

CODE OF PRACTICE ON FREEDOM OF SPEECH AND EXPRESSION

INTRODUCTION

1. Leeds Trinity University (“the University”) is fully committed to the principle, promotion, and protection of freedom of speech within the law. This includes the principle of academic freedom for its academic staff.
2. This Code of Practice on Freedom of Speech and Expression (“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 how the University will ensure compliance with the Code.
3. Appendix 1 of the Code sets out an overview of the wider legal and regulatory framework.

SCOPE

4. The Code applies to:
 - a) all University employees.
 - i. For the purposes of this Code an “employee” is defined as an individual either employed or engaged by the university on a paid or unpaid basis to carry out work under any type of employment contract. This includes:
 - Students undertaking paid or unpaid work
 - People designated as workers
 - Visiting Lecturers
 - Agency workers and Honorary appointments
 - ii. Visitors to the university or people working on a voluntary basis at the university and those working as contractors are also bound by the terms of this policy.
 - b) all students of the University, including postgraduate research students, those at partner institutions registered as students of the University, and those on the University's degree apprenticeship programmes.
 - c) External visitors and speakers invited to attend or otherwise lawfully participating in university activities and events.
 - d) University activities and events organised in the name of the University whether they take place on or off campus or virtually. This includes events affiliated with, organised by, funded by or branded in, the University’s name.
5. Leeds Trinity Students’ Union maintains its own Freedom of Speech Code of Practice and event procedures. All events and activities arranged by its elected members, societies and clubs, both on and off Leeds Trinity University campuses or online, should follow the procedures set out in that Code.

DEFINITIONS

6. In this Code, references to:
- a) “The Act” refers to the Higher Education (Freedom of Speech) Act 2023.
 - b) “Freedom of speech”, as defined in the Act, means the freedom to impart ideas, opinions or information by means of speech, writing or images (including in electronic form) without interference. This definition of freedom of speech is as referred to in Article 10(1) of the European Convention on Human Rights (“the Convention”) as it has effect for the purposes of the Human Rights Act 1998 (see Appendix 1).
 - c) “Academic freedom” means the freedom for academic staff at the University, 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 employment or privileges at the University, or the likelihood of their securing promotion or different job at the University being reduced.
 - d) “Within the law” means that all speech is lawful unless it is restricted by law, being primary legislation, legal precedent or court decisions, and secondary legislation or byelaws.
 - e) “Member” does not include a person who is a member of the University solely because of having been a student of Leeds Trinity.
 - f) “University premises” includes those owned by Leeds Trinity at the City and Horsforth Campuses and all of the buildings and spaces therein (including halls of residence), regardless of whether they are occupied by Leeds Trinity Students’ Union, as well as those spaces hired for Leeds Trinity’s use.
 - g) Any references to the University Secretary & Registrar and the Vice-Chancellor should also be taken to include their deputised nominees.

VALUES

7. The University recognises and endorses the fundamental importance of freedom of speech and expression within the law for higher education institutions (“HEIs”), both as places of education, learning and objective and unbiased search for knowledge and understanding, and in their active role in a democratic and diverse society.
8. The [Articles of Association](#) form the University’s constitution, setting out its founding principles and how the University is governed. Freedom of speech and the academic freedom to question and test received wisdom, put forward new ideas and controversial or unpopular opinions, within the law, are enshrined within the constitution. The Board of Governors in its Statement of Primary Responsibilities acknowledges its legal and regulatory responsibilities to uphold the Articles and in doing so have due regard to securing these rights for academic staff.
9. The University has several [core values](#). We demonstrate our commitment to respect and inclusivity by promoting equality, championing the right of everyone to contribute and by cultivating a culture of mutual respect. We aspire to stimulate keen scholarship and the pursuit of academic excellence and value the wellbeing, dignity and contribution

of each person, seeking to foster an environment where all staff and students can participate fully in university life.

