

Freedom of expression: Rights and Responsibilities - Policy and Procedures

Background

This discussion document for a UoA policy on Freedom of Expression is an outcome of the Hot Topic debate held on Nov 25th, 2019 to discuss the University's response to posters advocating what many staff felt were white supremacist views¹. This followed a public debate in August 2019 about the cancellation by the Massey University Vice-Chancellor, Professor Jan Thomas, of an invitation by Massey students for Don Brash to speak on campus².

As a result of the Hot Topic debate a working party was set up with the following membership:

- Prof Richard Easter, Physics Dept, Faculty of Science
- Prof Peter Hunter (Chair), Auckland Bioengineering Institute
- Prof Penelope Mathew, Faculty of Law (Dean)
- ³A/Prof Trudie McNaughton, Pro Vice-Chancellor (Equity)
- Dr Sereana Naepi, Social Sciences, Faculty of Arts
- Prof Paul Rishworth, Faculty of Law
- ⁴Alan Shaker, AUSA Education Vice-President (proposed by AUSA President Anamika Harirajh)
- A/Prof Kathy Smits, Politics and International Relations, Faculty of Arts
- ³A/Prof Tamasailau Suaalii-Sauni, Criminology Dept, Faculty of Arts
- Prof Martin Wilkinson, Politics and International Relations, Faculty of Arts
- Dr Suzanne Woodward, Public Policy Institute, Faculty of Arts

The hot topic debate was originally on the issue of "Under what circumstances should the University censor material posted on campus that is within the law", but was extended to include "Under what circumstances should the University prohibit potentially inflammatory speakers on campus". This also raised the question of how to achieve a balance between an individual's right to 'freedom of expression' and the University's duty to foster the wellbeing of students and staff. The working party was established in order to propose a policy white paper on these issues that, with endorsement from the Senate and then Council, would lead to a UoA policy document on 'Freedom of expression: Rights and Responsibilities'.

Note that an initial meeting was held in February 2020 but with the pandemic lockdowns the working group did not meet again until early September, when it then met with the new Vice-Chancellor, Professor Dawn Freshwater. We had hoped to bring a document back to the Senate in 2020, but with all the disruptions to university life that occurred last year, Senate meetings were cancelled or held on line, and it was finally presented and discussed at the meeting of Senate on March 29, 2021. On the plus side, this gave us the opportunity to present the proposed policy within the context of the recently released UoA [Taumata Teitei Vision 2030 and Strategic Plan 2025](#). This document puts the following statements at the forefront of UoA policy: 'We respect and appreciate what makes people different, harnessing the power of our diversity' and '... supporting the freedom to express controversial opinions and ideas without retribution' along with Manaakitanga – caring for those around us in the way we relate to each other.

¹ The Hot Topic debate was requested by the Auckland Vice-Chancellor at the time, Professor Stuart McCutcheon (<https://www.auckland.ac.nz/en/news/notices/2019/statement-on-white-supremacy-stickers-on-campus.html>) following widespread concern at the lack of University action in taking down the posters (<https://thespinoff.co.nz/society/30-09-2019/auckland-university-wont-remove-white-supremacist-signs-from-campus/>).

² Note also an earlier decision by the Auckland Mayor Phil Goff to deny access to city venues for two right wing Canadian speakers. Goff said "Views that divide rather than unite are repugnant, and I have made my views on this very clear. ... Let me be very clear, the right to free speech does not mean the right to be provided with an Auckland Council platform for that speech."

³ No longer a member of the working party, either because s/he has left the University or has resigned for some other reason.

⁴ Current (2021) AUSA exec.

Feedback from the discussion at Senate on March 29, and a subsequent Zoom meeting with UoA staff unable to attend the Senate meeting on June 14, was used to update the present document prior to a discussion with student groups at another Zoom meeting on June 30. The final version of the proposal will be presented to Senate on July 12, for approval prior to the meeting of Council on July 26.

In the following sections we discuss (i) the context and purpose of a new UoA policy on freedom of expression, (ii) the key principle on which the policy is based, together with a discussion of the types of controversial issue that will need to be evaluated by a Freedom of Expression Response Panel against that principle, (iii) operational guidelines for ensuring that the policy is adhered to, and (iv) examples of comparable statements on freedom of expression by other universities.

