

# Academic Freedom Policy

## **Document Summary**

Date of approval: 18/11/2019

Approved by: Academic Board

Last revision date: 31/08/2024

Next revision date: 31/08/2025

### 1: Introduction

Academic freedom is the legally-established right of the academic staff to express their opinions without fear of losing their jobs because of other people's hostility to those views. It underpins academic staff's right to exercise their best judgement in pursuing knowledge and related academic activities.

### 2: The legal basis of academic freedom

The legal basis of academic freedom is expressed in Section 202(2) of the Education Reform Act 1988, which requires the College "to have regard to the following needs:

- to ensure 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;
- to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and
- to apply the principles of justice and fairness."

The City College supports academic staff's right to achieve the above needs without interference or penalty. Drawing also Sections VI and VII of the Recommendation concerning the Status of Higher Education Teaching Personnel adopted by UNESCO in 1997, as well as work done elsewhere, the following college statement seeks to outline the core principles of academic freedom.

### 3: Academic freedom at The City College

3.1: One of the purposes of post-compulsory education is to serve the public interest through extending knowledge and understanding and fostering critical thinking and expression in staff and students, and then in society more widely. Academic freedom is essential to achieving these ends and, therefore, to the development of a civilised democracy.

3.2: Academic freedom includes the right(s) to:

- freedom in teaching and discussion;
- although students' may be offended by course material, discussions or speaker's views this is protected by Article 10 of the Equality Act 2010 which allows freedom of expression, protecting an individual's rights to hold and express opinions freely, although these can be restricted if views expressed encourage racial or religious hatred. Higher Education Providers need to balance complaints with the need for academic freedom;
- freedom from institutional censorship, including the right to express one's opinion publicly about the institution or the education system in which one works; and

- freedom to participate in professional and representative academic bodies, including trade unions.

The City College notes that academic freedom also includes the freedom to carry out research without commercial or political interference and the freedom to disseminate and publish one's research findings and support this view while not currently being a research institution.

3.3: Academic freedom is also bound up with broader civil liberties and human rights. Higher and further education staff have the right to freedom of thought, conscience, religion, opinion, expression, association and assembly. Staff must not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through free expression of opinion on matters of public interest. We recognise that this may touch upon sensitive or controversial issues.

3.4: Academic freedom also comes with the responsibility to respect the democratic rights and freedoms of others. All members of the college, of whatever role and seniority, shall refrain from all forms of harassment, prejudice and unfair discrimination, whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic.

3.5: Subject to the rights of the college to manage its activity efficiently, academic staff can expect to teach without any interference, subject to accepted professional principles, including professional responsibility and intellectual rigour with regard to standards and methods of teaching. They should not be forced to instruct against their own best knowledge and conscience or be forced to use curricula and methods contrary to national and international human rights standards.

3.6: The academic judgments of educational professionals in admissions, teaching, and assessment, are not to be overturned for non-educational reasons by any member of the college (management, administration, student) or by non-educational external influences. The City College upholds the right of education professionals to make decisions on students and scholarly themes without fear of reprisal or penalty.

3.7: Academic staff who believe that they do not enjoy the academic freedom that The City College endorses through this policy should raise their concerns with a Director, either in person or by email. If the concerns relate to suppression of academic freedom by a Director, such complaints can be made to the other Director. In addition, academic staff have access to the Complaints Policy and Whistleblowing Policy if appropriate.

### **4: Freedom within the law**

It deserves to be emphasised that academic freedom is freedom within the law. This involves not only national law but also European and international law. In this context, the bounds set upon free choices of academic activities by a number of contractual constraints include, notably, the employment contracts of individual members of the academic staff.

### **5: Academic freedom and responsibility**

The right to academic freedom is balanced by the obligation to use that freedom responsibly, in the context of the professional values in which it is grounded. Academic freedom must be applied carefully and has limitations in practice. To achieve this, academic staff are expected to:

- maintain an effective, safe, and supportive learning environment and promote an atmosphere of fairness and equality in their academic activities and relationships with students.
- exercise their best efforts to promote learning of the specified course material by students in the classes they deliver and around the college generally.
- ensure that their teaching relates clearly to the legitimate academic purposes of the course. Activities should be performed promptly, conscientiously, without prejudice or favouritism, and be consistent with the criteria stated at the beginning of the course.
- prepare thoroughly and teach competently in an open, fair, and humane manner.
- avoid misusing the classroom by presenting personal views on topics unrelated to the course subject matter. If the staff member finds it pedagogically useful to advocate a position on controversial matters, they must exercise care to ensure that opportunities exist for students to express and consider other views. Academic staff should encourage students to remain open to new ideas by example and not reward agreement or penalise disagreement with their own views.
- retain the professional distance necessary for students to learn. Academic staff should not use position, authority, or relationship with students for personal gain.
- never make statements that are at variance with the agreed institutional values of the college.
- ensure that they apply mutual respect to colleagues and opponents in debate and not promote views which can be interpreted as discriminatory in terms of gender, racial background, sexual orientation, age or any other personal characteristics.
- Indicate clearly that they are not speaking for The City College when communicating in public unless they are authorised to do so.

### **6: Institutional support**

An important ingredient in confidence felt by individual academic staff members is the trust that they feel the College invests in the professional quality of their work. The College, therefore, wishes to establish that it will publicly defend its academic freedom should the need arise. Equally, the College should feel able to trust its academic staff in their use of academic freedom. The obligations are thus mutual.

The considered professional judgement that underlies the defence of reasoned arguments from evidence by a member of the academic staff is the core of their academic expertise.

### **7: Academic Freedom and Prevent**

It is not intended that academic freedom should conflict with the Prevent Duty. However, if Higher Education Providers, such as The City College, are acting as service providers for members of the public, they may be liable for discrimination or harassment if hosting speakers or events open to the public. It should be noted that harassment provisions cannot be used to undermine academic freedom as the learning experience of students' means they will be exposed to course material, discussions or speaker's views which they find offensive but is unlikely to be considered as harassment under the Equality Act 2010 which defines Harassment as unwanted behaviour related to certain protected characteristics which violates a person's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person. Views expressed in teaching, debate or discussion, are unlikely to be seen as harassment, even if found offensive by some people, as Article 10 will protect them, but any complaint should be treated seriously and considered on individual merits to balance protection of staff, student's and the public, while taking academic freedom into account.

The motivation at The City College is solely to keep each other safe and help and support those who may be vulnerable to being drawn into extremism. This is entirely in accordance with other related college policies, such as the Freedom of Speech Policy, Equality and Diversity Policy, External Speaker Policy, Sexual Misconduct, Anti-Bullying and Harassment Policy, Computer Access Policy and Social Networking Policy, and the Code of Conduct.