

Academic Freedom and Freedom of Speech

September 2023

Version 1.1
Approved by the Board of Governors

Introduction

The UKB Business College is committed to open debate and discussion, and freedom of speech and academic freedom are at the heart of the College's mission and values. The principles of freedom of speech, freedom of expression and academic freedom are important to the College because they define their role as being one where debate is positively encouraged, and where a range of ideas can be considered, examined and dissected both in academic programmes and in the wider life of the institution.

In operating this policy, the UKBC College seeks to ensure that the principles of freedom of expression are upheld balanced with the need to protect the welfare of both staff and students and to protect the university's reputation both in the UK and abroad.

A summary of the legal framework underpinning this policy is provided at Appendix A.

Scope

This Policy applies to all staff, students, members of the UKBC College, visitors, external speakers and anyone operating on behalf of the College or on its campus.

Promoting free speech and supporting wellbeing

The freedom of expression applies not only to information or ideas that are favourably received, but also to those that offend, shock or disturb. It applies to all who wish to seek, receive or impart information and ideas of all kinds, and includes the right to protest peacefully. The College will actively promote and facilitate freedom of speech and allow for robust and civil debate.

Academic freedom

The College is a defender of free speech, but it is not a public square. As a scholarly institution it confers authority and legitimacy on the views which attach to it and provides an audience for the speakers it hosts. It is not obliged to provide a platform to individuals who have no recognised expertise in a field of academic inquiry nor does it have to provide speaking opportunities to those who wish to promote views that are manifestly at odds with empirically verifiable objective facts.

Policy

The UKBC College expects all people within the scope of this Policy to ensure freedom of speech within

the law is assured. The UKBC is proud of the diversity of its staff and students and the different views and opinions held and as such encourages openness of debate and discussion, including opinions which may be difficult to hear. This must, however, be set alongside the College's legal obligations to guard against actions which may incite to violence, hatred or breaches of the peace. Discussion and debate must therefore be conducted in a respectful and lawful manner.

The College has a duty to ensure the welfare of all of its staff and students and to ensure that the business of the UKBC College is transacted in a safe and tolerant environment. The UKBC will ensure that its legal obligations are met to allow all staff and students to engage in their activities in a responsible manner and will ensure that its obligations are met regarding external speakers to the UKBC College.

Conduct

Concerns about breaches of this policy should be reported to the appropriate Course Leader, or where they regard the Course Leader or the Principal.

Concerns about compliance with this Policy or general procedures concerning freedom of speech will be addressed using the appropriate procedure.

Policies and other relevant reference points

Staff disciplinary procedures are set out in the Employee Handbook

Anti-Bullying and Harassment Policy

External Speakers and Events Policy

Policy on Safeguarding & External Contractors

Student Code of Conduct and Disciplinary Procedures

Preventing Radicalisation and Extremism Policy

Student Complaints Policy

Monitoring and review

The Academic Freedom and Freedom of Speech is reviewed annually and approved by the Board of Governors.

Appendix A: legal framework

- a) **The Education (No. 2) Act 1986 (section 43(1))** requires ensuring that freedom of speech within the law is secured for its employees, students and visiting speakers. This also includes the duty to ensure, as is reasonably practicable, that the use of any of the College's premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives.
- b) **The Higher Education and Research Act 2017 (HERA)** makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS's regulatory framework. Under the framework the governing bodies of registered universities and colleges should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.' HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.
- c) **The Education Reform Act 1988 (section 202)** (reinforced by the Higher Education and Research Act 2017) makes clear 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 privileges they may have at their institutions.
- d) **The Public Order Act 1986** creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.
- e) **The Protection from Harassment Act 1997** creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.
- f) **The Human Rights Act 1998** which establishes the individual's right to freedom of expression in UK Law.
- g) **The Equality Act 2010** that places duties upon public authorities to prevent discrimination on the basis of protected characteristics as set out in the Act. The College also has a duty to foster positive relations between communities.
- h) **The Terrorism Act 2006** creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused.
- i) **The Counter - Terrorism and Security Act 2015** creates a general duty to have due regard to the need to prevent people from being drawn into terrorism having particular regard to the duty to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986 when carrying out that duty.

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