Freedom of Speech Policy (MPF xxxx)

1. Objective

The objective of this policy is to establish a framework that serves Victorian, Australian and international communities and the public interest by promoting critical and free enquiry, informed intellectual discourse and public debate within the University and in the wider society.

2. Scope

This policy applies to all University students, persons engaged by the University, and guests, provided the student, person or guest is involved in University activities and/or operations including, but not limited to, online activities and / or operations.

3. Authority

This policy is made under the University of Melbourne Act 2009.

4. Policy

4.1 The University recognises that the advancement of knowledge and learning requires:

1. university autonomy, academic freedom and freedom of speech to be core values of the University;
2. an environment in which debate and criticism are a fundamental part of University life; and
3. a commitment to orthodoxies being challenged and ideas subject to debate and criticism.

4.2 As set out separately in the Academic Freedom of Expression Policy, the University preserves, defends and promotes academic freedom in the conduct of its affairs, so that all scholars of the University are free to engage in critical enquiry, scholarly endeavour and public discourse without fear or favour.

4.3 In public events and public discourse conducted by or associated with the University, the University expects participants will:

1. provide sufficient reasons or rationale for an argument so as to form a basis for reasoned responses from others; and
2. allow for responses from others.

4.4 Subject to 4.5, the University provides safeguards for the exercise freedom of speech, including but not limited to lawful protest as an act of expression of freedom of speech, even when the exercise of freedom of speech may cause offence.

4.5 The obligation in 4.4 does not apply when the exercise of freedom of speech:

1. undermines the expectation of the University that students, persons engaged by the University and guests have the capacity to participate fully in the University and are treated with equal concern and respect;
2. involves conduct that jeopardises the physical safety of individuals, or unreasonably disrupts activities, or operations of the University;
3. breaches University legislation or applicable policy;
4. causes the University to breach any agreement or other binding instrument that contains obligations regarding public statements; or
5. for staff, breaches terms of their employment.

5. Procedural Principles

5.1. In the University’s teaching and learning, persons engaged by the University may implement conventions for the appropriate expression of students’ freedom of speech, provided these are applied without bias to:

1. support student learning and participation;
2. allow different perspectives to be heard; and
3. are consistent with University legislation, statutes, regulations and policies (including this policy and the Academic Freedom of Expression Policy)

5.2 A professional staff member is free to express private views when engaging in public events and public discourse that is not part of their University employment, provided the staff member:

1. takes reasonable steps to ensure that the staff member’s private view is disassociated from any view/s of the University; and
2. applies proper judgement to ensure expression of private views do not conflict with the staff member’s obligations under terms and duties of employment, including those obligations in University policy.

5.3 In acknowledging the University’s obligation to provide a respectful, inclusive, participatory and physically safe environment, appropriate University officers must engage with students, persons engaged by the University and guests regarding their concerns about a particular exercise of freedom of speech, and where appropriate take the necessary steps to:

1. ensure that individuals have the capacity to participate fully in the University and are treated with equal concern and respect;
2. ensure a physically safe environment;
3. allow the individual or individuals who are the subject of the concern to respond; and/or
4. publicly explain the object of this policy and the rights of all individuals under it.

5.4 The Vice-Chancellor *(or delegate)* may consent to the hire of University property or facilities to hold an event, or consent to the University being acknowledged as associated with an event, provided that in giving consent the Vice-Chancellor (*or delegate*) considers:

1. the public interest; and
2. whether individuals, entities, groups or bodies have expressed a clear commitment to reasoned and civil discourse.

5.5 The Vice-Chancellor (or delegate) may require a potential hirer to:

1. declare to the University relevant affiliations with individuals, entities, groups or bodies;
2. declare to the University relevant sources of support including funding sources;
3. declare to the University any interest that may bring a person or group into conflict with their other legal obligations towards the University including any interest that may reasonably be perceived to be in conflict;

5.6 The Vice-Chancellor *(or delegate)* mayrequire, as a condition of the consent in Section 5.4, an external individual, entity, group or body to fund part or all of the cost of an event including the cost of security, for an event to be held on University property, an event using University facilities or an event to be associated with the University.

5.7 The Vice-Chancellor *(or delegate)* mayrefuse to consent to the use of University property or facilities for an event, or to associate the University with an event in the Vice-Chancellor’s complete discretion, including, but not limited to, cases where an external individual, entity, group or body party to the event has a past record of disregard for legal obligations.

6. Roles and Responsibilities

| ***Role/Decision/Action*** | ***Responsibility*** | ***Conditions and limitations*** |
| --- | --- | --- |
| Make declarations, provide reasons or rationale for an argument and allow responses from others | Speaker | In accordance with this policy |
| Disassociate private views from those of the University.Ensures expression of view/s are not contrary to terms of employment, University policy and employment relationship with the University.  | Staff | In accordance with this policy |
| May implement conventions of appropriate behavior on student’s speech | Academic staff or facilitators | In accordance with this policy |
| Must engage with any individual with concerns about a particular exercise of freedom of speech | Appropriate University Officers | In accordance with this policy |
| Consent to the hire of University property or facilities to hold events  | Head of Infrastructure Services (*as the Vice-Chancellor’s Delegate*)  | In accordance with this policy |
| May agree to associate the University with an event  | Head of External Relations *(as the Vice-Chancellor’s Delegate*) | In accordance with this policy |
| May refuse the use of University property or facilities to hold events or to associate the University with an event | Vice-President (Administration & Finance) and Chief Operating Officer *(as the Vice-Chancellor’s Delegate*) | In accordance with this policy |

7. Definitions

**“academic freedom”** means the same as in the Academic Freedom of Expression Policy <link to policy>.

**“appropriate university officer”** means a University staff member who, in the context of the matter has a duty of care to the University student, staff member, honorary or visitor concerned and varies depending on the context – for example it may be the staff member’s supervisor, the facilitator of student learning and/or participation activity or the event organizer etc.

“**associate the University with an event**” or “**associate with an event**” includes, but is not limited to University sponsorship, funding, support or branding of an event.

**‘guest’** means

1. a person external to the University who is invited to speak at, or participate in, an activity at the University; and
2. is not a person engaged by the University.

**“persons engaged by the University”** means a University employee, contractor, volunteers, honorary appointees, University visitors and persons engaged by the University in any capacity.

**“professional staff member”** means an employee of the University engaged to perform:

1. professional, administrative and support occupations work as set out at Division 3 of *The University of Melbourne Enterprise Agreement 2018*; or
2. senior manager duties and responsibilities.

**“scholar”** for the purpose of this policy, has the same meaning as academic defined at Division 2 of *The University of Melbourne Enterprise Agreement 2018*.

**“University property”** includes but is not limited to University:

* real property forming part of the University;
* precincts;
* campuses;
* buildings or discrete parts of buildings;
* building spaces such as lecture theatres, laboratories, libraries, classrooms and meeting rooms;
* landscape features within the University domain that may be defined by areas, locations, focal points, building forecourts, plazas, courtyards, lawns, gardens, trees, playing fields, walkways, streets, bridges, stairs and terraces.

**‘University visitor’** means a person appointed as a University visitor in accordance with the relevant University policy.

POLICY APPROVER

Council

POLICY STEWARD

## Deputy Vice-Chancellor (Academic and Undergraduate)

## REVIEW

This policy is to be reviewed by xxxx.

## VERSION HISTORY

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Version** | **Approved By** | **Approval Date** | **Effective Date** | **Sections Modifid** |
| 1 | Council |  |  | New Policy |