

21 December 2018

**Office of the Vice-Chancellor  
and President**

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

Email: [freedomofspeechreview@education.gov.au](mailto:freedomofspeechreview@education.gov.au)

Dear Mr French,

We are pleased to provide a submission to the review of institutional measures in place to guide expectations about freedom of expression and intellectual inquiry in Australian universities. We note and support the intent of the review to consider these measures in a way that acknowledges the institutional autonomy of universities.

The University of Queensland's (UQ) commitment to the principles of academic and intellectual freedom is enshrined in the legislative frameworks that identify our functions, and in the policies and strategies underpinning our operations. The attached document sets out the key legislative instruments, policies and strategic documents that support freedom of expression and intellectual inquiry at UQ.

In the spirit of open dialogue, we are engaging in broad discussions with our academic community on the many facets of freedom of speech and intellectual freedom. Our governing body, The University of Queensland Senate, is also actively engaged in discussions with reference to the core functions of universities as places of learning and generation of new ideas.

When considering the broader matter of freedom of speech on university campuses, we believe it is important to consider the functions of a university and its obligations to deliver on the core functions of teaching and research. The University of Queensland is currently developing a policy regarding access to campus.

As you have identified, a key consideration for the development of the Model Code will be the extent to which distinction can be drawn between the concepts of freedom of expression and intellectual and academic freedom. The University believes that its policies may only address expression, within the context of its functions, through the articulation of protections for what variously is referred to as intellectual and/or academic freedom. We look forward to the outcomes of the review in addressing the interrelated but distinct elements of these principles.

The University of Queensland supports the development of a Model Code and looks forward to the opportunity to provide further comment on such a Code and the observations that emerge from the Review.

Yours sincerely



**Professor Peter Høj  
Vice-Chancellor and President**

Attachment

D18/152620-6

# Intellectual and Academic Freedom: A summary of legislative and policy documents

(as at December 2018)

## Legislative obligations relating to Intellectual Freedom/Freedom of Speech in Higher Education

- **Higher Education Support Act 2003**, section 19-115 states:

**19-115 Provider to have policy upholding free intellectual inquiry**

*A higher education provider that is a \*Table A provider or a \*Table B provider must have a policy that upholds **free intellectual inquiry** in relation to learning, teaching and research.*

- **Higher Education Threshold Standards**, Standard 6.1 Corporate Governance:

*The governing body takes steps to develop and maintain an institutional environment in which **freedom of intellectual inquiry** is upheld and protected, students and staff are treated equitably, the wellbeing of students and staff is fostered, informed decision making by students is supported and students have opportunities to participate in the deliberative and decision making processes of the higher education provider.*

- **The University of Queensland Act**, Section 5 'Functions of university':

The university's functions are—

- (a) to disseminate knowledge and promote scholarship; and
- (b) to provide education at university standard; and
- (c) to provide facilities for, and encourage, study and research; and
- (d) to encourage the advancement and development of knowledge, and its application; and
- (e) to provide courses of study or instruction (at the levels of achievement the senate considers appropriate) to meet the needs of the community; and
- (f) to confer higher education awards; and
- (g) to provide facilities and resources for the wellbeing of the university's staff, students and other persons undertaking courses at the university; and
- (h) to exploit commercially, for the university's benefit, a facility or resource of the university, including, for example, study, research or knowledge, or the practical application of study, research or knowledge, belonging to the university, whether alone or with someone else; and
- (i) to perform other functions given to the university under this or another Act.

Schedule 1 of the University of Queensland Act 1998, as it relates to conduct on University land:

### Part 3 Conduct on university land

#### 12 Conduct causing a public nuisance

A person must not be disorderly or create a disturbance on the university's land.

### **13 Power to deal with persons causing a public nuisance**

- (1) This section applies if an authorised person—
- (a) finds a person contravening section 12; or
  - (b) finds a person in circumstances that leads the authorised person to suspect on reasonable grounds that the person has just contravened section 12; or
  - (c) has information that leads the authorised person to suspect on reasonable grounds that a person has just contravened section 12; or
  - (d) reasonably believes, having regard to the way a person is behaving, that the person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
  - (e) has information that leads the authorised person to believe, on reasonable grounds, that a person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
  - (f) reasonably believes that a person is on the land without lawful justification or excuse.
- (2) The authorised person may direct the person to leave the university's land or a part of the university's land.
- (3) A person must comply with a direction given to the person under subsection (2), unless the person has a reasonable excuse for not complying with it.

