



# Policy on Academic Freedom and Freedom of Speech

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# Policy on Academic Freedom and Freedom of Speech

1. In accordance with the duties imposed upon it by Section 43 of the Education (No 2) Act 1986, the Council of the University has instituted the following Policy to ensure that the University can promote academic freedom and freedom of speech within the law for members of the University (including all staff and students of the University) and for external speakers who are invited to participate in an event of the University, the University of Essex Students' Union or the University of Essex Faith Centre<sup>1</sup>.
2. The Policy has been established in order to further meet the following statutory requirements:
  - Education Reform Act 1998, and the Higher Education and Research Act 2017
  - Equality Act 2000 and Equality Act 2010, and the Public Sector Equality Duty
  - Human Rights Act 1998;
  - Counter Terrorism and Security Act 2015, and the Prevent Duty Guidance 2015
3. Universities play an important role in society as places of debate and discussion within the law, where ideas can be tested, where students learn to challenge ideas and think for themselves, and where rationality underpins the pursuit of knowledge. The University of Essex is fully committed to promoting an environment in which intense inquiry and informed argument generates lasting ideas, and where members of its community have a responsibility both to challenge and to listen fully.
4. This commitment is of long standing. The University's Royal Charter provides that "*Academic staff shall 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*".
5. In order to give expression to this commitment, so far as is reasonably practicable, access to the premises of the University shall not be denied to any registered student or employee of the University or to any individual or body of persons invited to the premises of the University by a registered student or employee of the University, on any grounds relating to:

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<sup>1</sup> as set out in the University's Speaker Code of Practice

- the beliefs or views of that registered student, employee or person so invited: or
- the policies or objectives of that body

except insofar as the expression of such belief, views, policies or objectives shall be unlawful and where it is reasonably anticipated that the unlawful expression of such beliefs, views, policies or objectives might occur on the relevant occasion.

6. However, this commitment to academic freedom and freedom of speech within the law is not absolute. In addition to affirming the University's commitment to promoting academic freedom and freedom of speech within the law, this policy also specifies circumstances in which academic freedom and freedom of speech might properly be restricted. The University may itself apply restrictions in circumstances where they are necessary for the University:

- to discharge its obligations as set out in the aforementioned legislation and those of our regulatory body<sup>2</sup>;
- to safeguard the safety, health and welfare of its registered students, employees and other persons lawfully upon the premises or engaged in activities associated with the University; or
- to enable use of the University's premises to be consistent with maintaining and promoting the efficient conduct and administration of the University's functions.

7. Just as the University will not restrict debate or deliberation simply because the views being expressed might be considered unwise or even offensive, it also expects members of the University community to show commitment to this same principle by not obstructing or interfering with the rights of others to express views with which they might disagree profoundly.

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<sup>2</sup> the Public Interest Governance Principles (Office for Students)

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