

## 35 ACADEMIC FREEDOM

- 35.1 Academic freedom is the commitment to free and open inquiry without fear of reprisal for staff of the University who engage in teaching and/or research and research students (in this Ordinance described as “academic members”). As such, academic freedom is a foundational right and value of higher education, as set out by Paragraph 19 of the University’s Charter.
- 35.2 The University greatly respects human dignity and human rights, and all members of our community share the responsibility for maintaining an environment of mutual respect and civility. Nevertheless, it is not the proper role of the University to attempt to shield individuals from, or to restrict the lawful discussion of, ideas and opinions no matter how unwelcome, distasteful, or offensive those ideas and opinions may seem.
- 35.3 In accordance with relevant international standards, including the *European Convention on Human Rights* (as interpreted by relevant jurisprudence), academic members shall have the rights and responsibilities listed below, which comprise “academic freedom” for the purposes of the Charter, Statutes, Ordinances and governing documents of the University of Kent.
- 35.3.1 Without fear of censorship, disciplinary action, loss of privileges, the reduced likelihood of securing promotion or redeployment, dismissal, or any other professional or personal reprisal or disadvantage by the University, all academic members shall have the right, without unlawful interference, to:
- 35.3.1.1 question and test received wisdom and put forward new ideas and controversial or unpopular opinions;
- 35.3.1.2 determine and pursue the subjects, methods, purposes, and partners of their research, scholarship, and creative expression as they wish, and publish and disseminate that work in the form they deem appropriate, recognising national and international professional principles of intellectual rigour, scientific inquiry, and research ethics;
- 35.3.1.3 conduct teaching (including determining module content, teaching methods, and assessment patterns) in keeping with their own best knowledge and conscience, and collectively determine curricula, and marking and admissions criteria, according to professional principles, including professional responsibility and intellectual rigour regarding standards and methods of teaching;
- 35.3.1.4 speak or write internally or externally on matters of public concern and academic interest, professional duties, or the functioning of the University, of higher education, or of any other third party, whether in the UK or abroad, which in their reasonable judgement arise in connection with their professional competence or expertise;
- 35.3.1.5 participate in professional or representative bodies of their choosing, including trades unions; and
- 35.3.1.6 participate in the University’s governing bodies as set out in the Charter, Statutes and Ordinances.

- 35.3.2 In exercising the rights above, all academic members shall have the responsibility to:
- 35.3.2.1 acknowledge the rights of others to academic freedom and freedom of expression;
  - 35.3.2.2 acknowledge the University's contractual commitments to students and teach within the means provided by the institution and the state;
  - 35.3.2.3 comply with any applicable requirements of research funding and regulatory bodies, and requirements which flow from the statutory powers of government;
  - 35.3.2.4 when speaking on matters of public interest, speak in their professional individual capacity unless they specify otherwise, and understand that the public may judge their profession and institution by their utterances;
  - 35.3.2.5 perform their professional duties and responsibilities in accordance with the University's policies concerning professional behaviour and conduct of duties, professional principles and with due regard for the law, including expectations of fairness, equality, and tolerance of differing opinions, to the extent that such policies do not conflict with their academic freedom and/or free expression;
- 35.3.3 Breach of the responsibilities set out at 35.3.2 above may lead to disciplinary proceedings, but in all such cases, the University will have particular regard to the importance of academic freedom, acknowledging that the right of an individual to academic freedom ordinarily prevails above the rights and interests of the University.

35.4 The University of Kent commits to:

- 35.4.1 take reasonably practicable steps to support academic members in their pursuit of research, teaching, and defence of their right to academic freedom within the law, regardless of their focus;
- 35.4.2 ensure that its policies and procedures are compatible with relevant national and international standards including the *European Convention on Human Rights* (as interpreted by relevant jurisprudence);
- 35.4.3 support academic members if they are faced with any form of abuse arising out of or in connection with their lawful exercise of the right to academic freedom;
- 35.4.4 ensure that agreements with national or international partners of any kind respect the commitments to academic freedom set out in this Ordinance from the outset, especially with respect to curricula, assessment, research, or employment decisions, and report on such agreements in an open and transparent manner annually to the Senate;
- 35.4.6 protect academic freedom at all stages of national and transnational collaborations of any kind by undertaking appropriate due diligence and risk assessment, putting in place and adapting, as necessary, measures commensurate to any identified risks, and reporting on such collaborations in an open and transparent manner annually to the Senate;

- 35.4.7 establish the Standing Committee on Academic Freedom and Freedom of Expression (SCAFFE) and through this Committee publish and keep up-to-date a Code of Practice on Academic Freedom and Freedom of Expression, setting out how the rights and responsibilities in this Ordinance, and freedom of expression more widely, are to be exercised.