1. CONTEXT AND PURPOSE FOR A NEW UOA POLICY DOCUMENT

Te Tiriti o Waitangi

The development of this policy is in accordance with the University's (and the working group's) commitment to Te Tiriti o Waitangi:

"The Treaty of Waitangi is New Zealand's founding document and the University is committed to the rights and obligations articulated in the Treaty" (*University and the Treaty of Waitangi*)

In addition, we are guided by and attentive to the Values and Principles laid out in *Taumata Teitei (Vision 2030 and Strategic Plan 2025)*:

We are committed to positively impacting society, and to the advancement and exploration of knowledge. We will do this in ways consistent with our emerging Waipapa framework. Our fundamental principles reflect our foundational relationship with tangata whenua and our commitment to Te Tiriti.

Manaakitanga – Caring for those around us in the way we relate to each other.
Whanaungatanga – Recognising the importance of kinship and lasting relationships.
Kaitiakitanga – Valuing stewardship and guardianship and our relationship with the natural world.

To be clear about the purpose of creating a UoA policy on Freedom of Expression (FoE) we need to examine the context for such a policy within New Zealand. The University is legally bound to uphold Academic Freedom under the *Education and Training Act 2020* which says ([section 267](#)) that "It is the intention of Parliament in enacting the provisions of this Act relating to universities and wānanga that academic freedom and the autonomy of those institutions are preserved and enhanced", where 'academic freedom' means (among other things) "*the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas, and to state controversial or unpopular opinions*", but that "In exercising their academic freedom and autonomy, institutions must act in a manner that is consistent with (a) the need for institutions to maintain the *highest ethical standards* and the need to permit public scrutiny to ensure the maintenance of those standards; and (b) the need for institutions *to be accountable and make proper use of resources allocated to them.*"⁵

In addition, staff and students enjoy (in common with all in New Zealand) the general right to freedom of expression. The *NZ Bill of Rights Act 1990* constrains the ability of government, and bodies performing public functions, to restrict the rights of an individual ([Section 5](#)): "... *the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.*"⁶ For its part, the *Human Rights Act*

⁵ Text is *italicised* for the purpose of this discussion and is not italicised in the original documents referred to.

⁶ We have proceeded on the basis that it is likely that, in the exercise of its coercive powers affecting students, the University is performing a "public function" in terms of s 3(b) of the New Zealand Bill of Rights Act 1990. But the University is, of course, not itself a part of "Government". We have also proceeded on the basis that regardless of whether or not the University is technically bound by the Bill of Rights Act, it would wish to meet the minimum standards of protecting the freedom of expression that the Bill of Rights preserves.

[1993](#) deals with discrimination and governs the work of the New Zealand Human Rights Commission. That Act also includes both a civil and a criminal prohibition on publications inciting racial disharmony.⁷

The University has also developed its own [Code of Conduct](#) for staff and students, whose purpose is “to develop and maintain a standard of behaviour that supports and enables the University’s commitment to being a *safe, inclusive, equitable and respectful community*; both in-person and online”, but one that also includes a responsibility to “*Promote and defend academic freedom*”.

Finally, the University is an owner and occupier of its physical premises with rights under the [Property Law Act 2007](#) to remove material posted on campus (notice boards or elsewhere).

Purpose of the policy document

The policy is therefore aimed at situations when the University wants and needs to act proactively through the exercise of its powers. Those powers are derived from its role as a property owner (enacting the rules about notices or distribution of pamphlets), and also as a “regulator” of student and staff conduct consistent with the [Code of Conduct](#) and taking into account that any sanctions on speech have to be consistent both with academic freedom and with the right to freedom of expression in the [NZ Bill of Rights Act 1990](#). The regulatory powers come from statute (the [Education and Training Act 2020](#)) in the case of students, and employment law (itself largely statute-based) in the case of staff. Any written material posted on campus is subject to the jurisdiction of the University as landlord but the policy document should provide guidance to the University authorities regarding what is acceptable and what is not. Note that the new FoE (Freedom of Expression) policy and the existing [Event Management Policy](#) will need to align.

