



Fairfield School of Business

Academic Freedom Policy and Code of Practice

Version: 6.0

Category: Policies - Academic Management

Owner(s): Academic Board

Approved by: The Board of Governors

Access: **Public** – Anyone can view this document

Scope: This policy applies to **all** taught programmes and research activities undertaken at Fairfield School of Business (FSB).

1. Definitions

- 1.1. This policy considers the concepts of freedom of speech and academic freedom within the following definitions:
 - i. **Freedom of Speech** is a fundamental right under Article 10 of the Human Rights Act, to hold one's own opinions and to express them freely without government interference. The law also protects your freedom to receive information from other people by, for example, being part of an audience or reading a magazine.
 - ii. **Academic Freedom** is the conviction that the freedom of inquiry is essential to the mission of education, and that scholars should have freedom to teach or communicate ideas or facts without being targeted for repression, expulsion from their institution, or imprisonment.

2. Applicability

- 2.1. This policy applies to all academic and research activities undertaken by staff, students and visiting lecturers at Fairfield School of Business (FSB).
- 2.2. The school has published a Code of Practice to guide members of its academic community on how to uphold this policy. The Code of Practice is set out in Appendix A; a summary of the legal framework underpinning this Policy is given in Appendix B.
- 2.3. The FSB Student Union is expected to govern its own affairs in accordance with the law and may adopt this policy and code of practice. If FSB has concerns that the Student Union is not acting in a lawful and democratic manner, it will exercise its powers to intervene as per the SU's constitutional documents.

3. Principles

- 3.1. The Governors of Fairfield School of Business have due regard for the duties placed upon it by the Higher Education (Freedom of Speech) Act (2023) and other legislation relating to the protection of freedom of speech in the UK. The school ensures that staff, visiting speakers and students have freedom within the law to question and test received wisdom and put forward innovative ideas and controversial or unpopular opinions, without jeopardising their academic or professional standing within the school.
- 3.2. Furthermore, FSB is cognisant of its obligations under the Prevent Duty to protect people from the risk of radicalisation, and to challenge extremist ideologies in society; the school must also take reasonable steps to protect its academic community from abuse, threats, incitement to violence, hatred, discrimination, or other unlawful acts.

3.3. Our policy on Academic and Freedom of Speech is informed by the *Equality and Human Rights Commission: Freedom of expression: a guide for higher education providers and students' unions in England and Wales*¹; we believe that:

- i. Everyone has the right to freedom of expression within the law.
- ii. FSB should always work to broaden debate and challenge, rather than narrow it.
- iii. Any decision about speakers and events should seek to promote and protect the right to freedom of expression.
- iv. Peaceful protest is a protected form of expression; however, protest should not be allowed to shut down debate or infringe the rights of others.
- v. Freedom of expression should not be abused for the purpose of unchallenged hatred or bigotry.

3.4. Our policy position shall therefore be:

- i. That we will not unlawfully prohibit, censor or deny a platform to controversial or unpopular ideas and opinions; rather we will moderate an environment in which they can be challenged objectively and in the spirit of rational debate.
- ii. We may set mitigations or conditions to activities deemed to be 'high risk', namely those which would potentially breach our Dignity Policy or Codes of Conduct by creating a hostile or degrading environment for people, or calling for civil disorder.
- iii. Our approach will be aligned with the higher education sector and guided by the statutory guidance. Where we are unsure if mitigations or conditions would be unlawful, we will seek advice from the higher education regulatory body (the Office for Students).
- iv. FSB is not obliged to provide a platform to individuals who have no recognised expertise in a field of academic inquiry nor does it have to provide speaking opportunities to those who wish to promote views that are manifestly at odds with empirically verifiable objective facts.
- v. FSB cannot tolerate any views expressed by staff and students that are contrary to the values of the FSB being presented as if they were endorsed by the school.

