

The Hon Robert S French AC
Suite 2, Level 13
Allendale Square
77 St George's Terrace
Perth, WA 60000

email: freedomofspeechreview@education.gov.au

21st January 2019

Dear Mr French,

Thank you for the opportunity to provide feedback and comment on the Freedom of Expression and Intellectual Inquiry in Higher Education.

The preamble to the *Batchelor Institute of Indigenous Tertiary Education Act* (the Act) establishes the Institute as:

"an educational institution for the tertiary education of Indigenous people of Australia and the provision of other educational and training programs and courses, and facilities and resources for research and study, and for related purposes".

The Institute is unique in that it is the only dual-sector, Aboriginal and Torres Strait Islander tertiary education and training provider in Australia. This impacts directly on the strategic, operational, governance, legislative and cultural requirements of the Institute.

The following is provided in relation to the information that you sought in your letter to our CEO, Professor Steve Larkin of 29 November 2018.

- 1. University statutes, regulations, rules or by-laws, not available on the University website, relating to expressive conduct by staff or students or persons visiting the University for the purpose of delivering speeches or lectures or otherwise engaging in public discussion.**

The Institute has the following relevant documents:

1.1 Staff Code of Conduct (See Attachment A)

- s2. Academic Freedom: means the right to examine, criticise and challenge ideas, methods and structures in the spirit of a responsible and honest search for knowledge, but does not include a protected privilege to speak out on matters about Batchelor Institute which are not in the individual staff*

Batchelor Campus
C/O Post Office, Batchelor NT 0845

ABN 32 039 179 166
Freecall 1800 677 095
Email enquires@batchelor.edu.au

batchelor.edu.au



member's area of expertise or where they may reasonably be expected to not have all pertinent facts, to deride or defame individuals, groups or Batchelor Institute or to ignore the policies or decisions that have been formally made by Batchelor institute, or those which Batchelor Institute is required by law to observe;

2. Administrative codes, policies or principles relating to the above including internal audit and risk policies and practices and standard provisions in academic employment contracts.

The Institute has the following policies:

2.1 Free Intellectual Inquiry Policy (See Attachment B)

s1.2. Academic freedom is the right and responsibility of all staff and students at the Institute. This freedom is particularly important to Batchelor Institute since as an Indigenous institution it has the responsibility to hear and honour Indigenous voices, and to encourage researchers to challenge the established ways of acquiring and interpreting knowledge pertaining to Indigenous peoples, particularly that which has permeated and persisted from Australia's colonial heritage.

s1.4. A fundamental philosophy of the Institute is the Both-ways approach. While originally a philosophy of education that brings together Indigenous Australian traditions with western academic disciplinary contexts it also frames many of the administrative, operational and support activities of the Institute; including the Institute's approach to academic freedom and intellectual inquiry. Both-ways impacts how the Institute views issues of academic freedom and intellectual inquiry, because integral to both-ways thinking are principles of respect, tolerance and diversity; which are aimed at the well-being and protection of individuals, families, clans and communities.

2.2 Communication Standards Policy (See Attachment C)

S3. *All staff and student communications in which the Institute has a reasonable interest must be made in a way that reflects:*

- *the Institute's core values.*
- *the induction provided to all staff and students with specific emphasis on an appreciation for Aboriginal and Torres Strait Islander knowledges and cultures and the Both Ways approach.*
- *Does not breach any laws or other Institute policies and specifically must not communicate any offensive, discriminatory, pornographic or illegal content.*
- *Does not foreseeably risk a financial loss or reputational harm to the Institute, or its staff, students or stakeholders.*

2.3 Fair Treatment, Equal Benefits and Opportunity Policy (See Attachment D)

- s1. *Batchelor Institute of Indigenous Tertiary Education (The Institute) supports the concept of equal opportunity and is committed to providing all staff, students and potential students with a working and learning environment which values diversity, respects differences and provides an environment that is safe, healthy, positive, supportive and free from all forms of harassment, bullying and discrimination.*

3. Any of the above categories which deal with the topic of academic freedom.

See above.

4. The reports of relevant non-confidential reviews which your university may have undertaken in relation to its rules, policies and practices in this area.

Nil

5. Any observations that you would like to make which you think might be helpful to the Review.

There are various conceptual understanding and practical applications and challenges which impact on freedom of expression and inquiry at the Batchelor Institute. Intellectual expression and inquiry are important practices which have the potential to empower Aboriginal and Torres Strait Islander people. It also allows opportunities for the diversity between Aboriginal and Torres Strait Islanders to be reflected.

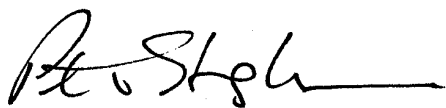
Being a dual sector organisation, the application of freedom of expression and inquiry at the Institute is not limited to the higher education area. The principle applies across both the VET and Higher Education sectors as well as other corporate areas. The challenge is ensuring the responsibilities attached to the right of freedom of expression are upheld and demonstrated in an appropriate manner.

