

Freedom of Speech and Academic Freedom Policy

SUMMARY

This policy upholds the rights of students and staff to express ideas and engage in open debate, fostering an environment of intellectual diversity and academic integrity.

PART ONE: Preliminary information

1. INTRODUCTION

At OELS, we are committed to upholding academic freedom of enquiry in our teaching and to ensuring that free and open discussion can take place in an atmosphere of tolerance. The key aim of our policies is the creation of an environment on and off campus that permits freedom of speech and expression within a framework of respect for the rights of others. This principle is also enshrined in Article 10 of the Human Rights Act 1998.

The Education Act (No 2) 1986 (Section 43) imposes specific obligations on universities to promote and protect freedom of speech and requires that universities “shall 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.”

The Education Act (No 2) 1986 (the “Act”) enshrines a positive and proactive legal duty on universities (Section 43) to promote and protect freedom of speech on campus, and states that the only constraints on the duty to secure freedom of speech are those imposed by the law. It is therefore for the law, not for institutions, to set limitations.

The Higher Education (Freedom of Speech) Act 2023, imposes comprehensive obligations on universities and students' unions in England to actively promote and protect freedom of speech on campuses. This legislation strengthens the legal duties of higher education providers to ensure that freedom of speech and academic freedom are upheld for students, staff, and visiting speakers

This duty includes a responsibility to ensure that the use of the campus premises is not denied to any individual or group on the grounds of the belief or views of that individual or any member of that group or on the grounds of the policy or objectives of the group.

This does not mean, however, that the right to freedom of expression is unfettered. It is limited, for example, by laws for the protection of the reputation or rights of others, to protect national

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security and public safety, for the prevention of disorder or crime, and to prevent the disclosure of information received in confidence.

Debates, conflicts and disputes, for example involving ethnicity, gender or religious faith, may sometimes find expression on campus amongst the student body or other constituencies. Our mission is to identify when the pursuit of freedom of ideas and expression crosses a threshold and becomes unlawful or poses unacceptable risks to the health, safety or welfare of employees, students or visitors.

2. SCOPE AND PURPOSE

This Policy on Freedom of Speech sets out the rights and obligations inherent within the principles of freedom of speech and expression and academic freedom. The Policy shall be construed and applied in the spirit of upholding those principles wherever reasonably practicable within the law.

The provisions of the Policy apply to all staff, students, and visitors to OMNES Education London School and to any other person in attendance at any meeting or other function, which has been duly authorised to take place on OMNES Education London School premises. The Policy also applies as appropriate to outside organisations hiring OMNES Education London School.

This Policy applies to all meetings and events (including lectures, guest lecturers, seminars, committees, meetings, conferences, and musical and theatrical performances whether live streamed or recorded) and any other activities proposed, planned, or due to take place on any campus of OMNES Education London School.

The following Code of Practice has been enacted to ensure that as far as reasonably practicable, freedom of speech within the law is secured for members, students, and employees of OMNES Education London School as well as for visiting speakers.

At OELS, we support the Russell Group statement of Principles on Freedom of Speech: <https://www.russellgroup.ac.uk/media/5918/russell-group-statement-of-principles-on-freedom-of-speech.pdf>

The relevant policies and guidance that support our Freedom of Speech and Academic Freedom Policy are as follows:

- Appeals and Complaints Policy
- Student Behaviour Policy
- Equality, Diversity and Inclusion Policy
- IT Charter
- Academic Integrity Policy

PART TWO: Policy

1. AUTHORITY

We authorise the Director of Teaching and Learning to act on OELS' behalf to ensure as far as is reasonably practicable that all members of OMNES Education London School (staff and students) and all visiting speakers comply with the provisions of this Policy.

2. ACADEMIC FREEDOM

The academic freedom policy provides freedom to the academic faculty member to engage in research, scholarship and creative work and is also entitled to publish or produce the results, subject to responsible performance of these and other academic duties. The policy also enables both faculty members and students to make comparisons and contrasts between subjects taught in a course and any field of human knowledge or period of history by observing the commitment to accuracy and integrity. The faculty members are advised to comprehend that the freedom to teach must be joined by a constant effort to distinguish between knowledge and belief.

3. GENERAL PRINCIPLES

The right to freedom of expression and freedom of assembly are safeguarded in Articles 9, 10, and 11 of the European Convention on Human Rights and given further effect by Schedule 1 of the Human Rights Act 1998. The articles also outline the duties and responsibilities required to exercise these freedoms as follows:

“The exercise of these freedoms, since it carries with it duties and responsibilities, 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, territorial integrity 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, or for maintaining the authority and impartiality of the judiciary.”

4. ROLES AND RESPONSIBILITIES

The ultimate accountable authority for the interpretation of the day-to-day operations of this Code is the Director of OMNES Education London School.

If a breach of this Policy is noticed by an individual (whether staff, a lecturer or a visitor), the procedure to follow is set in the Appeals and Complaints Policy.

5. SANCTIONS

If any actions involve breaches of the law, we will assist the prosecuting authorities to implement the process of law and may suspend any internal disciplinary proceedings pending the outcome of any such processes.

6. LIMITATIONS

In the following cases, freedom of speech is limited by law.

- The Equality Act 2010 places a duty on OMNES Education London School to eliminate discrimination, harassment, and victimisation and further to foster good relations between all members of the university community.
- The Public Order Act 1986 contains a range of criminal offences relating to violent conduct, speech or actions that threaten violence or cause fear, harm or distress. The Act also makes it an offence to use threatening, abusive or insulting words or behaviour either with the intention of stirring up racial and religious hatred, or in circumstances where it is likely racial or religious hatred will be stirred up as well as stirring up hatred on grounds of sexual orientation.
- The Terrorism Acts of 2000 and 2006 define certain criminal activities relating to terrorism in terms of inciting acts of terrorism, disseminating terrorist publications or belonging to or supporting proscribed organisations. Terrorism is defined as including the use or threat of serious violence against a person or serious damage to a property for the purpose of advancing a political, religious or ideological objective.
- The Counter Terrorism and Security Act 2015 places an obligation on the university to have due regard to its duty to prevent people from being drawn into terrorism (as interpreted in the relevant case law).