



**FREE SPEECH UNION**

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**UNIVERSITIES  
RANKING REPORT  
2022**

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# INTRODUCTION

Under the Education and Training Act 2020, New Zealand's universities are obligated to uphold academic freedom and to be a "critic and conscience" of society. This obligation is not only statutory, but also traditional and central to the functioning of universities as hubs of learning and exploring new ideas.

Under the Act, "academic freedom" is defined, in part, as "the freedom of academic staff and students, within the law, to question and test received wisdom, to put forward new ideas, and to state controversial and unpopular opinions". It is related to the more widely applicable freedom of speech and, as such, the Free Speech Union is dedicated to protecting academic freedom and to holding universities accountable when they fail to live up to their obligations.

The basic principles of academic freedom have been encapsulated in the widely-adopted [Chicago Principles](#), which assert that:

**"IT IS NOT THE PROPER ROLE OF THE UNIVERSITY TO ATTEMPT TO SHIELD INDIVIDUALS FROM IDEAS AND OPINIONS THEY FIND UNWELCOME, DISAGREEABLE, OR EVEN DEEPLY OFFENSIVE".**

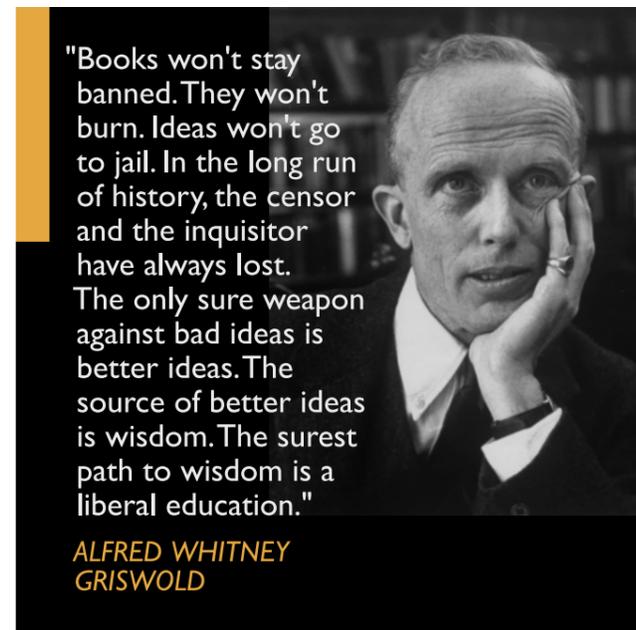
Essentially, this report will explore whether universities in New Zealand are willing to prepare their students for opposing ideas or whether they simply make opposing ideas 'safe' for their students.

**THIS REPORT INVESTIGATES THE WRITTEN POLICIES OF NEW ZEALAND'S UNIVERSITIES, HOW THESE POLICIES ARE PUT INTO PRACTICE, AND USES THE FREE SPEECH UNION'S ACADEMIC FREEDOM SURVEY, TO ASSESS HOW WELL EACH UNIVERSITY UPHOLDS FREE SPEECH AND ACADEMIC FREEDOM. WE ASSIGN A "GRADE" TO EACH UNIVERSITY BASED ON THEIR PERFORMANCE.**

This report is not a comprehensive review of each university. The written policies are broad and often worded vaguely. Policies are often implemented out of the public eye, with only larger events making the news. Smaller decisions which may have impact within universities may not be known outside them. The results of the Free Speech Union's Academic Freedom Survey act to supplement the policies and practices to guide the overall "Assessment" of each University.

Another limitation of this report is its inability to comprehensively cover the attitudes of individuals within these institutions. The policies and practices recorded are at the institutional level. Various instances of protest for the suppression of speech in this report were driven by students and staff at these universities. These influences are at the cultural level and as such are difficult to record but do act as drivers of change at the institutional level and it is expected that the ongoing development of this report will reflect the status of free speech in universities "on the ground".

This document is intended to be updated annually, so that its comprehensiveness and accuracy may be expanded, and so that it can be used to assess the development and progress of academic freedom in New Zealand.



