

Freedom of Expression Policy and Code of Practice

Contents

- Introduction
- Policy Statement
- Scope
- Practical implementation of the commitment to freedom of expression and academic freedom
- Governance, responsibilities, review and monitoring
- Complaints
- Complaints review by the Office for Students
- Who to contact
- Policy sign-off and version control

Introduction

1. This Policy document provides a joint position for the University of Leeds and Leeds University Union (LUU) and has been approved by the University Council and LUU Trustee Board. The University is required under the Higher Education and Research Act 2017 (as amended by the Higher Education (Freedom of Speech) Act 2023) to publish a code of practice on freedom of speech. The Freedom of Expression Policy aims to meet this requirement while being consistent with the naming conventions for policy documents used within the University and LUU.
2. We define freedom of expression as both the spoken and written word, as well as actions, gestures and the display of images intended to show meaning. References in this Policy to 'freedom of expression' also includes 'freedom of speech'.

Policy statement on freedom of expression and academic freedom

3. Our employees and students are our most valuable assets. We are committed to fostering a supportive environment that reflects our values, promotes equity, diversity and inclusion, and supports wellbeing and health. It is an environment where everyone has the freedom to contribute and flourish based upon their merits, abilities and potential.
4. Integral to higher education is the acquisition and expansion of knowledge through exposure to, and critical exploration of, a wide range of views, opinions, and perspectives. We aim to uphold an environment where intellectual engagement with sensitive or controversial issues is enabled but will not tolerate unacceptable behaviours such as bullying and harassment.
5. We are committed to securing for members of the University (as described in 11 (a) below), freedom, within the law, to carry out teaching and research, including the publication of the outcomes of research, in a way which questions and tests established ideas and received wisdom, and presents controversial or unpopular points of view, without placing themselves in jeopardy of losing their jobs or any privileges they may have at the University. This commitment to secure academic freedom is enshrined within the University constitution¹.
6. We are committed to securing academic freedom and freedom of expression through providing an environment for the peaceful and respectful exchange and exploration of diverse viewpoints; this includes peaceful protests and demonstrations. A balance must, however, be struck between the rights of the individuals to assert their lawful views on the one hand and, on the other, the rights of others (students, employees and visitors) to go about their business safely, unimpeded and free from unacceptable behaviours such as bullying and harassment.
7. Both freedom of expression and academic freedom are bound by the requirement of lawfulness, and set within the context of both legislative requirements and the University's and LUU's policies and processes. Unlawful speech is not protected. Where the University or LUU considers a boundary has been breached with reference to its legislative requirements, policies and processes, further action may be taken in accordance with established procedures. The University and LUU will not tolerate any expression of hatred², intimidation, or harassment against any member of our community.

¹ Article VII, University Statutes.

² In determining what does and does not constitute expressions of hatred, the University and LUU will take into account a range of reference points. This includes the relevant laws of England and Wales, case law relating to the European Convention on Human Rights, as well as guidance from relevant bodies such as the Equality and Human Rights Commission, the Council of Europe, and the United Nations. We may also draw upon definitions of hatred highlighted in sector guidance such as the Universities UK briefings on tackling Islamophobia, anti-Muslim hatred and antisemitism (which includes the International Holocaust Remembrance Alliance's (IHRA) working definition of antisemitism and the All-Party Parliamentary Group (APPG) definition of Islamophobia) as well as relevant definitions relating to other protected characteristics and forms of discrimination. However, we recognise that there is not always a single agreed definition for some of these issues.

8. We believe in the right to freedom of expression, and specifically in the right to express lawful views and opinions freely, without interference from the state or other bodies carrying out public functions. Freedom of expression applies not only to information, ideas or works of art that are favourably received, but also to those views or opinions that may 'offend, shock or disturb'³ others.
9. We will take steps to ensure that lawful freedom of expression is secured for all employees and students and for visitors. Allowing opposing views to be heard is encouraged by the University and LUU. To help us assess compliance with our duty to secure freedom of expression, we will use the Office for Students' 3-step assessment framework⁴, as follows:
- Step 1:** Is the speech 'within the law'? If yes, go to step 2. If no, the duty to 'secure' speech does not apply.
- Step 2:** Are there any 'reasonably practicable steps' to secure the speech? If yes, take those steps. Do not restrict the speech. If no, go to step 3.
- Step 3:** Are any restrictions 'prescribed by law' and proportionate under the European Convention on Human Rights? If yes, your restrictions are likely to be consistent with your free speech obligations. If no, your restrictions are not consistent with your free speech obligations. You will need to revise your approach.
10. We recognise that events, meetings and other similar activities offer opportunity for the expression and exchange of views. The starting point for the University and LUU is to support such events going ahead, while recognising that these must be carefully considered to ensure appropriate measures can be implemented to prevent unacceptable risks to the health, safety and wellbeing of employees, students or visitors, and to avoid lawful speech crossing a threshold into unlawful speech. As part of this, we have adopted a Protocol for Event Speakers and Risk Management of Events Protocol for the organisation of meetings and other activities on University/LUU premises, and a Protest Protocol for responding to protests and demonstrations that take place both on and in the vicinity of University/LUU premises and property.

