

Higher Education Academic Freedom and Freedom of Speech Policy

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Note:	To be read in conjunction with: HBC Strategic Plan 2017-2019 HBC Student Equality and Diversity Policy HBC Student Code of Conduct and HE Student Charter HBC Social Media Policy HBC Staff ICT Policy HBC Student Policy HBC Staff Disciplinary Policy HBC Student Disciplinary Procedure HBC Visitor Code of Practice HBC Policy governing posters, notices, TV screens, clip frames, student zone graphics, temporary signs and charity activity posters

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1. Introduction

Hugh Baird College recognises its duty, in relation to section 31 of the Counter Terrorism and Security Act (2015) to pay “particular regard” to both the “duty to ensure freedom of speech” and to the “importance of academic freedom”.

Furthermore, the College acknowledges its obligations under the provisions of the Education Act (No. 2) 1986 to 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.”

and to:

“...ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with—

- (a) the beliefs or views of that individual or of any member of that body; or**
- (b) the policy or objectives of that body.”**

2. Scope of Policy

The acknowledgement of these concepts reflects the importance that society attaches to the rights of individuals to pursue research and aspects of teaching that may be unpopular or controversial. Indeed, whilst a politically and religiously neutral institution, they can be argued to underpin the College’s Core Values of:

- Integrity and honesty - we act honestly, ethically and legally in all we do
- Openness - we are open to new ideas and share knowledge
- Trust and mutual respect - we treat everyone with fairness and integrity
- Courage - we have the courage to act on our convictions
- Social Responsibility - we are responsible to our colleagues, students and the environment where we live and work
- Accountability - we are accountable for our actions and seek to improve lives
- Excellence - we strive for excellence in all we do

(Ref: Hugh Baird College Strategic Plan 2017-2019)

More specifically, as a Further Education Corporation, these tenets are upheld within Article 14 of the College’s Articles and statements of Governance which recognises the rights of academic staff, under the 1988 Education Reform Act, to:

“...have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions without putting themselves at risk of losing their jobs or the privileges they may have at the institution.”

As an organisation the College is mindful of the need to promote freedom of speech within key legal frameworks of relevant UK and European legislation and law. This balance is central to its commitment to the promotion of British Values (Democracy, Rule of Law, individual liberty and mutual respect and tolerance of different faiths and beliefs) whilst upholding its responsibilities under law such as those enshrined within (but not restricted to) the Equality Act (2010) The Human Rights Act (1998) and the Counter Terrorism and Security Act (2015). As such, it is recognised that freedom of speech and academic freedom are qualified rights in terms of the law and in this regard the College will take all appropriate steps to ensure that whilst maintaining the rights of individuals they are commensurate with the interests of society.

Specifically, under Article 10 of the Human Rights Act, 1998, it is understood that these freedoms:

“....may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security..... or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence....”

Therefore, whilst upholding these rights, the College will not tolerate, and will take appropriate action against, any statements or acts, made or enacted by employees, students or visitors, that discriminate, harass or incite violence or hatred towards other persons and groups or which are in contravention to law.

This policy will apply to:

1. All activities undertaken by employees in pursuance of their employment

In this instance College employees are directed to the relevant sections of their contracts of employment, Employee Code of Conduct, Safeguarding Policy, Single Equality Scheme and the Bullying & Harassment Policy.

2. All activities undertaken by students in pursuance of their studies

In this instance students are directed to the Student Code of conduct and HE Student Charter. Course handbooks also contain information on behavior and specific codes of professional conduct appropriate to specific courses e.g. Initial Teacher Education

3. Meetings and similar organised events arranged internally or by external organisations including student groups

As outlined in the Visitor Code of Conduct the College will not, as far as is reasonable, deny access to individuals or bodies on the basis of their beliefs, views or policies. However, any belief, opinion or policy which are in contravention of the Prevent agenda, Equality and Diversity legislation, British Values or the College's Mission Statement will be appropriately challenged. The Visitor Code of Conduct guidelines outline the responsibilities of organisers and the procedure to be followed.

4. The display of signs, posters and distribution of literature

Only permitted material may be displayed or distributed at Hugh Baird College and Students and Staff are directed to the Policy governing posters, notices, TV screens, clip frames, student zone graphics, temporary signs and charity activity posters. Appendix 1 sets out protocol for obtaining appropriate permissions together with a non-exhaustive list of permitted material. Appendix 2 contains a non-exhaustive list of material deemed to be in contravention of regulations.

5. The display of audio-visual material

Guidelines relating to the use of College TV screens are contained within the Policy governing posters, notices, TV screens, clip frames, student zone graphics, temporary signs and charity activity posters. When preparing and deploying audio-visual material, academic staff are to ensure its legitimacy in terms of supporting teaching and learning and genuine academic enquiry. In terms of this all staff are directed to section 2.8 of the aforementioned policy which forbids the display or circulation of material that is deemed to be “indecent or illegal, or which has the purpose or effect of violating another person’s dignity or of creating an intimidating, hostile, degrading, humiliating, offensive or threatening environment or of making others feel fearful, anxious or vulnerable”.

6. Social and recreational activities

In this instance College employees are directed to the relevant sections of their contracts of employment, Employee Code of Conduct and Safeguarding Policy.

7. Electronic communication

In this instance both College employees and students are directed to the College staff and student Social Media and ICT policies.

8. Any other activity which the College deems to fall within this policy

The above list is not exhaustive and, any breaches of College regulations by students and staff may be treated as misconduct under the Student Code of Conduct or appropriate staff disciplinary procedures.

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