

Code of Practice on Freedom of Speech

INTRODUCTION

1. The University is fully committed to the principle, promotion, and protection of freedom of speech within the law, including academic freedom.
2. This Code of Practice on Freedom of Speech (the **Code**) sets out the University's values and expectations in relation to freedom of speech, the steps the University will take to promote and secure freedom of speech within the law and summarises the University procedures in place to procure compliance.
3. An overview of the legal and regulatory framework is set out in the [Annex](#) to this Code.

SCOPE

4. The Code applies:
 - (a) all **staff** and registered **students**¹ of the University;
 - (b) **external speakers** and **external visitors** invited or otherwise lawfully participating in **University activities and events**.
 - (c) **University activities and events organised in the name of the University** whether events take place on or off campus, or virtually, (this includes events affiliated with, organised by, funded by or branded in, the University's name); or on **University premises** (those premises over which the University exercises control, whether indoor or outdoor).
5. Leeds Beckett Students' Union, including all associated societies and clubs, has its own Code of Practice on Freedom of Speech.

DEFINITIONS

6. **Freedom of speech** is the right to receive and impart ideas, opinions or information within the law, by means of speech, writing and images (including in electronic form) without interference.
7. **Academic freedom** means, in relation to academic staff at the University, their freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves at risk of being adversely affected in terms of loss of their jobs or privileges at the University, or the likelihood of their securing promotion or different jobs at the University being reduced.

¹ Including apprentices registered on University's degree apprenticeship programmes and those at partner institutions registered as LBU students or are otherwise on LBU premises

VALUES

8. One of the University's core values is upholding freedom of speech, academic freedom and freedom from discrimination, in order to provide and encourage a supportive environment and infrastructure that promotes expression, debate and deliberations of all ideas and for peaceful protests within the law.
9. The University will take all steps as are reasonably practicable (both taking positive steps and refraining from taking steps which could have an adverse impact) to ensure that freedom of speech and academic freedom within the law is protected and promoted.
 - (a) Promoting a culture of tolerance and respect for others, encouraging dialogue about the issues that connect and divide individuals and communities, discussing prejudice and challenging preconceptions and assumptions;
 - (b) Creating an environment for staff and students free from intimidation and harassment, tackling hate crime, challenging views that promote violence or otherwise infringe human rights without restricting lawful free speech; and
 - (c) Providing opportunities to learn about difference and identify common ground, promoting the benefits of developing knowledge and skills that improve personal and communal relationships.
10. The University fosters an environment in which all of its staff and students feel able to exercise their right to free speech (including controversial, offensive or unpopular opinions) within the law. Robust, challenging and civil debate forms part of academic enquiry, even if viewpoints expressed are disagreeable or unpopular, as long as this is within the law. In exercising their right to freedom of speech, the University expects its staff, students and visitors to be tolerant of differing opinions and identities, in line with this Code, and engage with intellectual and ideological discussions in a constructive, questioning and peaceable nature. All speakers have a right to be heard when exercising their right to free speech within the law.
11. We support our students and staff right to take part in lawful and peaceful protests and demonstrations in accordance with the University's [Approval of Events Procedure](#). However, the right to freedom of speech must be balanced with the University's other legal obligations, which includes determining if a proposed event will be unlawful under criminal and civil laws (e.g. harassment, discrimination, terrorism legislation, health and safety legislation and laws relating to defamation, confidentiality and privacy). The University has legal obligations not only to those expressing views at events, but also to those who have opposing views and/or the rights of students, staff and visitors to work, study and undertake normal university activities without hinderance and free from intimidation and harassment.
12. The University's response to the **Prevent Duty** is embedded within our [safeguarding](#) processes which are primarily about safeguarding the welfare of students and staff, as well as the general public accessing University events and premises. The University will be mindful that it has a particular responsibility under the [Counter-Terrorism and Security Act 2015](#) to have due regard (amongst other things, as set out in the [Legal and regulatory framework](#)) to the [Prevent duty](#) to 'prevent people from being drawn into terrorism'; to the need to **foster good relations**; and to have due regard to academic freedom and freedom of speech. Debate, discussion, and critical enquiry can be, in themselves, powerful tools in preventing people from being drawn into terrorism.
13. The University will ensure that all staff are able to exercise freedom of speech within the law, without placing themselves at risk of losing their job, any University privileges or benefits they have, or securing promotion or different jobs at the University.
14. The University sets out expectations of **conduct** for students in our [Student Code of Conduct](#) and for staff in our [HR Policies and Procedures](#). Expectations of conduct at events is set out the [Events Code of Conduct](#).

