



THE ACADEMIC VOICE

Newsletter of the
UWA Staff Association

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FREEDOM OF SPEECH AT UWA

Australians, it is said, sometimes think they have the same rights to freedom of speech as those enshrined in the American Bill of Rights. This, however, is not the case.

Freedom of speech, while a general expectation and widespread practice in Australian society, is not guaranteed by the constitution and is restricted in a variety of ways, e.g. laws against libel, slander and racial vilification. What may be one of the most widespread forms of restriction is to be found in the domain of 'commercial-in-confidence' and

the related practices of *in camera* decision making. A great many Australians agree to curtail what they say when they sign on with a corporation or institution in which they may spend most of their waking hours. This appears to be the case for academics at UWA, but it is not a clear cut case. *The most recent Academic Staff Agreement with UWA signed and confirmed in 2014 includes the following passages on 'Intellectual Freedom': (copied overleaf)*

We need to take particular note of paragraph 35.3. 'Employees. . . will not. . . defame the institution or its employees' (34).

When it comes to expressing opinions about the University in public, which may be understood as speaking to another person, academics need to protect themselves from accusations of misconduct, accusations that can lead to disciplinary action. The reputation of the University here trumps freedom of speech. The views expressed by one member of the central administration include 'UWA is a billion dollar education corporation and we don't want to jeopardize its reputation. We have worked hard to achieve our international reputation and it's easy to lose. It has taken years for UWA to establish its credentials among the top 100 universities (according to the Jiao Tong Rankings). Think, for example, of the resources the institution has dedicated to achieving its current status of 88th'.

Administrators fear that bad press arising from scandal or discontent could undermine this hard gained achievement and hope that academic staff concerns about UWA policy and practice will be restricted to in-house conversation. This does not mean that academics cannot be critical of what is

going on around them, but ideally will express this criticism in constructive ways, e.g. proposals for new ways of doing things.

We should, however, also keep in mind paragraph 35.2.1 of the Agreement: ***Intellectual Freedom includes the rights of all employees to express opinions about the operations of the University and higher education policy more generally.***

We would like to hear from you:

As a body intended to represent the concerns of UWA academics, we need to hear from you. Please let us know about your successes, struggles and ideas for change. Do you see ways in which UWA could better use scarce resources across the campus, in your Faculty, School or Discipline? Do you think your Faculty has developed a fair way of distributing workloads? What are your concerns about working conditions? Do you think that relations between academics and administrators are supportive ones? These are just some of the topics on which we would like to hear academic opinion.

Feel free to contact* the UWAASA Staff Writer: Victoria Burbank at: victoria.burbank@uwa.edu.au or by letter: M257. You are also welcome to contact any of the UWAASA Committee Members (see over)

FREEDOM OF SPEECH AT UWA

*Continued from previous page***35. Intellectual Freedom**

35.1 *The University is committed to act in a manner consistent with the protection and promotion of intellectual freedom within the University and in accordance with the University's Code of Ethics and Code of Conduct.*

35.2 *Intellectual freedom includes:*

35.2.1 *The rights of all employees to express opinions about the operations of the University and higher education policy more generally;*

35.2.2 *The rights of employees to pursue critical and open inquiry and to discuss freely, teach, assess, develop curricula, publish and research;*

35.2.3 *The right to participate in public debates and express opinions about issues and ideas related to their discipline area;*

35.2.4 *The right of all employees to participate in professional and representative bodies including Industrial associations and to engage in community service without fear of harassment, intimidation or unfair treatment;*

35.2.5 *The right to express unpopular or controversial views, although this does not mean the right to harass, vilify or intimidate.*

35.3 *In the exercise of Intellectual Freedom, employees will act in a professional and ethical manner and will not harass, vilify, intimidate or defame the institution or its employees.*

35.4 *In relation to governance, the University will encourage employees to participate actively in the operation of the institution and in the community. The University will ensure that all governing bodies operate in a transparent and accountable manner, encouraging freedom of expression and thought. This does not prevent a University committee from considering a matter 'in camera'. (pp.33-34)*

UWAASA provides occasions for academic staff to express their hopes and concerns as academics at UWA.

Last year our colloquium on Teaching at UWA was very popular and we also held a forum on E-learning. Our publication,

Academic thinking on an ideal UWA:

Respect, support, freedom and community, featured academic voices across the campus.

This year we were off to a quick start with a 'Pop Up' event on Charlie Hebdo – a Discussion for Francophiles, co-sponsored with The Australian Institute of International Affairs, WA. We will be publicizing other events where academics can meet in a convivial setting to exchange views. For more information see our website at **www.uwaasa.uwa.edu.au**

*University policy entitles the administration to monitor emails sent to and from a university email address. See University Policy: Use of Email (Appendix B) on UWA website.

The current committee took office in July 2014.

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