

POLICY FRAMEWORK

University activity is subject to State, Federal and in some cases international legislation. Legislation frequently drives the development of University policy, however, policies also guide the action, practices and decisions of staff in carrying out the business of the University.

The University of South Australia Policy Framework (**Framework**) explains the relationship between policies and procedures, and sets out how they are developed, approved, promulgated, reviewed and updated.

The Framework is the means by which Council fulfils its responsibility under the *University of South Australia Act 1990* for establishing policy and procedural principles for the University. These principles are intended to guide the conduct and practice of all those engaged in University activities, including staff, students and contractors.

The Framework is also the means by which the University ensures that the fundamental values of freedom of lawful speech and academic freedom are upheld in its policies and procedures. These values are set out in the Principles of the Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers, in the University of South Australia: Statement on Academic Freedom, and in the University’s Freedom of Speech Policy. The University will ensure that its policies and procedures are informed by and aligned with these Principles, this Statement and this Policy.

This Framework is separated into the following sections:

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1. Hierarchy of Policy Documents

The University has two levels of Policy documentation:

1.1 Level 1: Policy

Policies detail the principles to be observed by those engaged in University activity. Policies are concise, clear, high-level statements concerning matters central to the University's purpose. Policies may be supported by procedures and may also reference guidelines or associated documentation.

1.2 Level 2: Procedures

Procedures specify the actions, standards, processes and timelines to be followed by those engaged in policy-related activity. Procedures are detailed statements concerning how activities or operations must be undertaken or delivered.

2. Categories of Policy Documents

University policies are organised into three categories which align to the appropriate Approving Authority.

2.1 Category A: Council Policies

Council policies are concerned with conduct and practice in matters related to University governance and reputation. These matters include:

- (a) role and membership of University committees
- (b) codes and policy statements
- (c) health and wellbeing
- (d) awards and titles
- (e) investment and treasury
- (f) risk management
- (g) any other matter determined by Council.

2.2 Category B: Academic Policies

Academic policies are concerned with conduct and practice in matters related to the academic activities of the University. These matters include:

- (a) student admission and enrolment
- (b) student assessment
- (c) student progress and experience
- (d) student fees and charges
- (e) quality assurance and improvement
- (f) programs and courses
- (g) research ethics and practices
- (h) research education
- (i) any other matter determined by Academic Board.

2.3 Category C: Management Policies

Management policies are concerned with conduct and practice in matters related to the management, administration and operational activities of the University. These matters include:

- (a) recruitment and selection of staff
- (b) employment benefits and conditions
- (c) use of University property and facilities
- (d) finance
- (e) information management and security
- (f) marketing and brand management
- (g) any other matter determined by the Vice Chancellor.

3. Policy Framework Implementation

- 3.1 Policies and procedures will be developed as needed in accordance with the processes outlined in this Framework
- 3.2 Chancellery and Council Services will:
 - 3.2.1 maintain and update the Policy Framework
 - 3.2.2 provide advice to Approving Authorities, Responsible Officers and policy authors in relation to compliance with the Policy Framework
 - 3.2.3 arrange training, as needed, on the Policy Framework and associated activities
 - 3.2.4 convene the Policy Reference Group as described below
 - 3.2.5 promulgate the Framework to the wider University community
 - 3.2.6 monitor whether policies and procedures are developed in accordance with this Framework, and
 - 3.2.7 ensure all policies and procedures are located on the Policy Portal.

4. Development of Policy

- 4.1 Responsible Officers oversee the development of policies and procedures (and where appropriate associated documentation) for which they have delegated responsibility. This includes:
 - 4.1.1 coordinating development of the policy, procedures and associated documentation
 - 4.1.2 ensuring that the documents are accessible and comprehensive
 - 4.1.3 implementing appropriate consultation strategies as part of the development and review process,
 - 4.1.4 ensuring alignment with Principles of the *Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers*, and the *University of South Australia: Statement on Academic Freedom*, and
 - 4.1.5 liaising and consulting with the Policy Reference Group.
- 4.2 Stakeholders are an important part of the development process. The consultation process should consider:

- 4.2.1 impacts on staff, students and other stakeholders
 - 4.2.2 gender, diversity and Aboriginal perspectives
 - 4.2.3 legislative compliance
 - 4.2.4 external parties
 - 4.2.5 any other matter relevant to the subject matter of the policy, procedure or associated documentation.
- 4.3 Policies will be drafted with inclusive language and in plain English.
- 4.4 All policies will adopt the prescribed templates to:
- 4.4.1 ensure a high level of consistency in the style and presentation of policy documentation
 - 4.4.2 guide the way that documentation numbering, version control, approval and ownership information is recorded, and
 - 4.4.3 provide guidance to authors.

