



# Academic Freedom Policy and Procedure

## Purpose

1. The Australian International Institute of Higher Education ('the Institute') recognises the importance of academic freedom which protects the rights of:
  - a) academic staff to critical inquiry, scholarly engagement, publication and public discourse
  - b) students to engage in open and rigorous intellectual debate within and outside the Institute.
2. This Policy defines academic freedom and provides guidance for staff and students.

## Scope

3. This Policy applies to:
  - a) all students enrolled at the Institute
  - b) all staff of the Institute whether full-time, part-time, casual or contract
  - c) all visitors to the Institute
  - d) members of the Institute's Governing Bodies.

## Definitions

4. For the purposes of this Policy:
  - a) **Academic freedom** comprises:
    - i. the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research without restriction by established scholarly consensus or institutional policy, but subject to scholarly standards
    - ii. 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
    - iii. the freedom of academic staff and students to express their opinions in relation to the Institute free from censorship or sanction
    - iv. the freedom of academic staff and students to make public comment on any issue in their personal capacities, not speaking either on behalf of the Institute or as an officer of the Institute
    - v. the freedom of academic staff to participate in professional or representative academic bodies
    - vi. the freedom of students to participate in student societies and associations
    - vii. the autonomy of the Institute which resides in its governors, executive and academic staff 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.<sup>1</sup>

## Policy

### Principles

5. The Institute ensures that all academic staff and students can exercise academic freedom (as defined in this Policy) without fear of penalty, censorship, harassment, bullying, intimidation or unfair treatment.
6. The rights of academic staff and students to exercise their academic freedom will be restricted only to the extent that the action or speech:
  - a) is prohibited by law
  - b) is a breach of the *Staff Code of Conduct* for academic staff, the *Student Code of Conduct* for students, or the Public Information and Representation Policy
  - c) interferes with the right and freedom of others to express themselves and to hear and receive information and opinions
  - d) prevents the Institute from discharging its responsibilities and activities as an education institution, including its duty to foster the wellbeing of students and staff.
7. The Institute shall take reasonable steps to ensure that any arrangements that it enters into with third parties do not impose constraints on the academic freedom of any member of staff or students associated with such arrangements.
8. The Institute reserves the right to determine the terms and conditions under which it shall permit external visitors to speak on Institute land and use Institute facilities. In doing so it will ensure that the principles of academic freedom are upheld. Permission of any visitor to speak may be refused where the content of the speech is or is likely to contravene the provisions of this Policy.

## Procedures

### Strategies

9. The Institute implements strategies to foster an environment which promotes and respects academic freedom:
  - a) **Culture:** The Institute ensures a culture of respect for academic freedom through a process of awareness training, benchmarking, and monitoring.
  - b) **Leadership:** Senior academic staff will demonstrate a high level of commitment to academic freedom in the Institute.
  - c) **Staff awareness:** Upon commencement, academic staff will be informed of their rights to academic freedom and their responsibilities in exercising academic freedom.
  - d) **Student awareness:** Students receive regular communications, including an awareness session at orientation, on academic freedom and their rights and responsibilities.

<sup>1</sup> The *Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers*, March 2019.



## Breaches

10. In exercising their academic freedom, students and academic staff are expected to behave in accordance with this Policy and the *Student Code of Conduct* and *Staff Code of Conduct*, respectively.
11. A breach of this Policy will be investigated by the Institute, in accordance with the respective codes of conduct. While the inappropriate exercise of academic freedom, or the limiting of another's academic freedom, may lead to disciplinary action, the exercise of academic freedom in itself by staff or students shall not constitute misconduct or attract any penalty.

## Monitoring and improvement

12. The Governing Council, through the Academic Board, receives a quarterly report on matters relating to academic freedom, including appeals based on the principles of academic freedom.
13. The Academic Dean will report any serious incident relating to the exercise of academic freedom, using the *AIIHE Critical Incident Initial Report* form, to the Academic Board for potential referral to the Governing Council.
14. The Governing Council, through the Academic Board, will receive an annual report on academic freedom as developed by the Academic Dean, including recommendations for improvement of processes and strategies relating to academic freedom.

## Appeals

15. A student may appeal against a decision made under this Policy under the provisions of the *Student Appeals Policy and Procedure*.
16. An academic staff member may lodge a grievance in relation to this Policy, using the *Staff Grievance Form*, under the grievance provisions in the *Human Resources Management Policy and Procedure*.

## Responsibilities

17. All students are responsible for:
  - a) ensuring that their behaviour and conduct always reflect the standards of the Institute's *Student Code of Conduct* and the principles of academic freedom
  - b) following reasonable and proportionate directions from the Institute as necessary to safeguard the health, wellbeing and safety of other students and staff of the Institute and to enable the Institute to carry out its mission.
18. All staff are responsible for:
  - a) ensuring that their behaviour and conduct always reflect the standards of the Institute's *Staff Code of Conduct* and the principles of academic freedom
  - b) following reasonable and proportionate directions from the Institute to safeguard the health, wellbeing and safety of students and staff of the Institute and to enable the Institute to carry out its mission.
19. Course Coordinators are responsible for reviewing and assessing if events with invited speakers or the use of facilities for events relating to their respective courses conform to this Policy.
20. The Academic Dean is responsible for:
  - a) reviewing the Institute's policies and processes, including delegations of authority, to confirm that they enable and do not interfere with, the exercise of academic freedom



- b) implementing the strategies to safeguard and promote academic freedom at the Institute.
- 21. The Chief Executive Officer is responsible for on behalf of the Governing Council, ensuring all activities of the Institute reflect the principles of academic freedom.
- 22. The Chair of the Academic Board is responsible for overseeing the implementation of this policy in the Institute.



## Associated information

<b>Approving body</b>	Academic Board
<b>Date approved</b>	28 September 2020
<b>Date of effect</b>	Commencement of operation
<b>scheduled review</b>	Two years from when policy commences
<b>Current version approval date</b>	30/07/2024
<b>Next review date</b>	30/07/2026
<b>Policy owner</b>	Academic Dean
<b>Policy contact</b>	Academic Dean
<b>Related AIIHE Documents</b>	Student Academic Integrity Policy and Procedure Authority Delegation Policy Student Equity and Diversity Policy and Procedure Health and Safety Policy and Procedure Human Resources Management Policy and Procedure Intellectual Property Policy and Procedure Quality Assurance Framework Staff Code of Conduct Student Code of Conduct Student Appeals Policy and Procedure Learning and Teaching Plan
<b>Higher Education Standards Framework (Threshold Standards) 2021 (Cth)</b>	B1.1 "Institute of Higher Education" Category Standard 6.1; ss 4
<b>Other related external instruments/documents</b>	<b>Related Legislation</b> <ul style="list-style-type: none"><li>• Tertiary Education Quality and Standards Agency Act 2011 (Cth)</li><li>• International Covenant on Civil and Political Rights</li></ul> <b>Good Practice Documents</b> <ul style="list-style-type: none"><li>• Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers, March 2019</li></ul>

## Document history

Version	Author	Changes	Approval Date
1.0	Not applicable	Original version	28 September 2020
1.1	Compliance Officer	Reviewed to align with the HESF 2021, responsibilities were clarified and updated, and the footer was updated with current addresses.	30 July 2024

*N.B. The document is uncontrolled when printed! The current version of this document is maintained on the AIIHE website at [www.aaiihe.edu.au](http://www.aaiihe.edu.au).*