Motion on UCU academic charter for 20 November 2012 OGM

This branch notes the global trends across Higher Education towards the centralisation of University work and outputs around commercial and state driven imperatives.

We further note the threats to the integrity of academic research and teaching represented respectively by intensified competition for research funding and by increasingly competitive pressures on recruitment.

We believe that this represents a serious threat to the principle and practice of academic freedom in research and publishing and autonomy in teaching.

Finally, we note the revisions of statutes being currently undertaken by the University of Liverpool and the separation of the University’s statutory commitment to academic freedom from the employment procedures than have hitherto underpinned it.

As the trade union that represents academic and academic-related staff at the University of Liverpool we see the UCU as a ‘legitimate stakeholder’ for consultation on issues of academic governance and management.

We see the UCU as being central to maintaining vigilance on issues of academic freedom and the openness and integrity of academic governance.

To this end we endorse the statement below as an ‘Academic Charter’ of basic principles to inform and underpin the UCU’s concerns for academic governance.

We also call upon the University to:

* create UCU seats on senate;
* engage with the UCU Academic Charter with a view to arriving at a common statement of principles.

[UCU logo]

**University of Liverpool UCU Academic Charter**

The University of Liverpool University and College Union defends academic freedom as a fundamental foundation for the work of the academic in research, professional life and wider society. Specifically, the UCU upholds the following principles as applying to any and all staff engaged in academic work:

* **Academic Freedom**

A core principle of Higher Education widely recognised by United Nations agencies, non-government agencies, educational bodies and individual nations is the importance and protection of academic freedom. University staff should have the right to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions, and not be disadvantaged, or subject to less favourable treatment by their employer for the exercise of this freedom.

Academic freedom for these purposes then is understood in terms of both: active institutional support; and restraint from institutional interference.

* **Academic Autonomy**

The pursuit of knowledge depends on the academic freedom of scholarly practitioners and academic bodies. Academic practitioners must be guaranteed academic autonomy to question, investigate and test current paradigms and present new knowledge freely amongst peers and the wider community. Academic practice must exist in an environment free from bias and without fear of the need to misrepresent or conceal scholarly outputs.

This applies to the conduct of research, the publishing of research findings, the design of curricula content and student teaching.

* **The right to tolerance of divergent opinion and freedom from political interference**

Academic practitioners must be free to hold, express and debate divergent academic perspectives, regardless of organisational agendas or wider societal pressures, including commercial, political or other imperatives which might preclude bias regarding academic opinions or outputs.

* **Freedom of Expression**

The Education Act (No 2) 1986 requires the University to take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for its employees, students and visiting speakers. This also includes the duty to ensure, as is reasonably practicable, that the use of any of the University’s premises is not denied to any individual or body of persons on the grounds of their beliefs, views, policies or objectives. Section 43 of the Education (No.2) Act 1986 requires under subsection 3 that the governing body of the establishment shall issue, and keep up to date, a Code of Practice on Freedom of Speech, setting out the procedures to be followed by students and staff in connection with the organisation of meetings and activities which fall within any class specified within this Code.

The UCU calls upon the University to further undertake to ensure that no member of the University or visiting speaker by act, association or incitement violates the rights of any other individual or group because of their ethnicity, religious identity, disability status or sexual orientation (or any other kind of social characteristic and/or disadvantage).

* **The University as a public/ publicly accountable institution**

The role of Quality Assurance and regulatory frameworks are essential for academic practice to reflect the pursuit of knowledge without bias. Additionally, the University of Liverpool and wider Higher Education sector plays an important role as a driver of civic development, social meritocracy and stimulus for regional and national prosperity. As such, the University should remain an independent but publicly accountable institution, regulated within the frameworks of Higher Education agencies such as the Quality Assurance Agency for Higher Education and the Higher Education Funding Council for England and should not - at present or in the future - pursue a path toward de-regulation to become a non-statutory educational provider, nor seek to deprecate those crucial civic functions previously described.

* **The Collegiate model of Higher Education**

The University must safeguard its historical collegiate approach to Higher Education. Specifically this is grounded in an academic environment which is research and scholarship-led, conducting academic affairs against national and international standards of academic excellence and peer review.

* **Academic relationship with student representative bodies**

The Liverpool Guild of Students / National Union of Students presence on-campus must be closely involved in the academic life of the University, including participation in academic meetings and strategic decision making affecting the student body. The fostering of transparency and inclusivity with regard to student representation is an important element for the dissemination and expansion of the University mission within the academic and wider community and for embedding academic values in the undergraduate and postgraduate student body.

