
Lessons from Denmark

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OXFORD University has a unique system of governance with the academic staff holding important decision-making powers. Under this system Oxford University has continually been ranked among the absolute top universities in the world. Now plans are afoot to alter this system along the lines of managerial-type structures which characterise most other universities in OECD countries. Where such management systems have been introduced, the academic community has suffered a concomitant loss of collegial governance, and academic freedom has been undermined.

As President of DM, the main professional association and trade union for university teachers in Denmark, I would like to share our experience of such a management structure with the readers of the *Oxford Magazine*. In 2003 a new university law abolished collegial governance and introduced a board with a majority of external members. I hope that a description of the recent history of academic freedom in Denmark may draw readers' attention to the risks involved in replacing collegial governance with a system where managers and external members dominate decision-making.

Until 2003 Danish universities were governed by a system of collegial governance with elected leaders at all levels of the university, including the top post of Rector (Vice-Chancellor). Although Danish universities delivered top quality research and education, major business leaders and politicians argued that this system was inefficient and constituted a barrier to new political priorities such as partnerships between universities and private business. The new 2003 university law replaced collegial decision-making at Danish universities with a hierarchical system of appointed managers and a governing board with a majority of external members, primarily drawn from the business sector. This law was followed by a government white paper later that year outlining a radical new university policy under the title "From Thought to Invoice".

Danish university teachers and students were generally opposed to the change of the system of governance, but few envisaged the radical change of working conditions that has come about as a result of the new steering system. The fundamental change in university policy introduced by the new law and the subsequent government white paper was never a subject of any real public debate. But after five years under the new system, dramatic consequences are beginning to appear, and dissatisfaction among academic staff is widespread with calls for change echoing in the halls of academia.

A year ago one third of all academic staff in Denmark signed a petition calling for a new law that would guarantee individual academic freedom and restore some form of collegial governance. At their session next week the joint ILO-UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel will consider a complaint launched by DM—my union—against the Danish government for the non-implementation of the international standards on academic freedom. This coincides with a comprehen-

sive evaluation of the 2003 law by an international committee appointed by the government. The government was forced to set up this evaluation by an increasingly vocal public debate about the lack of academic freedom under the new law. The evaluation committee is expected to submit their final report in November of this year.

The DM complaint to UNESCO focuses on the restriction on academic freedom resulting from detailed government regulation of university education and research. We argue that the 2003 University law has widened the gap between Danish university policies and the 1997 UNESCO Recommendation. UNESCO has defined academic freedom rights as central to the work of higher education teaching personnel. These rights, including freedom of expression, pertain generally to all citizens, and specifically to higher-education institutions. These rights are important, because they affirm responsibility to speak out externally on government programs and actions, and internally on issues relating to institutional policy. DM considers that Danish legislation contravenes the UNESCO Recommendation and restricts individual academic freedom.

The 2003 law states that the responsibility for safeguarding academic freedom rests with the university. But the law does not explicitly state whether this is the responsibility of the Board, the Rector (Vice-Chancellor) or others. Nor does it set out how the university can safeguard academic freedom against external pressure, such as political or economic interests. The law does not make it clear whether the university merely has a duty to protect itself against undue outside influence—institutional autonomy—or whether it also has a duty to protect the academic freedom of its members. These two issues of institutional autonomy and individual academic freedom used to be assumed to work together, but with the development of strategic management as against collegial governance, these are two different rights and freedoms, and in not stating both, the Danish law falls short of giving proper protection of academic freedom in its full sense.

Under the new managerial system the space for academics to exercise their freedom of research is potentially limited to work done outside work hours because of the right of the head of department to define the tasks of academics and the pressure for filling the academic's work time with defined tasks derived from a management system and incentive structure that only value departments' abilities to deliver on targets ultimately derived from the universities' development contracts that need the minister's approval to be valid. A more direct intrusion into academic freedom comes from the limit put on academics to only do research within the strategic framework of the university. Moreover, the law states explicitly that development contracts are to cover *all* university activities. A further limitation on the individual researchers' freedom is the potential for subjecting the researcher to restrictions based on economic considerations.

