

NIDA

Guidelines| Academic and Artistic Freedom

Overview

Lawful academic and artistic freedom are key values of NIDA. Upholding the tradition of higher academic and art communities as places where diverse views are promoted, and knowledge is challenged and developed through informed robust and respectful debate is how the NIDA community learns to tell a multiplicity of stories and challenge ways of thinking and bring about positive social change with integrity and respect for the rights of others.

NIDA has a duty to promote and protect the wellbeing of its staff and students. While this duty does not extend to protecting students or staff from feeling offended by the opinions of others with whom they may disagree, NIDA can take reasonable and proportionate measures to restrict speech that causes or is likely to cause: an imminent risk of public disorder, undue interference in the rights of others, or offend, insult, humiliate or intimidate another person or a group of people based on the grounds of race, sex, gender, sexuality, religion and political belief.

NIDA aims to provide our students and staff with a safe place to enhance knowledge, listen to and engage respectfully with varied perspectives, try new experiences, and develop and advocate ideas and opinions.

As a NIDA student or staff member, you have rights and responsibilities as an individual and as a member of a group – in relation to the manner and form in which you exchange ideas and information, express views publicly. All members of the NIDA community have the right to express ideas and opinions freely if these do not infringe upon public safety or rights of others. Staff and Students are expected to act in accordance with the values and principles set out in the Student Code of Conduct, the Student Charter and the Staff Code of Conduct. This applies to all NIDA related activities and events, whether on campus or online.

This guide provides practical advice to help NIDA students and staff more clearly understand their rights and responsibilities around academic freedom and freedom of expression at NIDA, and the expectations of behaviour set out by the Student and Staff Codes of Conduct and the Student Charter.

1. Disagreeing Respectfully

Courage and respect are greatly valued at NIDA, as is promotion of a culture where people disagree respectfully. You can lawfully and respectfully:

- disagree about anything,
- have different opinions when discussing your coursework,
- write about your beliefs and opinions,
- show your beliefs in public.

In practice this means respecting that others may have different opinions, enabling other's rights to speak and be heard, being open to challenging assumptions, unconscious bias and privilege, seeking out a range of evidence and opinions, practicing critical thinking and being open to the possibility of being wrong.

In exercising this academic freedom, you should not:

- intimidate or harass others,
- use hate speech when discussing or disagreeing (for example, don't use abusive or threatening speech against a particular group or individual, particularly on the basis of race, religion, gender identity, political views or opinions),
- make threats by phone, text, or by any other means,
- make false accusations or try to ruin someone's reputation due to a disagreement,
- share other people's information without their consent (everyone has a right to privacy).

These behaviours are considered a form of both staff and student misconduct at NIDA.

2. No-Platforming (Deplatforming)

The action or practice of a person or group intentionally preventing or denying others who hold opposing views from having a platform in which their views can be heard.

For example, this could involve damaging artworks or posters, or using loud music to drown out a speaker seeking to exercise their right to free speech, disrupting a show, shouting down a staff member or student in class.

This can be a highly contentious issue, as it involves a balance between freedom of speech and the responsibility of NIDA to provide a safe and inclusive environment for all staff and students free from unlawful discrimination.

3. Potential consequences of unlawful behaviour or misconduct

Staff and Students should be aware that if they participate in certain actions they may be breaking the law (risking both police action and prosecution), or potentially engaging in misconduct as defined by NIDA policies. A range of consequences may be applied for staff or student misconduct from a warning and request to stop the behaviour, being asked to leave an event, mediation, suspended suspension or, in severe cases of illegal behaviour, expulsion or termination (staff) from NIDA.

Examples of actions with potential consequences:

- acts of violence, threats, destruction of property
- intimidation, bullying, harassment or unlawful discrimination
- incitement of violence or hatred
- engaging in indecent assault, sexual misconduct or gendered-based violence
- threatening or physically obstructing people who wish to cross a picket line on campus
- stopping students or staff from accessing learning spaces, locker rooms or other spaces or disruption of classes including online 'zoom bombing'
- preventing staff from safely accessing their workspace, materials, equipment or belongings
- stalking of others, including non-consensual physical or electronic surveillance
- doxing (collecting someone's personal information and releasing it online without their knowledge or consent, such as their name, address, phone number and financial information)

- disrupting activities or events so they can't go ahead or forcing changes to an event format
- silencing a speaker by
 - o purposely blocking AV equipment or views of attendees
 - o threats or undue pressure on academic or professional staff to change course content
 - o coercion through threatening to share information with an individual's family or friends.

