

Protection of Academic Freedom and Freedom of Speech Policy

Section 1 - Purpose

(1) QUT is committed to the protection of academic freedom and freedom of speech as essential and integral features of academic and civic life. The principles enunciated in this policy clarify what this commitment means in real terms, consistent with the [Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers](#) as well as other QUT policies, procedures, agreements and statutory obligations.

Section 2 - Application

(2) This Policy applies to all members of the University community, including the following:

- a. members of QUT Council or other University committees whether they hold office by election, nomination or appointment;
- b. staff;
- c. students;
- d. distinguished or honorary title holders, or other academic or research collaborators;
- e. volunteers who contribute to, or act on behalf of, the University;
- f. individuals who have been granted access to QUT property, services or infrastructure;
- g. consultants, independent contractors and agents undertaking services for, or acting on behalf of, QUT; and
- h. other visiting guests.

(3) It applies to activities held physically on QUT campuses, on other QUT premises and at off-site venues; QUT activities held by virtual means; while using QUT facilities or under the auspices of QUT's authority; and to publications, archives, commentary and other manifestations of QUT academic and corporate activity.

(4) This Policy will be taken into account by QUT while exercising, formulating, reviewing and amending other relevant policies, procedures and agreements. It is to be read in conjunction with related QUT policies, procedures or agreements, on an equal footing.

Section 3 - Roles and Responsibilities

Position	Responsibility
QUT Council	Adopt and maintain principles for the protection of academic freedom and freedom of speech. Provide an annual Attestation Statement as part of the QUT Annual Report.

Position	Responsibility
Vice-Chancellor and President	Ensures compliance with principles for the protection of academic freedom and freedom of speech. Provides advice on interpretation of this policy (without limiting the application of other QUT policies, procedures or agreements). Provide an annual report to Council detailing actions and developments at QUT regarding academic freedom and freedom of speech, with an accompanying draft Attestation Statement for Council's consideration and approval.
Provost/Senior Deputy Vice-Chancellor	Assists the Vice-Chancellor and President in ensuring compliance with principles for the protection of academic freedom and freedom of speech. Oversees development and provision of academic freedom and freedom of speech training.
Vice-President (Administration) and University Registrar	Assists the Vice-Chancellor and President in ensuring compliance with principles for the protection of academic freedom and freedom of speech, particularly with respect to human resources, student life and facilities management matters. Grants approval for visiting speakers to speak on QUT land or in connection to a QUT event (this authority may be delegated). Determines conditions that shall apply to visiting speakers, including their classification as either invited or external visiting speakers.
Head of Research Portfolio	Assists the Vice-Chancellor and President in ensuring compliance with principles for the protection of academic freedom and freedom of speech, particularly with respect to research and innovation matters.
Deputy Vice-Chancellor and Vice-President (Academic)	Assists the Vice-Chancellor and President in ensuring compliance with principles for the protection of academic freedom and freedom of speech, particularly with respect to learning and teaching matters.
All QUT office-bearers, staff and students, as well as visiting staff, students and other guests	Respect rights and responsibilities of academic freedom and freedom of speech on QUT land, while using QUT facilities or while engaged in QUT activities.

Section 4 - Context

Defining Precepts

(5) QUT holds that academic freedom is a defining precept of the University and of academic life. As an inherent and enduring element of professional academic practice, it is inseparably entwined with other professional rights and responsibilities, such as: the pursuit of knowledge; adherence in good faith to evidence; the ethical and transparent conduct of research; submission to critique and review; respect for the reasoned views of others; and the application of standards of quality in research, scholarship, and learning and teaching. In addition, QUT holds that freedom of speech is a defining precept of democratic societies and institutions, and that universities have an essential role to play in upholding and protecting it.

Interaction with Other Rights and Responsibilities

(6) QUT recognises that academic freedom and freedom of speech are complementary to other rights and responsibilities, including: the academic freedom and freedom of speech of others; rights of dissent and of peaceful protest; freedoms of thought, conscience, religion and belief; freedom from vilification and discrimination; the right to take part meaningfully in public life; the preservation of human security, dignity and equality before the law; the right to privacy and reputation; and the protection of the freedoms of others.

Section 5 - Principles

(7) The enjoyment at QUT of academic freedom and freedom of speech is constrained only by law, and by QUT's obligations to the reasonable and proportionate regulation of conduct, to foster the wellbeing of staff and students, to

the protection of its reputation, to the maintenance of academic standards, and to the protection of the corresponding rights of others. Subject to those limitations:

Principle 1

(8) QUT staff and students shall enjoy freedom of speech exercised on QUT land, while using QUT facilities and in connection to QUT activities.

Principle 2

(9) A person's lawful speech on QUT land, using QUT facilities or in connection to a QUT activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content, nor shall the freedom of staff to comment on any issue in their personal capacities, unqualified by their institutional affiliation, be constrained by reason of their employment by QUT.

