

Robert French AC
Review into University Freedom of Speech
Department of Education and Training
50 Marcus Clarke St
Canberra ACT 2601
By email: freedomofspeechreview@education.gov.au

Dear Mr French

Re: Review into university freedom of speech

I write on behalf of the Institute of Public Affairs in response to the review into university freedom of speech. The IPA welcomes this review, your appointment, and the opportunity to contribute on this important topic. This submission seeks to draw the review's attention to the IPA's research on freedom of speech at Australia's universities.

About the Institute of Public Affairs

The IPA is an independent, non-profit public policy think tank, dedicated to preserving and strengthening the foundations of social, political and economic freedom. The IPA supports the free market of ideas, the free flow of capital, a limited and efficient government, evidence-based public policy, the rule of law, and representative democracy. Throughout human history, these ideas have proven themselves to be the most dynamic, liberating and exciting. Our researchers apply these ideas to the public policy questions which matter today.

The IPA has undertaken extensive research on freedom of speech and more specifically freedom of speech at Australia's universities. I have been responsible for the IPA's research on campus free speech since we began the project in early 2016.

The IPA has found the existence of serious impediments to free speech within university policies, a growing number of concerning incidents, a worrying closed culture and lack of viewpoint diversity, and a failure of the existing legal framework. Until recently there has also been limited interest shown by the sector regulator, the Tertiary Education Quality and Standards Agency, on these issues.

I have attached a number of documents to this submission from the IPA's campus free speech research. These documents outline both the nature of this problem and potential solutions.

Free Speech on Campus Audit 2018 (Attachment 1 & 2)

The IPA's first *Free Speech on Campus Audit* was released in early 2016, followed by updates in 2017 and 2018. This Audit assesses the extent to which university policies and actions are consistent with the ability to freely explore ideas.

The 2018 audit assessed over 190 policies and incidents. The audit replicates a methodology developed by the Foundation for Individual Rights in Education in the United States and Spiked! in the United Kingdom. The individual concerning policies and actions are highlighted in *Appendix 2: Full list of university policies and actions* (Attachment 2) of the audit.

The 2018 audit found that:

- Thirty-five of Australia's 42 universities (83 per cent) are Red rated for policies and actions that are hostile to free speech on campus, an increase from 33 in 2016 and 34 in 2017;
- Six universities (14 per cent) are Amber rated for threats to free speech on campus; and
- One university, the University of New England, is Green rated for supporting free speech.

Furthermore, the audit found that just nine Australian universities have a standalone policy that upholds free intellectual inquiry. This is arguably in conflict with the Section 19.115 of the *Higher Education Support Act 2003* (Cth), inserted by the Gillard Government in 2011, which requires that:

‘A higher education provider... must have a policy that upholds free intellectual inquiry in relation to learning, teaching and research.’

Additionally, many of the existing policies exclusively relate to academics and do not provide broader intellectual freedom protection to students as required by the provision which states intellectual freedom includes ‘learning’.

Universities are also bound by the *Higher Education Standards (HES) Framework 2015* (Cth) to uphold free intellectual inquiry. The HES Framework requires that:

‘The higher education provider has a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in its academic endeavours.’

The HES Framework also requires that a university's 'governing body takes steps to develop and maintain an institutional environment in which freedom of intellectual inquiry is upheld and protected'.

The audit recommends that universities abolish problematic policies, introduce policies that safeguard free intellectual inquiry and sign on to the University of Chicago's sector-leading statement on free expression. If universities are unwilling to take steps to safeguard free expression, the audit calls for the Australian Government to introduce US-style free speech on campus legislation.

Two Ideas of a University (Attachment 3)

Australia's universities cannot both pursue the goal of ‘social justice’ and free intellectual inquiry. *Two Ideas of a University* is a speech delivered to the University Chancellors Council's Conference on University Governance in Adelaide during October. The speech notes that some universities, in official university documents such as student charters, are

formally dedicating themselves to the ‘social justice’ cause. While there may be value in learning this perspective, it is concerning for universities to be dedicated to a single cause.

A focus on ‘social justice’ undermines the ability of a university to remain impartial and be open to a wide variety of ideas. It changes the university’s role to an activist organisation, leading to either active censorship or self-censorship of those who disagree with the social justice worldview. The purpose of a university is to freely explore ideas in the pursuit of reason, truth and progress. This process requires a range of perspectives, as enabled by free intellectual inquiry.

No room for differing views (Attachment 4)

Australian academics have raised serious concerns about the impact of a lack of viewpoint diversity at universities. *No room for differing views* is a feature article published in The Weekend Australian’s Inquirer section in May 2018. The piece reports on the findings from over a dozen interviews with Australian members of Heterodox Academy, a global network of over 2,500 professors, from the primarily from Britain, Canada, New Zealand, and Australia. There are about 55 Australian members. Heterodox Academy promotes viewpoint diversity, that is, a range of perspectives challenging each other in the pursuit of reason, truth and progress.

The Australian members of Heterodox Academy outline a range of ways they believe a lack of viewpoint diversity is undermining academic pursuits:

‘Important projects do not receive funding. Challenging papers are not published. Important issues are not investigated. Studies are designed to reach predetermined outcomes. Erroneous research is misleading society. Academics self-censor. Administrators censor heretics. Students are exposed to fewer ideas and are marked down or failed for expressing a different perspective.’

University regulator TEQSA has lost its way on political matters (Attachment 5)

It would appear that Australia’s university regulator does not consider free speech on campus to be a particularly important issue. *University regulator TEQSA has lost its way on political matters* is an opinion piece published by The Australian that raises concerns about the activities of the sector regulator. It is argued that TEQSA is not only failing to protect free intellectual inquiry but its ideologically driven interventions are part of the problem. A potential corrective step by TEQSA would be to develop an explicit guidance note on free intellectual inquiry.

A bargain with the devil (Attachment 6)

Australia’s universities could suffer substantial reputational and institutional damage if they fail to uphold the principles of free intellectual inquiry. *A bargain with the devil* is a speech delivered to the Australian National University’s Summit on Academic Freedom and Academic Autonomy in Canberra during December. The speech argues that universities cannot expect to be fully institutionally autonomous while receiving \$13.86 billion a year in public funding.

Nevertheless, if universities are to secure operational autonomy and individual academic autonomy they must maintain broad community support. In order to not lose community support, universities must not come to be perceived as activist and closed minded, and must protect free intellectual inquiry.

Is Safetyism Destroying a Generation? (Attachment 7)

In order to provide important context behind the growing calls for censorship, particularly by students, I draw your attention to *Is Safetyism Destroying a Generation?*, a feature article published in Quillette in September 2018. The article is a book review of *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure* by New York University professor Jonathan Haidt and constitutional lawyer Greg Lukianoff.

Haidt and Lukianoff argue that a mixture of over-parenting and a best intentioned safety culture has led to a brittle generation who lack the ability to be emotionally challenged by different ideas – which leads to demands for safe spaces, trigger warnings and censorship. They argue that young people must build resilience by being confronted with challenging ideas, even ones which they disagree. In the context of growing calls for safety, it is incumbent upon universities to seek to challenge their students.

The book review posits that Australia has followed a similar cultural trend outlined by Haidt and Lukianoff. This thesis helps understand the reasons behind increasing demands for censorship by students.

I would be delighted to speak to you further about these matters as you undertake your review. I can be reached by email at mlesh@ipa.org.au.

Best Regards



Matthew Lesh
Research Fellow

Attachments

1. Free Speech on Campus Audit 2018 – Research report – December 2018
2. Free Speech on Campus Audit 2018 – Appendix 2: Full list of university policies and actions – December 2018
3. Two Ideas of a University – Speech – October 2018
4. No room for differing views – Inquirer, The Weekend Australian – May 2018
5. University regulator TEQSA has lost its way on political matters – The Australian – June 2018
6. A bargain with the devil – Speech – December 2018
7. Is Safetyism Destroying a Generation – Quillette – September 2018



FREE SPEECH ON CAMPUS AUDIT 2018

Matthew Lesh
Research Fellow

December 2018

 **Institute of
Public Affairs**
SECURING FREEDOM FOR THE FUTURE
1943 - 2018

FREE SPEECH ON CAMPUS AUDIT 2018

Matthew Lesh, Research Fellow

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1. Executive summary

Australia's universities are failing to protect free speech on campus.

The Institute of Public Affairs (IPA)'s Free Speech on Campus Audit 2018 is the third systematic analysis of over 190 policies and actions at Australia's 42 universities. The Audit rates each university's support for free speech by analysing policies and actions that limit the diversity of ideas on campus.

- The majority of Australia's universities limit the diversity of ideas on campus:
 - » Thirty-five of Australia's 42 universities (83 per cent) are **Red** rated for policies and actions that are hostile to free speech on campus, an increase from 33 in 2016 and 34 in 2017.
 - » Six of Australia's universities (14 per cent) are **Amber** rated for policies and actions that threaten free speech on campus.
 - » One university, the University of New England, is **Green** rated for supporting free speech on campus.
- Just nine of Australia's 42 universities (21 per cent) have a standalone policy that protects intellectual freedom, as required by the *Higher Education Support Act 2003*.
- There is evidence of increasing censorship at Australia's universities, as well as a growing number and scope of speech codes:
 - » The number of universities which have Red ranked policies has increased to 33, up from 31 in 2017 and 28 in 2016.
 - » The number of universities where there have been actions intended to limit the diversity of ideas has increased to 19, up from 16 in 2017 and 9 in 2016.
- The total Hostility Score across all institutions, which is a measure of the number of policies and actions that limit free speech, has increased by 82 per cent between 2016 and 2018.
- The institutions most hostile to intellectual freedom are the University of Sydney (58), the Australian National University (17), and James Cook University (17), according to the Hostility Score which measures the aggregate number of problematic policies and actions.
- University policies prohibit a wide variety of speech, including 'insulting' and 'unwelcome' comments, 'offensive' language, and, in some cases, 'sarcasm'.
- There have been a growing number of censorious actions at Australian universities, including violent protests against the presence of speakers, venue cancellations for controversial speakers, students required to pay security fees, activist students demanding course content censorship, universities censoring academics for their speech, students instructed to not express their viewpoint, and the growing use of trigger warnings.

The failure to protect freedom of expression is seriously imperilling the discovery of truth, the core purpose of Australia's universities; student development, which requires debate and challenge; and the future of Australian society, which depends on a tolerance and openness to debate.

In order to protect free speech, it is recommended that Australia's universities: (1) abolish policies that limit free speech; (2) introduce a policy that protects intellectual freedom, as mandated by legislation; and (3) commit to the University of Chicago's sector-leading statement on free expression. If universities are unwilling to take steps to safeguard free expression, the Australian Government should introduce US-style free speech on campus legislation.

Spotlight on Policies

- » James Cook University's Bullying, Discrimination, Harassment, and Sexual Misconduct Policy defines harassment to include behaviour that 'makes a person feel offended' in a single incident.
- » The University of Queensland's Discrimination and Harassment policy, Western Sydney University's Bullying Prevention Guidelines, and Charles Sturt University's Harassment and Bullying Prevention Guidelines forbid 'sarcasm'.
- » La Trobe University defines bullying to include 'unintentional... offence' and says students must not use language that causes 'emotional injury'.
- » Curtin University's Student Conduct policy defines harassment as 'any form of unwanted or unwelcome behaviour that is offensive to you' including 'mildly unpleasant remarks'.
- » A dozen universities, including the Australian National University, Monash University, and UNSW, maintain blasphemy provisions which forbid offending on the basis of religion.
- » Monash University's social media policy forbids students, in activities both related to the university and personal usage, from making comments that 'might be construed' to be 'offensive'.

Spotlight on Actions in 2018

- » The riot squad was called to the University of Sydney because of violent protest against an event featuring psychologist Bettina Arndt. The University of Sydney also charged students a security fee to host the event.
- » James Cook University dismissed Peter Ridd following remarks critical about the science behind the Great Barrier Reef.
- » Victoria University cancelled an event featuring the screening of *In the Name of Confusions*, a film critical of the China-funded Confucius Centre.
- » The proposal for a partnership with the Ramsey Centre for Western Civilisation has attracted strong opposition from staff at the Australian National University and the University of Sydney.
- » The University of Western Australia cancelled a talk by transgender sceptic Quentin Van Meter following protests from students.
- » The University of Sydney has moved to sack senior lecturer Tim Anderson for a 'disrespectful and offensive' graphic.

2. Introduction

In early 2016, the Institute of Public Affairs (IPA) undertook the first systematic appraisal of the state of intellectual freedom at Australia's universities, the *Free Speech on Campus Audit 2016*.¹ In December 2017, the IPA released an updated *Free Speech on Campus Audit 2017*.² This Audit builds on the IPA's extensive research on freedom of speech and issues related to freedom of expression on campus.

The *Free Speech on Campus Audit* has helped spark a national debate about the state of freedom of speech on campus. Since 2016, the Audit has featured dozens of times in newspaper articles, opinion pieces, online publications, television, and radio in Australia and across the world.³

In October 2018, Senator Amanda Stoker discussed and tabled part of the *Free Speech on Campus Audit 2017* in a Senate Estimates Committee on education.⁴ In November 2018, Education Minister Dan Tehan announced that former Chief Justice of Australia Robert French will review freedom of speech at universities.⁵ In December 2018, recently retired University of Melbourne vice-chancellor Professor Glyn Davis AC, in a speech critiquing this Audit, described the Audit as 'the most detailed publication that address this alleged [free speech on campus] crisis'.⁶ Davis admitted to reforming the University of Melbourne's policies in response to the Audit. Davis, in response to a question, also said that 'These think tanks have been remarkably and consistency successful in getting this issue up.'⁷

The 2018 Audit, building on the previous analysis, finds a downward trend in the state of freedom of expression on campus over recent years. Nevertheless, there is evidence of a growing awareness of challenges including concerns raised by senior university administrators and regulators, and reform of some of the most problematic policies.

A functioning university, to fulfil its Enlightenment mission to strive for empirical truth, depends on the battle of ideas.⁷ Today, a censorious culture has developed at universities. Speakers are cancelled and violently protested because certain groups disagree with their ideas. Students are self-censoring for fear of social ostracism and academic repercussions. Trigger warnings, alerts before content that could cause emotional discomfort, and safe spaces are coddling students from intellectual challenge. Activists are demanding course censorship on the basis that they dislike the content. Meanwhile, speech codes have institutionalised restrictions on free speech.

It is of serious concern that universities, the institutions designed to facilitate a flourishing debate, have instead become hotbeds of censorship and are lacking

1 Matthew Lesh, "Free Speech on Campus Audit 2016" (Melbourne, Vic: Institute of Public Affairs, May, 2016).

2 Matthew Lesh, "Free Speech on Campus Audit 2017" (Melbourne, Vic: Institute of Public Affairs, December, 2017).

3 Rachel Baxendale, "Eight in 10 Unis Clip Free Speech," *The Australian*, May 17, 2016; *The Australian Editorial*, "Universities Prohibit Sarcasm," *The Australian*, May 19, 2016; Alan Jones, "Alan Jones – Matthew Lesh," *The Alan Jones Breakfast Show* (Sydney, NSW: 2GB Sydney, April 14, 2016); *Sky News Australia*, Lesh: Intellectual Debate Is Being Stifled at Australian Universities, 2016; John Anderson, "Left Pulling Our Unis off Centre," *The Australian*, June 29, 2017; Dave Huber-Assistant and 2016, "Sarcasm Prohibited: 'Dire Outlook' for Free Speech on Campuses Down Under," *The College Fix*, May 21, 2016; Adam Steinbaugh, "Survey of Australian Universities Reveals Dire Outlook for Campus Free Speech," *FIRE*, May 18, 2016.; Joseph Bisett, "The Standard of Discourse at Australian Universities," *The Sydney Tory*, October 19, 2017; Caroline Mehl, "Threat to Free Speech Spreads to Australian Campuses," *HeterodoxAcademy.org*, January 9, 2017.

4 Dan Tehan, "Review into university freedom of speech" (Canberra, ACT: Department of Education and Training, November, 2018).

5 Matthew Lesh, "IPA welcomes university regulator's commitment to free intellectual inquiry, calls for specific guidance note" (Melbourne, Vic: Institute of Public Affairs, October, 2018).

6 Glyn Davis, "Special pleading: free speech and Australian universities," December 4, 2018.

7 Immanuel Kant, "What Is Enlightenment?," Columbia University, 1784.

in viewpoint diversity.

These trends are evident across the Anglosphere. In the United States of America, the Foundation for Individual Rights in Education's (FIRE) *Spotlight on Speech Codes 2018* found 91 per cent of universities have policies that threaten free speech.⁸ Since 2015, FIRE has logged 109 cases where speakers scheduled to appear at a campus event have subsequently been 'disinvited' because of opposition to their ideas.⁹ In other cases, where the events went ahead, there has been substantial hostility to free speech. Libertarian political scientist Charles Murray and his progressive host, Professor Allison Stanger, were loudly shouted down and surrounded by an angry mob at Middlebury College, in a violent attack that left Professor Stanger injured.¹⁰ Conservative provocateur Milo Yiannopoulos was forced to evacuate the University of California at Berkeley because of violent protesters. Professor Bret Weinstein of Evergreen State College was confronted by 50 students in class who demanded he resign, following an email in which he rejected the demand that all white students and faculty stay away from campus for a day of 'racial awareness'.¹¹ He was subsequently advised by campus police to stay off campus due to threats to his physical safety, resigned his position at Evergreen, and received a substantial settlement from the university.

In the United Kingdom, the Spiked! *Free Speech University Rankings 2018* found 94 per cent of British universities censor speech—up from 80 per cent in 2015.¹² Two-fifths of student unions in Britain have a formal 'no platform' policy that bans speakers who may be offensive to students.¹³ In one case, a university student union attempted to ban major newspapers including the *Sun*, *Mail* and *Express*.¹⁴ A wide range of voices—including Zionists, and men promoting pro-choice policies on abortion—have been forbidden from speaking on campus.¹⁵ Books, newspapers and even songs have been censored at universities to avoid causing offence.¹⁶

In Canada, the Justice Centre for Constitutional Freedoms' *Campus Freedom Index 2018* gave 34 of 60 universities an 'F' ranking.¹⁷ Just six Canadian universities received an A grade. There have been a number of cases of censorship at Canadian universities. Ryerson University in Toronto ironically cancelled a panel on the stifling of free speech on university campuses after a backlash by students.¹⁸ In another, a debt clock was banished from campus because it was 'unsanctioned activism' by students.¹⁹ A student was instructed to remove a Donald Trump hat because it amounted to 'hate language'.²⁰ Meanwhile, a teaching assistant in a communications subject was sanctioned for showing a 'controversial' video of a debate about gender pronouns in class.²¹

8 FIRE, "Spotlight on Speech Codes 2018," *Foundation for Individual Rights in Education*, 2018.

9 "Disinvitation Database," *FIRE*, accessed November 7, 2018.

10 Charles Murray, "Flecklessness at Middlebury," *American Enterprise Institute*, AEIdeas, June 12, 2017.

11 VICE News, "Evergreen State College Controversy (HBO)," accessed October 2, 2017.

12 Tom Slater, "Free Speech University Rankings! - A Spiked Campaign," *Spiked! Online*, 2018.

13 Andrew Anthony, "Is Free Speech in British Universities under Threat?," *The Guardian*, January 24, 2016, sec. World news.

14 Mark Sweney and Jasper Jackson, "City University Students Vote for Campus Ban on Sun, Mail and Express," *The Guardian*, November 18, 2016, sec. Media.

15 Brendan O'Neill, "Free Speech Is so Last Century. Today's Students Want the 'Right to Be Comfortable,'" *The Spectator*, November 22, 2014.

16 Aftab Ali, "Worst UK Universities for Banning Free Speech Named amid 'an Epidemic,'" *The Independent*, January 18, 2016.

17 Justice Centre for Constitutional Freedoms, "Campus Freedom Index 2018" (Calgary, Canada: Justice Centre for Constitutional Freedoms, 2018).

18 Jack Hauen, "Facing Pushback, Ryerson University Cancels Panel Discussion on Campus Free Speech," *National Post*, August 16, 2017.

19 Christine Van Geyn, "We All Pay The Price For Runaway Political Correctness On Campus," *HuffPost Canada*, November 30, 2016.

20 Aaron Chatha, "Fight Breaks out at University of Calgary over Trump Hat," *Metro Calgary*, October 17, 2016.

21 Tristin Hopper, "Full Recording of Wilfrid Laurier Reprimanding Lindsay Shepherd for Showing a Jordan Peterson Video," *National*

In Australia, the state of free speech on campus is in peril. Protests against speakers and certain ideas have turned violent.²² Venues have been cancelled for events and students forced to pay excessive security fees.²³ Trigger warnings have been formally introduced.²⁴ Meanwhile, university guidelines are restricting the way students can express ideas.

The legal and moral responsibility to protect intellectual freedom

Universities have a legal and moral responsibility to jealously guard their special position as bastions of free academic inquiry. Universities are established by government legislation, built on public property, and principally funded by government grants and state-subsidised loans.²⁵ Therefore universities are, in all formal senses, public institutions with an accompanying social responsibility to the taxpayers who fund the organisations. In addition, universities must guard their ability to strive for academic truth, which can only be achieved in an atmosphere in which students and academics are free to express their views.

Robert French has said that universities may be covered by the constitutional freedom of political communication. “To the extent that universities, operating under the authority of acts of parliament which create them, make legal rules affecting freedom of speech, those rules would have to comply with the implied freedom,” French said.²⁶ This would be consistent with US Supreme Court jurisprudence which has consistently applied First Amendment free speech protection to colleges and declared policies that limit free expression to be unconstitutional.²⁷

Universities are legislatively bound to protect freedom of expression. All universities are mandated to meet a range of criteria in exchange for federal funding, and are responsible to the federal university regulator, the Tertiary Education Quality Standards Agency (TEQSA) which enforces the relevant legislation, the *Higher Education Support Act 2003* and the *Higher Education Standards (HES) Framework 2015*.

The Higher Education Support Act 2003 requires that, as a condition of receiving federal funding:

A higher education provider... must have a policy that upholds free intellectual inquiry in relation to learning, teaching and research.²⁸

This requirement is extended to all of Australia's domestic universities. This section was first inserted by the Gillard Government in 2011, with the explicit intention of safeguarding free intellectual inquiry.²⁹ Furthermore, the HES Framework stipulates that higher education providers display a

Post, November 21, 2017.

22 Pallavi Singhal, “Police Called as Hundreds of Protesters Surround Sydney University ‘Vote No’ Rally,” *The Sydney Morning Herald*, September 14, 2017; Australian Associated Press, “Student Protesters Guilty of Assault on Julie Bishop, Claims Christopher Pyne,” *The Guardian*, May 17, 2014.

23 Clarissa Bye, “Sydney University Charging Students a Security Fee for Conservative Events,” *Daily Telegraph*, November 8, 2017.

24 Matthew Lesh, “WARNING: This Article Contains Ideas That Offend,” *The Spectator Australia*, August 20, 2016; ANU, “Creating a Safe Campus,” Australian National University, July 13, 2015.

25 Andrew Norton, “Mapping Australian Higher Education” (Melbourne, Victoria: Grattan Institute, January 2012).

26 Robert French, “Free Speech and the Law on Campus — Do We Need a Charter of Rights for Universities?” (September 17, 2018).

27 FIRE, “State of the Law: Speech Codes,” *Foundation for Individual Rights in Education*, 2018.

28 This section was introduced into the legislation by the *Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Bill 2011*, see Commonwealth of Australia, “Higher Education Support Act 2003”.

29 Dan Harrison, “New Bill Will Protect Academic Freedom,” *The Sydney Morning Herald*, May 27, 2011; Peter Garrett, “BILLS : Higher Education Support Amendment (Demand Driven Funding System and Other Measures) Bill 2011: Second Reading” (Parliament House, Canberra, May 26, 2011).

clear commitment to 'free intellectual inquiry'. The Framework states:

The higher education provider has a clearly articulated higher education purpose that includes a commitment to and support for free intellectual inquiry in its academic endeavours.

The HES Framework also requires that a university's 'governing body takes steps to develop and maintain an institutional environment in which freedom of intellectual inquiry is upheld and protected'.³⁰

This university's responsibility to support freedom of expression has been subsequently upheld by the university regulator, TEQSA. In 2017, following extensive amendments to the draft 'Diversity and Equity' guidance note, TEQSA stated: 'Measures taken to accommodate diversity should also not contravene the pursuit of free intellectual inquiry, and more generally, freedom of expression.'³¹

In October 2018, Senator Amanda Stoker questioned Professor Nick Saunders AO, the Chief Commissioner of TEQSA during Senate Estimates, about freedom of speech issues. Stoker pointed to policies that limit 'sarcasm' and behaviour that 'could offend' revealed by this Audit. In response, Professor Saunders stated that:

The instances you have just pointed out do not sit comfortably with me, they certainly do not fit with the concept of a university being a place where ideas are contested and debated, where people are coming to learn how to think without real concern about whether or not they're likely to be offended.

Saunders said that TEQSA would investigate the problematic policies and expressed opposition to students being charged security fees for controversial speakers.

There are three essential reasons that intellectual freedom must be protected on campus. **Firstly, in order for universities to fulfil their core research mission, which is to discover truth, academics and students must be free to explore ideas.** Secondly, for students to learn and grow academically they must be exposed to a variety of perspectives, even those that they disagree with and find offensive. Finally, in order to guarantee Australia is a tolerant society in the future, we must carefully instill the value of free speech in today's youth. As per the quote typically attributed to Abraham Lincoln, 'The philosophy of the school room in one generation will be the philosophy of government in the next'.

Note on the 2018 Audit

The *Free Speech on Campus Audit 2018* is an update of the *Free Speech on Campus Audit 2017*, which was built on the *Free Speech on Campus Audit 2016*. The 2018 Audit includes two new sections: *What happened in 2018?* which provides an update on the events and public debate, and *How can government secure intellectual freedom?* which puts the case for US-style free speech on campus legislation. The *Introduction*, *Findings* and *What are the threats to freedom of expression?* sections have been updated to reflect the latest research, including spotlighting a number of new issues. The *Why is intellectual freedom important?* and *How can universities secure intellectual freedom?* sections are unchanged since the 2017 Audit.

30 Commonwealth of Australia, "Higher Education Standards Framework (Threshold Standards) 2015," October 7, 2015.

31 For further discussion of the Diversity and Equity guidance note, in both draft and final stages, see Matthew Lesh, "University Regulator Backs down on Free Intellectual Inquiry Attack," *FreedomWatch, Institute of Public Affairs*, May 31, 2017.

3. Findings

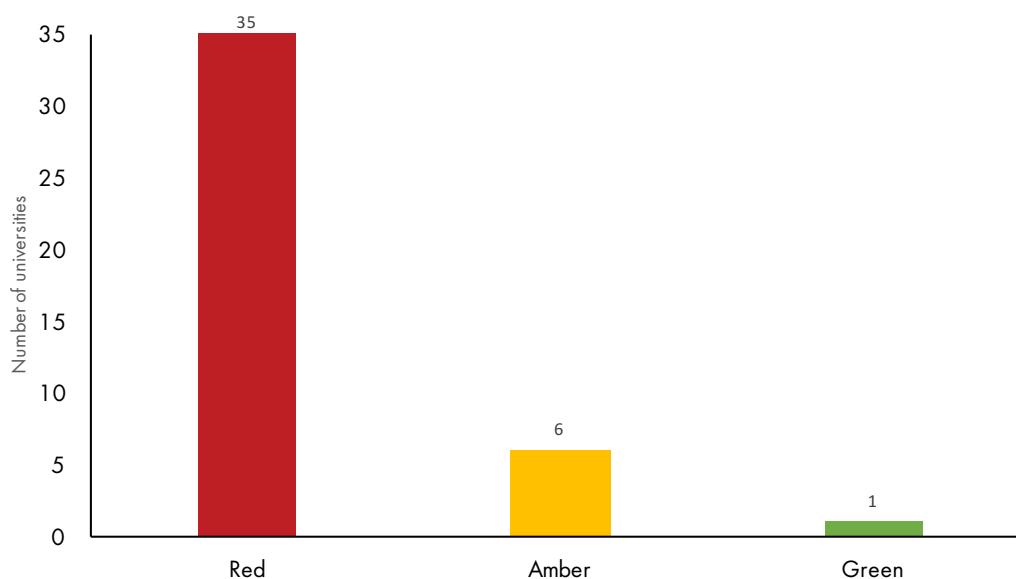
Ratings

Thirty-five of Australia's 42 universities (83 per cent) received a **Red** rating for their policies or actions that are hostile to freedom of speech. Six of Australia's 42 universities (14 per cent) received an **Amber** ranking because of threats to freedom of speech. Just one received a **Green** ranking rating for their support for free speech on campus.

Table 1: Free Speech on Campus Audit 2018 ratings

| Rating 2017 | Policy | Action | Overall |
|-------------|----------|----------|----------|
| Red | 33 (79%) | 15 (36%) | 35 (83%) |
| Amber | 8 (20%) | 4 (10%) | 6 (14%) |
| Green | 1 (2%) | | 1 (2%) |
| N/A | | 23 (55%) | |

Figure 1: Free Speech on Campus Audit 2018 – Ratings – Overall



Thirty-three (79%) of Australia's universities received a 'Red' rating for their policies, 8 (20%) received an Amber rating for their policies, and just one (2%) received a Green rating for policies. Fifteen (36%) of Australia's universities received a Red rating for their actions, four (10%) an Amber rating, and 23 (55%) are not applicable on this measure due to the lack of identified action.

