

Truro & Penwith College

Policy on Academic Freedom and Freedom of Expression

- 1 This policy sets out the responsibility of the College in promoting academic freedom and freedom of speech while ensuring the College remains a safe environment for teaching, learning and research, complies with relevant legal requirements and promotes the College's values.

The 1986 Education Act states that: *'...persons concerned in the government of any establishment...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.'*

As an educational organisation, the college values academic freedom and is committed to encouraging free debate and enquiry. This means tolerance of a wide range of views, both academic and political, even when they may be unpopular, but this must be applied within the law. Our policy is written to follow the guidance from the Joint Committee for Human Rights inquiry into the freedom of speech in UK Universities.

"Codes of practice on freedom of speech should facilitate freedom of speech, as was their original purpose, and not unduly restrict it. Universities should not surround requests for external speaker meetings with undue bureaucracy. Nor should unreasonable conditions be imposed by universities or student unions on external speakers, such as a requirement to submit their speeches in advance, if they give an assurance these will be lawful."

Freedom of speech in universities, JCHR report, 27 March 2018, paragraph 93 (available at: <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/589/589.pdf>)

- 2 The College's approach is to encourage and promote academic freedom, free speech and debate by staff and students. However, the freedom to challenge or debate through freedom of expression does not give permission to break the law through incitement to violence, or through the use of threatening words or behaviour intended to provoke hatred on the grounds of any form of discrimination.

All members of the College's academic community have freedom within the law to:

- hold opinions and express them verbally, through written material, or through other media
 - challenge established theories, ideas or received wisdom;
 - develop new ideas or proposals;
 - present or take controversial or unpopular positions
- 3 The College requires all of the academic community (staff and students) to be aware of its responsibilities under the Equality Act (2010) which identifies the following protected characteristics: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation, and to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it;
- foster good relations between people who share a protected characteristic and those who do not share it.

4 Academic Freedom

The college recognises that all member of the academic community have freedom within the law as recognised in section 2 above. The college aims to ensure that staff have:

- freedom in teaching and discussion;
- freedom in carrying out research without commercial or political interference;
- freedom to disseminate and publish research findings;
- freedom from institutional censorship, including the right to express opinions publicly
- freedom to participate in professional and representative academic bodies, including trade unions.

In the exercise of the freedom during their role in delivering academic duties: research, teaching or the publication of material linked to the college, staff and students are expected to:

- Value diversity and recognise the strength that comes from people with different perspectives and knowledge linked to a diverse range of characteristics including: age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sexual orientation and culture.
- Treat others with respect, challenge inequality and respond to the different needs and circumstances of individuals and groups of people
- Respect and defend the rights of individuals to hold different views and beliefs and their right to express those views through appropriate fora when engaging in academic discussion
- Communicate in a respectful manner and in a clear, relevant and respectful way
- Be academically rigorous, justifying their views with evidence and appropriate argument
- Minimise the risk of and harm to any person, institution or community
- Be sensitive to others when expressing opinions that may cause offence and present views in a manner that is not hostile or degrading
- Respect the right of others to challenge their views and be prepared to accept gaps and weaknesses in their own arguments
- Be aware of the legal implications of their actions.

5 Free Speech and Freedom of Expression

Staff and students at the College should therefore consider whether their action or the action of invited guest speakers / visiting lecturers, the outcome of meetings, protest or demonstration or the result of academic work (including practice or artefact) will:

- infringe the rights of others,
- discriminate against others in a manner that constitutes a criminal offence
- constitute a threat to public order or to the health and safety of individuals
- incite others to commit criminal acts
- be contrary to the civil and human rights of individuals.
- be insensitive to the diversity of its community or be disrespectful to sections of that community

The College will not normally deny the use of facilities to individuals or groups unless the proposed use is considered likely to be contrary to the law

6 Planning of activity

Every activity at the college, or activity 'off-campus' but branded as or funded by the College or where the principal participants are college staff, is required to have an Organiser and that Organiser has a duty to ensure that steps are taken to meet the guidance within sections 2 – 5 of this policy.

To conform with the values of Truro & Penwith College, British Values (that include democracy, the rule of law, individual liberty and mutual respect and tolerance of those with different faiths and beliefs) and to conform with the college's duty under the PREVENT statutory guidance, all Organisers of an event must carry out research on any visiting speaker/organisation and follow the Truro & Penwith College protocols for visiting speakers. This includes completion of the Visiting Speakers to Truro & Penwith College form.

7 Refusal of Activity

If there is any question or doubt as to the subjects being raised through any activity within the academic community and the possibility that it might not be in accordance with this policy, it is the responsibility of the Module Leader, Tutor or Event/Activity Organiser (whether staff or student) to contact the Director of Studies for advice on whether to proceed. Having considered the available information the Director of Studies will then make a ruling to grant or withhold permission for any activity.

8 Appeals

If the Organiser feels that refusal under point 7 contravenes the Policy they have the right to appeal, in writing, to the Principal, who will consider the arguments and make a decision regarding any such appeal. The final decision rests with the Principal.

9 Contravention of the Policy

Activity that contravenes this policy will be investigated and may give rise to disciplinary procedures against the relevant staff or student(s). In addition, if relevant, information may be supplied to the police if there are grounds to believe a breach of criminal law has taken place.