THE UNIVERSITY OF QUEENSLAND AUSTRALIA | CREATE CHANGE

This Tip Sheet is to assist UQ staff who work on drafting or amending policies and procedures at UQ. The information contained provides guidance on compatibility with the UQ principles for the protection of freedom of speech and academic freedom. Further information about policies and procedures at UQ is available in the UQ Policy Handbook and on the Enterprise Governance website.

Principles for the protection of freedom of speech and academic freedom

UQ's Governance and Management Framework Policy provides a commitment to upholding principles for the protection of freedom of speech and academic freedom at UQ. The principles are adapted from the Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers (the French Model Code), the adoption of which was a recommendation of the 2019 *Independent Review of Freedom of Speech in Australian Higher Education Providers*.

Central concepts of the French Model Code

There are four central concepts on which the French Model Code is based[1]:

(1) Academic freedom is a defining value and characteristic of universities and freedom of speech of staff, students and visitors is a paramount value.

(2) Academic freedom and freedom of speech are matters of public concern that should be addressed in a clear, comprehensive and authoritative way.

(3) "Umbrella principles", dealing with freedom of speech and academic freedom, should inform all other rules and policies.

(4) Broadly framed rules, codes and policies that involve the exercise of administrative discretions and evaluative judgments should not be allowed to erode freedom of speech and academic freedom.

How the French Model Code applies to policies at UQ

At UQ, the Model Code has been adapted through Senate's endorsement of principles for the protection of freedom of speech and academic freedom. Senate has declared its commitment to upholding the principles.

In relation to policy development, staff need to have regard to the principles when reviewing, drafting or proposing to amend any UQ policy or procedure.

Example:

Broadly framed clauses in a policy or procedure that involve the exercise of administrative discretion and evaluative judgement that could limit freedom of speech or academic freedom may not be consistent with the principles (see Central Concept 4 above). When drafting a policy or procedure that includes such clauses, it could be made clear that: the discretion is to be exercised in accordance with the principles for the protection of freedom of speech and academic freedom, as set out in UQ's Model Code; or that the scope of the discretion is defined to relate to specific matters in the policy.

Compatibility review

UQ's Freedom of Speech Implementation Group (FSIG) reviews new and amended policies and procedures for their compatibility with the principles. All new and amended UQ policies and procedures must be submitted to the FSIG for endorsement, prior to being approved, to ensure they are compatible with the principles. The FSIG's membership comprises:

- President of the Academic Board
- Director, Office of the Vice-Chancellor
- Manager, Enterprise Governance.

To streamline the process, a Statement of Compatibility Form must be completed for new and amended policies and procedures. Enterprise Governance provides secretariat support to the FSIG and can assist staff with the compatibility review process (governance@enquire.uq.edu.au).

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[1] *Review of the Adoption of the Model Code on Freedom of Speech and Academic Freedom*; Professor (Emeritus) Sally Walker; December 2020 (p.9).

Frequently Asked Questions (FAQ)

Q: Why is freedom of speech and academic freedom relevant to UQ policies and procedures?

A: The University's governing body, UQ Senate has endorsed a set of principles for the protection of freedom of speech and academic freedom and declared its commitment to upholding these principles. In applying this commitment, UQ is to have regard to the principles in the drafting, review or amendment of any policy (or procedure).

Q: Where can I read the principles and how they apply at UQ?

A: The principles are in the UQ Model Code for the Protection of Freedom of Speech and Academic Freedom, which is a Schedule to UQ's Governance and Management Framework Policy.

Q: Do the principles apply to all UQ policies and procedures, or only some?

A: The principles apply to all UQ policies and procedures. While not all policies and procedures may be impacted by freedom of speech and academic freedom, regard must be given to the principles each time a policy or procedure is developed or substantively amended.

Q: How do I demonstrate that regard has been given to the principles?

A: Complete a Statement of Compatibility Form and submit it with the policy or procedure to UQ's Freedom of Speech Implementation Group (FSIG) for endorsement. All new and amended policies and procedures must be endorsed by the FSIG before they can be approved for publishing.

Q: What will happen if the FSIG forms the view that the new or amended policy or procedure is not consistent with the principles?

A: Enterprise Governance will contact the Policy Owner and provide feedback from the FSIG on how the policy or procedure was not consistent with the principles. The Policy Owner can meet with the FSIG to discuss the issues and ways to make the document compatible. If agreement cannot be reached, the matter will be referred to the University Senior Executive Team for consideration.

Q: Whom can I contact for more information about freedom of speech and academic freedom in UQ policies and procedures?

A: Enterprise Governance can assist with advice on compatibility assessments, completion of the Statement of Compatibility Form and submission to the FSIG. You can email governance@enquire.uq.edu.au or phone the Manager, Enterprise Governance on 3365 2571.