A further purpose of the policy document is to signal the values of the institution. It also controls and guides discriminatory decision-making powers given to individuals (from the Vice-Chancellor down).

Relationship with academic freedom and academic values

A university academic’s right to pursue any line of enquiry and to publicly discuss any issue related to their teaching and research responsibilities, falls under the ambit of *Academic Freedom*. This freedom is usually taken to include any topic that falls within their broad expertise, and also when commenting on or criticising university governance. We assume that when academics are making comments in a private capacity that are *not* informed by their academic expertise, they are exercising their right to freedom of expression, as outlined in this document. Clarifying this distinction (expert view under Academic Freedom versus personal view under Freedom of Expression) requires further discussion but is outside the scope of this document. Other than this, we do not comment further here on the hugely important role that Academic Freedom has in relation to the pursuit of knowledge for its own sake and to the time-honoured ‘critic and conscience’ role of universities.

A related point is the role that *academic values* play in relation to freedom of expression. We agree with Carolyn Evans and Adrienne Stone⁸ that “*While freedom of speech will always be important, in shaping its limits and articulating its boundaries, universities can and should consider academic values first.*” This has significant implications, in evaluating particular cases, for the right to freedom of expression: It is reasonable to expect that public statements within a university context should be exposed to evidence, questioning and argument, and therefore that the university should consider facilitating such exposure.

⁷ See ss 61 and 131 respectively.

⁸ Open Minds, Academic Freedom and Freedom of Speech in Australia. Carolyn Evans and Adrienne Stone. La Trobe Academic Press, 2021.

2. GUIDING PRINCIPLES

As expressed in FoE statements by many universities (see Section 4), the exchange of ideas is fundamental to academic scholarship and any institution that aspires to progress scholarship must avoid placing inappropriate constraints on the freedom to express them. This freedom, however, must be balanced by policies that protect individuals or groups from being targeted in harmful ways. The first, and rather obvious, observation is that balancing the right to freedom of expression with the right that our staff and students have to be safe from physical or mental harm cannot be achieved just by laying out rules and procedures. As we illustrate below, in many cases the University's response will require judgement that takes particular circumstances into account. We think, therefore, that it is important to establish an 'FoE Response Panel', with broad representation of stakeholder groups and the ability to call on appropriate expertise, that can respond quickly to a new situation.

We propose that the guiding principle for achieving this balance, and against which all material and actions should be judged by the FoE Response Panel, is :

The University should have a high tolerance for what might be seen as controversial, but public statements which disparage or harm vulnerable groups are not acceptable, even if they are within the law.

It is important that the Response Panel operates with the principles and values set by [Taumata Teitei Vision 2030 and Strategic Plan 2025](#).

Discussion

Since we have shifted the task of making decisions on the balance between rights and responsibilities for Freedom of Expression away from a set of prescribed rules and onto an FoE Response Panel dealing with individual cases, it is important to provide some indication to the Panel on the way in which we feel that this guiding principle is to be interpreted.

Progress in society often depends on robust debate, and Universities have a responsibility to encourage discussion of controversial issues facing society. The University should not make a decision affecting freedom of expression that falls below the threshold of being a "*reasonable limit that is demonstrably justified in a free and democratic society*" ([NZ Bill of Rights Act 1990](#)). That some people take offense at the expression of a particular viewpoint is not grounds for shutting down debate on an issue (the history of marriage equality legislation offers an example).

The message or its method of delivery, however, becomes unacceptable when the purpose or effect is to attack vulnerable individuals or groups such that it impedes their ability to participate fully in University life. Judging whether or not that *is* the effect, and deciding what constitutes a 'vulnerable' group or a 'harmful' action **must be** considered in the context of particular cases by a response panel with appropriate expertise, and is why a response panel is needed to consider each case. There is a thin line, over which people may disagree in practice, between mere offensiveness and offensiveness that causes harm (including mental harm) to a specific group. Moreover, the link between a speech, expression or materials and harm to vulnerable groups can be tenuous as it is complicated by many other factors.