Figure 2: Free Speech on Campus Audit 2018 – Ratings – Policy

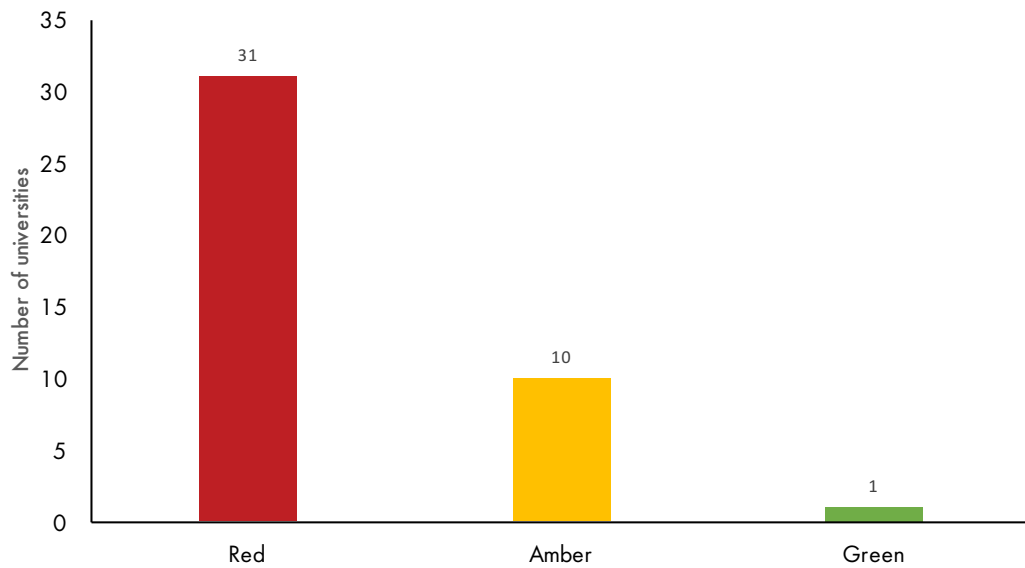


Figure 3: Free Speech on Campus Audit 2018 – Ratings – Action

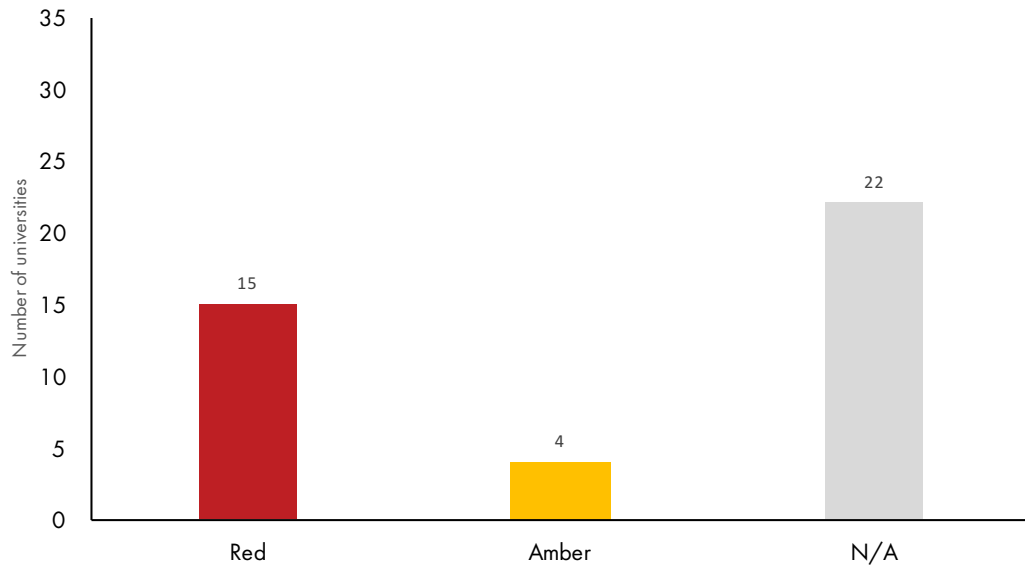


Table 2: Free Speech on Campus Audit 2018 – University Ranking

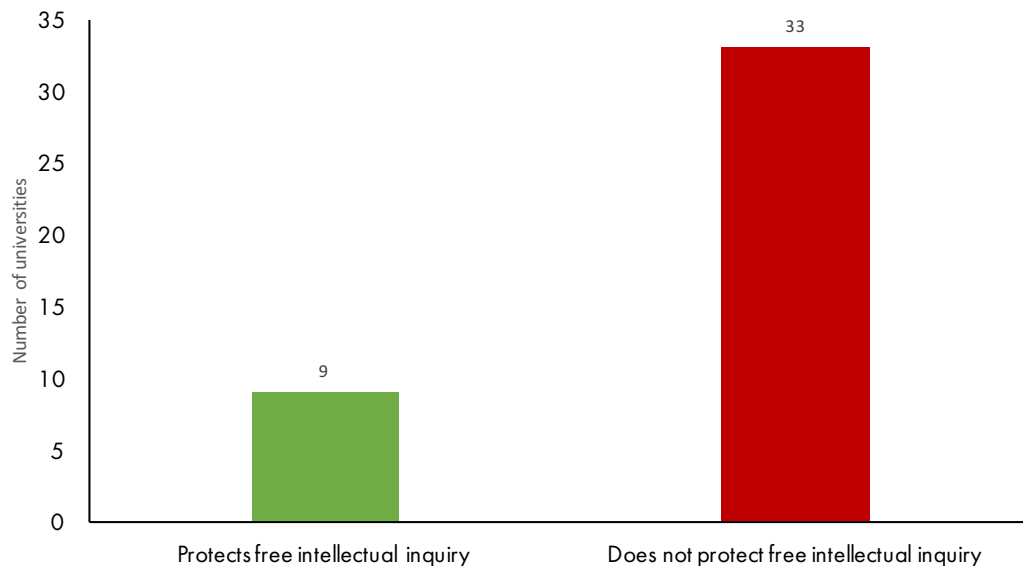
| University | Freedom policy | Policy rating | Action rating | Overall rating | Hostility score |
|-------------------------------------|----------------|---------------|---------------|----------------|-----------------|
| University of Sydney | Yes | Amber | Red | Red | 58 |
| Australian National University | No | Red | Red | Red | 17 |
| James Cook University | No | Red | Red | Red | 17 |
| University of Western Australia | No | Red | Red | Red | 17 |
| Monash University | No | Red | Red | Red | 16 |
| University of South Australia | No | Red | Red | Red | 16 |
| Charles Sturt University | No | Red | N/A | Red | 15 |
| Edith Cowan University | No | Red | Red | Red | 12 |
| University of Newcastle | No | Red | Amber | Red | 12 |
| Flinders University | No | Red | Red | Red | 11 |
| La Trobe University | No | Red | Red | Red | 11 |
| University of Adelaide | No | Red | Red | Red | 11 |
| University of New South Wales | No | Red | Red | Red | 11 |
| Federation University | No | Red | N/A | Red | 10 |
| University of Wollongong | No | Red | N/A | Red | 9 |
| Swinburne University of Technology | No | Red | N/A | Red | 8 |
| Western Sydney University | No | Red | N/A | Red | 8 |
| Australian Catholic University | No | Red | N/A | Red | 7 |
| Queensland University of Technology | No | Red | Red | Red | 7 |
| University of Queensland | Yes | Red | Red | Red | 7 |
| University of Sunshine Coast | No | Red | N/A | Red | 7 |
| University of Technology, Sydney | No | Red | Amber | Red | 7 |
| Victoria University | No | Red | Red | Red | 7 |
| Charles Darwin University | No | Red | N/A | Red | 6 |
| Curtin University | Yes | Red | N/A | Red | 6 |
| Deakin University | Yes | Amber | Red | Red | 6 |
| Murdoch University | No | Red | N/A | Red | 6 |
| University of Canberra | No | Red | N/A | Red | 6 |
| Macquarie University | Yes | Red | Amber | Red | 4 |
| Bond University | No | Red | N/A | Red | 4 |
| Central Queensland University | No | Red | N/A | Red | 4 |
| RMIT University | No | Red | N/A | Red | 4 |
| University of Melbourne | Yes | Amber | Amber | Amber | 4 |
| Southern Cross University | No | Red | N/A | Red | 3 |
| Torrens University Australia | No | Red | N/A | Red | 3 |
| University of Southern Queensland | No | Amber | N/A | Amber | 3 |
| Griffith University | No | Amber | N/A | Amber | 2 |
| University of Divinity | No | Amber | N/A | Amber | 2 |
| Carnegie Mellon University | No | Amber | N/A | Amber | 1 |
| University of Notre Dame Australia | Yes | Red | N/A | Red | 1 |
| University of Tasmania | Yes | Amber | N/A | Amber | 0 |
| University of New England | Yes | Green | N/A | Green | 0 |

Intellectual freedom policies

Just nine (21%) of Australia's 42 universities have an explicit policy that protects free intellectual inquiry, as mandated by the Higher Education Support Act 2003.

Universities have a wide array of policies on topics ranging from the management of hazardous materials to the awarding of degrees, however in most cases they lack an explicit policy on their core purpose, free intellectual inquiry. Central Queensland University, for example, has 138 policies and procedures that apply to students, and yet not a single policy that addresses free speech and intellectual freedom.³² **Charles Sturt University has a 1,600 word policy on when, where and how flags should be flown, however does it not have a policy dedicated to free intellectual inquiry on campus.**³³

Figure 4: Australian universities with policy that protects intellectual freedom



The nine universities which have policies that protect free intellectual inquiry are Curtin University, Deakin University, University of Melbourne, University of Queensland, University of New England, University of Notre Dame Australia, University of Sydney, University of Tasmania, and Macquarie University. They vary in quality, however. The University of Queensland and University of Tasmania policies are limited in scope and explicitly only applicable to staff, potentially breaching the requirement that free intellectual inquiry be extended to 'learning'.³⁴ Some of Australia's universities do mention academic freedom in either enterprise bargaining agreements, or as part of other policies, however do not maintain standalone policies on academic freedom.³⁵

In other cases, the policies should be commended for broad wording and scope. For example, Curtin University states: 'The University will recognise and protect the right of all staff and students at the University to freely and honestly engage in critical enquiry, scholarly endeavour and

³² CQUniversity, "Policy," March 3, 2017.

³³ Charles Sturt University, "Flags Policy," May 14, 2016.

³⁴ University of Tasmania, "Academic Freedom (GLP14)," June 27, 2014.

³⁵ See, for example: James Cook University, "Code of Conduct," April 28, 2016, "Code of Conduct," April 4, 2016; Macquarie University, "2.10 Intellectual Freedom," Staff Portal, 2014.

public discourse, and to participate in public debate without censorship or fear of professional disadvantage or penalty'.³⁶

In particular, the University of Melbourne should be commended for its Academic Freedom of Expression Policy. This policy is an inspiration for all of Australia's universities. It is here reproduced in full (See Box 1).

Box 1: University of Melbourne's Academic Freedom of Expression Policy

A core value of the University of Melbourne is to preserve, defend and promote the traditional principles of academic freedom in the conduct of its affairs, so that all scholars at the University are free to engage in critical enquiry, scholarly endeavour and public discourse without fear or favour.

Accordingly, the University supports the right of all scholars at the University to search for truth, and to hold and express diverse opinions. It recognises that scholarly debate should be robust and uninhibited. It recognises also that scholars are entitled to express their ideas and opinions even when doing so may cause offence. These principles apply to all activities in which scholars express their views both inside and outside the University

The liberty to speak freely extends to making statements on political matters, including policies affecting higher education, and to criticism of the University and its actions.

Scholars at the University should expect to be able to exercise academic freedom of expression and not be disadvantaged or subjected to less favourable treatment by the University for doing so.

³⁶ Curtin University, "Intellectual Freedom Policy," May 27, 2016.

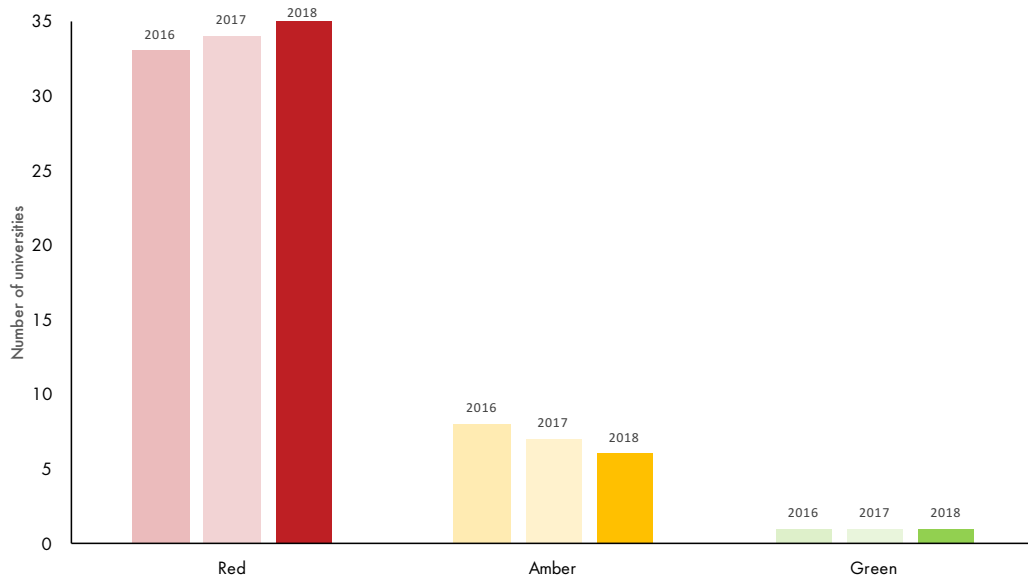
Changes since previous Audits

The 2018 Audit has found an increase in Red rated universities from 33 of Australia's 42 universities to 34, and a corresponding decrease by one Amber rated universities to seven. There has been no change in Green rated universities, which remains one.

Table 3: Universities with changing ratings between 2017 and 2018

| Overall rating changes | 2017 Rating | 2018 Rating |
|------------------------|-------------|-------------|
| Victoria University | Amber | Red |

Figure 5: Australian University Ratings – Overall – 2016-2018



There has been an increase in censorious policies and actions. The number of universities which have Red ranked policies has increased from 28 to 31 since the 2016 Audit. The number of universities where there have been actions to limit the diversity of ideas, including Red and Amber rated actions, has increased from 9 to 16 since the 2016 Audit.

Table 4: Policy and action changes between 2016 and 2017 Audit

| | 2016 Audit | 2017 Audit | 2018 Audit |
|----------------------|------------|------------|------------|
| Policy rating | | | |
| Red | 28 (66%) | 31 (73%) | 33 (79%) |
| Amber | 13 (31%) | 10 (24%) | 8 (20%) |
| Green | 1 (2%) | 1 (2%) | 1 (2%) |
| Action rating | | | |
| Red | 9 (21%) | 13 (31%) | 15 (36%) |
| Amber | 0 (0%) | 3 (7%) | 4 (10%) |
| N/A | 33 (79%) | 26 (62%) | 23 (55%) |

There has been a variety of changes in policy and action ratings across institutions.

Table 5 Policy and action rating changes by university between 2017 and 2018 Audit

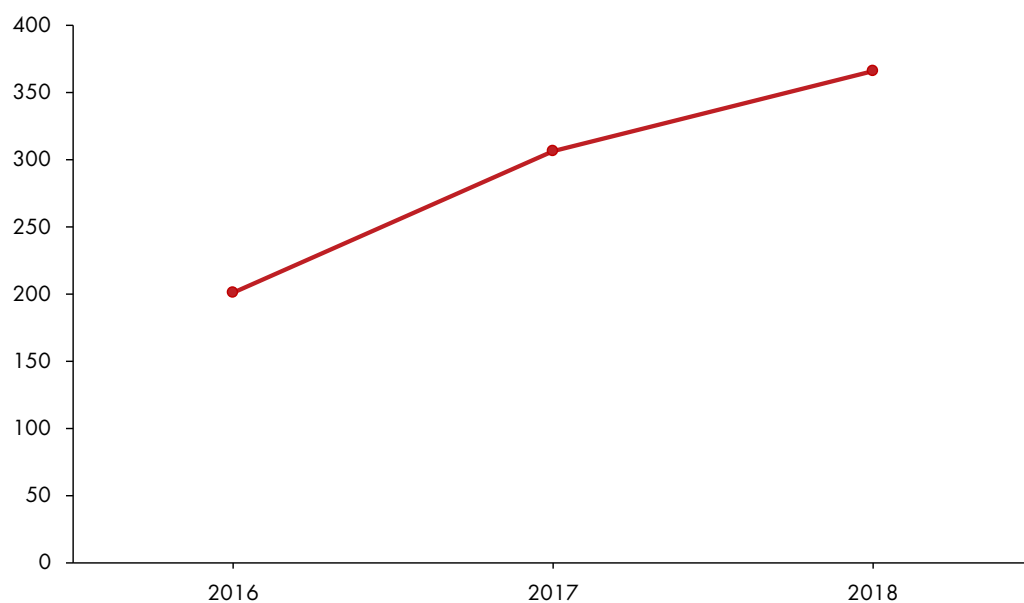
| | 2017 Audit | 2018 Audit |
|----------------------|------------|------------|
| Policy rating | | |
| Flinders University | Amber | Red |
| Victoria University | Amber | Red |
| Action rating | | |
| La Trobe University | N/A | Red |
| Macquarie University | N/A | Amber |
| Victoria University | N/A | Red |

Hostility score

In addition to policy and action ratings, 2018 Audit includes a Hostility Score. The Hostility Score, which enables each university to be individually ranked, is the calculated sum of the *number of actions and policies* that restrict free speech at each university. Each Red ranked policy and action increases an institution's Hostility Score by 3 points, and each Amber policy and action increases the Hostility Score by 1 point. The existence of an intellectual freedom policy *decreases* the Hostility Score by a bonus 3 points. (i.e. A university which has one Red policy, two Amber policies, one Red action, and no freedom policy, would receive a Hostility Score of eight. That is, three points for the Red policy, plus one point for each Amber policy, plus three points for the Red action totalling eight.)

The total hostility score across all institutions has substantially increased over the past three years since the first Freedom of Speech on Campus Audit. In the 2016 Audit, the total score across all universities was 201, in the 2017 Audit it totalled 306 and in this Audit it has reached 366. This indicates a 82% increase since the release of the first Audit in May 2016.

Figure 4: Free Speech on Campus Audit 2018 – Total Hostility Score



4. What happened in 2018?

Free speech at Australia's universities has attracted substantial public interest since the publication of the *Free Speech on Campus 2017*.

The attention on this issue has primarily been spurred by several high profile incidents. In May 2018, James Cook University dismissed Professor Peter Ridd following his public statements about the state of science about the Great Barrier Reef.³⁷ In June 2018, the Australian National University was criticised for rejecting the Ramsay Centre for Western Civilisation following internal opposition.³⁸ The Centre subsequently entered talks with the University of Sydney, where it has also been opposed by staff.³⁹ In September 2018, the riot squad was called for the University of Sydney in response to students attempting to disrupt a speech by psychologist Bettina Arndt.⁴⁰

These incidents have led Education Minister Dan Tehan to instigate a review of university free speech led by former Chief Justice of the High Court Robert French. The welcome and timely inquiry will assess codes of conduct, enterprise agreements, policy statements and strategic plans. The terms of reference of the review state that it will 'Assess the effectiveness of the Higher Education Standards Framework,' 'Assess the effectiveness of the policies and practices,' 'Assess international approaches' and 'Outline' options, including revision of Standards & 'development of a sector-led code of conduct' in relation to free intellectual inquiry.

These highly publicised incidents, however, are only the tip of the iceberg. For debate on campus to flourish there must be a broad commitment to exploring ideas from all viewpoints. Even if nobody is formally sanctioned or censored, there is still a serious problem if ideas are not expressed in the first place for fear of formal or social sanction.

The IPA's research has uncovered the existence of a concerning monoculture in higher education, which leads to active censorship and self-censorship when contrarian ideas are expressed.⁴¹ There are not only more incidents not on the public record, and therefore not chronicled in this report because of confidentiality and privacy concerns, there is widespread cultural opposition to free speech.

These issues have led 55 Australian academics to join Heterodox Academy, an international network of over 2,400 professors concerned about the lack of diversity of ideas on campus - that is, different views challenging each other in the pursuit of truth. Interviews of the Australian members of Heterodox Academy reveal a number of ways that the lack of viewpoint diversity is undermining free intellectual inquiry:

Important projects do not receive funding. Challenging papers are not published. Important issues are not investigated. Studies are designed to reach predetermined outcomes. Erroneous research is misguiding society. Academics self-censor. Administrators censor heretics.

37 John Roskam, "Professor Peter Ridd Sacking Outrageous," Institute of Public Affairs, May 19, 2018.

38 ANU denied that the reason for rejecting the centre related to internal opposition, instead citing autonomy concerns, see Michael McGowan, "University Explains Why It Walked Away from Western Civilisation Degree," The Guardian, June 5, 2018, sec. Australia news.

39 Michael McGowan, "Nearly Half of Sydney University Staff Oppose Deal with Ramsay Centre," The Guardian, October 12, 2018, sec. Australia news.

40 Christopher Harris, "Riot Squad Called to Sydney Uni as Protesters Block Halls to Stop Talk by Sex Therapist Bettina Arndt," Daily Telegraph, September 12, 2018.

41 Matthew Lesh, "Two Ideas Of A University" (October 4, 2018); Matthew Lesh, "No Room for Differing Views," The Australian, May 25, 2018.

Students are exposed to fewer ideas and are marked down or failed for expressing a different perspective.⁴²

Academics and students increasingly report that they are walking on eggshells, too scared to express certain ideas for fear of causing offence or challenge the groupthink. 'Funding is easier and more plentiful if you pick the right topic, publishing is easier if you don't rock the boat and life in the department is easier if you see the world in the same way your colleagues do,' Florian Ploeckl a senior lecturer in economics at the University of Adelaide says.⁴³

This dynamic has a real and meaningful impact on the quality of academic research, student learning and Australian society at large. 'I'm a lefty myself, but a monoculture is always a risk, whether you're part of it or against it,' says Professor Bill von Hippel of University of Queensland. 'I'm very worried that the left leaning ideology of most members of our field might skew the nature of the questions we ask and the way we interpret our findings.'

Hardy Hulley, a finance senior lecturer at University of Technology Sydney, who identifies as 'pretty liberal' said that 'Universities and academics are uncritically accepting some theories, teaching them to students, and they are finding their way into society, influencing businesses and political debate.'

The following section considers three emerging issues on campus, including (1) the 'social justice' university, (2) natural justice, procedural fairness and basic legal rights issues, (3) and whether there is a free speech problem on campus.

The 'social justice' university, free intellectual inquiry and institutional neutrality⁴⁴

Jonathan Haidt, professor of psychology at New York University, has argued how universities cannot be both social justice institutions and protect free intellectual inquiry.⁴⁵

A social justice university is one with a specific ideological purpose, to 'improve' society towards a predefined outcome using certain methods. It is a university that tells students not to try to understand the world, but to be activists who try to change the world. From the social justice perspective, following in the footsteps of French social theorist Michel Foucault, knowledge is power and there is no objective truth. Some knowledge should be restricted to ensure that students are 'safe'. Not physically safe, but safe from ideas that may challenge their perspective and identity or get in the way of the activist mission of their institution.

Universities adopting the social justice mantra as an institutional goal are in clear conflict with the ability to pursue truth and protect free intellectual inquiry. A university cannot be both dedicated to an ideology and simultaneously be open to a wide array of different perspectives challenging each other in the pursuit of truth. It is necessary for universities to be institutionally neutral on political issues to encourage the flourishing of a wide diversity of viewpoints. This University of Chicago's Kalven Report, published in November 1967, argued that while faculty members and

42 Lesh, "No Room for Differing Views."

43 Personal correspondence

44 This section is partly based on a speech delivered to University Chancellors Council's Conference on University Governance, Adelaide, Australia, 4 October 2018, see Lesh, "Two Ideas Of A University."

45 Jonathan Haidt, "Why Universities Must Choose One Telos: Truth or Social Justice," Heterodox Academy, October 21, 2016.

students should be free to criticise, the university 'is not itself the critic'.⁴⁶ The Report states that:

To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions, passions, and pressures. A university, if it is to be true to its faith in intellectual inquiry, must embrace, be hospitable to, and encourage the widest diversity of views within its own community. It is a community but only for the limited, albeit great, purposes of teaching and research. It is not a club, it is not a trade association, it is not a lobby.

Nevertheless, there is a widespread tendency for Australian universities to adopt ideological positions exemplified by formal policy documents.

Charles Sturt University's Student Charter states that 'all members of the University community are expected to value:... social justice including ethical practice and global citizenship' and 'economic, social and environmental sustainability, including the responsible stewardship of resources'.⁴⁷ Charles Sturt University's Anti-Racism policy states that curriculum design must be undertaken in a 'culturally inclusive' manner. University of Southern Queensland tells staff and students to respect multiculturalism and 'respect a diverse range of cultural value systems'.⁴⁸ These policies potentially forbid the at times necessary criticism of illiberal cultures.

Flinders University is formally 'committed to equity, equal opportunity and cultural diversity'.⁴⁹ Flinders is also committed to sustainability, stating that 'Sustainability encompasses environmental, social and economic dimensions'.⁵⁰ A number of universities maintain 'sustainability' policies.⁵¹ The University of Queensland, for example, requires that 'sustainability is embedded in The University of Queensland's teaching, research, engagement and operational activities across all our campuses to foster a culture of suitability that supports global priorities'.⁵² Universities have also taken positions on products, including banning soft drinks and water bottle sales, and smoking on campus.⁵³ La Trobe University is committed to the 'fair trade' movement.⁵⁴ Some universities, including the University of Sydney and the Australian National University have chosen to disinvest from fossil fuel companies.⁵⁵

46 Harry Kalven, "Kalven Report: Report on the University's Role in Political and Social Action" (University of Chicago, November 11, 1967).

47 Charles Sturt University, "Student Charter," May 23, 2014.

48 University of Southern Queensland, "Multiculturalism Policy and Procedure," February 9, 2016.

49 Federation University, "Sustainability Policy," October 25, 2010.

50 Flinders University, "Cultural Diversity and Inclusive Practice Statement," July 3, 2002.

51 See <http://policysearch.ecu.edu.au/WebDrawer.PolicySearch/Record/616/file/document> <https://policy.deakin.edu.au/view.current.php?id=00038> <https://policies.griffith.edu.au/pdf/Sustainability%20Policy.pdf> <https://policies.latrobe.edu.au/document/view.php?id=20> https://www.monash.edu/___data/assets/pdf_file/0005/783617/Environmental-Sustainability-Policy-Australia-only_1.pdf <https://policies.newcastle.edu.au/document/view-current.php?id=164> <https://ppl.app.uq.edu.au/content/10.10.01-sustainability-0> <https://www.usc.edu.au/explore/policies-and-procedures/sustainability-governing-policy> <http://www.gsu.uts.edu.au/policies/documents/sustainability-policy.pdf>

52 University of Queensland, "Sustainability," December 8, 2014.

53 Victoria University, "Tobacco/Smoke Free University Policy," May 27, 2016; Jen Rosenberg, "ACU Launches Healthy Drinks Policy," General Information, Australian Catholic University, September 11, 2018; Andrew Thorpe, "CQUniversity to Ban Smoking on All Australian Campuses," *Gladstone Observer*, December 26, 2017; Edith Cowan University, "Single Use Water Bottle Days Are Numbered at ECU," ECU, July 23, 2018.

54 La Trobe Policy Library, "Fair Trade Policy," October 11, 2016.

55 Australian National University, "University to Divest Holdings in Seven Companies," ANU, November 6, 2014; Thuy Ong, "Sydney University Announces Plan to Reduce Fossil Fuel Investments," ABC News, February 9, 2015.

Natural justice, procedural fairness and basic legal rights

An emerging issue of concern at universities is natural justice, procedural fairness, and basic legal rights. This issue was first raised in the 2017 Audit. It has now become more critical in the context of several universities adopting new misconduct policies to determine sexual assault cases on the 'balance of probabilities,' that is, more likely than not that the incident occurred. The University of Sydney, Deakin University, Griffith University, La Trobe University and Torrens University Australia have now formally adopted the 'balance of probabilities'.⁵⁶ Furthermore, the University of Tasmania has released a draft behaviour policy that takes the same approach.

This is in clear contradiction to the basic legal right in criminal matters that determinations are made beyond reasonable doubt. As former Chief Justice Robert French wrote in a 2011 judgement, this principle is fundamental to Australia's system of law: 'The presumption of innocence has not generally been regarded in Australia as logically distinct from the requirement that the prosecution must prove the guilt of an accused person beyond reasonable doubt.'⁵⁷

Universities lack the power and skills of the police to investigate criminal matters such as sexual assault and lacks the judicial capacity to make determinations on issues as complex as sexual assault.⁵⁸ Australian Lawyers Alliance spokesman Greg Barns told *The Australian*, 'If a university thinks it has the capacity to be a professional investigator, then it's deluding itself. My experience of university internal disciplinary processes is that they are unfair, they resemble star chambers and they are run by amateurs.'⁵⁹

There are several other procedural issues in how universities handle misconduct claims that undermine basic legal rights. For instance, claims of student harassment and bullying are typically confidential, and rarely discussed in the public domain. There are confidentiality provisions contained in many university policies that limit freedom of expression. For example, the Australian Catholic University's Discrimination and Harassment policy declares that all parties 'must not disclose, by any form of communication, either the fact or the substance of the matter' to anyone other than a staff representative, a counsellor or medical professional.⁶⁰ This would, presumably, prevent a student from discussing matters with a lawyer, family member or partner.

In one misconduct case, where these matters have reached the public domain, the process appears to be heavy handed. The Socialist Alternative at the University of Sydney has complained about a two year process of multiple hearings in relation to an allegation that a flag was stolen from a Jewish student stall.⁶¹ The Socialist Alternative claims it was unfairly presumed to be guilty. This case raises serious questions about the capacity of university administrators to act fairly and impartially in this, and other cases.

56 Deakin University, "Sexual Assault Response Procedure," July 11, 2017; Griffith University, "Student Misconduct Policy," April 3, 2017; Torrens University Australia, "Student Misconduct Policy," September 27, 2018; University of Sydney, "Student Sexual Assault and Sexual Harassment Policy 2018," August 1, 2018.

57 Robert French, "Free Speech and the Law on Campus — Do We Need a Charter of Rights for Universities?" (September 17, 2018).

58 Matthew Lesh, "Justice Must Be Served off Campus," *The Australian*, October 18, 2018.

59 Matthew Denholm and Rebecca Urban, "Unis Not so Smart on Rape Policy," *The Australian*, October 18, 2018.

60 Australian Catholic University, "Discrimination and Harassment," March 9, 2016.

61 Sarah Garnham, "A Special Kind of Justice for Pro-Palestine Student Activists," *Red Flag*, August 1, 2017.

Is there a free speech problem on campus?

Some observers have asserted that Australia's universities do not face a free speech problem, most often arguing that well publicised incidents are not indicative of a wider problem.

Recently retired University of Melbourne vice-chancellor Professor Glyn Davis AC, in a speech largely in response to the Free Speech on Campus Audit, described claims of a free speech crisis to be 'special pleading'.⁶² Davis as claimed that there is 'no systematic evidence of meaningful, sustained and growing threats to free speech on the Australian campus'.

University of Sydney vice-chancellor Michael Spence, in a piece defending the charging of security fees to organisers of controversial speakers, denied that a problem exists. 'The picture that sometimes appears in the flyers of the culture warriors — of our university as a camp of indoctrination in which free speech is inhibited — is simply unrecognisable to those who work and study here,' Spence wrote.⁶³

Labor's universities spokesperson, Louise Pratt, has said 'I don't think there's a problem on campuses in relation to free speech'. Pratt also said that 'the welfare of their students and their academic staff' is more important for universities than 'promoting debate in the community'.⁶⁴

Nevertheless, concerns about free intellectual inquiry have been raised by politicians, the human rights commission, commentators from across the spectrum, academics, students, university chancellors, and the higher education union. Prime Minister Scott Morrison said that free expression at universities is a 'problem' and raised concerns that 'It's free speech for some and not for others'.⁶⁵

Education Minister Dan Tehan said that universities should protect speech 'even where those ideas may be confronting to some people' and not charge security fees to students who host controversial speakers.⁶⁶ Tehan, and Human Rights Commissioner Ed Santow, also support Australian universities adopting the Chicago statement on campus free speech.⁶⁷

University of Western Sydney chancellor Peter Shergold has discussed the growing attacks on freedom of expression and called for university governing bodies to take steps to safeguard campus debate. 'People should be challenged by ideas, see a diversity of ideas. That's the heart of the institutional ethos of a university,' Shergold said.⁶⁸

Former Labor Foreign Minister and Chancellor of the Australian National University Gareth Evans similarly noted a worrying trend towards disinvitation of speakers, 'trigger warnings' and 'safe spaces'. 'Lines have to be drawn, and administrators' spines stiffened, against manifestly unconscionable demands for protection against ideas and arguments claimed to be offensive,' Evans said.⁶⁹ Evans also rejected charging student organisers security fees for controversial

62 Glyn Davis, "Special pleading: free speech and Australian universities", December 4, 2018.

63 Michael Spence, "Security the Only Cost of Ideas," *The Australian*, September 24, 2018.

64 Michael Koziol, "'There's No Problem': Labor Rejects Case for New Free Speech Rules at Universities," *The Sydney Morning Herald*, September 19, 2018.

65 Michael Koziol, "University Free Speech Rules 'Definitely Worth Considering', Says Human Rights Commissioner," *The Sydney Morning Herald*, September 18, 2018.