Unlike other educational organisations, Batchelor Institute is driven by valuing the rights of Aboriginal and Torres Strait Islander peoples to fully participate in, and contribute to, high value dual sector education, training and research. In recognising this, there is a requirement to allow a freedom of expression and inquiry that enables Aboriginal and Torres Strait Islander knowledges, experiences and cultural contexts to be included within a mainstream academic disciplinary approach. An example of this at the Institute has been the conduct of Indigenous Knowledge Forums where participants have been able to come together in an environment of cultural safety where issues can be freely discussed.

Overall, the approach of the Institute is to affirm the aspiration of self-determination and empowerment of Aboriginal and Torres Strait Islander peoples through our work, courses and research; while enabling this to be achieved in an environment where our students and staff are culturally and intellectually safe, and able to engage in free expression, inquiry and discourse.

Please do not hesitate to contact me if you require further information.

Yours sincerely,



Dr Peter Stephenson
Acting Chief Executive Officer
Phone: (08) 8939 7345
peter.stephenson@batchelor.edu.au

Attachments:

- A. Staff Code of Conduct,
- B. Free Intellectual Inquiry Policy,
- C. Communications Standards Policy, and
- D. Fair Treatment, Equal Benefits and Opportunity Policy.

Staff Code of Conduct			
Date of approval	7 March 2014	Approved by	Council
Date of effect	8 March 2014	Current to	Until amended or rescinded by Council
Contact Officer	Manager, Human Resources, and Work Health and Safety		

**BATCHELOR INSTITUTE OF INDIGENOUS TERTIARY EDUCATION
NORTHERN TERRITORY OF AUSTRALIA**

As in force at 8th March 2014

STAFF CODE OF CONDUCT

Code of Conduct under the *Batchelor Institute of Indigenous Tertiary Education
(Codes of Conduct) By-laws*

1 Citation

This Code of Conduct may be cited as the *Staff Code of Conduct*

2. Definitions

Unless otherwise specified, for the purposes of this Staff Code of Conduct:

Academic Freedom	means the right to examine, criticise and challenge ideas, methods and structures in the spirit of a responsible and honest search for knowledge, but does not include a protected privilege to speak out on matters about Batchelor Institute which are not in the individual staff member's area of expertise or where they may reasonably be expected to not have all pertinent facts, to deride or defame individuals, groups or Batchelor Institute or to ignore the policies or decisions that have been formally made by Batchelor institute, or those which Batchelor Institute is required by law to observe;
Academic Misconduct	refers to conduct associated with assignments, essays, tests and other forms of assessment, conduct associated with examinations or conduct associated with thesis and other work presented as part of postgraduate courses, and includes: <ul style="list-style-type: none">(a) cheating associated with tests, examinations or other form of assessment;(b) presenting another person's work as if it were one's own, or other forms of plagiarism;(c) fabrication or falsification of data or research results; and(d) falsification of an academic record.
Conflict of interest	<p>an <i>apparent conflict of interest</i> is when it seems or looks like a Batchelor Institute staff member's personal interests could interfere with the proper performance of their official duties, or lead them to take advantage of their position or to favour relatives (nepotism) or people they know (patronage) in decision making and the provision of services;</p> <p>an <i>actual conflict of interest</i> is when a reasonable person who had the relevant facts would conclude that a staff member's personal interests are likely to interfere with the proper performance of their official duties, or lead them to take advantage of their position, or to favour relatives (nepotism) or people they know (patronage) in decision making and provision of services;</p>
Council	The Council of Batchelor Institute constituted under Division 1 of Part 3 of the Batchelor Institute of Indigenous Tertiary Education Act (the Act);
Council Member	A person who holds office under Section 14 or Section 15 of the Batchelor Institute of Indigenous Tertiary Education Act 2012 of one of the positions created under Section 11 Composition of Council of that Act;
Cultural awareness	means being aware and respectful of cultural differences as identified in the Institutes cross cultural awareness course;

