14 January 2019

The Hon Robert S French AC
Secretariat for Review of Freedom of Speech
Quality and Access Branch
Higher Education Group
Australian Department of Education and Training

E: freedomofspeechreview@education.gov.au

Dear Hon Robert S French AC

Review of freedom of speech in higher education

I write in regard to your request for information to assist with your review of policies supporting freedom of expression and intellectual inquiry in Australian higher education. Please find attached a detailed response to the series of questions contained in your letter dated 29 November 2018.
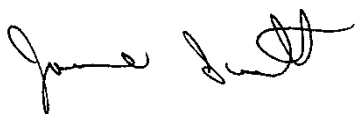
The regulation of intellectual freedom is complex and distinct from free speech, which is regulated by law and to which universities are subject. USC considers freedom of enquiry and expression as essential to the proper conduct of teaching, research and scholarship. The University's position on the importance of academic freedom, as central to its purpose as a modern university, is reflected in a wide range of public documents including the *Strategic Plan 2019-2022*, *Staff Code of Conduct* and *Student Charter*.

The *Higher Education Standards Framework 2015 (6.1.4)* requires that 'the governing body takes steps to develop and maintain an institutional environment in which freedom of intellectual inquiry is upheld and protected.' USC has endeavoured to create an environment where freedom of intellectual inquiry is articulated within policy supported by a culture within which students and staff are able to actively participate in robust rational debate confident that they will be treated with courtesy, fairness and respect.

The development of a national code that respects the legitimate institutional autonomy of Australian universities presents some challenges. For example, the terms and conditions contained in industrial instruments such as Enterprise Agreements and employment contracts may prohibit consistency across the sector. A further complication is the associated policies and procedures that exist, in particular with respect to Codes of Conduct and disciplinary processes, where misconduct matters related to reputational risk or damage to an organisation occurs.

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I trust that these observations and the information that that has been provided in the attached document are helpful, and I look forward to learning of the outcomes of your review.

Yours sincerely,

Professor Joanne Scott
Pro Vice-Chancellor (Engagement)

Encl: Response to request for information

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.

USC's *Social Media - Managerial Policy* was developed in 2017 and is available publicly. During its development the matter of freedom of expression and intellectual inquiry did not draw any particular commentary or debate, however, the policy directs staff to consult USC's *Social Media – Guidelines for USC Use.* The guidelines which are not available on the University website are attached for your information.

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 *Higher Education Standards Framework 2015 (6.1.4)* requires that 'the governing body takes steps to develop and maintain an institutional environment in which freedom of intellectual inquiry is upheld and protected.' USC's effort to support such an environment is evident within its publicly-available policies which address these matters and include:

Social Media - Managerial Policy
- www.usc.edu.au/explore/policies-and-procedures/social-media-managerial-policy

Marketing and External Engagement - Managerial Policy
- www.usc.edu.au/explore/policies-and-procedures/marketing-and-external-engagement-managerial-policy

Staff Code of Conduct - Governing Policy
- www.usc.edu.au/explore/policies-and-procedures/staff-code-of-conduct-governing-policy

Learning and Teaching - Academic Policy
- www.usc.edu.au/explore/policies-and-procedures/learning-and-teaching-academic-policy

Enterprise Agreement (2014-2018)
- www.usc.edu.au/explore/policies-and-procedures/enterprise-agreement-2014-2018

USC Student Charter
- www.usc.edu.au/current-students/student-charter

USC maintains an *Enterprise Risk Management – Governing Policy*, *Risk Management Procedures* and *Audit and Assurance Framework - Governing Policy* all of which are available publicly:
- www.usc.edu.au/explore/policies-and-procedures/enterprise-risk-management-governing-policy
- www.usc.edu.au/explore/policies-and-procedures/risk-management-procedures
- www.usc.edu.au/explore/policies-and-procedures/audit-and-assurance-framework-governing-policy

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

Social Media - Managerial Policy

4.1.1 Given the public and ubiquitous nature of social media, it is important staff and students are aware that the standards of behaviours that apply in 'real life' for interacting with others within and outside the USC community also apply to online interactions. The same respect, courtesy and professionalism expected in real life interactions should be displayed online. Likewise, the consequences that apply for breaching University policies and procedures including the Staff Code of Conduct – Governing Policy and the Student Conduct – Governing Policy apply to breaches of conduct in an online environment.

