



The Institute of Ismaili Studies

# **FREEDOM OF SPEECH POLICY**



## 1. Introduction and scope

The Institute of Ismaili Studies (IIS) was established in 1977 by His Highness the Aga Khan, 49th hereditary Imam (spiritual leader) of the Shia Imami Ismaili Muslims, with a mandate to promote scholarship and learning on Muslim cultures and societies in both historical and contemporary contexts. Its academic and educational activities promote an academic understanding of the diversity of expressions within Islam and its relationship with other religious traditions as well as the secular world. Within this broad span it pays special attention to research into, and disseminating knowledge relating to, the religious, spiritual and cultural heritage of the Shia Imami Ismaili Tariqah of Islam and its relationship with the wider world. The Institute's programmes encourage a perspective which is not confined to the theological heritage of Islam and promote an interdisciplinary approach to the study of Islamic history and thought. Pluralism and diversity are integral to the mandate of the IIS and are enshrined in its policies and practice.

The IIS promotes and facilitates constructive dialogue on matters relevant to its mandate and it has a responsibility to communities associated with it as well as the wider society constituting its environment.

As an inclusive institution the IIS:

- Values pluralism and diversity and the contribution of different perspectives, ideas and knowledge including the right of individuals to hold different beliefs and views.
- Respects the principle of freedom of expression in published works as well as in contributions to discussions and academic debate.
- Treats others, including those who may hold different beliefs or opinions, with the respect, courtesy and dignity implied in its mandate.

The regulatory framework for higher education of the Office for Students (OfS) requires all registered providers to satisfy its management and governance conditions, including the requirement to uphold specified public interest governance principles. These include the principle of freedom of speech as set out below:

“Freedom of Speech: The governing body takes such steps as are reasonably practicable to ensure that freedom of speech within the law is secured within the provider.”

The IIS has developed this Policy Statement in order to address the public interest governance requirement through the formalisation of its approach to freedom of speech.

For the purposes of this policy, staff also includes consultants and contractors carrying out work for the IIS.

This Policy Statement sets out the IIS's commitment to upholding freedom of speech in a manner consistent with its legal and regulatory responsibilities. All members of the IIS, including governors, staff, students, and visiting speakers are required to be aware of and comply with this Policy Statement. All events and activities including those involving external speakers and visitors fall within the scope of this Policy. An 'event' includes all public activities conducted on IIS premises or



being hosted by the IIS at an external venue. This Policy Statement should be read in conjunction with other policies such as the policy on academic freedom.

## **2. Legal context**

The Higher Education and Research Act 2017 (HERA) extends the scope of earlier legislation relating to freedom of speech by applying it to all English higher education providers.<sup>1</sup> The right to freedom of speech is not an unqualified right and is restricted to freedom within the law as determined by criminal and civil law.

The nature of the IIS's mandate involves members of staff, scholars and researchers active inside or outside the United Kingdom, including in some countries with different conventions. All members of staff and IIS invited guests must abide by the law of the country they are visiting. The IIS reserves the right to restrict or limit freedom of speech in certain contexts as a consequence of legal or political restrictions in those jurisdictions and/or where it perceives a risk to the personal safety of any member of staff, or of the audience, or of any participants or of any communities affected.

## **3. Distinction between Freedom of Speech and Academic Freedom**

This policy on freedom of speech applies to all members of staff, students, visiting speakers and external guests. The policy on academic freedom applies specifically to members of academic staff.

## **4. Policy Statement**

The IIS is committed to fulfilling its legal and regulatory obligations to ensure freedom of speech within the law for its staff, students, faculty, visiting speakers and external guests. As an academic institution, all members of staff, students, visiting speakers and external guests have freedom to express opinions and ideas without fear of discrimination or harassment. The IIS respects the legitimate use of academic critical enquiry including the expression of a diversity and plurality of views. This freedom does not accommodate the research, teaching, publication or communication of ideas that are unlawful, may cause deliberate offence to any community including communities of faith, incite hate or violence, foment discord or promote discrimination, extremist ideologies or terrorism.

This Policy is based on the following principles:

- We will not discriminate against any member of staff, students, faculty, visiting speakers, external guests or representatives of external organisations or societies participating in IIS events on the basis of their beliefs or opinions.
- We respect the right of individuals to express their ideas and to challenge ideas or opinions with due regard to the principles of sound evidence and or reasoned argument.
- We recognise the contribution of different perspectives, ideas and knowledge, and respect diversity and plurality.

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<sup>1</sup> Section 43 of the Education Act (No2) 1986 imposed an obligation on university governing bodies to take reasonably practicable steps to ensure that freedom of speech within the law is secured.



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- We encourage members of staff, students, guests and representatives of other organisations invited by the IIS to its events to engage in intellectual discourse in a constructive and respectful manner.
- We will not permit or facilitate individuals or activities that may support or encourage individuals to be drawn into extremist ideologies or terrorism, incite violence or hatred or foment discord.
- Members of organisations proscribed under UK law,<sup>2</sup> or those individuals who are likely to encourage support for such organisations, will not be invited as external speakers to IIS events as defined above and will be prohibited from addressing any audience on its premises or in any of its events in the UK.
- We will make every reasonable effort to minimise the risks of any harm arising for any person, institution (including the Ismaili Imammat) or community (including the Ismaili community worldwide).

## 5. Roles and responsibilities

### **The Board of Trustees**

The Board of Trustees is ultimately responsible for assuring academic freedom within the law is upheld within the IIS and that the IIS has the appropriate processes in place. The Board of Trustees has charged the Board of Governors with responsibility for the determination and oversight of this Policy Statement.

### **The Directors' Office**

The Directors' Office is responsible for the implementation of this Policy Statement.

### **Heads of Departments**

Heads of Department are responsible for ensuring that all their lectures, research seminars and events comply with this policy and that their staff and students are familiar with these requirements.

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<sup>2</sup> 12(2)(c) Terrorism Offence Act refers to committing a criminal act in this context through the management of or knowledge of such a meeting that involves the speaker of an individual belonging or professing to belonging to a proscribed organisation.