Institute	The Batchelor Institute of Indigenous Tertiary Education established under Section 4 of the Act and includes the members of the Council, the staff of the Institute, and currently enrolled students of the Institute;
Institute activity	Any activity in which staff and/or students participate in under the Institute's name regardless of whether or not the activity takes place on an Institute campus or facility;
Institute facility	Includes any real or personal property owned, leased or otherwise, at the time, within the Institute's care and control;
Institute regulations	Include any and all of the by-laws made under section 49 of the Act or rules made under section 51 of the Act or codes of conduct made under section 52 of the Act;
misuse of information	Includes, but is not restricted to attempts to get financial or other personal gain using confidential information, and gossiping or spreading rumours on the basis of information from the Institute.
misuse of position	Staff using their position or status to try to obtain extra benefits for themselves or for others, for which they would otherwise be ineligible;
professional misconduct	Unsatisfactory professional conduct which involves a substantial or consistent failure to reach reasonable standards of competence and diligence and can include conduct other than directly in connection with a staff member's role at the Institute;
public comment	Any comment which might reasonably be expected to circulate outside the Institute, and includes public speaking engagements, external correspondence or comments on or in books, journals or notices;
reportable gifts	All gifts or benefits, including gifts of cultural value and gifts attributing social or personal status, which would not be considered by any reasonable person as normal entertainment, hospitality, or minor presentations of no significant or lasting real value. No monetary values have been set on "reportable gifts", and staff are required to exercise responsible judgment in this matter and, if necessary, to seek the advice of their supervisor;
staff	Means the Director, academic and other salaried staff of the Institute or any other personnel employed by Batchelor Institute, and can mean one or more people, depending on the context;
student	Means a person enrolled as a student of Batchelor Institute;
teaching-learning activity	Any lecture, workshop, tutorial, seminar, demonstration, class or similar activity, whether or not it is one that students are required to attend, and any musical, dramatic or other artistic performance or production associated with their studies.

3. Introduction

- 3.1 As employees of Batchelor Institute of Indigenous Tertiary Education, we will acknowledge and respect the culture, the land and waters, the knowledge systems and the traditions of Aboriginal and Torres Strait Islander people and communities.
- 3.2 Batchelor Institute of Indigenous Tertiary Education is a specialist, dual sector tertiary education provider that services the education and training needs of Aboriginal and Torres Strait Islander peoples.
- 3.3 Learning and operations follow a both-ways philosophy which brings together Indigenous Australian traditions of knowledge and Western academic disciplinary positions and cultural contexts and embraces values of respect, understanding and diversity.
- 3.4 Batchelor Institute has complex and diverse obligations arising from its status and role as a community based Indigenous tertiary education institution; and these must be accommodated alongside the need to protect the academic freedom which is essential to the proper conduct of teaching, research and scholarship, and the responsibilities associated with funding from public moneys.
- 3.5 Batchelor Institute is committed to exemplary standards of integrity in all aspects of its affairs and, therefore, to supporting staff in achieving those standards.
- 3.6 Staff have a role in maintaining public trust and confidence in the integrity and professionalism of Batchelor Institute of Indigenous Tertiary Education and Council has made the Staff Code of Conduct as a public statement of the standards of conduct and integrity expected of all Batchelor Institute staff.
- 3.7 By accepting employment with Batchelor Institute, all staff are bound by Batchelor Institute's regulations and other lawful directions, including this Staff Code of Conduct.
- 3.8 All staff are required to become familiar with the Staff Code of Conduct and Batchelor Institute will take reasonable steps to ensure they have the opportunity to do so.

4. Purpose

- 4.1 The Staff Code of Conduct complements Batchelor Institute's Strategic Plan and facilitates the achievement of the values identified in the 2012 – 2014 Strategic Plan and all subsequent plans. Currently:
 - "In endeavouring to achieve our vision the core values identified by Batchelor Institute staff as the core values that should underpin how the Institute conducts every aspect of what it does are – Aboriginal and Torres Strait Islander Knowledges and Cultures, Integrity, Leadership, Quality, Relevance, Respect and Sustainability"
- 4.2 This Staff Code of Code also aims to foster and maintain public trust and confidence in the integrity, cultural awareness and professionalism of Batchelor Institute staff by ensuring that staff:
 - 4.2.1 maintain and exercise cultural protocols and awareness where appropriate.
 - 4.2.2 maintain appropriate standards of conduct;
 - 4.2.3 develop, where necessary, those skills necessary for the efficient

- performance of their duties;
 - 4.2.4 maintain fairness and equity in decision making; and
 - 4.2.5 maintain and enhance the reputation of the Institute.
- 4.3 The Staff Code of Conduct is not intended to replace other Batchelor Institute policies covering specific situations or to cover all situations that may arise; but provides staff with a framework for culturally appropriate conduct and ethical behavior in their Batchelor Institute roles and assists them to identify and resolve issues of ethical and cultural conduct which may arise in the course of their duties.

5. Application

- 5.1 The Staff Code of Conduct applies to all Batchelor Institute staff while they are in their official capacity, regardless of location.
- 5.2 Visiting, adjunct staff and volunteer staff are also expected to comply with the Staff Code of Conduct while participating in the activity of the Batchelor Institute community.
- 5.3 Contractors or consultants engaged under a contract of service and their employees are expected to comply with the Staff Code of Conduct while undertaking work for Batchelor Institute, and appropriate requirements will be included in their conditions of contract.
- 5.4 Unless the Act provides another process appropriate to the specific instance, any report of a breach of this Staff Code of Conduct brought against staff will be dealt with in accordance with the provisions of the current Enterprise Bargaining Agreement (EBA).