5. Approval of policies

- 5.1 Council is the approving authority for all Council Policies and procedures.
- 5.2 Academic Board is the approving authority for all Academic Policies and procedures.
- 5.3 The Vice Chancellor is the approving authority for all Management Policies and procedures.
- 5.4 Council may delegate the approval of policies and procedures as it considers appropriate.
- 5.5 Academic Board may delegate to a sub-committee of the board or a staff member nominated by the Board.
- 5.6 The Vice Chancellor may delegate to a Senior Staff member.
- 5.7 A Responsible Officer will seek approval for policies and procedures from the appropriate Approving Authority.

6. Promulgation of Policy

- 6.1 The Responsible Officer will:
 - 6.1.1 take steps to promulgate the policy, procedure and any supporting documentation to the appropriate audiences, and
 - 6.1.2 deliver approved documents to Chancellery and Council Services for publication on the Policy Portal.

7. Review of Policy

- 7.1 The Responsible Officer will ensure that policies are reviewed in accordance with this Framework.
- 7.2 Policies will be reviewed every five years, or more frequently if requested by Council or the relevant Approving Authority.

- 7.3 A review can be initiated by Council or appropriate Approving Authority, the Vice Chancellor or the Responsible Officer.
- 7.4 A review may result in no change, minor amendments or major amendments
- 7.5 The outcome of the review will be presented to the appropriate Approving Authority for consideration.
- 7.5.1 A review which recommends no change is to be reported to the Approving Authority for noting.
- 7.5.2 A minor amendment does not change the intent, purpose or obligation under the policy but rather makes changes to nomenclature, cross referencing or administrative matters. The Responsible Officer is authorised to approve a minor amendment and must report the minor amendment to the Approving Authority for noting.
- 7.5.3 A review resulting in changes not categorised in the preceding paragraphs is considered a major amendment. Major amendments may only be approved by the Approving Authority for that policy.

8. Approval and Review of Procedures

- 8.1 The Responsible Officer will ensure procedures are approved by the Approving Authority, or their delegate.
- 8.2 Procedures will be reviewed every three years, or more frequently at the direction of the relevant Approving Authority.
- 8.3 The outcome of the review will be presented to the Approving Authority
- 8.3.1 A review recommending no change is to be reported to the Approving Authority for noting.
- 8.3.2 A minor amendment may be approved by the Responsible Officer and the outcome reported to the Approving Authority for noting.
- 8.3.3 A major amendment may only be approved by the Approving Authority.

9. Access to Policy Documents

- 9.1 Policies and Procedures will be published on the University Policy Portal.

10. Definitions

Responsible Officer

The Responsible Officer is a senior staff member with operational responsibility for the area to which a Policy or Procedure applies.

Policy Reference Group

A group convened by Chancellery and Council Services, chaired by the Council Secretary and consisting of Director level membership which:

- Provides oversight of the Policy Framework
- Advises on a consistent approach across Policy and Procedures
- Provides advice and feedback on the development and approval processes for Policy and Procedure

Approving Authority

The Approving Authority is authorised to approve policy and procedure in accordance with the allocation of responsibility granted pursuant to this Framework.

Policy Portal

The web-based Document Management System which hosts all UniSA policies and procedures.

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Developed by: Academic Board

Approving Authority: Council

Commencement Date: 3 August 2021

History: This Framework supersedes and replaces the version of this Framework that was approved by University of South Australia Council on 3 December 2019.

A Model Code for the Protection of Freedom of Speech and Academic Freedom in Australian Higher Education Providers

University Chancellors Committee version

Objects

The objects of the Code are:

- (1) To ensure that the freedom of lawful speech of staff and students of the university and visitors to the university is treated as a paramount value and therefore is not restricted nor its exercise unnecessarily burdened by restrictions or burdens other than those imposed by law and set out in the Principles of the Code.
- (2) To ensure that academic freedom is treated as a defining value by the university and therefore not restricted nor its exercise unnecessarily burdened by restrictions or burdens other than those imposed by law and set out in the Principles of the Code.
- (3) To affirm the importance of the university's institutional autonomy under law in the regulation of its affairs, including in the protection of freedom of speech and academic freedom.

Application

- (1) The Code applies to the governing body of the university, its officers and employees and its decision-making organs, including those involved in academic governance.
- (2) The Code also applies to student representative bodies to the extent that they have policies and rules which are capable of being applied to restrict or burden the freedom of speech of anyone, or academic freedom.

