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Report to Rome Ministerial Meeting 2020

Protecting and promoting academic freedom in the European Higher Education Area: the view of higher education staff

Executive summary

Academic freedom is an essential aspect of quality learning, teaching and research in higher education as well as of democratic society. Therefore, ETUCE calls on:

- national governments and higher education stakeholders to ensure that academic freedom is a genuine priority during the 2021-24 cycle of the Bologna Process;
- policy makers to recognise that threats to academic freedom exist in 'liberal democracies' as well as more authoritarian political systems in the EHEA;
- national governments to rethink current approaches to funding, governance and staffing in order to strengthen academic freedom in Europe;
- the Bologna Follow-Up Group (BFUG) to reconstitute the Task Force for future monitoring of values as an official working group during the 2021-24 cycle;
- the BFUG to consider establishing a thematic peer group on fundamental values, and academic freedom in particular, during the 2021-24 cycle;
- the BFUG to give the issue of academic freedom prominence at the Rome Ministerial Conference on 19 November 2020.

Introduction

In the 2018 Paris Communiqué, Ministers of higher education made a firm commitment to promoting and protecting fundamental values throughout the European Higher Education Area (EHEA). One of the opening paragraphs in the communiqué states that:

"Academic freedom and integrity, institutional autonomy, participation of students and staff in higher education governance, and public responsibility for and of higher education form the backbone of the EHEA. Having seen these fundamental values challenged in recent years in some of our countries, we strongly commit to promoting and protecting them in the entire EHEA through intensified political dialogue and cooperation."

As the representative of academic staff and education support personnel in Europe, the European Trade Union Committee for Education (ETUCE) welcomes the increased focus on fundamental values within the Bologna Process and recognises the centrality of all the fundamental values outlined in the Paris communiqué, as well as their interconnectedness - for example, the fact that institutional autonomy is a prerequisite for guaranteeing the proper fulfilment of academic freedom.

At the same time, there remain significant disparities in the prioritisation of different fundamental values by governments and higher education leaders. On the one hand, there

has been a strong focus on protecting and promoting institutional autonomy in areas such as higher education funding and staffing, for example, enabling universities to bring in alternative sources of finance or providing university management with greater autonomy to hire and fire staff. The protection and promotion of academic freedom on the other hand has been a largely neglected area for national and European policy-makers.

ETUCE, therefore, welcomes the work on academic freedom that has been undertaken by the Bologna Follow-Up Group (BFUG) Task Force for future monitoring of valuesⁱ but we call on national governments and higher education stakeholders to ensure that the issue is a genuine priority during the 2021-24 cycle of the Bologna Process. This document is a contribution to that campaign.

Firstly, the document outlines the case for a strong focus on academic freedom as a fundamental value *in its own right* and which requires enhanced protection and promotion by governments, institutions and stakeholders.

Secondly, the ETUCE calls on policy makers to recognise that threats to academic freedom exist in 'liberal democracies' as well as more authoritarian political systems in the EHEA.

Thirdly, while strengthening democratic institutions and norms is vital to the safeguarding of academic freedom, it is also necessary to move away from market-based policies in higher education. ETUCE believes that if we are serious about strengthening academic freedom in Europe, it will require rethinking current approaches to funding, governance and staffing. And in the age of Covid-19, this process of reimagining higher education for the public good has become even more urgent.

What is academic freedom and why is it important?

One of the most comprehensive international definitions of academic freedom is provided by the 1997 UNESCO Recommendation concerning the status of higher education teaching personnel. It summarises academic freedom as:

*"...the right, without constriction by prescribed doctrine, to freedom of teaching and discussion, freedom in carrying out research and disseminating and publishing the results thereof, freedom to express freely their opinion about the institution or system in which they work, freedom from institutional censorship and freedom to participate in professional or representative academic bodies."*ⁱⁱ

First and foremost, academic freedom is an individual right and is underpinned by a scientific responsibility to uphold research ethics and academic integrity. As an individual right, it is qualitatively different to another fundamental value: institutional autonomy. Institutional autonomy is a *conditio sine qua non* for academic freedom.^[ii] Academic freedom would not exist without institutional autonomy, but mere institutional autonomy does not guarantee the existence of academic freedom as an individual right. In fact, we reiterate the advice in the 1997 UNESCO recommendation that *"Autonomy should not be used by higher education institutions as a pretext to limit the rights of higher-education teaching personnel"*.

The UNESCO recommendation acknowledges that academic freedom is not simply a professional right but is an essential aspect of quality learning, teaching and research in higher education as well as of democratic society. For instance, it recognises that “*Advances in higher education, scholarship and research are underpinned by academic freedom, professional responsibility, collegiality and institutional autonomy.*” Moreover, we must be confident that the knowledge on which we base our lives and actions is truthful. We can only do this if the higher education teachers and researchers who produce this knowledge are free and independent, and if research results are constantly subject to critical review by other academics. The requirement for academics to pursue the truth, wherever it may lead them, is the very essence of academic freedom and is critical for society.