3.5. Nothing in this policy removes the requirement of staff, students and visiting speakers to act in accordance with the school's other policies and codes of conduct, in particular those relating to the conduct of individuals, including its Dignity (formerly 'Anti-bullying and Harassment') Policy, its IT Regulations, and its Social Media Policy. Breach of this or

¹ <https://www.equalityhumanrights.com/sites/default/files/freedom-of-expression-guide-for-higher-education-providers-and-students-unions-england-and-wales.pdf>

any other school policy may render employees and students liable to disciplinary action up to and including dismissal from the school.

- 3.6. Where the school is made aware that breaches of this policy may have broken the law it will, where appropriate, assist prosecution authorities in their enquiries.
- 3.7. Nothing in this policy shall be deemed to affect the rights of any person taking any steps pursuant to lawful industrial action or peaceful protest.

4. Responsibility

- 4.1. The Governing Body of FSB shall keep under review the school's provisions and safeguards for assuring academic freedom and freedom of expression in accordance with the relevant legal frameworks in Appendix B, and the requirements placed upon institutions registered with the Office for Students. The development and implementation of these provisions shall be delegated to its Academic Board and its learning and teaching forums.
- 4.2. As a recipient of public funds in the form of student tuition fee loans, the school recognises that Academic Freedom and Freedom of Expression are matters of the public interest and are critical to the reputation of higher education in the UK.
- 4.3. The school will make its Academic Freedom Code of Practice readily available to staff, students and visiting speakers. It is the responsibility of each member of the school's academic community to familiarise themselves with the Code of Practice and act accordingly.

5. Raising Concerns

- 5.1. Concerns about breaches of this policy should be reported to the appropriate Programme Leader, or where they concern the Programme Leader, the Principal, or the Dean of Teaching and Learning. Alternatively, the school's complaints procedures can be used to report concerns about academic freedom and freedom of speech.
- 5.2. Serious or systematic breaches of this policy may be reported through the school's Protected Disclosures (Whistleblowing) Policy and Procedures

6. Review and Update

- 6.1. The school's Academic Freedom and Freedom of Expression Policy is reviewed and updated annually by the Academic Board; any changes made to this policy will be reviewed and authorised by the School's Board of Governors.

7. Related Policies

- 7.1. The School's **External Speakers and Events Policy** covers how sets out how the school approves and manages external speaker events and off-campus events.
- 7.2. The **social media Policy** sets out FSB's expectations regarding the use of social media by its students and staff, as well as agency staff, volunteers.
- 7.3. The School's **Code of Conduct** sets out its broader expectations in terms of students' conduct as scholars and members of its academic community,
- 7.4. The School's **Dignity (Anti-bullying and Harassment Policy)** sets out how it will investigate instances of abuse and which harms, intimidates, threatens, victimises, offends, degrades, or humiliates people, or undermines their dignity, and support those who have been affected by such behaviour.
- 7.5. The school has a **Complaints Policy and Procedure**, which explains how students can complaint if they think the school has failed to uphold their right to free speech or uphold its duty of academic freedom; these procedures describe how such concerns can be raised with the school's award validating partner universities.

Appendix A: Code of Practice

In relation to academic freedom, all staff, students, governors, and any external parties that contribute to the delivery of learning opportunities are expected to demonstrate the following actions:

- i. To be impartial, fair, and open to current ideas and opinions,
- ii. To challenge the opinions of others in a respectful way, using scholarly discourse and appropriate academic language,
- iii. To provide room for academic debate that is organised by rational exploration and supported by reliable evidence,
- iv. To appropriately consider ethical concerns when conducting research,
- v. To understand the difference between one's personal beliefs from unbiased academic gatherings and knowledge,
- vi. To avoid all forms of discrimination and do not ostracise others from academic activities on the grounds of gender, race, age, sexual orientation, religion, disability, marital status, or any other personal characteristics,
- vii. To be considerate of cultural differences, personal beliefs and opinions of others and do not cause any unnecessary distress when faced with contrary ideas or opinions,
- viii. Not to attempt to impose a set of beliefs on others,
- ix. To listen and take account of views and arguments contrary to one's own beliefs and opinions, whether these be personally or institutionally held,
- x. To guarantee that professional and academic activities do not interfere with applicable laws and statutes,
- xi. When communicating in public or on a public forum, staff and students should illustrate that they are not speaking on behalf of the school unless authorised to do so.

