

Code of Practice Concerning Freedom of Speech

University of Leicester

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| For use in: | All Colleges/Schools/Departments/Divisions of the University |
| For use by: | All staff, all students, visitors. |
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Code of practice concerning freedom of speech

Section 1: Introduction

1. The University of Leicester (the “University”) is required [by the Education Act (No.2) Act 1986 (the 1986 Act’)] to take steps that, having particular regard to the importance of free speech, are reasonably practicable for it to take in order to:
secure freedom of speech within the law for students, university staff, honorary and visiting staff, the Students’ Union, its affiliated organisations; and to all other persons invited or otherwise lawfully participating in university activities.
2. The University is fully committed, as an independent academic institution, to securing freedom of speech within the law for students, university staff, honorary and visiting staff, the Students’ Union, its affiliated organisations; and to all other persons invited or otherwise lawfully participating in university activities.
3. Freedom of speech is fundamental to ensuring the necessary environment for the pursuit of knowledge, for advancing new ideas, encouraging vigorous debate and challenging conventional wisdom, all of which are part of the University’s core mission.
4. This Code of Practice Concerning Freedom of Speech (‘the Code’), sets out the University’s commitment to, and understanding of, freedom of speech and details how it will ensure this commitment is upheld. For details of the University’s commitment to academic freedom and the rights of academic staff to freedom in teaching and discussion, and in carrying out and dissemination of research, please see the University’s [Ordinance on Academic Freedom](#).
5. The Code also details the processes to be followed by staff and students in organising events, meetings and other activities that fall within the scope of activities referred to in the Code.
6. The University has a strong and well-established commitment to equity, diversity and inclusion as demonstrated through its 3 institutional values, of ‘Inclusive’, ‘Inspiring’ and ‘Impactful’. The University has a [Dignity and Respect Framework](#) in place and does not see its duties in relation to freedom of speech to stand in opposition to these commitments but, rather, to stand alongside them.

Section 2: Scope

7. The provisions of this Code, and of any procedures duly instituted in accordance with it, shall apply in full to all students, university staff, honorary and visiting staff, the Students’ Union, its affiliated organisations; and to all other persons invited or otherwise lawfully participating in university activities.
8. All persons to whom the Code applies are under an obligation to take no action which would hinder freedom of speech within the law, or which would prevent the University from discharging its duty to secure freedom of speech.

9. This Code also applies to informal or social activities, as well as to any more formal meetings or lectures, in person and online, as may be subject to the specific and detailed special arrangements set out below. Examples include visiting lecturers invited by academic staff, religious or political representatives speaking on campus, and events such as debates, speeches and conferences taking place in university facilities that have been organised by staff, students and external bodies.
10. References in this Code to “university premises” means those premises over which the University of Leicester exercises control (including online or virtual classrooms and communication spaces), whether indoor or outdoor.
11. This Code also applies to events hosted by or on behalf of the University (including the Students’ Union and its affiliated organisations) on non-university premises.
12. This Code will be posted on the University’s intranet and website.

Section 3: Key concepts and legal framework

13. Freedom of speech means that everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.
14. Freedom of speech within the law is protected. This means that speech will not be protected if it contravenes some other law, and illegal or unlawful acts will not be tolerated by the University.
15. These concepts are underpinned by the Human Rights Act 1998, which brings the European Convention on Human Rights into direct effect in national law. Article 10 of the Convention articulates freedom of expression as a human right and sets out the limited circumstances in which that right might be circumscribed (such as to protect public safety, for the prevention of disorder or crime, or for the protection of the reputation or rights of others). These concepts also exist within other UK legislation. Universities in England have duties under the [Education (No.2) Act 1986] to take such steps as are reasonably practicable to secure and promote freedom of speech within the law for staff and students and for visiting speakers.
16. Under the Equality Act 2010, staff and students must not be subjected to unlawful discrimination, harassment, intimidation or threats of violence on the grounds of race, sex, age, religion or philosophical belief, sexual orientation, disability, gender reassignment, marriage and civil partnership, or pregnancy or maternity. However, the provisions of the Equality Act 2010 are not to be interpreted to undermine freedom of speech. 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.
17. Section 26 of the Counter-Terrorism and Security Act 2015 places a duty on certain bodies, including higher education institutions such as the University, in the exercise of their functions to have ‘due regard to the need to prevent people from being drawn into terrorism’. This necessitates the establishment of protocols and procedures by which to assess the risks associated with meetings or events that are University hosted, affiliated,

funded, or branded. This Act also requires the University to have particular regard to its other duties with regard to freedom of speech. Debate, discussion, and critical enquiry are, in themselves, powerful tools in preventing people from being drawn into terrorism.

