

# Freedom of Speech Rule and Academic Freedom Statement

## Section 1 - Objective and Scope

(1) The University of New England affirms freedom of speech and academic freedom as core UNE values demonstrating UNE's commitment to, within the law and duty of care:

- a. support a person's right to freedom of speech;
- b. establish as a paramount value and to promote, develop and maintain supports and avenues for the fullest exercise of freedom of speech, academic freedom and free intellectual inquiry; and
- c. affirm the importance of UNE's institutional autonomy under law in the regulation of its affairs including in the protection of freedom of speech and academic freedom.

(2) This Rule applies to all UNE Representatives including representatives of UNE's Controlled Entities, students, external visiting speakers and invited visiting speakers and should be read in conjunction with UNE's [Freedom of Speech and Academic Freedom Policy](#).

(3) Within this Rule:

- a. Part A outlines UNE's freedom of speech principles and how they are supported; and
- b. Part B states UNE's commitment to academic freedom and attendant considerations to uphold these freedoms within the University context.

## Part A - Freedom of speech principles

### Principles

#### Principle 1 - The University values freedom of speech.

(4) The University values freedom of speech:

- a. for its own sake (encouraging individual and institutional autonomy, speech and expression); and
- b. for its contribution to the broader public good, democracy and civil society.

#### Principle 2 - The University upholds the right of all persons to speak publicly on any issue in their private capacity.

(5) The University upholds the right of all persons to speak publicly on any issue, including in relation to UNE and to lawfully and freely express their opinions in their private capacity as an individual member of society subject only to the constraints imposed by:

- a. the reasonable and proportionate regulation of conduct necessary to the discharge of the University's teaching and research activities;
- b. the right and freedom of all to express themselves and to hear and receive information and opinions;

- c. the reasonable and proportionate regulation of conduct to enable the University to fulfill its duty to foster the wellbeing of staff and students;
- d. UNE Representatives should ensure when exercising lawful freedom of speech that they do not represent themselves as spokespersons for the University unless they are authorised to do so; and
- e. University academic staff should ensure when exercising lawful freedom of speech in relation to academic matters that UNE's Academic Freedom Statement is considered.

**Principle 3 - The University actively promotes freedom of lawful speech.**

(6) The University actively promotes freedom of speech by:

- a. establishing, promoting, developing and maintaining supports and avenues for the fullest exercise of freedom of speech, academic freedom and free intellectual inquiry;
- b. committing to openness of conduct of the University, including through openness of governance, open access of documentation, encouragement of internally produced free media, and the encouragement of civil, robust and rigorous debate; and
- c. encouraging participation from all members in UNE decision-making bodies and the expression of diverse views and perspectives to inform resolutions.

**Principle 4 - The University retains the right and responsibility to determine the terms and conditions of the use of University facilities for speech.**

(7) The University has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on university land and use university facilities.

## **Part B - Academic freedom statement**

### **Principles**

**Principle 1 - Academic Freedom is a fundamental principle that is foundational to the University's existence and purpose.**

(8) The ultimate aim of the University is the common good which is served by academic freedom through the pursuit of truth, the advancement of learning and the sharing of knowledge for both its own sake and for the betterment of all in society both specifically and generally, and in particular to address social and environmental challenges, and current and historic injustices and silences.

(9) The University upholds academic freedom as a fundamental principle, reflecting the University's appreciation of academic freedom as essential to the conduct of a free and democratic society and to the quest for intellectual, moral and material advancement through informed comment and debate.

**Principle 2 - Academic Freedom is a composite principle comprising institutional and collective autonomy, academic and self-governance of the University and of the academy, as well as the freedom and autonomy of individual staff and students.**

(10) All members of the academy, and broader collegiate, are free to learn, pursue, create, critique and contribute knowledge through research, education, publication and dissemination, including through participation in disciplinary and professional communities, student societies and associations, academic and institutional governance, engagement in free and open inquiry and public debate, and in the development, evolution and questioning of standards and practices of scholarship and of governance, including criticism of higher education institutions, and systems, including their own, without interference or constraint, censorship or penalty, wherever the search for truth and understanding may lead.

(11) As a composite principle academic freedom is both a shared freedom and a shared responsibility. Both the academy and the institution have freedom and responsibility regarding research and teaching and in decision-making about research and teaching, as well as in administration and governance of the university.

**Principle 3 - Academic Freedom requires the active support of the State, the institution, and the academy.**

(12) It is the responsibility of the University and of all staff and students to exercise, and maximise academic freedom. Academic Freedom should be given the fullest expression possible in order to ensure maximum benefit to present and future communities and environments, including for peace and sustainability, through encouragement and support of creative and critical thinking, diversity and plurality of thought and perspectives, robust and rigorous reasoning and debate, challenging of ideas and accepted tenets, and open communication, collegiality and collaboration, that are all essential for the maximization of the benefits of academic freedom.