# SUMMARY TABLE

UNIVERSITY	AVERAGE SURVEY SCORE	GRADE	NOTE
VICTORIA UNIVERSITY OF WELLINGTON	6.9	A	Committed to academic freedom and free speech in both policy and practice. Policies show few restraints on free speech and controversial events are consistently allowed despite protests and calls for cancellation.
UNIVERSITY OF AUCKLAND	6.4	A-	Substantive written policies regarding free speech and record of hosting controversial speakers. However, some vague wording in policy that could be used to suppress speech, and some examples where free expression was suppressed.
UNIVERSITY OF CANTERBURY	6.5	B	Has a specific policy affirming role as critic and conscience, but other policies explicitly restrict speech and academic freedom.
LINCOLN UNIVERSITY	8.1	B-	Despite positive affirmations of free speech, especially for its students, Lincoln displays extensive willingness to police speech on and off campus, in other policies.
UNIVERSITY OF OTAGO	6.2	B-	Policies give ability to restrict and police speech on campus and display a low tolerance for supposed reputational threats, but has previously been willing for controversial views to be aired on campus.
MASSEY UNIVERSITY	5.9	C	The University has a specific policy affirming academic freedom and free speech, but has a history of suppressing controversial views on campus. Some recent improvement.
UNIVERSITY OF WAIKATO	5.8	C	Policies affirm commitment to freedom of speech but is more restrictive with staff. Despite affirmations in policy, Waikato has in practice been repressive of staff's speech.
AUCKLAND UNIVERSITY OF TECHNOLOGY	5.7	F	Comparatively little regard given to responsibility of upholding free expression and academic freedom, alongside policies that show willingness to police language. Poor record regarding controversial events, displaying a willingness to suppress ideas in favour of maintaining progressive reputation.

# VICTORIA UNIVERSITY OF WELLINGTON

## ASSESSMENT

In both policy and practice, Victoria University of Wellington shows a commitment to academic freedom and free expression. Its written policies display its commitment to these values and the University has held firm in the face of protests aiming to suppress the expression of views. It should come as no surprise then that, next to Lincoln, Victoria has the highest score (6.9) of the Free Speech Union Academic Freedom Survey.

## GRADE: A

### POLICY

The [Student Conduct Statute](#) of Victoria University lays out the behavioural expectations of students such as broad expectations of “respect” and “wellbeing”. It doesn’t make explicit reference to academic freedom or free expression but does commit the scholarly community to enquiry and integrity.

The [Staff Conduct Policy](#) of Victoria University affirms academic freedom as defined in s267 of the Education and Training Act 2020.

Victoria includes in its policies a specific [Student Protests Policy](#). This policy explicitly allows protests by staff and students on campus as part of its commitment to freedom of expression. It affirms that protestors will not be trespassed as long as the protest does not threaten property or the welfare of others, and does not take place in a few listed locations, such as staff offices, laboratories, data storage centres, or money handling centres.

The University’s [Equity and Diversity Policy](#) focuses on its obligations under the Human Rights Act (1993), and notes a zero tolerance policy for “unfair discrimination or harassment”. What makes for “unfair” discrimination is not explained, but recognition of diversity and its role in enabling a wide range of beliefs and opinions is noted.

Several of Victoria’s policies contain a [Values and Commitments](#) annex, outlining the University’s values including, among others, “academic freedom” and “critical enquiry”.



### PRACTICE

Victoria University has a good record of allowing controversial events and ideas to be hosted on campus grounds, even in the face of intense protest over the content of the events. In [2015 the Australasian Union of Jewish Students invited some Israeli soldiers to speak on their experiences fighting Hamas](#). Despite protests by students and academics, Victoria University declined to cancel the event, noting that student clubs were free to book rooms without needing the permission of the University.

In 2022, [the Free Speech Union hosted former The Dominion editor, Karl du Fresne, for a discussion about free speech at universities](#). Again, despite objections by students and even the University Student’s Association, Victoria University refused to cancel the event.

The controversial documentary *In the Name of Confucius* was also [allowed to be screened at Victoria University](#).

# UNIVERSITY OF AUCKLAND

## ASSESSMENT

The University of Auckland displays a relatively robust commitment to upholding academic freedom. The principle is repeatedly referenced and shown to influence how the University treats critical debate in its policies and actions. Auckland University has allowed events and views to be expressed even when they are controversial, citing free speech, even where other universities would likely have buckled. There are, however, concerning limitations placed in Auckland University policies and recent actions showing a faltering commitment to free speech and academic freedom, prioritising the sensibilities of students and suppressing opposing views.