10. Through its commitment to these values, the University seeks to provide and encourage a supportive environment and infrastructure for all staff and students that promotes freedom of expression, debate and deliberations of all ideas and for peaceful protests within the law. Staff and students should be able to question and test received wisdom, put forward new ideas and controversial or unpopular opinions, within the law, and feel that their freedom of expression is protected, promoted and upheld.
11. The University will ensure that staff are able to exercise freedom of thought and expression within the law without placing themselves at risk of losing their job or any University privileges and benefits they have or the likelihood of their securing promotion or different jobs at the University being reduced.
12. The University acknowledges that freedom of speech within the law may include speech that is shocking, disturbing or offensive. However, our staff, students and visitors are expected to be tolerant of the diverse identities of others and engage with intellectual and ideological challenges in a constructive, questioning and peaceable way, in line with the University's Mission and values. This includes the right to take part in lawful and peaceful protests and demonstrations. While debate and discussion may be robust and challenging, all speakers have a right to be heard when exercising their right to free speech and expression within the law. Neither speakers nor listeners should have reasonable grounds to feel censored or intimidated.
13. The steps the University takes to embed its values in practice and uphold freedom of speech and academic freedom are set out in the following sections.

SECURING COMPLIANCE WITH THIS CODE OF PRACTICE

14. The Board of Governors acknowledges its responsibility under the Act to take the steps that are reasonably practicable for it to take (including, where appropriate, the initiation of disciplinary measures) in order to secure compliance with this Code of Practice.
15. The University will take steps that ensure its curriculum, teaching, research, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, that 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 academic assessment.
 - (b) Processes for facilitating research and providing ethical approval of research conducted by staff and students.
 - (c) Student recruitment and admissions processes.
 - (d) People & Culture processes for appointment, promotion and employment terms.
 - (e) Policies relating to equality, diversity and inclusion (including the public sector equality duty).
 - (f) Policies relating to the Prevent duty.
 - (g) Codes of conduct and other behavioural policies which ensure no individual will be subjected to sanction or other less favourable treatment by or on behalf of the



University because of the lawful exercise of freedom of speech or academic freedom; and

- (h) Processes for approval and management of meetings, events, activities and protests (see section: Procedures for the Conduct of Events and Meetings and the University's Approval of Speakers Procedure).

16. The University does not enter into non-disclosure agreements which prevent or restrict someone from disclosing information relating to an allegation or complaint about sexual misconduct, bullying or harassment.

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 all Leeds Trinity students annually, including postgraduate research students, those at partner institutions registered as students of the University, and those on the University's degree apprenticeship programmes.
- (c) All staff responsible for making decisions are aware of this Code and receive appropriate training on freedom of speech and academic freedom.
- (d) When new policies and procedures and other university documentation are introduced, consideration is given to their impact on freedom of speech and academic freedom and where necessary that appropriate actions are implemented.
- (e) There are appropriate processes for the holding of events and meetings (see section: Procedures for the Conduct of Events and Meetings and Approval of Speakers Procedure).
- (f) Any complaints or concerns that are raised about freedom of speech and academic freedom (see section: Complaints) are monitored to ensure that they are addressed under the University's processes so far as is reasonably practicable, to address any lessons learned and draw the attention of complainants to its processes for investigating complaints.
- (g) Steps are taken to secure compliance with this Code under relevant policies and procedures including, where appropriate, taking disciplinary action.

18. 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 in the Approval of Speakers Procedure.

19. Any member of the Board of Governors who breaches this Code and/or any condition or restriction imposed under it may be removed from office by the Board of Governors.

20. Deans of Faculty and Directors within Professional Services are responsible for ensuring that this Code of Practice and the Approval of Speakers Procedure are upheld within their areas, including identifying activities that might require further consideration and ensuring that appropriate consideration is given.

21. LTSU is responsible for ensuring its own Code of Practice and events procedures are upheld. Advice should be sought from the University Secretary & Registrar as

appropriate when considering the proper course of action and before reaching a decision.

