

Academic Freedom and Freedom of Expression Policy

POLICY PURPOSE

The freedom of lawful expression is considered a paramount value at UTS College. The Academic Freedom and Freedom of Expression Policy (the policy) supports and protects:

- the pursuit of free inquiry, informed discourse and public debate at UTS College, and
- the circumstances under which UTS College may be required to constrain the exercise of academic freedom or freedom of expression.

SCOPE

This policy applies to

- Education department staff who engage in academic activities,
- students,
- affiliates,
- external visitors and invited visiting speakers (collectively 'visitors')

in UTS College, Sydney, Australia.

DEFINITIONS are set out at the end of this policy.

Acknowledgements

The UTS College Academic Freedom and Freedom of Expression Policy is based on, and occasionally draws from, the following documents:

- University of Technology Sydney - [Academic Freedom and Freedom of Expression Policy](#)
- University of Sydney - [Charter of Freedom of Speech and Academic Freedom](#)
- UNSW Sydney - [Academic Freedom and Freedom of Speech Code of Conduct](#)
- Australian National University - [Policy: Academic Freedom and Freedom of Speech](#)

POLICY PRINCIPLES

Principle	Responsible
1. GENERAL PRINCIPLES	
<p>1.1 As a place of teaching and learning, academic freedom and freedom of expression are fundamental values of UTS College.</p> <p>1.2 UTS College acknowledges that academic freedom is critical for the development of new ideas and for challenging existing knowledge. As such, academic freedom and lawful freedom of expression will be protected and encouraged to support teaching and learning.</p> <p>1.3 In addition to these values, UTS College is committed to building a culture of diversity, respect and inclusion, integrating these into our everyday activities and operations as part of its duty to foster the wellbeing of staff and students, and fulfil its Vision, Purpose and Ethics.</p> <p>1.4 This Policy will continue to stand and be regarded in the event of any future drafting, review or amendment of legislation and/or non-statutory government instruments put in place after the publication of this Policy.</p>	<p>All staff, students and affiliates in the Education department</p>
2. POLICY STATEMENTS	
ACADEMIC FREEDOM	
<p>2.1 UTS College will seek to protect and promote academic freedom in line with its Code of Conduct, and Vision, Purpose and Ethics. In addition to this policy, UTS College's commitment to academic freedom and freedom of expression is embedded in all relevant policies, procedures and employment agreements (contracts).</p> <p>2.2 Every member of the Education department staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions imposed by:</p> <ul style="list-style-type: none"> • law • the reasonable and proportionate regulation necessary to the discharge of UTS College's academic activities • the reasonable and proportionate regulation necessary to discharge UTS College's duty to foster the wellbeing of students and staff • the reasonable and proportionate regulation to enable UTS College to give effect to its legal duties. <p>2.3 The exercise by a member of the Education department staff or a student of academic freedom, subject to the limitations in statement 2.2, shall not constitute misconduct nor attract any</p>	<p>All students, staff and affiliates in the Education department</p>

penalty or other adverse action.

2.4 Without limiting the provisions of statement 2.2, UTS College Education department staff, students and affiliates have the right, without fear of harassment, intimidation or unfair treatment, to:

- pursue critical and open inquiry
- research and publish
- express an informed academic position in their written works
- participate in public debates and express opinions, including unpopular or controversial opinions about issues and ideas
- participate in an appropriate form in decision-making processes and structures germane to their field of expertise and onus of responsibility within UTS College
- participate in professional and representative bodies, including unions and student clubs/societies, and engage in community service
- participate in public debates in a private or personal capacity
- express opinions about UTS College, its management and its operations, and
- in the case of Education department staff specifically, teach, assess and develop curricula within agreed collegial processes.

2.5 Notwithstanding the freedoms described in statement 2.4, UTS College has autonomy in relation to the choice of courses and offerings and the ways in which they are taught.

2.6 UTS College may take reasonable and proportionate steps to ensure that all prospective students in any of its courses have an opportunity to be fully informed of the content of those courses. Education department staff must comply with any policies and rules supportive of UTS College's duty to foster the wellbeing of staff and students, and fulfil its [Vision, Purpose and Ethics](#). Education department staff are not precluded from including content solely on the ground that it may offend or shock any student or class of students.

FREEDOM OF EXPRESSION

2.7 UTS College Education staff, students, affiliates and visitors enjoy freedom of expression and have the right to participate in public debates and express opinions, including unpopular or controversial opinions about issues and ideas subject only to prohibitions, restrictions or conditions imposed by:

- law

- the reasonable and proportionate regulation of conduct necessary to the discharge of UTS College’s academic activities
- the right and freedom of others to express themselves and to hear and receive information and opinions
- the reasonable and proportionate regulation of conduct to enable UTS College to fulfil its duty to foster the wellbeing of students and staff
- the reasonable and proportionate regulation of conduct necessary to enable UTS College to give effect to its legal duties including its duties to visitors to UTS College.

2.8 UTS College Education department staff have the freedom to make lawful public comments on any issue in their personal capacities without constraint imposed by reason of their employment.

2.9 Subject to the limitations in statement 2.7, a person’s lawful speech on UTS College lands, at UTS College facilities or in connection with an UTS College activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content.

EXTERNAL RELATIONSHIPS

2.10 In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, UTS College shall take all reasonable steps to minimise the restrictions or burdens imposed by such arrangements or conditions on the freedom of speech or academic freedom of any Education department staff or students undertaking study under such arrangements or subject to such conditions.