In the Free Speech Union’s Academic Freedom Survey, Auckland University had an average score of 6.4, placing it in third place among New Zealand’s universities. This high ranking, and its historical championing of free speech, allow it to hold a relatively high grade but with room for improvement.

## GRADE: A-

### POLICIES

The written policies of Auckland University addressing free speech and academic freedom are more substantive than most other New Zealand universities, making clear the extent to which Auckland University is willing to tolerate controversial views and opinions.

Auckland University’s [Code of Conduct](#) lays out the broad expectations of the University regarding the standards of behaviour of both staff and students, primarily through the application of principles of tikanga [culture or custom]. Under the policy of *kaitiakitanga*, the University recognises its obligation to protect and respect its environment, under which it includes the promotion and defence of academic freedom. Under the policy of *kotahitanga*, the University acknowledges, under its recognition of community, a commitment to transparency and a welcoming attitude to critical debate, especially in regard to the exercising of responsibility and guiding of decision making.

However, the principle of *whanaungatanga* seems to add a qualification to Auckland University’s affirmation of academic freedom with an acknowledgement that “our rights to freedom of expression come with shared responsibilities to respect and acknowledge the rights of others”. This is broadly worded, and it is unclear whether this is meant to affirm a responsibility to protect the speech rights of others, or a requirement that expressions not be perceived to be unfavourable to others.

The intended application of Auckland University’s code is helpfully expanded upon in the [Code of Conduct Guidelines](#). These guidelines provide direction as to how the Code is intended to be applied in various possible situations. The Guidelines lay out a series of intended purposes, one of which is to “support academic critical debate”. The guidelines make distinctions between “open environments”, such as public

spaces where attendees choose to locate themselves, and “closed environments”, such as shared offices or classrooms, in which choice is not present.

The Guidelines describe some hypothetical scenarios that would amount to code breaches that are concerning from the perspective of academic freedom. In one such scenario, leaflets are distributed in lecture theatres with biblical quotes and statements such as “Homosexuals are sinners and will go to hell”, causing distress to students and lecturers. The closed environment of the lecture theatre is noted, and the reason given that the scenario constitutes a breach, is that the leaflets would cause distress and would be “inconsistent with supporting the University community as a safe, inclusive and equitable environment for all.” A suggested resolution is that offended parties should talk to those distributing the leaflets, discussing the offensive nature of the material, and requesting them to publicise their views another way. It also suggests possible formal action against staff and students if they are reported to the Proctor and HR, respectively.

More promisingly is another scenario, under which the guidelines hold that the code would not be contravened, is a



student voicing opposition to a tutor during a tutorial on a controversial subject, even if other members of the class take offense at what the student said. The scenario is not discussed extensively but was explained as not contravening the Code of Conduct on the grounds that the opinion was expressed “within the context of an academic discussion group, as part of a critical debate”.

### PRACTICE

As New Zealand’s largest university, Auckland University has had wider coverage of incidents and actions relating to free speech than other universities in New Zealand. Historically the University has a record of, for the most part, faithfully

## ...UNIVERSITY OF AUCKLAND

upholding freedom of expression and academic freedom, even in respect of controversial views, and in the face of protest and opposition. More recently, however, the University has appeared to show less concern for free speech, reflected in its responses to expressions of controversial views and breaches of academic freedom within its faculties.

One example of Auckland University displaying its commitment to upholding free expression and debate was in the wake of the banning of Dr Don Brash from speaking at Massey University in 2018. [Auckland University's Debating Society successfully hosted Dr Brash for a debate on free speech](#) and "cancel culture" shortly thereafter. Despite protests from some students about the inclusion of Dr Brash in the debate the event went ahead, and his invitation was not withdrawn.

Another example of free expression being prioritised at Auckland University was in 2019 when the [University refused to take down stickers and posters advertising the website of an alleged white supremacist group, despite intense protests from staff and students](#). Then Vice-Chancellor, Stuart McCutcheon, noted the group was not illegal and made clear the position of the University as a place where a range of opinions within the law could be held and debated.

