

Academic Freedom and Freedom of Speech

Policy

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1. PURPOSE

The Academic Freedom and Freedom of Speech Policy sets out JMC Academy's commitment to the exercise of academic freedom, underpinned by the principle of freedom of speech.

2. SCOPE

The Academic Freedom and Freedom of Speech Policy applies to all students and members of the JMC Academy's workforce.

For the purpose of this policy, all members of the JMC Academy's workforce are referred to as 'staff'.

3. DEFINITIONS

All definitions are located in the *JMC Academy Glossary*.

4. POLICY

- 4.1. JMC Academy's reputation as an educational institution depends upon its ability and determination to challenge, revise and renew accepted ideas, to encourage debate, and to support the development and testing of theories.
- 4.2. A core value of JMC Academy is to preserve, defend and promote the traditional principles of academic freedom in the conduct of its affairs. Scholars at JMC Academy are free to engage in intellectual and critical enquiry, scholarly endeavour and public discourse without fear or favour. In return for that freedom, JMC Academy expects all its scholars to carry out their academic work with utmost integrity.
- 4.3. JMC Academy recognises and values the right to academic freedom and freedom of speech as central to its endeavours in scholarship, teaching and research and is committed to its promotion and protection within JMC Academy. It supports the right of its scholars to engage in critical inquiry and robust and unfettered critical debate. It recognises and promotes a diversity of opinion and the right to express that opinion freely.
- 4.4. Notwithstanding, academic freedom and freedom of speech carries responsibilities to exercise professional care and competence in teaching, learning and research and must not adversely affect the ability of others to engage freely in teaching, learning, research and debate.
- 4.5. Students and staff are expected to adhere to the provisions of relevant legislation, and to the rules, policies, regulations, procedures and guidelines of JMC Academy, the accepted ethical practices of the higher education community in Australia, and the standards of relevant academic research disciplines and professional practice.
- 4.6. Students at JMC Academy have the right to:
 - 4.6.1. Have access to information about freedom of speech,
 - 4.6.2. Develop design theories, concepts and products underpinned by the access to information from a broad and diverse scholarly base and be active in exploring ideas, theories and experience,
 - 4.6.3. Freely and generously cooperate with other students to reciprocally exchange,
 - 4.6.4. Information and ideas for significant scholarly advancement,

- 4.6.5. Explicitly work together with both staff and their colleagues to create classroom cultures that support robust discussions of ideas, theories and experience, and
- 4.6.6. Create original and innovative solutions to complex problems with open-minded and professional research approaches, unimpeded by preconceived notions of outcomes by staff or industry representatives.

- 4.7. All staff at JMC Academy have the right to:
 - 4.7.1. Exercise the right of academic freedom without fear of harassment, bullying, intimidation or unfair treatment,
 - 4.7.2. Speak, write and publish, or perform, create and exhibit, without being subject to JMC Academy sanction, censorship or discipline,
 - 4.7.3. Express unpopular or controversial views, although this does not mean the right to harass, vilify or intimidate other persons or to demean alternate points of view,
 - 4.7.4. Explicitly work together with other academics and students in creating classroom cultures that support robust discussions of ideas, theories and experience,
 - 4.7.5. Be responsible for the transmission and/or communication of the knowledge so gained, openly within the academy and into the community at large, in conformity with the law and policies and obligations of the academy, and
 - 4.7.6. Work in a safe environment where academic integrity and honesty are key guiding principles and rigorous attention is paid to Intellectual Property.

- 4.8. By recognising, promoting and supporting the right to academic freedom and freedom of speech, Academy does not imply endorsement of particular views expressed by our academics. The views expressed are the views of the academic staff even though an affiliation with JMC Academy is indicated. Views on behalf of JMC Academy can only be expressed by officials and executives because of the position they hold or by other members of the academy if specifically authorised to do so.

- 4.9. Academic freedom is not a defence for acting unlawfully or for poor behaviour or disrespectful treatment of others and in their exercise of academic freedom academic staff will always also observe the JMC Academy's Code of Conduct.

5. RELATED DOCUMENTS

- 5.1. JMC Academy Glossary
- 5.2. JMC Academy's Code of Conduct
- 5.3. Discrimination, Bullying, Harassment and Sexual Misconduct Policy
- 5.4. Diversity Equity and Inclusion Policy

6. RELEVANT LEGISLATION

- 6.1. Higher Education Support Act 2003 (Cth)
- 6.2. Higher Education Standards Framework (Threshold Standards) 2021

7. POSITIONS RESPONSIBLE

- 7.1. Governing Council
- 7.2. Academic Board
- 7.3. Senior Management
- 7.4. Members of the JMC Academy's workforce

8. APPROVAL INFORMATION

Approval Authority	Academic Board
Health Check approval authority	Dean
Review date	25/01/2025

Version	Approved by	Approval date	Effective date	Modifications	Status
1.0	Academic Board	02/12/2019	05/12/2019	As a result of the Policy review conducted by JMC Academy, it was determined that as the Academic Freedom Policy and Free Intellectual Inquiry Policy were similar enough (it was taken that free intellectual inquiry is a core principle of academic freedom) that they could be combined into a single statement.	Suspended
1.1	Dean, Quality (former Director of Education)	28/06/2021	01/07/2021	Amendments as per external reviewer's recommendations.	Suspended
1.2	Dean, Quality	20/12/2021	25/01/2022	'Free intellectual inquiry' replaced by 'freedom of speech' as per amendment to the Tertiary Education Quality and Standards Agency Higher Education Standards Framework Amendment (Threshold Standards—Freedom of Speech and Academic Freedom) 2021	Suspended
1.3	Dean	12/08/2022	12/08/2022	Position/s updated.	Current

Version control tables from previous Policies and Procedures reside in the original documents.

REFERENCES and ACKNOWLEDGEMENTS

- Colombia University. (2005). *Academic Freedom Statement of the First Global Colloquium of University Presidents*. <http://www.columbia.edu/~md2221/academicstatement.doc>
- FairWork Commission. (2018). *Decision: University of Technology Sydney Academic Staff Agreement 2018*. <https://www.uts.edu.au/sites/default/files/2019-01/UTS-Academic-Staff-Agreement-2018-FWC-Approval.pdf>
- French, R.S. (2019). *Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers*. <https://www.dese.gov.au/higher-education-publications/resources/report-independent-review-freedom-speech-australian-higher-education-providers-march-2019>
- TEQSA. (2018). *Guidance Note: Research and Research Training*. <https://www.teqsa.gov.au/latest-news/publications/guidance-note-research-and-research-training>
- TEQSA. (2018). *Guidance Note: Scholarship*. <https://www.teqsa.gov.au/latest-news/publications/guidance-note-scholarship>
- TEQSA. (2019). *Guidance Note: Academic Leadership*. <https://www.teqsa.gov.au/for-providers/resources/guidance-note-academic-leadership>.