These behaviours are considered a form of both staff and student misconduct at NIDA.

4. NIDA Policies

The following documents support NIDA's commitment to academic freedom and freedom of expression.

- The Academic and Artistic Freedom Policy supports the responsible pursuit of free inquiry, informed discourse, respectful public debate and artistic freedom at NIDA.
- The Staff Code of Conduct requires that staff and others working at NIDA must act respectfully, fairly and lawfully, and ensure that their personal views made publicly are not attributed as NIDA's official views.
- The Student Charter and Code of Conduct sets out what students can expect of NIDA and what is expected of them in terms of participation and behaviour. In particular, students are encouraged to express their opinions and participate in open discussion and discipline learning lawfully and respectfully to enhance open discussion and to consider the wellbeing of others.
- The Equity and Inclusion Policy includes the responsibilities of members of the NIDA community in exercising academic freedom and freedom of expression. These responsibilities include acting lawfully, fairly and respectfully, and not doing anything that compromises the health and safety of all those at NIDA.
- The Research Integrity Policy and associated procedures outline how research at NIDA is conducted and managed. The Research Integrity Policy establishes a framework for responsible and ethical research practices and principles. Those undertaking research at NIDA must be familiar with and comply with the principles and responsibilities outlined in NIDA's research policies.

5. Consultation/Benchmarking

These guidelines have been benchmarked against policies and practices from a number of higher education providers and other sources.

Relevant policy documents from the following are gratefully acknowledged:

- Melbourne University
- Sydney University
- University of Technology Sydney (UTS)
- Arts Law Australia
- <https://unesdoc.unesco.org/ark:/48223/pf0000380504>
- The Ethics Centre <https://ethics.org.au/>

6. NIDA's Academic and Artistic Freedom Concept Check¹

The following checklist provides some questions that you can use to check that you have met your obligations under the law and under NIDA policies and Codes of Conduct in relation to Academic and Artistic Freedom. If unsure seek advice from your Tutor (Students) or the Head of Academic Development and Research (Staff).

Ask yourself:

- ❖ **Is the action/choice/work unlawful in any way?**
 - Is it discriminatory?
 - Does it vilify a group of people? Does it incite hate?
 - Does it exclude groups?
 - Does it undermine the equality and dignity of individuals of groups of people? Is the intention to cause harm to others?
 - Is there personal or confidential information involved?
- ❖ **Why am I/are we making this choice?**
 - Why am I /are we doing it?
 - Does the action/choice/work add value to the community to the performing arts and storytelling?
 - What is the cost of doing this?
 - What do we lose/risk by doing this?
 - Does the value of doing it outweigh the cost/risk?
- ❖ **What would happen if everyone did this?**
 - Would it be OK if everyone did this? If not, why should you/NIDA?
- ❖ **What are the risks of doing this ?**
 - (Give some consideration of the risks associated with your work using the risk assessment advice below.)
- ❖ **Is this consistent with NIDA's values and principles?**
 - Does this align with NIDA's core values? Does it align with your personal values?
- ❖ **What will this do to my character or the character/reputation of NIDA?**
 - What impact will this have on NIDA? Can any risk be adequately mitigated?
 - Does the value of it outweigh the risk and justify the resources required to mitigation risk?
- ❖ **Would I/NIDA be happy for this decision/event to be headlining the news tomorrow?**
 - Do you think that you/NIDA can defend the choice/action?
 - Would other people agree, or at least understand, why you/NIDA did what you did?

¹ Adapted from 'What is Ethics?' <https://ethics.org.au/knowledge/what-is-ethics/>

7. Risk Matrix – Academic and Artistic Freedom

The following provides information on what to consider when assessing the risks associated with your work:

