

Academic Freedom Policy

Document Summary

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This policy is aligned with key legislation and guidance from the Office for Students (OfS), Jisc, QAA, Pearson, and the Higher Education (Freedom of Speech) Act 2023.

1: Introduction

Academic freedom is a fundamental right that underpins a healthy democracy and a thriving education system. It allows our academic staff to challenge, test, and present ideas without fear of losing their jobs or privileges. At The City College, we are fully committed to protecting and promoting this right for all staff, students, and visiting speakers.

2: The Legal Basis of Academic Freedom and Freedom of Speech

Our commitment is legally grounded in two main areas:

- Education Reform Act 1988: This Act requires the College to have "regard to the following needs," including ensuring that academic staff have the "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."
- Higher Education (Freedom of Speech) Act 2023: This Act imposes a new, legally binding duty on the College to take "reasonably practicable steps" to secure freedom of speech within the law for our staff, students, and any invited visiting speakers. The Act also requires us to actively promote the importance of freedom of speech and academic freedom.

We also recognise that the right to freedom of expression is protected by Article 10 of the European Convention on Human Rights. This right is fundamental, but, as stated in law, it is not absolute and can be restricted if it is unlawful.

3: Our Code of Practice on Freedom of Speech at The City College

Our Code of Practice on Freedom of Speech is available on our College webpage.

We will actively uphold and promote the following principles:

3.1: Academic Freedom Academic freedom includes the right to:

- Freedom in teaching and discussion.
- Present course material, discussions, or speakers' views that may be challenging or even offensive to students. This is a protected right, but it must be balanced against the need to prevent unlawful harassment.
- Freedom from institutional censorship, including the right to express your opinion publicly about the College or the education system.
- Freedom to participate in professional and representative academic bodies, including trade unions.
- To put forward new ideas and controversial or unpopular opinions without risking loss of jobs or privileges at the HE Provider or the likelihood of promotion being reduced.
- To allow, as far as practicable, that the use of any premises at the College or the use of the College Brand is not denied to any individual or body of persons on any ground connected with the beliefs or views of that individual or body of persons.

3.2: Broader Civil Liberties and Responsibilities Academic freedom is tied to broader civil liberties. All members of the College have the right to freedom of thought, conscience, religion, and expression. However, this right comes with the responsibility to respect the democratic rights and freedoms of others. All members of our community must refrain from all forms of unlawful harassment or discrimination based on sex, race, religion, sexual orientation, disability, or any other protected characteristic.

The City College, as a Higher Education Provider, is required to take steps to ensure members, students and staff follow the Code of Practice, involving any disciplinary measures if the code is breached.

3.3: Academic and Professional Judgement We uphold the right of our academic staff to make professional judgments in admissions, teaching, and assessment. These judgments will not be overturned for non-educational reasons.

3.4: Raising Concerns If you believe that your academic freedom or freedom of speech has been violated, you should first raise your concerns with a member of the Senior Staff Leadership. If your concerns relate to a Director, you may complain to another Director. Guidelines regarding complaints about Free Speech can be found in the Staff Handbook and the Grievances Procedure, which is based on the ACAS Code of Practice – Disciplinary and Grievance.

A new complaints scheme: The OfS will operate a new complaints scheme for staff and visiting speakers who believe their freedom of speech has been breached. After you have exhausted our internal complaints process, you may be able to refer your complaint to the OfS.

4: Freedom of Speech and its Limitations

Academic freedom and freedom of speech are not unlimited. It is important to remember that:

- Freedom is within the law. This means that speech is not protected if it is unlawful. Unlawful speech includes incitement to violence, unlawful harassment, incitement of racial or religious hatred, and defamation.
- Academic freedom has limitations in practice. Staff are expected to:
- Maintain a safe and supportive learning environment.
- Ensure their teaching is relevant to the legitimate academic purpose of the course.
- Encourage students to consider different views and not penalise disagreement.
- Refrain from making statements in public that are at variance with the agreed institutional values of the College unless clearly indicating they are not speaking on behalf of the College.

5: The Prevent Duty

Our commitment to academic freedom is not in conflict with our Prevent Duty. We are committed to keeping each other safe and helping and supporting those who may be

vulnerable to being drawn into extremism. We will always balance freedom of expression with the need to protect our community and comply with our legal obligations.

6. Non-Disclosure Agreements (NDAs)

We will never use Non-Disclosure Agreements (NDAs) to prevent a member of staff or a student from speaking out about a complaint of sexual abuse, harassment, bullying, or other forms of misconduct. Any NDA that attempts to do so is legally unenforceable.

7. Procedures in respect of Events

Procedures in respect of events, involving external speakers or visitors, who have been invited to speak to students and/or staff can be found in the Code of Practice and the External Speakers and Prevent Policy also include relevant information and guidance. All visiting speakers must be made aware by the person or group arranging the event that they have a responsibility to abide by the law and the College's policies.

7. Further Information and Resources

For additional details on the laws and regulations that underpin this policy, please refer to the following sources.

- Higher Education (Freedom of Speech) Act 2023: This is the latest legislation that sets out the legal duties for higher education providers.
- <https://www.gov.uk/government/publications/the-future-of-the-higher-education-freedom-of-speech-act-2023>
- Office for Students (OfS): As the regulator, the OfS provides guidance and oversight on the new freedom of speech duties.
- <https://www.officeforstudents.org.uk/for-providers/freedom-of-speech/>
- Article 10 of the European Convention on Human Rights: This article provides the fundamental right to freedom of expression, which is incorporated into UK law.
- [Link to a summary of Article 10 on the Equality and Human Rights Commission website](#)
- Jisc: This body provides practical guidance on academic integrity and digital education, including how to navigate the complexities of academic freedom and AI.
- <https://www.jisc.ac.uk/training/how-to-maintain-academic-integrity-in-an-ai-age-fe>