66 Koziol.

67 Koziol.

68 Rebecca Urban, "University Chiefs Unite to Defend Free Speech," *The Australian*, October 5, 2018.

69 Gareth Evans, "Maintaining Universities' Raison D'etre: Meeting The Challenge" (October 4, 2018).

speakers.

Former Chief Justice of the High Court of Australia and chancellor of the University of Western Australia Robert French has rejected 'an extended concept of safety' being justified to limit free speech on campus.⁷⁰ French called for 'a robust culture of open speech and discussion even though it may involve people hearing views that they find offensive or hurtful.'

Concerns about intellectual freedom on campus have been raised across the political spectrum. A writer for the Socialist Alternative's magazine, *Red Flag*, while rejecting the 'right wing' narrative about free speech, has noted concerns about free speech on campus. 'There are real battles happening over freedom of speech on university campuses. Both students and staff members are at risk of censure, sacking, suspension or expulsion for taking controversial public stands,' the author writes.⁷¹

In June, *The Australian* columnist Janet Albrechtsen interviewed Grahame McCulloch, the general secretary of the National Tertiary Education Union (NTEU) since its creation in the 1990s.⁷² McCulloch noted the union's strong support for Peter Ridd following his sacking, despite many union members disagreeing with his views. McCulloch also pointed to a number of cases in which the union has defended academic freedom, including Ted Steele of the Wollongong University, Andrew Fraser of Macquarie University, Judith Bessant of RMIT, and Roz Ward at La Trobe. In May, the NTEU at the University of Melbourne organised industrial action partly to protect the 'intellectual freedom' provisions of their Enterprise Bargaining Agreement.⁷³ The University of Melbourne ultimately agreed to not remove the provision.

70 French, "Free Speech and the Law on Campus — Do We Need a Charter of Rights for Universities?"

71 Daniel Taylor, "The Fight over Free Speech on Campus," *Red Flag*, February 23, 2018.

72 Janet Albrechtsen, "How to Stop the Culture Wars: Unite on the Kernel of Liberty," *The Australian*, June 8, 2018.

73 Henrietta Cook, "University of Melbourne Staff to Strike over Academic Freedom," *The Age*, May 2, 2018.

5. What are the threats to freedom of expression?

Speech codes

University policies, created under legislation that establishes the university, have formal legal standing.⁷⁴ There are three main types of policies that restrict freedom of expression at Australia's universities. These policies are, in effect, speech codes.

Firstly, harassment and bullying policies, that, while created with benign intentions, are often worded in such a vague and broad manner that they seriously threaten free speech on campus. Policies that prevent offensive behaviour, hurt feelings, or unwelcome comments, have a serious chilling effect on speech. These speech codes encourage students and academics to err on the side of caution rather than express a potentially controversial idea, and could be used to punish students for expressing their opinion.

Box 2: Spotlight on new and amended speech codes since previous audit

- » The Australian National University's Discipline Rule 2018 prevents causing offence on the basis of 'religious belief' or 'national or ethnic origin'.
- » Edith Cowan University's updated Prevention of Harassment, Bullying and Discrimination policy defines harassment to include 'unwelcome and uninvited comments or actions' that 'offend' or 'embarrasses'.
- » Griffith University's Student Sexual Assault, Harassment, Bullying & Discrimination Policy defines harassment to include offensive behaviour and refers to the attributes protected in the Queensland Anti-Discrimination Act that includes religious and political belief.
- » James Cook University's Bullying, Discrimination, Harassment, and Sexual Misconduct Policy defines harassment to include offensive behaviour on the basis of religious or political belief and national or ethnic origin.
- » Monash University's Equal Opportunity Policy defines harassment to include conduct that causes a person to be offended on the basis of political or religious belief.
- » RMIT University's Student Conduct Regulations defines student misconduct to include acting in an offensive manner or in a way 'detrimental to the University's interests and reputation'.
- » Swinburne University's social media guidelines require that students using social media to 'uphold the reputation and goodwill of the university.'
- » Torrens University Australia's Student Conduct Policy defines harassment to include comments that make a person 'feel offended'.
- » The University of Divinity's Information and Cyber Security Policy prevents using IT assets to view 'offensive' material.

⁷⁴ Former Chief Justice of Australia Robert French has discussed the legal standing of policies, see Robert French, "Free Speech and the Law on Campus — Do We Need a Charter of Rights for Universities?" (September 17, 2018). See, for example, Commonwealth of Australia, "Australian National University Act 1991," July 15, 2014; Government of Tasmania, "University of Tasmania Act 1992," January 1, 2013.

- » The University of New South Wales' Equity, Diversity and Inclusion Policy defines harassment to include making a person feel offended on the basis of nationality, religion or politics.
- » University of Southern Queensland's Prevention of Discrimination, Bullying and Harassment Procedure defines harassment to include 'offensive' comments.

In practice these policies require students to assess each other's subjective individual sensitiveness before speaking. This is an impossible task that requires students to read the minds of others before making comments. **University policies could be used against everything from inappropriate jokes that some students find offensive, to forbidding students from expressing an idea simply because it makes their classmates feel uncomfortable.**

IPA executive director John Roskam, explaining the danger in outlawing offensive speech, has written that:

It would be difficult to imagine a discussion about current American politics in a first-year international relations tutorial that wouldn't end up with at least one person, somehow being offended. The possibility that a student could be accused of harassment for offending another student by saying for example "I think President Trump is doing a good job"⁷⁵

Box 3: Speech code examples

- » Torrens University Australia's Student Conduct Policy prevents speech that makes a person 'feel offended'.
- » Charles Sturt University's Harassment and Bullying Prevention Guidelines limits behaviour including 'offensive language' and 'sarcasm'.
- » James Cook University's Discrimination, Bullying and Harassment Policy prevents behavior that 'makes a person feel offended'.
- » Monash University's Civil Disturbance Policy broadly defines 'breach of the peace' to include 'offensive behaviour'.
- » The University of Canberra's Human Rights and Discrimination Policy defines harassment to include 'offensive' conduct towards an individual or group.
- » The University of Sunshine Coast's bullying definition includes unintentional 'offensive language or comments,' and 'unwelcome' behaviour in its definition of harassment; as well as, in a social media policy that applies to personal social media usage, forbids posting material that 'might be construed to be... offensive'.
- » The University of Wollongong's Respect for Diversity Policy defines harassment to include behaviour that is 'unwelcome' or 'offensive... to the recipient/s'.
- » Curtin University's Residence Handbook prevents students from displaying 'material considered to be offensive by Management'.
- » Murdoch University's By-Laws state that assault and abuse includes 'insulting language' or 'offensive' behaviour. Murdoch prescribes a \$50 penalty to every person who breaks this by-law.

⁷⁵ John Roskam, "The Heavy Hand Of Free Speech," *Australian Financial Review* November 16, 2018.

- » Central Queensland University's Student Behavioural Misconduct provision prevents behaviour that 'could offend' or 'embarrass'.
- » The University of Queensland's Discrimination and Harassment policy, as well as Western Sydney University's Bullying Prevention Guidelines, forbid 'sarcasm'.
- » Bond University's Social Media policy forbids students from making 'offensive comments' on the internet. Bond's Student Handbook forbids behaviour that is 'unwelcome'.
- » Monash University's social media policy prevents students, in activities both related to the university and personal usage, from making comments that 'might be construed' to be 'offensive'.
- » Federation University's Electronic Communications policy defines inappropriate usage of internet facilities to include 'accessing or posting... material that may create or promulgate a negative impression of the University'.
- » The University of New South Wales' Diversity Toolkit states it is inappropriate to say that 'Aboriginal people have lived in Australia for 40,000 years,' but rather it must be said that Indigenous Australians have been here '...since the beginning of the Dreaming/s,' prioritising spiritual understanding over historic fact.

Secondly, information technology, internet usage and social media policies can be even more wide ranging, and seek to limit free expression on and off campus. These include policies that seek to control student personal use of social media, as well as policies that forbid students from criticising their academic institution.

Finally, there are language toolkits and speech guidelines that dictate to students how to express themselves on campus. These guidelines enforce politically correct language, rather than allowing students to express themselves freely.

Box 4: Spotlight on blasphemy policies

Almost a dozen Australian universities define harassment to include offending people on the basis of an extended list of 'protected attributes' that includes religious and political opinions. These provisions are both inconsistent with basic principles of freedom of expression and existing law. It is inappropriate for university policy to prevent causing offence on the basis of religion, akin to a blasphemy law, or political opinion.

Victoria University's Student Equity and Social Inclusion Policy, for examples, defines harassment to mean 'discriminatory behaviour in relation to a protected attribute (see Clause 23), which is reasonably likely in all the circumstances, to humiliate, offend, intimidate or distress the person(s) concerned'. The phrasing of this policy bizarrely equates discrimination with the causing offence, that is, an action of discriminating with speech. Clause 23 includes the following list of attributes:

- » race, colour, national or ethnic origin, descent, nationality;
- » sex, gender identity, lawful sexual activity, sexual orientation, marital status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, status as a parent or carer;

- » religious or political belief or activity, industrial activity, irrelevant criminal record; age, physical features, disability (past, present or imputed), medical record; and
- » personal association with a person who is identified by reference to any of the above listed attributes.

There are a number of Australian universities with similar policies, including the Australian National University, Charles Darwin University, Flinders University, James Cook University, Monash University, Swinburne University, the University of New South Wales, the University of Newcastle, the University of South Australia, the University of Technology, Sydney, and Victoria University. The University of Tasmania's draft Behaviour Policy also includes a similar provision.

These policies are a serious threat to freedom of inquiry. In the process of exploring and contesting ideas, particularly in contested fields such as religion and politics, it is not uncommon for an individual to be offended. The criticism of a heartfelt religious or political conviction is a difficult, but necessary, part of intellectual growth. For example, a student with conservative views being told that they 'hate women' or that they are a 'white supremacist' are offensive notions – but also genuine claims that a conservative should be willing to refute. Furthermore, it may be offensive to raise concerns about the criticism of homosexuality in Leviticus, a Christian text, or to raise concerns about Mohammed's multiple wives in the Koran, the Islamic text.

Furthermore, despite the oft repeated claims within the text of these policies, they are not consistent with existing law. The inclusion of religion or political belief is not uncommon in anti-discrimination law; these laws do not include religious or political belief in the attributes on which you cannot offend a person. Section 18C of the Racial Discrimination Act 1975 (Cth) prevents causing offence on the basis of 'race, colour or national or ethnic origin'. Section 18D includes a number of exemptions for artistic and political speech which is done 'reasonably and in good faith'. This exemption does not exist in university policies. There are some state based laws, such as Tasmania's Anti-Discrimination Act 1998 which extend the attributes on which you cannot offend to include gender, relationship status and family responsibilities. However, Tasmania's law does not include religious or political belief in the list of attributes that you cannot offend a person.

Furthermore, it is not necessary for universities to double up on human rights or discrimination law. For example, the causing of offence on the basis of race is already illegal. An affected individual has recourse through the Human Rights Commission. It is not necessary for universities to also punish staff or students for the same offence. This is double a punishment.

Despite the overall negative trend, there have been some positive developments in university policies. There are several particularly problematic policies, which were highlighted in previous audits, that have now been amended or removed (See Box 5). This is a very welcome development and these institutions should be congratulated on improving their policies.

Box 5: Problematic policies amended or abolished since the 2017 Audit

- » Federation University's Bullying Prevention statement no longer includes hurting another person's 'feelings' in the definition of bullying.
- » The Australian National University has abolished the Discipline Rule 2017 which prevented behaviour that is 'unwelcome'.
- » RMIT University's Student Conduct Regulations no longer included a provision which prevents students from making 'any others feel unsafe'.

Actions

There have been a substantial number of actions taken by university administrators and students which limit the diversity of ideas on campus. These actions have a chilling effect on the ability of academics and students to explore ideas for fear of repercussions. A history of censorious actions discourages students from advocating for certain causes and voicing unpopular opinions.

Opinions, ideas and statements that are legal in Australian society at large should not be silenced on campus. The claim that certain ideas are too dangerous to be heard, and therefore speakers banned or events cancelled, prevents students from making up their own mind about the complex issues of the day. This is insulting to Australia's best and brightest who have made it to university.

The exception, of course, is speech which is illegal in Australian society, such as if a speaker were to incite violence. Nevertheless, censorship at Australia's universities in almost all cases is nowhere near the margin of illegal activity.

Box 6: Spotlight on new actions since previous Audit

- » There have been a number of censorious incidents at the University of Sydney (See Box 7), including the calling of a riot squad because of violent protest against an event featuring psychologist Bettina Arndt. The University of Sydney also charged students a security fee to host the event. In another case, the University suspended a student after they protested.
- » James Cook University dismissed Peter Ridd following remarks critical about the science behind the Great Barrier Reef.
- » The proposal for a partnership with the Ramsey Centre for Western Civilisation has attracted strong opposition from staff at the Australian National University and the University of Sydney primarily because of animosity to the Centre's allegedly 'conservative' supporters and agenda.
- » Victoria University cancelled an event featuring the screening of *In the Name of Confusions*, a film critical of the China-funded Confucius Institute, following pressure by Victoria University's Confucius Institute.
- » The University of Western Australia cancelled talk by transgender sceptic Quentin Van Meter following protests from students.

- » La Trobe University refused to allow an anti-transgender speaker, Babette Francis, to book a venue for an event.
- » La Trobe University initially refused to allow Bettina Arndt to speak on campus. The University then allowed Arndt to speak while charging students for security. The University then reversed positions and decided to cover the security fees. The Arndt event was still opposed by the La Trobe Student Union and aggressively protested on the day.
- » The University of Sydney has moved to sack senior lecturer Tim Anderson for a 'disrespectful and offensive' graphic featuring the Nazi swastika imposed over the flag of Israel. The University of Sydney also objected to Anderson posting material from his class online.

Speakers have been cancelled and violently protested, students have been instructed not to voice certain ideas in class, and, in other cases, activist students themselves have demanded censorship and refuse to debate certain topics. A policy motion at the annual conference of the National Union of Students, the formal representative body of Australian students, in late 2016 called for protests against 'conservative' figures, and to oppose their speaking on campus.⁷⁶ The students also discussed the introduction of trigger warnings.

University of Melbourne Senior Lecturer Lauren Rosewarne has sounded the alarm about students who are not willing to engage with ideas. Rosewarne writes that some students are unwilling to do readings that conflict with their pre-existing views. 'This year for example, I had a slew of students arrive having already decided that radical feminism – not my political bent, no, but essential to cover – is oppressive devilry. Which means that when they're in tutorials, they politically opposed to engagement. That they didn't do the assigned reading in some kind of bizarre (and lazy) protest.'

Box 7: Spotlight on the University of Sydney

The University of Sydney has topped the Hostility Score ranking in the Free Speech on Campus Audit 2017 and 2018. This is, chiefly, because of an extensive set of censorious actions. The university, as well as students, has on many occasions sought to limit the diversity of ideas on campus.

In 2018, the University of Sydney has continued to infringe on freedom of expression following several incidents. In July, the university suspended a student for a semester after they partook in an anti-abortion protest on campus. Merely for protesting the student was accused of 'taunting' and undermining 'the good order and government of the University' and the 'good name or academic standing of the University'. The suspension was subsequently downgraded to a written warning.

In September, the riot squad was called to the University of Sydney as protestors blocked halls to prevent a talk by psychologist Bettina Arndt. The University charged security fees to students for hosting Arndt – creating the potential for a 'heckler's veto,' that is, encouraging disrupters to push up the cost of securing events to such an extent that it could make hosting external speakers unviable.

⁷⁶ Matthew Lesh, "Censorship, Trigger Warnings and 'Free Speech': The National Union of Students Meets," *The Spectator Australia*, December 13, 2016.

Meanwhile, there has been a campaign championed by some staff and students against the University partaking in a program with the Ramsey Centre for Western Civilisation. This campaigning displays a clear internal animus towards conservative ideas on campus.

In the past, the student union has attempted to ban student clubs such as the Brotherhood Recreation and Outreach and threatened to deregister Christian clubs, speakers have been violently protested and in other cases banned from campus, academics have been dismissed, and the university almost refused to host the Dalai Lama.

The student union attempted to block the screening of the controversial Red Pill film because, it was claimed, that showing the film could 'physically threaten women on campus'. The university has charged security fees to conservative students to host external speakers on multiple occasions. Meanwhile, a student protest against 'No' campaigners in the same-sex marriage referendum in 2017 turned violent, requiring police attendance.

The University has also refused to provide students with a venue to host Australian Christian Lobby head Lyle Shelton. In another case, a student was told he could not link anti-Israel sentiment to anti-Semitism. The University also succumbed to demands for censorship, apologising after complaints were made by Chinese international students about a map in a lecture which showed disputed territory inside India rather than China.

The University of Sydney case displays that, even with minimal explicit policies that damage intellectual freedom, as well as a Charter of Academic Freedom, the actions by both students and administrators can speak louder than words. This has a serious chilling effect on the ability of staff and students to express ideas.

Since the previous audit in 2017, there has been an upsurge in cases of censorship (See Box 6). There have been a range of issues at the University of Sydney (See Box 7), as well as the emerging issue of Chinese international students complaining about teaching not aligning with Chinese foreign policy (See Box 9).

The 2016 Audit predicted that 'the situation [for free speech] will likely only worsen before it improves' and drew particular attention to 'trigger warnings (content disclaimers to stop students from feeling uncomfortable) [becoming] increasingly popular on Australian university campuses.' This prediction has proven accurate. Since the previous Audit, Monash University has become Australia's first to introduce trigger warnings in formal university policy, and there is growing usage of trigger warnings on official university websites.⁷⁷

Box 8: Actions

- » The University of Adelaide, University of South Australia and Edith Cowan University banned a 'nutrition expert,' Christine Cronau, from holding events on campus.
- » Monash University is Australia's first to introduce trigger warnings as part of course guides.
- » UNSW has told students not to use the word 'marriage' when referring to the

⁷⁷ ANU, "Creating a Safe Campus"; Lesh, "WARNING: This Article Contains Ideas That Offend"; University of Melbourne, "The Hunting Ground · Events at The University of Melbourne," May 11, 2017, <https://events.unimelb.edu.au/events/8653-the-hunting-ground>.

'marriage theorem' in mathematics because this could cause 'offence'.

- » Monash University withdrew a textbook, and the University of Sydney issued an apology, after academics offended Chinese international students. The University of Newcastle faced a social media backlash after an academic refused to amend a slide that offended Chinese international students (See Box 9).
- » An Australian National University student newspaper sub-editor censored student opinion pieces following the election of Donald Trump as President of the United States.
- » Queensland University of Technology (QUT) students faced years of procedural run-ins, which culminated in a federal court case under section 18C of the Racial Discrimination Act for expressing opposition to the existence of a computer lab on campus reserved for Aboriginal students.
- » Foreign Minister Julie Bishop was interrupted and subsequently physically assaulted during a visit to the University of Sydney.
- » Former Liberal MP Sophie Mirabella was shouted down and physically confronted during a guest lecture at the University of Melbourne.
- » Former Prime Minister Tony Abbott was forced to cancel a visit to Deakin University following security and logistical issues posed by student protests.
- » Retired British Army Colonel, Richard Kemp, a supporter of the Israeli Defence Force's human rights record, was prevented from addressing a public lecture due to a protest including staff and students.
- » Former Israeli Navy SEAL, Yoaz Hendel, was protested while speaking at the University of Sydney.
- » The University of Western Australia rejected the establishment of the Australia Consensus Centre led by Danish author and environmentalist Bjørn Lomborg following a public campaign against the centre.
- » The University of Sydney initially banned a visit by the Dalai Lama, though following public outrage reversed this decision.
- » The University of Sydney, University of Western Australia, and Australian National University cancelled events which included speakers associated with pan-Islamic political organisation, Hizb ut-Tahrir.
- » Socialist students at Deakin University were removed from campus for wearing T-shirts, and distributing stickers, badges and stubby holders, which read 'Up Yours Abbott'.
- » Students were expelled from a residential college at James Cook University in response to jokes about religion during a music competition.
- » Liberal student delegates have been prevented from speaking at the National Union of Students' (NUS) national conferences through procedural measures and being shouted over.
- » University of Queensland Student Union has previously banned the Newman Society, a catholic student group, from conducting pro-life activity.

There are, however, some positive actions that should be noted. The University of Tasmania allowed a 'No' campaign event during the same-sex marriage debate to be held on the campus,

despite extensive protests and demands for censorship.⁷⁸ Murdoch University was willing to host 'nutrition expert' Christine Cronau despite a backlash and cancellations by the University of Adelaide, University of South Australia and Edith Cowan University.⁷⁹ A Murdoch University spokesperson responded to concerns about hosting the controversial speaker that 'Murdoch University, as an institution of learning, works to promote critical thinking and learning through discussion, debate and exposure to alternatives points of view. One way to achieve this is to welcome other voices on campus in the form of guest speakers or visiting lecturers'. In another case, three university students who were jailed 45 years ago for protesting against the Vietnam War on campus were invited back to La Trobe University as honoured guests.⁸⁰

Box 9: Spotlight on Chinese Communist Party influence

Chinese Government and 'United Front' influence on Australian universities is an emerging threat to free expression.

Firstly, thirteen Australian universities contain China-funded Confucius Institutes. These Institutes formally exist to promote Chinese language and culture. However, a report last year by America's National Association of Scholars (NAS) revealed how they are used for Chinese soft power, undermine intellectual freedom and lack transparency. Confucius Institutes do not teach Chinese political history, human rights abusers and portray Taiwan and Tibet as unquestionably part of China. In 2009, the Chinese Communist Party's head of propaganda described the institutes as "an important part of China's overseas propaganda set-up." Professor John Fitzgerald of Swinburne University has warned that Confucius Institutes are part of China's soft power and that contracts empower the Chinese government to limit what can be taught and who teaches at the institutes.

In 2018, it emerged that Victoria University's cancellation of a venue for the screening of *In the Name of Confucius* – a film critical of Chinese government funded Confucius Institutes at universities – followed concerns raised by the Confucius Institute directors. This contradicted Victoria University's initial claim that the event was cancelled because of a double booking and subsequent claims it was a decision made by the 'bookings people'.

Secondly, there is evidence that the Chinese government monitors students, leading to intimidation and limiting speech. Australian National University's Sally Sargeson told *Forbes* that Chinese students she had spoken to knew they were being monitored and had '[adjusted] their speech so they will not get into trouble'. In one case at the University of Adelaide, Chinese international students were threatened with being reported to the Chinese embassy for campaigning against communism during student elections.

Finally, there have been a number of cases of Chinese international students demanding censorship of material that does not align with the Chinese Communist Party government foreign policy. In 2018, the University of Western Australia student guild retrospectively passed a motion to express concerns about an earlier visit by the Dali Lama because of the 'negative impact' his presence could have on Chinese students. The motion also stated that the university should avoid guests that 'unnecessarily offend or upset groups within the

78 Gregor Salmon and James Dunlevie, "Coalition for Marriage Values against University's Charter, Protesters Claim," ABC News, October 6, 2017.

79 Hannah Barry, "Backlash over Murdoch Uni's Decision to Host 'Dangerous Nutrition Expert,'" WA Today, June 8, 2017.

80 Josie Taylor, "Locked up in a Notorious Prison for Protesting at University," ABC News, February 24, 2017.

student community' and consider the ' cultural sensitivities of all groups'.

In 2017, the University of Sydney apologised because a lecturer inadvertently used a map that displayed disputed territory as part of India and Bhutan rather than China. Monash University withdrew a textbook that included a quiz question which offended Chinese students. The Monash academic who set the quiz was temporarily suspended and voluntarily left the university following the furore. At the University of Newcastle, a lecturer who listed Hong Kong and Taiwan as separate territories faced social media condemnation and even Chinese consulate pressure. This came after an offended student covertly recorded, and uploaded, their censorious demands. 'You have to consider all the students' feelings,' the student says in the widely shared video. 'You have to show your respect'. In this case, the lecturer appropriately responded: 'If you feel offended about it, that is your opinion.'

6. Why is intellectual freedom important?

In an era of global political uncertainty, the free flow of ideas has never been more important. It is the very essence of living in a liberal, free and democratic society that all members are able to think freely and, accordingly, express themselves with minimal restraint. The freedom to express oneself is particularly paramount at universities. In order for universities to function, to encourage student intellectual development, and to behave as an exemplar for Australian society, universities must be places where all are able to express themselves without fear of repercussion.

In the United States this point has been made across the political spectrum, from Democrat Senator Elizabeth Warren and former President Barack Obama, to Republican legislators.⁸¹ In response to free speech on campus issues in 2015, President Obama said: 'You don't have to be fearful of somebody spouting bad ideas. Just out-argue them. Beat 'em. Make the case as to why they're wrong. Win over adherents. That's how things work in a democracy'.⁸²

British philosopher J. S. Mill, in the second chapter of *On Liberty*, argues that the mental wellbeing of humankind depends on freedom of opinion, and, accordingly, the ability to express opinions. Mill presents the utilitarian consequentialist argument against restricting free speech.⁸³ Firstly, he posits that restricting freedom of speech assumes a level of superiority of knowledge that simply does not exist. By dismissing someone else's ideas you are assuming an impossible infallibility of your viewpoint. Secondly, it prevents the ability for criticism to help develop ideas and find the truth (one of the primary purposes of a university). Thirdly, the act of preventing certain speech leads ideas to be dismissed without actual consideration of their merits and possible truthfulness.

University leaders have expressed their support for free speech in the face of growing threats. Australian Catholic University vice-chancellor Greg Craven said: 'Freedom of speech is less a specific right than the building block that grounds most of Western liberty'.⁸⁴ University of Sydney vice-chancellor Michael Spence has claimed: 'The university is committed to encouraging each of its graduates to participate actively in the world and engage in rational reasoning and critical thinking'.⁸⁵ In a speech at an international education conference in Shanghai, China Group of Eight Chief Executive Vicki Thomson said: 'We are a destination of choice [for international students] because we have, as a key principle, that everyone is free to challenge ideas, and to counter perceived wisdom, with the ability to feel comfortable being challenged'.⁸⁶

81 "President Obama: Student Protests Should Embrace Free Speech," *FIRE*, November 16, 2015; Zaid Jilani, "Elizabeth Warren Says Campus Free Speech Means No Censorship or Violence," *The Intercept*, October 27, 2017; Nick Roll, "Senate Hearing Explores Free Speech on College Campuses," *Inside HigherEd*, October 27, 2017.

82 "President Obama: Student Protests Should Embrace Free Speech," *FIRE*, November 16, 2015.

83 John Stuart Mill, *On Liberty* (Project Gutenberg, 2011).

84 Greg Craven, "Liberty Risk beyond Free Speech," *The Australian*, August 25, 2016.

85 Michael Spence, "We Don't Limit Free Expression," *The Australian*, August 7, 2017.

86 Vicki Thomson, "Managing a Group of the World's Leading Research-Intensive Universities through Fragile Political Settings" (7th International Conference on World-Class Universities (WCU-7), Shanghai, China, November 7, 2017).

There are three core reasons freedom of speech is must be upheld on campus:

1. To promote and protect free inquiry in the pursuit of truth

The University of Chicago's Committee on Freedom of Expression has correctly stated that 'it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive'.⁸⁷ It is the very essence of university life that ideas are able to flourish, be debated, and either lose, or win, in the contest of ideas. It is through the process of free debate, the Socratic method in which different sides of an issue are contested, that it is possible to find truth. Individuals are subject to clear legal restrictions that prevent defamation and harassment. However, policies that go beyond these restrictions are unjustified.

2. Students learn and grow by being exposed to a diversity of viewpoints

Students who are not exposed to a diversity of perspectives are intellectually weak and ill-prepared for life outside of the confines of a university. This point was made by Constitutional lawyer Greg Lukianoff and social psychologist Jonathan Haidt in their seminal cover story for *The Atlantic*, *The Coddling of the American Mind*: 'What are we doing to our students if we encourage them to develop extra-thin skin in the years just before they leave the cocoon of adult protection and enter the workforce? Would they not be better prepared to flourish if we taught them to question their own emotional reactions, and to give people the benefit of the doubt?' **It is the role of universities to teach students to explore ideas, to foster critical thinking and the examining of different perspectives, and in the process cause discomfort on the way to understanding.**

3. The tenor of debate on campus today sets the tone for Australia's future

The university campus of today will set the tone for the future of Australian society. President Abraham Lincoln is said to have commented: 'The philosophy of the school room in one generation will be the philosophy of government in the next'.⁸⁸ The censorship of ideas on campus will contribute to a more polarised political debate in the future, as it marks the end of people being able to civilly disagree with each other. The danger with encouraging universities to be echo chambers for trendy opinions is that Australian politics will end up in the same predicament. The culture on campus today will define the future of Australian society. Today's students are tomorrow's voters, politicians, judges, bureaucrats and educators. In order to encourage openness to debate in the future, free speech must be defended on campus today.

⁸⁷ Committee on Freedom of Expression at the University of Chicago, "Report of the Committee on Freedom of Expression," January 2015.

⁸⁸ It is uncertain if Lincoln made this comment, like many similar quotations the source is not clear.

7. How can universities secure intellectual freedom?

There are several steps that universities can take to secure free speech on campus in the face of calls for censorship and mounting concerns in the community. Universities must take steps to ensure that they can fulfil their function, to ensure students receive a strong education, and create a tolerant society, as well as ensure that the public maintain their faith in universities. Universities that take a clear and firm stand today will be much better placed in the face of future dangers.

Recommendation 1: Abolish speech codes by reforming existing university policies

The Free Speech on Campus Audits of 2016 and 2017 have identified a number of policies that limit free speech at Australia's universities. These policies, by preventing hurt feelings, unwelcome comments, and offensive conduct, can be used to silence those who are exploring controversial ideas. In practice, they have a chilling effect on freedom of speech, discouraging the discussion of controversial ideas. It is incumbent upon Australia's universities, particularly those who have received a Red policy rating, to immediately reform their policies to align with the principles of free intellectual inquiry. The sections of policies that limit free expression should be abolished.

Recommendation 2: Introduce a policy that protects intellectual freedom, as mandated by the Higher Education Support Act 2003

As discussed, Australia's universities, as a condition of federal funding, are required by legislation to protect free intellectual inquiry with a formal policy. This Audit has found that just 8 of Australia's 42 universities (19%) currently have explicit policies that protect intellectual freedom. This situation can be remedied by universities adopting policies, similar to the University of Melbourne (See Box 1), that explicitly guard free intellectual inquiry for academic staff and students. The university regulator, TEQSA, could also make a positive contribution to the sector by increasing its compliance attention on this part of the legislation.

Recommendation 3: Sign the sector-leading Report of the Committee on Freedom of Expression from the University of Chicago

A further step that universities can take in the name of protecting free intellectual inquiry is to adopt the Report of the Committee on Freedom of Expression from the University of Chicago (See Appendix 1). The seminal report 'guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge and learn' and that 'it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive'. The Foundation for Individual Rights in Education has launched a campaign in support of this statement, and has developed a model statement that all universities can adopt based upon the Chicago template.⁸⁹ Australian universities should similarly adopt this model, or alternatively, a leading Australian university or sector body could develop an equivalent statement on the importance of guarding free speech on campus.

⁸⁹ FIRE, "Model Freedom of Expression Resolution Based on University of Chicago Statement," *FIRE*, September 28, 2015.

