

# ITALIA CONTI

## Academic Freedom Policy and Code of Practice

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Reviewed by:	Policy Steering Group
Approved by:	Policy Steering Group and Academic Quality Board Board of Directors
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This policy will be reviewed and approved by the Policy Steering Group and Academic Quality Board every two years ahead of approval by the Board, unless regulatory changes require earlier review.

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## 1. Introduction

Italia Conti is committed to upholding freedom of speech and encouraging an environment where everyone is encouraged to enquire, study and debate. This freedom of expression is also linked to the principle of Academic Freedom.

This *Policy and Code of Practice* should be read in conjunction with Italia Conti's *Freedom of Speech Policy and Code of Practice*.

The Board of Directors (Governing Body) of Italia Conti retains **ultimate responsibility** for ensuring that **academic freedom and freedom of speech within the law are secured and protected**, in line with the Office for Students' public interest governance principles.

In discharging this responsibility, the Board has delegated day-to-day oversight of this *Policy and Code of Practice* to the Principal, while retaining responsibility for receiving appropriate assurance that this Policy is being implemented effectively and consistently.

This Policy and Code is the definitive institutional statement of Italia Conti's approach to academic freedom within the law. Where another Italia Conti policy or procedure may affect academic freedom, that policy or procedure must be read consistently with this Code. In cases of uncertainty, decision-makers must apply this Code and seek advice from the Principal or Chief Operating Officer, as appropriate, before taking action that may restrict lawful expression.

## 2. Academic Freedom (definition)

Academic Freedom is a component of the Freedom of Speech. Academics are free to express their opinions and ideas unless it is restricted by law.

Academic Freedom means that academics are free (within the law) to express their opinions, develop new ideas and question established ones. This means that academics can present unpopular or controversial views without the risk of their employment or their studies at Italia Conti being affected.

## 3. Persons covered by this Code

For the purposes of applying this Policy and Code, the following persons are within scope. This operational scope does not alter the statutory distinction between academic freedom, which applies primarily to academic staff, and wider freedom of speech protections for students, visiting speakers and other contributors.

- a) a member of the teaching staff;
- b) a student who is currently enrolled on an Italia Conti course;
- c) a visiting professional<sup>1</sup> (who is teaching or assisting on an Italia Conti course);
- d) an academic supporting a course in an official advisory or administrative role<sup>2</sup>;
- e) a visiting speaker invited to provide their academic perspective;

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<sup>1</sup> this can include (but is not limited to) choreographers, directors, musical directors, etc.

<sup>2</sup> this can include (but is not limited to) External Examiners, External Assessors.

- f) a member of an educational awarding, statutory or regulatory body;
- g) any other person who is recognised by Italia Conti as fulfilling an academic role<sup>3</sup>.

Note: this list is not exhaustive.

#### **4. Values Relating to Academic Freedom**

Italia Conti values academic freedom and freedom of speech within the law as central to higher education, performance training, creative development, artistic challenge and academic debate. This includes lawful speech that may be controversial, unpopular, shocking, disturbing or offensive.

Italia Conti's commitment to equality, diversity and inclusion will be applied consistently with this Policy and Code and will not be used to restrict lawful speech merely because it is controversial or offensive.

Italia Conti will not require staff, students, visiting speakers or applicants to endorse a particular viewpoint as a condition of study, employment, participation or access to normal academic or artistic activity, except where required by law or by legitimate academic, professional or safeguarding requirements.

#### **5. Scope of Academic Freedom**

Statutory protections relating to academic freedom apply primarily to academic staff, as defined in law. Other individuals to whom this Code applies—including students, visiting speakers and external contributors—benefit from freedom of speech protections within the law, as set out in this *Policy* and the *Freedom of Speech Policy and Code of Practice*.

#### **6. Exercising Academic Freedom**

Italia Conti recognises that the ideas and views of members of the Italia Conti community, or external speakers, may often be in conflict with those of others. We expect, therefore, that all students and staff engage in any discussion in a constructive manner which preserves the respect and dignity of others.

The right to one's opinion does not extend to breaking the law, harassing or defaming individuals or breaching the rights of privacy of others. As a result, there might be times where Italia Conti has to apply restrictions to the freedom of expression<sup>4</sup>.