6. Staff Conduct

- 6.1 Batchelor Institute staff must observe Northern Territory and Commonwealth laws and, when interstate or overseas, the laws of the place in which they are working.
- 6.2 In general, all staff of Batchelor Institute have a duty of care to colleagues, students and visitors and are expected to be impartial, culturally aware and sensitive, courteous, conscientious, prompt and respectful in the performance of their duties and obligations to Batchelor Institute and the community, and to perform their duties and obligations to Batchelor Institute, students and community in a way which:
- 6.2.1 respects the rights, privileges and well-being of others;
 - 6.2.2 does not impinge on the reasonable freedom of other persons to pursue their studies, research, duties or lawful activities in Batchelor Institute or Batchelor Institute facilities, or to participate in the life of Batchelor Institute;
 - 6.2.3 avoids unlawful discrimination on grounds of gender, sexual orientation, race, disability, cultural background, religion, marital status, age or political conviction; and
 - 6.2.4 does not bring, or risk bringing, Batchelor Institute into disrepute or impair the functioning of Batchelor Institute or its activities.

- 6.3 In performing their duties and obligations, Batchelor Institute staff must:
- 6.3.1 be honest and exercise appropriate care in carrying out their duties, using their technical and professional judgment;
 - 6.3.2 not perform any act or omission that is likely to have a detrimental effect on their work performance and that of other staff members and students;
 - 6.3.3 show a commitment to Batchelor Institute's vision and goals;
 - 6.3.4 demonstrate an awareness of and respect for cultural values, customs protocols and sensitivities applicable where the staff member is working, and observe the correct protocols before, during and after visits to non-Institute sites and remote communities;
 - 6.3.5 observe all privacy and confidentiality provisions concerning information about Batchelor Institute, its staff and its students;
 - 6.3.6 exercise fairness and impartiality in making decisions;
 - 6.3.7 avoid conflicts between their private interests and their responsibilities as a staff member of Batchelor Institute, and avoid situations where there is a reasonable basis for the perception of a conflict of interest;
 - 6.3.8 not take or seek to use for personal gain or to take other improper advantage of any information gained as a Batchelor Institute staff member. *Refer to separate policy regarding gifts;*
 - 6.3.9 not seek to elicit the improper influence or interest of any person to obtain promotion, transfer or other advantage;
 - 6.3.10 not use the working time of other staff for their personal benefit or gain;
 - 6.3.11 not wilfully damage, misuse or use without authority Batchelor Institute's property or any other property lawfully connected to Batchelor Institute.
- 6.4 Staff have a responsibility to:
- 6.4.1 carry out official decisions and policies faithfully and impartially while exercising proper diligence, care and attention;
 - 6.4.2 further develop and maintain knowledge of their professional field;
 - 6.4.3 make themselves aware of all Batchelor Institute regulations and policies concerning their rights and responsibilities as staff including cultural awareness;
 - 6.4.4 observe all regulations and lawful directions concerning their conduct that are made and published from time to time by Batchelor Institute;
 - 6.4.5 where they believe a decision does not conform to policy or if they seek, to have decisions regarding policy changed, do this through appropriate Batchelor Institute channels and processes;
 - 6.4.6 where they are genuinely convinced of evidence of fraudulent or corrupt conduct or maladministration, or a breach of the Act or a Batchelor Institute By-law, Rule or Staff Code of Conduct, report that activity to their supervisor or some other appropriate member of staff as soon as possible;
 - 6.4.7 bring to the attention of their supervisor or some other appropriate member of staff as soon as possible any perceived conflict between a Batchelor Institute policy or decision and the staff member's perceived obligations under this Staff Code of Conduct;

- 6.4.8 bring to attention of their supervisor or some other appropriate member of staff any reportable gift or benefit, as soon as possible after the gift or benefit is received;
- 6.4.9 bring to the attention of their supervisor any actual potential or apparent conflict of interest in their dealings as a staff member with another individual, group, organisation or corporate entity, whether in Batchelor Institute or external to it;
- 6.4.10 use Batchelor Institute resources only for legitimate Batchelor Institute purposes and ensure these resources are used efficiently, carefully and respectfully; and
- 6.4.11 participate, as far as is possible within their individual circumstances, in the functioning of Batchelor Institute, including through participation in Batchelor Institute consultation and advisory processes.

