

## CPRQS19: Freedom of Speech

| University Programme Division UK          |                   |
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## Key Related Documents

| Document Name                    | Location                    |
|----------------------------------|-----------------------------|
| CPR QS11 Student Disciplinary    | College website, Policy Hub |
| CPR QS16 Compensation and Refund | College website, Policy Hub |
| CPR QS18 Academic Freedom        | College website, Policy Hub |
| CPR M1c Prevent Policy           | College website, Policy Hub |
| Whistleblowing Policy            | College website, Policy Hub |

## Introduction and Legal Framework

This policy reflects current UK legislation and will be updated as appropriate to reflect any future legislative changes. The policy should be considered in conjunction with the Navitas University Partnerships Europe (UPE) policy on Academic Freedom.

In line with the Navitas Policy and Procedure (NPR) M1c (Prevent), Colleges may, with agreement, have the choice of coming come under the umbrella of the University Partner policy on Freedom of Speech or adhere to the Navitas UPE policy. In either case, this policy must be documented in the corresponding CPR, effectively communicated to all staff and students, and complied with at all times. In addition, the content will form part of a bespoke training programme on this theme.

Navitas UPE is committed through its culture and values to intellectual freedom including freedom of speech. Our Values of Respect and Rigour uphold Navitas's commitment to freedom of speech.

We endeavour to offer an environment in which ideas and opinions are open to challenge and where the highest standards of academic rigour are pursued.

There are a range of legal provisions underpinning, informing and regulating freedom of speech and expression. For example:

Section 43 (i) of the Education Act (1986) requires that 'persons concerned in the government of any establishment 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'. Navitas UPE will not, therefore, as far as is reasonably practicable, deny access to its premises to individuals or bodies on the basis of their beliefs, views or policies, unless these beliefs, views or policies are unlawful, do not comply with equalities legislation or represent a threat to the safety of staff and students. As per Section 26 (1) of the Counter-Terrorism and Security Act 2015, "specified authorities" (i.e. Higher Education institutions) have 'due regard to the need to prevent people from being drawn into terrorism'.

The Equality Act 2010 covers the following protected characteristics: age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, nationality, religion or belief and sexual orientation. Under these provisions, Navitas UPE in the exercise of its business has due regard to the need to:

- eliminate discrimination, harassment and victimisation and any other conduct that is prohibited under the Act
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- foster good relations between people who share a relevant protected characteristic and those who do not share it

The European Convention recognises that there could be limits to freedom of speech '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’.

A [statement](#) signed by five Higher Education organisations in November 2022 including Universities UK and Advance HE states specifically that universities, ‘*including their international partnerships*’, must ‘take responsibility to protect both free speech and academic freedom seriously’, and ‘ensure that these concepts are understood by the whole university community’.

The Higher Education and Research Act 2017 (HERA) also stipulates that all Higher Education institutions registered with the Office for Students (OfS) must uphold the existing laws surrounding freedom of speech.

In addition, Navitas UPE have adopted components of the HE Code of Governance (2020). The Code guides Governing Bodies under six primary elements ultimately providing the basis for good governance in the HE sector. Element 2.8 states that an organisation should ‘understand their institution’s legal responsibility to uphold freedom of speech within the law and ‘maintain and protect the principles of...freedom of speech legislation’.

## Purpose

The purpose of this policy is to ensure that staff and students understand the concept of freedom of speech and the steps within the law to ensure that it is secured for students, staff and visiting speakers.

