

# Code of Practice on Freedom of Speech and Academic Freedom

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The Code of Practice on Freedom of Speech and Academic Freedom will be reviewed annually by our Senior Management Team (SMT). Any amendments require the approval of our Board of Directors.

# 1. Introduction

Bloomsbury Institute recognises that freedom of speech and academic freedom are of fundamental importance for higher education institutions. Our institutional values define our culture and expectations of each other, in particular our values to 'dare to be different' and 'never to be mean'.

We believe that every student and staff member (including external consultants) together with any external speakers or other visitors have the right to freedom of thought and speech as the free exchange of ideas adds to the richness of intellectual debate within our institution. This central belief underpins our [External Speaker Policy](#)<sup>1</sup>.

Bloomsbury Institute is committed to taking all reasonably practicable steps to achieve the objective of securing, protecting and promoting freedom of speech and academic freedom within the law for its employees, members, students, visiting speakers and Non-Executive Directors.

# 2. Scope

This Code of Practice sets out the rights and obligations that are essential to the principles of freedom of speech, expression and academic freedom. Key definitions of these terms are included in Appendix A. This Code should be read and applied in the spirit of upholding those principles wherever reasonably practicable within the law.

The Code's rights and obligations apply to:

- the institution, including members of the Board of Directors;
- all members of staff and/or those working on behalf of Bloomsbury Institute;
- all enrolled students;
- the Student Guild including its staff members, and any societies, clubs or associations which normally operate on premises used by Bloomsbury Institute; and
- all persons invited to speak or otherwise take part in events to be held or organised by the institution in accordance with the provisions of this Code.

The procedures in this Code must be observed with regards to:

- any event (in person or online) to be held on Bloomsbury Institute premises;
- any event (in person or online) held away from Bloomsbury Institute premises which is organised, funded or branded by Bloomsbury Institute or the Student Guild, including events organised by individuals, groups or societies using the Institute/Student Guild's name or resources;
- written materials, including posts via social media platforms; and
- broadcasts (live or pre-recorded) on Bloomsbury Radio.

Nothing in this Code shall be deemed to affect the rights of anyone taking part in lawful industrial action or peaceful protest.

# 3. Legal duties

Section 43 of the Education Act (No 2) 1986 requires higher education providers to take reasonably practicable steps to ensure freedom of speech within the law for members, employees, students and

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<sup>1</sup> <https://www.bil.ac.uk/qem/section-3/>

visiting speakers. This includes the duty to ensure, as far as reasonably practicable, that the use of Bloomsbury Institute premises is not denied to any individual or organisation on the grounds of their beliefs, views, policies or objectives.

Under the Act, Bloomsbury Institute must also issue and keep up-to-date a Code of Practice on Freedom of Speech, setting out the procedures to be followed by students and staff regarding the organisation of meetings and activities which fall within the scope of this Code, together with the conduct required of staff and students in connection with those meetings and activities.

Section 26(1) of the Counter-Terrorism and Security Act 2015 requires the Institute to have due regard to the need to prevent people from being drawn into terrorism when exercising its functions (the 'Prevent duty'). The Institute must have regard to statutory guidance issued by the government when carrying out the Prevent duty.

The OfS regulates matters relating to free speech and academic freedom through the Office for Students' public interest governance principles, which underpin initial and ongoing conditions of registration relating to management and governance (the E conditions). In relation to academic freedom, Bloomsbury Institute must ensure that academic staff have freedom within the law:

- to question and test received wisdom; and
- to put forward new ideas or controversial or unpopular opinions without placing themselves in jeopardy of losing their jobs or privileges they may have at the provider.

In relation to freedom of speech, the public interest governance principles require the governing body to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.

Under section 1 of the Higher Education (Freedom of Speech) Act 2023<sup>2</sup>, the Institute is required to take reasonably practicable steps to secure freedom of speech for its staff, members, students and visiting speakers. The Act also provides that staff should have freedom within the law to question and test received wisdom and to put forward unpopular views without placing themselves in jeopardy of losing their jobs or privileges they may have at their provider. Whilst the duties imposed on HE institutions do not come into force until the beginning of the 2024-25 academic year, the Institute intends to abide by the duties and act in a manner consistent with them as of the date of approval of this Code of Practice.

The Institute also has obligations under the European Convention on Human Rights, and the Higher Education and Research Act 2017 with respect to Free Speech.

## 4. General principles / values

Respect for the principle of academic freedom and freedom of speech (subject to compliance with our own equality, diversity and inclusion policies and procedures as well as legislative and regulatory requirements) is embedded within our Articles of Association and our Corporate and Academic Governance Framework. Our Board of Directors is assigned responsibility for securing, promoting and protecting the principles of academic freedom and freedom of speech.

