

# Academic Freedom and Freedom of Speech Statement

## 1. Introduction

- 1.1. Academic freedom and freedom of speech are concepts that are frequently invoked but whose meanings remain rather elusive. They have no uniformly agreed definitions, even though they are in many ways intrinsic to the particular nature of universities and the role of academics in the UK.
- 1.2. But it is important to note that these freedoms are both enforced – and restricted – by the law of the land. They are part of the framework of rights where active promotion of freedom of speech, freedom of worship, democracy, the rule of law, equal rights regardless of race, sex or sexuality, must be the hallmark of a genuinely liberal country.

## 2. Academic freedom

- 2.1. In the UK, the concept of academic freedom tends to be associated with a number of values including:
  - 2.1.1. freedom from state and political interference;
  - 2.1.2. institutional self-governance and autonomy;
  - 2.1.3. peer review and open and rigorous criticism of ideas.
- 2.2. UK universities uphold the rights of academic staff to exercise 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.
- 2.3. The right of academic freedom is qualified by the expression 'within the law'. This means that there are boundaries to academic freedom, but those boundaries are as set by the criminal and civil law, with the effect that acts which are unlawful are not protected. It is therefore the law that constrains the requirement to protect academic freedom, not a university's choices. Students and visiting speakers are not covered and cannot invoke a legal right of 'academic freedom'.

## 3. Freedom of speech

- 3.1. Freedom of speech is a wider concept than academic freedom that goes beyond the rights of academics and applies to everyone. It is commonly defined by reference to the freedom to speak freely without censorship or limitation. In practice, the right to free speech is not absolute in any country and is commonly subject to limitations which recognise the potential conflict between free speech and other rights.
- 3.2. Freedom of speech has a special role in universities, specifically protected as a matter of law. The legislation, in the form of the Education (No. 2) Act 1986, emphasises the significance of free speech for universities by imposing a legal obligation on them to promote and protect

it, and in particular states that the only constraints on the duty to secure freedom of speech are those imposed by the law.

3.3. Section 43 of the Act provides 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.'*

3.4. This is a positive and proactive legal duty. The obligation is not merely to refrain from limiting or infringing freedom of speech, but rather to do all that is reasonably practicable to ensure that it is secured. The duty is directed at free speech for all participants in university life – members of staff, students, and visiting speakers. This includes a duty to ensure that the use of any university premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives. The University has a 'Freedom of Speech Code of Conduct' which sets out the principles which underpin the expectations of staff, students and others wishing to use University premises for meetings and events. (<https://www.chi.ac.uk/about-us/policies-and-statements/freedom-speech>).

**4. Academic freedom and freedom of speech at the University of Chichester**

4.1. The University of Chichester ("University") is committed to 'high quality, student-centred higher education within a supportive community of learning'. The University seeks to create a positive learning environment which 'inspires and enables individuals to exceed their expectations'. In such a community staff and students must be given opportunity to explore all ideas fully, creatively and critically, free from fear of harassment or abuse. The University is a community in which individuals can teach, research, speak and publish freely, confident that their ideas will be respected and debated fairly, without prejudice or threat of abuse. It is only with a substantial and practical commitment to these foundational values that staff and students at the University are able to engage in high quality research, teaching, learning and assessment. Such freedom is essential to the pursuit of knowledge, insight, wisdom and understanding.

4.2. The University is committed to the growth and development of all its staff and students. Such growth and development is dependent upon the University being a secure and supportive environment in which ideas, however controversial or unpopular, may be debated seriously and with due consideration to their proponents. The University will further its goal of being a vehicle for 'social, cultural and economic renewal and growth' by modelling the highest standards of free debate and discussion. The University will ensure free discussion and debate is unhindered so long as this does not adversely affect its positive promotion of diverse opinions and ideas. Individuals will only 'exceed their expectations' if they are confident they can experiment with diverse and sometimes unpopular ideas and express themselves freely. First and foremost, the University is a place where people are supported and encouraged as they explore diverse ways of thinking creatively and critically about society, culture, religion and politics.

4.3. To fulfil these goals the University will encourage all its members to promote a safe and secure environment in which staff and students feel free to express diverse and sometimes unpopular opinions. Departments will explore ways in which they can foster a positive, supportive and generous environment which can promote widespread free discussion. In addition, the University will seek to protect the rights of its members to express and discuss a variety of views entirely free from control and pressure so long as such discussions do not contravene its legal obligation in regard to equality and diversity. One aspect of the University's commitment to freedom of speech is to protect and support any member of its community who is subject to abuse or persecution from wider society as a result of the



expression of controversial or unpopular opinions. The University upholds the rights of academic staff to exercise 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 within our community.

- 4.4. The University will seek to regulate its life so that it is compliant with the law, especially the law relating to freedom of speech. In balancing our responsibilities for ensuring freedom of speech and academic freedom, and also protecting student and staff welfare, the University of Chichester aims to act reasonably and proportionately and in accordance with its values, policies and the law.
- 4.5. The University recognises there will be occasions when the rights of individuals will be in conflict. In particular the free expression of one individual or group might be properly perceived as detrimental to the well-being of another individual or group. In such instances the University recognises there are no easy answers, but it will address such occasions on a case by case basis being guided always by its own values, policies and the law. In particular the University will seek to enable freedom of speech, and find means to mitigate any risks rather than close down opportunities for ideas to be argued and challenged.

## **5. Associated documents**

- 5.1. The following three documents work together as a set:
  - 5.1.1. Academic Freedom and Freedom of Speech Statement
  - 5.1.2. Freedom of Speech Code of Conduct
  - 5.1.3. External Events Procedure: to cover external guests, speakers, performances and events

## **6. Questions**

- 6.1. If you have any questions or concerns please discuss with your line manager (staff members) or lecturer or academic advisor (students) in the first instance. You may also contact the Director of Students, Support and Information Services who will direct you towards the most appropriate route.

**Signed on behalf of the University:**



Jane Longmore, Vice-Chancellor

**Signed on behalf of the Students' Union:**



Gemma Hopwood, SU President