STEPS THE UNIVERSITY TAKES TO SECURE FREEDOM OF SPEECH AND ACADEMIC FREEDOM

Our approach

15. The University will ensure that its teaching, research, curriculum, policies and procedures ensure, so far as is reasonably practicable, freedom of speech and academic freedom within the law is protected, including (but not limited to):
 - (a) Processes for academic programme development and approval, quality assurance and assessment and for facilitating research and approval of research (staff and student);
 - (b) Admission processes for students;
 - (c) HR processes for appointment, promotion and employment terms;
 - (d) Policies relating to equality, diversity and inclusion (including the public sector equality duty) and the Prevent duty;
 - (e) Codes of conduct and other behaviour policies; and
 - (f) Processes for approval and management of meetings, events, activities and protests (see section: [University Events and Meetings](#)).

16. The University will not enter into agreements that prevent or restrict someone from disclosing information about an allegation of harassment or sexual misconduct which affects one or more students.

17. The University shall ensure that:
 - (a) this Code is brought to the attention of all new students during enrolment and new staff during induction; and
 - (b) this Code is brought to the attention of students annually;
 - (c) All staff responsible for making decisions under this policy are aware of this Code and receive appropriate training on freedom of speech and academic freedom.
 - (d) When new policies and procedures are introduced, consideration is given to their impact on freedom of speech and academic freedom.
 - (e) There are adequate and effective processes to raise concerns about freedom of speech and academic freedom (see section: [Complaints](#)) and monitor any concerns that have been raised to ensure that these are addressed so far as is reasonably practicable and to address any lessons learned.
 - (f) Steps are taken to secure compliance with this Code, including where appropriate, taking disciplinary action.

Criteria for decision making

18. When making decisions related to freedom of speech, the University will take reasonably practicable steps to secure freedom of speech within the law, taking into account the following factors:
 - (a) the extent to which taking the step, or not taking it, would secure or restrict freedom of speech;
 - (b) the practical costs (time, money, personnel, resources) of taking the step, or of not taking it; and
 - (c) financial constraints.

19. In considering if action is required, the University will be guided by the two principles:
 - (a) Is the free speech lawful? This will involve an assessment of whether the speech or proposed speech is or is likely to be unlawful.
 - (b) If there are risks associated with the free speech, are there mitigating conditions that can be applied that are proportionate and which will enable the free speech to lawfully proceed?

Distribution of Literature on University Premises

20. No party external to the University may distribute literature (including but not limited to posters and flyers) on University premises without permission from the **Registrar & Secretary and/or Dean/Director**. Any such unauthorised literature discovered on University premises will be removed and destroyed.

21. The University shall not restrict internal distribution because of an expression of support for a particular, legally expressible viewpoint.

Digital Media and Use of University IT Equipment

22. The right to freedom of speech within the law also extends to digital media. Use of University IT equipment is covered by the University's [Use of Computers Policy](#) which sets out permitted use of University IT equipment, including the creation, display, download, production, store, circulation or transmission of material in any form or medium.

