



Freedom of Speech Policy

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This policy reflects current UK legislation and will be updated as appropriate to reflect any legislative changes. The policy should be considered in conjunction with the Navitas UPE policy on academic freedom.

1.0 Introduction and Legal Framework

A policy refers to our approach to a certain issue. A procedure supports a policy, and guides staff and stakeholders in the process they have a responsibility to follow.

Navitas UPE is committed through its culture and values to intellectual freedom including 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.

The Equality Act 2010 covers the following protected characteristics: age, disability, sex, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, 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'.

In addition, the Navitas UPE adopted HE Code of Governance (2014), reminds Governing Bodies in Element 4.3 that it must 'understand and respect the principles of academic freedom and freedom of speech, the ability 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, and its responsibility to maintain and protect it as enshrined in freedom of speech legislation'.

2. Purpose, definitions, scope and application

2.1 Purpose

The purpose of this policy is to ensure that staff 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.

2.2 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, 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 |
| 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. |

2.3 Scope

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

Whilst there is no legal prohibition on offending others, Navitas UPE is of the view that open and honest discussion is only possible in the absence of offensive or provocative action and language. Staff are therefore expected to demonstrate sensitivity and respect at all times to the diversity of our organisational and wider 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 staff and students of the Colleges, including the use of the internet, email and social media.

It must be noted that 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 Partner University 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 complied with at all times. In addition, the content will form part of a bespoke training programme on this theme.

2.4 Application

Every manager and staff member is required to take personal responsibility for understanding the provisions of this policy and its day-to-day application.

3.0 Key Principles

(i) **To ensure that all staff 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, 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 of 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.

(ii) **To encourage the use of open and honest discussion of views without offensive of provocative language or actions.**

Navitas UPE expect all staff 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.

- (iii) **To ensure that staff 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 to feel able to bring freedom of speech issues and other matters to the attention of the organisation as appropriate.

4.0 Approval Policy

The policy is approved by the ELT and subject to endorsement by the Board of Directors (the Governing Body).

5.0 Related Policies

Please see the following documents and policies for further information.

- Academic Freedom Policy Statement
- Grievance Policy
- Disciplinary Policy
- NPR M1c PREVENT
- Navitas Policy on Whistleblowing

6.0 Further Assistance

If you have any further questions or require assistance in relation to this policy, please discuss with your line manager or HR Services.

7.0 Revision History

Version Control

| Issue Date | Summary of Changes | Review Date |
|-------------------|-----------------------------|--------------------|
| May 2019 | New policy. Approved by ELT | November 2019 |
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8.0 Document Protocol

| Document I.D. | Freedom of Speech Policy |
|----------------------|--------------------------------------|
| Responsibility | HR Business Partner, Human Resources |
| Initial Issue Date | May 2019 |