

ACADEMIC FREEDOM CODE

Objects

The objects of the Code are:

- 1) To ensure that the freedom of lawful speech of staff and students of the College and visitors to the College, which they share with all people, is treated as a paramount value and is not restricted nor its exercise burdened by limits or conditions other than those imposed by law or by reasonable regulation of access to and use of the College's premises and facilities and the discharge of its legal duties of care to those who come on to its premises whether as staff, students or visitors and its duty to foster the wellbeing of students and staff.
 - 2) To ensure that freedom of speech and intellectual enquiry as aspects of academic freedom are treated as paramount values by the College.
 - 3) To affirm the objective of the protection of freedom of speech and academic freedom in a manner consistent with the College's Mission and with the College's Code of Conduct for Workplace Participants and Student Code of Conduct.
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Applicability

The Code applies to the governing body of the College, its officers and employees and decision-making organs, including those exercising academic governance responsibilities and to students.

Definitions

"academic freedom" for the purposes of this Code comprises the following elements:

- The freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research without restriction and by established scholarly consensus or institutional policy, but subject to scholarly standards;
 - The freedom of academic staff and students to engage in intellectual enquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
 - Subject to their terms of employment and the Code of Conduct for workplace participants, the freedom of academic staff to express their opinions in relation to the College free from institutional censorship or sanction;
 - Subject to the Student Code of Conduct, the freedom of students to express their opinions in relation to the College in which they are enrolled free from institutional censorship or sanction;
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- The freedom of academic staff and students to make public comment on any issue in their personal capacities, not speaking either on behalf of the College or as an officer or employee of the College;
 - 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 College 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.

“external visiting speaker” means any person who is not an invited visiting speaker and for whom permission is sought to speak on the College’s premises or facilities.

“invited visiting speaker” means any person who has been invited by the College or by a student society or association or group of students or representative body or by a member or members of the academic staff of the College to speak on the College’s premises or facilities.

“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.

“the duty to foster the well-being of staff and students”:

- Includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination by reason of their inherent attributes;
 - Includes the duty to ensure that no member of staff and no student is subject to threatening or intimidating behavior by another person or persons on account of anything they have said in exercising their freedom of speech;
 - Supports reasonable and proportionate measures to prevent any person from using lawful speech which intended to insult, humiliate or intimidate other persons and which a reasonable person would regard, in the circumstances, as likely to have one or more of those effects;
 - Does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.
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“the College” means the College as an entity and includes its decision-making organs and officers, any student representative body and entities controlled by the College.

Operation

- 1) The College shall have regard to the principles of this Code in the drafting of Rules and Policies.
 - 2) Any power or discretion conferred on the College or on any person or body by a Rule made by the College in the exercise of its rule-making powers shall be exercised so far as the text and purpose of the Rule allows, accordance with this Code.
 - 3) Any power or discretion conferred on the College or any student representative body including powers or discretions conferred under contract or workplace agreements or deriving from property rights, whether as to real or other property, shall be exercised, so far as is reasonably practicable, in accordance with this Code.
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Principles of the Code

- 1) Every member of the staff and every student at the College has the same freedom of speech in connection with activities conducted on College premises or otherwise in connection with the College, as any other person in Australia subject only to the constraints imposed by:
 - The reasonable and proportionate regulation of conduct necessary to the discharge of the College’s teaching and research activities;
 - The right and freedom of all to express themselves and to hear and receive information and opinions;
 - The reasonable and proportionate regulation of conduct to enable the College to fulfill its duty to foster the wellbeing of students and staff.
 - 2) Subject to a reasonable and proportionate regulation of the kind referred to in the previous principle, and more specifically subject to the Code of Conduct for workplace participants and to the Student Code of Conduct, a person’s lawfully expressive conduct on the College’s premises or in connection with a College activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content or manner of delivery.
 - 3) Subject to the Code of Conduct for workplace participants and to the Student Code of Conduct, the exercise of academic freedom by a member of the academic staff or by a student shall not constitute misconduct nor attract any penalty or other adverse action.
 - 4) In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the College shall take all reasonable steps to minimise the constraints imposed by
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such arrangements or conditions on the freedom of speech or academic freedom of any member of the academic staff or students carrying on research or study under such arrangements or subject to such conditions.

- 5) The College has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on College premises and use College facilities and in so doing may:
 - a) Require the person or persons organizing the event to comply with the College's booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues;
 - b) Distinguish between invited visitors and external visitors in framing any such requirements and conditions;
 - c) Refuse permission to any invited visitor or external visitor to speak on College premises or at College facilities where the content of the speech is or is likely to:
 - i) Be unlawful;
 - ii) Prejudice the fulfilment by the College of its duty to foster the wellbeing of staff or students;
 - iii) Involve the advancement of theories or propositions which do not meet scholarly standards to such an extent as to be detrimental to the College's character as an institution of higher learning.
 - d) In the case of an external visitor, require the person or persons seeking permission for the use of College premises or facilities 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 external visitor is speaking.
- 6) Subject to the preceding principles the College shall not refuse permission for the use of its premises or facilities by an external visitor or invited visitor solely on the basis of the likely content of the proposed speech by the visitor.
- 7) Consistently with this Code the College may take reasonable and proportionate steps to ensure that all prospective students in any of its courses has an opportunity to be fully informed of the content of those courses, and to seek advice about their content, provided that academic staff are not precluded from including content on the grounds that it may offend or shock any student or class of students.
- 8) Consistently with the principles set out in this Code, the College, in the discharge of its duty to foster the wellbeing of students, may provide special support including dedicated rooms or places for any particular group of students which is likely to benefit from such support.

Note:

If there is a related Procedure that your Policy relates to please insert the name of the procedure within the document as a "hyperlink".

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