Protection of Freedom of Speech and Academic Freedom Policy

1. Purpose

The Protection of Freedom of Speech and Academic Freedom Policy ("policy") is based on the Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers. The purpose of this policy is:

a. To ensure that the freedom of lawful speech of staff and students of the Institution and visitors to the Institution is treated as a paramount value and is not restricted nor its exercise burdened by limits or conditions other than those imposed by law or by reasonable regulation of access to and use of the Institution's campuses and facilities and the discharge of its legal duties of care to those who come on to its campuses whether as staff, student or visitors and its duty to foster the wellbeing of students and staff.

b. To ensure that freedom of speech and intellectual inquiry as aspects of academic freedom are treated as paramount values by the Institution.

2. Scope

This policy applies to the Institution's governing bodies, staff, students, affiliates and visiting academics and (to the extent relevant) contractors and volunteers when acting in connection with the Institution. It also applies to the student representative body and student clubs and societies when conducting activities on campus or under the Institution's auspices.

3. In relation to other policies

3.1 The Institution shall have regard to the principles of this policy in the drafting of any policies and their implementation. This policy prevails, to the extent of any inconsistency, over any non- legislative rule, code, guidelines, principles or policies of the Institution and of any of its organs and of the student representative body.

3.2 Any power or discretion conferred on the Institution or the student representative body (e.g. powers or discretions conferred under contract or

workplace agreements, etc.) shall be exercised, so far as is reasonably practicable, in accordance with this policy.

3.3 This policy operates in conjunction with other applicable policies and codes, including the Diversity, Equity and Inclusion Policy, the Student Code of Conduct and the Employee Handbook.

4. Policy statements

4.1 Every member of the staff and every student at the Institution has the same freedom of speech in connection with activities conducted on campus or otherwise in connection with the Institution, as any other person in Australia subject only to the constraints imposed by:

- the reasonable and proportionate regulation of conduct necessary to the discharge of the Institution's teaching activities;
- the right and freedom of all to express themselves and to hear and receive information and opinions;
- the reasonable and proportionate regulation of conduct, as per the Student Code of Conduct and Employee Handbook and other relevant policies including the Diversity, Equity and Inclusion Policy, to enable the Institution to fulfil its duty to foster the wellbeing of students and staff.

4.2 Subject to reasonable and proportionate regulation of the kind referred to in the previous statement, a person's lawful expressive conduct on the Institution's campuses or in or in connection with an Institution activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content or manner of delivery.

4.3 The exercise by a member of the academic staff or of a student of academic freedom shall not constitute misconduct nor attract any penalty or other adverse action.

4.4 Staff members and students may make lawful public comment in a personal capacity. When doing so, they should take reasonable care not to represent that the comment is made on behalf of the Institution unless authorised.

4.5 The freedom protected by this policy does not remove legal obligations relating to confidentiality, privacy, professional duties or any other obligations

imposed by law or under other applicable policies including the Diversity, Equity and Inclusion Policy.

4.6 In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the Institution shall take all reasonable steps to minimise the constraints imposed by such arrangements or conditions on the freedom of speech or academic freedom of any member of the academic staff or students carrying on research or study under such arrangements or subject to such conditions.

4.7 The Institution has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on the Institution's campuses and use facilities and in so doing may:

a. require the person or persons organising the event to comply with the Institution's booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues;

b. distinguish between invited visitors and external visitors in framing any such requirements and conditions;

c. refuse permission to any invited visitor or external visitor to speak on the Institution's campuses or facilities where the content of the speech is or is likely to:

- be unlawful;
- prejudice the fulfilment by the Institution of its duty to foster the wellbeing of staff and students;
- involve the advancement of theories or propositions which do not meet scholarly standards to such an extent as to be detrimental to the Institution's character as an institution of higher learning.

d. in the case of an external visitor, require the person or persons seeking permission for the use of Institution's campuses or facilities to contribute in whole or in part to the cost of providing security and other measures in the interests of public safety and order in connection with the event at which the external visitor is speaking.

4.8 Subject to the preceding principles the Institution shall not refuse permission

for the use of its campuses or facilities by an external visitor or invited visitor solely on the basis of the likely content of the proposed speech by the visitor.

4.9 Decisions to impose conditions on, or to refuse, permission under clause 4.7 are made by the Chief Operations Officer in consultation with the DVC (Learning and Teaching). In applying clause 4.7, the Institution acts reasonably and in a viewpoint-neutral manner, and may consider advice from relevant academic leadership or subject-matter expertise where appropriate.

4.10 Consistently with this policy the Institution may take reasonable and proportionate steps to ensure that all prospective students in any of its courses has an opportunity to be fully informed of the content of those courses, and to seek advice about their content, provided that academic staff are not precluded from including content on the grounds that it may offend or shock any student or class of students.

4.11 Consistently with the principles set out in this policy, the Institution, in the discharge of its duty to foster the wellbeing of students, may provide special support including dedicated rooms or places for any particular group of students which is likely to benefit from such support.

5. Roles and responsibilities

5.1 The Deputy Vice-Chancellor (Learning and Teaching) is responsible for embedding a scholarly-led inquiry approach with students and academic staff and has oversight of the academic leadership model, the Scholarship and Scholarly Practice Framework, at the Institution.

5.2 Academic Board is responsible to ensure that freedom of intellectual inquiry is maintained and protected (HESF, 2021, 6.1.4).

5.3 The Scholarly Practice Committee is responsible for the management and review of scholarly-led work which is based on the freedom of intellectual inquiry.

5.4 The Chief Operations Officer, in consultation with the DVC (Learning and Teaching), is responsible for imposing conditions on, or to refusing permission to any invited visitor or external visitor to speak on the Institution’s campuses or facilities in relation to paragraph 4.7.

5.5 Academic staff are responsible for ensuring that they engage in a scholarly-

led inquiry approach to learning and teaching, whilst providing a safe place for students to actively engage in a scholarly-led inquiry approach to learning

5.6 Students are responsible for ensuring that they engage in a scholarly-led inquiry approach, in relation to their subjects of study and scholarship activities, whilst ensuring the wellbeing of their fellow students and academic staff.

6. Related documents

Employee Handbook

Human Research Ethics Policy

Scholarship and Scholarly Practice Framework

Scholarship and Scholarly Practice Policy

Scholarship and Scholarly Practice Procedures

7. Version history

Summary of changes	Approval date	Approved by
Created	17 March 2020	Academic Board
	24 March 2022	Academic Board
Clauses added to state: · staff or students may make lawful public comment in a personal capacity; · the COO has authority to impose conditions or refuse permission, in consultation with the DVC, to visiting speakers on campus.	22 May 2026	Academic Board