8. How can government secure intellectual freedom?

In 2018 a debate emerged about the appropriate public policy response to limitations on freedom of expression. One approach, as previously recommended by this Audit, the education minister, and the human rights commissioner, is for universities to adopt the Chicago statement on freedom of expression.⁹⁰ University of Western Australia and the University of Western Sydney are now reportedly considering adopting freedom of expression statements. Western Sydney University vice-chancellor Barney Glover said that 'We've had a range of examples of quite challenging circumstances on Australian university campuses which touch on issues around freedom of speech'.⁹¹

Nevertheless, considering the gravity of the situation and the failure, as noted by this Audit, of most universities to adopt intellectual freedom statements, there is room for the Federal Parliament to take action by introducing more specific requirements to protect freedom of expression. A model for such action is provided by the United States state-based approach. Over half of America's states have either legislated or introduced bills to protect campus free speech following substantial public concern about the state of free intellectual inquiry. This legislation has, in most cases, been based on the Goldwater Institute's Campus Free Speech Model Legislation.⁹²

This legislation typically includes a number of provisions (See Box 10).

Box 10: US-style free speech on campus legislation provisions

- » require a university to have a standalone policy that clearly protects free expression, invalidating policies that limit free expression;
- » allow academics and students to express themselves freely in both the classroom and public debate;
- » prevent universities from cancelling speakers invited by the campus community;
- » mandate disciplinary sanctions for students who repeatedly interfere with the free speech rights of others;
- » forbid a university from discriminating against student groups based on expression or membership requirements;
- » oblige universities to remain neutral on issues of public debate, and therefore encourage a wide array of viewpoints;
- » require an annual report to the public on the handling of free speech matters; and
- » allow exceptions for reasonable time, place, and manner restrictions (i.e. loud noises outside of an examination room).

Legislation has been passed in a dozen US states, including Arizona, Colorado, Florida,

90 The Chicago statement is discussed further below.

91 Sian Powell, "Unis Rethink Free-Speech Policies," *The Australian*, October 5, 2018.

92 "Restoring Free Speech on Campus," Goldwater Institute, accessed November 5, 2018.

Louisiana, Georgia, Kentucky, Missouri, North Carolina, Tennessee, Utah, Virginia and Wisconsin. Legislation has been introduced in California, Connecticut, Illinois, Iowa, Kansas, Michigan, Minnesota, Nebraska, New Hampshire, New York, Ohio, South Dakota, Texas, Washington and Wyoming. A bill has also been introduced into the US Senate.

There have also been calls for penalties against universities that do not protect intellectual freedom. The Centre for Independent Studies' Jeremy Sammut has called for governments to 'fine' universities that do not uphold freedom of expression.⁹³ Nevertheless, this approach is not without potential pitfalls. Primarily, it is problematic for bureaucrats and politicians to decide what does and does not amount to a restriction on free expression by a university. This could lead to arbitrary decision making in contested cases.

The US-style approach requires a institutional framework that protects free expression, as well as the annual report to bring attention to particular cases.

⁹³ Jeremy Sammut, "University Freedom Charters: How Best to Protect Free Speech on Australian Campuses" (Sydney, NSW: Centre for Independent Studies, October 7, 2018).

9. Conclusion

The Free Speech on Campus Audit has identified a range of concerns about the state of free expression at Australia's universities. Many university administrations and students no longer support free speech, instead preferring to actively forbid certain ideas. A majority of universities have policies that limit students from undertaking speech that other students might find offensive. University administrators and students have sought, through a wide variety of actions, to prevent certain speakers and ideas on campus. **Universities exist to encourage the promotion of ideas; therefore the various limits on free speech seriously damage the core mission of Australia's higher education system.**

While the situation is clearly trending in the wrong direction there is, however, reason to be optimistic. Firstly, universities can take action to guard free expression. As the problem is identified, there is increasing pressure on institutions to reform their policies and take other steps to protect the diversity of ideas. There are some senior administrators who have acknowledged that there is a problem that needs to be addressed. Secondly, some university academics themselves have begun to acknowledge that the problem, and are acting to protect the notion of a university. Heterodox Academy, founded by psychology professor Jonathan Haidt to support the diversity of ideas on campus, now has 2,400 members including 55 in Australia.⁹⁴ Finally, there is a growing backlash against censorship by students who want to explore ideas and maintain freedom of expression. There are students organising controversial events, and many attending.

A free, democratic and prosperous society depends on a culture of free expression. Universities are a key starting point in the development of this culture. Students and academics alike depend on an environment of free intellectual inquiry in order to learn and discover truth. Too often at Australia's universities, in both formal university speech codes and actions, freedom of speech is being limited. Universities must take action to protect free intellectual inquiry.

⁹⁴ Heterodox Academy, "About Us," Heterodox Academy.

10. Methodology

The 2018 Audit's methodology is an extension of the methodology used for the IPA's Free Speech on Campus Audit 2016 and 2017.⁹⁵ It draws upon ratings systems developed for the American Foundation for Individual Rights in Education's (FIRE) annual *Spotlight on Speech Codes* and Spiked!'s *Free Speech University Rankings*.⁹⁶

FIRE's *Spotlight on Speech Codes* has assessed university policies annually since 2006, applying a red, yellow and green traffic light system to each individual policy and institution. Spiked! began assessing free speech on British campuses in 2015, using a method that combines analysis of university and student union actions and policies that chill free speech on campus.

The method used in this audit similarly combines the two focuses, policies and actions, into a single analysis of the state of free speech at Australian universities. This provides a holistic understanding of speech on campuses, considering each policy and action in context. **The 2018 Audit includes analysis of over 190 policies and actions at Australia's 42 universities.**

In addition to the traffic light system of the 2016 Audit, the 2017 and 2018 Audit includes a points system called the Hostility Score, to reflect how hostile the campus is to free expression of ideas. The score is based upon the number of threats measured by the number of problematic policies and actions. A higher Hostility Score is indicative of a more hostile campus to the free expression of ideas.

Green:

- A Green institution is one that has no policies, and has taken no action, that threatens campus expression.
 - » Policy: A university with no policies that infringe free speech receives a Green policy ranking. Furthermore, a university with a Freedom Policy, that is, a specific policy that protects intellectual freedom, is awarded a bonus negative 3 points towards the institution's Hostility Score.
 - » Action: A university with no identified actions that have sought to limit the diversity of ideas receives an N/A action rating.

Amber:

- An Amber institution is one that maintains policies that could be interpreted to restrict speech, though the exact impact on the free speech depends on how the policy is implemented, or there have been unsuccessful actions, taken by either university administrators or students, to limit the diversity of ideas on campus. Each Amber policy and action increases a university's Hostility Score by 1 point.
 - » Policy: a policy which has the potential to restrict freedom of speech, though the exact impact on campus expression depends on how it is implemented. For example, universities that restrict 'offensive' speech, though include a reasonableness and repeated activity test in the application of the policy. Despite the questionable policy of preventing 'offensive' speech, a reasonableness and repeated activity test provides some limited protection for freedom of expression.

⁹⁵ Lesh, "Free Speech on Campus Audit 2016."

⁹⁶ FIRE, "Spotlight on Speech Codes 2018"; Slater, "Free Speech University Rankings! - A Spiked Campaign."

- » Action: an Amber action is an act taken by the university administration, or students, which sought to damage the magnification of a voice on campus, though ultimately did not stop the voice from being heard. For example, if a student organisation protested a speaker with the intention of preventing the speech, though the speaker was able to give the speech.

Red:

- A Red institution is one that actively restricts free speech on campus through policies that either clearly and substantially restrict speech, or there have been action, taken by either university administrators or students, that limited the diversity of ideas on campus
 - » Policy: a Red policy is one that unambiguously infringes upon, and is broadly applicable to, expression. In other words, the threat to free speech at a Red institution is obvious on the face of the policy and does not depend on how the policy is applied. For example, a policy which restricts 'offensive' speech or 'unwelcome behaviour' is a clear violation as it is both unambiguous and broadly applicable to speech, as well as being an arbitrary, subjective basis for restricting speech.
 - » Action: a Red action is an act taken by the university administration, or students, which actively limits the diversity of voices on campus. For example, if a university or student union has cancelled a speaker because the speaker is too controversial, or a university has disciplined students on the basis of their political speech.

Policies source:

A range of university policies are assessed to determine the state of free speech on campus. The types of policies that were examined include, but are not limited to:

- » By-laws
- » Student codes
- » Conduct and misconduct policies
- » Bullying and harassment policies
- » Internet and social media policies
- » Academic freedom policies
- » Student guides

This Audit has only considered policies that apply to students. Staff policies, such as workplace bullying procedures, are not considered unless they also apply to students.

Actions source:

The source material for university and student action is published reports. This includes articles, for example, about preventing individuals from speaking on campus, student protests, and proposals to ban student clubs. These reports, which mostly relate to actions taken in the past five years, are inherently limited, as many actions are unreported. There are cases not included in this analysis because of privacy concerns. Nevertheless, the reported cases provide a basis on which to assess major university and student actions.

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Appendix 1: Report of the Committee on Freedom of Expression, University of Chicago, January 2015

The Committee on Freedom of Expression at the University of Chicago was appointed in July 2014 by President Robert J. Zimmer and Provost Eric D. Isaacs "in light of recent events nationwide that have tested institutional commitments to free and open discourse." The Committee's charge was to draft a statement "articulating the University's overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University's community."

The Committee has carefully reviewed the University's history, examined events at other institutions, and consulted a broad range of individuals both inside and outside the University. This statement reflects the long-standing and distinctive values of the University of Chicago and affirms the importance of maintaining and, indeed, celebrating those values for the future.

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University's culture. In 1902, in his address marking the University's decennial, President William Rainey Harper declared that "the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago" and that "this principle can neither now nor at any future time be called in question."

Thirty years later, a student organization invited William Z. Foster, the Communist Party's candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the University for allowing the event, President Robert M. Hutchins responded that "our students . . . should have freedom to discuss any problem that presents itself." He insisted that the "cure" for ideas we oppose "lies through open discussion rather than through inhibition." On a later occasion, Hutchins added that "free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities."

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated "those virtues which from the beginning and until now have characterized our institution." Central to the values of the University of Chicago, Levi explained, is a profound commitment to "freedom of inquiry." This freedom, he proclaimed, "is our inheritance."

More recently, President Hanna Holborn Gray observed that "education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom."

The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community "to discuss any problem that presents itself."

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

In a word, the University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago's long-standing commitment to this principle lies at the very core of our University's greatness. That is our inheritance, and it is our promise to the future.

Appendix 2: Full list of university policies and actions

To view the full list of university policies and actions on which the *Free Speech on Campus Audit 2018* ratings are based please visit ipa.org.au.

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FREE SPEECH ON CAMPUS AUDIT 2018

Matthew Lesh, Research Fellow

Appendix 2: Full list of university policies and actions

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Australian Catholic University

Policies

Bullying in the Working or Learning Environment Statement¹

- 3. The following types of behaviour, where directed towards the individual and repeated or occurring as part of a pattern of behaviour, may amount to bullying:
 - abusive, offensive or demeaning language
 - displaying written or pictorial material which degrades or offends an individual
 - making phone calls or sending letters or emails that are abusive, threatening or offensive
- This list is not exhaustive. Other types of behaviour may also constitute bullying.

Rating: **Red**

Discrimination and Harassment²

- 6.3 Harassment can be a single incident, or repeated behaviour, and can occur even if the behaviour is not intended to offend. Silence does not mean that the behaviour is acceptable to the other person.
- 6.4 Examples of behaviours that may amount to harassment include:
 - Offensive communications including digital communications (Facebook, twitter, e-mails), written, images and telephone.

Rating: **Red**

Acceptable Use of IT Policy³

- 3.4. Users may not encroach on others' use of the ACU IT Facilities, including computer resources by using them inappropriately. Such activities would include, but are not limited to:
 - knowingly accessing or sending sexually explicit, pornographic or otherwise offensive material;

Rating: **Amber**

Student Conduct and Discipline Policy⁴

- 3.1. All ACU students are expected to behave in a way that:

1 https://www.acu.edu.au/__data/assets/pdf_file/0013/22234/Bullying_in_the_Working_or_Learning_Environment_Statement_080414.pdf

2 https://www.acu.edu.au/policies/hr/equal_opportunity/discrimination_and_harassment

3 https://handbook.acu.edu.au/handbooks/handbook_2018/general_information/acceptable_use_of_it_policy

4 http://handbook.acu.edu.au/handbooks/handbook_2018/general_information/student_conduct_and_discipline/student_conduct_and_discipline_policy

- a. allows reasonable freedom to others to pursue their studies, research, duties, community engagement and other lawful University activities, and to participate in the life of the University;
- 5. Misconduct includes, but is not limited to, conduct or behaviour by a student or of a group of persons which includes a student that:
 - a. impairs the reasonable freedom of others to pursue their studies, research, duties, community engagement and other University activities and to participate in the life of the University;

Rating: **Green**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Australian National University

Policies

Discipline Rule 2018⁵

- (2) For this instrument, a person subjects another person (also the person harassed) to another form of harassment if the person engages in conduct that:
 - (a) is offensive, humiliating or intimidating to the person harassed, but is not sexual harassment; and
 - (b) is engaged in by the person in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated the possibility that the person harassed would be offended, humiliated or intimidated.
- (3) For subsections (1) and (2), the circumstances to be taken into account include, but are not limited to, the following:
 - (a) the sex, age, sexual orientation, gender identity, intersex status, marital or relationship status, religious belief, race, colour, or national or ethnic origin, of the person harassed;
 - (b) the relationship between the person harassed and the person who made the advance or request or who engaged in the conduct;
 - (c) any disability of the person harassed;
 - (d) any other relevant circumstance.

Rating: **Red**

Guideline: Social media participation by ANU students

- 5. Post meaningful, respectful comments. In other words, no spam, and no remarks that are off-topic or offensive.

Rating: **Red**

Procedure: Prevention of discrimination, harassment and bullying⁶

- Bullying is repeated unreasonable and inappropriate behaviour in the workplace or education environment which comprises behaviour that intimidates, offends, degrades, insults or humiliates an employee or student and is a risk to health and safety. This can be physical or psychological behaviour. Legitimate comment, criticism and advice, including relevant negative comment or feedback provided in a reasonable manner from supervisors or academics on the work, study performance or behaviour of an individual or group, does not constitute bullying

⁵ <https://www.legislation.gov.au/Details/F2018L00319>

⁶ https://policies.anu.edu.au/ppl/document/ANUP_000623

Rating: **Amber**

Policy: Code of conduct⁷

- The University recognises the concept and practice of academic freedom as central to the proper conduct of teaching, research and scholarship.
- Academic and professional staff are expected to use this freedom in a manner that is consistent with a responsible and honest search for knowledge and its dissemination.
- Academic freedom does not extend to behaviour that is harassing, disruptive and intimidating or that interferes with the academic or work performance or freedom of others.

Policy rating: **Green**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Actions

Ideology ousts news editor at ANU paper⁸

- Student Nick Blood said he was an earlier victim of Woroni's "institutionalised discrimination" when the editorial board called for opinion pieces to "break the echo chamber" following the election of US President Donald Trump. Five students sent in contributions for what was called the "Echo 360" project, which were in turn sent to each other for comments. But then the process stopped, Blood said, when "something strange happened". The sub-editor in charge of the section said there was a concern about "a lack of diversity with the authors we had so far". Blood questioned the sub-editor and established the perceived problem was "not about diversity of opinion" of the contributions, but the fact that they all came from white male students.

Rating: **Red**

Another uni opts to kick Islamic fundamentalist group Hizb ut-Tahrir off campus⁹

- Islamic fundamentalist group Hizb ut-Tahrir has been banned from speaking about its radical views at another Australian university.

Rating: **Red**

⁷ https://policies.anu.edu.au/ppl/document/ANUP_000388

⁸ <http://www.theaustralian.com.au/news/nation/ideology-ousts-news-editor-at-anu-paper/news-story/a4b66914ef30e963d5954c0cc415d609>

⁹ <http://www.dailytelegraph.com.au/news/nsw/another-uni-opts-to-kick-islamic-fundamentalist-group-hizb-uttahrir-off-campus/news-story/e3d0142082b88cd44eaabad32790417c>

Incident at university pharmacy highlights a divided Chinese community¹⁰

- “the pharmacist on duty at the time said that she felt intimidated, and allowed him to throw out the newspapers”

Rating: **Amber**

Western civilisation course at the ANU sparks uproar¹¹

- An unprecedented scholarship program to encourage the study of Western civilisation is facing a backlash from within the first university selected to participate, with staff and students accusing the philanthropic group behind it of pushing a “racist” and “radically conservative agenda”.

Note: The Australian National University is not obliged to partner with an external organisation such as the Ramsey Centre, however the public opposition to ‘conservative’ ideas indicates a closed view towards a diversity of views at the ANU

Rating: **Amber**

¹⁰ <https://www.woroni.com.au/words/incident-at-university-pharmacy-highlights-a-divided-chinese-community/>

¹¹ <https://www.theaustralian.com.au/higher-education/western-civilisation-course-at-the-anu-sparks-uproar/news-story/e1beddf1284efd16e7d9d3df995d654f>

Bond University

Policies

Student Handbook: Part 3 - Bond University Discipline Regulations¹²

- Definitions: Bullying – Repeated inappropriate behaviour that is unsolicited, intimidating, unwelcome, uninvited and unreciprocated, which may cause distress to a person and/or create an intimidating, hostile or offensive environment.
- (2) Dealing with Others at the University or External to the University
 - Bullying, on the site or in the course of any University affiliated activity, that is offensive, intimidating, humiliating and/or threatening

Rating: **Red**

Social Media Policy (COR 4.03)¹³

- 2.1.6.1. Online, personal and business personas are likely to intersect. Bond University respects the free speech rights of all of its stakeholders, but staff and students must remember that the community, colleagues and supervisors may have access to the online content they post. Staff and students should keep this in mind when publishing information online as information originally intended just for friends and family can be forwarded on. Under no circumstances should offensive comments be made about Bond University colleagues or students on the internet. This may amount to cyber-bullying and could be deemed a disciplinary offence.
- 2.1.4.1. Staff and students should be polite and respectful of all individuals, cultures and communities when interacting online. In particular, be sensitive to cultural issues associated with Indigenous and religious groups such as customs related to deceased people. Debate is healthy, but always be sure to do so in a logical and calm manner. Exercise caution on sensitive topics that could cause offence.

Rating: **Amber**

Policies – Free speech, academic freedom

- *No policy on academic freedom and/or free speech.*

Note: Bond University's Academic Freedom Policy (COR 1.12) is not publically accessible.

¹² <https://bond.edu.au/files/676/Student%20Handbook.%20Part%203%3A%20Discipline%20Regulations.pdf>

¹³ <https://bond.edu.au/files/927/COR403.pdf>

Carnegie Mellon University

Policies

Student Rights and Responsibilities¹⁴

- Students who engage in disruptive behaviour, criminal activities, ethnic intimidation, sexual harassment, moral turpitude, violations of School procedures, or violations of university regulations will be subject to disciplinary action, including possible expulsion.

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

¹⁴ https://www.australia.cmu.edu/assets/docs/general/student_rights_and_responsibilities_cmua_march_2013.pdf

Central Queensland University

Policies

STUDENT BEHAVIOURAL MISCONDUCT¹⁵

- 6.1 CQUniversity is committed to creating and maintaining a community in which students, staff, employers, and clients can work together in an environment that is free of violence, harassment, intimidation, and exploitation. Students have a responsibility to:
 - avoid behaviour that could offend, embarrass, intimidate, or threaten others

Rating: **Red**

USE OF INCLUSIVE LANGUAGE¹⁶

- Extended list of appropriate and inappropriate language (i.e. Never use the term 'victim' or 'sufferer'; Instead of Polio victim Use Person who had polio; Instead of Full-blood Aborigines, half-caste, part-Aboriginal Use Aborigine, Aboriginal and/or Torres Strait Islander people/person; Instead of The old Use Older people; Avoid 'Offensive' jokes)

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

¹⁵ <https://www.cqu.edu.au/policy?collection=policy&form=policy&query=STUDENT+BEHAVIOURAL+MISCONDUCT>

¹⁶ <https://www.cqu.edu.au/policy?collection=policy&form=policy&query=USE+OF+INCLUSIVE+LANGUAGE&sort>

Charles Darwin University

Policies

Social Media Policy¹⁷

- This document governs the use of and access to social media for professional and personal purposes by members of the University community
 - Offensive or objectionable material means any material which infringes socially accepted standards of good taste or good manners, such as insulting or aggressive language directed at another person or persons. This includes, but is not limited to, pornographic material, threats, racist remarks, and disturbing images;
 - Unacceptable use: Use profane or offensive language, content or objectionable material that:
 - Promotes, fosters, or perpetuates discrimination on the basis of race, creed, colour, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;

Rating: **Red**

Students – Grievances with Staff or Other Students Procedures¹⁸

- Bullying has the meaning ascribed to it by the CDU and Union Enterprise Agreement. For better understanding, bullying refers to persistent or ongoing behaviours directed towards an individual or group that a reasonable person, having regard to the circumstances, would find offensive, intimidating, humiliating or threatening and that potentially or actually affects health and wellbeing;

Rating: **Amber**

Email Acceptable Use Policy / Email General Use Procedures¹⁹

- Users of University email services are expected to respect the standards of courtesy and professionalism that apply to all University communications and to avoid aggressive or abusive messages, messages that could reasonably be viewed by others as offensive or objectionable, or messages containing content that is obscene.

Rating: **Amber**

Identifying Unacceptable Use of Information and Communication Technologies Procedures²⁰

- Creation, solicitation, acquisition, transmission or public display of material, which is, or could reasonably be perceived as being, obscene, defamatory, discriminatory, offensive, objectionable

17 <http://www.cdu.edu.au/governance/doclibrary/pol-059.pdf>

18 <https://www.cdu.edu.au/governance/doclibrary/pro-095.pdf>

19 <https://www.cdu.edu.au/governance/doclibrary/pol-010.pdf> <http://www.cdu.edu.au/governance/doclibrary/pro-015.pdf>

20 <http://www.cdu.edu.au/governance/doclibrary/pro-043.pdf>

in nature, or likely to cause distress to some individuals. If the material is a legitimate part of education and/or research, appropriate warning should be given if displayed or transmitted;

Rating: **Amber**

Code of Conduct²¹

- Intellectual freedom (as defined by Article 19 of the Universal Declaration of Human Rights) means everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers;
 - We will ensure that accountability is practised by: Ensuring that intellectual freedom is exercised through the responsible and honest search for knowledge and its dissemination

Rating: **Green**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

²¹ <http://www.cdu.edu.au/governance/doctrinary/cod-001.pdf>

Charles Sturt University

Policies

ANTI-RACISM POLICY²²

- (1) The purpose of this Policy is to raise awareness of and compliance with Charles Sturt University's commitment to providing a work and study environment that is culturally inclusive and free from racial discrimination and harassment. Racism is best understood when acknowledging the context of power, oppression and privilege.
- (3) c. Harassment - refers to unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive and, taking into account all the circumstances, could reasonably have been anticipated to have this effect.
- (7) The University will ensure that course design, curriculum content, teaching methodologies and student experience are racially sensitive and culturally inclusive.
- (8) The University will encourage research and community service activities that raise awareness of and promote cultural diversity and inclusiveness.

Rating: **Red**

HARASSMENT AND BULLYING PREVENTION GUIDELINES²³

- (30) Bullying behaviours may include but are not limited to:
 - abusive or offensive language, insults, ridicule, sarcasm or intimidating remarks;

Rating: **Red**

STUDENT CHARTER²⁴

- (2) All members of the University community are expected to value:
 - d. social justice including ethical practice and global citizenship;
 - e. economic, social and environmental sustainability, including the responsible stewardship of resources

Rating: **Red**

INDIGENOUS AUSTRALIAN CONTENT IN COURSES POLICY²⁵

- (3) This document sets out the Policy on the University's requirements for, and expectations of, the incorporation of Indigenous Australian content in all undergraduate and professional entry courses within Charles Sturt University.
- (12) b. The School of Indigenous Australian Studies will teach all subjects/modules of Indigenous Australian Studies in all courses at the University.

22 <https://policy.csu.edu.au/document/view-current.php?id=403>

23 <https://policy.csu.edu.au/document/view-current.php?id=225>

24 <https://policy.csu.edu.au/document/view-current.php?id=268>

25 <https://policy.csu.edu.au/document/view-current.php?id=385>

- (12) c. The School of Indigenous Australian Studies will teach all subjects/modules of Indigenous Australian Studies in all courses at the University (as defined in clause 7).

Rating: **Red**

Harassment and Bullying Prevention Policy²⁶

- (4) a. Harassment - refers to unwelcome behaviour that:
 - i. makes a person feel offended, belittled, intimidated or apprehensive; and that
 - ii. a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.

Rating: **Amber**

Equal Opportunity Policy²⁷

- (8) Harassment refers to unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive and that, taking into account all the circumstances, could reasonably have been anticipated to have this effect.

Rating: **Amber**

RESPONSIBLE INVESTMENT GUIDELINES²⁸

- In regards to industries, the following will be considered as areas that the University would see as being in conflict with its values; manufacture of tobacco; gambling; pornography and prostitution; manufacture and distribution of armaments; and coal seam gas.

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

26 <https://policy.csu.edu.au/view.current.php?id=00224>

27 <https://policy.csu.edu.au/view.current.php?id=00223>

28 <https://policy.csu.edu.au/view.current.php?id=00360>

Curtin University

Policies

Student Conduct²⁹

- What is harassment?
 - Harassment is any form of unwanted or unwelcome behaviour that is offensive to you. It may range from mildly unpleasant remarks to physical violence. It can include repeated unwelcome advances, requests, or comments that cause you worry or anxiety.
- How do I know if my behaviour is causing offence?
 - check your behaviour and language by asking if it's offensive to anyone
- Bullying or cyber bullying
 - You are feeling intimidated or offended by the repeated behaviour of another person or group of people towards you—either in person or by email, phone, chat rooms or social networking sites such as Facebook and MySpace

Rating: **Red**

Bullying – Guidance for the Person Accused³⁰

- If another person were to witness the behaviour, would they consider it to be offensive, humiliating, intimidating or threatening?

Rating: **Red**

The Residence Handbook³¹

- OFFENSIVE MATERIAL: Displaying or distributing printed, electronic or audiovisual material considered to be offensive by Management will result in the offending material being removed and further action taken depending on the type, nature and severity of the offence.

Rating: **Red**

Policy - Intellectual freedom

Intellectual Freedom Policy³²

- 2.1. The University will recognise and protect the right of all staff and students at the University to freely and honestly engage in critical enquiry, scholarly endeavour and public discourse, and to participate in public debate without censorship or fear of professional disadvantage or penalty

Rating: **Green**

29 <https://complaints.curtin.edu.au/local/docs/StudentConduct.pdf>

30 https://hr.curtin.edu.au/local/docs/Bullying__Guidance_for_the_Person_Accused_v5.pdf

31 http://life.curtin.edu.au/local/docs/Residence_Handbook.pdf

32 https://policies.curtin.edu.au/local/docs/policy/Intellectual_Freedom_Policy.pdf

Deakin University

Policies

Student Bullying³³

- You have the responsibility to:
 - avoid any behaviour that may offend, humiliate, intimidate, exclude or cause injury to others.
- Bullying is repeated, unreasonable behaviour directed towards a person or group, that creates a risk to health and safety.
 - Unreasonable behaviour means behaviour that a reasonable person, having regard to all the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
 - Repeated behaviour means an established pattern of behaviour and not a single incident.
 - Risk to health and safety includes risk to the mental or physical health of the person.
- You have the responsibility to:
 - avoid any behaviour that may offend, humiliate, intimidate, exclude or cause injury to others.
- Examples of bullying
 - Repeated behaviours that constitute bullying include:
 - verbal or written abuse in emails or other forms of electronic communication, including abusive, insulting, belittling, intimidating or offensive language; spreading rumours; teasing; displaying offensive posters or graffiti
- Cyber-bullying can take many forms including:
 - abusive or offensive messages or images on mobile phones, social media or online discussion boards

Rating: **Amber**

Bullying and cyber bullying³⁴

- You have the responsibility to: avoid any behaviour that may offend, humiliate, intimidate, exclude or cause injury to others.

33 http://www.deakin.edu.au/___data/assets/pdf_file/0011/190766/Student-Bullying-fact-sheet.pdf

34 <http://www.deakin.edu.au/students/health-and-wellbeing/counselling/topics-to-explore/healthy-relationships/bullying-and-cyber-bullying>

- Bullying is repeated, unreasonable behaviour directed towards a person or group, that creates a risk to health and safety.

Rating: **Amber**

CONDITIONS OF INFORMATION TECHNOLOGY USE³⁵

- 2. ICT Users may not:
 - knowingly display or store electronic material that is offensive, sexually explicit, or racially, religiously or sexually intolerant unless prior approval has been granted for the purpose of research or study

Rating: **Amber**

Policy - Intellectual freedom

ACADEMIC FREEDOM POLICY³⁶

- (4) The University recognises and values the right to academic freedom as central to its endeavours in scholarship, teaching and research and is committed to its promotion and protection within the University. It supports the right of its scholars to engage in critical inquiry and robust and unfettered critical debate. It recognises and promotes a diversity of opinion and the right to express that opinion freely.

Rating: **Green**

Actions

Deakin student union clashes with club over anti-Abbott T-shirts³⁷

- Deakin Young Socialist Alliance members have accused the Deakin University Student Association of double standards and censoring their political views after being asked to remove T-shirts critical of Prime Minister Tony Abbott last Tuesday. The shirts were emblazoned with the Rosie the Riveter feminist image with the text "Up Yours Abbott".

Rating: **Red**

Tony Abbott cancels visit to university to avoid protesters³⁸

- Prime Minister Tony Abbott has cancelled a visit to a Victorian university, an event expected to be targeted by protesters in the wake of the federal budget.

Rating: **Red**

35 <https://policy.deakin.edu.au/download.php?id=92&version=2&associated>

36 <https://policy.deakin.edu.au/document/view-current.php?id=27>

37 <http://www.geelongadvertiser.com.au/news/deakin-student-union-clashes-with-club-over-antiabbott-tshirts/news-story/3267410fc336d8df428d7f8789ccfa62>

38 <http://www.smh.com.au/federal-politics/political-news/tony-abbott-cancels-visit-to-university-to-avoid-protesters-20140520-38mly.html>

Edith Cowan University

Policies

Prevention of Harassment, Bullying and Discrimination³⁹

- 3. Definitions:
 - Harassment: Unacceptable conduct that consists of unwelcome and uninvited comments or actions that intimidate, offend, humiliate or embarrass a person or a group of persons. Equal opportunity laws prohibit harassment on the grounds of sex, race and/or disability.

Rating: **Red**

EDITH COWAN UNIVERSITY LANDS AND TRAFFIC BY-LAWS⁴⁰

- PART 4 – USE BY PERSONS OF UNIVERSITY LANDS
 - Prohibited acts on University lands
 - 4.1 No person shall on University lands – (c) use abusive or insulting language or do or engage in any offensive, indecent or improper act, conduct or behaviour;

Rating: **Red**

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

Action

Students protesting against ban ordered out⁴¹

- STUDENTS protesting against a policy prohibiting political groups were asked to leave the ECU Joondalup campus last month.

Rating: **Red**

Backlash over Murdoch Uni's decision to host 'dangerous nutrition expert'⁴²

- But a petition calling to ban her from speaking at the university soon gathered more than 200 signatures, and ECU officials then called off the event.

Rating: **Red**

39 <http://policysearch.ecu.edu.au/WebDrawer.PolicySearch/Record/641/file/document>

40 <http://policysearch.ecu.edu.au/WebDrawer.PolicySearch/Record/172/file/document>

41 <https://www.communitynews.com.au/joondalup-times/news/students-protesting-against-ban-ordered-out/>

42 <http://www.watoday.com.au/wa-news/backlash-over-murdoch-unis-decision-to-host-dangerous-nutrition-expert-20170608-gwn8ji.html>

Federation University

Policies

Social Media Guidelines⁴³

- It is not appropriate and may even be illegal to post comments or respond to comments about the University or individuals which could be considered offensive, defamatory, harassing, threatening, discriminatory, intimidating or otherwise inappropriate.

