

Leeds Beckett University

Code of Practice on Freedom of Speech and Expression

1 Introduction: legal framework

- 1.1 Section 43 of the Education (No2) Act 1986 places a duty on universities in England and Wales to take such steps as are reasonably practicable to ensure that freedom of speech on university premises is secured for university employees, students and visiting speakers.
- 1.2 Section 26 of the Counter-Terrorism and Security Act 2015 imposes a duty on Relevant Higher Education Bodies, when exercising their functions, to have due regard to the need to prevent people from being drawn into terrorism. This is commonly referred to as the “PREVENT duty”.
- 1.3 The duty of freedom of speech includes the obligation to ensure, as far as is reasonably practicable, and within the constraints of the Counter-Terrorism and Security Act, that the use of any university premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives.

2 Establishment of a Code of Practice

- 2.1 As part of its statutory obligations our University is required to establish a written code (this Code), setting out the procedures to be followed by staff, students and Leeds Beckett Students’ Union in connection with:
 - a) the organisation of meetings and activities which fall within any class specified within the Code of Practice (the Code); and
 - b) the conduct required of staff, students, the Students’ Union and visitors in connection with such meetings and activities.

3 Application of the Code

- 3.1 Specifically, the Code shall apply to:
 - a) our University (which shall include all bodies and persons having authority to determine any matter relevant to the Code);
 - b) all employees of our University (both academic and support staff) and any non-employees whose normal place of work is on University premises;
 - c) all duly registered students of our University (both full- and part-time);

- d) Leeds Beckett Students' Union, including all societies and clubs registered with and within the Students' Union; and
- e) all societies and clubs established by and within our University.

4 **The principle of freedom of speech and expression**

- 4.1 Our University fully embraces the principle of freedom of speech and expression as established in English Law as one of the fundamental precepts on which all institutions of learning should be founded. Our University's commitment in this regard is formally enshrined in its Articles of Government (Article 9.2):

... our University shall have regard to the need to ensure that academic staff of our University 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 any privileges they may have at our University.

- 4.2 The Code sets out the rights and obligations on members of, and visitors to, our University community, which flow from the above principle. It should be understood and applied within the spirit of upholding the principle of freedom of speech wherever reasonably possible within the context of the existing legal framework.
- 4.3 Nothing in the Code shall be taken to prohibit the exercise of the right to protest by peaceful means or to take industrial action provided that those means do not entail breach of the law or University regulations.
- 4.4 All employees of our University and Students' Union and all students of the University shall understand that becoming a member of our University community entails obligations and responsibilities which are consistent with the principle of freedom of speech and expression.
- 4.5 Where any person or organisation subject to the Code wishes to hold a meeting or like event for the expression of views on premises which our University controls (including those occupied by the Students' Union), our University and Students' Union shall not unreasonably refuse consent.
- 4.6 It shall not be a reasonable ground of refusal of permission or facilities for a meeting or like event that the views likely to be expressed there may be controversial or contrary to any policy of our University, provided that the expression of such views is lawful. Expression of opinions which are offensive is not, of itself, unlawful unless it amounts to incitement to violence or incitement to racial or religious hatred or it would otherwise constitute unlawful discrimination (or harassment) on the grounds of sex, race, disability, sexual orientation, religion/belief and/or age.

5 Notification of obligations under the Code

- 5.1 The obligations on and responsibilities of all employees of our University and the Students' Union and all students of our University shall be drawn to their attention at the point they join the community.
- 5.2 Our University shall bring the Code to the attention of its students annually.
- 5.3 The Students' Union is required to ensure that the conditions of employment for its employees include a statement which stipulates that employees have an obligation to comply with the provision relating to freedom of speech and expression under the Education (No.2) Act 1986 (Section 43) and the Code.
- 5.4 The Students' Union shall bring the Code to the attention of its employees and take the necessary steps to ensure that they comply with it.
- 5.5 Employees and students of our University, sabbatical officers and employees of the Students' Union shall bring the Code to the attention of any outside organisations whom they are aware:
- a) are providing speakers for an event;
 - b) are responsible for organising meetings; and/or
 - c) have booked or intend to book University premises (including premises occupied by the Students' Union)

6 Limits on the principle of freedom of speech and expression

- 6.1 The principle of freedom of speech and expression operates within the limits placed on it by the law, in particular but not exhaustively:
- a) the provisions of equality and counter-terror legislation which outlaws incitement to hatred and violence based on prejudice against specific groups;
 - b) criminal law, which outlaws incitement to commit a crime or sedition;
 - c) common law which outlaws defamation;
 - d) statutory and common law, outlawing contempt of court; and
 - e) health and safety law.

