

ACADEMIC FREEDOM POLICY AND PROCEDURE

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| Policy Lead | Director Learning and Innovation |
| Approving Authority | Academic Board |
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| Relevant legislation or external requirements | Higher Education Standards Framework (Threshold Standards) 2021 (HESFs: 5.4, 6.1.4) Tertiary Education Quality and Standards Agency Act 2011 (TEQSA Act) Higher Education Support Amendment (Freedom of Speech) Act 2021 (Cth) Higher Education Support Act 2003 (Cth) Higher Education Provider Guidelines 2023 Higher Education Administrative Information for Providers |
| Related ASA Documents | Academic Integrity Policy Academic Misconduct Procedure Staff Code of Conduct Student Code of Conduct Student Grievance Policy Student Grievance Procedure Educational Partnerships Policy Educational Partnerships Procedure Governance Charter |

1. Purpose

The purpose of this Policy and Procedure is to affirm and protect the academic freedom of academic staff and students within the ASA Institute of Higher Education (**ASA**).

Academic freedom is essential for the pursuit of knowledge, the advancement of scholarship, and the free exchange of ideas.

2. Scope

This Policy and Procedure applies to all ASA students and academic staff, including full-time, casual, sessional staff, and visiting scholars.

This Policy and Procedure also applies to ASA staff involved in education partnerships, whether domestic or transnational.

3. Principles

The key principles informing this Policy and Procedure are:

- **Freedom of Inquiry:** Academic staff and students have the right to pursue research, teaching, and learning in any field aligned with staff members' qualifications or roles without fear of reprisal or censorship.
- **Freedom of Expression:** Individuals have the right to express their ideas, opinions, and beliefs openly and freely within the academic community, both inside and outside the classroom.

- **Intellectual Diversity:** ASA recognises and values diverse perspectives, theories, and methodologies in scholarly inquiry and encourages the exploration of controversial and challenging ideas.
- **Protection from Retaliation:** Individuals exercising their academic freedom shall be protected from retaliation or discrimination based on the content of their research, teaching, or expression.

4. Definitions

| Term | Definition |
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| academic freedom | <p>Comprises the following elements:</p> <ul style="list-style-type: none"> • the freedom of staff, in the course of their academic activities, to educate, discuss, disseminate, and publish the results of those activities; • the freedom of staff and students, in the course of their academic activities, to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to those activities; • the freedom of staff and students to express their opinions in relation to the ASA in which they work or are enrolled; • the freedom of staff to participate in professional or representative bodies and associations; • the freedom of students to participate in student societies and associations; and • the autonomy of the ASA in relation 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 |
| academic scholarly activity | <p>Activities concerned with gaining new or improved understanding, or appreciation and insights into a field of knowledge, or engaging with and keeping up to date with advances in the field. Scholarship is based on the Boyer Framework that includes four main interrelated categories of scholarship.</p> |
| academic staff | <p>A member of staff appointed to undertake a teaching function at ASA, whether full-time, part-time, casual, or sessional.</p> |
| discrimination | <p>Happens when a person or a group of people:</p> <ol style="list-style-type: none"> 1. is treated less favourably than another person or group because of a particular characteristic or attribute (or because they associate with another person or group with a particular characteristic or attribute) ('direct discrimination'); or 2. where an unreasonable rule or policy, which applies to everyone has an unfair effect on a person or group, because they have a particular characteristic or attribute ('indirect discrimination'). <p>Protected characteristics or attributes include a person's age, breastfeeding, family responsibilities, gender identity or intersex status, impairment or disability, lawful sexual activity, parental status, political belief or activity, pregnancy, race, relationship or marital status, religious belief or activity, sex, sexuality, social origin, trade union activity, and irrelevant criminal or medical record.</p> |