Rating: **Red**

Use of Computing and Communication Facilities Policy⁴⁴

- It is prohibited to use Electronic Communication Services to libel, to send or subscribe to pornographic material, to harass, threaten other individuals, unlawfully vilify or to transmit offensive language or images;
- Inappropriate use includes, but is not limited to: Staff or Students may not intentionally create, transmit, distribute, or store any offensive information, data or material that violates Australian or State regulations or laws. The University reserves the right to audit and remove any illegal material from its computer resources without notice.
- Social Media: Inappropriate use of social media that results in negative perception of the University, it's staff or students, or not in line with the Social Media Guidelines may be subject to disciplinary action in accordance with this policy.

Rating: **Red**

Equal Opportunity and Valuing Diversity⁴⁵

- Is a form of discrimination and refers to a wide range of deliberate and unintentional behaviours, based on an attribute as listed above, which are unwelcome and uninvited and which are reasonably likely, in all the circumstances, to humiliate, intimidate or offend. It includes behaviour which may be written, printed, verbal, non-verbal or physical (including transmission or display of inappropriate electronic communications, use of social media).

Rating: **Red**

Student Grievance Policy⁴⁶

- Bullying: Means repeated, unreasonable behaviours directed towards a student or a group of students that creates a risk to health and safety, including but not limited to:
 - Abusive, insulting or offensive language;
 - Behaviour or language that frightens, humiliates, belittles or degrades;
- Intimidating, harassing, threatening, offensive or vexatious behaviour will not be tolerated.

Rating: **Amber**

43 http://policy.federation.edu.au/community_engagement_and_development/media/socialmedia/ch02.php

44 http://policy.federation.edu.au/information_management_and_infrastructure/web_services/it/ch01.php

45 http://policy.federation.edu.au/corporate_governance/equity/equal_opportunity/ch01.php

46 http://policy.federation.edu.au/learning_and_teaching/academic_progress/standard_10/ch05.php

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Flinders University

Policies

Equal Opportunity Policy⁴⁷

- Unlawful harassment means any form of behaviour that takes place in circumstances in which a reasonable person, having regard to all circumstances, should have anticipated that the person, or group of people, who is (are) subject to the harassment would be offended, humiliated or intimidated. The behaviour in question must be perceived to relate to one or more of the grounds of discrimination as listed in Appendix A.
- Appendix A:
 - sex or gender
 - sexuality or gender identity
 - pregnancy
 - breastfeeding
 - marital or domestic partnership status
 - caring responsibilities
 - identity of spouse or domestic partner
 - disability
 - race, colour, descent, national or ethnic origin
 - age
 - political opinion
 - religious conviction or religious dress
 - personal association with a person who is identified by any of the listed attributes
 - social origin
 - medical record
 - criminal record
 - trade union activity
 - on any other ground which the Council shall after due consideration determine to be a basis of discriminatory practice
 - any combination of the above

Rating: **Red**

Policy Against Racism⁴⁸

- Individual racism involves specific acts of racist behaviour by individuals or groups. This can include language or actions of a racist nature which are offensive, degrading, intimidating or embarrassing;

Rating: **Red**

47 <http://www.flinders.edu.au/ppmanual/equal-opportunity/equal-opportunity.cfm>

48 <http://www.flinders.edu.au/ppmanual/equal-opportunity/against-racism.cfm>

No Bullying at Flinders⁴⁹

- Definition
 - Bullying defines persistent or ongoing behaviours directed towards an individual or group that a reasonable person, having regard to the circumstances, would find offensive, intimidating, humiliating or threatening and that potentially or actually affects health and wellbeing.

Rating: **Amber**

IT Acceptable Use Policy⁵⁰

- E-mails containing sexist, racist, offensive or abusive material are not acceptable under any circumstances;
- Create or transmit any material that could reasonably be deemed offensive, obscene or indecent, intimidating or distressing (other than for approved teaching, research or incident investigation purposes);
- Acceptable use of IT permits the personal use of University IT Resources provided it does not:
Damage the reputation or operations of the University; and

Rating: **Amber**

Cultural Diversity and Inclusive Practice Toolkit⁵¹

- Discussion of appropriate / inappropriate language

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

49 <http://www.flinders.edu.au/ppmanual/equal-opportunity/no-bullying.cfm>

50 <http://www.flinders.edu.au/ppmanual/computing/ict-guide.cfm>

51 <http://www.flinders.edu.au/cdip/toolkit/>

Actions

Bjørn Lomborg's \$4m centre rejected by Flinders University academics⁵²

- Academics at Flinders University have delivered a withering rejection of the university's plan to host a Bjørn Lomborg-run research centre with \$4m of federal government money, labelling the Dane "infamous" for his views on climate change.

Rating: **Amber**

⁵² <http://www.theguardian.com/world/2015/jul/28/bjrn-lomborgs-4m-centre-rejected-by-flinders-university-academics>

Policies

Information Technology Code of Practice⁵³

- You should not use the University IT resources to create, download, distribute, store or display any offensive or illegal material.
- Material that has the potential to cause offence or would normally be regarded as inappropriate should not be used unless a genuine reason exists (i.e. to support teaching, learning or research activities) and the reason for the use must be documented and approved by the relevant supervisor. Such access should not occur on publicly accessible terminals.

Rating: **Amber**

Student Sexual Assault, Harassment, Bullying & Discrimination Policy⁵⁴

- 3.2 Harassment and Sexual Harassment
 - Harassment is repeated behaviour that is directed at an individual or group of students or staff and is offensive, humiliating, intimidating or threatening. The behaviour is often unwelcome and makes it difficult for effective work or study to be conducted.
 - Harassment occurs in circumstances where a reasonable person would have expected that the behaviour was going to be offensive, humiliating or intimidating and may be sexual in nature or based on gender, race, disability, sexual orientation or a range of other factors listed in the Queensland Anti-Discrimination Act (1991).
- 3.3 Bullying
 - The Department of Education and Training Queensland defines bullying as repeated verbal, physical, social or psychological behaviour that is harmful and involves the misuse of power by an individual or group towards one or more persons.

Rating: **Amber**

Note: While the definition of harassment in itself includes a reasonable person test, it is concerning that the policy refers other factors listed in Queensland Anti-Discrimination Act (1991) which includes (i) religious belief or religious activity and (j) political belief or activity. This amounts to a blasphemy-law type restriction on offending someone on the basis of religion, and undermines political debate by preventing causing offence on the basis of someone's political belief. While the inclusion of religion and political belief is not uncommon in state based anti-discrimination law, these laws do not include religious or political belief in the attributes on which you cannot offend a person.

53 <https://policies.griffith.edu.au/pdf/Information%20Technology%20Code%20of%20Practice.pdf>

54 <https://policies.griffith.edu.au/pdf/Student%20Sexual%20Assault%20Harassment%20Bullying%20and%20Discrimination%20Policy.pdf>

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

James Cook University

Policies

Bullying, Discrimination, Harassment, and Sexual Misconduct Policy⁵⁵

- Harassment occurs when a person, or a group of people, is intimidated, insulted or humiliated because of one or more characteristics, or from working in a hostile or intimidating environment that makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances. Harassment can arise as the result of a single incident as well as repeated incidents (for example, hazing).
- The grounds for which a complaint may be made under this policy include discrimination and harassment based on one or more of the following characteristics:
 - Sex or gender
 - Relationship status, pregnancy, breastfeeding, parental status and family responsibility
 - Sexuality or gender identity
 - Disability or impairment
 - Race, accent, colour, national or ethnic origin, nationality, ethnicity, descent or ancestry, or immigration
 - Age
 - Religious or political belief or activity
 - Trade union activity
 - Lawful sexual activity, or
 - Personal association with or relation to any person who is identified on the basis of any of the above attributes.

Rating: **Red**

Information Communication Technology Acceptable Use Policy⁵⁶

- 1.5 University ICT Services must not be used in any manner, which the University considers to be inappropriate, this may include, but is not limited to:
 - iii. knowingly downloading, storing, distributing or viewing of offensive, obscene, indecent, or menacing material. This could include, but is not limited to, defamatory material, material that could constitute racial or religious vilification,

⁵⁵ <https://www.jcu.edu.au/policy/corporate-governance/discrimination-and-harassment-policy-and-procedure>

⁵⁶ <https://www.jcu.edu.au/policy/information-and-communications-technology/information-communication-technology-acceptable-use-policy>

discriminatory material, material that incorporates gratuitous violence or frequent and highlighted bad language;

Rating: **Amber**

Social Media Policy⁵⁷

- The University will examine postings on external Social Media sites of which it becomes aware, that threaten or incite harm to its Staff, Students and Affiliates, or facilities, or any postings that threaten the University's reputation, particularly when the posting is false or misleading. The University will take action to the extent possible where it considers a posting breaches this or any other Policy.

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Actions

James Cook University students expelled from St Mark's Residential College over music competition skit⁵⁸

- TWO James Cook University students have been expelled from their residential college after poking fun at the college's religious values in a music competition.

Rating: **Red**

'Trigger warnings' of the authoritarian Left⁵⁹

- ousting of climate sceptic scientist Bob Carter from his adjunct professorship at Queensland's James Cook University

Rating: **Red**

Fears uni may sack marine scientist over comments on reef health⁶⁰

- Outspoken marine scientist Peter Ridd has landed in hot water with James Cook University following a high-profile book tour in which he questioned the quality of Great Barrier Reef science.

Rating: **Red**

57 <https://www.jcu.edu.au/policy/corporate-governance/social-media-policy>

58 <http://www.townsvillebulletin.com.au/news/james-cook-university-students-expelled-from-st-marks-residential-college-over-music-competition-skit/story-fnjfzs4b-1226739912683>

59 <http://www.dailytelegraph.com.au/news/opinion/trigger-warnings-of-the-authoritarian-left/news-story/1d50b6582b3ab9965aa7d9691be34c7f>

60 <http://www.theaustralian.com.au/higher-education/fears-uni-may-sack-marine-scientist-over-comments-on-reef-health/news-story/5d70061c8df6015abfcb07552de461df>

Marine science rebel Peter Ridd sacked by James Cook University⁶¹

- Peter Ridd has been sacked by James Cook University for speaking to The Australian and breaking a gag order to expose disciplinary action being taken against him after he criticised the quality of Great Barrier Reef science.

Rating: **Red**

⁶¹ <http://www.theaustralian.com.au/higher-education/fears-uni-may-sack-marine-scientist-over-comments-on-reef-health/news-story/5d70061c8df6015abfcb07552de461df>

La Trobe University

Policies

STUDENT BEHAVIOURS POLICY⁶²

- (9) At La Trobe University, students must:
 - Not engage in unacceptable behaviour such as violence, discrimination, harassment, bullying, violence, vilification and victimisation. This includes any behaviour which may be perceived as:
 - verbally abusing a person or using offensive language
- (14) For the purpose of this Policy and Procedure:
 - a. Bullying is the repeated, unreasonable and less favourable treatment of a person. It includes behaviour that intimidates, offends, degrades or humiliates a person and may create a risk to their health and safety. Bullying can:
 - Take many forms, including jokes, teasing, nicknames, emails, pictures, text messages, social isolation or ignoring people, or unfair work practices;
 - Involve many different forms of unreasonable behaviour, which can be obvious (direct) or subtle (indirect);
 - Be intentional, where someone's actions are intended to humiliate, offend, intimidate or distress, whether or not the behaviour resulted in that effect; and
 - Be unintentional through engaging in behaviour that results in humiliation, offence, intimidation, distress and could reasonably have been expected to cause that effect.
 - c. Harassment is when uninvited or unwelcome behaviour causes someone, or a group of people, to feel intimidated, insulted or humiliated. It can occur in a single incident or a series of incidents. Harassment may also be experienced as a result of witnessing behaviour not directed to that person e.g. overhearing an unacceptable joke. Each person perceives things differently as their values and experiences are unique to them. As such, they may react differently to how someone might expect.

Rating: **Red**

CHARTER OF STUDENT RIGHTS AND RESPONSIBILITIES⁶³

- (6) c. Engaging in positive behaviours and using language which does not cause offence, physical/ emotional injury or intimidation to another person;

⁶² <https://policies.latrobe.edu.au/document/view.php?id=60>

⁶³ <https://policies.latrobe.edu.au/document/view.php?id=225>

Rating: **Red**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Actions

La Trobe University rejects anti-transgender speaker from holding event at Art Institute on View Street⁶⁴

- LA Trobe University's LGBTQ community has welcomed the university's decision not to allow anti-transgender speaker Babette Francis to host a talk at one of its venues.

Rating: **Red**

La Trobe University Student Union Condemns Bettina Arndt on Campus⁶⁵

- The La Trobe University Student Union strongly condemns Bettina Arndt, the views she represents, and the University's decision to re-authorise the event, "Betting Arndt: Is There A Rape Crisis On University Campuses?".

Rating: **Amber**

⁶⁴ <https://www.bendigoadvertiser.com.au/story/5610770/la-trobes-rejection-of-anti-transgender-event-welcomed/>

⁶⁵ <https://www.bendigoadvertiser.com.au/story/5610770/la-trobes-rejection-of-anti-transgender-event-welcomed/>

Macquarie University

Policies

DISCRIMINATION, BULLYING AND HARASSMENT PREVENTION POLICY⁶⁶

- 4 Definitions:
 - Harassment: any type of behaviour, explicit or implicit, verbal or non-verbal that is unwelcome, offensive, abusive, belittling or threatening.
 - Offensive: any conduct or language which a reasonable person would regard as insulting or humiliating in the circumstances.

Rating: **Red**

Student Code of Conduct⁶⁷

- Freedom of expression
 - Every member of the University community and associate of the University has a right to freedom of expression. It is not misconduct under this code of conduct for a person to exercise that right. This code of conduct must be interpreted in a manner which is consistent with that right.
- Misconduct
 - (g) do anything which may endanger the physical or mental health, safety or well being of any person (including the student);
 - (k) conduct himself or herself in an offensive manner or use offensive language, on or near, or within view or hearing from University premises or whilst engaged in University activities, without a reasonable excuse;
- Definitions and Interpretation
 - “offensive” means in respect of any conduct or language, anything which a reasonable person would regard as offensive in the circumstances and includes, in the case of conduct or language directed at any person, anything which a reasonable person would consider insulting or humiliating in the circumstances;
 - “bullying” means any unwelcome act directed at a person that: (a) would cause a reasonable person in the circumstances to be humiliated, intimidated or seriously offended; (b) place a reasonable person in the circumstances in fear of physical or emotional harm to himself or herself or of damage to his or her property; or (c) create a hostile or demeaning environment for a reasonable person in the circumstances; and includes bullying either in person or via the internet, email or other electronic means;

⁶⁶ <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/discrimination-bullying-and-harassment-prevention>

⁶⁷ <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/student-code-of-conduct>

Rating: **Amber**

Acceptable Use of IT Resources⁶⁸

- 2 SCHEDULE
 - 'Misuse' includes, but is not limited to:
 - (e) the deliberate or reckless creation, transmission, storage, downloading, or display of any offensive or menacing images, data, or other material, or any data capable of being resolved into such images or material, except in the case of the appropriate use of Information Technology Resources for properly supervised University work or study purposes;

Rating: **Amber**

Policy - Intellectual freedom

Academic Freedom Statement⁶⁹

- Academic freedom is the principle that staff and students should be free to conduct research, undertake learning and teaching, communicate, and publish, subject to the standards of scholarship without unreasonable interference and restriction.

Actions

Universities Of The Closed Mind⁷⁰

- Hunter declared he would not attend because of 'the Human Rights abuses currently occurring in Gaza'. Hunter was joined by other academics who proudly announced their support for the Boycott Divestment Sanctions against Israel, asserting Israel's responsibility for 'gross human rights abuses'.

Rating: **Amber**

68 <https://staff.mq.edu.au/work/strategy-planning-and-governance/university-policies-and-procedures/policies/acceptable-use-of-it-resources>

69 <https://www.mq.edu.au/about/about-the-university/governance/academic-senate/academic-freedom-statement>

70 <https://ipa.org.au/publications-ipa/universities-of-the-closed-mind>

Monash University

Policies

Social Media: Student Use Procedures⁷¹

- 4. Specific Prohibitions
 - When using social media in the context of education or research training, and when making identifiable personal use of social media, students must not:
 - make any comment or post material that is, or might be construed to be, racial or sexual harassment, offensive, obscene (including pornography), defamatory, discriminatory towards any person, or inciting hate;
 - make any comment or post material that might otherwise cause damage to the University's reputation or bring it into disrepute;

Rating: **Red**

Civil Disturbance Policy⁷²

- The university strives to maintain an environment that is safe for all and conducive to learning. It recognises and encourages freedom of expression and the right to peaceful protest; however, these activities are acknowledged as quite distinct from unlawful acts of civil disturbance which may threaten the safety and/or security of any person or property within the precincts of the university.
- Definitions:
 - Breach of the Peace: Includes conduct which, if committed, may amount to an unlawful act or acts including, but not limited to assault, threatening or offensive behaviour, riot or obstruction

Rating: **Red**

Equal Opportunity Policy⁷³

- Harassment: is unwelcome conduct that might reasonably cause a person to be offended, humiliated or intimidated because they have a protected attribute.
 - Protected attribute:
 - – age;
 - – carer and parental status;
 - – disability; – employment activity;
 - – gender identity (which includes gender expression);
 - – industrial activity;
 - – Intersex status;
 - – lawful sexual activity and sexual orientation;

71 https://www.monash.edu/__data/assets/pdf_file/0008/787373/Social-Media_Student-Use-Procedures.pdf

72 https://www.monash.edu/__data/assets/pdf_file/0003/783525/Civil-Disturbance-Policy.pdf

73 https://www.monash.edu/__data/assets/pdf_file/0011/783722/Equal-Opportunity-Policy.pdf

- – marital status or relationship status;
- – physical features;
- – political belief or activity;
- – pregnancy and breastfeeding;
- – race;
- – religious belief or activity;
- – sex;
- – expunged homosexual conviction; or
- – personal association with someone who has, or is assumed to have, one of these personal characteristics.

Rating: **Red**

Information Technology Acceptable Use Procedure⁷⁴

- 4.2. Appropriate standards of civility should be used when using e-mail and other messaging services to communicate with other staff members, students or any other message recipients. When using the email or messaging system users must not send:
 - Offensive, Intimidating or Humiliating Emails: University IT Resources must not be used to humiliate, intimidate or offend another person/s based on their race, gender, or any other attribute prescribed under anti-discrimination legislation.

Rating: **Amber**

Acceptable Use of Information Technology Facilities by Students Procedures⁷⁵

- 8.6. Anti-discrimination
 - Laws and the University Equal Opportunity Policy prohibit sexual harassment and discrimination, vilification or victimisation on grounds such as race, gender, sexual preference, disability, or status as a parent or carer. University ICT facilities must not be used to humiliate, intimidate or offend others on the basis of their race, gender, or any other attribute prescribed under anti-discrimination legislation.

Rating: **Amber**

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

Actions

Monash University suspends lecturer over quiz question⁷⁶

- Monash University has confirmed it has suspended a lecturer after Chinese students complained about a quiz that suggested Chinese officials were truthful only when drunk.

⁷⁴ https://www.monash.edu/__data/assets/pdf_file/0008/1092779/Information-Technology-acceptable-Use-Procedure.pdf

⁷⁵ https://www.monash.edu/__data/assets/pdf_file/0008/783872/Acceptable-Use-of-Information-Technology-Facilities-by-Students-Procedures.pdf

⁷⁶ <http://www.theaustralian.com.au/higher-education/monash-university-suspends-lecturer-over-quiz-question/news-story/2bc64598623c5a0718c8fc808ef2ef14/>

Rating: **Red**

Monash Uni to introduce 'trigger warnings,' Australian first⁷⁷

- Melbourne's Monash University is set to become Australia's first university to introduce anti-intellectual trigger warnings, an investigation by Generation Liberty has revealed.

Rating: **Amber**

⁷⁷ <http://generationliberty.ipa.org.au/breaking-monash-uni-introduce-trigger-warnings-australian-first/>

Murdoch University

Policies

Murdoch University By-Laws⁷⁸

- 7. Assault and Abuse
 - (1) Any person who:
 - (b) uses abusive or insulting language or engages in any offensive, indecent or improper act, conduct or behaviour; or
 - (2) Every person offending against this By-law shall be liable for every such offence to a penalty of \$50.

Rating: **Red**

Email and Electronic Messaging Policy⁷⁹

- 1. Email and Electronic Messaging Systems Use:
 - 1.5. Emails and other electronic messages should not contain content which may be considered offensive, harassing, obscene or threatening.

Rating: **Amber**

Electronic Collaboration and Social Media Policy⁸⁰

- No individual may post, share or distribute any content on any University electronic collaboration or social media system that:
 - a. is illegal, objectionable, defamatory, offensive or threatening;

Rating: **Amber**

Non-Discriminatory Language Guidelines for students and students⁸¹

- Discussion of appropriate / inappropriate language

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Actions

78 <https://policy.murdoch.edu.au/dotNet/documents/?docid=1551&public=true>

79 <https://policy.murdoch.edu.au/dotNet/documents/?docid=1994&public=true>

80 <https://policy.murdoch.edu.au/dotNet/documents/?docid=244&mode=view>

81 http://our.murdoch.edu.au/Student-life/_document/Equity/5317-Language_GuidelinesBrochure.2009-versionpdf.pdf

Backlash over Murdoch Uni's decision to host 'dangerous nutrition expert'⁸²

- Backlash over Murdoch Uni's decision to host 'dangerous nutrition expert'.
- "Murdoch University, as an institution of learning, works to promote critical thinking and learning through discussion, debate and exposure to alternatives points of view. One way to achieve this is to welcome other voices on campus in the form of guest speakers or visiting lecturers," he said.

Rating: **Green**

⁸² <http://www.watoday.com.au/wa-news/backlash-over-murdoch-unis-decision-to-host-dangerous-nutrition-expert-20170608-gwn8ji.html>

Queensland University of Technology

Policies

A/8.5 Grievance resolution procedures for discrimination related grievances⁸³

- 8.5.8 Definitions
 - Harassment is a form of discrimination. It refers to offensive behaviour and it may be based on one of the grounds referred to above, or may be motivated by other factors. Harassment can take many forms and can range from the subtle to the obvious. It may occur on one occasion or be a part of a pattern.
 - Harassment includes, but is not limited to: making denigrating oral, written or e-mail comments, name-calling, or jokes; displaying or distributing denigrating written or pictorial material, graffiti, clothing or badges; threatening, bullying, intimidating or excluding a person because of their gender, race, culture, disability, or sexuality, for example expressing stereotypes, that is assumptions about a person, because of, for example, their gender, race, culture, disability, or sexuality using University facilities to recruit students or staff to organisations or groups which advocate unlawful discrimination or harassment downloading hate sites, pornography or offensive screensavers from the internet advocating or inciting hatred towards, physical attacks upon, or discrimination against people (because of, for example, their gender, race, culture, disability or sexuality).

Rating: **Red**

F/1.11 Acceptable use of information and communications technology resources

- 1.11.8 Incidental personal use
 - QUT recognises that ICT resources may be used for incidental personal use. Incidental personal use must be infrequent and minor, and must not breach this policy or interfere with University business operations or, in the case of staff users, with the performance of that staff member's duties. Incidental personal use of the University's ICT resources does not include any of the following:
 - personal observations using inappropriate or offensive language
- 1.11.12 Definitions
 - Unacceptable material includes material in any format that is one or more of the following:
 - defamatory, harassing or abusive, including personal observations using unacceptable or offensive language
 - offensive, as judged against accepted community standards for material on public display in a workplace or learning environment.

⁸³ http://www.mopp.qut.edu.au/A/A_08_05.jsp

Rating: **Amber**

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

Action

Racial stoush erupts over QUT computer lab⁸⁴

- A woman employed in a top Queensland university's indigenous unit is seeking almost \$250,000 in damages from jobless students, academics and others in a new legal challenge relying on Australia's racial discrimination laws.

Rating: **Red**

⁸⁴ <http://www.theaustralian.com.au/higher-education/racial-stoush-erupts-over-qut-computer-lab/news-story/b80de339339f2d5588839ac06f3c8909>

RMIT University

Policies

Student Conduct Regulations⁸⁵

- 4. General Misconduct
 - (1) A student commits general misconduct if the student:
 - c) behaves in a manner which is disorderly, indecent, offensive or detrimental to the University's interests and reputation

Rating: **Red**

Acceptable use of information and communication technology standard⁸⁶

- 2. You must not create, access, transmit or otherwise deal with content which is illegal or which may reasonably be regarded as objectionable, defamatory or offensive and which may expose the University to legal liability.

Rating: **Amber**

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

85 <https://www.rmit.edu.au/about/governance-and-management/statutes-and-regulations/student-conduct-regulations>

86 <https://www.rmit.edu.au/about/governance-and-management/policies/information-technology-policy/acceptable-use-of-technology-standard>

Southern Cross University

Policies

HARASSMENT, BULLYING AND DISCRIMINATION POLICY⁸⁷

- (6) Harassment is unwelcome behaviour that intimidates, offends or humiliates an individual, or group of people, on the basis of race, colour, sex, age, sexual orientation, disability or other attribute protected by any state of federal anti-discrimination legislation.
- (8) Harassment may be repeated or a one-off incident.
- (9) Harassment includes but is not limited to:
 - d. offensive communications including digital communications such as Facebook, Twitter and e-mails; and
- (15) Bullying is defined as repeated and unreasonable behaviour directed towards a person or a group of persons that creates a risk to health and safety.
- (16) Unreasonable behaviour includes behaviour that is victimising, humiliating, intimidating or threatening. Whether a behaviour is unreasonable can depend on whether a reasonable person might see the behaviour as unreasonable in the circumstances.
 - b. yelling, screaming or offensive language;

Rating: **Red**

Student Rights and Responsibilities Charter⁸⁸

- Responsibilities Every student has the responsibility...
 - (1.6) to observe community standards of behaviour with respect and civility to respect academic freedom and alternative points of view when participating in debate.

Rating: **Green**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

87 <https://policies.scu.edu.au/view.current.php?id=00039>

88 <https://policies.scu.edu.au/view.current.php?id=00101>

Swinburne University of Technology

Policies

People, Culture and Integrity > 5. Unacceptable behaviour⁸⁹

- Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person.
- 5.5. Harassment and vilification
 - Harassment is any form of behaviour that is not wanted, is not asked for and that a reasonable person would consider likely to create a hostile or uncomfortable workplace by humiliating, intimidating or offending another person because of an attribute protected by the law
 - Attributes protected under Federal and Victorian laws include: Age Breastfeeding Carer status Disability or impairment (including disease or illness) Employment activity Gender identity Industrial activity Irrelevant criminal record Lawful sexual activity Marital status Parental status Physical features Political belief or activity Pregnancy or potential pregnancy Race, colour, nationality, ethnic or national origin Religious belief or activity Same sex relationships Gender Sexual orientation Social origin.

Rating: **Red**

Student General Misconduct Regulations 2012⁹⁰

- 4. General misconduct
 - It is general misconduct if a student—
 - while on University premises, using University facilities or services or engaging in University activities engages in improper behaviour, including—
 - use of abusive or offensive language;
 - access, display, download, upload or broadcast of offensive material;

Rating: **Red**

IT acceptable use guidelines⁹¹

- Users must not use the systems to engage in offensive, unlawful or illegal behaviour.

Rating: **Amber**

Social media guidelines⁹²

89 <http://www.swinburne.edu.au/policies-regulations/policies/people-culture-integrity/unacceptable-behaviour/>

90 <http://www.swinburne.edu.au/policies-regulations/statutes-regulations/student-general-misconduct/>

91 <http://www.swinburne.edu.au/about/leadership-governance/policies-regulations/procedures-guidelines/acceptable-use-guidelines/>

92 <http://www.swinburne.edu.au/about/leadership-governance/policies-regulations/procedures-guidelines/social-media-guidelines/#students>

- Students should take care when posting comments and information to social media to:
 - Protect and uphold the reputation and goodwill of the university.

Rating: **Amber**

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

Torrens University Australia

Policies

Student Conduct Policy⁹³

- Harassment: is repeated, unwelcome and unsolicited behaviour or comments aimed at a person or group that makes that person or group feel offended, humiliated or threatened.
- 6.2 Courtesy and respect
 - Students are expected to:
 - refrain from behaviour that could reasonably be considered offensive to others.

Rating: **Red**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

⁹³ https://laureate-au.blackboard.com/bbcswebdav/institution/Groupwide/Policy%20and%20Procedures/TUA%20Policies%20and%20Procedures/TUA%20PL_AC_014%20Student%20Conduct%20Policy.pdf

University of Adelaide

Policies

Student Misconduct Rules⁹⁴

- Examples of misconduct include but are not limited to:
 - Publishing material which is abusive, offensive, vilifying, harassing or untrue about the University, any of its faculties, schools or programs, any member of the University community or any of the University's controlled entities or affiliates, in any forum or medium, including (but not limited to) print, internet, social networking, email and broadcasting forums;
 - Engaging in disorderly conduct in contravention of the University By-Laws, including interrupting academic activities of the University by means of noise or unseemly behaviour; assaulting, threatening, or attempting to assault or threaten any other person; and using abusive or indecent language or engaging in offensive, indecent or improper acts, conduct or behaviour;

Rating: **Red**

Equal Opportunity Policy⁹⁵

- Harassment: is unwelcome conduct that might reasonably cause a person to be offended, humiliated or intimidated because they have a particular attribute. Harassment can also occur if someone is working in a 'hostile' - or intimidating - environment. The behaviours can be overt or subtle, verbal, non-verbal or physical.

Rating: **Red**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Action

Christine Cronau, author of *Bring Back the Fat*, banned from lecturing at South Australian universities⁹⁶

- Christine Cronau, author of *Bring Back The Fat*, has moved to a venue at Hallett Cove after protests against planned appearances at the University of Adelaide and the University of South Australia.

Rating: **Red**

94 <http://www.adelaide.edu.au/policies/33/?dsn=policy.document;field=data;id=50;m=view>

95 <https://www.adelaide.edu.au/policies/4183/?dsn=policy.document;field=data;id=7745;m=view>

96 <http://www.adelaidenow.com.au/news/south-australia/christine-cronau-author-of-bring-back-the-fat-banned-from-lecturing-at-south-australian-universities/news-story/527e8c545c37a717a2bbb08a9cbc9b5>

Reports of Adelaide Uni Chinese students threatened with being reported to embassy in Canberra⁹⁷

- CHINESE students at the University of Adelaide have been threatened with being reported to the Chinese embassy in Canberra for allegedly campaigning against communism during student elections, according to reports.