(13) Academic Freedom is supported by diversity in representation, transparency and accountability, and by research ethics requirements and observation of basic norms of civil conduct and a nurturing learning environment that enables the fullest and proper exercise of academic freedom.

(14) It is recognised that the role of the State is to advance and promote academic freedom to the fullest extent possible including by the provision of sufficient support to the University to enable full autonomy.

## **Section 2 - Authority and compliance**

### **Compliance**

(15) The freedoms expressed in this Statement are consistent with the [University of New England Act 1993 \(NSW\)](#) and its references within UNE's object and principal functions, including:

- a. UNE's object, which is: 'the promotion, within the limits of the University's resources, of scholarship, research, free inquiry, the interaction of research and teaching, and academic excellence'.
- b. UNE's principal functions including:
  - i. the encouragement of the dissemination, advancement, development and application of knowledge informed by free inquiry (Section 6(2)(b));
  - ii. the participation in public discourse (Section 6(2)(d)); and
  - iii. the provision of teaching and learning that engage with advanced knowledge and inquiry (Section 6(2)(f)).

(16) [The Higher Education Support Act 2003](#) (Cth) (as amended) requires all higher education providers to have policy material that upholds freedom of speech and academic freedom.

(17) [Higher Education Standards Framework \(Threshold Standards\) 2021](#) provides that for a higher education provider to satisfy the requirements of the B1.3 'Australian University Category' that the criteria for the 'Institute of Higher Education' category must be satisfied, which includes the following requirement: The higher education provider meets the requirements of Part A, has clearly articulated higher education purpose that includes a commitment to free intellectual inquiry, and offers at least one accredited course of study.

(18) The [UNE Academic and English Language Teaching Staff Enterprise Agreement 2020-2022](#) and the [UNE Professional Staff Enterprise Agreement 2019-2022](#) recognises and supports intellectual freedom for staff.

(19) These values are supported:

- a. as part of UNE's overarching [Code of Conduct](#) for all UNE Representatives; and
- b. within other Policies and Guidelines of the University including the [Freedom of Speech and Academic Freedom Policy](#).

(20) This Statement prevails, to the extent of any inconsistency, over any non-statutory policy or rules of the University.

## **Authority**

(21) This Statement is made by the Council, pursuant to Section 29 of the [University of New England Act](#) and has the effect of a Rule.

(22) UNE students, UNE Representatives and Controlled Entities must observe this Statement in relation to University matters.

(23) The Policy Custodian of this Statement is the Vice-Chancellor and Chief Executive Officer who is authorised to make attendant protocols or associated information compatible with the provisions of this Statement.

(24) This Statement operates from the Effective Date.

(25) Previous statements/Rules regarding intellectual or academic freedom are replaced and have no further operation from the Effective Date of this Rule.

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	27th June 2022
<b>Review Date</b>	27th June 2025
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<b>Approval Date</b>	27th June 2022
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## Glossary Terms and Definitions

**"UNE Representative"** - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.

**"Student"** - Is an admitted student or an enrolled student, at the relevant time: 1. an admitted student is a student who has been admitted to a UNE course of study and who is entitled to enrol in a unit of study or who has completed all of the units in the UNE course of study; 2. an enrolled student is a student who is enrolled in a unit of study at UNE.

**"Research"** - Is the creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative. (Defined by the Australian Research Council)

**"Controlled Entity"** - Means a person, group of persons or body of which the University or Council has control within the meaning of a standard referred to in Section 39(1A) or 45A(1A) of the Public Finance and Audit Act 1983.

**"Effective Date"** - means the Rule/Policy takes effect on the day on which it is published, or such later day as may be specified in the policy document.

**"Academic Freedom"** - Academic Freedom includes: the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research; 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; 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; the freedom of academic staff to participate in professional or representative academic bodies; the freedom of students to participate in student societies and associations; the autonomy of the higher education provider 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. Academic Freedom is supported at UNE by the Freedom of Speech Principles and Academic Freedom Statement and Policy, and this definition should be read in conjunction with those documents.

**"Speech"** - (Freedom of Speech and Academic Freedom) Speech extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word 'speak' has a corresponding meaning.

**"External Visiting Speaker"** - External Visiting Speaker is any person who is not an invited visiting speaker and for whom permission is sought to speak on the university's land or facilities.

**"Invited Visiting Speaker"** - Invited Visiting Speaker is any person who has been invited by the University or by a student society.