UNIVERSITY EVENTS AND MEETINGS

23. Staff and students are encouraged to invite a wide range of speakers and to engage critically but courteously with them. The [Approval of Events Procedure](#) provides the only mechanism by which the University can approve, cancel or impose conditions on University events where this action is deemed necessary as a result of the event's subject matter and/or speaker(s). This is to ensure that the use of University premises is not inappropriately denied to any individual or body of persons on any ground connected with their beliefs or views or the policy or objectives of a body (with the exception of [proscribed groups or organisations](#)) of which they are a member. However, all speakers should anticipate that their views might be subject to robust debate, critique and challenge.
24. The [Approval of Events Procedure](#) must be followed when any person within the scope of this Code wants to organise a University event, unless the event is normal academic curriculum, day to day business, is purely commercial, or lawful picketing on days of strike action by University staff that has been arranged in support of official industrial action by the recognised trade unions.
25. The University will not deny permission for an event on the basis there may be lawful but controversial or unpopular views expressed, but may refuse permission or impose conditions on meetings and events where it is necessary given the subject matter and/or speakers (for example, where views likely to be expressed will be unlawful, incite breaches of the peace, advocate violence, promote an illegal organisation, there are safety concerns or concern the event will interfere with the proper functioning of the University). Conditions may, for example, include requirements as to the provision of security, the composition of the panel, monitoring of the event, the location of the event.
26. The [Events Code of Conduct](#) sets out the University's expectations of attendees and speakers at events. This Code and the Events Code of Conduct must be shared, by the **Responsible Officer** (as defined in the [Approval of Events Procedure](#)) with all **speakers** in advance of the event.
27. Where there are legitimate concerns that University activities are likely to be delayed or disrupted by events or meetings, anyone associated with the organisation of the activity in question is required to report their concerns immediately and in writing to the **Registrar & Secretary and Dean/Director**. The Registrar & Secretary (or nominee) 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 Registrar & Secretary's directions in this regard. All reports of likely delay or disruption to legitimate University activity and all actions taken by the Registrar & Secretary to mitigate or remove delay or disruption shall be reported to the Vice Chancellor and the Chair of the Board of Governors and to the following meeting of the Board of Governors.

COMPLAINTS

28. The University has established processes for students, staff, and external third parties who wish to raise a complaint. Free speech complaints should be raised under the existing frameworks:
- Students should raise complaints under the [Student Complaints Procedure](#)
 - Applicants should raise complaints relating to admissions under the [Admissions Complaints Procedure](#)
 - Staff should raise complaints under [HR Policies and Procedures](#)
 - Third parties should raise complaints under the [Stakeholder Complaints Procedure](#)
 - [Research Misconduct Policy and Procedure](#)
 - [Whistleblowing Policy and Procedure](#)
 - Students, colleagues and visitors to the University can use the [Support Report Respect online tool](#) at any time to access support and report incidents of bullying, harassment, discrimination or sexual misconduct.
29. This Code will be drawn to the attention of any complainant where their complaint relates to freedom of speech.

POLICY MANAGEMENT

30. The Board of Governors and the Vice Chancellor has appointed the **Registrar & Secretary** to act on behalf of the University to ensure, as far as is reasonably practicable, compliance with the requirements of this Code.
31. **Deans of Schools** and **Directors of Services** are responsible for upholding freedom of speech and academic freedom within their respective Schools and Services and organising and approving events.
32. The University shall record all decisions that could directly or indirectly (both positively or negatively) affect free speech and academic freedom within the law.
33. The **Board of Governors** shall issue, and keep up to date, this Code and shall formally review the operation of the Code periodically. The Registrar & Secretary's Office will have responsibility for maintaining and overseeing this Code and its associated procedures.
34. Any proposed amendments to the Code will be shared with Trade Unions for consultation.

Advice and guidance

35. Advice, guidance or concerns on freedom of speech matters should be brought to the attention of the Registrar & Secretary (governance@leedsbeckett.ac.uk) and the Freedom of Speech Coordination Group.

ANNEX - LEGAL AND REGULATORY FRAMEWORK

The legal and regulatory framework that the University is subject to, and must be considered in the context of freedom of speech, includes:

- (a) The [European Convention on Human Rights \(the Convention\)](#), enshrined into English law under the [Human Rights Act 1998](#), established a number of human rights, including:
- Article 9, which protects a person's freedom of thought, conscience and religion, and to manifest their religion.
 - Article 10, which protects a person's right to freedom of expression, which includes the right to hold information and to receive and impart information and ideas, and sets out the limited circumstances in which that right can be interfered with by the state in certain situations (such as to protect public safety, the prevention of disorder or crime, or for the protection of the reputation or rights of others).
 - Article 11, which protects a person's right to freedom of peaceful assembly and to freedom of association with others.
 - Article 14, which provides that any person has the right to exercise their rights under the Convention without discrimination on any grounds, including sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.
 - Article 17, no state, group or person has any right to engage in activity aimed as the destruction or limiting of any of the Convention rights and freedoms.