In the wake of the 'Listener Seven letter', [Vice-Chancellor Dawn Freshwater joined in the criticism of the letter and authors, saying the views "caused considerable hurt and dismay among our staff"](#), distancing the University from the comments. Even so, despite her strident comments, she explicitly acknowledged the freedom of the academics to express their views. Professor Freshwater also [announced a symposium to discuss the issue of mātauranga Māori and its relationship to science](#), where differing viewpoints were to be allowed. She noted the University's responsibility as "custodian of academic freedom and free speech". The symposium was planned for the first quarter of 2022 but has since been delayed.

There have been times at which Auckland University has failed to fully uphold the principles of academic freedom. [In 2019 a controversial documentary In the Name of Confucius, critical of the influence of China's Confucius Institutes, was cancelled](#). A public screening was scheduled but the event was made private after discussion with University staff revealed fears of "reputational damage". The decision to cancel the event was not made by the University but the incident raised concerns about academic freedom in light of alleged foreign influence and Auckland University's reputational fears.

“

Free speech is prior to diversity, as the philosophers say. It is a necessary condition of diversity, and probably diversity's greatest guarantor.

”

ANDREW  
FERGUSON

A recent assignment in Auckland University's School of Sociology included an optional essay question on transgender theory. The question included a caveat: "Essays that take a 'gender critical' position on transgender or question the validity of trans identities will be failed". This represents a blatant disregard for free speech and academic freedom. [In response to Free Speech Union correspondence, the University acknowledged the inconsistency with its commitment to academic freedom](#). However the University also noted its "zero tolerance for transphobia", potentially implying a limit to the academic freedom allowed when discussing this issue. The University promised to "consider" ways to "check essay questions" in future – a rather weak and non-committal response.

## UNIVERSITY OF CANTERBURY

### ASSESSMENT

The University of Canterbury achieved an average score of 6.5 in the Free Speech Union Academic Freedom Survey, placing it third to Victoria University of Wellington and Lincoln University. The University of Canterbury's policies repeatedly affirm academic freedom and its principles, but are undermined by other policies expressing a willingness to censor allegedly offensive views and suppress controversial research.

### GRADE: B

#### POLICY

The University of Canterbury has a specific policy titled [Critic and Conscience of Society and Academic Freedom Principles and Policy](#). The policy has a stated aim to ensure the exercise of academic freedom without fear of discrimination or disadvantage of any kind. It asserts that academic freedom "can only exist within an environment that encourages creativity, radical ideas and criticism of the status quo, and freedom is needed to express criticism." The only restrictions are to avoid undermining the institutional autonomy necessary for scholarship, and acting unethically, defaming, or discriminating against others for non-conforming views.

Despite its [Academic Freedom Principles and Policy](#), the University of Canterbury has policies more open to explicitly suppressing certain speech than most other universities. [The Prevention of Harassment and Bullying](#) policy gives all staff and students a responsibility to "ensure their behaviour is not offensive or harmful to others". The [Staff Code of Conduct](#), despite affirming academic freedom as the context for the pursuit of its objectives, gives "offensive language or behaviour" as an example of "serious misconduct".

An interesting contrast to the Staff Code of Conduct is the [Student Code of Conduct](#), which doesn't contain the restrictions of its counterpart, but emphasises the University's obligations under the Education and Training Act 2020 to "guarantee members of the University community the freedom within the law to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions."

A few other concerning points include in the [Research Conduct Policy](#), where a restriction is placed on "problematic research". An example given in the policy is research investigating a hypothesis of racial inferiority, but the definition of what is considered "problematic" is not made explicit. The [Social Media Policy](#) also expresses an expectation that both staff and students only comment in their area of expertise, even in a private capacity.

The University's [Event Management Policy and Procedures](#) do not appear to give itself the ability to decline events on the basis of controversial views, and requires events to show respect towards the views of others, noting "all persons are welcome to their own views".



#### PRACTICE

There are not many well-documented events at the University of Canterbury for which academic freedom or free speech have been issues. One notable event was in 2020, when Professor Anne-Marie Brady [accused Canterbury University of "gagging" her and suppressing her free speech](#) after the University launched a review of her Parliamentary submission on ties between New Zealand academics and Chinese universities. The review eventually cleared Brady of having breached University of Canterbury policy or the Education Act.

