Intellectual Freedom Policy

Section 1 - Purpose

(1) To describe the rights, expectations and responsibilities of the University, staff and students in relation to Intellectual Freedom at RMIT, including:

a. the freedoms related to academic freedom and freedom of speech that are protected by the University (Definitions)
b. the circumstances that will warrant the University to constrain the exercise of these freedoms (Rights)
c. the expectations and responsibilities of staff and students in exercising their rights under this policy (Expectations and Responsibilities)

Section 2 - Overview

(2) RMIT University was founded on the unceded lands of the Woi wurrung and Boon wurrung language groups of the eastern Kulin Nations. The University recognises that knowledges have been produced, exchanged and applied by Indigenous Peoples of this Country for thousands of generations. The inclusion and relationship with the knowledges of Australia's Indigenous Peoples contributes to and extends the mission of the University.

(3) The Royal Melbourne Institute of Technology Act 2010 ("RMIT Act") articulates the production, application and critique of knowledge as central to the objects of the University. In this context, the University recognises that academic freedom and free intellectual enquiry are the foundation stones of the University as a public institution that serves communities locally and internationally as well as the public interest broadly defined.

(4) RMIT recognises intellectual freedom as a paramount value and affirms its commitment to intellectual rigor, social responsibility and institutional accountability. RMIT recognises its obligation to strengthen, enhance and advance the conditions for free enquiry, informed intellectual discourse and reasoned debate through the operations, management and governance of the University.

(5) These institutional responsibilities are shared by a community of scholars, teachers and learners committed to the value of research, education and scholarship for the practical betterment of humanity.

Section 3 - Scope

(6) This policy applies across the RMIT Group, including controlled entities, all officers, employees, Higher Education and Vocational Education students, governing and decision-making bodies.

Section 4 - Policy

Rights

(7) Every member of academic staff and every student enjoys academic freedom subject only to prohibitions,

restrictions or conditions imposed by:

a. law; or
b. the reasonable and proportionate regulation of conduct necessary to enable the University to discharge its obligations in relation to:
    i. the University's teaching and research activities;
    ii. the University's duty to foster the wellbeing of students and staff;
    iii. the University's legal duties; or
    iv. the University's reasonable requirements as to programs and courses to be delivered and the means of their delivery.

(8) Subject to the limitations in clause (7), the exercise by a member of academic staff or of a student of academic freedom will not constitute misconduct nor attract any penalty or adverse action.

(9) In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions the University will:

a. take all reasonable steps to minimise the restrictions or burdens imposed by such arrangement or conditions on the freedom of speech or academic freedom of any member of the academic staff or students undertaking teaching, research or study under the third-party arrangements;
b. ensure, as far as reasonably possible, that the scholarly contributions of academic staff are accurately represented by third parties, particularly where the third party has commissioned the work.

(10) The University may take reasonable and proportionate steps to ensure that students have an opportunity to be fully informed of course content. Academic staff are not however precluded from including content in a course solely on the ground that it may offend or shock any student or class of students.

(11) Every member of staff and every student at the University enjoys freedom of speech exercised on University land or in connection with the University subject only to restraints or burdens imposed by:

a. law; or
b. the reasonable and proportionate regulation of conduct necessary to enable the University to discharge its obligations in relation to:
    i. the University's teaching and research activities;
    ii. the University's duty to foster the wellbeing of students and staff;
    iii. the University's legal duties, including its duties in relation to visitors to the University; or
    iv. the right and freedom of others to express themselves and to hear and receive information and opinions.

(12) Subject to the reasonable and proportionate regulation described in clause (11) a person's lawful speech on University land or in connection with a University activity will not constitute misconduct or attract a penalty or adverse action by reference only to its content; nor shall the freedom of academic staff to make lawful comment on any issue in their personal capacities be subject to constraint imposed by reasons of their employment by the University.

(13) The University has the right and responsibility to determine the terms and conditions for the use of its resources and facilities and the basis on which invited or external visitors speak on University land and use University facilities and resources. The University will consider the objectives of the RMIT Act in terms of promoting intellectual standards and informed public debate when making decisions about the use of its resources and facilities and may refuse permission for an invited or external guest to speak on University land or at University facilities where the content of the speech is or is likely to:

a. be unlawful;
b. prejudice the University's ability to fulfil its obligations to foster the wellbeing of students and staff; or
c. involve the uncontested 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 the University's character as an institution of higher learning.

Expectations and Responsibilities

(14) The University shall uphold and advance intellectual freedom as a defining university value.