Public statements that violate New Zealand law are generally not acceptable and this includes material that offends sections 61 and 131 of the [Human Rights Act 1993](#). Note that new legislation to make 'hate speech' a criminal offence will be debated by Parliament later this year. Any issue that constitutes 'hate speech' under Section 131 would be illegal and could be handed over to Police. However, we also have to consider the possibility of someone deliberately breaking the law to make a point, and where in fact many members of the University may be supportive.

Controversial statements in the context of a rational debate are more acceptable than those made without an alternative view being presented. For example, the much publicised debate [The Catholic Church is a Force for Good in the World](#) (or any other debate on a religious topic) will be seen by some

as offensive and by others as addressing an important issue. The response panel should therefore consider when it is appropriate to respond to a staff or student request to provide a platform for a controversial invited speaker by proposing a forum where alternative viewpoints are also presented. By 'platform' here we include materials put up in a public space on campus or speeches held in a public forum on campus, but not views that purport to represent the university in any venue off campus (including social media).

Another question that calls for judgement on an individual basis is the relevance of the 'truth' of a statement. Generally when considering freedom of expression, the truth or otherwise of the expression is not the point of contention. Anyone should be free to claim that the earth is flat or that 5G networks are part of a conspiracy to control us, but within a university context advocacy of a particular viewpoint must be open to rational, evidence-based debate.

Most contentious expression is, of course, likely to be opinion – e.g. that 'migration should be curtailed since our culture is being eroded'. But there are areas where factual disagreements are contentious. The "earth is flat" example really only works because most people are so confident about the silliness of that idea that we are content to let its silliness speak. An expression that is contentious, and which people don't like, is more problematic. The anti-vax campaign in the current COVID environment is an example where open debate would easily debunk scientifically baseless claims, but holding such a debate might give credence to a campaign that is damaging to public health.

Another issue that we have considered is that of anonymous posters. The academic freedom of which the Education Act speaks does not include the right to put up anonymous posters. However, that still leaves us with the question of whether it is a sound policy to say that all anonymous posters *should* be taken down, since there will be many that are benign and some that follow a long tradition of protest via anonymous slogans (e.g. anti-war posters; for or against independence in Hong Kong; for or against abortion; etc). We feel that it would be better to only remove posters where the effect is judged to be one of disparaging or harming vulnerable groups.

Note that the University has no obligation to host an outside speaker since every outside speaker is only there by invitation of a staff member or student, and the University as owner/occupier of the premises has the right to deny a request to use its facilities without violating human rights law either in the [NZ Bill of Rights Act 1990](#) or the [Human Rights Act 1993](#) in relation to discrimination on grounds of religious, political, or other, opinion.⁹ However, matters of obligation aside, universities can be and often are justly criticized for de-platforming – as happened with the Massey VC and Don Brash. If we are to be an institution that is open to ideas, then there has to be a principled basis for refusing to host some speakers but permitting others.

3. OPERATIONAL GUIDELINES

In making determinations on matters related to freedom of expression within its facilities, the University does not have an obligation to make its facilities available to persons who are not members of the University community. Persons who are members and who wish to use facilities must follow appropriate content-neutral University procedures for bookings and poster placement. All speech must be lawful and must not violate the Code of Conduct.

In the event that materials (such as posters or leaflets) are found on campus that clearly contravene the zero tolerance for discrimination position of the University, the Communications Office should liaise directly with the VC to have the offending materials removed and to put out a press release as soon as possible that states the University's condemnation of such views.

⁹ We assume that the University does not generally offer a service to the public of "rooms for hire", but that every University event is one of invitation on to its own premises.

Proposed composition and skills of the FoE Response Panel

It is important that the panel includes people with broad legal, ethical, and social expertise and who can together exercise balanced judgement to fairly assess the impact of the speech, expression or materials, including the potential to harm vulnerable groups. We propose:

- A panel convenor who decides who needs to be invited in addition to the standing members
- Two standing members elected by Senate
- A representative from the AUSA
- The Pro Vice-Chancellor Māori
- One or more members of academic staff with appropriate expertise in law and ethics
- Seconded representatives with expertise relevant to the issue

Note that the panel has at least 6 standing members, with more seconded to provide appropriate expertise in dealing with a specific situation. The panel will seek expert advice from members of the potentially targeted communities.

Quorum: At least 4 members of the Panel must be in attendance (in person or online) for the decision.