4.1.4 Staff may share their expertise through social media. Where comment is made on a matter which is directly related to their area of expertise, staff may establish their credentials by using their title, affiliation with USC, and link to their staff or research profile. It may be necessary to include a disclaimer which states that the opinions expressed do not necessarily represent that of USC.

4.1.5 Requests for staff to act as spokespersons on behalf of the University through social media are managed through referral to Marketing and External Engagement.

Marketing and External Engagement - Managerial Policy

7.1 All media relations activities and contact with any media outlets must be directed through the media team within Marketing and External Engagement. Official USC releases are issued only by this team.

7.2 Media organisations seeking to visit any USC campuses or facilities must be directed first to Marketing and External Engagement.

7.3 Academic staff are encouraged to share their expertise with media on matters of community interest. The Vice-Chancellor and President, however, is the principal spokesperson for USC on matters of policy and corporate issues.

7.4 During a critical incident, all communications with the media must be arranged and managed by the Manager, Media and Messaging. Refer to the Critical Incident Management - Governing Policy.

7.5 All staff who are likely to be required to do media interviews must complete the approved media training program.

Staff Code of Conduct - Governing Policy

4.3.1 Academic freedom

The Code of Conduct and having respect for the law and system of government, does not detract from the academic freedom of staff. Staff can assume the right to pursue critical and open inquiry and engage in constructive criticism on matters of public concern within their area of expertise. Academic staff are encouraged to share their expertise within their area of qualification with media on matters of community interest. Any comment on matters outside the academic staff member's area of expertise must be made in their capacity as a private citizen.

Enterprise Agreement (2014-2018)
8.5 Intellectual and academic freedom
The parties are committed to act in a manner consistent with the protection and promotion of the principles of intellectual and Academic freedom within the University.

The principles include the right of staff to:
- Pursue critical and open inquiry;
- Participate in public debates and express opinions about their discipline or profession, general social issues and higher education issues;
- Participate in decision making processes within the University via appropriate representation on University committees;
- Participate in professional and representative bodies, including trade unions, without fear of harassment or intimidation; and
- Undertake all aspects of their role without fear of harassment, bullying, intimidation or unfair treatment.

All staff have the right to express unpopular or controversial views, but this does not mean that they have a right to harass, vilify, bully or intimidate those who disagree with their views. These rights are linked to the responsibilities of staff to support the role of universities as places of independent learning and thought, where ideas may be put forward and opinion expressed freely, and as institutions which must be accountable for their expenditure of public money. These rights are also linked to the responsibilities of staff outlined in the University's Code of Conduct.

Learning and Teaching - Academic Policy
3. Principles Informing Learning and Teaching
The University will:
> sustain a community of enquiry that exemplifies freedom of thought, freedom of expression, and mutual respect.

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

USC has not undertaken any policy reviews specific to this matter.

5. **Any observations that they would like to make which they think might find helpful to the Review.**

Refer to cover letter dated 14 January 2019.

USC SOCIAL MEDIA GUIDELINES

About these Guidelines

These guidelines have been developed to provide staff engaging in the professional use of social media with advice about USC policy and expectations in this media space.

Overview

The Marketing and External Engagement (M&EE) Team manages key corporate social media channels on behalf of the University including, but not limited to, YouTube, Instagram, Twitter, Facebook, LinkedIn and Snapchat. By-and-large these accounts are used as PR and marketing tools to promote the University and create relationships with USC stakeholders, both internal and external to the University. M&EE maintains on-going social media content and audience strategies for each of the USC platforms, in line with social media insights gathered by the team. USC's social media channels are an extension of the USC brand and must be managed professionally. Therefore, as custodians of the USC brand M&EE must be consulted on all USC-related social media accounts. If a staff member wishes to open a USC-related social media account (to be managed by the individual staff member or team) M&EE will need to assess the proposal. The following provides further information about determining suitability of suggested USC-related social media accounts, and guidelines for using social media should it be determined social media is appropriate for your business purposes.

Maintaining the USC brand

The way in which USC visually presents itself to the public influences the perception people have of our University. Poorly produced material including videos, images, advertisements and social media content can ultimately impact negatively on the USC brand. Unprofessional-looking social media accounts can create negative perceptions about the quality of USC programs, and the University generally. So it is for this reason that any publicly produced material, including social media content, must be approved by M&EE. For more information about M&EE's role in administering the USC brand, see: Marketing and External Engagement - Managerial Policy.

Is social media appropriate for your purposes?

