



# Higher Education Governance (Scotland) Act 2016

2016 asp 15

## PART 2

### ACADEMIC FREEDOM

#### 23 Upholding academic freedom

- (1) The Further and Higher Education (Scotland) Act 2005 is amended as follows.
- (2) For section 26 (academic freedom) there is substituted—

#### “26 Academic freedom

- (1) A post-16 education body must aim to—
  - (a) uphold (so far as the body considers reasonable) the academic freedom of all relevant persons, and
  - (b) ensure (so far as the body considers reasonable) that the matters mentioned in subsection (2) are not adversely affected by the exercise of academic freedom by any relevant persons.
- (2) The matters are—
  - (a) appointments held or sought, and
  - (b) entitlements or privileges enjoyed,at the post-16 education body by those relevant persons.
- (3) In this section, “relevant persons” in relation to a post-16 education body means persons engaged in—
  - (a) teaching, or the provision of learning, at the body, or
  - (b) research at the body.
- (4) For the purposes of this section, “academic freedom” in relation to relevant persons includes their freedom within the law to do the following things—
  - (a) hold and express opinions,
  - (b) question and test established ideas or received wisdom,

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*Changes to legislation: There are currently no known outstanding effects for the Higher Education Governance (Scotland) Act 2016, Section 23. (See end of Document for details)*

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- (c) develop and advance new ideas or innovative proposals,
- (d) present controversial or unpopular points of view.”

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**Commencement Information**

**II** S. 23 in force at 30.12.2016 by S.S.I. 2016/382, reg. 2(1)

**Changes to legislation:**

There are currently no known outstanding effects for the Higher Education Governance (Scotland) Act 2016, Section 23.