18. There are other legislative requirements that may be relevant in particular cases, such as offences under the Terrorism Acts if speech encourages terrorism, or amounts to the incitement of religious or racial hatred or hatred on the grounds of sexual orientation under the Public Order Acts, as well as statutory requirements relating to the holding of processions and assemblies. The University is not under any obligation to secure or promote freedom of speech that contravenes any legislative requirements.

Section 4: Freedom of Speech Values

19. The University recognises, supports and promotes freedom of speech within the law as a fundamental principle of a democratic society and one that is central to further and higher education.
20. The core mission of colleges and universities is the pursuit of knowledge, and the principle of free speech is fundamental to this purpose. Freedom of speech provides an environment to advance new ideas, encourage productive debate and challenge conventional wisdom. This freedom helps ensure that students develop the skills to question, debate, think critically and develop confidence in forming and discussing their own views and opinions. Freedom of speech therefore receives a high level of protection.
21. The starting point is that speech is permitted, unless otherwise restricted by law. The University will ensure the use of the University's premises is not denied on grounds connected with the beliefs, views, policies or objectives of an individual or body, as long as such use is at all times within the law. All events taking place on the University's premises are private, unless the public is expressly invited to attend.
22. At the University, all staff and students are entitled to teach, learn and research in a culture that values vigorous debate, including in relation to difficult, contentious or uncomfortable topics. The University recognises that this may sometimes include speech that is offensive but otherwise lawful.
23. The University is committed to ensuring that no individual or body of persons shall be prevented from studying, or participating in any academic activity, or being invited to deliver a lecture, or delivering a lecture, or complying with a contract of employment with the University, solely on account of their ideas or opinions, (provided that such ideas and opinions are lawful). Equally, the University does not expect that any individual or body of persons will make requests or seek to impose conditions requiring the observance of their ideas or opinions by the audience.

Section 5: Steps the University takes to ensure freedom of speech

24. The University will ensure that its teaching, curriculum, policies and procedures reflect its duties to ensure, so far as is reasonably practicable, freedom of speech within the law. In particular:
 - a. its processes for course development and approval, quality assurance and academic assessment will respect the rights of freedom of speech;

- b. its processes for facilitating research will respect the rights of freedom of speech; and
 - c. no individual will be subjected to disciplinary action or other less favourable treatment by or on behalf of the University because of the lawful exercise of freedom of speech.
- 25. The University does not enter into non-disclosure agreements related to complaints about sexual misconduct, bullying or harassment.
- 26. The premises of the University will not be denied to any individual or body on the grounds of their ideas or opinions, unless these ideas or opinions are unlawful (e.g., support a proscribed organisation).
- 27. The University is aware that the terms of certain overseas funding, including funding from endowments, gifts, donations, research grants and contracts, and educational or commercial partnerships, from any overseas country, may present a risk to freedom of speech. Therefore, the University has processes in place to ensure that risks to freedom of speech are identified and appropriately managed.
- 28. The University shall draw the attention of students to this Code of Practice annually.
- 29. The University shall also:
 - a. ensure that this Code of Practice is brought to the attention of new students at registration and new staff during induction;
 - b. ensure that all relevant staff receive training on freedom of speech;
 - c. periodically survey staff, students and other stakeholders to secure their views on whether freedom of speech at the institution is being adequately protected and take the findings into account;
 - d. ensure that there are adequate measures in place to raise concerns about freedom of speech;
 - e. ensure that when new policies and procedures are introduced consideration is given to their impact on freedom of speech; and
 - f. monitor any concerns that have been raised about freedom of speech and to ensure that they are addressed so far as is reasonably practical and that any lessons learned are incorporated into a review of relevant policies, practices and procedures.