# LINCOLN UNIVERSITY

## ASSESSMENT

Lincoln University achieved the highest score of all universities in the Free Speech Union Academic Freedom Survey (8.1). However, there were very few responses from Lincoln, so the score is a less reliable indicator. Despite its repeated affirmations of commitment to academic freedom and free expression, Lincoln University's policies demonstrate a willingness to police speech it may deem "offensive". This attitude is concerning and extends to speech both on and off campus, and in the online sphere.

### GRADE: B-

#### POLICY

Lincoln University's [Code of Conduct Policy](#), includes a requirement to treat others with "respect, impartiality, courtesy, and sensitivity". The expectation of "sensitivity" is present throughout the code. There is also a requirement that University resources not be used to further "personal interest, political or religious causes", or be used for activities that "involve obscene language". The code does, however, emphasise the "traditional and statutory responsibility" of the University as critic and conscience of society.

The [Student Code of Conduct](#) emphasises the University's obligation to guarantee the freedom to test received wisdom and put forward new ideas, including the ability to state controversial or unpopular opinions. Under its principles, the University repeats this commitment, encouraging students to critique and challenge prevailing ideas and opinions, with an expectation that they do so in a lawful, respectful and constructive manner. It does, however, refer to the [Prevention of Bullying, Harassment, and Discrimination Policy](#), outlining behaviour that is prohibited both on and off campus.

[The Prevention of Bullying, Harassment, and Discrimination Policy](#) takes a broad definition of harassment, defining it as "any unwelcome comment, conduct or gesture that is insulting, intimidating, humiliating, malicious, degrading or offensive". This policy also outlines "zero tolerance" for "any form of harassment, bullying or discrimination".

The University also shows a willingness to police the social media activity of its staff and students. Despite reaffirming its commitment to freedom of expression and role and critic and conscience, the [Social Media Policy](#) requires that posts do no damage to the University's reputation. It also limits the academic freedom of its staff to commentary within their fields of expertise, both on University social media and in a personal online capacity. The University prohibits posts in a personal capacity that break the Code of Conduct, threatening disciplinary procedures if such posts are not removed upon request. This threat of disciplinary procedures is also made against students who post content considered to constitute misconduct where they are identifiable as having been made by a Lincoln student.



#### PRACTICE

As a smaller University, there are not many public examples of situations in which Lincoln University either upheld or suppressed free speech. There was a situation in 2019 when Lincoln contracted with Ngāi Tahu for environmental, biodiversity and resource monitoring. A clause of the [contract silenced the University and its staff from commenting](#) on it unless given written permission by Ngāi Tahu. As such, staff were prevented from answering questions from journalists on the research results regarding the loss of habitat of an endangered beetle.

# UNIVERSITY OF OTAGO

## ASSESSMENT

Otago University scored 6.2 on the Free Speech Union Academic Freedom Survey, placing it fourth behind Lincoln, Victoria, and Canterbury Universities. This is despite its reportedly repressive culture for staff and the ability it gives itself to police speech on campus. Otago's policies explicitly show a low tolerance for supposed threats to its reputation, which is displayed in its relationship with its student magazine. However, to its credit, it has been willing at times to allow controversial and unpopular views to be expressed on campus.

### GRADE: B-

#### POLICY

Otago University's [Ethical Behaviour Policy](#), largely derives its principles from the Human Rights Act (1993). However, the policy seems to take a broad interpretation of "discrimination", potentially including informal statements and conduct.

The University's [Casual Bookings Policy](#) enables the university to decline external booking requests for events "deemed contrary to the values of the University", and to cancel events considered to "be capable of involving unacceptable risk of harm to any persons or property or to the reputation of the University". It is implied that events at which controversial



views are likely to be expressed may be allowed: The policy states that approval of an event does not imply endorsement of views expressed at it. Of note too is the inclusion of "the responsible exercise of academic freedom" as part of the values of the University.

