

# Code of Practice on Freedom of Speech and Expression<sup>1</sup>

## 1. Principles

- 1.1. Leeds Trinity University recognises and endorses that freedom of speech and expression within the law has fundamental importance for higher education institutions (HEIs) both as places of education, learning and the disinterested pursuit of truth and in their active role in a democratic, diverse and inclusive society.
- 1.2. HEIs are obliged under section 43 of the Education (No. 2) Act 1986 to take measures to protect freedom of lawful speech. In addition, the right to freedom of expression is enshrined in Article 10 of Schedule 1 to the Human Rights Act 1998. Leeds Trinity is also required under Article 20.16 of its Articles of Association to have regard to the need to ensure 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 or losing their jobs or any privileges they may have at Leeds Trinity. The Higher Education and Research Act (2017) makes clear that all universities which are registered with the Office for Students must uphold the existing laws around freedom of speech.
- 1.3. This Code of Practice sets out the rights and obligations inherent within the principles of freedom of speech and expression and shall be construed and applied in the spirit of upholding those principles within the law wherever reasonably practicable.
- 1.4. Leeds Trinity will not suppress freedom of speech and expression (including peaceful forms of protest), however abhorrent certain speech and expression may be to the majority of the members of Leeds Trinity, provided that such speech and expression are within the law and do not (for example) constitute

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<sup>1</sup> The Education (No.2) Act 1986 refers to freedom of speech. However, Leeds Trinity prefers to include a reference also to freedom of expression to take account of the wider approach in the European Convention on Human Rights, Article 10. The Human Rights Act 1998 requires UK legislation to be interpreted so far as possible consistently with the Convention.

breaches of national security , incitement to riot, insurrection or other activities which are likely to cause a breach of the peace or public disorder or otherwise to be unlawful or pose a risk to health and safety and provided that, by allowing views to be expressed, Leeds Trinity would not be failing in its wider legal duties in particular under the Equality Act 2010 to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations in this area.

- 1.5. This Policy does not cover 'routine' business of the University (e.g. asking an external practitioner to deliver a guest lecture' and the operation of the policy will be in the spirit of the University's duty to promote freedom of speech and the role of the University to encourage the advancing of ideas and learning through debate. The University is committed to exposing students to new and challenging ideas and encouraging robust but civil debate. The University is committed to freedom of speech being a key part of providing its students with a high-quality higher education.

## 2. Rights and Obligations

- 2.1. Leeds Trinity shall take such steps as are reasonably practicable to ensure that freedom of speech and expression within the law is secured for every person to whom this Code of Practice applies.
- 2.2. Every person to whom this Code of Practice applies shall be under an obligation to refrain from any conduct (other than by lawful, reasonable and peaceful persuasion which does not infringe Leeds Trinity's internal regulations), or from facilitating or encouraging any such conduct, which may hinder, limit or prevent the enjoyment by others of freedom of speech and expression under this Code of Practice.
- 2.3. Every person to whom this Code of Practice applies shall be under an obligation to assist Leeds Trinity in upholding this Code.
- 2.4. Leeds Trinity shall ensure, so far as is reasonably practicable, that the use of Leeds Trinity premises is not denied to any individual or body of persons to whom this Code applies on any ground connected with:
  - 2.4.1. the beliefs or views of such individual or any member of such body; or
  - 2.4.2. the policy or objectives of such body.

## 3. Application

- 3.1. This Code of Practice shall apply to:

