

Academic Freedom and Freedom of Speech Policy



Purpose/objective

Free intellectual inquiry and freedom of speech are fundamental to the mission and purpose of higher education. The purpose of this Policy and Procedure is to give effect to Australasian Academy of Higher Education’s commitment to these freedoms.

Scope

This Policy and Procedure applies to all staff and students at the Australasian Academy of Higher Education (AAHE) and to AAHE shareholders, donors and third parties engaged in AAHE business.

Definitions

Academic freedom	Academic freedom consists of the following elements: <ul style="list-style-type: none">a) the freedom of staff, in the course of their academic activities, to educate, discuss, or research and to disseminate and publish the results of those activitiesb) the freedom of staff and students, in the course of their academic activities, to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate in relation to those activitiesc) the freedom of staff to participate in professional or representative bodies and associationsd) the freedom of students to participate in student societies and associations.
Freedom of speech	Freedom of speech, also termed freedom of expression, “includes (the) freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of (a person’s) choice” ¹ . All countries impose limits on this freedom, and in Australia limitations have long been recognised by common law, such as obscenity and sedition, defamation, blasphemy, incitement, and passing off.

¹ UN General Assembly’s [International Covenant on Civil and Political Rights](#) (ICCPR)
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Policy

1. Principles

- 1.1 AAHE upholds freedom of speech and academic freedom as defined in this policy.
- 1.2 *Freedom of speech* of staff, students and visitors is a defining value at AAHE and is therefore neither restricted nor unnecessarily burdened by limitations or burdens other than those imposed by law and as set out in this policy.
- 1.3 *Academic freedom* is a defining value of AAHE and is therefore neither restricted nor unnecessarily burdened by limitations or burdens other than those imposed by law and as set out in this policy.
- 1.4 AAHE supports the right and freedom of staff, students and visitors to hear and to receive information and opinions, other than speech or information which is likely to humiliate or intimidate.
- 1.5 Nothing in this policy can be used by AAHE staff and students as a justification or defence for behaviour that is unlawful. Investigations of conduct that is in breach of the law or AAHE policies will be conducted by the relevant external authorities or managed in accordance with AAHE policies and procedures.
- 1.6 In entering into affiliation, collaborative or contractual arrangements with third parties, in its dealings with company shareholders and in accepting donations from third parties, AAHE will take all reasonable steps to minimise restrictions or burdens imposed by such arrangements or conditions on the freedom of speech or academic freedom of any member of staff or student.
- 1.7 The AAHE policies on freedom of speech and academic freedom that follow are aligned with the *Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers (2019)*², which has been adapted to suit AAHE's mission as an Institute of Higher Education³.

2. Freedom of speech

- 2.2 Every member of staff and every student at AAHE enjoys freedom of speech exercised on the AAHE campus or in connection with AAHE itself subject only to restraints or burdens imposed by:
 - a) law
 - b) the reasonable and proportionate regulation of conduct necessary to the discharge of AAHE's educational and scholarly activities and, to the extent that those activities are informed and advanced by argument and disagreement, by setting scholarly standards for those arguments and disagreements that are conducive to AAHE's core mission of higher education
 - c) the right and freedom of others to express themselves and to hear and receive information and opinions
 - d) the reasonable and proportionate regulation of conduct to enable AAHE to fulfil its duty to foster the wellbeing of students and staff
 - e) the reasonable and proportionate regulation of conduct necessary to enable AAHE to give effect to its legal duties including its duties to visitors at the AAHE campus.

² <https://apo.org.au/sites/default/files/resource-files/2019-10/apo-nid264771.pdf>

³ <https://www.tegsa.gov.au/provider-category-standards-reform>

- 2.3 Nothing in any non-statutory AAHE policy or rule shall restrict or inhibit the freedom of staff to make public comment on any issue in their personal capacities.
- 2.4 AAHE has the right and responsibility to determine the terms and conditions upon which it shall permit external visiting speakers and invited visiting speakers to speak on a AAHE campus or use AAHE facilities and in so doing may require the person to provide information relevant to the conduct of any event, and any public safety and security issues.
- 2.5 Where academic staff speak or otherwise express an opinion in public on topics outside their expertise, they must identify themselves as a private individual and not as a staff member of AAHE.

3. Academic freedom

- 3.1 Every member of AAHE staff and every student enjoys academic freedom to:
- a) pursue critical and open inquiry
 - b) research and publish
 - c) participate in public debates and express opinions, including unpopular or controversial opinions.
 - d) participate in an appropriate form in decision-making processes and structures germane to their field of expertise and responsibilities within AAHE
 - e) teach, assess and develop curricula within agreed AAHE processes, and
 - f) participate in professional and representative bodies, including unions and engage in community service
- without fear of harassment, intimidation or unfair treatment.
- 3.2 These freedoms are subject only to prohibitions, restrictions or conditions imposed by:
- a) law
 - b) the reasonable and proportionate regulation necessary to the discharge of AAHE's educational and scholarly activities, and, to the extent that those activities are informed and advanced by argument and disagreement, by setting scholarly standards for those arguments and disagreements that are conducive to AAHE's core mission of higher education
 - c) the reasonable and proportionate regulation necessary to discharge AAHE's duty to foster the wellbeing of students and staff
 - d) the reasonable and proportionate regulation necessary to enable AAHE to give effect to its legal duties
 - e) way of AAHE's reasonable requirements as to the courses to be delivered and the content and means of their delivery.
- 3.3 The exercise by a staff member or student of academic freedom, subject to the above limitations, shall not constitute misconduct nor attract any penalty or other adverse action.

Procedure

1. The Academic Board is responsible for the maintenance and implementation of the Academic Freedom and Freedom of Speech Policy.
2. Procedures relevant to implementation of this Policy are contained within:
 - a) Staff Code of Conduct
 - b) Student Code of Conduct
 - c) Staff Grievance Policy and Procedures
 - d) Student Complaints Policy and Procedures.
3. The Dean is responsible for providing advice to academic staff on the expression of appropriate forms of academic freedom.
4. Implementation and communication of this policy will be communicated through AAHE via:
 - a) announcement on AAHE's webpage,
 - b) the staff induction program, and
 - c) internal circulation.

Related documents and relevant legislation

Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers (2019)

Higher Education Standards Framework (Threshold Standards) (S6.1.4) 2021

AAHE Staff Code of Conduct

AAHE Student Code of Conduct

Staff Grievance Policy and Procedure

Student Complaints Policy and Procedure

Document information

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1	Academic Board	17/10/21	1/10/23	