Academic Freedom and Freedom of Speech Policy

1 Purpose

To:

- affirm the importance of the University's institutional autonomy under law in the regulation of its affairs, including in the protection of freedom of Speech and Academic Freedom;
- ensure that freedom of lawful Speech of all University Employees, Students and Visitors is treated as a paramount value;
- ensure that Academic Freedom is treated as a defining value by the University; and
- ensure that freedom of Speech and Academic Freedom are not restricted nor, in their exercise, burdened otherwise than by restrictions or burdens Imposed by Law or that otherwise Prohibit Hate Speech.

2 Scope

This policy applies to:

- the University's Council, officers, Employees, Students and other decision-making bodies, including the Academic Board and Academic Board Members; and
- Student representative bodies to the extent that they have policies and rules which are capable of being applied to restrict freedom of Speech or Academic Freedom.

3 Policy Statement

The principles of this policy are intended to guide the preparation, review, amendment, interpretation and application of the University's industrial agreements, contracts, policies and procedures. This policy prevails to the extent of any inconsistency with the University's other policies or procedures.

This Policy aligns with:

- *Higher Education Standards Framework (Threshold Standards) 2021*: Standard 6.1

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4 Principles

4.1 Freedom of Speech

The University is a place where every Employee, Student and Visitor enjoys freedom to express themselves in the advancement of knowledge by argument and disagreement in the exercise of freedom of Speech when using University Facilities.

4.2 Academic Freedom

The University will promote and defend Academic Freedom as a defining value of the University in the conduct of its affairs, so that all Employees and Students may engage without fear or favour in the University's core mission of the advancement of knowledge.

4.3 Limitations on Freedoms

The University will protect freedom of Speech and Academic Freedom subject only to restrictions or burdens:

- Imposed by Law or that otherwise Prohibit Hate Speech;
- imposed by the reasonable and proportionate action necessary to the discharge of the University's learning, teaching and Research activities;
- imposed by the right and freedom of others to express themselves and receive information and opinions, recognising the freedom of Employees and Students to express their respective views;
- imposed by the reasonable and proportionate regulation necessary to discharge the University's Duty to Foster the Wellbeing of Employees, Students and Visitors;
- imposed by the reasonable and proportionate regulation necessary to prevent the advancement of theories or propositions
    - which fall below scholarly standards to such an extent as to be detrimental to the University's character as an institution of higher learning, and
    - where the advancement of such theories or propositions might, if given effect, result in physical or mental harm to others; or
- imposed by the University by way of its reasonable requirements applicable to the Academic Programs and Courses to be delivered and the content and means of their

delivery.

Employees are not precluded from including content in an Academic Program or Course or undertaking Research solely on the ground that it may offend or shock any Employee, Student or group of Students.

4.4 Exercise of Freedoms not Misconduct

The exercise by Employees or Students of:

- freedom of Speech, subject to any restrictions or burdens set out in this policy, shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content; or
- Academic Freedom, subject to any restrictions or burdens set out in this policy, shall not constitute misconduct nor attract any penalty or other adverse action.

4.5 Visitors

The University has the right and responsibility to determine the circumstances, terms and conditions upon which it shall permit Visitors to speak using University Facilities.

The University shall not refuse permission for the use of University Facilities by a Visitor, nor attach conditions to its permission, solely on the basis of the content of the proposed Speech by the Visitor. However, the University may refuse permission to any Visitor to speak using University Facilities where the content of the Speech is or is likely to:

- be Unlawful;
- prejudice the fulfilment by the University of its Duty to Foster the Wellbeing of Employees, Students and Visitors; or
- involve the advancement of theories or propositions 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, and where the advancement of such theories or propositions might, if given effect, result in physical or mental harm to others.