7. Debate and Public Comment

- 7.1 Subject to sub-section (7.2), staff must not make official comment on matters relating to the Institute unless they are:
 - 7.1.1 authorised by the Director to do so;
 - 7.1.2 authorised or required by law to do so.
- 7.2 Staff contributing to public discussion of Batchelor Institute policy or administration in an official capacity is generally acceptable in circumstances where:
 - 7.2.1 the provision of policy information is part of the staff member's duties, or is consistent with those duties, or has been appropriately authorised by Batchelor Institute; and
 - 7.2.2 the staff member does not misrepresent the facts concerning Batchelor Institute policy or administration.
- 7.3 Staff who are acknowledged by the broader community as experts in a particular field of scholarship may comment publicly in their capacity as a Batchelor Institute staff member on matters relevant to their field of expertise, but not as a Batchelor Institute spokesperson without the prior authorisation of the Director.
- 7.4 Staff must be careful to distinguish between comments made as a member of staff and comments made as an individual or private citizen and, when making public comments as a private citizen, must:
 - 7.4.1 clearly identify their view as not being representative of any official view of Batchelor Institute;
 - 7.4.2 not make comments that compromise or be perceived to compromise that person's ability to carry out their duties or to implement Batchelor Institute policy
- 7.5 Staff consideration and debate on Batchelor Institute and other policy is encouraged but staff must:
 - 7.5.1 debate matters of Batchelor Institute policy or administration within the Batchelor Institute framework;
 - 7.5.2 publicly adhere to approved Batchelor Institute policy while it is in force and until such time as policy is changed; and

- 7.5.3 conduct such debate in a manner which accommodates, respects and encourages different opinions and perspectives.
- 7.6 Staff elected as workplace representatives or officials of a trade union, professional association, community organisation or political party need not seek permission before expressing publicly the union's or other association's views on a matter, but must make it clear that such comment is made on behalf of that organisation.

8. Breaches of the Staff Code of Conduct

- 8.1 A breach of the Staff Code of Conduct means conduct on the part of a staff member which:
 - 8.1.1 unreasonably impinges on or impairs the reasonable freedom of other persons to pursue their duties, studies, researches or lawful activities on Batchelor Institute facilities, or to participate in the life of Batchelor Institute; or
 - 8.1.2 unreasonably interferes with the due processes of Batchelor Institute; or
 - 8.1.3 is detrimental, or likely to be detrimental, to the reputation or to the orderly functioning of Batchelor Institute or its activities; or
 - 8.1.4 Is adverse to Batchelor Institute's academic, commercial, legal, social or cultural standing.
- 8.2 Without limiting the generality of sub-section (1) above, a staff member may breach the Staff Code of Conduct if he or she:
 - 8.2.1 wilfully, recklessly or negligently engages in conduct which causes, or is calculated or is likely to cause, bodily injury to any person or which by its nature unreasonably endangers the safety of other persons;
 - 8.2.2 participates in, or facilitates bullying type behavior such as verbal attacks, harassment, threatening or intimidating behavior, or attempts to attack, harass, threaten or intimidate any person;
 - 8.2.3 engages in, or assists another person to engage in professional, academic, ethical or cultural misconduct;
 - 8.2.4 fails to comply with a requirement or direction prescribed or given in relation to the carriage of his or her duties as a staff member;
 - 8.2.5 knowingly makes a false representation with respect to a matter which relates to the staff member;
 - 8.2.6 wilfully or negligently destroys, damages, loses or removes, wrongly deals with or otherwise engages in conduct which involves unauthorised or unjustified interference with any Batchelor Institute property or with property lawfully connected to Batchelor Institute;
 - 8.2.7 enters, or enters and remains without authority in any part of Batchelor Institute to which the staff member knows, or ought reasonably to know, entry is prohibited or is allowed only with authority;
 - 8.2.8 without lawful authority:

- (a) gains access to, or enters, or attempts to gain access to or enter a computer system or part of a computer system of Batchelor Institute; or
 - (b) obtains access to or alters, or attempts to gain access to or to alter, any document or record kept by Batchelor Institute;
- 8.2.9 wilfully obstructs, or attempts to obstruct, or interferes or attempts to interfere with:
 - (a) the use of any Institute premises, facilities or equipment;
 - (b) the orderly conduct of any Batchelor Institute work base, teaching group, assessment, examination or ceremony or any meeting of the Council or a board, committee or any other body convened on Batchelor Institute business, or any other activity, function or program held at the Batchelor Institute;
 - (c) any member of the Batchelor Institute staff in the performance of the staff member's duties;
- 8.2.10 without lawful authority, discloses to any person any information relating to Batchelor Institute or its affairs which is of a confidential nature and which the staff member knows, or ought reasonably to know, to be of such a nature;
- 8.2.11 contravenes or fails to comply with:
 - (a) a notice duly served to give evidence to a relevant body constituted under a Batchelor Institute regulation;
 - (b) any Batchelor Institute regulation or any lawful order or lawful request of a Batchelor Institute staff member or of a person acting under Batchelor Institute's authority.
- 8.2.12 in contravention of Batchelor Institute regulations:
 - (a) causes to be brought, or brings, alcoholic beverages, kava or an illegal substance onto Institute premises or into Batchelor Institute facilities,
 - (b) allows someone invited by the staff member onto Batchelor Institute premises to do this;
 - (c) enters Institute premises or Batchelor Institute facilities while intoxicated or under the influence of kava or an illegal substance; or
 - (d) partakes of or uses prescribed medication to induce intoxication on Institute premises or in Batchelor Institute facilities.
- 8.2.13 does, or omits to do, any act where such act or omission would constitute an offence, had it occurred in a public place or on a public road;
- 8.2.14 behaves in a manner that might endanger or adversely affect the work performance, safety or well-being of any person or damage or destroy any property;
- 8.2.15 disrupts or tends to disrupt the peace or good order of the Batchelor Institute;
- 8.2.16 impedes or tends to impede any Batchelor Institute activity;
 - (a) constitutes a dishonest act; or

- (b) brings Batchelor Institute into disrepute.

