



QUANTUM INSTITUTE
OF HIGHER EDUCATION

**Academic Freedom and Intellectual
Property Policy**

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Academic Freedom and Intellectual Property Policy

Purpose

The purpose of the Academic Freedom and Intellectual Property Policy ('the Policy') is to safeguard and promote academic freedom and intellectual property rights within Quantum Institute of Higher Education's (the 'Institute' or 'QIHE'). This Policy aims to establish clear guidelines regarding the ownership, use, and dissemination of intellectual property generated by staff, and students while upholding principles of academic integrity and innovation.

Scope

This Policy will apply to all applicants, enrolled students of QIHE, as well as staff and all parties that will be involved in collaborative arrangements with QIHE.

I. Policy Principles

In regard to academic freedom and intellectual property, QIHE upholds these principles as follows:

- i. **Encourages Active Engagement.** Encouraging active engagement in critical intellectual inquiry and expression;
- ii. **Upholding Academic Freedom.** Including freedom to discuss, whether in teaching or research, and to disseminate or publish information subject to lawful expression and in alignment with other higher education providers' standards;
- iii. **Respecting Intellectual Property Rights.** QIHE respects Intellectual Property rights including of those who produced and generate intellectual properties in the course of their academic endeavours;
- iv. **Integrity and Transparency.** Fostering a culture of integrity, honesty and transparency in relation to academic freedom and intellectual property management;
- v. **Compliance.** QIHE complies with applicable Commonwealth and State laws, regulations and policies therefore all exercises of academic freedom and usage of intellectual properties, including course and coursework, are subject to the limitations set by the applicable laws and regulations.

2. Academic Freedom

2.1 Upholding the Rights of Academic Freedom

- i. All students and staff reserve the right to have the freedom of critical and open enquiry consistent with the applicable scholarly standards;

- ii. Academic staff of the Institute reserves the right to teach, discuss and conduct their own further research as well as to disseminate and publish the results of their research in accordance with scholarly standards;
- iii. Expression of opinions and ideas, including regarding the Institute or the general higher education policies, are encouraged as far as it abides by the set limitations and should not constitute misconduct;
- iv. Diverse opinions and debates, should be made without disadvantaging others and in accordance with relevant policies such as the *Staff Code of Conduct* and *Student Code of Conduct*;
- v. QIHE ensures that the curriculum of the Institute allows for academic freedom by providing opportunities for students to explore diverse perspectives, challenge existing ideas, and engage in critical inquiry;
- vi. In its role as a higher education provider, QIHE reserves the right to retain autonomy in relation to the choice of offerings, academic courses and ways that they are being delivered.

2.2 Participation in Public Organisation or Debate

- i. Academic staff possess the freedom to participate in professional or representative academic bodies or organisation and engaging in public debates related to their expertise in their field;
- ii. Students at QIHE have the freedom to participate in student societies and associations within QIHE and externally;
- iii. Public statements and debate iterated by students or staff of the Institute must be within reason, with good faith and must not discriminate or vilify other individuals.

3. Intellectual Property

3.1 General Procedures

- i. QIHE upholds the importance of Intellectual Property rights and protection, therefore Intellectual Property production and usage are protected by the Institute according to applicable laws and regulations, namely:
 - a. Patents Act 1990;
 - b. Trademarks Act 1995;
 - c. Copyright Act 1968;
 - d. Common law and other similar intellectual and industrial property law that are applicable in New South Wales.
- ii. To ensure proper management of Intellectual Property, the provisions of this Policy will be communicated and indicated to students, staff and other individuals that are affiliated with the Institute through various means such as indication of the provisions

in employment contracts, requiring signing of documents regarding Intellectual Property or briefings;

- iii. Any unauthorised usage of Intellectual Property should be reported to the Institute.

3.2 Intellectual Property by Academic Staff

- i. In its capacity as the employer, QIHE will retain the ownership of all Intellectual Property that are developed and produced by individuals during their employment with the Institute, unless agreed otherwise in writing;
- ii. QIHE does not have the ownership of pre-existing Intellectual Property of the Institute's staff prior to their employment, provided that QIHE is informed within a reasonable timeframe of within 20 working days after their employment;
- iii. Academic staff may indicate and clarify their ownership and rights related to Intellectual Property including patents, copyrights, and trademarks during the reasonable timeframe indicated in the prior point;
- iv. The academic staff or individuals who are the author of a produced Intellectual Property will retain the rights of authorship, including the right of attribution, the right not to have authorship falsely attributed and right of integrity of authorship;
- v. Academic staff that are working on their own personal projects or projects affiliated with external private work outside of the Institute are required to declare their projects to their supervisor;
- vi. Provisions on Intellectual Property will be indicated in staff's Employment Contract and *Staff Code of Conduct*.

3.3 Intellectual Property by Students and External Parties

- i. For Intellectual Property that are created by individuals that are not part of the Institute's academic staff but are in affiliation with the Institute, QIHE retains the ownership rights if it is:
 - a. Created with the usage of the Institute's resources or contributions;
 - b. An extension of result from a pre-existing Intellectual Property that is owned by the Institute.
- ii. External parties that are engaging with the Institute or will commence as a visiting speaker with the Institute may be asked to sign an agreement of confidentiality in regard to Intellectual Property protection prior to the commencement;
- iii. For Intellectual Property created by Students, QIHE retains the ownership rights if it is:
 - a. Created with the usage of the teaching materials owned by QIHE;
 - b. Created with the usage of the Institute's resources or contributions;
 - c. A project resulting from an agreement between the Institute and a third party;
 - d. Specifically commissioned by the Institute.
- iv. External parties or students retains the right of authorship of their creation.

