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# National Academy of Professional Studies (NAPS)

## A002 Academic Freedom Policy

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<b>Related Documents</b>	004 Professional Code of Conduct SS019 Student Code of Conduct HR028 Employee Handbook HR002 Access and Equity Policy HR021 Employee Grievance Policy SS001 Student Grievance and Academic Appeals Policy
<b>HE Standards Framework 2015</b>	4.1 Research 6. Governance 7.2 Academic Integrity expectations for students

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## 1. Policy Rationale

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The National Academy of Professional Studies (NAPS) and its staff and students are committed to act in a manner consistent with the protection and promotion of academic freedom. This commitment supports and underscores NAPS' compliance with the Higher Education Standards Framework (Threshold Standards 2015).

NAPS individual scholars and students have both academic rights and responsibilities to pursue knowledge for its own sake. Therefore, free intellectual inquiry and expression is an integral part of learning, teaching, scholarship and research activities at NAPS, so needs to be protected. This policy considers how this freedom can be practiced in the context of helping NAPS to achieve our core teaching and research duties, complying with our legal duties and also to meet our duty to foster the wellbeing of students and staff.

As long as it is undertaken in accordance with these considerations, the law and with NAPS' policies and procedures, NAPS supports the sharing of knowledge so gained, openly within NAPS and into the community at large.

## 2. Overview and Application

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This policy explains the rights and responsibilities integral to NAPS' support of academic freedom. It also outlines the necessary procedures to enable this to happen. It applies to all NAPS' students and academic staff including full-time, part-time and sessional staff, and also to the governing bodies of NAPS, its officers and employees.

Academic Freedom was explored in depth by the "Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers" March 2019.<sup>1</sup>, undertaken by the Hon Mr Robert French AC, therefore its recommendations have been considered in the formation of this policy.

## 3. Definitions

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### **Academic Freedom:**

The definition of Academic Freedom was explored in depth by the "Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers" March 2019.

NAPS is using the definition as per the "A Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers" in this Report, which states that 'academic freedom' comprises the following elements:

- "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;

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<sup>1</sup> French R. *Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers* March 2019 Department of Education, 2019, p.230. <https://www.education.gov.au/review-university-freedom-speech>. Accessed 18 Sept 2019

- 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, without constraint imposed by reason of their employment by NAPS, to make lawful public comment on any issue in their personal capacities;
- 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.”<sup>1</sup>

The Model Code also defines another concept integral to this policy: **‘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 by reason of their inherent attributes;
- 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 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; and
- does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.” (French. p. 297).

## 4. Guiding Principles

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Incorporating the Principles of the Code recommended by the Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers, with its strategic objectives and student wellbeing responsibilities, NAPS is committed to:

1. recognising the freedom and value of academic staff conducting open inquiry by exploring new ideas and questioning conventional wisdom;
2. cultivating critical and independent thought through its teaching, assessment and course development;
3. making students aware of the role that academic freedom plays in the broader context of academic integrity and ensuring that they understand what is expected of them and what they can expect from NAPS;

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<sup>1</sup> French R. *Report of the Independent Review of Freedom of Speech in Australian Higher Education Providers* March 2019 Department of Education, 2019, p.230. <https://www.education.gov.au/review-university-freedom-speech>. Accessed 18 Sept 2019.

4. voicing a diversity of opinions and values, including expression of unpopular or controversial views without harassment or unfair treatment;
5. staff feeling free to participate, in a personal capacity, in public debates about political and social issues;
6. making staff and students at NAPS aware that they have the same freedom of speech in connection with activities conducted at NAPS as any other person in Australia, subject only to the constraints imposed by NAPS' teaching and research activities, the rights of others to be heard and NAPS' duty to foster the wellbeing of students and staff;
7. that their activities do not constitute misconduct nor attract any penalty or other adverse action;
8. ensuring the Academic Freedom is protected when it enters into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties;
9. determining the terms and conditions upon which it shall permit external visitors and invited visitors to speak at NAPS or use NAPS facilities including retaining the right to refuse permission to any invited visitor or external visitor where the content of the speech is or is likely to be detrimental to the wellbeing of staff and students and/or scholarly standards; and
10. taking reasonable and proportionate steps to ensure that prospective students have the opportunity to be fully informed of the content of their courses in advance, provided that academic staff are not precluded from including content on the grounds that it may offend or shock any student or class of students.

Therefore, NAPS staff are free from institutional censorship, but must act with integrity and according to the principles above. They must also carry out their duties resulting from their employment, student status or other obligations at NAPS, including considering the impact of their actions on other staff and students' wellbeing. (See 'Responsibilities' below).

## 5. Responsibilities

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The right to academic freedom and free intellectual inquiry entails associated responsibilities.

Staff must not:

- introduce material into teaching that is not directly relevant to the subject matter and that a reasonable person may consider controversial or offensive;
- infringe the ability of others to engage freely in teaching, learning, research and academic debate;
- express views on any NAPS topic other than those within their expertise area when identifying themselves as NAPS staff; or
- hold themselves out as representing NAPS unless expressly authorised to do so.

Students need to:

- be aware that their freedoms are subject to the constraints imposed by the rights of others to be taught, have their opinions heard and respected;
- consider the impact of their actions on the wellbeing of students and staff;

- know that Academic Freedom does not excuse misconduct or associated adverse action;
- their concerns about the upcoming content of their units cannot preclude academic staff from including content on the grounds that it may offend or shock any student or class of students, however students can ask for special consideration for when those issues are addressed.

### Abuse of Academic Freedom

Should a staff member who contravene the principles of Academic Freedom outlined in this policy, they may be in breach of NAPS 004 Professional Code of Conduct and may face disciplinary action accordingly. Any students may be in breach of SS019 Student Code of Conduct.

All appeals or disputes regarding this policy should be made in line with the NAPS HR021 Grievance Policy available from HR for staff or NAPS SS001 Student Grievance and Academic Appeals Policy and Procedure for students, which is available from Student Services or on the website at Present Students/Student Policies.

### Dissemination of Policy and Awareness of Academic Freedom

- A copy of this policy shall be made available to all academic staff members irrespective of their contractual positions at NAPS.
- The principles in relation to Academic Freedom shall also be included in the Employee Handbook to ensure quick reference for all academic staff.
- The policy shall be made easily accessible to all staff and students by being included on the NAPS website.
- The policy shall be an integral part of induction programs for all newly appointed academic staff and of all continuing professional development programs for already appointed staff.

## 6. Policy Review

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NAPS may make changes to this policy and procedures from time to time to improve the effectiveness of its operation. In this regard, any staff member who wishes to make any comments about this policy may forward their suggestions to their supervisor or to NAPS' Registrar.

## 7. Further Assistance

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Any staff member who requires assistance in understanding this policy should first consult their nominated supervisor who is responsible for the implementation and operation of these arrangements in their work area. Should further advice be required staff should contact NAPS' Registrar and students should contact the Student Services Manager or their lecturer.

## 8. Additional Resources

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TEQSA Guidance Note: *Academic Governance*, Version 2.3, 11 October 2017:

<https://www.teqsa.gov.au/latest-news/publications/guidance-note-academic-governance>

TEQSA Guidance Note: *Academic Integrity*, Beta version 1.1 (Consultation Draft), 11 October 2017:

<https://www.teqsa.gov.au/latest-news/publications/guidance-note-academic-integrity> 