9. Allegations of Breaches of the Code

- 9.1 An allegation of a breach of this Staff Code of Conduct must be made in writing and signed by a member of the Batchelor Institute staff or a student, or by a person outside Batchelor Institute through a member of the Batchelor Institute staff.
- 9.2 All allegations of breaches of the Code and all breaches of this Code will be dealt with in accordance with the Staff Complaints and Grievance Rules and the Enterprise Agreement (EBA) Part 6 Discipline.

ENDNOTES

1 KEY

Insert any relevant abbreviations

2 LIST OF LEGISLATION

Batchelor Institute of Indigenous Tertiary Education (Codes of Conduct) By-laws

(SL No. ,)

Notified

Commenced

3 LIST OF AMENDMENTS

Insert any amendments to the Code of Conduct

POLICY Free Intellectual Inquiry			
Date of approval	August 2015	Approved by	Academic Board
Date of effect	August 2015	Current to	August 2018
Policy number	HER003	Version	v2 2015
Policy Owner	Executive Director, Higher Education and Research		
Contact Officer	Executive Director, Higher Education and Research		

1. Outline

- 1.1. This policy describes what is required to ensure that Batchelor Institute of Indigenous Tertiary Education (the Institute) protects the academic freedom and free intellectual inquiry of both staff and students.
- 1.2. Academic freedom is the right and responsibility of all staff and students at the Institute. This freedom is particularly important to Batchelor Institute since as an Indigenous institution it has the responsibility to hear and honour Indigenous voices, and to encourage researchers to challenge the established ways of acquiring and interpreting knowledge pertaining to Indigenous peoples, particularly that which has permeated and persisted from Australia's colonial heritage.
- 1.3. A fundamental philosophy of the Institute is the Both-ways approach. While originally a philosophy of education that brings together Indigenous Australian traditions with western academic disciplinary contexts it also frames many of the administrative, operational and support activities of the Institute; including the Institute's approach to academic freedom and intellectual inquiry. Both-ways impacts how the Institute views issues of academic freedom and intellectual inquiry, because integral to both-ways thinking are principles of respect, tolerance and diversity; which are aimed at the well-being and protection of individuals, families, clans and communities.
- 1.4. In addition to stating the Institute's attitude and approach towards academic freedom and intellectual inquiry this policy also meets:
 - The objects and requirements of the *Higher Education Support Act 2003* in regard to upholding free intellectual inquiry. and
 - The *Higher Education Standards Framework (Threshold Standards) 2011* Ch 1, s4.2 in regard to promoting and protecting free intellectual inquiry and expression.

2. Summary

- 2.1. Staff and students should be encouraged to engage in scholarship, teaching and research in areas that will benefit Indigenous Australians.
- 2.2. Staff and students should feel free to challenge accepted norms in accepted academic ways.
- 2.3. Staff and students challenging accepted norms in an appropriate way should do so without any fear of disciplinary action or discrimination.

3. Scope

- 3.1. This policy applies to all staff and students of Batchelor Institute.

4. Policy statement

4.1. Management and supervisors of academic staff must:

- 4.1.1. encourage academic staff to engage in scholarship and research to inform best practice, and not only enhance their own skills and knowledge but to also benefit Indigenous Australians; and
- 4.1.2. ensure that neither staff nor students suffer disadvantage or discrimination when published scholarship, research findings or teaching are controversial or challenge accepted Western academic views.

4.2. All academic staff have the right to:

- 4.2.1. undertake scholarship to inform their teaching and to conduct research and teaching that leads to the creation of new knowledge or the new application of knowledge;
- 4.2.2. publish the findings of scholarship and research irrespective of its popularity or controversial nature; and
- 4.2.3. provide a balanced presentation of any academic issue to fellow academics or students, including that which may challenge accepted norms.

4.3. Students have the right to:

- 4.3.1. receive training, teaching and assistance to enable them to engage in scholarship and research in a topic of their choice;
- 4.3.2. publicly express views which should not bring Batchelor Institute into disrepute, but may not necessarily reflect the vision or view of Batchelor Institute; and
- 4.3.3. publish the findings of their scholarship and/or research irrespective of any controversial nature.

