1. Context

Torrens University Australia’s Statement of Principles has the following objectives:

- To ensure that, as part of the University community, the freedom of lawful speech of staff and students of the University and visitors to the University, which they share with all people, is treated as a paramount value and is not restricted nor its exercise burdened by limits or conditions other than those imposed by law or by reasonable regulation of access to and use of the University’s premises and facilities and the discharge of its of duty of care to those who come on to its premises whether as staff, students or visitors and its objective of fostering the wellbeing of students and staff.
- To ensure that freedom of speech and intellectual inquiry as aspects of academic freedom are treated as paramount values by the University.
- To affirm the importance, which the University accords to its autonomy in the regulation of its affairs, including in the protection of freedom of speech and academic freedom of the University community.

2. Definitions

**Academic freedom:** comprises the following elements:

- the freedom of academic staff to teach, discuss, and research, disseminate and publish the results of their research as members of the University community without restriction by established scholarly consensus or institutional policy, but subject to scholarly standards
- 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 University
- the freedom of academic staff and students to make public comment on any issue in their personal capacities, not speaking either on behalf of the University or as representative of the University
- 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 University which resides in its board, executive and academic staff 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.

**External visitor:** any person who is not an invited visiting speaker and for whom permission is sought to speak on the University’s premises or facilities.
Internal visitor: any person who has been invited by the University or by a student society or association or group of students or representative body or by a member or members of the academic staff of the University to speak on the University’s premises or facilities.

Speech: extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word ‘speak’ has a corresponding meaning.

The objective of protecting the wellbeing of staff and students:

- includes the objective of ensuring that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination by reason of their inherent attributes
- includes the objective of ensuring 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 in exercising their freedom of speech
- supports reasonable and proportionate measures to prevent any person from using lawful speech which is intended to insult, humiliate or intimidate other persons and which a reasonable person would regard, in the circumstances, as likely to have one or more of those effects.
- does not extend to protecting any person from feeling offended or shocked or insulted by the lawful speech of another.

The University: Torrens University Australia as an entity and includes its decision-making organs and officers, its student representative body and entities controlled by the University.

3. Scope

This policy applies to the governing body of the University, its officers, its students, employees and contractors and its decision-making organs, including those exercising academic governance responsibilities and the student representative body.

4. Operation

- The University shall have regard to these Principles in setting its other principles and guidelines.
- Any power or discretion conferred on the University or on any person or body shall be exercised in accordance with these Principles.
- These Principles prevail, to the extent of any inconsistency, over any rule, code, guidelines, principles or policies of the University and of any of its organs and of the student representative body.
- Any power or discretion conferred on the University or the student representative body including powers or discretions conferred under contract or workplace agreements or deriving from property rights, whether as to real or other property, shall be exercised, so far as is reasonably practicable, in accordance with these Principles.
- The University shall seek to educate all members of the University community about conventions and practices for mutual communication having regard to these Principles.
5. Principles

- Every member of the staff and every student at the University has the same freedom of lawful speech in connection with activities conducted on University premises or otherwise in connection with the University, as any other person in their circumstances subject only to the constraints imposed by:
  - the reasonable and proportionate regulation of conduct necessary to the discharge of the University’s teaching and research activities
  - the right and freedom of all to express themselves and to hear and receive information and opinions
  - the reasonable and proportionate regulation of conduct to enable the University to fulfil its objective to fostering the wellbeing of students staff and visitors.

- Subject to reasonable and proportionate regulation of the kind referred to in the previous principle, a person’s lawful expressive conduct on the University’s premises or in connection with a University activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content or manner of delivery.

- The exercise by a member of the academic staff or of a student of academic freedom in accordance with these principles shall not constitute misconduct nor attract any penalty or other adverse action.

- In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the University shall take all reasonable steps to minimise the constraints 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.

- The University has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on University premises and use University facilities and in so doing may:
  - require the person or persons organising the event to comply with the University’s booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues
  - distinguish between invited visitors and external visitors in framing any such requirements and conditions
  - refuse permission to any invited visitor or external visitor to speak on University premises or at University facilities where the content of the speech is or is likely to:
    - be unlawful or in breach of any lease or licence under which the University occupies the premises
    - prejudice the fulfilment by the University of its objective of fostering the wellbeing of staff and students
• involve the advancement of theories or propositions which do not meet scholarly standards to such an extent as to be detrimental to the University’s character as an institution of higher learning.

  o in the case of an external visitor, require the person or persons seeking permission for the use of University premises or facilities 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 external visitor is speaking.

• Subject to the preceding Principles, the University shall not refuse permission for the use of its premises or facilities by an external visitor or invited visitor solely based on the likely content of the visitor’s proposed speech.

• Consistently with the Principles set out above, the University may provide special support including dedicated rooms or places for any particular group of students, which is likely to benefit from such support in the discharge of its objective of fostering the wellbeing of students.

6. Reference