The concept of institutional autonomy is inextricably bound up with academic freedom. Institutional auton-

omy is critical because without it, it can be difficult to guarantee individual academic freedom. The Danish law contains clauses that restrict institutional autonomy and allows for ministerial micro-management. The governing board's obligation to enter into a development contract is a general restriction of institutional autonomy, as the development contracts oblige the universities to reach quantitative targets set out for the various educational programmes, such as the number of degrees obtained, research activity, including the number of publications, patents, and citations. The development contract also binds the university to stay within and work according to the overall general strategy for the development of the university and the main areas of research and education. The strategic framework is set out in the development contract and explicitly mentioned in the law, which consequently limits not only institutional autonomy, but also individual academic freedom.

Higher education teaching personnel have rights through their roles and responsibilities as academics in teaching, research and public commentary. Such freedoms, essential in the maintenance of academic freedom, can be stifled if academic staff do not have rights to participate in the internal governance, discourse and debate of their institutions.

These rights were abolished in Denmark with the introduction of the 2003 Act on Universities. The law prescribes that the governing board must have a majority of external members, and that the internal bodies are mainly advisory without decision-making powers. Furthermore, the advisory bodies do not have powers to require leaders to answer their submissions. There are no ways for the academic community to hold their leaders to account. UNESCO recommends that staff must be given the option of membership of the governing bodies and the possibility of holding a majority. Such internal bodies should have decision-making powers over the budgets of the institution, i.e. powers to decide the allocation of resources, and powers over academic issues. In the Danish system the Academic Council has hardly any executive powers. In fact most academic issues are debated and decided elsewhere by Parliament, by the Ministry or by the governing Board with its majority of external members. This means that academics do not have decision-making powers over such vital academic issues as: what to teach, what academic standards to uphold by the institution, how to define and uphold quality in academic work, who to hire and how to hire academic staff, how to examine students, how to recognize credits from other universities' programmes.

The general experience of the academic staff in Denmark after the introduction of the new management system is a dramatic change of focus on the part of their leaders. Under the previous system of collegial governance academics generally felt that their leaders directed their attention to the caucus from where they were drawn, whereas the experience of academic staff to-day is that their leaders direct their focus towards those up above—including the Ministry. Academic freedom with regard to freedom of research and institutional autonomy has suffered a serious setback in Denmark since collegial governance in any meaningful sense was abolished in 2003. This has led to low morale and deeply felt discontent in the academic community with a serious risk of diminishing quality of teaching and research.

As the union representing the majority of Danish

university teachers, DM is deeply concerned about this development. We have conducted questionnaires and submitted the results and analysis along with specific proposals for reform to the international committee evaluating the Danish law. We recommend as a minimum that a new law includes wording that ensures that students and staff have a direct influence on the appointment and dismissal of the Rector:

- *that the law prescribes a better balance between external members, staff and students, that the board can never have an overall majority of external members over students and staff, and that the chair should be elected from among all its members by a simple majority vote- unlike the current system where the chair must be elected from the external members.*
- *that the law sets up a more balanced governance structure between the Board, the Rector and the Academic Council*
- *that external members should be drawn from a variety of stakeholders relevant to the individual university*
- *that the law requires the managers at all levels to involve the academic staff as partners in their decisions*
- *that the law requires the university management to protect individual academic freedom*

We hope that the committee will take the widespread discontent and the insistent call for staff and student involvement in strategic decision-making on education and research seriously and that this will be reflected in their final report. But it is an uphill struggle to have academic freedom and collegial governance structures restored once they have been abolished in a move to "modernise" universities. The simple lesson to be learned from recent history of academic freedom in Denmark is therefore to secure proper protection of academic freedom by maintaining a system of collegial governance where academic issues and decision-making remain a matter for the university's academic community.