## **UQ Policies/Procedures that deal with Intellectual Freedom/Academic Freedom or freedom of inquiry/expression (November 2018)**

### **UQ Mission, Vision and Values**

UQ's Mission, Vision and Values guide the future strategies and priorities of the University. They provide tools to guide day-to-day processes and behaviours, and be reflected in all our decisions and activities, including:

- monitoring policies and procedures, ensuring that the right activities are valued and rewarded; and
- helping to ensure consistent purpose and commitment from our institution's leaders.

#### **Mission**

*The University of Queensland positively influences society by engaging in the pursuit of excellence through the creation, preservation, transfer and application of knowledge. UQ helps shape the future by bringing together and developing leaders in their fields to inspire the next generation and to advance ideas that benefit the world. UQ strives for the personal and professional success of its students, staff and alumni.*

#### **Vision**

*UQ: knowledge leadership for a better world*

## Values

Consideration of academic freedom and freedom of speech can be usefully informed by the University's five values:

### Pursuit of excellence

We strive for excellence, seeking to apply the highest standards to benefit our communities

#### Creativity and independent thinking

We welcome new ideas from our staff and students as well as from our alumni and our external partners. We support intellectual freedom, courage and creativity. We encourage the pursuit of innovation and opportunities.

#### Honesty and accountability

We act with integrity and professionalism and uphold the highest ethical standards. We are committed to transparency and accountability. Our decisions ensure responsible stewardship of the University's resources, reputation and values. We lead by example in all areas including our approaches to sustainability.

#### Mutual Respect and Diversity

We promote diversity in the University community – through our people, ideas and cultures. We create a vibrant, inclusive environment in which ideas flourish and future generations, regardless of background are empowered. We respect our colleagues and work together for shared success.

#### Supporting our people

UQ ensures the safety and wellbeing of our people. We create an inclusive and supportive university community in which achievements are celebrated and rewarded. Our people have the opportunity to enrich their lives and pursue their goals.

## Policies and Procedures

The University has adopted a policy framework to:

- support the achievement of UQ's objectives and strategic priorities;
- give effect to directions or advice from Senate, the Vice-Chancellor or the Academic Board;
- manage significant strategic or financial risks; or
- demonstrate compliance with applicable laws, regulations, mandatory government policies/standards, legal obligations and mandatory professional standards.

The following is a summary of the University's policies and procedures as they relate to intellectual and academic freedom.

### 1.00.01 UQ Governance and Management Framework

<http://ppl.app.uq.edu.au/content/1.00.01-uq-governance-and-management-framework>

The UQ Governance and Management Framework (Governance Framework) provides the overall structure and direction for the systematic and disciplined governance and management of UQ.

- The framework applies to the whole of UQ, including controlled entities.
- The policy articulates that, to achieve UQ's strategic objectives and demonstrate effective and efficient governance and management, UQ will:
  - protect and promote intellectual freedom and ensure integrity and quality in teaching and research
  - define and communicate the UQ Mission, Vision, Values and strategic objectives and priorities consistent with its core functions prescribed under the UQ Act
- The Vice-Chancellor with support from the Executive Leadership Team is responsible for, among other things, reinforcing commitment to and role modelling UQ Values and Code of Conduct.

### 1.50.01 Code of conduct

<http://ppl.app.uq.edu.au/content/1.50.01-code-conduct>

The University is committed to comply with applicable laws and Standards, to promote a culture of fair and ethical behaviour and to encourage the reporting of corrupt practices, breaches of the law, and matters detrimental to the University or its reputation. The Code of Conduct sets out a number of Ethical Principles that the University requires staff members to comply with in the performance of their roles at the University.

#### Ethical Principle 1 - Integrity and Impartiality

University staff occupy positions of trust. It is therefore important that all staff act in a way that maintains public confidence in the integrity of the University. Consistent with that objective, staff must:

- (a) be committed to, and to act in accordance with, the highest ethical standards;
- (b) accept and value their duty to act with objectivity, independence and impartiality;
- (c) show respect towards all persons including other members of staff, to students and to the general public;
- (d) acknowledge the primacy of the public interest and ensure that any conflict of interest issue is resolved or appropriately managed in accordance with the University's [Conflict of Interest Policy](#); and
- (e) be committed to honest, fair and respectful engagement with the general public.

#### Other relevant sections:

#### 4.4 External activity and public comment

Staff are free to engage in political, professional bodies, interest groups and charitable activities provided that this participation does not give rise to a conflict of interest or impede the performance of a staff member's duties to the University.