Note that every member of the Panel will be required to complete a training session on the relevant policies and regulations, the University's incident and risk framework¹⁰ as well as equity training (including understanding our [Te Tiriti responsibilities](#)).

Procedure for lodging a complaint

A complaint by a university staff member or student about any material or action felt to contradict the guiding principle of section 2 should be lodged at:

[Complaint or feedback on University service delivery \(auckland.ac.nz\)](#) (URL to be updated)

The threshold for initiating a discussion by the FoE Response Panel

- When several members of the university believe that an event or activity breaches the Freedom of Expression: Rights and Responsibilities Policy, they should lodge a formal submission outlining their objections. The submission must be supported by a minimum of 15 signatures from the university staff and/or students. This includes all staff, emeritus professors and holders of honorary academic appointments.
- The members of the FoE Response Panel will vote in response to every official submission (provided it has 15 signatories). If at least 2 members vote Yes, the submission will proceed to Formal Evaluation and the Response Panel will convene.
- The Response Panel will automatically convene for any submission with 100 or more named university staff or student signatories.
- The Response Panel can also be convened at the request of the Vice-Chancellor, the Senior Leadership Forum and the UEC, the Event Coordination Group¹¹, or a convened Strategic Response Team or Incident Management Team.
- A submission template will be available to students and staff on the university website, which clearly lays out the cause of the submission, the reason(s) for the submission, relevant evidence, and the signatures.
- This can apply to scheduled as well as unscheduled events and activities, such as poster, leaflet and sticker campaigns, demonstrations, and social media campaigns¹².
- Staff and students will be advised of the support available to them.

¹⁰ Risk Office will work with the Panel to provide relevant content to accompany this training, including visibility of incident levels, and risk and issue escalation pathways, to ensure that the FoE Response Panel would connect well with formal incident response if needed.

¹¹ [Event Compliance and Safety - The University of Auckland](#)

¹² How the University should deal with contentious social media posts by its staff and students is an issue that needs to be dealt with separately, possibly via another Hot Topic working group.

Outcomes:

- **Upheld:** The event or activity may not proceed
- **Denied:** The event or activity is allowed to proceed
- **Conditional:** The event or activity may proceed if certain conditions are met, including but not limited to -
 - A forum where issues can be discussed and alternative views can be presented
 - Sufficient advance warning in consideration of potentially affected staff and students
 - Provisions for student and staff support
 - Additional security
 - The event proceeds, but the University may take the opportunity to reiterate its own relevant policies, positions and values, or to make it clear that the positions likely to be advanced at the event are disputed by experts (including those at the University of Auckland).
- **Houhanga rongo:** A formal process that achieves a peaceful resolution¹³
- **Remedial:** applies to an event or activity that has already happened but is deemed to breach the FoE Policy. Actions may include:
 - A rebuttal event
 - Trespass notices
 - Student and staff support services
 - Public statement

Other considerations

- The Response Panel is bound to provide their decision within (ideally, but yet to be confirmed) one working day from when the form is lodged.
- In the interests of transparency, all decisions made by the Response Panel will be made public to the university community, including a rationale for the decision.
- The signatories of the submission may choose to remain anonymous in the published decision.
- The outcome of the Response Panel is advice to the VC, who makes the final decision. Having an internal appeals process would help avoid the possibility of a decision being subject to a judicial review, but whether we need such a process is left to the Vice-Chancellor to decide..
- If the Response Panel decides that a speech by an invited speaker should only be allowed to proceed if associated with a forum where contrary views are presented, there is still the question of who should organise the forum.

4. EXAMPLES FROM OTHER UNIVERSITIES

Many universities around the world have formulated policies on freedom of expression. Each of these policies to some extent reflects local constraints (e.g. existing legislation) but many recommendations or policies reflect universal issues and we summarise some of these here in order to compare and contrast them with our own proposal.

[Chicago Principles \(FOECommitteeReport.pdf \(uchicago.edu\)\)](#)

This report, written in 2014, has been accepted by many universities in the US and is broadly consistent with our view on the role of a university. However, our approach needs to acknowledge Te

¹³ Foundational to this discussion is the University of Auckland's commitment to Manaakitanga, Whanaungatanga and Kaitiakitanga as outlined in *Taumata Teitei*. These commitments obligate the university to consider the importance of kinship and relationship, how we care and relate to those around us and recognise our role as stewards and guardians of our relationship with the natural world.