22. 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 the University, the University Secretary & Registrar may inform the partner organisation with a view to that partner organisation taking action under its own relevant disciplinary procedure(s).
23. In relation to any breach or alleged breach of this Code of Practice, the University may liaise with the Police and other relevant authorities including taking such steps as it considers appropriate to assist in securing the identification of the persons committing or suspected of having committed criminal offences. Leeds Trinity may pause action under internal regulations (such as disciplinary procedures) pending developments in or the outcome of criminal investigations or proceedings (see also the Student Conduct Policy and the Harassment and Sexual Misconduct Policy).
24. The University will update the Board of Governors on a regular basis on any issues arising regarding freedom of speech and, if anything requires the attention of the Board in between regular reports, the University Secretary & Registrar shall be responsible for updating the Board.

Criteria for Decision-making

25. In keeping with its commitment to the principle, promotion, and protection of freedom of speech within the law, the University will take reasonably practicable steps to secure this when making decisions related to freedom of speech and academic freedom.
26. Such decisions will take into account the following:
- (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.
27. In considering if action is required, the University will be guided by the following principles:
- (a) Is the free speech 'within the law'? This will involve an assessment of whether the views expressed or likely to be expressed are contrary to the law or are for the promotion of any illegal organisation or purpose, including support for organisations listed on the UK Government's list of proscribed terrorist groups or organisations.
 - (b) Are there any reasonably practicable steps that can be applied to secure the speech that to enable it to lawfully proceed?
 - (c) Are any restrictions prescribed by law and proportionate under the Convention?
28. Depending on the circumstances, it may be reasonable and proportionate to put restrictions in place or refuse permission for a meeting or event where the University reasonably believes that it is in the interest of public safety, legal and regulatory requirements including the prevention of disorder or crime, the proper functioning of the



University, or the protection of those persons lawfully on University premises that the meeting or event does not take place. Any restrictions will, as far as possible, focus on the time, place and manner of speech. Where such an event falls under LTSU processes, the Secretary & Registrar and LTSU will come to a joint position on how to proceed (see section: Procedures for the Conduct of Events and Meetings and the University's Approval of Speakers Procedure).

Distribution of Literature on University Premises

29. No party external to the University may distribute literature (including but not limited to posters and flyers) on University premises without permission from the University Secretary & Registrar and/or LTSU or the relevant Dean or Director. Any such unauthorised literature discovered on University premises will be removed and destroyed.
30. The University shall not restrict distribution because of an expression of support for a particular legally expressible viewpoint.

Digital Media and Use of University IT Equipment

31. The right to freedom of speech within the law also extends to digital media. This Code of Practice shall extend to electronic publications, transmissions and communications, including social media. The University does not and will not monitor individuals' accounts. However, if a concern is raised regarding content posted on a student or staff member's social media account, the University will investigate under the relevant policies.
32. Nothing in this Code of Practice shall nullify the requirements for compliance with Leeds Trinity's Acceptable Use Policy and related [IT Services policies and procedures](#) (intranet site) which set out permitted use of University IT equipment, including the creation, display, download, production, storage, circulation or transmission of material in any form or medium.

PROCEDURES FOR THE CONDUCT OF EVENTS AND MEETINGS

33. The University recognises the benefits that a varied and diverse programme of events and guest speakers brings to the activities of the University. Staff and students are encouraged to invite a wide range of speakers (providing this is in accordance with the relevant policies and procedures) and to engage critically but courteously with them.
34. Those attending events and meetings at the University are expected to conduct themselves in a manner consistent with the following principles:
- (a) Everyone has the right to free speech within the law.
 - (b) Events at the University are intended to expose students, staff and members, to the widest possible range of views, within the law.
 - (c) If those organising an event invite speakers who they might reasonably have suspected would use their platform to break the law (e.g. because they have done so previously) they may fall foul of the law themselves.



- (d) Protest is itself a legitimate expression of freedom of speech, but protesters should recognise the rights of others participating in the event or meeting, and particularly should not violate the rights of others to speak during the event. Protest must not shut down debate.

