

Academic Freedom and Freedom of Expression Policy

1. Purpose

1.1 The freedom of lawful expression is considered a paramount value at UTS. 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 in line with the object and functions of the university as articulated in the [University of Technology Sydney Act 1989 \(NSW\)](#) (the Act), and
- the circumstances under which UTS may be required to constrain the exercise of academic freedom or freedom of expression.

2. Scope

- 2.1 This policy applies to all UTS staff, students, affiliates, external visitors and invited visiting speakers (collectively 'visitors').
- 2.2 The university will use its best endeavours to encourage its student representative bodies, which are separate legal entities, to adopt this policy.

3. Principles

- 3.1 As a place of scholarship and research, academic freedom and freedom of expression are fundamental values of UTS.
- 3.2 UTS 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 further discovery.
- 3.3 In addition to these values, UTS 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.
- 3.4 The university shall have regard to the requirements of this policy in the drafting, review or amendment of any non-statutory governance instruments and in the drafting, review or amendment of delegated legislation pursuant to any delegated law-making powers.

4. Policy statements

Academic freedom

- 4.1 UTS will seek to protect and promote academic freedom in line with its [core values](#) and commitments. In addition to this policy, the university's commitment to academic freedom and freedom of expression is embedded in all relevant university policies and UTS [enterprise agreements](#).
- 4.2 Every member of the academic staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions imposed by:
- law
 - the reasonable and proportionate regulation necessary to the discharge of UTS's teaching and research activities
 - the reasonable and proportionate regulation necessary to discharge UTS's duty to foster the wellbeing of students and staff
 - the reasonable and proportionate regulation to enable the university to give effect to its legal duties.
- 4.3 The exercise by a member of the academic staff or of a student of academic freedom, subject to the limitations in statement 4.2, shall not constitute misconduct nor attract any penalty or other adverse action.
- 4.4 Without limiting the provisions of statement 4.2, UTS staff, students and affiliates have the right, without fear of harassment, intimidation or unfair treatment, to:
- pursue critical and open inquiry
 - research and publish
 - 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 the university
 - participate in professional and representative bodies, including unions and student societies, and engage in community service
 - participate in public debates in a private or personal capacity
 - express opinions about the university, its management and its operations, and
 - in the case of staff specifically, teach, assess and develop curricula within agreed collegial faculty processes.
- 4.5 Notwithstanding the freedoms described in statement 4.4, UTS has autonomy 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.
- 4.6 UTS 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. Academic staff must comply with any policies and rules supportive of the university's duty to foster the wellbeing of staff and students. Academic staff are not precluded from including content solely on the ground that it may offend or shock any student or class of student.

Freedom of expression

- 4.7 UTS 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 the university's teaching and research 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 the university to fulfil its duty to foster the wellbeing of students and staff
 - the reasonable and proportionate regulation of conduct necessary to enable the university to give effect to its legal duties including its duties to visitors to the university.
- 4.8 UTS staff have the freedom to make lawful public comment on any issue in their personal capacities without constraint imposed by reason of their employment.
- 4.9 Subject to the limitations in statement 4.7, a person's lawful speech on the university's land, at university facilities or in connection with a university activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content.

External relationships

- 4.10 In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, UTS 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 academic staff or students undertaking research or study under such arrangements or subject to such conditions.
- 4.11 UTS has the right and responsibility to determine the terms and conditions upon which it shall permit visitors to speak on UTS land, at UTS facilities or in connection with a UTS activity, and in doing so may:
- require event organiser(s) to comply with UTS booking procedures 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
 - refuse permission to speak where the content of the speech is, or is likely to be unlawful or prejudice the fulfilment by the university of its duty to foster the wellbeing of staff and students
 - refuse permission to speak where 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 the scholarly standards to such an extent as to be detrimental to UTS's character as an institution of high learning

- 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.

4.12 Subject to the requirements of statement 4.11, UTS will not refuse or attach conditions to the use of its land or facilities, or participation in UTS activities, solely on the basis of the content of the proposed speech by the visitor.

Complaints, disagreements and breaches of policy

4.13 Complaints about the exercise of freedom of expression by others or breaches of the university's behavioural standards will be managed in line with the [Equity, Inclusion and Respect Policy](#), the [Student Rights and Responsibilities Policy](#) and/or the [Code of Conduct](#) as appropriate.

4.14 To the extent of any inconsistency between this and any other non-statutory policies and rules of the university, this policy will prevail.

4.15 Any complaints in relation to academic freedom and freedom of expression will be managed in line with the [Student Complaints Policy](#) and [Staff Complaints Policy](#).

4.16 Staff and students who experience intimidation or harassment when exercising academic freedom are encouraged to seek advice and make a report in line with the guidance provided at [Academic freedom at UTS](#). All reports of intimidation and harassment when exercising academic freedom are treated confidentially (refer [Your privacy at UTS](#)).

5. Policy ownership and support

5.1 **Policy owner:** The Vice-Chancellor is responsible, on behalf of UTS Council, for enforcement of and compliance with this policy, ensuring that its principles and statements are observed.

5.2 **Policy contact:** The Provost is responsible for the day to day implementation of this policy and acts as a primary point of contact for advice on fulfilling its provisions.

6. Definitions

The following definitions apply for this policy. These are in addition to the definitions outlined in [Schedule 1, Student Rules](#).

Affiliate is defined in the [Code of Conduct](#).

Academic freedom means 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
- 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

- freedom of academic 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
- freedom of academic staff to participate in professional or representative academic bodies
- freedom of students to participate in student societies and associations
- autonomy of the higher education provider 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 is defined in the University of Technology Sydney Academic Staff Agreement (current at any time, available at [Enterprise agreements](#)) and any person appointed to an honorary academic position (refer [Honorary Titles and Awards Policy](#)).

Duty to foster the wellbeing of staff and students means UTS'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:

- 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 (in line with the [Equity, Inclusion and Respect Policy](#))
- 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, and
- 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.

External visitor means any person who is not an invited visiting speaker and for whom permission is sought to speak on UTS land, in UTS facilities or in connection with a UTS activity.

Freedom of expression (also **lawful freedom of expression**) for the purposes of this policy means 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, university rules or policy, as outlined in this policy.

Invited visiting speaker means any person invited by UTS to speak on the university's land, in its facilities or in connection with a UTS activity.

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 is defined in the [Code of Conduct](#).

Student is defined in the [Student Rights and Responsibilities Policy](#).

Approval information

Policy contact	Provost
Approval authority	Vice-Chancellor
Review date	2024
File number	UR20/1646
Superseded documents	Academic Freedom of Expression Policy (UR20/1646)

Version history

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Vice-Chancellor	15/12/2020	17/12/2020	New policy to reflect the requirements of Walker report into the application of the Model Code.
1.1	Vice-Chancellor	29/06/2021	14/07/2021	Updates to provide further alignment with the Model Code.
1.2	Director, Governance Support Unit (Delegation 3.14.1)	16/11/2021	23/11/2021	Updates to provide links to the harassment reporting form and guidelines.

Web version

[Academic Freedom and Freedom of Expression Policy](#)

References

[Academic freedom at UTS](#)

[Code of Conduct](#)

[Enterprise agreements](#)

[Equity, Inclusion and Respect Policy](#)

[Honorary Titles and Awards Policy](#)

[Staff Complaints Policy](#)

[Student Complaints Policy](#)

[Student Rights and Responsibilities Policy](#)

[University of Technology Sydney Act 1989 \(NSW\)](#) (the Act)

[UTS 2027 strategy](#)

[Your privacy at UTS](#) (for staff and students reporting incidents of intimidation and harassment when exercising academic freedom)