Our general principles with regards to freedom of speech and academic freedom are that:

- Bloomsbury Institute will secure, protect and promote the right to freedom of speech.
- The Institute will seek to ensure that its staff, members, students and visitors are able to express their opinions and beliefs.

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<sup>2</sup> This provision amends sA1 of the Higher Education and Research Act 2017

- All our staff, members, and students have a duty to uphold the right of others to freedom of speech.
- The Institute acknowledges that the right to freedom of speech is not unlimited. There are restrictions, for example, imposed by laws that exist to protect national security and public safety, for the prevention of disorder or crime, for the protection of the reputation and rights of others, and to prevent the disclosure of information received in confidence.
- Freedom of speech has to be set in the context of the Institute's values and the values of a democratic and inclusive society.
- The Institute expects its visitors to respect the values set out in this Code of Practice and to be sensitive to its diverse and inclusive community and to maintain an environment free from intimidation, harassment or abuse.
- Meetings and activities that are deemed to come within the scope of this Code of Practice must be approved in advance, as set out in Section 6 below.
- Meetings or activities organised by a Proscribed Organisation or involving a visiting speaker from or on behalf of a Proscribed Organisation will not be permitted on Bloomsbury Institute premises.
- It is contrary to this Code for any person or body to which this Code applies to take any action (other than by reasonable and peaceful persuasion or by peaceful protest) to prevent the holding or continuance of any academic activity.
- It is contrary to the Code for any person or body to which this Code applies to take any action (other than reasonable and peaceful persuasion or by peaceful protest) to prevent any student or group of students from attending any academic activity.
- Views expressed by staff and students that are contrary to the values of Bloomsbury Institute must never be presented as if they were endorsed by Bloomsbury Institute.

## 5. Events

Whilst we uphold the principles of freedom of speech and academic freedom, we also recognise the need to balance these freedoms against our safeguarding duties and a commitment to creating a safe and inclusive academic environment. This is evidenced in our [External Speaker Policy](#)<sup>3</sup> which provides information and guidance on arranging external speaker events.

## 6. Roles and responsibilities

All Bloomsbury Institute staff, external consultants, students and visitors are expected to:

- recognise and allow the right to freedom of speech within the law regardless of whether or not they agree with any opinions expressed;
- ensure that they do not create or contribute to an environment of fear, harassment, intimidation, verbal abuse or violence in reference to any of the protected characteristics outlined in the Equality Act 2010;
- ensure that they do not promote or incite acts of violence or terrorism, or contribute to the same;

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<sup>3</sup> <https://www.bil.ac.uk/qem/section-3/>

- comply with the requirement to create a safe space for all members of our academic community; and
- report any breaches of this policy to the Deputy Chief Operating Officer by emailing [deputycoo@bil.ac.uk](mailto:deputycoo@bil.ac.uk). Any breach of policy will be a disciplinary matter for both students and staff. If anyone else is found to have breached this Code, then appropriate action will be taken. If the breach is Prevent-related, then the Prevent Lead would also be informed.

The Head of Compliance will ensure ongoing monitoring of our obligations within this Code of Practice and will report to the Board of Directors on the circumstances of any significant infringements of, and departures from, the provisions of this Code.

## 7. Complaints, sanctions and penalties

In the event that a member of staff, student, speaker or external visitor considers there to have been a breach of this Code, they may complain in writing to the Deputy Chief Operating Officer by emailing [deputycoo@bil.ac.uk](mailto:deputycoo@bil.ac.uk). A response will be provided within ten working days following the day of receipt.

A complaint under this Code includes (but is not limited to) allegations of:

- being prevented from arranging, speaking at, or attending an event covered by this Code;
- infringements of freedom of speech; and
- an external speaker at a specified event breaches or is likely to breach the Code.

Where the complaint is complex or relates to particularly sensitive or controversial speakers or subject matter, the complainant will be advised of the likely response period within ten days following the day of receipt of their complaint.

Any member of staff or student of the Institute who intentionally acts to recklessly prejudice freedom of speech or lawful assembly may be subject to disciplinary proceedings. In the event that a third party (e.g., visiting speaker) has breached this Code, appropriate action will be taken e.g., ban a speaker from future events.

If any actions involve breaches of the law, the Institute 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.