35. This Code of Practice and associated Approval of Speakers Procedure provides the only mechanism by which the University can approve, cancel or impose conditions on university meetings or 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.
36. The Approval of Speakers Procedure must be followed when any person within the scope of this Code of Practice wants to organise an event on University premises, unless the event is part of the normal academic curriculum or the University's 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.
37. The starting point should always be that the event should go ahead, and that cancellation of an event is an exceptional and undesirable occurrence. The University will not deny permission for an event on the basis that 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, where there are safety concerns, or concerns that the event will interfere with the proper functioning of the University).
38. Conditions are set out in full in the Approval of Speakers Procedure and 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. In accordance with the Act, apart from in exceptional circumstances as set out in the Approval of Speakers Procedure, use of university premises by any individual or body will not be on terms that require the individual or body to bear some or all of the costs of security relating to their use of the premises.
39. The chair and/or the Responsible Officer (as defined in the Approval of Speakers Procedure) of an event have a duty to ensure as far as possible that both the audience and any speakers act in accordance with the law during the course of the event. They have a particular responsibility to uphold the University's obligation to protect lawful freedom of speech.
40. The University is required to have systems for assessing and mitigating risks around external speaker events pursuant to the Prevent duty. In order to achieve this, the University has measures in place to risk assess external speaker events and is required

to report on this annually to the OfS. The University will apply this same approach to all events within the scope of the Approval of Speakers Procedure, though there is no requirement to report on those without external speakers to the OfS.

41. Therefore, a speaker proposal form must be submitted for all events at least 10 working days in advance of the relevant event to provide brief information on the event and any speakers to enable a risk assessment to be undertaken.
42. The University may consider later submissions, but where a request is submitted less than 10 working days in advance, there may not be sufficient time for an informed decision to be made and the request may therefore be refused on procedural grounds.
43. This Code must be shared by the Responsible Officer (as defined in the Approval of Speakers Procedure) with all speakers in advance of the event.
44. 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 University Secretary & Registrar and the relevant Dean of Faculty or Director of the relevant Professional Services directorate.
45. The University Secretary & Registrar (or their 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 University Secretary & Registrar's directions in this regard. All reports of likely delay or disruption to legitimate Leeds Trinity University activity and all actions taken by the Registrar & Secretary to mitigate or remove delay or disruption shall initially be reported to the Vice Chancellor and the Chair of the Board of Governors, and thence to the next meeting of the Board of Governors.

COMPLAINTS

46. 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, Leeds Trinity University registered students including those at partner institutions, police student officers, and apprentices should raise complaints under the [Complaints Procedure](#).
 - Complaints relating to LTSU should be made under [Byelaw 3: Complaints Procedure](#).
 - Applicants should raise complaints relating to admissions under the [Applicant Feedback and Complaints Procedure](#).
 - Staff should raise complaints under the relevant [People and Culture](#) Policies and Procedures.
 - Third parties should raise complaints relating to freedom of speech by emailing governance@leedstrinity.ac.uk
 - [Research Misconduct Policy](#)
 - [Whistleblowing Policy and Procedure](#)

- Students, staff and visitors to the University can use safeguarding@leedstrinity.ac.uk to report freedom of speech concerns relating to safeguarding or Prevent.
- The Share and Support online tool can be used at any time to report incidents of bullying, harassment, discrimination or sexual misconduct.

47. This Code will be drawn to the attention of any complainant where their complaint relates to freedom of speech.

CODE MANAGEMENT AND GOVERNANCE ARRANGEMENTS

48. The University's Board of Governors and the Vice Chancellor have appointed the University Secretary & Registrar to act on behalf of the University to ensure, as far as is reasonably practicable, compliance with the requirements of this Code.

49. Our Deans of Faculty and Directors of Professional Services are responsible for upholding freedom of speech and academic freedom within their respective areas and for organising and approving events. See also clause 20.

50. The University shall record all decisions that could directly or indirectly (both positively or negatively) affect free speech and academic freedom within the law in accordance with requirements for OfS reporting and GDPR.

51. The Board of Governors has oversight of, and will keep up to date, this Code and shall formally review the operation of the Code at least on a triennial basis and as required by changes in the legal and regulatory landscape. The University Secretary & Registrar and the Governance & Compliance team will have responsibility for maintaining and overseeing this Code and its associated procedures.