Section 6: Roles and responsibilities

- 30. The President and Vice-Chancellor is responsible to the University Council for the operation and enforcement of this Code. Their authority for its administration is delegated to the Registrar and Secretary, who may further delegate authority in general or particular instances to other Officers of the University.
- 31. The Registrar and Secretary is authorised to compile such additional Administrative Procedures (as defined in paragraph 35 below), as they think necessary for the effective implementation of this Code, and such procedures shall have effect as if they formed part of this Code and shall be interpreted in such a manner as not to conflict with the Code.
- 32. Such Administrative Procedures may include, but are not restricted to:
 - a. details of the arrangements required for booking rooms or arranging other activities on university premises;

- b. appointing of Officers responsible for the receipt and management of event bookings; and
 - c. explanation and elaboration of the categories of a visiting speaker, and of subject matter for a meeting, and of other characteristics of an activity which at any given time is likely to be "designated" under the terms of Section 7 below.
33. Such Administrative Procedures shall be published by the Registrar and Secretary in an Appendix to this Code and, as far as is reasonably practicable, shall be circulated to all persons or departments within the University concerned in the organisation of activities covered by this Code. Failure to receive such Administrative Procedures shall not exempt the organiser of any activity from liability to conform with the said procedures.

Section 7: Events

34. Where any individual or body subject to this Code wishes to hold an event on the University's premises for the expression of any views or beliefs held or lawfully expressed, consent shall not be unreasonably refused. Any conditions imposed on the holding of the event shall be kept to the minimum necessary in light of any risks identified in holding the event.
35. Where any individual or body subject to this Code is seeking to hold an event which involves a visiting speaker or which is outside the normal academic curriculum, the University's Procedure for Booking Events in Appendix 1 shall be followed.
36. Requests to make a booking for such an event to be held on university premises (excluding requests for events to be held in the University's 'open' areas made by the Students' Union, its clubs or societies) involving a visiting speaker or which is outside the normal academic curriculum, should be submitted at least two weeks before the event is due to take place. This notice period is required so that the University has sufficient time to undertake any review that it considers necessary of the details of the planned event.
37. Where requests involve events that present complex challenges, for example where a Designated Event is identified (see Appendix 1) that requires a high level of organisation, the University reserves the right to take additional time to ensure safety of and safeguarding all concerned while upholding the right to free speech. In such cases the organisers will be notified as soon as possible with an indication of the expected timescale required to facilitate the event in question.
38. Any such review will normally be completed within three working days of the receipt of the request. Any specific variations to these normal expectations are detailed in Appendix 1.
39. Requests by the Students' Union, its clubs or societies for events to be held in the University's 'open' areas must be submitted at least two weeks before the event is due to take place, in accordance with the procedure set out in Appendix 1.
40. Following any such review, if risks have been identified the organisers of the events must contact the Head of Security or nominee to discuss potential mitigation in order for the event to go ahead. Please see Appendix 2 for a process flowchart for identifying Designated Events.