- 3.1.1. members of the Board of Governors;
  - 3.1.2. all staff of Leeds Trinity;
  - 3.1.3. all students of Leeds Trinity;
  - 3.1.4. the students' union and any societies, clubs or associations which normally operate on Leeds Trinity premises; and
  - 3.1.5. all persons invited to speak or otherwise take part in activities to take place on Leeds Trinity premises in accordance with the provisions of this Code of Practice.
- 3.2. This Code of Practice shall extend to all speech and expression including in the form of oral, written and/or electronic publications, transmissions and communications, including social media. Nothing in this Code of Practice shall abrogate the requirements for compliance with Leeds Trinity's Acceptable Use Policy for IT equipment and networks. Social media can be an important tool for colleagues' professional activity and provide a helpful platform for profile raising and enhancing networks. It is recommended that colleagues using social media for both professional and personal reasons maintain separate accounts for these purposes as the audiences for each activity are often distinct. Individuals' personal and professional accounts should not use University's branding and, if staff do discuss their work on social media, they should make it clear on their profile statement or elsewhere that the views expressed are their own and do not necessarily reflect those of the University. All employees should consider what they are posting on their professional and personal individual accounts. The University does not and will not monitor individuals' accounts. However, if a concern is raised regarding content posted on a staff member's social media account, the University will look into the matter under the relevant policies.
- 3.3. References in this Code of Practice to Leeds Trinity's premises include premises which are owned by Leeds Trinity, and premises occupied by Leeds Trinity's students' union whether or not Leeds Trinity owns such premises.
- 3.4. References in this Code of Practice to the Deputy Vice-Chancellor and the Vice-Chancellor shall include their nominees.

## 4. The Organisation, etc, of Activities

- 4.1. In this section 4, references to an activity are references to any activity including (but not limited to) an event, meeting, demonstration, protest, occupation, broadcast, screening, virtual meeting or conference or production. It is recognised that this policy does not apply to 'routine' University business, as confirmed above in 1.5, but instances where there may be a need to safeguard the reputation of the University or where an event may attract a

large delegation.

- 4.2. Leeds Trinity is responsible for maintaining good order on its premises. It has the right to regulate and at any time to impose conditions and/or restrictions on any activity taking place or to take place or proposed to take place on its premises including in accordance with this Code of Practice.<sup>2</sup>
- 4.3. Any person to whom this Code applies who is seeking to organise, arrange, hold, perform or otherwise put on an exceptional activity on Leeds Trinity premises shall submit a written request, which clearly identifies the person making the request, to the Deputy Vice-Chancellor, for consideration by the Freedom of Speech Panel. This is required when it is reasonably foreseeable then the activity may be attended by several persons or more, or if the Deputy Vice-Chancellor considers the request to be controversial, for the request to be considered by the Freedom of Speech Panel. Any such request shall be submitted to the Deputy Vice-Chancellor not less than 30 days before the proposed start date and shall contain details of the subject matter, the name and identity of any and all speakers, the proposed venue, timing and location, together with any other information requested by the Deputy Vice-Chancellor.

The Deputy Vice-Chancellor shall convene the Freedom of Speech Panel as soon as practicable, to ensure timely decisions are made. The Panel will be responsible for analysing the planned attendance numbers as part of the request.

The Deputy Vice-Chancellor, on behalf of the University Executive, shall have the ultimate decision but will consider the thoughts and outcomes from the Freedom of Speech Panel in making this decision.

- 4.4. Any person to whom paragraph 4.3 applies shall, if there is any doubt as to whether the activity may, in the opinion of the Deputy Vice-Chancellor be controversial, consult with the Deputy Vice-Chancellor at the very earliest opportunity so that the correct procedures may be followed.
- 4.5. Within 7 working days of receiving a written request pursuant to paragraph 4.3, the Deputy Vice-Chancellor shall convene the Freedom of Speech Panel which shall either grant or withhold permission for the activity to take place on Leeds Trinity premises. Permission granted under this Code of Practice may be subject to such conditions and/or restrictions (for example, as to security precautions, stewarding, chairing, ticketing, venue, payment of charges or limits on numbers of people to be admitted) as the Deputy Vice-Chancellor sees fit. Furthermore, the Deputy Vice-Chancellor may subsequently impose

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<sup>2</sup> Such activities are likely to raise tensions between the need to protect people, property, and reputation on the one hand and on the other to ensure that persons to whom this Code applies are afforded freedom of speech and expression. Leeds Trinity will seek to ensure a co-ordinated approach, involving so far as it considers appropriate relevant stakeholders, in what may need to be a rapid decision-making process.

conditions and/or restrictions, or revise any already imposed, and/or withdraw permission granted. The Organiser and Deputy Vice-Chancellor shall sign a memorandum provided for the purpose of recording agreements and conditions. The Deputy Vice-Chancellor will not unreasonably refuse to allow an activity to take place on Leeds Trinity premises or withdraw permission or impose conditions and/or restrictions upon it. The expression of controversial views which do not breach the law will not of itself constitute reasonable grounds for withholding permission or imposing conditions and/or restrictions. However, reasonable grounds for so doing may include, but are not limited to, the fact that the activity may, on the premises of Leeds Trinity:

4.5.1. incite those attending to commit a criminal act;

4.5.2. lead to the unlawful expression of views;

4.5.3. be in direct support of an organisation whose aims and objectives are illegal; or

4.5.4. give rise to a breach of the peace.