3.4 Commercialisation of Intellectual Property

- i. QIHE upholds transparency and fairness in regard to the commercialisation of Intellectual Property;
- ii. QIHE allows the opportunity for staff and students to participate in any further research linked with the commercialisation of Intellectual Property;
- iii. QIHE may engage in partnerships for the commercialisation of Intellectual Property;
- iv. Any rewards that are obtained from the commercialisation of Intellectual Property shall be distributed as per the prearranged agreement with the staff or students who are the author, creator or inventor of the Intellectual Property or those who are involved in the creation;
- v. In the event that the Institute decides not to pursue the commercialisation of the Intellectual Property and is in differing opinion with the author, creator or inventor of the Intellectual Property, QIHE may engage in negotiations regarding the transfer of Intellectual Property.

4. Rights and Responsibilities

- i. QIHE is responsible for:
 - a. Fostering a safe environment for everyone to exercise their academic freedom in the process of teaching and learning;
 - b. Facilitating the freedom and rights of others to express their opinions, ideas and disseminate information in regarding their findings or research;
 - c. Protecting the rights of everyone, including student, staff and external parties affiliated with the Institute, to avoid them from being disadvantaged.
- ii. Academic staff are responsible for:
 - a. Responsible exercise of academic freedom by adhering to professional standards, ethical guidelines, and institutional policies;
 - b. Familiarising themselves with the provisions of this Policy and the applicable rules or law regarding academic freedom and Intellectual Property rights;
 - c. Disclosing their affiliations and potential conflict of interests that may arise to ensure proper management of academic freedom and Intellectual Property rights.
- iii. External parties who are in affiliation with QIHE, including visiting speakers, are responsible for:
 - a. Upholding responsible exercise of academic freedom of expression and exchange of ideas;
 - b. Abiding to the provisions of this Policy.
- iv. Students are responsible for:

- a. Familiarising themselves with the provisions of this Policy and other applicable rules, laws or QIHE's policies regarding academic freedom and Intellectual Property rights, such as the *Student Code of Conduct*;
- b. Respecting diverse opinions and ideas as well as the importance of Intellectual Property rights in their academic endeavours;
- c. Exercising their rights to academic freedom responsibly and in accordance with ethical standards.

5. Breaches and Complaints

- i. Any individual, whether a student or staff member, who becomes aware of a potential breach of academic freedom or Intellectual Property rights is encouraged to report the incident promptly.
- ii. Complaints should be submitted in writing, within 14 days of the incident, to their supervisor to be then reported to the Dean.
- iii. Upon receipt of a complaint, the Dean will conduct a thorough review of the matter and gather relevant information.
- iv. The Dean will decide on the appropriate course of action and then report the matter to the Teaching & Learning Committee and the Academic Board.
- v. Breaches will be dealt in accordance with the applicable Commonwealth and State laws and the Institute's policies such as *Student Code of Conduct* and *Staff Code of Conduct*.
- vi. QIHE may also seek internal or external expert advice in formulating the best course of action.

6. Rights to Appeal

Students and staff may submit a request to appeal the decision made by QIHE in regard to breach of Intellectual Property rights or other grievances relating to academic freedom decisions. Appeals can be made in accordance with the *Complaints and Appeal Policy and Procedure* and *Human Resources policy and Procedure* for students and staff respectively.

Glossary

Academic Freedom encompasses the rights of academic staff and students to teach, discuss, research, publish, and express opinions within their fields without undue constraint by established consensus or institutional policy, while adhering to scholarly standards.

AQF refers to the Australian Qualifications Framework, the national policy for regulated qualifications in Australian education and training.

Commercialisation refers to the process of turning intellectual property assets, such as patents, copyrights, trademarks, or trade secrets, into tangible economic value.

Copyright refers to legal protections granted to creators of original works, giving them exclusive rights to reproduce, distribute, and display their works.

Course refers to QIHE's units of study or subjects.

Freedom of Expression means the right of a citizen or community member to express a view (orally, in writing or through creative or cultural practice) without the threat of repercussion or consequence, provided that the view or expression does not contravene other Australian laws or, for staff, students and affiliates.

Intellectual Property (IP) can be defined as any new, novel, and useful product that is created by the mind of individuals through their own research and development.

Patents refers to legal protections granted by a government to inventors, providing exclusive rights to make, use, and sell their inventions for a limited period.

Program refers to the Bachelor of Business and Bachelor of Information Technology degrees that QIHE is preparing to establish.

TEQSA (Tertiary Education Quality and Standards Agency) refers to the independent national regulator for the higher education sector in Australia.

Trademark refers to symbol, name, or design used to distinguish goods or services of one entity from those of others, protected by law to prevent unauthorized use by competitors.

Version Control

Version	1.0
Last Review	27 March 2024
Policy Category	Academic Board
Related Documents	<i>Complaints and Appeal Policy and Procedure</i> <i>Staff Code of Conduct</i> <i>Student Code of Conduct</i> <i>Ethics and Scholarly Activity Policy</i> <i>Academic Integrity Policy and Procedure</i>
Legislation References	TEQSA Higher Education Standards Framework (Threshold Standards) 2021 Higher Education Support Act 2003 Education Services for Overseas Students Act 2000 (ESOS Act)
References	Australian Institute of Higher Education Lincoln Institute of Higher Education Sydney Institute of Higher Education Excelsia College University of Adelaide University of New South Wales University of Technology Sydney Western Sydney University