The [Risk Management Policy](#) also shows an appetite for risk in relation to events. It describes itself as having a high tolerance for "maintaining its reputation as a research-led university with international reach" and "promoting critical thinking and intellectual independence". However, it has greater aversion to risk in relation to "significant reputational or financial damage" and "harm to students, staff, collaborators, partners or visitors".

In its [Gender Transitioning at Work Guidelines](#), Otago University shows some willingness to police the language of its staff, requesting they use the correct names and preferred pronouns of transgender people and to advise colleagues to do the same. The policy commences with a note asserting that "compliance with University Guidelines is expected in normal circumstances, and any deviation ... should only be in exceptional circumstances" This implies that the "request" isn't quite optional.

A positive policy at Otago is its [Academic Integrity Policy](#), which includes as one of its general principles "trust to support the free exchange of ideas".

#### PRACTICE

In 2020 Otago University was [accused of fostering a toxic culture of fear and suppression of dissent among its staff](#). Several staff, speaking anonymously out of fear for their careers, described a climate of suppressed views and fear of repercussions. A heavy top-down structure within the University administration was held responsible. It was claimed that dissent was suppressed and that academic freedom no longer existed.

The University has been described as having a rocky relationship not only with its staff but also with its student magazine, *Critic*. In 2018 a protest was held after the [University binned up to 2000 copies](#) of the "The Menstruation Issue" due to its controversial cover. Posters put up in protest were also torn down. The University [severed ties with Critic in 2020](#) after the publishing of an opinion piece critical of its COVID-19 response.

To its credit, Otago University has previously shown a willingness to host controversial views on campus, despite the powers it gives itself to suppress events. In [2017 the controversial, anti-vaccine documentary Vaxxed was allowed to be screened](#). The Vice-Chancellor said that the University made the decision "with the strong recognition that the university firmly upholds the right to free speech as one of its core values".

# MASSEY UNIVERSITY

## ASSESSMENT

Massey University is similar to Waikato University in that its stated policies appear to faithfully espouse academic freedom, while at times its actions suppress free speech and debate on campus. Massey's average score on the Free Speech Union Academic Freedom Survey was 5.9, also barely above AUT and Waikato, seemingly reflecting a poor environment for free expression according to the perception of its own staff. It has a history of censorious behaviour, although recent actions have evinced small improvements.

## GRADE: C+

### POLICY

Massey University has a specific [Policy on Academic Freedom, Free Speech and Freedom of Expression](#). It extensively lays out the University's commitment to freedom of speech and academic freedom, and recognises its legislative duty to uphold it. It recognises disagreement as not, in itself, breaching this freedom, and that the promulgation of material that shocks or offends may nonetheless be protected by academic freedom. It also makes note of the importance of the inclusion of Te Reo in academic discussion.

The policy recognises responsibilities that come with academic freedom and free expression, and the need to prevent the suppression of opinions through intimidation or fear. It further recognises the need to permit a wide range of voices to be heard. The policy differentiates robust debate from speech that stigmatises and silences, but describes the difference as "a fine line". It requires speakers to avoid marginalising or stigmatising others.

The main concerning element of this policy is point 21, where the Vice-Chancellor reserves the "right to refuse permission for invited speakers to speak on campus where their remarks are likely to be unlawful or make no meaningful contribution to scholarly activity." While the University is not obligated to provide a platform for unlawful speech, the class of speech that makes "no meaningful contribution to scholarly activity" is broad and nebulous enough to be invoked well short of that criterion.

Under Massey's [Harassment and Discrimination at Work Policy](#), the University prohibits conduct that is likely to result in unfavourable treatment of any person or group, in line with the Human Rights Act (1993). However, there are two additional protected categories: gender and physical size. The policy explicitly acknowledges that the expression of opinions, words or actions intended to advance knowledge or add to critical debate do not contravene the policy against harassment. But it does consider discrimination as potentially arising from informal or personal statements.

The [Social Media Guidelines for Staff](#), which explicitly reference Massey's [Academic Freedom](#) policy, place little restraint on social media posting by staff. However, it requires staff to protect the reputation of the University online and avoid responding to posts critical of the University.



The [External Speaker Procedure](#) allows the University to decline an external speaker if they are deemed to pose a significant risk to health and safety. Relevant considerations include risks of "physical, reputational, and mental harm to students, staff, and visitors". The procedure also requires at least 20 working days' notice before a speaker may hold their event on campus, a longer timeframe than at other universities.