(15) When exercising intellectual freedom, staff and students must:

a. comply with law;
b. have due regard to the need for reasoned argument, discourse, critique and debate in order to further a positive intellectual culture; and
c. acknowledge that in the furtherance of its teaching, learning and research objectives, the University benefits from a diversity of views being voiced and contested. The provisions of this policy do not extend to a duty to protect any persons from feeling offended, shocked or insulted by the lawful speech of another.

(16) When exercising academic freedom, staff must act in good faith, in accordance with their own professional judgement having due regard to the expectations of their discipline, broad scholarly standards and formal accrediting bodies.

(17) Staff and students must not speak on behalf of the University (unless officially designated as a spokesperson) and must avoid referencing their University affiliations when speaking in a personal capacity.

Operation

(18) The University shall have regard to the intent and provisions of this policy, when drafting, reviewing, or amending any non-statutory policies or rules and in the drafting, review or amendment of delegated legislation pursuant to any delegated law making powers.

(19) Non-statutory polices and rules of the University shall be interpreted and applied, so far as is reasonably practicable, in accordance with the provisions of this policy.

(20) Any power or discretion under a non-statutory policy or rule of the University shall be exercised in accordance with the provisions of this policy.

(21) This policy prevails, to the extent of any inconsistency, over any non-statutory policy or rules of the University.

(22) Any power or discretion conferred on the University by a law made by the University in the exercise of its delegated law-making powers shall be exercised, so far as that law allows, in accordance with the provisions of this policy.

(23) Any power or discretion conferred on the University under any contract or workplace agreement shall be exercised, so far as is consistent with the terms of that contract or workplace agreement, in accordance with the provisions of this policy.

(24) The University will support staff and students to the extent reasonably practicable in the exercise of their intellectual freedom rights, including when those rights are exercised in jurisdictions outside Australia.

Intellectual Freedom Assessment

(25) Any request for review or assessment regarding a potential failure to uphold the rights and responsibilities provided for in this policy must be provided in writing to the Chair of the Academic Board.

(26) The Chair of Academic Board will undertake an assessment to determine whether a failure to uphold the rights and responsibilities outlined in this policy has occurred. The Chair of Academic Board may decide to:

a. resolve the matter locally, with or without corrective actions;
b. seek advice from an advisory panel constituted by the Chair of Academic Board; or
c. refer the matter to other institutional processes, as appropriate.

(27) The Chair of Academic Board may delegate the above to a nominee in the event of a conflict of interest or absence.

(28) The outcomes of intellectual freedom assessments will be reported to the Academic Board.

Review

(29) This policy will be reviewed every three years by the Academic Board.

Section 5 - Definitions

Note: Commonly defined terms are in the RMIT Policy Glossary. Any defined terms below are specific to this policy.

Academic freedom	Refers to: 1. the freedom of academic staff to teach, discuss, and research, and to disseminate the results of this research, including via publication, performance and exhibition 2. the freedom of academic staff and students to engage in intellectual enquiry, to express opinions and beliefs, and to contribute to public debate in relation to their subjects of study and research 3. the freedom of academic staff and students to express their opinions in relation to the University, inclusive of operations, management and governance, and higher education issues generally 4. the freedom of academic staff to participate in professional or academic bodies 5. the freedom of students to participate in student societies and associations
Academic staff	Includes all those engaged by the University to teach and carry out research, regardless of their employment status (casual/sessional, ongoing, adjunct, honorary, visiting) and includes all those engaged by the University to teach vocational educational courses
Freedom of speech	Relates to the freedom of staff and students to make lawful public comment on any issue in their personal capacity. This includes all forms of expressive conduct – including oral and written speech, creative works and activity whether communicated in person or via social media.
Intellectual freedom	Includes the rights related to academic freedom and freedom of speech that are protected by the University.
Non-statutory policies and rules	Means any non-statutory policies, rules, guidelines, principles, codes or charters or similar instruments.

The duty to foster the wellbeing of staff and students	1. 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 intellectual freedom. 2. The duty to foster the wellbeing of staff and students supports reasonable and proportionate measures to prevent or proscribe any person from using lawful speech which a reasonable person would regard, in the circumstances, both as likely to humiliate, or intimidate, harass or bully other persons; and as being intended to have any of those effects. 3. This duty does not extend a protection from feeling shocked, insulted or offended by the lawful speech of another.

Status and Details

Status	Current
Effective Date	19th October 2020
Review Date	5th March 2025
Approval Authority	RMIT University Council
Approval Date	2nd September 2020
Expiry Date	Not Applicable
Policy Owner	Alec Cameron Vice-Chancellor
Policy Author	Connie Merlino University Secretary and Academic Registrar
Enquiries Contact	Academic Board Secretariat

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