Tiriti o Waitangi and the statutory context in which we're operating, which is rather different from the US Constitutional context. Key statements in the Chicago document are:

.. the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

[The Robert French Report \(Independent Review of Adoption of the Model Code on Freedom of Speech and Academic Freedom | Department of Education, Skills and Employment\)](#)

This review of freedom of speech and academic freedom in Australian universities was commissioned by the Australian Government and was led by former High Court Chief Justice and Chancellor of the University of Western Australia, Robert French. It was published in 2019 and has become the guiding document for a number of subsequent policies adopted by Australian universities.

Robert French had a much wider mandate for his deliberations than our UoA working party, but some key recommendations relevant to our discussion are:

Principles of the Code (page 233)

1. *Every member of the staff and every student at the university enjoys freedom of speech exercised on university land or in connection with the university subject only to restraints or burdens imposed by:*
 - *law;*
 - *the reasonable and proportionate regulation of conduct necessary to the discharge of the university's teaching and research activities;*
 - *the right and freedom of others to express themselves and to hear and receive information and opinions;*
 - *the reasonable and proportionate regulation of conduct to enable the university to fulfil its duty to foster the wellbeing of students and staff;*
 - *the reasonable and proportionate regulation of conduct necessary to enable the university to give effect to its legal duties including its duties to visitors to the university.*
2. *Subject to reasonable and proportionate regulation of the kind referred to in the previous Principle, a person's lawful speech on the university's land or in or in connection with a university activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content.*
3. *Every member of the academic staff and every student enjoys academic freedom subject only to prohibitions, restrictions or conditions:*

- *imposed by law;*
 - *imposed by the reasonable and proportionate regulation necessary to the discharge of the university's teaching and research activities;*
 - *imposed by the reasonable and proportionate regulation necessary to discharge the university's duty to foster the wellbeing of students and staff;*
 - *imposed by the reasonable and proportionate regulation to enable the university to give effect to its legal duties;*
 - *imposed by the university by way of its reasonable requirements as to the courses to be delivered and the content and means of their delivery.*
4. *The exercise by a member of the academic staff or of a student of academic freedom, subject to the above limitations, shall not constitute misconduct nor attract any penalty or other adverse action.*
 5. *In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the university shall take all reasonable steps to minimise the restrictions or burdens imposed by such arrangements or conditions on the freedom of speech or academic freedom of any member of the academic staff or students carrying on research or study under such arrangements or subject to such conditions.*
 6. *The university has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on university land and use university facilities and in so doing may:*
 - (a) *require the person or persons organising the event to comply with the university's booking procedures and to provide information relevant to the conduct of any event, and any public safety and security issues;*
 - (b) *distinguish between invited visitors and external visitors in framing any such requirements and conditions;*
 - (c) *refuse permission to any invited visitor or external visitor to speak on university land or at university facilities where the content of the speech is or is likely to:*
 - (i) *be unlawful;*
 - (ii) *prejudice the fulfilment by the university of its duty to foster the wellbeing of staff and students;*
 - (iii) *involve the advancement of theories or propositions which purport to be based on scholarship or research but which fall below scholarly standards to such an extent as to be detrimental to the university's character as an institution of higher learning;*
 - (d) *require a person or persons seeking permission for the use of university land or facilities for any visiting speaker to contribute in whole or in part to the cost of providing security and other measures in the interests of public safety and order in connection with the event at which the visitor is to speak.*
 7. *Subject to the preceding Principles the university shall not refuse permission for the use of its land or facilities by an external visitor or invited visitor nor attach conditions to its permission, solely on the basis of the content of the proposed speech by the visitor.*

University of Western Australia ([UWA Policy Library : The University of Western Australia](#))

The report of the UWA Freedom of Expression Working Group contains 18 recommendations together with the following 'UWA Statement on Freedom of Expression':

