

FREE INTELLECTUAL ENQUIRY IN LEARNING AND TEACHING POLICY

Approving Authority	Academic Board
Purpose	To ensure that academic staff and students are able to pursue lines of enquiry and to express views relating to their area of academic expertise or academic studies without fear or favour.
Responsible Officer	President and CEO
Next Scheduled Review	April 2031
Document Location	http://www.ozford.edu.au/higher-education/policies-and-procedures/
Associated Documents	Academic Integrity Policy and Procedure Academic Staff Professional Development Anti-Bullying and Harassment Policy and Procedure Anti-Discrimination Policy and Procedure Child Safety Policy and Procedure Diversity and Equity Policy and Procedure Human Resources Policy and Procedure (Manual) Privacy Policy and Procedure Records Management Policy and Procedure Sexual Assault and Sexual Harassment Policy and Procedure Social Media Policy and Procedure (Staff) Social Media Policy and Procedure (Students) Use of Information Technology Facilities and Services Policy and Procedure (Staff) Use of Information Technology Facilities and Services Policy and Procedure (Students) Learning and Teaching plan

1. PRINCIPLES

Intellectual and academic freedom of inquiry is central to the mission of all Australian higher education institutions and is internationally acknowledged as an essential and defining characteristic of university education.

Ozford Institute of Higher Education (hereafter referred to as “the Institute”) supports the principle of free academic and intellectual enquiry for its academic staff members in the area of their academic expertise and encourages its students to develop the capacity for critical independent judgment in the pursuit of discovering objectivity in their studies.

The right to academic and intellectual freedom does not extend to academic staff members expressing views on areas other than those within their field of expertise. On these occasions, academic staff members must make it clear that they are expressing these views as private citizens, not in their capacity as academics employed by the Institute.

This policy is aligned the *Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers*.

2. SCOPE

This policy applies to all students and academic staff of the Institute and all visiting speakers to the Institute.

3. DEFINITIONS

Academic freedom

Academic freedom is the principle that staff and students should be free to conduct research, undertake learning and teaching, communicate, and publish, subject to the standards of scholarship and within legislative requirements, without unreasonable interference and restriction.

The *Higher Education Support Act 2003 (HESA)* defines Academic Freedom as follows:

- the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research;
- 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;
- 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;
- the freedom of academic staff to participate in professional or representative academic bodies;
- the freedom of students to participate in student societies and associations;
- 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.

Academic Integrity

Academic Integrity refers to the expectation that teachers, students, researchers, and all members of the academic community act with honesty, trust, fairness, respect, and responsibility.

Academic Misconduct

Academic misconduct refers to cheating, plagiarism and any other conduct by which a student seeks to gain an academic advantage for themselves or for any other person, which they are not entitled to; or where this conduct unfairly disadvantages another student. Academic misconduct is a breach of Academic Integrity, intentional or unintentional. It involves any activities and practices that:

- Undermine the integrity of assessments;
- Misrepresent academic outcomes; or
- Seek to gain an unauthorised or unfair academic advantage over others.

Examples of such breaches are cheating, contract cheating, plagiarism, submitting an assessment prepared by others or by Artificial Intelligence (AI), collusion, copying from other persons' work, cheating in exams, fabrication or falsification of information, and offering or accepting bribes or favours for grades or admission. ***Duty to foster the wellbeing of staff and students***

The duty to foster the wellbeing of staff and students;

- includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination on any basis recognised at law, including race, gender, sexuality, religion and political belief;
- 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 or proposed to say in exercising their freedom of speech;
- supports reasonable and proportionate measures to prevent any person from using lawful speech which a reasonable person would regard, in the circumstances, as likely to humiliate or intimidate other persons and which is intended to have either or both of those effects.

4. POLICY

4.1 Free Intellectual inquiry has both intrinsic and practical value. The value of the Institute depends upon its ability and its determination to create new knowledge and understanding, to challenge accepted ideas, test novel hypotheses, and encourage rigorous academic debate.

4.2 The freedom of lawful speech of staff and students of the Institute and visitors will not be restricted, nor its exercise unnecessarily burdened by restrictions or burdens other than those imposed by law and set out in this policy.

