



University of
South Australia

Centre for
English Language

ACADEMIC FREEDOM POLICY

Document

Document Name	Academic Freedom Policy v1.0
Brief Description	This policy publicly affirms the College's commitment to academic freedom.
Responsibility	College Director & Principal
Initial Issue Date	16 May 2023
Authorising Body	SAIBT- CELUSA Academic Board
Directory Location	Policies, SAIBT, College Director

Version Control

Date	Version No.	Summary of Changes	Reviewer Name and Department/Office
16/5/2023	1.0	Initial Release	Kylie Jonas, Manager Quality, Risk & Compliance

Related Documents

Name	Location
Academic Integrity	College website
Student Code of Conduct	College website
Student Grievance and Appeals	College website

Contents

1	PURPOSE AND SCOPE	4
1.1	Purpose.....	4
1.2	Scope.....	4
2	POLICY STATEMENT	4
2.1	Endorsement of Academic Freedom	4
2.2	Reasonable restrictions	5
2.2.1	Reasonable restrictions on use of land and facilities	5
2.2.2	Reasonable restrictions on personal freedom of speech.....	5
2.2.3	Reasonable restrictions on confronting materials	5
3	RESPONSIBILITIES	6
4	COMPLIANCE	6
4.1	General	6
4.2	Breaches.....	6
4.3	Relevant Legislation & Reference Material.....	6
5	DEFINITIONS	8
6	REVIEW	8
7	RECORDS MANAGEMENT	8

1 PURPOSE AND SCOPE

1.1 Purpose

The purpose of this Academic Freedom Policy (“**Policy**”) is to ensure the protection of academic freedom within lawful parameters.

1.2 Scope

This Policy has been prepared in accordance with the *Higher Education Standards Framework (Threshold Standards) 2021*, the *Higher Education Support Act 2003*, and aims to address the concepts outlined in the *Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers*. It therefore sets out how the College complies with relevant standards and regulations regarding academic freedom.

The Policy applies to all Academic Staff (regardless of their employment status – ongoing, casual, honorary, visiting/ guest), and students of the College. It further intends to capture those individuals who contribute to the academic environment of the College, such as contractors, volunteers and members of governing committees.

The Policy is applicable on the College's physical campus(es), and in digital College environments.

2 POLICY STATEMENT

2.1 Endorsement of Academic Freedom

SAIBT endorses the concepts of Academic Freedom and supports Academic Staff and students in their right to engage in critical enquiry, scholarly endeavour and robust public debate. Academic Staff and students who exercise their Academic Freedoms will not attract any penalty, nor will it constitute misconduct. The College Director or nominee are the only person(s) authorised to speak on behalf of the College.

Academic Freedom means the following:

- a. the freedom of academic staff to teach, discuss, and 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 higher education provider in which they work or are enrolled;
- 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 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.

2.2 Reasonable restrictions

SAIBT may impose reasonable and proportionate restrictions on Academic Freedom, where it is necessary to:

- a. comply with law,
- b. prevent harassment, vilification, intimidation or violence,
- c. prevent conflicts between the expression of Academic Staff, and their ability to carry out their role effectively,
- d. comply with legal obligations (including but not limited to contractual obligations with third parties pertaining to such matters as confidentiality and protection of intellectual property),
- e. protect SAIBT against intentionally untrue or defamatory commentary which causes serious reputational damage.

2.2.1 *Reasonable restrictions on use of land and facilities*

Engagement in academic freedom may be restricted in certain locations. SAIBT is located on the grounds of the University of South Australia (UniSA). The College will be obliged to comply with a decision of the University in relation to the use of its land and facilities, where the University assesses it necessary or desirable to comply with legal obligations, discharge its duty to foster the wellbeing of its own staff and students, maintain the University's scholarly standards, or avoid the University being brought into disrepute.

2.2.2 *Reasonable restrictions on personal freedom of speech*

Academic Staff who make lawful public comment in their personal capacity, will not be constrained by their employment with the College. However, the College may prevent them from identifying themselves as associated with the College (or the partner university, or Navitas), when speaking on matters outside their academic expertise (i.e. covered by Academic Freedoms).

2.2.3 *Reasonable restrictions on confronting materials*

Academic Staff will not be prevented from including academic content, solely on the grounds that it may trigger, offend or shock any student. However, in the interests of fostering the College's duty of care to students, it is requested that Academic Staff offer a warning that upcoming material may be confronting, enabling students to make individual decisions about their own exposure.

3 RESPONSIBILITIES

Responsibility	CDP	AD	AB	GB
Maintain currency of policy	A	R	I	I
Foster an environment that aligns with policy principles among Academic Staff	A	R		
Assess situations, and apply restrictions where required	A, R		C	I
Seek reports on the implementation of the principles within the college	A	R	R	I
CDP = College Director & Principal, AD = Academic Director, AB = Academic Board, GB = Governing Body R = Responsible, A = Accountable, S = Supporting, C = Consulting, I = Informed				

4 COMPLIANCE

4.1 General

The College Director & Principal will ensure that staff are informed about this Policy through staff meetings and other internal communications.

Students will be made aware of this Policy through the College website and through the educational experiences with their Academic Staff.

4.2 Breaches

Academic Staff who breach this Policy will be dealt with in accordance with the Values in Action.

Students who breach this Policy will be dealt with in accordance with the Student Code of Conduct.

4.3 Relevant Legislation & Reference Material

SAIBT maintains compliance with the legislation relating to academic freedom:

Legislation/ Reference Material	Reference
Higher Education Standards Framework (Threshold Standards) 2021	6.1.4 Corporate Governance <i>"The governing body takes steps to develop and maintain an institutional environment in which freedom of speech and academic freedom are upheld and protected..."</i>

Legislation/ Reference Material	Reference
Higher Education Support Act 2003	Schedule 1 – Dictionary academic freedom means the following: (a) the freedom of academic staff to teach, discuss, and 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 higher education provider in which they work or are enrolled; (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 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.
Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers – March 2019	Commissioned by the Minister for Education, Hon Dan Tehan Authored by Hon Mr Robert French AC, former Chief Justice of the High Court of Australia and Chancellor of the University of Western Australia Also referred to as the “French Review” or the “French Model Code”.
Report of the Review of Implementation of the French Model Code – December 2020	Authored by Professor (Emeritus) Sally Walker AM, former Vice Chancellor and President of Deakin University. <ul style="list-style-type: none"> • Identified exemplars for policy development: La Trobe University, University of Sydney, RMIT University • Identified ‘central concepts’, as a framework for validating universities’ policy alignment with the French Model Code.

5 DEFINITIONS

Unless the contrary intention is expressed in this Policy, the following words (when used in this policy) have the meaning set out below:

Term	Meaning
Academic freedom	Has the same meaning as the Higher Education Support Act 2003.
Academic staff	Means all those who are employed or engaged by the College to carry out academic duties.

6 REVIEW

This Policy is tested and reviewed at least every 24 months and when at the time of any changes to the regulatory compliance requirements, legislation, regulation and guidelines. This review process aims to ensure alignment to appropriate strategic direction of SAIBT and continued relevance to Navitas' current and planned operations.

7 RECORDS MANAGEMENT

All records in relation to this document will be managed as follows:

Record type	Owner	Location	Retention	Disposal
Policy	College Director & Principal	Quality Unit / College Director	Permanently with control in place for revisions	Archive