4.6 Third Parties

In entering into affiliation, collaborative or contractual arrangements with third parties and accepting donations from third parties that are subject to conditions, the University shall take all reasonable steps to minimise the restrictions or burdens imposed by these arrangements or

conditions on the freedom of Speech or the Academic Freedom of any Employees or Students when carrying out Research or study under these arrangements or subject to these conditions.

5 References

Nil.

6 Schedules

This policy must be read in conjunction with its subordinate schedules as provided in the table below.

7 Policy Information

Accountable Officer	Vice-Chancellor
Responsible Officer	University Secretary
Policy Type	Governance Policy
Policy Suite	
Subordinate Schedules	
Approved Date	17/8/2026
Effective Date	17/8/2026
Review Date	14/12/2025
Relevant Legislation	*Age Discrimination Act 2004* (Cth) *Anti-Discrimination Act 1991* (Qld) *Australian Human Rights Commission Act 1986* (Cth) *Disability Discrimination Act 1992* (Cth) *Human Rights Act 2019* (Qld) *Racial Discrimination Act 1975* (Cth) *Sex Discrimination Act 1984* (Cth) *University of Southern Queensland Act 1998* (Qld)
Policy Exceptions	Policy Exceptions Register

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Related Policies	Code of Conduct Policy Social Media Policy Student General Conduct Policy Student Grievance Resolution Policy
Related Procedures	Employee Complaints (Sexual Harassment, Sexual Assault and Sex Discrimination) Procedure Social Media Procedure Student General Misconduct Procedure Student Grievance Resolution Procedure
Related forms, publications and websites	Enterprise Agreement
Definitions	**Terms defined in the Definitions Dictionary**
	Academic Freedom Academic Freedom comprises: the freedom of Employees, in the course of their academic activities, to educate, discuss, or research and to disseminate and publish the results of those activities; the freedom of Employees 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 activities; the freedom of Employees and Students to express their opinions in relation to the University; the freedom of Employees, without constraint imposed by reason of their employment by the University, to make lawful public comment on any issue in their personal capacities; the freedom of Employees to participate in or speak on behalf of professional or representative bodies and associations; the freedom of Students to participate in or speak on behalf of student societies and associations; and the autonomy of the University in relation to the choice of Academic Programs and Courses, the ways in which they are taught and the choices of research activities and the ways in which they are conducted. Public comment is not made in a personal capacity where: the comment includes a reference, express or implied, to the University; or the Employee identifies their employment or any affiliation with the University, refers to their position in the University. Academic Program

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An approved Higher Education Award of the University, consisting of a combination of Courses the successful completion of an offering of which, together with any credit transfers and Exemptions in accordance with the relevant requirements, will fulfil the prescribed requirements for that particular Award.

Antisemitism

Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities. The following examples may serve as illustrations: Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits. Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to: Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion. Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective - such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions. Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews. Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust). Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust. Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations. Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor. Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation. Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis. Drawing comparisons of contemporary Israeli policy to that of the Nazis. Holding Jews collectively responsible for actions of the state of Israel. Antisemitic acts are criminal when they are so defined by law (for example, denial

of the Holocaust or distribution of antisemitic materials in some countries). Criminal acts are antisemitic when the targets of attacks, whether they are people or property - such as buildings, schools, places of worship and cemeteries - are selected because they are, or are perceived to be, Jewish or linked to Jews. Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries. Interpretation Rule: Unless context otherwise requires, a reference to 'discrimination', 'harassment' or 'bullying' (or other grammatical forms of any of those terms) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined above.

Council

Council means the governing body, the University of Southern Queensland Council.

Course

A discrete element of a program, normally undertaken over a single Study Period, in which the Student enrols, and on completion of which the Student is awarded a grade.

Discrimination

Occurs when a person or a group of people are treated less favourably than another person or group because of race, colour, national or ethnic origin; gender or marital status; disability; religion or political beliefs; sexual preference; or some other central characteristic. Discrimination may occur when a person is denied the opportunity to participate freely and fully in normal day-to-day activities, for example being harassed in the workplace or being denied entry to public places and other facilities. Interpretation Rule: Unless context otherwise requires, a reference to 'discrimination' (or other grammatical forms of any of this term) wherever appearing in University policy or procedure, and whether or not those terms are capitalised in any such instrument, is taken to include a reference to 'Antisemitism' as defined in the Definitions Dictionary .

