



## Freedom of Speech Policy

Date of Approval by Governing Board: March 2020

Date of Review: March 2022

### 1. Context

Leaders Institute (LI) Statement of Principles has the following objectives:

- To ensure that, as part of the Institute community, the freedom of lawful speech of staff and students of the Institute and visitors to the Institute value.
- It is not restricted nor its exercise burdened by limits or conditions other than those imposed by law or by reasonable regulation of access to and use of the Institute's premises and facilities and the discharge of its duty of care to those who come on to its premises.
- To ensure that freedom of speech and intellectual inquiry as aspects of academic freedom are treated as paramount values by the Institute.
- To affirm the importance which the Institute accords to its autonomy in the regulation of its affairs, including in the protection of freedom of speech and academic freedom of the Institute community.

### 2. Principles

Every member of the staff and every student at the Institute has the same freedom of lawful speech in connection with activities conducted on Institute premises or otherwise in connection with the Institute, as any other person in their circumstances, subject only to the constraints imposed by:

- the reasonable and proportionate regulation of conduct necessary to the discharge of the Institute's teaching and research activities
- the right and freedom of all to express themselves and to hear and receive information and opinions
- the reasonable and proportionate regulation of conduct to enable the Institute to fulfil its objective to fostering the wellbeing of students, staff and visitors.

Subject to reasonable and proportionate regulation of the kind referred to in the previous principle, a person's lawful expressive conduct on the Institute's premises or in connection with the Institute activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content or manner of delivery.

The exercise by a member of the academic staff or by a student of academic freedom in accordance with these principles shall not constitute misconduct nor attract any penalty or other adverse action.

In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the Institute shall take all reasonable steps to minimise the constraints 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.

The Institute has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on Institute premises and use Institute facilities and in so doing may:

- require the person or persons organising the event to comply with the Institute's booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues
- distinguish between invited visitors and external visitors in framing any such requirements and conditions
- refuse permission to any invited visitor or external visitor to speak on Institute premises or at Institute facilities where the content of the speech is or is likely to:
  - be unlawful or in breach of any lease or licence under which the Institute occupies the premises
  - prejudice the fulfilment by the Institute of its objective of fostering the wellbeing of staff and
  - involve the advancement of theories or propositions which do not meet scholarly standards to such an extent as to be detrimental to the Institute's character as an institution of higher learning.
  - in the case of an external visitor, require the person or persons seeking permission for the use of Institute premises or facilities 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 visitor is speaking.

Subject to the preceding Principles, the Institute shall not refuse permission for the use of its premises or facilities by an external visitor or invited visitor solely based on the likely content of the visitor's proposed speech.

Consistent with the Principles set out above, the Institute may provide special support including dedicated rooms or places for any particular group of students, which is likely to benefit from such support in the discharge of its objective of fostering the wellbeing of students.

### 3. Definitions

**Academic freedom:** comprises the following elements:

- the freedom of academic staff to teach, discuss, and research, disseminate and publish the results of their research as members of the Institute community without restriction by established scholarly consensus or institutional policy, but subject to scholarly standards
- the freedom of academic staff and students to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, relating to their subjects of study and research

- the freedom of academic staff and students to express their opinions relating to the Institute
- the freedom of academic staff and students to make public comment on any issue in their personal capacities, not speaking either on behalf of the Institute or as representative of the Institute
- the freedom of academic staff to participate in professional or representative academic bodies
- the freedom of students to participate in student societies and associations
- the autonomy of the Institute which resides in its board, executive and academics relating to the choice of academic courses and offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted.

**External visitor:** any person who is not an invited visiting speaker and for whom permission is sought to speak on the Institute's premises or facilities.

**Internal visitor:** any person who has been invited by the Institute or by a student society or association or group of students or representative body or by a member or members of the academic staff of the Institute to speak on the Institute's premises or facilities.

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

**The objective of protecting the wellbeing of staff and students:**

- includes the objective of ensuring that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination by reason of their inherent attributes
- includes the objective of ensuring 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 in exercising their freedom of speech
- supports reasonable and proportionate measures to prevent any person from using lawful speech which is intended to insult, humiliate or intimidate other persons and which a reasonable person would regard, in the circumstances, as likely to have one or more of those effects.
- does not extend to protecting any person from feeling offended or shocked or insulted by the lawful speech of another.

**The Institute:** Leaders Institute as an entity and includes its decision-making units and officers, its student representative body and entities controlled by the Institute.

**Institute Property includes:**

- Real property forming part of the Institute
- Precincts;
- Campuses;
- Buildings or discrete parts of buildings;

- Building spaces such as lecture theatres, laboratories, libraries, classrooms and meeting rooms;
- Landscape features within the Institute domain that may be defined by areas, locations, focal points, gardens, trees, playing fields, walkways, streets, bridges, stairs and terraces.

#### 4. Scope

This policy applies to the governing body of the Institute, its officers, its students, employees and contractors and its decision-making units, including those exercising academic governance responsibilities and the student representative body.

#### 5. Operation

- The Institute shall have regard to these Principles in setting its other principles and guidelines.
- Any power or discretion conferred on the Institute or on any person or body shall be exercised in accordance with these Principles.
- These Principles prevail, to the extent of any inconsistency, over any rule, code, guidelines, principles or policies of the Institute and of any of its units and of the student representative body.
- Any power or discretion conferred on the Institute or the student representative body including powers or discretions conferred under contract or workplace agreements or deriving from property rights, whether as to real or other property, shall be exercised, so far as is reasonably practicable, in accordance with these Principles.
- The Institute shall seek to educate all members of the Institute community about conventions and practices for mutual communication having regard to these Principles.

Reference: French, R. (PP295-300). Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers. Retrieved from [https://docs.education.gov.au/system/files/doc/other/report\\_of\\_the\\_independent\\_review\\_of\\_freedom\\_of\\_speech\\_in\\_australian\\_higher\\_education\\_providers\\_march\\_2019.pdf](https://docs.education.gov.au/system/files/doc/other/report_of_the_independent_review_of_freedom_of_speech_in_australian_higher_education_providers_march_2019.pdf)