

# CA ANZ Academic Freedom Statement

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| <b>Policy Name</b>       | CA ANZ Academic Freedom Statement       |                         |                  |
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## Objects

The objects of this Statement are:

- (1) To ensure that the freedom of lawful speech of Chartered Accountants Australia and New Zealand (**CA ANZ**) higher education program staff, candidates and visitors to the institution, which they share with all people, is treated as a paramount value and is not restricted nor its exercise burdened by limits or conditions other than those imposed by law or by reasonable regulation of access to and use of the institution's land and facilities and the discharge of its legal duties of care to those who come on to its land whether as higher education staff, program candidates or program visitors and its duty to foster the wellbeing of CA ANZ higher education program candidates and staff.
- (2) To ensure that freedom of speech and intellectual inquiry as aspects of academic freedom are treated as paramount values by the institution.
- (3) To affirm the importance which the institution accords to its institutional autonomy under law in the regulation of its affairs, including in the protection of freedom of speech and academic freedom.

## Application

This Statement applies to the governing body of CA ANZ, its officers and employees and its decision-making organs, including those exercising higher education academic governance and responsibilities and any student or CA Program candidate representing CA ANZ.

## Definitions

'academic freedom' for the purposes of this Statement comprises the following elements:

- the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research without restriction by established scholarly consensus or institutional policy, but subject to scholarly standards;

- the freedom of CA ANZ higher education academic staff and program candidates to engage in intellectual inquiry, to express their opinions and beliefs, and to contribute to public debate, in relation to their subjects of study and research;
- the freedom of CA ANZ higher education academic staff and program candidates to express their opinions in relation to the institution in which they work or are enrolled free from institutional censorship;
- the freedom of CA ANZ higher education academic staff and program candidates to make public comment on any issue in their personal capacities, not speaking either on behalf of the institution or as an officer of the institution;
- the freedom of CA ANZ higher education academic staff to participate in professional or representative academic bodies;
- the autonomy of the institution which resides in its governors, executive and CA ANZ higher education academic staff in relation to the choice of academic offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted.

**‘external visiting speaker’** any person who is not an invited visiting speaker and for whom permission is sought to speak on the institution’s land or facilities.

**‘invited visiting speaker’** any person who has been invited by the institution or by a member or members of higher education academic staff of CA ANZ to speak on the CA ANZ’s land or facilities.

**‘speech’** extends to all forms of expressive conduct including oral speech and written, artistic, musical and performing works and activity; the word ‘speak’ has a corresponding meaning.

**‘the duty to foster the wellbeing of staff and CA ANZ higher education program candidates’;**

- includes the duty to ensure that no member of staff and no candidate suffers unfair disadvantage or unfair adverse discrimination by reason of their inherent attributes;
- includes the duty to ensure that no member of staff and no candidate is subject to threatening or intimidating behaviour by another person or persons on account of anything they have said in exercising their freedom of speech;
- supports reasonable and proportionate measures to prevent any person from using lawful speech which is intended to insult, humiliate or intimidate other persons and which a reasonable person would regard, in the circumstances, as likely to have one or more of those effects;
- does not extend to a duty to protect any person from feeling offended or shocked or insulted by the lawful speech of another.

**‘the institution’** means CA ANZ as an entity and includes its decision-making organs and officers and entities controlled by CA ANZ.

## Operation

- (1) The institution shall have regard to the principles of this Statement.

## Principles of the Statement

- (1) Every CA ANZ higher education academic staff or program candidate has the same freedom of speech in connection with activities conducted on institution land or otherwise in

connection with the institution, as any other person in Australia subject only to the constraints imposed by:

- the reasonable and proportionate regulation of conduct necessary to the discharge of the institution's teaching, research and professional membership activities;
  - the right and freedom of all to express themselves and to hear and receive information and opinions;
  - the institution's by-laws and regulations which are approved in accordance with the institution's Royal Charter; and
  - the reasonable and proportionate regulation of conduct to enable the institution to fulfil its duty to foster the wellbeing of CA ANZ higher education program candidates and staff.
- (2) Subject to reasonable and proportionate regulation of the kind referred to in the previous principle, a person's lawful expressive conduct on the institution's land or in or in connection with an institution activity shall not constitute misconduct nor attract any unjust penalty or other adverse action by reference only to its content or manner of delivery.
  - (3) The exercise by a member of the CA ANZ higher education academic staff member or candidate of academic freedom shall not constitute misconduct nor attract any unjust penalty or other adverse action.
  - (4) In entering into affiliation, collaborative or contractual arrangements with third parties and in accepting donations from third parties subject to conditions, the institution shall take all reasonable steps to minimise the constraints imposed by such arrangements or conditions on the freedom of speech or academic freedom of any member of CA ANZ higher education academic staff or program candidate carrying on research or study under such arrangements or subject to such conditions.
  - (5) The institution has the right and responsibility to determine the terms and conditions upon which it shall permit external visitors and invited visitors to speak on institution land and use institution facilities and in so doing may:
    - (a) require the person or persons organising the event to comply with the institution'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 institution land or at institution facilities where the content of the speech is or is likely to:
      - (i) be unlawful;
      - (ii) prejudice the fulfilment by CA ANZ of its duty to foster the wellbeing of staff and its higher education program candidates;
      - (iii) involve the advancement of theories or propositions which do not meet scholarly standards to such an extent as to be detrimental to the institution's character as an institution of higher learning.
  - (6) in the case of an external visitor, require the person or persons seeking permission for the use of institution land or facilities 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 external visitor is speaking.
  - (7) Consistently with this Statement the institution may take reasonable and proportionate steps to ensure that prospective CA ANZ higher education program candidates have an

opportunity to be informed of the content of their program course, and to seek advice about the course content.

### Version history

| Approved Date    | Effective Date   | Change History                                  | Version | Next Review Date |
|------------------|------------------|---|---------|------------------|
| 29 November 2019 | 29 November 2019 | Document establishment                          | 1.0     | November 2024    |
|                  | 22 January 2024  | Template updated and minor technical amendments | 1.1     | November 2024    |

*Chartered Accountants Australia and New Zealand (CA ANZ) is a registered Australian higher education provider in the category of 'Institute of Higher Education' (TEQSA Provider ID: PRV12024).*