## 8. Our Commitment to Freedom of Speech and Academic Freedom

In order to ensure freedom of speech within Bloomsbury Institute, we will:

- ensure that this Code of Practice and the principles within it are brought to the attention of staff and students upon joining the Institute;
- draw this Code of Practice, along with any relevant, associated guidance, to the attention of staff and students annually, as well as this being accessible on an ongoing basis via our online Quality and Enhancement Manual ([QEM](https://www.bil.ac.uk/qem/section-3/)<sup>4</sup>);

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<sup>4</sup> <https://www.bil.ac.uk/qem/section-3/>

- deliver mandatory training to all staff on the principles of academic freedom and freedom of speech to ensure there is a good understanding of our obligations in relation to freedom of speech and academic freedom;
- where relevant policies and procedures are introduced, ensure that consideration is given to their impact on freedom of speech and academic freedom;
- ensure adequate and effective mechanisms are in place to raise concerns in relation to freedom of speech and academic freedom; and
- where concerns are raised regarding freedom of speech and academic freedom, ensure that, so far as is reasonably practicable, such concerns are addressed and any lessons to be learned are incorporated into a review of relevant policies, procedures and practices.

## **9. Related policies and procedures**

- Corporate and Academic Governance Framework
- Dignity and Respect Policy
- External Speaker Policy
- Harassment and Sexual Misconduct Policy
- Prevent Policy
- Staff Disciplinary Policy
- Student Disciplinary Policy and Procedures

## **10. Review**

The Code of Practice on Freedom of Speech and Academic Freedom will be reviewed annually by our Senior Management Team (SMT). Any amendments require the approval of our Board of Directors.



## Appendix A: Definitions

### Academic freedom

Protecting the intellectual independence of academics to question and test received views and wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in danger of losing their jobs or privileges or reducing the likelihood of them securing promotion or different roles at the Institute.

### Freedom of expression

Everyone has the right to freedom of expression under Article 10 of the European Convention on Human Rights. This includes freedom to hold opinions and to receive and impart information and ideas without undue interference by public authority.

### Freedom of thought, conscience and religion

Everyone as the right to freedom of thought, conscience and religion under Article 9 of the European Convention on Human Rights. The freedom to hold a particular belief is absolute, but the right to manifest religion or belief (i.e. through worship, observance, and teaching) is a qualified right.

### Freedom of speech

Everyone has the right to express lawful views and opinions freely, in speech or in writing, without interference.

### Harassment

Harassment is defined as unwanted behaviour or conduct related to a protected characteristic which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. This behaviour (which does not need to be deliberate) may be persistent or occur as an isolated incident. In addition, you do not need to have previously objected to something for it to be unwanted. Harassment can also include repeated contact with a person that may cause distress, fear or intimidation.

At Bloomsbury Institute we would extend the above definition of harassment to hate crime which the Home Office defines as 'any criminal offence which is perceived, by the victim or any other person, to be motivated by hostility or prejudice towards someone based on a personal characteristic.'

There are five centrally monitored strands of hate crime and these are:

- race or ethnicity
- religion or beliefs
- sexual orientation
- disability
- transgender identity

A hate crime can include verbal abuse, intimidation, threats, harassment, assault and bullying, as well as damage to property. The perpetrator can also be a friend, carer or acquaintance who exploits their relationship with the victim for financial gain or some other criminal purpose. Examples of hate crime include Islamophobia and antisemitism. In some cases, behaviour which one individual may regard as acceptable may be regarded as unacceptable to another. However, the key point is that the actions or remarks are regarded as unacceptable by the recipient. It is therefore the effect on the individual that has to be taken into account and not the intention of the "harasser". That said, the perception of the

recipient does not automatically mean that the allegation of harassment will be upheld; instead those responsible for managing or investigating the complaint must make a judgement as to whether the behaviour being reported can reasonably be regarded as harassment.

Under the Equality Act 2010 'belief' means any religious or philosophical belief and includes a lack of belief. Case law has established that all qualifying beliefs are equally protected.

In order to be a qualifying and therefore protected belief, the following conditions must be satisfied:

- the belief must be genuinely held;
- it must be a belief and not an opinion or viewpoint based on the present state of information available;
- it must be a belief as to a weighty and substantial aspect of human life and behaviour;
- it must attain a certain level of cogency, seriousness, cohesion and importance; and
- it must be worthy of respect in a democratic society, be not incompatible with human dignity and not conflict with the fundamental rights of others.

## **Qualified right**

A right set out in the European Convention on Human Rights that will only be violated if the interference with it is not proportionate. An interference with a qualified right that is not proportionate to the legitimate aim being pursued will not be lawful.

## **Reasonably practicable**

There are two main ways that this can be interpreted:

- that an organisation does not need to take measures to avoid or reduce risks if the time and costs involved in any measures would be grossly disproportionate to the risk; or
- it is for the body on whom the duty is imposed to decide what steps are reasonably practicable.

## **'Within the law'**

Speech is protected unless it contravenes some other law. It is not therefore necessary to point to a specific legal basis for particular speech.