* **Academic and Institutional Responsibility**

The ability to report irregularities without fear of retribution is an important aspect of collaborative governance whereby all staff and students are encouraged to take some measure of responsibility for the good and proper administration of the University. Academic staff (and indeed all staff and students) should be free to comment or raise concern regarding any aspect of University governance, academic practice or the general conduct of the University and its constituent departments and officers.

* **Role of the senate, court, faculty fora and other University organs**

The University senate, court, faculty fora and other governing organs provide a vital conduit for decision making and University affairs across the academic community and for external community stakeholders. It is important to maintain historical University organs to ensure collective participation of academic staff and community stakeholders in decision making bodies within the University.

As the trade union representing academic and academic-related staff, the UCU is a legitimate stakeholder for consultation on issues of academic management and governance.

**Sources**

**Education (No. 2) Act 1986   
*Latest available (revised)***<http://www.legislation.gov.uk/ukpga/1986/61>

43 Freedom of speech in universities, polytechnics and colleges..

(1) Every individual and body of persons concerned in the government of any establishment to which this section applies shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers. .

(2) The duty imposed by subsection (1) above includes (in particular) the duty to ensure, so far as is reasonably practicable, that the use of any premises of the establishment is not denied to any individual or body of persons on any ground connected with— .

(a) the beliefs or views of that individual or of any member of that body; or .

(b) the policy or objectives of that body. .

(3) The governing body of every such establishment shall, with a view to facilitating the discharge of the duty imposed by subsection (1) above in relation to that establishment, issue and keep up to date a code of practice setting out— .

(a) the procedures to be followed by members, students and employees of the establishment in connection with the organisation— .

(i) of meetings which are to be held on premises of the establishment and which fall within any class of meeting specified in the code; and .

(ii) of other activities which are to take place on those premises and which fall within any class of activity so specified; and .

(b) the conduct required of such persons in connection with any such meeting or activity; .

and dealing with such other matters as the governing body consider appropriate.

(4) Every individual and body of persons concerned in the government of any such establishment shall take such steps as are reasonably practicable (including where appropriate the initiation of disciplinary measures) to secure that the requirements of the code of practice for that establishment, issued under subsection (3) above, are complied with.

**UNESCO recommendations on academic freedom 1997**<http://portal.unesco.org/en/ev.php-URL_ID=13144&URL_DO=DO_TOPIC&URL_SECTION=201.html>

“Institutions of higher education, and more particularly universities, are communities of scholars preserving, disseminating and expressing freely their opinions on traditional knowledge and culture, and pursuing new knowledge without constriction by prescribed doctrines. The pursuit of new knowledge and its application lie at the heart of the mandate of such institutions of higher education. In higher education institutions where original research is not required, higher-education teaching personnel should maintain and develop knowledge of their subject through scholarship and improved pedagogical skills.”

**The International Association of Universities (IAU) declaration, Nice 1950**<http://portal.unesco.org/education/en/ev.php-URL_ID=34754&URL_DO=DO_TOPIC&URL_SECTION=201.html>

The International Association of Universities (IAU) at their UNESCO-sponsored meeting in Nice, 1950 affirmed the defining principles of the modern university:

“The right to pursue knowledge for its own sake and to follow wherever the search for truth may lead... (and) ...the tolerance of divergent opinion and freedom from political interference.”

**The Magna Charta Universitatum 1988**

<http://www.magna-charta.org>

The Magna Charta Universitatum was originally signed in Bologna in 1988 and has now been signed by 660 universities (including Trinity College Dublin) from 78 countries around the world. Among its fundamental principles, the Magna Charta states:

“Freedom in research and training is the fundamental principle of university life, and

governments and universities, each as far as in them lies, must ensure respect for this fundamental requirement.”

**The Irish Universities Act 1997**

<http://www.irishstatutebook.ie/1997/en/act/pub/0024/index.html>

“‘A member of the academic staff … shall have the freedom, within the law, in his or her teaching, research and any other activities in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions, and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.”

**The 2010 Consolidated Statutes of Trinity College Dublin and of the University of Dublin**

<http://www.tcd.ie/registrar/statutes/>

“College guarantees to respect, defend and vindicate the traditional principles of academic freedom and freedom of expression', recognising that 'such freedoms are fundamental to the pursuit of knowledge and the advancement of truth.”

