Case Studies

Governance and Risk Frameworks

These case studies are designed to assist universities to understand how they might develop and implement governance and risk frameworks in accordance with this pillar of the Guidelines to Counter Foreign Interference in the Australian University Sector. The case studies are examples only. They provide a point of reference for decision makers to refer to as appropriate to their circumstances.

Case one: Preserving safety and wellbeing

A demonstration supporting a political cause is held at an Australian university (the university). After the demonstration, media reports that numerous students who attended the demonstration have received online messages from fellow students calling them traitors and threatening to report them to a foreign country's consulate. Some of the students' personal information is published online without their consent. Some of the affected students express fear of reprisals from a foreign government on their families overseas. The students do not report these incidents to the university.

The university recognises the following risks if it did not address the allegations reported in the media:

- the potential to inhibit freedom of speech on campus through acts of intimidation and harassment of those with opposing views
- the safety and wellbeing of all students
- confidence in the university's complaint handling process
- damage to the university's reputation.

The university considers it policies and frameworks addressing:

- freedom of speech and academic freedom on campus
- student and staff conduct
- complaints handling
- student safety and wellbeing.

The university is unable to formally investigate the allegations reported in the media without more specific information. However, the university determines that the alleged threats, intimidation, harassment and sharing of personal information online without consent would breach the Student

Code, attract possible disciplinary action, and could warrant referral to the eSafety Commissioner or the police.

The university attempts to identify the affected students whose personal information was published online, with intent to contact them to obtain further information, encourage them to report the incidents to the university and advise them of student support services.

The university publishes a statement to address the media reports reaffirming the university's commitment to freedom of speech, the safety and wellbeing of the university community, and that threats, intimidation, harassment and publishing of personal information online without consent is not tolerated.

The university also implements an internal communication strategy to:

- promote the university's commitment to freedom of speech and academic freedom to students
- promote the university's commitment to effective complaint management with appropriate protection for complainants from breach of privacy or reprisal
- increase broad knowledge of the complaint management system on the university's intranet, through ongoing training, and orientation and induction programs
- take a pro-active approach to identify more opportunities for the university to discuss behavioural expectations and consequences of misconduct with the students and student associations, and support staff to facilitate those discussions
- engage with student groups to discuss ways the university support students encountering these types of issues
- promote the university's commitment to student safety and wellbeing and their student support services
- engage with the eSafety Commissioner to ensure student support services address emerging forms of online intimidation and harassment.

Case two: Protecting academic freedom

An academic issues a reading list to students which is comprised of articles expressing a range of positions on a topic with strong opposing views. Some of the students enrolled in the course complained to the academic that some of the articles were offensive and demanded that those articles be removed from the list.

The university supports freedom of speech and an environment that encourages an appropriate exchange of academic views for their students by taking the following steps:

- supporting the academic to retain the reading list because it represented a range or positions on the topic, including opposing views.
- supporting the academic's response to the complainant, including reiterating the university's commitment to freedom of speech and academic freedom.
- ensuring the university's statement of commitment and its policy supporting freedom of speech and academic freedom are prominent on the university's website.

- producing a guide for staff to facilitate discussions on freedom of speech and academic freedom to groups of students.
- reviewing the university's approach to increasing broader understanding of freedom of expression and academic freedom through accessible information on the university's website, ongoing training and induction and orientation programs.

Case three: Preventing self-censorship

Over the year, teaching staff at the School of Economics at an Australian university (the university) receive reports that some students do not feel safe expressing their views on sensitive topics in class or in their assignments. Some students are seeking to avoid threats, harassment and surveillance from other students.

One student confides in their tutor that, during a class where she participated in a group discussion on impacts of a particular economic policy on a foreign country, she overheard a group of students discuss reporting her to a foreign country's Consulate. The student now avoids sensitive discussions in class, even though her tutor may penalise in her grade assessment for not participating. The situation is worse when classes are online because they can be recorded by other students.

The academic staff recognise that the growing reports of self-censorship compromise freedom of expression and academic freedom in their courses. These staff meet with the university's administrators to discuss how they can provide a safe learning environment for all students to participate and express their views, and considers some options:

- at the beginning of each unit, teaching staff will talk to students about the university's commitment to freedom of speech and academic freedom, highlight behavioural expectations and consequences of misconduct with reference to threats, intimidation and harassment and the university's complaint handling process
- providing students alternative modes of participation without penalty
- allowing for work to be submitted anonymously
- consider whether instructions can be issued to students to minimise or even ban students recording classes when sensitive topics are being discussed.

Case four: Reporting undue influence

An academic at an Australian university (the university) publishes a paper on a foreign country's response to COVID-19, predicting a dire situation. The foreign country's consulate organises for a more senior academic — a national of their foreign country — to approach the university to request the paper be retracted and a public apology be issued because the paper criticised and embarrassed the foreign government.

The university declines the request from the consulate to retract the paper and apologise. The university has a strong commitment to freedom of speech and academic freedom and considers the research and paper have undergone comprehensive peer review.

A week after, the academic begins to receive large volumes of abusive messages and realises their personal and contact details have been shared online. The university social media account also receives complaints about the academic.

The academic reports the cyber abuse to the university's security team and the eSafety Commissioner. With their guidance, the academic takes steps to preserve the evidence and considers possible referral to the police, blocks unwanted contact, reports the content to the social media platforms, updates their social media privacy and security settings and temporarily removes the academic's contact details from the university website.

The university liaises with appropriate government agencies, including law enforcement, to request specialist advice and assistance.

In response to the complaints about the academic on the university's social media page, the university publishes a statement on their social media platform affirming its commitment to free speech and academic freedom, asserts that cyber abuse is unacceptable and that such incidents will be investigated by the university.