

## THE UNIVERSITY OF LEEDS

# Freedom of Expression

*This protocol, which has been endorsed by the University Council and by Leeds University Union, describes the framework within which members of the University and visitors enjoy the right to freedom of expression.*

### Policy statement

1. As an institution of higher education, which values academic freedom (including in particular critical independence and creativity), the University is committed to promoting and positively encouraging free debate, enquiry and, indeed, protest. This means that it tolerates a wide range of views, political as well as academic, even when they are unpopular, controversial or provocative.
2. In any event, the University has an explicit duty in law<sup>1</sup> to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees and visiting speakers. This duty includes a responsibility to ensure that the use of University premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.
3. This does not mean, however, that the right to freedom of expression is unfettered. It is limited, for example, by laws to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation or rights of others, and to prevent the disclosure of information received in confidence. A significant strand in the regulatory framework is the public sector Equality Duty which requires universities to have due regard to the need to foster good relations between people who share a protected characteristic<sup>2</sup> and people who do not share it.
4. Freedom of expression also has to be set in the context of the University's values, and the values of a civilised, democratic, inclusive society. The University expects speakers and those taking part in protest activities to respect those values, to be sensitive to the diversity of its inclusive community, and to show respect to all sections of that community. These precepts apply in particular to the *way* in which views are expressed and the *form* of protest activities.
5. In considering whether or not to allow a particular event to take place on its premises or elsewhere under its authority, the University has to consider
  - whether the views or ideas to be put forward (or the manner of their expression)
    - ~ infringe the rights of others, or
    - ~ discriminate against them
  - whether the activity in question
    - ~ constitutes a criminal offence
    - ~ constitutes a threat to public order or to the health and safety of individuals

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<sup>1</sup> Under the Education (No 2) Act 1986

<sup>2</sup> Protected characteristics, as defined by the Equality Act 2010, are: age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation

- ~ incites others to commit criminal acts, or
  - ~ is contrary to the civil and human rights of individuals.
6. A key test is whether a proposed event is likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence, particularly because of a protected characteristic. (Guidance published by Universities UK<sup>3</sup> advises institutions, amongst other things, that ‘if an expression of views or beliefs is highly offensive with the potential of developing into harassment, or may constitute criminal activity, the balance is likely to lie in favour of restricting that activity’.)
  7. Other key tests are (a) whether adequate arrangements can be made to safeguard the safety of participants in the event, and other people within the vicinity, and to ensure that public order is maintained; and (b) whether the risks of an event drawing people into terrorism can be sufficiently mitigated.
  8. The general rule is that the University will intervene to restrict freedom of expression in any particular case only on the grounds indicated in 5-7 above.
  9. Some examples may serve as illustration of the approach being taken by the University. It would not, for example, seek to prevent or inhibit picketing of, or a demonstration against, a graduate recruitment event if a group of students considered one of the participating companies to be unethical. The University would however resist any attempt to prevent the event from happening at all; forcing the cancellation of the event would infringe the rights of students who wished to take part. Similarly, the University would not seek to prevent or inhibit spoken or written criticism of the state of Israel; it would not however allow criticism of Israel to be expressed in a form which was or might reasonably be taken to be antisemitic, just as it would not allow, to take another example, the expression of views intended to stir up religious hatred against Muslims. The University would always take firm and decisive action against any members of the University demonstrating antisemitism, Islamophobia or other forms of hate crime<sup>4</sup>. Quite apart from the fact that the expression of views that are racist in character or intended to provoke religious hatred (or both) is likely to be unlawful, it would in any case infringe the rights of particular groups of students, it might incite criminal acts and would be likely to give rise to an environment in which people will experience – or could reasonably fear – harassment, intimidation, verbal abuse or violence by virtue of their ethnicity, race, religion and belief.

### **Authority**

10. The Council authorises the Secretary to act on its behalf to ensure as far as is reasonably practicable that all members of the University (staff and students), and all visiting speakers, comply with the provisions of this protocol.

### **Procedure**

#### *Meetings*

11. Operational responsibility for overseeing implementation of this protocol in respect of meetings on University premises or elsewhere under the authority of the University, and

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<sup>3</sup> Promoting good campus relations: dealing with hate crimes and intolerance

<sup>4</sup> In determining what does and does not constitute hate crime, the University will take into account, amongst other things, guidance from the Government (for example, in its 2016 Hate Crime Action Plan), and such bodies as the UN and the EHRC, and the working definition of antisemitism produced by the International Holocaust Remembrance Alliance (IHRA)

for ensuring that organisers of meetings comply with the provisions of the protocol, lies with a 'Responsible Officer'. For meetings held in the premises of Leeds University Union, the Responsible Officer will be the Union's Chief Executive (or her or his nominee); for all other meetings on University premises and elsewhere under its authority, the Responsible Officer will be the Secretary (or his or her nominee).

