>
<b>Fee</b>	£--- inclusive of VAT.
<b>Technical requirements</b>	
<b>Payment terms</b>	<p>The full Fee shall be paid within 30 days of the Host's receipt of a valid, undisputed invoice to be provided by the Guest Speaker.</p> <p>The Guest Speaker is to submit any invoice to the Head of Programmes, Kim Marsh at <a href="mailto:kimberley.marsh@futurelearn.com">kimberley.marsh@futurelearn.com</a>.</p>
<p><b>Has the Guest Speaker previously been refused permission to speak publicly?</b></p> <p><i>(If yes, provide context and ensure refusal was based on lawful grounds.)</i></p>	
<p><b>Is the topic likely to be emotional or controversial?</b></p> <p><i>(If yes, outline strategies to ensure respectful engagement and safety.)</i></p>	
<p><b>Is there a likelihood of harassment, intimidation, verbal abuse, or incitement to harm due to the event or speaker?</b></p> <p><i>(If yes, detail mitigation strategies and safeguarding measures.)</i></p>	
<b>Is the event approved?</b>	
<b>Senior Manager Sign-Off</b>	
<b>Name</b>	

<b>Date</b>	
<b>Signature</b>	