MIHE Freedom of Speech and Academic Freedom Policy and Procedure

Supporting plans, policies and procedures	• Academic Integrity and Academic Misconduct Policy and Procedure • Code of Conduct • Staff Complaints and Appeals Policy and Procedure • Student Complaints and Appeals Policy and Procedure • Equity, Diversity and Aboriginal and Torres Strait Islander Peoples Framework and Policy • Guidance Note: Academic Leadership, (https://www.teqsa.gov.au/latest-news/publications/guidance-note-academic-leadership) • Staff Handbook • Student Handbook
Related Legislation and Documents	• Department of Education https://www.education.gov.au/higher-education-reviews-and-consultations/independent-review-adoption-model-code-freedom-speech-and-academic-freedom • Higher Education Standards Framework (Threshold Standards) 2021 • *Higher Education Support Act 2003* • *Tertiary Education Quality and Standards Agency (TEQSA) Act 2011* • Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers March 2019 (https://docs.education.gov.au/node/52661)TEQSA • *Higher Education Support Amendment (Freedom of Speech) Act 2021*
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Document review	This document is to be reviewed at least every three years room the date of final approval

Version	Review Date and Person/Body	Notes
0.1	Draft prepared and reviewed by Learning and Teaching Committee in May and June 2020	
1.0	To be presented to 2 July 2020 Academic Board meeting for review and approval	
2.0	Approved by the Academic Board on 2 July 2020	Final version with AB changes incorporated
2.2	Approved by the Academic Board on 20 October 2020	Minor updates after internal and external review
2.3	Approved by the Academic Board on 11 June 2025	Minor revisions to improve clarity and to reflect contemporary developments

Background and Scope

This Policy outlines MIHE's commitment to freedom of speech and academic freedom. In developing this policy and procedure MIHE is informed by multiple sources, particularly the *Higher Education Support Act 2002* and the Higher Education Standards Framework. The objects of the *Higher Education Support Act 2003 include* supporting a higher education system that "promotes and protects freedom of speech and academic freedom". HESF Standard 6.1.4 (Corporate Governance) which requires that:

> *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*

This Policy applies to all MIHE students, academic and general staff, members of all governance bodies, and visitors to the campus.

Definitions

Academic freedom: The *Higher Education Support Act* provides the following definition:

(a) the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research;
(b) 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;
(c) 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;
(d) the freedom of academic staff to participate in professional or representative academic bodies;
(e) the freedom of students to participate in student societies and associations;
(f) the autonomy of the higher education provider 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.

Freedom of speech: for the purposes of this policy, it comprises the freedom of academic staff and students of MIHE and visitors to engage in all forms of lawful expressive conduct regardless of the medium used. As such freedom of speech is complementary to academic freedom.

Refer to the Glossary of Terms.

Policy

MIHE is committed to freedom of speech and academic freedom and supports its students and staff in engaging in a critical exploration of academic subjects and the principles of robust academic debate. MIHE is committed to encouraging diversity of opinion and protecting the right to express one's opinion freely.

MIHE supports that higher education is characterised by a great deal of freedom which is critical to its endeavors in scholarship, teaching and research. The Higher Education Standards Framework requires the governing body to take steps to ensure that freedom of intellectual inquiry is maintained and protected (6.1.4). By necessary implication MIHE's Academic Board, Learning and Teaching Committee will monitor and ensure that freedom of speech and academic freedom are supported at all levels and are part of the MIHE culture.

MIHE is committed to promote diversity of opinions and supports staff and student engagement in critical inquiry and robust scholarly debate. This policy extends to staff being able to pursue intellectual inquiry without fear of harassment and to their ability to publish, write or publicly speak on their area of academic expertise without fear of reprisal in the form of censure or fear of jeopardizing their professional status, and to express their opinions within the confines of not being harassing, bullying, discriminating, demeaning, or unfairly treating any individuals or groups. The policy also extends to staff being able to engage with the media, including social media as long as they do not represent their views as being that of MIHE.

However, this policy is dependent on the good faith actions of staff in their pursuit of intellectual inquiry. Staff are expected to exercise sound judgement, professional care, and necessary competence in intellectual inquiry, including subjecting their work to critical scrutiny within the community of scholars.

Academic staff are responsible for upholding their commitment to academic standards including academic integrity. Students and staff are encouraged to exercise their right to free expression and express their opinions publicly in a respectful manner.

This policy does not imply that MIHE supports or endorses any views expressed by staff. MIHE's views can only be expressed by an officially designated spokesperson including the MIHE website. Students and staff are encouraged to be critical of existing narratives in a respectful manner and engage in independent intellectual inquiry.

Procedure

Freedom of speech and academic freedom must be exercised in a lawful manner and in accordance with MIHE policies and procedures including the Code of Conduct, *Staff Complaints and Appeals Policy* and Procedure, *Student Complaints and* Appeals Policy and Procedure, and Academic Integrity and Academic Misconduct Policy and Procedure.