12. Those wishing to hold an event are required (using the standard booking form) to signify that they have read and agreed to abide by the provisions of this protocol. In addition, they are required to designate a 'Principal Organiser', who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this protocol.
13. The Principal Organiser shall ensure that appropriate information is provided to the Responsible Officer, using the booking form, about the nature and topic of the meeting. In any event, the Principal Organiser is required to notify the Responsible Officer – as far as possible in advance of the meeting, and in any case at least one week before it – if the subject matter of the meeting is or might reasonably be construed as 'controversial' (a 'controversial' meeting in this context being taken as one which might reasonably be construed as having the potential to occasion protest from, or give offence to, any sections of the University or wider community).
14. The Principal Organiser shall on request provide the Responsible Officer with such information as the latter may require – including in particular the name of the principal speaker or speakers at the meeting, the theme(s) of the speech(es), the name of the person who will chair the meeting, the subject of the address or addresses, the names and experience of any stewards and other logistical information.
15. The Responsible Officer shall grant or withhold permission for the event to proceed. Permission may be withheld only on the grounds indicated in 5-7 above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Responsible Officer. Such conditions may include requirements
  - (a) that tickets be issued;
  - (b) that an adequate number of stewards, suitable to the Responsible Officer, be available, in addition to any University or Union security staff that the Responsible Officer may feel should be present to maintain safety and order;
  - (c) that the meeting be held in a venue other than that proposed by the organisers;
  - (d) as to the admission or exclusion of press, television or broadcasting personnel, and, subject to licensing law, the sale or consumption of alcohol within the premises;
  - (e) as to the arrangements for chairing the meeting, and as to the circumstances in which the meeting may or must be terminated prematurely;
  - (f) that the designated meeting or activity be declared 'public' or 'private';
  - (g) that University staff be responsible for all security arrangements connected with the meeting.
16. It shall in all cases be open to the Secretary
  - (a) to require that a meeting due to be held in the Union building is held in premises managed by the University;
  - (b) to invite the Police to be present at any meeting on University premises;
  - (c) to require that a controversial event can only proceed if there is an opportunity to present the opposing views or for the audience to challenge the speaker (through Q&A, for example);

and in any event it shall be open to the Responsible Officer to withdraw permission for a meeting if, having originally granted permission, he or she so judges that the meeting will not in fact conform to University policy (as outlined in 5-7 above) or that safety or public order cannot be guaranteed or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Responsible Officer.

17. Premises used for meetings must be left in clean and tidy condition, in default of which the organisers may be charged for any additional cleaning and repairs that are subsequently required. Payment in advance or evidence of ability to pay towards these costs may be required. The University reserves the right to re-charge the organisers of any meeting for any extraordinary expenditure it incurs as a result of that meeting.

#### *Protests and demonstrations*

18. Operational responsibility for overseeing implementation of this protocol in respect of protests and demonstrations on University premises, and for ensuring that organisers of protests and demonstrations comply with the provisions of the protocol, lies with the Secretary or her or his nominee (the 'Responsible Officer').
19. Those arranging protests or demonstrations on University premises are required to designate a 'Principal Organiser', who will be responsible for ensuring that the organisers comply with the obligations placed upon them by or under this protocol.
20. As long as is reasonably practicable in advance of the event in question, the Principal Organiser shall ensure that appropriate information is provided to the Responsible Officer, normally through the University Security Service, about the nature and theme of the event. Wherever possible, this information shall be provided at least a week before the event.
21. The Principal Organiser shall on request provide the Responsible Officer with such information as the latter may require.
22. The Responsible Officer shall grant or withhold permission for the use of University premises (including, as appropriate Union premises) for the meeting proposed. Permission may be withheld only on the grounds indicated in 5-7 above, or if the Principal Organiser cannot or will not ensure compliance with any conditions set by the Responsible Officer.

#### **Appeals**

23. Appeals against the rulings of the Responsible Officer may be made to the Pro-Chancellor, whose decision shall be final.

#### **Infringements**

24. The Secretary shall report to the Council on the circumstances of any significant infringements of, and departures from, the provisions of this code. Any such infringements or departures, in whatever respect, may render those responsible liable to disciplinary action under the University's disciplinary procedures.