

Statement on Academic Freedom and Freedom of Speech

The University has developed a new joint statement on Academic Freedom and Freedom of Speech. The purpose of the Statement is to re-affirm the University's statutory obligation and wider commitment as a place of learning, advancement and enquiry to uphold academic freedom and freedom of speech within the law. It summarises key ways in which academic freedom and freedom of speech are secured within the University, and the responsibilities of staff in exercising academic freedom and freedom of speech.

Academic Freedom

The University is bound by Section 202 of the Education Reform Act 1988 which states 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 of losing their jobs or any privileges they may have at the University. This statutory provision is enshrined in Article 10 of the University's Instrument of Government and is therefore considered as a core obligation upheld by the Board of Governors and senior management. The University affirms that academic staff have academic freedom within the law as enshrined in the Main Statement of Terms and Conditions of Employment for academic staff. These principles are also included in the University's Staff Code of Conduct.

Academic Staff are encouraged to test received wisdom in several ways, including:

Teaching: the University's goal is to create graduates who think critically and independently and the teaching and learning exchange is a key engine for this to occur. Academic staff have a key role to play in delivering innovative programmes of study and curricular content informed by the latest thinking and research (new ideas), including their own research and scholarship, and that this will include controversial or unpopular views. This includes enriching the curriculum through inviting speakers who may hold controversial or challenging views, and doing so in the context of expressing that their views may be subject to challenge and debate, and to encourage academic colleagues and students to enter into such debate.

Research: academic staff have freedom to conduct research and scholarship which will of itself contribute to knowledge, and generate and disseminate new ideas. The University has identified multi-disciplinary research themes (MRDTs) which provide a framework and reference point for research undertaken in the University. This supports academic freedom in helping to foster collaboration and academic communities of practice.

Research which has societal impact may by its very nature be subject to challenge and contested by individuals, groups or bodies. Academic staff should feel free to be able to publish, promote and defend their research on the basis that it is based on robust enquiry and/or evidence, and this in turn may involve the challenging and testing of others' research and scholarship as part of this process. This should be without fear of reprisal or adverse employment consequences.

Academic Freedom also involves the ability of academics to participate in institutional governance and enfranchisement processes. This includes membership

of elected academic staff members on the University's Board of Governors; two nominees from the Academic Board of the University on the Board; all academic staff being entitled to stand and vote for election to the Academic Board; the Professoriate, engagement and communication within faculties and departmental meetings; mechanisms for regular and effective consultation and negotiation with the recognised trades unions; the ability to challenge and question decisions taken in the name of the University.

It is important to note that academic freedom is a right upheld by the University as outlined in the University's Code of Conduct for Staff. Specific responsibilities and obligations include:

- i. respecting the democratic rights and freedoms of others academic staff, students, visitors and wider society. This includes ensuring that the right to academic freedom does not support or promote individuals or groups who incite hatred or violence against any group or seek to undermine society's or a group's fundamental democratic rights and freedoms;
- ii. that in presenting particular perspectives to students, staff and external audiences that such viewpoints have some grounding in scholarship, evidence and a wider context and are subject to robust debate, including accommodating contrary perspectives and opinions;
- iii. that academic staff are often seen as representative voices of a particular discipline, subject area, department, faculty or the University and should not seek to express views in such a way as bring any of these into disrepute;
- iv. that in presenting research it is in line with the professional norms of the academic and disciplinary community including standards of ethics, procedure, evidence and argument;
- v. that research cannot be conducted in isolation from lawful conduct and enquiry, university policy and internal and external considerations which may define the scope or terms and conditions of the research. For example, on rare occasions, research could be undertaken in commercial confidence and external sponsors or the University may require that the research is kept confident, but that such clauses should be restrained to the minimum scope and duration consistent with the protection of IP;
- vi. ensuring that research is subject to the University's ethical procedures and that where research involves access to sensitive material, including extremism-related material for research purposes is approved as a *bona fide* academic activity. As an exempt charity, the Board of Governors as the Trustees has an indirect duty to the Charity Commission and a direct responsibility to HEFCE as 'principal regulator' of the University for this purpose, to report any association with a proscribed organisation as a 'serious incident', other than for *bona fide* academic research cited above;
- vii. to exercise academic freedom so as not to undermine those individuals' or groups rights to privacy and family life or make them subject to discrimination.

Freedom of Speech

Freedom of Speech extends beyond that communicated by academic staff. Specifically, Section 43 of the Education (No 2) Act 1986 places a statutory duty on the University that 'every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting

speakers'. Article 10 of the Human Rights Act 1998 enshrines in law that everyone has the right to freedom of expression, written or spoken.

The 1986 duty above includes ensuring that the use of the University's premises is not denied to an individual or group on the grounds of views or beliefs held by the individual/group, or the policy or objectives of the group. The University has developed a Visiting and Events and Speakers Policy which defines the arrangements in place for freedom of speech related to University events and speakers.

It is important to note that Freedom of speech does not establish a broad right not to be offended, and the expression of views which some people might find objectionable or offensive is not prohibited generally by the law. The discussion of controversial or sensitive issues, or being critical of others on any grounds does not of itself enable freedom of speech to be prohibited and, if managed effectively, is a fundamental feature of such freedoms.

However, obligations and responsibilities apply in exercising freedom of speech:

- i. the Human Rights Act 1998 emphasises the duties and responsibilities in exercising these responsibilities as necessary in a democratic society, including the importance that freedom of speech should not be at the expense of national security, public safety or the prevention of disorder or crime and health;
- ii. the protection does not extend to allow someone expressing their view to break the law or breach the lawful right of others. This includes:
 - freedom of speech involving threatening, abusive or insulting words or behaviour, particularly with a view to incite hatred of any individuals in society including on religious or racial grounds, or any of the other characteristics listed in the Equality Act 2010, including: age, disability, gender re-assignment, marriage and civil partnership, sex and sexual orientation.
 - prohibiting support for, or endorsement of, the freedom of speech of 'proscribed organisations' under the Terrorism Act 2000.

Where the University is required to take steps on occasions to inhibit, or modify, freedom of expression which would risk breaking the law or breaching the lawful rights of others, it needs to take steps to ensure that it does not disadvantage or advantage the rights and duties of others on the basis of their protected characteristics.

Version	1.0	Author Name and Role Title and contact point for the Policy:	Dr Adam Dawkins Head of Governance
Approval Date	22.02.16	Approved by:	Board of Governors