Academic freedom is consequently a prerequisite for scientific personnel in all disciplines to be able to challenge established truths and expand the boundaries of our knowledge. This is only possible if we ensure that academics are as independent, free and as aware of potential conflicts of interest as possible. For example, in order to ensure that research is reliable, researchers must be independent of political pressure and financial interests that could influence processes and results. The pursuit of scientific knowledge can lead to conflicts with and pressure from other interest groups, whether organisational, strategic, financial or political. From this perspective, academic freedom, therefore, is an ideal that must be protected and promoted in all its various contexts.

Recent political developments, in particular the growth in authoritarian governments, however, have led to a crisis in academic freedom in a number of EHEA countries.

Academic freedom, institutional autonomy and democracy

The 2018 Paris Communiqué refers to fundamental values being “*challenged in recent years in some of our countries*”. In comparison to many other parts of the world, academic freedom is better protected in Europe.ⁱⁱⁱ However, this is not the case for all countries in the EHEA and the most serious assault on academic freedom in recent years has occurred in Turkey. Over the past few years, academics in Turkey have continued to face prosecution, harassment, and bans on public employment and overseas travel for signing a peace petition or for being associated with organisations who are critical of the current government.^{iv}

In recent years we have also seen threats to university autonomy and academic freedom, including government actions to restrict individual higher education institutions, in parts of Central and Eastern Europe. Within the European Union, the most notorious example has been in Hungary and the targeting of the Central European University (CEU). We have also seen greater political interference in the university curriculum in Hungary, in particular the proposal to end funding for gender studies.

Fundamental values such as academic freedom and university autonomy, as well as press freedom and an independent judiciary, are integral to the functioning of democratic societies. At the same time, academic freedom and institutional autonomy are unlikely to thrive in societies which lack democratic institutions and a culture of democracy. ETUCE,

therefore, calls on governments in the EHEA to commit to protecting and promoting democratic institutions. ETUCE also demands sustainable funding and support for teachers and other education personnel in teaching democracy, human-rights, universal values and citizenship skills to competently address and cater for the needs of their students.^v

Academic freedom and the marketisation of higher education

The most serious threats to academic freedom in the EHEA stem from governments seeking to clampdown on dissenting voices in academia. At the same time, it is important to highlight some of the more subtle pressures on academic freedom that exist in the majority of European countries. These pressures stem mainly from the growth in quasi-market policies and practices in higher education.

Reductions in core public funding

Of course, it is important to recognise that levels of ‘marketisation’ differ from country to country and the impact of these policies on academic freedom can often be *indirect*. In fact, one of the most significant trends has been the reduction in core public funding for teaching and research in many European higher education systems. The latest Public Funding Observatory Report analyses trends between 2008 and 2018 across 34 higher education systems. It shows that 15 systems in Europe still had lower levels of direct public funding in the long run, with 5 of them also having to deal with larger student cohorts during that period.^{vi} Effective public funding remains a basic requirement for institutional autonomy and academic freedom and yet in a number of EHEA countries, particularly in parts of Southern and Eastern Europe, higher education remains severely underfunded. Moreover, we fear that one of the fiscal responses to the Covid-19 crisis will be to slash public investment in higher education. Instead, the ETUCE calls on governments to provide sustainable public funding for higher education and to enable institutions to provide staff with the appropriate resources, working conditions and academic freedom they need to undertake high quality teaching and research.^{vii}

Performance-based funding

In addition to budget cuts, there have been major ‘reforms’ to higher education funding, particularly on the research side, which have had a largely negative impact on academic freedom. Performance-based funding has grown significantly in recent years, with the establishment of so-called ‘excellence initiatives’ in a number of countries and an expansion of short-term, project funding in most countries in the EHEA. We have also seen increased pressures on higher education institutions and individual staff to bring in alternative sources of funding from businesses or individual donors, which can undermine the democratic and public character of research. As a result of these policies, the range of ‘acceptable’ research projects and publications has become more narrowly defined and research processes are now more managed, controlled and regulated.

Internationalisation of higher education and threats to academic freedom

Challenges to academic freedom in European higher education have also arisen as a result of market-driven internationalisation. For example, one of the options chosen by higher education institutions in the EHEA has been to establish 'branch campuses' in authoritarian states in Asia and the Middle East. One of the potential consequences has been a diminution of standards of academic freedom compared to the home university.^{viii} Similarly, the rapid shift to 'emergency remote teaching' as a result of Covid-19 raises questions about how to guarantee academic freedom on courses where students are studying remotely in countries where internet censorship and surveillance is widespread.

