

## HE Academic Freedom Statement

### Introduction

The legal basis of academic freedom is expressed in Section 202(2)(a) of the Education Reform Act 1988, which requires the institution “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” whilst noting that “the right to free speech can be limited by law, as necessary in a democratic society, but any such limitations must be proportionate.”

All staff have the right to express their opinions without fear of losing their jobs because of objection to their views and this is legally enshrined within academic freedom. All staff have the right to exercise their own best judgement in the pursuit of knowledge, delivery of curriculum and the conduct of research. Without this guarantee of academic freedom, it would be more difficult for academic staff to pursue new ideas and engage in research of their choosing. The institution also values the academic judgements of educational professionals within the running of committees and operation of the institution.

Higher education providers play a fundamental role in society as catalysts for debate and discussion within the law, where ideas can be tested and where students learn to challenge ideas and think for themselves. BAJ is fully committed to promoting an environment in which intense inquiry and informed argument generates lasting ideas, and where members of its community, both academic staff and students, have a responsibility both to challenge and to listen fully.

To give expression to this undertaking, so far as is reasonably practicable, access to the premises of BAJ shall not be denied to any registered student or employee of the British Academy of Jewellery or to any individual or body of persons invited to the premises of the Academy by a registered student or employee of BAJ on any grounds relating to the beliefs or views of the aforementioned. Unless the expression of such belief, views, policies or objectives were deemed to 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.

### Purpose of Policy

BAJ values diversity and is committed to the principles of academic freedom; freedom of speech and expression are core to the Academy's values. We believe that an atmosphere of tolerance is essential to enable open discussion and debate of a wide variety of ideas, some of which may be controversial. Therefore, in order to discharge its legal duties and in

accordance with the duties imposed upon it in following the CUC Code, the BAJ Council has instituted this policy to ensure that BAJ can promote academic freedom and freedom of speech within the law for members of BAJ (including the Staff and Students of BAJ) and for external speakers invited to make use of BAJ facilities. This commitment will be further reaffirmed in the Strategic Plan as one of the Academy's core values.

## Scope

This policy covers all employees, officers, consultants, contractors, casual workers and agency workers of BAJ together with all visiting and honorary members of staff, and students, and any attendees of meetings, events or activities held on BAJ premises. This policy also extends to the use of social media.

This code of practice does not form part of any employee's contract of employment and it may be amended at any time.

In addition to affirming the Academy'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 due to the acts outlined below.

- To adhere to the Education (No 2) Act 1986, The Education Reform Act 1988 or the Counter Terrorism and Security Act 2015; or
- To ensure the safety, health and welfare of its registered students, employees and other persons lawfully upon the premises or engaged in activities associated with the Academy, including adherence to the safeguards set out in the Equalities Act 2010.

For example, the law prohibits threatening, abusive or insulting words or behaviour in circumstances where it is likely that racial hatred will be stirred up, or inviting support for a proscribed terrorist organisation. The laws relating to equality and discrimination also require the Academy to have due regard for the need to prevent discrimination, harassment and victimisation. The Counter-Terrorism and Security Act 2015 imposes a duty on the Academy to have due regard to the need to prevent people from being drawn into terrorism.

The British Academy of Jewellery will not restrict debate or deliberation simply because the views being expressed might be considered unwise or even offensive. We also expect members of our academic community to show commitment to these principles by not obstructing or interfering with the rights of others to express views with which they might disagree with.

## Related Documents

This policy takes into account the External Speakers in Higher Education Institutions guidance issued by Universities UK in March 2014, the Compliance Toolkit – Protecting Charities from Harm guidance issued by the Charity Commission and the Gender

Segregation at Events and Meetings - Guidance for Universities and Students' Unions issued by the Equality and Human Rights Commission in July 2014.

In order to give expression to this policy, BAJ shall review existing procedures, Codes of Practice and guidelines that will specify the arrangements to be applied. These include

BAJ Rules, Regulations and Procedures 3rd Edition (to be amended June 2019) and currently includes Maintenance of Freedom of Speech, ICT Rules and Data Protection

- External Speakers Policy
- Whistleblowing Policy

## **Responsibilities**

All staff should be aware that academic freedom has a fundamental and far-reaching character. The right of academic freedom is balanced, however, by the obligation to use that freedom responsibly, in the context of the professional values in which it is grounded. Implicit in the concept of academic freedom is the value to society of the independent, professional opinions of academic staff. In deserving such implicit trust, academic staff need in turn to be thoughtful about the scope of their professional authority, and resist offering interpretations of data which trespass beyond the limits of that expertise without signalling the lay status of such statements. Not to respect such a distinction is to risk laying false claims to expertise, which is an ethical abuse.

## **Risk Analysis**

Failure to comply with the principles of public interest while adhering to legal restrictions. Where breaches of the criminal law occur, the Academy shall, where appropriate, assist prosecution authorities to implement the processes of criminal law.

## **Equal Opportunities Impact Assessment**

This policy will have a Stage 1 risk assessment

## **Data Protection**

BAJ may be asked to disclose information to law enforcement agencies. The legal obligations for BAJ to ensure freedom of speech within the law and eliminate discrimination form a basis for disclosure of information to third parties.

## **Review and amendment of this Policy**

The Accountable Officer is responsible for ensuring this policy remains fit for purpose by reviewing it annually. The HE Council have ultimate responsibility for the approval of any changes to this policy.