As outlined in EHRC guidance on freedom of expression, published in February 2019, exposure to course materials that students might find offensive or unacceptable is unlikely to constitute harassment.

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<sup>3</sup> where there is doubt over the academic credentials of such an individual, the Principal shall be the final arbiter in deciding whether they should be classified as an academic for the purposes of this *Policy and Code of Practice*.

<sup>4</sup> such restrictions shall be determined by the Principal (with the advice of members of the Senior Leadership Team (SLT) as appropriate.

## **7. Limits of Academic Freedom**

Unlawful speech is not permitted. Italia Conti will take the necessary steps to prevent the expression of unlawful ideas and views. This may involve use of the disciplinary code(s) for students and staff and reporting the matter to the relevant authorities.

## **8. Decision-Making and Application in Practice**

When making decisions that may affect academic freedom—including (but not limited to) teaching content, research activity, events, disciplinary matters or access to premises—Italia Conti will have particular regard to the importance of securing academic freedom and freedom of speech within the law.

Any restrictions on academic freedom or freedom of expression will be:

- Prescribed by law, and
- Applied only where necessary and proportionate, taking into account the importance of academic freedom in an educational context.

A written record must be kept for any decision that restricts, refuses, cancels, disciplines, investigates or otherwise materially affects lawful academic freedom or freedom of speech. The record must identify the decision-maker, the legal or policy basis, the evidence considered, alternatives considered, the assessment of necessity and proportionality, how particular regard was given to academic freedom and freedom of speech, and any escalation or review outcome.

Where a partner, accrediting body, external funder, commissioner, employer, placement provider, donor or other third party proposes a requirement that may restrict academic freedom or freedom of speech, the decision-maker must assess and record whether accepting that requirement is lawful, necessary and proportionate, and must escalate material issues to the Principal and, where appropriate, AQB and/or the Board.

## **9. Legal Obligations**

Italia Conti expects everyone to respect the law, particularly with regards defamation, discrimination and harassment. It is important that the right to protest against the expression of views should not prevent others exercising their freedom of expression.

There are legal obligations placed on Italia Conti in a number of areas: these include preventing people from being drawn into terrorism, and protecting the health and safety of students, staff and visitors.

## **10. Protests**

No party to whom this *Policy and Code of Practice* apply shall take any action (other than by reasonable discussion with Italia Conti and peaceful persuasion) to prevent an academic

activity<sup>5</sup> because of the views held or expressed by a member of staff or student. This applies to attempts to prevent a student or groups of students from attending an event or activity which is required for their course of study.

## 11. Raising Concerns

### a) Staff and students:

Where someone has concerns about the views of a member of staff or student, these should be raised in the first instance with the individual's line manager (for a member of staff) or the Head of Year Tutor for a student.

### b) Other academics:

If concerns are raised about an academic who is not a staff member or student, then this should be reported to the Principal or Vice-Principal.

## 12. Investigating Concerns

Before a complaint or concern about speech is investigated under the Complaints Policy, the receiving manager must undertake a prompt preliminary assessment to consider whether the matter concerns lawful expression of a viewpoint and whether it is vexatious, frivolous or obviously unmeritorious. The starting point is that lawful speech will not be punished because of the viewpoint expressed. Where an investigation proceeds, it must be concluded as rapidly as is reasonably practicable and compatible with fairness, and the reasons for proceeding must be recorded.

Concerns over potential breaches of the *Academic Freedom Policy and Code of Practice* shall be dealt with in accordance with Italia Conti's *Complaints Policy*.

## 13. Unlawful Behaviour

Where unlawful behaviour is suspected, this should be reported immediately to a member of the Senior Leadership Team (SLT). Italia Conti will take the appropriate steps to contact the relevant authorities if it has a reasonable belief that any law has been broken.

## 14. Use of premises

Italia Conti does not intend to prevent students, staff or external organisations from holding events on its premises, but permission must be applied for in accordance with our *Freedom of Speech Code of Practice*.

