

HEPP06 Freedom of Speech and Academic Inquiry

PURPOSE

To set out the principles that ensure that staff and students are accorded freedom of speech and academic inquiry as aspects of academic freedom relevant to their course of enquiry and area of research and teaching discipline.

SCOPE

This policy applies to all academic teaching and leadership staff, students of Southern Cross Education Institute – Higher Education (SCEI-HE) and visiting lecturers.

DEFINITIONS

Freedom of speech	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
Freedom of academic enquiry	The freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research without restriction.
'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 Model Code	A Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers. https://www.education.gov.au/review-university-freedom-speech
SCEI-HE	Southern Cross Education Institute (Higher Education)

SOURCE

On 14 November 2018, the Minister for Education the Hon Dan Tehan MP announced an independent review into university freedom of speech, to be undertaken by the Hon Mr Robert French AC, former Chief Justice of the High Court Chief of Australia.

The focus of the review was to assess the effectiveness of university policies and practices to address the requirements of the Higher Education Standards Framework to promote and protect freedom of expression and intellectual inquiry on Australian campuses. The report's aim was to:

Outline realistic and practical options that could be considered to better promote and protect freedom of expression and freedom of intellectual inquiry, including:

- revision/clarification of the [Threshold] Standards
- development of a sector-led code of conduct.

A Model Code was proposed, and subsequently accepted by the Minister. This revision of SCEI-HE's Academic Freedom Policy is heavily informed by the principles of The Model Code.

<https://docs.education.gov.au/node/52661>

POLICY

1. A central value of SCEI-HE is to foster an academic culture in which the principles of academic freedom (freedom of speech and academic inquiry) are promoted and defended, through every aspect of the way SCEI-HE conducts its affairs, in order that its academic staff and students are free to engage in critical enquiry, scholarly discourse and public discussion within their area of expertise without fear or favour.
2. Accordingly, SCEI-HE supports the right of academic staff to search for truth and hold and express diverse opinions. SCEI-HE values robust and uninhibited scholarly debate. These principles apply to all activities of SCEI-HE academic staff, within and beyond SCEI-HE itself.
3. The liberty to speak freely extends to making statements on unpopular or controversial topics without debasing others' points of view¹
4. SCEI-HE supports reasonable and proportionate measures to prevent any person from using lawful speech which is 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; (2019, Model Code)
5. Academic staff should expect to be able to exercise academic freedom of expression and not be disadvantaged by SCEI-HE for doing so.
6. SCEI-HE encourages students to achieve their individual, educational, and career goals and to promote their scholarly understanding of themselves and the world in which they live.
7. Responsibilities of Academic Staff
 - a. The right to free intellectual enquiry brings with its responsibilities. These include the responsibility of academic staff to approach any issue in an open, balanced, fair, and academically rigorous manner.
 - b. SCEI-HE academic staff may hold their own views and speak freely on all topics, including those beyond their area of expertise. When commenting publicly in the area of their academic expertise, staff may identify themselves as members of SCEI-HE, whilst endeavouring to indicate that they are not speaking on behalf of SCEI-HE (unless specifically directed otherwise). However, if an academic staff member speaks in public on topics beyond their expertise, they should identify those comments with themselves as private citizens rather than as members of SCEI-HE.
8. SCEI-HE's principles of freedom of speech and academic inquiry are consistent with The Model Code (2019), which deems:
 - a. Every member of the staff and every student [at SCEI-HE] has the same freedom of speech in connection with activities conducted on [SCEI-HE] land or otherwise in connection with the [SCEI-HE], as any other person in Australia subject only to the constraints imposed by:
 - i. the reasonable and proportionate regulation of conduct necessary to the discharge of the [SCEI-HE]' teaching and research activities;

¹ 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 in exercising their freedom of speech; (2019, Model Code)

- ii. the right and freedom of all to express themselves and to hear and receive information and opinions;
- iii. the reasonable and proportionate regulation of conduct to enable [SCEI-HE] to fulfil its duty to foster the wellbeing of students and staff.
- b. The exercise by a member of the academic staff or of a student of academic freedom shall not constitute misconduct nor attract any penalty or other adverse action.
- c. 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 and in so doing may:
 - i. refuse permission to any invited visitor or external visitor to speak on university land or at university facilities where the content of the speech is or is likely to:
 - 1. be unlawful;
 - 2. prejudice the fulfilment by the university of its duty to foster the wellbeing of staff and students;
 - 3. involve the advancement of theories or propositions which do not meet scholarly standards to such an extent as to be detrimental to the university's character as an institution of higher learning.
 - d. Consistently with this Code the university 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
- 9. The Model Code prevails, to the extent of any inconsistency, over any non-legislative rule, code, guidelines, principles, or policies of the university and of any of its organs and of the student representative body.

RELATED DOCUMENTS

HEPP02 Academic Misconduct Policy and Procedure
HEPP46 Conflict of Interest Policy and Procedure
HEPP52 Inclusive Culture Policy
HEFR02 SCEI-HE Scholarship Framework

LEGISLATIVE CONTEXT

Tertiary Education Quality and Standards Agency Act 2011.

<https://www.legislation.gov.au/Details/C2017C00271>

A Report of Independent Review of Freedom of Speech.

<https://ministers.education.gov.au/tehan/independent-review-freedom-speech-australian-higher-education-providers-0>

A Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers. <https://www.education.gov.au/review-university-freedom-speech>

RESPONSIBILITIES

The Academic Board is responsible for the development, compliance monitoring and review of this policy and any associated procedures and guidelines, as is the Academic Director.

Author	Academic Director
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