Before discussing your social media ideas with M&EE you need to ask yourself a few important questions, to work out if social media is appropriate for your purposes. Social media can be very time consuming and as discussed, if managed poorly can reflect badly on the University. It's also often not the best solution for communication purposes. The following questions will help you decide if social media is worth the effort for you.

1. **What are your objectives?** What are you trying to achieve? If it's to provide general information to a specific group (about a project, or topic) a Facebook Page is probably not the best way. Consider other options, like a Facebook Group. Or is your project research-based? If so social media may be appropriate for you, but it's likely you'll get better traction on Twitter, or LinkedIn.

2. **Is it engaging?** Is your project or initiative highly visual, interesting, scientific, funny, or does it have a human interest? In the case of Facebook and Instagram your content MUST be engaging (people must 'like' it, share it, comment on it). If they don't, Facebook will determine your content to be of low interest to your audience and will not display it in people's news feeds – resulting in low consumption of your content and a waste of your time and resources.

3. **Do you have a budget?** There is a misconception that social media is free. This is not the case. Nowadays for most social media platforms you need to pay to 'sponsor' your posts if you want more people to see them. In the case of Facebook, it's now become a necessity to boost all posts, so you're going to need a budget.

4. **Do you have an audience?** Social media is becoming the perceived silver bullet for communication and one of the biggest mistakes people make is opening a social media account because they think they should, or because they have something they want to tell people. But is there an audience of people out there that wants to receive information about your initiative/project on an ongoing basis? If you built in, they won't necessarily come.

5. **Does your project have longevity?** If your initiative has a short life span, i.e. the project you want to promote will be over in a few months, social media is probably not appropriate for you. What will happen to all of your followers after the project finishes?

6. **Do you have enough resources?** Social media requires maintenance. Accounts require regular posting and content needs to be: engaging, professional and visual. There are a range of applications available to help you design professional content, but do you have the time and resources required to do it? Do you have time to source professional imagery? You will need either access to a photographer or access to a suitable image library to keep your account professional.

7. **Is there something similar already?** There are a range of USC social media pages and groups already set-up and currently being managed by both USC staff and students. Could you provide content for one of these pages? And if a similar account already exists don't create a new one. This would be very confusing for our audience/s.
   See USC's current accounts/pages, here: http://www.usc.edu.au/explore/usc-news-exchange/social-media

8. **Could your content go on one of the primary USC pages?** If you have an interesting project/initiative/event you would like to promote it might be suitable for the main USC page. M&EE is always looking for great content so discuss your idea with us. Just remember M&EE maintains specific content strategies for each of the USC accounts so your idea will need to meet certain criteria.

Guidelines

If after answering the above questions you decide social media *is* the best approach for your business need, speak to M&EE and we will provide advice on the best channel for you to use.

Facebook Pages versus Facebook Groups

In most cases, for USC-related social media content the most appropriate channel for you to use will be Facebook, but by creating a Facebook **Group** rather than a Facebook Page. Nowadays if people don't engage with your content (click, comment, like, share it) on a regular basis on your Facebook Page, they stop seeing your content. Facebook's algorithms are designed to only show content it thinks people want to see, determined by how much engagement that content achieves. So you will eventually stop seeing content from the Pages you don't regularly engage with. This provides a huge challenge for people managing Facebook Pages because a lot of their content is not actually being seen. Because of this, Facebook Pages are no longer the best place to share information and they are often a large waste of resources. Facebook Pages are now focused on businesses and used first and foremost as marketing tools. And you're now required to pay for the privilege. Facebook Pages are expensive to run because you now need to 'boost' your posts if you want your followers to see them. In addition, because of the highly visual nature of the platform, extensive creative resourcing is needed to manage a successful Facebook Page (graphic design, professional photography, video and photo editing software – or budget to source externally).

Unlike Facebook Pages, when you post to a Facebook Group all of your followers see it – without the requirement for them to regularly engage with your content. Also, because Groups are now accepted as the preferred option for more general content there is also less onus on content needing to be of a professional quality. See more information on Facebook Pages and Groups.

Contact M&EE for a 'how to' guide on setting-up a Facebook Group, along with tips on doing so without the need to use your personal Facebook profile.

Representing USC on social media

As with all areas of your conduct at work, consider how your actions reflect on you, and the University. While these guidelines do not cover the personal use of social media, if you identify the University in your personal social media account, for example state your job title and employer on Twitter, you must state in your 'About' section that all views expressed are your own (and not reflective of the University's). Staff must never suggest or imply USC endorsement of personal views.