Scope

11. This Policy applies to:
- (a) All members of the University, as defined in Article XIV of the University Charter⁵, and other groups, including all employees and those carrying out University related business or working on behalf of the University (including agency workers, volunteers, contractors and sub-contractors).
 - (b) Employees and workers of LUU, its trustees, members, volunteers and those taking part in activities organised by LUU and its affiliated clubs, societies and other groups.
 - (c) All live and recorded activities, including events, meetings and all education and research activities, that are held, endorsed, organised, funded or branded by the University or LUU, or by individuals, groups or societies using the name of the University or LUU, or that use University or LUU managed spaces or digital platforms, whether or not they involve an external speaker.
 - (d) Visitors invited to speak at, take part in and attend events on University or LUU managed spaces or digital platforms.

³ Delfi AS v Estonia [2014].

⁴ Office for Students Regulatory Advice 24: Guidance related to freedom of speech (OfS 2025.35), Section 2.

⁵ "The members of the University shall be the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the members of the University Court, the members of the University Council, all employees of the University, members of the Faculties, the wardens or other chief officers of halls of residence licensed by the University, fellows, graduates and diplomates; postgraduate students and undergraduate students of the University and such other classes of students as the Council may from time to time determine; emeritus professors and life fellows and other persons as the Council, on the recommendation of the Senate, may from time to time determine."

12. Everyone within the scope of the Policy (as described in the preceding paragraph) has a responsibility to ensure that the expectations and standards outlined in the Policy are upheld.

Practical implementation of the commitment to freedom of expression and academic freedom

13. The commitment of the University and of LUU to secure academic freedom and freedom of expression is reflected in the following ways in our day-to-day operations.

14. The University and LUU will:

- (a) promote the importance of the Policy to students and employees annually;
- (b) make available to all employees and students adequate induction on freedom of expression and academic freedom, recognising that some such roles may require additional training and support;
- (c) ensure that there are adequate measures in place to raise concerns about freedom of expression and academic freedom;
- (d) ensure that non-disclosure agreements are not entered into in relation to complaints of sexual abuse, sexual harassment, sexual misconduct, and other types of bullying or harassment.

15. Any infringements of, or departures from, the provisions of this Policy may result in the University or LUU taking further action under relevant disciplinary or other established processes.

University programmes, policies and procedures

16. The University will ensure, so far as is reasonably practicable, that freedom of expression and academic freedom within the law will be respected in its admissions, teaching, academic curriculum, policies and procedures for facilitating research, and employment, disciplinary and other such processes.

Funding

17. The University and LUU are aware of the risk to freedom of expression and academic freedom that may be posed by the terms of certain funding, including funding from research grants and contracts, scholarships and educational or commercial partnerships. We have in place measures to identify and appropriately manage such risks.

Governance, responsibilities, review and monitoring

18. The Council and the LUU Board of Trustees are responsible as appropriate for the approval of this Policy and, through the Ethics and Values Committee, for seeking assurance on its effective operation.
19. Responsibility for the interpretation and implementation of the Policy is delegated to the University Secretary and Registrar and the Chief Executive of LUU (as appropriate), who will periodically review and monitor the Policy, and where necessary recommend to the Ethics and Values Committee any revisions to it.
20. Members of the University Executive Group and Heads of Schools and Professional Services and LUU's Senior Leadership Team and Student Executive are responsible for the day-to-day implementation of this Policy and accountable to the Council and LUU Trustee Board (as appropriate) for ensuring that this Policy is applied consistently across all activities under their management.
21. The University Secretary and Registrar/LUU Chief Executive will report to the Ethics and Values Committee on the circumstances of any significant infringements of, or departures

from, the provisions of this Policy, including any actions that may have been taken to address the issue under the relevant University/LUU policy or process.

Complaints

22. Any concerns regarding the implementation of this Policy or the actions of the University or LUU in respect of it should be raised in writing in accordance with the following paragraphs.
23. For concerns raised by University staff or students, these should be submitted through the relevant University staff or student complaints process. For all other complaints, these should be submitted through the University external complaints process. Concerns raised regarding LUU should be submitted through the LUU complaints process.
24. Any complaint which is judged to be potentially trivial, vexatious or malicious should be referred to the University Secretary and Registrar (or their nominee) or the LUU Chief Executive (or their nominee) for review as applicable and further action taken if appropriate⁶.

Complaints review by the Office for Students

25. Under the Higher Education (Freedom of Speech) Act 2023, the OfS will operate a complaints scheme to consider eligible free speech complaints about universities. Pending the establishment of the scheme, students, staff, or members of the public can raise a notification with the OfS if they think that the University is not meeting its condition of registration relating to free speech or academic freedom.
26. Link to information about how the OfS deals with notifications:
<https://www.officeforstudents.org.uk/for-students/ofs-and-students/notifications/>

Who to contact

27. For further information about the Freedom of Expression Policy, contact the Governance and Compliance Directorate: governance@leeds.ac.uk

Policy sign off and version control

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⁶ Trivial, vexatious or malicious complaints can be characterised in a number of ways:

- Complaints which are obsessive, persistent, harassing, prolific, repetitious.
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insistence upon pursuing meritorious complaints in an unreasonable manner.
- Complaints which are designed to cause disruption or annoyance.
- Demands for redress which lack any serious purpose or value.