Principle 3

(10) QUT staff and students shall enjoy academic freedom exercised on QUT land, while using QUT facilities and in connection to QUT activities.

Principle 4

(11) The exercise of academic freedom by a QUT staff member or student shall not constitute misconduct nor attract any penalty or other adverse action.

Principle 5

(12) QUT shall take all reasonable steps to minimise restrictions on the academic freedom and freedom of speech of staff and students when entering into third party agreements.

Principle 6

(13) QUT shall determine the terms and conditions under which visiting speakers may speak on QUT land, using QUT facilities or in connection to a QUT activity, and in doing so may:

- a. require compliance with booking procedures including the provision of requested information;
- b. distinguish between invited and external visiting speakers;
- c. refuse permission to speak on QUT land, using QUT facilities or in connection to a QUT activity where QUT assesses that the content of the speech is or is likely to:
 - i. be unlawful; or
 - ii. prejudice the fulfilment by QUT of its duty to foster the wellbeing of staff and students;
- d. refuse permission to speak on QUT land, using QUT facilities or in connection to a QUT activity where the content of the speech is or is likely to involve the advancement of theories or propositions which fall below scholarly standards to such an extent as to be detrimental to QUT's character as an institution of higher learning or interfere with its duty to the community to maintain such standards; and
- e. require a person or persons seeking permission for the use of QUT 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 guest is to speak.

Principle 7

(14) Other than as outlined in Principle 6, QUT shall not refuse permission for the use of its land or facilities by a

visiting speaker, nor attach conditions to its permission, solely on the basis of the content of the proposed speech by the visitor.

Principle 8

(15) QUT may take reasonable steps to ensure that all prospective students have an opportunity to be fully informed of the content of courses. While staff must comply with any policies and rules supportive of QUT's duty to foster the wellbeing of staff and students, they are not precluded from including content solely on the ground that it may offend or shock any student or class of students.

Section 6 - Definitions

Term	Definition
Staff	Means academic and professional staff members employed in any capacity by QUT; members of QUT Council , advisory bodies and other committees, in the capacity of that membership; and affiliates such as academic title holders, visiting academics, emeritus professors, adjunct and honorary title holders, industry fellows, conjoint appointments, consultants, contractors and authorised volunteers.
Student	Means any person enrolled as a student or undertaking courses, programs or units at QUT.
Visiting Speaker	Means a person who is not a QUT staff member or student, and who is either: 1. an invited visiting speaker, is any person who has been invited by the University to speak on QUT land, using QUT facilities or in connection to a QUT activity – for the purposes of this definition, ‘the University’ includes its staff and students, its decision-making organs and officers; its student representative bodies; any clubs, societies and associations recognised by its decision-making organs or student representative bodies; and any entities controlled by QUT; or 2. an external visiting speaker, is any other person who seeks permission or for whom permission is sought to speak on QUT land, using QUT facilities or in connection to a QUT activity.

Section 7 - Delegations

(16) Refer to [Register of Authorities and Delegations](#) (VC221) (QUT staff access only).

Status and Details

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Effective Date	25th February 2021
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Policy Owner	Robina Xavier Deputy Vice-Chancellor and Vice-President (Academic)
Author	Robina Xavier Deputy Vice-Chancellor and Vice-President (Academic)
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Glossary Terms and Definitions

"Duty to foster the wellbeing of staff and students" - The duty to foster the wellbeing of staff and students means: the duty to ensure that no member of staff and no student suffers disadvantage or adverse discrimination on any basis recognised at law including race, gender, sexuality, disability, religion and political belief 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 the duty to exercise measures to prevent any person from using lawful speech which a reasonable person would regard, in the circumstances, as intended or likely to: humiliate, intimidate, vilify, harass, defame or bully other persons; or incite others to engage in conduct which is itself intended or likely to humiliate, intimidate, vilify, harass, defame or bully other persons; and does not otherwise extend to a duty to protect any person from feeling offended, shocked or insulted by the lawful speech of another.

"Academic freedom" - Academic freedom means: (a) the freedom of academic staff and other staff engaged in academic work to teach, discuss, and research and to disseminate and publish the results of their research (b) the freedom of 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 staff and students to express their opinions in relation to QUT (d) the freedom of staff to participate in professional or representative bodies (e) the freedom of students to participate in student societies and associations (f) the autonomy of QUT in relation to the choice of academic courses and offerings and the ways in which they are taught, the choices of research activities and the ways in which they are conducted, and the choice of engagement activities and the way in which they are conducted.

"Freedom of speech" - Freedom of speech means the freedom to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other medium of choice, other than as restricted or prohibited by law.

"Speech" - Speech means 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.

"QUT land" - QUT land means campuses, facilities, offices, laboratories, distributed sites and other premises owned, leased or operated by QUT, or otherwise under the control of QUT. For the purpose of this definition 'facilities' includes IT infrastructure, motor vehicles, marine vessels and aircraft.