



Higher Education Governance (Scotland) Act 2016 2016 asp 15

PART 2 **S**

ACADEMIC FREEDOM

23 Upholding academic freedom **S**

- (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,

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)

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

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.