The rights under Articles 9 (in relation to the manifestation of one's religion or belief), 10 and 11 are subject to limitations, including those that are set by law and are necessary in a democratic society in the interests of national security, territorial integrity, public safety, prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of other, or for preventing the disclosure of information received in confidence.

- (b) The [Education \(No. 2\) Act 1986](#) requires universities to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for students, staff and external speakers. This duty includes a requirement to have a code of practice setting out the procedures for meetings and other activities on university premises and the conduct of persons in connection with those events, and to ensure that disciplinary measures are in place to secure compliance with the code. Various additional obligations are set out in the [Higher Education \(Freedom of Speech\) Act 2023](#), but to date the majority of this Act is not in force.
- (c) The [Office for Students \(OfS\)](#) requires compliance with the [Public Interest Governance Principles](#), including freedom of speech and academic freedom.

36. However unlawful speech is not protected.

- (a) Under the [Equality Act 2010](#), staff and students must not be subjected to unlawful direct or indirect discrimination, harassment, intimidation or threats of violence on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It is also an offence under the [Protection from Harassment Act 1997](#) to pursue a course of conduct that amounts to harassment of one or more persons or that causes another to fear that violence will be used against them.

- (b) The [Counter-Terrorism and Security Act 2015](#) places a duty on universities in the exercise of their functions to have 'due regard to the need to prevent people from being drawn into terrorism', commonly referred to as the "PREVENT duty". This necessitates the establishment of protocols and procedures to assess the risks associated with meetings or events that are University hosted, affiliated, funded, or branded, noting that the debates in these events may in themselves be tools to prevent individuals being drawn into terrorism.
- (c) It is unlawful to commit acts or threats of violence, causing fear or provocation of violence, harassment, alarm or distress and incitement to racial hatred under the [Public Order Act 1986](#).
- (d) There are other legislative requirements that may be relevant in particular cases, such as offences under the [Terrorism Acts 2000](#) and [2006 Act](#), statutory requirements relating to the holding of processions and assemblies, privacy or confidentiality interests, defamation, contempt of court and health and safety law.

37. While the starting point is therefore that speech is permitted, it is always necessary to also consider if the speech would be unlawful and therefore not protected.

38. The [Equality and Human Rights Commission](#) and the [European Court of Human Rights](#) have both expressed the view that harassment provisions should not be used to undermine academic freedom. As a result, students' learning experience and the working environment of staff may include exposure to research, course material, discussion or speakers' views that they find offensive, contentious or unacceptable, but are nonetheless within the law, and unlikely to be considered unlawful harassment or discrimination under the Equality Act 2010.

Policy	Code of Practice on Freedom of Speech
Organisation	Leeds Beckett University
Scope / Target audience	This Policy and Procedure applies to: <ul style="list-style-type: none"> • all employees and other individuals whose normal place of work is on University premises (including those at partner institutions) • all registered students (including apprentices registered on University's degree apprenticeship programmes and those at partner institutions) • event organisers • external speakers/visitors to the University's premises / attending events organised in the University's name
Owner	Registrar & Secretary
Key Contacts	Governance@leedsbeckett.ac.uk
Approved by	Board of Governors
Endorsed by	Freedom of Speech Coordination Group; University Executive Team; Academic Board
Consultation	Developed following consultation with the Students' Union and Trade Unions
Effective date	22 November 2024
Review Date	+2 years from last date of approval [November 2026]
Status	Published
Sensitivity	Public
External references	See annex: Legal and Regulatory Framework
Internal links	<ul style="list-style-type: none"> • Approval of Events Procedure • Events Code of Conduct • Event log and event form (Events Forum) • Equality, Diversity & Inclusion (EDI) Policy • University approach to the Prevent Duty • Preventing and Addressing Bullying, Harassment and Sexual Misconduct Policy
Version	Version 3.1
Version Control log	(1) 13 May 2008 Board of Governors (2) 20 November 2015 (reviewed 20 March 2020) Board of Governors (2.1) May 2020 update (2.2) October 2023 update (3) 22 November 2024 Board of Governors; (3.1 - Support Report Respect added to complaints section)