

## CHARTER OF ACADEMIC FREEDOM

Auckland University of Technology (AUT), Te Wānanga Aronui o Tamaki Makau Rau, confirms the right of its community to academic freedom as defined in the Education and Training Act 2020 (or later equivalent). Academic freedom is integral to AUT performing its role as a critic and conscience of society.

AUT also recognises the rights of all, to freedom of expression as a fundamental right in a civilised democracy. The AUT community has the rights to freedom of thought, conscience, religion, expression, association and peaceful assembly and through the exercise of those rights can contribute to positive social change through free expression of opinion on matters of public interest, even if controversial.

AUT adopts this Charter in support of its institutional right to academic freedom and the rights of its community to academic freedom and freedom of expression. The exercise of these rights is subject to the limitations imposed by the law or by AUT, which are necessary for AUT's institutional autonomy, self-governance and its judicious administration. The exercise of the rights of academic freedom and freedom of expression must be informed by knowledge and be conducive to AUT's educational and research activities and the advancement of its academic endeavour.

### AFFIRMATION

AUT affirms it will, subject to the limitations prescribed:

- Encourage the rights of academic freedom and freedom of expression, being fundamental to academic endeavour.
- Encourage its community, including its Council, staff, and students to inquire, discuss and freely challenge ideas.
- Support the right of its community to pursue knowledge and to debate, deliberate and disseminate knowledge through informed discussions that are conducted responsibly and with tolerance.

### CHARTER

1. AUT declares its commitment to academic freedom as important in a democratic society and for intellectual, moral, cultural, and social advance, when lawfully exercised within an area of expertise and in accordance with the highest ethical standards and for the responsible pursuit of knowledge.
2. AUT will preserve and protect the interests of its community in equal dignity through our values that shall not be infringed upon:
  - a. Pono – the threshold of objective truth or opinion and expressed with integrity being expertise-based, either by research or embodied experience.
  - b. Tika – the expression is fair, and respects equality and accessibility and is just, respectful and expressed with courtesy and civility.
  - c. Aroha – the modelling of empathy, compassion, and attention
3. AUT recognises its responsibilities under Te Tiriti o Waitangi and acknowledges those laws which protect tangata whenua communities and all persons from being humiliated or intimidated.
4. AUT affirms its rights of autonomy, self-governance, and judicious administration as well as the rights and responsibilities of the AUT community, to pursue knowledge for its own sake, wherever the pursuit might lead.
5. AUT supports the responsible transmission of knowledge openly within academic and wider communities in conformity with the law and with the values and obligations of AUT.
6. AUT, in accordance with its values, undertakes to promote and support:
  - a. the responsible pursuit of knowledge through research in accordance with ethical and professional standards and the law;
  - b. the responsible dissemination of the outcomes of research in publications and creative works, and in public and professional discourse; and
  - c. the principled and informed discussion and debate on all aspects of knowledge and culture.
7. AUT values courage, civility and respect and promotes a climate where people disagree with tolerance.
8. In support of this Charter, AUT adopts the following Principles for the protection of academic freedom and freedom of speech and expression and affirms its commitment to upholding these Principles.

## PRINCIPLES FOR THE PROTECTION OF ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION

### Academic Freedom

Academic freedom for the purposes of these Principles, comprises the following elements:

- The freedom of AUT to regulate course content and to allocate resources.
  - The freedom of staff, in the course of their area of expertise to educate, discuss, or research and to disseminate and publish the results of their academic activities.
  - The freedom of staff and students, in the course of their academic activities, to engage in intellectual inquiry, to express their opinions and beliefs, to hear from a range of views and to contribute to public debate, in relation to those academic activities.
  - The freedom of staff and students to express their informed opinions.
1. Every member of the AUT community enjoys academic freedom subject only to the limitations or conditions imposed by:
    - a. AUT as necessary for:
      - i. institutional autonomy, self-governance or its judicious administration;
      - ii. the discharge of its education and research activities and to the extent that the exercise of the right is informed by knowledge;
      - iii. the duty to foster the wellbeing of students and staff;
      - iv. to give effect to its legal duties; and
      - v. the right of AUT to determine the programmes offered and the content and method of their delivery.
    - b. The right and freedom of others to express themselves and to hear and receive information and opinions.
    - c. The law.
    - d. Professional and ethical obligations.
    - e. AUT policies, including policy related to the implementation of the Charter.
  2. The AUT community must observe its duty to foster the wellbeing of staff and students, however, staff are not precluded from exercising academic freedom solely on the ground that it may offend or shock any student or class of students, or any staff member or any person.
  3. The exercise by a member of the AUT community of the right to academic freedom, subject to the above limitations, shall not constitute misconduct or receive any penalty imposed by AUT.

### Freedom of Expression

1. Every member of the University community enjoys freedom of expression subject only to restraints or burdens imposed by:
  - a. AUT as necessary for:
    - i. its institutional autonomy, self-governance or its judicious administration.
    - ii. the discharge of its education and research activities and to the extent that the exercise of the right is informed by knowledge;
    - iii. its duty to foster the wellbeing of students and staff; and
    - iv. to give effect to its legal duties including its duties to visitors.
  - b. The right and freedom of others to freedom of expression.
  - c. The law.
  - d. Professional and ethical obligations.
  - e. AUT policies, including policy related to the implementation of the Charter.
2. AUT staff in their personal capacities are able to make lawful public comment on any issue outside their area of expertise, however, public comments that reference their employment at AUT must be truthful and informed.
3. Recognising that AUT is a place where people are free to express themselves, and a place where people are free to disagree and protest, subject only to the limitations imposed by:

## **PRINCIPLES FOR THE PROTECTION OF ACADEMIC FREEDOM AND FREEDOM OF EXPRESSION**

- a. By AUT as necessary to:
    - i. the discharge of its education and research activities and ensuring these activities are not disrupted by protests;
    - ii. its duty to foster the wellbeing of students and staff including ensuring their safety and mitigating any risk that protests could result in injury; and
    - iii. give effect to its legal duties to visitors.
  - b. The right and freedom of others to express themselves and receive information and opinions and to express their respective views.
  - c. The law including those laws which protect persons from being humiliated or intimidated.
4. Subject to these limitations, a person's lawful speech or activity shall not constitute misconduct or receive penalty from AUT.
5. The AUT community must observe its duty to foster the wellbeing of staff and students, however, are not precluded from including content solely on the ground that it may offend or shock any student or class of students.

### **Visitors**

6. AUT has the right to determine the terms and conditions for external and invited visiting speakers using AUT premises or facilities and may:
- a. require the person or organisers of the event to comply with AUT's booking procedures and to provide information relevant to the conduct and content of the event and any safety and security issues;
  - b. refuse permission to an invited or external visiting speaker where the content of the speech may:
    - i. involve the advancement of theories which fall below academic standards or could be detrimental to AUT's reputation; or
    - ii. negatively impact the wellbeing of staff or students; or
    - iii. be unlawful.
  - c. in the interests of public safety, require an external visiting speaker to contribute to the cost of providing security or other measures.
  - d. distinguish between invited visiting speakers and external visiting speakers in framing conditions.