Rating: **Amber**

⁹⁷ <https://www.adelaidenow.com.au/news/south-australia/reports-of-adelaide-uni-chinese-students-threatened-with-being-reported-to-embassy-in-canberra/news-story/3672ae7a8cfdd40c085324738f95376f>

University of Canberra

Policies

University of Canberra (Student Conduct) Rules⁹⁸

- (3) Non-academic misconduct means the following conduct:
 - (h) engaging in behaviour offensive to:
 - i. a member of the Council, the Committee or any other authority, committee, board or other body of the University established under a Statute; or
 - ii. an officer or employee of the University; or
 - iii. a student or group of students; or
- (4) Serious Misconduct means academic or non-academic misconduct and includes but is not limited to the following conduct:
 - (b) behaviour that is considered unlawful, discriminatory, sexually inappropriate, bullying, harassing, threatening, offensive, invades another's privacy or causes any person to fear for their personal safety;

Rating: **Red**

Human Rights and Discrimination Policy⁹⁹

- Harassment: Harassment includes offensive, belittling or threatening behaviour toward an individual or group of employees

Rating: **Red**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

⁹⁸ https://www.canberra.edu.au/__data/assets/pdf_file/0008/1379069/University-of-Canberra-Student-Conduct-Rules-2017.pdf

⁹⁹ https://www.canberra.edu.au/Policies/PolicyProcedure/Download/17/Human_Rights_and_Discrimination_Policy

University of Divinity

Policies

STATEMENT OF RIGHTS, RESPONSIBILITIES, AND CONDUCT OF MEMBERS OF THE UNIVERSITY¹⁰⁰

- All members of the University have the right to be safe and to feel safe in University and College environments. Bullying or harassment in any form - spiritual, sexual, or discriminatory - is wrong and not permitted.

Rating: **Amber**

INFORMATION AND CYBER SECURITY POLICY¹⁰¹

- Users must not:
 - j) use IT assets to access, view or distribute material that is offensive or to engage in behaviour that discriminates against, harasses, bullies or defames others

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

100 <https://www.divinity.edu.au/wp-content/uploads/2013/12/Statement-of-Rights-and-Responsibilities.pdf>

101 <https://divinity.edu.au/wp-content/uploads/2016/11/Information-and-Cyber-Security-Policy.pdf>

University of Melbourne

Policies

Provision and Acceptable Use of IT Policy (MPF1314)¹⁰²

- 5.22. Use for any purpose other than an authorised purpose is considered to be misuse, for example:
 - (d) the deliberate or reckless creation, transmission, storage, downloading, or display of any offensive or menacing images, data or other material, or any data capable of being resolved into such images or material, except in the case of the appropriate use of facilities for properly supervised University work or study purposes;

Rating: **Amber**

Student Conduct Policy (MPF1324)¹⁰³

- 4.2. As members of the University community, students must conduct themselves in a manner consistent with the standards of behaviour that promote the good order and management of the University. Accordingly, students must:
 - (d) comply with the Appropriate Workplace Behaviour Policy where relevant and treat others fairly and equitably, and not engage in harassing, bullying or discriminatory behaviour;

Rating: **Green**

Appropriate Workplace Behaviour Policy (MPF1328)

- Bullying means repeated behaviour that a reasonable person, having regard to all the circumstances, would anticipate to be humiliating, intimidating, undermining or threatening and which causes a risk to health and safety. Bullying does not include reasonable management action.

Rating: **Green**

Policy - Intellectual freedom

Academic Freedom of Expression Policy (MPF1224)¹⁰⁴

- Right to academic freedom of expression
 - 4.1. A core value of the University of Melbourne is to preserve, defend and promote the traditional principles of academic freedom in the conduct of its affairs, so that all scholars at the University are free to engage in critical enquiry, scholarly endeavour and public discourse without fear or favour.
 - 4.2. Accordingly, the University supports the right of all scholars at the University

¹⁰² <https://policy.unimelb.edu.au/MPF1314>

¹⁰³ <http://policy.unimelb.edu.au/MPF1324>

¹⁰⁴ <https://policy.unimelb.edu.au/MPF1224>

to search for truth, and to hold and express diverse opinions. It recognises that scholarly debate should be robust and uninhibited. It recognises also that scholars are entitled to express their ideas and opinions even when doing so may cause offence. These principles apply to all activities in which scholars express their views both inside and outside the University.

- 4.3. The liberty to speak freely extends to making statements on political matters, including policies affecting higher education, and to criticism of the University and its actions.
- 4.4. Scholars at the University should expect to be able to exercise academic freedom of expression and not be disadvantaged or subjected to less favourable treatment by the University for doing so.

Rating: **Green**

Actions

The academics who hate free speech¹⁰⁵

- Conservative students launch a membership drive and a posse of Melbourne University cry “Racists!” and have them thrown off campus.

Note: University of Melbourne vice-chancellor Glyn Davis has questioned the validity of this event. In addition to this account, the incident has been confirmed by two additional witnesses. Nevertheless, considering the historic nature of the incident, it has been downgraded to an Amber incident.

Rating: **Amber**

Student protesters disrupt lecture by former federal Liberal MP Sophie Mirabella at Melbourne University¹⁰⁶

- Former federal Liberal MP Sophie Mirabella has been escorted from a lecture at Melbourne University after it was apparently overrun by protesters.

Note: Mirabella was subsequently able to return to the lecture theatre after the disruption.

Rating: **Amber**

Uni holds workshops on ‘male privilege’¹⁰⁷

- “By asking men to tone down ‘Australian banter’ and to ‘speak like women’, the (student union) is simultaneously discriminating against men and patronising women,” Dr d’Abrera said. “The workshops are a direct assault on masculinity and are designed to make men feel ashamed of being men.”

Rating: **Amber**

105 <https://quadrant.org.au/opinion/qed/2013/04/the-academics-who-hate-free-speech/>

106 <http://www.smh.com.au/federal-politics/political-news/student-protesters-disrupt-lecture-by-former-federal-liberal-mp-sophie-mirabella-at-melbourne-university-20140519-38ix3.html>

107 <http://www.theaustralian.com.au/higher-education/university-holds-workshops-on-male-privilege/news-story/11beb4c070b5f975926066bd729551a6>

University of New England

Policies

STUDENT BEHAVIOURAL MISCONDUCT RULES¹⁰⁸

- (10) Specific acts of behavioural misconduct include the following:
 - f. Abuse, threats, intimidation, harassment, coercion, deceit or other conduct (whether by physical, verbal or electronic means) in a context substantially connected to the University that:
 - i. threatens or endangers the health, freedom or safety of any person;;
 - ii. obstructs a UNE Representative or Student in the performance of their duties, or
 - iii. interferes with teaching, research or related activity, the ability of a UNE Representative or Student to pursue their studies, examinations, official meetings, graduation or other proceedings of the University.

Rating: **Green**

Policy - Intellectual freedom

INTELLECTUAL FREEDOM STATEMENT¹⁰⁹

- (6) Intellectual freedom is the freedom to conduct research, teach, learn, speak, and publish, subject to the norms and standards of scholarly inquiry, without interference or penalty, wherever the search for truth and understanding may lead.
- (7) The University upholds this freedom as a fundamental principle to be applied in decision making, within the limits of the University's resources. It reflects the University's commitment to free and responsible enquiry as essential to the conduct of a free and democratic society and to the quest for intellectual, moral and material advancement through informed comment and debate.
- (8) Intellectual freedom carries with it the duty to use the freedom in a reasonable manner consistent with a responsible and honest search for, and dissemination of, knowledge and truth.

Rating: **Green**

108 <http://policies.une.edu.au/view.current.php?id=00215>

109 <https://policies.une.edu.au/document/view-current.php?id=283>

University of New South Wales

Policies

STUDENT MISCONDUCT PROCEDURE¹¹⁰

- Bullying: Repeated unreasonable or less favourable treatment of a person by another in order to intentionally hurt, offend, intimidate, threaten or gain power over another person. Bullying behaviour may be physical or psychological.
- Harassment: Unwelcome behaviour that is offensive, belittling or abusive to another person or group of people.

Rating: **Red**

Equity, Diversity and Inclusion Policy¹¹¹

- Harassment is unwelcome conduct on the basis of certain protected attributes that could reasonably be anticipated to cause a person to be offended, humiliated or intimidated.
- Protected attributes or characteristics under Australian federal, state and territory laws include:
 - Family/carer -related characteristics: including marital or relationship status, pregnancy or potential pregnancy, breastfeeding and family or carer responsibilities.
 - Gender and LGBTIQ (Lesbian, Gay, Bisexual, Transgender, Intersex, Queer or Questioning) - related characteristics: including sex (male or female), sexual orientation, gender identity, transgender status and intersex status.
 - Age-related characteristics: including age and age-specific characteristics.
 - Disability -related characteristics: including physical, mental, intellectual, psychiatric, sensory, neurological or learning disabilities and impairments; HIV/AIDS status; and medical record. UNSW is required to consider whether any reasonable adjustments could be made to enable a person with a disability to perform their role or for a person to apply for and receive an education.
 - Race-related characteristics: including race, colour, descent, national extraction, nationality, descent or national or ethnic origin, and in some circumstances also immigrant status.
 - Other characteristics: irrelevant or spent criminal record, irrelevant medical record, political opinion, religious conviction, social origin, profession, trade, occupation or calling, trade union activity, characteristics that are generally imputed to a person with a protected attribute and association (as a relative or otherwise) with a person with a protected attribute.

Rating: **Red**

Acceptable Use of UNSW Information and Communication Technology (ICT) Resources Procedures¹¹²

¹¹⁰ <https://www.gs.unsw.edu.au/policy/documents/studentmisconductprocedures.pdf>

¹¹¹ <https://www.gs.unsw.edu.au/policy/documents/equitystatement.pdf>

¹¹² <https://www.gs.unsw.edu.au/policy/documents/ictprocedure.pdf>

- Preparing, storing, displaying or sending racist, pornographic, threatening, harassing or other offensive or illegal material. \$480

Rating: **Amber**

Diversity Toolkit¹¹³

- Telling the right stories
 - Less appropriate: "Aboriginal people have lived in Australia for 40,000 years", "Captain Cook "discovered" Australia"
 - More appropriate: "... since the beginning of the Dreaming/s", "Invasion", "Colonisation", "Occupation"
- Dreaming and spirituality
 - Less appropriate: "Dreamtime", "However, many Aboriginal people do still use the word "Dreamtime", and this usage must be respected."
 - More appropriate: "The Dreaming", "The Dreamings"

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Actions

'Marriage' deemed offensive by UNSW lecturers¹¹⁴

- One of the country's top universities has warned maths students not to use the term 'marriage' when referring to a well-known theorem because the word may cause 'offence.'

Rating: **Red**

113 <https://teaching.unsw.edu.au/diversity-toolkit>

114 <http://www.skynews.com.au/news/top-stories/2017/09/26/unsw-lecturer-deems--marriage--offensive.html>

University of Newcastle

Policies

Promoting a Respectful and Collaborative University: Diversity and Inclusiveness Policy¹¹⁵

- 8.2 Harassment
- Harassment means any unwelcome behaviour that intimidates, offends, or humiliates, an individual, or group of people, and occurs because of race, colour, nationality or ethnic origin, religion, sex, pregnancy (actual, presumed and/or breastfeeding) marital status, age, disability, transgender status, homosexuality, sexual preference, carer's responsibilities, trade union activity or association, political opinion or irrelevant criminal record or some other characteristic specified under anti-discrimination or human rights legislation.

Rating: **Red**

Attachment 1: Examples of Harassment, Bullying, Discrimination and Victimisation¹¹⁶

- A broad range of repeated behaviours may constitute either direct or indirect bullying, including, but not limited to:
 - ii. yelling, screaming or offensive language;
- Behaviour which may constitute harassment may include, but is not limited to:
 - iv. making offensive telephone, electronic mail, or other electronic communications;

Rating: **Red**

Social Media Communication Guideline¹¹⁷

- When chatting about University staff, students or business on an internal or external and personal social media channel, act according to the values of honesty, fairness, trust, accountability and respect as set out in the University's Code of Conduct.
 - ii. Be respectful. Never be aggressive or post content that is offensive or defamatory.

Rating: **Red**

Inclusive Language Guidelines¹¹⁸

- Guidelines on appropriate language usage.

Rating: **Amber**

115 http://www.newcastle.edu.au/about-uon/governance-and-leadership/policy-library/document?RecordNumber=D13_30464P

116 <https://policies.newcastle.edu.au/download.php?id=199&version=2&associated>

117 https://www.newcastle.edu.au/about-uon/governance-and-leadership/policy-library/document?RecordNumber=D12_37837P

118 <https://policies.newcastle.edu.au/document/view-current.php?id=140>

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

Actions

China consulate involved in Newcastle Uni Taiwan row¹¹⁹

- The incident at the university, where a lecturer came under fire last week for listing Taiwan and Hong Kong as separate countries, is the fourth prominent case since May where academic staff or Australian universities have been targeted and their actions or teaching material attacked on Chinese social media.

Rating: **Amber**

¹¹⁹ <http://www.theaustralian.com.au/national-affairs/china-consulate-involved-in-newcastle-uni-taiwan-row/news-story/14dceb31c1e72807c9f006936784c601>

University of Notre Dame Australia

Policies

CODE OF CONDUCT FOR STUDENTS ENROLLED AT THE UNIVERSITY OF NOTRE DAME AUSTRALIA¹²⁰

Once a student enrolls in the University, he or she is expected to observe the following obligations:

- (v) Avoid behaviour that could be perceived as harassment, intimidation, discrimination on any basis, bullying or threatening in any other way.

Note: Not forbidden to undertake offensive behaviour, though does prevent behaviour “could be perceived” as harassment, intimidation, discrimination

Rating: **Red**

POLICY: EMAIL AND INTERNET USAGE¹²¹

- Use of the University’s email and internet system in the following manner is Strictly Prohibited.
 - Creating or exchanging messages that are offensive, harassing, obscene or threatening.

Rating: **Amber**

Policy - Intellectual freedom

Statement: Academic Freedom¹²²

- The principle of academic freedom is a foundation of the mission and the culture of the University. Promoting an environment of genuine academic freedom requires fully respecting freedom of conscience; it also allows the community of scholars who are central to the University to pursue teaching, research, communication and publishing in accordance with academic standards of scholarship, without unreasonable interference or restriction.

Note: This policy does not apply to students.

Rating: **Green**

120 https://www.notredame.edu.au/__data/assets/pdf_file/0010/2035/CODE-OF-CONDUCT-Students.pdf

121 https://www.notredame.edu.au/__data/assets/pdf_file/0020/2099/POLICY-Email-and-Internet-Usage.pdf

122 https://www.notredame.edu.au/__data/assets/pdf_file/0007/2104/academic-freedom-policy-statement.pdf

University of Queensland

Policies

1.70.06 Discrimination and Harassment¹²³

- Harassment/bullying may be subtle or overt and includes, but is not limited to, the following forms of behaviour:
 - Abusive and offensive language or shouting,
 - Sarcasm or ridicule,

Rating: **Red**

1.70.03 Racism¹²⁴

- Race-based harassment - Some examples of race-based harassment include ridicule (e.g. name calling, use of derogatory slang, racist jokes), physical or emotional intimidation (e.g. physical threats or abuse, display of threatening or offensive slogans or graffiti).

Rating: **Red**

6.20.01 Acceptable Use of UQ ICT Resources¹²⁵

- 6. Acceptable Use of ICT Resources
 - Offensive and Inappropriate Material: Knowingly downloading, storing, distributing and viewing of offensive, obscene, indecent, pornographic, or menacing material. This could include, but not limited to pornography, hate sites, gratuitous violence and sites using frequent and highlighted bad language.

Rating: **Amber**

Policy - Intellectual freedom

1.50.03 Intellectual Freedom, Academic Freedom¹²⁶

- Intellectual freedom includes the rights of all staff, affiliates and volunteers to:
 - (a) hold and express opinions about the operations of the University and higher education policy more generally;
 - (b) pursue critical and open inquiry and (where appropriate) to teach, assess, develop curricula, publish and research;
 - (c) participate, in a personal capacity, in public debates about political and social issues;

Note: This policy does not apply to students.

Rating: **Green**

123 <https://ppl.app.uq.edu.au/content/1.70.06-discrimination-and-harassment>

124 <https://ppl.app.uq.edu.au/content/1.70.03-racism>

125 <https://ppl.app.uq.edu.au/content/6.20.01-acceptable-use-uq-ict-resources#Guidelines>

126 <https://ppl.app.uq.edu.au/content/1.50.03-intellectual-freedom-academic-freedom>

Action

CENSORSHIP: Student union bans pro-life activities¹²⁷

- The student union at the University of Queensland has banned the Newman Society from conducting pro-life activities on campus.

Rating: **Red**

¹²⁷ <http://newsweekly.com.au/article.php?id=3460>

University of South Australia

Policies

Code of Conduct for Students¹²⁸

- verbal harassment—can overlap with any of the other forms of harassment, but also includes offensive language, slander, offensive notes or graffiti

Rating: **Red**

University By-Laws¹²⁹

- Disorderly or Offensive Behaviour
 - 7.1 No person shall:
 - use any indecent language or be guilty of any offensive or disorderly conduct on (the) University grounds;

Rating: **Red**

Equal opportunity¹³⁰

- Unwelcome behaviour or language that has the effect of offending, intimidating, or humiliating a person on the basis of their sex, marital status, pregnancy, sexuality, race, disability, age, or political or religious belief, in circumstances which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated, or intimidated.

Rating: **Red**

Anti-racism¹³¹

- Racially based conduct that subjects a staff member or a student to discrimination on the basis of race (see definition of 'race' above) or has the purpose or effect of substantially interfering with an individual's work or study performance or creating an intimidating, hostile or offensive work or study environment.

Rating: **Red**

Student complaints resolution¹³²

- Bullying means the repeated unreasonable ill treatment of a person by another or other people. It consists of offensive, abusive, belittling or threatening behaviour directed at an individual or group that a reasonable person would expect to create a risk to the emotional, mental or physical health of the person(s) affected or targeted.

Rating: **Amber**

128 <https://i.unisa.edu.au/contentassets/ab1012bb9efc477cba6ebb1109d0793d/code-of-conduct-for-students.pdf?1540427089413>

129 <https://i.unisa.edu.au/policies-and-procedures/act-statutes-and-by-laws/by-laws/>

130 <https://i.unisa.edu.au/policies-and-procedures/university-policies/corporate/c-2/>

131 <https://i.unisa.edu.au/policies-and-procedures/university-policies/corporate/c-21/>

132 <https://i.unisa.edu.au/siteassets/policies-and-procedures/docs/c-17.5-student-complaint-resolution-v.5.1esos.pdf>

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

Actions

Christine Cronau, author of *Bring Back the Fat*, banned from lecturing at South Australian universities¹³³

- Christine Cronau, author of *Bring Back The Fat*, has moved to a venue at Hallett Cove after protests against planned appearances at the University of Adelaide and the University of South Australia.

Rating: **Red**

¹³³ <http://www.adelaidenow.com.au/news/south-australia/christine-cronau-author-of-bring-back-the-fat-banned-from-lecturing-at-south-australian-universities/news-story/527e8c545c37a717a2bbbf08a9cbc9b5>

University of Southern Queensland

Policies

Prevention of Discrimination, Bullying and Harassment Procedure¹³⁴

- 4.2.6 Age-based Harassment
 - circulating ageist cartoons or literature, displaying offensive age related material on walls, online or on computer screens.
- Harassment: Unlawful harassment occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening. Harassment includes all forms of sexual harassment.

Rating: **Amber**

Student Code of Conduct Policy¹³⁵

- Harassment: Unlawful harassment occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under antidiscrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening. Harassment includes all forms of sexual harassment.

Rating: **Amber**

Harassment and Discrimination Complaint Resolution for Students Policy and Procedure¹³⁶

- Bullying: Bullying involves the repeated unreasonable ill-treatment of a person by another or others. It is a form of Harassment and Discrimination consisting of offensive, abusive, belittling or threatening behaviour directed at an individual or a group.
- Harassment: Unlawful Harassment occurs when a person is made to feel intimidated, insulted or humiliated because of their race, colour, national or ethnic origin; sex; disability; sexual preference; or some other characteristic specified under anti-Discrimination or human rights legislation. Harassment may include behaviour, comments or images which a reasonable person would consider to be offensive, humiliating, intimidating or threatening. Harassment includes all forms of Sexual Harassment.

Rating: **Amber**

¹³⁴ <https://policy.usq.edu.au/documents/13238PL>

¹³⁵ <http://policy.usq.edu.au/documents/142753PL>

¹³⁶ <http://policy.usq.edu.au/documents/13333PL>

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

University of Sunshine Coast

Policies

Anti-Discrimination and Freedom from Bullying and Harassment (Students) - Governing Policy¹³⁷

- Detailed below are examples of behaviours, whether intentional or unintentional, that may be regarded as bullying if they are repeated, unreasonable and create a risk to health and safety. This is not an exhaustive list – however, it does outline some of the more common types of behaviours. Examples include:
 - Abusive, insulting or offensive language or comments
- Harassment is any form of behaviour that is unwelcome, unsolicited, unreciprocated and usually (but not always) repeated. It is behaviour that is likely to offend, humiliate or intimidate. Harassment can be based on any of the attributes listed under the definition of discrimination and for example can include sexual, disability, racial, or gender based harassment.

Note: The definition of bullying is an 'Amber' rating, however the lack of reasonable person check and inclusion of 'in totality amounts the policy to a 'Red' ranking.

Rating: **Red**

Social Media – General Guidelines¹³⁸

- When using social media in the context of education or research training, and when making identifiable private use of social media*, you must not:
 - make any comment or post material that is, or might be construed to be, racial or sexual harassment, offensive, obscene (including pornography), defamatory, discriminatory towards any person, or inciting hate
 - make any comment or post material that creates, or might be construed to create, a risk to the health or safety of a student, contractor, staff member or other person, including material that amounts to bullying, psychological or emotional violence, coercion, harassment, sexual harassment, aggressive or abusive comments or behaviour, and/or unreasonable demands or undue pressure

Rating: **Red**

Acceptable Use of Information Technology Resources - Governing Policy¹³⁹

- 1.12.2 The University cannot protect individuals against the existence or receipt of materials that they may find offensive. However the University may initiate appropriate action against the originator of the material if they have violated University policies or the law.

Rating: **Amber**

¹³⁷ <http://www.usc.edu.au/explore/policies-and-procedures/anti-discrimination-and-freedom-from-bullying-and-harassment-students-governing-policy>

¹³⁸ <http://www.usc.edu.au/explore/policies-and-procedures/social-media-general-guidelines>

¹³⁹ <https://www.usc.edu.au/explore/policies-and-procedures/acceptable-use-of-information-technology-resources-governing-policy>

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

University of Sydney

Policies

University of Sydney (Campus Access) Rule 2009¹⁴⁰

- 5. Offensive Conduct While on University Lands Any person, who remains upon the University lands after being requested by a University representative to leave those lands and while remaining upon those lands conducts himself or herself in such a manner as would be regarded by reasonable persons as being, in all the circumstances, offensive will have their licence to access those lands terminated by way of a Termination of License Notice.

Rating: **Amber**

BULLYING, HARASSMENT AND DISCRIMINATION PREVENTION POLICY 2015¹⁴¹

- Bullying is repeated and unreasonable behaviour directed towards a person or group of people that creates a risk to health and safety.
 - (a) Repeated behaviour is behaviour which occurs more than once and may involve a range of behaviours over time.
 - (b) Unreasonable behaviour is behaviour that a reasonable person, having regard for the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening
- If the criteria in subclause 7(1) are met, the following may be considered to be examples of bullying:
 - (a) verbal abuse or threats, including yelling, insulting or offensive language;

Rating: **Amber**

Advertising on Campus¹⁴²

- The Facilities Management Office is entitled to refuse or remove at its discretion any sign which is offensive, conflicts with University objectives or has been the subject of a complaint.

Rating: **Amber**

Policy - Intellectual freedom

Charter of Academic Freedom¹⁴³

- The University of Sydney declares its commitment to free enquiry as necessary to the conduct of a democratic society and to the quest for intellectual, moral and material advance in the

140 <https://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/143&RendNum=0>

141 <http://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/168>

142 <https://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/145&RendNum=0>

143 <https://sydney.edu.au/policies/showdoc.aspx?recnum=PDOC2011/64&RendNum=0>

human condition.

Rating: **Green**

Action

Board blocks BroSoc¹⁴⁴

- The formation of the Brotherhood Recreation and Outreach society has been blocked by the USU Board

Rating: **Red**

Badar banned: Uni cancels SUMSA speaker¹⁴⁵

- A Q&A-style event to be hosted by the Sydney University Muslim Students Association (SUMSA) entitled 'Grill a Muslim' last week was cancelled at the personal request of Vice-Chancellor Michael Spence.

Rating: **Red**

Australia university ousts Chinese academic amid cries of Beijing interference¹⁴⁶

- A China-born academic has been forced out of a leading Australian university for posting online politically charged remarks about his countrymen, re-igniting accusations Beijing is using its presence inside global campuses to exert soft power.

Rating: **Red**

Sydney University accused of bias after lecturers likened conservative politicians to Nazis¹⁴⁷

- A second-year student ended up pulling out of the subject, The Holocaust, History and Aftermath, after he was prevented from presenting his class assignment on modern instances of anti-Semitism.
- The 22-year-old, who was afraid to be named for fear of reprisals, said he was told by the tutor not to explain how anti-Israel sentiment can be linked to anti-Semitism.

Rating: **Red**

Lyle Shelton, August 2016¹⁴⁸

- @Sydney_Uni disapproves of what you say & cancels your speaking venue with 1 day of notice in response to anti-free speech bullies.

Rating: **Red**

Uni of Sydney Union in hot water on Red Pill film ban¹⁴⁹

- A university student union has been accused of stifling debate and silencing alternative points of

144 <http://honisoit.com/2014/09/board-blocks-brosoc/>

145 <http://honisoit.com/2014/09/badar-banned-uni-cancels-sumsa-speaker/>

146 <http://www.reuters.com/article/australia-china-education-idusl3n17n2mt>

147 <http://www.dailytelegraph.com.au/news/nsw/sydney-university-accused-of-bias-after-lecturers-likened-conservative-politicians-to-nazis/news-story/aff2200d467f0db675d5966207621d27>

148 <https://twitter.com/LyleShelton/status/765801820191064064>

149 <http://www.theaustralian.com.au/news/nation/uni-of-sydney-union-in-hot-water-on-red-pill-film-ban/news-story/a84371213e41d3349c3b144aea653450>

view with a decision to block the screening of controversial “men’s rights” film The Red Pill, over claims that screening it could put women on campus at threat of sexual assault.

Rating: **Red**

Yes, No camps clash at University of Sydney¹⁵⁰

- Police were forced to intervene after one man violently attempted to grab a “It’s Okay to Say No” sign from the hands of a member of the Catholic Society.

Rating: **Red**

Anti-sugar campaigner faces uni ban¹⁵¹

- At the second conference, in November, security officials asked Mr Robertson to leave after he tried to question Professor Brand-Miller.

Rating: **Red**

Chinese students left fuming after Sydney uni lecturer uses contested map of China-India border¹⁵²

- A WeChat account of a University of Sydney Chinese student group denounced IT lecturer Dr Khimji Vaghjiani for using a map showing India controlled territory on the border with China.

Rating: **Red**

Sydney University charging students a security fee for conservative events¹⁵³

- UNIVERSITY students are being told they will have to pay to hire security guards if they want to run events spruiking conservative ideals — including pro-coal ideas.

Rating: **Red**

A Student Just Sent This Letter To An Anti-Abortion Politician Who Wanted Her Disciplined Over An Abortion Rights Protest¹⁵⁴

- In July, Ward said she was told by university administrators she’d been suspended for an entire semester following an investigation that ruled her behaviour “misconduct”.

Rating: **Red**

Sydney University moves to sack notorious lecturer after Nazi swastika incident¹⁵⁵

- The University of Sydney has moved to sack controversial senior lecturer Tim Anderson after he showed students material featuring the Nazi swastika imposed over the flag of Israel.

Rating: **Red**

150 <http://www.theaustralian.com.au/news/nation/yes-no-camps-clash-at-university-of-sydney/news-story/a5364fdec0ea5d623786a03b4c7ba4de>

151 <http://www.theaustralian.com.au/news/nation/university-of-sydney-threatens-to-ban-rory-robertson-over-sugar-dispute/news-story/0021115ba9b77f2e2e96e86f37ca7fdd>

152 <http://www.sbs.com.au/news/article/2017/08/22/chinese-students-left-fuming-after-sydney-uni-lecturer-uses-contested-map-china>

153 <http://www.dailytelegraph.com.au/news/nsw/sydney-university-charging-students-a-security-fee-for-conservative-events/news-story/51ebd5344527b24c6a3b31ee13b91297>

154 <https://www.buzzfeed.com/ginarushton/anti-abortion-protest-university-sydney-greg-donnelly>

155 <https://www.smh.com.au/politics/federal/sydney-university-moves-to-sack-notorious-lecturer-after-nazi-swastika-incident-20181205-p50k97.html>

University has change of heart on Dalai Lama visit¹⁵⁶

- The University of Sydney is set to host a lecture by the Dalai Lama in June, ending a dispute over whether he would be welcome on campus.

Rating: **Amber**

Student protesters guilty of assault on Julie Bishop, claims Christopher Pyne¹⁵⁷

- Bishop was attending the university to announce that a further 1000 students would be able to study overseas under new government funding when she was confronted by about 20 students.

Rating: **Amber**

Anti-Israel protesters run riot at Sydney uni¹⁵⁸

- According to the Australia/Israel & Jewish Affairs Council's Glen Falkenstein, protesters stood on chairs, began to push students and shout loudly at those who objected to their behaviour.

Rating: **Amber**

Students protest former Israeli navy officer¹⁵⁹

- A group of students from the Sydney University Muslim Students' Association (SUMSA) organised an impromptu protest against a former Israeli Navy Officer at the University of Sydney last Thursday.

Rating: **Amber**

USU threatens to deregister Evangelical Union¹⁶⁰

- The University of Sydney Union (USU) has threatened to deregister the Sydney University Evangelical Union (EU) from the Clubs & Societies program over the latter's requirement that all members must make a declaration of faith in Jesus Christ.

Rating: **Amber**

Sydney Uni fails to clear air over short-lived Ali Abunimah ban¹⁶¹

- The University of Sydney is refusing to answer questions relating to its short-lived decision to ban a Palestinian American activist, amid claims administrators singled him out for his support of boycotts against Israel.

Rating: **Amber**

Queer students protest controversial Catholic Society event¹⁶²

- Around 60 students with several megaphones, rainbow flags, and a trombone, drowned out large portions of the Catholic Society event with chants of "queer pride saves lives" and "bigots are not

156 <http://www.abc.net.au/news/2013-04-23/university-of-sydney-to-host-dalai-lama/4647110>

157 <http://www.theguardian.com/world/2014/may/17/protesters-guilty-of-assault-on-julie-bishop-claims-pyne>

158 <http://www.jewishnews.net.au/anti-israel-protesters-run-riot-at-sydney-uni/41008>

159 <http://www.altmedia.net.au/students-protest-former-israeli-navy-seal-at-sydney-university/97283>

160 <http://honisoit.com/2016/03/usu-threatens-to-deregister-evangelical-union/>

161 <http://www.theaustralian.com.au/higher-education/sydney-uni-fails-to-clear-air-over-shortlived-ali-abunimah-ban/news-story/5f86c8caaf4637d4df05f091d46d5e77>

162 <http://honisoit.com/2016/05/queer-students-protest-controversial-catholic-society-event/>

welcome here”, in a protest organised by the SRC’s Queer Action Collective (QuAC).

- In addition to the chanting and trombone, the event was also interrupted by a microphone failure one heckler characterised as an “act of God”. It is unclear whether the microphone failure was caused by a deliberate attempt to tamper with the power supply to the speakers.

Rating: **Amber**

Student protest takes a violent turn at University of Sydney¹⁶³

- Police officers and riot squad were on standby early at the event and said the students were removed for “disturbing the peace”.

Rating: **Amber**

Riot squad called to Sydney Uni as protesters block halls to stop talk by sex therapist Bettina Arndt¹⁶⁴

- THE riot squad was called to The University of Sydney after protesters blocked corridors stopping students who wanted to go to a talk by sex therapist Bettina Arndt.