| Term | Definition |
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| duty to foster the wellbeing of staff and students | Duty to foster the wellbeing of staff and students: <ul style="list-style-type: none"> • 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. |
| educational partner | An organisation with whom ASA has formal arrangement with for academic activities including: <ul style="list-style-type: none"> • joint, twin, or dual award arrangements • transnational delivery of courses arrangements • licensing or hosting arrangements • collaborative articulation arrangements • third party arrangements. |
| freedom of intellectual inquiry | The principles of intellectual inquiry and academic freedom confer the right to pursue knowledge wherever it may lead, and they acknowledge the right to teach, research, publish, develop curricula, assess, discuss, and debate free from unreasonable restriction or undue interference where this aligns with their qualifications or role. |
| harassment | Undesirable conduct that induces feelings of belittlement, intimidation, offense, or apprehension, and which a reasonable person, considering all circumstances, would anticipate causing offense, intimidation, or apprehension. |
| protected attributes | There is a range of federal and state legislation that prohibits discrimination and harassment on the basis of the following attributes or conduct: <ul style="list-style-type: none"> • Age • Breastfeeding • Disability • Family or carer's responsibilities • Marital or relationship status • Political conviction • Pregnancy or potential pregnancy • Race, colour, descent, nationality, ethnic, ethno-religious or national origin • Religion • Gender • Sexual orientation or preference • Transgender status • Actual or imputed characteristics of any of the attributes listed above • Association with a person identified by reference to any of the attributes listed above. |
| research | Research is defined as the creation of new knowledge and/or the use of existing knowledge in a new and creative way so as to generate new concepts, methodologies, inventions, and understandings. This could include synthesis and analysis of previous research to the extent that it is new and creative. |

| Term | Definition |
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| 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. |

5. Policy Statements

This Policy and Procedure provide a framework for protecting and promoting academic freedom within ASA for all staff and students.

5.1 Academic Freedom

A core value of ASA is to preserve, defend, and promote the principles of freedom of speech and academic freedom in the conduct of ASA affairs so that all staff, students, and visitors to ASA are free to engage in critical inquiry, and scholarly or public discourse without fear or favour.

Accordingly, ASA supports the right of all staff, students, and visitors to ASA to search for truth and to hold and express diverse opinions. ASA recognises that scholarly activities and debates should be robust and uninhibited.

ASA also supports members of the ASA community in expressing their ideas and opinions, subject to the limitations outlined in Section 5.3.

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

- law;
- reasonable and proportionate regulation necessary to the discharge of ASA's teaching activities;
- the right and freedom of others to express themselves and to hear and receive information and opinions;
- reasonable and proportionate regulation necessary to discharge ASA's duty to foster the wellbeing of staff and students;
- reasonable and proportionate regulation to enable ASA to give effect to its legal duties; and
- ASA by way of its reasonable requirements as to the courses to be delivered and the content and means of their delivery.

5.2 Responsibilities

- Academic staff have a responsibility to engage in rigorous and ethical academic scholarly activity, to uphold academic standards, and to foster an environment conducive to intellectual growth and critical inquiry.
- Students have the responsibility to engage in scholarly activities with integrity, to respect the rights and perspectives of others, and to contribute positively to the academic community.
- ASA is responsible for creating an environment that supports academic freedom, including providing resources for scholarship, promoting intellectual diversity, and safeguarding individuals from censorship or undue influence.

5.3 Limitations

While academic freedom is fundamental to the mission of ASA, it is not absolute. The following limitations may apply:

- **Compliance with Legal and Ethical Standards:** Academic activities must comply with applicable laws and ethical guidelines.
- **Respect for Others:** Academic freedom does not include the right to engage in harassment, discrimination, or speech that promotes violence or incites hatred.
- **Organisation Mission:** Academic activities should align with the mission and values of ASA.

6. Procedures

6.1 Communication

The *Academic Freedom Policy and Procedure* shall be communicated to all academic staff and students upon their enrolment or employment at ASA. It shall also be made available on ASA's website and included in relevant academic and administrative documentation.

6.2 Orientation and Training

New students and academic staff shall receive orientation sessions or onboarding and training sessions that include information about academic freedom, its importance, and the responsibilities outlined in this Policy and Procedure.

6.3 Promotion of Intellectual Diversity

ASA shall actively promote intellectual diversity by encouraging the exploration of diverse perspectives, theories, and methodologies in teaching and scholarly activities. Academic staff and students shall be encouraged to engage in respectful discourse and debate on controversial and challenging ideas.

