

# Academic and Intellectual Freedom and Freedom of Speech Policy

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## 1. Purpose

To affirm the University's commitment to academic and intellectual freedom and freedom of speech.

## 2. Scope and Operation

- a. This policy applies to all staff, students and other persons using or occupying any University land or facilities or engaged in any work or study-related activities, at any location or online, and, to the extent the University is able to require the following to adhere to the University's policies and procedures:
  - i. student representative bodies, undergraduate and post-graduate, to the extent that they have policies and rules which restrict or burden the exercise of freedom of speech or academic freedom, and
  - ii. any entities controlled by the University.
- b. The University will have regard to the principles of this policy in the drafting, review, amendment, interpretation of or exercise of any power or discretion under the University's statutes, by-laws, policies or procedures.
- c. The University will have regard to the principles of this policy in the exercise of any power or discretion conferred on the University under any contract or workplace agreement, so far as it is consistent with the terms of that contract or workplace agreement. This policy is intended to complement, and not detract from, clause 19 of the [Enterprise Agreement](#).

## 3. Institutional autonomy

The University is an autonomous institution and may regulate its affairs as it sees fit, which includes the right to set and pursue its strategic direction and operational goals and to determine its activities and priorities in pursuit of those goals, including research and teaching practices and priorities, courses and curricula, student selection and assessment methods and staff appointment and assessment methods, and how it protects and regulates academic and intellectual freedom and freedom of speech.

## 4. Academic and Intellectual Freedom

### 4.1. Commitment

- a. The University will maintain a scholarly environment which upholds free enquiry in the creation, preservation, communication and application of knowledge.
- b. The University and staff, students and others to whom this policy applies will uphold the principles and practices of academic and intellectual freedom (as applicable), as [defined in this policy](#) in accordance with the highest ethical, professional and legal standards.

### 4.2. Reasonable constraints

#### 4.2.1. Academic freedom

Academic staff or students will not be exercising academic freedom in accordance with this policy where they:

- a. act unlawfully
- b. act in breach of health and safety obligations
- c. fail to observe the responsibility to reflect scholarly norms, including by failing to:
  - i. act with due care, diligence and skill
  - ii. respect confidentiality obligations
  - iii. respect the rights of others to express differing opinions or deny or interfere with another's exercise of academic freedom
- d. act in breach of regulatory requirements or research standards and norms (e.g. ethics, research integrity and accreditation requirements), or
- e. engage in bullying, harassment or vilification.

#### 4.2.2. Intellectual freedom

Professional staff seeking to exercise intellectual freedom will not be exercising intellectual freedom in accordance with this policy where they:

- a. act unlawfully
- b. act in breach of applicable health and safety obligations
- c. fail to observe professional norms, including by failing to:
  - i. act with due care, diligence and skill
  - ii. respect confidentiality obligations
  - iii. respect the rights of others to express differing opinions or deny or interfere with another's exercise of intellectual freedom
- d. act in breach of regulatory requirements or research standards and norms (e.g. ethics, research integrity and accreditation requirements), or
- e. engage in bullying, harassment or vilification.

## 5. Freedom of Speech

### 5.1. Commitment

The University is committed to and supports the exercise of freedom of speech by staff, students and other persons in accordance with this policy.

### 5.2. Reasonable constraints

Anyone seeking to exercise freedom of speech must:

- a. act lawfully, including, if they are a member of staff, comply with their employment obligations
- b. familiarise themselves with, and abide by, statutes, regulations and policies and comply with the reasonable directions of the University
- c. respect the rights and welfare of all staff, students and other persons who use the University including by being respectful and courteous to others and not harassing, disrupting, vilifying or intimidating other staff, students or members of the public, including those expressing divergent views, and
- d. ensure that public statements are made in their individual capacity and not on behalf of or as a spokesperson for the University, unless so authorised.