Identify Risks & Assign a Major Risk Category

Major Risk Category	Risk Description
Business Continuity Risk	The potential of losing processes, services and their associated dependencies in an outage or unexpected interruption resulting in a cessation of NIDA operations'.
Financial Risk	The potential for loss or uncertainty in financial outcomes resulting from various sources, including market fluctuations, economic conditions, investment decisions, and operational activities. This includes the risk of financial loss due to operational inefficiencies, errors, or disruptions in business operations.
Regulatory Risk	There is a potential for negative consequences to NIDA arising from changes in regulations, compliance requirements, or regulatory enforcement actions to which NIDA is exposed.
Reputational Risk	The potential threat of damage to NIDA's reputation or brand value due to negative public perception, adverse publicity, or ethical misconduct. This risk encompasses the potential for loss of customer trust, investor confidence, and business relationships, which can lead to financial harm and long-term impacts on NIDA's viability and success.
Work Health & Safety Risk	Protecting employees' physical and mental health and ensuring their safety within NIDA. This includes identifying, assessing, and mitigating risks related to hazards, accidents, and occupational illnesses to create a safe and healthy work environment. WHS measures aim to comply with relevant regulations, promote employee well-being, and minimise the potential for workplace injuries or harm.

Assess the likelihood of the risk occurring

Likelihood Measure	
Rare	Frequency: Occurs less than once in ten years Probability: Less than 5% chance of occurring Description: Exceptional circumstances; highly unlikely to occur
Unlikely	Frequency: Occurs once in five to ten years Probability: 5% to 20% chance of occurring Description: Could happen at some point, but not expected; few incidents or evidence of this risk materialising
Possible	Frequency: Occurs once in three to five years Probability: 20% to 50% chance of occurring Description: Might happen; has occurred before and there is a fair chance it could happen again
Likely	Frequency: Occurs once every one to three years Probability: 50% to 75% chance of occurring Description: Will probably happen at some point; has occurred on multiple occasions
Almost Certain	Frequency: Occurs more than once a year Probability: Greater than 75% chance of occurring Description: Expected to happen in most circumstances; high frequency and occurrence

Assess Consequence

Consequence Rating		Level 1 <i>Insignificant</i>	Level 2 <i>Minor</i>	Level 3 <i>Moderate</i>	Level 4 <i>Major</i>	Level 5 <i>Catastrophic</i>
Risk Category	Business Continuity	< 1 hour Minimal operational disruptions that are easily managed and have no lasting impact	1 hours - 1 day Small operational issues that cause minor delays or inconvenience but do not affect overall functioning	1 day - 1 week Operational disruptions that require immediate attention and resources to prevent further impact	1 week - 1 month Significant operational issues that hinder the functioning of educational programs, requiring substantial intervention	> 1 month Complete operational failure, severely impacting the NIDA's ability to function and deliver its educational programs
	Financial	< \$1,000	\$1001 - \$10,000	\$10,000 - \$500,000	\$500,001 - \$999,999	> 1,000,000
	Reputational	insignificant weakening of a single stakeholder relationship / no impact on staff morale	Damage to < 3 stakeholder relationships / temporary change to staff morale / able to rectify in short term	Weakened relationship with a significant number of stakeholders / reduction of staff morale requiring specific intervention to rectify	Damage done to the majority of existing stakeholders or class of stakeholders / significant and widespread staff absences / resignations	Long term loss of credibility with all stakeholders and wide spread resignation of key staff
	Regulatory	minor breach with no noticeable regulatory or statutory impact	Temporary non-compliance resulting in low level fines	Short-term non-compliance with significant regulatory conditions imposed	Non-compliance resulting in termination of services or significant penalties	Non-compliance resulting in criminal changes / loss of accreditation
	Work, Health & Safety	Minor injury not requiring first aid	Low level first aid treatment required. No follow-up necessary	Injury requiring treatment by a registered medical practitioner /requiring repeated treatment with no permanent loss of capacity	Serious injury requiring hospitalisation and / or resulting in significant and long term psychological distress	Death or severe permanent physical and / Or psychological disablement

Determine Inherent Risk

Consequence	Likelihood				
	Rare	Unlikely	Possible	Likely	Almost Certain
Insignificant	Low	Low	Medium	Medium	High
Minor	Low	Low	Medium	High	Very High
Moderate	Low	Medium	High	Very High	Very High
Major	Medium	High	High	Very High	Extreme
Catastrophic	Medium	High	Very High	Extreme	Extreme

Risk Template

Complete the risk template based on the information provided above and discuss this with your Tutor Students) or Head of Academic Development and Research (Staff):

	Risk Description	Risk Category	Inherent Risk	What actions will remove or reduce the risk ?
Risk 1				
Risk 2				
Risk 3				
Risk 4				