

## 1 POLICY STATEMENT AND PURPOSE

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ICHM acknowledges that the core educational mission of higher education teaching and research is enshrined in the principles of the protection of free speech and academic freedom. To this end, ICHM is committed to, and supports, academic autonomy across all of its operations and fully subscribes to and incorporates the principles from 'A Model Code for the Protection of Speech and Academic Freedom in Australian Higher Education Providers (Chancellors' Council Working Group Revised June 2019)

ICHM recognises that its staff are current academic and industry leaders, and our students will be the future leaders in industry. By supporting a culture of academic freedom across our community, ICHM empowers its staff and students to explore new and controversial areas of inquiry by allowing them to freely express their views without fear of prejudice. This policy establishes clear parameters around ICHM's position on the protection of free speech, freedom of expression, the importance of academic autonomy and the commitment ICHM has to preserving these fundamental principles.

### **Purpose**

Consistent with the Code the key purpose is:

- to ensure that the freedom of lawful speech of staff, students and visitors as a key value that is not unnecessarily restricted other than by those imposed by law and set out in the principles of this policy
- to ensure that academic freedom is treated as an ICHM defining value
- to affirm the importance of ICHM's institutional autonomy under law in the regulation of its affairs, including in the protection of freedom of speech and academic freedom.

## 2 SCOPE

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The policy applies to ICHM governing bodies, decision making forums, students, staff, Academic Staff, communities of practice and delegates, including those involved in academic governance.

The Policy also applies to student representative bodies to the extent that they have guidelines or terms of reference that enable application.

## 3 DEFINITIONS

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**Academic freedom** at ICHM for the purposes of this policy comprises the following:

- freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their scholarly activity or research:
  - freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study, scholarly activity, research training and research
  - freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled
  - freedom of academic staff to participate in professional or representative academic bodies
  - freedom of students to participate in student societies and associations
  - autonomy of ICHM in relation to the choice of academic courses and offerings, the ways in which they are taught and the choices of scholarly activity and research training activities and the ways in which they are conducted.

**Academic staff** are those who are employed by ICHM to teach and/or carry out scholarly activity and extends to those who provide, whether on an honorary basis or otherwise, teaching services and/or conduct scholarly activity at ICHM.

**Governing Bodies** The bodies with ultimate decision-making authority over the higher education provider and its operations: At ICHM the two governing bodies are: College Council (CC) responsible for corporate governance and the Academic Board (AB) responsible for academic governance.

**Imposed by law** in relation to restrictions or burdens or conditions on a freedom include restrictions or burdens or conditions imposed by statute law, the common law (including the law of defamation), duties of confidentiality, restrictions deriving from intellectual property law and restrictions imposed by contract.

**Non-statutory policies and rules** means any non-statutory policies, rules, guidelines, principles, codes or charters or similar

**Speech** extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity and communication using social media; the word 'speak' has a corresponding meaning

**Staff** for the purposes of this policy 'staff' includes all employees of ICHM whether fulltime, part-time, contractor and whether or not academic staff

**Student** A valued person enrolled (who has accepted their offer and commenced) in an ICHM course of study, attending on campus, online or via blended delivery.

**The duty to foster the wellbeing of staff and students:**

- includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination on any basis recognised at law including race, gender, sexuality, religion and political belief
- includes the duty to ensure that no member of staff and no student is subject to threatening or intimidating behaviour by another person or persons on account of anything they have said or proposed to say in exercising their freedom of speech
- supports reasonable and proportionate measures to prevent any person from using lawful speech which a reasonable person would regard, in the circumstances, as likely to humiliate or intimidate other persons and which is intended to have either or both of those effects
- does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.

**Unlawful** means in contravention of a prohibition or restriction or condition imposed by law.

## 4 PRINCIPLES

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1. Every member of staff and every student at ICHM enjoys freedom of speech exercised in all ICHM activity on and off campus and online, subject only to restraints or burdens imposed by:

- law
- reasonable and proportionate regulation of conduct necessary for teaching and scholarly activities
- the right and freedom of others to express themselves and to hear and receive information and opinions
- reasonable and proportionate regulation of conduct to enable ICHM to fulfil its duty to foster the wellbeing of students and staff
- reasonable and proportionate regulation of conduct to enable ICHM to fulfil its legal duties including its duties to visitors.

2. Every member of the academic staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions imposed by:

- law
- reasonable and proportionate regulation necessary for teaching and scholarly activities
- reasonable and proportionate regulation necessary to foster staff and student wellbeing

- reasonable and proportionate regulation to enable ICHM to give effect to its legal duties
- way of ICHM reasonable requirements as to the courses to be delivered and the content and means of their delivery.