41. It shall be reasonable to refuse consent where the University reasonably believes (from the nature of the speaker or from similar activities in the past whether held at the University or otherwise) that:
- a. the views likely to be expressed by any speaker are contrary to the law;
 - b. the intention of any speaker is likely to be to incite breaches of the law or to intend breaches of the peace to occur;
 - c. the meeting will include or is likely to include the denial of the right to hold or to express an opposing opinion;
 - d. the speaker and/or the organisation they represent advocates or engages in violence or non-violent extremism in the furtherance of their political, religious, philosophical or other beliefs;
 - e. the views likely to be expressed by any speaker are for the promotion of any illegal organisation or purpose, including organisations listed on the government's list of proscribed terrorist groups or organisations; or
 - f. it is in the interest of public safety, the prevention of disorder or crime or the protection of those persons lawfully on premises under the control of the University, that the meeting does not take place.
42. If it is determined that a chair should be appointed for the event, the chair should have sufficient subject knowledge and awareness of this Code. In the case of conduct which is or appears to be unlawful or in breach of this Code, the chair is responsible for giving an appropriate warning and, if necessary, requiring the withdrawal or removal of persons concerned.
43. Where the University is reasonably satisfied that the otherwise lawful expression of views at an event or meeting on the University premises is likely to give rise to disorder or threats to the safety of participants or the wider University community (a "Designated Event"), the University shall consider what steps it is necessary to take to ensure the safety of all persons and the security of the premises controlled by the University. These may include, but are not limited to: requirements as to the provision of security/stewards, the speaker being part of a panel, appointing an appropriate chair for the event, ensuring that an appropriate member of staff is in attendance or requiring that the event takes place in alternative premises, at a later date or in a different format.
44. The University may impose such conditions and requirements upon the organisers as are reasonably necessary in all the circumstances, ensuring that the conditions and requirements go no further than is necessary to address the risks it has identified.
45. The Head of Security will contact the Registrar and Secretary for any Designated Event where there are significant safety concerns, even after mitigation has been considered.
46. The Principal Organiser of a Designated Event may be required to provide to the Head of Security or their nominee by a reasonable deadline (which shall be specified by the University for that event), a written statement of the name of the speaker, the title and subject of the address and the precise times of the arrival and departure of the speaker. The University reserves the right to cancel the booking for any event where the Principal Organiser does not provide the written statement by the deadline.
47. The University shall only pass on the costs of security for using the premises to those arranging the relevant event or meeting in exceptional circumstances, such as where the

costs are wholly disproportionate to the numbers likely to be attending the event and the event could be held in a more proportionate way, or where a visiting speaker could reasonably be expected to have their own security because of the political or state office they hold. The University's decision on whether or not to pass on costs will not to any extent be influenced by:

- a. in relation to any individual, their ideas or opinions;
- b. in relation to any body, its policy or objectives or the ideas or opinions of any of its members; and
- c. in relation to the event, the ideas or opinions likely to be expressed at it,

provided these are within the law.

48. Where the University concludes that imposing conditions would not be sufficient to prevent serious disorder within premises subject to its control, it may decline to permit the meeting to proceed.

Section 8: Conduct at events

49. Everyone has the right to free speech within the law. The University expects students, staff and visitors to ensure that freedom of speech within the law is assured.
50. The University seeks to expose its staff and students to the widest possible range of ideas and views. All persons to whom this Code applies are required to observe the principle of freedom of speech and expression while on the University's premises and shall show respect and tolerance towards the expression of views, opinions and beliefs of others, even though those views, opinions or beliefs may run contrary to their own personal views, opinions or beliefs.
51. A member of staff or student who organises an event on the University's premises shall be responsible for ensuring, as far as is reasonably practicable, that the event is conducted in a manner to promote freedom of speech whilst maintaining good order and academic discipline and does not involve or lead to damage to property or an infringement of the law. Speakers remain responsible for their own compliance with the law.
52. University staff and students are required to ensure that they do not wilfully engage in conduct that prevents, obstructs or disrupts the holding or orderly conduct of any meeting or other lawful activity that takes place on the University's premises.
53. Nothing in this Code of Practice shall be taken to prohibit the lawful exercise of the right to peacefully protest. Protests against an event must be conducted without infringing the rights of others, including others' rights to freedom of speech. No protest should prevent an event allowed under this Code of Practice from going ahead as scheduled.
54. Infringements of, or departures from, this Code of Practice, in whatever respect, may render those responsible subject to disciplinary proceedings. In addition to disciplinary proceedings, breaches of the law may give rise to prosecution. All students and members of staff are under an obligation to assist with any investigation into any allegation of a breach of this Code of Practice.

Section 8: Segregation at events and meetings

55. The University has a legal duty to ensure that all students, employees and members of the public can enjoy access to events and meetings held on its premises without unlawful discrimination.
56. Segregation of audiences by protected characteristic, including gender, is therefore not permitted at any conference, meeting, speech, lecture or other event organised for and attended by students, employees of the University or the Students' Union, or members of the public. This includes any such event held on university premises that takes place under the auspices of the Students' Union, its clubs, societies and associations, or any external organisation.
57. The University will decline any request received from an organising body or a visiting speaker, or from an individual attending or wishing to attend an event at the University, for the audience to be segregated.
58. Segregation according to gender is permissible during acts of collective religious worship. However, no segregation is permitted at any meeting or event at the University which precedes or follows on from an act of collective religious worship.