6.4 Review of Academic Materials

ASA shall not engage in prior censorship of academic materials, including research papers, course syllabi, or teaching materials. However, academic staff may be encouraged to seek feedback from colleagues or academic peers to ensure the quality and integrity of their work.

6.5 Compliance with Ethical Standards

All academic staff and students shall adhere to applicable legal and ethical standards in their academic activities, including integrity, copyright compliance, and ethical treatment of human subjects in research.

6.6 Monitoring and Evaluation

The implementation of this Policy and Procedure shall be monitored and evaluated periodically by ASA to ensure compliance and effectiveness. Feedback from academic staff and students shall be solicited and considered in the review process.

6.7 Reporting and Protection from retaliation

Any concerns or incidents related to violations of academic freedom should be reported to ASA. Staff and students are encouraged to raise any concerns or incidents to the Academic Dean.

Retaliation against individuals for reporting academic freedom violations is not tolerated at ASA. Any staff members or students who believe their academic freedom has been violated or who have experienced retaliation for exercising their academic freedom may file a complaint through ASA's grievance procedures. The grievance procedures for students are outlined in the *Student Grievance Policy* and associated *Procedure*, while procedures for staff are outlined in the *Staff Code of Conduct*.

6.8 Confidentiality

All reports and investigations of academic freedom violations will be treated with confidentiality to protect the privacy and reputation of the individuals involved. Such confidentiality is subject to legislative requirements.

6.9 Collaboration and Partnership

In entering into educational partnerships with other institutions, including transnational education arrangements, ASA is committed to maintaining academic integrity and upholding academic freedom.

ASA will take all reasonable steps to avoid any restrictions that such arrangements may place on the freedom of speech or academic freedom of academic staff, or students engaged in research or study under these arrangements.

While course content may be adjusted to accommodate regional differences, such adjustments must remain academically defensible, ensuring that academic integrity and academic freedom are upheld at all times.

The Joint Management Committee (**JMC**), composed of representatives from both ASA and the partner institution, is responsible for general oversight of the operation of the partnership, including ensuring the ongoing academic quality of these partnerships. Details are provided in the *Educational Partnerships Policy* and associated *Procedure*.

7. Relevant HESFs

This Policy and Procedure comply with Higher Education Standards Framework (2021) which specifies that:

Standard 5.4 Delivery with Other Parties

1. Work-integrated learning, placements, other community-based learning and collaborative research training arrangements are quality assured, including assurance of the quality of supervision of student experiences.
2. When a course of study, any parts of a course of study, or research training are delivered through arrangements with another party(ies), whether in Australia or overseas, the registered higher education provider remains accountable for the course of study and verifies continuing compliance of the course of study with the standards in the Higher Education Standards Framework that relate to the specific arrangement.

Standard 6.1 Corporate Governance [...]

4. The governing body takes steps to develop and maintain an institutional environment in which freedom of speech and academic freedom are 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.

8. Version Control

This Policy and Procedure has been reviewed and approved by the ASA's Academic Board as at January 2025 and is reviewed every three years.

The Policy and Procedure is published and available on the ASA website
<https://www.asahe.edu.au/policies-and-forms/>.

| Change and Version Control | | | | |
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| Version | Authored by | Brief Description of the changes | Date Approved: | Effective Date: |
| 2025.1 | Director Quality and Compliance | Reflected sector updates and operational needs. Included TNE and updated grievance process. Benchmarking against 4 other Higher Education Providers. | 29/01/2025 | 06/03/2025 |
| 2024.2 | Project Officer | Document formatting updated to reflect change of Trading Name to ASA Institute of Higher Education | 28/06/2024 by CEO | 01/07/2024 |
| 2024.1 | Director Learning and Innovation | Updated policy to include HESF references, changes in regulatory compliances and added procedure section. Benchmarked against 6 other Higher Education Providers. | 03/04/2024 | 18/04/2024 |
| Previous version archived. New Policy code and numbering system implemented. | | | | |
| 2.1 | | Academic Board approval | 04/11/2020 | |
| 1.0 | | Academic Board approval | 16/06/2020 | |