The exchange of ideas is fundamental to academic scholarship. Consequently, any institution that aspires to progress scholarship must avoid placing inappropriate constraints on the freedom to express them. The University of Western Australia's steadfast commitment to advancing knowledge and understanding is underpinned by an openness to considering ideas that challenge existing belief

structures. We nurture an environment that is conducive not only to the free expression of such ideas, but also to their critical evaluation. Of course, freedom of expression is not absolute. It is limited by legal restrictions that prohibit certain forms of expression, such as defamation. Moreover, the dehumanisation or vilification of marginalised groups has no legitimate place in society or within our institution. The need to responsibly discharge core University business also may at times impose practical limitations on opportunities for expression, for example by limiting access to venues. Beyond these constraints freedom of expression is unfettered within our University, and so a multitude of ideas will be encountered here. This freedom to express ideas is constrained neither by their perceived capacity to elicit discomfort, nor by presuppositions concerning their veracity. Allowing the expression of ideas does not imply their endorsement by the University. Nor does the fact that diverse ideas can be expressed here with equivalent freedom mean that these ideas all have equivalent merit, or are deserving of equal esteem. Some will lead to the revelation of new truths, and progress knowledge in important ways that contribute to the betterment of society, while others may be ill-considered fallacies with no substantive basis in fact. Assuring the freedom to express ideas allows our University to expose them to rigorous appraisal, and the continuous disputation of ideas is to be expected and encouraged. The search for wisdom must be fearless, and hold to account ideas that compromise reason, contradict knowledge and undermine truth. By foregoing the comfort of denying such ideas expression within our institution, we accept our responsibility to play a meaningful role in preventing them from taking root unchallenged within the wider community. Affording scrutiny to freely expressed ideas, to distinguish those that have substance and value from those that do not, enables The University of Western Australia to deliver the benefits of our intellectual scholarship to the society we serve, by empowering public discussion that is rational, well-informed, and enlightened.

University of Melbourne ([Freedom of Speech Policy \(MPF1342\) : Policy : The University of Melbourne](#))

Policy

4.1 The University supports the exercise of lawful freedom of speech. The University recognises that the advancement of knowledge and learning requires:

- (a) university autonomy, academic freedom and freedom of speech to be core values of the University;
- (b) an environment in which debate and criticism are a fundamental part of university life; and
- (c) a commitment to orthodoxies being challenged and ideas subject to debate and criticism.

4.2 As set out separately in the Academic Freedom of Expression Policy, the University preserves, defends and promotes academic freedom in the conduct of its affairs, so that all scholars of the University are free to engage in critical enquiry, scholarly endeavour and public discourse without fear or favour.

4.3 The University recognises the right to protest as a manifestation of freedom of speech.

4.4 The University expects that in public events and public discourse conducted by or associated with the University, participants will respect the need for reasoned argument, discourse and debate.

4.5 The University does not support the exercise of freedom of speech when the exercise undermines the capacity of individuals to participate fully in the University, or jeopardises the physical safety of individuals, or unreasonably disrupts activities or operations of the University.

4.6 When outside individuals or bodies seek to hire University facilities for events, the University will give consideration to the public interest and the objective of promoting critical and free enquiry, informed intellectual discourse and public debate.

University of Oxford ([Statement on the importance of the freedom of speech.pdf \(ox.ac.uk\)](#))

Free speech is the lifeblood of a university

It enables the pursuit of knowledge. It helps us approach truth. It allows students, teachers and researchers to become better acquainted with the variety of beliefs, theories and opinions in the world. Recognising the vital importance of free expression for the life of the mind, a university may make rules concerning the conduct of debate but should never prevent speech that is lawful.

Inevitably, this will mean that members of the University are confronted with views that some find unsettling, extreme or offensive. The University must therefore foster freedom of expression within a framework of robust civility. Not all theories deserve equal respect. A university values expertise and intellectual achievement as well as openness. But, within the bounds set by law, all voices or views which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument. As an integral part of this commitment to freedom of expression, we will take steps to ensure that all such exchanges happen peacefully. With appropriate regulation of the time, place and manner of events, neither speakers nor listeners should have any reasonable grounds to feel intimidated or censored.

It is this understanding of the central importance and specific roles of free speech in a university that underlies the detailed procedures of the University of Oxford.