4.3 The Institute confirms:

- that the Institute is committed to the free, open and critical expression of ideas;
- the freedom of academic staff and students to learn, teach and research without external interference or pressure;
- the right of staff and students to pursue their scholarly activities for the sake of knowledge itself; and
- the Institute's commitment to open debate and the right of staff and students to engage in critical enquiry and public discourse.

4.4 With these rights of academic freedom come obligations and responsibilities, including:

- the obligation to comply with research ethics, legal and safety requirements,
- the expectation that academic staff and students will follow good and ethical academic principles,
- the expectation that academic staff and students will be well informed and act with academic integrity, and that claims made will be based on sound research and knowledge,
- the responsibility to engage in critical enquiry and public discourse in good faith,
- if academic staff or students choose to engage in public discourse outside their expertise, to do so in their private capacity and not as academic staff or students of the Institute,

- respect for the rights of others to respond,
 - the obligation to disclose private interests and affiliations and to avoid conflicts of interest.
- 4.5 The Institute encourages and supports academic staff members in engaging in academic and intellectual enquiry and to express personal views, both within the Institute and publicly, in their area of academic expertise.
- 4.6 The Institute, through its approach to learning and teaching, will ensure appropriate opportunities are provided by academic staff to students to develop their capacity for critical judgment and academic enquiry.
- 4.7 Academic staff have the right to undertake scholarship that informs their teaching and conduct research that leads to the creation of new knowledge; and participate in determining the treatment of intellectual and practical issues in the subject and units they teach, to provide a balanced presentation that enhances student learning.
- 4.8 As members of the Institute's academic community and broader community of scholars, students are encouraged to develop a capacity for critical judgment and sustained and independent search for objectivity in the subject areas they study.
- 4.9 An academic staff member's special position in the community imposes special obligations. As a person of learning and an educator, academic staff must be cognisant that the public may judge the profession and/or the Institute by what has been said or written.
- 4.10 Academic staff must make every effort to indicate that when expressing views within their area of expertise that they do so as an academic expert and that their views are not necessarily the views of the Institute.
- 4.11 Academic staff must not identify themselves as a staff member of the Institute when speaking, writing or otherwise communicating on matters not within the province of their academic expertise.
- 4.12 Every member of the academic staff and every student enjoys academic freedom, subject only to the following:
- restrictions or conditions imposed by law. For example, it must not be defamatory, it must not involve racial vilification, and it must not wrongly reveal confidential information, personal information, or proprietary information.
 - the right and freedom of others to express themselves and to hear and receive information and opinions;
 - restrictions and conditions imposed by:
 - the Institute's reasonable and proportionate policies and procedures necessary for teaching activities;
 - the Institute's reasonable and proportionate policies and procedures necessary to meet the Institute's duty to foster the wellbeing of staff and students;
 - the Institute's reasonable and proportionate policies and procedures necessary to comply with regulatory and legislative requirements;
 - the Institute's reasonable requirements as to the conduct of courses to be delivered, the course content and means of their delivery.
- 4.13 The Institute will not disadvantage or subject its staff and students to less favourable treatment for exercising their right to academic freedom, including no threats to the security of employment for its staff, regardless of the nature of that employment.

