

# Academic Freedom and Freedom of Speech

- 1.0 Purpose
- 2.0 Scope
- 3.0 Policy Statement
- 4.0 Roles, responsibilities and delegations
- 5.0 Definitions
- 6.0 Information
- 7.0 Related policy documents and supporting documents

## 1.0 Purpose

This policy outlines the University's commitment to the protection of academic freedom and freedom of speech.

## 2.0 Scope

This policy applies to all University staff and students and to external and invited visitors to the University.

## 3.0 Policy Statement

### 3.1 Preamble

Griffith University is committed to providing high quality education, research and engagement. It is integral to protecting this mission that staff and students can engage in academic activities with openness, forthrightness, courage, civility and thoughtfulness. We strive to undertake research that meets scholarly standards of rigour and ethics and support the right of our researchers to disseminate the outcomes of such research even when those results may be challenging, unpopular or contentious. We educate our students to understand a range of viewpoints and to be able to disagree well with others. We acknowledge the right of those who teach to present educational materials that may discomfort students. Griffith University strives to be an environment in which ideas may be debated and considered within the boundaries of the law and the need to protect the University as an inclusive academic environment.

The University has regard to the principles of the French Model Code in the drafting, review or amendment of University policy documents. University policy documents are interpreted and applied, so far as is reasonably practicable, in accordance with the French Model Code, as set out in this policy. Any power or discretion under a University policy document will be exercised in accordance with this policy.

Powers or discretion conferred on the University under a contract, or workplace agreement, including the Griffith University Academic Staff Enterprise Agreement, will be exercised, so far as they are consistent with the terms of that contract or the Enterprise Agreement, in accordance with this policy.

### 3.2 Principles

1. Staff and students at the University enjoy freedom of speech on the land of the University or in connection with a University activity, subject to Reasonable Free Speech Restrictions.

2. Subject to Reasonable Free Speech Restrictions:
  - a. speech of staff and students on the land of the University or in connection with a University activity (including activities carried out digitally) will not constitute misconduct or attract any penalty by reference only to its content; and
  - b. lawful public comment by staff in their personal capacity will not be constrained by reason of their employment by the University although the University may require them to not identify themselves as associated with the University when speaking outside the areas covered by Academic Freedom.
3. Academic staff and students at the University enjoy academic freedom, subject to Reasonable Academic Freedom Restrictions.
4. The exercise of academic freedom by academic staff and students should not constitute misconduct or attract any penalty, subject to Reasonable Academic Freedom Restrictions.
5. In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the University should take reasonable steps to minimise the restrictions or burdens imposed by such arrangements on the freedom of speech of staff and students or academic freedom of academic staff and students. Relationships with third parties should not cede to the third party the right to determine research outcomes.
6. External visitors and invited visitors should be able to seek permission for the use of University land or facilities, subject to Reasonable Use Restrictions.
7. External visitors and invited visitors should not be refused permission solely on the basis of the lawful content of the proposed speech by the visitor but may be subject to Reasonable Use Restrictions.
8. Academic staff may provide warnings for students about content in forthcoming classes that may be confronting to some students, but they are not obliged to do so.
9. Academic staff must comply with any policies and procedures supportive of the University's duty to foster the wellbeing of staff and students. However, academic staff are not precluded from including academic content solely on the ground that it may offend or shock any student or class of students.

## 4.0 Roles, responsibilities and delegations

N/A

## 5.0 Definitions

For the purposes of this policy, the following definitions apply:

**Academic freedom** means:

- a. the freedom of academic staff to teach, discuss, research and to disseminate and publish the results of their research;
- b. 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;
- c. the freedom of academic staff and students to express their opinions in relation to the University;
- d. the freedom of academic staff to participate in professional or representative academic bodies;
- e. the freedom of students to participate in student societies and associations;

- f. 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.

**Academic staff** means all those who are employed or engaged by the University to carry out academic duties. Professional staff, adjuncts, honorary appointments, casual staff and others in similar positions are covered within this definition only while they are undertaking academic duties such as research or teaching as part of their role within the University.

**External visitor** means any person who is not an invited visitor and for whom permission is sought to speak on the University's land or facilities in accordance with the University's policies and procedures.

**Invited visitor** means any person who has been invited by the University to speak on the University's land or facilities in accordance with the University's policies and procedures.

**Reasonable Academic Freedom Restrictions** means restrictions on academic freedom in the University's policies and procedures, which may include:

- a. reasonable and proportionate restrictions of conduct necessary to:
  - I. comply with the law;
  - II. discharge the duty to foster the wellbeing of staff and students;
  - III. prevent harassment, vilification or intimidation;
  - IV. ensure that research is carried out in accordance with the University's ethical obligations;
  - V. comply with the University's legal obligations including contractual obligations with third parties pertaining to such matters as confidentiality and the protection of intellectual property;
- b. reasonable and proportionate regulation necessary to the discharge of the University's teaching and research activities;
- c. reasonable requirements as to the courses to be delivered and the content and means of their delivery and reasonable standards of behaviour in educational settings;
- d. reasonable restrictions placed on students, including confidentiality and compliance with Codes of Conduct, by third parties providing clinical and work placements and similar work integrated learning opportunities.

**Reasonable Free Speech Restrictions** means restrictions on freedom of speech in the University's policies and procedures, which may include reasonable and proportionate restrictions of conduct necessary to:

- a. discharge the University's teaching and research activities in an orderly manner;
- b. comply with the law;
- c. discharge the duty to foster the wellbeing of staff and students;
- d. prevent harassment, vilification or intimidation;
- e. prevent conflicts between the expression of the staff members and their ability to carry out their role effectively;
- f. comply with the University's legal obligations including contractual obligations with third parties pertaining to such matters as confidentiality and the protection of intellectual property;
- g. to protect the University against intentionally untrue or defamatory commentary which causes serious reputational damage.

**Reasonable Use Restrictions** means restrictions on external visitors and invited visitors using University land or facilities in the University's policies and procedures, which may include:

- a. requiring the person or persons organising the event to comply with booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues;

- b. distinguishing between invited visitors and external visitors in framing any such requirements and conditions;
- c. refusing permission to any invited visitor or external visitor to speak on University land or use University facilities where the University assesses it necessary or desirable to:
  - I. comply with the University's legal obligations;
  - II. discharge the duty to foster the wellbeing of staff and students;
  - III. maintain the University's scholarly standards;
  - IV. avoid the University being brought into disrepute;
- d. requiring external speakers 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.

**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** includes all employees of the University.

**The 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 which is intended to have either or both of those effects;
- d. includes ensuring that the University fulfils any other legal obligations with respect to the protection of staff and students.

## 6.0 Information

Title	Academic Freedom and Freedom of Speech Policy
Document number	2024/0001062
Purpose	This policy outlines the University's commitment to the protection of academic freedom and freedom of speech.
Audience	Staff; students; public
Category	Governance

Subcategory	Governance
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UN Sustainable Development Goals (SDGs)	This document aligns with Sustainable Development Goal: 4: Quality Education
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Effective date	10 June 2024
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Review date	2027
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Policy advisor	Chief of Staff to the Vice Chancellor
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Approving authority	University Council
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## 7.0 Related Policy Documents and Supporting Documents

Legislation	Higher Educations Standards Framework (Threshold Standards) 2021 Higher Education Support Act 2003 (Cth)
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Policy	Academic Staff Enterprise Agreement 2023-2025 Code of Conduct
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Procedures	N/A
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Local Protocol	N/A
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Forms	N/A
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