3. In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, ICHM shall take all reasonable steps to minimise the restrictions or burdens imposed by such arrangements or conditions on the freedom of speech or academic freedom of any member of the academic staff or students carrying on research or study under such arrangements or subject to such conditions.

4. ICHM has the right and responsibility to determine the terms and conditions upon which it shall permit external visiting speakers and invited visiting speakers to speak at ICHM and use facilities and in so doing may:

- require the person or persons organising the event to comply with ICHM booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues
- refuse permission to any invited visiting speaker or external visiting speaker to speak at ICHM where the content of the speech is or is likely to: be unlawful, or prejudice ICHM being able to fulfil its duty to foster the wellbeing of staff and students
- ICHM facilities where the content of the speech is or is likely to involve the advancement of theories or propositions which purport to be based on scholarship or research, but which fall below scholarly standards to such an extent as to be detrimental to ICHM character as an institution of higher learning
- require a person or persons seeking permission for the use of ICHM premises or facilities for any external visiting speaker to contribute in whole or in part to the cost of providing security and other measures in the interests of public safety and order in connection with the event at which the external visiting speaker is to speak.

5. Subject to the preceding Principles ICHM shall not refuse permission for the use of its premises or facilities by an external visiting speaker or invited visiting speaker nor attach conditions to its permission, solely on the basis of the content of the proposed speech by the visitor.

6. Consistent with this policy, ICHM may take reasonable and proportionate steps to ensure that all prospective students in any of its courses have an opportunity to be fully informed of the content of those courses. Academic staff must comply with any ICHM policies and rules supportive of the duty to foster the wellbeing of staff and students.

## 5 POLICY DETAILS

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ICHM is firmly committed to nurturing a culture of free speech and academic freedom where both its students and staff are encouraged to engage in robust academic discourse and research which may, at times, lead to conflicting points of view. This natural friction of perspectives may be at odds with an individual's own ideas and perspectives. However, it is acknowledged that it is only through the pushing of boundaries that new ideas and new perspectives may be generated. Controversial ideas are encouraged and expected to flourish at ICHM, however this is tempered within a framework of mutual respect, respectful engagement and civility. ICHM reiterates its commitment to a safe learning environment, requiring both staff and students to value difference and diversity, cooperation, respect, tolerance and academic debate balanced with social responsibility.

As a champion of open debate, ICHM is committed to nurturing an atmosphere where concepts and ideas may be freely expressed, without fear of prejudice or incrimination. ICHM does not condone self-censorship and academic intolerance, acknowledging that unfettered speech and intellectual freedom is of paramount importance and the cornerstone of higher education. The vilification of marginal groups is not tolerated.

Where an ICHM student or staff member feels that their right to free intellectual inquiry has been inhibited and is in contravention of this policy, then they may lodge a formal grievance in accordance with ICHM’s established Non-Academic Grievance Policy and Procedure.

## 6 RESPONSIBILITIES AND AUTHORITIES

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The Academic Board is responsible for approving this policy. The Academic Board is responsible for upholding and supporting this policy.

The Head of ICHM and Program Director Academic (PDA) are responsible for promulgating this policy and supporting its intent across all aspects of ICHM’s academic operations.

## 7 REVIEW

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The Program Director Academic is responsible for the review of this policy in accordance with the timeframe outlined in the Policy Register.

## 8 ACKNOWLEDGEMENTS

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This policy has been developed using the following resources as references:

- Institute of Public Affairs – Free Speech on Campus Audit 2016 <https://ipa.org.au/wp-content/uploads/2016/12/18May16-ML-FreeSpeechonCampusAudit2016-May2016.pdf>
- The Chicago Statement - <https://www.thefire.org/get-involved/student-network/take-action/adopting-the-chicago-statement/>
- The French Report - Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers – March 2019 - <https://www.dese.gov.au/higher-education-publications/resources/report-independent-review-freedom-speech-australian-higher-education-providers-march-2019>
- [‘A Model Code for the Protection of Speech and Academic Freedom in Australian Higher Education Providers \(Chancellors’ Council Working Group Revised June 2019\)](#)

## 9 APPROVAL

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<b><i>Protection of Freedom of Speech and Academic Freedom</i></b>	
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6/9/2019	1.0	Approval of first version	College Council	6/9/2019
Feb 2022	1.1	Title changes		
April 2022	2.0	Benchmarked to and incorporating: 'A Model Code for the Protection of Speech and Academic Freedom in Australian Higher Education Providers (Chancellors' Council Working Group Revised June 2019) In response to external review recommendation.	AB	
Aug 2022	2.1	Minor amendments. Addition to Definitions of Governing Bodies and Student.	Academic Board	31/08/2022