Rating: **Amber**

Sydney University ‘puts price on free speech’¹⁶⁵

- The Sydney University Liberal Club says vice-chancellor Michael Spence has “put a price block” on free speech after he refused to foot the bill for security at an event featuring controversial conservative Bettina Arndt.

Rating: **Amber**

Nearly half of Sydney University staff oppose deal with Ramsay Centre¹⁶⁶

- An analysis of responses to the survey found that 233 of the 500 respondents indicated they were opposed to a deal, 223 indicated they would support it, and 44 did not provide a clear answer.

Rating: **Amber**

163 <https://au.news.yahoo.com/a/31288039/student-protest-takes-a-violent-turn-at-university-of-sydney/>

164 <https://www.dailytelegraph.com.au/news/nsw/riot-squad-called-to-sydney-uni-as-protesters-block-halls-to-stop-talk-by-sex-therapist-bettina-arndt/news-story/7bafc2e06e1a1c8d5237586cd88a5a23>

165 <https://www.theaustralian.com.au/higher-education/sydney-university-puts-price-on-free-speech/news-story/abd661ccf7d845b88a8983214c905372>

166 <https://www.theguardian.com/australia-news/2018/oct/13/nearly-half-of-sydney-university-staff-oppose-deal-with-ramsay-centre>

University of Tasmania

Policies

Note: The University of Tasmania draft University Behaviour Policy has a number of free speech and legal rights issues.¹⁶⁷

University Behaviour Policy¹⁶⁸

- Bullying
 - 'Unreasonable behaviour' means behaviour that a reasonable person, having regard for the circumstances, would see as victimising, humiliating, undermining or threatening.
- 3.2.3 Harassment
- Harassment is behaviour which offends, humiliates, intimidates, insults or ridicules another person in circumstances which a reasonable person would have anticipated that the victim would be offended, humiliated, intimidated, insulted or ridiculed.

Rating: **Amber**

Policy - Intellectual freedom

Academic Freedom (GLP14)¹⁶⁹

- 3. Principles
 - The University of Tasmania is committed to academic freedom, which embraces the pursuit of knowledge, critical inquiry, intellectual discourse and responsible public discourse and debate.
 - University of Tasmania Academic staff, as defined by the University of Tasmania Act 1992, have the right to academic freedom. Academic staff are expected to exercise this right reasonably and in good faith, with intellectual honesty and rigour, in accordance with the highest ethical, professional and legal standards and in accordance with University policies and State and Federal legislation..
 - The University of Tasmania has both the right and the responsibility to support academic staff when exercising their academic freedom.

Note: This policy does not explicitly apply to students.

¹⁶⁷ <https://ipa.org.au/publications-ipa/submissions/ipa-submission-to-the-university-of-tasmanias-draft-university-behaviour-policy-and-procedure>

¹⁶⁸ http://www.utas.edu.au/__data/assets/pdf_file/0008/657179/University-Behaviour-Policy.pdf

¹⁶⁹ <http://www.utas.edu.au/university-council/university-governance/governance-level-principles/academic-freedom-glp14>

University of Technology, Sydney

Policies

UTS Student Rules: Section 16 – Student misconduct and appeals¹⁷⁰

- 16.2 Definition of misconduct
 - 16.2.1 Student misconduct includes but is not limited to:
 - (20) publishing material which is abusive, offensive, vilifying, harassing, discriminatory or inappropriate about the University, another student, or an officer of the University, in any forum or media, including but not limited to print, internet, social media, email, digital or electronic communications and broadcasting forums;

Rating: **Red**

Policy on the Prevention of Harassment¹⁷¹

- 3.2 What is unlawful harassment?
 - Unlawful harassment is any unwelcome conduct, verbal or physical, which has the intent or effect of creating an intimidating, hostile or offensive educational, or work environment, and which happens because of a person's sex, pregnancy, race or ethno-religious background, marital status, age, sexual preference, transgender status or disability.
 - Unlawful harassment can include:
 - offensive communications (such as posters, letters, emails, faxes, screen savers, websites)
 - offensive telephone or electronic mail or other computer system communications
 - verbal abuse or comments that put down or stereotype people
 - teasing or offensive language and racist behaviours
 - The offensive behaviour does not have to take place a number of times: a single incident can constitute harassment.
- What is important is how the behaviour affects the person it is directed against. Unlawful harassment can occur even if the behaviour is not intended to offend. Students and staff should be aware that differing social and cultural standards may mean that behaviour that is acceptable to some may be perceived as offensive by others. As a guide, ask yourself: 'would a reasonable person be intimidated, offended or humiliated by the behaviour?'

Rating: **Amber**

¹⁷⁰ <http://www.gsu.uts.edu.au/rules/student/section-16.html>

¹⁷¹ <http://www.gsu.uts.edu.au/policies/documents/preventionharrassment.pdf>

▪ **HARASSMENT**

- Unlawful harassment means any unwelcome, offensive, abusive, belittling or threatening behaviour that humiliates, offends or intimidates another person or group of people and occurs because of a characteristic or ground specified under anti-discrimination legislation.

Rating: **Amber**

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

Actions

Students storm building but fail to disrupt treasurer Scott Morrison post-budget address¹⁷³

- Armed with two megaphones, members of the Socialist Alternative (SA) stormed a University of Technology Sydney building about 7.30am on Monday protesting the federal government's higher education cuts and plan to hike student fees.

Rating: **Amber**

¹⁷² <http://www.gsu.uts.edu.au/policies/documents/equal-opportunity-policy.pdf>

¹⁷³ <http://www.dailytelegraph.com.au/news/nsw/students-storm-building-but-fail-to-disrupt-treasurer-scott-morrison-postbudget-address/news-story/af0889d3dea8727d0b8cc1a64d56f4f5>

University of Western Australia

Policies

The University of Western Australia Lands By-Laws¹⁷⁴

- Part 5 – Conduct of Persons on the Lands
 - 5.3 No person shall use any abusive or insulting language on the Lands.
 - 5.4 No person shall do or commit any offensive, indecent or improper act nor behave in an offensive, indecent or improper manner nor engage in any conduct which is offensive, indecent or improper on the Lands.

Rating: **Red**

Offensive Materials on UWA IT Systems¹⁷⁵

- Offensive material must not be created, obtained, stored, transmitted, displayed or communicated using University computers and networks.

Rating: **Amber**

University Policy on: Prevention and Resolution of Bullying on Campus¹⁷⁶

- Bullying is the repeated, unreasonable behaviour by an individual or group, directed towards an employee or student, or group of employees or students, either physical or psychological in nature that intimidates, offends, degrades, humiliates, undermines or threatens.

Rating: **Amber**

Schedule 1 – examples of misconduct: Regulations for student conduct and discipline¹⁷⁷

- (4) willfully interfering unduly with the freedom of speech within the University of a member of the University or of a speaker invited by any section of the University to express their views:
 - Example 1: Disrupting to an unreasonable degree an address by a guest speaker
-

Rating: **Green**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Actions

174 <http://www.governance.uwa.edu.au/statutes/by-laws/conduct>

175 <http://www.governance.uwa.edu.au/procedures/policies/policies-and-procedures?method=document&id=UP07%2F44>

176 <http://www.governance.uwa.edu.au/procedures/policies/policies-and-procedures?method=document&id=UP07/10>

177 <http://www.governance.uwa.edu.au/regulations/student-conduct/misconduct>

UWA cancels contract for Consensus Centre involving controversial academic Bjorn Lomborg¹⁷⁸

- The University of Western Australia has cancelled the contract for a policy centre that was to be based on the methodology of controversial academic Bjorn Lomborg after a “passionate emotional reaction” to the plan.

Rating: **Red**

Uthman Badar UWA lecture cancelled: Muslim activist booked as headline speaker for Gaza seminar¹⁷⁹

- A planned lecture by a controversial Muslim activist at the University of Western Australia (UWA) has been cancelled after public criticism.

Rating: **Red**

UWA cancels talk by transgender sceptic Quentin Van Meter after protests¹⁸⁰

- A talk by a controversial US academic has been cancelled by the University of Western Australia on safety grounds after students protested against the transgender sceptic.

Rating: **Red**

Leading academics slam UWA student guild for putting ‘cultural sensitivities’ above free speech¹⁸¹

- Three years after it hosted the Tibetan spiritual leader on campus, the guild last week backed a motion recognising the “negative impact” his presence could have on Chinese students.

Rating: **Red**

178 <http://www.abc.net.au/news/2015-05-08/bjorn-lomborg-uwa-consensus-centre-contract-cancelled/6456708>

179 <http://www.abc.net.au/news/2014-08-19/uni-lecture-by-muslim-activist-uthman-badar-cancelled/5680350>

180 <http://www.abc.net.au/news/2018-08-17/uwa-cancels-talk-by-controversial-academic-transgender-views/10132400>

181 <https://thewest.com.au/news/education/leading-academics-slam-uwa-student-guild-for-putting-cultural-sensitivities-above-free-speech-ng-b88793508z>

University of Wollongong

Policies

BULLYING PREVENTION POLICY¹⁸²

- 4. Bullying may include, but is not limited to:
 - a. yelling, screaming, abusive or offensive language, insults, inappropriate comments about a person's appearance, personal life or lifestyle, defamation of individuals or their family or associates;
 - n. sending abusive or offensive e-mails or text messages; or

Rating: **Red**

RESPECT FOR DIVERSITY POLICY¹⁸³

- 2 Definitions
 - Harassment: Harassment is any form of behaviour that is unwelcome to the recipient/s; offends, intimidates or humiliates the recipient/s; and targets the recipient/s for one of the reasons covered by anti-discrimination laws, such as their sex, race or disability.

Rating: **Red**

GRIEVANCE POLICY¹⁸⁴

- 2. Definitions
 - Bullying: When an individual or group of individuals repeatedly behaves unreasonably towards a person or group of people and that behaviour creates a risk to health and safety.
 - Harassment: Unwelcome behaviour that makes a person feel belittled, intimidated, offended or apprehensive, and that a reasonable person, taking into account all the circumstances, would expect to cause offence, intimidation or apprehension.

Rating: **Amber**

IT ACCEPTABLE USE POLICY¹⁸⁵

- 6.10. The University network and IT Facilities, including email and web servers and other similar resources, may not be used for:
 - the creation or transmission (other than for properly supervised and lawful teaching or research) of any material or data that could reasonably be deemed abusive,

182 <https://www.uow.edu.au/about/policy/UOW066134.html>

183 <https://www.uow.edu.au/about/policy/UOW058716.html>

184 <http://www.uow.edu.au/about/policy/UOW058683.html>

185 <http://www.uow.edu.au/about/policy/UOW002319.html>

offensive, defamatory, obscene or indecent;

Rating: **Amber**

Inclusive Language Guideline¹⁸⁶

- Guidelines on appropriate language usage.

Rating: **Amber**

Policy - Intellectual freedom

- No policy on academic freedom and/or free speech.

¹⁸⁶ <https://www.uow.edu.au/about/policy/UOW140611.html>

Victoria University

Policies

STUDENT EQUITY AND SOCIAL INCLUSION POLICY¹⁸⁷

- (18) Harassment: refers to discriminatory behaviour in relation to a protected attribute (see Clause 23), which is reasonably likely in all the circumstances, to humiliate, offend, intimidate or distress the person(s) concerned.
- (23) In order to meet its obligations under this Policy, Victoria University undertakes to promote equal opportunity in all aspects of the University's activities through strategic initiatives and by eliminating unlawful direct and indirect discrimination and harassment on the grounds of:
 - race, colour, national or ethnic origin, descent, nationality;
 - sex, gender identity, lawful sexual activity, sexual orientation, marital status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, status as a parent or carer;
 - religious or political belief or activity, industrial activity, irrelevant criminal record; age, physical features, disability (past, present or imputed), medical record; and
 - personal association with a person who is identified by reference to any of the above listed attributes.

Rating: **Red**

IT APPROPRIATE USE POLICY¹⁸⁸

- (17) VU ICT facilities and services must not be used by staff and students for the purpose of creating, accessing or transmitting or otherwise dealing with content which may reasonably be regarded as objectionable, obscene or offensive, or in a manner which is contrary to other University policies or which may otherwise expose the University to legal liability.

Rating: **Amber**

Actions

University cancels screening of anti-Confucius Institute film¹⁸⁹

- Victoria University pulled the screening of a film criticising a global group of Chinese Communist Party-backed research institutes because it had one of those institutes in the same building..

Rating: **Red**

Policy - Intellectual freedom

187 <https://policy.vu.edu.au/document/view.php?id=220>

188 <https://policy.vu.edu.au/document/view.php?id=258>

189 <https://www.theaustralian.com.au/higher-education/university-cancels-screening-of-anticonfucius-institute-film/news-story/c7487fba63b5b6bf5d7a9891cb0a7926>

- *No policy on academic freedom and/or free speech.*

Western Sydney University

Policies

BULLYING PREVENTION GUIDELINES¹⁹⁰

Part E - What Are Examples Of Bullying?

(15) Bullying includes but is not limited to repeated unreasonable overt behaviours such as:

- a. Verbal abuse - yelling, screaming, shouting, aggressive or abusive or offensive language, personal insults, name-calling, sarcasm, inappropriate comments about a person's appearance or personal life, defamation of individuals or their family or associates;

Rating: **Red**

COMPLAINT HANDLING AND RESOLUTION POLICY¹⁹¹

- SECTION 2 – DEFINITIONS
 - (10) For the purposes of this policy, the following definitions apply:
 - I. harassment - refers to any form of behaviour that is unwanted and offends, humiliates or intimidates a person, whether intended or not.

Rating: **Red**

BULLYING PREVENTION POLICY¹⁹²

- SECTION 2 – DEFINITIONS
 - (6) For the purpose of this policy:
 - Bullying occurs when:
 - an individual or group of individuals repeatedly behaves unreasonably towards another individual or a group of individuals, and
 - the behaviour creates a risk to health and safety.

Rating: **Amber**

ACCEPTABLE USE OF IT RESOURCES POLICY¹⁹³

- (20) Authorised Users must not access or use University IT Resources in ways that:
 - i. distribute or access material that the University considers unacceptable or

190 <https://policies.westernsydney.edu.au/document/view.current.php?id=240>

191 <https://policies.westernsydney.edu.au/document/view.current.php?id=98>

192 <https://policies.westernsydney.edu.au/view.current.php?id=00099>

193 <https://policies.westernsydney.edu.au/document/view.current.php?id=124>

offensive. This includes, but is not limited to, malicious, pornographic, gambling, or terrorist material. Authorised Users requiring access to unacceptable or offensive content for research or study should request a specific exemption for access to be permitted;

Rating: **Amber**

Policy - Intellectual freedom

- *No policy on academic freedom and/or free speech.*

Two Ideas of a University

Speech by Matthew Lesh, Research Fellow at the Institute of Public Affairs, to the University Chancellors Council's Conference on University Governance, Adelaide, Australia, 4 October 2018

Thank you very much for the invitation to address this august gathering. In particular, I pay my tribute to Peter Shergold who graciously organised this session in the spirit of free speech and viewpoint diversity.

Let me start by telling you about Amelia and Steve.

Amelia, an academic at an Australian university, reached out to me earlier this year after seeing my work on free speech. She didn't tell me anything in text but asked for a call. I could hear the passion yet the fear in her voice. Amelia is of the political left, has voted Labor all her life, but is now in touch with someone from a free market think tank about free speech.

Amelia's ordeal began when she was asked to take down articles from her office door because they were, allegedly, making others feel unsafe. The articles were general medical science articles, not some extreme viewpoint. Nevertheless, Amelia was interrogated and reprimanded at a meeting with the head of her faculty. Reflecting on the experience, Amelia says she felt 'gaslighted' – that's when you're told to believe one thing but your observation of reality is the opposite. "I was told that academic freedom exists and then I was told to take down these research articles," Amelia tells me.

Steve is a student at an Australian university who I met a few months ago. He tells me about a lecturer who relentlessly makes fun of Donald Trump and instructs students to voice their outrage on Twitter. The lecturer tells students they are doing the wrong thing if they are not pursuing social justice causes.

Steve tells me about a student in his class that presented an assignment on male domestic violence. During the presentation the student was interrupted and berated by the lecturer simply for expressing a contrary perspective – and told that male domestic violence is not an issue worth talking about and because it was a right wing perspective he would get lower grades. The student making this presentation didn't even realise what he was doing, he isn't a political guy, he was just trying to present a different angle on the topic.

Steve, the student I met, says that he pretended to be a 'satirical feminist,' which led to good grades. After seeing what happens to those that express a contrary position Steve says he's too scared to express his views on political issues in class.

The challenge

Campus free speech issues have featured prominently in national debate in recent times.

Last month the riot squad was called to the University of Sydney in response to students violently disrupting an event with psychologist Bettina Arndt. Earlier this year geophysicist Peter Ridd was sacked by James Cook University after expressing a contrary position on the health of the Great Barrier Reef. The Australian National University has been criticised for

refusing to partner with the Ramsay Centre on Western Civilisation. Last year it emerged Monash University and the University of Sydney capitulated to demands for course content censorship — including a quiz and a map — by nationalistic Chinese international students. In response, both Prime Minister Scott Morrison and Education Minister Dan Tehan have raised concerns about the state of free speech on campus.

These recent incidents are merely the tip of the iceberg. Australia's universities are increasingly becoming closed intellectual shops. I speak to academics and students at your institutions almost every day, people just like Amelia and Steve, that tell me about a worrying culture of censorship. This is a real and serious problem.

Australia's universities are lacking in viewpoint diversity – a range of perspectives challenging each other in the pursuit of reason, truth and progress. This leads to groupthink, self-censorship, and sometimes active shouting down when people express a different viewpoint.

Bill von Hippel, a psychology professor at the University of Queensland, says he's a "lefty", but "a monoculture is always a risk, whether you're part of it or against it." He's "very worried that the left-leaning ideology of most members of our field might skew the nature of the questions we ask and the way we interpret our findings."

We live in an era of disruption. There is no guarantee that the traditional university model will continue to exist in the future. There is an extraordinary quantity of knowledge already available on YouTube for free. There are online competitors to universities that have much lower costs. The Uber of education could be just around the corner.

If universities are to survive, they must be places where all ideas can be freely expressed and debated in the pursuit of knowledge and understanding.

At this juncture, Australia's universities have a choice to make. They must decide the purpose of their institution.

Jonathan Haidt, who is a professor of psychology at New York University, has talked about how universities cannot be both social justice institutions and protect free intellectual inquiry.

A Social Justice University

A social justice university is one with a specific ideological purpose, to 'improve' society towards a predefined outcome using certain methods. It is a university that tells students not to try to understand the world, but to be activists who try to change the world.

An example of a social justice university can be found in the Student Charter of Charles Sturt University. The Student Charter states that 'all members of the University community are expected to value': 'social justice including ethical practice and global citizenship' and 'economic, social and environmental sustainability, including the responsible stewardship of resources'. This effectively banishes anyone who holds a different idea about society's goals or on environmental issues. Charles Sturt University's Anti-Racism policy states that curriculum design must be undertaken in a 'culturally inclusive' manner. This policy forbids the at times necessary criticism of particular cultures.

From the social justice perspective, following in the footsteps of French social theorist Michel Foucault, knowledge is power and there is no objective truth. Some knowledge should be restricted to ensure that students are 'safe'. Not physically safe, but safe from ideas that may challenge their perspective and identity or get in the way of the activist mission of their institution.

From the social justice perspective you judge ideas based on identity of the speaker, and not the content and strength of the argument. You dismiss arguments presented by 'white straight cis gender men' because they supposedly cannot be trusted, ignoring the value of an idea is more important than who is saying it.

A social justice university introduces trigger warnings to stop students from confronting challenging ideas, like Monash University. It is a university that censors content that nationalistic Chinese international students find offensive, like Monash and Sydney universities. It is a university that maintains policies which prevent speech that 'makes a person feel offended,' like James Cook University. It is a university which puts a price on expressing controversial ideas by charging for security, like Sydney University.

It will perhaps not surprise you that I do not subscribe to the social justice idea of a university.

There is of course some truth in the social justice perspective. There are limits on people's capacity to flourish, there are injustices in our world. People's viewpoints are limited by their experience. But there's a danger when the entire purpose of a university becomes one ideological endpoint and you stop trying to discover the truth. Simply, it's no longer really a university, it's an activist organisation. It will tell students what to think rather than letting them decide for themselves. And the research that comes out will be skewed, potentially harming society by getting things wrong.

A Free Inquiry University

I ascribe to the free inquiry idea of a university.

A free inquiry university protects free expression for academics and students because the only way to find out whose ideas are more valid, more correct, is to discuss and debate.

A free inquiry university follows in the footsteps of German philosopher Immanuel Kant who argued that in order to achieve Enlightenment one must have the 'freedom to make public use of one's reason in all matters' which means the ability to argue, debate, and converse.

A free inquiry university lets students and academics decide for themselves what is a good and bad idea, not seek to prevent some speakers. A free inquiry university does not state the purpose of the university is to achieve a specific social outcome.

A free inquiry university encourages academics from a wide variety of perspectives to challenge each other's research, to find flaws, and improve quality in the academy. A free inquiry university exposes students to variety of perspectives, including those they find uncomfortable, distressing or downright offensive, so that students understand all sides of an argument and can grow intellectually.

Universities should be the freest places in society, where people feel capable of exploring ideas in the pursuit of truth, where hierarchies and orthodoxies are relentlessly questioned.

A lack of viewpoint diversity

Australia's universities are being captured by the social justice idea of a university.

Florian Ploeckl of the University of Adelaide warns that certain contested fields are being ceded to "activists with their fundamentalist convictions" who do not approach topics scientifically. He says that, "Funding is easier and more plentiful if you pick the right topic, publishing is easier if you don't rock the boat and life in the department is easier if you see the world in the same way your colleagues do."

Foremost, this is a question of personnel. University staff and academics, particularly in the humanities and social sciences, are dominated by those on the progressive left side of politics.

A US study found less than 10 per cent of academics identify as conservative, while another study found 39 per cent of US campuses have no Republicans. While there is no reliable data on Australian universities, the situation appears to be similar. Australia's universities are relentlessly seeking gender and racial diversity. But they are missing the diversity that is crucial for their effective functioning: viewpoint diversity.

How many academics in Australian universities foresaw the rise of Donald Trump or Britain voting to leave the European Union? How many academics have a strong sense of national identity? How many academics are in favour of free market economics?

Philosopher John Stuart Mill wrote that 'He who knows only his own side of the case knows little of that.' You have no reason to prefer your own ideas if you do not understand the opposing perspective. Nor is it good enough to 'hear the opinions of adversaries from his own teachers,' Mill says, 'He must be able to hear them from persons who actually believe them... he must know them in their most plausible and persuasive form'.

Because of a lack of exposure, academics simply cannot comprehend a range of ideas and the viewpoints of many Australians. And a lack of exposure to people with different ideas breeds overconfidence, misunderstanding and hostility.

Jonathan Haidt's *The Righteous Mind* explores how conservatives and progressives have different moral palettes. Progressives prioritise care and fairness; the moral palette of conservatives includes these concerns, in addition to group loyalty, submission to legitimate authority and disgust. These moral institutions drive progressives and conservatives in opposing directions.

An individual is incapable of simultaneously holding multiple perspectives at the same time. We are all biased. Humans suffer from confirmation bias, interpreting information to support pre-existing beliefs, and motivated reasoning, developing logic to support pre-existing beliefs. Those who are intelligent and highly educated are not immune from these prejudices, in fact, they are more susceptible.

This was confirmed by a recent study by Dan Kahan of Yale University. Kahan tested how people with different levels of education respond to information about a partisan issue. He

found that individuals with better numeracy skills were more polarised after seeing the data about gun control. The more educated individuals used their ‘quantitative-reasoning capacity selectively to conform their interpretation of the data to the result most consistent with their political outlooks’. The better informed an individual, the more skilled they are at manipulating information about the world to favour their ideological perspective and accordingly are more likely to become polarised.

In order to undermine these biases it is necessary to have people with different perspectives challenging each other. Conservatives must question the findings, premises, data and methods of progressives, and vice versa.

Without people from different perspectives challenging each other viewpoints harden. Views become ‘strongly held but weakly supported’ because of a lack of challenge. When you don’t understand the other side of the argument you start to think they are evil. This point was made by a Matthew Blackwell, a student at the University of Queensland, who has experienced hostility firsthand. He has written that a ‘heavily left-biased education’ is creating a ‘Frankenstein generation of fanatical students.’ When these left wing students hear a conservative perspective they have no idea why the conservative would believe that and assume they’re probably a racist.

Meanwhile, the institutional incentives at Australia’s universities are all wrong.

The IPA’s Free Speech on Campus Audit 2017, which analysed more than 165 policies and actions at Australia’s 42 universities, found that four in five universities have policies or had taken action that was hostile to free speech. University policies prevent ‘insulting’ and ‘unwelcome’ comments, ‘offensive’ language and, in some cases, ‘sarcasm’ and ‘hurt feelings’. Hearing an idea that you dislike can easily cause offence and hurt feelings. These speech codes encourage students and academics to err on the side of caution rather than express a potentially controversial idea, and could be used to punish students for expressing their opinion.

A loss of faith in universities?

There is a serious danger that if universities continue to go down the monoculture social justice path, they will undermine their own existence.

The Australian Election Study produced after the 2016 election indicates that while there is still widespread confidence in universities there is, nevertheless, an emerging partisan confidence gap.

The net confidence – total who have a great deal or quite a lot of confidence minus those with not very much or no confidence in universities – varies by party voters. The net confidence rating among Liberal and National voters is 50 per cent, compared to 55 per cent for Labor voters. A larger gap emerges between minor party voters. The net confidence among Greens voters is 66 per cent, compared to just 6 per cent for One Nation voters.

This data was gathered before recent public debate emerged about free speech at universities in Australia.

For an idea of how rapidly universities could become a partisan issue, it is worth looking at the United States.

Pew Research Centre, who regularly track American public attitudes, have found a substantial growth in partisan difference since 2015 when debates about free speech on campus emerged. In 2015, a majority of Republicans had a positive attitude towards the effect of universities on the country. By 2017, Pew found that just 36 per cent of Republicans have a positive attitude. By comparison, 72 per cent of Democrats have a positive attitude towards universities.

Australia's universities are particularly susceptible to the repercussions of a loss of public support. Unlike in the United States, Australia's universities are predominantly funded by the government and government-subsidised loans. Universities becoming a partisan political issue could endanger the \$16.9 billion that universities receive from Australian taxpayers every year.

Some commentators, such as Sydney radio host Alan Jones, have talked about stripping funding from universities that fail to uphold free expression for conservatives. The calls for doing so will grow louder in the future.

More directly, incidents and public attention have the potential for very real reputational damage. I would point to the case of Evergreen State College, a public liberal arts college in Washington state. In May 2017, Evergreen students targeted professor of biology Bret Weinstein because he objected to a reverse 'Day of Absence'. Weinstein identifies as 'deeply progressive' and supported Bernie Sanders during the last presidential election, however he opposed calls for all white staff and students to not attend campus for a day of absence.

Weinstein does not believe in responding to racism by banning another racial group from campus. In response, he was labelled a racist and a mob aggressively interrupted and protested his classes. In the chaos that followed security was instructed by administrators to stand down, and buildings on campus were occupied and trashed. Weinstein was told by campus security that they could no longer guarantee his safety. He has since resigned, and settled with the institution for half a million dollars after he alleged that the college failed to protect him from physical hostility.

In a new twist, it has emerged in recent weeks that there has been a 'catastrophic drop' in enrolment at Evergreen. The number of first years has declined by 50 per cent from just two years ago. In response, Evergreen have cut their budget by 10 per cent and laid off 20 faculty and staff. If the decline in enrolment continues the institution will presumably have to cut further if it is to survive at all.

What to do about it

I will finish off by discussing three concrete steps that universities can take to address this issue. As this is a governance conference, these will be steps that can be taken at the administrative level.

Firstly, universities should adopt the Report of the Committee on Freedom of Expression from the University of Chicago or develop an Australian equivalent.

The Chicago Statement 'guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge and learn' and states that 'it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive'. The Chicago statement also welcomes criticism of invited speakers, but states that it is wrong to 'obstruct or otherwise interfere with the freedom of others to express views'.

The University Chancellors Council could adopt this statement or perhaps develop a similar statement.

Secondly, universities should introduce a standalone intellectual freedom policy.

Australia's universities are mandated by existing law to protect free intellectual inquiry. The Higher Education Support Act 2003 requires that, as a condition of receiving federal funding: 'A higher education provider... must have a policy that upholds free intellectual inquiry in relation to learning, teaching and research.' This section was introduced into the legislation in 2011 by the Gillard Labor Government.

Former chief justice of the High Court of Australia and Chancellor of the University of Western Australia Robert French has pointed out that universities, which are public institutions, likely operate under the "implied freedom" to political expression in Australia's Constitution. Nevertheless, the IPA's Free Speech on Campus Audit 2018 found that just 8 institutions have a standalone policy which protects intellectual inquiry. Universities should introduce explicit free speech policies.

Finally, reform existing policy that limits free expression.


As I mentioned earlier, Australia's universities maintain an array of policy that seriously threatens free expression. This policy should be reformed. Policy that says you cannot 'offend' or hurt someone's 'feelings' are prima facie attacks on free expression. I would be happy to discuss individual cases further with any interested university.

In conclusion, if universities are to survive they must provide a service to society and to students. You will devalue your institution if you follow the Social Justice Idea of a university. You must protect your special role in society, your very purpose, by facilitating free inquiry.

No room for differing views

MATTHEW LESH

By **MATTHEW LESH**

12:00AM MAY 26, 2018 •  NO COMMENTS

“What happened to me has a massive chilling effect on debate,” says physics professor Peter Ridd, who was sacked by James Cook University last week after saying other scientists, including former colleagues, have exaggerated the dangers to the Great Barrier Reef.

“Any scientist who might agree with me on the reef will just keep their mouth shut, it’s just too risky.”

The well-published professor in coastal oceanography, reef systems and peer review, and a former head of JCU’s school of physics, allegedly has “engaged in serious misconduct, including denigrating the university and its employees, and not acting in the best interests of the university”, according to vice-chancellor Sandra Harding in the letter terminating his employment.

The sacking stems from comments the 29-year JCU veteran made on Sky News that “science is coming out not properly checked, tested or replicated” and those who claim problems with the reef are too “emotionally attached to their subject” — views already aired in his chapter in the book *Climate Change: The Facts 2017*, produced by the Institute of Public Affairs. Ridd’s academic freedom supposedly has fallen foul of the institution’s code of conduct. A disturbing pattern is emerging on Australia campuses. The JCU experience is typical of the breakdown of free intellectual inquiry at our universities; of debate replaced by dogma.

“I’m a lefty myself, but a monoculture is always a risk, whether you’re part of it or against it,” says Bill von Hippel, acting head of psychology at the University of Queensland. “I’m very worried that the left-leaning ideology of most members of our field might skew the nature of the questions we ask and the way we interpret our findings.”

Ridd has taken his fight to the Federal Circuit Court on the grounds that termination of his employment is a breach of his contractual right to academic freedom. “We need universities to actually encourage different viewpoints so that we get argument,” he says.

Inquirer has spoken to more than a dozen Australian academics across disciplines, universities, and the political spectrum who are concerned about the suffocating monoculture that is gripping our universities, jeopardising research and teaching.

These academics are members of Heterodox Academy, a network of 1865 professors from the US, Britain, Canada, New Zealand, and Australia. They come from the political left and right but are united in promoting viewpoint diversity: a range of perspectives challenging each other in the pursuit of reason, truth and progress.

