



**WENTWORTH INSTITUTE  
OF HIGHER EDUCATION**  
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<b>Document: Freedom of Speech and Academic Freedom Policy</b>		
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## Purpose

This Policy sets out Wentworth Institute of Higher Education's (Wentworth Institute of Higher Education) commitment to Freedom of Speech and Academic Freedom which are considered the cornerstone of critical enquiry. Wentworth Institute of Higher Education expects its academic staff to exhibit a strong commitment to scholarship and the professional expectations of their academic disciplines. The pursuit of knowledge through intellectual inquiry is highly valued as a mark of institutional excellence.

This policy is based on and supports the principles of the Model Code<sup>1</sup> for the Protection of Freedom of Speech and Academic Freedom prepared in March 2019 by the Independent Review of the Adoption of the Model Code on Freedom of Speech and Academic Freedom.

## Objectives

The objectives of the Code are:

1. To ensure that the freedom of lawful speech and academic freedom of staff, students, and visitors of Wentworth Institute of Higher Education is treated as a paramount value and therefore is not restricted, nor its exercise unnecessarily burdened by restrictions or burdens other than those imposed by law and set out in the Principles of the Code.
2. To affirm the importance of Wentworth Institute of Higher Education's institutional autonomy under law in the regulation of its affairs, including in the protection of freedom of speech and academic freedom.

## Application and Scope

This policy applies to Wentworth Institute of Higher Education's:

1. Governing body and their officers including those involved in academic governance, all staff and students including student representatives of various clubs and societies.
2. Visiting speakers invited by Wentworth Institute of Higher Education staff or students and external visiting speakers who requested to speak to Wentworth Institute of Higher Education staff and students.

## Definitions

**Academic staff** - all those who are employed by Wentworth Institute of Higher Education to teach and/or carry out research and extends to those who provide, whether on an honorary basis or otherwise, teaching services and/or conduct research at Wentworth Institute of Higher Education.

**External visiting speaker** - any person who is not an invited visiting speaker and for whom permission is sought to speak on Wentworth Institute of Higher Education's campus or facilities.

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<sup>1</sup> The Model Code was developed by the former High Court Chief Justice, the Hon Robert S. French AC, following an independent review of policies supporting freedom of speech and intellectual inquiry in Australian Higher Education.

**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.

**Invited visiting speaker** - any person who has been invited by Wentworth Institute of Higher Education to speak on Wentworth Institute of Higher Education's campus or facilities (in-person or online). For the purposes of this definition, Wentworth Institute of Higher Education includes its decision-making organs and officers; its student representative bodies, undergraduate and post-graduate; any clubs, societies and associations recognized by its decision-making organs or student representative bodies; and any entities controlled by the institute.

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

**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 Code 'staff' includes all employees of Wentworth Institute of Higher Education whether fulltime or part-time and whether or not academic staff.

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

## **Freedom of Speech**

1. Wentworth Institute of Higher Education promotes Freedom of lawful Speech and protects the right of everyone to have access to education and to gain knowledge.
2. Freedom of Speech must be delivered lawfully. It must not vilify or defame another person, a specific group of people, or an organisation.
3. Wentworth Institute of Higher Education has a responsibility in preventing activities that may involve unlawful speech that may disrupt the learning and teaching activities of Wentworth Institute of Higher Education's staff and students.
4. Wentworth Institute of Higher Education has the duty to foster the wellbeing of staff and students that:
  - a. 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.
  - b. includes the duty to ensure that no member of staff and students are 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 lawful freedom of speech.
  - c. supports reasonable and proportionate measures to prevent any person from using lawful speech which a reasonable person would regard, in the circumstances as:
    - i. likely to humiliate or intimidate other persons; and
    - ii. being intended to have either or both of those effects.

- d. does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.
5. Wentworth Institute of Higher Education will not disadvantage or treat indifferently its staff and students for exercising their right to lawful freedom of speech.

## **Academic Freedom**

Academic freedom, and its related responsibilities as recognised and practised by Wentworth Institute of Higher Education, have their fundamental basis in the culture commonly found in Australian universities and other institutions of higher education.

Students and staff must have a reasonable expectation that their right to hold values of their own choosing will be respected even when those values are being questioned. Academic freedom carries associated responsibilities to exercise professional care and competence in the conduct of teaching and research, to subject academic work to the critical scrutiny of others, to consider the impact that one's work may have on others, and not to impinge on the ability of others to engage freely in teaching and learning, research, and academic debate.

Academic freedom, for the purposes of the Code comprises the following:

1. The freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research. Academic staff are entitled to freedom in the classroom in discussing their subject; however, they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.
2. The 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 and research. Academic staff and students are entitled to full freedom in any scholarly activity they pursue. When speaking or writing as private citizens, academic staff should be free from institutional censorship or discipline.
3. The freedom of academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled.
4. The freedom of academic staff to participate in professional or representative academic bodies. Academic staff should keep in mind that, as scholars, the public may judge their profession and Wentworth Institute of Higher Education by their utterances. Therefore, they should always be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for Wentworth Institute of Higher Education.
5. The freedom of students to participate in student societies and associations.
6. The autonomy of Wentworth Institute of Higher Education 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.

## Publication

The Freedom of Speech and Academic Freedom policy will be published on Wentworth Institute of Higher Education website at [www.win.edu.au](http://www.win.edu.au).

## Legal and Policy Framework

- [DESE Independent Review of the Adoption of the Model Code on Freedom of Speech and Academic Freedom \(2019\)](#)
- [Report of the Independent Review of the Adoption of the Model Code on Freedom of Speech and Academic Freedom](#)
- [Model Code on Freedom of Speech and Academic Freedom as revised by the Australian Chancellors Council](#)

## Related document

- As part of continuous improvement, all Wentworth Institute of Higher Education policies will be reviewed to ensure compliance with the Freedom of Speech and Academic Freedom policy.

Version/Date	Changes	Approval
V1.3/06.2020	Academic Freedom and Free Intellectual Enquiry Policy	Academic Board
V2.0/03.2022	Adherence to the Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers (2019). The previous policy was expanded to include lawful Freedom of Speech and Academic Freedom within the recommended code.	Academic Board