**The Further and Higher Education (Scotland) Act 2005**

<http://www.legislation.gov.uk/asp/2005/6/contents>

Section 26 of the Further and Higher Education (Scotland) Act 2005, provides that universities ‘must have regard to the desirability of ensuring the academic freedom of relevant persons. Subsections 3 and 4 of the section read as follows:

‘(3) In this section, a “relevant person” is a person who is engaged in—

(a) teaching, or the provision of learning, at a fundable body; or

(b) research at a fundable body.

(4) For the purposes of this section, “academic freedom” includes freedom (within the

law) to—

(a) hold and express opinion;

(b) question and test established ideas and received wisdom; and

(c) present controversial or unpopular points of view.’

**The First Global Colloquium of University Presidents 2005**<http://www.upenn.edu/president/global_colloquium/home>

“The activities of preserving, pursuing, disseminating, and creating knowledge and understanding require societies to respect the autonomy of universities, of the scholars who research and teach in them, and of students who come to them to prepare for lives as knowledgeable citizens.”

**UCU Statement on Academic Freedom**

<http://www.ucu.org.uk/index.cfm?articleid=3672>

1. One of the purposes of post-compulsory education is to serve the public interest through extending knowledge and understanding and fostering critical thinking and expression in staff and students, and then in society more widely. Academic freedom is essential to the achieving these ends and therefore to the development of a civilised democracy.

2. Academic freedom includes the right(s) to:

freedom in teaching and discussion;

freedom in carrying out research without commercial or political interference;

freedom to disseminate and publish one's research findings;

freedom from institutional censorship, including the right to express one's opinion publicly about the institution or the education system in which one works; and

freedom to participate in professional and representative academic bodies, including trade unions.

3. Academic freedom is also bound up with broader civil liberties and human rights. Higher and further education staff have the right to freedom of thought, conscience, religion, opinion, expression, association and assembly. Staff must not be hindered or impeded in exercising their civil rights as citizens, including the right to contribute to social change through free expression of opinion on matters of public interest. We recognise that this may touch upon sensitive or controversial issues.

4. Academic freedom also comes with the responsibility to respect the democratic rights and freedoms of others. In particular, the University and College Union (UCU) expects all its members to respect national rule 6.1.\*

5. Academic freedom requires the development of open, democratic and collegial forms of institutional governance, including access to proper whistleblowing procedures. UCU believes that academic and academic-related staff must play the pre-eminent role in determining the curriculum, assessment standards and research priorities. Academic freedom means that academic and academic-related staff should also have the right to elect a majority of representatives to academic bodies (Senates, Academic Boards etc) within their college or university, as well inclusion on governing bodies. Collegial decision-making should encompass decisions regarding curricula, research, administration, outreach and community work, the allocation of resources and other related activities.

6. Academic and academic-related staff must be free to criticise and publish without fear for their jobs. Academic freedom, therefore, is dependent upon proper employment conditions for higher and further education staff. Security of employment in the profession constitutes one of the major procedural safeguards of academic freedom and against arbitrary decisions by managements and funders.

\*Rule 6.1: All members and student members...shall refrain from all forms of harassment, prejudice and unfair discrimination whether on the grounds of sex, race, ethnic or national origin, religion, colour, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic.

**Code of practice on freedom of speech within De Montfort University**

<http://www.dmu.ac.uk/documents/about-dmu-documents/quality-management-and-policy/students/student-regulations-2012-2013/chapter-14-2012-2013.pdf>

1.2 The University endorses and adopts the principle of freedom of speech and

expression within the law as one of the cardinal principles upon which all

institutions of learning should be founded. It also has regard to the need to

ensure that academic staff, of the University, have freedom within the law to

question and test received wisdom, and to put forward new ideas and

controversial or unpopular opinions, without placing themselves in jeopardy of

losing their jobs or any privileges they may have at the University. Every person

employed at the University and Students' Union and every student enrolling at the

University should be aware that joining the University community involves

obligations and responsibilities which are consistent with the above principle and

the law.

**The Education Reform Act 1988  
*Latest available (revised)***<http://www.legislation.gov.uk/ukpga/1988/40/contents>

202 The University Commissioners.

(1) There shall be a body of Commissioners known as the University Commissioners (in this section and sections 203 to 207 of this Act referred to as “the Commissioners”) who shall exercise, in accordance with subsection (2) below, in relation to qualifying institutions, the functions assigned to them by those sections.

(2) In exercising those functions, the Commissioners shall have regard to the need—

(a) to ensure that academic staff have freedom within the law to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges they may have at their institutions;

(b) to enable qualifying institutions to provide education, promote learning and engage in research efficiently and economically; and

(c) to apply the principles of justice and fairness.