Academic freedom and job security

Quasi-market policies have also led to an expansion of precarious academic jobs in higher education. Over the past two decades we have seen an erosion of tenure and a growth in fixed-term and casualised employment across Europe. The 2017 Eurydice report on academic staff found "*reduced employment opportunities in academia*" and "*an increasing proportion of staff in externally funded positions*" in countries such as Luxembourg, Austria, UK, Switzerland and Norway. In some systems, the scale of casualisation is particularly pronounced, for example, 30% or fewer academics have an indefinite contract in Germany, Estonia, Austria and Finland (university sectors).^{ix} It is also of major concern that one of the responses to the Covid-19 crisis has been the dismissal of thousands of fixed-term and casualised contract staff.^x

In addition, attempts to improve the job insecurity of higher education staff have often been undermined by government or employer intransigence. For example, in Ireland, researchers in higher education have been excluded from agreed clauses reducing the length of time that employees could be kept on temporary contracts.

These developments have significant consequences for the realisation of academic freedom because academics on fixed-term contracts are often excluded from meaningful participation in university governance and their precarious employment situation makes it harder for them to question received wisdom and to put forward new ideas and controversial or unpopular opinions without placing their careers in jeopardy.

'New public management' and governance

Another key aspect of marketisation has been the introduction of 'new public management' into higher education systems, with governance and organisational models taken largely from the private sector. In recent years, we have seen major changes in university governance, including a reduction in the numbers of academic staff and students on governing bodies, fewer elections for senior university appointments and the creation of centralised senior management teams who, in the interests of protecting the 'university brand', exercise greater control over what higher education employees can say in the public domain.^{xi} All of these developments have resulted in reduced academic participation in decision-making processes and a greater difficulty for academic staff to exercise their right to criticise the functioning of their own institution (a key element of academic freedom).

Changes to funding, governance and employment in European higher education have also led to 'self-censorship' amongst academic staff. An authoritative survey of academic staff in Europe found that 19.1 per cent of EU respondents admitting to have subjected themselves to self-censorship at work for fear of negative repercussions, such as loss of benefits and career prospects, while a similar survey of UK-based academics (conducted on behalf of the University and College Union) found that the comparable figure for UK-based academics was 35.5 per cent.^{xii} These findings should be of major concern to governments and higher education stakeholders across the EHEA.

Academic freedom and the role of higher education unions

Higher education staff and their organisations have a key role to play in safeguarding academic freedom.

In December 2018 the ETUCE special conference passed a resolution on strengthening academic freedom in Europe.^{xiii} The resolution calls on governments in the EHEA to commit to improving the *de jure* protection of academic freedom at the national level through legislative and regulatory measures and for governments to uphold their international commitments to academic freedom, such as the 1997 UNESCO Recommendation concerning the status of higher education teaching personnel. Moreover, the resolution calls for measures to strengthen the *de facto* protection of academic freedom and therefore changes to current policies, practices and cultures within the higher education sector. ETUCE believes that this should include a commitment to sustainable public investment in higher education teaching and research and a policy of meaningful staff and student participation on the governing bodies of higher education institutions.^{xiv}

In addition, ETUCE believes that we must re-establish the crucial link between job security and academic freedom which has become distorted by the growth of fixed-term and casualised employment. The connections between job security and academic freedom are recognised in international instruments and declarations. The 1997 UNESCO recommendation states that tenure or its functional equivalent is "*one of the major procedural safeguards of academic freedom and against arbitrary decisions*" and "*should be safeguarded as far as possible*". More recently, the Global Forum on Academic Freedom, Institutional Autonomy and Democracy has called on higher education institutions and public authorities "*to provide sufficiently secure employment conditions for faculty/academic staff to exercise academic freedom*".^{xv}

Education trade unions in Europe have been at the forefront of campaigns to improve the employment and professional status of fixed-term staff but we now need to see governments and university leaders committing themselves to similar policy goals. ETUCE believes that improvements in this area are best guaranteed by strengthening collective bargaining and social dialogue and the involvement of education trade unions in decision-making.

Taking the work forward within the Bologna Follow-Up Group (BFUG)

We welcome the establishment of the BFUG Task Force for future monitoring of values and in particular the strong emphasis on academic freedom. We call for the BFUG to reconstitute the Task Force as an official working group during the 2021-24 cycle.

One of the priorities of the group will be develop an effective measurement and monitoring framework on academic freedom which is able to draw on a wide range of authoritative and independent sources of data, including the latest academic and policy literature. ETUCE believes that this work should include the use of staff and student surveys as part of the evidence base regarding the *de facto* protection of academic freedom.

We call on the BFUG to consider establishing a thematic peer group on fundamental values, and academic freedom in particular, during the 2021-24 cycle. We believe that these issues are as important to the Bologna Process as issues such as quality assurance, qualifications framework and the Lisbon Recognition Convention.

Finally, we call on Ministers of Higher Education to ensure that the protection and promotion of fundamental values, including academic freedom, is a political priority for the EHEA as a whole, and not simply the responsibility of a technical task force. We, therefore, call for the topic to be given prominence at the Rome Ministerial Conference on 19 November 2020.

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