In the exercise of academic and intellectual freedom staff must act in a professional and ethical manner and will not harass, vilify, intimidate or defame any other member of staff or any student. Staff must, in exercising their academic and intellectual freedom, act in accordance with [PPL 1.50.03 Intellectual Freedom, Academic Freedom](#).

#### 4.6 Respect for persons

The University seeks to create an environment where all persons are treated equitably and with respect, encouragement and recognition.

Whilst not intended to detract from the concept and practice of academic or intellectual freedom (see [PPL 1.50.03 Intellectual Freedom, Academic Freedom](#)) the notion of respect for persons involves:

- Engaging in rational debate and allowing alternative points of view to be expressed. Rational debate presupposes open communication and the freedom to voice alternative points of view. Staff are not to cut off rational debate by verbal abuse or physical violence or intimidation. For example, criticism of ideas should be distinguished from personal criticism, and staff are not to verbally abuse, vilify or belittle students or other staff (including their supervisors) either personally or to others.
- Avoiding behaviour that might reasonably be perceived as harassing, bullying or intimidating. Staff must not engage in conduct that amounts to or may be perceived as harassment. Staff are not to behave towards other persons in a manner that may reasonably be perceived as intimidating, overbearing or bullying (See [PPL 1.70.02 Prevention of Sexual Harassment](#) and [PPL 1.70.06 Prevention of Discrimination and Harassment](#)).



### 1.50.03 Intellectual Freedom, Academic Freedom

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

The University is committed to the protection and promotion of intellectual freedom within the University. This policy outlines the principle of intellectual freedom.

- The policy applies to all staff, affiliates and volunteers and is applied in accordance with the Enterprise Agreement. It articulates that:
- Intellectual freedom includes the rights of all staff, affiliates and volunteers to, among other things:
  - Hold and express opinions about the operations of the University and higher education policy more generally
  - Pursue critical and open inquiry and (where appropriate) to teach, assess, develop curricula, publish and research
  - Participate, in a personal capacity, in public debates about political and social issues;
  - Express unpopular or controversial views, although this does not mean the right to harass, vilify or intimidate other persons or to demean alternative points of view.

### 1.50.06 Communications and Public Comment using The University of Queensland's Name

<http://ppl.app.uq.edu.au/content/1.50.06-communications-and-public-comment-using-university-queensland%E2%80%99s-name>

The policy aims to safeguard the reputation and standing of The University of Queensland and assist and protect staff by outlining their responsibilities when making public comment at times when they are or may reasonably be identified as University of Queensland staff members.

- The policy applies to all staff making public comment or media statements in any forum.
- The policy articulates that the University respects and upholds intellectual and academic freedom as part of its engagement objectives and encourages staff to contribute to public debate and media comment in their areas of expertise or specialisation while identifying themselves as members of the University.

### 3.60.01 Student Charter

<http://ppl.app.uq.edu.au/content/3.60.01-student-charter>

The purpose of the Student Charter is to set out the University's commitment to students' education and experience at UQ, and to spell out the expectations and responsibilities of all members with respect to conduct; to provide guidelines to foster a healthy, diverse, creative and high achieving environment within which to study, research and work; and to continually strive to achieve recognition as a major global university developing solutions to global problems. The Charter brings together key principles outlined in the University's various policies that promote a sense of community, personal accountability and respect for the rights of others. In particular, the Charter sets out that students can expect to "communicate freely and to be able to voice alternative points of view in rational debate".

## Strategic Plan:

<https://about.uq.edu.au/strategic-plan#explore>

The Strategic Plan sets the overall direction for UQ to pursue the vision of providing *'knowledge leadership for a better world'*. Through the articulation of the long-term objectives, the Plan recognises that we are an integral part of the global community, and commits to building the collaborative partnerships that are vital to ensuring we meet the needs of this increasingly more connected community.

### Long-term objectives (summary):

*1. Transform students into game-changing graduates who make outstanding contributions and address complex issues with a global perspective*

This objective goes beyond ensuring that we develop graduates who can easily gain employment. UQ's students are motivated and highly capable. This goal directs us to ensure we develop an educational experience that maximises our students' personal and academic development. We will support them to become enterprising, independent thinkers with the leadership, creativity and problem-solving skills that empower them to create positive change within industry, academia, the workplace and society more generally.