7 Academic activities

- 7.1 It shall be contrary to the Code for any individual or body to whom the Code applies to take any action (other than by reasonable and peaceful persuasion or peaceful protest) to prevent, disrupt or put a stop to any academic activity (ie activities which form part of

our University's teaching, learning, research or other scholarly activity such as a lecture, seminar, group study session, conference, exhibition, performance, academic festival, University society meeting or examination) because of the lawful views held or expressed or which are reasonably likely to be expressed, (whether or not within our University) by participants in that academic activity, unless the expression of those views is reasonably decided by our University to be likely to jeopardise public safety and order and/or the safety of staff and students.

- 7.2 It shall also be contrary to the Code for any individual or body to whom the Code applies to take any action (other than reasonable and peaceful persuasion or peaceful protest) to prevent any student or group of students from attending any academic activity required by, or properly associated with, the course for which they are duly enrolled because of the views or beliefs held or lawfully expressed (whether or not within our University) by that student or because of the reasonable likelihood that such views will be expressed.
- 7.3 In cases where it comes to their attention that legitimate academic activities are likely to be delayed or disrupted by improper means, anyone associated with the organisation of the activity in question is required to report their concerns immediately and in writing to the Secretary and Registrar.
- 7.4 The Secretary and Registrar is authorised and empowered to determine and implement any reasonable and lawful action to mitigate or remove the delay or disruption. Everyone associated with the activity in question shall co-operate with the Secretary and Registrar's directions in this regard.
- 7.5 All reports of likely delay or disruption to legitimate academic activity and all actions taken by the Secretary and Registrar to mitigate or remove delay or disruption shall be reported by the Secretary and Registrar to the Vice-Chancellor and the Chair of the Board of Governors and to the following meeting of the Board of Governors.

8 Meetings

- 8.1 It shall be accepted as reasonable to refuse consent or to withhold facilities for a meeting or other event to which the Code applies where our University has reasonable grounds to believe and/or reasonably anticipates that:
- a) the views likely to be expressed by any speaker are contrary to the law;
 - b) the intention of any speaker there is likely to be to incite breaches of the Law or is to intend breaches of the peace to occur;
 - c) the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose; or
 - d) it is in the interests of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of our University (including those occupied by the Students' Union) that the event does not take place.

- 8.2 Meetings or other related activities may be terminated early by our University where, in the course of that meeting or activity, it becomes apparent that any event under 8.1a) to d) above is likely to occur, or has occurred.
- 8.3 Authority to refuse consent or withhold facilities for a meeting or similar event shall be reserved to the Secretary and Registrar.
- 8.4 In reviewing such matters the Secretary and Registrar shall give consideration to putting in place arrangements/conditions (eg provision of stewards, variation of location and time, and whether such an event should be open to the public at large) which may adequately mitigate or remove the risk of any factor under 8.1a) to d) materialising. The Secretary and Registrar has the authority to impose such arrangements or conditions on event organisers.
- 8.5 Where the Secretary and Registrar forms the view that her/his power to regulate events by condition is insufficient to prevent serious disorder in premises subject to our University's control, she/he may decline to permit such events to be held. Before doing so, however, she/he may consult the police with a view to establishing whether the serious disorder could be prevented or otherwise dealt with appropriately by attendance of police officers or some other conditions.

9 Events on University premises organised by the Students' Union

- 9.1 Events organised by the Students' Union, or by societies and clubs registered with the Students' Union, will be approved and managed in accordance with the Code of Practice for the Approval/Management of Events with External Speakers.

10 Events on University premises organised by a party external to the University

- 10.1 Events organised by a party external to the University will be approved and managed in accordance with the Code of Practice for the Approval/Management of Events with External Speakers.

11 Distribution of Literature on University Premises

- 11.1 No party external to the University may distribute literature on University premises without permission from the Secretary and Registrar. Any such unauthorised literature discovered on University premises will be removed and destroyed.

12 Right of review of the decision of the Secretary and Registrar

- 12.1 If any person or organisation believes that the actions of the Secretary and Registrar in refusing permission or facilities for the holding of any event, or the actions of our University in imposing conditions are unreasonable, they/it shall have a right to make representations to the Vice-Chancellor. The Vice-Chancellor shall consider such representations and within five working days of receipt shall confirm in writing to the person or body making them whether the original decision is to be upheld or varied.

12.2 Where breaches of the criminal law occur, our University shall assist with police investigations and, if charges are preferred, with the conduct of judicial proceedings as necessary.

13 **Review of the Code**

13.1 Section 43 of the Education (No.2) Act 1986 requires under subsection 3 that the Board of Governors shall issue, and keep up to date, a Code of Practice on Freedom of Speech. In order to comply with this duty, the Board of Governors shall review, formally, the operation of the Code every five years.

Approved May 2008

Effective for 2015-16 (last updated July 2012)

Revised November 2015 – Approved by Academic Board and Board of Governors