### 5.3. Invited and external speakers

As an autonomous institution, the University may permit or refuse permission to any invited or external speaker to speak on University land as it sees fit. Without limiting its autonomy, the University may:

- a. require the person or persons organising the event to comply with the University's booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues
- b. give permission on such terms and conditions as it sees fit and distinguish between invited and external speakers in framing any such terms and conditions
- c. refuse permission to any speaker where, in the reasonable opinion of the University, the content of the speech is or is likely to:
  - i. be unlawful
  - ii. prejudice the fulfilment by the University of its duty to foster the wellbeing of staff and students
  - iii. prejudice the fulfilment by the University of its legal duties including its duty to ensure, so far as is reasonably practicable the health and safety of its staff, students, visitors and other persons on or using university land or facilities, or
  - iv. involve the advancement of theories or propositions which purport to be based on scholarship or research but which fall below scholarly standards to such an extent as to be detrimental to the University's character as an institution of higher learning
- d. require the person or persons organising the event 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.

### 5.4. Inappropriate behaviour

Staff, students and others to whom this policy applies must not prevent, harass, disrupt, vilify or intimidate those seeking to exercise freedom of speech in accordance with this policy.

## 6. Definitions

<b>Academic freedom</b>	<ul style="list-style-type: none"> <li>a) the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research</li> <li>b) the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research</li> <li>c) the freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled</li> <li>d) the freedom of academic staff to participate in professional or representative academic bodies</li> <li>e) the freedom of students to participate in student societies and associations</li> <li>f) the autonomy of the University in relation to the choice of academic courses and offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted.</li> </ul>
<b>Intellectual freedom</b>	<p>pertains to professional staff and means:</p> <ul style="list-style-type: none"> <li>a) the freedom to express their opinions about the higher education provider in which they work</li> <li>b) the freedom to participate in collegial processes within the University, and</li> <li>c) the freedom to participate in professional and representative bodies.</li> </ul>
<b>invited speaker</b>	<p>a person, not being a student or a member of staff, who has been invited by the University or a student representative body to speak on the University's land</p>
<b>external speaker</b>	<p>a person, not being a student or a member of staff, who is not an invited speaker and for whom permission is sought to speak on the University's land or facilities</p>
<b>speech</b>	<p>extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity and communication using social media; the word 'speak' has a corresponding meaning</p>
<b>the duty to foster the wellbeing of staff and students</b>	<ul style="list-style-type: none"> <li>• includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination on any basis recognised at law including race, gender, sexuality, religion and political belief</li> <li>• includes the duty to ensure that no member of staff and no student is subject to threatening or intimidating behaviour by another person or persons on account of anything they have said or proposed to say in exercising their freedom of speech</li> <li>• supports reasonable and proportionate measures to prevent any person from using lawful speech which a reasonable person would regard, in the</li> </ul>

	<p>circumstances, as likely to humiliate or intimidate other persons and which is intended to have either or both of those effects</p> <ul style="list-style-type: none"> <li>includes the duty to ensure, so far as is reasonably practicable the health and safety of its staff, students, visitors and other persons on or using University land</li> <li>does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.</li> </ul>
<b>lawfully</b>	in compliance with all laws including statute law, common law (including the law of defamation), duties of confidentiality, restrictions deriving from intellectual property law and restrictions imposed by contract, including employment contracts and enterprise agreements and <b>unlawful</b> has the corresponding meaning
<b>University</b>	means Flinders University as an entity and includes its decision-making organs, officers and staff or contractors who make decisions or exercise powers or discretions under the University's statutes, by-laws, policies and procedures or otherwise on behalf of the University
<b>University land</b>	any premises, building, facility, land or location owned or controlled by the University
<b>work or study-related activities</b>	any activities that relate to a person's employment / work commitment, involvement with or status as a student, or other connection with the University. This includes activities that take place away from University land or facilities, such as field trips, conferences, Work-Integrated Learning placements, work experience placements, work-related social events and email, online and social media activities

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\* Unless otherwise indicated, this policy or procedures still apply beyond the review date.

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