



Freedom of Speech policy

Section 1 - Preamble

- (1) This Policy is effective from 17 December 2019.
- (2) This Policy is made under the following legislation:
 - a. [Vice-Chancellor Regulations](#).

Section 2 - Purpose

(3) The purpose of this Policy is to establish a framework that serves the Victorian, Australian and international communities and the public interest by promoting critical and free enquiry, informed intellectual discourse and respectful public debate within the University and wider society.

Section 3 - Scope

(4) This Policy applies to the expression of freedom of lawful speech in University activities or operations. It applies to all members of the University including students, staff and associates, and non-members of the University and external visiting speakers to the University.

Section 4 - Policy

- (5) The University supports and encourages freedom of lawful speech, recognising its importance in providing higher education courses of an international standard and undertaking research of international standard. Freedom of speech is recognised as:
- a. a necessary condition for academic freedom, institutional autonomy and a core and defining feature of universities
 - b. important to traditions of university life in which debate and criticism enable the advancement of knowledge and challenging of orthodoxies
 - c. including the freedom of staff and students to express their opinions in relation to Deakin University.
- (6) Freedom of speech does not include speech which:
- a. is unlawful
 - b. a reasonable person would regard in the circumstances as intended to be humiliating, intimidating or threatening
 - c. undermines the duty of the University to foster the wellbeing of staff and students
 - d. undermines the capacity of individuals to participate fully in the University, or unreasonably disrupts activities or operations of the University.

(7) Freedom of speech applies to individuals speaking in their private capacity. Scholars identifying an affiliation with the University may exercise their right to academic freedom subject to the responsibilities set out in the [Code for Upholding Freedom of Speech and Academic Freedom](#).

(8) The University recognises the right to freedom of assembly and association for individuals and groups to meet and to engage in peaceful protest. The right of freedom of assembly and association does not extend to shutting down of debate or infringing upon the rights of others in exercising their freedom of speech or academic freedom.

(9) The University expects that in public events and public discourse conducted by or associated with the University, participants will respect the need for reasoned argument, discourse and debate.

(10) When outside individuals or bodies seek to use University facilities for events, the University will give consideration to the public interest and the objective of promoting critical and free enquiry, informed intellectual discourse and public debate.

(11) The University may determine the terms and conditions upon which an outside individual or body may speak on University premises or at University facilities. The University may distinguish between invited visiting speakers and external visiting speakers in framing such terms and conditions.

(12) The University may refuse permission where the content of the outside individual or bodies' speech is or is reasonably likely to:

- a. be unlawful
- b. interfere with the University's duty to foster the wellbeing of students and staff
- c. fall below scholarly standards to such an extent as to be detrimental to the University's character as an institution of higher learning.

(13) Where multiple conflicting views exist in the lawful exercise of freedom of speech, the University's duty to foster the wellbeing of students and staff will be used as a guiding principle in deciding on an organisational response.

Section 5 - Procedure

(14) There is no attendant procedure.

(15) The University will review associated documents following promulgation in accordance with published review schedules for alignment with this Policy.

Section 6 - Definitions

(16) For the purpose of this Policy:

- a. academic freedom: means the same as in the [Code for Upholding Freedom of Speech and Academic Freedom](#).
- b. duty to foster wellbeing of students and staff:
 - i. 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, sexual orientation, religion and political belief;
 - ii. 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;
 - iii. 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;

- iv. does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.
- c. external visiting: any person who is not an invited visiting speaker and for whom permission is sought to speak on the University's land or facilities.
- d. invited visiting speaker: any external person who has been invited by the University to speak on the University's land or facilities.
- e. non-members: includes any person or organisation seeking access to University premises or University facilities whether or not invited by a member of the University.
- f. outside individual or body, or bodies: any person or organisation that may be an invited visitor or which may seek permission to speak on the University's land or facilities as an external visiting speaker.
- g. scholar: as defined in the [Code for Upholding Freedom of Speech and Academic Freedom](#).
- h. speech: includes all forms of expressive conduct including oral speech and written, artistic, musical and performing works, peaceful protest and activity and communication using social media. The word 'speak' has a corresponding meaning.
- i. unlawful: means in contravention of a prohibition or restriction or condition imposed by law.

Status and Details

Status	Current
Effective Date	17th December 2019
Review Date	17th December 2020
Approval Authority	University Council
Approval Date	12th December 2019
Expiry Date	To Be Advised
Responsible Executive	Iain Martin Vice-Chancellor vc@deakin.edu.au
Implementation Officer	Iain Martin Vice-Chancellor vc@deakin.edu.au
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