*2. Deliver globally significant solutions to challenges by generating new knowledge and partnered innovation*

The Strategic Plan places a focus on working with others – both internally through collaborations that cut across disciplinary and organisational boundaries, and externally through partnerships and networks. UQ will become a hub that brings the best expertise together to creatively solve complex problems through research and innovation. This ethos will be reflected in our approach to teaching.

*3. Develop a diverse community of knowledge seekers and leaders who embody a One UQ culture and use collaborative partnerships to connect and co-create*

Diversity within UQ's community ensures that different perspectives and experiences are brought together to find solutions to global challenges and provide an enriched learning experience. Through a One UQ culture we can create an environment that is inclusive and collaborative to ensure that we work together in pursuit of our strategic objectives. Universities must reflect wider society – working within and for our broader community. Through collaborative external partnerships we can create the connections and networks necessary to understand the needs of industry, government and the community and work with others to meet those needs. This applies to both our teaching and research endeavours.

## Enterprise agreement

The 2018 – 2021 Enterprise Agreement, currently with Fair Work, includes a clause on intellectual and academic freedom. The proposed agreement differs from the existing document with the merger of two previously separate Intellectual Freedom and Academic Freedom clauses. An extract from both follows:

2018 – 2021 proposed agreement:

<https://staff.uq.edu.au/information-and-services/human-resources/enterprise-bargaining/negotiations>

### 23. *Intellectual Freedom (Academic Freedom)*

- 23.1. Intellectual freedom includes the rights of all staff 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, or where related to their discipline, in public debates about political and social issues;
  - d. If appropriate, participate in public debates as a recognised expert or as a person with recognised specialist knowledge;
  - e. Where appropriate, in exercising their freedom to carry out research, have a responsibility to conduct it in accordance with the principles of intellectual rigour, scientific enquiry and research ethics without any interference or suppression;
  - f. Participate, in a personal capacity, or where related to their discipline, in professional and representative bodies including industrial associations and to engage in community service without fear of harassment, intimidation or unfair treatment by other members of the University community; and
  - g. Express unpopular or controversial views, although this does not mean the right to harass, vilify or intimidate other persons or groups or to demean alternative points of view.
- 23.2. In the exercise of Intellectual Freedom, staff will observe the University Code of Conduct, act in a professional and ethical manner and in accordance with University policies, and will not harass, vilify, intimidate or defame the institution or its staff.
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## Existing Enterprise Agreement

<https://staff.uq.edu.au/information-and-services/human-resources/enterprise-bargaining/agreement>

The current EA includes sections covering intellectual freedom and academic freedom (pertaining to academic staff only). Extracts from the existing agreement follow:

### 24. *INTELLECTUAL FREEDOM*

- 24.1 The parties to this Agreement are committed to the protection and promotion of intellectual freedom within the University.
- 24.2 Intellectual freedom includes the rights of all staff 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;
  - (d) if appropriate, participate in public debates as a recognised expert or as a person with recognised specialist knowledge;



- (e) participate, in a personal capacity, in professional and representative bodies including industrial associations and to engage in community service without fear of harassment, intimidation or unfair treatment by other members of the University community;
- (f) express unpopular or controversial views, although this does not mean the right to harass, vilify or intimidate other persons or groups or to demean alternative points of view.

24.3 In the exercise of Intellectual Freedom, staff will observe the University Code of Conduct, act in a professional and ethical manner and in accordance with University policies, and will not harass, vilify, intimidate or defame the institution or its staff.

#### 54. *ACADEMIC FREEDOM*

**The provisions of this Chapter are intended only to apply to Academic Staff.**

54.1 The University is committed to the protection and promotion of academic freedom within the University and in accordance with the relevant policy. The principle of academic freedom should be scrupulously observed at the University of Queensland.

54.2 Academic freedom includes the rights of all Academic staff 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 to discuss freely, teach, assess, develop curricula, publish and research;
- (c) participate in public debates and express opinions about issues and ideas related to their discipline area;
- (d) participate in professional and representative bodies including industrial associations and to engage in community service without fear of harassment, intimidation or unfair treatment;
- (e) in exercising their freedom to carry out research have a responsibility to conduct it in accordance with the principles of intellectual rigour, scientific enquiry and research ethics without any interference or suppression;
- (f) express unpopular or controversial views, although this does not mean the right to harass, vilify, intimidate or demean other persons or groups.

54.3 In the exercise of academic freedom, Academic staff will observe the University Code of Conduct, act in a professional and ethical manner and in accordance with University policies, and will not harass, vilify, intimidate or defame the institution or its staff.