5. Supporting Documents

- Research and Ethics Policy
- Fair Treatment, Equal Benefits and Opportunity Policy
- Staff Code of Conduct
- Student Code of Conduct

6. Related Documents

- *Higher Education Support Act 2003*
- *Higher Education Standards Framework (Threshold Standards) 2011*

7. Modification history

Date	Version	Sections modified	Authority	Details
29/04/12	0.1	New policy	Academic Board	Passed Higher Degrees 10/04/12
August 2015	2	S1, 2, 5, 6 & 7	Academic Board	Updated on expiry of current policy

8. Feedback

If you have any comments or feedback about this Policy, please contact Executive Director, Higher Education and Research.

POLICY			
Communication Standards			
Date of approval	June 2014	Approved by	EMG
Date of effect	June 2014	Current to	June 2017
Registered no	SCS004	Version	November 2015 V1
Policy Owner	Executive Director, Innovation and Business Development		
Contact Officer	Manager, Communications and Marketing		

1. Outline

This communication policy is intended to support the achievement of the Institute's strategic objectives by encouraging appropriate standards of communication and minimising the risks to the Institute, staff and students from inappropriate communications standards.

2. Summary

- Appropriate communication standards help to achieve the Institute's strategic vision of recognition as: "Batchelor Institute as Australia's Leader in First Nations Tertiary Education and Research".
- Inappropriate communication standards can result in loss or harm to the Institute, staff, students and Indigenous people and other stakeholders, including jail, fines, injury or loss of reputation.

3. Policy

3.1 All staff and student communications in which the Institute has a reasonable interest must be made in a way that -

3.1.1 Reflects:

3.1.1.1 the Institute's core values

3.1.1.2 the induction provided to all staff and students with specific emphasis on an appreciation for Aboriginal and Torres Strait Islander knowledges and cultures and the Both Ways approach

3.1.2 Does not breach any laws or other Institute policies and specifically must not communicate any offensive, discriminatory, pornographic or illegal content.

- 3.1.3 Does not foreseeably risk a financial loss or reputational harm to the Institute, or its staff, students or stakeholders.
- 3.2 Communications made by staff in the conduct of their employment must comply with, and be authorised and approved, according to the supporting guidelines and procedures.
- 3.3 Subject to applicable laws of Australia and the Northern Territory, authorised persons may, but are not obligated to, record any communications in which the Institute has a reasonable interest (including personal communications made using Institute resources) and the recording may be stored, accessed, reviewed, copied and tended as evidence for legitimate purposes, including disciplinary or legal proceedings, by persons with a right to do so.
- 3.4 While staff and students may be granted reasonable use of Institute resources for personal communications, this does not convey any grant of privacy.
- 3.5 Staff and students are personally responsible for any loss or harm suffered by any party as a result of any communication by them, and the Institute is not responsible for any loss or harm suffered by any party as a result of any communication by a member of the Institute unless the communication was expressly authorised and approved by the Institute according to the relevant guidelines and procedures.
- 3.6 All staff and students must report any instance of an apparent breach of this policy to the Institute Chief Executive Officer or delegate.
- 3.7 Breach of this policy may result in disciplinary action by the Institute, including termination of employment or enrolment, in addition to any other private or criminal legal action.

4. Responsibilities

Section	Description	Task	Responsible Officer, Committee
3	Policy Communication	Manage	Manager HR / Manager Communications and Marketing

5. Acronyms & Terms

Acronym/Term	Definition/Description
any applicable laws	Includes, but is not limited to: privacy, confidentiality, intellectual property, discrimination, telecommunications
authorised persons	The Institute Chief Executive Officer or their delegate or a person authorised under a law of the Commonwealth or the Northern Territory

Acronym/Term	Definition/Description
communications	Includes but is not limited to: written, verbal, graphical, electronic and un-spoken (including body language) messages and includes the access, creation, copying or transfer of content.
communications made by staff or students in which the Institute has a reasonable interest	<p>The Institute has a reasonable interest in all communications made by staff or students at any time or place:</p> <ol style="list-style-type: none"> 1. In the course of work or studies at the Institute and/or; 2. Using Institute resources and/or; 3. Where of the content of the communication poses a risk of: <ol style="list-style-type: none"> 3.1 Loss or harm to the Institute or its staff or students and/or; 3.2 Infringement of a right possessed by the Institute and/or; 3.3 Breach of a condition of employment or enrolment or other Institute policy.
disciplinary action by the Institute in addition to any other private or criminal legal action	See Code of Conduct, Union Enterprise Agreement and other relevant documents
other policies	Includes, but is not limited to, Staff Code of Conduct and student charter [or equivalent], guidelines on bullying and harassment, research, Intellectual Property, Copyright, Marketing, Social Media, Indigenous engagement, ICT security, applicable style guides and processes for authorisation and approval of publications, promotional material.
stored, accessed, reviewed, copied and tended as evidence	Subject to applicable Australian and Northern Territory laws regarding privacy, confidentiality, intellectual property and evidence and in accordance with the Institute's record keeping and ICT security guidelines
Institute Chief Executive Officer	The Chief Executive Officer of Batchelor Institute or their delegate.
Institute resources	Includes but is not limited to, for example, rooms or outdoor spaces owned by the Institute, venues paid for by the Institute, Institute ICT or stationary, material bearing Institute branding

Acronym/Term	Definition/Description
record any communications in which the Institute has a reasonable interest	Includes, but is not limited to, communications among or between staff and/or students, all communications made using Institute resources and communications by staff or students where the staff or student is identifiable as employed by or enrolled at the Institute and includes emails, meetings, speeches, education and training delivery, social media posts, media comment, representations to stakeholders and corporate communications such as advertising and promotional material.