Staff and students are not permitted to use the USC logo to represent themselves on social media and professional network pages and platforms. Reference to USC can only be made in words to provide context of the relationship. This also includes using the USC logo on University-related social media accounts and Facebook Pages. Due to branding restrictions the only social media accounts approved to utilise the USC logo are the 'official' accounts managed by M&EE.

For USC-related social media accounts the rules governing corporate identity are managed in line with the Brand Guidelines which are reviewed and updated periodically by M&EE. All staff, students, agents and partners both on and offshore who wish to use the USC logo must obtain formal approval from M&EE.

If you're managing a USC-related account:

1. Stay up-to-date with social media trends and changes. Facebook for example changes the way it operates on a very regular basis. This is information you need to be aware of to allow you to manage your account effectively.
2. Be aware that your account reflects on the University. Your account must be managed professionally and diligently.
3. Adapt your writing-style to suit your audience, and the platform. Social media posts cannot be long-winded. To be effective they need to be short and punchy, with an appropriate attention-grabbing headline where possible. If you have more to say, include a link to more information. Or try to 'say more' with the visuals you include (photos, infographic).
4. Do not bring the University, staff, students or partners into disrepute via any platform.
5. Never under any circumstances comment on posts on-behalf of the University, or speak for the University, outside of providing general information.
6. Be honest, genuine and helpful. Social media is a customer service platform.
7. Protect your privacy. Do not divulge personal facts or information about yourself that may compromise your personal and professional privacy.
8. Be factual. Avoid personal opinion or judgements and ensure information supplied is factual and objective.
9. Never post in haste. If in doubt, take some time out to think about your response and get a second opinion.
10. Don't engage in arguments. If you provide information or respond to a query and are met with criticism or rudeness, don't continue any further discussion with the individual.
11. The USC code of conduct applies. Social media use is subject to the same policies and procedures that cover every area of your work at USC. Never use discriminatory or offensive language (not even if intended to be humorous). Do not use University resources for personal gain. If you encounter a disagreement, be respectful and act constructively and objectively. Do not post confidential information. Refer to www.usc.edu.au/codeofconduct and related policies (http://www.usc.edu.au/Policy).

Resources

When considering a social media channel it's important to be aware of the ongoing time commitment and resources it will require. The channel itself may be free to set-up, but the ongoing time investment is not.

-   Think about who will be responsible for updating/posting content.
-   What will be your approval process for posting content? Do you need to seek managerial approval?
-   Consider who will be back-up in the event the person who updates your page should go on leave.
-   Use a generic email address as the contact email for the page/account, instead of a personal one (contact IT Services to set one up).

- Think about the amount of time the use of social media will take each week and make sure there are resources for continued maintenance before you set it up. Once established, it is an ongoing, long term commitment.

Copyright and talent releases

Copyright policies apply to social media. The same rules apply for distributing images on Facebook as any other media channel.
- A talent release is required for persons prominently featured in photography that is distributed on social media. (See: *AV and Still Photography Release Form*)
- If you are taking photos at a USC event where individual talent release forms for every person attending are not possible, participants must be advised prior to the event that a photographer will be present and their photo may be taken. Advice must be provided on how attendees can elect not be photographed if preferred.
- Refer to copyright policies (http://www.usc.edu.au/CopyrightPolicy).

Risk Management

Revel in the glowing positive feedback and witty comments from engaged members of the community BUT, be prepared for the downsides of transparency also. No relationship is perfect all the time, prepare for good and bad feedback.

- Discuss how you and your team will handle negative comments when they arise. Develop a formal process for who needs to be notified in the event of negative feedback being received.
- Consider the type of issues you might have and be prepared with responses.
- Do not engage in a war of words. Keep any responses factual and objective.
- Alert the Media Manager in M&EE when extreme negative or positive information is being received, or if you feel the issue could have a reputational impact.

Need more help? If you have any questions feel free to shoot them to the social media area of the marketing team by emailing socialmedia@usc.edu.au.

Tip sheets available from M&EE:
- Social media tip sheet: Terms and conditions for competitions
- Social media tip sheet: Creating professional visual content (images and videos)
- Social media tip sheet: Social media planning
- Social media tip sheet: Submitting content ideas
- Form: AV and Still Photography Release Form
- How to set-up a Facebook Group
- USC Twitter Guidelines for staff