- 4.14 The Institute has a responsibility to prevent acts which could involve unlawful speech, or which could unreasonably disrupt the learning, teaching and research activities. The Institute also has a responsibility to consider the safety and wellbeing of staff and students.
- 4.15 The Institute's responsibility for the safety and wellbeing of staff and students includes:
- a. taking reasonable and proportionate action so that no one is exposed to speech which a reasonable person would conclude was both intended and likely to humiliate or intimidate;
 - b. maintaining laws and Institute policies which prohibit discrimination on the basis of race, gender, sexuality, religion, and political belief; and
 - c. ensuring that no one is subject to threatening or intimidating behaviour as a result of exercising Freedom of Speech.
- 4.16 The Institute's responsibility does not extend to a duty to protect any person from feeling offended, shocked, or insulted by the lawful speech of another.
- 4.17 In entering into affiliation, collaborative or contractual arrangements with third parties subject to conditions, the Institute will take all reasonable steps to minimise the restrictions or burdens imposed by such arrangements or conditions on the freedom of speech or academic freedom of any member of the academic staff or students carrying on research or study under such arrangements or subject to such conditions.
- 4.18 The Institute has the right and responsibility to determine the terms and conditions upon which it shall permit visiting speakers to speak while using its facilities and in so doing may:
- require the person or persons organising the event to provide information relevant to the conduct of any event, and any public safety and security issues;
 - refuse permission to any visiting speaker to speak on or at the Institute facilities where the content of the speech is or is likely to:
 - be unlawful; or
 - prejudice the Institute's duty to foster the wellbeing of staff and students.
 - refuse permission to any visiting speaker to speak at Institute facilities where the content of the speech is or is likely to involve the advancement of theories or propositions which purport to be based on scholarship or research, but which fall below scholarly standards to such an extent as to be detrimental to the Institute's character as an institution of higher learning.
 - require a person or persons seeking permission for the use of Institute facilities for any visiting speaker to contribute in whole or in part to the cost of providing security and other measures in the interests of public safety and order in connection with the event at which the visiting speaker is to speak.
- 4.19 The Institute will not refuse permission for the use of its facilities by a visiting speaker nor attach conditions to its permission, solely on the basis of the content of the proposed speech by the visitor.
- 4.20 Consistent with this policy, the Institute may take reasonable and proportionate steps to ensure that all prospective students in any of its courses have an opportunity to be fully informed of the content of those courses. Academic staff must comply with any policies supportive of the Institute's duty to foster the wellbeing of staff and students. Academic staff are not precluded from including content solely on the ground that it may offend or shock any student or class of students.
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5. QUALITY ASSURANCE

To ensure that this policy is fit for purpose and meets the requirements of the TEQSA Compliance Frameworks, the policy will be;

- 5.1 internally endorsed by the Executive Management Team on development or review, prior to approval by Governing Board, or the Academic Board or other delegated authority;
- 5.2 externally reviewed as part of any independent review of the TEQSA Compliance Frameworks approved by the Governing Board;
- 5.3 internally reviewed by the Responsible Officer every five years from the date of approval (if not earlier);
- 5.4 referenced to the applicable TEQSA Compliance Frameworks requirement(s) and/or other legislation/regulation.

6. FEEDBACK

Feedback or comments on this policy is welcomed by the listed Responsible officer of the Institute.

7. ACKNOWLEDGEMENT

This policy has been developed with reference to the following:

- Australian Institute of Business, *Academic Freedom and Free Intellectual Inquiry Policy*, 2024 (<https://www.aib.edu.au/wp-content/uploads/2019/07/Academic-Freedom-and-Free-Intellectual-Inquiry.pdf>)
- Curtin University, *Academic Freedom and Freedom of Speech Policy*, 2025 ([Academic Freedom and Freedom on Speech Policy](#))
- Macquarie University, *Freedom of Speech and Academic Freedom Policy*, September 2021 ([Freedom of Speech and Academic Freedom Policy / Document / Policy Central \(mq.edu.au\)](#))
- Swinburne University, Governance framework, 2024 (<https://www.swinburne.edu.au/about/policies-regulations/governance#9-academic-freedom>)
- Swinburne University, A Model Code for the Protection of Freedom of Speech and Academic
- Freedom in Australian Higher Education Providers, 2021 ([Model-Code-Protection-Freedom-of-Speech-Academic-Freedom-Australian-HE-Providers \(1\).pdf](#))

8. VERSION CONTROL

Version	Date approved	Description	Approved by
1.0	18 March 2014	Initial issue	AB
2.0	August 2018	Internal review	AB
3.0	November 2021	Internal review	AB
4.0	September 2023	Internal review	AB

Version	Date approved	Description	Approved by
4.1	April 2026	Internal review	AB
Related legislation/ regulation/standard	Tertiary Education Quality and Standards Act 2011 (Cth) Higher Education Standards Framework (Threshold Standards) 2021 (Cth) Higher Education Support Act 2003 (Cth)		

Note:

AB = Academic Board

EMT = Executive Management Team