Section 9: Enforcement and complaints about freedom of speech

59. Any infringement of this Code by a student or a member of staff of the University shall be subject to the established disciplinary procedures of the University appropriate to the person or persons concerned.
60. In respect of students, infringements may be classified as a breach of the terms of Senate Regulation 11: Regulations governing student conduct and discipline; and in respect of employees of the University, infringement may be regarded as a breach of their contract of employment.
61. If any actions involve breaches of the law, the University will assist the prosecuting authorities to implement the process of law and may suspend any internal disciplinary proceedings pending the outcome of any such processes.
62. Any student, staff, member or visiting speaker who wishes to complain to the University about a freedom of speech matter, should send an email detailing their complaint to foscomplaints@leicester.ac.uk.

Appendix 1

Procedure for booking events

1. This Appendix governs the booking of rooms on university premises for the purpose of holding any form of non-teaching event. All such events are subject to the requirements set out in the Code and this Appendix.
2. Within this Appendix, “Principal Organiser” refers to the individual in whose name a booking is made. The Principal Organiser will be responsible for complying with any conditions determined by the University to be necessary for an event to ensure the health and safety of participants and attendees or to secure freedom of speech within the law in accordance with the Code.

Booking of non-teaching events held in centrally timetabled rooms

3. Bookings of non-teaching events held in centrally timetabled rooms may be made only by a member of university staff or a designated Students’ Union member of staff for society events.
4. Bookings of events made by staff must be made using [Resource Booker](#).
5. Bookings of events made on behalf of a society of the Students’ Union must first follow the same procedures as apply to events held within the Percy Gee Building, as set out below.
6. Bookings will not be confirmed before the relevant form has been submitted.
7. Staff bookings of centrally timetabled rooms for non-teaching events will first be reviewed by staff in Student Registry Services.
8. If Student Registry Services reasonably considers that the request relates to a Designated Event, it will be referred to the University’s Head of Security, who is the Registrar and Secretary’s appointed officer in such matters, before accepting the booking.
9. In such cases, the Head of Security will review the information on the planned event and will determine, with due regard to the requirements of this Code and the University’s legal obligations, whether there are any features of the event that require mitigation. Further external information or advice will be obtained if required.
10. In all cases where there are significant safety concerns, the Head of Security will make their recommendation to the Registrar and Secretary, who will then make the final decision to accept or decline the booking. Before making a final decision, the Registrar and Secretary may discuss the matter further with other senior officer(s).
11. The Registrar and Secretary, through the Head of Security, will advise Student Registry Services in all cases where either the booking is to be declined or the booking is to be accepted and classified as a Designated Event.
12. All such decisions will be communicated in writing to the Principal Organiser. The Registrar and Secretary will stipulate whether any special conditions or arrangements are to be attached to the acceptance of any booking. The Principal Organiser must provide written acceptance of any such conditions or arrangements before the booking can be confirmed.

Booking of events held in the University's conference facilities

13. Bookings for events to be held in the University's conference facilities may be made by university staff, designated representatives of the Students' Union, and external groups or organisations via the Leicester Conferences Team at conferences@le.ac.uk.
14. The Principal Organiser of any event to be held in the University's conference facilities is required to give an undertaking (which is a solemn promise to do or not do something) that the principles embodied in this Code concerning freedom of speech will be upheld.
15. Details of all conference bookings will first be reviewed by staff in Estates and Campus Services, as appropriate. Requests relating to designated events will be referred to the University's Head of Security, who is the Registrar's appointed officer in such matters.
16. The Head of Security will review the information on the planned event and will determine, with due regard to the requirements of this Code and the University's legal obligations, whether there are any features of the event that require mitigation. Further external information or advice will be obtained if required.
17. In all cases where there are significant safety concerns, the Head of Security will make their recommendation to the Registrar and Secretary, who will then make the final decision to accept or decline the booking. Before making a final decision, the Registrar and Secretary may discuss the matter further with other senior officer(s).
18. The Registrar and Secretary, through the Head of Security, will advise Leicester Conferences in all cases where either the booking is to be declined or the booking is to be accepted and classified as a Designated Event.
19. All such decisions will be communicated in writing to the Principal Organiser of the event. The Registrar and Secretary will stipulate whether any special conditions or arrangements are to be attached to the acceptance of any booking.
20. The Principal Organiser must provide written acceptance of any such conditions or arrangements before the booking can be confirmed.
21. All conference bookings are subject to written acceptance of the University's terms and condition for the use of its conference facilities, which include provisions on the University's commitment to freedom of speech within the law.