### PRACTICE

Massey University has a poor record of upholding free speech and academic freedom on campus, however with minor recent improvements. Infamously, [in 2018, former Leader of the Opposition, Dr Don Brash, was banned from speaking at an event on campus](#), citing "security concerns", having been invited by its Politics Society. It was later shown that the Vice-Chancellor, Jan Thomas, believed Dr Brash's views to be a reputational risk, in a [press statement](#) describing Dr Brash's views as "dangerously close to hate speech" and "not conducive with the University' strategy of recognising the values of a *Tiriti o Waitangi*-led organisation".

Massey's penchant for cancelling controversial events includes [its cancellation of the "Feminism 2020" event in October 2019, organised by Speak Up For Women](#). Again, "health, safety, and wellbeing obligations" and the "risk of potential harm that may impact upon a vulnerable community" were cited as reasons for the cancellation. The cancellation, like the one at AUT, came in the wake of protests and threats to Massey's Rainbow Tick status.

Also in October 2019, Massey faced accusations of suppressing free speech [when staff ripped down posters promoting democracy in Hong Kong](#), despite permission having been given by the Student's Association for the posters to be displayed on its notice column. A University spokesperson cited complaints from staff and students as part of the reason for the posters being removed.

Despite its poor record, Massey seems to now be allowing some controversial speakers to appear on campus. A few months after being banned from speaking at Massey, [Dr. Brash was invited back to speak](#). He was also [allowed to speak at an event hosted by the Free Speech Union in 2022](#).

# UNIVERSITY OF WAIKATO

## ASSESSMENT

Despite affirmation of free speech in their Codes and Charter, there is an apparent environment of censorship at Waikato University, reflected in its average score on the Free Speech Union's Academic Freedom Survey. Its average score was 5.8, putting it in second-to-last place. The actions of Waikato University at times appear to show contempt for academic freedom, and this is reflected in the attitudes towards the University by its staff.

## GRADE: C

### POLICY

Notably, the two first principles of Waikato University's [Code of Student Conduct](#) recognise and uphold free expression and academic freedom. The first principle commits Waikato University to "providing an environment conducive to learning and academic enquiry for all students, staff and other members of the University". The next principle encourages students to "critique and challenge prevailing ideas and opinions", with the expectation that the expression is lawful, respectful and constructive. The primary limitation on speech in the Code is a requirement that students uphold the reputation of the University. The focus of the statement is more on *actions* bringing disrepute – as opposed to *speech* – but it could be plausibly extended to censure a whistleblower student speaking against Waikato.



The [Staff Code of Conduct](#), relative to the Student's Code, is more restrictive on speech. Like the Student's Code it extensively affirms and recognises the importance of academic freedom to research and scholarship, including the duty of academics not to limit the academic freedom of others. It does, however, emphasise obligations on staff to distinguish clearly between the areas in which they have expertise and their personal opinions. Furthermore, where the Code of [Student Conduct](#) espouses a zero-tolerance policy for practices such as discrimination and bullying, the [Staff Code of Conduct](#) goes further by requiring staff to avoid behaviour that may be *perceived* as bullying, harassment, or discrimination.

Finally, the [University of Waikato Charter](#) defines itself by, among other things, "a genuinely diverse, participative and free-thinking learning environment, which inspires and affirms academic excellence". It further asserts "commitment to academic freedom and the public accountability for the exercise of that freedom".

### PRACTICE

Despite the apparently strong endorsement of academic freedom for both staff and students in its Codes, the tighter requirements on staff and their speech seems to have contributed to occasions on which academic freedom and free expression for staff has been repressed. In 2017, [retiring professor Dov Bing slammed Vice-Chancellor Neil Quigley](#) for creating an environment restricting academic freedom. Concerningly, in response, Vice-Chancellor Quigley reportedly said that academic freedom looked different today.

Restrictions on the speech of academics was also apparent in July 2021, when [history lecturer Raymond Richards faced disciplinary action after describing groups of people as "religious cranks"](#). Richards was warned against using the term again and his in-class test on critical thinking was cancelled. It was only after intervention by the Free Speech Union that the University backed down.

