



Office of the Vice Chancellor

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Office of the Vice Chancellor  
PO Box 157, Lismore, NSW, 2480

**Thursday, 6 December 2018**

The Hon Robert S French AC  
Suite 2, Level 13  
Allendale Square  
77 St George's Terrace  
Perth WA 6000

**Email:** [sulcsj@bigpond.com](mailto:sulcsj@bigpond.com)  
[freedomofspeechreview@education.gov.au](mailto:freedomofspeechreview@education.gov.au)

Dear Justice French

Thank you for your letter of 29 November 2018 regarding your independent review of policies supporting freedom of expression and intellectual inquiry in Australian higher education.

With regard to your request for copies of University documentation falling within the scope of the review, we have undertaken a throughout review of relevant University statutes, regulations, rules or by-laws and other documents. I am pleased to advise the following:

### **Code of Conduct**

The University's Code of Conduct includes a number of clauses (35-41) that deal with Intellectual Freedom. These clauses ensure that employees of the University are able to pursue critical and open inquiry to participate in public debate and to express their opinion in relation to their discipline and other matters. The clauses also provide the University with the right to issue public statements rejecting an officer's statements.

Available at <http://policies.scu.edu.au/view.current.php?id=00030>

### **Media Policy**

The Media Policy also includes clauses that provide protections in relation to Academic Freedom; specifically, these clauses provide for comment to be made to the media in areas of expertise as they relate to the staff member's professional or academic appointment.

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Available at <http://policies.scu.edu.au/view.current.php?id=00193>

### **Enterprise Agreement - Intellectual Freedom**

A Number of clauses in the University's Enterprise Agreement are also highly pertinent. These include the following:

571 The principles of intellectual freedom should be observed and include the right of employees to:

- a) pursue critical and open inquiry;
- b) participate in public debates and express opinions about their discipline or profession, general social issues and higher education issues;
- c) participate in decision making processes within the University via appropriate representation on University committees;
- d) participate in professional and representative bodies, including trade unions, without fear of harassment or intimidation; and
- e) undertake all aspects of their role without fear of harassment, bullying, intimidation or unfair treatment.

572 When an employee declares their affiliation with the University they must disclose the limits of their research in making public comment.

573 All employees have the right to express unpopular or controversial views but this does not mean that they have a right to defame or slander, harass, vilify, bully or intimidate those who disagree with their views.

574 Intellectual Freedom rights are linked to the responsibilities of employees to support the role of universities as places of independent learning and thought, where ideas may be put forward and opinion expressed freely, and as institutions which must be accountable for their expenditure of public money.

575 Intellectual Freedom rights are also linked to the responsibilities of employees outlined in the University's Code of Conduct.

576 The University reserves the right to issue a public statement rejecting an employee's statement

Available at: <https://www.scu.edu.au/media/scueduau/staff/hr-services/documents-amp-forms/SCU-Enterprise-Agreement.pdf>)

### **Academic Contracts of Employment**

The following excerpt is included in Southern Cross University academic contracts of employment (Note: this is not publically available):

#### **Intellectual Freedom**

The University agrees that it will exercise its rights under this contract in keeping with the principles of intellectual freedom stated in the University's EA and Code of Conduct.

I am advised this constitutes the full range of University documentation that falls within the scope of your review. I trust this information is of use to you in progressing the enquiry and I look forward to receiving your conclusions in due course.

Sincerely,



**Professor Adam Shoemaker**  
Vice Chancellor  
Southern Cross University