Freedom of Speech and Academic Freedom Policy

Section 1 - Purpose

(1) This Policy sets out the University's commitments to Freedom of Speech and Academic Freedom as well as to implementing the principles of the Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers, prepared in 2019 by the Independent Review of Freedom of Speech in Higher Education Providers (Model Code).

Background

(2) Academic Senate is responsible under the Academic Senate Rule for advising University Council and the Vice-Chancellor on 'measures to safeguard the academic freedom of the University' and developed the section of this Policy on Academic Freedom for adoption by University Council.

(3) This Policy is intended to be consistent with specific University policies and procedures, and the University's Enterprise Agreements as amended from time to time.

Scope

(4) This Policy applies to all staff and students of Macquarie University as well as its decision-making bodies and their officers, its student representative bodies, clubs and societies, and its controlled entities.

(5) The Policy also applies to situations where invitations are made by staff or students of the University to visiting speakers, and situations where external visiting speakers approach the University asking to speak to staff or students.

Section 2 - Policy

Freedom of Speech

(6) The University stands for, promotes and defends the right of all people to have access to knowledge, education, and open debate.

(7) The University is committed to the Freedom of Speech of staff and students of the University on the basis that this contributes fundamentally both to the development of knowledge and the growth of a well-informed community.

(8) Freedom of Speech includes the freedom of staff, without constraint imposed by reason of their employment by the University, to make lawful public comment on any issue in their Personal Capacity.

(9) Freedom of Speech must be exercised lawfully. For example, it must not be defamatory, it must not involve racial vilification, and it must not wrongly reveal confidential information, personal information, or proprietary information.

(10) The University has a responsibility to prevent acts which could involve unlawful speech, or which could unreasonably disrupt the learning, teaching and research activities of the University. The University also has a responsibility to consider the safety and wellbeing of staff and students.

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(11) The University's responsibility for the safety and wellbeing of staff and students includes:

a. taking reasonable and proportionate action so that no one is exposed to speech which a reasonable person would conclude was both intended and likely to humiliate or intimidate;
b. maintaining laws and University policies which prohibit discrimination on the basis of race, gender, sexuality, religion, and political belief; and
c. ensuring that no one is subject to threatening or intimidating behaviour as a result of exercising Freedom of Speech.

(12) The University's responsibility does not extend to a duty to protect any person from feeling offended, shocked, or insulted by the lawful speech of another.

(13) The University will not disadvantage or subject its staff or students to less favourable treatment solely for exercising their right to Freedom of Speech, including no threats to the security of employment for its staff, regardless of the nature of that employment.

Academic Freedom

(14) Academic freedom is the principle that staff and students should be free to conduct research, undertake learning and teaching, communicate, and publish, without unreasonable interference and restriction.

(15) Academic freedom has both intrinsic and practical value. The value of a university as a public institution depends upon its ability and its determination to create new knowledge and understanding, to challenge accepted ideas, test novel hypotheses, and encourage rigorous academic debate.

(16) Academic freedom, therefore, is fundamental to the values that Macquarie University upholds and strives to cultivate in the wider society. The University stands for, promotes, and defends the right of all people to have access to knowledge, education and open debate. Therefore, the University's commitment to academic freedom benefits society both directly and indirectly, through the creation, preservation, and transmission of ideas, and the advancement of knowledge and understanding, irrespective of immediate application.

(17) Academic freedom confers rights that are limited by responsibilities on individuals, governance bodies, and constituencies within Macquarie University.

(18) Macquarie University Staff and Students have rights to:

a. engage in critical enquiry and scholarly endeavour in the performance of their duties, without fear of intimidation, in an environment of tolerance for and engagement with divergent opinions, unconstrained by institutional censorship; and
b. engage in public discourse. In doing so they may identify themselves as members of, but not spokespersons for, the University. This freedom of expression extends to making statements on political matters, including policies affecting higher education, and to criticism of the University and its actions.

(19) Macquarie University Staff are also free to participate in professional or representative academic bodies.

(20) Macquarie University Staff and Students have responsibilities to:

a. uphold a commitment to academic standards, including academic integrity, rigour in the construction of arguments, and the appropriate use of evidence;
b. exercise academic freedom within the parameters of legislative and internal policy requirements, and their obligations within the organisational context of the University;
c. foster intellectually vigorous and open discussion in all forums, adhering to the standards of scholarship, and

avoid actions that may inhibit freedom of inquiry and expression; and

d. undertake discourse reasonably and in good faith, with declarations of conflicts of interest where appropriate. When speaking in public, staff and students should consider whether it is appropriate to link their comments to their role and relationship with the University.

(21) Macquarie University has rights to:

a. assert institutional autonomy, and in particular the right to determine for itself, on academic grounds, its research and teaching practices and priorities; and
b. support its staff and students in advancing knowledge, ideas, theories, and technology, and in serving society at large.

(22) Macquarie University has institutional responsibilities to:

a. protect its staff and students from improper pressures, whether political, cultural, economic, or ideological, from restricting their academic freedom and seek wherever possible to minimise that impact;
b. place academic freedom principles at the forefront in conceiving and implementing its administrative and governance policies and processes;
c. contribute positively to an environment of freedom of inquiry, discourse, teaching, research, and publication for all of its staff and students; and
d. not disadvantage or subject its staff and students to less favourable treatment for exercising their right to academic freedom, including no threats to the security of employment for its staff, regardless of the nature of that employment.

(23) The University expects that staff and students will exercise academic freedom subject to the standards of scholarship and will express informed views within the limits of their professional competence and professional standards when engaging in public discourse. However, failure to meet these expectations is not sanctionable, that is, it will not constitute misconduct or attract any penalty or adverse action.

(24) The University is committed to Freedom of Speech and Academic Freedom in the development and administration of its policies and practices in accordance with this Policy.

Section 3 - Procedures

(25) Nil.

Section 4 - Guidelines

(26) Nil.

Section 5 - Definitions

(27) The following definitions apply for the purpose of this Policy:

a. Speech extends to all forms of expressive conduct including both verbal and written communication as well as to visual communication, performance and other works of art and may involve communication via social media or other digital platforms.
b. Freedom of Speech includes the right to lawful protest.

c. Personal Capacity means Speech where there is no implied or explicit identification with the University, including no use of a University title or resource.

Status and Details

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Responsible Executive	Rorden Wilkinson Deputy Vice-Chancellor (Academic)
Responsible Officer	Rorden Wilkinson Deputy Vice-Chancellor (Academic)
Enquiries Contact	Deputy Vice-Chancellor (Academic) Portfolio

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