4.6 In determining whether the taking place of an activity on Leeds Trinity premises might reasonably be refused or conditions and/or restrictions imposed, consideration will be given by the Deputy Vice-Chancellor (where relevant) to aspects such as (but not limited to) the following:

4.6.1 the safety of persons attending or participating in the activity and/or persons on Leeds Trinity premises who might foreseeably be put at risk;

4.6.2 the protection of the rights of others;

4.6.3 the security of Leeds Trinity premises; and

4.6.4 the good name and reputation of Leeds Trinity.

4.7 Appeals against a decision of the Deputy Vice-Chancellor may be made, in writing, to the Vice-Chancellor within 7 days of the date of the Deputy Vice-Chancellor's decision. The decision of the Vice-Chancellor shall be final and binding. The Vice-Chancellor may also impose such conditions and/or restrictions on any activity taking place on Leeds Trinity premises as s/he sees fit.

4.8 Leeds Trinity shall permit the use of Leeds Trinity premises only by organisers of activities who undertake in writing to comply with all lawful instructions, conditions and/or restrictions issued by Leeds Trinity including (but not limited to) aspects relating to activities such as location, arrangements, conduct, security, stewarding, charring and provision of control over entry and, further, undertake to leave all Leeds Trinity premises in a clean and tidy state and in good order.

4.9 In cases in which Leeds Trinity reasonably considers that disruption, disturbance or unrest may arise in connection with an activity, Leeds Trinity may consult with

the police. If the activity is a public one the police may be prepared to be present throughout the activity to minimise any disruption, disturbance or unrest.

- 4.10 Any organisers of any activity held on Leeds Trinity premises shall be responsible for any costs involved in organising, arranging, holding, performing or otherwise putting on the activity and for any costs, losses and/or repairs arising therefrom, and Leeds Trinity may require payment in advance or evidence of ability to pay or contribute in this regard. Furthermore, any organiser of any activity held on Leeds Trinity premises shall be responsible for ensuring, as far as possible, that nothing in the organisation, arrangement, holding, performance or putting on of the activity infringes the law in any way.

## 5. Compliance

- 5.1. Leeds Trinity shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures or action under other internal regulations) to secure that the obligations under this Code of Practice are complied with.
- 5.2. Any member of the Board of Governors who breaches this Code and/or any condition and/or restriction imposed under it may be removed from office by the Board of Governors.
- 5.3. Where a person who is alleged to have failed to comply with this Code of Practice and/or any condition and/or restriction imposed or instruction given under it is a student or member of staff, Leeds Trinity may take action against them under any relevant internal procedures such as the student and/or staff disciplinary procedures.
- 5.4. Where a person who is alleged to have failed to comply with this Code of Practice is a student or member of staff of a partner organisation of Leeds Trinity, the Deputy Vice-Chancellor may inform the partner organisation with a view to that partner organisation taking action under its relevant disciplinary procedure.
- 5.5. In relation to any breach or alleged breach of this Code of Practice, Leeds Trinity may liaise with the police including taking such steps as it considers appropriate to assist the police to secure identification of the persons committing or suspected of having committed criminal offences and Leeds Trinity may stay action under internal regulations (such as disciplinary procedures) pending developments in or the outcome of criminal investigation or proceedings.

The University will update the Board of Governors on a regular basis on freedom of speech and, if anything requires the attention of the Board in between regular reports, the Deputy Vice-Chancellor shall be responsible for updating the Board.

## 6. Review and Amendment of Code

- 6.1. Leeds Trinity acknowledges its duty under subsection 3 of section 43 of the Education (No. 2) Act 1986 to issue and keep up to date a code of practice on freedom of speech and expression. With this end in view the Board of Governors of Leeds Trinity will receive a report on the operation of this Code of Practice by the Vice-Chancellor together with any recommendations for revision of it, at intervals not exceeding 3 years.