Booking of events held in the Students' Union (Percy Gee building)

22. Bookings made by students for all events held in the Percy Gee Building or in the University's centrally timetabled rooms require the completion of an Events [Form](#), available from the Students' Union. The name of any speaker at the event and the subject of their talk must be declared at the time of booking.
23. In the case of event bookings requested on behalf of a student society the Events Form must be completed and signed by the society's registered officer and submitted to the Students' Union, which holds and maintains a list of all such registered officers. Society bookings completed and signed by any person other than the registered officer will be declined.

24. Details of all event bookings requested by individual students or on behalf of external bodies will first be reviewed by staff in the Activities Team, and for Designated Events will then be referred to the University's Head of Security, who is the Registrar's appointed officer in such matters.
25. The Head of Security will review the information on the planned event and will determine, with due regard to the requirements of the Code and the University's legal obligations, whether there are any features of the event that require mitigation. Further external information or advice will be obtained if required.
26. In all cases the Head of Security will make their recommendation to the Students' Union Director of Membership Services. Before making a final decision to accept or decline the booking the Director will discuss the matter with the Registrar, who may discuss the matter further with other senior officer(s).
27. Having discussed the matter with the Registrar and Secretary, the Director of Membership Services will advise the Activities Resource Centre (or Student Registry Services in respect of centrally timetabled rooms) in all cases where either the booking is to be declined or the booking is to be accepted and classified as a Designated Event.
28. All such decisions will be communicated in writing to the Principal Organiser of the event. The Director will stipulate whether any special conditions or arrangements are to be attached to the acceptance of any booking. The Principal Organiser of the event must provide written acceptance of any such conditions or arrangements before the booking can be confirmed.

Students' Union - booking of events in the University's 'open' areas

29. Special arrangements apply to requests from the Students' Union, its clubs and societies, or any partner organisations wishing to stage an event on any part of the University's estate that is not available to be booked under the procedures set out in paragraphs above. Such areas include foyers or other communal areas inside buildings, courtyards, lawns and car parks.
30. Requests for events to be held in or on any of the University's open areas must be submitted by an authorised staff member of the Students' Union, using the [online booking form](#). Such events are often unusual in nature and may require extensive internal consultations to resolve. Therefore, all sections of the booking form must be completed and the form submitted to the Division of Estates and Campus Services at least two weeks in advance of the proposed event date. The name of any speaker(s) at the event and the subject of their talk must be declared at the time of booking.
31. All requests will be subject to review by staff in the Division of Estates and Campus Services. This will include referral to the University's Head of Security, who is the Registrar's appointed officer in such matters.
32. The Head of Security will review the information on any planned designated event and will determine, with due regard to the requirements of this Code and the University's legal obligations, whether there are any features of the event that require mitigation. Further external information or advice will be obtained if required.
33. In all cases the Head of Security will make their recommendation to the Registrar, who will then make the final decision to accept or decline the booking. This decision will normally be made within fourteen days of the receipt of the booking request.

34. Before making a final decision, the Registrar and Secretary may discuss the matter further with other senior officer(s).
35. The Registrar, through the Head of Security, will advise the Director of Estates and Campus Services in all cases where either the booking is to be declined or the booking is to be accepted and classified as a Designated Event. All such decisions will be communicated in writing to the Principal Organiser of the event.
36. The Registrar and Secretary will stipulate whether any special conditions or arrangements are to be attached to the acceptance of any booking. The Principal Organiser of the event must provide written acceptance of any such conditions or arrangements before the booking can be confirmed.

Appendix 2

PROCESS FOR DESIGNATED EVENTS