# AUCKLAND UNIVERSITY OF TECHNOLOGY

## ASSESSMENT

AUT ranked lowest for academic freedom in the Free Speech Union's Academic Freedom Survey, with an average score 5.7. AUT makes comparatively little reference to its obligation to academic freedom in its written policies and openly exhibits a censorious attitude in relation to specific political views. It has shown contempt for open debate, both about contentious issues themselves and its own conduct in relation to how it has handled discussion of them. AUT seemingly values its progressive reputation and "Rainbow Tick" status over its traditional and statutory obligations as an academic institution.

## GRADE: F

### POLICIES

Compared to the policies of other universities, Auckland University of Technology makes little reference to its obligations to uphold academic freedom and critical debate. The [Good Employer policy](#) of the University commits itself to no limitation on employees' freedom of speech except where they speak on behalf of the university. However, an expectation of loyalty to the University is also expressed. The academic freedom of AUT staff is also noted under its obligations defined in the Education and Training Act 2020.

The [Code of Conduct for Research 2019](#), which recognises the values and principles to which AUT researchers are expected to adhere includes the principles of "free enquiry and an open society". Despite this, under the Code's requirement to "not harass, bully or knowingly act with malice towards individuals or groups of people", "harassment" is defined to include "verbal comments that reinforce social structures of domination", on a broad range of grounds including gender identity, body size, religion or beliefs to name a few. This wide definition of harassment could be construed to include a simple expression of views, and therefore poses a clear threat to the ability to express controversial and contrary opinions.

The [Discipline Statute](#) in AUT's *Calendar 2021* includes a requirement that no student is to discriminate against or harass any person or group either by conduct, or research or study. This would appear to be an explicit limit on academic freedom in relation to research and study. If a similar definition of harassment to the *Code of Conduct for Research* is used, then students are open to wide interpretations of harassment for stating controversial and contrary views.

AUT also has specific policies relating to gender identity and expression in the [Gender Identity, Sex and Sexual Diversity Guidelines](#). The policy applies to all staff, contractors, and students and, among other things, requires that the preferred pronouns of transgender, non-binary, and intersex people be used. It also requires acknowledgement of same-sex spouses, partners, and families in the same way that opposite-sex spouses and families are recognised. The policy purports to be part of AUT's commitment to providing a "safe, welcoming and inclusive workplace for all staff regardless of their gender identity...". However, in doing so it implements a policy of compelled speech regarding contentious areas of debate.



### PRACTICE

AUT has a history of cancelling events and censoring speech in attempts to protect its reputation. In 2018 [the University was accused of censoring its \(ironically named\) student magazine Debate during its open day](#). The magazine stands were moved from their usual location in the main building to storage units and quiet thoroughfares. AUT claimed it was in the interests of health and safety due to the higher-than-usual foot traffic, but the *Debate* editor claimed it was an act "stifling freedom of speech" following prominent criticism of AUT's mental health services in the issue.

Most prominent in its practices regarding free speech, is AUT's habit of cancelling events expressing views with which the University disagrees, citing 'booking issues'. In 2019 [an event commemorating the anniversary of the Tiananmen Square Massacre was abruptly cancelled](#). The University cited booking issues but made no effort to rectify them, and it was revealed through the Official Information Act that the event was cancelled following opposition from the Chinese Consulate. The cancellation was an egregious breach of the free speech of the event organiser, who was also an AUT staff member. It was also a curious decision, as [only months earlier AUT had allowed the screening of \*In the Name of Confucius\*](#), the documentary cancelled by Auckland University and also protested by the Chinese Consulate.

In April 2022, the Free Speech Union was itself the victim of cancellation by AUT. [The Free Speech Union had organised a union meeting with a talk from Daphna Whitmore](#). However, the event was abruptly cancelled by AUT officials two working-days before the meeting was to be held, loosely citing booking issues. This was despite AUT's obligation to allow the Free Speech Union, as a registered trade union, to host meetings on its campus. It was later revealed that the cancellation was instigated by an "inclusion manager" on the grounds of the material proposed for discussion. The cancellation is another example of egregious dereliction of AUT's obligations as critic and conscience of society.



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