Heterodox is premised on the work of co-founder and chairman Jonathan Haidt, a professor of psychology at New York University. Haidt’s moral foundations theory contends that progressives have a more narrow moral palette than conservatives. Progressives prioritise care and fairness; the moral palette of conservatives includes these concerns, in addition to group loyalty, submission to legitimate authority and disgust. Haidt has found that these moral intuitions drive progressives and conservatives to different world views.

This poses a danger for research. Academics, like everyone else, are not immune from confirmation bias (interpreting information to confirm pre-existing beliefs) and motivated reasoning (developing logic to support pre-existing beliefs). To combat these biases, individuals with different opinions need to be put together to “disconfirm the claims of others”, Haidt says.

It is necessary for conservative academics to challenge progressive academics, and vice versa. This is the essence of the Socratic method, of claim and counterclaim in pursuit of the truth, and it is what drives intellectual inquiry.

Universities, particularly in the humanities and social sciences, are dominated by progressives. A US study found less than 10 per cent of academics identify as conservative, while another study found 39 per cent of US campuses have no Republicans. The situation in Australia appears to be similar. Universities seek gender and racial diversity but they are missing the diversity that is crucial for their effective functioning: viewpoint diversity.

“When everyone shares the same politics and prejudices, the disconfirmation process breaks down,” Haidt says.

Academics interviewed by Inquirer tell of a variety of ways that the progressive monoculture limits free intellectual inquiry in Australia. Important projects do not receive funding. Challenging papers are not published. Important issues are not investigated. Studies are designed to reach predetermined outcomes. Erroneous research is misleading society. Academics self-censor. Administrators censor heretics. Students are exposed to fewer ideas and are marked down or failed for expressing a different perspective.

“Essentially, I was reprimanded for discussing issues that could make students feel uneasy or uncomfortable,” an Australian academic tells Inquirer on condition of anonymity, fearing retaliation from the university and shunning by colleagues.

This same academic was condemned by university administrators for using challenging stories from Haidt’s moral foundations theory in his teaching. The stories, which include necrophilia, incest and cannibalism, are designed to teach students how instinctive emotional responses come before logical reasoning.

“Students are adults, not children, and within a university it should be possible to expose students to material that, even if it was distasteful and confronting, is of educational value,” the academic says.

Administrators demanded the stories be removed from a new online course on ethics, despite no complaints from on-campus students in the past. The academic reluctantly agreed to the censorship and thought this was the end of affair. However, word about the stories spread. Several months later the academic was reprimanded again at his annual performance review for teaching “culturally insensitive” stories. He believes he was punished with an increased workload. Cultural sensitivity is the progressive political belief of not offending those of non-Western backgrounds.

“Going down the path of ‘cultural appropriateness’ recommended by my supervisor is condemning universities to a future of pre-Enlightenment obscurantism. For example, most of my students come from countries where homosexuality is both illegal and subject to social censure. Does this mean that I should no longer discuss homosexuality in my teaching? In conversing with Saudi students I have discovered that some of them believe that women should not hold political office. Should I therefore avoid referring to female politicians in my lectures?”

Ideological monocultures create intolerance and hostility. When you never hear opposing perspectives and spend time only with people who reinforce your ideas, it breeds overconfidence. You come to think that the people expressing opposing perspectives are intellectually deficient or driven by sinister goals.

“If you are exposed to just one set of ideas, you’re not going to understand the other person’s perspective,” Matthew Blackwell, an economics and anthropology student at the University of Queensland, warns from his experience. “And even if they do begin to try to tell you their perspective, because you’re so used to an entirely different way of thinking you’re not going to be receptive at all.”

As a result, students and academics who challenge the zeitgeist are stigmatised by their colleagues and university administrations.

One academic tells of a marker recommending a fail grade to a student thesis critical of postmodernist interpretations of terrorism. “Having read parts of his thesis I am certain that it did not deserve a fail,” the academic says. “The only reason that I can think of for the examiner seeking to fail his thesis is ideologically based animus against his argument.”

An Australian psychology academic was investigated by his university for setting an assignment that surveyed students on gender differences with regards to jealousy. “The underlying theory is evolutionary — jealousy is linked to biological sex and males and females respond differently,” the lecturer tells *Inquirer*.

A student accused the academic of “transphobia” in a pejorative Facebook post and complained to the university. The administrators spent months investigating, the lecturer was required to attend hours of meetings, and the dean of the school monitored lectures, ostensibly to make the student feel “safe”.

Social psychology literature has established that men respond more strongly to sexual infidelity, and women more strongly to emotional infidelity. The survey — which included “male”, “female” and “prefer not to say” options — was designed for students to test this theory and write up the results. The academic was never given a written complaint or formally cleared of wrongdoing and almost left his job because of the inquisition.

“I find myself having to be extremely careful, having a real anxiety about going into lectures and classes, and am very fearful of saying something that students find

offensive,” the academic says. “That affects my teaching, it makes me feel uncomfortable, it makes it difficult to think and present freely and clearly.”

There have been many cases of censorship across Australian campuses. Last year, Monash University and the University of Sydney capitulated to demands for course content censorship — including a quiz and a map — by nationalistic Chinese international students. The University of Western Australia cancelled a contract to host “sceptical environmentalist” Bjorn Lomborg’s Australian Consensus Centre, and no Australian university was willing to host it.

The monoculture has institutional backing through university policies and censorship.

The IPA’s Free Speech on Campus Audit 2017, which analysed more than 165 policies and actions at Australia’s 42 universities, found that four in five universities had policies or had taken action that was hostile to free speech.

University policies prevent “insulting” and “unwelcome” comments, “offensive” language and, in some cases, “sarcasm” and “hurt feelings”. Some policies tell students and academics they are “expected” to value “social justice”, a progressive political notion. These misguided policies make it difficult to explore controversial ideas without fear of reprisal.

Florian Ploeckl, a senior lecturer in economics at the University of Adelaide, says many academics bite their tongue on controversial topics. “If working on these topics is essentially futile, why should we make ourselves into targets for Twitter mobs and social media crusades?”

Ploeckl warns that academics instead are ceding the space to “activists with their fundamentalist convictions” who do not approach topics scientifically. “Funding is easier and more plentiful if you pick the right topic, publishing is easier if you don’t rock the boat and life in the department is easier if you see the world in the same way your colleagues do,” he says.

David Baker, a lecturer in history at Macquarie University, says while most academics are open to diverse viewpoints, “there is a small group of academics, whose behaviour can only be described as sinister, who are in the business of brainwashing their students and who will try to harm the careers of colleagues they deem heretical to their ideology ... Grades can be devastated, careers can be cut short and there is very little one can do about it.”

The lack of viewpoint diversity ultimately has an effect on the quality of public discourse. “Universities and academics are uncritically accepting some theories, teaching them to students, and they are finding their way into society, influencing businesses and political debate,” says Hardy Hulley, a finance senior lecturer at University of Technology Sydney who identifies as “pretty liberal”.

The late Stephen Hawking once warned: “The greatest enemy of knowledge is not ignorance, it’s the illusion of knowledge.” Our ability to expose errors and discover truths is hampered by lack of free and open discussion.

There are reasons to be optimistic. The existence of Heterodox Academy indicates a willingness by some to challenge the orthodoxy. “I joined Heterodox because I wanted to pull myself away from my echo chamber and consider more diverse viewpoints,” says Lydia Hayward, a psychology researcher at the University of NSW.

In the US, some institutions are staking their reputation on being open to debate.

The University of Chicago has declared that “it is not the proper role of the university to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable or even deeply offensive.” Thirty-five US universities have adopted this statement.

Federal Education and Training Minister Simon Birmingham, in response to the concerns raised by Heterodox Academy members, has stressed the importance of views being challenged.

“Any university that limits constructive debate doesn’t just do themselves a huge disservice, they let down the Australian public and taxpayers who chip in most of their university revenue,” he tells Inquirer. “University leaders who aren’t fostering debate on campus need to remember that the autonomy they are granted comes with the responsibility to understand the social licence taxpayers give them to operate.”

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University regulator TEQSA has lost its way on political matters

MATTHEW LESH

By **MATTHEW LESH**

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Australia's university regulator, the Tertiary Education Quality and Standards Agency, is not only failing to protect free intellectual inquiry but its ideologically driven interventions are part of the problem.

Australia's universities are facing a serious reputational crisis. The more universities become aligned with a single line of political thought, the more the community will wonder, rightly, why billions of taxpayer dollars fund these institutions.

Senator James Paterson wrote on this page last week that universities that did not uphold free intellectual inquiry should be fined. Radio broadcaster Alan Jones has discussed freezing funding to James Cook University following the sacking of Peter Ridd. Malcolm Turnbull has said he will be speaking to the Australian National University following its rejection of the Ramsay Centre.

A competent regulator would be on top of this issue by now.

But TEQSA has been captured by the same progressive monoculture that is afflicting our universities. This is concerning because it is the agency that decides which institutions can call themselves a university, award degrees and receive generous taxpayer funds.

Its website mentions progressive concepts such as "diversity" 119 times and "equity" a further 57 times. "Free intellectual inquiry" is mentioned six times and "freedom of expression" just twice. TEQSA has issued guidance notes on diversity and equity and wellbeing and safety but it has yet to issue a note about free speech on campus.

In 2011 the Gillard Labor government amended the Higher Education Support Act to require universities, as a condition of receiving federal funding, to have "a policy that

upholds free intellectual inquiry in relation to learning, teaching and research”. TEQSA has made no effort to enforce this requirement.

The Institute of Public Affairs’ Free Speech on Campus Audit 2017 found that only eight out of Australia’s 42 universities have a stand-alone intellectual freedom policy. Charles Sturt University has 403 policies including a 1600-word document on when, where and how flags should be flown. But it does not have a policy dedicated to free intellectual inquiry.

The audit also found that Australia’s universities maintain speech codes that prevent “insulting” and “unwelcome” comments, “offensive” language and, in some cases, “sarcasm” and hurt feelings. These policies encourage academics and students to remain silent for fear of repercussions. They are not compatible with a university’s role to facilitate debate in the pursuit of truth. Offence and hurt feelings are a normal by-product of hearing ideas with which you disagree.

TEQSA has not held universities to account for policies that threaten intellectual freedom, the sacking of professors for expressing their scholarly views and complaints by academics across the political spectrum about the dangerous ideological monoculture in higher education. The agency’s internal thinking was revealed by its draft diversity and equity guidance note quietly released late in 2016.

The guidance note discusses all types of diversity — including racial, ethnic, religious, national and sexual — except the diversity necessary for a functioning university: viewpoint diversity. The draft note listed identity politics victim groups. It included censorious “inclusive language” requirements. It asserted that creating “equivalent opportunities for academic success” could mean “creating the conditions for equity of outcomes” — undermining the competitive nature of a university and the reality that not everybody can or should get first-class honours. It also redefined “social responsibility” to include the progressive political idea of “social justice”. These elements ultimately were removed from the final note following a submission by the IPA; however, its existence in the first place is concerning.

TEQSA’s latest focus is the questionable demand that universities become responsible for mediating sexual harassment allegations. TEQSA is de facto encouraging the creation of inquisitive, low-evidence kangaroo courts. This follows the footsteps of the problematic “Dear Colleague” letter that lowered the evidential standards for campus sexual assault allegations in the US. The letter recently was withdrawn by US Education

Secretary Betsy DeVos. Universities lack the expertise to facilitate natural justice. These complex matters should be the responsibility of the police and the legal system.

One way to improve education quality is the creation of more universities. All our universities teach every subject in a similar way. There are no specialist science or economics and politics universities — such as Imperial College London and the London School of Economics — or a wide array of liberal arts colleges as in the US.

TEQSA benefits existing players by creating barriers to entry that prevent competition. The agency has created so much red tape that it is almost impossible to create new or specialist universities. The abolition of TEQSA — or the cutting of red tape — could generate a much-needed university boom. Australia's university cartel finally would be challenged on quality and price by new institutions. These new universities also could provide students with the choice to study at a university that has not been afflicted by a debilitating ideological monoculture.

Matthew Lesh is a research fellow at the Institute of Public Affairs.

A bargain with the devil

Speech by Matthew Lesh, Research Fellow at the Institute of Public Affairs, to the Australian National University's Summit on Academic Freedom and Academic Autonomy, Canberra, 5 December 2018

Thank you very much for the invitation to speak. It is an honour to be part of this august seminar. I congratulate ANU for their willingness to tackle these issues.

In my remarks today will posit that universities, as they currently exist, cannot and should not expect full institutional autonomy. Nevertheless, if universities are to secure operational autonomy and individual academic autonomy they must maintain broad community support.

Universities have entered a bargain with the devil. Universities accept significant state direction in exchange for privileges and funding.

Universities are a regulated oligopoly. Universities have a range of privileges, including the exclusive ability to award degrees, barriers to entry for competitors, and generous funding. Higher education-related government expenditure reached \$13.86 billion in 2017–18, a figure that has grown substantially over the last decade.

In exchange, universities are not autonomous. Universities are regulated by the Higher Education Support Act and the Higher Education Standards Framework enforced by TEQSA.

There are other mechanisms which also steer universities. For example, research funding is heavily biased towards medical and scientific disciplines. There has also been a trend away from pure basic research and towards funding for practical outcomes.

The availability of funding skews which research questions are asked. This is Bachrach and Baratz's 'second face of power'—controlling what is talked about is just, if not more, powerful than controlling what is said.

This lack of autonomy is not, necessarily, objectionable. Universities should have operational autonomy, and individual academics should be free to publish without fear or favour. In the past, for example, I opposed the sacking of socialist Roz Ward by La Trobe University for expressing a negative view about the Australian flag.

Nevertheless, if universities wanted to be truly autonomous from the taxpayer, they would reject all state funding. It is naive at best and downright undemocratic at worst to assert that universities, which receive billions in public funding every single year, should be totally unaccountable.

These regulations, like all regulations, should be light touch and not entangle universities in red tape. The regulations should also, in themselves, encourage academic freedom – a necessary prerequisite of a functioning university.

The good news is that they already do. The Higher Education Support Act, for example, requires that universities safeguard free intellectual inquiry as a condition of receiving funding.

This brings me to my second point. In recent history there have been a number of calls to intervene in the operational autonomy of universities. Radio broadcaster Alan Jones has discussed freezing funding to James Cook University following the sacking of geophysicist Peter Ridd. Senator James Paterson and the Centre for Independent Studies' Jeremy Sammut have called for universities that did not uphold free intellectual inquiry to be fined, particularly following the rejection of the Ramsay Centre on Western Civilisation by ANU.

I am uncomfortable with the government directing the day-to-day operations. Nevertheless, these calls do point to a serious risk faced by universities.

The more that universities are perceived to be hostile to a particular side of politics and to not uphold their side of the bargain by protecting free intellectual inquiry, the calls for intervention will grow louder. You cannot continuously bite the hand the feeds you and expect more food.

The lack of viewpoint diversity is a serious threat to autonomy. Viewpoint diversity is individuals with different ideas challenging each other in the pursuit of truth. Importantly, because of the nature of confirmation bias and motivated reasoning, viewpoint diversity requires different individuals with different perspectives.

To quote Heterodox Academy, a global group of academics with over 50 Australian members that seek to promote viewpoint diversity:

‘Science is among humankind’s most successful institutions not because scientists are so rational and open minded but because scholarly institutions work to counteract the errors and flaws of what are, after all, normal cognitively challenged human beings.’

In a number of fields, this disconfirmation process has broken down. The internal systems of academia – which include academics hiring likeminded individuals and peer review that promote likeminded thinking – are rewarding groupthink over debate.

I will make one final concluding point.

In recent weeks, particularly in response to the federal government’s announcement of the Robert French-led review into campus free speech, some senior figures in the university sector have said that there is no issue. This cotton wool in the ear approach is both falsifiable and counterproductive. There have been attempts to shut down speakers. There are academics and students who are too scared to speak. This all exists. While good people can disagree about the extent of the problem and the solutions; ignoring the problems will not make them go away.

In that spirit, I congratulate the ANU for leading this debate and their willingness to explore these issues.



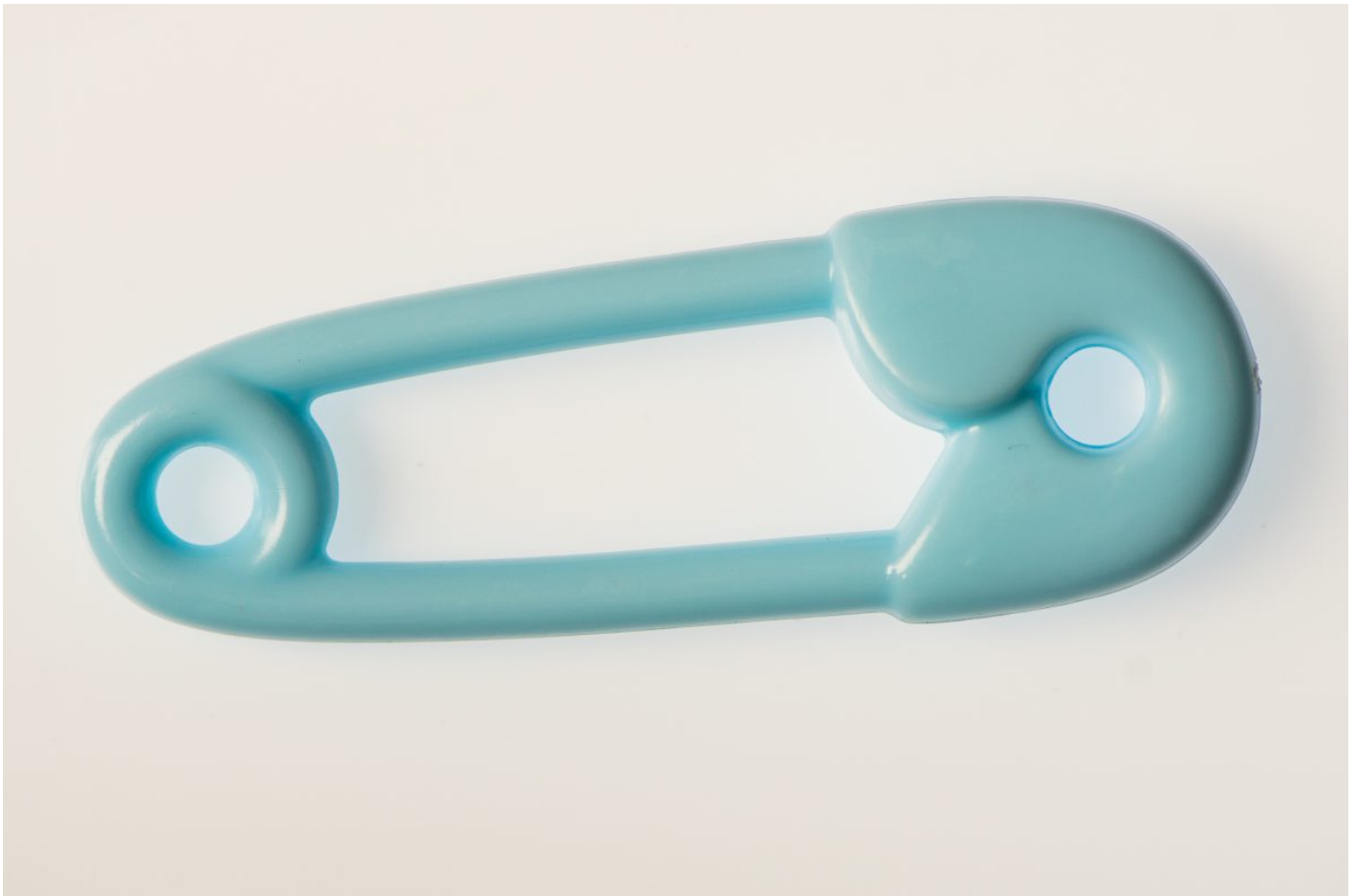
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Is Safetyism Destroying a Generation?

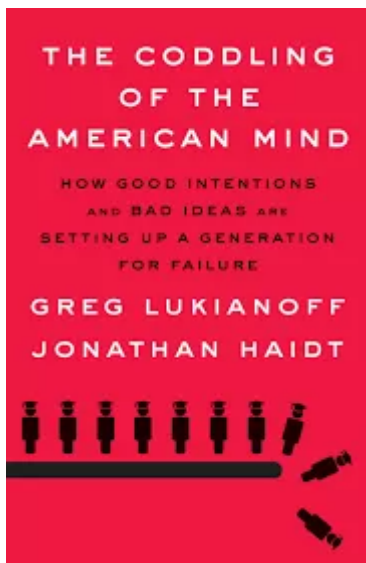
written by **Matthew Lesh**



A review of *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure* by Greg Lukianoff and Jonathan Haidt, Penguin Press (September 4, 2018) 352 pages.

In recent years behaviours on university campuses have created widespread unease. Safe spaces, trigger warnings, and speech codes. Demands for speakers to be disinvited. Words construed as violence and liberalism described as 'white supremacy'. Students walking on eggshells, too scared to speak their minds. Controversial speakers violently rebuked – from conservative provocateurs such as Milo Yiannopoulos to serious sociologists such as Charles Murray, to left-leaning academics such as Bret Weinstein.

Historically, campus censorship was enacted by zealous university administrators. Students were radicals who pushed the boundaries of acceptability, like during the Free Speech Movement at UC Berkeley in the 1960s. Today, however, students work in tandem with administrators to make their campus 'safe' from threatening ideas.



Jonathan Haidt and Greg Lukianoff's new book, *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting Up a Generation for Failure*, persuasively unpacks the causes of the current predicament on campus – which they link to wider parenting, cultural and political trends. Haidt is a social psychology professor at *New York University* and founder of *Heterodox Academy*. Lukianoff is a constitutional lawyer and president of the *Foundation for Individual Rights in Education*. In 2015, they wrote The Atlantic cover story of the same name.

Haidt and Lukianoff's explanation for our era of campus craziness is primarily psychological. In sum, a well-intentioned safety culture which has led to 'paranoid parenting,' and screen time replacing unstructured and unsupervised play time, has created a fragile generation. Haidt and Lukianoff focus on people born after 1995, iGen or Generation Z, who began attending college in the last five years – just when things started to escalate.

This cohort is experiencing a dramatic rise in anxiety, depression and suicide. When they arrived on campus, in an increasingly polarised political climate, they were unprepared to be intellectually challenged. They – or at least the 'social justice' activists of this generation – responded by creating a culture of censorship, intimidation and violence, and witch hunts against non-believers. Universities, led by risk adverse bureaucracies, are treating students like customers and allowing an aggressive, censorious minority set the agenda.

The dangers of safety culture

Haidt and Lukianoff focus on the unintended consequences of safetyism – the idea that people are weak and should be protected, rather than exposed, to challenges. Safety

culture has the best of intentions: protect kids from danger. It began with a focus on physical safety – removing sharp objects and choke hazards, requiring child seats, and not letting children walk home alone. Safety, however, has experienced substantial concept creep. It now includes *emotional* safety, that is, not being exposed ideas that could cause psychological distress. Taken together, the focus on physical and mental safety makes young people weaker.



Greg Lukianoff

Humans are what author and statistician Nassim Nicholas Taleb calls ‘antifragile’. We ‘benefit from shocks; [humans] thrive and grow when exposed to volatility, randomness, disorder, and stressors and love adventure, risk, and uncertainty’. Peanuts are a case in point of needing to be exposed to danger to build resilience. From the 1990s, parents were encouraged to not feed children peanuts, and childcare centres, kindergartens and schools banned peanuts. This moratorium has backfired. The LEAP study (Learning Early About Peanut Allergy) found that not eating peanut-containing products during infancy *increases* allergies. The researchers recruited 640 infants with a high risk of developing peanut allergy. Half were given a peanut-containing product. The other half avoided peanuts. The study found that 17 per cent of those who did not consume peanuts developed an allergy by age 5, compared to just 3 per cent of those who did consume the peanut-containing snack. Our immune system grows stronger when exposed to a range of foods, bacteria, and even parasites.

Antifragility applies to emotional health as well. When you guard children against every possible risk – do not let them outside to play or walk home alone – they exaggerate the fear of such situations and fail to develop resilience and coping skills. Stresses are necessary to learn, adapt and grow. Without movement, our muscles and joints grow weak. Without varied life experiences, our minds do not know how to cope with day-to-day stressors. Measures designed to protect children and students are backfiring. Fragility is a self-fulfilling prophecy. If you think certain ideas are dangerous, or are encouraged to do so by trigger warnings and safe spaces, you will be more anxious in the long run. Intellectual safety not only makes free and open debate impossible, it setting up a generation for more anxiety and depression.

Haidt and Lukianoff use an array of data that shows a shocking increase in American youth anxiety, depression, and suicide in the last five years, but particularly for young women. By 2016, one out of every five American girls met the criteria for having experienced a major depressive episode in the previous year – an increase of almost two-thirds over five years.

There has also been an increase in male suicide by one-third, and female suicide has doubled since the early 2000s, reaching the highest recorded since 1981.

Notably, it is not just the American mind that has been coddled. Consistent with Haidt and Lukianoff's findings in the United States, there has been a substantial increase in youth mental health issues in other Anglosphere countries such as Britain and Australia.

In July, Britain's National Health Service reported a record 389,727 'active deferrals' for mental health among people aged 18 or younger. The crisis is more pronounced among women, who have experienced a 68 per cent rise in hospital admissions for self-harm over the past decade and a 10 per cent growth in anxiety. Another survey found a doubling in self-reported mental health problems among university students between 2009 and 2014.

Mission Australia's Youth Mental Health report has found that a 23 per cent of young Australians have a probable serious mental health, an increase from 19 per cent just five years ago. A separate Mission Australia survey in 2017 found that for the first time mental health is the number one issue of national concern for young people in Australia. Meanwhile, the suicide rate among young Australians grew by 20 per cent over the last decade.

Feelings over debate

There is a link between rising mental health issues, safety culture and campus trends. It is notable how often students put censorious demands in the language of feeling safe. Students demand trigger warnings because ideas are emotionally challenging, safe spaces to hide away from scary situations, and the disinclination of controversial speakers to feel safe on campus. While it is important to show courtesy in public debate, it is patently absurd to suggest that simply hearing an idea you dislike makes you unsafe in any meaningful way. As the old saying goes, 'sticks and stones may break my bones, but words will never hurt me'. In fact, the opposite is true, post-traumatic growth is a real phenomenon: difficult situations do make us stronger.

While America has experienced the worst of campus craziness, over-parenting and rising mental health issues correlate with similar university trends across the Anglosphere. In Britain, speakers are 'no platformed', and songs and newspapers are banned. In Canada, teaching assistant Lindsey Shepherd was reprimanded for showing a debate in class. In Australia, universities are adopting trigger warnings, succumbing to demands for censorship to protect 'feelings', and on some occasions protests have turned violent. In New Zealand last month a free speech debate was interrupted by protesters.

In recent weeks La Trobe University in Melbourne, Australia almost banned sex researcher Bettina Arndt from speaking about sexual assault issues on campus. While the university reversed their earlier decision, it nevertheless informed students that counselling would be available – solidifying the idea that the mere existence of a contrarian voice necessitates therapy. Students have continued to demand censorship of Arndt on the basis that her ideas make them feel ‘unsafe’.

In recent days the La Trobe Student Union’s student representatives released a statement calling for Arndt to be prevented from speaking. The statement mentions the word ‘safe’ a total of nine times. One of the student representatives explicitly declared that ‘What Arndt chooses to speak on makes me feel incredibly unsafe... The university is currently allowing this event to go ahead under the pretence of free speech, however I do not think free speech should come at the expense of student safety.’ This is not the language of radicals – this is young people appealing to authority figures for protection.

Safety culture undermines the entire purpose of a higher education. Universities exist to challenge students, to expand their worldview and develop their critical thinking. This is done by hearing and responding to ideas that make us feel uncomfortable. Efforts to censor speakers because they make some people feel ‘unsafe’ prevents the necessary process of argument and counter-argument in the pursuit of finding the truth.

Debate on campus is already undermined by the lack of viewpoint diversity – most academics come from a similar political pedigree, meaning students have fewer opportunities to be challenged in the first place. A lack of exposure to different ideas means a much more limited and weaker education. As British philosopher John Stuart Mill wrote, ‘He who knows only his own side of the case knows little of that.’ In other words, to make an argument thoughtfully, it is necessary to understand the counterfactual of one’s own argument.

Emotional reasoning and good versus evil

Haidt and Lukianoff argue that the focus on feelings is a symptom of a culture that encourages emotional reasoning: letting feelings guide our interpretation of reality. Students are being taught to engage in thought patterns that make the world appear more threatening – such as focusing on a worst possible outcome, overgeneralising, assuming that one knows what other people are thinking, and only seeing the negative in situations. These are the precisely the same cognitive distortions that lead to anxiety and depression (e.g. the world is a dangerous place for a person like me, everyone I know hates me, etc).

Jonathan Haidt

The encouragement of cognitive distortions also undermines academic pursuits. For example, the claim often made in academic fields such as critical race theory that ‘all white people are racist’ is an overgeneralisation that can lead to both anger and aggression in students who believe it.

Another untruth that has become prominent within academic and wider public discourse is the notion that life consists of many small battles between good and evil. In this framing, it is presumed that one’s opponent has the worst possible intentions, creating feelings of victimisation, anger, hopelessness in students who believe it. The notion of ‘microaggressions’ presumes many innocent comments – such as ‘I believe the most qualified person should get the job’ – are hiding underlying racist sentiments. Encouraging students to be concerned about unintended sentiments ensures that they are always suffering. And in practice, it means students do not speak their minds for fear of being misinterpreted as sexist, racist or homophobic. This is not an environment conducive to freely exploring ideas.

Haidt and Lukianoff recommend confronting this challenge by following the proven method of cognitive behavioural therapy (CBT). Considered the gold standard of psychological therapy, CBT focuses on not letting your feelings and cognitive distortions consume you. Exercises that are used in CBT help people to understand that situations are not black and white. Not every ambiguous interaction is designed to hurt you. Catastrophic thinking in response to negative events is largely within our control.

Hope for the future

The Coddling of the American Mind is both an enlightening but disquieting read. We have a lot of challenges in front of us. Safety culture is embedded into parenting styles. Mental health issues among young people are rapidly increasing. A censorious culture is the norm on campus. Universities are facilitating a self-destructive culture not only through speech codes, but in teaching simplistic theories about human society. Academics far too often pursue social justice causes over empirical inquiry. New ideas – like speech is violence, and therefore it is justifiable to use violence against speech – are downright frightening.

Haidt and Lukianoff conclude by offering a wide array of useful suggestions for students, parents, teachers, schools, and colleges – from choosing a college that clearly prioritises intellectual freedom, to increasing unstructured and unsupervised play time for children, and reducing screen time. They effectively mix together diagnoses of the problem, and some ideas for how to fix it.

But more fundamentally, we should not discount an entire generation. Every action has an equal and opposite reaction. Safety culture and censorship is engendering its own



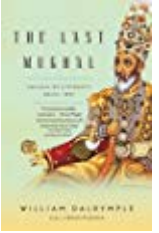
backlash. Arguably, more than any time in recent history, we are seeing an intellectual renaissance outside of traditional institutions such as the university. The more that some students – and administrators – seek to censor contrarian views, the more the mischievous instinct will play out, online and elsewhere.

At least from my experience on campuses across Australia, young people are thirsty to partake in the battle of ideas, challenge orthodoxies, and investigate dangerous ideas. While there are some who violently shut down opposition, there are many others who reject the imposition of safety culture. The challenges are not insurmountable.

Matthew Lesh is a research fellow at the Institute of Public Affairs, Australia, and author of the forthcoming book *“Democracy in a Divided Australia: The Inners-Outers Divide Ripping Us Apart.”* Follow him on Twitter [@matthewlesh](#).

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