

## Appendix 2 – Institutional Autonomy assessments

Table 3 - Due Diligence that may be required to determine whether a foreign university is autonomous:

Matrix to Assess Institutional Autonomy <sup>1</sup>			
Assessment area	Guidance	Examples of questions to consider	Examples of possible sources
<b>Membership of the foreign university's governing body</b>	<p>This indicator will be met if a <u>majority of</u> governing body members are <u>required to be</u> a member, supporter, unit, or part of the political party that forms the foreign government, however that requirement is described.</p> <p>This indicator will not be met if a majority of governing body members are <u>incidentally</u> members or supporters of the political party.</p> <p>A university's 'governing body' is the body with the highest level of authority over the university's internal governance, with leadership over the university and responsibility for strategic oversight and guidance. The definition is broad to cover the different types of governing bodies. For example, a governing body may be a university council, committee, primary committee, senate, or board of trustees, depending on the university.</p>	<ul style="list-style-type: none"> <li>• What is the university's highest governing body?</li> <li>• What are the laws and governing documents establishing the governing body?</li> <li>• How many members does the governing body have?</li> <li>• How is the university's governing body appointed?</li> <li>• Are most of the university's governing body members also members of the same political party?</li> <li>• To be appointed to or part of the university's governing body, is there a requirement in the laws or governing documents for members to have a particular political affiliation, support or be a member of a particular political party?</li> <li>• If so, does this requirement apply to all, or at least a majority, of the members?</li> </ul>	<ul style="list-style-type: none"> <li>• Legislation establishing the university</li> <li>• University constitution or charter</li> <li>• Other university document(s) setting out the requirements or procedures for appointing members to the governing body.</li> </ul>
<b>Education or research requirements</b>	<p>This indicator will be met if there is a positive obligation for education and/or research at the university to adhere to, follow, uphold or be in service of political principles or political doctrine of the foreign government (or the political party that forms the foreign government).</p> <p>This indicator will not be met if education or research at the university is required to be politically neutral.</p>	<ul style="list-style-type: none"> <li>• What are the laws and governing documents regulating research and education requirements?</li> <li>• What is set out in the laws or governing documents about (i) decisions on academic content, or (ii) who should be involved in decisions on academic content?</li> <li>• Are there laws or governing documents constraining the university's academic freedom and independence to choose its curriculum, courses and research content?</li> </ul>	<ul style="list-style-type: none"> <li>• National higher education laws</li> <li>• National education laws, if applicable to universities</li> <li>• Legislation establishing the university</li> <li>• University constitution or charter</li> <li>• University rules or regulations.</li> </ul>

<sup>1</sup> <https://www.foreignarrangements.gov.au/sites/default/files/2021-03/Guidance%20on%20Institutional%20Autonomy.pdf>

### Matrix to Assess Institutional Autonomy<sup>1</sup>

Assessment area	Guidance	Examples of questions to consider	Examples of possible sources
		<ul style="list-style-type: none"> <li>• Is there censorship of particular academic content under laws or governing documents?</li> <li>• Do the laws or governing documents place positive obligations on the foreign university to serve, uphold, follow or adhere to particular political doctrine (or, conversely, is the university required to be politically neutral)? If so, does this impact education and/or research at the university?</li> </ul>	
<b>Academic staff requirements</b>	<p>This indicator will be met if there is a positive obligation on the university's academic staff to adhere to, follow, uphold or be in service of political principles or political doctrine of a foreign government (or the political party that forms the foreign government). This indicator will not be met if academic staff are required to be politically neutral.</p>	<ul style="list-style-type: none"> <li>• What are the laws and governing documents regulating employees?</li> <li>• What is set out in the laws or governing documents about (i) decisions on academic staff, or (ii) who should be involved in employing and appointing academic staff?</li> <li>• Is there censorship of academic staff in laws or governing documents?</li> <li>• To be employed at the university, do the laws or governing documents place positive obligations on the academic staff to serve, uphold, follow or adhere to particular political views (or, conversely, are employees required to be politically neutral)?</li> <li>• Would an Australian academic need to change their course content or public statements if they were teaching at that foreign university, due to a requirement in the laws or governing documents of the university?</li> </ul>	<ul style="list-style-type: none"> <li>• National higher education laws.</li> <li>• National education laws, if applicable to universities.</li> <li>• Legislation establishing the university.</li> <li>• University constitution or charter.</li> <li>• University rules or regulations.</li> </ul>