Definitions

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

- the freedom of academic staff to teach, discuss, and research and to disseminate and publish the results of their research;
- the freedom of academic staff and students 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 academic staff and students to express their opinions in relation to the higher education provider in which they work or are enrolled;
- the freedom of academic staff to participate in professional or representative academic bodies;
- the freedom of students to participate in student societies and associations.
- the autonomy of the higher education provider in relation to the choice of academic courses and offerings, the ways in which they are taught and the choices of research activities and the ways in which they are conducted.

'academic staff' all those who are employed by the university to teach and/or carry out research and extends to those who provide, whether on an honorary basis or otherwise,

teaching services and/or conduct research at the university.

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

‘imposed by law’ in relation to restrictions or burdens or conditions on a freedom include restrictions or burdens or conditions imposed by statute law, the common law (including the law of defamation), duties of confidentiality, restrictions deriving from intellectual property law and restrictions imposed by contract.

‘invited visiting speaker’ any person who has been invited by the university to speak on the university’s land or facilities. For the purposes of this definition, ‘the university’ includes its decision-making organs and officers; its student representative bodies, undergraduate and post-graduate; any clubs, societies and associations recognized by its decision-making organs or student representative bodies; and any entities controlled by the university.

‘non-statutory policies and rules’ means any non-statutory policies, rules, guidelines, principles, codes or charters or similar instruments.

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

‘staff’ for the purposes of this Code ‘staff’ includes all employees of the university whether fulltime or part-time and whether or not academic staff.

‘the duty to foster the wellbeing of staff and students’;

- includes the duty to ensure that no member of staff and no student suffers unfair disadvantage or unfair adverse discrimination on any basis recognised at law including race, gender, sexuality, religion and political belief;
- includes the duty to ensure that no member of staff and no student is subject to threatening or intimidating behaviour by another person or persons on account of anything they have said or proposed to say in exercising their freedom of speech;
- supports reasonable and proportionate measures to prevent any person from using lawful speech which a reasonable person would regard, in the circumstances, as likely to humiliate or intimidate other persons and which is intended to have either or both 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.

‘unlawful’ means in contravention of a prohibition or restriction or condition imposed by law.

Operation

- (1) The university shall have regard to the Principles of this Code in the drafting, review or amendment of any non-statutory policies or rules and in the drafting, review or amendment of delegated legislation pursuant to any delegated law-making powers.
- (2) Non-statutory policies and rules of the university shall be interpreted and applied, so far as is reasonably practicable, in accordance with the Principles of this Code.
- (3) Any power or discretion under a non-statutory policy or rule of the university shall

be exercised in accordance with the Principles in this Code.

- (4) This Code prevails, to the extent of any inconsistency, over any non-statutory policy or rules of the university.
- (5) Any power or discretion conferred on the university by a law made by the university in the exercise of its delegated law-making powers shall be exercised, so far as that law allows, in accordance with the Principles of this Code.
- (6) Any power or discretion conferred on the university under any contract or workplace agreement shall be exercised, so far as it is consistent with the terms of that contract or workplace agreement, in accordance with the Principles of this Code.

Principles of the Code

- (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 connection with a university activity shall not constitute misconduct nor attract any penalty or other adverse action by reference only to its content; nor shall the freedom of academic staff to make lawful public comment on any issue in their personal capacities be subject to constraint imposed by reason of their employment by the university.
- (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 visiting speakers and invited visiting speakers 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 visiting speakers and external visiting speakers in framing any such requirements and conditions;
 - (c) refuse permission to any invited visiting speaker or external visiting speaker to speak on university land or at university facilities where the content of the speech is or is likely to:
 - (i) be unlawful; or
 - (ii) prejudice the fulfilment by the university of its duty to foster the wellbeing of staff and students;
 - (d) refuse permission to any external visiting speaker to speak on university land or at university facilities where the content of the speech is or is likely to 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.
 - (e) require a person or persons seeking permission for the use of university land or facilities for any external 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 external visiting speaker 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 visiting speaker or invited visiting speaker nor attach conditions to its permission, solely on the basis of the content of the proposed speech by the visitor.
- (8) Consistently with this Code the university may take reasonable and proportionate steps to ensure that all prospective students in any of its courses have an opportunity to be fully informed of the content of those courses. Academic staff must comply with any policies and rules supportive of the university's duty to foster the wellbeing of staff and students. They are not precluded from including content solely on the ground that it may offend or shock any student or class of students.