

**La Trobe University submission to 'Review of Freedom of Speech in Higher Education'**  
**January 2019**

La Trobe University welcomes the opportunity to make this short submission. The University supports the current provisions in the Higher Education Support Act 2003 and Higher Education Standards Framework and believes they are appropriate national policy settings.

**Term of Reference 1: Assess the effectiveness of the Higher Education Standards Framework (the Standards) to promote and protect freedom of expression and freedom of intellectual inquiry in higher education.**

The Higher Education Support Act 2003 has as an object that the higher education system be one that “promotes and protects free intellectual inquiry, learning, teaching and research” and requires that a Table B provider must have a policy that “upholds free intellectual inquiry in relation to learning, teaching and research”. The Higher Education Standards Framework also require an environment where “freedom of intellectual inquiry is upheld and protected” and that registered Higher Education Providers have a “commitment to and support for free intellectual inquiry in its academic endeavours”. La Trobe University supports these provisions and believes they are appropriate national policy settings.

**Term of Reference 2: Assess the effectiveness of the policies and practices to address the requirements of the Standards, to promote and protect freedom of expression and intellectual inquiry.**

The *La Trobe University Act 2009* requires that the University serve the public interest by “promoting critical and free enquiry, informed intellectual discourse and public debate” and that Council members have “an appreciation of the values of a university relating to teaching, research, independence and academic freedom.”

For more than 50 years La Trobe has been an institution which has embraced free speech and enabled a robust diversity of views. Over the years a myriad of issues has been discussed in tutorial rooms, lecture halls, meetings and public spaces on campus. Throughout this time La Trobe has remained open minded, respectful and tolerant of differences in opinion.

Beyond the debate on contemporary issues embedded into course design, La Trobe’s ‘Bold Thinking’ public lecture series draws on the University's plethora of high-impact research and the sessions tackle some of the hottest topics trending in contemporary Australia. Similarly, ‘Ideas and Society’ is a series of debates and public lectures with leading thinkers and public figures.

Of the 312 policies in the La Trobe University Policy Library, 75 policies take into account or relate to expression, speech and ideas. Of these, 5 policies expressly mention academic freedom or freedom of expression or freedom of enquiry; namely:

- Staff Code of Conduct
- Educational Partnership Procedure – Agreement
- Recognition of Significant Service and Contributions Policy
- Representing the University (Public Utterances) Procedure
- Research Contracts and Grants Policy

In addition, the *La Trobe University Collective Agreement 2018* expressly concerns Academic Freedom and Intellectual Freedom. In relation to the latter the Collective Agreement states:

*7.1 (a) The University recognises that its greatest assets are its staff and students, and that its capacity to support, develop and provide critique of Australian society will be greatest when intellectual freedom is exercised in a manner consistent with a responsible search for knowledge and its dissemination.*

*7.1 (b) The University will encourage a genuinely collegial University, within which problems are shared and worked on collectively, and also within which staff members are encouraged to participate in the University's operations.*

*7.1 (c) The University supports and upholds the concept and practice of intellectual freedom.*

*7.1 (d) In addition, the University supports the ability of all Staff to raise matters relating to alleged corrupt conduct or maladministration in accordance with University policy and applicable legislation.*

La Trobe makes some of its rooms and spaces available for hire by external groups and members of the public. Rooms and spaces will only be made available where they are not being used and where the proposed use will not interfere with, or cause undue disruption to, the University's core functions (i.e. teaching, learning and research). Where La Trobe's rooms and spaces are available, La Trobe may hire such facilities to external groups and members of the public to support (amongst other things) community events and activities. When deciding whether to hire its rooms and spaces to external groups and individuals, the University will consider a range of factors, including whether the proposed event:

- may negatively impact on the safety and security of our students, staff or the wider La Trobe community;
- will negatively impact on La Trobe's reputation;
- may breach any law;
- is one of public interest; and
- contains content which represents an extreme view that conflicts with established scientific evidence.

**Term of Reference 3: Assess international approaches to the promotion and protection of free expression and free intellectual inquiry in higher education settings, and consider whether any of these approaches would add to protections already in place in the Australian context.**

La Trobe notes the Minister of Higher Education's public reference to the statement issued by the *Committee on Freedom of Expression at the University of Chicago*. This statement outlines the University's commitment to freedom of speech while also recognising the requirement for the all people and the organisation to operate within the bounds of the law.

La Trobe University does not believe that this statement is fundamentally different from the protections already in place in Australia.

**Term of Reference 4: Outline realistic and practical options that could be considered to better promote and protect freedom of expression and freedom of intellectual inquiry, including:**

- **revision/clarification of the Standards**
- **development of a sector-led code of conduct.**

La Trobe University considers that the provisions of the Higher Education Support Act and the Higher Education Standards Framework are adequate and appropriate, and that no amendment is required.

Codes of conduct for staff are related to the local enterprise agreements and, in this context, a national code would be problematic. There is also the potential that any introduction of a sector wide code could impact on the principle of institutional autonomy, itself a safeguard for freedoms of expression and intellectual inquiry.