2.11 UTS College has the right and responsibility to determine the terms and conditions upon which it shall permit visitors to speak on UTS College lands, at UTS College facilities or in connection with an UTS College activity, and in doing so may:

- require event organiser(s) to comply with UTS College [Meeting Room, Function & Event Booking Procedure](#) and provide information related to the event
- distinguish between invited visiting speakers and other external visitors in framing the terms and conditions of events at UTS College
- refuse permission to speak where the content of the speech is, or is likely to be unlawful or against our prejudice the fulfilment by UTS College of its duty to foster the wellbeing of staff and students, and fulfil its [Vision, Purpose and Ethics](#)
- refuse permission to speak where the content of the

<p>speech involves, or is likely to involve, the advancement of theories or propositions which purport to be based on scholarship but which fall below the scholarly standards to such an extent as to be detrimental to UTS College's character as an institution of higher learning</p> <ul style="list-style-type: none"> • require event organiser(s) 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 to speak <p>2.12 Subject to the requirements of statement 2.11, UTS College will not refuse or attach conditions to the use of its lands or facilities, or participation in UTS College activities, solely on the basis of the content of the proposed speech by the visitor.</p> <p>COMPLAINTS, DISAGREEMENTS AND BREACHES OF POLICY</p> <p>2.13 Complaints about the exercise of freedom of expression by others or breaches of UTS College's behavioural standards will be managed in line with the Equal Opportunity Policy, Access and Inclusion Policy, Student Charter, Prevention Of Discrimination, Harassment And Bullying In The Workplace Policy, and Code of Conduct as appropriate.</p> <p>2.14 To the extent of any inconsistency between this and any other non-statutory policies and rules of UTS College, this policy will prevail.</p> <p>2.15 Any complaints in relation to academic freedom and freedom of expression will be managed in line with the Student Complaints and Appeals Policy, Complaint and Grievance Resolution Policy and Serious Misconduct Policy.</p>	
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DEFINITIONS

Academic activities	<p>Include the following, are but not limited to:</p> <ul style="list-style-type: none"> • Curriculum development activities, • Teaching activities • Learning activities • Scholarly activities in which their outcomes inform teaching, learning, and professional practice, and make a contribution to the advancement and dissemination of knowledge
Academic freedom	<p>The freedom of:</p> <ul style="list-style-type: none"> • Education department staff to teach without restriction by established scholarly consensus or institutional policy, but subject to scholarly standards • Education department staff and students to engage in intellectual inquiry, to express their opinions, beliefs and informed academic

	<p>positions, and to contribute to public debate, in relation to their subjects of study</p> <ul style="list-style-type: none"> • Education department staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled free from institutional censorship or sanction • Education department staff to participate in professional or representative academic bodies • students to participate in student societies and associations <p>The autonomy of the higher education provider in relation to the choice of academic courses and offerings and the ways in which they are taught.</p>
Affiliates	Insearch Limited Board members, honorary appointees, contractors, labour hire personnel, volunteers, agency staff and any other person appointed or engaged by UTS College to perform work or functions for UTS College.
Duty to foster the wellbeing of staff and students	<p>UTS College's obligation (excluding the duty to protect any person from feeling offence, shock or insult as a result of exercising lawful freedom of expression) to:</p> <ul style="list-style-type: none"> • ensure that no member of Education department staff and no student suffers unfair disadvantage or unfair adverse discrimination on any basis recognised at law including, but not limited to, race, colour, gender identity, sexual orientation, age, disability, marital status, religion and political belief (in line with the Equal Opportunity Policy) • ensure that no member of Education department 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 • support 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, and • embrace difference, facilitate access and think equitably.
External visitor	Any person who is not an invited visiting speaker and for whom permission is sought to speak on UTS College lands, in UTS College facilities or in connection with an UTS College activity.
Freedom of expression (also lawful freedom of expression)	The right of a citizen or community member to express a view (orally, in writing or through creative or cultural practice) without the threat of repercussion or consequence, provided that the view or expression does not contravene other Australian laws or, for staff, students and affiliates, UTS College rules or policy, as outlined in this policy.
Imposed by law	In relation to restrictions or burdens or conditions on a freedom include restrictions or burdens or conditions imposed by statute law, the common law (including the law of defamation), duties of confidentiality,

	restrictions deriving from intellectual property law and restrictions imposed by contract.
Invited visiting speaker	Any person invited by UTS College to speak on the College's lands, in its facilities or in connection with an UTS College activity.
Non-statutory policies and rules	Any non-statutory policies, rules, guidelines, principles, codes or charters or similar instruments.
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.
Student	A person who is currently enrolled in any education programs delivered at UTS College, Sydney, Australia.
Education department staff	A person who is currently involved in any academic activities in the Education department at UTS College, Sydney, Australia. The person may be employed to work on an ongoing, fixed term, sessional or casual basis under the terms and conditions of an employment agreement (contract) issued by UTS College, Sydney, Australia.
Unlawful	In contravention of a prohibition or restriction or condition imposed by law.
UTS College	Insearch Limited

SUPPORTING DOCUMENTS

- [Academic Integrity Policy](#)
- [Access and Inclusion Policy](#)
- [Code of Conduct](#)
- [Complaint and Grievance Resolution Policy](#)
- [English Language Teachers Enterprise Agreement](#)
- [Equal Opportunity Policy](#)
- [Meeting Room, Function & Event Booking Procedure](#)
- [Prevention Of Discrimination, Harassment And Bullying In The Workplace Policy](#)
- [Serious Misconduct Policy](#)
- [Student Charter](#)
- [Student Complaints and Appeals Policy](#)
- [Vision, Purpose and Ethics](#)

ADMIN USE ONLY

APPROVAL		
Signature:	<i>Executed on original</i>	
Position title:	Chair of the Academic Board	Date: 19 December 2021
Policy Title	Academic Freedom and Freedom of Expression Policy	
Executive	Dean of Studies	
Manager	Associate Dean of Studies	
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