## Definitions

| Term                  | Meaning  |
|-----------------------|--|
| Event                 | Any conference, assembly, or meeting of people held on College premises or other premises which is to any extent organised, branded, funded, supported or endorsed as a Navitas UPE activity but is not held for purpose of collective religious worship. This definition includes conferences assemblies or meetings expected to receive contributions that are pre-recorded, streamed or broadcast from other locations. |
| External Speaker      | People who are not students, staff nor Governors of Navitas UPE or the wider Navitas Group, or relevant University Partner, who have been invited to speak at an event for purposes that are not a designated part of an academic course of study, research activity or an academic offer. This definition includes pre-recorded, streamed or broadcast materials from a speaker.  |
| Members of the Public | People who are not students, staff nor Governors of Navitas UPE or the wider Navitas Group, or relevant University Partner.  |

|                          |  |
|--------------------------|--|
| Protected Characteristic | Any of the characteristics of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation that are protected from discrimination by law. |
| The Law                  | Any of the laws of England and Wales and the jurisdiction of the laws of England and Wales or the laws that apply to any other jurisdiction in which UPE operates.   |
| Navitas Premises         | All of the premises owned, leased, or used by licence or permission by Navitas.  |

## Scope

The policy covers our approach for ensuring all staff and students are aware of the rights and responsibilities related to freedom of speech.

Navitas endorses academic freedom of ideas and expression as an essential feature of education establishment. We are committed to promoting and positively encouraging free expression and debate amongst all staff, students and visitors. Freedom of speech must be set in the context of the company's values and those of a democratic and inclusive society. Navitas expects staff, students, visitors and speakers to respect those values and to be sensitive to its increasingly diverse and inclusive community.

The principles of freedom of speech also extend to the use of electronic and social media. However, Navitas UPE requires responsible and legal use of the technologies and facilities available to College staff and students, including the use of the internet, email and social media.

## Application

All staff members and students are required to take personal responsibility for understanding the provisions of this policy and its day-to-day application. This policy will be made available for staff on Policy Hub and for students on College websites.

## Key Principles

### 1. To ensure that all staff and students understand the legal, cultural and normative principles surrounding freedom of speech at events

An event which creates an atmosphere of fear, harassment, intimidation, verbal abuse or violence particularly in connection to age, disability, gender, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, nationality, religion or belief, and sexual orientation is likely to be unlawful.

The expression of views that may be controversial, but do not breach the law, will not constitute reasonable grounds for refusal of the event. Reasonable grounds for refusal would include:

- incitement to commit a criminal act
- putative unlawful expression of views
- support for an organisation whose aims are illegal
- the likely creation of an atmosphere conducive to giving rise to a breach of the peace
- promotion of radicalisation and extremism

Wilful breach will be managed under the Navitas UPE disciplinary procedures where appropriate and, if necessary, by recourse to the law. Navitas holds a Policy detailing the arrangement of External Speakers (NPR QS20) which must be adhered to when organising events for staff, students or the public.

## **2. To encourage the use of open and honest discussion of views without offensive or provocative language or actions**

Navitas UPE expect all staff and students to respect its values, be sensitive to diversity and show respect to all sections of the community.

Navitas UPE recognises that academic discourse includes the lawful expression of ideas that may offend, shock or disturb without fear of disciplinary action or any other sanction. These views must also be presented without malice and be in the public interest.

## **3. To ensure that staff and students feel able to raise any concerns about issues which relate to freedom of speech, e.g., offensive language, discrimination and bullying within a supportive and open leadership culture**

We adhere to the Navitas (global) policy on whistleblowing and use the platform it provides for raising concerns relating to regarding freedom of speech and other matters. Furthermore, we strive to create a culture of openness and trust which enables staff and students to feel able to bring freedom of speech issues and other matters to the attention of the organisation as appropriate. Navitas is committed to notifying the OfS and relevant University Partners of such breaches of conduct, if appropriate.

Navitas adheres to the OfS Regulatory Framework in which students are supported to access, succeed in, and progress from HE, receive a high-quality academic experience, are able to progress into employment of further study and receive value for money.

## **Further Assistance**

If staff have any further questions or require assistance in relation to this policy, please discuss with your line manager or College Director/Principal.

## **Policy Review**

This policy will be reviewed every two years by the Navitas UPE Academic Board unless there are internal or legislative changes that necessitate earlier review. The policy was last reviewed on 12 January 2023 and approved as a Chair's action on behalf of the UPE Academic Board.