52. Any proposed amendments to the Code will be shared with the campus Trades Unions.

ADVICE AND GUIDANCE

53. Advice, requests for guidance or concerns on freedom of speech matters should be brought to the attention of the University Secretary & Registrar at governance@leedstrinity.ac.uk in the first instance.

APPENDIX 1: LEGAL AND REGULATORY FRAMEWORK

Higher Education (Freedom of Speech) Act 2023

The Act received Royal Assent on 11 May 2023. It provides, among other things, for: extended free speech duties on higher education providers, and new duties on constituent institutions and students' unions..

Education (No 2) Act 1986

Section 43 of the Education (No 2) Act 1986 requires universities and colleges to 'take such steps as are reasonably practicable' to ensure that freedom of speech within the law is secured for their members, students, employees and visiting speakers.

Section 43 also requires universities and colleges to issue, enforce and keep up to date a free speech code of practice.

Education Reform Act 1988

Section 202 of the Education Reform Act 1988 includes the principle of academic freedom, and is the source of the phrasing of the definition in the Higher Education (Freedom of Speech) Act 2023)

European Convention on Human Rights

Most of the higher education providers that are registered with the OfS are 'public bodies' for the purposes of the Human Rights Act 1998 and so are bound by the European Convention on Human Rights (ECHR). The Act refers to Article 10(1) of the Convention which relates to the right to freedom of expression, 'as it has effect for the purposes of the Human Rights Act 1998'. One effect of the Human Rights Act 1998 is to enshrine the Convention rights into UK Law.

Counterterrorism and Security Act 2015

Under Part 5 of the Act specific bodies (as listed in schedule 6 of the Act) must have due regard to the need to prevent people from being drawn into terrorism.

However, in carrying out this duty, universities subject to the Education Act (No 2) 1986 section 43 duty (see above) must have particular regard to the duty to ensure freedom of speech, and (where applicable) to the importance of academic freedom.

Protection from Harassment Act 1997

Harassment as defined in this Act is linked to a course of conduct which amounts to it which includes alarming a person or causing them distress. The course of conduct must comprise two or more occasions. Conduct must be oppressive and unacceptable rather than just unattractive or unreasonable and must be of sufficient seriousness to also amount to a criminal offence. Speech that amounts to unlawful harassment under the Protection from Harassment Act 1997 is not 'within the law' and the Act imposes no obligation to secure it.

Terrorism Act 2000

The Terrorism Act 2000 prohibits (among other things) speech that invites support for a proscribed organisation or expresses an opinion or belief that is supportive of a proscribed organisation.

It is also unlawful to address a meeting if the purpose of the address is to encourage support for a proscribed organisation or to further its activities. A person also commits an offence if they arrange, manage or assist in arranging or managing a meeting which they know is:

- (a) to support a proscribed organisation,
- (b) to further the activities of a proscribed organisation, or
- (c) to be addressed

Speech that amounts to an offence under the Terrorism Act 2000 is not 'within the law' and the Act imposes no obligation to secure it.

Other Legislation

Other legislation may also be relevant to whether speech is 'within the law'. This includes:

- (a) Public Order Act 1986
- (b) Malicious Communications Act 1998
- (c) Communications Act 2003
- (d) Terrorism Act 2006
- (e) Public Order Act 2023

The Office for Students (OfS)

The OfS is the regulator for higher education in England and requires providers, including the University, to comply with its [Public Interest Governance Principles](#), including freedom of speech and academic freedom. The [Higher Education and Research Act \(2017\)](#) is clear that all universities which are registered with the Office for Students must uphold the existing laws around freedom of speech.

Equality Law Considerations

Universities and colleges must also comply with the requirements of equality law, enshrined mainly in the Equality Act 2010 and the Public Sector Equality Duty (PSED). The Equality Act 2010 prohibits unlawful direct and indirect discrimination, harassment and victimisation.

The University recognises that in upholding lawful free speech and academic freedom, it may have to give some people whose views others find offensive a right to speech. In doing so, the University will make sure that it operates with an accurate understanding of equality law matters and the extent of its duty to take 'reasonably practicable steps' to secure freedom of speech within the law.

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