6. Related documents

- Batchelor Institute Staff Code of Conduct
- Batchelor Institute Student Code of Conduct
- Batchelor Institute Bullying Policy
- Batchelor Institute Discrimination Policy
- Batchelor Institute Copyright Policy
- Batchelor Institute Marketing Policy, procedures and guidelines
- Batchelor Institute Social Media Policy, procedures and guidelines
- Batchelor Institute Community and Stakeholder Engagement protocols
- ICT Policy
- Batchelor Institute Style Manual

7. Modification history

Date	Version	Sections modified	Authority	Details
June 2014	1	New Policy	EMG	
November 2015	1.1	Revised Policy	Senior Policy Officer	Amendments to reflect revised organisational structure

8. Feedback

If you have any comments or feedback about this Policy, please contact Manager, Communications and Marketing (P) 89397313.

POLICY Fair Treatment, Equal Benefits and Opportunity Policy			
Date of approval	20 August 2014	Approved by	Academic Board
Date of effect	20 August 2014	Current to	August 2017
Registered no	STU016	Version	V2 2016
Policy Owner	Executive Director, Strategic & Shared Services		
Contact Officer	Manager, Student Services		

1. Outline

Batchelor Institute of Indigenous Tertiary Education (The Institute) supports the concept of equal opportunity and is committed to providing all staff, students and potential students with a working and learning environment which values diversity, respects differences and provides an environment that is safe, healthy, positive, supportive and free from all forms of harassment, bullying and discrimination.

2. Summary

This policy is a statement of the commitment of The Institute to Fair Treatment and Equal Benefits and Opportunity practices in accordance with provisions of the *Higher Education Support Act 2003* (HESA) and the associated Higher Education Provider and VET Provider Guidelines for the selection and treatment of all students and potential students.

3. Policy

- 3.1 The Institute supports the concept of equal opportunity and is committed to providing all staff, students and potential students with a working and learning environment which values diversity, respects differences and provides an environment that is safe, healthy, positive, supportive and free from all forms of harassment, bullying and discrimination.
- 3.2 The Institute has a stated commitment to treating all students fairly and has selection processes that ensure all persons seeking to enroll who are or would be eligible for Income Contingent Loans are treated fairly.

- 3.3 The Institute is committed to providing equal benefits and opportunity to all students in the selection process.

4. Responsibilities

- 4.1 **Employees.** This policy applies to all employees.
- 4.2 **Manager, Student Services.** Responsibility for the ongoing management of this policy and review every three years, or earlier if required.

5. Acronyms & Terms

Acronym/Term	Definition/Description
HESA	<i>The Higher Education Support Act 2003</i>
Guidelines	The Higher Education Provider and VET Provider Guidelines issued pursuant to the HESA.
Potential Student	All persons seeking to enrol in a VET or higher education unit of study that meets the course requirement under subclause 45(1) of schedule 1A of the HESA and who are, or would be, entitled to VET FEE-HELP or FEE-HELP assistance under the HESA.
Student	A person who is/has enrolled in a unit of study with The Institute and who would be entitled to VET FEE-HELP or FEE-HELP assistance under HESA.
Unit of study	A subject or unit that a student may undertake with the Institute as part of a course of study in which the student may access VET FEE-HELP or FEE-HELP to pay for all or part of their tuition fees for that unit.
VET FEE-HELP and FEE-HELP	<p>VET FEE-HELP is an income contingent loan scheme which assists students to pay for all or part of the tuition fees for approved VET courses. It is an extension of the existing higher education loan scheme FEE-HELP.</p> <p>FEE-HELP is an income contingent loan scheme that assists eligible students to pay for all or part of their tuition fees when studying one or more eligible higher education courses undertaken with an approved higher education provider.</p>

6. Related documents

Higher Education Support Act 2003

Higher Education Standards Framework (Threshold Standards) 2011

7. Modification history

Date	Version	Sections modified	Authority	Details
20 Aug 2014	v1 2014	New policy	Academic Board	
July 2015	V1.1 2015	s4.2, s8	Director, Student Services	Change of title due to organisational changes
November 2016	V2		Senior Policy Officer	Amendments due to changes in organisational titles and logo

8. Feedback

If you have any comments or feedback about this Policy, please contact the Manager, Student Services.