

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 ~~and as set out in this policy 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 Corporate Governance

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	14/12/2020
Effective Date	14/12/2020
Review Date	14/12/2025
Relevant Legislation	<i>Age Discrimination Act 2004 (Cth)</i> <i>Anti-Discrimination Act 1991 (Qld)</i> <i>Australian Human Rights Commission Act 1986 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Human Rights Act 2019 (Qld)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Sex Discrimination Act 1984 (Cth)</i> <i>University of Southern Queensland Act 1998 (Qld)</i>
Policy Exceptions	Policy Exceptions Register
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 Program Antisemitism Council Course Discrimination Employee Racism Research Student Title University
	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 <i>University of Southern Queensland Act 1998</i> (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 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* (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~~ **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; - 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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