Freedom of Speech and Academic Freedom Policy

Section 1 - Purpose and Application

Purpose

(1) The University of Queensland (University) is committed to the protection of freedom of speech and academic freedom.

(2) The University's commitment to academic freedom and freedom of speech enables the pursuit of truth through a focus on the advancement and dissemination of knowledge, in support of the University's mission.

(3) In the pursuit of truth, the University encourages the values of integrity, courage and respect and inclusivity.

(4) In support of this commitment, the University adopts the principles for the protection of freedom of speech and academic freedom in section 2 (Principles) and declares its commitment to upholding these Principles.

> Note: These Principles are based on 'A Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers', attached to the 'Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers' dated March 2019 by the Hon. Robert S French AC.

Application

(5) The University will have regard to the Principles in the drafting, review or amendment of any policy or procedure.

(6) Nothing in this Policy impacts the validity and enforceability of any policy or procedure of the University in force at any time, and no cause of action arises from an alleged breach of the Principles.

(7) For clarity, the University of Queensland Enterprise Agreement sets out the rights and responsibilities of staff in relation to the exercise of intellectual freedom (Academic Freedom).

Section 2 - Principles

(8) The University endorses the following Principles for the protection of freedom of speech and academic freedom, subject to obligations imposed by law and to reasonable and proportionate regulation:

a. staff and students at the University should enjoy freedom of speech on land of the University, or in connection with a University activity;
b. recognising that the University is a place where people should be free to express themselves, staff and students should enjoy the freedom to protest and disagree;
c. speech of staff and students on land of the University or in connection with a University activity should not constitute misconduct or attract any penalty by reference only to its content;
d. public comment by staff in their personal capacity should not be constrained by reason of their employment by the University;

e. staff and students at the University should enjoy academic freedom;
f. the exercise of academic freedom by staff and students should not constitute misconduct or attract any penalty;
g. external visiting speakers and invited visiting speakers should be able to seek permission for the use of University land or facilities;
h. external visiting speakers and invited visiting speakers should not be refused permission solely on the basis of the content of the proposed speech by the visiting speaker; and
i. the University may take steps to ensure that all prospective students in any of its courses have an opportunity to be informed of the content of those courses. Staff must comply with any policies and procedures supportive of the University's duty to foster the wellbeing of staff and students. However, staff are not precluded from including content solely on the ground that it may offend or shock any student.

Section 3 - Roles, Responsibilities and Accountabilities

Academic Board

(9) The Academic Board is responsible for promoting the principles for the protection of freedom of speech and academic freedom.

Policy Owners

(10) Policy Owners are responsible for giving regard to the principles for the protection of freedom of speech and academic freedom in the drafting, review or amendment of any policy or procedure.

Section 4 - Monitoring, Review and Assurance

Academic Board

(11) The Academic Board is responsible for monitoring the effectiveness of this Policy and advising the Vice-Chancellor and President and Senate from time to time on its effectiveness and on matters concerning the protection of freedom of speech and academic freedom at the University.

Freedom of Speech Assessment Group

(12) The Freedom of Speech Assessment Group conducts initial and final assessments of new or revised policies and procedures to assess whether the policy or procedure has had regard to, and is compatible with, the Principles for the Protection of Freedom of Speech and Academic Freedom.

Section 5 - Recording and Reporting

(13) All assessments undertaken by the Freedom of Speech Assessment Group will be recorded in University systems. Any new or revised policies and procedures that are not considered compatible with the Principles for the Protection of Freedom of Speech and Academic Freedom will be referred to the Senate Governance Committee for consideration.

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Section 6 - Appendix

Definitions

(14) For the purposes of this Policy, the following definitions apply:

Term	Definition
Academic Freedom	Means: 1. the freedom of staff, in the course of their academic activities, to educate, discuss or research and to disseminate and publish the results of those activities; 2. the freedom of staff and students, in the course of their academic activities or area of professional expertise, to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to those activities; 3. the freedom of staff and students to express their opinions in relation to the University; 4. the freedom of staff to participate in professional or representative bodies and associations; 5. the freedom of students to participate in student societies and associations; and 6. the autonomy of the University 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.
Title Holders	Means academic title holders, visiting academics, emeritus professors, adjunct and honorary title holders, industry fellows and conjoint appointments.
External Visiting Speaker	Means any person who is not an invited visiting speaker and for whom permission is sought to speak on the University’s land or use the University's facilities in accordance with the University's policies and procedures.
Invited Visiting Speaker	Means any person who has been invited by the University to speak on the University’s land or use the University's facilities in accordance with the University's policies and procedures. For the purposes of this definition, an invitation by the University means an invitation from its decision-making organs, staff or any entities controlled by the University.

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Term	Definition
Reasonable and Proportionate Regulation	Includes reasonable and proportionate restrictions on academic freedom, freedom of speech, or external visiting speakers and invited visiting speakers using University land or facilities, which may include: 1. regulation of Conduct necessary or desirable to: 1. discharge the University's education and research activities and, to the extent that those activities are informed and advanced by argument and disagreement, by setting scholarly standards for those arguments and disagreements that are conducive to the University's core mission of the advancement of knowledge; 2. discharge the duty to foster the wellbeing of staff and students; 3. protect the right and freedom of others to express themselves and to hear and receive information and opinions; 4. comply with the University's legal obligations; 5. protect against the unauthorised use of intellectual property; 6. discharge duties of confidentiality; 7. where staff and students enjoy the freedom to protest, make arrangements to ensure that: 1. the University's education and research activities are not disrupted by any protests; and 2. the risk of protests becoming violent and affecting the safety of staff and students is mitigated; 2. requirements as to the courses to be delivered and the content and means of their delivery; 3. requiring the person or persons organising events using University land or facilities to comply with booking requirements and to provide information relevant to the conduct of any event, and any public safety and security issues; 4. requiring 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; 5. distinguishing between invited visiting speakers and external visiting speakers in framing any such requirements and conditions referred to in (c) and (d) above; 6. refusing permission to any invited visiting speaker or external visiting speaker to speak on University land or use University facilities where: 1. the University assesses it necessary or desirable to: 1. comply with the University's legal obligations; or 2. discharge the duty to foster the wellbeing of staff and students. 2. the content of the speech involves or is likely to 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.
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.
Staff	For the purposes of this Policy, includes all employees and title holders of the University.
Student	Means a person enrolled as a student or undertaking courses or programs at the University.
The duty to foster the wellbeing of staff and students	1. 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; 2. 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; 3. supports measures to prevent or proscribe any person from using lawful speech which a reasonable person would regard, in the circumstances, as: 1. intended or likely to humiliate, intimidate, harass or bully other persons; or 2. inciting others to engage in conduct which is intended or likely to humiliate, intimidate, harass or bully other persons; 4. 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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