Employee

A person employed by the University and whose conditions of employment are covered by the Enterprise Agreement and includes persons employed on a continuing, fixed term or casual basis. Employees also include senior Employees whose conditions of employment are covered by a written agreement or contract with the University.

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Research

Research is the creation of new knowledge and/or the use of existing knowledge in a new and creative way to generate new concepts, methodologies, inventions and understandings. This could include the synthesis and analysis of previous research to the extent that it is new and creative.

Student

A person who is enrolled in a UniSQ Upskill Course or who is admitted to an Award Program or Non-Award Program offered by the University and is: currently enrolled in one or more Courses or study units; or not currently enrolled but is on an approved Leave of Absence or whose admission has not been cancelled.

Title

A term used to specify a particular academic rank or recognise a particular contribution to the University or the community.

University

The term 'University' or 'UniSQ' means the University of Southern Queensland.

Definitions that relate to this policy only

Academic Board

Academic Board means the Academic Board of the University as established by the Council under section 39 of the *University of Southern Queensland Act 1998* (Qld).

Academic Board Member

Academic Board Member means any member of the Academic Board as determined by the Council under section 39 of the *University of Southern Queensland Act 1998* (Qld).

Council Member

Council member means any member of the Council as set out in Part 2 Division 3 of the *University of Southern Queensland Act 1998* (Qld).

Imposed by Law

In relation to restrictions or burdens or conditions on a freedom, includes, without limitations, restrictions, burdens or conditions

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imposed by statute law, the common law, the law of defamation, duties of confidentiality, restrictions deriving from intellectual property law and restrictions imposed by contract.

Prohibit Hate Speech

In relation to restrictions or burdens or conditions on a freedom, includes restrictions or burdens or conditions Imposed by Law, or by Policy or Procedure, on expression in Speech that is in breach of the *Anti-Discrimination Act 1991* (Qld), the *Criminal Code Act 1899* (Qld), the *Racial Discrimination Act 1975* (Cth) or the *Criminal Code Act 1995* (Cth) or that amounts to Antisemitism.'

Speech

Speech 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.

The Duty to Foster the Wellbeing of Employees, Students and Visitors

The Duty to Foster the Wellbeing of Employees, Students and Visitors:

- includes the duty to take reasonable steps to ensure that no Employee, no Student and no Visitor suffers unfair disadvantage or unfair adverse Discrimination on any basis recognised at law including race, gender, sexuality, religion and political belief;
- includes the duty to take reasonable steps to ensure that no Employee, no Student and no Visitor is subject to abusive, threatening or intimidating behaviour by another Employee, Student or Visitor on account of anything they have said or propose to say in exercising their freedom of speech;
- supports reasonable and proportionate measures to prevent any person from using lawful speech which a reasonable person would regard, in the circumstances, as likely to humiliate or intimidate other persons;
- includes the duty to ensure, so far as is reasonably practicable, the health and safety of its Employees, Students and Visitors when using University Facilities;

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	• does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another **University Facilities** University Facilities include, but are not limited to: • social media, communications and online platforms and environments; or • any premises, buildings, amenities land or locations, which are owned, licensed, controlled or managed by, or in the lawful possession of, the University. **Unlawful** In contravention of a prohibition or restriction or requirement imposed by law **Visitor** A Visitor is a person, not being an Employee or Student, who has been invited by the University or an affiliated Student representative body to speak using University Facilities or for whom permission is sought to speak using University Facilities
Keywords	French Model Code, lawful Speech, limitations, Visitor, misconduct, limitations on freedom, Student representative body
Record No	20/70PL

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