The school will not accept any acts or threats of physical violence or disturbing matters that involve campus activities, freedom of movement on campus or freedom for students to pursue their studies.

Appendix B: Legal Framework

The Education (No. 2) Act 1986 (section 43(1)) places a statutory obligation on Higher Education Providers in England and Wales 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.

This duty 'within the law' extends to ensuring '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.'

Under section 43(3), the school is also required to issue, and keep up-to-date, a policy of practice on freedom of speech, setting out the procedures to be followed by students and staff in connection with the organisation of meetings and activities which fall within any class specified within this policy, together with the conduct required of staff and students in connection with such meetings and activities.

For the purposes of the Act, the school's duty extends to Student Union activities.

The Higher Education (Freedom of Speech) Act 2023 builds upon the provision within the Education (No2) Act in relation to freedom of speech and academic freedom in higher education institutions and in students' unions; and for connected purposes. The legislation is intended to strengthen the legal requirements on universities and colleges in relation to free speech and academic freedom, and the OfS's regulatory role.

More information on the impact of this legislation can be read here:

[Changes to regulation - Office for Students](#)

The Higher Education and Research Act 2017 (HERA) makes it clear that all universities and colleges which register with the Office for Students (OfS) must uphold the existing laws around freedom of speech and follow the OfS's regulatory framework. Under the framework the governing bodies of registered universities and colleges should take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.'⁴ HERA also includes a general duty for the OfS to protect institutional autonomy including academic freedom.

The Education Reform Act 1988 (section 202) (reinforced by the Higher Education and Research Act 2017) makes clear 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.

The Public Order Act 1986 creates criminal offences relating to public order; to control public processions and assemblies; to control the inciting of racial hatred or on the grounds of religion or of sexual orientation.

The Protection from Harassment Act 1997 creates both civil and criminal offences for harassment and makes provision for protecting persons from harassment and similar conduct.

The Human Rights Act 1998 in particular Article 9 (freedom of thought, conscience, and religion); Article 10 (freedom of expression); and Article 11 (freedom of assembly and association).

The Equality Act 2010 requires the school, in the exercise of its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations between diverse groups.

The Terrorism Act 2006 creates offences relating to the encouragement of terrorism and dissemination of terrorist publications, including publishing, or causing another to publish, a statement likely to be understood as a direct or indirect encouragement or other inducement to the commission, preparation or instigation of acts of terrorism with the intent that members of the public will be directly or indirectly encouraged or otherwise induced by the statement to commit, prepare or instigate acts of terrorism, or being reckless as to whether that effect will be caused. 4 Office for Students: Advice and guidance – Freedom of Speech 8

The Counterterrorism and Security Act 2015 creates a general duty on the school when exercising its functions to have due regard to the need to prevent people from being drawn into terrorism having regard to the duty to secure freedom of speech imposed by section 43(1) of the Education (No. 2) Act 1986 when carrying out that duty.



Version Tracking:

Version	Author / revisions by	Changes summary	Approved by	Date
1.0 - 3.0	Principal Academic Board	Original version and subsequent updates.	Board of Governors	Sep 2016 Sep 2017 Sep 2018
4.1	Risk and Audit Manager Legal Counsel Principal Academic Board	General revision of content; addition of Code of Practice; revised guidance for reporting policy breach.	Board of Governors	Sep 2019
4.2 - 4.3	Risk and Audit Manager Principal	Annual review and factual procedural amendments.		Sep 2020 Oct 2021
5.0	Principal Quality Manager Academic Board	Document redacted to appropriate length, extensive allusion to statutory references.	Board of Governors	Jan 2022
5.1	Quality Manager	Title change - No major content changes, review date put forward to September 2023.	Board of Governors	Sep 2022
6.0	Quality Manager Dean of Teaching and Learning	Updates in line with new legislation (Higher Education Freedom of Speech Act); substantial revision to opening sections to clarify FSB's policy position	Board of Governors	Jan 2024

Date of next review: September 2025