For any event, meeting, rehearsal, performance, teaching activity or other activity within the scope of this Code, the starting point is that the activity should proceed. Refusal, cancellation or indefinite delay should be exceptional, based on recorded lawful, necessary and proportionate reasons, and subject to approval by a suitably senior person with delegated authority.

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<sup>5</sup> Academic Activity includes tutorials, classes, rehearsals, lectures, exhibitions, performances or any other activity which is part of the teaching and learning activities at Italia Conti.

## 15. Oversight

The Board of Directors, as Governing Body, retains ultimate responsibility for securing academic freedom and freedom of speech within the law and for receiving assurance that this Code is operating effectively. The Principal has delegated day-to-day oversight of this Code and is responsible for escalating material issues, restrictions, complaints, incidents or policy conflicts to AQB, SLT and/or the Board in accordance with governance and risk escalation arrangements.

## 16. Monitoring, Review and Assurance

This *Academic Freedom Policy and Code of Practice* will be:

- Kept under regular review to ensure continued alignment with legal and regulatory requirements and with Italia Conti's *Freedom of Speech Code of Practice*;
- Reviewed at least annually, or earlier where there are material changes in legislation, OfS regulatory expectations, or following a significant incident or upheld complaint relating to academic freedom;
- Supported by appropriate monitoring and assurance arrangements, including reporting to the Board where relevant, to provide assurance that academic freedom is being protected and that any restrictions applied are lawful, proportionate and necessary.

The Board will receive an annual academic freedom and freedom of speech assurance report, normally through AQB or another approved reporting route. The report will include, as relevant, complaints and concerns received, restrictions or refusals applied, event-related decisions, use of premises issues, training and communication activity, policy conflicts identified, actions taken, and any recommendations for improvement.

This Code and the Freedom of Speech Policy and Code of Practice will be published in a prominent and accessible location, available to students, staff, visiting speakers and applicants without password restriction where reasonably practicable. Italia Conti will bring the Code and the relevant statutory provisions to the attention of students at least once each year.

## 17. Training, induction and annual communication

Italia Conti will provide periodic training on academic freedom and freedom of speech within the law for staff who make decisions capable of affecting academic freedom or freedom of speech, including decisions relating to teaching, curriculum, events, complaints, conduct, disciplinary matters, EDI, safeguarding, Prevent, IT and social media. Italia Conti will also provide induction or annual information for staff and students explaining this Code, the Freedom of Speech Policy and Code of Practice, relevant rights and responsibilities, and routes for raising concerns.

## 18. Linked policies

- Freedom of Speech Policy and Code of Practice
- Complaints Policy and Procedures
- Social Media Policy
- Safeguarding and Child Protection Policy
- Extremism and Anti-Radicalisation Policy
- Equality, Diversity and Inclusion Policy

This policy must be applied consistently with Italia Conti’s Freedom of Speech Code of Practice and Academic Freedom Code of Practice. Nothing in this policy is intended to restrict lawful freedom of speech or academic freedom. Where there is uncertainty, the Freedom of Speech Code of Practice is the definitive statement of Italia Conti’s approach.

### Update summary

24.4.26	CEO updated to Principal due to role restructure
24.4.26	<p>The following updates in line with OFS condition E1 (Public Interest Governance) and E2 (Effective Governance in Practice)</p> <ul style="list-style-type: none"> <li>• Explicit governing body responsibility – paragraphs added to the introduction (para 1)</li> <li>• Clear commitment to securing academic freedom within the law</li> <li>• Named oversight: explicit governing body responsibility – paragraphs added to the introduction (para 1)</li> <li>• New section: Monitoring, Review and Assurance added (para 15) to clarify mechanisms</li> <li>• New section: Decision-Making and Application in Practice (para 17)</li> </ul>
29.04.26	<p>Approved at PSG prior to submission to the Board for final sign off.</p> <ul style="list-style-type: none"> <li>• New title: Policy and Code of Practice agreed at PSG</li> <li>• Student guide (Code of Practice) added to expand the Diversity and Equality statement in relation Academic Freedom within a performing arts teaching context.</li> <li>• Section 4 added, in line with the Freedom of speech Policy and Code of Practice - RA24 says values relating to FoS must be set out and explained</li> <li>• Linked policies list expanded</li> </ul>

**END**