

Freedom of Speech and Academic Freedom Policy

Section 1 - Objective and scope

(1) This Policy provide guidance to UNE Representatives and students on the application of the [Freedom of Speech Rule and Academic Freedom Statement](#).

(2) This Policy applies to and is to be observed by all UNE Representatives including representatives of UNE Controlled Entities, students, external visiting speakers and invited visiting speakers.

(3) Within this Policy:

- a. Part A provides guidance on the application of the [Freedom of Speech Principles](#); and
- b. Part B provides guidance on the application of the [Academic Freedom Statement](#).

Part A - Freedom of speech

(4) The University actively promotes freedom of speech through:

- a. encouraging and planning opportunities for speech and discourse, including:
 - i. promoting events, debates, discourse, conversation and other speaking chances at UNE, maximising wherever possible opportunities for access and varied methods of participation and engagement.
- b. supporting the right of students and UNE Representatives for freedom of assembly and association, including:
 - i. ensuring there is no retribution nor unreasonable withholding of permission to participate in lawful speech, peaceful protests and advocacy; and
 - ii. providing reasonable support for University staff and student unions, associations, clubs and organisations engaged in lawful activities.
- c. communicating and encouraging an understanding of the need for speakers to ensure their speech:
 - i. does not inhibit UNE from fulfilling its duty to foster the wellbeing of staff and students;
 - ii. does not inhibit UNE from reasonable and proportionate regulation of conduct necessary to discharge the University's teaching and research activities;
 - iii. is not unauthorised disclosure of content classified as commercial-in-confidence or associated with an officer's lawful duties or clinical or legal privilege (e.g. Council member duties; information accepted via a public interest disclosure or privileged content etc);
 - iv. does not disclose personal, health or sensitive information that under privacy laws is subject to consent or other conditions for collection, storage, access, use or disclosure requirements that have not been met; and
 - v. is appropriately attributed to others in regard to authorship and/or copyright where applicable.
- d. providing opportunities which support and encourage University staff to test and develop skills and experience relating to free speech.

(5) On notification of a request for public events and discourse, the University has the right and responsibility to determine the terms and conditions that it shall permit external visiting speakers and invited visiting speakers to speak on university land and use university facilities and in so doing 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. distinguish between an invited visiting speaker and external visiting speaker in framing any such requirements and conditions;
- c. refuse permission to an external visiting speaker to speak on University land or at University facilities where the content of the speech is or is likely to be:
 - i. unlawful (including unlawful discrimination);
 - ii. prejudice the fulfillment by the University of its duty to foster the wellbeing of staff and students; and/or
 - iii. 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 a person or persons seeking permission for the use of university land or facilities for any visiting speaker 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 at which the visitor is to speak.

(6) The University will not unreasonably restrict or withhold permission of access or use of the University's land or facilities for external visiting speakers or invited visiting speakers, where such access or use is for the purposes of lawful speech (noting the University may require reasonable terms and conditions for visitors and use of land and facilities be followed).

Part B - Academic freedom statement

(7) The University actively promotes academic freedom through:

- a. corporate governance of the University and its Controlled Entities ensuring stewardship of UNE's object and of 'free inquiry', oversight of development and delivery of academic programs, and monitoring of academic performance and compliance and of Controlled Entities;
- b. academic governance upholding academic quality and integrity including academic freedom;
- c. policies, ethics processes and other academic practices upholding academic freedom as a core value and outlining scholarly standards to guide the design and conduct of research, teaching and learning and outreach programs;
- d. academic leadership structures which aid the furthering of academic freedom principles, including
 - i. the promotion of opportunities for participation in academic events and public discourse, peer review and academic quality and integrity;
 - ii. protection of academic freedom in legal/research/collaboration agreements; and
 - iii. protection or support of staff and students against unfair attack as a result of the pursuit of academic freedom.
- e. providing staff and students the genuine opportunity to participate in governance and decision making and building their capacity to engage actively in decision making within a collegial environment;
- f. building the capacity of established and emerging researchers to engage in research in accordance with principles of academic freedom, including encouraging novel research in accordance with scholarly standards;
- g. protection of academic staff against unfair restrictions on their freedom to direct their own research;
- h. building the teaching and learning capacity of teaching staff in accordance with principles of academic freedom and in accordance with scholarly standards; and

- i. cultivating a culture of academic freedom in accordance with scholarly standards.

(8) UNE staff and students are afforded academic freedom, while noting that this right carries with it:

- a. the responsibility to maximise academic freedom; and
- b. the responsibility to exercise academic freedom in accordance with scholarly standards.

(9) UNE staff and students in exercising academic freedom are free to make informed comment on societal behaviours and practice and in challenging held beliefs, policies and structures.

(10) The exercise by staff or students of academic freedom, in accordance with this Policy and the [Freedom of Speech and Academic Freedom Statement](#), shall be free from institutional censorship or sanction.

Section 2 - Authority and compliance

Compliance

(11) The freedoms expressed in this Policy 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)).

(12) 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'.

(13) The [Higher Education Standards Framework \(Threshold Standards\) 2021](#) provides that for a higher education provider to satisfy the requirements of Part b, B1.3 'Australian University' category that the criteria for '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.

(14) 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.

(15) These values are supported:

- a. as part of UNE's overarching [Code of Conduct](#) for all UNE Representatives; and
- b. other Rules and Policies of the University.

Authority

(16) This Policy is made by the Vice-Chancellor and Chief Executive Officer, pursuant to the [Vice-Chancellor Functions Rule](#).

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

(18) The Policy Steward of this Policy is the Vice-Chancellor and Chief Executive Officer.

(19) This Policy operates from the Effective Dates.

(20) Previous policies regarding intellectual or academic freedom are replaced and have no further operation from the Effective Date.

Section 3 - Definitions

(21) 'duty to foster the wellbeing of staff and students':

- a. 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;
- b. 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;
- c. 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 and is intended to have either or both of those effects;
- d. does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.

Status and Details

Status	Current
Effective Date	27th June 2022
Review Date	27th June 2025
Approval Authority	Council
Approval Date	27th June 2022
Expiry Date	To Be Advised
Unit Head	Christopher Moran Vice-Chancellor and Chief Executive Officer
Author	Gabrielle Price Director Governance and University Secretary 61 2 6773 3445
Enquiries Contact	Alicia Zikan Head Records Policy and Governance +61267735190 <hr/> Policies Team

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.

"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.

"Scholarly Standards" - Scholarly Standards are the University's expectation of academic quality and integrity and may consider factors including: a. academic and research ethics; b. scientific and disciplinary specific methods and knowledge; c. evidence or reasoning at an appropriate advanced level to demonstrate academic merit; d. observation of norms of lawful and public dialogue; and e. professional conduct acting in good faith.

"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.