



Guidelines for the Appropriate Exercise of Freedom of Speech

1. As set out separately in the [Freedom of Speech Policy](#), the University supports the exercise of lawful freedom of speech and recognises that the advancement of knowledge and learning requires an environment in which debate and criticism are a fundamental part of university life.
2. The University supports and values informed and robust debate in an academic community which promotes diverse views. It is critical in a university environment that alternative points of view can be voiced openly, with integrity and with respect for the rights of others.
3. The University is committed to ensuring the health, safety and wellbeing of its staff, students, contractors and visitors while undertaking work, study or research activities.
4. In accordance with the University's [Appropriate Workplace Behaviour Policy](#), actions or speech which constitute the following will not be tolerated:
 - (a) unlawful discrimination against other individuals based on a protected attribute (for example race, sex, sexual orientation, gender identity, disability, age, religious belief)¹;
 - (b) harassment;
 - (c) sexual harassment;
 - (d) sexual assault;
 - (e) physical or verbal assault;
 - (f) bullying;
 - (g) stalking;
 - (h) victimisation;
 - (i) vilification of an individual or group of individuals; or
 - (j) child abuse or any form of unlawful dealing with a child.
5. In accordance with the University's Freedom of Speech policy, the University does not support the exercise of freedom of speech when the speech:
 - (a) undermines the capacity of individuals to participate fully in the University;
 - (b) is unlawful;
 - (c) prejudices the fulfilment by the University of its duty to foster the safety and wellbeing of staff and students; or
 - (d) unreasonably disrupts activities or operations of the University.

6. In the context of the exercise of freedom of speech, the University will adopt reasonable and proportionate regulation of conduct to fulfil its duty to foster the wellbeing of students and staff, as proposed by the French Model Codeⁱⁱ. This duty:
 - (a) includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination by reason of their inherent or protected attributes;
 - (b) 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 in exercising their freedom of speech;
 - (c) 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; and
 - (d) does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.
7. To maintain a respectful and safe learning and working environment, members of the University community are expected to assess the impact on the safety and wellbeing of students and staff in decision-making regarding public events and/or public discourse conducted by or associated with the University.
8. Where the University determines that an activity or event poses an unacceptable risk to the safety and wellbeing of students and staff, and members of the University community, it may:
 - (a) determine not to conduct or host the activity or event on those grounds.
 - (b) refuse permission to individuals to speak on University property or at University facilities or may decline to hire facilities for speakers or events, in accordance with the University's [Property Policy](#) and Venue Hire Terms and Conditions.
 - (c) In a case where an activity or event is believed to pose an unacceptable risk to the safety and wellbeing of students and staff and members of the University community on grounds outlined above, a final decision will be taken by the Vice-Chancellor or Provost.
9. All forms of activity and communication should be undertaken having regard to their potential impact on others, and without intention to belittle, humiliate, intimidate or discriminate.
10. The Provost is responsible for approving amendments to these Guidelines.

ⁱ Please note this is not an exhaustive list. Please see the Appropriate Workplace Behaviour Policy for the full list of relevant legislation and protected attributes: <https://policy.unimelb.edu.au/MPF1328>, and see the Equal Opportunity Act (Vic) 2010.

ⁱⁱ The duty to foster the wellbeing of students and staff, as defined in Section 6 (a)-(d), derives from the French Model Code. <https://www.dese.gov.au/higher-education-publications/resources/report-independent-review-freedom-speech-australian-higher-education-providers-march-2019>